

Council Agenda Packet

Tuesday, April 26th, 2022 | 7:00 p.m. | Council Chambers | In-Person/Hybrid



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Council Meeting

Tuesday, April 26th, 2022

Location: Council Chambers at | Hybrid

AGENDA

Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: March 22nd, 2022
 April 6th, 2022 [Work Session]
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Sweet Home Sanitation Cleanup Day Numbers | Michael Grove
 - B. TMDL Semi-Annual Review
 - C. Linda McCormick | Stand by Me Day Plans
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Planning
 - E. Library
 - F. Court
 - G. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)
 - ★ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.
- 9) LEGISLATIVE:
 - A. **Resolution 2022.10:** Hybrid Meeting Procedure
 - B. **Resolution 2022.11:** Services Verification (SRS)

This Agenda is a specific list of the subjects to be discussed at the meeting. Should you need assistance in any way, please notify S. Scott McDowell, City Administrator, at (541) 466-5880 in advance. Thank You!



C. **Resolution 2022.12:** DTSS Final Escrow Statement

10) ACTION ITEMS:

- A. Cascade West Council of Governments | Meals on Wheels Request [*Tabled from February*]
- B. Linn County Pioneer Picnic Association Proclamation
- C. Mental Health Month Proclamation
- D. Older Americans Month Proclamation
- E. Linn County Pioneer Association Logistics Letter
- F. Linn County Pioneer Association Road Closure Request
- G. Hands on History Request
- H. Park Board Appointment
- I. Sodaville Intergovernmental Agreement (IGA)
- J. OLCC Liquor License Renewals
- K. Municipal Court IGA Authorization
- L. Capital Improvements Decision [Utility Capacity Plan]
- M. Canal Company Plan

11) DISCUSSION ITEMS:

- A. ROI Grant Disbursements | Inception-to-Date
- B. Canal Company | Insurance & Pumps
- C. State Camping Rules | Ad Hoc Committee Request
- D. March Financials

12) CITIZEN QUESTIONS & COMMENTS

- ★ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

Please visit www.ci.brownsville.or.us for the meeting agenda, agenda packet and other City information.



Council Minutes

March 22nd, 2022

ROLL CALL: Mayor Don Ware called the meeting to order at 7:00 p.m. Councilor Thompson, Councilor Hansen, Councilor Humphreys, Councilor Chambers, Councilor Neddeau, and Councilor Craven were present. Public Works Superintendent Karl Frink, Administrative Assistant Tammi Morrow, Administrative Assistant Elizabeth Coleman, and City Administrator Scott McDowell were also present.

PUBLIC: Don Lyon (*Calapooia Food Alliance*), Jenna Stutsman (*Brownsville Chamber of Commerce*), John Claasen, Dan Murphy, Wendy Toshitune, and Jack Alsmann were present.

The pledge of allegiance was recited.

McDowell reminded everyone about microphones sensitivity and the public recording. Please refrain from side conversations as they will muddle the recording and audio. This meeting is a hybrid meeting utilizing in-person, a listening room, and online access for the meeting.

ADDITIONS AND DELETIONS: No additions or deletions.

MINUTES: Councilor Neddeau made a motion to approve the February 22nd, 2022 minutes. Councilor Hansen seconded the motion and it passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. **City Website Review.** Mr. McDowell presented an overview of the City website and its capabilities. It is ADA compatible, scalable, and a very user friendly system. The website is backed up on two different servers for redundancy. The City uses PageFreezer which is a company that has a technology that captures any public comments or input on the website and the City's social media accounts. McDowell reviewed several of the quick links including how to get to agendas and minutes, project updates, and how to do online payments. There is also a lot of general information on the web site such as Kirk Avenue history, the riverbank history, etc. There is a link to the Emergency Preparedness Committee which contains a lot of valuable resources and information. The City has several rooms that can be rented out, and McDowell showed how to get to that page and reserve rooms. There are documents and forms that can be found on the website including planning forms as well as the Comprehensive Plan and the Brownsville Municipal Code. The current budget information can also be accessed as well as previous years information. There is a plethora of topics and information available to everyone.
2. **Brownsville Chamber of Commerce | Jenna Stutsman.** Newly elected President Jenna Stutsman presented the Chamber annual report. Mrs. Stutsman stated that about a year and a half ago, it was determined that the Chamber needed to make some changes. Last month they reported to Council that they are unable to continue doing the summer flower baskets due to the costs being prohibitive. They implemented a director for events, membership, community relations, and marketing to try to streamline the organization. A new board has just been voted in. Membership numbers are up 20%. They have also revamped their website.

The Chamber has revived the Welcome Wagon program. Mayor Ware along with Roger & Alice Tetamore are the current ambassadors for the program. They have visited about 40 houses so far and distributed a bag full of coupons and contributions from business in town.

Councilor Hansen asked if a suitable location was found, would the Chamber once again make sure that the space is manned? Stutsman replied that they cannot afford to pay wages at this time, and volunteers are very hard to get right now.



Councilor Craven inquired what kind of date range were the flower baskets hung? Basically, it was from Memorial Day to the 2nd week of October or so. Craven asked if the Chamber would be willing to participate with a grass roots program to reinstate the baskets? Stutsman said yes, but program parameters would need to be looked at first. Councilor Craven and Mrs. Stutsman will meet up and discuss parameters and what can be done moving forward.

3. **Projects & Priorities Review.** Mr. McDowell reported that the City has many large projects and priorities being discussed by Council. Big item tickets include the GR 12 Waterline & Water Treatment Plant Filter, the Sewage Treatment Lagoon, Water Treatment Plant & Distribution improvements, the Central Linn Recreation Center renovation, the Pioneer Park Pavilion along with a long-held discussion about the Kirk Avenue Street Improvement Project and the Calapooia Riverbank.

It is also important to note that the City currently has a \$2.4 million bond limit, so that is not a lot of borrowing capacity or funding to cover all of the projects and priorities.

One way to cover some of these projects and priorities would be to assess a general service fee on the monthly utility bills. Mr. McDowell showed some examples of what those fees could look like on utility bills.

McDowell reported that there are a number of other supposed crisis causing the City grief. Examples include homelessness, mental health, cyber security, public transportation, water quality, affordable housing, opioid epidemic, and infrastructure. Newly proposed cyber security requirements would require the hiring of two full time staff based on a webinar McDowell recently attended. The City simply does not have the funding to cover all these new proposed rules and requirements.

Council will stay the course with the renovation of the CLRC and pavilion.

DEPARTMENT REPORTS:

1. **Linn County Sheriff's Office (LCSO) Sheriff's Report.** Sergeant Steve Frambes was present to report for the month, including 19 citations, 24 violations, and 213 patrol hours for the City.

Sergeant Frambes reported that Senate Bill 1510 is ready to be passed in Oregon. Basically, this bill prevents officers from pulling folks over for lighting infractions. These traffic stops are very valuable for the officers, enabling them to check for current insurance coverage, DUI, outstanding warrants, theft items found in vehicles, as well as late night activity checks. Frambes stated that this law will affect them dramatically in a negative way, especially with night activity.

Mr. McDowell commented that the ability to conduct traffic stops is a foundational piece of patrol. These traffic stops go a long way to keeping the community safe, and officers will now be forced to get more creative.

Councilor Hansen inquired about timing for the "Lock It or Lose It" sign in front of Pioneer Bookkeeping on Main Street. Hansen stated that he would like to see it removed as soon as possible; he believes it sends the wrong message by implying that the burden has shifted from the LCSO to the citizens to prevent theft. Councilor Chambers commented that she liked the sign, and thought it was a good reminder for people to be vigilant.

Public Works (PW). Superintendent Karl Frink recapped public works essential activities and projects, daily, monthly, and annually. The oral report Frink provided for Council recapped the following:



Sewer:

❖ **Daily Rounds**

- Record keeping
- Equipment Inspections
- Influent and Effluent monitoring
- NPDES monitoring and reporting

❖ **Collection System**

- Sewer line cleaning
- Video Inspection
- Lateral connections
- Inflow and infiltration inspections
- Repair and Replacements
- Lift station maintenance and repair

❖ **Wastewater Plants**

- Influent measurement and monitoring
- Effluent measurement and monitoring
- Equipment maintenance and repair
- Instrument calibration and maintenance
- Mowing and weed control maintenance
- Roadway and fence maintenance
- River monitoring and measurement

Water System:

❖ **Daily Rounds**

- Record keeping
- Monitoring water quality
- Chlorine sampling in distribution system
- pH monitoring in distribution system
- Sampling and monitoring various

constituents

- Bacteria sampling

❖ **Water Plant**

- Daily record keeping
- Compliance monitoring
- Chemical mixing
- Instrument calibration and maintenance
- Equipment maintenance and repair
- Influent/Effluent measurement and monitoring
- Water source maintenance and repair
- Chemical feed pump calibration and

maintenance

- Facility mowing, weed control and general upkeep

❖ **Distribution System**

- Leak repairs/detection
- New water service installation
- Pressure reducing valve maintenance and repair
- Fire hydrant maintenance and flushing
- Water meter maintenance, reading and repairs
- Water line replacement
- Valve exercise and maintenance
- Locating
- Reservoir cleaning and maintenance

Streets:

❖ **Asphalt/Gravel Street maintenance**

- Striping, curbs, parking delineators and markings
- Grading, graveling and patching
- Street sweeping
- Asphalt replacement and overlay
- Street reconstruction
- Tree trimming and maintenance
- Right-of-way mowing
- Utility coordinating
- Light maintenance and repair

❖ **Signage**

- Cleaning, alignment and adjustment
- Replacement
- Post straightening and replacement
- New installations

❖ **Storm Drainage**

- Catch basin cleaning and maintenance
- Pipe, culvert and ditch maintenance and repair
- Grass and weed control
- New installation

Parks

❖ **Grounds Maintenance**



- Mowing grass
- Weed control
- Playground inspection and maintenance
- Baseball field upkeep
- Basketball court upkeep
- Facility maintenance/cleaning
- Restroom cleaning and upkeep
- Tree trimming
- Fence/rock/barricade maintenance
- Events preparations
- Irrigation and water system maintenance
- Vandalism cleaning and repair
- Road maintenance and repair
- Riverbank/riparian maintenance and repair

Cemetery

- Mowing/grounds keeping
- Marking burial plots
- Road maintenance
- Fence line maintenance and weed control
- Tree trimming

Other

- ❖ Facilities maintenance
- ❖ Equipment maintenance
- ❖ Service requests/complaints
- ❖ Planning
- ❖ Mapping
- ❖ Inventory upkeep
- ❖ Parts/materials ordering
- ❖ Budgeting
- ❖ Staffing

Frink provided details about each area for Council. Discussion followed.

Mr. Frink also stated that prioritizing and accomplishing all of these tasks can be challenging for Staff. Councilor Chambers inquired how much Staff PW currently has. Frink reported that there are three others beside himself, and that PW does work 7 days a week; weekend staffing is done on a rotating shift to complete the necessary rounds for utilities compliance.

Council expressed their appreciation for all the work that PW does for the City.

2. **Administration.** Mr. McDowell recapped the current status of the Brownsville Canal Company; the initial draft of the IGA, which will come to Council for review soon, and then the next steps should Council still want to pursue this effort.

Staff recently learned that Jessica Luther-Haynes has left our audit firm, SingerLewak, to pursue other opportunities. It is unclear who will be on our audit team just yet.

McDowell reported that Brandon Sofge, Vantaggio, has recently been working on workstation updates as well as designing a 'central server' for the City.

McDowell reported that the 4th iteration of the Pacific Power agreement is in the works. The main holdup with approval is language dealing with private development parameters.

Jonathan Dunn, Woodblock Associates, is preparing information for the CLRC project. They are actively working on survey work, MEP work, and general information. After the plans are ready, it may be possible to start the project in 2023.

McDowell reported that MVP (Mid-Valley Prosperity) group has rebranded and changed their name to Rural Economic Alliance, using REAL as their acronym. McDowell displayed models of what their logo looks like.



Councilor Hansen and Mr. McDowell recently attended a video that RAIN put together. When possible, he would like to share it with Council.

McDowell reminded Council that budget meetings will be starting soon, April 28th, 2022 and May 5th, 2022. Staff is working to compile information for the budget process.

McDowell reported that the new electronic door at CLRC is operational. Staff has been trained, and an implementation strategy will be forthcoming.

McDowell reported that Disaster Preparedness (D-prep) is planning on making a decision on Thursday with regard to the applications received.

Mr. McDowell reported that Pacific Power has asked the PUC for a 14.3% increase.

McDowell reported that the federal rates are going up.

McDowell informed Council that Linn County District Attorney recently lost the lawsuit challenging Governor Brown's clemency orders. At the very least, the State was exposed doing something in secrecy instead of following State law.

3. **Planning.** No comments.
4. **Library.** No comments.
5. **Court.** No comments.
6. **Council Comments.** Councilor Thompson asked for statistics from the meeting with Linn County District Attorney Doug Marteeny. Councilor Hansen stated that he had asked for a copy of this information at the meeting, but Marteeny was resistant to releasing it in that manner, stating that he would prefer to present the information himself in order to answer any questions or nuances that might arise. McDowell stated that Marteeny prefers to be present to explain the numbers. Councilor Thompson stated that she would like to attend the next quarterly meeting in early June if possible.
7. **Citizen Comments.** No comments.

LEGISLATIVE:

1. **Resolution 2022.08 | Workers Compensation.** Councilor Hansen moved to approve R 2022.08. Councilor Humphreys seconded the motion and it passed unanimously.
2. **Ordinance 787 | Cemetery Provisions.** Councilor Humphreys made a motion to read O 787 be title only. Councilor Hansen seconded the motion and it passed unanimously. Mayor Ware read ordinance by title. Councilor Craven moved to approve O 787. Councilor Thompson seconded the motion and it passed unanimously.
3. **Resolution 2022.09. | DTSS Final Change Order.** Councilor Craven made a motion to approve R 2022.09 as presented. Councilor Humphreys seconded the motion and it passed unanimously. Mr. McDowell stated that the total Downtown Sanitary Sewer Project cost is roughly \$534,000. Staff will cut a check this week for the final payment including retainage.
4. **Child Abuse Prevention & Awareness Month Proclamation.** Mayor Ware proclaimed April 2022 to be Child Abuse Prevention and Awareness Month in Brownsville.

ACTION ITEMS:



1. **Calapooia Food Alliance (CFA) | Kirk's Ferry Park Request | Don Lyon (Tabled from February)**. Don Lyon, CFA President, was present to address the previous request from Kathleen Swayze about improvements for Kirk's Ferry Park. Mr. Lyon stated that he has new information to offer. CFA would still like to create a ramp as it can be difficult for folks to navigate the small rise in the park. He stated that CFA will do all of the work, and it will cost the City nothing. Mr. Lyon reminded Council that CFA supports Sharing Hands and the Senior Meals on Wheels program through produce donations to aid the community. They are asking for permission to make this minor adjustment to the park, but are no longer requesting the portable toilet. He reiterated that CFA would do all the work, and provide all the materials.

Councilor Chambers asked if private folks or organizations are allowed to work on public property? Mr. Frink responded that you get into a tricky situation when you conduct work on public property. Certain criteria have to be followed which would include ADA compliance, and possible engineering by the City Engineer among other considerations. Frink commented that in the event of a lawsuit, the City would then have proper documentation showing that the City had done due diligence and what is was required to do for public improvements.

Mr. McDowell stated that for the last several years the Farmer's Market has been held on private property which is totally different than being held on public property.

Councilor Chambers stated that when the original Use Agreement was signed in April 2021, this location was only going to be a temporary location for the event. She asked Mr. Lyon if this is still what CFA intends? Mr. Lyon stated that they would like to make this location the permanent Farmer's Market location.

Councilor Craven stated that he has some confusion in relation to the contract. The contract specifically states that future improvements will not be considered. With the proposal of these improvements, he wondered if Kirk's Ferry is the right fit for the event. He would like to encourage the CFA to search for other locations to hold the Farmer's Market that would be better suited for their needs.

Councilor Thompson stated that the original contract was for one year, and Council has extended the agreement to include 2022 as well.

Councilor Humphreys stated that he would like to advocate for the site for CFA. He went out to the site today, and had a little trouble negotiating the hill, so he does understand the need for improvement. Councilor Humphreys stated that he didn't think of the proposed changes so much as an improvement, but more of an enhancement of the existing park.

Councilor Craven commented that there are other means on egress and ingress into the park, not just the southern end of the park. He stated that if folks walk out to the street and walk up that way, it is fairly level ground. Councilor Craven is concerned about opening up the City to liability issues.

Councilor Hansen stated there where he feels the liability issues may lie, is if in taking an existing property and making improvements to enhance accessibility for folks with disabilities, if all improvements or enhancements that are done must be compliant with all rules and regulations that apply to public lands. The work would need to be done by the City to ensure that all of the work was done in compliance and a high standard to avoid liability. He feels that the real motive for the improvements may be convenience for the vendors, even though folks in general may benefit from these proposed improvements.

Councilor Thompson wondered if we should be consulting the attorney with these questions on improvements. He would be better able to judge the liability issues the City may be taking on.



Mayor Ware suggested that while that may be true, there is not a motion on the floor at this time, and in the absence of a motion, it sounds like Council will not be taking further action at this time.

Councilor Craven moved to deny the CFA's request for improvements or enhancements to Kirk's Ferry Park. Councilor Chambers seconded the motion. Discussion was called for.

Councilor Hansen commented that the current agreement is up in November, so CFA will have the upcoming season with the current location. He believes the City can endure the inconvenience of the location, and perhaps the agreement can be renegotiated in the future.

Councilor Thompson stated that Mr. McDowell and Mrs. Swayze actually went out and looked for locations around town, and at the time, Kirk's Ferry Park seemed to be suitable for the Farmer's Market and CFA needs.

Mr. McDowell reminded Council that last March Kirks Ferry Park was chosen by the CFA Board. Steve Brenner and Kathleen Swayze presented an improvement idea for the park that included a shelter and other items. Council said no, this is a temporary use, as-is, to get you through to finding a better location.

From a Staff standpoint, the location does not seem good for a number of reasons; 1) the parking is terrible, 2) there is a restroom concern, it is a long walk for the vendors, and 3, it is quite a busy intersection at Main and Kirk Avenue. Also, this location does not give the market a lot of opportunity to grow.

Councilor Thompson stated that she wanted to make it clear that Council is not against the mission of the CFA. It seems like the location is not good for a number of reasons.

Councilor Chambers stated that while it was a courtesy for Staff to help the CFA find a place, she doesn't believe that the City should be doing this. She also commented that she thought Council needs to be wary of supporting the non-profits in town. Courtesy is fine, but the City already does a lot for CFA that we don't do for others. They don't pay for the use of the park for the Farmer's Market, they pay a very small rent for space in the red barn, the City has allowed them use of the jail for storage for the market at no cost, and now Staff needs to be involved in helping to determine a new location for their event? Councilor Chambers does not feel like the City should be participating in this way.

Councilor Craven stated that when Kirks Ferry park was chosen, there was a large emphasis on location and curb appeal. Perhaps CFA needs to look at better accessibility and restroom access when looking for a new location as a whole. Perhaps there is existing infrastructure that does not cost more funds for improvements or enhancements, and is better suited for CFA's purpose. Other options should be explored for future use. Councilor Chambers agreed, and stated that the City could not authorize citizens to go out and do improvements or enhancements on public lands. She does not feel that we should open ourselves up to the liability.

Councilor Humphreys stated that in at least two prior Council meetings, he has argued points, and what he's heard from the group is that we need to be proactive. Now that we have identified a problem, Council is choosing to ignore it. Based on a contract, Council is now not willing to look into the issue. Councilor Hansen asked what problem has been identified, other than an inconvenience? Councilor Humphreys stated he was referring to the liability issue. Councilor Humphreys stated that a liability issue has been identified, that may or may not be there. Councilor Chambers stated that the liability issue will only be there if the City would allow a private party to make improvements or enhancements that may not stand up to compliance standards. Councilor Craven stated that currently there is only liability issues if there was only the one access to the property that was not flat and denied access to folks that could not navigate the rise, and that is not the case.



Mayor Ware stated that he thought it was fine for each person to have their own opinion on the matter.

Councilor Thompson suggested that it may be a benefit for a couple of Council members and CFA members to get together to work out the issue.

Mayor Ware commented that the current motion as proposed does not deal with a change of location, and called for the vote.

The motion passed 4-2, with Councilor Thompson and Councilor Humphreys voting against the motion. Mayor Ware chose not to vote.

- 2. Cascade West Council of Governments | Meal of Wheels Request.** The COG is requesting partnership support with a donation of \$1,300 to support ongoing meal service and health and socialization checkups. Councilor Hansen stated that he is, in general, very supportive of this program. He feels that their objective has always been to provide their services to those that have this need without regard to political persuasion, lifestyle, whatever. However, he was a little bit troubled a number of months ago when it was brought to his attention that they had included a flyer with their meal delivery that promoted services for people with memory issues, focusing particularly on the "LGBTQ+ adults." They were offering compensation for taking certain classes for these folks. Councilor Hansen is still in favor of supporting Meals on Wheels, but is bothered about the possibility of the program becoming politicized for only certain folks. Councilor Hansen shared the flyer with the group.

Councilor Thompson was appalled, and Councilor Chambers concurred. Council consensus was to get clarification on the issue before voting on this request.

- 3. Library Public Computer Use Policy Update.** Mr. McDowell reported that the City was recently contacted by an Internet Service Provider (ISP) stating that illegal activity was linked to our Library IP address. A patron has on a public computer had tried to initiate an illegal download. The warning stated that the activity must stop, or the City would be facing penalties. Mr. McDowell forwarded the issue to Library Sherri Lemhouse, and the Library Advisory Board moved to adopt a clarifying policy on public computer use. *Councilor Chambers moved to accept the LAB's policy recommendation. Councilor Hansen seconded the motion and it passed unanimously.*
- 4. Schedule Council Work Session | Partnerships & Planning.** By consensus Council agreed to meet on April 6th, 2022 from 4:00 p.m. – 6:00 p.m. to conduct a work session. McDowell requested the session for budgetary and planning purposes.

DISCUSSION ITEMS:

- 1. Sweet Home Sanitation | Clean Up Day.** Councilor Chambers would like to have more advance notice next year for the Clean Up Day event. This year's event is only about 10 days away, and she thinks folks could use a little more time to prepare. Mr. McDowell stated that Staff was just informed of the date of the event.
- 2. Vineyard Wind Machines Warning.** Mr. McDowell reminded Council that the wind machines could be starting up soon. The machines produce a hum/vibration throughout town. The wind machines are used to keep frost damage off of the grape vines in the early spring and late fall. The City usually gets complaints from residents when the machines are activated.
- 3. March Newsletter.** Mr. McDowell reported that the Spring Newsletter will be going out on Friday which will include the Clean Up Day information and the wind machines information.
- 4. February Financials.** No comments or questions.



CITIZEN QUESTIONS & COMMENTS. John Claasen, Oak Street, asked for clarification on the wind machines. Discussion ensued.

COUNCIL COMMENTS.

Councilor Thompson stated that she would do some fact finding on the Meals on Wheels issue discussed earlier in the meeting.

Councilor Hansen stated that he felt the LCSO “Lock It...” sign sends the wrong message to the citizens and criminals alike. He stated that he felt like it was implying that this is a high crime area, and folks may not want to be here. LCSO has control over the placement of the sign. Councilor Thompson suggested asking them to relocate the sign. Councilor Craven stated that he has had input from folks that feel the same way. Councilor Humphreys agreed. Councilor Chambers stated that she doesn’t have a problem with it. She is hoping it will serve as a deterrent as she has heard of so many thefts lately.

Mr. McDowell thanked Mr. Frink for his in-depth report tonight. McDowell also thanked Mrs. Morrow and Mrs. Coleman for setting up and cleaning up the room for Council meetings.

ADJOURNMENT: *Councilor Humphreys made a motion to adjourn at 9:07 p.m. Councilor Neddeau seconded the motion and it passed unanimously.*

City Administrator S. Scott McDowell

Mayor Don Ware



Council Work Session Minutes

April 6th, 2022

Members of Council met April 6th, 2022 in Council Chambers for a work session at City Hall, Brownsville, Oregon at 4:00 p.m.

Present: Mayor Ware, Council President Hansen, Councilor Chambers, Councilor Neddeau, Councilor Thompson, Councilor Craven, Council Humphreys, Administrative Assistant Tammi Morrow, Administrative Assistant Elizabeth Coleman, Public Works Superintendent Karl Frink & City Administrator Scott McDowell.

Public: No one was present.

Council called this work session at the last regular session of Council on March 22nd, 2022. Council approved this work session for three primary purposes, 1) Canal Company Discussion, 2) Utility Capacity Review, and 3) Municipal Court transition options. McDowell presented the slides attached to these minutes as reference. McDowell expressed thanks to Council for taking time to meet this afternoon. Budget season is coming and Staff needs adequate direction to put the FY 2022-2023 budget together.

Brownsville Canal Company, Inc.

McDowell presented a series of slides shown to Council a few years and shared with Councilor Humphreys and Councilor Craven at their initial training session early 2021. Council Craven and McDowell were appointed by Council to meet with Canal representatives, John Holbrook & Bob Babcock. McDowell has now finished the initial draft of an agreement between the City and the Canal Company. McDowell recounted the history of the Canal and shared challenges should Council move forward.

McDowell explained that there will be significant Staff time spent preparing visual aids for the general public, rigorous discussions and outlined what would be entailed including assistance from Steve Barnett at Linn County GIS. The next step is for Councilor Craven and McDowell to have another meeting with the Canal representatives to review the initial draft of the agreement. Then, the Canal Company would hold a meeting of membership to begin the larger group discussion. Once that is completed, the City would hold a series of meetings to explain the agreement to the affected parties.

Public Works Superintendent Frink briefly discussed the maintenance issues and a specific case that recently happened involving the lack of maintenance being performed by the Canal Company. Gary Shepherd and Doug Block had been doing significant repairs to the canal until about three years ago. Council Chambers asked about City employees performing maintenance and the issues that would be involved for such an arrangement. McDowell reviewed the implications of public employees working on private property and the liability it creates for the City. The Canal Company actually owns a forty-foot (40') strip of land from the Calapooia River off of Northern Drive, all the way to Millhouse Street.

The beauty of this agreement, should it work, is that the Canal Company performed the work and revenue is generated by the City and the Canal Company to properly maintain the ditch, pay for insurance and save for a larger dredging in the future. The problem of the Canal has never been properly or adequately addressed. The City also must be cognizant of TMDL and other potential State agency requirements. Council does not want to expose the taxpayers to more unwanted financial obligations.

Utility Capacity Review



Council Work Session Minutes

McDowell reviewed the origination of the discussion about utility capacity back in October 2021. McDowell has reviewed the issue with members of Council since that time when Staff started noticing the amount of developers wanting to develop tracts of land inside and near City limits. State law requires the City to provide utilities to developments within City limits. McDowell hired City Engineering Ryan Quigley to investigate the issues pertaining to water and sewer capacity. McDowell shared the components of the methodology used by Dyer Partnership and underscored the input and importance of Public Works Superintendent Karl Frink's experience with the utility systems.

Overall, after River's Edge subdivision is completely built out, the City will have the capacity for another 200 units for both water and sewer. McDowell explained the American Water Works Association (AWWA) industry standards employed for planning and calculating utility usage. The major surprise ended up being a wastewater capacity issue on the north side of town. McDowell explained the nuances involved with the concern and shared the Mr. Frink will be employing a stop-gap measure to help manage wet weather flows by operating the land application irrigation system the City already owns.

Currently the City has approximately 800 units +/-, so 200 units is a significant increase to the current housing capacity of the City. McDowell indicated that many economic experts are predicting the inflation problem to increase due to climate change initiatives and policies being adopted in Washington D.C. The Fed recently increased interest rates that are slowing down the housing market for the entire country. Many experts are calling for another recession to really come into effect in September or October of 2022. The last recession last for nearly eight years, so should this actually happen it would buy the City more time to address utility capacity.

McDowell shared the steps involved in adopting a moratorium. The major concern with doing that is it starts an "improvements clock" which could result in fines for the City if it were unable to make the capital improvements within the adopted timeframe.

Staff's plan is to move full-speed ahead on the GR12 Waterline project which will add significant capacity for the City. The GR12 project would increase capacity by 500 units or through 2050 or beyond according to the methodology used by Dyer Partnership. McDowell has requested Ryan Quigley investigate adding a fourth slow sand filter at the Water Treatment Plant as well. The fourth filter would allow proper operations for the extra water capacity. McDowell has also asked Quigley to investigate what is needed construct another sewer lagoon at the South Wastewater Treatment Plant (SWWTP). In 2007, the City installed a line connecting the North and South Wastewater Treatment Plants.

McDowell then shared the projects Council is currently attempting to complete.

McDowell shared rate projections for the upcoming fiscal year. Council provided Staff with general direction on these issues.

McDowell highlighted what would be entailed in the transition to move the Municipal Court to Justice Court. McDowell said the IGA with Linn County requires the City to have contracted law enforcement services with Linn County. Municipal Court Administrator Carol Humphreys is planning to retire on June 30th, 2022. McDowell touched on the reasons why the City is already significantly dependent on the Sheriff's Office for law enforcement. The costs associated with having our own police force would be too costly. Mayor Ware asked why would we keep the Court? Councilor Hansen said the major reason would be local control of the Court. Hansen then shared thoughts from the meeting with Linn County District Attorney Doug Marteeny.



Council Work Session Minutes

Councilor Thompson raised a couple of questions regarding utility rates. Discussion ensued.

Councilor Thompson indicated that she was having trouble finding out information about the Meals on Wheels issue brought up by Council at the last meeting. McDowell said that he would forward contact information to Councilor Thompson in an effort to have those questions answered so a decision could be made at the next regular session.

There being no further questions or comments, the meeting adjourned at 5:22 p.m.

ATTEST:

APPROVED:

Scott McDowell
City Administrator

Don Ware
Mayor



April 26th, 2022

From: S. Scott McDowell
To: Mayor & Council
Re: General Business

Budget Committee Meeting
Thursday, April 28th at 7:00 p.m. in the Community Room

Note: The first section of this report provides an overview of topics to be discussed the night of Council. If an item title is **highlighted in green**, that means the item is part of Council Goals. You will see [G1] or other number in front of certain items. The G number corresponds to a Council goal. When you see this symbol, ☒, it means more information will be provided at the meeting.

“The choice to love is the choice to connect – to find ourselves in the other.”
~ *Bell Hooks, Writer & Activist*

“If you want to make a society work, then you don’t keep underscoring the places where you’re different - you underscore your shared humanity.”
~ *Sebastian Junger, Filmmaker*

“Life’s too short to deal with other people’s insecurities.”
~ *Sir Anthony Hopkins, Actor*



AGENDA ITEMS DISCUSSION

The following items follow the order of the Agenda

6) PUBLIC HEARINGS OR PRESENTATIONS:

- A. **Sweet Home Sanitation Cleanup Day Numbers** – Michael Grove will be reporting on the waste totals collected at this year’s Cleanup Day on April 2nd, 2022.
- B. **TMDL Semi-Annual Review** – Staff will give an overview of the known requirements and talk about the new requirements involved with being named a Designated Management Agency (DMA) by the Department of Environmental Quality (DEQ). The DMA report is due to the State in September 2022.
- C. **Linda McCormick | Stand by Me Plans** – Linda McCormick will be speaking about this year’s event to be held on Stand by Me day which is July 23rd every year.

9) LEGISLATIVE:

- A. **Resolution 2022.10: Hybrid Meeting Procedure** – In an attempt to not waste time and effort, Staff is requesting the enclosed resolution for public meetings. Staff has setup the entire conferencing system two months in a row with no electronic attendance.



What is Council being asked to do?

Consider passing the resolution.

- B. **Resolution 2022.11: Services Verification (SRS)** – Annually, Council passes this Resolution to be eligible to receive State Revenue Sharing. The City has historically used this money to help partially cover the cost of streetlighting.

What is Council being asked to do?

Pass the resolution to secure funding.

- C. **Resolution 2022.12: DTSS Final Escrow Statement** – Staff is requesting the passage of this resolution to document the slight discrepancy between the Engineer’s numbers and the interest that the escrow/retainage accrued over the last few months.

What is Council being asked to do?

Pass the resolution for documentation purposes.

10) ACTION ITEMS:

- A. **Cascade West Council of Governments (COG) | Meals on Wheels Request** – The COG is requesting partnership funding for Meals on Wheels. Council has granted this request for many years. The letter from COG is included in the packet for your consideration.



What is Council being asked to do?

Decide whether to assist as requested or not. [Tabled from last meeting.]

- B. **Proclamation: Pioneer Picnic Recognition** – A proclamation recognizing the Linn County Pioneer Picnic Association’s Annual Event running for the 135th consecutive year!
- C. **Proclamation: Mental Health Month** – Annually, Mayor Ware and Council declare this proclamation as included in the agenda packet to support awareness about community mental health.
- D. **Proclamation: Older Americans Month** – Annually, Mayor Ware and Council declare this proclamation as included in the agenda packet to recognize the significant contributions made by this group of citizens.
- E. **Linn County Pioneer Association Logistics Letter** – Enclosed in the agenda packet is the annual letter the City sends to the Association to make sure everyone is on the same page concerning the logistics for the Pioneer Picnic.

What is Council being asked to do?

Staff is asking for Council to approve sending this letter.

- F. **Linn County Pioneer Association | Road Closure Requests** – The Association is requesting the usual closures for the annual Pioneer Picnic Parades. Closure information is included in the packet.





G. Hands on History Request – Prior to the Pandemic the Museum was hosting a very successful event called Hands on History. I am excited to announce that they are planning to host the event this year on August 27th, 2022 from 10:00 a.m. to 4:00 p.m. Museum staff has secured the required signatures from neighboring property owners to possibly close Park Avenue between Main Street and Averill Street pending Council’s decision. I also created a one page agreement for the event to be held in Library Park. The Museum is requesting use of Library Park and the closure of Park Avenue.

What is Council being asked to do?

Allow the use of Library Park, close Park Avenue and allow Staff to handle certain logistics for the event.

H. Park Board Appointment – The City currently has one open position on Park Board to be filled. The City received one application for the opening. Pam Solberg’s application is enclosed in the agenda packet for your review.

I. Sodaville Intergovernmental Agreement (IGA) – Sodaville would like to enter into an intergovernmental agreement with the City to help provide support services in the event of an emergency. The City has a similar agreement with the City of Halsey.

What is Council being asked to do?

Consider authorizing this IGA.

J. OLCC License Renewals – Council is asked by OLCC to review the liquor licenses each year. The City does not charge businesses for an annual permit fee as some cities do. Historically, Council asks Staff to send a letter to OLCC in support of these businesses. Any Council member having any comments or concerns is encouraged to address them at the meeting.

What is Council being asked to do?

Share any concerns, and/or approve the licensing by motion.

K. Municipal Court IGA Authorization – Council has reviewed the information to transition the Municipal Court to the Linn County Justice Court. If Council wants to proceed with this transfer, Council needs to make a motion to authorize the City Administrator and Mayor to execute all necessary documents and agreements for this purpose. Linn County has an intergovernmental agreement (IGA) with several cities in Linn County to perform court services. Anyone being issued a citation in Brownsville will have to appear in Lebanon at the Justice Court once the agreement is in place. The City will receive a smaller portion of all fines, assume payment for certain costs, but not have the responsibility of providing qualified court personnel. Staff has a comprehensive checklist to ensure a smooth transition.

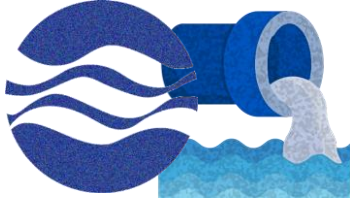


What is Council being asked to do?

Authorize personnel to take necessary actions for the transition of the Municipal Court to Linn County Justice Court.



- L. **Capital Improvements Decision [Utility Capacity Plan]** – Council reviewed several issues regarding the City’s utilities at a recent work session held on April 6th, 2022. Staff needs official confirmation on the direction Staff proposed. Basically, Staff will continue working on constructing the GR12 waterline for FY 2022.2023 and the City Engineer will determine certain Water Treatment Plant upgrades in association with the water line. The City Engineer will also provide a report considering a new lagoon at the South Wastewater Treatment Plant. The City has investigated the possibility of a moratorium, but the implications of taking such a procedure could have unwanted consequences that would put the City at a disadvantage over the next two years.



What is Council being asked to do?

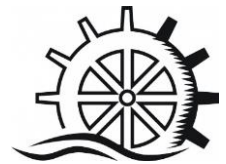
Adopt the direction shared by Staff at the April 6th, 2022 Work Session.

From 02.22.2022: The Dyer Partnership has been working closely with Staff to review utility capacity issues with the unprecedented amount of development happening in Brownsville. Council will be fully briefed once Staff verifies capacity and potential mitigation options.

- M. **Canal Company Plan** – Council has had the opportunity to review the proposed agreement. Council will need to formalize their decision to move forward if that is what is chosen.

What is Council being asked to do?

Share any concerns, and decide whether or not to move forward by adopting a motion.



11) DISCUSSION ITEMS:

- A. **ROI Grant Disbursements | Inception-to-Date** – Requirements of Resolution 2022.07 asks that Staff report any ROI grant disbursements to Council. Enclosed in the agenda packet are the transactions so far.
- B. **Canal Company** – Annually, Council authorizes Staff to check in on the insurance and solvency of the Canal Company prior to turning on the pumps for the Mill Race.
- C. **State Camping Rules | Ad Hoc Committee Request**
- D. **March Financials**



UPDATES, INFORMATION & HAPPENINGS

Linx Logistics Meeting ☑ – Ware, Thompson and McDowell met with Kindra Oliver to round out five general questions about the proposed transportation link to Lebanon. Questions were, 1) routes once in Lebanon, 2) Dial-a-bus interface, 3) rates, 4) funding & commitment level, and 5) timeline, implementation & marketing. Oliver provided a map and schedule for the in-city route once a rider makes it to Lebanon. The Lebanon Senior Center will be the hub for riders to catch the next ride to their final destination. Riders can also contact Dial-a-bus or a demand response vehicle for rides to other locations. Cost to the riders are as follows, \$1 for Seniors or people with disabilities, \$2 for riders over



the age of 18, no cost for riders under the age of 18; children under the age of 12 must be accompanied by an adult. All costs reflect a one-way fares.

Oliver will attend an event in Brownsville to answer any questions and prepare for the program roll out.



Oliver is updating all associated print materials. The City will need to help with marketing efforts in Brownsville. Ware, Thompson and McDowell have developed a plan for the City. Currently, the City is awaiting a decision by the Senior Center & American Legion.

From 03.22.2022: Mayor Ware, Councilor Thompson and I will attend a meeting with Kindra Oliver who is the Transportation Director for the City of Lebanon the week after Council. I have included some information in the packet for your review.

From 02.22.2022: It is time to start gathering support from community partners if this project is something the City wishes to pursue. Mayor Ware & Councilor Thompson were the Council representatives for this project. We will need to sit down and create a strategic plan for implementation and meet again with Ms. Oliver to line out the details.

Flandermeyer Agreement – The City entered into an agreement with Cindy Flandermeyer to water the Brownsville planter boxes at the intersection of Main Street & Bishop Way/OR 228.

Park Event Agreements – The City has been making several arrangements for events to be held. It looks like events are returning to pre-pandemic levels.

Public Works Standards | [G5] – Staff met to review the new Public Works Standards on April 13th, 2022. Staff hopes to have a final version for Council approval at either the April or May Council meeting.

From 02.22.2022: City Engineer Ryan Quigley finalized the draft Public Works Standards for Staff review. We are excited to receive this document because it is an indispensable tool for properly guiding development. Administrative Assistant Elizabeth Coleman, Public Works Superintendent Karl Frink and I will review the standards and sit down with Ryan to ensure that everything we need is included.

Council will then be asked to approve the Public Works Standards at a future meeting.

REAL. MVP Meetings | [G3] ☑ – The group will now be referred to as REAL which stands for Rural Economic Alliance. I shared the new logos at the last Council meeting. I have been asked to serve as Chair once again for the group. I have also been asked to present at partner City Council meetings on behalf of the group as members are looking to continue the IGA signed in December 2019 for at least one more year before redoing the agreement. The agreement would need to be updated once all the



goals and outcomes have been met under the current agreement. The Pandemic caused great delay, but the group has been diligent on making up the time over the last six months.

From 03.22.2022: The group has made significant progress on a new name, mission & vision statements and the website is being built. I will show the new logos Tuesday evening.

Councilor Hansen & I attended a RAIN video event reveal at the Rio Theatre in Sweet Home.



RAIN Grant Coordination | [G3] – Caroline Cummings, Nate Conroy and I attended the latest checkin with the State.

From 02.22.2022: The City received the grant from Business Oregon. Resolution 2022.07 shares details on how the funds will be expended and such. Staff continues to work out the details for disbursement with RAIN.

From 10.27.2021: I met with Caroline Cummings (RAIN), Kelly Hart (City of Lebanon) and the State to address a few concerns. The group is still working through the details while waiting on the outcome of the grant funding submitted last month.

D-Prep Status | [G4] ☒ – Sweet Home’s Blair Larsen is working with the vendor to settle on a few of the details. The group is awaiting a rate schedule and a not to exceed estimate for Phase I.

From 03.22.2022: Interviews happened Friday and Monday prior to Council.

From 02.22.2022: The group is still waiting to get together to make a decision on a vendor. As was reported last month, illnesses caused the delay in all three communities.

From 12.21.2022: The group met to refocus the Scope of Work. Soon the group will put out another RFP. January 2022 is the target for accepting a proposal.

From 10.27.2021: The group met last Wednesday to review the solicited proposals. Upon discussion, the group decided to reissue the ‘Scope of Work’ because none of the vendors actually submitted a proposal that adequately covered what we were asking for. Work will take place next week to address this issue.

Policy

fyi

fyi

fyi

Non-Profit Partnerships

The City has partnered with many civic non-profit groups through the years to accomplish certain common, overlapping goals. Cities are not allowed by State law to donate tax money to specific causes, so Brownsville has found ways to partner with groups that have supported local and regional efforts in some cases.

The City has agreements with every civic, non-profit partner that it financially assist during the course of the year or over the course of an agreement. Below is a list of items the City has done for each group. The list isn’t intended to be all exhaustive list nor is it intended to be a “look at what we’ve done” list, rather a reminder of the commitment Council has made through the years.

American Legion | The City helped the Legion by allowing the use of the Community Room as a post before they were able to purchase their current location. The City also provided \$3,000 in Covid relief in 2021. The Legion has always been supportive when community members has certain needs and have always been willing to assist the City in this important way.

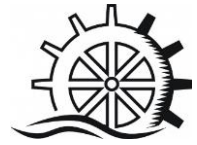




Brownsville Art Association | The City assisted with insurance the first three years of the agreement with the Association and cost shared on several improvements to the Art Center space. The City still subsidizes the heating and cooling bills. The Association does a wonderful job maintaining the space and they have created a thriving arts community that is the envy of many neighboring communities. The City also provided \$1,074 in Covid relief in 2021.



Brownsville Canal Company, Inc. | The City installed electricity to the pump site for more than \$10,000. City Staff has maintained the pumps every summer since they were installed in 2008. The City pays the electricity bill through the years totaling well over \$30,000. The City have budgeted for the eventual replacement of the turbine pumps; \$40,000 is budgeted for FY 2022.2023. Unfortunately, the City gets entangled in every single dispute that happens between neighbors regarding repairs, culvert crossings and water use.



Brownsville Chamber of Commerce | The City allowed Pioneer Park to be used for Antique Faire starting in 2008. The group uses the Park for their main fundraisers through the event season. The City participated for years in the Flower Baskets program for more than \$20,000. The City also designates the Transient Room Tax money for Chamber promotional use that averages \$2,500 per year since 2007. The City hangs Chamber Christmas banners each year at its expense. The City also provided \$3,000 in Covid relief in 2021.



Brownsville Senior Center & Flower Club | The City provides \$600 per year to support Senior Center functions. The Senior Center is always helpful and responsive to City needs and requests. Most recently, they hosted the Chamber of Commerce after the Chamber had to leave the Art Association space. The City also provided \$3,000 in Covid relief in 2021. The City also has an agreement with the Flower Club where the City pays for their supplies for their community beautification efforts. The Club maintains the flower barrels downtown and the Brownsville brick flower boxes at the intersection of Main Street and Bishop Way. The City spends about \$500 annually in support of this effort.



Calapooia Food Alliance | The City made arrangements with Former Central Linn Superintendent Ed Curtis & Brian Gardner for the CFA to have a community garden on school property. The City drew up the agreement and pledged \$1,500, which was required by the Central Linn School Board, if the school would have wanted the property returned for school use. The City allowed the CFA to rent the community garden spaces and collect all associated fees for their purposes.



The City allows the CFA to rent space in the Red Barn for the Farmer’s Market and charges \$25 per month. The City provides \$150 per month as an in-kind contribution based on the market cost of renting such a space for the benefit of the CFA. The City spent over \$200 to fix the Jail door for their storage when Council authorized the use of Kirk’s Ferry Park for the Farmer’s Market.

Calapooia Watershed Council | The City spent \$20,000 in 2008 to leverage financing for the dam removal which went over budget. The City offered office space for the CWC for a number of years. The City did an in-kind contribution agreement for that as well. The City allowed them storage space when they initially started.





Cascade West Council of Governments | The City pays an annual membership dues of around \$1,300 and contributes toward Meals on Wheels for another \$1,300.

Central Linn Community Foundation | The City has partnered with CLCF to the tune of \$1,500 annually for the last several years.



Central Linn Recreation Association | The City allows the use of the Rec Center for their programming. They have the ability to sublet portions of the building for revenue purposes. The City provides \$4,500 per year for insurance and is responsible for the general maintenance of the facility which varies per year; averaging around \$16,000 per year. The City also provided \$3,000 in Covid relief in 2021.



League of Oregon Cities | The City pays annual dues of nearly \$1,600. The LOC provides lobbying, informational and training services for members.

Linn County Pioneer Association | The City allows the Picture Gallery to be rented with the proceeds staying with the Association to help fund the annual picnic. The City provides certain annual assistance for the longest running Pioneer Picnic in the State. The City also provided \$3,000 in Covid relief in 2021.



Sharing Hands | The City assisted efforts during the early stages of the Pandemic. Sharing Hands self-sustains most of their efforts. The City has assisted with a few programs through the years.

The City is more than willing to be a community partner and has helped many causes through the years that promote community, economic development and add capacity for residents. Council must recognize the limits of partnering, but does what it feels comfortable explaining to the taxpayers. It is important to know that every non-profit organization is required to be financially self-sustaining and focused on their mission & by-laws in order to maintain their IRS tax status.

1

Goal 1 | Focus on Fundamentals

Linn County Sheriff's Office Monthly Report | [G1] – The City is under contract for 200 hours per month. The eighteen-month average looks like this:

LCSO Month-to-Month Comparison (18 months)

Year	Month	Traffic Citations	Traffic Warnings	Hours
2022	March	13	12	211.25
2022	February	19	12	213.25
2022	January	11	11	244.5
2021	December	19	17	200
2021	November	12	16	220.75



2021	October	13	25	204
2021	September	9	3	230
2021	August	10	5	218
2021	July	19	8	233.25
2021	June	9	9	184.25
2021	May	40	15	209
2021	April	14	13	210
2021	March	18	14	213.25
2021	February	28	11	208.4
2021	January	14	10	204
2020	December	14	12	226
2020	November	26	30	204
2020	October	16	18	202
	<i>Subtotal</i>	304	241	3835.9
	Total Average	16.89	13.39	213.11

LCSO Quarterly Meeting | [G1] – Sheriff Duncan landed on a 5% increase for the law enforcement contract for the upcoming FY. I continue work on ordinances for the group.

From 03.22.2022: The group met on March 3rd, 2022 in Millersburg. I attended the meeting alone due to scheduling conflicts for both Councilor Humphreys and Mayor Ware. Sheriff Duncan discussed, 1) staffing challenges and bonuses the OSP are using to ‘pillage’ other law enforcement agencies, 2) a new hiring process that has proven to garner candidates, 3) the challenges associated with the current mindset of candidates, 4) reviewed the mental health crises center idea, and 5) warned everyone about the implications of SB 1510 which could remove safety stops for vehicle lights.

Duncan said the Office will be holding LC Neighborhood Watch Council at the S.O. on April 7th, 2022. She indicated that the Citizens Academy is also coming up soon. She strongly encourages everyone to look into the Citizens Academy. Many elected officials have raved about the program. Duncan said the program show all the areas of law enforcement that the Office provides from patrol to corrections.



Cities agreed to look at passing two ordinances to cleanup enforcement issues on, 1) abandoned vehicles and 2) camping. One plus to a the group contract was to normalize ordinances in contract cities so deputies automatically know the laws are the same. Harrisburg City Councilor Mike Caughey did a ride along with Sergeant Frambes. He will provide a report that he would love everyone to share with their respective council members.

Sheriff Duncan said that negotiations are continuing with the union and she hopes to have the new number for the contract by the end of March.

TMDL & Designated Management Agency (DMA) | [G1] ☒ – Work continues. Staff will give the semi-annual report Tuesday evening.



From 01.25.2022: Total Maximum Daily Load (TMDL) Bi-annual Report – Twice a year the City is required to report on TMDL requirements. As you know, the once ‘voluntary’ program has now blossomed into requirements with the force of law and possible fines from the State. Many cities in Oregon are charging citizens for stormwater runoff based on impervious surfaces such as roofs, concrete and pavement. The requirements stem from the Clean Water Act passed by the United States Congress. In Oregon, the Department of Environmental Quality (DEQ) administers the program. The basic premise of TMDL is that stormwater runoff is negatively impacting fish habitat and making fish unsafe to eat in large quantities by humans. The requirements come from an ever growing list of unfunded mandates handed down to the states by the Federal government.

Staff will prepare the annual report for Council review and approval at the January meeting. Staff is still in the process of reviewing the DMA requirements.

From 10.27.2021: Staff have been reviewing requirements and have briefly discussed how to accomplish the required work with the City Engineer.

Linn County Planning & Building Department Meeting Outcome | [G1] – No new news.

Civic Partnership Agreements | [G1] ☑ – Please refer to this month’s FYI.

From 03.22.2022: The CFA has a request for Council’s consideration as discussed last meeting. Please see the informational letter contained in the packet for details. I have also included the current agreement for the CFA. All other civic partnership agreements are current.

From 11.22.2022: Council will consider continuing the use agreement for Kirk’s Ferry Park with the Calapooia Food Alliance (CFA) for the 2022 Farmer’s Market. The agreement is on a year-to-year basis. The current agreement is in the agenda pack for your review. CFA representatives Kathleen Swayze and Natalie Wade have written a letter for your consideration as well. Parks & Open Space Advisory Board is in favor of continuing the agreement for another year.

From 10.27.2021: Council will consider a new agreement with the Central Linn Recreation Association. Please see notes above. Council will review the Calapooia Food Alliance agreement at the November Council meeting.

From 09.28.2021: Council has agreements with many civic partners for various reasons. Each of those agreements are generally three year terms; some are shorter. The reason for this term length is so current Council members are aware of the details of those past agreements. It is done this way due to the overlapping terms of Council members. Any of the agreements are available for review upon request.



2

Goal 2 | Water Rights



Oregon Association of Water Utilities (OAWU) | [G2] ☒ – Public Works Superintendent Karl Frink and I sat down with Tim Tice last week to make decisions on short-term and long term future improvements for the City’s Water Distribution System.

From 03.22.2022: Public Works Superintendent Karl Frink and I continue to provide information for the WMCP plan to Mr. Tim Tice at OAWU.

From 06.22.2021: Public Works Superintendent Karl Frink provided a tour of the City’s facilities to Mr. Tim Tice.

From 05.25.2021: Council contracted with OAWU to work on the Water Conservation Management Plan (WCMP) as required by the Oregon Water Resources Department (OWRD). Staff has been gathering information for the study. Mr. Tim Tice is the lead representative from OAWU working on the project.



Oregon Water Resources Department (OWRD) | [G2]

From 05.25.2021: I contacted the State to make sure they were aware that the City is working with OAWU as required. Kerri Cope acknowledged the City’s current project status.

From 04.27.2021: Mr. Rolfe has taken a position with a law firm in Washington State. The City will continue our representation through Schroeder Law.

From 03.23.2021: Staff has received an estimate from the Oregon Association of Water Utilities (OAWU) to complete the Water Management Plan required by the State. I will provide a resolution on Monday, January 25th, 2021.

From 12.15.2020: The City must complete this project this upcoming fiscal year to stay in compliance with the order from OWRD.

3 Goal 3 | Economic Development Plan

Mid-Valley Partnership (MVP) | [G3] – See above. REAL. Rural Economic Alliance.

From 09.28.2021: The group is in full swing once again. We are trying to put together a Request for Proposals on marketing, branding and building a comprehensive website for MVP as was the plan that was stalled by the Pandemic. I will have more information at the meeting Tuesday.

From 06.22.2021: Halsey City Administrator Hilary Norton moved forward on behalf of the group to apply for grant funding to start making progress on the agreement that Council signed with other regional partners at the beginning of 2020, end of 2019. I have included Mayor Ware’s letter of support in the agenda packet for your review.

The City also extended the RAIN agreement for two years as previously authorized by Council.





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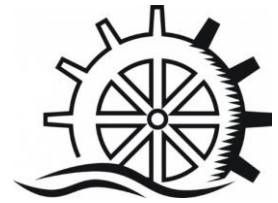
Goal 4 | Community Development Plan

Active: Canal Company & the Mill Race | [G4] – Canal Company | Agreement Proposal

– See above.

From 03.22.2022: I finished the initial draft of the proposed agreement. Mayor Ware & Councilor Craven have reviewed the document, however, Council should make a few key decisions before proceeding any further.

From 02.22.2022: The City obtained video footage to help in telling the story and highlighting the importance of the Canal. I am working on the agreement and the ‘roll out’ plan.



From 11.22.2022: Councilor Craven and I met with Mr. Holbrook and Mr. Babcock to discuss the expanded Canal Company partnership possibility that was paused due to the pandemic. I will have more at the meeting.

I have met with Mr. Bob Babcock who is working on setting up a meeting with the City and Canal Company leadership. I have briefed Councilor Craven and provided him with key documents in preparation for those meetings.

RV Ordinance & the Zoning Code Amendment | [G4] – *From 10.27.2020:* Administrative

Assistant Elizabeth Coleman and Planning Consultant Dave Kinney have been working on a major amendment to Title 15 of the Brownsville Municipal Code. The proposed RV ordinance from last meeting falls within Title 15. City Attorney Ross Williamson said that any amendments to Title 15 will require a special process as it falls within the Measure 56 rule that requires two separate public hearings and a direct mailing to all effected property owners.

From 09.22.2020: Council appointed Councilors Thompson, Hansen and Chambers to review the RV Ordinance from City Attorney Ross Williamson with Staff. Enclosed in the agenda packet is a draft version of that ordinance for discussion. We will review the highlights prior to the discusion.

From 07.28.2020: City Attorney Ross Williamson developed the language for a revision and clarification on RV’s. How would Council like to proceed? I would suggest a volunteer to work through the changes with Staff and bring those changes to Council for consideration at a future meeting.

Land Inventory | [G4] – Mr. Kinney continues preparations. See above. *From 03.26.19:* Please

review the letter from Planning Consultant Dave Kinney. I asked Mr. Kinney to provide this letter to show Council the process and the political will that is going to be necessary for this important project.

See past reports for more information.

Right-of-Ways & Storage Containers | [G4] – *From 12.17.19:* Council considered **two** ideas moving forward at the last meeting. Idea #1) consider permitting for temporary storage containers, and Idea #2) consider future requirements for storage containers as permitted living spaces.



From 11.26.19: Councilor Thompson, Councilor Neddeau, Administrative Assistant Tammi Morrow and I met to review right-of-way infringements, the ordinance and storage containers. Staff will share information with Council for possible next steps.

5

Goal 5 | Capital Improvements Plan

Completed: Downtown Sanitary Sewer Project [G5] – Council will be asked to pass Resolution 2022.12 to record the disposition of the final retainage payment. See R 2022.12 for more information.

From 03.22.2022: Council passed Resolution 2022.06 last meeting. Please see notes above under Action Items for Resolution 2022.09.

Facilities Review Committee Recommendation Outcomes | [G5] – See below.

From 02.22.2022: Staff met with Jonathan Dunn’s architecture firm on February 16th, 2022 to start the process at the Rec Center.

From 01.25.2022: Council accepted Woodblock & Associates proposal.

From 12.21.2022: Staff is looking into architectural services as directed by Council.

From 11.26.19: The Ad Hoc Committee met to discuss the structural engineering report from VLMK and to discuss ideas, strategies, and options.

6

Goal 6 | Organizational Development

From 02.22.2022: Council Retreat allows for this goal to be implemented and improved upon.

From 10.27.2021: Councilor Thompson provided a good article on the *Ten Traits to be an Effective Councilmember*.

7

Goal 7 | Advocacy Plan

Council and the Chamber made a difference in getting an exemption for pharmacies carved out by the State Legislature due to the negative impact of the Corporate Activities Tax.

ACTIVE, PENDING & STALLED

Completed: OGEC Filing – Members successfully filed their annual statements. Thank you!

Active: Municipal Court (New) – Staff has been working on all related details. See above.

From 02.22.2022: Mrs. Carol Humphreys announced that she will be retiring at the end of the fiscal year. I have asked City Attorney Ross Williamson to provide a letter about the possibility of the City assigning the City’s case load to the Linn County Justice Court in Lebanon. The letter is included in



the agenda packet. The State continues to take more and more of the revenues generated by small, municipal courts (courts in general) over the last several years. The State also continues to redefine crimes, allow activities that once were illegal, and make procedures more cumbersome all of which continue to lead to a lack of funding for these services.

What is Council being asked to do?

Make a motion to send McDowell forward to explore options.

Active: Woodblock & Associates Proposal | [G5] ☒ – The Ad Hoc Committee met with the architects recently to review scope of work and other considerations. The Committee will meet again on the first Monday in May to finalize the scope of work.

From 03.22.2022: Staff is progressing nicely with the architects. Udell Engineering was hired by the City to perform required survey work and the City also entered into an agreement to have a complete evaluation of the mechanic, electrical and plumbing systems.

From 01.25.2022: Council had sent Staff forward for a proposal for the upgrades to the Rec Center. The proposal is included in the agenda packet for your review.

Active: Pacific Power Franchise Agreement | [G1] – *From 03.22.2022:* Pacific Power sent back their latest language. Mr. Ris and I made our notes and sent it back to them. There is a key point on private development that we are trying to ensure makes the agreement.



From 02.22.2022: City Attorney David Ris and I continue to go back and forth with the Pacific Power over language changes on the new agreement. As soon as we reach agreement on the details, I will forward the franchise agreement to Council for review in ordinance form.

Active: Budget Committee Preparations | Membership & Notices – Staff deadline is March 31st, 2022. We are in full swing. The Budget Committee has received their letter and schedule. The budget webpage has been updated. Budget Committee meets Thursday, April 28th, 2022 at 7:00 p.m. in the Community Room.



From 01.25.2022: Annually, I make Council aware that the City will be placing the necessary, required advertisements for the budgetary process.

Active: Rec Center & Pioneer Park Pavilion | Moving Forward – See above.

From 12.21.2022: The next step is to gather accurate cost estimates for work to be performed so Council can determine what happens next.

From 09.28.2021: Council will discuss the next steps for this project. Council had developed a Facility Review Committee (FRC) that had made some formal recommendations which Council completed in 2019. An informal, ad hoc committee was created to review logistics and details however due to the pandemic, the project has been on hold. The City was working with representatives from the Central Linn School District, the Central Linn Rec Center, Park Board, the Linn County Pioneer Association, the Chamber and the City of Halsey. Council and the Budget Committee have set aside a substantial amount of money for this project.



Active: McClain & Cemetery Maintenance – The City has ordered the signs for the Cemetery. Public Works will make arrangements to install the signage and provide the McClain’s with a remote control for the new gate.

From 02.22.2022: Public Works Superintendent Karl Frink and I met shortly after the last Council meeting to address the items in Mr. McClain’s letter. Karl will be installing an automatic gate at the Cemetery, addressing the stormwater runoff issue with drainage, and Public Works will resume grading the road.

McDowell & Mayor Ware reviewed the items at the Cemetery and will be forwarding a future ordinance to Council that will implement Cemetery hours, grave maintenance items and other details for future consideration.

McDowell will reach out to Linn County Road Supervisor, Parker Leigh, to discuss options once again on the County’s Local Access Road. It is possible that the County may allow maintenance to be performed on the road due to the recent change in County leadership.

McDowell and McClain talked about the Canal Company, the culvert McClain installed to access the bottom part of his property that is a source of contention for some, and the City’s Capital Improvements projects.



Ordinance 787: Cemetery (Second Reading) – Council passed an ordinance for the Cemetery.

From 02.22.2022: Council will hear a second reading of the proposed cemetery ordinance.

From 02.22.2022: Mayor Ware and I investigated some cemetery grounds issues that have occurred over the years and, as Council directed, have constructed this ordinance to address those issues along with Mr. McClain’s request to be able to close the cemetery from late, late night visitors. The ordinance is relatively self-explanatory.

Active: River’s Edge Outcome – Staff continues to work closely on inspections and permitting issues.

From 11.23.2021: Staff and the Planning Commission met to give final instructions to the developer for the landscaping plan which was an integral component of the Planning Commission’s decision to move forward with the development as a Planned Unit Development (PUD). The City is waiting to receive a bond for the work, or for the work to be completed to the satisfaction of the City. The landscaping plan and area will be managed into the future by the homeowner’s association for River’s Edge which currently is under the custody of Chad E. Davis Construction.

Pending: Calapooia Watershed Council – No update or request from the Watershed Council.

From 03.22.2022: Director Cris Salazar expressed interest in partnering for a funding opportunity to remove invasive plant species.

Stalled: NIMS Training – *From 01.25.2022:* I will show the NIMS website and training as recommended by the EPC at the last Council meeting.



COMPLETED

- ✓ Troyer Concrete fixed the sidewalk panels in front of City Hall.
- ✓ Mark Gharst, League of Oregon Cities and Budget Law changes investigation.
- ✓ Best Heating installed new heating unit in the Community Room.
- ✓ Gene Karandy sent over the Linn County Justice Court IGA.
- ✓ Prepared and held April 6th, Work Session.
- ✓ Mayor Ware, Councilor Thompson and I met with Kindra Oliver regarding Linx.
- ✓ Met with the Senior Center and American Legion regarding the Linx opportunity.
- ✓ Finished draft agreement for Canal Company and Council consideration.
- ✓ Had cemetery signage created.
- ✓ Budget requests were formalized, and the budgetary process started.
- ✓ Updated Project Outlook adding several new projects that have manifested over the FY.
- ✓ Neighborhood Feuds, vandalism and other affronts.
- ✓ Hired Jane MacQueen to paint event dates for Community Events sign.
- ✓ Created and signed an agreement with Cindy Flandermeyer.
- ✓ Created and signed several park arrangements agreements.
- ✓ Judge Meyer & Gene Karandy conference call on Court transition; plus other logistics.
- ✓ Mark Sanders from First Aid Roof Care treated the Rec Center and City Hall.
- ✓ DTSS Census reporting.
- ✓ Attended Distater Prep meeting.
- ✓ Attended REAL meeting.

Please visit the City website at <https://www.ci.brownsville.or.us/currentevents>.

★ *Kirk Avenue Project History*

★ *Calapooia Riverbank*

Respectfully Submitted,

City Administrator Scott McDowell



PLANNING AT A GLANCE APRIL 2022

Permits *Building, Plumbing, Mechanical, Fence, Etc.*

• Structural	30x36x14 Pole Bldg	818 Calapooia Ave
• Mechanical	Ductless HP w/AH	910 Kirk Ave
• Plumbing	Replace Sewer Line	803 Calapooia Ave
• Structural	20x24x14 Pole Building	115 Moody Ct
• Plumbing	Relocate 50' W & 100' S	219 Stanard Ave
• Mechanical	Install Ductless HP	225 Spaulding Ave 1
• Mechanical	Install Ductless HP	225 Spaulding Ave 2
• Mechanical	Install Ductless HP	225 Spaulding Ave 3
• Mechanical	Install Ductless HP	225 Spaulding Ave 4
• Mechanical	Replace Gas Furnace & AC	216 Washburn St
• Mechanical	Replace Rooftop Unit Package	353 Main St
• Fence		859 NP Lp
• Fence		800 River Ave
• Construction	30x36x14 Pole Building	818 Calapooia Ave
• Fence		820 River Ave
• Fence		818 River Ave
• Fence		407 Depot Ave
• Fence		405 Depot Ave
• Fence		846 Pebble St
• Fence	Replacement	728 Kirk Ave
• Construction	20x24x14 Pole Building	115 Moody Ct
• Fence	Across from 315 Stanard	TL 8400

Elizabeth E. Grewer

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
STATISTICAL REPORT FOR MARCH 2022**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	21	2	1	22	
Violations	152	7	23	136	
Contempt/Other	46	3	2	47	
TOTALS	219	12	26	205	

BALANCE SHEET FOR THE MONTH

Court Revenue

Court Payments

Total Deposits +	\$ 5,458.61	City	\$ 4,371.61
Total Bail Released +	\$ -	Restitution	\$ -
PayGov Adjustment	\$ -	Oregon Dept Revenue	\$ 800.00
Total Bail Held -	\$ -	Linn County	\$ 256.00
* Total Refund/Rest -	\$ 31.00	State Misc.	\$ -
Total NSF's -	\$ -	DUII Surcharge	\$ -
Cash Shortage -	\$ -	Misc Deposit	\$ -
Miscellaneous Income	\$ -		

TOTAL COURT REVENUE	<u>\$ 5,427.61</u>	TOTAL COURT PAYMENTS	<u>\$ 5,427.61</u>
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Credit given for Community Service	\$ -
Other Credit Allowed Against Fines	\$ -
Total Non-Revenue Credit Allowed	<u>\$ -</u>

TOTAL CASH PAYMENTS TO:

CITY	\$ 4,371.61
STATE	\$ 800.00
COUNTY	\$ 256.00
*REFUND RESTITUTION BAIL HELD	\$ -
TOTAL:	<u>\$ 5,427.61</u>



LINN COUNTY SHERIFF'S OFFICE

Michelle Duncan, Sheriff

1115 S.E. Jackson Street, Albany, OR 97322

Albany, OR. 97322

Phone: 541-967-3950

www.linnsheriff.org

2022

MONTHLY REPORT TO THE CITY OF BROWNSVILLE FROM THE LINN COUNTY SHERIFF'S OFFICE

FOR THE MONTH OF: February

TRAFFIC CITATIONS: -----	19
TRAFFIC WARNINGS: -----	12
TRAFFIC CRASHES: -----	1
ADULTS CITED/VIOLATIONS: -----	0
ADULTS ARRESTED : -----	5
JUVENILES CITED/VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	0
COMPLAINTS/INCIDENTS INVESTIGATED:-----	86

TOTAL HOURS SPENT: Brownsville 213.25

CONTRACT HOURS = 200 HOURS

**Michelle Duncan,
Sheriff, Linn County**

By: Lieutenant Beth Miller



Library Advisory Board

Librarian's Report

March 2022

Here are a few facts about our library the month of March 2022. We have received 41 new books for the library. Volunteers donated 152.5 hours to our library. There were 1,255 materials checked out. 454 adult fiction books; 151 adult non-fiction books; 62 audio books; 291 children's books; 167 junior books; 53 junior reference books and 77 large print books.

In March we held 18 children's programs with 216 participants. There were 19 programs for adults with 43 participants.

Books, programs, and sunshine was at the Library in the month of March. We are looking forward to seeing more in April. We received a large donation of books for our book sale this month. It has gone a long way to filling up the outside closet and restocking our sale shelves. In March the Library hosted a fabulous display from the Linn County Historical Museum and some great children's toys from years gone by. Our book display color was green and made quite a statement. Don Lyon presented another fabulous World Cultures & Travel program: Lebanon, Syria & Jordan. He will complete this season's programming on April 14 with Eternal Tuscany. Mrs. DeRobertis and I contacted Biblionix/Apollo and spoke about the possibility of switching circulation software. It was an encouraging conversation. On the cusp of budget season it is exciting to dream about possibilities while staying anchored to reality. Dream big at your Library!

Respectfully submitted,

A handwritten signature in blue ink that reads "Sherri Lemhouse".

Sherri Lemhouse
Librarian



2021-2022 Council Goals
(Compilation Date: February 2022)

Goals 2021-2022

1. Focus on the Fundamentals.

- *Protect & Manage Brownsville's Treasury.*
- *Foster Cooperative and Productive Relationships in Brownsville with the Central Linn Community, Linn County, & State & Federal Agencies.*

2. Water Rights.

- *Explore Possible Additional Water Source Options.*
- *Continually Work on Perfecting Water Rights.*
- *Complete Water Conservation Plan required by the State.*

3. Economic Development Plan.

- *Participate in Regional Efforts and Opportunities in Real-Time.*
- *Implement the Mid Valley Partnership Agreement.*
- *Finalize Economic Analysis, Land Inventory and Urban Growth Boundary.*

4. Community Development Plan.

- *Refine Brownsville Code Requirements & Public Works Standards.*
- *Adopt Building Rules and Standards to Preserve Historic Aesthetic.*
- *Emergency Preparedness Planning: Participate in Local and Regional Efforts to Expand Public Awareness and Readiness.*
- *Monitor Tort Limits, Recreational Immunity & Case Law impacting Local Amenities.*
- *Continue Promoting Youth Activities with Community Partners.*

5. Capital Improvements Plan.

- *Construct Downtown Wastewater Improvements.*
- *Plan for the GR 12 Waterline Extension.*
- *TMDL Review, Monitoring and Implementation Elements.*
- *Work toward Recreation Center Renovation & Construction of New Pavilion.*

6. Organizational Development.

- *Focus on Council Leadership Development & Training.*
- *Continue Positive and Effective Working Relationship between Council and Staff.*
- *Emphasis on Volunteer Training and Meeting Logistics & Procedures for All Boards & Committees.*

7. Advocacy Plan.

- *Develop a Standing Committee to develop an advocacy strategy, to write policy statements and stay abreast of legislative developments at the State & Federal level.*
- *Focus on Home Rule, the League of Oregon Cities, the Cascade West Council of Governments, and other regional efforts to strengthen the City's policy positions.*



Goals Progress Plan

1. Focus on the Fundamentals.

- *Protect & Manage Brownsville's Treasury.*
- *Foster Cooperative and Productive Relationships in Brownsville with the Central Linn Community, Linn County, & State & Federal Agencies.*

Plan: Council, the Budget Committee and Staff will continue working carefully with the annually adopted budget to ensure financial well-being and to complete the goals of the City. Staff will strive to provide services efficiently and effectively to maintain low costs. Staff will work to maintain the City's outstanding financial rating. Staff will execute the planned projects found in the FY 2020.2021 and FY 2021.2022 budgets, as time, priority and possible financial constraints allow.

Staff will continue to strive for excellence in all relational aspects locally and regionally. McDowell will continue his involvement with the Solid Waste Advisory Committee (SWAC), the Linn County Sheriff's Office (LCSO) Joint Cities Coalition, the Linn County Planning and Building Department meetings, City/County Insurance Services (CIS), International City Management Association (ICMA), Oregon City/County Management Association (OCCMA) and the League of Oregon Cities (LOC) as needed. Public Works Superintendent Frink works with various groups including 811. Administrative Assistant Elizabeth Coleman works with the Linn County Planning and Building Department and the Park Board.

Staff is also very involved at a local level. McDowell serves as a liaison to the Board of Directors for the Chamber of Commerce and attends other civic organization meetings as requested or required. Mayor Ware serves on the Central Linn Community Foundation and the Lions Club, among others. Councilor Thompson serves as the liaison to the Central Linn Recreation Association (CLRA). Mayor Ware serves on the Cascade West Council of Governments (COG) Board. Councilor Gerber serves on Cascade West Council of Government's Transportation Board. Councilor Humphreys will serve as the liaison to the Linn County Sheriff's Office (LCSO).

September 2021 Update

- ★ **Treasury** | The City passed a balanced budget with many exciting projects for 2021.2022. Council refinanced debt to save money. Council and Staff, namely Administrative Assistant Tammi Morrow, have been effective using CARES Act money to backfill expenditures related to the Pandemic. Singerlewak recently completed the annual audit visit and is currently preparing the final report for FY 2019.2020. Staff will make sure the documents are sent to the proper agencies including the Secretary of State's Office. New housing developments will cause an increase in the General Fund for the fourth year in a row. It is also important to remember that the tax bill will look different this year due to the refinancing. The City already collected the money for this year's payment, so it will not reflect on the tax bill this year.
- ★ **Relationships** | The summer months have been busy with regional efforts heating up due to the removal of the State lockdown requirements. The City signed an IGA with Lebanon and Sweet Home for disaster preparation (D-Prep). The group is currently working on received proposals for the execution of Phase I of that program.

The City has been working with the LCSO and the Linn County Planning and Building Department on continued improvements. LCSO will be making several changes in personnel due to the retirement of Undersheriff Paul Timms.



Personnel changes at the LCPBD led to a meeting with Commissioner Sprenger to discuss possible outcomes with the Department. The County is currently working on filing the top position in the Department.

Council and Staff are reviewing the guidelines and requirements for the American Rescue Plan Act (ARPA) money.

February 2022 Update

- ★ **Treasury** | The City has completed two major capital improvements projects over the last part of 2021 and the first month of 2022. The Downtown Sanitary Sewer & Waterline (DTSS) project met with what could have been a massive change order as the crew encountered an old fuel tank. Fortunately, the total costs for removal of that tank was about half of what was originally projected; coupled with contract credits the total change orders will be less than \$20,000 on a \$518,000 project. The American Recovery Plan Act (ARPA) provided over \$200,000 in funding to the City from the Federal government for pandemic relief. Council earmarked these funds for the DTSS project which was very propitious due to the construction costs. The City also finished the development of Remington Park. The project came in slightly under the project budget of \$60,000.

Inflation caused the Social Security Administration to adopt a 5.9% increase for 2022. The City's pay scale was adjusted accordingly. The City experienced continued growth in the housing market and we will see another increase in the City's General Fund for this upcoming fiscal year of close to 5%.

Staff is concerned about the impacts of inflation over the next year. The State continues to drive up permitting fees and other associated costs for operating the utilities.

- ★ **Relationships** | Work with regional partners has been moving forward, full speed ahead. The City is close to making a determination on a vendor for the IGA with Lebanon and Sweet Home for disaster preparation (D-Prep). The group is reassessing the steps forward after the sudden departure of Sweet Home City Manager Ray Towery.

The Mid-Valley Partnership (MVP) has been working to accomplish the goals of that IGA. McDowell was able to successfully apply for funding through Business Oregon to help fund the marketing effort which was a major component of that agreement. The financial relationship with RAIN was also improved by the award. The group has rebranded and will become REAL which stands for the Rural Economic Alliance. The group is now working with the University of Oregon on asset mapping and is looking to hire a RARE student to serve as point for this goal.

Staff has continued to improve relations with Linn County working with the Sheriff's Office contract cities, the improvements made to Planning & Building, working on advocacy with the District Attorney's Office, and hoping to work with the Commissioner's Office on economic development issues. The City is also under agreement with Business Oregon's Rural Opportunities Initiative (ROI) for the monies aforementioned. The City is reporting on ARPA funding too.

The City's new State Representative for 2023, Jamie Cate, has also been active with the City in the interim assisting with the corporate activities tax among other issues that are important to the City.



2. Water Rights.

- *Explore Possible Additional Water Source Options.*
- *Continually Work on Perfecting Water Rights.*
- *Complete Water Conservation Plan required by the State.*

Plan: Council recognizes water as the City's most valuable resource. The City will continue exploring additional resources such as procurement of upstream water rights and other possibilities that may exist in areas around Brownsville. Staff will continue to work with City Engineer Ryan Quigley and City Attorney Rolfe Wyatt on issues as they arise through the State Legislature and other agencies of the State such as the Oregon Water Resources Department (OWRD). Staff will continually work on the Water Conservation Plan with Oregon Association of Water Utilities as hired in early 2021.

September 2021 Update

- ★ **Water Rights** | The City is now working with Attorney Sarah Liljefelt at Schroeder Law out of Portland. Long-time representative Wyatt Rolfe took a new position with a different firm. The City shut off the water to the Mill Race in early August due to extremely low water levels. The State Water Master did not send notice on the Mill Race to date.
 - ★ **Conservation Plan** | Council hired Oregon Water Utilities Association (OAWU) to complete the necessary reporting to comply with the Oregon Water Resources Department (OWRD) requirement that the City have a Water Conversation & Management Plan completed by March 2022. Mr. Tim Tice of OAWU is working with Staff on this report. Staff and OAWU have notified the State of Oregon about where the City is in this process.
-

February 2022 Update

- ★ **Water Rights** | The City will be working with Dyer Partnership on water rights issues moving forward. Mr. Tim Tice assisted with the reverse water right for the Mill Race. Dyer is working on engineering to extend a water line from the GR12 well site.
- ★ **Conservation Plan** | Public Works Superintendent Karl Frink and Administrative Assistant Jannea Deaver continue to work on numbers for Oregon Water Utilities Association (OAWU) for the Water Conversation & Management Plan. Mr. Tim Tice has received a deadline extension from the State's Water Resources Department for the report.

3. Economic Development Plan.

- *Participate in Regional Efforts and Opportunities in Real-Time.*
- *Implement the Mid Valley Partnership Agreement.*
- *Finalize Economic Analysis, Land Inventory and Urban Growth Boundary.*

Plan: Continue working with partners on regional economic development efforts.

Definition: The two chief focuses of Economic Development are 1) retaining existing business and 2) attracting new business.

The City will incorporate several new ideas from the Goal Setting session into the Land Inventory and Update.

September 2021 Update



- ★ **Mid-Valley Partnership** | The Mid-Valley Partnership (IGA) is moving ahead with the deliverables contained in the agreement signed in December 2019. The Pandemic slowed this project to a standstill for over a year. The group is currently out for proposals on the development of a stand-alone, joint website and marketing & branding materials.
 - ★ **Land Inventory** | Administrative Assistant Elizabeth Coleman continues to work closely with Mr. Dave Kinney to prepare for the completion of the land inventory and review process through Linn County and the State of Oregon, namely the Department of Land Conservation & Development (DLCD). Council & the Planning Commission will be heavily involved in public hearings to complete this project.
-

February 2022 Update

- ★ **Mid-Valley Partnership** | The Mid-Valley Partnership (IGA) is working on website development and bridging partnerships with other economic development efforts in Linn and Benton County. So far, the group has been successful completing objectives with the help of grant money from the Linn & Benton counties and the State of Oregon.
- ★ **Land Inventory** | Administrative Assistant Elizabeth Coleman continues to work closely with Mr. Dave Kinney to prepare for the completion of the land inventory. The Planning Commission recently added a few issues that could be included in this project. The focus of this project is to ask for more developable land across multiple zones as well as adjusting the Brownsville Municipal Code to accurately reflect new rules that have been adopted by the State and requirements that will be beneficial to the City. Once the City starts the process, there will be several public meetings and discussions around the proposed changes as required by State law.

4. Community Development Plan.

- *Refine Brownsville Code Requirements & Public Works Standards.*
- *Adopt Building Rules and Standards to Preserve Historic Aesthetic.*
- *Emergency Preparedness Planning: Participate in Local and Regional Efforts to Expand Public Awareness and Readiness.*
- *Monitor Tort Limits, Recreational Immunity & Case Law impacting Local Amenities.*
- *Continue Promoting Youth Activities with Community Partners.*

Plan: Council would like to continue to explore ways to positively affect community livability. Council will explore building rules and standards to solidify the historic look and feel of Brownsville. The City continues working with ad hoc volunteer committee promoting community emergency preparedness efforts as defined by the Brownsville Municipal Code. Staff will work with the Brownsville Rural Fire District, Halsey-Shedd Rural Fire Protection District, the City of Halsey and the Central Linn School District to accomplish Council directives. Council will continue to explore options for the Central Linn Rec Center and the Pioneer Park Pavilion with various partners including the City of Halsey and the Central Linn School District. Council will continue to monitor attacks against recreational immunity through various sources such as the League of Oregon Cities (LOC) and CIS.

September 2021 Update

- ★ **EPC** | The Emergency Preparedness Committee continues work on their annual goals. Several outreach projects have been curtailed due to the Pandemic. D-Prep is also a new



dynamic that assists the City in emergency preparedness operations. Linn County also recently hired Ric Lentz as the new EMA Coordinator.

- ★ **State Legislation** | Council and Staff will soon review all the bills that were passed in Salem this last long-session. There were many concerns that could several hamper municipal operations being considered as always. Three areas of major concern were increases to tort limits, abridgement of recreational immunity and discretionary immunity.
- ★ **Youth Activities** | Councilor Craven recently was appointed as the liaison with the Rec Center. Council opened facilities and allowed the Rec Center to operate their baseball/softball program this summer. Librarian Lemhouse operated the summer reading program at the Library. Council also passed a budget that includes renovations to the Rec Center and the pavilion.

February 2022 Update

- ★ **EPC** | The Emergency Preparedness Committee recently delivered their annual report to Council. The pandemic has hampered in-person events, so the EPC has relied on newsletters to continue raising public awareness on emergency issues. Linn County has also been active with new EMA Coordinator Ric Lentz.
- ★ **State Legislation** | Council and Staff have been working toward several advocacy issues. The short session will soon be over and bring with it more requirements and rules to implement.
- ★ **Youth Activities** | Sean Johnson stepped down as Central Linn Recreation Association President. Katy Kallai became president. Youth sports and activities has begun again in full swing as the State slowly comes out of pandemic response. Staff is working with Woodblock & Associates to complete Phase I of the assessment of the Rec Center for a major renovation slated to being in 2023.

5. Capital Improvements Plan.

- *Construct Downtown Wastewater Improvements.*
- *Plan for the GR 12 Waterline Extension.*
- *TMDL Review, Monitoring and Implementation Elements.*
- *Work toward Recreation Center Renovation & Construction of New Pavilion.*
- *Move forward with Canal Company plans.*

Plan: Staff will continue to execute engineering and manage the construction of the old, sewer lines in Old Town Commercial. Staff will prepare for the design and installation of the GR 12 waterline. Staff and Council will work as required to cautiously move forward with TMDL requirements. Staff will continue working with the Ad Hoc Committee assigned to looking into the renovation of the Central Linn Rec Center and the relocation of the Pioneer Picnic Pavilion.

September 2021 Update

- ★ **Downtown Sanitary Sewer (DTSS)** | Council entered into a contract with Pacific Excavation to build the sanitary sewer and water line in the downtown area. Projected start date is October 4th, 2021. The contract will probably be a ninety day contract for completion. The City is stretched budgetarily on this project. Public Works Superintendent Karl Frink will serve as



project inspector and City Engineer Ryan Quigley will also provide contract oversight and direction.

- ★ **GR 12 Water Line** | Council and Staff budgeted for this project to start. ARPA money may allow this project to happen this fiscal year. The line is important for future water capacity for the City. Improvements need to be made to the Water Treatment Plant to fully capitalize on the water capacity for the citizens.
 - ★ **TMDL Plan** | The State of Oregon deemed the City a Designated Management Agency (DMA) which requires an official plan to be submitted to the State for review and approval. Council has continually been warned about the financial impacts of this unfunded mandate. Now the full power of the State can be levied against cities on compliance issues. Major fines have been assessed in communities across the United States.
 - ★ **Recreation Center & Pavilion** | The City was working on the renovation of the Rec Center and the citing of a new pavilion at Pioneer Park prior to the Pandemic. Council needs to consider next steps for the project as many players have changed and the dynamics of community need has also been impacted.
-

February 2022 Update

- ★ **Downtown Sanitary Sewer & Waterline (DTSS)** | The City successfully completed this contract. Pacific Excavation, Eugene, Oregon, did a fantastic job completing this work. The City would also like to thank the downtown business owners who were very cooperative during the pre-construction and construction phases.
- ★ **GR 12 Water Line** | The City has asked the Dyer Partnership to move forward with design for this important project. Future utility capacity issues hinge on the completion of this project.
- ★ **TMDL Plan** | The City will be working with engineering to complete new requirements imposed by the State of Oregon since naming the City a Designated Management Agency (DMA). The City is still unclear as to all the requirements and implications of those requirements.

6. Organizational Development.

- *Focus on Council Leadership Development & Training.*
- *Continue Positive and Effective Working Relationship between Council and Staff.*
- *Emphasis on Volunteer Training and Meeting Logistics & Procedures for All Boards & Committees.*

Plan: Council recognizes the need for additional training & development. Council will continue to improve in two ways, 1) collectively through regular group discussions and evaluations, and 2) executing their individual roles as community leaders. Council will look at new ways to work together to accomplish shared organizational goals and address community issues with Staff. Council will work to ensure that all Boards and Committees are properly trained, and procedures are periodically reviewed. Council will take a more proactive role with volunteer support. Council will continue to check in with Staff and stay abreast of community happenings.



September 2021 Update

- ★ **Council Training** | Council is actively working on leadership development and group dynamics issues. Council will continue to check in and monitor progress as the new group moves through meetings and community issues they are faced with in real-time.
 - ★ **Council-Staff** | The City has some work to do in this area. Working together has been the hallmark of the City's success. Council has done well with preparing for meetings and learning about the issues that are being discussed or what issues should be discussed by Council.
-

February 2022 Update

- ★ **Council Training** | Council continues to take steps toward improving groups dynamics, but have been met with many internal conflicts. This year has been very difficult for Council due to several contentious meetings dealing with the pandemic, a recall effort, and a member taking issue with certain Council decisions. Hopefully, the continuing contentious behavior will subside or stop completely so the group can accomplish their goals without causing undue problems for Staff and the City.
- ★ **Council-Staff** | The City has taken a major step backwards in this area. Mayor Ware and Council President Dave Hansen have recently made efforts to improve Council leadership. Councilor Gerber resigned over the summer and the City saw Councilor Chambers rejoin the group.

7. Advocacy Plan.

- *Develop a Standing Committee to develop an advocacy strategy, to write policy statements and stay abreast of legislative developments at the State & Federal level.*
- *Focus on Home Rule, the League of Oregon Cities, the Cascade West Council of Governments, and other regional efforts to strengthen the City's policy positions.*

Plan: Council recognizes the need for advocacy and would like to engage during the current legislative session while exploring other ways to engage both regionally and locally. Actively working on protection of Home Rule, recreational immunity, keeping and supporting tort limits and monitoring other impositions by the State government into local affairs. Council may develop a local advocacy plan that would include, 1) specific legislative items being considered by the State of Oregon, 2) prepare policy statements on those items, and 3) form letter writing efforts to improve municipal authority as allowed by the Oregon Constitution.

September 2021 Update

- ★ **Advocacy** | Council has not officially started this piece.
-

February 2022 Update

- ★ **Advocacy** | Council moved forward with an effort to help the City's local pharmacy. Councilor Humphreys and Councilor Chambers visited with pharmacy owner Joe Ervin to learn about the impacts of the corporate activities tax (CAT) that has caused many rural pharmacies to close. Bi-Mart also shuttered their pharmacy due to the negative impacts of this new State tax policy.



Councilor Hansen and Councilor Craven visited with Linn County District Attorney Doug Marteeny to discuss State policies that are negatively impacts public safety. The City will continue to work with the Sheriff's Office to advocate on issues that keep citizens safe.

Council also took steps in an effort to protect Staff from illegal mandates and unwarranted harassment.



2021-2022 Council Values

Council Vision Statement

The Brownsville City Council works collaboratively and effectively with each other, staff, and community partners to preserve the historic character and economic health of our town and to create a high quality of life for our citizens.

A Vision for Brownsville

For a tiny rural Oregon community, Brownsville has a huge presence. It is well-known throughout the state for its friendly welcome and for being a safe, clean, and attractive town. It is clear that residents value its historic character and make special efforts to preserve and enhance it. Talk to business owners in the thriving north and south business areas and you will find that it is the creative working relationships between city government and private, county, state, and federal partners that sustain our economic health and well-being. Residents participate in Brownsville's inclusive process of growing and enhancing our high quality of life. Brownsville citizens care about healthy city finances, they expect infrastructure that delivers, and they elect a City Council that works for the benefit of the community. Public spaces are a vital part of Brownsville's sense of place; citizens' and city government's attention to the appearance and cleanliness of parks, streets, and neighborhoods adds to the town's livability.

Tag line

Brownsville: Where People Care, Business Thrives, and History Lives

Who we are?

Brownsville is a City that is proud of its past while constantly improving toward the future for the benefit of our citizens. We are a group of citizens that honor each other by carefully balancing the social contract (Brownsville Municipal Code) to keep peace and order. The Brownsville Municipal Code and Comprehensive Plan help define the role of the City. Organizational transparency is a focus of Council. Council is working closely with Staff, volunteers, civic organizations, appointed officials and the citizenry to execute identified goals and carry out the responsibilities of the City.

Brownsville has a tremendous sense of place and synergy between City Hall and our residents. Active citizens are the true strength of Brownsville as evidenced by the volunteers who give freely of themselves to provide many municipal functions and civic services. Many civic organizations implement their missions actively in our community which provides a quality of life and vibrancy that is uncommon. Community events are planned and designed to invite people into town to share what Brownsville has to offer.

Council recognizes that many civic organizations and the City government are working diligently on implementing organizational development concepts in order to more efficiently provide services. Council recognizes that we are in a transition period between an authoritative model and are collectively moving toward a new, participatory approach within the organization and throughout the community.

What do we want for Brownsville?

Brownsville should honor the past, maintain a healthy present and strive to assure a dynamic future by focusing on fundamental municipal services such as:



- | | |
|-------------------------|----------------------------|
| 1. Treasury Health | 7. Contract Administration |
| 2. Water | 8. Personnel |
| 3. Sewer | 9. Police Protection |
| 4. Capital Improvements | 10. Municipal Court |
| 5. Parks | 11. Library Services |
| 6. Streets | 12. Planning & Zoning |

Organizational Development

- Elected & Appointed Officials.* People who understand their role and responsibilities for the City as policy & decision makers. People who have a tremendous amount of pride and caring about the future of Brownsville. People who understand the financial nuances of local government in Oregon. People who understand and respect the significant contributions of Staff. People who are focused on the greater good they can collectively make in the community. People who understand the mission of the City and who can explain City policy and issues with the general public. People who represent Brownsville citizenry as well as City Staff.
- Staff.* People who understand their multiple roles and responsibilities. People who love coming to work. People who are interested in creating the best possible work environment that is full of respect and compassion for the citizens and is honest and trusting among all the ranks of the organization. People who don't complain about what they cannot control but people who are interested in creating practical, cost-effective solutions for those issues they can control. People who expect more than the ordinary from themselves and from each other.
- Organizational Axiom.* Creating, developing and maintaining effective relationships with individuals, other civic organizations, County, State & Federal government personnel. Understanding that the number one priority of the City is relationship building. The City shall honor relationships and the ordinances and laws of the land. The City shall be ever mindful of the importance of the social contract of government and the order that it strives to preserve for the sake of freedom.
- Diversity, Equity, and Inclusion.* The City creates an environment of equal access to opportunities for all individuals in Brownsville. The City is committed to equal access through Federal and State laws, but also through local practice principled in the elimination of bias and barriers that may exist in the community and from developing in the City's organization. Council shall continue to consider implications of new and past policies that may create unnecessary barriers for members of minority groups, women, veterans and vulnerable populations.

NOTES: Council has discussed many organizational theories & objectives as well as identifying important critical thinking models that will serve as a guide for making better decisions. Below are a few of those models:

THE PROCESS OF PROGRESS

1. Recognize & Identify
2. Accept & Agree



2021-2022 Council Values

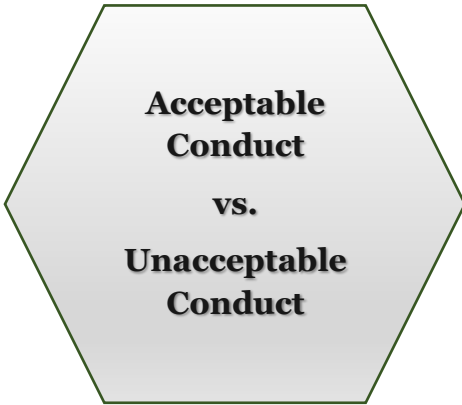
- 3. Strategize & Develop Action Steps
- 4. Implement & Execute
- 5. Review Outcomes

LEXIPOL'S 10 FAMILIES OF RISK MODEL

- 1. External Risks
- 2. Legal & Regulatory Risks
- 3. Strategic Risks
- 4. Organizational Risks
- 5. Operational Risks
- 6. Information Risks
- 7. Human Resources Risks
- 8. Technology Risks
- 9. Financial and Administrative Risks
- 10. Political Risks

How are expectations set in City Government?

- ◆ Laws & Municipal Code
- ◆ Standards
- ◆ Requirements & Rules
- ◆ Memoranda of Understanding
- ◆ Contracts
- ◆ Agreements
- ◆ Employee Handbook
- ◆ Societal Norms
- ◆ Cultural Nuances
- ◆ Public Opinion



Prepare for Public Reaction

1. Anticipate
2. Prepare
3. Listen
4. Respond

City Responsibility

1. What is the City's role?
2. Remember you are one vote.
3. Answer a question? Direct one?
4. You can always check into it.

Things to Think About

1. Managing Expectations | $\text{Expectation} - \text{Reality} = \text{Disappointment}$
 $\text{Expectation} = \text{Reality} = \text{Joy}$
2. Understanding Issues & the Nature of Complaints
3. Current City Plans



RESOLUTION 2022.10

A RESOLUTION DEFINING ELECTRONIC ATTENDANCE OF PUBLIC MEETINGS HELD IN THE CITY OF BROWNSVILLE

WHEREAS, the City strives to make public meetings accessible to the members of the general public; and

WHEREAS, Council offers electronic attendance to public meetings either through personal computers or telephonic means; and

WHEREAS, members of all public bodies may also choose to attend meetings electronically; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon:

- Anyone wishing to attend a public meeting by electronic means must notify the City forty-eight (48) hours prior to the scheduled meeting.
- Staff will do their best to accommodate all such requests.

PASSED AND ADOPTED by the Council of the City of Brownsville this 26th day of April 2022.

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Don Ware
Mayor



RESOLUTION NO. 2022.11

A RESOLUTION VERIFYING SERVICES PROVIDED BY THE CITY OF BROWNSVILLE IN ACCORDANCE WITH THE DEPARTMENT OF ADMINISTRATIVE SERVICES REQUIREMENTS FOR STATE-SHARED REVENUES

WHEREAS, Oregon Revised Statutes (ORS) 221.760 provides as follows:

Section 1. The office responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police Protection
- (2) Fire Protection
- (3) Street Construction, Maintenance and Lighting
- (4) Sanitary Sewer
- (5) Storm Sewers
- (6) Planning, Zoning, and Subdivision Control
- (7) One or more utility services and;

WHEREAS, City officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon, hereby certifies that it provides the following municipal services enumerated in Section 1, ORS 221.760:

- Police Protection,
- Street construction, maintenance and lighting,
- Sanitary Sewer,
- Storm Sewers,
- Planning, zoning, and subdivision control,
- Water Utility,
- Library Services,
- Municipal Court and
- Parks;

PASSED AND ADOPTED by the Council of the City of Brownsville this 26th day of April 2022.

Attest:

Approved:

S. Scott McDowell
City Administrator/Recorder

Don Ware
Mayor



RESOLUTION 2022.12

**A RESOLUTION CLARIFYING FINAL PAYMENTS AND RETAINAGE
TO PACIFIC EXCAVATION, EUGENE, OREGON FOR THE 2021
DOWNTOWN SANITARY SEWER & WATERLINE
IMPROVEMENTS (DTSS) PROJECT**

WHEREAS, the City contracted with Pacific Excavation, Eugene, Oregon, for the construction of the 2021 Downtown Sanitary Sewer & Waterline Improvements (DTSS) Project; and

WHEREAS, Council has appropriated sufficient funding to cover the costs associated with these change orders in the FY 2021-2022 Budget; and

WHEREAS, Staff has executed final payments and release of escrow for this project; and,

WHEREAS, the City Engineer, Dyer Partnership, has verified the final payments to be accurate and correct; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon:

- The City paid **\$10,370.67** as pay request #4.
- The City paid **\$2,401.98** as pay request #5.
- Previously held retainage paid in the amount of **\$26,617.63**.
- The City released retainage the final interest of **\$21.36**.
- Final Payment total was **\$39,411.64**.

PASSED AND ADOPTED by the Council of the City of Brownsville this 26th day of April 2022.

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Don Ware
Mayor

S. Scott McDowell

From: Tricia Thompson
Sent: Monday, April 11, 2022 6:55 PM
To: Dave Hansen; S. Scott McDowell
Subject: Insert

Dave and Scott,

Although unable to say the mystery has been solved, I do believe it has been investigated to the extent that it can be at this time.

I spoke with Alicia Lucker from the Oregon Cascades West Council of Governments via phone this afternoon. (She heads the Meals on Wheels program for our area). She said inserts are not allowed in the meal packets, with the one exception of a Library promotion a few years ago.

Kay Prim-Sorensen, South Linn Meal Site Manager here in Brownsville, had the same message. In addition, she spoke with the driver who delivers to Harrisburg and he said he knew nothing about any materials being put in the meal bags.

I will suggest to Council that this be put to rest for now - but not forgotten - in case another incident presents itself in the future. If they would like me to take further action I am certainly willing to do so.

Cheerfully submitted,

Tricia



PROCLAMATION

135th Annual Linn County Pioneer Picnic "Community Reunion "

Whereas, 2022 marks the 135th Annual Linn County Pioneer Picnic in Brownsville when we welcome hundreds of visitors to our community; and

Whereas, the Pioneer Picnic is a county-wide event and the City's recognition of this event is fitting and appropriate; and

Whereas, 2022 will see the return of the event to Pioneer Park; and

Whereas, the community is excited to have in-person events after the Covid-19 Pandemic; and

Whereas, the community of Brownsville can show their support and celebrate Pioneer Picnic week by decorating their homes and businesses during the week of June 17th – 19th, 2022, and by attending this traditional celebration; and,

Now, Therefore, I, Mayor Don Ware do hereby proclaim June 17th – 19th, 2022, as the Linn County Pioneer Picnic - a time for the City of Brownsville to show their fondness and memories of Pioneer Picnic with the theme of "Community Reunion."

Approved:

Attest:

S. Scott McDowell
Administrator

Mayor Don Ware
City of Brownsville, Oregon

Adopted this 26th day of April 2022



Mental Health Month 2022 Proclamation



WHEREAS, mental health is essential to everyone’s overall health and well-being; and

WHEREAS, all Americans experience times of difficulty and stress in their lives; and

WHEREAS, promotion and prevention are effective ways to reduce the burden of mental health conditions; and

WHEREAS, there is a strong body of research that support user-friendly tools that all Americans can access to better handle challenges, and protect their health and well-being; and

WHEREAS, mental health conditions are real and prevalent in our nation; and

WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, each business, school, government agency, faith-based organization, health care provider, veteran’s groups and citizen has a responsibility to promote mental wellness and support prevention efforts; and

WHEREAS, Linn County, as well as the nation as a whole, has been going through an infectious disease outbreak, it is important to remember that feeling anxious, confused, overwhelmed or powerless is very common and quite normal. By limiting media consumption, staying connected with loved ones and staying active we can maintain our mental health as we try to protect our physical health; and

WHEREAS, the Linn County Mental Health Advisory Board is emphasizing that there is no health without mental health by being involved with Public Service Announcements, Health Fairs, public speakers and various trainings regarding mental health issues;

THEREFORE, I, Don Ware, do hereby proclaim May 2022 as Mental Health Month in Brownsville, Oregon. As the Mayor, I also call upon the citizens, governmental agencies, public and private institutions, businesses and schools in Brownsville to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

Proclaimed this 26th day of April 2022.

Approved:

Attest:

S. Scott McDowell
City Administrator

Don Ware
Mayor



Older Americans Month 2022

A PROCLAMATION

Whereas, Oregon Cascades West Council of Governments is proud to provide services to approximately 14,833 adults age 60 and older, in the Benton County area, 6,662 adults age 60 and older, in the Lincoln County Area, and 25,012 adults age 60 and older, in the Linn County area who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

Whereas, the City of Brownsville is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

Whereas, since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life’s most basic functions, such as bathing or preparing meals; and

Whereas, these programs also support family caregivers, address issues of exploitation, neglect and abuse of older adults, and adapt services to the needs of Native American elders; and

Whereas, we recognize the value of community engagement and service in helping older adults remain healthy and active while giving back to others; and

Whereas, our community can provide opportunities to enrich the lives of individuals of all ages by:

- Promoting and engaging in activity, wellness, and social inclusion;
- Emphasizing home- and community-based services that support independent living; and
- Ensuring community members of all ages benefit from the contributions and experience of older adults.

Now therefore, the City of Brownsville do hereby proclaim May 2022 to be Older Americans Month. The City of Brownsville urges every resident to take time this month to celebrate older adults and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

Dated this 26th day of April 2022

Attest:

Approved By:

S. Scott McDowell
City Administrator

Don Ware
Mayor

April 27th, 2022

Pioneer Picnic Association

Attn: Leisa Keyser, Treasurer
401 Washburn Street
Brownsville, Oregon 97327

Re: Pioneer Picnic, June 17th — June 19th, 2022

Dear Leisa,

The City's goal is the same as the Association's which is to have a great Picnic! In order to accomplish that goal, we want to make sure we do our part. Karl & I have covered the major responsibilities below just to make sure we are all on the same page:

- 1) **Camping Fees** — The City needs to simplify this on our end. The City would like to charge flat rate \$500 for camping which would include Thursday through Monday with a 6:30 p.m. checkout on Monday. The Association can collect the money from the campers. In money in excess of the flat rate of \$500 can go to the Association.
- 2) **Service Personnel** — The Association will have people designated to take care of garbage and security for the event.
- 3) **Gates** — The City keeps the gates open at the discretion of the Park Caretakers; this item is at the sole discretion of the Association for the weekend.
- 4) **Park Caretakers** — Jeff & Liane Stone will be serving as Park Caretakers this year. Their role on behalf of the City will be to clean restrooms, stock restroom supplies and unplug toilets. (See item #6.)
- 5) **Additional Bathroom Supplies** — The City supplies the essentials and they will be available as needed through the Caretakers.
- 6) **Gator Use** — We anticipate the Association working out an agreement with the Park Caretakers to use their services and the Gator for miscellaneous purposes again this year. As you know, the State requires Off Highway Vehicles (OHV) safety training. Karl & I plan on having everyone take or renew the training.
- 7) **Wood Chips** — Please make sure Karl is aware of exactly where you want these placed. Please also make sure that arrangements have been made with Bear Mountain well in advance of the event. The City will pick up the wood chips and place them as directed.
- 8) **Keys** — We will issue keys to you for your distribution for the event. The Caretakers can always let folks in buildings if necessary. We will **only** release the keys to one official from the Association which has been you in the past. The City needs all sets back no later than Tuesday after the Picnic.

- 9) **Horse Area** — The group responsible for preparing the area will be making those arrangements.
- 10) **Parade Barrels/Cones/Candlesticks** — These are stored behind the stage by the north door. Public Works will make sure you have the amount you request. The City will ask for any lost items to be replaced at cost which is \$40 per candlestick.
- 11) **Barricade Placement** — Public Works will put them out for the Kiddie Parade on Friday and pick them up afterwards. We can make arrangements to hand the barricades over to a volunteer for placement on Saturday. The City will need to know who the Association wants to be responsible for the barricades. Council has closed Park Avenue between Main Street and Averill Street for Run Event Organizer Joe Ervin. The closure is Sunday from 6:30 a.m. to 11:00 a.m. Please make sure the placement of the traffic signage & barricades are in place.
- 12) **Park Street & Main Street Closure** — Traditionally, Council closes Park Street, as requested by the Association, on Friday before Picnic between the hours of 12:00 p.m. and 2:00 p.m. for the Kiddie Parade. Please forward a request for Council. The City also signs off on the Oregon Department of Transportation permit
- 13) **Special Needs Campers** — The City would like you to make room **behind** the new restrooms for folks who may have ADA concerns. Historically, folks have camped behind the Pavilion which causes problems for the rest of the season for the City.
- 14) **Kitchen Support Campers** — Historically we have allowed people helping with the kitchen area to camp in that area. We would strongly encourage a different plan.
- 15) **Kitchen** — We would like to let you know that we are not encouraging any items to be placed or left in the kitchen for the Fourth of July celebration. The City has the Pavilion rented to others before that event and it always causes problems. If you see something, please let us know. We would like to avoid this problem from arising. The City will ask Sweet Home Sanitation to provide three (3) recycling cans for use in this area.
- 16) **Information Booth** — Please make sure that the room is clean.
- 17) **Banners** — Public Works hangs the Welcome signs and banners.
- 18) **Dumpster** — We provide one, ten (10) cubic yard dumpster in the park for trash. A few years ago, we experienced some cleanup issues with food vendors. We would ask that you remind them to clean their area.

We know there are other items the City does in preparation for Picnic, however we wanted to address as many issues as possible to ensure good cooperation. We wish the Association the best of luck on a successful event, and welcome back! If you have any questions or concerns, please let us know.

Cordially

S. Scott McDowell
Administrator

Karl Frink
Public Works Superintendent

cc: Mayor and Council
Park & Open Space Advisory Board
Staff
File

Linn County Pioneer Association
PO Box 57
Brownsville, Oregon 97327
LCPA1887@gmail.com

March 28, 2022

Dear City of Brownsville:

The Linn County Pioneer Association is requesting permission to close the following roads during the 2022 Linn County Pioneer Picnic.

Friday, June 17: Park Street and Main Street for the Kiddies Parade for 12:55-1:30 pm

Saturday, June 18: Main Street, Kirk Ave, Spaulding Way, and Standard Ave. From 9:55am to 11:00am

Sunday, June 19: Park Street for the Dam Run from 6am to 10:30 am

Please let me know if you need anything else from us.

Thank you,

Holly Gosda
Secretary
Linn County Pioneer Association



SPECIAL PARK USE AGREEMENT

BETWEEN: City of Brownsville (City)
AND: Linn County Museum (LCM)
DATE: August 2022

RECITALS

- A. The LCM requests the use of Library Park for Hands on History event scheduled for Saturday, August 27th, 2022.
- B. The City would like to accommodate this request.

FOR AND IN CONSIDERATION OF THE MUTUAL OBLIGATION HEREIN, THE PARTIES AGREE:

- 1. **USE.** The LCM shall be allowed use of Library Park under the general rules governing the park and park use.
- 2. **TERM.** The term of this agreement shall be for Saturday, August 27th, 2022 from 8:00 a.m. to 6:00 p.m.
- 3. **RENTAL COSTS & LOGISTICS.** LCM shall be permitted to use the Park for no charge. LCM shall provide the City with an insurance certificate naming the City of Brownsville additionally insured.
- 4. **SUCCESSORS AND ASSIGNS.** The terms, provisions, covenants and conditions contained in this agreement shall apply to, bind and inure to the benefit of the heirs, personal representatives, administrators, legal representatives, successors and assigns of LCM.
- 5. **ENTIRE AGREEMENT.** This agreement embodies the entire agreement of the parties. There are no promises, terms, conditions or obligations other than those contained herein. This agreement shall supersede all prior communications, representations or agreements, either verbal or written, between the parties.
- 6. **INTENT.** The intent of this Agreement is to cooperatively work together to create a working relationship that will be mutually beneficial for all parties.

ORGANIZER

LINN COUNTY MUSEUM

By: Brian Carroll

Address: 3010 Ferry Street SW Albany, OR
Albany, OR 97322

CITY

CITY OF BROWNSVILLE

By: S. Scott McDowell

Address: 255 N. Main Street
P.O. Box 188
Brownsville, OR 97327

Dear Resident of Park Avenue,

The Linn County Historical Museum will be hosting our living history event, Hands on History, Saturday, August 27th, 2022, from 10 am to 4 pm. Tom Marquette who often participates in the Pioneer Picnic, will be picking up and unloading passengers in front of the museum on Park Avenue. We will also have other activities taking place on Park Avenue and along the sidewalk adjacent to Library Park. So, for this day, we would like to have Park Avenue free of parked cars along the curbs and no through traffic for everyone's safety. As in the past for other events, we respect you and your ability to maneuver around our event. We will allow you access as in the past, but will be closed to other traffic.

We will be going to the Brownsville City Council to ask for the closure of Park Avenue and need your signature in order to get approval. Would you please sign this form for us?

Thank you. If you have any questions, ask Wendy Molk, Hands on History Coordinator, at (541) 908-5104.

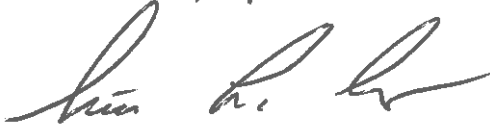
NOTIFICATION OF PROPERTY OWNERS

THE FOLLOWING PROPERTY OWNERS ON PARK AVE. IN BROWNSVILLE HAVE BEEN NOTIFIED OF THE CLOSURE OF PARK AVE. IN BROWNSVILLE FOR HANDS ON HISTORY

Floyd and Irene Corbett



Steve LaCoste, Napa Auto Parts



Dave Ulberg Leisa Keyser



Sherri Lemhouse



Linn County Historical Museum



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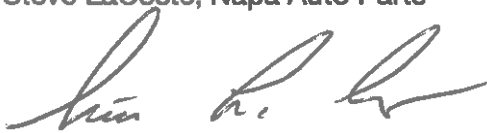
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Floyd and Irene Corbett



Steve LaCoste, Napa Auto Parts



Dave Ulberg Leisa Keyser



Sherri Lemhouse

Linn County Historical Museum





City of Brownsville APPLICATION FOR COMMISSION/COMMITTEE/BOARD MEMBER

Name: <u>Pamela D Solberg</u>		Date: <u>3-1-22</u>	
Present Address: <u>709 Amelia St.</u>			
City/State/Zip: <u>Brownsville, OR 97327</u>			
Phones:	Work:	Home: <u>541-405-5981</u>	Cell:
Email: <u>hairexpress@hotmail.com</u>			
Years Lived In Brownsville: <u>44</u>			
Occupation: <u>Hairdresser</u>			
Education:			
Address for Past 5 Years: <u>Same</u>			
City/State/Zip:			
Registered Voter: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Resident of Brownsville: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Commission/Committee/Board Applying For (excluding City Council and Mayor position):			
<input type="checkbox"/> Budget Committee		<input checked="" type="checkbox"/> Parks & Open Space Advisory	
<input type="checkbox"/> Library Board		<input type="checkbox"/> Other (Specify) _____	
<input type="checkbox"/> Planning Commission			
Why you want to apply: <u>Because Brownsville has given me many years of enjoyment and a wonderful life maybe I could give back</u>			
What experience/expertise/interest do you have for this group? <u>had a buisness in Brownsville for 44 yrs Walk everyday all over Brownsville see what people enjoy in our parks- ideas what might improve our great little town</u>			

When you apply, it is understood that you will be volunteering to attend all meetings and to actively participate. Commissions/Committees/Boards generally meet once monthly during the evening hours. Some groups may meet more often, if necessary. **THIS FORM IS NOT AN APPLICATION FOR A CITY COUNCIL OR MAYOR POSITION.**

A resume may be attached to this application but is not required.

For City Use Only

Dated Received: _____
Mayor's Decision: _____



**LOCAL GOVERNMENT PUBLIC WORKS
COOPERATIVE ASSISTANCE AGREEMENT**

THIS AGREEMENT is between the local government agencies that have executed the Agreement, as indicated by the signatures at the end of this document.

WITNESSETH:

WHEREAS, parties to this agreement are responsible for the construction and maintenance of public facilities such as street, road, highway, sewer, water, and related systems during routine and emergency conditions; and

WHEREAS, each of the parties owns and maintains equipment, and employs personnel who are trained to provide service in the construction and maintenance of street, road, highway, sewer, water, and related systems and other support; and

WHEREAS, in the event that the parties who have executed this Agreement may need assistance to provide supplemental personnel, - or other support; and

WHEREAS, the parties have the necessary personnel to provide assistance ; and

WHEREAS, it is necessary and desirable that this Agreement be executed for the exchange of mutual assistance, with the intent to supplement not supplant agency personnel;

WHEREAS, Oregon Revised Statutes (ORS) Chapter 190 provides for intergovernmental agreements and the apportionment among the parties of the responsibility for providing funds to pay for expenses incurred in the performance of the agreed upon functions or activities;

NOW THEREFORE, the parties agree as follows:

1. Request

If confronted with a situation requiring personnel, the requesting party (Requestor) may request assistance from any of the other parties who have executed this Agreement.

2. Response

Upon receipt of such request, the party receiving the request (Responder) shall immediately take the following action:

- A. Determine whether it has the personnel is available to respond to the request.



- B. Determine what available personnel should be dispatched.
- C. Dispatch available and appropriate personnel to the location designated by the Requestor.
- D. Advise the Requestor immediately in the event all or some of the requested personnel is not available.

NOTE: It is understood that the integrity of dedicated funds needs to be protected. Therefore, agencies funded with road funds are limited to providing services for road activities, sewer funds are limited to providing services for sewer activities and so on.

3. Incident Commander

The Incident Commander of the emergency shall be designated by the Requestor, and shall be in overall command of the operations under whom the personnel and equipment of the Responder shall serve. The personnel and equipment of the Responder shall be under the immediate control of a supervisor of the Responder. If the Incident Commander specifically requests a supervisor of the Responder to assume command, the Incident Commander shall not, by relinquishing command, relieve the Requestor of responsibility for the incident.

4. Documentation

Documentation of hours worked, and equipment or materials used or provided will be maintained on a shift by shift basis by the Responder, and provided to the Requestor as needed.

5. Release of Personnel

All personnel provided under this Agreement shall be returned to the Responder upon release by the Requestor, or on demand by the Responder.

6. Compensation

It is hereby understood that the Responder will be reimbursed at the current rate of pay per hour per personnel.

- A. Without prejudice to a Responder's right to indemnification under Section 7.A. herein, compensation for damages to equipment occurring during the incident shall be paid by the Requestor, subject to the following limitations:
 - 1) Maximum liability shall not **exceed** the cost of repair or cost of replacement, whichever is less.



- 2) No compensation will be paid for equipment damage or loss attributable to natural disasters or acts of God not related to the emergency incident.
- 3) To the extent of any payment under this section, Requestor will have the right of subrogation for all claims against parties other than parties to this agreement who may be responsible in whole or in part for damage to the equipment.
- 4) Requestor shall not be liable for damage caused by the neglect of the Responder's operators.

Within 30 days after presentation of bills by Responder entitled to compensation under this section, Requestor will either pay or make mutually acceptable arrangements for payment.

7. Indemnification

This provision applies to all parties only when a Requestor requests and a Responder provides personnel, under the terms of this Agreement. A Responder's act of withdrawing personnel, provided is not considered a party's activity under this Agreement for purposes of this provision.

To the extent permitted by Article XI of the Oregon Constitution and by the Oregon Tort Claims Act, each party shall indemnify, within the limits of the Tort Claims Act, the other parties against liability for damage to life or property arising from the indemnifying party's own activities under this Agreement, provided that a party will not be required to indemnify another party for any such liability arising out of the wrongful acts of employees or agents of that other party.

8. Workers Compensation Withholdings and Employer Liability

Each party shall remain fully responsible as employer for all taxes, assessments, fees, premiums, wages, withholdings, workers compensation and other direct and indirect compensation, benefits, and related obligations with respect to its own employees. Likewise, each party shall insure, self-insure, or both, its own employees as required by Oregon Revised Statutes.

9. The Agreement

- A. It is understood that all parties may not execute this Agreement at the same time. It is the intention of the parties that any governmental entity in the State of Oregon may enter into this Agreement and that all parties who execute this Agreement will be considered to be equal parties to the Agreement. The individual parties to this Agreement may be "Requestor" or "Responder's" as referred to in Section 1. and 2. above, to all others who have entered this



Agreement.

B. This Agreement shall be effective upon approval by two or more parties and shall remain in effect as to a specific party for five years after the date that party executes this Agreement unless sooner terminated as provided in this paragraph. Any party may terminate its participation in this Agreement prior to expiration as follows:

- 1) Written notice of intent to terminate this Agreement must be given to all other parties on the master list of parties at least thirty (30) days prior to termination date. This notice shall automatically terminate the Agreement as to the terminating party on the date set out in the notice unless rescinded by that party in writing prior to that date.
- 2) Termination will not affect a party's obligations for payment arising prior to the termination of this Agreement.

10. Non-exclusive

This Agreement is not intended to be exclusive among the parties. Any party may enter into separate cooperative assistance or mutual aid agreements with any other entity. No such separate Agreement shall terminate any responsibility under this Agreement.

Works Cooperative Assistance to be executed by duly authorized representatives as of the date of their signatures.

Agency

County, Oregon

Authorized Representative



Date

Agency

County, Oregon

Authorized Representative

Date

Designated Primary Contact:		
<u>Office:</u>	<u>Contact:</u>	<u>Phone Number:</u>
_____	_____	_____
Emergency 24 Hour Phone Number:		Fax Number:
_____		_____
E-mail address (if available):		

RECEIVED
City of Brownsville
APR 01 2022
Clerk _____

City of Brownsville, Attn: City Administrator
BROWNSVILLE
PO Box 188
Brownsville, OR 97327

RENEWAL NOTIFICATION PROCESS

It's time again for liquor license renewals in your area. Liquor licenses are due to expire **6/30/2022**. Attached is the list of licensees who are required to submit their renewal application to local government for comment. According to our records you charge:

\$0.00 Renewal Fee for ON-PREMISES \$0.00 Renewal Fee for OFF-PREMISES

We told applicants to mail your local government fees to the address on this letter.
PLEASE NOTIFY US IMMEDIATELY IF THE FEE(S) OR ADDRESS ARE INCORRECT

HOW TO MAKE A RECOMMENDATION

You have until 6/5/2022 to make your recommendation. Below are your options for renewals:

RECOMMEND APPROVAL

1. **DO NOTHING.** If you do not submit a recommendation by **6/5/2022**, the OLCC will process the renewal application as a favorable recommendation.

RECOMMEND DENIAL (see additional information on page 2)

1. File an unfavorable recommendation, stating the grounds for the unfavorable (must meet the denial criteria on back of form); **OR**
2. Make a written request for additional time to complete an investigation. The request must state: **1) you are considering making an unfavorable recommendation; 2) the specific grounds being considered. The grounds must be one referenced in Oregon Administrative Rule 845-005-0308(3).** If your request is granted you will be given a 45-day extension to file your unfavorable recommendation. Unfavorable means recommending denial of a license or requesting restrictions be placed on a license.

If you need assistance or would like to discuss a specific application, please contact your local OLCC office for help. Please send renewal recommendation correspondence to OLCC.Renewals@oregon.gov or OLCC License Renewals, P.O. Box 22297, Portland, OR 97269-2297. If you have questions, contact our license renewal section at 503.872.5138 or toll free at 1.800.452.6522 ext 25138.

REASONS WE MAY DENY OR RESTRICT A LICENSE
ORS 471.313(4)(5), OAR 845-005-0320, 845-005-0321, 845-005-0322
845-005-0325, 845-005-0326(4)(5) or 845-005-0355

The following is a list of problems relating to the **APPLICANT** or **BUSINESS** that OLCC can consider to refuse or restrict a license:

1. Applicant has a habit of using alcohol or drugs to excess
2. Applicant makes a false statement to OLCC (must be related to a refusal basis)
3. Applicant has been convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license
4. Applicant has demonstrated poor moral character
5. Applicant has a poor record of compliance when previously licensed by OLCC
6. Applicant is not the legitimate owner of the business
7. The business has a history of serious and persistent problems at this location. The problems can include:

obtrusive or excessive noise, music or sound vibrations
public drunkenness
fights or altercations
harassment
unlawful drug sales
alcohol or related litter

OLCC is not able to consider the following issues when deciding to renew a liquor license:

lack of parking
increase in traffic
too many licenses in a specific area (saturation)
entertainment type - nude dancing, gambling, live bands, etc.
increased noise
zoning issues

Visit www.oregon.gov/olcc/ to see the full text of ORS and OAR referenced above. In order for an unfavorable recommendation from a local government to be valid, the grounds must be found in the license refusal bases of ORS 471.313(4), 471.313(5), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325 or 845-005-0326(4)(5) or the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

District 3 Renewals

BROWNSVILLE

Page 1

<u>License No./ Premises No.</u>	<u>Tradenname/Licensee/License Type</u>	<u>Premises Address & Phone</u>	<u>Premises Mailing Address</u>
Lic. 334957 Prem. 46040	ARMANDOS FAMILY RESTAURANT ARMANDOS 2 LLC F-COM - FULL ON-PREMISES SALES	122 SPAULDING AVE BROWNSVILLE, OR 97327 541-466-3636	3095 W 11TH AVE EUGENE, OR 97402
Lic. 332923 Prem. 48307	BROWNSVILLE VIDEO DEBORAH A. LARSEN O - OFF-PREMISES SALES	130 SPAULDING AVE BROWNSVILLE, OR 97327 541-466-9100	PO BOX 340 BROWNSVILLE, OR 97327
Lic. 332250 Prem. 4952	DARI MART STORE #24 DARI-MART STORES INC O - OFF-PREMISES SALES	220 S MAIN ST BROWNSVILLE, OR 97327 541-466-5335	125 E 6TH AVE JUNCTION CITY, OR 97448
Lic. 331702 Prem. 58701	DOLLAR GENERAL STORE #18547 DG RETAIL LLC O - OFF-PREMISES SALES	178 S MAIN ST BROWNSVILLE, OR 97327 541-466-0905	100 MISSION RIDGE GOODLETTSVILLE, TN 37072
Lic. 333931 Prem. 55666	HARPERS WINE HOUSE MICHELLE D. SMITH HARPER L - LIMITED ON-PREMISES SALES	320 N MAIN BROWNSVILLE, OR 97327 541-974-3815	PO BOX 475 BROWNSVILLE, OR 97327
Lic. 332727 Prem. 40133	JERRY'S GAS & FOOD MART JERRY'S GAS & FOOD MART LLC O - OFF-PREMISES SALES	203 E BISHOP WAY BROWNSVILLE, OR 97327 541-369-2801	PO BOX 274 BROWNSVILLE, OR 97327
Lic. 334956 Prem. 49205	KIRK'S FERRY TRADING POST KIRK'S FERRY TRADING POST LLC F-COM - FULL ON-PREMISES SALES	217 W BISHOP WAY BROWNSVILLE, OR 97327 541-466-5614	PO BOX 805 BROWNSVILLE, OR 97327
Lic. 331796 Prem. 4951	THE BROWNSVILLE SALOON BROWNSVILLE TAVERN LLC F-COM - FULL ON-PREMISES SALES	419 & 425 N MAIN ST BROWNSVILLE, OR 97327 541-466-5251	155 N MAIN ST BROWNSVILLE, OR 97327

Count for **BROWNSVILLE**

8

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement made and entered into in duplicate original as of the later of the dates entered below, by and between the CITY OF BROWNSVILLE, a Municipal Corporation, organized and existing under the laws of the State of Oregon, hereinafter called "City" and LINN COUNTY, a political subdivision of the State of Oregon, hereinafter called "County" regarding the JUSTICE OF THE PEACE COURT DISTRICT 4A FOR LINN COUNTY hereinafter called "Justice Court."

RECITALS

The State of Oregon has declared it to be a matter of statewide concern to promote intergovernmental cooperation for the purposes of furthering the economy and efficiency in local government, and

Oregon Statutes grant general authority for intergovernmental agreements by units of local government pursuant to the provisions of ORS 190.010 et seq., and

Any city may enter into an agreement pursuant to ORS 51.035, ORS 51.037, and 190.010 with a county in which a justice of the peace district is located for the provision of judicial services. A justice of the peace providing services to the city pursuant to such an agreement shall have all judicial jurisdiction, authority, powers, functions and duties of the municipal court of the city, the judge thereof with respect to all or any violations of the Charter or Ordinances of the city, and

The City of Brownsville is wholly within the boundaries of Linn County and wholly within the boundaries of the Justice of the Peace District No. 4A, for Linn County, and

City and County have deemed it to be to their mutual advantage and to the best interest of their respective constituencies to enter into this Intergovernmental Agreement for the purpose of providing that the Justice Court shall have all the judicial jurisdiction, authority, powers, functions and duties of the municipal court of the City and the Judge thereof with respect to all or any violations of the Charter or Ordinances of the City.

NOW, THEREFORE, in consideration of the recitals above and the mutual covenants, terms and provisions set forth below, the parties agree as follows:

- 1.0. Beginning July 1, 2022 the Justice Court and the Justice of the Peace District 4A for Linn County shall provide judicial services to City, and shall have and exercise the judicial jurisdiction, authority, powers, functions, and duties of the municipal court of the City and the Judge thereof with respect to all or any violation of Ordinances of the City.

While this Agreement is in effect, the Justice Court and the Justice of the Peace District No. 4A for Linn County shall have authority to enforce all municipal court judgments and orders entered by the municipal court before the effective date of this Agreement.

- 2.0. Except as otherwise provided in this Agreement, the County shall provide all necessary court personnel, equipment and supplies and pay all expenses incurred in connection with Justice Court operations, including prosecutions under provisions of the City Charter and Ordinances, except the following expenses of City Charter or Ordinances prosecutions which shall be paid by the City: the services of a prosecuting attorney, witness fees and expenses, interpreter fees and expenses, all costs, fees and expenses of trials, and the services of the court appointed counsel to qualified indigent defendants. Both parties to this Agreement understand that responsibility for prosecuting all City Charter and Ordinance violations shall be with the City of Brownsville. City may commence an action at any Justice Court facility.
- 3.0. After paying any assessments and other amounts as required by law, the City shall receive $\frac{1}{2}$ of all fines and forfeited bail on judgments entered in the Justice Court arising from a City Charter or Ordinance offense; the County shall receive the other $\frac{1}{2}$ of fines and forfeited bail on such judgments. The Justice Court shall provide a monthly accounting to the City for all sums collected on judgments for City Charter or Ordinance offenses.
- 4.0. If the City enters into a contract with Linn County Sheriff's Office for police services while this agreement is in force, all prosecution in the Justice Court initiated by or filed by the Linn County Sheriff's Deputies for traffic offenses that occur within the City shall be deemed as prosecutions initiated by a City police officer for the purposes of ORS 153.645.
- 5.0. This Agreement shall continue in effect so long as there is a Justice of the Peace Court District 4A for Linn County, or until terminated by either party as provided in Section 6.0.
- 6.0. Each party to this Agreement reserves the right to terminate this Agreement at the end of any fiscal year by giving the other party written notice by April 1st of the year in which the Agreement is to terminate. Each party covenants to exercise this right only upon good cause. The reason for this covenant is that the City and County, respectively, are local governmental units bound by local budget laws; each is required, at a minimum, to plan services in advance on a fiscal year basis.
- 7.0. Each party agrees to indemnify and hold harmless the other from any liability arising from the acts or omissions of the elected officials, officers, employees, or agents of the party.

- 8.0. This Agreement shall be liberally construed to affect the purposes expressed herein.
- 9.0. No amendment of this agreement shall be effective unless made in writing and signed by both parties.
- 10.0 This Agreement is effective when both parties have executed it. Upon effective Execution, this agreement supersedes and replaces all previous agreements pertaining to Justice of the Peace Services entered into between the City and the County, including but not limited to Intergovernmental Agreement 2012-025 (Justice Court clerk services) and 2019-030 (Justice of the Pease acting as municipal judge).

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate on the date set forth below.

CITY OF BROWNSVILLE
A Municipal Corporation (Brownsville)

BOARD OF COUNTY COMMISSIONERS
FOR LINN COUNTY

By:

Don Ware, Mayor

Roger Nyquist, Chairman

S.Scott McDowell, City Administrator

William C. Tucker, Commissioner

Date

Sherrie Sprenger, Commissioner

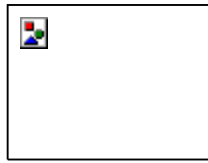
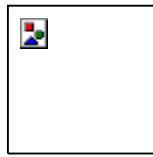
Date

Approved as to Content:

Darrin L. Lane, County Administrator

Approved as to Content:

Eugene J. Karandy II, County Attorney



BROWNSVILLE CANAL COMPANY, INC.

OPERATIONS AGREEMENT

BETWEEN: The City of Brownsville, an Oregon
Municipal Corporation (CITY)

AND: Brownsville Canal Company, Inc. (COMPANY)

RECITALS

- A. The City has personnel and resources that under the general direction of Council and Brownsville Canal Company, Inc. can assist with meeting the general operational needs of the Company.
- B. The Company desires to agree upon the terms and conditions set forth herein.

AGREEMENT

1. **Canal Operation.** The City will continue to operate pumps and appurtenances required for water delivery to Company, continue the necessary electrical service, and assist with marketing and financial resources as defined in this agreement. Company hereby agrees to the terms and conditions provided in this agreement.
2. **Term.** The term of this agreement shall be for a period of three years, commencing on January 1st, 2023 and ending on December 31st, 2025. This agreement may be extended for an additional two (2) years under the same terms and conditions, declaring an extension, and executing a letter signed by both parties at least thirty (30) days prior to the end of term.
3. **Purpose.** The City and Company shall cooperatively work together to operate the pumps & appurtenances, make necessary repairs, and provide financial resources as needed to properly operate and maintain the associated aspects for the Company and the City herein; in accordance with the adopted bylaws of the Company.
4. **Consideration.** The City and Company shall generate an annual fee structure for benefitting properties that will generate enough revenue to fund annual insurances requirements, to provide for necessary repairs, and to set aside funds for future repairs.
5. **Maintenance of Company.** The City shall act as an agent of the Company to maintain the pumps and appurtenances located on property along Northern Drive; vicinity map attached as Exhibit A. The City shall not maintain or repair any breaches, blowouts, plugs or other maintenance issues with the Company ditch, banks or property. It shall be the sole responsibility of the Company to



address and handle those repairs in accordance with their bylaws and any adopted policies or rules pertaining to such activities.

6. **Access.** The Company shall provide City with the ability to obtain access to the Company property as needed for the daily maintenance required in accordance with easements and other related documents.
7. **Improvements and Extraordinary Repairs.** Company shall be responsible for any major structural changes, additions or improvement to or upon the Company. In accordance with Resolution 611, the City shall not be responsible for any regulatory requirements for the pumps and appurtenances related to the Company or operation of this agreement. The Company shall adopt standards for culverts, other types of crossings, bank erosion management, and other maintenance needs as may be necessary.
8. **Assignment and Transfer.** This Agreement shall not be assigned or transferred without written consent of both parties.
9. **Liability Insurance.** Company shall maintain in force for the duration of this contract an insurance policy providing comprehensive protection for all accidents or injuries which may occur, written as a primary policy, not contributing with or in excess of any coverage which City may carry. Such policy shall have coverages set by agreement of both parties. The policy shall also contain an endorsement naming City as additionally insured and expressly providing that the interest of City shall not be affected by Company's breach of policy provisions.

A copy of each policy or a certificate satisfactory to City shall be delivered to City prior to commencement of this agreement. Such policy shall be written on an "occurrence" form with an admitted insurance carrier licensed to do business in the State of Oregon and shall contain an endorsement entitling City to not less than thirty (30) days prior written notice of any material change, non-renewal or cancellation. Failure to maintain any insurance coverage required by this agreement shall be cause for immediate termination of this agreement by City.
10. **Inspection of Records.** Company shall provide City with an annual report of operations and activities. The City Administrator has the ability to review the records at any time and may provide Council with pertinent operational information.
11. **Compliance with Laws.** Company agrees to conform with all applicable laws and practices required for operation of such a Company, its use, and to correct, at Company's expense, any failure of compliance issues created through Company's fault or by reason of Company's use.
12. **Utilities.** The City and Company shall pay the electricity for the operations of the pumps.
13. **Reimbursement.** Any financial arrangements and/or reimbursements shall be



- made as needed for the purpose of executing the responsibilities contained in this agreement and within the confines of the Company's bylaws.
14. **Independent Contractor.** The Company may contract with a myriad of third-party contractors to complete work as needed. Company is not to be deemed an employee or agent of City and has no authority to make any binding commitments or obligations on behalf of City except to the extent expressly provided herein.
 15. **Termination by City.** City may terminate this Agreement at any time during its term by giving reasons deemed sufficient by City and complying with the following procedure:
 - 15.1 City shall give Company notice that termination is being considered;
 - 15.2 City shall confer with Company;
 - 15.3 If City determines that termination is appropriate, it shall state the reasons therefore and give Company thirty (30) days written notice.
 - 15.4 Termination of this Agreement shall also terminate any contract for services provided by Company or other arrangements as provided herein. In the event of termination of this Agreement by City because of a breach by Company, City may complete the work either by itself or by contract with other persons. Company shall be liable to City for any costs or losses incurred by City arising out of or related to the breach.
 16. **Termination by Company.** Company may terminate this agreement at any time during its term without giving reasons for the termination by complying with the following procedure:
 - 16.1 Company shall give City notice that termination is being considered;
 - 16.2 Company shall confer with City;
 - 16.3 If Company determines the termination is appropriate, it shall give City thirty (30) days written notice of its termination.
 - 16.4 Termination of this Agreement shall also terminate any contract for services provided by Company. Company's remedies upon such termination shall be limited to payment for work performed to the date of the termination.
 17. **Waiver.** Any waiver of any condition of this agreement shall be in writing signed by both parties to the Agreement. Waiver by City of a strict performance of any provision of this Agreement shall not be a waiver of or prejudice to City's rights



to require strict performance of the same provision or of any other provision in the future.

- 18. **Notices.** Any notices required or permitted under this Agreement shall be deemed given when actually delivered or three (3) business days following deposit in the United States mail as certified mail, return receipt requested, whichever shall first occur, addressed as follows:

CITY: City of Brownsville
 PO Box 188, Brownsville, OR 97327
 ATTN: City Administrator

COMPANY: Brownsville Canal Company, Inc.
 36255 Northern Drive, Brownsville, OR 97327
 ATTN: President

- 22. **Attorney Fees.** In the event action is brought to enforce any term of this agreement, the prevailing party shall recover from the losing party reasonable attorney fees set by the trial and appellate courts.

- 23. **Amendment and Renewal.** The parties, having negotiated regarding the expiration of the existing agreement within one year and related matters, agree to the amendment of the terms of that agreement according to the terms and conditions set forth herein. The parties further agree that this amendment shall be effective immediately and that the amended agreement shall have, subject to the terms and conditions set forth herein, a term of which shall be in conjunction with the original effective date of this agreement.

CITY: CITY OF BROWNSVILLE

COMPANY: BROWNSVILLE CANAL COMPANY, INC.

By:

By:

Title: Don Ware
Mayor

Title: John Holbrook
President

Date:

Date:

By:

Title: S. Scott McDowell
City Administrator

Date:



Rural Opportunities Initiative (ROI) Grant

Date	Invoice/ Check #	Vendor	Amount	Paid By	Notes:
11.15.2021	7447	JayRay	\$1,600.00	City of Halsey	CWEDD
12.14.2021	7468	JayRay	\$2,668.75	City of Halsey	CWEDD
01.05.2022	7500	JayRay	\$2,095.00	City of Halsey	CWEDD
02.15.2022	7537	JayRay	\$6,575.00	City of Halsey	CWEDD
		Subtotal	\$12,938.75	City of Halsey	
<hr/>					
02.16.2022	# 126238105		\$60,000.00	ROI (Payment #1)	
02.16.2022	1146	RAIN	\$50,000.00	City of Brownsville	Pass through payment.
03.17.2022	7571	JayRay	\$2,000.00	City of Brownsville	
04.13.2022	7584	JayRay	\$600.00	City of Brownsville	
03.30.2022	S-22-1	City of Halsey	\$2,938.75	City of Brownsville	Reimbursement.

Table 13-11. Minimum requirements for cities.

In addition to requirements in section 13.3.2.2., these requirements apply to cities with MS4 permits (outside of the MS4 permit coverage area) and to cities without a MS4 permit

Stormwater Measure	Requirements
<p>1. Pollution Prevention and Good Housekeeping for Municipal Operations</p>	<p>DMAs must properly operate and maintain its facilities, using prudent pollution prevention and good housekeeping to reduce the discharge of mercury-related pollutants, such as sediment, through the stormwater conveyance system to waters of the state.</p> <p>DMAs must ensure that DMA-owned or operated facilities with industrial activity identified in DEQ's 1200-Z Industrial Stormwater General Permit have coverage under this permit. The DMA must also conduct its municipal operation and maintenance activities in a manner that reduces the discharge of pollutants to protect water quality.</p> <p>DMAs must maintain records for activities to meet the requirements of the Pollution Prevention and Good Housekeeping for Municipal Operations program requirements and include a descriptive summary of their activities in the TMDL Annual Report.</p>
<p>2. Public Education and Outreach</p>	<p>DMAs must conduct an ongoing education and outreach program to inform the public about the impacts of stormwater discharges on waterbodies and the steps that they can take to reduce mercury-related pollutants in stormwater runoff. The education and outreach program must address stormwater issues of significance within the DMA's community.</p> <p>DMAs must track implementation of the public education and outreach requirements. In each corresponding TMDL Annual Report, the DMA must assess their progress toward implementation of the program, including a qualitative evaluation of at least one education and outreach activity corresponding to the reporting timeframe for the associated TMDL Annual Report. The evaluation should be used to inform future stormwater education and outreach efforts to most effectively convey the educational material to the target audiences.</p>
<p>3. Public Involvement and Participation</p>	<p>DMAs must implement a public involvement and participation program that provides opportunities for the public to effectively participate in the development of stormwater control measures. The DMA must comply with their public notice requirements when implementing a public involvement participation process, including maintaining and promoting at least one publicly accessible website with information on the city's stormwater control implementation, contact information and educational materials.</p>
<p>4. Illicit Discharge Detection and Elimination</p>	<p>DMAs must implement and enforce a program to detect and eliminate illicit discharges into the stormwater conveyance system. An illicit discharge is any discharge to a stormwater conveyance system that is not composed entirely of stormwater. The DMA must develop and maintain a current map of their stormwater conveyance system. The stormwater conveyance system map and digital inventory must include the location of outfalls and an outfall inventory, conveyance system and stormwater control locations. The DMA must make maps and inventories available to DEQ upon request. When in digital format, the DMA must fully describe mapping standards in the TMDL implementation plan or other city planning document.</p> <p>The IDDE program must prohibit non-stormwater discharges into the stormwater conveyance system through enforcement of an ordinance or other legal mechanism, including appropriate enforcement procedures and actions to ensure compliance. The ordinance or other regulatory mechanism</p>

Stormwater Measure	Requirements
	<p>must also define the range of illicit discharges it covers, including those discharges that are conditionally allowed, such as groundwater and lawn watering discharges. The IDDE program must also maintain a procedure or system to document all complaints or reports of illicit discharges into and from the stormwater conveyance system.</p> <p>The DMA must track implementation of the IDDE program requirements. In each TMDL Annual Report, the DMA must assess their progress towards implementation of the program.</p>
<p>5. Construction Site Runoff Control</p>	<p>DMA's must refer project sites to DEQ, or the appropriate DEQ agent, to obtain NPDES 1200-C Construction Stormwater Permit coverage for construction projects that disturb one or more acres (or that disturb less than one acre, if it is part of a "common plan of development or sale" disturbing one or more acres).</p> <p>In addition, DMA's must require construction site operators to complete and implement an Erosion and Sediment Control Plan for construction project sites in its jurisdictional area that result in a minimum land disturbance of 21,780 square feet (one half of an acre) or more, and are not already covered by a 1200-C permit.</p> <p>Through ordinance or other regulatory mechanism, to the extent allowable under state law, the DMA must require erosion controls, sediment controls, and waste materials management controls to be used and maintained at all qualifying construction projects (as described above) from initial clearing through final stabilization to reduce pollutants in stormwater discharges to the stormwater conveyance system from construction sites.</p> <p>The DMA must develop, implement and maintain a written escalating enforcement and response procedure for all qualifying construction sites. The procedure must address repeat violations through progressively stricter response, as needed, to achieve compliance.</p> <p>The DMA must track implementation of its construction site runoff program required activities. In each TMDL annual report, the DMA must assess their progress toward implementing its construction site runoff program's control measures.</p>
<p>6. Post-Construction Site Runoff for New Development and Redevelopment</p>	<p>DMA's must develop, implement, and enforce a program to reduce discharges of pollutants and control post-construction stormwater runoff from new development and redevelopment project sites in its jurisdictional area. Example of such programs and program elements are provided in Appendix D.</p> <p>Through ordinance or other regulatory mechanism, the DMA must require the following for project sites discharging stormwater to the storm water conveyance system that create or replace 10,890 square feet (one quarter of an acre) or more of new impervious surface area:</p> <ul style="list-style-type: none"> (A) The use of stormwater controls at all qualifying sites. (B) A site-specific stormwater management approach that targets natural surface or predevelopment hydrological function through the installation and long-term operation and maintenance of stormwater controls.

Stormwater Measure	Requirements
	<p>(C) Long-term operation and maintenance of stormwater controls at project sites that are under the ownership of a private entity.</p> <p>The DMA must target natural surface or predevelopment hydrologic function to retain rainfall on-site and minimize the offsite discharge of precipitation utilizing stormwater controls that infiltrate and evapotranspire stormwater. For projects that are unable to fully retain rainfall/runoff from impervious surfaces on-site, the remainder of the rainfall/runoff from impervious surfaces must be treated prior to discharge with structural stormwater controls. These stormwater structural controls should be designed to remove, at a minimum, 80 percent of the total suspended solids.</p> <p>The DMA must maintain records for activities to meet the requirements of the post-construction site runoff program requirements and include a descriptive summary of their activities in the TMDL Annual Report.</p>

Nonpoint source requirements for city and special districts with MS4 permits

Cities and certain special districts with MS4 Phase I or Phase II permits will meet point source TMDL requirements for reducing mercury by implementing these permits. See Section [13.3.2.2](#) for these specific requirements.

Cities and special districts that currently have MS4 Phase I or Phase II stormwater permits within the Willamette Basin are listed in [Table 9-5](#). Note that some special districts have the authority for implementing MS4 permit requirements for cities.

As DMAs for nonpoint sources of mercury, MS4 permit holders must also implement the six stormwater control measures, as described in [Table 13-11](#) in their jurisdictional areas outside of the urbanized area covered by their permit. If city jurisdictional boundaries include land uses under the authority of other DMAs, such as Oregon Department of Transportation, Oregon Department of Agriculture, or Oregon Department of Forestry, then those DMAs are responsible for stormwater discharge from these properties. Also, note that some cities have existing pollution control authorities, such as regulations and permits associated with the Underground Injection Program to protect discharges to groundwater. The stormwater control measures contained in this section do not replace these regulations. The DMA should contact DEQ if they have questions about the applicability of required stormwater control measures in areas where other related regulations exist.

While the six minimum stormwater measures in [Table 13-11](#) are less rigorous than MS4 permit requirements, MS4 permit holders may choose to implement requirements under their permit within and outside the urbanized area of their permit for implementation consistency. This approach would either meet or exceed the requirements in [Table 13-11](#). Similarly, some MS4 permit holders apply all or a portion of their stormwater control requirements outside their permit coverage area, so may already meet certain control measures. As another example, it is likely that all of the MS4 Phase II cities have urbanized areas that extend beyond their MS4 boundaries, so the MS4 permit would cover all stormwater requirements. In these cases, the DMA must include this important information in their TMDL implementation plan update and clearly articulate how the TMDL requirements are being met. The overall goal is to ensure that urban areas in MS4 jurisdictions are implementing, at a minimum, the six stormwater control measures identified in [Table 13-11](#).

S. Scott McDowell

From: Oregon Department of Revenue <oregondor@public.govdelivery.com>
Sent: Friday, April 1, 2022 8:30 AM
To: admin@ci.brownsville.or.us
Subject: CAT extension to file request form now available on Revenue website



Corporate Activity Tax Update

CAT extension to file request form now available on Revenue website

In response to feedback from tax practitioners the department has posted the [OR-CAT-EXT form](#) in the Forms and Publications Library on our website.

Short-year CAT return deadline approaching

For tax years 2021 and forward, returns for taxpayers that use a federal tax year other than a calendar year are due on or before the 15th day of the fourth month following the end of the tax year. Taxpayers who use a calendar year for federal income tax purposes will not be impacted by this change.

To address the gap between the end of the 2020 calendar year and the start of the taxpayer's fiscal year that began in 2021, taxpayers that use a federal tax year other than a calendar year must:

Prorate the annual registration, filing, and payment thresholds based on the number of days in the short-year return as described in the instructions (even though it does not specifically say to prorate on the forms).

Prorate the \$500,000 cap on compensation to a single employee when calculating labor costs included in the short-year return.

File a short period return, if the taxpayer reaches the prorated filing threshold.

If required, file the short-year return by April 15, 2022.

File a short year return on forms for the tax year in which the short year ends. Short year periods ending in 2021 should be filed on the 2021 tax forms. An extension is available.

Note: Corporate Activity Tax returns cannot be filed through Revenue Online. Information on how to file electronically is available [here](#).

Helpful hint: Line 7 on the 2021 OR-CAT return is a calculation field. Unless your percentage is zero, you must enter a percentage in this field for our system to allow a subtraction. For example, if 100 percent of your commercial activity is in Oregon, you should enter 100 percent on line 7.

An example of how to calculate the prorated thresholds for a short year return can be found in the [2021 Corporate Activity Tax Training presentation](#) used during the December 7 live Zoom training event. A series of [frequently asked questions and answers](#) about the CAT, including changes made in Senate Bill 164 (2021), is also available on the CAT page of the Department of Revenue website.

For general questions about the CAT, email cat.help.dor@oregon.gov or call 503-945-8005 between 8 a.m. and 4 p.m. Monday-Friday.

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S. Scott McDowell

From: CIS
Sent: Thursday, March 31, 2022 2:02 PM
To: Scott McDowell
Subject: Excess Cyber Liability - Notice of Non-Renewal

Dear Scott,

This is formal notice that City of Brownsville's Excess Cyber Liability coverage with CIS will terminate at 12:01 a.m. on July 1, 2022. Markel, the cyber excess reinsurance company, is no longer providing coverage as of July 1.

As a result, the CIS Excess Cyber coverage is changing going forward, prompting this notice of non-renewal of the current program.

For information about how the program is changing for 2022-2023, please refer to our webpage at cisoregon.org/cyber. Please know that we are trying to find replacement excess cyber liability coverage. If you have any questions, please contact Scott Moss at smoss@cisoregon.org or Tena Purdy at tpurdy@cisoregon.org.

We are committed to ensuring members have access to coverage and supporting members by providing resources to reduce cybersecurity threats.

Your partner,

CIS

Questions?

CIS Property/Casualty Trust
Director

CIS Underwriting

CIS, 1212 Court St NE, Salem, OR 97301, United States
503-763-3800 | 800-922-2684

This email was sent to: admin@ci.brownsville.or.us.

You received this because you or your employer requested that you be a contact for one or more lines of coverage with CIS. [Customize your email preferences here](#).

If you no longer wish to be a CIS contact or have access to the [CIS website](#), you may [unsubscribe from all lists](#) and we will notify your employer that we need a replacement contact.

S. Scott McDowell

From: Oregon DEQ News <ordeq@public.govdelivery.com>
Sent: Monday, March 28, 2022 10:13 AM
To: admin@ci.brownsville.or.us
Subject: DEQ issues eight penalties in February for environmental violations



State of Oregon
Department of Environmental Quality

NEWS RELEASE

DEQ issues eight penalties in February for environmental violations

Date: March 28, 2022

The Oregon Department of Environmental Quality issued eight penalties totaling \$51,751 in February for various environmental violations. A detailed list of violations and resulting penalties is at <https://ordeq.org/enforcement>.

Fines ranged from \$600 to \$15,000. Alleged violations included cities not meeting requirements of their wastewater permits, a metal casting company improperly handling hazardous waste and a company performing underground storage tank services without a license.

DEQ issued civil penalties to the following organizations:

- City of Lowell, \$2,363, Lowell, wastewater
- City of Seaside, \$12,900, Seaside, wastewater
- Forklift Services of Oregon Inc., \$8,343, Portland, stormwater
- Millbank Materials USA Ltd., \$600, Portland, air quality
- Morgan Truck Body LLC, \$7,845, Portland, stormwater
- PCC Structurals Inc., dba PCC Schlosser \$15,000, Redmond, hazardous waste
- Peninsula Truck Lines Inc., \$2,000, Portland, stormwater

- Petco Inc., \$2,700, Milton-Freewater, underground storage tanks

Organizations or individuals must either pay the fines or file an appeal within 20 days of receiving notice of the penalty. They may be able to offset a portion of a penalty by funding a supplemental environmental project that improves Oregon's environment. Learn more about these projects at <https://ordeq.org/sep>.

Penalties may also include orders requiring specific tasks to prevent ongoing violations or additional environmental harm.

DEQ works with thousands of organizations and individuals to help them comply with laws that protect Oregon's air, land and water. DEQ uses education, technical assistance, warnings and penalties to change behavior and deter future violations.

Media contact: Dylan Darling, public affairs specialist, 541-600-6119, dylan.darling@deq.oregon.gov

Note: DEQ is committed to balancing its vital obligation to enforce the law and protect the environment with a consideration of the dramatic disruptions to public health and the economy caused by the COVID-19 pandemic. DEQ will continue to exercise reasonable enforcement discretion within its authority when issuing civil penalties. In addition, DEQ recognizes the pandemic may affect the ability to comply with corrective actions or pay a civil penalty. Visit our webpage <https://ordeq.org/COVID19> for more information about DEQ's response to COVID-19.

[Read news release online here.](#)

###

S. Scott McDowell

From: WINGARD Patrick * DLCD
Sent: Wednesday, April 6, 2022 5:49 PM
To: WINGARD Patrick * DLCD
Subject: Survey of local government practices for identifying and protecting cultural resources forthcoming
Attachments: SHPO Bulletin 1_private land.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon, friends and colleagues,


Below, you will find a message from Amanda Punton, DLCD’s Natural Resource Specialist, regarding pending rulemaking on Goal 5 cultural resources. Attached, you will find a 2019 bulletin from the State Historic Preservation Office (SHPO) pertaining to archeologic sites on private lands.

Next week, department staff will contact you asking you to complete a survey regarding your experiences identifying and protecting cultural resources and archeological sites. Thank you in advance for taking the time to review and complete the survey.

If you have any immediate questions or concerns on this prospective rulemaking initiative, please contact me or Amanda anytime.

Thank you and all the best,

Patrick

 **Patrick Wingard**
 Regional Representative for the Southern Willamette Valley
 and Union, Baker, and Wallowa counties
 South Valley/Mid-Coast & NE Oregon Regional Solutions

From: PUNTON Amanda * DLCD <Amanda.PUNTON@dlcd.oregon.gov>
Sent: Monday, April 4, 2022 4:02 PM
To: LEBOMBARD Josh * DLCD

Subject: Survey of local government practices for protecting cultural resources will be sent next week

Greetings,

Later this year, the Land Conservation and Development Commission (LCDC) is expected to initiate rulemaking to consider adding a rule for cultural areas to Oregon Administrative Rule (OAR) Chapter 660 Division 23. While Division 23

includes a rule specific to each of the other twelve Goal 5 resource categories, there is no rule that describes a methodology for consideration and protection of cultural resources.

A cultural resource is generally understood to include physical evidence or place of past human activity of importance to a group of people traditionally associated with it. Oregon law already directs how archaeological sites must be treated, including when sites or objects are discovered inadvertently (inadvertent discovery). DLCD expects that a rule for cultural resources would align current laws and rules. Details of a new rule will not be known until LCDC initiates a rule development process. In the meantime, DLCD is gathering information to inform the effort. We would like your help.

One area of interest is local governments' current practices involving tribal relations and archaeological sites, particularly when there is risk of disturbance or inadvertent discovery during development activity. **Next week**, we will send you a survey asking about your experience with identification and protection of cultural resources and archaeological sites. We hope that you will respond to the survey.

As background, we have included a bulletin from the State Historic Preservation Office with information about existing state laws and permit requirements governing treatment of archaeological sites on Oregon. Please contact me with any questions you may have.

Sincerely,

Amanda Punton
Natural Resource Specialist

Attachment: Bulletin #1, *Archaeological Sites on Private Lands*; State Historic Preservation Office, Sept 2019



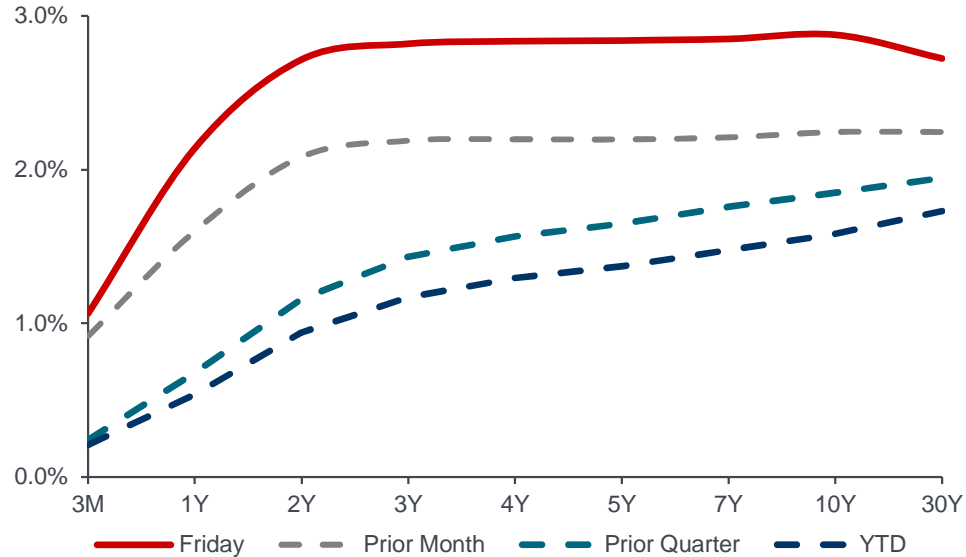
Amanda Punton
Natural Resource Specialist
Oregon Department of Land Conservation and Development
800 NE Oregon Street, Suite 1145 | Portland, OR 97232

Interest Rate Risk Management Weekly Update

Current Rate Environment

	Friday	Prior Week	Change	
1-Month LIBOR	0.59%	0.51%	0.08%	↑
3-Month LIBOR	1.06%	1.01%	0.05%	↑
SOFR	0.29%	0.30%	(0.01%)	↓
Fed Funds	0.50%	0.50%	0.00%	○
Fed Discount	2.75%	2.75%	0.00%	○
Prime	3.50%	3.50%	0.00%	○
US Treasury Yields				
2-year Treasury	2.46%	2.52%	(0.06%)	↓
5-year Treasury	2.79%	2.76%	0.03%	↑
10-year Treasury	2.83%	2.71%	0.12%	↑
Swaps vs. 3M LIBOR				
2-year	2.72%	2.77%	(0.05%)	↓
5-year	2.84%	2.82%	0.02%	↑
10-year	2.88%	2.76%	0.12%	↑

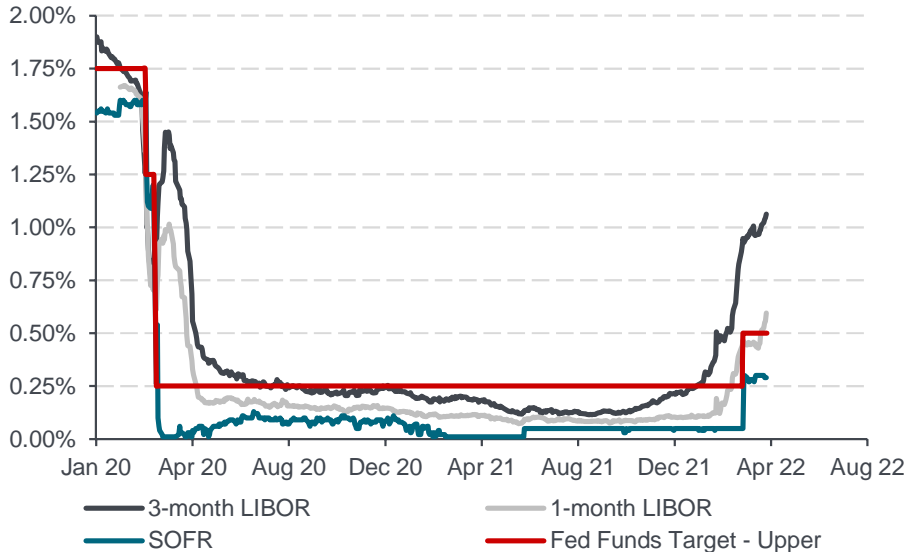
USD Swap Curve Activity¹:



1) Data sourced from Bloomberg. The curves were constructed using 3M USD LIBOR and USD mid-market swap rates, which are not executable levels

- The USD swap curve saw mixed activity by the end of last week. The short-end saw a reduction while the belly and long-end both saw increases. Overall, the curve steepened and reversed the inversion it has seen for most of March
- Market participants remain focused on Fed rhetoric and inflation, and although the U.S. economy is showing signs of cooling off, consumer demand remains high and the labor market remains tight, seemingly unaffected by inflation thus far. However, the war in Ukraine continues to provide immense uncertainty

LIBOR/SOFR Activity¹



- 1- and 3-month LIBORs continue to increase as May's FOMC meeting approaches, while SOFR remains around 0.30%
- Market participants are pricing in a 50-basis point hike at May's FOMC meeting, which is set to conclude on May 4th. Participants are pricing in a total of 9 hikes from the Fed over the next year, including the 2-in-1, 50-bp hike in May

1) Data sourced from Bloomberg

The Week Ahead

- This week's **economic data slate** will be a light one, with the headline reports being housing starts and existing home sales. Both reports are expected to show a slight pull back in the housing market
- The **war in Ukraine** will remain front and center for market participants as it escalates and the push for harsher sanctions continues

Date	Indicator	For	Forecast	Last
19-Apr	Housing Starts	Mar	1740k	1769k
20-Apr	Existing Home Sales	Mar	5.78m	6.02m
20-Apr	MBA Mortgage Applications	Apr 15	-	-1.3%
21-Apr	Initial Jobless Claims	Apr 16	180k	185k
21-Apr	Leading Index	Mar	0.3%	0.3%
21-Apr	Philadelphia Fed Business Outlook	Apr	20.5	27.4
22-Apr	S&P Global US Manufacturing PMI	Apr P	58.0	58.8
22-Apr	S&P Global US Services PMI	Apr P	58.0	58.0
22-Apr	S&P Global US Services PMI	Feb F	57.9	57.7



Cleveland, OH

David Bowen
216-689-3925

Mary Coe
216-689-4606

Ryan Donzelli
216-689-6861

Sam Donzelli
216-689-3635

Will Winterrowd
585-770-1642

Philadelphia, PA

Ian Hopkins
215-587-8136

Documentation

Ramona Berce
413-567-6758

Linda Maraldo
216-689-0516

Marybeth Simon
216-689-0897

Linn County Tobacco Fact Sheet, 2019

Tobacco's toll in one year¹⁻⁵



Among tobacco retailers assessed in Linn County⁶



Components of a comprehensive tobacco prevention program



Oregon's Tobacco Prevention and Education Program (TPEP) supports local public health authorities to serve all 36 counties and nine federally recognized tribes. TPEP works to:

- Engage communities in reducing the tobacco industry's influence in retail stores
- Increase the price of tobacco
- Promote smoke-free environments
- Provide support and resources to Oregon smokers who want to quit
- Engage diverse populations of people in Oregon



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> *LOC Bulletin* (<https://www.orcities.org/resources/communications/bulletin>) > **Measure 110 Committee Approves Funding System**

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LOC News

Measure 110 Committee Approves Funding System

The Measure 110 Oversight and Accountability Committee (OAC) met this week and approved a funding rubric for the distribution of funds to abate harms from drug abuse. The funding criteria will be based on community needs as established by the number of Medicaid recipients in a county combined with the number of arrests, houseless population, and overdose deaths. Funds will not be distributed to county governments directly, but to public or private organizations providing harm reduction and addiction treatment services in a county.

The OAC has approximately \$276 million to distribute to service providers, but funds remain unspent and unawarded. While awards were expected to be issued in January, the committee met an impasse at their February 9 meeting and only began meeting in public session on April 8. As it is not the practice of the OAC to publish meeting documents, minutes or agendas, it is difficult to determine the current status of funds distribution. However, at the previous meeting of the OAC a timeline was presented, indicating awards could begin in June but not be completed until October.

Measure 110, approved by Oregon voters in November of 2020, removed criminal charges for simple possession of hard drugs and replaced it with a \$100 sanction. The measure also mandated that funds be devoted to harm reduction services such as naloxone distribution and addiction treatment services. Additional reading on Measure 110 implementation may be found **here** (<https://apnews.com/article/health-business-europe-oregon-salem-158728e57e1d48bc957c5b907bcda5f5>) and **here** (<https://www.thelundreport.org/content/%E2%80%98people-are-dying%E2%80%99-while-state-bureaucracy-holds-treatment-dollars-say-measure-110>).

Contact: Scott Winkels, Lobbyist

Last Updated 4/15/22

View all LOC news >

S. Scott McDowell

From: DEQ Online Subscriptions <ordeq@public.govdelivery.com>
Sent: Tuesday, April 12, 2022 11:02 AM
To: admin@ci.brownsville.or.us
Subject: The Oregon Department of Environmental Quality is proposing amendments to its administrative rules at OAR 340 related to waste tire disposal

Summary

DEQ proposes the Environmental Quality Commission approve new rules to update waste tire rules, currently in Oregon Administrative Rules Chapter 340, Division 64, with changes from Senate Bill 792 (enrolled in the 2019 Regular Session) and make sure permitting and enforcement standards are consistent with current Oregon fire code and Oregon Department of Transportation practices. DEQ is looking to align and consolidate the permitting standards for waste tire storage sites and waste tire carriers with similar requirements in OAR 340, Divisions 93, 96 and 97.

Stakeholder Involvement

DEQ has appointed an advisory committee for this proposed rulemaking. The next committee meeting will take place:

- Meeting 1: April 29, 2022, 10 a.m. to 1 p.m.

[Agenda](#)

Join via Zoom — please [use this link](#) to register in advance for the meeting. After registering, you will receive a confirmation email containing information about joining the meeting.

- Meeting 2: May 31, 2022, 2 p.m. to 4 p.m.

Join via Zoom — please [use this link](#) to register in advance for the meeting. After registering, you will receive a confirmation email containing information about joining the meeting.

This meeting will be open to the public. Community members may attend committee meetings to observe, but not to actively participate. The committee may designate time on the agenda to hear community comments as time allows. Later in this rulemaking proceeding DEQ will invite public comments on and will hold a public hearing about the proposed rules. At that time any member of the public may submit comments and participate in the public hearing.

Additional Information

To learn more about this rulemaking and the advisory committee, view the rulemaking web page at: <https://www.oregon.gov/deq/rulemaking/Pages/WasteTire2022.aspx>.

If you want to receive future email notices about this rulemaking, you must sign up at: [GovDelivery](#).

You can also obtain more information about this rulemaking by contacting:

Brian Stafki
503-229-5492
brian.stafki@deq.oregon.gov

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700 NE Multnomah St., Suite #600, Portland, OR 97232 · 503-229-5696

ARCHAEOLOGY BULLETIN

RECOMMENDATIONS FROM THE OREGON STATE HISTORIC PRESERVATION OFFICE



1

ARCHAEOLOGICAL SITES ON PRIVATE LANDS

SEPT 2019

People have lived in Oregon for at least 16,000 years. Evidence of past human occupation exists, in part, within archaeological sites. Archaeological sites may consist of the remains of a 3,500 year-old village, trail ruts from the Oregon Trail or an early 1900s homestead. All archaeological sites contribute to the physical record of the history of Oregon from the earliest inhabitants to the recent past. The following information is for private landowners, to provide assistance with understanding state laws, what to do if you have an archaeological site on your property, your property rights, and how you can actively preserve and protect archaeological sites on your property.

Definition:

In Oregon, an archaeological site is any location with physical remains of past human activity that is at least 75 years old. Physical remains may include artifacts, such as stone tools (arrowheads, pestles, mortars), chipped stone flakes from a tool stone such as obsidian, peeled trees, rock art, shell heaps or middens, wagon ruts, old cans, bottles, bricks, metal debris, domestic debris and foundations from historic buildings, or shipwrecks. The relationship or context of artifacts within an archaeological site can provide significant information on prehistoric or historic activities. The Oregon State Historic Preservation Office (Oregon SHPO) maintains a record of documented and reported archaeological sites in Oregon.

Laws:

Oregon laws protect significant archaeological sites on non-federal public (e.g., state, county, city) and private lands. An archaeological site is significant if it is eligible for the National Register of Historic Places. Archaeological sites are considered significant until they can be fully evaluated. Under state law, damage to archaeological sites is a Class B Misdemeanor. Disturbance of Native American human remains or associated funerary objects is a Class C Felony with penalties up to a \$10,000 fine. Oregon Revised Statutes and Administrative Rules that deal with archaeological sites include: ORS 97.740-760, ORS 192.501(12), ORS 358.905-961, ORS 390.235, and OAR 736-051-0000 to 0090.

Oregon laws protect significant archaeological sites on non-federal public (e.g., state, county, city) and private lands.

Private Land Rights:

Archaeological sites on private land are owned by the landowner. However, only professional qualified archaeologists can collect or excavate a site on private lands with a state archaeological permit. In the event of an archaeological excavation the landowner has the right to retain the artifacts, or donate to a tribe or museum, except for Native American human remains, burials, associated funerary objects, sacred objects, and objects of cultural patrimony (ORS97.740). No one is allowed on private land without owner consent, regardless of the presence of an archaeological site. If an archaeological excavation is proposed on private property, landowners have the authority to request conditions or object to the permit before it is issued. The landowner is the steward. The state encourages landowners to avoid impacting archaeological sites by simply avoiding

ARCHAEOLOGICAL SITES ON PRIVATE LANDS

2

them. Some activities that may already be occurring on your land (i.e. plowing, grazing) can continue. Unless the site contains human remains, burials, sacred objects, objects of cultural patrimony, and associated funerary objects.

Project Planning:

Oregon SHPO recommends avoidance, if possible, for projects (e.g., construction [buildings, access routes, irrigation], dumping). If avoidance is not possible, archaeological work will need to be undertaken by a professional archaeologist. This may include, pedestrian survey (walking the ground to look) or systematic excavation (digging to collect information about the site). If the site is found and agreed by Oregon SHPO to be not significant no

Oregon SHPO recommends avoidance, if possible, for projects

further archaeological work is necessary. If the site is found to be significant, further discussion with Oregon SHPO will need to be had to avoid, minimize, or mitigate effects to the site. Having an archaeological site will not stop projects, it just may take additional steps to comply with archaeological laws.

Help identifying archaeological objects:

If you are not sure if something you have found is an archaeological object you can contact a professional archaeologist for assistance. They can be found at:

- Federal Agencies such as (Bureau of Land Management, Forest Service, Army Corps of Engineers , US Fish and Wildlife)
- State Agencies (SHPO, Oregon Parks and Recreation, Department of Transportation, Department of State Lands, Fish and Wildlife)
- Local Tribes
- Universities with Archaeology, Anthropology, or Classics departments
- U of O Museum of Natural and Cultural History
- Association of Oregon Archaeologists
- Local archaeological contractor or consultant

Learning if there are archaeological sites on your property:

Oregon state law protects the sharing of location information for archaeological sites [ORS 192.501(11)]. However, a person cannot protect or manage a site on their property that they don't know is there. If a landowner wants to know if a site is known to exist on their property or if any archaeological work has been done before they can contact the Oregon SHPO and request the information. The landowner will need to provide:

1. Evidence of ownership of the property (a copy of the deed)
2. Property address (preferred) or legal description or taxlot
3. A map or aerial photo with the property outlined
4. Name and contact information

Send the information to one of the SHPO Archaeology staff, contact information below.

SHPO Archaeology Staff

*Dennis Griffin, State Archaeologist / Dennis.Griffin@oregon.gov
John Pouley, Assistant State Archaeologist / John.Pouley@oregon.gov
Jamie French, GIS Archaeologist / Jamie.French@oregon.gov*



S. Scott McDowell

From: Oregon DEQ News <ordeq@public.govdelivery.com>
Sent: Thursday, March 24, 2022 3:11 PM
To: admin@ci.brownsville.or.us
Subject: Oregon Mattress Recycling Bill Becomes Law



NEWS RELEASE

Oregon Mattress Recycling Bill Becomes Law

Date: March 24, 2022

PORTLAND, Ore. — Today, Oregon became the fourth U.S. state to enact a law establishing a statewide mattress recycling program. The law, signed by Gov. Kate Brown and championed by Sen. James Manning Jr., requires mattress manufacturers to set up and operate a recycling program, overseen by the state, that makes it easy for consumers to recycle their unwanted mattresses.

The new extended producer responsibility, or EPR, law will increase mattress recycling, establish new convenient locations in every county for residents to drop off their mattresses, reduce illegal dumping, and create recycling-sector jobs. As with the Oregon paint stewardship law, retailers will collect a small fee from consumers to fund the program.

"Adding mattresses to the products covered by Oregon's EPR programs will provide a much-needed service in both urban and rural communities throughout the state," said Abby Boudouris, senior legislative analyst at the Oregon Department of Environmental Quality (DEQ).

Mattress Recycling Council programs already exist in California, Connecticut, and Rhode Island, and together have collected more than 10 million mattresses. The programs have resulted in 380 million pounds of steel, foam, fiber, and wood being diverted from landfills and recycled into new products.

This new law builds on lessons learned from those programs, such as the need for reapproval of the program plan every five years. In addition, the new law will establish objective, measurable minimum convenience standards and measurable performance goals, mandate an advisory council for multi-stakeholder input, and require the stewardship organization to report to the DEQ on the scope of discarded mattresses not being collected, with recommendations on how to direct these mattresses into the recycling program. It also includes equity considerations, such as a study on effective methods to provide collection services to low-income individuals and multifamily housing.

“This law is the first in a new generation of mattress EPR laws,” said Scott Cassel, CEO and founder of the Product Stewardship Institute. “It’s a big win for so many in Oregon, including the creation of valuable jobs for people with barriers to employment.”

The Product Stewardship Institute facilitated the original model agreement with governments and the mattress industry that led to the first three mattress EPR laws. It also helped facilitate an agreement between Oregon DEQ, Metro, and the International Sleep Products Association that helped pass this new law.

The legislation adds to Oregon’s product stewardship programs for leftover paint, discarded electronics, unused medicines and, most recently, the Recycling Modernization Act, which covers curbside materials.

The new law won praise from Metro Councilor Shirley Craddick, whose district includes the eastern part of the greater Portland region. Metro’s responsibilities include managing greater Portland’s garbage and recycling systems.

“Our council is extremely pleased that mattress manufacturers will be establishing a recycling program for their products in Oregon that will conserve resources and help reduce the illegal dumping of mattresses,” Craddick said. “The legislation will also advance Metro Council’s commitment to equity by working with our community to examine best methods of serving low-income and multifamily residents.

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About the [Product Stewardship Institute \(PSI\)](#): PSI is a national nonprofit that brings diverse stakeholders together to reduce the health and environmental impacts of consumer products and packaging. Together with members from 47 states and hundreds of local governments, as well as over 120 partners from companies, organizations, universities, and international governments, PSI advances extended producer responsibility laws and voluntary programs to create a circular economy. Learn more: productstewardship.us.

About the [Oregon Department of Environmental Quality \(DEQ\)](#): The Oregon Department of Environmental Quality protects human health and the environment by controlling air and water pollution, reducing the impacts of manufactured products and cleaning up contaminated properties. DEQ engages the public in

decision-making and helps communities solve problems in ways that are economically and environmentally sustainable.

About Metro: Metro serves more than 1.7 million people in the greater Portland area. In addition to managing the region's garbage and recycling system, Metro protects clean water and air at more than 17,000 acres of parks and natural areas, oversees long-range planning across 24 cities and 3 counties, manages the Oregon Convention Center, Portland's Centers for the Arts, Portland Expo Center and Oregon Zoo, and is supporting construction of more than 3,000 affordable homes region-wide with more on the way.

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NOTICE OF PROPOSED RULEMAKING

CHAPTER 543
OREGON STATE LIBRARY

FILING CAPTION: Waivers for emergencies regarding minimum conditions for public libraries

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/15/2022 11:00 AM

HEARING(S):

DATE: 04/15/2022

TIME: 10:00 AM - 10:15 AM

OFFICER: Susan Westin

ADDRESS: State Library of Oregon
250 Winter St NE
Salem, OR 97301

SPECIAL INSTRUCTIONS:

The hearing will be held online, contact
Susan Westin at
susan.westin@slo.oregon.gov for access
information.

NEED FOR THE RULE(S):

OAR 543-010-0036, "Official Recognition of Public Libraries", implements HB 2243 (2019). It establishes minimum conditions that public libraries in Oregon must meet to be officially recognized by the State Library of Oregon.

The COVID-19 pandemic highlighted the need for flexibility for libraries that cannot meet the minimum conditions due to circumstances outside their control. Recognizing this, the State Library Board implemented a temporary rule effective 6/23/2021 through 12/19/2021 delaying implementation of the rules, as the pandemic prevented many libraries from operating at full capacity.

Subsequent emergencies, such as the 2020 Labor Day Fires, have demonstrated the need for more permanent rules permitting the State Library Board to grant waivers to the minimum conditions in future situations. While no officially recognized public libraries were lost in the 2020 fires, the volunteer-run Blue River Community Library burnt down, preventing them from delivering services to their community.

Future such emergencies are not inconceivable, including fires, flood, earthquakes, tsunamis, and pandemics. The State Library Board would like the flexibility to grant waivers to affected libraries so as not to further hamper their ability to provide services in already challenging times.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

- OAR 543-010-0036
<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=262857>
- HB 2243 (2019)

<https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/HB2243/Enrolled>

- Oregon Public Library Statistical Report Data
<https://www.oregon.gov/library/libraries/Pages/Statistics.aspx>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

We do not anticipate any direct positive or negative effect from this rule change on racial equity in the state. However, the fiscal impact on public libraries if this rule does not go into effect could indirectly impact people of color. The lack of support from the State Library could mean those libraries are unable to provide sufficient early childhood literacy or summer reading programming, including to the Latine, Black, Indigenous, and other groups to which libraries often do direct outreach. Participation in such programming is proven to have lasting positive impacts on children.

FISCAL AND ECONOMIC IMPACT:

This rule change aims to avoid potential negative fiscal impact on libraries experiencing unforeseen emergencies. Public libraries that fail to meet the minimum conditions after two (2) years will lose official recognition, making them ineligible to receive the annual Ready to Read grant available to all public libraries in Oregon. The minimum Ready to Read grant is \$1,000, with higher amounts depending on the size of the library's service population and geographic area. Losing recognition could also make libraries ineligible for other State Library grant programs, as well as grants and financial assistance offered by federal agencies only to public libraries that are legally recognized in their states.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No state agencies or small businesses will be economically affected by this rule change. We do not anticipate any additional recordkeeping or cost burdens on public libraries or our agency. The change seeks to avoid fiscal losses by libraries affected by emergencies, which could particularly benefit the predominantly small and rural libraries located in natural disaster-prone areas of the state.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they are not affected. Public library directors and the Oregon Library Association were consulted as part of the Administrative Rule Advisory Committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

CONTACT:

Susan Westin

503-378-5435

susan.westin@slo.oregon.gov

250 Winter St NE

Salem,OR 97301

AMEND: 543-010-0036

RULE TITLE: Official Recognition of Public Libraries

RULE SUMMARY: OAR 543-010-0036, "Official Recognition of Public Libraries", implements HB 2243 (2019). It establishes minimum conditions that public libraries in Oregon must meet to be officially recognized by the State Library of Oregon. This amendment will permit the State Library Board to grant waivers to the minimum conditions due to circumstances outside the public libraries' control such as fire, flood, or pandemic.

RULE TEXT:

(1) The State Library Board will officially recognize those public libraries that become legally established under one of the methods described in ORS 357.216-286 or 357.400-621 and have met all minimum conditions.

(2) Libraries, that have a service population of over 2000, shall meet the following minimum conditions:

(a) Have at least half (50%) of its operational financial support from public funds.

(b) Be open to the public a minimum of 20 hours per week.

(c) Provide a collection comprising books, media, or electronic resources.

(d) Offer free public access computers with Internet access.

(e) Offer free public wireless Internet access (wi-fi).

(f) Provide a website that enables local library users to access State Library of Oregon resources and services available to all Oregon residents.

(g) Dedicate at least 0.50 full-time equivalent (FTE) paid staff time exclusively to library functions.

(h) Have basic policies in place and accessible online for collection management, circulation, and patron confidentiality that incorporate relevant American Library Association (ALA) professional ethical codes, rules, and guidelines.

(i) Provide basic services for reference and youth services.

(j) Complete the annual statistical report as required under ORS 357.520 and OAR 543-010-0035.

(3) Libraries, that have a service population of 2000 or less, shall meet the following minimum conditions:

- (a) Have at least one fourth (25%) of its operational financial support from public funds.
 - (b) Be open to the public a minimum of 10 hours per week.
 - (c) Provide a collection comprising books, media, or electronic resources.
 - (d) Offer at least one free public access computer with internet access.
 - (e) Offer free public wireless internet access (wi-fi).
 - (f) Provide a website that enables local library users to access State Library of Oregon resources and services available to all Oregon residents.
 - (g) Dedicate at least 0.25 full-time equivalent (FTE) paid staff time exclusively to library functions.
 - (h) Have basic policies in place and accessible online for collection management, circulation, and patron confidentiality that incorporate relevant American Library Association (ALA) professional ethical codes, rules, and guidelines.
 - (i) Provide basic services for reference and youth services.
 - (j) Complete the annual statistical report as required under ORS 357.520 and OAR 543-010-0035.
- (4) Official recognition as a public library will qualify the library to be eligible for state aid and grants from the State Library as authorized in statutes. A library must receive official recognition by June 30 to be eligible for grant funding in the next state fiscal year beginning July 1.
- (5) Official recognition will continue unless the library no longer meets the statutory requirements of a public library.
- (a) Library responses to the Public Library Annual Statistical Survey will be used to determine compliance with minimum conditions outlined in sections (2) and (3).
 - (b) An officially recognized public library that fails to meet the minimum conditions as outlined in section (2) or (3) will have two (2) years to achieve compliance, during which time the library maintains eligibility for state aid and grants.
 - (c) Proceedings for termination of official recognition for a library that fails to meet minimum conditions after two (2) years will be scheduled for consideration by the Board, which will then make a determination.
 - (d) The State Library will provide an annual report to the Board on the status of public library compliance with minimum conditions.
 - (6) The Board will terminate a public library's official recognition immediately after a local

government withdraws support following the requirements of ORS 357.621. The State Library will notify the local government that official recognition is being terminated.

(7) Any affected agency may appeal the termination of official recognition to the Board. The appeal must be in writing and must contain a detailed statement specifying the reason the appellant agency believes the action was improper.

(8) The written appeal must be filed no later than 15 business days after the notice of termination of official recognition is received. Once an appeal is received, it will be scheduled for consideration by the Board, which will then make a determination.

(9) To be reinstated, a library must request reinstatement of official recognition from the Board. The request must include signed documentation attesting that the library has met all minimum conditions. The request will then be scheduled for consideration by the Board, which will make a determination. The State Library will notify the local government if official recognition is being reinstated. A library may appeal a denial of reinstatement as described in this rule.

(10) The Board may grant temporary waivers to libraries that are unable to comply with the minimum conditions as outlined in section (2) or (3) due to state of emergencies declared by the Governor, emergencies declared by local governing bodies, or extraordinary events beyond the library's control that prevent safe access to the library's facilities. Waivers will be reviewed annually to assess whether they continue to be needed.

STATUTORY/OTHER AUTHORITY: ORS 357.026(1)

STATUTES/OTHER IMPLEMENTED: ORS 357.216-286, 357.400 - 357.621, HB2243 A (2019)



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Share: (mailto:?body=League of Oregon Cities :: Wildfire Adapted Communities Stakeholder Group Meetings Coming Up - <https://www.orcities.org/stakeholder-group-meetings>)

LOC News

Wildfire Adapted Communities Stakeholder Group Meetings Coming Up

Under SB 762, the Oregon Department of Land Conservation and Development (DLCD) has been charged with writing a report for the State Wildfire Programs Advisory Council (WPAC) and the Legislature that identifies recommendations for updates to the statewide land use planning program and local comprehensive plans and zoning codes that are needed to incorporate wildfire risk maps and minimize wildfire risk, including the appropriate levels of state and local resources necessary for effective implementation. DLCD's report must be completed by October 1, 2022.

The agency has scheduled the following dates for public meetings:

Meeting #1: Introduction to SB 762 and Wildfire Risk Map
Tuesday, May 3, 2022 | 1:00 - 4:00 p.m (<https://us02web.zoom.us/j/86837851664?pwd=cE9CaTdueWVaVG9jMjJpdEFDeEplZz09>)

Meeting #2: Incorporating the Wildfire Risk Map at a Local Level
Tuesday, May 17, 2022 | 1:00 - 4:00 p.m (<https://us02web.zoom.us/j/86070154567?pwd=YXJjoVGtiOWNkaktzaHJ2ZVQxaXo1dz09>).

Meeting #3: Safe Evacuation & Development Considerations

Tuesday, June 7, 2022 | 9:00 a.m. - 12:00 p.m (<https://us02web.zoom.us/j/82580234736?pwd=WVU2T1NvTHhhNVdNZXIDRVFkMnVoZz09>).

Meeting #4: Development Considerations

Wednesday, June 22, 2022 | 9:00 a.m. - 12:00 p.m (<https://us02web.zoom.us/j/81308417265?pwd=cGpneEVJU3RkZmxjYTRJc2cxYnVjQT09>).

Meeting #5: Report Back, Budget Considerations, Review

Tuesday, August 16, 2022 | 9:00 a.m. - 12:00 p.m (<https://us02web.zoom.us/j/84551457018?pwd=bS82bEQzeEZJZThDbG5BQUtYTDM5UT09>).

If you are interested in the conversation or have some thoughts about what role the DLCDC can offer in response to SB 762, please take the time to participate.

Agendas and materials will be available one week prior to each meeting at <https://www.oregon.gov/lcd/NH/Pages/Wildfire-Adapted-Communities.aspx> (<https://www.oregon.gov/lcd/NH/Pages/Wildfire-Adapted-Communities.aspx>).

Last Updated 4/8/22

View all LOC news >

MONTH END FINANCIAL RECAP

	MARCH 2022		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 35,693.21	\$ 62,317.03	\$ 924,264.01	27.07%	\$ 2,490,212.99	1
2 WATER	\$ 34,726.64	\$ 33,979.34	\$ 267,768.95	29.04%	\$ 549,481.05	2
3 SEWER	\$ 36,384.58	\$ 59,296.08	\$ 773,196.02	65.48%	\$ 309,003.98	3
4 STREETS	\$ 16,322.04	\$ 16,832.07	\$ 133,266.20	36.41%	\$ 232,783.80	4
5 WATER BOND	\$ 76.92	\$ -	\$ 46,248.00	30.33%	\$ 28,054.00	5
6 SEWER BOND	\$ 191.33	\$ -	\$ 299,691.23	99.37%	\$ 17,658.77	6
7 SEWER DEBT FEE	\$ 12,401.17	\$ -	\$ 105,741.85	83.35%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 111.84	\$ -	\$ -	0.00%	\$ 192,400.00	8
9 WATER RESERVE	\$ 2,069.91	\$ -	\$ -	0.00%	\$ 100,800.00	9
10 HOUSING REHAB	\$ 111.64	\$ -	\$ -	0.00%	\$ 215,271.00	10
11 WATER SDC	\$ 28.24	\$ -	\$ -	0.00%	\$ 44,600.00	11
12 SEWER SDC	\$ 226.62	\$ -	\$ -	0.00%	\$ 415,675.00	12
13 STORMWATER SDC	\$ 58.73	\$ -	\$ -	0.00%	\$ 104,505.00	13
14 BIKEWAY/PATHS	\$ 133.26	\$ -	\$ -	0.00%	\$ 52,990.00	14
15 LIBRARY TRUST	\$ 3.85	\$ -	\$ -	0.00%	\$ 7,412.00	15
16 CEMETERY	\$ 4.22	\$ -	\$ -	0.00%	\$ 8,826.00	16
17 TRANSIENT ROOM TX	\$ 0.93	\$ -	\$ 1,000.00	100.00%	\$ 2,120.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,995.00	19
20 COMMUNITY PROJECTS	\$ 73.00	\$ -	\$ 7,872.14	5.54%	\$ 129,502.86	20
	\$ 138,618.13	\$ 172,424.52	\$ 2,453,306.55			

Key Bank Account

<i>General Checking</i>	\$ 142,657.87
Oregon State Treasury	\$ 6,094,886.73
<i>Community Improvements</i>	\$ 167.88
<i>Project Escrow Holding</i>	\$ 10.37
<i>Project Holding Acct #2</i>	\$ 102,893.67
TOTAL OST / LGIP	\$ 6,197,958.65

Annual Bond Payment

<i>Water</i>	\$ 45,167.05
<i>Wastewater</i>	\$ 307,259.95
Total	\$ 352,427.00

2021-2022	YTD	% of Total
Appropriated	\$ 7,857,013.00	31.22%

Total Bonded Debt (Principal Only)

<i>Water</i>	\$ 847,897.50
<i>Wastewater</i>	\$ 5,126,135.50
	\$ 5,974,033.00

Total Bonded Debt is \$9,157,976 (Principle & Interest)

ARPA Funds

(American Rescue Plan Act)

\$202,343.92	Received 8/25/2021
\$113.83	Received 10/25/2021
\$202,457.75	Total Funds Received
\$202,457.75	Funds Disbursed YTD