

Council Agenda Packet

Tuesday, December 20th, 2022 | 7:00 p.m. | Council Chambers | In-Person



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Council Meeting

Tuesday, December 20th, 2022

Location: Council Chambers | In-person

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: November 22nd, 2022
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Central Linn Community Foundation | Chenoweth Robertson
 - B. Brownsville Art Association | Alice Tetamore
 - C. EPC Annual Report | Simms & Frazier
 - D. Bi-annual Cybersecurity Review
 - E. Annual Audit Report
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administrator
 - D. Planning
 - E. Library
 - F. Office
 - 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. **Ordinance 793:** Pacific Power Franchise (*Second Reading*)



- B. **Resolution 2022.23:** Election Certification
- C. **Resolution 2022.24:** Authorizing Check Signers
- D. **Resolution 2022.25:** Recognizing Mayor Ware’s Public Service
- E. **Resolution 2022.26:** Recognizing Councilor Neddeau’s Public Service
- F. **Resolution 2022.27:** Recognizing Councilor Thompson’s Public Service
- G. **Resolution 2022.28:** Address FY 2021.2022 Audit Plan
- H. **Ordinance 790:** Psilocybin Ban [Ballot Measure 22-196]

10) ACTION ITEMS:

- A. Calapooia Watershed Council | Invasives Funding Request
- B. Climate Change Initiatives & Intergovernmental Agreement (IGA) | DLCD
- C. Library Advisory Board | Fee Recommendation

11) DISCUSSION ITEMS:

- A. OLCC | Practice Change Notice
- B. Reminders | Mayor Ware Reception (12.29.2022) & Special Meeting (01.03.2022)
- C. Library Holiday Hours
- D. November 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

November 22nd, 2022

ROLL CALL: Mayor Ware called the meeting to order at 7:01 p.m. with Council President Hansen, Councilor Thompson, Councilor Chambers, Councilor Craven and Councilor Humphreys present. Administrative Assistant Elizabeth Coleman, Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink, and City Administrator Scott McDowell were also present.

ABSENT: Councilor Neddeau (excused).

PUBLIC: Michael & Heidi Winklepleck, Sandy Saltzer, Lynlee Bischoff, Don Lyon (Via call-in), Jeff Brown, Dan Murphy, Joshua Bloomfield, Peggy Purkerson, Steve & Nan Van Sandt, Penny Rosenberg (*Albany Democrat-Herald*), Tia Parrish (*The Times*), and Deputy Frambes (*LCSO*) were present.

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: Action Item 10) D. Climate Change Initiatives & Intergovernmental Agreement (IGA) | DLCDC was tabled.

MINUTES: Councilor Chambers made a motion to approve the October 25th, 2022 Council minutes with one correction to include Councilor Craven as attending the meeting. Councilor Humphreys seconded the motion and it passed unanimously.

PUBLIC HEARING | PRESENTATIONS:

1. **Total Maximum Daily Load (TMDL).** – Mr. McDowell presented the State required semi-annual TMDL review. Council hears this report in April and November.

McDowell gave the origination story of TMDL starting from the creation of the United States Environmental Protection Agency (EPA) through the adoption of the Acts to the State agencies who handle the administration of this specific program. McDowell recapped the many levels of TMDL from water quality impairment, assessing pollutants, determining source reduction, reports indicating reductions input, and implementation. McDowell discussed what TMDL's are, including background load, non-point load and waste load. Basically, TMDL's calculate how much pollution can be in a stream while maintaining all beneficial uses to aquatic life.

McDowell shared a final U.S. EPA letter, dated March 2nd, 2021, stating DEQ had designated the City of Brownsville as a Designated Management Agency (DMA). As a DMA, the City is constantly responsible, and is now required under OAR to prepare and submit a TMDL implementation plan to incorporate implementation requirements based on several criteria by September 3rd, 2022. Failure to submit this plan carries civil penalties which can be assessed for each day of violation. McDowell explained this is how the State and Federal governments justify the expenditure of millions of dollars on local community systems, just like was done in 2005 on the City's wastewater system.

McDowell shared slides showing many ways pollutants get in water sources, including runoffs from hard surfaces, precipitation washing land-based bacteria into waterways, animal waste, agricultural chemical applications, etc. Forever requirements of TMDL include temperature, bacteria, mercury, and IDDE (public reporting and staff training). McDowell shared common storm water construction techniques and outcomes. McDowell reminded everyone to pick up after their pets.

Mr. McDowell reported that the City of Brownsville is ahead of the curve regarding TMDL with some of the things the City already does due to the City's stormwater constraints in many areas of town. The DMA requirements added to the plan have been filed with Department of Environmental Quality (DEQ) and are currently under review.



2. **The Nature of Projects | Weeks, Months & Years** – McDowell shared with Council the nature of City projects and how they run through time. Some projects clear up in a week or a month, while others drag on through decades. Other types of projects are ‘forever’ projects like the City’s Water Rights. McDowell shared how projects work through time. He then shared the ‘Daily Grind’ slide along with four slides that clearly showed some of what Staff is working on. McDowell is concerned about Staff capacity due to the already extensive list of items Staff is already tasked with completing.

DEPARTMENT REPORTS:

1. **Linn County Sheriff’s Office (LCSO) Sheriff’s Report.** Sergeant Frambes reviewed the numbers from last month. Frambes stated that there were several stolen vehicles last month. Owners are leaving their keys in their cars. One motorcycle was stolen from a garage, and it is currently under investigation. LCSO Staff was heavily involved with the major pile up on I-5. Several deputies made it back to town to handle the traffic problems caused by the pile up. A felon was charged with a weapons violation. The person suffered from a self-inflicted gunshot wound. Sergeant Frambes explained that the department spends a lot of time reviewing surveillance footage on certain kinds of cases.
2. **Public Works (PW).** Superintendent Karl Frink said he had spent a lot of time on the WMCP. Staff is working on providing more information to the State on their requests. Frink shared the challenges the City is experiencing with dechlorinating the wastewater. The City Engineer is currently working on reviewing this matter to ensure correct contact times are met. Frink said Blackstone will be working on the asphalt patches as soon as the weather permits. The weather turned, making the work impossible to perform due to the cold temperatures. Frink explained that the software issues with the traffic devices have been resolved. The units have been deployed and he hopes to have information for Council in the near future. McDowell asked Frink to give a little insight into the City’s cross connection program. Frink explained the details of the program that were highlighted in the Policy FYI article contained in the City Administrator report. Frink explained nuances to the program. He said that all of this is required to keep the public water system safe from contamination. The City runs bulk water sales that work in conjunction with the program in order to properly protect the system.
3. **Administration.** McDowell discussed the election procedures as explained by the Linn County Clerk’s Office. The Clerk’s Office will certify the election results in late November. Council will pass a resolution officially recognizing those results from the County in December. The Rally on the River RV event will play host to a national Spartan Rally in October 2025.

There will be an open house for Mayor Don Ware on December 29th, 2022 from 12:00 – 2:00 p.m. to celebrate Ware’s sixteen years of service as the Mayor of Brownsville.

Standard & Poor’s announced the City’s current rating of AA- will continue to be in effect. The City will be hosting the upcoming discussion with League of Oregon Cities Interim Executive Director Patty Mulvehill on December 12th, 2022. Five small cities will be addressing issues pertaining to advocacy and how the League and Small Cities could be more effective in the process.

The Disaster Preparedness effort will launch in December. The Friends of the Library are hosting their annual sale at the Library from December 1st through December 10th.

McDowell addressed Councilor Chambers motion regarding Measure 114 at the last Council meeting. McDowell said this issue caused a great deal of consternation and he felt that clearing up the issue would be helpful. First, Council positions are political positions. The City is a political subdivision of the State of Oregon. The idea that the Council positions are non-partisan is false. Second, any Councilor may have a political stance on any given issue. In this case, Councilor Chambers indicated that she felt that Measure 114 was a violation of Constitutional rights, and she



was opposed to the Measure. She made a motion to that effect and the motion was seconded. After the vote, the Council had approved the motion.

Council had, by consensus, asked Staff to publish a Council Synopsis starting in June to inform citizens of what was happening at Council meeting. The City has published four of these documents. One in each month of June, July, September, and October. Council has a recess in August. All of the documents were sent out no later than the Friday after Council meetings. Although accused of wrong doing, neither the Council nor Staff did anything illegal according to City Attorney Ross Williamson. The issue has been largely overblown costing Staff a lot of time explaining the situation to nearly a dozen people who expressed concern. All of the people reporting concerns had been given incorrect information by someone else or had simply jumped to conclusions based on little to no information. The bottom line is that the citizens of the State voted to allow Measure 114 rendering the Council motion moot.

4. **Planning.** Report included in the Council Agenda Packet. No comments.
5. **Library.** Report included in the Council Agenda Packet. No comments.
6. **Court.** Report included in the Council Agenda Packet. No comments.
7. **Council Comments.** No comments.
8. **Citizen Comments.** Lynlee Bischoff read a statement regarding the appointment of a Councilor to fill the Council seat that will be vacated by Councilor Adam Craven. The statement is included at the end of these minutes.

LEGISLATIVE:

1. **Ordinance 792: Camping (Second Reading).** – Mayor Ware asked for a motion to read by title only. *A motion was made by Councilor Hansen, seconded by Councilor Humphreys to read this ordinance by title only. The motion carried.* Mayor Ware read the title. McDowell gave a brief description to the audience about the purpose of the ordinance. *Councilor Chambers made a motion to approve Ordinance 792 as presented. Councilor Thompson seconded the motion and it passed unanimously.*
2. **Ordinance 793: Pacific Power Franchise (First Reading).** Mayor Ware asked for a motion to read by title only. *A motion was made by Councilor Hansen, seconded by Councilor Humphreys to read this ordinance by title only. The motion carried.* Mayor Ware read the motion by title only. McDowell briefly explained the purpose of this ordinance and the purpose of a franchise agreement. A second reading will be held next month. Council had no comments regarding the language of the ordinance.

ACTION ITEMS:

1. **Chamber of Commerce | Memorandum of Agreement.** McDowell explained the purpose of the agreement and recapped the request of Chamber President Jenna Stutsman from the last Council meeting. Council had repealed the Transient Room Tax in June 2022. Council indicated that they would include an amount in this agreement to help cover the revenue lost for marketing. The City has allowed the Chamber to use the TRT money for marketing purposes since the inception of the ordinance. Council Chambers asked how much is being committed for this purpose. McDowell said that Staff came to the mean average of \$2,500 based on the revenue that was historically generated by the TRT. McDowell said that the Chamber is also required to submit an annual report accounting for exactly how the funds were spent. *Councilor Hansen made a motion to approve the*



memorandum of agreement as presented. Councilor Humphreys seconded the motion and it passed unanimously.

2. **Calapooia Food Alliance | Memorandum of Agreement.** McDowell reported that after two meetings about this agreement, everyone felt pretty good about the discussion and direction between the City and the CFA. The agreement incorporates similar conditions for use of City property as the previous two market location agreements. The CFA understands that Library Park is the best site for the 2023 market given capital infrastructure projects being executed by the City. Any potential, future market locations involving publicly owned property will be considered, and ultimately determined, by Council. McDowell highlighted the following items:

- ★ The Red Barn use will continue as it has since 2008.
- ★ The City will extend the water allocation to the new Garden site on Main Street. The City has provided a water allocation for the Garden since 2007.
- ★ The City is not being asked to consider changing any policies regarding liability or do anything that would set a precedence.

McDowell provided a report as part of this agreement that was requested by Councilor Chambers & Councilor Craven regarding the associated costs of providing water to the new garden site. Councilor Chambers asked McDowell about the cost of the actual water used. McDowell said that the City provides between \$1,100 and \$1,350 dollars worth of water annually. McDowell asked Councilor Craven about his portion of the report he requested. Councilor Craven said the previous meter was installed on public property; this one is being installed on private property. Councilor Craven felt that this disenfranchises a private developer due to all the required costs of developing property. No one is allowed to just put a stand alone water meter on a lot. Many other requirements accompany development. Councilor Craven wants to come alongside community partners, but Craven feels this extension of a water allowance goes too far. Councilor Craven suggested helping the CFA with their 2023 location by freeing up additional space by closing half of Park Avenue.

Councilor Chambers pointed out that the citizens and rate payers pay the costs associated with this agreement and other agreements like this one. Councilor Chambers figures the total cost of this agreement over the full term is nearly \$13,000. Councilor Chambers felt like this is a very big ask; this is more than the City does for other community partners. Councilor Chambers wished the CFA would be more grateful to the citizens for supporting their mission. Councilor Chambers did not feel this discussion was handled well by the CFA since she returned to Council last October. Councilor Chambers likes Councilor Craven's idea of extending half of Park Avenue, if that would help Library Park work out better.

Councilor Chambers wanted the CFA representatives to know the total expenses associated with this agreement. Councilor Hansen addressed the water meter being on public property by asking for solutions. Councilor Craven suggested that they could supply water from the adjacent property owner. Councilor Humphreys asked about the term of the agreement. The agreement is a three-year term. Hansen pointed out the market location is set for Library Park for 2023 with a future Council discussion to follow for 2024.

Councilor Chambers made a motion to approve the memorandum of agreement as presented. Councilor Humphreys seconded the motion and it passed 5-0 with Councilor Craven abstaining for the reasons stated during discussion.

3. **GR12 Waterline Project | Dyer Partnership Task Order.** McDowell received the updated Task Order from City Engineer Ryan Quigley. The construction price is up considerably from the first estimate provided to the City late last summer. Market conditions are still terrible post-



pandemic due to inflation and other factors. McDowell reviewed the details of the project along with the proposed timeline. *Councilor Humphreys made a motion to authorize the execution of this document by the appropriate personnel as presented. Councilor Hansen seconded the motion and it passed unanimously.*

4. **Climate Change Initiatives & Intergovernmental Agreement (IGA) | DLCD.** Tabled.
5. **Authorize KeyBank Agreement.** Staff is requesting Council authorize an agreement with KeyBank that would allow check readers to be installed at City Hall. After talking with Linn County Treasurer Michelle Hawkins and City Insurance Agent Darrin Godfrey, this agreement looks like a very good option. McDowell was not originally in favor of the City taking the liability associated with this agreement, but the City does have more than adequate insurance coverage that protects Staff and the City from any potential financial loss. Hawkins said that the County has had a very good experience using these machines. Hawkins put a few internal controls in place to ensure transactions are performed a certain way. She indicated that if there is a discrepancy between the County and the bank, it is worked out the next business day and it rarely happens. Staff will implement similar policies and controls. *Councilor Humphreys made a motion to authorize the City Administrator to execute an agreement with KeyBank for this purpose. Councilor Thompson seconded the motion and it passed unanimously.*
6. **Authorize Council Opening Advertisement.** Staff is requesting authorization to place an advertisement in *The Times* for the potential Council seat that will be open if Adam Craven wins the mayoral race.

The Brownsville Municipal Code requires Council to fill a vacancy as follows:

Chapter 1.25 Council/Elected Official Vacancy

Sections:

1.25.010 Appointment by Council procedure.

In filling a vacancy, the Council shall make such inquiries and hold interviews as it considers necessary to make the appointment. The appointment must be made at a regular or special Council meeting.

The Council will use the following procedures in the appointment process:

- A. Public notice in a newspaper of general circulation and/or by standard electronic means and posting of a notice at City Hall, the Library and the Post Office for two consecutive weeks;
- B. Deadline for interested parties to submit applications shall be no later than 30 days after the initial public notice;
- C. Appointment from those applicants nominated and seconded for consideration by members of the Council. The Recorder will announce the results of each ballot and will record each Councilor's vote. An applicant who receives a majority of the votes by the current Council members will be appointed to the vacant position. If no applicant receives a majority vote on the first ballot, the Council will continue to vote on the two applicants who receive the most votes until an applicant receives a majority of the Councilors voting;
- D. All applicants shall qualify for public office as required by the City Charter and may be subject to the same requirements of Linn County and the State of Oregon;
- E. Vacancies shall be filled within 60 days of reasonable notice to the Brownsville City Council.

The Brownsville Charter reads as follows:

CHAPTER VII



Council Minutes

Elections

Section 27. Terms.

The term of office of a person elected at a regular city election commences on the first Monday in January following the election.

Mayor Ware would call a special meeting for January 3rd, 2023 at 7:00 p.m. The special meeting will be a swearing-in ceremony to ensure a full Council. Mayor Ware and Councilor Neddeau will be recognized for their service, and potentially Councilor Thompson pending the official election results. The City would then host a reception in the Community Room.

Staff could then begin the necessary reviews with the new Council members so goal setting and other important planning items can be dealt with prior to budget season starting in March. The League of Oregon Cities also holds Councilor training that will be offered to the new members as well.

The City would also like to hold a reception for Mayor Ware on December 29th, 2022, from 12:00 p.m. to 2:00 p.m. in the Community Room to honor his historic years of service to the City of Brownsville. *Councilor Chambers made a motion to authorize the Council opening as described. Councilor Humphreys seconded the motion and it passed unanimously.*

7. **Central Linn Recreation Center | Agreement Addendum.** The City has recently changed service from AlSCO to Cintas. The City has entered into an agreement with Cintas to provide monthly professional cleaning for the Rec Center restrooms. The City will also be providing mat service and mop service for the Rec Center. A few months ago, the vendor who provided janitorial services to the Rec Center quit. The Rec Center Board respectfully requested janitorial services from the City at their Board meeting last week. President Katy Kallai, Vice-President Stephanie Koontz and McDowell worked up the amount of hours that would be required to adequately clean restrooms, the bleachers, mop the floor and take out the trash. The Central Linn Recreation Board has approved a lump sum of \$2,400 to cover the cost of janitorial services to be provided by the City. The addendum included in this agenda packet would extend this service to the Rec Center. *Councilor Craven made a motion to authorize this addendum to the existing contract with the Central Linn Recreation Association. Councilor Chambers seconded the motion and it passed unanimously.*

DISCUSSION ITEMS:

1. **October Financials.** No comments or questions.

CITIZEN QUESTIONS & COMMENTS.

Lynlee Bischoff said that she would not have read her statement if she would have known what transpired earlier.

COUNCIL COMMENTS.

No comments were made.

ADJOURNMENT: *Councilor Hansen moved to adjourn. Councilor Chambers seconded. The meeting adjourned at 8:20 p.m.*

City Administrator S. Scott McDowell Mayor Don Ware



December 20th, 2022

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

Note: The first section of this report follows the Council meeting agenda and 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. When you see this symbol, ☐, it means more information will be provided at the meeting.

“The first thing to know about ourselves is our imperfection.”
~ Simone Weil, *Philosopher*

“There are two tragedies in life. One is not to get your heart’s desire. The other is to get it..”
~ George Bernard Shaw, *Playwright*

“The world, unfortunately, rarely matches our hopes and consistently refuses to behave in a reasonable manner.”
~ Stephen Jay Gould, *Paleontologist*

“Success is more a function of consistent common sense that it is of genius.”
~ An Wang, *Computer Engineer*



AGENDA ITEMS DISCUSSION

The following items follow the order of the Agenda

6) PUBLIC HEARINGS OR PRESENTATIONS:

A. Central Linn Community Foundation | Chenoweth Robertson – Central Linn Community Foundation’s (CLCF) Chenoweth Robertson will be asking for the City’s continued support for their community grant program. Ms. Robertson’s information is included in the agenda packet for your review. Council has partnered with CLCF for several years with the function of using CLCF as a resource when groups ask the City for funding.



What is Council being asked to do?
Consider the Foundation’s proposal and make a decision.

B. Brownsville Art Association | Alice Tetamore – Alice Tetamore will provide the annual report for the Brownsville Art Association. Annually, Council requires the Association to report on their activities as part of our partnership memorandum. Council is also considering continuing their agreement with the City. The agreement is included in the agenda packet.



What is Council being asked to do?

Review the agreement and consider continuing the arrangement with the Association.

- C. **EPC Annual Report | Simms & Frazier** – I have included the EPC’s annual report. Annually, Council asks the Committee to provide a ‘year-in-review’ report. President Simms and Vice-President Frazier may be on hand to field any questions about the Emergency Preparedness Committee, if not Staff will provide the review.
- D. **Cybersecurity Review** – Staff is required by CIS policy to review cybersecurity issues twice a year. Staff will give a brief overview of cyber issues. There is a definitions page included in the agenda packet for your review.
- E. **Annual Audit Report** – Administrative Assistant Tammi Morrow and I will present the numbers from City Auditor Singerlewak. Staff needs to file the audit with the required external organizations as soon as possible.



9) LEGISLATIVE:

- A. **Ordinance 793: Pacific Power Franchise Agreement (Second Reading)** – Ordinance is ready for the second reading.

From 11.22.2022: City Attorney David Ris received the final version of this agreement from Pacific Power two weeks ago. The City has been in negotiations on this effort for nearly a year. The City Attorney recommends adopting this version of the agreement. Some compromise was struck, but the City did not get everything it had wanted to include.

What is Council being asked to do?

Review the agreement. Give the ordinance a second reading. Read by Title Only. Pass the ordinance.

- B. **Resolution 2022.23: Certify 2022 Election Results** – Council is required to certify election results after they have been officially posted by the Linn County Clerk’s Office. The City received the certification on December 1st, 2022. See the accompanying resolution for more details.

What is Council being asked to do?

Pass the resolution confirming the election results.



- C. **Resolution 2022.24: Authorize Check Signers** – Mayor Ware has been a check signer for the last sixteen (16) years for the City. Since he will be enjoying his retirement, Council needs to approve new check signers. I have spoken with Mayor Elect Craven and Councilor Chambers to be check signers and both have agreed. Councilor Humphreys has agreed to continue to serve as a check signer.

What is Council being asked to do?

Pass the resolution to authorize checks to be signed and executed on behalf of the City.

- D. **Resolution 2022.25: Recognizing Mayor Ware’s Public Service** – Pass this resolution to recognize and honor Mayor Ware’s service to Brownsville.



- E. **Resolution 2022.26: Recognizing Councilor Neddeau’s Public Service** – Pass this resolution to recognize and honor Councilor Neddeau’s service to Brownsville.
- F. **Resolution 2022.27: Recognizing Councilor Thompson’s Public Service** – Pass this resolution to recognize and honor Councilor Thompson’s service to Brownsville.
- G. **Resolution 2022.28: Address FY 2021.2022 Audit Plan** – SingerLewak recently delivered the audit. Several findings were reported that requires the City pass a resolution addressing these concerns. I will provide more information at the meeting. A significant deficiency is less severe than a material weakness in that it is unlikely to have a material impact on financial statements, but it is, “important enough to merit attention by those responsible for oversight of the company’s financial reporting,” according to various accounting oversight boards.

What is Council being asked to do?
Consider passage of the resolution.



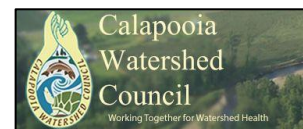
- H. **Ordinance 790: Psilocybin Ban [Ballot Measure 22-196]** – Council unanimously placed this on the ballot as Measure 22-196. The voters have prohibited psilocybin within the city limits of Brownsville.

What is Council being asked to do?
Acknowledge the vote and authorizing Staff and the Mayor to move forward with codifying the ordinance and filing the same with the State of Oregon.

10) ACTION ITEMS:

- A. **Calapooia Watershed Council | Invasives Funding Request** – The Watershed Council is requesting a cash match for a grant that will assist them removing invasive plants on the City right-of-way along Calapooia Avenue. Please see the information included in the agenda packet for more information.

What is Council being asked to do?
Consider the request and make a decision.



- B. **Climate Change Initiatives & IGA | Department of Land Conservation & Development (DLCD) | Tabled** – *From 10.25.2022:* The Federal Emergency Management Agency (FEMA) and the State of Oregon through the Department of Land Conservation & Development (DLCD) is launching a multi-jurisdictional effort to implement two primary components, 1) a Natural Hazard Mitigation Plan (NHMP), and 2) Community Wildfire Protection Plan (CWPP). Their aim, purpose & desired outcome is 1) to assure that the jurisdictions agree to adopt the final FEMA NHMP, 2) Assure to cost share match, and 3) Explain the FEMA requirements in full so that jurisdictions understand what may be needed to secure plan approval for each jurisdiction.

Emergency Preparedness is becoming a mandated have-to. Insurance premiums and Federal Disaster Declarations could hang in the balance.

What is Council being asked to do?
Determine if the City wants to participate in this process by entering into the proposed IGA for this purpose.



- C. **Library Advisory Board | Fee Recommendation** – *From Sherri Lemhouse to Scott McDowell:* You probably saw that the LAB made a motion to raise the Out of City Library card to \$30. I just wanted to make sure you were aware with all the other items you are keeping track of. I'll be changing the software to reflect this change beginning January 1, 2023.

Motion: Mrs. McCormick made a motion to 'Increase the cost of an Out of City Library Card to \$30 with a 50% discount for patrons 65 and older'. Mrs. Landon seconded the Motion. The Motion was approved by all.

What is Council being asked to do?

Approve or deny the Library Advisory Board's recommendation.

11) DISCUSSION ITEMS:

- A. **OLCC | Practice Change Notice** ☑ – The OLCC will now be sending renewals to the City prior to them going to the State of Oregon. Brownsville does not require a few for liquor licenses. Typically, the Mayor and the City Administrator sign off on applications and Council reviews all licensees annually.
- B. **Reminders** – Mayor Ware Reception (12.29.2022) & Special Meeting Reminder (01.03.2022).
- C. **Library Holiday Hours** – The Library will be closed Friday and Saturday December 23/24 and 30/31.
- D. **November Financials**



UPDATES, INFORMATION & HAPPENINGS

CIS Best Practice Survey – Katie Durfree of City/County Insurance Services visited last week to review the survey to ensure the City is meeting legal and insurance requirements. The survey is broken into twenty-five specific categories including Enterprise Risk Management, Information Technology, Continuity of Operations Plan, Employment Liability, Building Maintenance, Fleet Safety and so on. Council and Staff do a good job keeping the City compliant with all the requirements. The City has won safety awards over multiple years for an excellent safety record due to the City's safety committee and the commitment of the Public Works Superintendent's safety focus.



League of Oregon Cities Five Cities Meeting – Council authorized sending a joint letter to the League of Oregon Cities which precipitated a meeting with League Staff this past week. Freshly appointed Executive Director Patty Mulvehill brought Lisa Trevino and Jim McAuley to listen and address concerns over legislative priorities, policy outcomes and ways to improve advocacy. The group of cities will continue to follow-up and help with issues. One of the biggest takeaways was the importance of the local elected officials developing working relationship with State representatives. Mulvehill spoke about recent League efforts around this effort.

From 10.23.2022: The five cities, Harrisburg, Halsey, Scio, Sodaville and Brownsville, have been in contact with Interim Executive Director Patty Mulvehill to discuss the parameters of the letter and how all small cities





and the League could work together more effectively to create a better voice for small cities. The meeting is scheduled for December 12th, 2022.

LCSSO Quarterly Meeting | [G1] – Councilor Chambers and I attended the meeting which was highlighted with Sheriff Duncan talking about concerns with certain measures that were passed at the November election. The group also discussed the best way for ordinances to be streamlined among contract cities. The first ordinance that we would like to streamline is abandoned vehicles. The discussion led to cities agreeing to adopting State laws to even the enforcement effort. I will bring legislation to Council in January.

From 10.25.2022: Councilors Humphreys & Chambers attended that latest quarterly meeting. There was limited attendance as Millersburg and Brownsville were the only two cities present. Sheriff Duncan reported that she will be testifying against SB 48. Senate Bill 48 created criteria on who could be held in the County jail and for what reasons. Duncan gave a few shocking examples. The Office is down sixteen deputy positions, although it appears they will be able to fill nearly ten of those open positions by the end of the year. The group briefly discussed model ordinances, but due to low attendance decided to hold any further action until next meeting.

D-Prep Launch | [G4] ☑ – Surveys and questionnaires have launched. Staff is working for a December 21st, 2022 deadline for the initial work to be completed.

From 10.25.2022: The group is moving forward with the project launch meeting on November 16th, 2022. Projected start date is early January 2023. The City of Sweet Home is in the process of on-boarding a new City Manager.



D-PREP Disaster Preparedness

From 6.28.2022: Members met to discuss whether or not to move forward with the contract. After much discussion, the group decided to move forward with the Phase I assessment. The firm contract is WSP USA Solutions Inc. out of Portland, Oregon for the total amount of \$34,741.92. The City of Sweet Home is the official contracting agency. Execution of this contract will follow the guidelines set forth in an intergovernmental agreement signed by the six agencies about a year or so ago. Phase I will assess areas that should be addressed to be ready for a variety of disasters, how to setup an effective Emergency Operations Center (EOC), provide guidelines and locate shared resources & personnel, along with highlighting the need for training & specific exercises.

Bond Payments – Staff has been coordinating annual bond payments.

Rec Center Renovation | [G5] ☑ – The team met to discuss several details throughout the building from the fire suppression system to the electrical system. Public Works will be installing a waterline from Park Avenue to connect the new fire supply. I will provide a project overview at the January meeting. I have also met with the Fundraising Committee. I will provide a short report at Council meeting Tuesday evening.

From 11.22.2022: The project is being put together. There will be a major planning meeting after Thanksgiving. Staff has assembled a review team for finishes, colors and other choices related to the project. The review team consists of Karl Frink, Elizabeth Coleman, Katy Kallai, Brandie Simon, Lynda Chambers, Levi Gatchett & Scott McDowell.



From 09.27.2022: Mayor Ware and I asked a few questions and clarified a few points with Jonathan Dunn that resulted in an updated associated cost based on the scope of work. Council agreed by consensus to handle any new requirements at the September Council meeting. Council authorizes the Mayor and the Administrator to execute necessary documents if details could be arranged and agreed upon. The City has moved forward with the agreement with WAI.

From 05.24.2022: [...] The City is hoping to start the work in June 2023 which means the project would need to be bid early Spring 2023. [...]

REAL Meetings | [G3] ☒ – I will provide an oral update Tuesday evening.

From 10.25.2022: I will give a brief presentation of the new REAL website. The latest JayRay report is also included in the agenda packet for your review.

From 09.27.2022: The group has met three times since the last Council meeting. REAL is trying to work on communication details with RAIN, finish the ROI grant, launch the website and hire a consultant to assist with future strategy & goal setting. RAIN assisted with the completion of the monthly report for July. The State of Oregon is holding onto the remaining portion of the grant. The latest invoice from JayRay has been included on the spreadsheet which is a part of the agenda packet.

From June 28th, 2022: Council authorized a two year extension with partner communities.

Officials Handbook – On hold until the new Council is seated and the appointed officials have been reappointed.

Linx | Kindra Oliver – Mayor Ware penned a letter of support for the City’s shuttle service. The letter is included in the packet for your review. Oliver may be sending a videographer to town to film riders and their experience. Council should consider ways to continually promote the service.



ACTIVE, PENDING, STALLED & COMPLETED

Active: Authorize Council Opening Advertisement – *From 11.22.2022:* Planning and seating the new Council in January 2023 calls for making a few logistical moves for a smooth transition since Mayor Ware is retiring after sixteen years of service and Councilor Neddeau is also stepping away from office after eight years of service. To that end, Staff has discussed the matter with City Attorney Ross Williamson to determine the best course of action we hope Council will consider.

The Linn County Clerk's Office will certify the election results twenty one days after Election Day. So, Council will not be able to accept those results until the December Council meeting. Below are the counts as they were posted by the Clerk’s Office on November 14th, 2022:

Mayor

City of Brownsville Mayor (Vote for 1)
1070 ballots (3 over voted ballots, 3 overvotes, 114 undervotes), 1506 registered voters, turnout 71.05%

Adam R Craven	502	52.68%
Doug Block	446	46.80%
Write-in	5	0.52%



Total	953	100.00%
Overvotes	3	
Undervotes	114	

Council

Brownsville Council Members (Vote for 3)

1070 ballots (22 over voted ballots, 66 overvotes, 624 undervotes), 1506 registered voters, turnout 71.05%

Trapper Solberg	493	19.56%
Sandy Saltzer	341	13.53%
Barbara J Andersen	351	13.93%
Sean LaCoste	458	18.17%
Tricia Thompson	374	14.84%
David K Hansen	496	19.68%
Write-in	7	0.28%
Write-in	0	0.00%
Write-in	0	0.00%
Total	2520	100.00%
Overvotes	66	
Undervotes	624	

Measure 22-296 | Psilocybin

22-196 City of Brownsville Prohibit Psilocybin Businesses (Vote for 1)

1070 ballots (4 over voted ballots, 4 overvotes, 34 undervotes), 1506 registered voters, turnout 71.05%

Yes	647	62.69%
No	385	37.31%
Total	1032	100.00%
Overvotes	4	
Undervotes	34	

What is Council being asked to do?

Staff is requesting authorization to place an advertisement in *The Times* for the potential Council seat that will be open if Adam Craven wins the mayoral race.

The Brownsville Municipal Code requires Council to fill a vacancy as follows:

Chapter 1.25 Council/Elected Official Vacancy

Sections:

1.25.010 Appointment by Council procedure.

In filling a vacancy, the Council shall make such inquiries and hold interviews as it considers necessary to make the appointment. The appointment must be made at a regular or special Council meeting.

The Council will use the following procedures in the appointment process:

- A. Public notice in a newspaper of general circulation and/or by standard electronic means and posting of a notice at City Hall, the Library and the Post Office for two consecutive weeks;
- B. Deadline for interested parties to submit applications shall be no later than 30 days after the initial public notice;
- C. Appointment from those applicants nominated and seconded for consideration by members of the Council. The Recorder will announce the results of each ballot and will record each Councilor’s vote. An applicant who receives a majority of the votes by the current Council members will be appointed to the vacant position. If no applicant receives a majority vote on the first ballot, the Council will continue to vote on the two applicants who receive the most votes until an applicant receives a majority of the Councilors voting;
- D. All applicants shall qualify for public office as required by the City Charter and may be subject to the same requirements of Linn County and the State of Oregon;
- E. Vacancies shall be filled within 60 days of reasonable notice to the Brownsville City Council.



City Administrator Report

The Brownsville Charter reads as follows:

CHAPTER VII Elections

Section 27. Terms.

The term of office of a person elected at a regular city election commences on the first Monday in January following the election.

Mayor Ware would call a special meeting for January 3rd, 2023 at 7:00 p.m. The special meeting will be a swearing-in ceremony to ensure a full Council. Mayor Ware and Councilor Neddeau will be recognized for their service, and potentially Councilor Thompson pending the official election results. The City would then host a reception in the Community Room.

Staff could then begin the necessary reviews with the new Council members so goal setting and other important planning items can be dealt with prior to budget season starting in March. The League of Oregon Cities also holds Councilor training that will be offered to the new members as well.

The City would also like to hold a reception for Mayor Ware on December 29th, 2022 from 12:00 p.m. to 2:00 p.m. in the Community Room to honor his historic years of service to the City of Brownsville.

Active: Consulting Lobbyist – *From 11.22.2022:* Staff met with Sean Tate to discuss possibilities of helping small cities/rural communities with policy efforts at the legislative level. The effort is exploratory at this time.



Active: Central Linn Recreation Center Meeting – *From 11.22.2022:* Staff has been working with President Katy Kallai on a number of issues including bylaw changes, financial transition items, janitorial services and the renovation project to name a few. The Association has an exciting, young group of people working to bring programming to the youth of our Central Linn community.

From 09.27.2022: I attended the last two meetings of the Rec Board. I reviewed the renovation plans for the Rec Center. Everyone seemed satisfied with the improvements, upgrades and schedule. Several folks volunteered to help fundraise. Council also authorized me to assist with organizational development pieces at the request of President Katy Kallai.

Active: Linn County Planning & Building (LCPB) | Quarterly Contract Cities – *From 07.26.2022:* Administrative Assistant Elizabeth Coleman and I attended the latest meeting with the County and contract cities. LCPB has made significant staffing changes. All cities were happy with the transition and the County’s attentiveness to city needs. A few problems were addressed concerning fees and fee schedules. The County is still working on full implementation of their e-permitting system. The group will talk about the long awaited update to the Urban Growth Boundary (UGB) agreements the cities have with Linn County. Brownsville’s has not be reviewed since 1978. Now we have development happening in the UGB which has caused a few problems we are still trying to work out.

Active: KeyBank Deposit Only Account Setup – Council approved Staff moving forward with an agreement with KeyBank to provide check processing equipment for City deposits. Staff is making arrangement for the implantation of this equipment.





City Administrator Report

From 11.22.2022: Staff is requesting Council authorize an agreement with KeyBank that would allow check readers to be installed at City Hall. After talking with Linn County Treasurer Michelle Hawkins and City Insurance Agent Darrin Godfrey, I have changed my position regarding this agreement. I was not in favor of the City taking the liability associated with this agreement, but the City does have more than adequate insurance coverage that protects Staff and the City from any potential financial loss. Hawkins said that the County has had a very good experience using these machines. Hawkins put a few internal controls in place to ensure transactions are performed a certain way. She indicated that if there is a discrepancy between the County and the bank, it is worked out the next business day and it rarely happens.

Pending: Water Management Conservation Plan – *From 11.22.2022:* The State has requested more information and clarification on certain sections of the report. Mr. Tim Tice is working on those revisions.

From 10.25.2022: The WMCP was filed August 15th, 2022 [...]

Pending: TMDL Report | Dyer Partnership – *From 09.27.2022:* The State's Department of Environmental Quality (DEQ) required all cities to submit new TMDL policies that support the responsibilities of a Designated Management Agency (DMA) by September 3rd, 2022. The State unilaterally made all cities comply with these new requirements last March 2021 under the threat of fines. Dyer Partnership was hired to ensure that the new plan met the minimum requirements being handed down by the DEQ. I explained to the State's representative that I could not submit the plan without Council review, so I was asking for a simple extension to accommodate Council review. Dyer had the plan ready the week before the deadline. The State did not grant an extension. They decided to send the City a compliance letter which is a perfect example of what is coming in the future from the Department of Environmental Quality (DEQ) on this issue.

Note: Council is basically saying that the City will always do the items included in this plan which means that you are committing to funding these items forever or else you will be fined by the State.

Pending: Grand Jury Subpoena – *From 11.22.2022:* Staff was summons to the Linn County District Attorney's Office for questioning about the curb that was painted red by a local citizen. The next summons is for January 17th, 2023.

Pending: Utilities Ordinance Preparations – *From 11.22.2022:* Staff is working on modifications to streamline utility billing processes. Planning to bring possible changes to a future Council meeting. The agreement with KeyBank is part of this effort.

Pending: Heritage Signs [W. Bishop Way] & the State of Oregon – *From 10.25.2022:* Councilors Chambers & Thompson will attend meetings after the start of the year according to Beth Dehn from the State. Linn County Museum's Mandy Cole will be heading up that effort.

From 09.27.2022: The State would like to freshen up the message boards on OR 228 just west of J & S Supply. Beth Dehn has been in contact with the Linn County Museum to work on messaging. Most of the details can be found in the emails included in the agenda packet for your review. The City is being asked to financially participate with the signage replacement costs.

Pending: McClain & Cemetery Maintenance – *From 11.22.2022:* The drainage portion of the project has been completed for this year. So far so good! The road has not washed out thanks to the new



City Administrator Report

installation. Karl is waiting on back ordered parts to finish installing the new gate. Public Works did a very nice job with project design and execution.

Pending: River's Edge Outcome ☒ – *From 05.24.2022:* Staff continues to work closely on inspections and permitting issues. Public Works Superintendent Karl Frink recently reported that the developer was planning on making the required improvements to the open space area in the subdivision. This open space area will be the responsibility of the homeowners association. The City is holding \$102,946.95 for the completion of this project. Once the open space meets inspection, the City will refund those monies.

Completed: Washburn Street Fence Request – Mr. McNeely removed the fence from the right-of-way as required by Council.

Completed: Park Board Recommendations – Council modified the camping ordinance, Brownsville Municipal Code Chapter 8.20, at the recommendation of the Parks & Open Space Advisory Board.

Completed: Central Linn Recreation Center | Agreement Addendum – Council approved an agreement addendum with the Association for janitorial services at the November 22nd, 2022 meeting.

Completed: Chamber of Commerce Updates | Jenna Stutsman – Council approved an agreement with the Chamber at the November 22nd, 2022 meeting.

Completed: Calapooia Food Alliance Agreement (CFA) | Don Lyon – Council approved an agreement with the Chamber at the November 22nd, 2022 meeting.

Completed: GR12 Waterline Project | Dyer Partnership Task Order – Council approved this task order at the November 22nd, 2022 meeting.

Respectfully Submitted,

S. Scott McDowell
City Administrator

Please visit the City website at <https://www.ci.brownsville.or.us> for all kinds of information pertaining to the City's business and operations.

Visit <https://www.ci.brownsville.or.us/currentevents>.

- ★ *Kirk Avenue Project History*
- ★ *Calapooia Riverbank*

PLANNING AT A GLANCE DECEMBER 2022

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

- Construction Solar Permit 604 Calapooia Ave

Updates

The new construction project in Downtown Brownsville is moving forward. The property owner went through all city processes related to construction in the Old Town Commercial Zone and has met the requirements set forth in the Brownsville Municipal Code & Brownsville Standards for Public Works.

Elizabeth E. Grewer





Library Advisory Board

Librarian's Report

November 2022

Here are a few facts about our library the month of November 2022. We have received 53 new books for the library. Volunteers donated 134.75 hours to our library. There were 1,269 materials checked out. 351 adult fiction books; 104 adult non-fiction books; 95 audio books; 396 children's books; 217 junior books; 65 junior reference books and 41 large print books.

In November, we held 7 children's programs with 71 participants. There were 6 programs for adults with 43 participants.

This month our children have loved gathering for story time and making ornaments to go onto the 'Feed the Birds' Tree for Festival of Trees. Each year Carolyn Jackson-Smith lets us help her in making ornaments for this lovely auction tree. We are looking forward to watching the bids climb! Don Lyon presented a lovely program on traveling in the English Countryside. At the end, 20+ people were ready to sign up for a tour. Next month, he will present a new and intriguing program 'Connecting With The Family of Man' on Thursday, December 15 at 7 PM. Our Annual Friends of the Library Book Sale is scheduled for the first two weekends in December. There are Lots of books. I appreciate being able to store books and hold this sale in the Library.

Mayor Ware's term expires this next month, and I would like to say 'thank you for your service, but there are still books to cover! See you in the Library.'

Respectfully submitted,

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

Sherri Lemhouse
Librarian



Council Meeting Synopsis

Council met in regular session at 7:00 p.m. in Council Chambers on November 22nd, 2022.

- ★ All members of Council were present except Councilor Neddeau who was excused. Mayor Ware presided.
- ★ McDowell presented information about the City's Total Maximum Daily Loads (TMDL) plan as required by the Department of Environmental Quality (DEQ). The City has been named a Designated Management Agency (DMA) by the State in March 2021 and has been required to create a new TMDL plan that is under review by the DEQ. TMDL regulates stormwater runoff by using parameters such as temperature, bacteria and mercury among others.
- ★ McDowell reviewed several past and present projects Staff continues to work on as well as reviewing the duties performed daily, weekly and monthly.
- ★ Public Works Superintendent Karl Frink has spent several hours working on the revision to the Water Management & Conservation Plan (WMCP). Engineering is reviewing the numbers for the new disinfection equipment installation. The City has let a contract for asphalt patching. Patching will be done as weather permits. Frink outlined the details of the City's cross connection program and the sale of bulk water. Frink is licensed by the State to perform these duties that keep the public water system safe from contamination.
- ★ City Administrator Scott McDowell discussed the election procedures as explained by the Linn County Clerk's Office. The Clerk's Office will certify the election results in late November. Council will pass a resolution officially recognizing those results from the County in December. The Rally on the River RV event will play host to a national Spartan Rally in October 2025. There will be an open house for Mayor Don Ware on December 29th, 2022 from 12:00 – 2:00 p.m. to celebrate Ware's sixteen years of service as the Mayor of Brownsville.
- ★ Ordinance 792: Camping. Council passed this ordinance. The ordinance officially imposes quiet hours and limits the number of cumulative days people can camp in Pioneer Park.
- ★ Ordinance 793: Council reviewed the Pacific Power Franchise Agreement. Council gave the ordinance a first reading. Staff has been negotiating the agreement for over a year. Council has authority to grant permission for third-party vendors to access City property for installing and maintaining private utilities for public benefit. Typically, the use of public rights-of-way.
- ★ Council ratified a memorandum of understanding with the Brownsville Chamber of Commerce. The Chamber supports area businesses and hosts many events in the Park and throughout town year round. Council will assist with marketing and promotional efforts.
- ★ Council ratified a memorandum of understanding with the Calapooia Food Alliance to provide water service for the Community Garden's new location on Main Street, extend the use of the Red Barn on Park Avenue and allow the use of Library Park for the 2023 Farmer's Market site.
- ★ Council authorized a task order with City engineering firm Dyer Partnership for the design and construction of the GR12 waterline project. The project will install a waterline from the GR12 well site off of Kirk Avenue to the headworks of the Water Treatment Plant. The waterline will ensure enough supply for over five hundred housing units.
- ★ Council authorized an agreement with KeyBank to procure check reading machines for check processing purposes.



- ★ Council authorized Staff to advertise for the Council seat opening.
- ★ Council authorized an addendum to the Central Linn Recreation Association agreement that extends janitorial services to the Rec Center for one year.



All information the Mayor & Council received for the meeting can be found on-line prior to every meeting and afterwards at <https://www.ci.brownsville.or.us/meetings>. Please contact City Administrator Scott McDowell with questions at 541.466.5880 or email at admin@ci.brownsville.or.us.



Upcoming Events

- Friends of the Library Book Sale | December 1st - December 10th | Kirk Room at the Library.
- Brownsville Tree Lighting | December 2nd | Downtown on Spaulding | 6:00 p.m.
- Women's Study Club Festival of Trees | December 2nd & 3rd | Throughout Downtown.
- Brownsville Art Association Christmas Art Market | December 3rd | 10 a.m. – 5 p.m. | City Hall.

For more event information please visit <https://www.historicbrownsville.com/>.



ORDINANCE NO. 793

**AN ORDINANCE GRANTING
AN ELECTRIC UTILITY FRANCHISE TO PACIFICORP**

WHEREAS, PacifiCorp d.b.a. Pacific Power (“PacifiCorp”), is a regulated public utility that provides electric power and energy within the City of Brownsville (the “City”) and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the Public Ways of the City;

WHEREAS, the City desires to set forth the terms and conditions by which PacifiCorp shall use the Public Ways of the City;

NOW, THEREFORE, be it ordained by the City:

SECTION 1. Grant of Franchise. The City hereby grants to PacifiCorp the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as “Electric Facilities”) in, under, along, over and across the present and future streets, alleys, public ways, bridges, sidewalks, trails, public utility easements, and public places (collectively referred to herein as “Public Ways”) under the jurisdiction of the City, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the City and persons and corporations beyond the limits thereof. The scope of this Franchise does not apply to any Electric Facilities placed in Public Ways under a pre-existing easement or other right encumbering the City’s property rights in such Public Ways. Notwithstanding this grant, no new Electric Facilities shall be placed in, under, along, over or across present and future bridges, trails, and public places without prior written authorization from the City which may contain such additional conditions as the City deems appropriate.

SECTION 2. Term. The term of this Franchise is for ten (10) years commencing on the date of acceptance by PacifiCorp as set forth in Section 3 below. In addition to the obligation to undertake and finalize negotiations regarding amendments to the Franchise as provided by Section 16, PacifiCorp and City agree to meet every on or about October 1st in 2024, 2027 and 2030, or upon request of either party, for discussion regarding issues related to the Franchise, which discussions may lead to a request to amend the Franchise pursuant to Section 16.

SECTION 3. Acceptance by PacifiCorp. Within sixty (60) days after the passage of this ordinance by the City, PacifiCorp shall file an unqualified written acceptance thereof, with the City Recorder, otherwise the ordinance and the rights granted herein shall be null and void.



SECTION 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the City shall be nonexclusive and the City reserves the right to use the Public Ways for itself or any other entity that provides service within the City; provided, however, that such use shall not unreasonably interfere with PacifiCorp's Electric Facilities or PacifiCorp's rights granted herein.

SECTION 5. City Regulatory Authority. In addition to the provision herein contained, the City reserves the right to adopt such additional ordinances, rules, and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Oregon, the laws of Oregon, the City Charter, or City Ordinances.

SECTION 5A. Meet and Confer. At City's request, PacifiCorp will meet and confer to discuss any rate increases or the termination of any third-party agreement by a utility providing service within the City to use PacifiCorp facilities. PacifiCorp shall respond to the City within five (5) business days and a meeting shall be held within 15 business days of the City's request.

SECTION 6. Indemnification. The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by PacifiCorp of its Electric Facilities. PacifiCorp shall indemnify, defend and hold the City harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of PacifiCorp's use of the Public Ways within the City, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The City shall: (a) give prompt written notice to PacifiCorp of any claim, demand or lien with respect to which the City seeks indemnification hereunder; and (b) unless in the City's judgment a conflict of interest exists between the City and PacifiCorp with respect to such claim, demand or lien, permit PacifiCorp to assume the defense of such claim, demand, or lien with counsel satisfactory to City. If such defense is not assumed by PacifiCorp, PacifiCorp shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, PacifiCorp shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the City or any of its officers or employees.

SECTION 6A. Insurance. PacifiCorp shall maintain public liability and property damage insurance that protects PacifiCorp and the City, as well as the City's officers, agents, and employees, from the claims referred to in Section 6 of this Franchise. The insurance shall provide coverage at all times of not less than \$2,000,000 combined single limit for bodily injury liability and property damage liability per occurrence with an annual aggregate limit of not less than \$5,000,000. The limits of the insurance shall be subject to any changes as to maximum constitutional and statutory limits of liability imposed on municipalities of the State of Oregon during the term of the Franchise. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the City and its officers, agents, and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured. The coverage



must apply as to claims between insureds on the policy. The insurance shall provide that the insurance shall not be canceled or materially altered without thirty (30) days prior written notice first being given to the City. If the insurance is canceled or materially altered within the term of this Franchise, PacifiCorp shall provide a replacement policy with the same terms. PacifiCorp agrees to maintain continuous uninterrupted coverage, in the terms and amounts required, for the duration of the Franchise.

PacifiCorp shall maintain on file with the City a certificate of insurance certifying the coverage required above. The adequacy of the insurance shall be subject to the approval of the City. Failure to maintain liability insurance shall be cause for immediate termination of this Franchise by the City.

In the alternative to providing a certificate of insurance to the City certifying liability insurance coverage as required, PacifiCorp may provide the City with an annual statement regarding its self-insurance. PacifiCorp's self-insurance shall provide at least the same amount and scope of coverage for PacifiCorp and the City, its officers, agents and employees, as otherwise required under Section 6.A. The adequacy of such self-insurance shall be subject to the City's review and approval. Upon PacifiCorp's election to provide self-insurance coverage under this Section, any failure by PacifiCorp to maintain adequate self-insurance may be cause for the City to declare a forfeiture or immediately terminate this Franchise.

SECTION 7. Annexation.

- 7.1 Extension of City Limits.** Upon the annexation of any territory to the City, the rights granted herein shall extend to the annexed territory to the extent the City has such authority. All Electric Facilities owned, maintained, or operated by PacifiCorp located within any Public Ways of the annexed territory shall thereafter be subject to all of the terms hereof.
- 7.2 Annexation.** When any territory is approved for annexation to the City, the City shall, not later than ten (10) working days after passage of an ordinance approving the annexation, provide by certified mail to PacifiCorp: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the City's ordinance approving the annexation. The notice shall be mailed to:

PacifiCorp Customer Contact Center

Attn: Annexation
P.O. Box 400
Portland, Oregon 97202-0400

With a copy to:

PacifiCorp
Attn: Office of the General Counsel
825 N.E. Multnomah, Suite 2000
Portland, Oregon 97232



Additional or increased fees or taxes, other than ad valorem taxes, imposed on PacifiCorp as a result of an annexation of territory to the City shall become effective on the effective date of the annexation provided notice is given to PacifiCorp in accordance with ORS 222.005, as amended from time to time.

SECTION 8. Planning, Design, Construction and Installation of PacifiCorp Facilities.

- 8.1** All Electric Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and city laws, codes and regulations.
- 8.2** Except in the case of an emergency, PacifiCorp shall, prior to commencing work in the Public Ways, apply for a permit from the City which permit shall not be unreasonably withheld, conditioned, or delayed. PacifiCorp will abide by all applicable ordinances and all rules, regulations and requirements, and the City may inspect the manner of such work and require remedies as may be necessary to assure compliance. Notwithstanding the foregoing, PacifiCorp shall not be obligated to obtain a permit prior to performing emergency repairs but PacifiCorp shall notify the City as soon as reasonably practical and shall use reasonable efforts to notify the City prior to performing the emergency repairs. PacifiCorp may immediately initiate such emergency repairs and shall apply for all appropriate permits as soon as possible, but not to exceed five (5) business days following discovery of the emergency. PacifiCorp must comply with all applicable laws, ordinances, rules, and regulations relating to excavations or construction, including payment of permits and license fees
- 8.3** All Electric Facilities shall be located and constructed so as to cause minimum interference with the Public Ways of the City and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable laws, rules, ordinances and regulations including but not limited to the then current Standards for Public Improvements of the City. PacifiCorp's Electric Facilities shall be constructed, maintained and repaired in such manner as not to interfere with pre-existing sewers, water pipes, or any other property of the City, or with any other facilities that may have been laid in the Public Way by or under the City's authority. The City shall have the right to observe and inspect all location, construction or installation of PacifiCorp's Electric Facilities and to make such inspections as it shall find necessary to ensure compliance with all laws, ordinances, rules and regulations. PacifiCorp is responsible for all work performed by or for PacifiCorp or its agents.
- 8.4** If, during the course of work on its Electric Facilities, PacifiCorp causes damage to or alters the Public Ways, or makes an opening in a hard surface pavement in any Public Way, PacifiCorp shall, at its own cost and expense, in a manner approved by the City, and within a reasonable period of time, replace and restore the Public Way to a condition comparable to that which existed before the work commenced. The City reserves the right, after providing written notice and a reasonable opportunity to cure to PacifiCorp, to remove and/or repair any work done by PacifiCorp which, in the reasonable determination of the City, does not comply with the requirements of this Section 8.4 or is unsafe. The notice shall include a date by which the work must be completed; provided that such date must be reasonably calibrated based on the scope and complexity of the required work; and provided further that PacifiCorp may request an informal meeting with the City Manager to discuss the completion date. The City may, after providing PacifiCorp written notice



and a reasonable opportunity to cure, refill and/or repave any opening made by PacifiCorp in a Public Way to the standards required under this Section 8.4 at the expense of PacifiCorp. All reasonable costs of such remediation, including costs of inspection and supervision, shall be paid by PacifiCorp.

- 8.5** In connection with private development line extension requests, PacifiCorp shall, upon its receipt of payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by City ordinance, rule, or regulation.
- 8.6** The City shall have the right without cost to use all poles and suitable overhead structures owned by PacifiCorp within Public Ways for City wires used in connection with its fire alarms, police signal systems, or other communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the City for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that PacifiCorp shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the City shall be in such a manner as to prevent safety hazards or interferences with PacifiCorp's use of same. Nothing herein shall be construed to require PacifiCorp to increase pole size, or alter the manner in which PacifiCorp attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. City attachments shall be installed and maintained in accordance with the reasonable requirements of PacifiCorp and the current edition of the National Electrical Safety Code pertaining to such construction. Further, City attachments shall be attached or installed only after written approval by PacifiCorp.
- 8.7** PacifiCorp shall have the right to excavate the Public Ways subject to reasonable conditions and requirements of the City. Before installing new underground conduits or replacing existing underground conduits, PacifiCorp shall first notify the City of such work and shall allow the City, at its own expense, to share the trench of PacifiCorp to lay its own conduit therein, provided that such action by the City will not unreasonably interfere with PacifiCorp's Electric Facilities or delay project completion. No newly overlaid or constructed street shall be excavated by PacifiCorp for a period of five (5) years from the time of completion of the street overlay or construction unless authorized by the City, in writing.
- 8.8** Before commencing any street improvements or other work within a Public Way that may affect PacifiCorp's Electric Facilities, the City shall give written notice to PacifiCorp. In the event that emergency repairs are necessary, City may immediately initiate such emergency repairs and shall notify PacifiCorp of such repairs as soon as reasonably practical and shall use reasonable efforts to notify the City prior to performing the emergency repairs.
- 8.9** No structures, buildings or signs shall be erected below PacifiCorp's facilities or in a location that prevents PacifiCorp from accessing or maintaining its facilities. Below or immediately adjacent to PacifiCorp's facilities, the City will plant only such species of vegetation that will not interfere with PacifiCorp's facilities or require maintenance by PacifiCorp.



- 8.10** PacifiCorp shall provide the City with a report of all new services created within City boundaries on an annual basis during the term of this Franchise. The report shall be provided both electronically and in hard copy form. The City shall provide written confirmation of the accuracy of the report and/or any corrections thereto to PacifiCorp within a reasonable period of time following receipt of the report.
- 8.11** PacifiCorp shall promptly cover or remove graffiti on Electric Facilities upon written notice from City.
- 8.12** No less frequently than annually, upon written request from the City, PacifiCorp shall provide maps to the City showing the location of PacifiCorp's Facilities in Public Ways on a scale the City and PacifiCorp agree upon. PacifiCorp shall provide such maps in an electronic format acceptable to the City and PacifiCorp and also in hard copy form. The level of detail in maps provided by PacifiCorp shall be limited to that which is needed for the City's administration of the Public Ways in order to protect PacifiCorp's confidential business information and the security of PacifiCorp's Electric Energy System.

SECTION 9. Relocation of Electric Facilities.

- 9.1** The City reserves the right to require PacifiCorp to relocate overhead Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the City. Within a reasonable period of time after written notice, PacifiCorp shall promptly commence the overhead relocation of its Electric Facilities. The City and PacifiCorp shall cooperate to identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the City. The City shall assign or otherwise transfer to PacifiCorp all right it may have to recover the cost for the relocation work and shall support the efforts of PacifiCorp to obtain reimbursement. PacifiCorp shall convert existing overhead distribution facilities to underground, if required by the City, subject to PacifiCorp's tariffs, state statutes, administrative rules and regulations regarding forced conversions. Subject to and in accordance with such tariffs, state statutes, administrative rules and regulations, the City may direct PacifiCorp to pay the expense of forced underground conversions, and PacifiCorp may recover its costs from City customers. Nothing in this paragraph shall prevent the City and PacifiCorp from agreeing on a case-by-case basis to a different form of cost recovery or another mechanism for funding an underground project that is consistent with PacifiCorp's tariffs, state statutes, administrative rules or regulations.
- 9.2** PacifiCorp shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, PacifiCorp may charge the expense of removal or relocation to the developer or customer. For example, PacifiCorp shall not be required to pay relocation costs in connection with a road widening or realignment where the road project is made a condition or caused by a private development. In such event, the City shall require the developer to pay PacifiCorp for such relocation costs as part of its approval procedures.



9.3 If PacifiCorp fails to relocate, remove, rearrange, or alter any Electric Facilities as requested by the City within the time established by the City, which time period must be reasonable and take into account the scope and complexity of the project, for reasons that are within PacifiCorp's control, the City may after providing written notice to PacifiCorp and a reasonable opportunity to cure, cause the Electric Facilities to be relocated, removed, rearranged, or altered by qualified contractors at PacifiCorp's sole expense. The notice shall include a date by which the work must be completed; provided that such date must be reasonably calibrated based on the scope and complexity of the required work; and provided further that PacifiCorp may request an informal meeting with the City Manager to discuss the completion date. Upon receipt of demand for payment from the City, PacifiCorp shall promptly reimburse the City for all reasonable, documented costs the City reasonably incurred to relocate, remove, rearrange or alter Electric Facilities, including any costs incurred to collect payment from PacifiCorp.

SECTION 10. Subdivision Plat Notification. Before the City approves any new subdivision and before recordation of the plat, the City shall mail notification of such approval and a copy of the plat to PacifiCorp:

Pacific Power
 Attn: Estimating Department
 830 Old Salem Rd.
 Albany, OR 97321

SECTION 10A. Development Notification and Coordination. The City shall mail notification of development applications to PacifiCorp:

Pacific Power
 Attn: Estimating Department
 830 Old Salem Rd.
 Albany, OR 97321

Within thirty (30) days of the date a development notification is received by PacifiCorp, PacifiCorp shall confirm its receipt of such notification and thereafter cooperate in good faith with the City and developer, as necessary and appropriate, in connection with the development of plans and specifications required to extend Electric Facilities through the Public Ways to the proposed development. PacifiCorp shall make reasonable efforts to respond promptly to City and developer inquiries regarding any proposed line extension. If extension of power will require the proposed development to install facilities for use by PacifiCorp, PacifiCorp will provide the final plans and specifications for such extension to the City within thirty (30) days after the City's written request following the agreement by PacifiCorp and the developer to the final plans and specifications. In the event that PacifiCorp determines that it is necessary to change to final plans and specifications, PacifiCorp shall make good faith efforts to notify the City and the developer at least thirty (30) days prior to the scheduled date of construction.

SECTION 11. Vegetation Management. PacifiCorp or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways, to prevent the branches or limbs or other part of such trees or vegetation from



interfering with PacifiCorp's Electric Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic; provided that PacifiCorp, prior to application and within fifteen (15) business days of the City's request, shall provide the City information regarding product(s) used for growth inhibitor treatment or any other herbicide or pesticide that may be used in the right-of-way or easements. Nothing contained in this Section shall prevent PacifiCorp, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

SECTION 12. Compensation.

- 12.1** In consideration of the rights, privileges, and franchise hereby granted, PacifiCorp shall pay to the City from and after the effective date of the acceptance of this Franchise, five percent (5%) of its gross revenues derived from within the corporate limits of City. The term "gross revenue" as used herein shall be construed to mean any revenue of PacifiCorp derived from the retail sale and use of electric power and energy within the municipal boundaries of the City after adjustment for the net write-off of uncollectible accounts (accounts which, despite PacifiCorp's best efforts, have been uncollectible for 12 months or more) and corrections of bills theretofore rendered. All amounts paid under this Section 12 shall be subject to review by the City; provided that only payments which occurred during a period of thirty-six (36) months prior to the date the City notifies PacifiCorp of its intent to conduct a review shall be subject to such review. Notwithstanding any provision to the contrary, at any time during the term of this Franchise, the City may elect to increase the franchise fee amount as may then be allowed by state law. The City shall provide PacifiCorp with prior written notice of such increase following adoption of the change in percentage by the City. The increase shall be effective sixty (60) days after City has provided such written notice to PacifiCorp.
- 12.2** Payment of the compensation owed under this Franchise shall not exempt PacifiCorp from the payment of any other generally applicable business license fee, tax or charge on the business occupation property or income of PacifiCorp that may be now or in the future lawfully imposed by the City or by another taxing authority, except as may be otherwise provided in the ordinance or ordinances imposing such other business license fees, taxes or charges.
- 12.3** Franchise fee payments shall be made monthly within fifteen (15) days of the end of each month. If PacifiCorp fails to make any undisputed payment within such period and does not cure such failure within fifteen (15) days following written notice from the City, PacifiCorp shall be assessed a late payment charge equal to the rate of one percent (1%) over the existing prime rate as published in *The Wall Street Journal*, compounded daily. The late payment charge shall be due on the entire late payment from the date on which the payment was due until the date on which the City receives the payment.
- 12.4** Accompanying each payment to the City, PacifiCorp shall file with the City a written report containing an accurate statement in summarized form of its calculation of the amount of the payment. Such statement shall be verified by an officer or other authorized representative of



PacifiCorp and shall set forth its gross revenues according to their accounting subdivision and any deductions claimed for the period. Such reports shall be in a form reasonably satisfactory to the City.

- 12.5** No acceptance of any payment pursuant to this Section 12 shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable.
- 12.6** The City and its agents and representatives shall have authority to arrange for and conduct audits within a reasonable day's commute to Junction City, upon no less than thirty (30) days prior written notice, no more than once per year. The City may join with other municipalities and conduct a joint audit. The City may determine the scope of audit in each instance, provided that only payments which occurred during a period of thirty-six (36) months prior to the date the City notifies PacifiCorp of its intent to perform an audit shall be subject to such audit. The City shall provide written notice to PacifiCorp of the results of the audit. Within ten (10) days of the date of the notice, PacifiCorp may request an informal meeting with the City Manager to discuss the audit. If the results of City's audit, after resolution of any dispute regarding the audit, discloses that PacifiCorp has paid ninety-five percent (95) or less of the principal amount owing for the period under audit, PacifiCorp agrees to pay the City the proper amount due and owing and reimburse the City the City's reasonable, documented costs of the audit. If payment of any undisputed underpaid amounts is not received within thirty (30) days of written notice from the City, then a late payment charge shall be due as provided by Section 12.3.

SECTION 13. Renewal. At least 120 days prior to the expiration of this Franchise, PacifiCorp and the City shall agree to either extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. PacifiCorp shall have the continued right to use the Public Ways of the City as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise, provided both parties are participating in good faith negotiations. Notwithstanding the above, upon 365 days after the expiration of this Franchise, if the parties have failed to reach an agreement regarding the extension of the Term or a replacement Franchise, the City may: 1) grant an extension of time to extend the Term or renegotiate a replacement Franchise; or 2) demand that PacifiCorp remove its Electric Facilities and restore the City rights-of-way to a safe and operable condition comparable in quality and construction to that of the surrounding area.

SECTION 14. No Waiver. Neither the City nor PacifiCorp shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 15. Transfer of Franchise. PacifiCorp shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, unless the City shall first give its approval in writing, which approval shall not be unreasonably withheld; provided, however, inclusion of this Franchise as property subject to the lien of PacifiCorp's mortgage(s) shall not constitute a transfer or assignment. In determining whether City will consent to any transfer, the City may inquire



into the technical, legal and financial qualifications of the respective transferee. PacifiCorp will assist the City with such inquiry. The City shall not unreasonably delay or withhold its consent to such transfer.

SECTION 16. Amendment. At any time during the term of this Franchise, the City, through its City Council, or PacifiCorp may propose amendments to this Franchise by giving thirty (30) days written notice to the other of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the City and PacifiCorp and formally adopted as an ordinance amendment.

SECTION 17. Non-Contestability--Breach of Contract.

17.1 Neither the City nor PacifiCorp will take any action for the purpose of securing modification of this Franchise before either the Oregon Public Utility Commission or any Court of competent jurisdiction; provided, however, that neither shall be precluded from taking any action it deems necessary to resolve difference in interpretation of the Franchise nor shall PacifiCorp be precluded from seeking relief from the Courts in the event Oregon Public Utility Commission orders, rules or regulations conflict with or make performance under the Franchise illegal.

17.2 In the event PacifiCorp or the City fails to fulfill any of their respective obligations under this Franchise, the City, or PacifiCorp, whichever the case may be, will have a breach of contract claim and remedy against the other in addition to any other remedy provided by law, provided that no remedy which would have the effect of amending the specific provisions of this Franchise shall become effective without such action which would be necessary to formally amend the Franchise.

SECTION 18. Notices. Unless otherwise specified herein, all notices from PacifiCorp to the City pursuant to or concerning this Franchise shall be in writing and delivered to:

City of Brownsville
Attn: City Administrator
 P.O. Box 188
 Brownsville, OR 97327

Unless otherwise specified herein, all notices from the City to PacifiCorp pursuant to or concerning this Franchise shall be in writing and delivered to the Customer and Community Affairs Vice President, Pacific Power, 825 NE Multnomah, Lloyd Center Tower Suite 2000, Portland, Oregon 97232, and such other office as PacifiCorp may advise the City of by written notice.

SECTION 19. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph,



term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

SECTION 20. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

SECTION 21. Additional Remedies. In addition to any rights set out elsewhere in this Franchise, as well as its rights under City ordinance, the City reserves the right at its sole option to apply any of the following, alone or in combination, in the event of PacifiCorp's violation of this Franchise if such violation is not corrected following written notice from the City and the lapse of the applicable cure period (or if no cure period is specified, a reasonable opportunity to cure):

- 21.1 Impose a financial Penalty of up to \$1,000 per Franchise violation per occurrence; or
- 21.2 Revoke this Franchise with 90 days advance written notice.

The City may also revoke this Franchise with 180 days advance written notice in the event that any provision becomes invalid or unenforceable and the City Council expressly finds that such provision constituted a consideration material to the grant of the Franchise.

SECTION 22. Termination. In addition to any other rights set out elsewhere in this Franchise, the City reserves the right to terminate this Franchise if:

- 22.1 PacifiCorp fails to pay undisputed Franchise fees under this Franchise and does not cure the same within thirty (30) days following PacifiCorp's receipt of written notice from the City of such failure;
- 22.2 PacifiCorp fails to remove, relocate, or rearrange Facilities as provided in this Franchise, or fails to properly excavate or restore Public Ways as provided in this Franchise, and does not cure the same within a reasonable time period following PacifiCorp's receipt of written notice from the City of such failure;
- 22.3 PacifiCorp is found by a court of competent jurisdiction to have practiced any fraud or deceit upon the City; or
- 22.4 There is a final determination from a court or agency of competent jurisdiction that PacifiCorp has failed, refused or neglected or is otherwise unable to obtain or maintain required permits for the operation of its Electric Energy System and does not cure the same within a reasonable time period.



SECTION 23. Choice of Law. This contract shall be governed by and construed in accordance with the laws of the State of Oregon, even if Oregon's choice of law rules would otherwise require application of the law of a different state.

PASSED by the City Council of the City of Brownsville, Oregon this 20th day of December, 2022.

Mayor Don Ware

ATTEST:

S. Scott McDowell
City Administrator



RESOLUTION NO. 2022.23

A RESOLUTION CERTIFYING ELECTION RESULTS FROM THE LINN COUNTY CLERK FOR THE NOVEMBER 2020 ELECTION

WHEREAS, the General Election was held November 8th, 2022; and,

WHEREAS, the City of Brownsville had the Mayor position open for election; and,

WHEREAS, the City of Brownsville had three Council positions open for election; and,

WHEREAS, the City of Brownsville had Ballot Measure 22-196 prepared for consideration by the voters; and,

WHEREAS, the Linn County Clerk, Steve Druckenmiller, has certified the following results for the three open Council positions:

City of Brownsville Mayor (Vote for 1)

1088 ballots (0 over voted ballots, 0 overvotes, 118 undervotes), 1506 registered voters, turnout 72.24%

Adam R Craven	516	53.20%
Doug Block	449	46.29%
Write-in	5	0.52%
Total	970	100.00%
Overvotes	0	
Undervotes	118	

Brownsville Council Members (Vote for 3)

1088 ballots (12 over voted ballots, 36 overvotes, 639 undervotes), 1506 registered voters, turnout 72.24%

Trapper Solberg	506	19.54%
Sandy Saltzer	351	13.56%
Barbara J Andersen	360	13.90%
Sean LaCoste	471	18.19%
Tricia Thompson	382	14.75%
David K Hansen	509	19.66%
Write-in	8	0.31%
Write-in	1	0.04%
Write-in	1	0.04%
Total	2589	100.00%
Overvotes	36	
Undervotes	639	

22-196 City of Brownsville Prohibit Psilocybin Businesses (Vote for 1)

1088 ballots (0 over voted ballots, 0 overvotes, 34 undervotes), 1506 registered voters, turnout 72.24%

Yes	658	62.43%
No	396	37.57%
Total	1054	100.00%
Overvotes	0	
Undervotes	34	

► *Results are from the final abstracts received from the Linn County Clerk’s Office on December 1st, 2022. All election results can be found on the County’s website at <https://www.co.linn.or.us/clerk>.*



RESOLUTION NO. 2022.23

NOW, THEREFORE, BE IT RESOLVED BY THE BROWNSVILLE CITY COUNCIL, THAT Adam Craven will fill the Mayor position and David Hansen, Sean LaCoste, and Trapper Solberg will fill the Council positions based on these election results and be sworn into office on January 3rd, 2023.

Introduced and adopted this 20th day of December 2022.

Approved:

Attest:

Don Ware, Mayor

S. Scott McDowell, City Administrator



RESOLUTION NO. 2022.24

A RESOLUTION DESIGNATING A DEPOSITORY FOR THE CITY OF BROWNSVILLE; AUTHORIZING SIGNERS AND CO-SIGNERS FOR CITY OF BROWNSVILLE ACCOUNTS; AND REPEALING RESOLUTION NO. 572, 624, 688, 2019.05, 2021.06 AND ALL RESOLUTIONS IN CONFLICT HEREWITH.

WHEREAS, Key Bank of Oregon and the State of Oregon Local Government Investment Pool have previously been selected as depositories for funds of the City of Brownsville, and;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon, that Key Bank of Oregon, Brownsville Branch, and the State of Oregon Local Government Investment Pool, continue to be designated as depositories for the City and that funds so deposited may be withdrawn upon a check, draft, note or order of the organization.

BE IT FURTHER RESOLVED, that the City Administrator be the person authorized to sign checks and execute financial transactions on behalf of the City of Brownsville, Brownsville Municipal Code – Chapter 2; and,

BE IT FURTHER RESOLVED, that the City Administrator be the person authorized to initiate wire transfers for deposits to and withdrawals from the State of Oregon Local Government Investment Pool/Oregon State Treasury and that all checks, drafts, notes or orders drawn against the following Key Bank of Oregon accounts may be signed on behalf of the City of Brownsville by any two persons whose signatures appear below.

47-47251-2 General Account

1. _____
S. Scott McDowell, City Administrator

2. _____
Adam Craven, Mayor

3. _____
Michael Humphreys, Councilor

4. _____
Lynda Chambers, Councilor



BE IT FURTHER RESOLVED, that the City Administrator will continue to be the person responsible for the investment and accounting of any and all funds required to be segregated from other city funds; and,

BE IT FURTHER RESOLVED, that Resolution No. 572, 623, 688, 2019.05, 2021.06 and all resolutions in conflict herewith, are hereby repealed.

BE IT FURTHER RESOLVED, that Mayor Don Ware and Councilor Mike Neddeau are hereby removed as official check signers of the City.

PASSED AND APPROVED this 20th day of December 2022.

ATTEST:

S. Scott McDowell
City Administrator

Don Ware
Mayor



RESOLUTION 2022.25
A RESOLUTION THANKING
DON WARE
FOR HIS SERVICE TO THE
BROWNSVILLE CITY COUNCIL

WHEREAS, the City of Brownsville depends on volunteers to provide many essential services for the community; and,

WHEREAS, the Brownsville City Council performs the most essential functions of the local government and plays a vital role in the community by making major decisions, creating policy and continually working toward and for the best interests of the City; and,

WHEREAS, serving as a Mayor for the City of Brownsville is both a challenging and important post; and,

WHEREAS, Don Ware has served the City of Brownsville since January 2007 as Mayor; and,

WHEREAS, Don Ware has the longest service as Mayor in the history of the City of Brownsville; and,

WHEREAS, Don Ware has been a dedicated public servant to the office of Mayor, he has represented the community with a heart for service and served the public with patience, wisdom & humility giving of himself in many admirable ways; and,

WHEREAS, Don Ware has exhibited leadership by meeting every challenge faced by the City over his tenure and through his support of fellow Councilors, City Staff, community volunteers, the general public & for having the will to continue improving Brownsville, and;

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of Brownsville, Oregon:

**Thank you for your outstanding service, unmatched commitment
and significant contribution to our community!**

PASSED by Council and approved by the Mayor on this 20th day of December, 2022.

APPROVED:

ATTEST:

S. Scott McDowell
City Administrator

Don Ware
Mayor



RESOLUTION 2022.26

**A RESOLUTION THANKING
MIKE NEDDEAU
FOR HIS SERVICE TO THE
BROWNSVILLE CITY COUNCIL**

WHEREAS, the City of Brownsville depends on volunteers to provide many essential services for the community; and,

WHEREAS, the Brownsville City Council performs the most essential functions of the local government by making major decisions, creating policy and continually working toward accomplishing recognized, shared goals for the best interests of the City and its citizens; and,

WHEREAS, serving as a Council member for the City of Brownsville is both a challenging and important post; and,

WHEREAS, Mike Neddeau has served the City of Brownsville as a City Councilor since January 2015; and,

WHEREAS, Mike Neddeau has been a dedicated public servant to the office of Councilor, he has visited with Staff regularly to monitor projects & discuss City business; and,

WHEREAS, Mike Neddeau has served the public by volunteering his cooking talents on numerous issues; and,

WHEREAS, Mike Neddeau has exhibited his common sense approach in countless meetings with Staff to address important issues and find solutions in his effort to continually improve Brownsville, and;

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of Brownsville, Oregon:

**Thank you for your valuable service, steadfast commitment
and significant contributions to our community!**

PASSED by Council and approved by the Mayor on this 20th day of December 2022.

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Don Ware
Mayor



RESOLUTION 2022.27

**A RESOLUTION THANKING
TRICIA THOMPSON
FOR HER SERVICE TO THE
BROWNSVILLE CITY COUNCIL**

WHEREAS, the City of Brownsville depends on volunteers to provide many essential services for the community; and,

WHEREAS, the Brownsville City Council performs the most essential function and plays a vital role in the community by making major decisions, creating policy and continually working toward and for the best interests of the City; and,

WHEREAS, serving as a Council member for the City of Brownsville is a challenging and important post; and,

WHEREAS, Tricia Thompson has served the City of Brownsville since March of 2018 as City Councilor; and,

WHEREAS, Tricia Thompson has been a dedicated public servant to her office, represented the community with practicality & honesty and served the public with commitment & giving of herself in many admirable ways including serving on a number of committees to get things done and move projects forward; and,

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Council of the City of Brownsville, Oregon:

**Thank you for your diligent service, strong commitment
and meaningful contribution to our community!**

PASSED by Council and approved by the Mayor on this 20th day of December 2022.

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Don Ware
Mayor



RESOLUTION NO. 2022.28

A RESOLUTION PLANNING CORRECTIVE MEASURES FOR THE FY 2021-2022 AUDIT FOR THE SECRETARY OF STATE AUDITS DIVISION

WHEREAS, Oregon Revised Statutes (ORS) 297.466 requires cities to provide a plan for taking corrective measures for any deficiencies noted by the accounting firm during a municipal audit; and,

WHEREAS, the City is proactively notifying the Office of the Secretary of State for comments contained in the FY 2021-2022 audit soon to be filed by the City; and,

NOW, THEREFORE, BE IT RESOLVED, Council shall take the following measures to remedy the concerns as follows:

Section 1.

Significant Deficiency - Payroll Processing

Observation

During our audit we noted that multiple payroll processing errors determining that the City's controls over their payroll process were not working as intended. In addition, there is no supervisory review and approvals of the payroll register after processing.

Potential Effect

Employees could be incorrectly compensated, and maintenance of the remaining allowable compensation time accruals could be inaccurate. Also, payroll could be processed incorrectly overall without supervisory review.

Recommendation

We recommend that the City perform a thorough review of payroll during processing including a review of the payroll register after processing to minimize the risk of inaccurate payments or incorrect adjustments to compensation time incurred or used.

The identified significant deficiency is not considered to be a material weakness.

Certain deficiencies in internal control that have been previously communicated to you, in writing, by us or by others within your organization are not repeated herein.

City Response: The City requires all personnel to file a monthly time sheet which is reviewed by Administrative Assistant Jannea Deaver for all employees, Public Works Superintendent Karl Frink for Public Works employees and all time sheets are reviewed by City Administrator Scott McDowell. Deaver completes a compilation sheet that includes hours worked, compensation earned & used, noting vacation and holidays as necessary for proper processing of the payroll. Once Deaver has completed the compilation sheet, McDowell reviews all the numbers and calculations.

Payroll is then sent to SingerLewak for processing through ADP, a national payroll processing platform. ADP then sends the associated checks and check stubs via overnight delivery for City review and dissemination. Administrative Assistant Jannea Deaver then reviews each check for accuracy verifying pay amounts, leave used and time accrued by each employee.



- ★ The City has experienced two errors over the last two fiscal years. Both errors were caught and corrected among Staff. Adding any other review to the process does not seem practical or efficient based on the facts, 1) small amounts were remedied once errors were found, 2) the City limits compensatory time amounts, 3) employees are hyper-vigilant reviewing their checks and report irregularities immediately, if any, and 4) historically this has not been an issue.

Section 2.

Control Deficiency – Credit Card Access

Observation

During our evaluation of control processes, we noted that all office personnel have access to the credit card. Although the City Administrator will review charges associated with the credit card, there is no review of charges made by the City Administrator.

Recommendation

We recommend that the credit card access be limited and additional supervisory personnel review and sign off on charges to the credit card to ensure all charges are properly monitored.

City Response: The credit card is kept in the City safe. Librarian Sherri Lemhouse, Administrative Assistant Elizabeth Coleman, Administrative Assistant Tammi Morrow, Administrative Assistant Jannea Deaver and City Administrator Scott McDowell have access to the credit card as needed. The City has implemented a decentralized purchasing model to allow individuals to procure items needed for their departmental operations. If the amount or purchase is going to be out of the ordinary, personnel discuss the purchase with the City Administrator prior to purchase.

When employees remove the credit card from the safe they let either Administrative Assistant Tammi Morrow or City Administrator Scott McDowell know they are using the card. Employees also let the appropriate people know when they have returned the credit card. All personnel understand that receipts for purchases must be forwarded to Administrative Assistant Tammi Morrow. The credit card has a \$5,000 limit.

All credit card charges are physically approved monthly by the City Administrator. Employees are required to pull a purchase order for charges as well, that are also approved by the City Administrator. Administrative Assistant Tammi Morrow tracks down all associated receipts prior to cutting a check for the expenditures that appear on the credit card bill.

McDowell’s credit card expenses are generally around computer hardware & software purchases or other technological needs of the City. Administrative Assistant Tammi Morrow ensures that all purchases have receipts filed, even for the City Administrator. McDowell generally uses his personal credit for small to medium City expenses.

- ★ The City does not see any concern with this process. The City Administrator is an authorized fiscal agent of the City executing the duties required by Council.

PASSED AND ADOPTED by the Council of the City of Brownsville this 20th day of December, 2022.

Attest:

Approved:

S. Scott McDowell
City Administrator/Recorder

Don Ware
Mayor

**ORDINANCE NO. 790****AN ORDINANCE DECLARING A BAN ON PSILOCYBIN SERVICE CENTERS AND THE MANUFACTURE OF PSILOCYBIN PRODUCTS**

WHEREAS, in November 2020, Oregon voters approved Ballot Measure 109, known as the Oregon Psilocybin Service Act (codified at ORS 475A), which allows for the manufacture, delivery and administration of psilocybin at licensed facilities; and

WHEREAS, ORS 475A.235 provides that the Oregon Health Authority will regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services in the state; and

WHEREAS, the Oregon Health Authority has initiated a rulemaking process to implement the state's psilocybin regulatory program and intends to begin accepting applications for psilocybin-related licenses on January 2, 2023; and

WHEREAS, as of July 7, 2022, the Oregon Health Authority has not completed the rulemaking process for implementing the state's psilocybin regulatory program, and the City of Brownsville is uncertain how the manufacture, delivery and administration of psilocybin at licensed psilocybin facilities will operate within the City; and

WHEREAS, ORS 475A.718 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of state licensed psilocybin product manufacturers and/or psilocybin service centers in the area subject to the jurisdiction of the city; and

WHEREAS, the City Council for the City of Brownsville believes that prohibiting psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries prior to the state commencing its psilocybin licensing and regulatory program is in the best interest of the health, safety and welfare of the people of the City of Brownsville; and

WHEREAS, the City Council shall refer to the voters of Brownsville at the next general election the question of whether to establish a ban on state-licensed psilocybin product manufacturers and psilocybin service centers within the City's jurisdictional boundaries.



NOW, THEREFORE, the City of Brownsville ordains as follows:

Section 1. Prohibition. The establishment of psilocybin product manufacturers licensed under ORS 475A.290 and psilocybin service centers licensed under ORS 475A.305 is prohibited in the City of Brownsville.

Section 2. Referral. This Ordinance is referred to the electors of the City of Brownsville for approval at the next statewide general election on November 8, 2022.

Section 3. Codification. Provisions of this Ordinance shall be incorporated into the City Code, and the words “ordinance” or “section” may be changed to “code,” “article,” “chapter,” “division,” or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any recital clause and boilerplate provisions of this Ordinance (i.e., Section Nos. 3 through 4) need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

Section 4. Effective Date. This Ordinance takes effect and becomes operative 30 days after the day on which it is approved by a majority of voters.

First Reading to the Council this ___ day of _____, 2022.

Second Reading to the Council this _____ day of _____, 2022.

Passed and approved by the City Council this __ day of July, 2022.

Approved:

Don Ware, Mayor

Attest:

S. Scott McDowell, City Administrator



Memorandum of Understanding

BETWEEN: City of Brownsville (City)
AND: Brownsville Art Association (BAA)
DATE: January 2023

RECITALS

- A. BAA is interested in continuing the Memorandum of Understanding with the City to utilize the converted fire bays at 255 N. Main Street for BAA purposes.
- B. City believes that BAA provides a valuable public service and desires to provide the space mentioned above to support their mission & work in the community.

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

USE OF SPACE. BAA will be allowed to use the portion of City Hall commonly known as the Art Center for the purpose of providing a hub for community and area artists by not only providing a place for arts education and group meetings, but a public demonstration space for local artists to come together and create art and share their art with the community.

Due to the fundamental occupancy change from the initial Memorandum, the BAA will be responsible for providing insurance as defined under LIABILITY INSURANCE.

PUBLIC USE. BAA agrees to manage the Art Center without regard to race, color, sex, religion, age, national origin, or physical or mental handicap, and to charge for use of the Art Center only on the basis of a written rate schedule available to the public.

LIABILITY INSURANCE. Operator shall maintain in force for the duration of this contract an insurance policy providing comprehensive protection for all accidents or injuries which may occur during BAA's use of the Art Center, written as a primary policy, not contributing with or in excess of any coverage which City may carry. Such policy shall have coverage of not less than \$300,000 per occurrence for bodily injury or personal injury, and \$50,000 per occurrence for property damage, with an aggregate of \$300,000 for bodily injury, personal injury or property damage. The policy shall also contain an endorsement naming City as an individual insured and expressly providing that the interest of City shall not be affected by BAA'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



Memorandum of Understanding

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.

SCHEDULING. BAA will coordinate activities in the space. BAA will communicate activities and uses with City Hall for administrative purposes.

FEES. BAA will contribute \$100 per month for the term of this agreement and continue to make contributions to help cover operational costs such as heat and electricity.

SUBLETTING. BAA shall have the right to sublet or sub-lease portions of the Art Center. BAA shall be solely responsible for the subletting/rental agreement, insurance and compensation for the space provided to any third party. BAA shall require the third party to provide appropriate documentation including but not limited to insurance coverage for property and liability. Any agreements with third parties are done at the sole risk of the BAA. BAA further agrees to hold the City harmless from any claims made by any third-party contract or agreement as it pertains to the use of the facility.

PROPERTY. Any theft or damages incurred to the furniture, any personal items or supplies shall be the sole responsibility of the BAA. Cleaning of the space shall be provided by the groups using the space and ultimately the responsibility of the BAA.

SIGNAGE. Any directional signage or identification signage shall be the responsibility of the BAA. The City reserves the right of approval before any modifications are made.

TERM. The term of this Memorandum shall commence upon execution hereof and shall continue for a period of three years to be revisited and renegotiated in December 2025. The BAA shall provide a written or oral progress report annually.

ENTIRE AGREEMENT. This document embodies the entire agreement between 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. The original proposal as submitted by BAA, as attached, is included for documentation purposes only.

MODIFICATION AND WAIVER. No change or modifications of this agreement shall be valid or binding upon the parties hereto, nor shall any waiver of any term or condition thereof be deemed a waiver of such term or condition in the future, unless such change or modification or waiver shall be in writing signed by all the parties and added to this Memorandum.



Memorandum of Understanding

INTENT. The intent of this Memorandum is to cooperatively work together to create a working relationship that will be mutually beneficial for both parties.

ASSIGNMENT AND TRANSFER. This Agreement shall not be assigned or transferred without written consent of City.

EARLY TERMINATION. The Agreement may be dissolved by either party upon providing ninety (90) days written notice.

City:

BAA:

Don Ware, Mayor

Lori Garcy
Art Association Treasurer

Date:

Date:



Memorandum of Understanding

Exhibit A

Below are improvements that have happened during the course of this agreement.

IMPROVEMENTS. The following is a list:

- ♦ **2019-2020 Signage** – BAA is proposing an identification sign to be placed near the sidewalk in front of the Art Center. BAA is willing to cost share for this installation of this sign. The main wall sign may also be redesigned in 2020.
- ♦ **Yard Improvements** – The City has made improvements to the front of the Art Center by installing grass and replacing sections of concrete. The City requests the grass area be left free and clear of heavy or sharp objects as the irrigation system is very shallow.
- ♦ **2012 Flooring Project** – BAA completed the flooring project as specified, gifted the flooring to the City and continues to provide the care and maintenance of the floor during their use of the Art Center.



December 1st, 2022

To: Mayor & Council
From: EPC Committee
Re: Annual Report 2022

EMERGENCY PREPAREDNESS COMMITTEE

Summary: The EPC resumed many pre-pandemic activities since restrictions eased in 2021.

EPC completed several tasks to move the City’s preparedness effort forward in accordance with Brownsville Municipal Code, Title 2, Chapter 2.15.

Main Goal: Increase Public Awareness and Participation

The EPC’s focus continues to be education by creating a place to share resources with citizens for their personal use. The Committee strives to promote personal readiness by providing practice guides and examples for citizens to be ready for any type of wide-scale emergency.

Accomplishments included:

- ▶ Issued the EPC’s second annual newsletter on July 11th,2022.
- ▶ Rack cards were distributed to Halsey, the Central Linn School District and to Brownsville to raise community awareness and to drive folks to the website, clcepc.org.
- ▶ The Committee continued information dissemination.
- ▶ The Committee continued to maintain website content.
- ▶ 2023 Meeting Schedule:
 - Meetings are held quarterly at locations to be announced starting at 10:30 a.m.
 - ★ February 9th,2023
 - ★ May 11th, 2023



- ★ August 10th, 2023
- ★ November 9th, 2023

- ▶ Norman Simms and Marilee Frazier regularly attend the Linn County Emergency Preparedness meeting and are both involved in CERT. CERT lost its headquarters due to a pending levy in the City of Lebanon. Both Simms and Frazier continue to be the engines that are responsible for driving this effort forward year after year.
- ▶ The Committee hosted a community partner open house in October of 2022. Fortunately, many of the City's civic organizations participated. The American Legion/Senior Center hosted the event and the cities of Brownsville and Halsey provided food. Unfortunately, the event was not well attended by the public. The Committee will meet with other civic organizations to plan on improving this event to drive attendance. Marilee Frazier has gathered great information that needs to be seen by more people.

The Committee will issue newsletters two times per year with the next one planned for January 2023. We also plan on continual updates and promotion of the website, holding events to demonstrate preparedness methods, and will continue working with participating community partners to increase awareness of this important effort.

Sincerely,

Norman Simms

1) Malware

Malware attacks are the most common cyber security threats. Malware is defined as malicious software, including spyware, ransomware, viruses, and worms, which gets installed into the system when the user clicks a dangerous link or email. Once inside the system, malware can block access to critical components of the network, damage the system, and gather confidential information, among others.

According to Accenture, the average cost of a malware attack is USD 2.6 million.

2) Phishing

Cybercriminals send malicious emails that seem to come from legitimate resources. The user is then tricked into clicking the malicious link in the email, leading to malware installation or disclosure of sensitive information like credit card details and login credentials.

Phishing attack accounts for over 80% of reported cyber incidents.

3) Spear Phishing

Spear phishing is a more sophisticated form of a phishing attack in which cybercriminals target only privileged users such as system administrators and C-suite executives.

More than 71% of targeted attacks involve the use of spear phishing.

4) Man in the Middle Attack

Man in the Middle (MitM) attack occurs when cyber criminals place themselves between a two-party communication. Once the attacker interprets the communication, they may filter and steal sensitive data and return different responses to the user.

According to Netcraft, 95% of HTTPS servers are vulnerable to MitM.

5) Denial of Service Attack

Denial of Service attacks aims at flooding systems, networks, or servers with massive traffic, thereby making the system unable to fulfill legitimate requests. Attacks can also use several infected devices to launch an attack on the target system. This is known as a Distributed Denial of Service (DDoS) attack.

The year 2019 saw a staggering 8.4 million DDoS attacks.

6) SQL Injection

A Structured Query Language (SQL) injection attack occurs when cybercriminals attempt to access the database by uploading malicious SQL scripts. Once successful, the malicious actor can view, change, or delete data stored in the SQL database.

SQL injection accounts for nearly 65.1% of all web application attacks.

7) Zero-day Exploit

A zero-day attack occurs when software or hardware vulnerability is announced, and the cybercriminals exploit the vulnerability before a patch or solution is implemented.

It is predicted that zero-day attacks will rise to one per day by 2021.

8) Advanced Persistent Threats (APT)

An advanced persistent threat occurs when a malicious actor gains unauthorized access to a system or network and remains undetected for an extended time.

45% of organizations feel that they are likely to be the target of an APT.

9) Ransomware

Ransomware is a type of malware attack in which the attacker locks or encrypts the victim's data and threatens to publish or block access to data unless a ransom is paid. Learning more about ransomware threats can help companies prevent and cope with them better.

Ransomware attacks are estimated to cost global organizations USD 20 billion by 2021.

10) DNS Attack

A DNS attack is a cyberattack in which cybercriminals exploit vulnerabilities in the Domain Name System (DNS). The attackers leverage the DNS vulnerabilities to divert site visitors to malicious pages (DNS Hijacking) and remove data from compromised systems (DNS Tunneling).

The average cost of a DNS attack stood at USD 924,000 in 2020.

S. Scott McDowell

From: Cris Salazar <csalazar@calapooia.org>
Sent: Tuesday, November 29, 2022 1:17 PM
To: S. Scott McDowell
Subject: Re: Knotweed Control - 2023

Hi Scott,

It's great to hear there may be some interest within the city to help with knotweed control in the area. However, the grant application is due Dec 15th, so it may be a bit late. I will speak with our knotweed control group and see if there are any workarounds. Nonetheless, here is some info you can share with the council on the 20th to describe our need.

As you may know, the dense thickets created by Japanese knotweed pose a significant threat to riparian zones and the health of our rivers. It is also extremely difficult and expensive to remove once it becomes widespread. The Calapooia Watershed Council treated several sites and successfully controlled knotweed over a decade ago but it has reappeared in the past few years. In order to address the problem before it becomes insurmountable, the CalapooiaWC will be applying for funding (around \$6k) from the Oregon State Weed Board. We are collaborating on the grant with three other watershed councils to make the application more competitive, but matching funds from landowners and concerned stakeholders are required.

In 2022, the same group of watershed councils, including the CalapooiaWC, received a small amount of funding to survey for knotweed and over 20 patches were documented between Linn West Drive and the former Brownsville Dam location. If we are able to gather the needed match, we will be treating these sites in fall 2023 and expand our survey area upstream to the Holley bridge.

Please let me know if you or others have any questions about the work.

Much appreciated,

Cris Salazar
Habitat Restoration Program Manager
(He/Him)

Calapooia Watershed Council
351 N Main St | PO Box 844
Brownsville, OR 97327
C: 541-391-3820
calapooia.org



Wards (Districts) vs. At-Large

Other Names

The title for the members of city councils vary, and several titles exist according to local custom. These titles are: councilmember, alderman, selectman, freeholder, trustee or commissioner.

Elections

A survey done by the International City/County Management Association (ICMA) in 2006 reveals that a candidate's political party is noted on the ballot in 20 percent of responding cities. Councilmembers in two-thirds of responding cities are elected at-large, rather than by district. And once elected, most (65 percent) reported that councilmembers receive four-year terms.

Council Size

Councils can range in size from 5 to 51 across the nation, although the national average is six. While the number of councilmen is proportional to the population of the municipality, there is no national standard of proportion. In addition, the size of a council may reflect the complexity of services provided, the council's workload, the diversity and size of the population, the political dynamics and preferences of the city. This variability is illustrated by the large range in the number of councilmen per number of constituents, from 6,278 in Albany to over 250,000 in Los Angeles.

Council Functions

As local legislators, councilmembers are responsible for and responsive to the citizens who elected them. Depending on the city's charter and state laws, they may perform the following functions:

- ★ Review and approve the annual budget;
- ★ Establish long- and short-term objectives and priorities;
- ★ Oversee performance of the local public employees;
- ★ Oversee effectiveness of programs;
- ★ Establish tax rates;
- ★ Enter into legal contracts;
- ★ Borrow funds;
- ★ Pass ordinances and resolutions;
- ★ Modify the city's charter;
- ★ Regulate land use through zoning laws;
- ★ Regulate business activity through licensing and regulations;
- ★ Regulate public health and safety;
- ★ Exercise the power of eminent domain;
- ★ Communicate policies and programs to residents;
- ★ Respond to constituent needs and complaints; and
- ★ Represent the community to other levels of government.

Committees

The system of using issue-specific committees is common for city councils. Committees provide groups of councilmembers the opportunity to thoroughly consider particular items of business then recommend action on those items to the full council. This system reduces the amount of work each councilmember must perform and reduces the length or frequency of full council meetings. Additionally, it enables citizens to participate in matters of interest to them at the regular meetings of each committee. Task forces or ad-hoc committees may also be used to investigate and resolve specific issues that once addressed, are disbanded.

In the past several decades, city councils have become more institutionalized in American cities, with more councils using committees to conduct their work and more councils hiring paid staff. According to survey data from the National League of Cities, 81 percent of city councils in 2001 relied on committees, which was an increase from 61 percent in 1979. Committee use was less common in cities with a council-manager form of government (64 percent) than in those with a mayor-council government (85 percent). In addition, the use of committees tends to increase with the size of cities and city councils. For example, New York City has 43 committees for its 51 councilmen.

Source: <https://www.nlc.org/city-councils/>

Forms of Government

Background

A municipal charter is the legal document that defines the organization, powers, functions, and essential procedures of the city government. The charter also details the form of municipal government, of which there are historically five forms: council-manager, mayor-council, commission, town meeting and representative town meeting.

Council-Manager

Characteristics include:

- ★ City council oversees the general administration, makes policy, sets budget
- ★ Council appoints a professional city manager to carry out day-to-day administrative operations
- ★ Often the mayor is chosen from among the council on a rotating basis

This is the most common form of government. According to surveys by the International City/County Management Association (ICMA), this form of government has grown from 48% usage in 1996 to 55% usage in 2006. It is most popular in cities with populations over 10,000, mainly in the Southeast and Pacific coast areas. Some examples are Phoenix, Arizona; Topeka, Kansas; San Antonio, Texas, and Rockville, Maryland.

Mayor-Council

Characteristics include:

- ★ Mayor is elected separately from the council, is often full-time and paid, with significant administrative and budgetary authority
- ★ Depending on the municipal charter, the mayor could have weak or strong powers

- ★ Council is elected and maintains legislative powers
- ★ Some cities appoint a professional manager who maintains limited administrative authority

This is the second most common form of government. It is found mostly (but not exclusively) in older, larger cities, or in very small cities, and is most popular in the Mid-Atlantic and Midwest. Cities with variations in the mayor-council form of government are New York, New York; Houston, Texas; Salt Lake City, Utah, and Minneapolis, Minnesota.

Commission

Characteristics include:

- ★ Voters elect individual commissioners to a small governing board
- ★ Each commissioner is responsible for one specific aspect, such as fire, police, public works, health, finance
- ★ One commissioner is designated as chairman or mayor, who presides over meetings
- ★ The commission has both legislative and executive functions

The commission form of city government is the oldest form of government in the U.S., but exists today in less than 1% of cities. Portland, Oregon operates under a city commission form of government.

Town Meeting

Characteristics include:

- ★ All voters meet to decide basic policy and elect officials to carry out those policies

Although the town meeting form of government is generally viewed as the purest form of democracy, because it allows all eligible voters a voice in local policy decisions, it is practiced in only about 5% of municipalities.

The town meeting form of government is found in Marblehead, Massachusetts.

Representative Town Meeting

Characteristics include:

- ★ Voters select a large number of citizens to represent them at town meetings, where only they can vote
- ★ Each town meeting must be announced with a warrant that provides the date, time and location of the meeting and specifies the items to be discussed
- ★ The selectmen are responsible for implementing policy

This form of government is found in less than 1% of cities, almost exclusively in small, New England municipalities, such as Lexington, Massachusetts.

Source: <https://www.nlc.org/resource/cities-101-forms-of-local-government/>



Goals Outcomes & Developments



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	October	4	10	219.95
2022	September	5	5	225.25
2022	August	14	21	200
2022	July	18	6	223
2022	June	11	16	176
2022	May	15	7	200
2022	April	40	18	231
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
	<i>Subtotal</i>	281	216	3843.5
	Total Average	15.61 <i>Cites</i>	432.00 <i>Warnings</i>	213.53 <i>Hours</i>

S & P Rating – The City should be receiving the updated rating very soon.

2 Goal 2 | Water Rights

Oregon Association of Water Utilities (OAWU) | [G2] – The Water Management & Conservation Plan (WMCP) is currently under review by the Oregon Water Resources Department. The State reserves the right to make edits to the document and forward it back to Council for further approval.

Goals Outcomes & Developments



From 07.26.2022: [Council passed Resolution 2022.18 acknowledging the WMCP Draft] The City was required by the State of Oregon to adopt a WMCP plan. Council hired Oregon Association of Water Utilities (OAWU) to complete the required report. The report will be filed with the Oregon Water Resources Department (OWRD) for their official review. Staff is simply asking Council to acknowledge the report has been completed and will be filed with the State. Staff is not asking Council for official approval. The City will wait for the State's official review to be completed prior to officially adopting the plan.

From 07.26.2022: The City will soon be submitting the required report with the State. More information to follow.

From June 28th, 2022: Tim Tice is finalizing the report. Council should be in receipt of the report soon. Once Council approves the report, it will be filed with the State for their review & approval.

3

Goal 3 | Economic Development Plan

Rural Economic Alliance (REAL) Website Review – Staff will review the newly launched website designed to assist with City and regional economic development efforts. The City has been working on this project for many years to bring this regional effort alive and to make it tangible. The website really provides an interface for current businesses and future businesses to interact with our region and cities. The site will provide support and take advantage of opportunities that will create jobs and promote financial well-being for residents of our region. The Rural Opportunities Initiative (ROI) through Business Oregon provided a majority of the funding for the development of this website.

Authorize Rural Economic Alliance (REAL) Agreement Extension – See REAL progress in the City Administrator report for more information. The website is finished. The group is now busy working on strategic plan development per the IGA.

4

Goal 4 | Community Development Plan

Rally on the River | Wade Long – Mr. Wade Long is the event organizer for the Rally and he will be sharing information on all things Rally on the River. The event attracts hundreds of people from all over the western United States and Canada. All love to come to Brownsville!

From 09.27.2022: Wade Long will be attending the October Council meeting to give an overview of the trailer rally and to discuss his future plans. Mr. Long is planning on July 10th through the 16th for the 2023 Rally. Staff has explained that the Rec Center will be

Goals Outcomes & Developments



under renovation and unable to be used for showers. Long is making other arrangements for this necessary amenity.

Active: Canal Company & the Mill Race | [G4] Agreement Proposal – From 05.24.2022: Staff has forwarded the agreement to Canal Company leadership and is waiting to set up a meeting as scheduling allows.

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.

Land Inventory | [G4] – Mr. Kinney continues preparations. Staff has provided a few deadlines to move the process forward. We are hoping to be holding public hearings in January 2023.

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.

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.

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.

5

Goal 5 | Capital Improvements Plan

Facilities Review Committee Recommendation Outcomes | [G5] – See City Administrator report for more information.

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.

Central Linn Recreation Center Renovation Project ☒ – From 07.26.2022: I have consulted with Woodblock Architecture regarding the next steps for the renovation project as approved by Council at the last meeting. Woodblock is preparing a proposal for the project’s next steps.

Goals Outcomes & Developments



6

Goal 6 | Organizational Development

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

7

Goal 7 | Advocacy Plan

From past meetings: 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.

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

RECEIVED
City of Brownsville

NOV 21 2022

Clerk _____

ADVISORY TO CITIES AND COUNTIES

WHAT'S GOING ON?

We want to let you know that the recommendation process for annual liquor licenses will soon change to require an applicant for an annual liquor license to *first* obtain the city or county recommendation and then submit the application to the OLCC.

WHY THE CHANGE?

OLCC is in the process of preparing to implement an online liquor license application system. The new system will incorporate all liquor license applications (annual, renewal, and specials).

Though the system won't be implemented until about the summer or fall of 2024, changing the recommendation process now is needed in order to prepare for the new system.

The recommendation process for all special liquor licenses already requires applicants to first obtain the city or county recommendation and then submit the application to the OLCC. OLCC's new system will require the recommendation process for all liquor licenses to be the same.

WHEN WILL THE RECOMMENDATION PROCESS CHANGE?

At this time, the plan is to make the change effective February 1, 2023.

This change requires the OLCC to adopt rules. The rules will be presented to the OLCC Commissioners for final adoption in their December meeting.

We plan to send you an update at the end of December.

QUESTIONS FOR THE OLCC ABOUT THIS CHANGE?

Please email olcc.AlcoholLicensing@oregon.gov.

Security Spotlight: Social Engineering

It is the end of a long day and you finally get around to checking the voicemail left by an unknown number that called earlier. A voice informs you that you owe back taxes to the IRS and there is a warrant out for your arrest, so please call back. Did you remember to mail your local taxes? Did your mortgage company make that payment? Maybe it is someone with the same name? It has to be a mistake, but you need to know for sure. Do you call the number?

What Is Social Engineering?

Social engineering is the art of capitalizing on relationships and social behavior to manipulate people into providing access, supplying information, or performing an action. An attack can be as simple as an unsolicited e-mail that appears to be from a friend pleading for help or as elaborate as a request from your supervisor directing you to perform an action immediately. In every case, people are the key to whether an attack succeeds or fails.



What Are Some Different Types of Social Engineering?

Attacks are usually distinguished by the medium used or the type of pressure exerted on a victim. One of the most common examples are “phishing attacks.” These e-mails look like legitimate requests and usually come with a degree of urgency to get a victim to act quickly. If a recipient accepts the e-mail as legitimate, they may click a link, provide confidential information, and continue about their business unaware that sensitive information is now in the hands of hackers. The access provided can allow hackers to lurk in a system, exploiting any information available to achieve their ultimate goal.

A simple phishing attack can be just the beginning. The more information hackers have about an individual or organization, the more they are able to make their attacks convincing, potentially leading to “spear phishing.” Spear phishing is when hackers understand the relationships within an organization and send e-mails designed to mimic requests within the organization. Many people refuse to click on links in a strange e-mail, but suppose it is an urgent request from supervisor? Many recipients are less likely to verify if the request is legitimate or an attack before reacting.

Attacks are not limited to e-mail communication or a specific tactic. Any mode of communication or predictable tendency can be exploited. Here is a list of some of the other common attacks:

- ▶ **Vishing** (voice-phishing) attacks are the same as both phishing and spear phishing attacks, but are done through telephone calls
- ▶ **Smishing** (SMS-phishing) attacks utilize text messages
- ▶ **Pretexting** presents victims with the false “pretext” of verifying their information
- ▶ **Baiting** offers victims a prize for information
- ▶ **Tailgating** takes advantage of holding a door open to compromise a secure location
- ▶ **Quid Pro Quo** attacks give victims a gift to make them feel obligated to respond



(Continued on page 3)

(Continued from page 2)

Ultimately, hackers employ these methods because they are much easier than trying to hack into software. Every software system is designed to be used by users, so the surest way to gain control is to manipulate the user.

How Can I Help Protect against Social Engineering Attacks?

We encourage all of our customers to think about their readiness, specifically how your organization can prepare by deploying technology, processes, and education designed to enhance security.

Attacks are a product of technology, but technology can also play a role in protection. For instance, spam filters are effective at stopping most phishing e-mails from reaching intended targets. Another tool is multi-factor authentication (MFA). MFA is a method of confirming a user’s identity utilizing factors beyond the standard username and password. Sometimes simple procedures like regularly resetting passwords can limit damage or frustrate attacks.

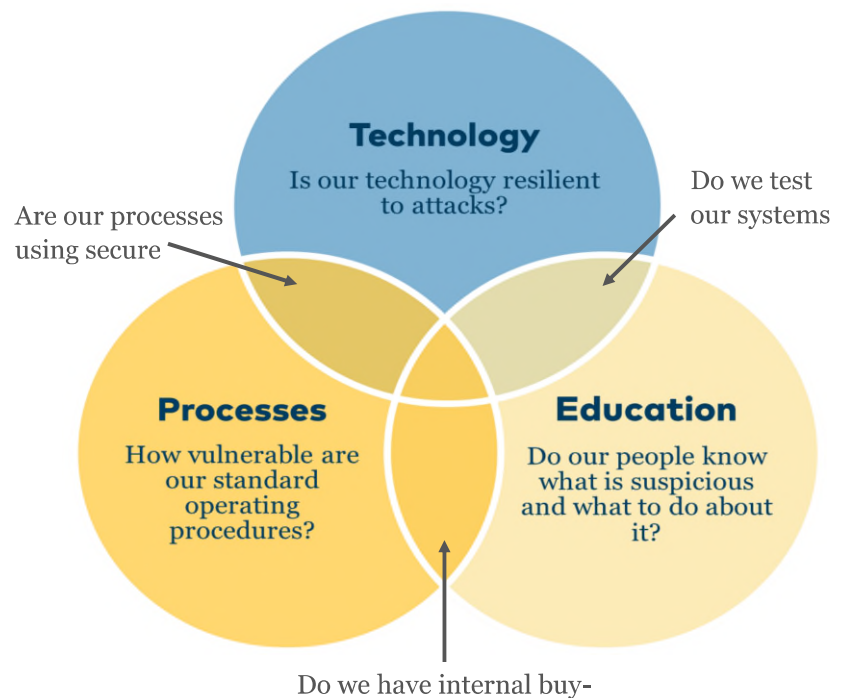
Unfortunately, deploying more secure technology in an organization does not mean it gets used every time, a fact that highlights the importance of assessing organizational processes. Process assessment should extend to third-party service providers as well, and be understood by all parties.

Finally, education should underpin any readiness effort. Any person with even low levels of access to data should have a basic knowledge of what attacks are possible through e-mail, text, and phone. Employees of public organizations face a unique challenge in that they are responsible for providing transparency but any information—such as organizational charts, contact information, and biographical information—could be used to hijack internal communications. Educational efforts should highlight what is possible and underscore the security reasons behind the processes and technology that employees execute or interact with on a daily basis.

So Do You Call Them Back?

We hope that after understanding the possibilities that technology has opened for both good and malicious purposes, you know that the best course of action is to delete the voicemail mentioned in the opening scenario. If you wanted to go the extra step, you could contact the IRS directly, being careful not to use any contact information from the message. Although these attacks can be alarming, hackers using social engineering have no way to keep you from simply deleting an e-mail or independently verifying any suspicious requests.

A Framework for Education, Technology & Processes



LOC News

ODOT Offering Climate Friendly and Equitable Communities Implementation Webinar

On December 14, the Oregon Department of Transportation (ODOT) Policy, Data and Analysis division will host a webinar for local jurisdictions, Metropolitan Planning Organizations (MPO) and ODOT regional staff to share updates on [Climate Friendly and Equitable Communities](#) (CFEC) implementation. ODOT staff will present overall program and project updates, with a specific emphasis on the agency's new Transportation System Plan funding program. ODOT staff will share a program concept, discuss ways to sequence local plan updates and ask for feedback from attendees.

ODOT will send an agenda prior to the webinar along with a preview of the proposed Transportation System Plan funding program. Additionally, program resources, including an [ODOT Work Plan Summary](#), are available on the ODOT [webpage](#).

The webinar is open to local jurisdiction, MPO and ODOT regional planning staff who will be responsible for working together to implement CFEC requirements in affected metropolitan areas. Please share this invitation with local jurisdiction staff that work with the Transportation Planning Rule process.

Questions may be directed to: **Theresa Conley**, Principal Planner, Statewide Planning Unit, ODOT at Theresa.L.Conley@odot.oregon.gov.

Webinar Info

Date: 12/14/2022

Time: 8:30 a.m. to 10:00 a.m.

S. Scott McDowell

From: library@ci.brownsville.or.us
Sent: Tuesday, December 13, 2022 3:54 PM
Subject: eBooks & eAudiobooks Coming in January!

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon!

I am getting ready to start advertising the new eBook Service we will be subscribing to COMING IN JANUARY!.

Hear me Cheer!

Some of you may not know how this all works. It would be a good idea if you took an hour to watch this video that gives the basics. The video was set up as a webinar and is about an hour long. The information starts at about 8 minutes. So if you know how to move the cursor line at the bottom of the screen to move the video onto the 8 minute mark, you won't have to sit there and be bored. You can also click and hold the arrows to move ahead or back and watch something again. Please grab something to drink, a notepad and pencil and get ready to learn about how to check out eBooks/eAudiobooks using the Libby app!

Please let me know your questions! I would be glad to answer your questions.

<https://resources.overdrive.com/library/training-kits/>

Here's what it will look like. Click on Download and watch the 'Switch and Get Started with Libby' It will be the last choice on the list. There are other documents and pdfs with helpful information.



How to Train Your Community On Libby – Library Staff Kit

Everything you need to host your own Getting Started with Libby training virtually or in person!

This kit contains 1 PowerPoint presentation, 1 demonstration outline, 1 quiz, 2 follow-up PDFs, 1 press release template, 1 social media template, 1 demo recording to help you prepare.

 **Download**

Preview

If you have technical difficulties, let me know and I'll set you up to watch this at the Library.

Sherrri



Sherrri Lemhouse,

Librarian

Brownsville Community Library

www.brownsvillecommunitylibrary.org

541.466.5454

Where books and community come together

"Libraries are about freedom. Freedom to read, freedom of ideas, freedom of communication. They are about education, about entertainment, about making safe spaces, and about access to information."

-- Neil Gaiman



www.ci.brownsville.or.us

City Hall
255 N. Main Street • P.O. Box 188
Brownsville, OR 97327 • 541.466.5666
Fax 541.466.5118 • TT/TDD 800.735.2900

December 2nd, 2022

Linn County Transportation Advisory Committee

c/o Kindra Oliver
80 Tangent Street
Lebanon, Oregon 97355
541.258.4919

Dear Linn County Transportation Advisory Committee members,

The availability of the LINX Connector Bus to and from Brownsville has been a valuable and convenient service to Brownsville citizens and, may I add, for me and my wife. We have ridden the bus every Friday and then have lunch at various restaurants in Lebanon. It has been a fun weekly trip, which as also allowed us to make friends with Michael, your excellent driver.

And the benefit works both ways. We have met several shoppers from Lebanon who come to Brownsville on the bus. They would likely not come here without the bus service. The twice a week schedule on Tuesdays and Fridays with five trips a day is very helpful. We have used it for medical appointments and other scheduled meetings also.

We are most hopeful that the LINX bus will continue to be available to our community. It provides a valuable linkage between our two communities and provides a transportation option to members of our community that would otherwise have no way to access Lebanon.

It was reported that the service provided over 450 rides from July through September. The City continues to promote the service and we feel that this will grow ridership over time. Brownsville has wanted to have this kind of transportation service for the better part of two decades, and now that it is here it's wonderful.

Thank you for considering continuing this service to the residents of Brownsville and Lebanon. I appreciate the work each of you do as members of this committee. Being the Mayor of Brownsville for sixteen years I know that it takes a great deal of volunteer time and effort to continue to provide services for our regional, rural communities.

Cordially,

A handwritten signature in blue ink that reads "Don Ware". The signature is fluid and cursive, with a long horizontal line extending to the right.

Don Ware
Mayor

c: S. Scott McDowell, City Administrator

S. Scott McDowell

From: Oregon Department of Agriculture <ODA@public.govdelivery.com>
Sent: Thursday, December 1, 2022 5:30 PM
To: admin@ci.brownsville.or.us
Subject: High Path Avian Influenza confirmed in Columbia County, Oregon

Having trouble viewing this email? [View it as a Web page.](#)



**OREGON
DEPARTMENT OF
AGRICULTURE**

News Release: December 1, 2022

High Path Avian Influenza confirmed in Columbia County, Oregon

On November 29, the Oregon Department of Agriculture (ODA) and the U.S. Department of Agriculture's Animal Plant Health Inspection Service (USDA-APHIS) confirmed the state's first detection of highly pathogenic avian influenza (HPAI) in a non-commercial flock in Columbia County. The affected flock included approximately 20 chickens.

ODA personnel, in partnership with the USDA humanely euthanized the birds on the property to prevent the spread of the disease. Birds from the flock will not enter the food system. There is no immediate public health concern due to the avian influenza virus detection. According to the U.S. Centers for Disease Control and Prevention (CDC), [the public health risk associated with these avian influenza detections in birds remains low](#). As a reminder, the proper handling and cooking of all poultry and eggs to an internal temperature of 165 °F is recommended as a general food safety precaution.

ODA advises commercial poultry farms and backyard flock owners to be vigilant with biosecurity measures and surveillance. Reducing or eliminating contact between wild birds and domestic flocks is the best way to protect domestic birds from this disease.

Death or illness among domestic birds should be reported to ODA. Please report by calling 503-986-4711 (ALT phone 1-800-347-7028.)

Please contact the Oregon Department of Fish and Wildlife (ODFW) for wild birds. Do not collect or handle the birds but report the incident directly to ODFW at 1-866-968-2600 or Wildlife.Health@odfw.oregon.gov.

For more tips on protecting your backyard flock, please visit ODA online at [Avian Influenza](#) or en Español at the [Avian Influenza – Spanish](#).

S. Scott McDowell

From: Paul, Alex <APaul@co.linn.or.us>
Sent: Wednesday, November 30, 2022 3:04 PM
Subject: Citizen Review Board

Citizen Review Board needs volunteers

LINN COUNTY — Volunteers are needed to serve on the Citizen Review Board of the Oregon Judicial Department, according to CRB Field Manager Lené Garrett.

Citizen Review Boards review cases of children in Oregon's foster care programs. Key goals are ensuring permanency and safety for children; accountability; system improvement; providing a citizen voice and involvement.

Citizen Review Boards meet one day per month to conduct case reviews, make findings and recommendations for each case. Volunteers bring an independent, diverse and common-sense perspective to foster care cases and advocate for improvements in the foster care system.

Did you know?

- In Oregon, there are 8,620 children in foster care;
- Citizen Review Boards review about 5,000 cases annually;
- About 40% of children in foster care are under five years of age;
- Teens 13 and older comprise 30% of the children in foster care;
- 237 children were in foster care in Linn County.

To become a member of a Citizen Review Board, individuals must complete an application, pass a criminal history check, participate in an interview, and complete training.

To learn more, call 503-731-3391 or visit www.courts.oregon.gov/crb

Alex Paul

Linn County Communications Officer

541-967-3825

Email: apaul@co.linn.or.us

S. Scott McDowell

From: Oregon DEQ News <ordeq@public.govdelivery.com>
Sent: Wednesday, November 30, 2022 5:53 PM
To: admin@ci.brownsville.or.us
Subject: DEQ issues 4 penalties in October for environmental violations



State of Oregon
Department of Environmental Quality

NEWS RELEASE

DEQ issues 4 penalties in October for environmental violations

Date: Nov. 30, 2022

The Oregon Department of Environmental Quality issued four penalties totaling \$68,541 in October for environmental violations. A detailed list of violations and resulting penalties is at <https://ordeq.org/enforcement>.

Fines ranged from \$250 to \$44,191. Alleged violations include a trucking company not immediately cleaning up a diesel spill along Interstate 84 in Eastern Oregon and cities violating wastewater permits and regulations.

DEQ issued civil penalties to the following organizations:

- City of Chiloquin, \$500, Chiloquin, wastewater
- City of Echo, \$250, Echo, wastewater
- City of Wilsonville, \$23,600, Wilsonville, wastewater
- Marko Transport LLC, \$44,191, Pendleton, emergency response

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

[Read news release online here.](#)

###

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Oregon.gov/DEQ

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This email was sent to admin@ci.brownsville.or.us using GovDelivery Communications Cloud on behalf of the Oregon Department of Environmental Quality (DEQ)
700 NE Multnomah St., Suite #600, Portland, OR 97232 · 503-229-5696

S. Scott McDowell

From: DEQ Online Subscriptions <ordeq@public.govdelivery.com>
Sent: Thursday, December 1, 2022 3:36 PM
To: admin@ci.brownsville.or.us
Subject: DEQ Rulemaking Fuel Tank Seismic Stability - Second Advisory Committee Meeting to be held Dec. 16, 2022

DEQ Rulemaking – Fuel Tank Seismic Stability - Second Advisory Committee Meeting to be held Dec. 16, 2022

Summary

The Oregon Department of Environmental Quality is in the process of creating rules to implement the fuel tanks seismic stability requirements enacted in Senate Bill 1567. The bill requires operators of large capacity fuel handling facilities to assess their facility's ability to withstand a magnitude 9 Cascadia earthquake event and propose mitigation to minimize risk.

Stakeholder Involvement

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

Friday, Dec. 16, 2022, 9 a.m. to noon

[Register via Zoom](#)

Please register in advance for the meeting using the link above. After registering, you will receive a confirmation email containing information about joining the meeting. There will be time set aside at this meeting for public input.

People not on the steering committee may attend to observe but will not be able to participate. The committee may designate time on the agenda to hear community comments as time allows. Once DEQ develops proposed rules, they will go through a public comment process, including a public hearing.

Additional Information

To learn more about this rulemaking, go to the [Fuel Tank Seismic Stability webpage](#) or sign up to [receive future email or text notifications](#) .

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

Svetlana Lazarev

MONTH END FINANCIAL RECAP

	NOVEMBER 2022		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 680,226.08	\$ 48,764.89	\$ 381,909.04	9.89%	\$ 3,480,746.96	1
2 WATER	\$ 42,754.33	\$ 23,461.53	\$ 174,004.74	17.68%	\$ 810,130.26	2
3 SEWER	\$ 39,443.91	\$ 18,965.65	\$ 123,809.45	15.02%	\$ 700,321.55	3
4 STREETS	\$ 16,273.63	\$ 12,953.45	\$ 83,482.82	22.56%	\$ 286,567.18	4
5 WATER BOND	\$ 390.87	\$ -	\$ 32,849.59	30.44%	\$ 75,050.41	5
6 SEWER BOND	\$ 972.29	\$ -	\$ 199,100.33	57.38%	\$ 147,899.67	6
7 SEWER DEBT FEE	\$ 11,677.43	\$ -	\$ 60,523.91	48.42%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 568.33	\$ -	\$ -	0.00%	\$ 222,300.00	8
9 WATER RESERVE	\$ 2,125.05	\$ -	\$ -	0.00%	\$ 150,760.00	9
10 HOUSING REHAB	\$ 567.33	\$ -	\$ -	0.00%	\$ 221,300.00	10
11 WATER SDC	\$ 143.51	\$ -	\$ -	0.00%	\$ 168,150.00	11
12 SEWER SDC	\$ 1,151.62	\$ -	\$ -	0.00%	\$ 606,400.00	12
13 STORMWATER SDC	\$ 298.43	\$ -	\$ -	0.00%	\$ 211,400.00	13
14 BIKEWAY/PATHS	\$ 259.10	\$ -	\$ -	0.00%	\$ 60,200.00	14
15 LIBRARY TRUST	\$ 19.57	\$ -	\$ -	0.00%	\$ 7,630.00	15
16 CEMETERY	\$ 21.47	\$ -	\$ -	0.00%	\$ 8,226.00	16
17 TRANSIENT ROOM TX	\$ 4.75	\$ -	\$ -	100.00%	\$ 2,110.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ -	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 9,985.00	19
20 COMMUNITY PROJECTS	\$ 370.91	\$ -	\$ 5,000.00	3.67%	\$ 95,550.00	20
	\$ 797,268.61	\$ 104,145.52	\$ 1,000,155.97			

Key Bank Account

<i>General Checking</i>	\$ 281,311.08
Oregon State Treasury	\$ 6,399,231.00
<i>Community Improvements</i>	\$ 169.55
<i>Project Escrow Holding</i>	\$ 10.48
<i>Project Holding Acct #2</i>	\$ 103,907.77
TOTAL OST / LGIP	\$ 6,503,318.80

Annual Bond Payment

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

	2022-2023	YTD	% of Total
Appropriated	\$ 8,265,883.00		12.10%

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 SLFRP	\$202,457.75	Rec'd & Disbursed FY 2022
(American Rescue Plan Act)	\$202,457.75	Received 08/24/2022
	\$404,915.50	Total Funds Received
	\$202,457.75	Funds Disbursed YTD