

CITY of CASCADE LOCKS

AGENDA

CITY COUNCIL MEETING, Monday, August 25, 2014, 7:00 PM, CITY HALL

Purpose: The City Council meets on the 2nd and 4th Mondays of each month to conduct city business.

1. **Call to Order/Pledge of Allegiance/Roll Call.**
2. **Additions or amendments to the Agenda.** (The Mayor may add items to the agenda after it is printed and distributed only when required by business necessity and only after an explanation has been given. The addition of agenda items after the agenda has been printed is otherwise discouraged.)
3. **Adoption of Consent Agenda.** (Consent Agenda may be approved in its entirety in a single motion. Items are considered to be routine. Any Councilor may make a motion to remove any item from the Consent Agenda for individual discussion.)
 - a. **Approval of August 11, 2014 Minutes.**
 - b. **Ratification of the Bills in the Amount of \$ 92,319.81.**
 - c. **Approve OLCC License Renewals.**
 - d. **Approval of Wastewater Pump Repair Invoice.**
4. **Public Hearings.**
5. **Action Items:**
 - a. **Appointment to Committees.**
 - b. **Discussion of Town Hall Meeting/Status of Funding.**
 - c. **Discussion of City Attorney Correspondence.**
6. **Appearance of Interested Citizens to Share a Variety of Perspectives on Issues Facing Our Community.** (Comments on matters not on the agenda or previously discussed.)
7. **Reports and Presentations.**
 - a. **City Committees.**
 - b. **City Administrator Zimmerman Report.**
8. **Mayor and City Council Comments.**
9. **Other matters.**
10. **Executive Session as may be required.**
11. **Adjournment.**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for person with disabilities, should be made at least 48 hours in advance of the meeting by contacting the City of Cascade Locks office at 541-374-8484.

1. **Call to Order/Pledge of Allegiance/Roll Call.** Mayor Cramblett called the meeting to order at 7:00 PM. CM's Groves, Fitzpatrick (via phone), Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett were present. Also present were City Administrator Gordon Zimmerman, City Recorder Kathy Woosley, Camera Operator Betty Rush and Gyda Haight.
2. **Additions or amendments to the Agenda.** Mayor Cramblett said he would let Gyda Haight speak right after the Consent Agenda.
3. **Adoption of Consent Agenda.**
 - a. **Approval of July 28, 2014 City Council Minutes.**
 - b. **Ratification of the Bills in the Amount of \$ 101, 850.34.**

Mayor Cramblett read the list of items on the Consent Agenda. **Motion:** CM Busdieker moved, seconded by CM Helfrich, to approve the Consent Agenda. The motion passed unanimously by CM's Groves, Fitzpatrick, Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett.

4. **Public Hearings.** None.

Gyda Haight thanked Council for the acknowledgement of her and Don. She said there are a lot of other people that help out with the sailing program. She said the sailing program now has youth coming from Camas, Vancouver, and Hood River as sailing in Cascade Locks offers challenges that they can't get anywhere else. She thanked the community for supporting and donating in order for CGRA to offer scholarships to our youth to learn how to sail.

Gyda said she would like Council to research and help get a recreation program in Cascade Locks. She said Hood River has a good program and we all pay taxes. She asked Council to research the County's program to include Cascade Locks. CA Zimmerman explained that the citizens of Cascade Locks do not pay into the County Recreation District. He said the citizens could vote to join the district and pay \$.3498 per thousand on the property tax bill, which would add an additional \$25,000 to their budget. He said that would not be enough money to offset the cost of building a program for Cascade Locks. Gyda said the citizens also pay taxes to Mt. Hood Community College. She said there should be some way to get a recreation program here. Mayor Cramblett added that there is also the issue of someone to run the program. He said you have to have citizens willing to step up and work the program. He said that is hard to find.

5. **Action Items:**

- a. **Appointment to Committees.** None.
- b. **Approve Resolution No. 1308 Adopting Guidelines for the Development of New Programs or the Acquisition of New Equipment.** **Motion:** CM Helfrich moved, seconded by CM Busdieker, to approve Resolution No. 1308 establishing guidelines for the approval by Council of new policies or equipment purchases. The motion passed unanimously by CM's Groves, Fitzpatrick, Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett.
- c. **Approve Resolution No. 1309 Adopting the CDBG Section 3 Plan.** CA Zimmerman explained that this is a requirement as part of the Community Development Block Grant process. **Motion:** CM Helfrich moved, seconded by CM Randall, to approve Resolution No. 1309 adopting a Section 3 Plan. The motion was passed unanimously by CM's Groves, Fitzpatrick, Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett.
- d. **Approve Resolution No. 1310 Declaring CATV Surplus Material.** CA Zimmerman said this is the process to declare the CATV equipment as surplus. **Motion:** CM Busdieker moved, seconded by CM Randall, to approve Resolution No. 1310 declaring cable television equipment as surplus property. The

motion passed unanimously by CM's Groves, Fitzpatrick, Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett.

e. **Approve Resolution No. 1311 Declaring Old Ambulance as Surplus.** CA Zimmerman said the ambulance was in an auction that was held on Saturday but had not been contacted as to whether the vehicle had sold or not. **Motion:** CM Helfrich moved, seconded by CM Busdieker, to approve Resolution No. 1311 declaring vehicle as surplus property, and ratify the disposal of vehicle via an auction sale that was held on August 9th. The motion was passed unanimously by CM's Groves, Fitzpatrick, Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett.

f. **Discuss Fire Department Volunteer Program.** CA Zimmerman said the decision of Council would be brought back in the form of a resolution at the next meeting. He explained how the budgeted money would be tracked if following the program as outlined in the staff report. CM's Busdieker and Helfrich stated it was a good plan. CM Fitzpatrick said this should be reviewed monthly. CM Groves asked if the overtime allocation would be used for interfacility transports. CA Zimmerman explained that the overtime funds would strictly be used for emergency calls after paid employees had put in their 40 hour week. He said there would be separate line items so money could be easily tracked. There was consensus of Council to go with the plan as Station Captain Metheny had prepared. CA Zimmerman said he would prepare a resolution for the next meeting. CM Walker said he would like SC Metheny to be present at that meeting.

g. **Approval of New Electric Service to the Head End Room.** CA Zimmerman explained that an electrical meter needs to be installed for power being used in the head end room by Gorge.net. CM Busdieker moved, seconded by CM Helfrich, to approve a maximum of \$3,390 to install a separate electric service in the Head End Room at City Hall. The motion was passed unanimously by CM's Groves, Fitzpatrick, Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett.

6. **Appearance of Interested Citizens to Share a Variety of Perspectives on Issues Facing Our Community.** This took place earlier in the meeting.

7. **Reports and Presentations.**

a. **City Committees.** None.

b. **City Administrator Zimmerman Report.** CA Zimmerman gave his report (Exhibit A).

8. **Mayor and City Council Comments.** CM Helfrich said there have been some big sailing events the last couple of weeks and a 10K Marathon this last weekend. He reported on an email Council received from Sullengers that identified a couple of employees and thanking them. He said it was good to see that they took the opportunity to thank them and let Council know. CM Helfrich said the City has good employees, and not just those three, and wanted to include the rest of Staff. He said if the little parts don't work right the big parts won't work, and compared to a big machine. CM Busdieker reminded all of the Town Hall meeting where they would learn about what is going on with the Water System Master Plan. She thanked Gyda for what she does for the sailing program. She said getting the next generation involved is what is needed. CM Randall agreed with appreciations that have already been mentioned. Mayor Cramblett said the Marathon was organized by an outside group but volunteers from town helped out with the event. He said there were runners that came from all over the country and were impressed with the beauty of the Gorge.

9. **Other matters.** None.

10. **Executive Session as may be required.** None.

11. **Adjournment. Motion:** CM Helfrich moved, seconded by CM Busdieker, to adjourn. The motion was passed unanimously by CM's Groves, Fitzpatrick, Randall, Walker, Helfrich, Busdieker, and Mayor Cramblett. The meeting was adjourned at 8:05 PM.

Prepared by
Kathy Woosley, City Recorder

APPROVED:

Tom Cramblett, Mayor



City of Cascade Locks
PO Box 308 140 SW WaNaPa St.
Cascade Locks, OR 97014

(541) 374-8484 Fax: (541) 374-8752 TTY: 711

City Administrator Report to the City Council
Monday, August 11, 2014

- 1. CGRA Thank You:** Please find attached a copy of a Thank You drawn and signed by the participants of the youth sailing program in appreciation for your support of sailing in Cascade Locks.
- 2. Parks and Recreation District:** A citizen asked me recently about joining the Hood River Valley Parks and Recreation District so our kids can get the benefit of such a program. Of course, joining the program involves both parties and the citizens of the affected area. In the past the Citizens of Cascade Locks were not interested in joining because it seems like the taxes involved always seem to stay in Hood River and don't trickle down to Cascade Locks. At this point, while not hopeful, the district in Hood River is not opposed to expanding, but they are also not interested in expanding. The City of Cascade Locks would have to vote to join the district and the citizens of the district would have to vote to expand the district. Joining the HRVPRD would add \$.3498 cents per thousand on the property tax bill, about \$35 for a \$100,000 home. It would bring in an additional \$25,000 to their budget, which is probably not enough to offset the cost of building a program here. *Does the Council want to pursue further discussions about this subject?*
- 3. Oregon Water Resources Division:** The OWRD has reviewed the City's request to extend the development period of the Dry Creek water right. This is a normal process to protect our water rights. We currently have a water right of 10 cfs (cubic feet per second), but over the course of the City's usage of water, we have developed only 1.6 cfs. This leaves the City with 8.4 cfs to be developed. Our current master plan calls for developing a new well rather than developing the Dry Creek water right because we would have to build a water treatment plant in order to use that water, rather than just adding chlorine to the ground water we pump in the well field. The draft Final Order from ORWD is to grant the city another 15 years in which to develop the water right. Because of recent legislation the City must take measures to protect or provide fish restoration and water conservation when the City chooses to develop the remaining 8.4 cfs, which means we may only have a portion of that water right to develop.
- 4. Columbia River Gorge Commission Urban Area Boundary Project:** I attended a meeting on August 6 in The Dalles to discuss the CRGC Urban Boundary Project. This is the project to define the boundaries of the National Scenic Area using legal descriptions and not just lines annotated on a map. This is not a project to move any NSA boundary, only to define the boundary through surveys. This effort should not affect Cascade Locks since the City did an urban growth expansion in 1998 which clearly delineated the NSA Urban Area Boundary for the City.
- 5. Port Industrial Park Preapplication Meeting:** The City held a successful meeting with the Port also on August 6 to discuss the subdivision of about half of the Industrial Park. This preapplication meeting clarified some issues and developed a good relationship between the Port and the City for this process to be successful. The next step is for the Port to actually make

EXHIBIT A
TO MINUTES OF
CITY COUNCIL MEETING
AUGUST 11, 2014

an application to the Planning Commission for the subdividing of the property with the identified variances.

6. **November Election Filing Deadline:** For those interested in running for the available City Council positions including the Mayor's position, the filing deadline is August 26. City Recorder Kathy Woosley has put together application booklets for those interested in running for these positions.
7. **Ballot Measures:** Please see the attachment for the measures approved by the Secretary of State for the November election.
8. **Vacation:** I will not be in the office this Friday.

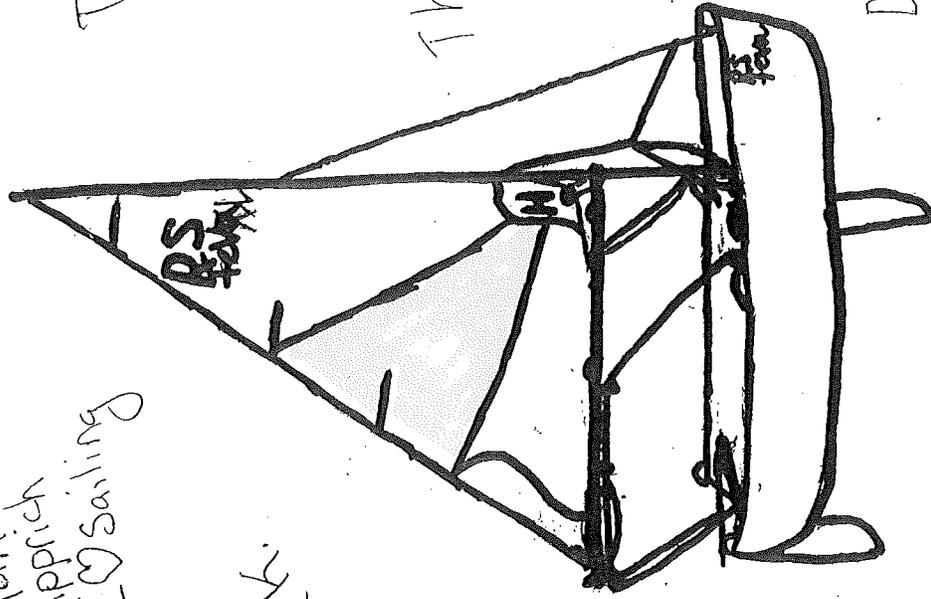
Thank you for all your effort on behalf of the City.

Gordon Zimmerman
Cascade Locks City Administrator

DONATIONS FOR
NEW FEVA SAILING
BOAT

Sealings & Hardware
Freeze - Thawing
Alexah Klappich
I love sailing

AWESOME!!!
-check k.
Sailing
-someday



Manda
Thank
& good
time
Fun

Annick
Adams

Chris
Parker

Thank you!
-Sarah S

THANK YOU
-MAYSON
Parker

Thank you
-Blaise

Sailing
is Awesome!
-Emily

Thank you
Marian
Walker

Timber
Sailing
is Best!

Thank +
Adams

Diego

Thank you for
Funding the
Sailing Kids!
-Larsel
Vonderau

Benne + Vonderau
is wct

CGRA - CASCADE LOCKS - KID
SAILORS

AUG. 1. 2014

KATE BROWN
SECRETARY OF STATE



JIM WILLIAMS
DIRECTOR
255 CAPITOL STREET NE, SUITE 501
SALEM, OREGON 97310-0722
(503) 986-1518

For Immediate Release:
August 1, 2014

Contact: Summer Davis
Elections Division
(503) 986-1518

SALEM – Secretary of State Kate Brown announced today that signature verification for the 2014 petition cycle has been completed and the following measure numbers have been assigned to the two legislative referrals from the 77th Legislative Assembly and those petitions qualified to the November 4, 2014, General Election ballot. They are:

Measure 86 Referral 402 (SJR 1)

Amends Constitution: Requires creation of fund for Oregonians pursuing post-secondary education, authorizes state indebtedness to finance fund

Measure 87 Referral 403 (SJR 203)

Amends Constitution: Permits employment of state judges by National Guard (military service) and state public universities (teaching)

Measure 88 Referendum 301; determined to contain 58,291 valid signatures

Provides Oregon resident "driver card" without requiring proof of legal presence in the United States

Measure 89 Initiative 34; determined to contain 118,388 valid signatures

Amends Constitution: State/political subdivision shall not deny or abridge equality of rights on account of sex

Measure 90 Initiative 55; determined to contain 91,716 valid signatures

Changes general election nomination processes: provides for single primary ballot listing candidates; top two advance

Measure 91 Initiative 53; determined to contain 88,584 valid signatures

Allows possession, manufacture, sale of marijuana by/to adults, subject to state licensing, regulation, taxation

Measure 92 Initiative 44; determined to contain 118,780 valid signatures

Requires food manufacturers, retailers to label "genetically engineered" foods as such; state, citizens may enforce

Additional information is available at www.oregonvotes.gov.

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PAGE NO.

1

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DEPARTMENT: CITY OF CASCADE LOCKS
COVER SHEET AND SUMMARY

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DATE:

DESCRIPTION:

AMOUNT:

8/22/2014

Payroll

\$ 45,452.11

8/15/2014

A/P

\$ 46,867.70

GRAND TOTAL \$ 92,319.81

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APPROVAL:

Mayor

Report Criteria:
Report type: GL detail

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
4981	08/14	08/15/2014	6820	54348	Anderson Perry & Associates Inc.	Planning/Studies IFA Grant	0740562131	1,500.00
Total 4981:								
4982	08/14	08/15/2014	6839	81494232	Bound Tree Medical, LLC	IV Solution	0540562351	7.20
Total 4982:								
4983	08/14	08/15/2014	490	432567A	BRYANT PIPE AND SUPPLY	wing nut test plug	3140562560	72.10
Total 4983:								
4984	08/14	08/15/2014	6900	VIA0327	BSK Associates	water testing	2140562150	45.00
Total 4984:								
4985	08/14	08/15/2014	580	JULY 2014	CARR, SHIRLEY	Brochure Delivery	0840562101	500.00
Total 4985:								
4986	08/14	08/15/2014	670	100001500	CASCADE LOCKS LIGHT CO.	fire station	0540562439	617.06
4986	08/14	08/15/2014	670	100003500 7	CASCADE LOCKS LIGHT CO.	water res. no. 2	2140562070	15.22
4986	08/14	08/15/2014	670	100030200 8	CASCADE LOCKS LIGHT CO.	lift station	3140562070	21.30
4986	08/14	08/15/2014	670	100038200 8	CASCADE LOCKS LIGHT CO.	wall house	2140562070	936.22
4986	08/14	08/15/2014	670	100379100 8	CASCADE LOCKS LIGHT CO.	treatment plant	3140562070	1,980.02
4986	08/14	08/15/2014	670	103714500 8	CASCADE LOCKS LIGHT CO.	lift station	3140562070	21.30
4986	08/14	08/15/2014	670	200120000 8	CASCADE LOCKS LIGHT CO.	cemetery water	1740562551	21.30
4986	08/14	08/15/2014	670	300155100 8	CASCADE LOCKS LIGHT CO.	lift station	3140562070	307.30
4986	08/14	08/15/2014	670	300155900 8	CASCADE LOCKS LIGHT CO.	museum	0140762530	112.25
4986	08/14	08/15/2014	670	300159202 8	CASCADE LOCKS LIGHT CO.	fire station	0540562439	25.09
4986	08/14	08/15/2014	670	300171800 8	CASCADE LOCKS LIGHT CO.	mall lighting	5140562800	21.73
4986	08/14	08/15/2014	670	300183900 8	CASCADE LOCKS LIGHT CO.	lift station	2140562070	45.29
4986	08/14	08/15/2014	670	600135000 8	CASCADE LOCKS LIGHT CO.	city hall	0140162552	726.28
4986	08/14	08/15/2014	670	600136900 8	CASCADE LOCKS LIGHT CO.	87 ruckle	3140562070	29.45
4986	08/14	08/15/2014	670	600137000 8	CASCADE LOCKS LIGHT CO.	chlorinator	2140562070	21.30
4986	08/14	08/15/2014	670	699999800 8	CASCADE LOCKS LIGHT CO.	web hosting	0840562071	15.00
4986	08/14	08/15/2014	670	JULY 2014	CASCADE LOCKS LIGHT CO.	SSS	0140862025	249.70

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 4986:								
4987	08/14	08/15/2014	740	59302	CASELLE, INC.	Contract Support	0140162082	1,185.00
4987	08/14	08/15/2014	740	72814	CASELLE, INC.	Conference Registration for Megan Web	0140162020	425.00
Total 4987:								
Total 4988:								
4988	08/14	08/15/2014	810	345390	CESSCO, INC	Jumpin jack compactor	5640363941	1,172.50
4988	08/14	08/15/2014	810	345390	CESSCO, INC	Jumpin jack compactor	5642163941	1,172.50
Total 4988:								
Total 4989:								
4989	08/14	08/15/2014	820	59525	CH2M HILL ENGINEERS INC.	Engineering Services	3140562700	7,250.00
Total 4989:								
Total 4990:								
4990	08/14	08/15/2014	1120	A63107	COLUMBIA HARDWARE, LLC	Misc supplies	5640563941	3.49
4990	08/14	08/15/2014	1120	A63109	COLUMBIA HARDWARE, LLC	sprayer	0140462520	34.95
4990	08/14	08/15/2014	1120	B77620	COLUMBIA HARDWARE, LLC	paint and rollers	0340562560	57.47
4990	08/14	08/15/2014	1120	B77620	COLUMBIA HARDWARE, LLC	test plugs	3140562560	5.99
4990	08/14	08/15/2014	1120	B78015	COLUMBIA HARDWARE, LLC	fence	0140462520	84.99
4990	08/14	08/15/2014	1120	B78955	COLUMBIA HARDWARE, LLC	Misc supplies	0140462520	44.88
4990	08/14	08/15/2014	1120	B78955	COLUMBIA HARDWARE, LLC	Misc supplies	2140562560	30.57
4990	08/14	08/15/2014	1120	B78955	COLUMBIA HARDWARE, LLC	Misc supplies	2140562560	11.72
4990	08/14	08/15/2014	1120	B79399	COLUMBIA HARDWARE, LLC	deck stain	0140462520	32.99
4990	08/14	08/15/2014	1120	B79449	COLUMBIA HARDWARE, LLC	Air Conditioner for server room	0140462520	139.99
Total 4990:								
Total 4991:								
4991	08/14	08/15/2014	6797	2014	CRGVA Foundation	Membership Dues 2014/15	0840562113	350.00
Total 4991:								
Total 4992:								
4992	08/14	08/15/2014	1360	130302	DAVID R. CUNNINGHAM	troubleshoot modern and snr	4140562570	165.00
4992	08/14	08/15/2014	1360	130303	DAVID R. CUNNINGHAM	printer repair	0140162082	10.80
4992	08/14	08/15/2014	1360	130303	DAVID R. CUNNINGHAM	printer repair	0340562082	3.42
4992	08/14	08/15/2014	1360	130303	DAVID R. CUNNINGHAM	printer repair	0540562082	3.06
4992	08/14	08/15/2014	1360	130303	DAVID R. CUNNINGHAM	printer repair	2140562082	18.54
4992	08/14	08/15/2014	1360	130303	DAVID R. CUNNINGHAM	printer repair	3140562082	16.56

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
4992	08/14	08/15/2014	1360	130303	DAVID R. CUNNINGHAM	printer repair	5140562082	31.68
4992	08/14	08/15/2014	1360	130303	DAVID R. CUNNINGHAM	printer repair	5140562082	5.94
Total 4992:								255.00
4993	08/14	08/15/2014	1420	1811	DENNIS V. SNYDER JR. CONTRACTO	break rock for power poles	5140562205	1,500.00
Total 4993:								1,500.00
4994	08/14	08/15/2014	1540	61158-07311	DMV SERVICES STATE OF OREGON	Driving Records	0140462110	1.50
4994	08/14	08/15/2014	1540	61158-07311	DMV SERVICES STATE OF OREGON	Driving Records	0540562110	1.50
Total 4994:								3.00
4995	08/14	08/15/2014	1620	482	EFFICIENCY SERVICES GROUP, LLC	BPA Program Service July 2014	5140562139	750.00
Total 4995:								750.00
4996	08/14	08/15/2014	6834	73004 N17	Eliodia Royce	Buy back cemetery plot	1740562870	54.00
Total 4996:								54.00
4997	08/14	08/15/2014	6899	263897	Foremost Promotions	public relations supplies	0540562350	189.02
Total 4997:								189.02
4998	08/14	08/15/2014	2020	1225653	GENERAL PACIFIC INC.	Bear Mt Project Supplies	5140562205	432.50
4998	08/14	08/15/2014	2020	1221397	GENERAL PACIFIC INC.	misc supplies	5140562770	763.55
4998	08/14	08/15/2014	2020	1224065	GENERAL PACIFIC INC.	square washers	5140563760	70.50
4998	08/14	08/15/2014	2020	1224066	GENERAL PACIFIC INC.	PVC	5640563941	27.50
4998	08/14	08/15/2014	2020	1224390	GENERAL PACIFIC INC.	Copper wire	5140563670	338.31
4998	08/14	08/15/2014	2020	1224667	GENERAL PACIFIC INC.	ratcoet hoist	5140563690	1,813.40
4998	08/14	08/15/2014	2020	1224845	GENERAL PACIFIC INC.	deadend	5140562770	374.37
4998	08/14	08/15/2014	2020	1224845	GENERAL PACIFIC INC.	deadend	5141562009	374.38
Total 4998:								4,194.51
4999	08/14	08/15/2014	2080	5748651 8/1	GLOBALSTAR	Sat Phone	0540562050	54.74

M = Manual Check, V = Void Check

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 4999:								
5000	08/14	08/15/2014	2320	C708733	HD Supply Waterworks, LTD.	repair saddles	3140562560	78.38
5000	08/14	08/15/2014	2320	C720260	HD Supply Waterworks, LTD.	repair bands etc	2140562560	262.46
Total 5000:								
5001	08/14	08/15/2014	2570	62114 PW	HOOD RIVER NEWS	utility main, worker ad	2140562030	105.00
5001	08/14	08/15/2014	2570	62114 PW	HOOD RIVER NEWS	utility main, worker ad	3140562030	105.00
5001	08/14	08/15/2014	2570	7141015	HOOD RIVER NEWS	Ballot measure ad	0140162030	104.00
Total 5001:								
5002	08/14	08/15/2014	2580	H69450	HOOD RIVER SAND & GRAVEL	cement for cell tower	5640563941	539.50
Total 5002:								
5003	08/14	08/15/2014	2590	68904	HOOD RIVER SUPPLY ASSOC.	weed and fee and fertilizer	0140462520	72.98
5003	08/14	08/15/2014	2590	68904	HOOD RIVER SUPPLY ASSOC.	weed and fee and fertilizer	1740562520	105.98
5003	08/14	08/15/2014	2590	68906	HOOD RIVER SUPPLY ASSOC.	Paint thinner	0340562560	21.98
5003	08/14	08/15/2014	2590	69599	HOOD RIVER SUPPLY ASSOC.	weed and feed	1740562520	211.96
Total 5003:								
5004	08/14	08/15/2014	3070	1500198610	LESS SCHWAB TIRE CENTER	brakes for C90	0540562441	420.87
Total 5004:								
5005	08/14	08/15/2014	6874	JULY 2014	LIN Television Corporation	programming	4140562740	259.20
Total 5005:								
5006	08/14	08/15/2014	4910	100724302	Linda & Todd Boiles	Refund Deposit	5121130	66.04
Total 5006:								
5007	08/14	08/15/2014	3160	81214	MARIANNE BUMP/PETTY CASH	postage to send ambulance inventor for r	0540562441	45.72

M = Manual Check, V = Void Check

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 5007:								
5008	08/14	08/15/2014	4910	300167818 8	Matthew Mentzer	Refund Deposit	5121130	45.72
Total 5008:								172.71
5009	08/14	08/15/2014	4910	300167612 8	Matthew Sissom	Refund Deposit	5121130	79.17
Total 5009:								79.17
5010	08/14	08/15/2014	3380	KPD X 7/14	Meredith Corporation	Retransmission	4140562740	57.60
5010	08/14	08/15/2014	3380	KPTV 7/14	Meredith Corporation	Retransmission	4140562740	163.20
Total 5010:								220.80
5011	08/14	08/15/2014	3490	96-01-01 7/1	MID-COLUMBIA ECONOMIC	Loan 96-01-01	4640562711	1,277.36
5011	08/14	08/15/2014	3490	96-01-01 7/1	MID-COLUMBIA ECONOMIC	Loan 96-01-01	4640562712	241.32
5011	08/14	08/15/2014	3490	96-01-02 7/1	MID-COLUMBIA ECONOMIC	Loan 96-01-02	4640562711	1,033.05
5011	08/14	08/15/2014	3490	96-01-02 7/1	MID-COLUMBIA ECONOMIC	Loan 96-01-02	4640562712	232.51
Total 5011:								2,784.24
5012	08/14	08/15/2014	3690	44074	NATIONAL HOSE TESTING	Hose and Ladder testing	0540562446	1,982.20
Total 5012:								1,982.20
5013	08/14	08/15/2014	3770	22-201407	NET ASSETS	Title Search	0140162110	11.00
Total 5013:								11.00
5014	08/14	08/15/2014			Void Check			.00
Total 5014:								.00
5015	08/14	08/15/2014			Void Check			.00
Total 5015:								.00
5016	08/14	08/15/2014			Void Check			.00

M = Manual Check, V = Void Check

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 5016:								.00
5017	08/14	08/15/2014						.00 V
Total 5017:								.00
5018	08/14	08/15/2014						.00 V
Total 5018:								.00
5019	08/14	08/15/2014						.00 V
Total 5019:								.00
5020	08/14	08/15/2014						.00 V
Total 5020:								.00
5021	08/14	08/15/2014						.00 V
Total 5021:								.00
5022	08/14	08/15/2014						.00 V
Total 5022:								.00
5023	08/14	08/15/2014						.00 V
Total 5023:								.00
5024	08/14	08/15/2014						.00 V
Total 5024:								.00
5025	08/14	08/15/2014						.00 V
Total 5025:								.00
5026	08/14	08/15/2014						.00 V

M = Manual Check, V = Void Check

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 5026:								
5027	08/14	08/15/2014				Void Check		.00
Total 5027:								.00
5028	08/14	08/15/2014				Void Check		.00
Total 5028:								.00
5029	08/14	08/15/2014				Void Check		.00
Total 5029:								.00
5030	08/14	08/15/2014				Void Check		.00
Total 5030:								.00
5031	08/14	08/15/2014				Void Check		.00
Total 5031:								.00
5032	08/14	08/15/2014				Void Check		.00
Total 5032:								.00
5035	08/14	08/15/2014	4070	4070328	ONE CALL CONCEPTS, INC.	Regular Tickets	5140562110	11.55
Total 5035:								11.55
5036	08/14	08/15/2014	6901	71814	Outdoor Viewfinder	PCT Days Sponsorship	0840562115	500.00
Total 5036:								500.00
5037	08/14	08/15/2014	4500	10030833	PAGEONE NORTHWEST	Airtime Service Fee/Paging Service	5140562110	143.76
5037	08/14	08/15/2014	4500	10030833	PAGEONE NORTHWEST	Airtime Service Fee/Paging Service	5140662110	35.94
Total 5037:								179.70

M = Manual Check, V = Void Check

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
5038	08/14	08/15/2014	6769	7-14-080	PARC Resources, LLC	Planning Services	0140262075	222.75
Total 5038:								222.75
5039	08/14	08/15/2014	4570	8414	PECK ENTERPRISES	install new door knob library	0140462520	158.64
Total 5039:								158.64
5040	08/14	08/15/2014	4810	13754	PRINT IT	For Sale Sign	0540562030	69.00
5040	08/14	08/15/2014	4810	13779	PRINT IT	#10 Window Envelope w/Permit	0140162010	354.00
5040	08/14	08/15/2014	4810	13781	PRINT IT	#10 Window Envelope w/Permit	0140162010	174.00
5040	08/14	08/15/2014	4810	13783	PRINT IT	#10 Reg Envelopes	0140162010	164.00
Total 5040:								761.00
5041	08/14	08/15/2014	6857	109524	Rescue Source (DBA)	rescue harness/safety equipment	0540562351	466.70
5041	08/14	08/15/2014	6857	109545	Rescue Source (DBA)	rescue harness/safety equipment	0540562351	11.75
Total 5041:								478.45
5042	08/14	08/15/2014	6780	5031833362	Ricoh Americas Corporation	Copies	0140162110	78.65
Total 5042:								78.65
5043	08/14	08/15/2014	5060	WT5870	ROTH HEATING AND COOLING	Service	0540562440	593.00
Total 5043:								593.00
5044	08/14	08/15/2014	6886	JULY 2014	Sinclair Television Group, Inc.	retransmission	4140562740	144.00
Total 5044:								144.00
5045	08/14	08/15/2014	5380	SD-42295	SKAMANIA COUNTY PIONEER	utility worker ad	2140562030	14.50
5045	08/14	08/15/2014	5380	SD-42295	SKAMANIA COUNTY PIONEER	utility worker ad	3140562030	14.50
Total 5045:								29.00
5046	08/14	08/15/2014	5460	JULY 2014	Sosnkowski & Cleaveland P.C.	Attorney Fees	0140162100	2,677.00

M = Manual Check, V = Void Check

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 5046:								2,677.00
5047	08/14	08/15/2014	4910	30015102 8/	Tim & Ashley Jech	Refund Deposit	5121130	270.70
Total 5047:								270.70
5048	08/14	08/15/2014	6010	2314	TRAVEL PORTLAND	Partner Services Renewal	0840562113	475.00
Total 5048:								475.00
5049	08/14	08/15/2014	4910	300150001 8	Western States Soil Conservation Inc.	Refund Water Deposit	2121130	629.19
Total 5049:								629.19
5050	08/14	08/15/2014	6660	AUGUST 20	WINNETT, LAWRENCE EDWARD	CATV Work	4140562570	500.00
Total 5050:								500.00
5051	08/14	08/15/2014	6897	E1231254	Wimmer Public Safety Group, Inc.	parachute cord/window saw	0540562440	82.93
5051	08/14	08/15/2014	6897	E123125400	Wimmer Public Safety Group, Inc.	parachute cord	0540562350	27.96
Total 5051:								110.89
5052	08/14	08/15/2014	6690	8714	WOOSLEY, KATHY	Reimburse Mileage	0140162020	12.60
Total 5052:								12.60
5053	08/14	08/15/2014	6700	24961	XTC TRUCK & TOY	snow plow misc supplies	0340562560	704.97
5053	08/14	08/15/2014	6700	25405	XTC TRUCK & TOY	power cables	0340562560	55.94
Total 5053:								760.91
8151401	08/14	08/15/2014	3650	14070301	NATIONAL CABLE TELEVISION COOP.	Programming	4140562740	4,334.06 M
Total 8151401:								4,334.06
Grand Totals:								46,867.70

M = Manual Check, V = Void Check

Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
01-21010	.00	7,076.95-	7,076.95-
01-401-62010	692.00	.00	692.00
01-401-62020	437.60	.00	437.60
01-401-62030	104.00	.00	104.00
01-401-62082	1,195.80	.00	1,195.80
01-401-62100	2,677.00	.00	2,677.00
01-401-62110	89.65	.00	89.65
01-401-62552	725.28	.00	725.28
01-402-62075	222.75	.00	222.75
01-404-62110	1.50	.00	1.50
01-404-62520	569.42	.00	569.42
01-407-62830	112.25	.00	112.25
01-408-62025	249.70	.00	249.70
03-21010	.00	843.78-	843.78-
03-405-62082	3.42	.00	3.42
03-405-62560	840.36	.00	840.36
05-21010	.00	4,597.80-	4,597.80-
05-405-62030	69.00	.00	69.00
05-405-62050	54.74	.00	54.74
05-405-62082	3.06	.00	3.06
05-405-62110	1.50	.00	1.50
05-405-62350	216.98	.00	216.98
05-405-62351	485.65	.00	485.65
05-405-62439	642.15	.00	642.15
05-405-62440	675.93	.00	675.93
05-405-62441	466.59	.00	466.59
05-405-62446	1,982.20	.00	1,982.20
07-21010	.00	1,500.00-	1,500.00-
07-405-62131	1,500.00	.00	1,500.00
08-21010	.00	1,840.00-	1,840.00-
08-405-62071	15.00	.00	15.00
08-405-62101	500.00	.00	500.00
08-405-62113	825.00	.00	825.00
08-405-62115	500.00	.00	500.00
17-21010	.00	393.24-	393.24-
17-405-62520	317.94	.00	317.94
17-405-62551	21.30	.00	21.30
17-405-62870	54.00	.00	54.00

M = Manual Check, V = Void Check

GL Account	Debit	Credit	Proof
21-21010	.00	2,135.01-	2,135.01-
21-21130	629.19	.00	629.19
21-405-62030	119.50	.00	119.50
21-405-62070	1,018.03	.00	1,018.03
21-405-62082	18.54	.00	18.54
21-405-62150	45.00	.00	45.00
21-405-62560	304.75	.00	304.75
31-21010	.00	9,901.90-	9,901.90-
31-405-62030	119.50	.00	119.50
31-405-62070	2,359.37	.00	2,359.37
31-405-62082	16.56	.00	16.56
31-405-62560	156.47	.00	156.47
31-405-62700	7,250.00	.00	7,250.00
41-21010	.00	5,623.06-	5,623.06-
41-405-62570	500.00	.00	500.00
41-405-62740	4,958.06	.00	4,958.06
41-406-62570	165.00	.00	165.00
46-21010	.00	2,784.24-	2,784.24-
46-405-62711	2,310.41	.00	2,310.41
46-405-62712	473.83	.00	473.83
51-21010	.00	7,256.23-	7,256.23-
51-21130	588.62	.00	588.62
51-405-62082	31.68	.00	31.68
51-405-62110	155.31	.00	155.31
51-405-62139	750.00	.00	750.00
51-405-62205	1,932.50	.00	1,932.50
51-405-62770	1,137.92	.00	1,137.92
51-405-62800	21.73	.00	21.73
51-405-63670	338.31	.00	338.31
51-405-63690	1,813.40	.00	1,813.40
51-405-63760	70.50	.00	70.50
51-406-62082	5.94	.00	5.94
51-406-62110	35.94	.00	35.94
51-415-62009	374.38	.00	374.38
56-21010	.00	2,915.49-	2,915.49-
56-403-63941	1,172.50	.00	1,172.50
56-405-63941	570.49	.00	570.49
56-421-63941	1,172.50	.00	1,172.50

M = Manual Check, V = Void Check

GL Account	Debit	Credit	Proof
Grand Totals:	46,867.70	46,867.70-	.00

Report Criteria:
Report type: GL detail

STAFF REPORT

Date Prepared: 8/18/14

For City Council Meeting on: August 25, 2014

TO: Honorable Mayor and City Council

PREPARED BY: Kathy Woosley, City Recorder

APPROVED BY: Gordon Zimmerman, City Administrator

SUBJECT: Approve annual OLCC license renewals.

SYNOPSIS: The Oregon Liquor Control Commission (OLCC) notifies the City annually for input on renewal of liquor licenses. The City Council reviews and approves the annual OLCC license.

CITY COUNCIL OPTIONS:

1. Approve annual license renewals.
2. Do not approve annual license renewals.

RECOMMENDATION: That City Council, by motion, approve annual liquor license renewals for all businesses.

Legal Review and Opinion: N/A

Financial review and status: N/A

BACKGROUND INFORMATION:

1) OLCC sends the City a letter in July stating which businesses are due for annual renewals. The City notifies the Sheriff to see if any reports have been made against any businesses in reference to their OLCC license. Information is given to Council for their input and approval of annual license renewals. Businesses pay a \$25 fee for annual review for each license to the City.

Attachments:

- 2) Copy of letter from Sheriff Matt English
Letter from OLCC

MATTHEW T. ENGLISH
SHERIFF

BRIAN ROCKETT
CHIEF DEPUTY



MARITA HADDAN
911 COMMANDER

TERRY L. BRIGHT
CHIEF CIVIL DEPUTY

JERRY KEITH
EXECUTIVE ASSISTANT

July 17, 2014

Kathy,

After review, we find no law enforcement related issues with the listed businesses.

As always, please call if you have further questions.

A handwritten signature in black ink, appearing to read "M. English".

Matthew English, Sheriff



BY:

OLCC LICENSE RENEWALS

City of Cascade Locks, Kathy Woosle
CASCADE LOCKS
PO Box 308
Cascade Locks OR 97014

Attached is the list of OLCC liquor licenses in CASCADE LOCKS that are eligible for license renewal. These licenses will expire on 9/30/2014.

Oregon Revised Statute (ORS) 471.166 establishes the process for local governments to make recommendations to the OLCC. It also requires the OLCC to notify licensees of the license renewal application or processing fees charged by their local governments. According to our records, you charge:

License Renewal Fee: 25.00

Off Premises Fee: 25.00

We will direct renewal applicants to mail the renewal fees to the address on this letter. Please notify us immediately if the fees or address are incorrect.

Approximately 40 days after the licenses expire, the OLCC will send you a list of the licensees who filed a renewal application. You can use this list to verify that applicants have paid your fees.

Recommendation Process:

You have until 9/6/2014 to exercise one or more of the following options:

1. Provide a written renewal recommendation to the OLCC for any or all of the licenses on this list.
2. Make a written request for additional time to investigate a specific renewal or renewals. The request must set forth the reason additional time is needed, state that the local government is considering making an unfavorable recommendation, and state the specific grounds being considered toward an unfavorable recommendation.
3. Take no action. After 9/6/2014, the OLCC will process the renewal application as if you made a favorable recommendation.

Please send correspondence to OLCC License Renewals at P.O. Box 22297, Portland OR 97269 or email olcc.renewals@state.or.us. You can also contact the license renewal section at 1 (800) 452.6522 ext 5138 or at 503.872.5138.

AGENDA ITEM NO: 3d

CASCADE LOCKS STAFF REPORT

Date Prepared: August 18, 2014

For City Council Meeting on: August 25, 2014

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

SUBJECT: Approval of Wastewater Pump Repair Invoice.

SYNOPSIS: The pump at the wastewater lift station in Marine Park needs to be repaired. This money was budgeted for in the Capital Reserve Fund this year. Since this is over the \$2,500 limit, I am seeking council approval for this repair.

CITY COUNCIL OPTIONS: Approve or reject the request.

RECOMMENDED MOTION: "I move to approve the invoice from Grundfos CBS Inc. for \$5,946 for the repair of the Marine Park wastewater lift station pump."

Grundfos CBS Inc.
PACO PUMPS

ORIGINAL

INVOICE 1900107029

REMIT TO : Grundfos CBS Inc.
P.O. Box 676875
DALLAS TX 75267-6875
USA

Tel : 800-955-5847 Fax: 800-945-4777

BILL-TO: 600011340

City Of Cascade Locks
140 SW Wanapa St
CASCADE LOCKS OR 97014
USA

ATTN: Megan Webb

Order Taken By : Cheri Wells
Incoterms : Will Call
Shipping Method : WILL CALL
Payment Conditions: 30 days net

SHIP-TO: 600011340
City Of Cascade Locks
140 SW Wanapa St
CASCADE LOCKS OR 97014
USA

YOUR REFERENCE	DATE	PAGE
SHELDON PRICE - 2014/05/29	2014/06/24	1/ 1

INTERNAL REFERENCE
F2 - P52 - 00055166 - 11

ITEM #	MATERIAL	DESCRIPTION	QTY ORDERED	QTY SHIPPED	BACK ORDER	UNIT PRICE	NET UNIT VALUE	TOTAL NET VALUE
10	PUMP/MISC	Our Ref : 1971095953 / Shipment # 1 Tracking #: DELIVER REPAIR CUSTOMERS PACO PUMP REPAIR CUSTOMERS PACO QDSC PUMP WITH THE FOLLOWING PARTS: CAP & CORD, UPPER BEARING, LOWER BEARING, CHROME AND GRIND SHAFT, BACKPLATE, MECHANICAL SEALS, ORINGS, NEW MEGA SEAL, AND POTTING COMPOUND	1.00	1.00			3,396.00	3,396.00
20	SVCLABOR	LABOR CHARGES LABOR TO DISASSEMBLE, INSPECT, CLEAN, MACHINE WORK, REPAIR, AND REASSEMBLE PUMP AND MOTOR	1.00	1.00			2,550.00	2,550.00

SUB TOTAL	5,946.00 USD
SALES TAX	0.00 USD
TOTAL	5,946.00 USD

W. Webb

5c

Memorandum

To: Mayor, City Council, and City Administrator Gordon Zimmerman

From: Ruben D. Cleaveland, Asst. City Attorney

Re: Cascade Locks Charter Section 32(4) (2008 Charter Amendment)

Date: August 18, 2014

Background: Mayor Cramblett requested analysis regarding the 2008 Charter Amendment to the City's Charter. This is Section 32(4), requiring ratification by voters for creation or increase of any tax, charge or fee. The issue Mayor Cramblett would like to address is whether a court could make a ruling that the Charter Amendment is valid and/or constitutional with respect to charges and fees not otherwise preempted by statute or other rule of law.

Legal Analysis: The short answer to whether the court could make a ruling regarding the Charter Amendment is "yes." There is a statute that allows a city to bring judicial examination of the authority of the governing body to enact any ordinance, resolution or regulation. I am attaching a previous memo drafted by Alex Sosnkowski which outlines some of the legal issues with the Charter Amendment. In that memo, she shows there are two areas where the Charter Amendment would be considered invalid and would allow the City to increase charges and fees for sewer and electric services. This sets the framework for a ruling.

For sewer, the City has bond obligations that take precedence over the Charter Amendment by statute. The statute says: "An elector-approved initiative or referendum measure that purports to change ordinances or resolutions affecting rates, fees, tolls, rentals or other charges has no force or effect if giving force and effect to the change would impair existing covenants with existing bond owners." ORS 287A.325(3). This statute means the Charter Amendment can be considered valid but does not have force or effect if it would impair bond covenants.

Electricity service is under contract from the Bonneville Power Administration (BPA). That contract requires the City to maintain rates and charges to recover the cost of power supplied by the City utility. The Oregon and Federal Constitutions forbid laws that interfere with existing contractual obligations of a governing body. Thus, the City can raise electrical charges and fees as necessary to fulfill contractual obligations with the BPA without violating the Charter Amendment, while still maintaining the validity of the Charter Amendment as applied to other charges and fees.

The sewer bond and electricity contract provide the legal framework for the City to ask the court for a ruling on the Charter Amendment because it supplies the necessary controversy for the court to resolve. While the City would be asking the court to consider the Charter Amendment void for changes to sewer and electricity charges and fees, we would be asking the court to rule

that other increases in charges or fees would be subject to the Charter Amendment. This would mean a ruling that the Charter Amendment is valid in general, but not in the particular instances presented to the court.

Procedure: The procedure for seeking a ruling from the court would start with Council adopting an ordinance or resolution that would allow changes in charges and fees to the sewer and electrical rates. Simultaneously, the City would adopt a resolution suspending the imposition of the ordinance until the City Attorney can seek a judicial examination and judgment regarding the legality and constitutionality of the Charter Amendment. Then the City would file with the court for such a ruling. Interested persons could then join or intervene in the matter to argue their respective interests.

Cost: The cost of bringing legal action in the courts is expensive. I have previously estimated that bringing this action in the courts could cost between five and ten thousand dollars. That estimate could in fact be overly optimistic given the uncertainty of litigation. One particular uncertainty to consider is whether there will be interveners, what their position will be, and what effort they put forth in challenging the City's position.

An additional consideration regarding cost is the contract for legal services the City has with Sosnkowski & Cleaveland, LLC. The contract provides for a monthly retainer amount for "regular legal services." Regular legal services include: advising, purchasing, drafting documents, purchase/sale of property, service as municipal prosecutor, and many other duties but does not include litigation. Litigation is considered a "non-regular service" according to Exhibit B of the legal services contract. The time spent on the project would not be covered by the monthly retainer amount and would be billed at regular hourly rates. Although our regular hourly rates are very competitive and significantly less than typical Portland attorney rates, the extra cost would be billed outside the monthly retainer amount.

Conclusion: The City is able to seek a judicial examination and judgment regarding the Charter Amendment but it would entail the court also ruling on the validity, or lack thereof, as applied to contracts and bond obligations.

Memorandum

To: Mayor and City Council

From: Alexandra E. Sosnkowski, City Attorney

Re: Cascade Locks Charter Section 32(4) (2008 Charter Amendment)

Date: May __, 2012

At the 2008 general election, the following measure was approved and added to the City's Charter as Section 32(4):

After January 1, 2008, any such ordinance [referring to previous section which sets forth method of adoption for ordinances], or resolution or order approved by a majority of the Council that creates or increases any tax, charge or fee, the ordinance shall not be effective unless ratified by a majority vote of the City's qualified electors voting in an election where at least 50 percent of the registered voters cast a ballot, or the election is a general election in an even numbered year.

Since this Charter provision was approved, the City has not raised or created any new taxes, charges or fees. Importantly, this means that the City has not raised any rates for the utility services (water, electricity, sewer, cable and broadband) it provides to citizens, despite increased costs to the City to provide those services. This memo provides guidance to the Council regarding what is permissible and the options the Council has for addressing the resulting budget issues the City faces.

LEGAL ANALYSIS: There are three viable legal theories that could be applied to Section 32(4) to determine its validity. The discussion below presents each theory in a general summary format; extensive legal citations excluded.

ORS 287A.325(3).

ORS 287A.325(3) (previously ORS 288.594(9)) provides that initiative measures adopted by the electors of a public body that purports to change ordinances or resolutions affecting rates, fees, tolls, rentals or other charge have no force or effect if doing so would impair *existing* covenants made with *existing* bonds owners. See Stadelman v. City of Bandon, 173 Or App 106, review denied 333 Or 73 (2001).

Therefore, to the extent that the City had any bonds existing as of January 1, 2008, Charter Section 32(4) cannot be given any force or effect if doing so would impair (violate) any covenants associated with those bonds.

Contract Clause.

Both the State and Federal Constitution prohibit the passage of laws that impair the obligations of contracts entered into before the law was enacted. Oregon Constitution, Article I, Section 21; United State Constitution Article I, Section 10.

In 2007, the City of Sheridan, Oregon, obtained a judgment in its favor in which the Circuit Court for Yamhill County stated that a similar charter provision in Sheridan could not be enforced as to contracts entered into before passage of the measure. While this judgment would not be binding on the Circuit Court for Hood River County, it would certainly carry significant weight.

To the extent the City had any contractual obligations other than bond covenants that would be impaired by Section 32(4) of the Charter, the City Council could raise rates a necessary to meet those obligations.

Legislative v. Administrative.

The initiative powers reserved to the people under Article 4, Section 1 of the Oregon Constitution applies only to legislative matters and not administrative matters. See Foster v. Clark, 309 Or 464, 472 (1990). Generally, whether an initiative measure involved legislative or administrative matter turns on the subject matter of the proposed legislation as well as the city's procedures for undertaking the matter.

Policy matters are clearly legislative. Although ratemaking is a legislative act because the Council (the legislative body) sets the rates, it is generally considered by most courts to be administrative in nature. To date, however, no Oregon court has ruled on the issue and the legal analysis borrows from other states with similar constitutional restrictions to the initiative power. Arguments in favor of finding ratemaking to be administrative include the following: (1) the ordinance or resolution adopting rates is executing existing law; (2) ratemaking does not establish policy, it implements policy; (3) specialized information and analysis is required to establish rates; (4) ratemaking is a proprietary function. Arguments against finding ratemaking to be administrative include: (1) in the absence of a comprehensive administrative procedure for ratemaking, ratemaking remains legislative in nature; (2) any act that may be taken by a city council is legislative.

Two additional theories considered but likely not viable include federal and state preemption and whether the charter revision process was properly followed. Federal or state preemption might apply if a federal or state clean law mandates certain equipment or processes that the City does not currently have and cannot afford with its current rates. Staff is not aware of any. In addition, staff is not aware of procedural issues in adoption of the measure.

RECOMMENDATIONS:

Sewer.

The City has a 1998 OEDD loan that is secured by City issued revenue bonds. The bond agreements and City Ordinance 336 require the City to set rates at sufficient levels to provide revenue to pay principal and interest and necessary expenses of operating, maintaining, renewing and replacing the

sewer facility (described as the “sewer system”) and to maintain a reserve fund in order to meet the capital expenses. Specifically, Ordinance 336 requires the City to:

1. Set aside and deposit each month sufficient funds to pay the costs of operation and maintenance of the sewer system;
2. After the transfer and payment required in (1) above, set aside and deposit each month sufficient funds to pay the principal and interest on the bond and on any loans issued in parity with the bond when due; and
3. After the transfer and payment required in (2) above, set aside and deposit each month sufficient funds to maintain a reserve account balance of \$53,711 to cover damage from unforeseen catastrophe.
4. Levy and collect assessments needed to operate and maintain the Facility in good condition . . . if gross revenues after set asides and payments as required above are not sufficient

Thus, this provision requires the City to collect rates at sufficient levels to cover operation and maintenance of the facility first, then bond payments, then the \$53,711 reserve fund, and lastly to cover additional expenses to keep the facility in “good condition.” The City has not revised its rates since 2004.

Based on the analysis above, the City Council can revise its rates to meet these obligations (and failure to do so could put the City at risk for violating its bond covenants, which could result in the entire remainder of the loan becoming due). The City will need to examine the loan documents as well as its own operations and facility to determine what constitutes sufficient operation and maintenance and good condition.

Electricity.

The City purchases power under contract from BPA. In 2011, BPA increased the rates is charged the City by 13%. In addition, BPA has requested that the City take over a substation, which may affect the City’s rate structure. Lastly, BPA has created a Tier 2 class of higher rates that it would charge the City if consumption exceeds a certain level. This potentially higher cost of purchasing power is currently not factored into the City’s rates.

The BPA contract requires the City to “establish, maintain and collect rates or charges sufficient to assure recovery of its costs for power and energy and other services, facilities and commodities sold, furnished or supplied by it through any of its electric utility properties.” Application of Section 32(4) of the City’s Charter would impair the City’s obligation under its contract with BPA. Moreover, the City’s failure to meet these contractual obligations could put it at risk for breach of contract, which could result in BPA terminating the City’s contract.

Water; Cable; Broadband.

The City has no long term debt or contractual obligations related to these utilities relative to rate setting. Staff is also not aware of any federal or state preemptive requirements.

CONCLUSION:

Based on the above discussion, if the Council sought to increase rates for these utilities it would have the following options:

(1) Raise rates for sewer sufficiently to meet bond obligations and for electricity sufficient to meet contract obligations. The City has good legal precedent these actions.

(2) Refer rates for sewer and electricity that exceed obligations and for water and cable/broadband to the voters.

(3) Refer an amendment to the voters to modify Section 32(4) to allow ratemaking for all utilities without restriction or with certain restrictions that would not affect bond and contractual obligations but would allow establishment of reserves.

(4) Bring an action for declaratory relief to determine to what extent Section 32(4) is valid (this could be confined to the legislative or administrative issue or address all theories).

- I. Call Meeting to Order. Chair Cramblett called the meeting to order at 7:00 PM. Planning Commission Members present were Gyda Haight, Virginia Fitzpatrick, Jason Sergeant, and Larry Cramblett. Also present were City Administrator Gordon Zimmerman, Planning Consultant Stan Foster, City Recorder Kathy Woosley, Holly Howell, Gary Munkhoff, and Jackson Vanderpool.
- II. Approval of Minutes:
 - a. May 8, 2014. PCM Sergeant moved, seconded by PCM Fitzpatrick, to approve May 8, 2014 minutes. The motion passed unanimously.
 - b. June 12, 2014. PCM Fitzpatrick moved, seconded by PCM Sergeant, to approve June 12, 2014 minutes. The motion passed unanimously.
- III. Citizen Comments. None.
- IV. New Business:
 - a. Request for Amendments to Jumpin' Jax Java Site Plan Review. PCM Haight stated she has a potential conflict as she is a Port Commissioner and the Port is currently working with Mr. Vanderpool.

Mr. Vanderpool said due to cost and the appearance of the building he thought the amendment to the original site plan is adequate. He said he thought that rocking the pillars and the wall would "drown out" the wall. He said when constructing the building he went ahead not realizing that he would need approval for the change.

Chair Cramblett said there are guidelines to follow. He asked about landscaping and other issues with the site plan. Mr. Vanderpool said he was only asking an amendment on the rock all the way around the building, leave the building as is now, but doing rock on the pillars as shown in original site plan.

PCM Sergeant said the City has design standards for downtown. He said approval was made for the stone on the building. He said his only reserve is bending the rules for one applicant. He said the City should set a good standard for the future development of parcels adjacent and across the street of this development.

Mr. Vanderpool presented three pictures to the Planning Commission showing the adjacent building with rock work and the front of his building (Exhibit A). He said the siding on his building is hardiplank and is acceptable material in the Community Development Code.

PCM Sergeant said his issue is changing what has been approved and the Planning Commission setting a precedent by not pushing to make the downtown progress by beautifying it and making it better.

Planning Consultant Foster said the issue for the Planning Commission is to consider this as a major or minor modification. He said the design guidelines calls for wood and stone and the Planning Commission has to consider whether the amendment would be a major or minor modification to what was approved during the site plan review.

Mr. Vanderpool said the look would be similar to the neighboring business as their rock work is on a separation wall and not on the front of their building. PC Foster said since the City is more concerned with the front of the property there may be a compromise that the Planning Commission and Mr. Vanderpool could reach. PCM Sergeant said if the Planning Commission is going to consider anything less, then value should be demonstrated as transferred somewhere else. He said the spirit of the original design has to be maintained. Mr. Vanderpool said the building has been

designed and built above what was required. He described material that has been used in the building. Mr. Vanderpool said the black part of the pillars will be built bigger then rocked.

Mr. Munkhoff, from the audience, asked if the CDC allows for a minor modification without a big deal. PC Foster said as long as it is a minor modification it could be dealt with administratively. Mr. Munkhoff said if the Planning Commission determined this a minor modification then they alleviate precedence in a future setting.

Chair Cramblett said he can see three different choices. He said one would be putting rock around the pillars; the second choice would be putting rock on pillars and on the front of the building; and choice three would be to complete as original site plan depicted. Chair Cramblett said he would lean toward the second choice of rock around pillars and only on front wall. He said that would be similar to the neighboring property.

Mr. Vanderpool said he is also installing pavers instead of regular cement which will have much better aesthetic view. He said he will be installing a rock planter in front and rock around the existing cherry tree. PCM Sergeant asked if a landscaping plan was approved. PC Foster said just the general site plan was approved with general requirements for landscaping.

PC Foster gave an example of the Best Western Columbia River Inn going through architectural where only the front of the building has the stone work. He said this site plan review was done before he started work for the City but did note that the requirement was for the front of the building only. He said consistency would be WaNaPa frontage for design. PCM Sergeant said rock work only on front would probably look worse and would rather just have rock work on pillars with planting on the side walls to cover where the stone work would have been.

PCM Fitzpatrick moved, seconded by PCM Sergeant, to allow Mr. Vanderpool a minor modification to allow rock work on pillars and rocked planters with the rock face approaching 50% of the original site plan and a detailed plan to be submitted and approved by the City Administrator. The motion passed with PCM's Fitzpatrick, Sergeant, and Cramblett voting in favor. PCM Haight abstained.

b. Discuss Public Works Design Standards (PWDS). Chair Cramblett said he had spoken to CA Zimmerman about the Public Works Design Standards and asked him to bring them to the Planning Commission with more information. He said he reviewed the PWDS and found they are not part of the CDC. He said his issue is that sidewalks have been required for two homes built in a Low Density Residential zone. He said the CDC doesn't refer to streets. PC Foster said that it is correct that requiring sidewalks doesn't come from the CDC, however, it is customary for cities to have public works design standards. PCM Haight said development to her means more than one and not requiring sidewalks for construction of one home. She said the hopscotch approach doesn't look good. She said it seems out of place. She said maybe there should be increased development costs to cover sidewalks.

CA Zimmerman directed the Planning Commission to Chapter 8-6.112 Circulation and Access. He read that portion of the CDC. He said the CDC also requires a 5' walkway on one side when development occurs. PCM Haight said this is part of the problem with planners bringing in a Code from somewhere else that doesn't fit Cascade Locks. CA Zimmermann said his job is to enforce the laws as adopted. He said he has to follow what is in place at the time of development. He said he hasn't seen anything that would allow him to deviate from this.

PCM Sergeant asked if this discussion is really about sidewalks and not all of the PWDS. He said if the CDC calls for something to happen then it should happen. He said if you don't like what is in the CDC then amend it. He said what is being described is growing pains and any chance the community

gets to add a community asset such as sidewalk should happen. He said right now sidewalks may not connect but setting a standard to include safe pedestrian passage is a great tone to set.

Chair Cramblett said requiring sidewalks in a town with a population of 1,000 or 2,000 people with dead end streets where the sidewalks won't connect to anything doesn't make sense. He said it is going to look like a hodge-podge and asked if this was a good idea. PCM Sergeant said requiring sidewalks is a good vision to have. He said if the Planning Commission is considering getting rid of the provision to require sidewalks he would ask that they have community meetings and ask the community what they think about that.

Chair Cramblett asked CA Zimmerman why sidewalks weren't put in when Regulator Street was done. CA Zimmerman said there wasn't enough money in the budget to include sidewalks. CR Woosley said when someone builds on the vacant lots sidewalks would be constructed. Mr. Munkhoff asked if this is tied to construction and said there seems to be some interpretation issue on construction and access. He said if a home is using the same access then they wouldn't be required to build a sidewalk. PC Foster said this also refers to pedestrian access. Mr. Munkhoff said this section of the Code only applies to development and could end up at LUBA. He said there needs to be some consistency and citizens should be treated with the same respect as your own budget.

Chair Cramblett said the reason he joined the Planning Commission is because there were a lot of things happening in the back room. He said he wanted this issue brought forward. He said Gordon didn't inform him of the section of the CDC. He said he would like to have received a message from Gordon and is frustrated by that. PC Foster said there is going to be a code review soon. Mr. Munkhoff said there have been a lot of homes built with some not requiring sidewalks, which sets a precedent. He said now we have a City Administrator that is interpreting the code in a different way. He said this should have been brought to the Planning Commission for resolution before applying it to the citizens. PC Foster said he would interpret the information the same way to require sidewalks, which is customary in all cities. He said a building permit for a home is an outright permitted use and would not require Planning Commission action. He said if there is a structural problem with the CDC then the Planning Commission can address that.

CR Woosley pointed out that when sidewalks have been missed in the past it was due to a change in staff or absence of staff and not due to interpretation. She said there was a problem with the process where sidewalks fell through the cracks.

Ms. Howell asked the Planning Commission to be thoughtful about the classification of streets and mean by that that all streets are not the same. She said the purpose of sidewalks is for safety. She said to please not do away with sidewalks all out. Ms. Howell said also with economic development there will be more traffic and more business. PC Foster said the Planning Commission is supposed to be looking out 20 years and be mindful of what you would want your community to look like in 20 years.

PC Foster and CA Zimmerman talked about the issues with Local Improvement Districts.

- V. Adjournment. PCM Fitzpatrick moved, seconded by PCM Haight, to adjourn. The motion passed unanimously. The meeting was adjourned at 8:10 PM.

Prepared by
Kathy Woosley, City Recorder

APPROVED

Larry Cramblett, Chair

MEETING MINUTES
Oregon Municipal Electric Utilities Association
Board Meeting

Forest Grove Light & Power Conference Room
1818 'B' Street, Forest Grove, Oregon
Tuesday, June 24, 2013
10:00AM to 3:00 PM

Members Present:

Jeff Nelson, Springfield Utility Board
Matt Michel, Canby Utility Board (arrived 10:17AM)
Gordon Zimmerman, City of Cascade Locks
Carl Patenode, City of Drain
George Cress, Forest Grove Light & Power
Nate Rivera, Hermiston Energy Services
Kem Carr, McMinnville Water & Light (via phone)
Chuck Thurman, City of Monmouth

Staff: Ryan Colbert and Beth Vargas Duncan

1. Call to Order

Jeff Nelson called the meeting of the OMEU Board to order at 10:07AM.

2. Approval of OMEU Board Meeting Minutes for May 29, 2014

MOTION: Carl Patenode moved to approve the minutes and George Cress seconded the motion. Jeff Nelson called for the vote on the motion. The motion passed unanimously.

3. OMEU Budget and Administrative Review

Beth presented an overview of the budget. Beth also noted that OMEU's auditors Boldt Carlise and Smith, completed their review of OMEU. Beth recalled that the OMEU Board had previously determined that a "review" rather than a full audit would suffice for 2013 particularly since OMEU had an "audit" for 2012. Beth said she will forward the related review materials as soon as she receives the final copies from Boldt Carlise. Beth noted that she attended Boldt Carlise's audit workshop and learned about "positive pay" to avoid double payment of checks. Beth is looking into positive pay for OMEU.

Carl asked whether the budget included costs for a landline. Beth said yes, it had been retained as an alternative means of communication in the event of an emergency. She added that OMEU's landline has been rarely used.

MOTION: Chuck Thurman moved that Beth cut the landline phone service for the OMEU office. Matt Michel seconded the motion. Jeff Nelson called for the vote on the motion. The motion passed unanimously.

4. Fish, Seventh Energy Plan and BPA Energy Efficiency Updates

Bo Downen from the Public Power Council (PPC) presented information regarding fish and wildlife issues as well as energy efficiency. Bo observed that BPA's Fish and Wildlife Program fund is sometimes also referred to as the Northwest Power and Conservation Council (NWPPCC) Fish and Wildlife Program, but BPA has the final say in how the dollars are spent. However, NWPPCC often suggests where such dollars may be spent. Spending on fish and wildlife has increased by over \$100M in less than a decade due to the Biological Opinion (Bi-Op). Bo mentioned that when Steve Wright was BPA Administrator he created a coalition of stakeholders with tribes, states (Oregon did not join), and others to gain support for the Bio-Op in the form of Memorandums of Agreements (MOAs). As a result, NWPPCC now has about \$40M that they feel they can direct to BPA. The MOAs expire in 2016, so BPA is considering whether they want to continue these agreements. There is discussion whether the MOAs were beneficial, as the State of Oregon and some tribes still sued on issues related to the Bio-Op.

Carl noted that there has been large cost increases with these programs and if programs are going well, there should be funding decreases. Bo responded that the program is working well; it is a mature program that should not need much more funding. It is important to note that there is a 2.5% increase for the program built-in with the MOAs. Bo added that they have certainly grown in dollar levels now, but PPC will continue to push for flattening out the spending where possible. OMEU members expressed encouragement for PPC staff to continue pressing BPA to limit costs. Jeff noted that BPA in the past has funded items through other entities without public process.

Bo also talked about how the State of Oregon had looked at a study done by the Fish Passage Center for an experimental spill test. BPA estimated the experimental spill test would cost about \$110M annually. NWPPCC referred the spill test concept to its Independent Science Advisory Board (ISAB). The ISAB responded that the spill proposal clearly is not ready for implementation. Bo mentioned that NWPPCC's fish program is open for public comment until July 9, 2014.

Regarding energy efficiency, Bo said that PPC works on conservation with NWPPCC's targets and BPA who has taken a backstop role in meeting NWPPCC's targets. Over the past year or so, BPA employed a Post-2011 process with five work groups looking at various aspects of BPA's energy efficiency program. Several recommendations arose from the work groups. For example, BPA has agreed to roll-over 5% of conservation dollars into a future rate period. BPA is also considering how to move back to expensing their conservation program instead of capitalizing it. Expensing the program would be helpful in managing the funds and over the long term it may help focus on kilowatts saved rather than dollars spent. NWPPCC recently used language indicating they want BPA to increase their conservation budget, rather than expressing emphasis on kilowatts saved. There will be additional discussions in the future about expensing BPA's conservation program.

5. Western and Regional Market Initiatives

Nancy Baker from PPC presented background information and observations regarding recent market initiatives in the West. Nancy explained that past operations used a bilateral market where two entities had an exchange – one needed power while the other had energy to trade.

Now there may be 50 persons involved and trading occurs over the Internet. Building transmission has become more complex, it may take 10 years to build a line from permitting to completion. Systems are becoming congested and sometimes operators cannot get all the power across the lines. Nancy commented that with organized markets, the Federal Energy Regulatory Commission (FERC) can regulate in ways they could not access in the past. In organized markets, the market operator identifies all energy needs, determines what energy goes where, and how much it costs. Now there are “many-to-many transactions” instead of “one-to-one transactions.” FERC regulates all Regional Transmission Organizations (RTOs) [See FERC]. PacifiCorp and California Independent System Operator (CAISO) will implement an Energy Imbalance Market (EIM) in October 2014. [See CAISO]. Nancy added that discussion of a “Western Regional Transmission Market” has been around since about 2012 when Western governors gathered and said there could be a Western Imbalance Market; they noted a study depicting savings of “X” dollars. Later, the study failed to be credible.

Nancy observed that the fear is that if the Northwest does not do something (EIM, day ahead, etc.) the Northwest will be swept into the CAISO and PacifiCorp action, but that is very different than what is being discussed at the NW Power Pool. [See NWPP Market Assessment and Coordination Committee] How does FERC’s long arm not reach? FERC regulates organized markets because of interstate commerce and the market indicates the price. BPA currently does balancing. It is not a RTO. There are many distinguishing factors between an EIM and a RTO. An EIM is just one market; it does not run a transmission system like a RTO does. Participants can bid load and resources into that market and buy energy back out of it. In terms of an EIM, it is that slice across top that is the topic.

Nancy mentioned that bi-lateral markets are making improvements and those will have a lot of value whether or not an EIM is created. BPA has a state estimator, but does not have a good look at what is happening in real time. Operators need to be able to see what is happening in the system to operate more reliably and extend capacity sales. A number of utilities are short of capacity in their own system and they have variable generation, so they are looking at how to make bi-lateral markets more efficient.

Next Nancy discussed Security Constrained Economic Dispatch (SCED) which is not an EIM. In a SCED, they know the load forecast, see the capability to get resources to the utility and then they dispatch. BPA starts with least expensive resource to dispatch. SCED figures out the most economical way to meet load given constraints.

6. Power and Transmission for Small Utilities

Brian Altman from BPA provided an overview of current transmission projects. He also briefly noted how some large customers proposed a new method of charging for transmission (segmentation) which would shift costs away from large customers onto other smaller customers. Brian also said that BPA is starting to plan for a meeting regarding emergency preparedness and coordination. Beth commented on OMEU’s efforts and said that OMEU had been collaborating with APPA’s Mutual Aid group.

ACTION: Beth will provide contact information to Brian regarding APPA’s Mutual Aid group and those in Oregon who participate.

Kevin Farleigh, BPA spoke about water flow issues related to power. Kevin reported that earlier this year water flow was only about 80% of average, but it has averaged out over time. Currently the flow is about 105% and there is little risk of an oversupply issue. Kevin also indicated that BPA completed the High Water Mark process.

7. BPA Energy Efficiency

Richard Gécécé from BPA presented information regarding BPA's Post-2011 review process. Richard said, in 2011 BPA went to using a TOCA [Tier One Cost Allocator] where each utility received a portion of the energy efficiency budget in proportion to the power purchased. BPA agreed at that time that they would perform a review in the future, so that is the Post-2011 review occurring now.

Richard explained that they had five work groups with two co-chairs – one from BPA and one from public power. There were several “big tent” meetings that included all work groups too. They worked through 15 challenges and now have recommendations. Currently, the process is in the public comment period with comments due by July 19, 2014.

Richard highlighted some of the work group recommendations. Work group 2 suggested BPA publish implementation guidelines every two years instead of every six months for more stability. BPA agrees to do it annually. Work group 3, the low-income work group recommended establishing a work group for collaboration and implementing a BPA managed method or process for low-income investments. Jeff noted challenges they have had in working with CAP (Community Action Program) agencies. Jeff said the CAP often has a whole house approach and are looking for more administrative funding. Jeff cautions that BPA measure funds go to conservation not toward CAP administration. Richard explained that the intent is to bring folks together, not usurp CAP agencies.

Chuck and Bo both observed the Post-2011 process worked well overall. Richard commented that there has been great collaboration in Pacific Northwest to craft solutions. Richard said he has heard that BPA is too cumbersome with which to work and is not flexible enough, so BPA is working toward being a better business partner. Chuck said he would like to see BPA concentrate in areas where it is needed, not as much with CAP. Richard said they are working to bring folks together and find best practices, not intervene.

Jeff observed from his experience that the type of housing can impact market penetration for low income energy efficiency. A non-profit owned low income multi-family focused development has a relatively quick turnaround with regards to getting work done. However, getting a single family homeowner to sign for a qualified limited income renter can be a longer process. Utilities can encourage the message, but cannot force an individual to sign their name for permission to get work done on their property. With over 50% of the housing in Springfield being rentals, it can be a challenge. Measure funding may not be the constraint. Limited CAP agency labor resources or lack of response from property owners may be bottlenecks and these are outside the utility's or BPA's responsibility. Matt Michel said low power rates are number one economic driver in communities and that helps everyone.

Richard reminded members about the BPA's Debt Management workshop this Thursday at 1:00PM. With regard to moving BPA's Energy Efficiency Incentive program (EEI) back to expense, Richard requested feedback from OMEU members about costs related to that transition. Jeff asked, what would be the year one rate pressure if BPA moved from capital to expense now? Richard said there is a range and it probably cannot start until 2019. It would need to be done in two to three steps, may be even a few rate periods. Matt Michel said BPA needs to keep getting the rate lower. In recent rate cases where BPA has moved the rate increase from 20% to 9% is not a victory. Other utilities also increasing, BPA needs to examine how BPA become more efficient. Matt said that BPA should do hard organizational analysis and look at man power issues.

After some discussion, Richard said he heard support for moving from capital expense; it was good to hear some amount of acceptance that there would be some increase. Jeff asked OMEU members who would not support moving to expense from capital? Members affirmed and Chuck abstained. Members said there needed to be more information about costs and they need to understand why there would be cost.

Richard affirmed that those utilities choosing to use the billing credit option would have to sign an agreement indicating an EEI target with BPA, as BPA still has to meet its statutory energy efficiency obligations. Chuck commented that he supports a regional approach to EEI efforts.

8. Municipal RPS Projections

Julie Peacock from ODOE reminded members how HB 4126 caused changes with RPS compliance. Julie explained eligible RECs (Renewable Energy Credits) including the Grand Coulee upgrades. BPA is also looking at further upgrades at Grand Coulee that could bring more RECs. George asked about Wanapum Dam, and whether some upgrades there would qualify. Julie replied that she has been asking about related legal aspects of that work and she will follow-up regarding those potential RECs. Julie discussed how utility requirements impact a transitioning small or smaller utility that grows (and does not fall back under) and enters the large category, then that utility will graduate into large category compliance.

Julie developed calculator (see Excel spreadsheet) to determine a utility's share of state load and the projected RECs. Julie offered Ashland as an example. Julie mentioned that only the Oregon share is eligible for RPS. The High Water Mark (HWM) was adjusted in April (Ashland's did not change). ODOE also performed cost projections of unbundled RECs and resource cost projections with BPA. Julie offered that ODOE could also help project these incremental costs for other utilities too. George asked if new industry who has own renewable generation, enters a utility's territory then could the utility count the industry's generation? Julie replied that the utility must be the holder of the RECs in order to have those attributes and retire the RECs. The company may also want to hold the RECs for LEED compliance etc.

Julie offered to provide each utility their projected compliance. She has projected HWM, and more information for banking RECs.

9. Legislative and Administrative Update

Ryan Colbet introduced himself and talked about participating in meetings. He has an interest in energy law. He is also doing some research on the carbon tax. He mentioned that information on solar roadways will be in next Director's Report. A married couple from Idaho invented this concept and is working on a test project in Idaho.

Beth provided a brief update on OMEU's Energy Efficiency Task Force meetings as well as OMEU's Engineering and Operations Committee. Beth also mentioned some highlights from the recent APPA National Conference in Denver. Beth said she had lunch with Anita Decker, NWPPA. Beth reminded members that during OMEU's fall meeting in October 2013, members shared concerns about trainings for line workers and related liability; the members present said they no longer had such concerns. Beth also discussed concerns raised at APPA regarding the EPA's New Source Performance Standards (NSPS) for each state and Oregon is projected for an emissions reduction of about 48%. Beth said that within about a year, the State of Oregon (ODOE and the Governor's Office) will be required to submit a plan of how the state will comply with the new emission reduction requirements. Beth will work with others to determine whether this new requirement is something of which to be concerned or whether compliance will be readily attained.

Regarding the 2015 session, Beth said the areas forthcoming now are related to ODOE and ODOE's legislative concepts, particularly extending the Cool School's program. She will share more details when they are available. In addition, Beth expects more activity regarding public contracting and qualifications based selection (QBS). Members indicated by consensus that they still oppose any expansion of QBS in public contracting.

10. Roundtable

Monmouth

Chuck said they continue to have small growth. He will be meeting with Richard Gécécé to discuss BPA's Post-2011 discussion and Chuck's recent request for information from BPA.

Canby

Matt said they settled their electric contract and rolled it over another three years. Matt also shared that Jim Brands passed away recently. Jim started the Efficiency Services Group in 2002, but he had gotten his start in energy at Canby Utility. There is a memorial for him the afternoon of June 25, 2014.

Matt noted that the water rights for Springfield, Ashland and Milton-Freewater have arisen on Water Watch. The League of Oregon Cities is tracking this issue – contact Tracy Rutten at the League. Matt asked Kevin Farleigh to inquire with BPA about reconsidering its Federal Register notice language. The current language indicates BPA customers that are represented by another organization (i.e. PPC) may not file participant comments.

ACTION: Kevin will check into the BPA Federal Register notice language and get back to Matt.

Hermiston

Nate Rivera said that since Ed Brookshire retired, Brian Smith from Fort Madison, Iowa has been hired as the new city manager in Hermiston.

Nate also reported that Hermiston Energy Services is performing a COSA. Nate noted that Hermiston had been operating in reserves and there had not rate increase since 2005. Nate has been attending a number of meetings, and discerning priority issues. He is learning new concepts as he transitions from a cooperative to a municipality.

Forest Grove

George said Forest Grove Light and Power issued a RFP for one or more transformers as part of the capital improvement plan. They also just finished their cost of service study. Forest Grove had passed along BPA's cost increases, but not capital improvements, so they will need to increase customer charges. Forest Grove is having growth. There are a couple hundred new homes being built now with growth from Intel, Nike and new industries such as Chaucer Foods and Summit Foods. The Forest Grove City Council passed a new budget and new laws regarding smoking. The smoking restrictions may impact utility workers as it now includes all city property which may include city sidewalks and roads.

Drain

Carl reported that Malcolm drilling has moved into their building with another 250,000 square feet. They also have made improvements to the property and have a lot of equipment coming; they are growing already. Pacific Geo-Source built a 40,000 square foot warehouse and they are growing too. Carl said there are issues with ODOT, as they are shutting off both interchanges to Drain. Carl added that they have two franchises that have expired. Carl has worked with Drain's City Attorney, then Carl submitted franchise language to Charter, but he has not yet heard a response. CenturyLink's franchise expired too. Neither company wants to do improvements in Drain. Matt Michel suggested that APPA has pole attachment calculator which could help with those payments.

Cascade Locks

Gordon reported that the City of Cascade Locks sold their broadband system to GorgeNet. GorgeNet will keep the franchise fee initially, then provide fiber to the home over next seven years. Due to industry growth, Cascade Locks energy usage is projected to add 3MW to their 2.4 average now over the next two years and that will move Cascade Locks into the Tire 2 rate. The hope is that within three years, Nestle will have their plant up and running. Nestle will add 4MW on top of Cascade Locks' projected 5.4 average.

In conclusion, George recommended BPA's cybersecurity training, noting vendors can pose vulnerabilities as one of the utility's companies could be targeted. Snohomish also has a good program on cybersecurity. Carl said that CIS also did some training on it too.

11. Public Input on Non-Agenda Items

No members of the public provided input and no members of the public were present.

12. Future Meetings – October 15, 16-17, 2014 and other meetings as needed prior to that date. Beth said she working on the agenda for the fall meeting. Elliot Mainzer is scheduled to speak. Beth is also working to have a speaker from APPA, and the Governor's Office. Beth also plans to invite the new director of ODOE after that person is hired. Members suggested having a speaker regarding cybersecurity.

13. Adjourn

The meeting adjourned at 2:53 PM

Minutes Prepared by:

Beth Vargas Duncan, Executive Director

Approved by the OMEU Board on _____.