

CITY of CASCADE LOCKS

AGENDA

CITY COUNCIL MEETING, Monday, June 26, 2017, 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 June 12, 2017 Minutes.**
 - b. **Ratification of the Bills in the Amount of \$ 55,760.02.**
4. **Public Hearing:**
5. **Action Items:**
 - a. **Appointment to Committees.**
 - b. **Approval of CH2M Contract Extension.**
 - c. **Approve Ordinance No. 443 Updating Cemetery Rules.**
 - d. **Approve Resolution No. 1378 Making a Year-End Adjustment.**
 - e. **Approve CIS Insurance Renewal.**
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. **Cascade Locks Historical Museum: Bill Hankel**
 - c. **LOC Noise Ordinance Discussion.**
 - d. **Tourism Strategic Plan Discussion.**
 - e. **Drug Testing Policy.**
 - f. **City Administrator Zimmerman Report.**
8. **Mayor and City Council Comments.**
9. **Other matters.**
10. **Executive Session per ORS.192.660(2)(e) Negotiate Real Property Transactions and 192.660(2)(i) Performance Evaluation.**
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 Randall, Fitzpatrick (via phone), Walker, Busdieker, Zerfing, and Mayor Cramblett were present. CM Groves was excused. Also present were City Administrator Gordon Zimmerman, City Recorder Kathy Woosley, Finance Officer Marianne Bump, Fire Chief Jessica Bennett, Klairice Westley, Aushwol Westley, Margie Curtis, Julia, DeGraw, Brenda Wood, and Camera Operator Betty Rush.
2. **Additions or amendments to the Agenda.** CA Zimmerman said a request for a noise waiver has been turned in tonight and would need to be added to the agenda. Consensus of Council was to add it to the Consent Agenda.
3. **Adoption of Consent Agenda.**
 - a. **Approval of May 22, 2017 Minutes.**
 - b. **Ratification of the Bills in the Amount of \$ 183,449.92.**
 - c. **Noise Waiver for 8/5/17 Wedding in Pavilion (to be added to action items).**
 - d. **Noise Waiver for 6/24/17 Live Music or DJ in Residential Neighborhood (added).**Mayor Cramblett read the list of items on the Consent Agenda. CM Zerfing said he would like further discussion on agenda item 3.c. **Motion:** CM Randall moved, seconded by CM Zerfing, to approve the Consent Agenda with addition of 3.d. and 3.c. added as an action item for further discussion. The motion passed unanimously by CM's Groves, Randall, Fitzpatrick, Walker, Busdieker, Zerfing, and Mayor Cramblett.
4. **Public Hearing: 7:00 PM**
 - a. **2017/2018 Budget.**
 - b. **2017/2018 Revenue Sharing.**Mayor Cramblett opened both hearings at 7:05 PM and asked for testimony.

Klairice said Council has put money in the budget toward Nestlé. She said \$33,000 has been set aside for an attorney to push the exchange through. She warned that the Yakima Tribe will bring in Tribal lawyers and everyone that participated in the Standing Rock situation will be coming here and filling the streets of Cascade Locks if the water exchange moves forward. She said the City can put their heads together and come up with something different without destroying native fisheries. Klairice said the City cannot allow Nestlé to have Oxbow Springs. She said the people voted. She said she has lost faith in government because no one abides by the law. Klairice said the 1855 Treaty protects Oxbow Springs. She said the vote was taken and the people voted to protect Oxbow Springs.

Hearing no other testimony, Mayor Cramblett closed the hearings at 7:12 PM.
5. **Action Items:**
 - a. **Appointment to Committees.** None.
 - b. **First Reading of Ordinance No. 443 Providing for Rules and Regulations and Control Concerning Care, Placing of Monuments, Planting of Shrubs, Government, and Operation of Cascade Locks Cemetery of Cascade Locks, Oregon, and Repealing Ordinance No. 437.** CA Zimmerman read Ordinance No. 443 by title only.
 - c. **Approve RFP for Trimming/Mowing Underneath Power Lines in South Bank Area.** **Motion:** CM Zerfing moved, seconded by CM Walker, to award the job to local provider Dennis Snyder Construction. CM Busdieker said the City should follow its own fiscal policies. CA Zimmerman said the City is not in violation of State Law or the City's Financial Policies if

choosing a sole source provider for this job. CM Randall said the City has done this in the past and CM Fitzpatrick said the City should be able to choose. The motion passed unanimously by CM's Randall, Fitzpatrick, Walker, Busdieker, Zerfing, and Mayor Cramblett. CM Busdieker said she thought Council should review the Fiscal Policies.

d. Approve Res. No. 1375 Adopting the State Revenue Sharing. Motion: CM Busdieker moved, seconded by CM Walker, to approve Resolution No. 1375 adopting the State Revenue Sharing. The motion passed unanimously by CM's Randall, Fitzpatrick, Walker, Busdieker, Zerfing, and Mayor Cramblett. CA Zimmerman said this money is in the Community Relations Fund, Reverse 911, and the Senior Sewer Subsidy.

e. Approve Res. No. 1376 Adopting the 2017-2018 Budget. Motion: CM Zerfing moved, seconded by CM Randall, to approve Resolution No. 1376 adopting the 2017/2018 Budget. CM Busdieker thanked Klairice for coming. She said the City is setting aside 10's of 1000's of dollars that could be used in a more effective way. She said the County has declared a bottled water facility illegal in Hood River County. She said this money should be used in a better way. CM Fitzpatrick said it seemed everyone was happy with the budget a couple of months ago. The motion passed with CM's Randall, Fitzpatrick, Walker, Zerfing, and Mayor Cramblett voting in favor. CM Busdieker opposed.

f. Approve Resolution No. 1377 for Surplus of 1998 New Holland TS110 Tractor with Mower Head. Motion: CM Busdieker moved, seconded by CM Zerfing, to approve Resolution No. 1377 declaring one item of City property as surplus and authorizing the sale of such property. The motion passed unanimously by CM's Randall, Fitzpatrick, Walker, Busdieker, Zerfing, and Mayor Cramblett. Consensus of Council was to auction equipment in November.

g. Approve Green Power Agreement with Bonneville Environmental Foundation. CA Zimmerman said the State of Oregon requires a portion of electricity as green. He said in order for the City to do it themselves they would have to have an electric buyer out in the market and coordinating the buy back with Bonneville Power Administration. Bonneville Environmental Foundation does that for us now and their fee is increasing to \$2,500. CA Zimmerman said this is much cheaper than going out to the market and purchasing our own.

CM Zerfing said he was confused since our power is generated by water and is green. CA Zimmerman said the State of Oregon doesn't recognize hydro generated power as green power to a certain percentage. CA Busdieker researched and said the reason Bonneville is not included as green power is that it is considered as high impact hydro power and only low impact hydro power qualifies as green. CA Zimmerman said the four investment groups argued for that definition in the State Legislature and is a battle between consumer and investor owned utilities. He said no customers have signed up for the green power program but we have to offer them the opportunity. He explained that it would cost the customer an additional \$10 - \$15 per month to have green power. CM Zerfing said it's the same power. Mayor Cramblett explained that money goes into programs that are specifically for green power. **Motion:** CM Busdieker moved, seconded by CM Randall, to approve the green power agreement with the Bonneville Environmental Foundation for \$2,500 for fiscal year 2017/2018. The motion passed unanimously by CM's Randall, Fitzpatrick, Walker, Busdieker, Zerfing, and Mayor Cramblett.

h. Noise Waiver for 8/5/17 Wedding in Pavilion. CM Zerfing said he wanted this as a discussion item to allow Margie Curtis a chance to comment on this. Margie said the music doesn't bother her. **Motion:** CM Busdieker moved, seconded by CM Randall, to approve the noise waiver for the wedding in the pavilion on August 5, 2017. The motion passed unanimously by CM's Randall, Fitzpatrick, Walker, Busdieker, Zerfing, and Mayor Cramblett.

6. **Appearance of Interested Citizens to Share a Variety of Perspectives on Issues Facing Our Community.** Aushwol said we are looking for solutions for economy here in Cascade Locks and sees a lot of alcohol establishments and suggested allowing marijuana businesses in Cascade Locks. He said Cascade Locks is going to get left behind. Aushwol said there is a lot of money to be made. He said there's been a bad name put on it. Margie asked how much revenue is lost by not allowing the sale of marijuana. CA Zimmerman said the State has collected 84 million and has not distributed any of that money yet. He said he didn't know how much as the amount is determined by several factors. CM Busdieker said it is essentially impossible to have a retail facility here.
7. **Reports and Presentations.**
 - a. **City Committees.**
 - b. **Power Generation Report – Residence/Justice Court Building.** CA Zimmerman explained the information in his staff report.
 - c. **City Administrator Zimmerman Report.** CA Zimmerman gave his report and asked which option the Council would like for the Gorge Hubs Project. Consensus of the Council was Option C. CM Walker suggested the handicap parking be moved one space over so as not to plug up the entrance. CA Zimmerman said Ramona Miller (owner of the Post Office) has agreed to allow a recreational area on the rear portion of the post office property in exchange for the paving and striping on her property.
8. **Mayor and City Council Comments.** CM Busdieker reported that she had an incident with check fraud and suggested everyone check their credit history. Mayor Cramblett said as the City grows and brings more people for events here there will be more people in town and more noise issues.

Mayor Cramblett said he has faith in government and believes in a good strong government. He said government created the Treaty of 1855 and we have faith in that. He said the Council has decided to exchange water with the spring that feeds the hatchery. He said ODFW wants this exchange in order to help the fish and Cascade Locks supports that. Mayor Cramblett said making beer and wine takes a tremendous amount of water and is recreational. He said the City's budget is to take care of the City and protect itself from attacks.
9. **Other matters.** None.
10. **Executive Session as may be required under ORS 192.660 (2)(b) Personnel.** Mayor Cramblett recessed regular session and opened executive session at 8:20 PM. CM's Randall, Fitzpatrick, Walker, Busdieker, Zerfing, and Mayor Cramblett were present. Also present were CA Zimmerman, CR Woosley, and FO Bump.
11. **Adjournment.** Mayor Cramblett continued with regular session and announced that The City would be hiring a Paramedic and a Firefight/EMT. **Motion:** CM Busdieker moved, seconded by CM Walker, to adjourn. The motion passed unanimously by CM's Randall, Fitzpatrick, Walker, Busdieker, Zerfing, and Mayor Cramblett. The meeting was adjourned at 8:32 PM.

Prepared by
Kathy Woosley, City Recorder

APPROVED:

Tom Cramblett, Mayor

BLANKET VOUCHER APPROVAL

PAGE NO. 1

DEPARTMENT: CITY OF CASCADE LOCKS
COVER SHEET AND SUMMARY

DATE:	DESCRIPTION:	AMOUNT:
6/9/2017	PR	\$ 40,585.75
6/16/2017	A/P	\$ 15,174.27

GRAND TOTAL \$ 55,760.02

APPROVAL:

Mayor

Report Criteria:
 Report type: GL detail

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
8355	06/17	06/16/2017	6945	111457	4COM, Inc.	programming	4140562740	148.38
Total 8355:								148.38
8356	06/17	06/16/2017	6983	NF-2314	All American First Aid & Safety	First Aid Supplies	5140562870	46.37
8356	06/17	06/16/2017	6983	NF-2314	All American First Aid & Safety	First Aid Supplies	5140662870	46.37
Total 8356:								92.74
8357	06/17	06/16/2017	6966	01410018RF	American Messaging	Paging Service	5140562110	7.50
Total 8357:								7.50
8358	06/17	06/16/2017	7011	68502	Annalia, Carey, Baker, Thompson, Vanko	Attorney Services	0140162100	1,200.00
Total 8358:								1,200.00
8359	06/17	06/16/2017	370	57141	BIO-MED TESTING SERVICE	Drug Testing	0540562063	40.00
Total 8359:								40.00
8360	06/17	06/16/2017	6839	82517753	Bound Tree Medical, LLC	Medical supplies	0540562351	75.90
Total 8360:								75.90
8361	06/17	06/16/2017	6859	006166	Broad-Mill Co	Service Call - Line Truck	5140562201	522.16
Total 8361:								522.16
8362	06/17	06/16/2017	490	511383	BRYANT PIPE AND SUPPLY	locate flags	5140563790	7.72
Total 8362:								7.72
8363	06/17	06/16/2017	560	67626	C.M. & W.O. SHEPPARD	cartridge & element	3140562560	14.74
Total 8363:								14.74

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
8364	06/17	06/16/2017	6979	MAY 2017	Cartmation, Inc.	GIS Service for City	5140562190	1,000.00
Total 8364:								
8365	06/17	06/16/2017	610	696098	CASCADE COLUMBIA DISTRIBUTION	Chlorine	2140562650	330.00
Total 8365:								
8366	06/17	06/16/2017	1000	A17019	Coburn Electric	well pump repairs	2140562110	90.00
8366	06/17	06/16/2017	1000	C16287-2	Coburn Electric	lift station repairs	3140562110	396.00
Total 8366:								
8367	06/17	06/16/2017	1120	A164021	COLUMBIA HARDWARE, LLC	concrete, masonry	0140462520	120.24
8367	06/17	06/16/2017	1120	A164277	COLUMBIA HARDWARE, LLC	18" stakes	5141562009	12.69
8367	06/17	06/16/2017	1120	B169547	COLUMBIA HARDWARE, LLC	water line repair pieces	0140462520	36.97
8367	06/17	06/16/2017	1120	B170394	COLUMBIA HARDWARE, LLC	wire brust coupler	5140562201	6.94
Total 8367:								
8368	06/17	06/16/2017	1360	131297	DAVID R. CUNNINGHAM	City Network	0140162082	176.84
Total 8368:								
8369	06/17	06/16/2017	1620	1474	EFFICIENCY SERVICES GROUP, LLC	BPA Program Services May 2017	5140562139	750.00
Total 8369:								
8370	06/17	06/16/2017	1760	ORHOD4956	FASTENAL	shackles	5140562810	34.41
8370	06/17	06/16/2017	1760	ORHOD5235	FASTENAL	misc. supplies	5140562810	15.18
8370	06/17	06/16/2017	1760	ORHOD5302	FASTENAL	misc. supplies	5140562780	26.60
8370	06/17	06/16/2017	1760	ORHOD5302	FASTENAL	misc. supplies	2140562560	13.79
8370	06/17	06/16/2017	1760	ORHOD5302	FASTENAL	misc. supplies	3140562560	13.79
Total 8370:								
8371	06/17	06/16/2017	6795	0583911	Ferguson Enterprises Inc. #3011	meter boxes and covers	2140562560	460.38
8371	06/17	06/16/2017	6795	058913	Ferguson Enterprises Inc. #3011	1" perl meter	2140562560	208.32

Check Number	GI Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GI Account	Amount
Total 8371:								
8372	06/17	06/16/2017	2570	5171037	HOOD RIVER NEWS	Tourism RFP	0840562113	688.70
8372	06/17	06/16/2017	2570	51771041	HOOD RIVER NEWS	state revenue sharing	0140162030	64.00
8372	06/17	06/16/2017	2570	51771042	HOOD RIVER NEWS	Notice of Budget Hearing	0140162030	36.00
Total 8372:								
8373	06/17	06/16/2017	6873	POS4509	Knaphelde Truck Equipment Center	cable kit, grove pulley, pivot pulley	2140562560	112.00
Total 8373:								
8374	06/17	06/16/2017	4910	100092305 6	Mark Bernhardt	Refund Deposit	5121130	212.00
Total 8374:								
8375	06/17	06/16/2017	3380	KPDX MAY 2	Meredith Corporation	Retransmission	4140562740	91.98
8375	06/17	06/16/2017	3380	KPTV MAY 2	Meredith Corporation	Retransmission	4140562740	57.65
Total 8375:								
8376	06/17	06/16/2017	4910	400274604 6	Mike Baumgartner	Refund Deposit	5121130	148.80
Total 8376:								
8377	06/17	06/16/2017	3590	60517	MR. BIS SMALL ENGINE REPAIR	2 cycle oil	0140462520	458.80
Total 8377:								
8378	06/17	06/16/2017	7090	1173-1152	Nexstar Broadcasting, Inc.	programming	4140562740	201.31
Total 8378:								
8379	06/17	06/16/2017	4020	ME120487	ODOT-FUEL SALES	Fuel	0140462530	72.00
8379	06/17	06/16/2017	4020	ME120487	ODOT-FUEL SALES	Fuel	0540562420	228.16
8379	06/17	06/16/2017	4020	ME120487	ODOT-FUEL SALES	Fuel	0540562420	221.99
8379	06/17	06/16/2017	4020	ME120487	ODOT-FUEL SALES	Fuel	0540562420	562.29
8379	06/17	06/16/2017	4020	ME120487	ODOT-FUEL SALES	Fuel	2140562530	377.65
8379	06/17	06/16/2017	4020	ME120487	ODOT-FUEL SALES	Fuel	3140562530	155.67
8379	06/17	06/16/2017	4020	ME120487	ODOT-FUEL SALES	Fuel	5140562200	290.52
8379	06/17	06/16/2017	4020	ME120794	ODOT-FUEL SALES	Fuel	0540562420	533.86

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
8379	06/17	06/16/2017	4020	ME120794	ODOT-FUEL SALES	Fuel	2140562530	150.22
8379	06/17	06/16/2017	4020	ME120794	ODOT-FUEL SALES	Fuel	3140562530	349.78
8379	06/17	06/16/2017	4020	ME120794	ODOT-FUEL SALES	Fuel	5140562200	314.96
Total 8379:								2,956.94
8380	06/17	06/16/2017	4070	7050353	ONE CALL CONCEPTS, INC.	locate services	5140562110	55.65
Total 8380:								55.65
8381	06/17	06/16/2017	6935	87471	Oregon Travel Experience	4x4 panel	0840562114	75.00
Total 8381:								75.00
8382	06/17	06/16/2017	6901	051817	Outdoor Viewfinder	PCT Days Sponsorship	0840562114	500.00
Total 8382:								500.00
8383	06/17	06/16/2017	6769	05-17-456	PARC Resources, LLC	general planning	0140262075	1,362.31
8383	06/17	06/16/2017	6769	05-17-456	PARC Resources, LLC	City Planning	0140262090	96.75
Total 8383:								1,459.06
8384	06/17	06/16/2017	4620	3303685923	PITNEY BOWES - RENTAL	Periodic Payment	0140162120	154.47
Total 8384:								154.47
8385	06/17	06/16/2017	6916	150P214168	Potter Webster Company-Portland	Q-Release AM	5140562201	19.29
Total 8385:								19.29
8386	06/17	06/16/2017	6780	5048724539	Ricoh Americas Corporation	Copies	0140162110	40.73
Total 8386:								40.73
8387	06/17	06/16/2017	7026	8122498248	Shred-It USA	Archives Shred Bins	0140162110	45.00
Total 8387:								45.00
8388	06/17	06/16/2017	6986	MAY 2017	Sinclair Television Group, Inc.	Programming	4140562740	272.80

M = Manual Check, V = Void Check

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 8388:								
8389	06/17	06/16/2017	6965 51		Sofa Urrutia-Lopez	Contract Support	0840562110	272.80
Total 8389:								560.50
8390	06/17	06/16/2017	5510	8044688523	STAPLES CONTRACT & COMMERCIA	toner	0140162010	560.50
Total 8390:								85.52
8391	06/17	06/16/2017	5960	128560	TRAFFIC SAFETY SUPPLY CO.	No parking signs	0340562560	85.52
Total 8391:								29.55
8392	06/17	06/16/2017	6070	006400	TWGW, INC NAPA AUTO PARTS	bushing, air hose, adapter	5140562201	21.27
8392	06/17	06/16/2017	6070	5144	TWGW, INC NAPA AUTO PARTS	battery	3140562560	91.86
8392	06/17	06/16/2017	6070	6270	TWGW, INC NAPA AUTO PARTS	Hj Power lind V-Belt	2140562560	22.50
Total 8392:								135.63
8393	06/17	06/16/2017	6110	2017-18	U.S. POSTAL SERVICE	Annual Box Fee	0140162110	70.00
Total 8393:								70.00
8394	06/17	06/16/2017	6750	061417	ZERFING, CARL	reimburse mileage	0140862020	21.40
Total 8394:								21.40
6161701	06/17	06/16/2017	6080	MAY 2017	U S BANK	Bank Fees	0140162110	331.38 M
Total 6161701:								331.38
Grand Totals:								15,174.27

Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
01-21010	.00	5,401.76-	5,401.76-
01-401-62010	85.52	.00	85.52
01-401-62030	148.00	.00	148.00
01-401-62082	1,395.00	.00	1,395.00
01-401-62100	1,200.00	.00	1,200.00
01-401-62110	487.11	.00	487.11
01-401-62120	154.47	.00	154.47
01-402-62075	1,362.31	.00	1,362.31
01-402-62090	96.75	.00	96.75
01-404-62520	229.21	.00	229.21
01-404-62530	221.99	.00	221.99
01-408-62020	21.40	.00	21.40
03-21010	.00	29.55-	29.55-
03-405-62560	29.55	.00	29.55
05-21010	.00	1,212.05-	1,212.05-
05-405-62063	40.00	.00	40.00
05-405-62351	75.90	.00	75.90
05-405-62420	1,096.15	.00	1,096.15
08-21010	.00	1,199.50-	1,199.50-
08-405-62110	560.50	.00	560.50
08-405-62113	64.00	.00	64.00
08-405-62114	575.00	.00	575.00
21-21010	.00	1,764.84-	1,764.84-
21-405-62110	90.00	.00	90.00
21-405-62530	527.87	.00	527.87
21-405-62560	816.97	.00	816.97
21-405-62650	330.00	.00	330.00
31-21010	.00	1,021.84-	1,021.84-
31-405-62110	396.00	.00	396.00
31-405-62530	505.45	.00	505.45
31-405-62560	120.39	.00	120.39
41-21010	.00	1,108.14-	1,108.14-
41-405-62740	1,108.14	.00	1,108.14
51-21010	.00	3,436.59-	3,436.59-
51-21130	258.96	.00	258.96
51-405-62110	63.15	.00	63.15
51-405-62139	750.00	.00	750.00
51-405-62190	1,000.00	.00	1,000.00

M = Manual Check, V = Void Check

GL Account	Debit	Credit	Proof
51-405-62200	605.48	.00	605.48
51-405-62201	569.66	.00	569.66
51-405-62780	26.60	.00	26.60
51-405-62810	49.59	.00	49.59
51-405-62870	46.37	.00	46.37
51-405-63790	7.72	.00	7.72
51-406-62870	46.37	.00	46.37
51-415-62009	12.89	.00	12.89
Grand Totals:	15,174.27	15,174.27-	.00

Report Criteria:

Report type: GL detail

CASCADE LOCKS STAFF REPORT

Date Prepared: June 19, 2017

For City Council Meeting on: June 26, 2017

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

SUBJECT: Approval of CH2M Contract Extension.

SYNOPSIS: Please find enclosed the letter and contract extension from CH2M, our wastewater plant operator since 1984. The requested increase this is 2.2% or \$1,969 to bring the contract total to \$91,469. We also include an equipment line item of \$4,000 for the repair budget.

Ch2M has done a good job for us and is requesting a three year extension to our current agreement (through June 30, 2020).

The City still retains the ability to cancel the contract with 180 days' notice.

Our current arrangement provides us with about three hours of on-site time about five days a week. The company is also readily available on an emergency basis and does some reporting work for us such as the reapplication for the NPDES Permit due July 1. Because Ch2M also operates the Hood River Wastewater Treatment Plant we are able to transfer about a truckload of organic load each week.

A question the Council may consider in the future is whether or not to hire our own full-time wastewater treatment plant operator which could save approximately 20% per year in wages and benefits. This question should be addressed as we seek funding for the Wastewater Facilities Plan and a potential rate increase as we seek to repair our infrastructure.

CITY COUNCIL OPTIONS: Accept or reject the proposed contract and extension.

RECOMMENDED MOTION: "I move to approve the proposed 2.2% increase on contract costs and the three year contract extension from Ch2M for the operation of the wastewater treatment plant."

FINANCIAL REVIEW: The City budgeted a 4% increase in the 2017-2018 Fiscal Budget for this contract.



CH2M
818 Riverside Drive
Hood River, OR 97031
Tel 541.386.2432
Fax 541.386.6236

May 30, 2017

Gordon Zimmerman
City Administrator
City of Cascade Locks
PO Box 308
Cascade Locks, OR 97014

Dear Mr. Zimmerman:

This letter is to advise you of the proposed fee for the contract period July 1, 2017 through June 30, 2018 for the operation and maintenance of the City of Cascade Locks' Wastewater Treatment Plant and lift stations. The proposed fee is \$91,469 which is a \$1,969 or 2.2% increase over the 2016-2017 contract year. This is the first fee increase since July 2015.

Also, please note the amendment contains language in Article 9.1 that extends the contract for an additional three years based on our previous conversation concerning a full five year renewal.

Increased costs include:

- Annual inflationary adjustments for labor and benefits which keep the company competitive and reduces costly associate turnovers. Health insurance costs continue to rise and all CH2M associates are now co-paying a 27% share of health care costs.
- Overtime budget has been increased to help cover the costs associated with call outs. The past two winters the overtime budget was drastically exceeded maintaining Marina Park Lift Station during extreme high flow conditions to prevent untreated wastewater from entering the Columbia River.
- The equipment repair budget remains the same at \$4,000.

I would like to personally thank the City of Cascade Locks for allowing CH2M the opportunity of providing full contract services since 1984 and hope our partnership continues for many years to come.

Respectfully,

Louie Hooks
Operations Supervisor, CH2M



AMENDMENT NO. 11
to the
AGREEMENT FOR WASTEWATER FACILITIES
OPERATIONS, MAINTENANCE, AND MANAGEMENT SERVICES
for the
CITY OF CASCADE LOCKS, OREGON

This Amendment No. 11 (the "Amendment") to the Agreement for Wastewater Facilities Operations, Maintenance and Management Services for the City of Cascade Locks, Oregon, dated July 1, 2006 (the "Agreement") is made and entered into this ___ day of _____, 2017 by and between the City of Cascade Locks, Oregon (hereinafter "Owner") and Operations Management International, Inc. (hereinafter "CH2M HILL OMI").

NOW THEREFORE, Owner and CH2M HILL OMI agree to amend the Agreement as follows:

1. Article 4.1 is hereby deleted in its entirety and is replaced with the following:

"Owner shall pay to CH2M HILL OMI as total compensation for services performed under this Agreement a Base Fee of Ninety One Thousand Four Hundred Sixty Nine Dollars (\$91,469) for the contract year commencing on July 1, 2017 and ending June 30, 2018. Subsequent years' Base Fees shall be determined as hereinafter specified. Upon each contract year negotiation, CH2M HILL OMI shall continue to invoice Owner at the previous amount until the new contract price is agreed upon. Upon written notice agreement between the parties as to the new contract year base fee, CH2M HILL OMI shall issue an invoice retroactively adjusting the previous Base Fee amount."

2. Article 9.1 is hereby deleted in its entirety and is replaced with the following:

"The initial term of this Agreement was a five (5) year term which commenced July 1, 2006 and continued through June 30, 2011. This Agreement was renewed for an additional five (5) year term which commenced July 1, 2011 through June 30, 2016 and was extended for an additional one (1) year term which commenced July 1, 2016 and ending June 30, 2017. This contract is extended for an additional three (3) year period commencing July 1, 2017 and ending June 30, 2020. Thereafter, this Agreement may be renewed for successive terms of five (5) years upon the mutual written consent of both parties. In the event this Agreement is not renewed and to ensure an orderly transition, Owner shall notify CH2M HILL OMI in writing, no less than one hundred eighty (180) calendar days prior to termination.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK

This Amendment together with all previous Amendments and the Agreement constitute the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

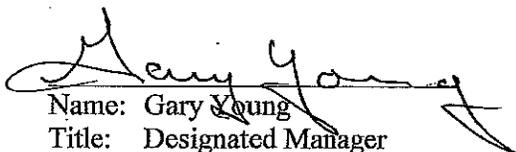
The Parties, intending to be legally bound, indicate their approval of this Amendment by their signatures below.

**OPERATIONS MANAGEMENT
INTERNATIONAL, INC.**

CITY OF CASCADE LOCKS, OREGON

Authorized Signature:

Authorized Signature:


Name: Gary Young
Title: Designated Manager
Date: 5-19-2017

Name: Tom Cramblett
Title: Mayor
Date: _____

STAFF REPORT

Date Prepared: 6/20/17

For City Council Meeting on: 6/26/17

TO: Honorable Mayor and City Council

PREPARED BY: Kathy Woosley

APPROVED BY: Gordon Zimmerman, City Administrator

SUBJECT: Adopt Ordinance No. 443

SYNOPSIS: Ordinance No. 443 was read by title only for the first time at the June 12, 2017 City Council Meeting. This will be the second reading and adoption of Ordinance No. 443.

CITY COUNCIL OPTIONS:

1. Second Reading by title only and adoption of Ordinance No. 443.

RECOMMENDED MOTION: “I move to adopt Ordinance No. 443 Providing for Rules and Regulations and Control Concerning Care, Placing of Monuments, Planting of Shrubs, Government, and Operation of Cascade Locks Cemetery of Cascade Locks, Oregon, and Repealing Ordinance No. 437.”

ORDINANCE NO. 443

AN ORDINANCE PROVIDING FOR RULES AND REGULATIONS AND CONTROL CONCERNING CARE, PLACING OF MONUMENTS, PLANTING OF SHRUBS, GOVERNMENT, AND OPERATION OF CASCADE LOCKS CEMETERY OF CASCADE LOCKS, OREGON, AND REPEALING ORDINANCE NO. 437.

WHEREAS, the municipal cemetery of Cascade Locks is known as and has been assigned officially the name of Cascade Locks Cemetery, and

WHEREAS, it is the desire of the City of Cascade Locks, Oregon, to establish and conduct the Cascade Locks Cemetery in harmony with a modern and park like cemetery;

NOW, THEREFORE, the City of Cascade Locks, Hood River County, Oregon ordains as follows:

SECTION 1. Definitions. The following definitions will apply and be controlling in interpreting the effect and construction to be placed upon various portions of this ordinance.

- 1) The term cemetery is hereby defined to include a burial park for earth interments.
- 2) Lot or burial space. The terms "lot" or "burial plot" shall be used interchangeably and shall apply with like effect to any one grave, or to any one adjoining niche. Single grave spaces shall be at least four feet by eight feet by four feet depth.
- 3) Interment defined. The term "interment" shall mean the permanent disposition of the remains of a deceased person by cremation or inurnment, or burial.
- 4) Memorial defined. The term "memorial" shall include a monument, marker, tablet, headstone, tombstone, urn, and crypt and niche plates.
- 5) Monument defined. The term "monument" shall include a tombstone or memorial of granite or other approved stone, which shall not extend above the surface or level of the ground.

SECTION 2. City Finance. The City shall receive, issue proper receipts for, and place in appropriate cemetery funds all monies due the City of Cascade Locks (hereinafter referred to as the "City") from the sale of lots, services furnished and from all other sources.

There shall be appointed a Cemetery Superintendent by the Mayor with Council approval, and he/she shall keep the following records in conjunction with the City Administration Department:

- a) A diagram of each lot sold in the cemetery and identified by number of block, number of lots, date sold and name and address of owner.
- b) An index of lot numbers showing full name of the owner and lot and block number.
- c) An interment record register containing a cumulative record of burials; showing the date of interment, the name, the place of death, name and address of funeral director, lot, block, and location of grave.
- d) A lot ownership record containing copies of receipts issued at the time of sale of the lots.

[The] City is authorized to collect a plot fee, as established from time to time by the City Council, for each transfer of ownership from the City to the purchaser.

SECTION 3. General Supervision of the Cemetery.

1) Subject to the order of the City Council, the Superintendent shall have absolute charge of the cemetery and is authorized to enforce the rules; to maintain order; to supervise all workmen, visitors, and drivers; to expel from the grounds any improper person or persons, or those who violate the rules; and to refuse admission to any person or materials when he/she may deem such action necessary. The Superintendent shall have and is hereby granted the powers of arrest for any and all violation of any of the provisions of this ordinance.

2) All lots are sold subject to the rules and regulations concerning this cemetery now in force or which may thereafter be adopted. No lots will be used for any other than burial of the human dead.

3) All work in the cemetery will be done under the direction of the Superintendent. Lots will be set to grass and mowed in season only.

4) No transfer of any lot, burial space or burial plot may be made to anyone; except that it may be resold to the City of Cascade locks at a price equal to 10 percent less per grave space than the price paid by the grantee.

5) No enclosure of any nature, such as fences, copings, hedges, or ditches, shall be allowed around any burial lot.

6) Grave mounts or mounds will not be allowed. No lot or lots shall be raised above the established grade. The grave will receive the same general care as other parts of the lawn, the grass being cut and the leaves and debris raked off at the time that the remainder of the lawn is cleaned.

7) The City shall take reasonable precaution to protect the plot owners and the property rights of plot owners within the cemetery from loss or damage; but it will not be liable, and it distinctly disclaims all responsibility for loss or damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided.

8) It shall be the duty of the plot owner to notify the City Administration Office of any change of their mailing address. Notice sent to a plot owner at the last address on file in the office of the City shall be considered sufficient and proper legal notification.

9) All fittings, adornment, urns, inscriptions, and/or arrangements are hereby declared to be subject to the approval and control of, and acceptance or rejection by, the Superintendent under the direction of the Council.

10) No flower receptacles may be placed on any lot [or] plot, unless of metal of approved material, size, and design, and set level with the established grade.

11) If boxes, shells, toys, metal designs, ornaments, chairs, settees, vases, glass, wood, or iron cases, and similar articles are placed upon lots, the Superintendent reserves the right to remove the same.

SECTION 4. Flowers and Shrubs.

1) Cut flowers will be removed from the grave at the discretion of the Superintendent, and in no event shall they be left thereon longer than two weeks. As soon as practicable after the flowers are removed from a new grave, the earth shall be settled and restored to conform to the surrounding surface of the cemetery.

2) No trees, shrubs, or plants shall be planted, pruned, or removed without the consent of the Superintendent. Acting for the best interests of the cemetery, the Superintendent shall have authority to prune, remove, or transplant any tree, shrub, plant, or anything upon a lot or plot when he/she may consider such a course necessary.

SECTION 5. Monuments and Markers.

- 1) Under no conditions shall upright monuments be allowed within the plotted cemetery area as administered by the City.
- 2) Every tombstone shall be erected upon a solid concrete foundation with a mixture of not less than four parts sand and gravel to one part cement, and must be no less than eight inches in the ground and otherwise of sufficient size and depth in ground to permanently support a tombstone, said foundation to exceed the size of said monument at least six inches on all sides; and the Superintendent or his/her assistant shall supervise the placing and setting of tombstones, unless written permission otherwise is given by Superintendent and filed with the City.
- 3) All tombstones must be good grade granite or bronze, or other approved stone. No temporary grave markers will be installed or erected if the same will in any manner interfere with the mowing, care, or other maintenance of said cemetery, or any part thereof.
- 4) The City will exercise all possible care to protect raised lettering, carving, or ornaments on any memorial or other structure on any lot, but it disclaims responsibility for any damage or injury whatever.
- 5) No material shall be allowed to remain in longer than is reasonably necessary for any construction work. No work shall be started on Saturday which cannot be completed on that day. No heavy teaming or trucking will be allowed in wet weather.
- 6) If any monument, effigy, or structure whatever, or any inscription or sign be placed upon any lot which the Superintendent shall decide to be offensive, unsightly, or improper, the City or Superintendent reserves the right to remove the same from the cemetery grounds.

SECTION 6. Interments and Removals.

- 1) No interment will be permitted or body received unless the proper certificate is furnished giving the name and residence of the deceased, the name of the nearest relative, and the time and place of death. Twelve hours' daylight notice must be given before any interment.
- 2) Liner or vault must be used.
- 3) Only one casket shall be interred in a grave.
- 4) No permit shall be issued unless all monies due the City have been paid. The burial permit must be filed with the Superintendent upon delivery of the body. Notice of the hour of the funeral must be given at least 12 hours prior to burial services.
- 5) The City shall not be liable for the authenticity of the interment permit, nor for the identity of the person sought to be interred beyond verifying that the State ID Tag number corresponds with the number on the permit. The cemetery shall not be liable for any difference in identity between the person whose remains are intended to be interred and the person named in said permit.
- 6) A disinterment permit is to be procured from the State Board of Health. No disinterment shall be made except with the consent of the Superintendent, or public officer or official having authority to order such disinterment and upon the written consent of the authorized representative (next of kin). The City shall use the utmost care in making a removal, but it shall assume no responsibility or liability whatsoever for damage to any casket, cement or steel grave vault or burial case, or urn incurred in making the removal. A disinterment charge shall be levied for any necessary disinterment.

7) The City shall not be held responsible for any order given by telephone, or for any mistake occurring from the want of precise or proper instructions as to the particular space, size, and location in a plot where interment is desired.

8) The City reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterment, or removals; or in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof property of equal value and similar location as far as possible, or as may be selected by the City; or, in the sole discretion of the City, by refunding the amount of money paid in account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the City reserves and shall have the right to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof in accordance with Oregon Revised Statute 97.220.

9) No interments shall be permitted on Sundays, or any of the following holidays; Memorial Day, Fourth of July, Labor Day, Thanksgiving, Christmas, New Year's Day, and Washington's Birthday, unless authorized by Superintendent.

10) Arrangements for opening a closing of burial plots shall be at the expense of the plot owners or heirs.

11) Disbursement of cremains is prohibited.

SECTION 7. Repeal of Prior Ordinances. City of Cascade Locks Ordinance No. 151 is hereby repealed.

SECTION 8. Separability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance, or such portion thereof, was enacted.

SECTION 9. Effective Date. This ordinance shall take effect on the 30th day following its enactment.

ADOPTED by the City Council this 26th day of June, 2017.

APPROVED by the Mayor this 26th day of June, 2017.

Mayor

ATTEST:

City Recorder

STAFF REPORT

Date Prepared: 6/16/17

For City Council Meeting on: 6/26/17

TO: Honorable Mayor and City Council

PREPARED BY: Marianne Bump, Finance Officer

APPROVED BY: Gordon Zimmerman, City Administrator

SUBJECT: Authorizing budget appropriations & expenditures from various funds for fiscal year ending June 30, 2016.

SYNOPSIS: During the adopted budget year certain funds may experience expenditures and revenues above approved category limits. Oregon Budget Law recognizes these events and allows for transferring of fund between approved category limits.

CITY COUNCIL OPTIONS:

1. Approve Resolution No. 1378 as presented.
2. Establish other direction for staff to proceed
3. Take no action

RECOMMENDATION: The City Council, by motion, approve Resolution No. 1378 authorizing the transfer of funds between categories of various funds, making appropriations and authorizing expenditures for the fiscal year ending June 30, 2017.

Legal Review and Opinion: N/A

Financial review and status: For various reasons funds and budget limits within various categories will/have exceed budgeted limits for the Fiscal Year ending June 30, 2017. The reallocation is necessary for Oregon Budget Law compliance.

BACKGROUND INFORMATION:

1. This is a reallocation of resources that can occur each year to correct the current budget before June 30, 2017.

RESOLUTION No. 1378

A RESOLUTION AUTHORIZING TRANSFER OF FUNDS BETWEEN CATEGORIES OF VARIOUS FUNDS, MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2017.

WHEREAS, during the adopted budget year certain funds may experience expenditures above approved category limits; and

WHEREAS, Oregon Budget Law recognizes these events and allows for transferring of funds between approved category limits; and

WHEREAS, for various reasons the following funds and the budgeted limits within various categories have been exceeded in the Fiscal Year ending June 30, 2017; and

WHEREAS, the reallocation of resources and requirements is necessary to correct the FY 2016-2017 Budget;

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, RESOLVES THAT THE FOLLOWING TRANSFERS OF FUNDS BETWEEN BUDGETED CATEGORIES ARE AUTHORIZED;

Section 1. Authorizing Budget Transfers.

<u>FUND OR DEPARTMENT.</u>	<u>BUDGETED LINE ITEM WITHIN CATEGORY</u>	<u>RESOURCES NEEDED</u>	<u>REALLOCATE</u>	<u>ACCOUNT NO.</u>
General Fund				
Misc. & Legal Expenses	1,000	700	-300	01-403-62870
Museum Utilities/Expenses	1,700	2,000	+300	01-407-62630

Section 2. Expiration. This resolution shall remain in effect until completion and acceptance of the annual Audit for Fiscal Year 2016-2017.

Adopted by the City Council this 26th day of June, 2017.

Approved by the Mayor this 26th day of June 2017.

Mayor

ATTEST:

City Recorder

CASCADE LOCKS STAFF REPORT

Date Prepared: June 19, 2017

For City Council Meeting on: June 26, 2017

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

SUBJECT: Approve CIS Insurance Renewal

SYNOPSIS: Please find attached the information for the renewal of our insurance rates.

Please note the following highlights:

Property insurance down \$4,740 or -16.9%, due to reduced rates and the recent appraisal that reduced the value of City Hall.

Tort Liability, Auto Liability and Physical Damage up \$62 or .2%, due to new 2016 Dodge Pickup.

Overall Property, Liability and Automobile down \$4,638 or -8.4%.

Workers' Compensation is a nice surprise! Down \$1,120 or -5.35%, payroll was up around 7.3% but due to your experience mod going to .79 they changed your rate tier and the rates decreased from 3.7 to 10.5%.

Our insurance agent, Steve Uerlings, is recommending adding the Excess Cyber coverage at a minimum of \$500,000 for an additional premium of \$2,129. We currently have \$50,000 in coverage which would help us recover from any computer hacking or network damage.

CITY COUNCIL OPTIONS:

- a. Renew Coverage at current levels
- b. Add Excess Cyber Coverage for an increase of \$2,129
- c. Modify coverages

RECOMMENDED MOTION: "I move to approve the CIS Property, Liability, and Worker's Compensation insurance coverage (with/without) the added Excess Cyber Coverage."

FINANCIAL REVIEW: All expenditures are covered in this upcoming year's adopted budget.

**CITY OF CASCADE LOCKS
PROPERTY INSURANCE RENEWAL ANALYSIS
FOR 7/1/2017 - 7/1/2018**

As of 6/12/2017

COVERAGE	2016 - 2017 CIS	2017 - 2018 CIS
Property Including Equipment Breakdown	\$29,890	\$24,729
Buildings	\$19,884,371	\$17,953,545 (1)
Contents	\$1,142,357	\$1,146,896 (1)
Property in Open	\$117,051	\$182,183 (1)
Mobile Equipment	\$836,540	\$836,540
Deductible	\$1,000	\$1,000
Earthquake	Included	Included
Limit	\$5,000,000	\$5,000,000
Deductible	\$25,000	\$25,000
Excess Earthquake	Not Purchased	Not Purchased
Limit	\$5,000,000	\$5,000,000
Flood (limits & deductibles vary by flood zone)	Included	Included
Limit	\$5,000,000	\$5,000,000
Deductible	\$25,000	\$25,000
Excess Crime (limits over \$50,000 in Property Policy)	\$478	\$512
Employee Dishonesty Limit	\$100,000	\$100,000
Faithful Performance of Duty	\$50,000	\$50,000
Forgery or Alteration	Included	Included
Inside Premises- Theft of Money & Securities	Included	Included
Inside Premises- Robbery, Safe Burlary	Included	Included
Outside Premises	Included	Included
Computer Fraud	Included	Included
Money Orders and Counterfeit Paper Currency	Included	Included
Funds Transfer Fraud	Included	Included
Impersonation Fraud Coverage	\$100,000	\$100,000
Deductible	\$1,000	\$1,000
Multi-Line Credit	(\$2,242)	(\$1,855)
TOTAL CIS PROPERTY	\$28,126	\$23,386

Total Dollar Change (\$4,740)
Total Percentage Change -16.9%

Footnotes:

(1) Property values are based on recent CIS property appraisal that reduced the replacement cost of City Hall.

**CITY OF CASCADE LOCKS
LIABILITY INSURANCE RENEWAL ANALYSIS
FOR 7/1/2017 - 7/1/2018**

As of 6/12/2017

COVERAGE	2016 - 2017 CIS	2017 - 2018 CIS
Tort Liability	\$16,747	\$16,591
Limit Per Occurrence	\$5,000,000	\$5,000,000
Annual Aggregate	\$15,000,000	\$15,000,000
Deductible	\$0	\$0
Automobile Liability	\$7,361	\$6,899
Limit Per Occurrence	\$5,000,000	\$5,000,000
Uninsured Motorists	\$1,000,000	\$1,000,000
Deductible	None	None
Automobile Physical Damage	\$8,227	\$8,866
Comprehensive Deductible	Per Schedule	Per Schedule
Collision Deductible	Per Schedule	Per Schedule
Excess Cyber Liability (limits over \$50,000 in Liability Policy)	Not Purchased	Not Purchased (1)
Limit	\$0	\$0
Endorsements	\$125	
Adding 2016 Dodge Ram and deleting 2001 Dodge		
Multi-Line Credit	(\$2,425)	(\$2,427)
Bonus Program	(\$167)	\$0
Total Premium	\$29,868	\$29,929

Total Dollar Change \$62
Total Percentage Change 0.2%

Footnotes:

(1) Approximate additional premium for excess cyber liability at \$200K = \$1,994; \$450K = \$2,219; \$950K = \$2,408.

**City of Cascade Locks
Workers' Compensation Renewal Analysis
For the Period 7/1/2017 - 7/1/2018**

Class Code	Classification	2016 - 2017			2017 - 2018		
		Payrolls	Rate	Premium	Payrolls	Rate	Premium
5506	Street/Road Maintenance	\$24,468	11.04	\$2,701.71	\$24,475	10.44	\$2,556.22
7520	Water	\$42,251	5.76	\$2,432.52	\$42,998	5.44	\$2,338.40
7539	Municipal Power	\$315,303	3.64	\$11,461.58	\$317,568	3.43	\$10,892.26
7580	Sewer	\$13,691	4.97	\$680.35	\$13,540	4.69	\$634.55
7610	Radio/TV Broadcasting	\$1,400	0.58	\$8.09	\$1,400	0.56	\$7.79
7710	Firefighters	\$96,150	4.66	\$4,485.11	\$123,279	4.41	\$5,434.63
8411	Public Safety Volunteers	\$38,400	2.26	\$867.38	\$32,000	2.12	\$678.98
8411F	Volunteer Firefighters	\$23,200	2.26	\$524.04	\$23,200	2.12	\$492.26
8742	City Administrator	\$77,500	0.40	\$309.38	\$79,327	0.37	\$294.14
8742	Boards or Public Officials	\$17,500	0.40	\$69.86	\$17,500	0.37	\$64.89
8810	Clerical	\$183,000	0.40	\$730.54	\$220,841	0.37	\$818.88
9015	Building Maintenance/Lifeguards	\$49,000	4.79	\$2,347.44	\$51,053	4.30	\$2,192.78
9220	Cemetery	\$3,561	7.34	\$261.51	\$3,632	6.58	\$239.05
	Total Payroll	\$885,424			\$950,813		
	Estimated Manual Premium			\$26,879			\$26,645
	Experience Modification			0.83			0.79
	Estimated Adjusted Contribution			\$22,310			\$21,049
	Oregon DCBS Assessment			\$1,428			\$1,473
	Multi-line Credit			(\$1,673)			(\$1,579)
	Initial Contribution Inc. Assessments			\$22,065			\$20,944

\$ Change **-\$1,120**
% Change **-5.35%**



7C
City of Cascade Locks
PO Box 308 140 SW WaNaPa St.
Cascade Locks, OR 97014

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

To: Cascade Locks City Council

Fr: Gordon Zimmerman
City Administrator

Re: Noise Ordinance

Dt: June 5, 2017

The Council recently heard a citizen complaint about the enforcement of a noise complaint against that citizen. While no action was taken against the offended and the violator, it brought up a topic that could be reviewed by the Council.

Please find attached Ordinance No. 364 enacted by the City Council in 2004 and a model noise ordinance drafted by the League of Oregon Cities in 2006. The City Ordinance has a definitive decibel level as a measurement, while the model ordinance uses the "reasonable person" standard. If it is too loud to a reasonable person, then a citation can be written.

The LOC Model Ordinance is also attached. Endnote #2 on page 10 is particularly informative.

As with any city code, the key to compliance is reasonableness and enforcement. Until the City has someone trained on code compliance and citation processes and the City has a more viable municipal court system, enforcement will always be a problem.

The question posed to the Council at this point is do you want to shift to the model code provided by the League of Oregon Cities or modify the current code to some enforceable standard?

*Cascade Locks is where the Bridge of the Gods spans the Heart of the Gorge;
where mountain, wind, and water create the best sailing in the Northwest;
and where the "CL" on the license plate stands for Cascade Locks, the second largest city in Hood River County!
The City of Cascade Locks is an Equal Opportunity Provider.*

ORDINANCE NO. 364

revised 03/22/04

AN ORDINANCE PROVIDING FOR NOISE CONTROL IN THE CITY OF CASCADE LOCKS, AND REPEALING ORDINANCE NO. 329.

WHEREAS, the City has relied in the past on the County Noise Ordinance to protect its citizens; and

WHEREAS, the current Ordinance is too general in some areas and noise abuses have occurred, which the city needs to control; and

WHEREAS, it is the intent of the City to adopt its own Ordinance to more effectively control noise abuses;

NOW, THEREFORE, THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON (the "City"), ORDAINS AS FOLLOWS:

SECTION 1. Definitions. For the purpose of the Noise Control Ordinance, the following definitions apply:

A. Audio or Visual Equipment: Includes, but is not limited to compact disc players, phonographs, radios, stereo systems, tape recorders, tape players, televisions, video cassette players, video cassette recorders, drums, and electrical instruments.

B. Noise Sensitive Property: Real property normally used for sleeping, or normally used as schools, churches, hospitals or public libraries. Property used in industrial or agricultural activity is not noise sensitive property unless it meets the above criteria in more than an incidental manner.

C. Peace Officer: Has the same meaning as that term is defined in ORS 161.015.

D. Plainly Audible Sound: Unambiguously communicated sound including:

1. spoken speech;
2. music; or
3. mechanical or electronic noise

E. Premises Open to the Public: Street, parking lot, or other premises open to the general public for the use of motor vehicles, whether the premises are publicly or privately owned and whether or not a fee is charged for the use of the premises.

F. Public Right-of-Way: The area between boundary lines of a street or other area dedicated to the public.

G. Residential Party: A party held in a place of residence, which is a building regularly or intermittently occupied by a person for a dwelling, lodging, or sleeping purposes, whether or not the resident is actually present.

H. Sound Producing Source: Anything that is capable of making sounds that can be measured by a sound level meter as provided in Section 3. "Sound producing source" includes, but is not limited to, the following:

1. air conditioning or heating units, heat pumps, refrigeration units (including those mounted on vehicles), and swimming pool or hot tub pumps;
2. air horns, bells, or sirens;

3. audio or visual equipment;
4. domestic tools, including compressors, combustion engines, generators, chain saws, electric drills, electric saws, hammers, lawn mowers, leaf/snow blowers, and similar tools;
5. loudspeakers or public address systems;
6. musical instruments
7. spoken speech;
8. vehicle engines or exhaust systems, other than regular traffic upon a highway, road or street;
9. Vehicle tires, when caused to squeal by excessive speed acceleration;
10. residential parties in a place of residence that are plainly audible to noise sensitive properties that are not the source of the party.

H. Vehicle: Any device in, upon, or by which any person, animal, or property is or may be transported or drawn upon the highway and includes vehicles that are propelled or powered by any means.

SECTION 2. General. Certain activities essential to the economic, social, political, educational, and technical advancements of the citizens of the City necessarily require the production of sound that may offend, disrupt, intrude, or otherwise create hardship among the citizenry. The time or manner of sound may constitute a hazard to the health, safety, welfare, and the quality of life of residents of the City. Generally the City will limit and regulate sound deemed to be harmful to the health, safety, welfare, and quality of life of the citizens of the City, and this Ordinance shall be liberally construed to effectuate that purpose.

SECTION 3. Acts Prohibited. No person may produce or permit to be produced, with a sound producing source, sound that:

A. When measured at or within the boundary of noise sensitive property and where that noise sensitive property is not the source of the sound and the noise measurement:

1. exceeds 50 dBA at any time between 9:00 PM and 7:00 AM the following day; or
2. exceeds 60 dBA at any time between 7: AM and 9:00 PM the same day; or
3. is plainly audible at any time between 7:00 AM and 9:00 PM the same day at a distance of at least 100 feet from the source of the sound; or
4. is the result of any excavation or demolition conducted prior to 7:00 AM or after 7:00 PM. (refer to Section 4)

B. Is plainly audible at any time between 10:00 PM and 7:00 AM the following day:

1. within the boundaries of noise sensitive property that is not the source of the sound; or
2. on a public right-of-way at a distance of at least 50 feet from the source of the sound.

SECTION 4. Permits for Potential Noise Control Violations. Permits may be issued by the Council or designee for acts prohibited by Section 3, to allow construction , excavation or demolition, or the use of sound amplifying devices to broadcast music, news, speeches, or entertainment provided that the Council or designee determines that the permitted sound will not unduly offend or disrupt the public peace or welfare. The permit shall clearly specify the permitted location(s), type of event, dates and hours of event, and the contact information for the responsible party. Failure to comply with the permit

provisions shall constitute a violation of this Ordinance. The permit shall be promptly revoked if the permittee fails to comply with all of its terms.

SECTION 5. Abatement of Noise.

A. Upon determination by the City Administrator, Chief of Police or their designee, or any peace officer, that a noise violation exists, personal notice shall be given to the person(s) responsible for or in control of the sound source creating the violation, to abate the noise immediately. When notification of a noise violation is issued, abatement of that violation must be time specific. Violation that can be corrected at the time of notification is given, shall be corrected upon receipt of the notice. When notice of a violation is given and abatement would require specialized equipment, sound proofing, professional services, etc., then a reasonable time to abate the noise shall be given.

B. Failure to abate the noise after personal notice is given will cause a citation to be issued to the person(s) responsible for or in control of the sound source creating the violation.

C. Failure to abate the noise after a citation has been issued may cause the sound source to be impounded. Impoundments must be reasonable and based on a reasonable belief that the sound source will likely be used to persist in causing additional or continued violations of the Noise Ordinance. Promptly, upon impoundment of a sound source, notice shall be given to all known persons with an interest in the impounded sound source and a hearing on the impoundment shall be scheduled before the Municipal Court Judge. If the Municipal Court Judge is satisfied that it is unlikely that further violation of this ordinance will be effectuated through use of the impounded sound source, the sound source will be returned to the owner following the hearing. If the Court is not satisfied, impoundment shall continue until a hearing on the noise violation, at which time the sound source shall be made available to the owner upon payment of the fee owed for impoundment.

If any sound source is not released to its owner on payment of impoundment fees, or as otherwise provided herein, the sound source may be forfeited to the City, at the discretion of the Municipal Court Judge, following notice and opportunity for a hearing.

D. The Court, upon a finding of Guilty, shall impose a fee for storage of an impounded sound source based on the total number of days the property was impounded at a rate of \$5.00 per day following the date scheduled for a hearing to contest the impoundment. Failure to pay for the storage and claim the property within 60 days after the Court ruling of Guilty, will cause the City to request the Municipal Court to forfeit said property, after notice and opportunity for a hearing. Notice of hearings shall be given to all known parties with interest in the impounded property so that they may appear and protest the forfeiture.

SECTION 6. Exceptions to Acts Prohibited under Section 3.

A. Sounds caused by organized athletic or other group activities, when such activities are conducted on property generally used for such purpose during authorized hours, such as stadiums, parks, schools, churches, and athletic fields. This exception shall not impair the City Administrator, Chief of Police or their designee, or any peace officer, the authority to declare such event or activity in violation of other laws, ordinances or regulations.

B. Sounds caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles, and apparatus, regardless of whether such work is performed by public or private agency, or upon public or private property.

C. Sounds caused by bona fide use of emergency warning devices and alarm systems.

D. Sounds regulated by federal law, including, but not limited to, sounds caused by railroads, aircraft, or commercially licensed watercraft operations.

E. Sounds when performed under a permit issued by the appropriate governmental authorities and only between the times permitted.

F. Sounds caused by industrial, agricultural, or construction activities during the hours of 7:00 AM and 7:00 PM of the same day.

G. Sounds caused by regular vehicular traffic upon premises open to the public.

H. Sounds caused by domestic tools, excluding compressors, generators, and equipment used for the generation of electricity, between the hours of 7:00 AM and 7:00 PM of the same day.

I. Sounds which are not subject to regulation due to provisions of the constitution of the United States, or State of Oregon.

SECTION 7. Violation Penalties. A violation of the Noise Ordinance is a Class A infraction and shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Each day's violation of a provision of this Ordinance constitutes a separate offense, for which a separate penalty may be imposed.

SECTION 8. Repeal of Prior Ordinances. City of Cascade Locks Ordinance No. 329 and amendments thereto are hereby repealed.

SECTION 9. Separability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause, or phrase; and if this ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said ordinance, or such portion thereof, was enacted.

SECTION 10. Emergency Clause. Inasmuch as this Ordinance is necessary for the immediate preservation of health, peace, and safety, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

ADOPTED by the City Council this 22nd day of March, 2004.

APPROVED by the Mayor this 22nd day of March, 2004.

ATTEST:

Mayor

City Recorder

First Reading Approved: 03/08/04; Ayes 5; Nays 0.

Second Reading Approved: 03/22/04; Ayes 7; Nays 0.

LEAGUE OF OREGON CITIES

MODEL NOISE ORDINANCE FOR OREGON CITIES

NOVEMBER 2006



Published by the League of
Oregon Cities

FOREWORD

The following ordinance is drafted by the League of Oregon Cities through its Legal Services Program. The Legal Services Program, in addition to drafting ordinances which may be of use to Oregon cities, addresses inquiries from city officials, elected or appointed, regarding public records, open meetings, voting and quorum requirements, ethics, authority under city charters and state statutes and other legal issues facing Oregon cities. For more information on this program or how to utilize these services, contact the League of Oregon Cities, 1201 Court Street NE, Suite 200, Salem, Oregon 97301-4194, Phone: 503-588-6550 or 1-800-452-0338, www.orcities.org.

This noise ordinance draws extensively from the Model Noise Ordinance developed by the International Municipal Lawyer's Association (IMLA) Model Ordinance Service. The IMLA Model Ordinance Service is a comprehensive collection of model ordinances, editor's comments, annotations, and drafting guidelines covering a variety of current local government topics.¹

These regulations approach the problem of noise control through the enforcement of "reasonable person" standards. "Reasonable person" standards are more subjective than those based on maximum decibel readings.² The subjective nature of enforcement is the major drawback of the reasonable person noise ordinances. Ordinances based on the reasonable person standard, however, are more easily enforced, less costly, require no specialized equipment or training and can be enforced on credible citizen complaints without the necessity of a specially trained officer or other expert being present at the time of the offense or in court.

Both decibel level and reasonable person noise provisions raise some constitutional issues, though the reasonable person ordinance is more susceptible to challenge. The issues center around violations of due process and freedom of speech. Due process issues arise if ordinance provisions are not sufficiently detailed to place a person on notice of violations and free speech issues arise if prohibitions are drafted or enforced so broadly as to encompass communication. Full protection of civil liberties can be assured, however, through careful ordinance drafting while eliminating or limiting unwanted noises. The authority of Oregon cities to enact these provisions is clear.³

*Mike McCauley, Executive Director
Jennie Messmer, Member Services Director
Paul Nolte, Special Counsel, Legal Services Program
League of Oregon Cities
November 2006*

Noise Ordinance: Reasonable Person Standard

Section

- 1 Purpose
- 2 Findings
- 3 Scope
- 4 Definitions
- 5 General Prohibition
- 6 Noises Prohibited
- 7 Exemptions
- 8 Enforcement
- 9 Penalties
- 10 Severability
- 11 Savings Clause
- 12 Effective Date

{Insert here 'your City's Ordaining Clause, e.g., "The People of the City of _____ ordain as follows:"}

Section 1. Purpose. This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, peace, and quiet of the citizens of {City} through the reduction, control, and prevention of loud and raucous noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety; or causes public inconvenience, annoyance or alarm to reasonable persons of ordinary sensitivity.

Section 2. Findings. The City Council of {City} finds:

- A. Loud and raucous noise degrades the environment of the City to a degree that:
 - (1) is harmful to the health, welfare, and safety of its inhabitants and visitors;
 - (2) interferes with the comfortable enjoyment of life and property;
 - (3) interferes with the well being, tranquility, and privacy of the home; and
 - (4) both causes and aggravates health problems.
- B. Both the effective control and the elimination of loud and raucous noise are essential to the health and welfare of the City's inhabitants and visitors, and to the conduct of the normal pursuits of life, including recreation, work, and communication.

- C. The use of sound amplification equipment creates loud and raucous noise that may, in a particular manner and at a particular time and place, substantially and unreasonably invade the privacy, peace, and freedom of inhabitants of, and visitors to, the City.
- D. Certain short-term easing of noise restrictions is essential to allow the construction and maintenance of structures, infrastructure, and other elements necessary for the physical and commercial vitality of the City.
- E. The obligation to draft regulations that affect speech in a content-neutral fashion is of paramount importance to protect the freedom of expression guaranteed by Article I, section 8, of the Oregon Constitution and the First Amendment of the United States Constitution. This ordinance enacts narrowly drawn, content-neutral regulations that are to be interpreted as such so as not to infringe upon constitutionally protected rights.

Section 3. Scope. This Ordinance applies to the control of all sound originating within the jurisdictional limits of the City.

Section 4. Definitions⁴.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

Emergency Work means any work performed for the purpose of preventing or alleviating physical trauma or property damage, whether actually caused or threatened by an emergency, or work by private or public utilities when restoring utility service.

City means the City of _____.

City Manager means the City Manager of City or the City Manager's designee⁵.

Noise Sensitive Area includes, but is not limited to, real property normally used for sleeping, or normally used as a school, church, hospital or public library.

Person means any individual, firm, association, partnership, joint venture, or corporation.

Plainly audible means any sound that can be detected by a reasonable person of ordinary sensitivities using his or her unaided hearing faculties.⁶

Public right-of-way means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a government entity.

Public space means any real property or structures on real property, owned by a government entity and normally accessible to the public, including but not limited to parks and other recreational areas.

Residential area means any real property which contains a structure or building in which one or more persons reside, provided that the structure or building is properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the City's zoning ordinance.

Section 5. General Prohibition.

- A. No person shall make, continue, or cause to be made or continued:
- (1) any unreasonably loud or raucous noise; or
 - (2) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City; or
 - (3) any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.
- B. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:
- (1) the proximity of the sound to sleeping facilities, whether residential or commercial;
 - (2) the land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - (3) the time of day or night the sound occurs;
 - (4) the duration of the sound; and
 - (5) whether the sound is recurrent, intermittent, or constant.

Section 6. Noises Prohibited. The following acts are declared to be per se violations of this Ordinance. This enumeration does not constitute an exclusive list:

- A. Unreasonable Noises⁷: The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous

or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

- B. Vehicle Horns, Signaling Devices, and Similar Devices: The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City, for more than ten consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.⁸
- C. Non-Emergency Signaling Devices: Sounding or permitting sounding any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than ten consecutive seconds in any hourly period. The reasonable sounding of such devices by houses of religious worship, ice cream trucks, seasonal contribution solicitors or by the City for traffic control purposes are exempt from the operation of this provision.
- D. Emergency Signaling Devices: The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in subsections (1) and (2), below.
- (1) Testing of an emergency signaling device shall occur between 7:00 a.m. and 7:00 p.m. Any testing shall use only the minimum cycle test time. In no case shall such test time exceed five minutes. Testing of the emergency signaling system shall not occur more than once in each calendar month.
- (2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, shall terminate within fifteen minutes of activation unless an emergency exists. If a false or accidental activation of an alarm occurs more than twice in a calendar month, the owner or person responsible for the alarm shall be in violation of this Ordinance.
- E. Radios, Televisions, Boomboxes, Phonographs, Stereos, Musical Instruments and Similar Devices: The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any

person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by, or is plainly audible at a distance of 50 feet from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings.

F. Loudspeakers, Amplifiers, Public Address Systems, and Similar Devices:

The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays in the following areas:

- (1) Within or adjacent to residential or noise-sensitive areas;
- (2) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.

This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the City.

G. Yelling, Shouting, and Similar Activities: Yelling, shouting, hooting, whistling, or singing in residential or noise sensitive areas or in public places, between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to unreasonably disturb the quiet, comfort, or repose of reasonable persons of ordinary sensitivities. This section is to be applied only to those situations where the disturbance is not a result of the content of the communication but due to the volume, duration, location, timing or other factors not based on content.⁹

H. Animals and Birds: Unreasonably loud and raucous noise emitted by an animal or bird for which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird.

I. Loading or Unloading Merchandise, Materials, Equipment: The creation of unreasonably loud, raucous, and excessive noise in connection with the loading or unloading of any vehicle at a place of business or residence.

J. Construction or Repair of Buildings, Excavation of Streets and Highways: The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00

a.m. and 7:00 p.m., on weekdays. In cases of emergency, construction or repair noises are exempt from this provision. In non-emergency situations, the City Manager¹⁰ may issue a permit, upon application, if the City Manager determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m. will not be impaired, and if the City Manager further determines that loss or inconvenience would otherwise result. The permit shall grant permission in non-emergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.

- K. Noise Sensitive Areas - Schools, Courts, Churches, Hospitals, and Similar Institutions: The creation of any unreasonably loud and raucous noise adjacent to any noise sensitive area while it is in use, which unreasonably interferes with the workings of the institution or which disturbs the persons in these institutions; provided that conspicuous signs delineating the boundaries of the noise sensitive area are displayed in the streets surrounding the noise sensitive area.
- L. Blowers, and Similar Devices: In residential or noise sensitive areas, between the hours of 7:00 p.m. and 7:00 a.m., the operation of any noise-creating blower, power fan, or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, provided that the noise is unreasonably loud and raucous and can be heard across the property line of the property from which it emanates.
- M. Commercial Establishments Adjacent to Residential Property: Unreasonably loud and raucous noise from the premises of any commercial establishment, including any outdoor area which is part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 a.m. which is plainly audible at a distance of five feet from any residential property.

Alternate provision: N. Train Whistles:¹¹ (No provision regarding train whistles is proposed at this time due to preemption by the federal government. See the recently published federal rule set forth in the endnotes.)

Section 7. Exemptions. Sounds caused by the following are exempt from the prohibitions set out in Section 6 and are in addition to the exemptions specifically set forth in Section 6:

- A. Motor vehicles on traffic ways of the City, provided that the prohibition of Section 6.B continues to apply.

- B. Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property.
- C. Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger, provided that the prohibition contained in Section 6.D continues to apply.
- D. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.
- E. Repairs or excavations of bridges, streets or highways by or on behalf of the City, the State, or the federal government, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.
- F. Outdoor School and Playground Activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including but not limited to, school athletic and school entertainment events.
- G. Other Outdoor Events. Outdoor gatherings, public dances, shows and sporting events, and other similar outdoor events, provided that a permit has been obtained from the appropriate permitting authority.¹²

Section 8. Enforcement.¹³ The following individuals¹⁴ shall enforce this Ordinance: The City Manager or Police Chief will have primary responsibility for the enforcement of the noise regulations contained in this Ordinance. Nothing in this Ordinance shall prevent the City Manager or Police Chief from obtaining voluntary compliance by way of warning, notice or education.

Section 9. Penalties.

- A. A person who violates a provision of this Ordinance is guilty of an infraction which is punishable by a fine not to exceed \$500.00.
- B. Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate offense and may be punished separately.

Section 10. Severability Clause. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part, of this Ordinance shall not affect the validity of the remaining parts to this Ordinance.

Section 11. Savings Clause. A prosecution which is pending on the effective date of this Ordinance and which arose from a violation of an ordinance repealed by this Ordinance, or a prosecution which is started within one year after the effective date of this Ordinance arising from a violation of an ordinance repealed by this Ordinance, shall be tried and determined exactly as if the Ordinance had not been repealed.

Section 12. Effective Date. This Ordinance is effective on _____.

Endnotes:

1. IMLA staff attorneys draft the model ordinances working in conjunction with legal experts from the United States and Canada who specialize in the particular local government issues covered by the ordinances. IMLA is a non-profit, professional organization based in Washington, D.C. that has been an advocate and valuable legal resource for local government attorneys since 1935. For more information see <http://www.imla.org>.

2. Several Oregon cities have noise ordinances based on decibel standards and while these ordinances are more objective than the reasonable person standard, they have their set own problems. One is the cost of, and training regarding the operation and use of, sound level meters and the equipment to test them, which can be prohibitive. (Test equipment is necessary to ensure the meter is working properly; frequent testing is required.) Meters may be available from local vendors for well under \$100 but a meter capable of being certified for prosecutions can be several times those locally available. In addition, several meters may be necessary in order to allow different officers in the field to immediately respond to noise complaints. In years past, the Oregon Department of Environmental Quality provided, through its Noise Control Program, assistance to local governments for enforcement of decibel-based noise regulations. That program no longer exists. See <http://www.deq.state.or.us/aq/noise/index.htm>.

Moreover, enforcement issues are more complicated with decibel based ordinances. Sound meters measure the loudest sound but are unable to identify the sound sources. These types of source-discrimination issues can be resolved but they can also lead to doubts about a noise violation. A more significant enforcement concern is the time it takes to set up the equipment and make measurements. Such delays can allow the noise offender to avoid detection by ceasing operation after arrival of the noise enforcement officer but before the equipment is activated. A decibel-based ordinance also makes it impossible for charges to be filed based upon citizen observations. Even if a citizen has recorded or videotaped the offensive activity, an ordinance based solely on decibels would preclude a conviction based on such citizen-produced evidence.

The plainly audible standard as expressed in certain sections of this ordinance cures many of the problems associated with a decibel-based ordinance. No investment is needed to purchase and maintain expensive sound measuring equipment. No technical training is required. There are no concerns about having access to the specialized equipment when complaints are filed. This ordinance can be enforced on credible citizen complaints without a noise enforcement officer being present at the time of the offense.

3. The authority of a city to enact reasonable legislation to regulate conduct detrimental to the public interest is well-recognized. See *City of Portland v. Gatewood*, 76 Or App 74, 79, 708 P2d 615 (1985), rev den 300 Or 477 (1986).

4. This ordinance was written with the philosophy that common words should not be defined unless the common meaning is expanded or altered. The definitions are listed simply in alphabetical order, without numbering so that additions and deletions can be made at any time without requiring extensive retooling of the ordinance. Definitions set forth here should be compared to definitions existing in other ordinances so that conflicts between definitions are minimized.

5. For those cities without a city manager, substitute the position of the employee who has authority to make decisions under the ordinance or is primarily responsible for enforcement. The city manager is also mentioned in sections 6.J and 8.A and similar changes will be required in those sections. Some jurisdictions may want to vest authority to enforce the ordinance in a "noise enforcement officer." If so, the following definition should be added and the definition of City Manager should be deleted. Sections 6.J and 8.A would then be changed by substituting "Noise Enforcement Officer" for "City Manager."

Noise Enforcement Officer means the person appointed by the City Council to enforce the provisions of this ordinance or that officer's designee.

The city should make sure that every officer has reviewed appropriate materials to assist in enforcement of this ordinance, has easy access to the ordinance, and has at least a basic understanding of the possible constitutional problems which may be encountered when they respond to a noise complaint.

6. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The noise control officer need not determine the title, specific words, or the artist performing the song.

The plainly audible standard provides a fairly objective, enforceable and understandable means for legislating against problem noise levels. The detection device used to enforce the standard is the same device used to initially detect offensive noise levels in the vast majority of circumstances – the ordinary human ear. As used in this ordinance, the plainly audible standard prohibits noise from being generated that is detectable by the human ear of normal sensitivity in certain locations at certain times. See, for example, section 6.E.

Multiple people with adequate hearing standing at a location should reach identical conclusions regarding whether they detected sound at an area, and this makes the plainly audible standard an objective standard. There is no significant room for subjective judgment in the calculation.

7. The phrase “unreasonable noise” as used in the state’s disorderly conduct statute, ORS 166.025, has been the subject of much litigation. In *State v. Marker*, 21 Or App 671, 677, 536 P2d 1273 (1975), the Oregon Court of Appeals held:

“We think that the proper construction of the word "noise" is as follows:

“* * * When the word 'noise' in the statute is properly construed consistent with the First Amendment and traditional views, it encompasses communications made in a loud manner only when there is a clear and present danger of violence or when the communication is not intended as such but is merely a guise to disturb persons.” In re Brown, 9 Cal3d 612, 619, 108 Cal Rptr 465, 469, 510 P2d 1017 (1973), cert denied 416 US 950 (1974).” (Emphasis added.)

In order to comply with the holding in this and other Oregon cases (see endnotes 8 and 9), loud and raucous noise, which could be construed as encompassing communication, may only be prosecuted when it can be shown that the noise is not intended as communication but is merely a guise to disturb persons.

The word “unreasonable” is “commonly defined as: not conformable to reason, irrational, not governed or influenced by reason, immoderate, excessive, exorbitant, foolish, unwise, absurd, silly, preposterous, senseless and stupid. (Citations omitted.) *State v. Marker, supra*, at 675.

The word “noise” most commonly means “a sound; loud, confused, or senseless shouting; any sound that is undesired or that interferes with something to which one is listening; an displeasing sound; a sound that lacks agreeable music quality or [676] is noticeably loud, harsh or discordant; inarticulated and confused sound.” (Citations omitted.) *State v. Marker, supra*, at 675-6.

8. The Oregon Court of Appeals found similar language in the Eugene City Code to violate the constitutional protection of free speech. The case involved protesters demonstrating for and against the Gulf War. The demonstrators held up signs inviting motorists to honk their horns in support or opposition to the war. Honking motorists were cited for violating a Eugene code section which adopted ORS 815.225(1)(b): "A person commits the offense of violation of use limits on sound equipment if the person does any of the following: * * * * "(b) Uses a horn otherwise than as a reasonable warning or makes any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device." The court found that "causing mechanical device to make sound does not always constitute speech, (but) motorists who honked their horns to demonstrate support or disapproval of opinions on political issue of Persian Gulf War were expressing protected speech." *City of Eugene v. Powlowski*, 116 Or. App. 186, 840 P2d 186 (1992).

Use of this section to prosecute a noise violation should be carefully evaluated in each case. This ordinance section should only be used when it can be shown that the noise was not intended as communication but was, instead, "merely a guise to disturb persons." *State v. Marker*, 21 Or App 671, 678, 536 P2d 1273 (1975). See also endnote 7.

9. The Oregon Court of Appeals held in *City of Eugene v. Lee*, 177 Or. App. 492, 34 P3d 690 (2001) that street preaching in a loud voice was not a violation of Eugene's disorderly conduct ordinance - which was modeled on the state's disorderly conduct statute, ORS 166.025(1). The court determined that the preaching was not violent, tumultuous, or threatening behavior and a conviction would violate the preacher's right of free expression. Absent evidence that the preacher had engaged in, or was about to engage in, physical acts of aggression, a conviction under the ordinance was not possible.

"If the term 'noise' includes expression, then the ordinance prohibits expression as a means of achieving proscribed effects . . . and subjecting it to a test for overbreadth (in violation of constitutional free speech protections). The determination of overbreadth would, in turn, depend on the scope and content of 'unreasonable,' a term that is not defined by the ordinance. Contextually, 'unreasonable' can be defined by reference to the ordinance's purposes, viz., to avoid 'public inconvenience, annoyance, or alarm.' That is, 'unreasonable noise,' including expression, connotes sound that causes public inconvenience, annoyance, or alarm. Sound can be inconvenient, annoying, or alarming for a variety of reasons, including its volume and duration, as well --- significantly --- as its content. Thus, if 'noise' . . . includes expression, the ordinance is overbroad as prohibiting speech that is 'unreasonable' as 'inconvenient,' 'annoying,' or 'alarming' in its content. (Citations and footnotes omitted.) *Lee, supra*, at 501.

10. See endnote 5.

11. The Noise Control Act of 1972, 42 U.S.C. § 4901, et seq., at 42 U.S.C. §§ 4916-17 provides for the development of national standards for railroad and motor carrier noise emissions standards. Oversight responsibility was initially given to the EPA but that has been shifted to the Federal Department of Transportation. The Department of Transportation's Federal Railway Administration issued a revised final rule effective September 17, 2006, regarding the use of train horns at railway crossings. See "Use of Locomotive Horns at Highway-Rail Grade", 49 CFR Parts 222 and 229; Federal Register, Vol. 71, No. 159, Thursday, August 17, 2006, page 47614.

The final rule provides for six types of quiet zones, ensures the involvement of state agencies and railroads in the quiet zone development process, gives communities credit for pre-existing safety warning devices at grade crossings and addresses other issues including pedestrian crossings within a quiet zone.

The establishment of a new quiet zone requires, at a minimum, that each grade crossing be equipped with Noise Ordinance - Reasonable Person Standard - League of Oregon Cities - November 2006

flashing lights and gates. Additional safety measures may be required to compensate for the absence of the horn as a warning device. New quiet zones can be in effect 24-hours a day or just during the overnight period between 10 p.m. and 7 a.m.

Communities with a whistle ban in effect on Oct. 9, 1996, the date Congress directed FRA to specifically address the issue of existing bans, and on Dec. 18, 2003, the date the Interim Final Rule was published, will be able to continue to keep the train horns silent for at least an additional five to eight years as they plan for and install any additional necessary safety measures.

Communities with a whistle ban created after Oct. 9, 1996, and in effect on Dec. 18, 2003, will have one year to install any additional necessary safety measures before the train horns will start sounding again.

The rule also establishes the first-ever maximum train horn volume level and will reduce the amount of time the horn is sounded, which will be beneficial to communities that decide not to pursue quiet zones.

The Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings is available at the U.S. Department of Transportation Docket Management System web site at <http://dms.dot.gov/> docket number FRA-1999-6439-3923. Additional information is located at the FRA web site at <http://www.fra.dot.gov/>.

The holding in an earlier Ninth Circuit case is now questionable as to the authority of the state or local communities to exercise control of train horns outside the regulatory scheme embodied in the new rule cited above. See *Southern Pacific Transp. Co. v. Public Utility Com'n of State of Oregon*, 9 F.3d 807 (9th Cir. 1993). Oregon law permitting Public Utility Commission to ban sounding of train whistles under some conditions, and subsequent Commission rule with respect thereto, were not preempted by the federal Noise Control Act, which directs the Environmental Protection Agency (EPA) to establish standards for railroad noise emissions, as the EPA has not enacted any regulation governing locomotive whistles, and has expressly exempted locomotive whistle standards from its regulatory scheme and invited regulation by individual states.

The Oregon Department of Transportation has promulgated the following rules regarding train whistles:

OAR 741-125-0020 Sounding of the Train Whistle at Grade Crossings

- (1) The sounding of the locomotive whistle in advance of railroad-highway grade crossing equipped with operating automatic gates, flashing lights, and audible protective devices, conforming to applicable Department's standards, is not required, unless specifically ordered by the Department.
- (2) Upon petition of a public authority or a railroad, or on its own motion, the Department may enter an Order, after hearing if necessary, prohibiting the sounding of the locomotive whistle in advance of specified railroad-highway grade crossings equipped with automatic gates, flashing lights, and audible protective devices.
- (3) When an order prohibiting the sounding of the locomotive whistle in advance of certain railroad-highway grade crossings has been entered by the Department or the Public Utility Commission, the railroad shall provide written notification of its employees of the prohibition and shall install appropriate signing adjacent to its tracks to clearly designate the segment or segments of line to which the whistle-sounding prohibition applies.

12. Additional exemptions for certain activities are available through the issuance of a permit. Permit systems have been upheld as constitutionally valid exercises of city authority. In *Ward v. Rock Against Racism*, 491 U.S. 781 (1989), the Supreme Court upheld a municipal noise ordinance designed to ensure that music performances in the municipal band shell did not disturb surrounding residents. The Court

found that the city's ordinance was content-neutral and that "it can no longer be doubted that government "ha[s] a substantial interest in protecting its citizens from unwelcome noise." Ward, 491 U.S. at 796 (citations omitted). The Court further opined that this interest was perhaps at its greatest when the government seeks to protect its citizens' well-being, tranquility, and privacy in their homes. Ward, 491 U.S. at 796. See also, Stokes v. City of Madison, 930 F.2d 1163 (7th Cir. 1991), where an ordinance specifying times when sound amplification devices could be used in public spaces and requiring a permit was a valid exercise of reasonable time, place and manner restrictions because no permit had ever been denied. Keep in mind though that permitting schemes must not allow for officials to use unfettered discretion in issuing permits. In Saia v. State of New York, 334 U.S. 558 (1948), the Supreme Court invalidated an ordinance which prohibited the use of amplifying devices in public except with the permission of the chief of police. The Court held that the ordinance could not be upheld without prescribing standards for the exercise of the chief's discretion.

13. The responsibility for enforcing the noise ordinance, and ability to issue citations, should be given to an individual, and his or her designees, who has the ability to respond to noise complaints in a timely manner. Often city police officers are charged with the responsibility of enforcing noise ordinances and standards. It is the responsibility of the individual charged with enforcing the ordinance to make sure that those who respond to complaints on a day to day basis understand what is and what is not a violation.

14. See endnote 5 if some other official is to enforce or administer the ordinance.

Cascade Locks Tourism Strategic Plan



Who We Are and What We Do:

Mission Statement

Visit Cascade Locks is a volunteer based board of seven committee members who meet monthly to promote economic activity resulting from tourists. As a tourism promotion agency, the Committee manages a portion of funds collected from transient room taxes in the City of Cascade Locks.

The work of the Committee serves the purpose of attracting and welcoming tourists who, for business, pleasure, recreation or participation in events related to the arts, heritage or culture, travel to Cascade Locks. These tourists will have traveled more than 50 miles or will have stayed overnight in Cascade Locks.

Our Vision

Visit Cascade Locks helps define Cascade Locks as the ultimate destination for travel, discovery and adventure. Visit Cascade Locks attracts tourists who are passionate about the assets and amenities in this charming and historic community. As a world-class destination, we celebrate our diverse cultural heritage and geographic uniqueness. By continually improving the visitor experience, we strive to welcome visitors always and often.

Public Policy and Government Support

Cascade Locks Tourism Strategic Plan

Goal #1 - Empowerment to encourage policy-makers at all levels to support the travel industry.

Objective

- Improve understanding of the value of tourism in Cascade Locks to local, regional and statewide stakeholders
- Seek support for the tourism industry among state legislators, county officials, local officials, policy makers, businesses, residents and cheerleaders of the tourism industry
- Identify sources of funding made available by public policy initiatives and governmental support in our effort to budget for and raise sufficient funds to achieve our vision

Short Term Goal: Leverage other funding sources by either providing Support Staff and/or Tourism Committee Member with workshops and classes for grant writing. Or placing an RFP for a grant writer in the area.

Long Term Goal: After establishing projects that would require financial support, leverage grant writing knowledge to apply for grants to go towards projects that support the Cascade Locks vision.

Service Excellence

Goal #2 - Promise a culture of service excellence that allows us to deliver our Visit Cascade Locks mission

Objective

- Welcome tourists to Cascade Locks with a world-class and quality experience through established and underutilized marketing channels: web, digital, social media, printed marketing materials, and interpersonal interactions.
- Align with the Gorge Tourism Alliance “We Speak” programming to train front line service providers.
- Facilitate opportunities for businesses and residents to attend classes, workshops and events focused on creating a culture of service excellence
- Continue to cultivate a culture of service excellence as leaders in the tourism industry

Short Term Goal: Purchase a mobile “visitor’s center” guaranteeing visibility in Cascade Locks and other communities/trade shows. Welcome tourists by providing a world-class and quality experience by inviting and educating tourists at the “visitor’s center”.

Long Term Goal: Partnering with other community organization(s) in order to build a brick and mortar visitor’s center in Cascade Locks. This may include a rental space for a visitor’s center. Maintain open hours via volunteers from the Tourism Committee, community organization and Support Staff.

Continue to Build Capacity via Partnerships

Goal #3 - Foster a culture of public-private collaboration, cooperation, and partnerships – locally and beyond – to continue to unify the tourism industry.

Objective

Cascade Locks Tourism Strategic Plan

- Work closely with the City of Cascade Locks through regular and substantive tourism industry reports provided to the City Council
- Work closely the Port of Cascade Locks in their work in improving and attracting new tourism based activities and amenities in Cascade Locks, Oregon
- Forge strong partnerships with local businesses and residents as measured by community buy-in and support
- Provide grants and opportunities for the promotion of new events in Cascade Locks
- Continue to support existing businesses and events through continued learning opportunities, such as classes, promotions and one-on-one in-person business visits.
- Grow and cultivate new incoming businesses with a “Welcome Toolkit”
- Improve our expertise within the tourism industry by attending relevant conferences, workshops and networking events
- Advocate on behalf of businesses, community assets and tourist amenities with respect to our mission

Short Term Goal: Support incoming businesses with a “Welcome Toolkit” provided to all new businesses that provide the Cascade Locks “story”, pertinent information and support provided by the Cascade Locks Tourism Committee and Support Staff.

Long Term Goal: Due in part to providing “Welcome Toolkit” to new businesses, Cascade Locks has a reputation for fostering new businesses. To further the partnership, classes and/or workshops will be provided to businesses at a low cost (or at no cost) furthering their knowledge on relevant information in regards to marketing, advertising and more.

Promotion, Marketing and Communication

Goal #4 - Strengthen and grow the Visit Cascade Locks brand through traditional and growing marketing channels at the regional, national and international levels to attract first-time and repeat visitors.

Objective

- Create an established style-guide that presents a cohesive and unified message that tells the story of Cascade Locks
- Incorporate forward-thinking branding, marketing, website design, social media, digital platforms (photo and video assets), printed work and in-person experiences as part of our comprehensive marketing strategy
- Uphold the integrity of our work by ensuring quality representation of our community and tourism assets in all of our marketing efforts
- Strengthen the Visit Cascade Locks Brand by championing and sharing the value of tourism through authentic stories and experiences
- Seek and embrace opportunities to improve our brand and message
- Improve and advocate for accessibility to Cascade Locks from major airports, railways, freeways, and furthermore via alternative transportation options such as non-motorized forms of transport and rideshare-type services

Short Term Goal: Due to an established style guide, a promotional video is needed to represent the Cascade Locks story in a cohesive and visually appealing presentation. RFPs will be sent out to regional videographers.

Cascade Locks Tourism Strategic Plan

Long Term Goal: With the completed video the goal is to promote the Cascade Locks story to appropriate media channels leveraging support from Travel Oregon, Travel Portland, etc. This video will be used for commercial spots and placed on CascadeLocks.com to engage tourists far and wide.

CASCADE LOCKS STAFF REPORT

Date Prepared: June 19, 2017

For City Council Meeting on: June 26, 2017

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

SUBJECT: Drug Testing Policy

SYNOPSIS: As the Oregon Legislature often does, the rules for drug testing have been “updated.” We no longer have the ability to do pre-employment drug screening except for those positions identified as “safety sensitive.” Those positions would include the Public Works employees who might get down in an enclosed or confined space, our Electric Department employees who work around high voltage power lines, or our Emergency Personnel. Office workers including the City Administrator cannot be drug tested prior to employment.

Either of the two LOC Model Policies are cognizant of this change. Both policies introduce the ability to test for illegal drug use based on “reasonable suspicion.”

The “Zero Tolerance” policy is very strict and does not allow the use of illegal drugs by any employee. Use of illegal drugs would result in either termination or a last chance agreement.

The “No Impairment” policy is slightly less stringent and does not allow an employee to be impaired on the job.

Neither policy allows for random drug tests for other than safety sensitive positions. Per Tamara Jones, CIS Legal Counsel, said this about random drug testing:

“The City can add a random drug testing policy but only for “safety sensitive” positions. Further, because employers who use outside agencies for drug testing are beholden to the outside agency for testing protocol, I’d like to be able to review the protocol the City is going to use to ensure that it’s truly “random.” That protocol will need to be described in the policy itself.

This is why we don’t include random drug testing language in our recommended policies: (1) Because many employers apply it too broadly; and (2) The testing protocols for each employer could vary.”

CITY COUNCIL OPTIONS: Choose either Zero Tolerance or No Impairment Drug Policy

RECOMMENDED MOTION: Council discussion and direction

A. Alcohol/Drug Use, Abuse and Testing

[Version One: Zero Tolerance]

[Company] works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to [Company]'s reputation.

[Company] expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

Prohibited Conduct

- Possession, transfer, use or being under the influence of any alcohol while on [Company] property, on [Company] time, while driving [Company] vehicles (or personal vehicles while on [Company] business), or in other circumstances which adversely affect [Company] operations or safety of [Company] employees or others.
- Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, *e.g.*, collecting or transporting evidence.
 - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on [Company] property, on [Company] time, while driving [Company] vehicles (or personal vehicles while on [Company] business), or in other circumstances which adversely affect [Company] operations or safety of [Company] employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on [Company] property or on [Company] time.
 - Law enforcement employees may possess narcotics, drugs or other controlled substances while engaging in law enforcement duties, *e.g.*, collecting or transporting evidence.

- The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to [Company] property, or possessing, items or objects on [Company] property that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to law enforcement employees who bring or possess such items in connection with law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in [Company] property.
- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees who possess such items in connection with law-enforcement work.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to [Company] property. This prohibition does not apply to employees who possess such items in connection with law-enforcement work.

Prescription Drugs and Medical Marijuana

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or [Company] operations.

Employees must inform their supervisor about any prescription drugs that they use and that could adversely affect their ability to work safely. If an employee's use of such prescription drugs could adversely affect [Company] operations or safety of [Company] employees or other persons, [Company] may reassign the employee using the drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination.

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as [Company] will not agree to

allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy,")

Reasonable Cause Testing

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours, or has used drugs or alcohol in violation of this policy, [Company] may require the employee to undergo testing for controlled substances or alcohol

As used in this policy, unless the context indicates otherwise:

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the [Manager] or the [Manager]'s designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
 - a pattern of abnormal or erratic behavior;
 - information provided by a reliable and credible source;
 - a work-related accident;
 - direct observation of drug or alcohol use;
 - presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
 - unexplained significant deterioration in individual job performance;
 - unexplained or suspicious absenteeism or tardiness;
 - employee admissions regarding drug or alcohol use; and
 - unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to [Manager]. Whenever possible, supervisors should locate a second employee or witness to corroborate his/her "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by _____. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

Post-Accident Testing

Employees are subject to testing when they: (a) cause or contribute to accidents that seriously damage an [Company] vehicle, machinery, equipment or property; or (b) result in an injury to themselves or another employee requiring offsite medical attention; and (c) when [Company] has a reasonable basis to believe that the accident or injury may have been caused by drug or alcohol use.

Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on [Company] property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, [Company] may search the employee's possessions located on [Company] property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to [Company] property, or in property, equipment or supplies provided by [Company] to employee.

Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any and all tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

Crimes Involving Drugs and/or Alcohol

Employees shall report:

- any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- entry into a drug court or diversion program; or
- loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

Drug and Alcohol Treatment

[Company] recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. [Company] is willing to help such employees obtain appropriate treatment.

An employee who believes that he or she has a problem involving the use of alcohol or drugs should ask a supervisor or [Manager] for assistance.

[Company] will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and [Company] to the extent its existing benefits package covers some or all of the program costs.

Although [Company] recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of [Company] policy is discovered, the employee's willingness to seek [Company] or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

Discipline and Consequences of Prohibited Conduct

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination or a last-chance agreement.

A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address their substance abuse issue and/or performance or safety issues. The Last Chance Agreement will inform the employee of the problems noted with their performance and to specify the performance required for the employee to achieve in order to continue to be employed by [Company]. Violation of the provisions of a Last Chance Agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or [Company] is prohibited unless written authorization is obtained from the employee.

[Version Two: "No Impairment" Policy]

Alcohol/Drug Use, Abuse and Testing Policy

Prohibited Conduct

The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

- a. Possession, sale and/or use of drugs on [Company] premises, while in [Company] - provided clothes, while on [Company]- or work-related travel, or while on [Company] business (other than employees who possess drugs while they are engaged in law-enforcement work);
- b. Failure to notify [Company] of an arrest or conviction under any criminal drug or alcohol statute within five days of the arrest or conviction;
- c. Possession and/or consumption of alcoholic beverages or being under the influence of alcohol during work hours, while in [Company]-provided clothes or on [Company] premises, while operating an [Company] vehicle (or while operating a personal vehicle in connection with the performance of [Company] business), or while performing job functions other than at the employee's home (other than employees who possess drugs while they are engaged in law-enforcement work); or.
- d. Being under the influence of drugs while on duty, on [Company] premises, on [Company] work time, while in [Company] -provided clothes, while on [Company] business, or while operating an [Company] vehicle (or while operating a personal vehicle in connection with the performance of [Company] business).

As used in this policy, "drug" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.

Prescription Medication and Medical Marijuana

An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify [Manager] of such use immediately before starting or resuming work. This includes, without limitation, medical marijuana. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as [Company] will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy,")

Testing

[Company] reserves the right to:

- a. subject applicants who are given a conditional offer of employment in a safety-sensitive position to a drug and/or alcohol test;

- b. test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- c. discipline or discharge employees who test positive or otherwise violate this policy; and
- d. test employees when they: (1) cause or contribute to accidents that seriously damage an [Company] vehicle, machinery, equipment or property; or (2) result in an injury to themselves or another employee requiring offsite medical attention; and (3) when [Company] has a reasonable basis to believe that the accident or injury may have been caused by drug or alcohol use.

The phrase "reasonable suspicion" (or in any variation) used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:

- a pattern of abnormal or erratic behavior;
- information provided by a reliable and credible source;
- a work-related accident;
- direct observation of drug or alcohol use;
- presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- unexplained significant deterioration in individual job performance;
- unexplained or suspicious absenteeism or tardiness;
- employee admissions regarding drug or alcohol use; and
- unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to [Manager]. Whenever possible, supervisors should locate a second employee or witness to corroborate his/her "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by [Manager]. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on [Company] property, or has otherwise violated provisions of this rule regarding

possession, sale or use of controlled substances or alcohol, [Company] may search the employee's possessions located on [Company] property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to [Company] property, or in property, equipment or supplies provided by [Company] to employee.

Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any and all tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

Crimes Involving Drugs and/or Alcohol

Employees shall report:

- any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- entry into a drug court or diversion program; or
- loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

Drug and Alcohol Treatment

[Company] recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. [Company] is willing to help such employees obtain appropriate treatment.

An employee who believes that he or she has a problem involving the use of alcohol or drugs should ask a supervisor or [Manager] for assistance.

[Company] will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and [Company] to the extent its existing benefits package covers some or all of the program costs.

Although [Company] recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of [Company] policy is discovered, the employee's willingness to seek

[Company] or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or [Company] is prohibited unless written authorization is obtained from the employee.

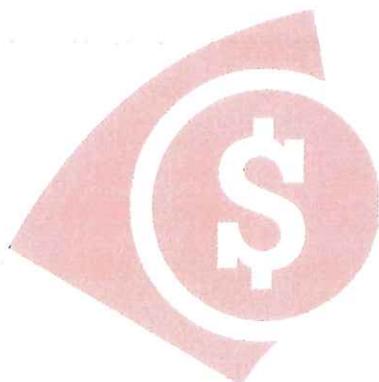
CITY OF CASCADE LOCKS

ADOPTED FINANCIAL MANAGEMENT POLICIES

FEBRUARY 2016

ADOPTED BY CITY COUNCIL

FEBRUARY 22, 2016



City of Cascade Locks Financial Management Policies

TABLE OF CONTENTS

Purpose.....	2
Fund Balance Policies.....	2
Annual Budget Policies.....	4
Revenue Policies.....	5
Employee Expenditure Policies.....	6
Capital Asset and Improvement Policies.....	6
Land Acquisition Policies.....	8
Banking/Deposits Policies.....	8
Investment Policies.....	8
Debt Policies.....	9
Risk Management Policies.....	9
Accounting and Financial Reporting Policies.....	9
City Committees, Boards and Task Forces Expenditure Policies.....	10
Purchasing Policy for Operating Expenses.....	11
Grant Policy.....	11
Annual Review.....	11

City of Cascade Locks Financial Management Policies

City of Cascade Locks Financial Management Policies

Section 1. Purpose

These Financial Management Policies and procedures have been adopted by the City Council to assist, help and guide City Staff, Council and Boards and committees to operate and make decision in the best possible fiscal manner for the City. The Financial Management Policies enhance the City's goal to operate the City in the best possible manner while being prudent and careful with the City's money. The City exists to serve the citizens while carefully managing the limited resources of the city. This policy is to be followed by the City Council, City Staff and all boards and commissions.

Section 2. Fund Balance Policies:

- A. Purpose:** The purpose of the Fund Balance Policy is to outline the procedure for categorizing the different components of ending fund balance in conformity with GASB Statement No. 54, Fund Balance Reporting and "Governmental Fund Type Definitions". In summary, the categories for fund balance consider "the extent to which the government is bound to honor constraints on the specific purposes for which amounts in the fund can be spent."
- B. Fund Balance Definitions:** Accountants use the term "Fund Balance" to describe the reporting unit (i.e. business, proprietary fund, fiduciary fund) reports all related assets and all described as a measure of net worth. Because governmental funds report only a subset of related assets (i.e. financial assets) and liabilities (i.e. those normally expected to be liquidated with current financial resource, the difference between the two is more of a measure of liquidity than of net worth. Accountants underscore this distinction by using the term "Fund Balance" in government funds, rather than the term "net assets" employed elsewhere. As an approximate measure of liquidity, fund balance is similar to the working capital of a private-sector business.
- C. Fund Balance Categories:** The components of fund balance will be categorized into one of the five following categories:
- 1. Non-Spendable Fund Balance:** (inherently non-spendable) - A portion of net resources that cannot be spent because of their form and/or cannot be spent because they must be maintained intact. Examples include:
 - a. Pre-paid items
 - b. Inventories of supplies
 - c. Long-term portion of loans receivable
 - d. Financial assets held for resale, such as foreclosed properties
 - e. Principal of an endowment
 - f. Capital of a revolving loan fund

City of Cascade Locks Financial Management Policies

2. **Restricted Fund Balance:** (externally enforceable limitations on use) – Limitations imposed by creditors, grantors, contributors, or laws and regulations of other governments. Limitations may also be imposed by law through constitutional provisions or enabling legislation. Examples include:
 - a. Specific purpose grants
 - b. State Gas Tax funds
 - c. Restriction from other governments through laws and regulations
 - d. Creditors through debt covenants
 - e. Contributors for specific purposes
 - f. Public, Educational and Governmental fees

3. **Committed Fund Balance:** This is a self-imposed limitation set in place prior to the end of the period by highest level of decision making, the City Council. Limitations are imposed by the City Council and are formalized through adoption of a formal Resolution. A Resolution to rescind, modify or change a fund balance policy must also be made by City Council by formal Resolution.

4. **Assigned Fund Balance:** (limitation resulting from intended use) – The City Council has delegated decision making authority to the City Administrator/Budget Officer for “assigning” this category of fund balances. Less formality is necessary in the case of assigned fund balance. Examples include:
 - a. City Administrator/Budget Officer assigns the amount used to reflect the appropriation of a portion of existing fund balance to eliminate a projected deficit in the subsequent year’s budget. This is done annually in the budget process for all departments, services and programs.
 - b. City Administrator/Budget Officer is responsible for insuring that sufficient year ending fund balance, along with other cash carry forward, is adequate to fund operations until tax revenue is available in November each year.
 - c. The City will consider all amounts as budgeted to be designated as “assigned”, unless amounts are otherwise committed in the form of resolution or restricted if it meets the limitations discussed above. Any balances that are budgeted as unappropriated will be considered by the City to be “unassigned”.

5. **Unassigned Fund Balance:** (residual net resources) – For the General Fund this classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes within the General Fund. The General Fund should be the only fund that reports a positive unassigned fund balance amount. Total fund balance in the General Fund in excess of other categories (surplus). In funds other than the General Fund, if expenditures incurred for specific purposes exceed the amounts restricted, committed, or assigned to those purposes, it may be necessary to report a negative unassigned fund balance (deficit).

D. Fund Balance Implementation: The City Administrator and each Department Head is responsible for maintaining an appropriate fund balance. Financial reviews will be done quarterly or more frequently as needed by the City Administrator or Finance Officer to ensure full compliance.

E. Order of Spending Resources: When both restricted and unrestricted resources are available for use, it is the City’s policy to use restricted resources first, and the unrestricted resources (committed, assigned and unassigned) as they are needed. When unrestricted resources are available for use, it is the City’s policy to use committed resources first, then assigned, and then unassigned as they are needed.

City of Cascade Locks Financial Management Policies

Section 3. Annual Budget Policies:

- A. Budget Priorities:** Annually in January of each year, the City Council will meet with staff, Boards and Commissions and others to identify needs, issues and concerns then set budget priorities, establishing the annual budget priorities. The annual budget shall be built around the City Council established budget priorities.
- B. Budget Preparation:** The City Administrator/Budget Officer will prepare and present a balanced, proposed annual operating budget with the participation of all departments and in accordance with Oregon Local Budget Law. The proposed budget is built around established priorities and services required to achieve council priorities. In addition to the financial elements of the budget, a full program description will be included that identifies the purpose, services to be provided, departmental organization, objectives to be achieved and how each service and department will be evaluated.
- C. Approval and Adoption of Budget:** The City Council and Budget Committee will develop, adopt and amend the operating budget in accordance with Oregon Local Budget Law. The role of the Budget Committee is to develop a budget to recommend to City Council for adoption.
- D. Enterprise Funds:** The City will budget water, sewer, and electric funds as enterprise funds with no General Fund subsidies. Enterprise fund department/service will be assessed a pro-rata share of administrative costs as determined through the budget process and approved by City Council. Annually and through the budget process, City Council will review the actual costs of providing each of the enterprise fund services and ensure that fees and charges for these services are proper, appropriate and sufficient to manage emergencies, plan for the future and enhance the services as may be required.
- E. Capital Outlay:** Only costs related to projects or purchases that result in Capital Assets will be budgeted as Capital Outlay. See Section 6.A. "Capital Asset Policy".
- 1. Capital Outlay Costs:** Budgets for Capital Outlay projects include all costs for design and engineering, land or right-of-way acquisitions, appraisals, construction and construction management, furnishings, legal and administrative costs, and interest incurred during the construction phase, net of interest earned on the invested proceeds over the same period, for business-type activities only.
- F. Contingency:** Contingency amounts are budgeted to meet emergency conditions or situations that were unknown at the time the budget was prepared or infrequent or unanticipated expenses. The City Council must authorize the transfer of funds from Contingency to the appropriate expenditure line item within that fund/department by resolution before those funds can be used.
- 1. General Fund Contingency:** A Contingency of at least 10% of the operating budget, excluding Special Payments, Interfund Transfers and Unappropriated Ending Balance, may be budgeted each year in the General Fund. Contingency shall be kept in order to meet unanticipated increases in costs or unexpected, non-recurring expenditures during each fiscal year.
 - 2. Enterprise Fund Contingency:** The City will strive to maintain at least a 1% to 5% contingency of operating budget in each of the Enterprise Funds.

City of Cascade Locks Financial Management Policies

- G. Unappropriated Ending Balance:** The City will strive to maintain an Unappropriated Ending Fund Balance equal to four months of net operating expenses in all department or service funds.
- H. Electric Department Emergency Fund:** It is the goal of the City to maintain at least \$1 million dollars in reserve in the Electric Fund to deal with unanticipated emergencies and system failures. It is recognized that this policy element may take 4-6 years to attain.
- I. Budget Review System:** The City will employ a budget review system in order to regularly monitor revenues and expenditures with the opportunity for budget adjustments as needed. Council, Committees and Department Heads will receive monthly and quarterly financial reports. At least quarterly, the City Council will receive a complete and thorough briefing of budget status. This report will be accompanied by a staff report informing Council of the level of completion of approved objectives. Monthly reports will include expenditure detail related to recommendations made by boards and committees.

Section 4. Revenue Policies:

- A. Diverse and Stable Revenues:** The City will pursue a diversified and stable revenue stream in order to avoid over-reliance on, and short term fluctuations in, one source of funds. A stable revenue source(s) is necessary for the community to grow and prosper.
- B. Windfalls and One Time Revenue:** The City will not use windfalls or one-time revenue sources to fund ongoing activities and mainstream services; one-time revenues will be used only for one-time expenditures.
- C. Fees and Charges for Service:** Fees and charges for service are assessed to specific users where the user pays all or a portion of the costs to provide the service.
 - 1. Cost Recovery:** When establishing charges and fees, the City will consider the full cost of providing the service, along with any circumstances and issues that may be factors that do not allow for full recovery of the costs of providing the service.
 - 2. Annual Review:** The City Council will review charges and fees annually in conjunction with budget in order to allow for regular, incremental rate increases to offset the effects of inflation and additional costs. Any fee, rate or charge increase will comply with City Council policy in making any such changes.
- D. Utility Fees (Water, Sewer, Electric):**
 - 1. Basis of User Charges:** User charges for each of the City utilities will be based on the cost of providing the services (i.e. set to fully support the total direct, indirect, and capital costs) and are established so that the operating revenues of each utility are at least equal to its operating expenditures, reserves, debt coverage and annual debt service obligations, and planned replacement of the utility's facilities.
 - 2. Periodic Review:** The City Council will review the user charges for each of the City utilities annually in conjunction with the budget process in order to allow for regular, incremental rate increases to offset the effects of inflation and additional costs.

City of Cascade Locks Financial Management Policies

- 3. Internal Payments (Franchise Fees based on use of City right of way by the effected utility):** Franchise fees are established by City Council by separate resolution based on a percentage of sales of Water, Sewer, and Electric. This will be budgeted and paid monthly from those funds to the General Fund.

Section 5. Employee Expenditure Policies:

- A. General Provisions Related to Public Contracting:** The City Council, acting as the Contract Review Board, adopts rules of procedure for public contracting for the City of Cascade Locks through adoption of a separate resolution. The Model Rules adopted by the Attorney General do not apply to the City of Cascade Locks except where they have been incorporated into the City's Contract Review Board Rules.
- B. Purchasing Authority Levels and Required Documentation:** Purchasing authority levels and the required documentation for each are listed below. Purchasing procedures are contained in this Purchasing Policy. It is the policy of the City that the purchasing policies be strictly carried out.

- 1. In all cases a purchase order is required for all expenditures except formal contracts approved by City Council and routine purchases (i.e. office supplies, restroom supplies, utility bills, etc.).**

<u>Expenditure Level</u>	<u>Authorized Position</u>
a. 0 to \$ 500 per occurrence	Finance Officer, City Recorder
b. 0 to \$1,000 per occurrence	Public Works, City Light Department, EMS Department
c. 0 to \$2,500 per occurrence	City Administrator

Any expenditure in excess of \$2,500 must be presented to City Council for authorization.

Section 6. Capital Asset and Improvement Policies:

A. Capital Asset Policy:

1. Definition of Capital Asset:

- a. Capital Assets include property, plant, equipment, and infrastructure assets.
- b. A Capital Asset must meet the following criteria
 - Be an item of system of components that cost more than \$3,000 and
 - Have a life of more than one year, or
 - Add value to or materially extend the life of an existing Capital Asset
- c. Costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized.

City of Cascade Locks Financial Management Policies

2. Capital Asset Accounting Policy:

- a. Assets are recorded at actual cost or historical cost or estimated historical cost when actual cost is not available.
- b. Donated capital assets are recorded at estimated fair market value at the date of donation.
- c. Major outlays for capital assets and improvements are capitalized as the projects are constructed, and include all costs of the project.
 - all design and engineering costs
 - land or right-of-way acquisitions
 - appraisals
 - construction and construction management
 - furnishings
 - legal and administrative costs
 - interest incurred during the construction phase, net of interest earned on the invested proceeds over the same period, for business-type activities only.
- d. Property, plant and equipment of the City is depreciated using the straight line method over the following estimated useful lives
 - Buildings and Improvements – 20-50 years
 - Public Domain Infrastructure – 30-100 years
 - System Infrastructure – 20-50 years
 - Vehicles – 10-20 years
 - Office and Other Equipment – 5-10 years
- e. Land is not depreciated
- f. No depreciation on capital assets is recorded in the year of acquisitions and a full year of depreciation is recorded in the year of disposition.

B. Intangible Capital Assets Policy (GASB 51):

1. Definition of Intangible Capital Asset:

- a. Intangible assets include easements, water rights, patents and internally generated computer software, etc.
- b. An Intangible Capital Asset must meet the following criteria:
 - Have an individual cost more than \$5,000 and
 - Have a life of more than five years, or
 - Add value to or materially extend the life or significantly increase the capacity of an existing Intangible Capital Asset.
- c. Costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized.

2. Intangible Capital Asset Accounting Policy:

- a. Assets are recorded at actual cost or historical cost or estimated historical cost when actual cost is not available.
- b. Contributed intangible assets are recorded at estimated fair market value at the time received.

City of Cascade Locks Financial Management Policies

- c. Intangible assets are amortized using the straight line method over the estimated useful life of the asset.
- d. Intangible assets with indefinite lives are no amortized.
- e. No amortization of intangible capital assets is recorded in the year of acquisition and a full year of amortization is recorded in the year of disposition.

C. Capital Improvement Policy:

- 1. Five –Year Capital Improvement Plans:** The City will maintain its commitment to its five-year Capital Improvement Plans for the City, including the Street, Water, Wastewater, and Storm Water systems.
- 2. Funding Methods:** The City will actively pursue the least costly funding methods for its Capital projects, including grants, private sector funding, contributions and low-cost State and Federal loans whenever possible.
- 3. Debt Financing:** The City will only pursue debt financing in order to finance capital improvement projects, and only when other funding possibilities have been exhausted or are inadequate to finance the projects.
 - a. The City will only utilize debt financing which does not extend past the expected useful life of the project.
 - b. Capital projects will only utilize debt financing if market conditions present favorable interest rates for the City.
 - c. Capital projects will only utilize debt financing if the issuance of that debt will not adversely affect the City's credit and bond ratings.

Section 7. Land Acquisition Policies:

- A. Purchase of Land:** The City will pursue the purchase of land in order to serve the anticipated future needs of the community.
- B. Approval of Land Acquisitions:** The City Council will approve all land acquisitions entered into by the City, excluding easements, dedications and liens.
- C. Proposal Requirements:** Any land acquisition proposal submitted to the City Council will be accompanied by City staff review and recommendations.

Section 8. Banking/Deposits Policies:

- A. Collateralization:** The City will participate in the State Treasurer's Public Funds Collateralization Program (PFCP). The City will ensure that all bank deposits with banks that are not participants in the PFCP are entirely insured or adequately collateralized in accordance with Oregon Revised Statute 295.

Section 9. Investment Policies:

- A. Investment Objectives:** The City will seek to attain a market rate-of-return throughout all fiscal cycles, while avoiding imprudent credit and speculative risk, and maintaining liquidity sufficient to meet operating needs.

City of Cascade Locks Financial Management Policies

B. Investment Restrictions: The City will manage its investment program in accordance with the Oregon Revised Statute 294, and does not further restrict investment choices.

Section 10. Debt Policies:

- A. Statutory Debt Limits:** The City will comply with all statutory debt limitations imposed by the Oregon Revised Statutes.
- B. Purpose of Debt:** The City will only incur long-term debt in order to finance capital improvement projects, and only when those projects are too large to be financed from current available resources.
- C. Maintain Bond Rating:** The City will avoid financial activities that will have an adverse effect on its outstanding bond rating.

Section 11. Risk Management Policies:

- A. Risk management Program:** The City will implement and maintain a Risk Management program designed to decrease exposure to risk. At a minimum, the program will include:
- 1. Annual Insurance Evaluation:** An annual examination of the City's insurance program to evaluate how much risk the City should assume.
 - 2. Internal Controls:** Internal Control procedures shall be set by Administrative Policy.
 - 3. Safe Workplace Action Plan:** A safety program that emphasizes reducing risks through training and safe work habits.

Section 12. Accounting and Financial Reporting Policies:

- A. Accounting:** The City will maintain a system of financial management and accounting that ensures transactions are appropriately recorded, risk of fraud or financial loss is identified, and internal controls are developed and maintained to manage the risk.
- 1. Internal Controls:** The City will maintain policies and process that are designed to provide reasonable assurance that the City is achieving the following objectives:
 - a. Effective and efficient operations.
 - b. Reliable and accurate financial information.
 - c. Compliance with applicable laws and regulations.
 - d. Safeguarding assets against unauthorized acquisition, use or disposition.
 - 2. Annual Audit:** The City shall hire an independent auditor to perform an annual audit of the financial statements, including tests of the internal controls.
- B. Financial Reporting:**
- 1. Internal Reporting:**
 - a. The City Administrator and City Council will receive monthly financial reports sufficient to ascertain the City's financial status.

City of Cascade Locks Financial Management Policies

- b. Committees, Boards and Department Supervisors will receive monthly financial reports and department reports pertaining to their department(s) to ascertain the financial status of said department(s).

2. External Reporting:

- a. The City will have available the annual independent audit results, in accordance with generally accepted accounting principles (GAAP) when the document is completed.

Section 13. City Committees, Boards and Task Forces Expenditure Policies:

City Committees, Boards, and Task Forces do not have authority to make or authorize any expenditure or obligate the City for the payment of any bill or service. These groups are established by the City Council and can only make recommendations to the City in carrying out their assigned responsibilities. The City Council is the final decision maker for all matters affecting City government in Cascade Locks.

A. Budgeting: City Council appointed Committees, Boards may be asked to assist in developing the annual budget for that portion of the budget that most directly affects the Committee or Board. As an example, the Tourism Committee may be asked to assist in developing the budget for the City and may be requested to participate in making the budget presentation to the Budget Committee and City Council.

1. **Budget:** In the budget development process, advisory groups are required to work within the framework of the City's budget format and provide as much specific detail as is possible. Including purpose, services, specific expenditures, objectives and measures of success.

B. Expenditures: In recommending expenditures, the Committees and Boards shall:

1. Prior to any meeting where expenditure recommendations may be made, check with the Finance Officer to ensure the availability of funds and to double check the specific recommended expenditure fits within the Budget outline.
2. Get from the Finance Officer the latest monthly expenditure report. Be sure that the balance in the fund or is sufficiently identified.
3. At the meeting, discuss the proposed spending recommendation then take a formal vote to authorize the recommendation.
4. If the recommendation is denied, indicate this in the Committee minutes.
5. If the recommendation is approved, fill out the Purchase Order form completely with vendor name, address and phone number, description of the expense, account number to be charged to and the vote tally (yes or no) and have the Chair of the group sign the request.
6. Immediately after the meeting, provide the Finance Officer with a copy of all recommended purchase order actions.

City of Cascade Locks Financial Management Policies

- C. Payment:** Purchase recommendations by Committees or Boards will be processed with the same policy as required by City Departments. Expense recommendations by Committees or Boards will be reported monthly to City Council by the Finance Officer.
1. The Finance Officer will see that the amount is encumbered in the accounting system. Once the invoice is received the PO will be matched to the invoice and given to Account Payable for payment to be made at the next bill payment schedule.
- D. Monthly Reporting:** The Finance Officer will provide to each Committee or Board member a monthly report documenting all revenues, expenditures and balances to date.
- E. Billing:** All Committees, Boards, Commissions and Task Forces will ensure that all bills, invoices or other expenditure requests come to the City in care of the Finance Officer.
- D. Quarterly Reports:** Each quarter either the City Administrator or Finance Officer will report to the Committees, Boards, Commission or Task Force and review budget expenditures to date.

Section 14. Purchasing Policy for Operating Expenses:

- A.** Expenditures between \$750-\$2,000 require three telephone bids, expenditures above \$2,000 require three written bids. Sole source purchasing process may be used if approved by the City Administrator. The City will give preference to businesses with the City.
- B. Priority Purchasing Locally:** It is the policy of the City to make purchases locally, within the community from local businesses as much as possible to support local businesses and the local economy.

Section 15. Grant Policy:

- A.** Grants under \$10,000 will be administered by the City. Grants over \$10,000 will be contracted out to MCEDD to be administered. The administrative fee will be paid from the grant proceeds.

Section 16. Annual Review:

- A.** Annually in January the City Council shall review this policy and make new provisions or alterations as City Council determines necessary.