

June 1, 2023 at 6pm
City Council Meeting
Audio/Video Teleconference
Oakridge City Hall & Zoom
48318 E. 1st Street
Oakridge OR, 97463
REGULAR MEETING



1. CALL MEETING TO ORDER

2. Pledge of Allegiance

3. Roll Call

4. Additions, Corrections or Adjustments to the Agenda

5. Public Comment

Individual speakers must be recognized by the presiding officer, provide their name and address, and are allowed up to 3 minutes to speak. The Council will not engage in discussion or make any decisions during public comment. The Council may take comments under advisement for discussion and action at a future Council meeting.

6. Mayor Comments / Announcements / Proclamations

7. Council Comments / Announcements

8. Consent Agenda

8.1 Minutes from previous City Council meeting(s) on: **5/18/23**

9. Executive Session under ORS 192.660(2)(d) - To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

9.1 IAFF Oakridge Fire/EMS Collective Bargaining Agreement

10. Executive Session under ORS 192.660(2)(e) - To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

10.1 Offer to purchase 76410 Douglas Street

10.2 Offer to purchase OIP Lot 20

11. Business from the City Council

11.1 Cherry Street Construction Contract Approval

11.2 Request by Bigfoot Real Estate to use City Logo on T-Shirts & Postcards

11.3 Staff report on issue of portable restrooms

11.4 Hiring a Collections Agency for Muni Court

11.5 FireMed increase from \$75 to \$80

11.6 Committee Appointments Legal Issue (if/when City Attorney's opinion received)

12. Business from the City Administrator

12.1 WAC Remodel Update

12.2 Greenwaters Park Clean-Up Saturday June 3rd from 10am-3pm

12.3 Hartsfield v. Oakridge Lawsuit *Dismissed* with Prejudice

13. Staff and Board/Committee/Commission Reports

14. Items removed from the Consent Agenda

15. Ordinances and Resolutions (with Public Comment)

15.1 Ordinance 940 - Fireworks Prohibition During "Extreme" Fire Danger

15.2 Ordinance 941 - Prohibited Camping

16. Public Hearings

17. Appointments

18. Public Comment

19. Adjourn

This will be a remote participation meeting. Citizens have four ways of attending and commenting:

- 1. On your computer, tablet or smartphone go to <https://us02web.zoom.us/j/3664311610>**
- 2. On your telephone, dial: 669-900-9128, then enter Meeting ID: 366 431 1610.**
- 3. Send comments by email to: cityadministrator@ci.oakridge.or.us by 2pm the day of the meeting.**

4. Attend in person at City Hall (48318 E. 1st Street).

Detailed instructions are available at City Hall, on the city website, and the city Facebook page.

Videos of all City Council meetings can be found on YouTube at **www.youtube.com/@cityfoakridgecouncilcommi8088**

Accommodation for Physical Impairments: *In order to accommodate persons with physical impairments, please notify the City of any special physical or language accommodations you may require as far in advance of the meeting as possible. To make arrangements, Contact City Hall at 541-782-2258. For the hearing impaired, the City's TTD Number is 541-782-4232.*

Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: IAFF Oakridge Fire/EMS
2023-26 Collective Bargaining Agreement

Proposed Council Action: A motion from
the floor to approve

Agenda Item No: 9.1 (*in Executive Session
under ORS 192.660(2)(d)*)

Exhibits: New CBA

Author: CA

ISSUE:

After multiple rounds of negotiations, the City has come to tentative 3-year Collective Bargaining Agreement (“CBA”) with the Oakridge Fire & EMS Union (IAFF Local 851), which would be effective starting July 1, 2023, through June 30, 2026. City Council approval is required to finalize (ratify) the contract.

The new CBA will be explained and discussed in **Executive Session**, under **ORS 192.660(2)(d)** - *To conduct deliberations with persons designated by the governing body to carry on labor negotiations*. After the contract is discussed in Executive Session, Council will return to regular session and vote to approve or deny the new CBA. If denied, the City and Union will return to negotiating. If further negotiations are not successful, Arbitration would follow. Union members and IAFF Union Vice President Zak Harney will be in attendance (Harney will attend via Zoom) to help answer any questions.

FISCAL IMPACT: See proposed 2023-2026 CBA

OPTIONS: Approve (ratify new contract) or deny (return to negotiations)

RECOMMENDATION: Approve

RECOMMENDED MOTION: *“I move to approve and ratify the new 2023-2026 Collective Bargaining Agreement with the Oakridge Fire and EMS Union IAFF Local 851.”*

STRATEGIC THEMES/GOALS INVOLVED:

Theme 1 (Safe Community), Goal #2: Provide efficient, sustainable, and equitable public safety services including police, fire, and emergency medical services.

Theme 2 (Responsive Government), Goal #1: In an open and transparent manner, effectively deliver services that citizens need, want, and support.

Theme 2 (Responsive Government), Goal #3: Manage finances in a fiscally responsible manner ensuring long term financial stability.

Theme 3 (Strong Economy), Goal #1: Improve the City's economy by focusing on increasing living-wage jobs, training, and education opportunities for Oakridge residents.

Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: Offer to purchase 76410
Douglas Street

Proposed Council Action: A motion from
the floor to approve

Agenda Item No: 10.1 (*in Executive Session
under ORS 192.660(2)(e)*)

Exhibits: Forwarded separately

Author: CA

ISSUE:

The City has received an offer to purchase the city owned vacant lot located 76410 Douglas Street, Oakridge, OR. The offer will be explained and discussed in **Executive Session**, under **ORS 192.660(2)(e)** - *To conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

After the offer is discussed in Executive Session, Council will return to regular session and vote to accept or reject the offer. If rejected, the City is allowed to propose a counteroffer to the buyer. Our Realtor of Record (Joy Kingsbury Real Estate) and the buyer will be in attendance to answer any questions.

FISCAL IMPACT: TBD

OPTIONS: Approve or reject the offer

RECOMMENDATION: TBD

RECOMMENDED MOTION: *TBD*

STRATEGIC THEMES/GOALS INVOLVED:

Theme 2 (Responsive Government), Goal #3: Manage finances in a fiscally responsible manner ensuring long term financial stability.

Theme 4 (Community Livability), Goal #2: Find creative ways to work with public and private partners to increase access to housing.

Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: Offer to purchase OIP Lot 20

Agenda Item No: 10.2 (in Executive Session under ORS 192.660(2)(e))

Proposed Council Action: A motion from the floor to approve

Exhibits: Forwarded separately

Author: CA

ISSUE:

The City has received an offer to purchase the city owned Lot 20 in the Oakridge Industrial Park. The offer will be explained and discussed in **Executive Session**, under **ORS 192.660(2)(e)** - *To conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

After the offer is discussed in Executive Session, Council will return to regular session and vote to accept or reject the offer. If rejected, the City is allowed to propose a counteroffer to the buyer. Our Realtor of Record (Joy Kingsbury Real Estate) and the buyer will be in attendance to answer any questions.

FISCAL IMPACT: TBD

OPTIONS: Approve or reject the offer

RECOMMENDATION: TBD

RECOMMENDED MOTION: *TBD*

STRATEGIC THEMES/GOALS INVOLVED:

Theme 2 (Responsive Government), Goal #3: Manage finances in a fiscally responsible manner ensuring long term financial stability.

Theme 3 (Strong Economy), Goal #1: Improve the City's economy by focusing on increasing living-wage jobs, training, and education opportunities for Oakridge residents.

Theme 3 (Strong Economy), Goal #2: Sustainably develop and market the recreational tourism industry in a way that benefits local business and residents.

Theme 3 (Strong Economy), Goal #3: Improve the city's economy by creating an atmosphere open to business.

Theme 4 (Community Livability), Goal #2: Find creative ways to work with public and private partners to increase access to housing.

May 16, 2023

CURRAN-McLEOD, INC.
CONSULTING ENGINEERS

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

MEMORANDUM

TO: Mr. James M. Cleavenger, City Administrator, City of Oakridge

FROM: Edward Hodges, P.E. *CPA*

**RE: CITY OF OAKRIDGE
2023 STREET IMPROVEMENTS CHERRY STREET
ENGINEER'S RECOMMENDATION AND NOTICE OF INTENT TO AWARD**

On Thursday, May 11, 2023, the City solicited and received three (3) bids on the above-referenced project. The Basic Bid requested pricing for replacement of the existing water main, service connections, new fire hydrants, and street & site restoration.

A summary of the bids is listed below, and a detailed bid tabulation is also attached to this letter for your review:

No.	Bidder	Total Basic Bid
1.	Knife River	\$ 208,809.50
2.	Wildish Construction	\$ 219,180.00
3.	Tornado Soft Excavation	\$ 225,771.00

All the bids submitted were reviewed for conformance with the solicitation requirements. During the process, the low bid from Knife River was found to contain no bid security (bid bond) as is required by Specification Sections Article 6 (Bid Security) (6.1 – 6.2) and Article 12 (Submission of Bids) (12.2) and ORS 279C.365(5). After contacting Knife River about the matter, the bid was declared non-responsive in accordance with ORS 279B.110 and Article 16(Award of Contract) of the specifications and disregarded.

As a result, Wildish Construction, whose bid had no significant deviations from bid requirements was awarded the bid. The apparent low bidder, Wildish Construction, was found to be in good standing with the Construction Contractors Board of the State of Oregon.

Mr. James M. Cleavenger
May 16, 2023

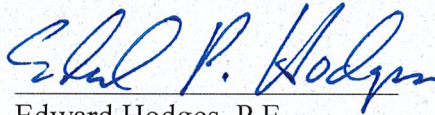
SUMMARY AND RECOMMENDATION:

The low bid from Wildish Construction is deemed to be responsive and responsible. Accordingly, Curran-McLeod, Inc. recommends that the City of Oakridge accept the low bid and award the Construction Contract to the lowest responsive and responsible bidder, **Wildish Construction**, for the amount of **\$219,180.00**.

In accordance with ORS 279C.375(2), this Notice of Intent to Award shall constitute a final decision by the City to award the contract if no written protest of the award is filed with the City within seven (7) calendar days of the issuance of this Notice of Intent To Award. The actual award will be effective subject to the approval of the City of Oakridge.

Upon the City's concurrence, we will deliver to Wildish Inc. three (3) fully-complete Contract Documents for Execution.

By:



Edward Hodges, P.E.

cc: All Bidders

City of Oakridge
2023 Street Improvements: Cherry Street
Bid Date: 2:00PM Thursday, May 11, 2023

1 2 3

BID TABULATION			Knife River	Wildish Construction, Co.	Tornado Soft Excavation, LLC.	
Basic Bid Items:			Units	Unit / Total	Unit / Total	Unit / Total
A. Site Preparation						
A.1	Mobilization	1	LS	\$ 51,850.00	\$ 40,000.00	\$ 23,000.00
				\$ 51,850.00	\$ 40,000.00	\$ 23,000.00
A.2	Temporary Protection & Direction of Traffic, Signing	1	LS	\$ 8,150.00	\$ 7,000.00	\$ 4,000.00
				\$ 8,150.00	\$ 7,000.00	\$ 4,000.00
A.3	Erosion Control	1	LS	\$ 4,450.00	\$ 6,000.00	\$ 6,000.00
				\$ 4,450.00	\$ 6,000.00	\$ 6,000.00
A.4	Common Excavation	250	SY	\$ 25.10	\$ 40.00	\$ 26.66
				\$ 6,275.00	\$ 10,000.00	\$ 6,665.00
A.5	Sawcut AC and Concrete	170	LF	\$ 3.75	\$ 5.00	\$ 15.15
				\$ 637.50	\$ 850.00	\$ 2,575.50
A.6	Excavate Existing Pavement & Base Rock	400	CY	\$ 58.10	\$ 40.00	\$ 85.83
				\$ 23,240.00	\$ 16,000.00	\$ 34,332.00
A.7	Site Restoration	1	LS	\$ 6,700.00	\$ 10,000.00	\$ 8,000.00
				\$ 6,700.00	\$ 10,000.00	\$ 8,000.00
Subtotal				\$ 101,302.50	\$ 89,850.00	\$ 84,572.50
Basic Bid Items:						
			Units	Unit / Total	Unit / Total	Unit / Total
B. Paving & Surfacing						
B.1	3/4" Minus Crushed Rck Base (4" deep)	1050	SY	\$ 14.00	\$ 20.00	\$ 11.64
				\$ 14,700.00	\$ 21,000.00	\$ 12,222.00
B.2	3" Minus Crushed Rock Base (12" deep)	1050	SY	\$ 28.50	\$ 30.00	\$ 34.92
				\$ 29,925.00	\$ 31,500.00	\$ 36,666.00
B.3	Geotextile Fabric	50	SY	\$ 6.20	\$ 20.00	\$ 8.00
				\$ 310.00	\$ 1,000.00	\$ 400.00
B.4	Gravel Driveway Approaches	120	SY	\$ 35.50	\$ 95.00	\$ 50.00
				\$ 4,260.00	\$ 11,400.00	\$ 6,000.00
B.5	AC Curb	35	LF	\$ 56.00	\$ 60.00	\$ 50.00
				\$ 1,960.00	\$ 2,100.00	\$ 1,750.00
B.6	1/2" Hot Dense Mix AC Pavement, Level II, 3"	156	Tons	\$ 212.00	\$ 230.00	\$ 340.58
				\$ 33,072.00	\$ 35,880.00	\$ 53,130.48
B.7	Additional Leveling Crushed Rock	50	CY	\$ 78.50	\$ 95.00	\$ 73.00
				\$ 3,925.00	\$ 4,750.00	\$ 3,650.00
Subtotal				\$ 88,152.00	\$ 107,630.00	\$ 113,818.48
Basic Bid Items:						
			Units	Unit / Total	Unit / Total	Unit / Total
C. Storm Drainage						
C.1	6" Perforated HDPE Drain Pipe	230	LF	\$ 47.00	\$ 45.00	\$ 85.21
				\$ 10,810.00	\$ 10,350.00	\$ 19,598.30
C.2	4" Perforated HDPE Drain Pipe with Sock	90	LF	\$ 56.00	\$ 55.00	\$ 50.00
				\$ 5,040.00	\$ 4,950.00	\$ 4,500.00
C.3	6" Cleanout	1	Ea.	\$ 400.00	\$ 600.00	\$ 1,007.00
				\$ 400.00	\$ 600.00	\$ 1,007.00
C.4	Drainage Rock	30	CY	\$ 63.50	\$ 160.00	\$ 73.00
				\$ 1,905.00	\$ 4,800.00	\$ 2,190.00
C.5	Rip Rap	1	CY	\$ 1,200.00	\$ 1,000.00	\$ 85.21
				\$ 1,200.00	\$ 1,000.00	\$ 85.21
Subtotal				\$ 19,355.00	\$ 21,700.00	\$ 27,380.51
Basic Bid Items:						
			Units	Unit / Total	Unit / Total	Unit / Total

Red denotes variation from written bid, after calculation

TOTAL BASIC BID *208,809.50 \$ 219,180.00 \$ 225,771.49

* Bid non-responsive due to no bid security included with bid.

Bidder	Knife River	Wildish Construction, Co.	Tornado Soft Excavation, LLC.
Math	x	x	Minor Math Errors
First Tier Submitted	x	x	x
Bid Bond Submitted	None	x	x
Residency Acknowledged	x	x	x
Addenda Acknowledged	x	x	x
On Time	x	x	x
Signed	x	x	x
Result	Unresponsive	Responsive	Responsive

Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: Cherry Street Construction
Contract Approval

Proposed Council Action: A motion from
the floor to approve

Agenda Item No: 11.1

Exhibits: Notice of Intent to Award Letter & Bid
Tabulation

Author: CA

ISSUE: Last month, construction contractors put in bids for the Cherry Street construction project. The initial lowest bidder, Knife River, did *not* include a bid bond in their bid as required by law and were therefore disqualified. The 2nd lowest bidder was Wildish Construction, who bid \$219,180 for the project. This is still below the \$250,000.00 SCA grant we received for this project. City Council approval is required to award the contract. City Engineer Ed Hodges recommends approval and so does city staff. The Notice of Intent to Award Letter & Bid Tabulations is included as an Exhibit.

FISCAL IMPACT: \$219,180.00 (in SCA grant funds)

OPTIONS: Approve or deny the request

RECOMMENDATION: Approve

RECOMMENDED MOTION: *"I move to approve awarding the Cherry Street construction project contract to Wildish Construction."*

STRATEGIC THEMES/GOALS INVOLVED:

Theme 2 (Responsive Government), Goal #1: In an open and transparent manner, effectively deliver services that citizens need, want, and support.

Theme 2 (Responsive Government), Goal #2: Provide facilities & infrastructure that support current & future needs.

Theme 2 (Responsive Government), Goal #3: Manage finances in a fiscally responsible manner ensuring long term financial stability.

Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: Request by Bigfoot's Real Estate to use city logo

Agenda Item No: 11.2

Proposed Council Action: A motion from the floor to approve

Exhibits: City Logo

Author: CA

ISSUE: Priscilla Davidson of Bigfoot's Real Estate would like permission to use the city logo to make T-shirts, postcards, and other SWAG for sale through their office located at 47714 Hwy 58 and at events, etc. She is willing to pay the city \$100 for the right to use the logo for one year. All designs and uses would be preapproved by the City Administrator for appropriateness before production. If approved, the CA would prepare a contract for use of the logo.

FISCAL IMPACT: \$100

OPTIONS: Approve, deny, or modify

RECOMMENDATION: Approve

RECOMMENDED MOTION: *"I move to allow Bigfoot's Real Estate to use the city logo for 1 year in exchange for \$100. All designs and uses must be preapproved by the City Administrator prior to production."*

STRATEGIC THEMES/GOALS INVOLVED:

Theme 3 (Strong Economy), Goal #2: Sustainably develop and market the recreational tourism industry in a way that benefits local business and residents.

Theme 3 (Strong Economy), Goal #3: Improve the city's economy by creating an atmosphere open to business.



Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: Staff report on issue of portable restrooms

Agenda Item No: 11.3

Proposed Council Action: N/A (Info Only)

Exhibits: None

Author: CA

ISSUE: Community Development Director Rick Zylstra will provide an oral staff report/update on his research into the issue of the use of portable restrooms, as per City Council's request.

FISCAL IMPACT: N/A (Info Only)

OPTIONS: N/A (Info Only)

RECOMMENDATION: N/A (Info Only)

RECOMMENDED MOTION: *N/A (Info Only)*

STRATEGIC THEMES/GOALS INVOLVED:

Theme 1 (Safe Community), Goal #1: Ensure a safe community by partnering to protect people, property and the environment.

Theme 3 (Strong Economy), Goal #1: Improve the City's economy by focusing on increasing living-wage jobs, training, and education opportunities for Oakridge residents.

Theme 3 (Strong Economy), Goal #2: Sustainably develop and market the recreational tourism industry in a way that benefits local business and residents.

Theme 3 (Strong Economy), Goal #3: Improve the city's economy by creating an atmosphere open to business.

Theme 4 (Community Livability), Goal #3: Seek opportunities to revitalize the City's business corridors and neighborhoods to provide safe and beautiful places to live and work.

Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: Hiring a Collections Agency for Muni Court

Agenda Item No: 11.4

Proposed Council Action: A motion from the floor to approve

Exhibits: None

Author: CA

ISSUE: For the past few years, the Oakridge Municipal Court has not used a collections agency to collect unpaid Court fines due to the costs associated with the last collections agency we used. I have recently found several agencies that only charge a percentage, rather than a flat rate for their services. In other words, the city would not have to pay anything to the agency, unless and until a debt is actually collected. These agencies usually charge around 30-40% of the recovered debts. However, it is legal for cities to *include* those costs *in addition* to the unpaid fines (so the city could still recover the full amount of the unpaid fines). I am requesting permission from Council to draft an RFP for a collections agency to collect unpaid Municipal Court fines.

FISCAL IMPACT: UNK increased revenue

OPTIONS: Approve or deny the request

RECOMMENDATION: Approve

RECOMMENDED MOTION: *"I move to allow the CA to draft an RFP for a collections agency to collect unpaid Municipal Court fines."*

STRATEGIC THEMES/GOALS INVOLVED:

Theme 1 (Safe Community), Goal #1: Ensure a safe community by partnering to protect people, property and the environment.

Theme 1 (Safe Community), Goal #2: Provide efficient, sustainable, and equitable public safety services including police, fire, and emergency medical services.

Theme 2 (Responsive Government), Goal #1: In an open and transparent manner, effectively deliver services that citizens need, want, and support.

Theme 2 (Responsive Government), Goal #3: Manage finances in a fiscally responsible manner ensuring long term financial stability.



Membership Application

Oakridge City Hall, PO Box 1410, Oakridge, OR 97463 Phone 541-782-2416 Fax 541-782-2414

Please complete and return this form along with your membership fee. Thank you for making the choice to join! Your membership helps keep our community safe and secure.

Choose your coverage:

See coverage map & full membership details at firemed.org

 **FireMed** **\$80** /year
Full Household Ambulance Coverage

 **FireMedPlus** **\$145** /year
Full Household Coverage for Ambulance + Life Flight Network

Household Information

Home Address Apt / Unit #

City State Zip Code

Mailing Address (if different from above)

City State Zip Code

Telephone Number(s)

Telephone

Email Address, if available
Your email address is kept confidential and only used as a contact method by FireMed.

FireMed household membership benefits cover you, your spouse or domestic partner and dependents claimed on your income tax return and that live in the same household. Elderly or disabled family members living in the same household are also covered. **Life Flight has its own terms for membership and can be found on the Life Flight Network website.**

Last Name

First Name

Middle Initial

Date of Birth (MM/DD/YYYY)

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How did you hear about FireMed?

Submission of this application with payment constitutes acceptance of the FireMed terms of agreement on the reverse side of this form. You will receive a copy of the terms of agreement with your membership confirmation.

Payment Information

Please return this form with payment to Oakridge City Hall. Credit card payments must be made in person at City Hall.

PRSR STD
ECRWSS
U.S.POSTAGE
PAID
EDDM Retail

OFFICE USE ONLY

TOTAL \$.....

DATE.....

CC.....CA.....CK#.....

DONATION.....

OTHER.....

Oakridge FireMed Ambulance Membership Program Terms of Agreement

By Joining FireMed, Members Agree to Abide by the Terms of Agreement Below.

Definition: FireMed is a voluntary ambulance membership program operated by the City of Oakridge, hereinafter referred to as CITY. FireMed is not insurance. It is in addition to any medical benefits members may have. The CITY will bill insurance or other coverage for ambulance services that members may have and the CITY is entitled to all benefits paid for ambulance services rendered, up to the total dollar amount of services incurred.

Membership Benefits: Membership covers applicable patient out-of-pocket expenses for medically necessary emergency ambulance care and transportation to the nearest appropriate hospital, provided by the CITY within the CITY's ambulance service area. Oakridge FireMed allows (2) uses for medically necessary transports per household member, per membership year. "Medically necessary ground ambulance transportation" means that the patient must be transported to a hospital for medically necessary services, and transportation in any other vehicle could endanger the patient's health. Oakridge FireMed will discount the bill 50% for subscribers without insurance coverage, who are transported to a hospital. This benefit is available twice per household member, per membership year for medically necessary transports.

Membership Benefits Outside of Local Service Area: Other participating reciprocal agencies may extend member benefits to areas outside the CITY ambulance service area. These benefits are limited to the terms of agreement in effect by the participating agency providing services at the time benefits are used. Members who receive ambulance service from any other participating agency are eligible for benefits offered by that agency, if the member agrees to abide by the participating agency's terms of agreement. A current list of participating agencies is on file in the FireMed business office and at FireMed.org. The CITY is not responsible for the type, level, or quality of services provided by a participating agency nor is the CITY financially responsible for any costs or charges incurred by a member from any other ambulance provider. Participating agencies are subject to change without notice. The CITY is not responsible for the withdrawal of participating reciprocal agencies.

Member Responsibilities: Members pay an annual membership fee and will assign and transfer to the CITY all rights and benefits for ambulance services from all insurance policies, plans, or other benefit programs members may have, including all rights in any claim or third party recovery, up to the total dollar amount of services incurred, where the CITY provided ambulance services. Should any person covered under this membership receive any payment for ambulance services rendered by the CITY, they will immediately forward such payment to the CITY. Members authorize the release of medical and other information by or to the CITY as necessary for ambulance billing. Members agree to provide when requested, any or all information concerning insurance policies, plans, third party recovery, or other benefit programs they may have, and will cooperate and assist as necessary in any efforts to bill and collect such ambulance reimbursements, including the completion and submission of documents or claim forms.

Membership Eligibility: Residents of the CITY's ambulance service area are eligible to join by properly completing an enrollment application available from the CITY and by paying the appropriate annual membership fee.

FireMed household membership benefits cover you, your spouse or domestic partner and dependents claimed on your income tax return and that live in the same household. Elderly or disabled family members living in the same household are also covered. Others not included in this definition are required to obtain their own separate membership. The first person listed on the application form is the "Primary Member." Anyone who joins a household after the membership goes into effect can be included under the membership from the date the "Primary Member" notifies the CITY of the addition. Only those persons who meet the membership eligibility requirements AND are listed in the membership record at the time services are rendered are eligible for benefits.

Duration: Membership coverage begins two days after receipt of a properly completed application form with payment and extends to June 30 of the following year.

To the Member's Insurance Carrier (for members with insurance): As a FireMed member, I authorize use of a copy of this agreement in place of the original on file at the FireMed office. I assign and authorize payment of benefits for ambulance services directly to the CITY according to the FireMed terms of agreement and as itemized on claim forms. My membership fee covers any applicable deductible, coinsurance, or co-payment amounts and I expect the usual and customary ambulance reimbursement on my behalf be sent directly to the CITY.

Disclaimer: The CITY reserves the right to add, modify, or delete any of the program terms and conditions completely or in part. All interpretations of the membership terms and conditions shall be at the sole discretion of the CITY. Membership is non-transferable and non-refundable. Persons who receive welfare, Medicaid, Department of Medical Assistance Programs, or Oregon Health Plan medical benefits need not be members in order to have full coverage for services covered under these programs. Any such membership constitutes a voluntary contribution only. Violations of the terms of agreement may result in membership revocation, forfeiture of benefits associated with membership and an obligation to pay all balances in full.

FireMed Plus, Life Flight Network Air Ambulance Option: Life Flight Network air ambulance membership is an optional coverage available for an extra fee. See Life Flight Network membership brochure at www.lifeflight.org or call 1-800-982-9299 for latest membership terms. If you or a family/household member uses Life Flight Network emergency air transport under medically necessary circumstances, Life Flight Network will accept an insurance settlement (if any) as payment in full. Such transports may also be covered for members transported by a reciprocal provider. Reciprocity is subject to the reciprocating provider's rules. Related ground ambulance transport is covered when provided by a FIREMED network reciprocal provider. Life Flight Network flies patients based on medical need, not membership status. Medicaid beneficiaries should not apply for membership.

Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: FireMed Membership Fee Increases

Proposed Council Action: A motion from the floor to approve

Agenda Item No: 11.5

Exhibits: FireMed Application Form

Author: CA

ISSUE: Oakridge Fire Chief Scott Hollett is requesting permission to increase the annual cost of FireMed memberships from \$75 to \$80 for the “Basic” plan and from \$134 to \$145 for the “Plus” plan, both effective immediately. Chief Hollett will be available during the meeting to answer any questions.

FISCAL IMPACT: UNK

OPTIONS: Approve or deny the request

RECOMMENDATION: Approve

RECOMMENDED MOTION: *“I move to increase the annual cost of FireMed memberships from \$75 to \$80 for the “Basic” plan and from \$134 to \$145 for the “Plus” plan, both effective immediately.”*

STRATEGIC THEMES/GOALS INVOLVED:

Theme 1 (Safe Community), Goal #1: Ensure a safe community by partnering to protect people, property and the environment.

Theme 1 (Safe Community), Goal #2: Provide efficient, sustainable, and equitable public safety services including police, fire, and emergency medical services.

Theme 2 (Responsive Government), Goal #1: In an open and transparent manner, effectively deliver services that citizens need, want, and support.

Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: Hartsfield v. Oakridge
Lawsuit Dismissed with Prejudice

Proposed Council Action: N/A (info only)

Agenda Item No: 12.3

Exhibits: Case Memo and Dismissal Judgment
Order

Author: CA

ISSUE: Recent erroneous Facebook chatter has claimed that the city has been successfully sued for almost \$10million dollars and is using the Public Safety Fee to pay for the damages in the lawsuit. This is *not* true. In fact, this case has been DISMISSED "with prejudice," which means that the lawsuit is totally over and cannot be brought back. I have attached the Judgment of Dismissal from Federal Court and the Case Memo as exhibits.

FISCAL IMPACT: N/A (info only)

OPTIONS: N/A (info only)

RECOMMENDATION: N/A (info only)

RECOMMENDED MOTION: N/A (info only)

**FROHNMAYER, DEATHERAGE, JAMIESON, MOORE,
ARMOSINO & McGOVERN, P.C.**

ATTORNEYS AT LAW

Established 1910

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(1927-2018)
OTTO J. FROHNMAYER
(1905-2000)

May 2, 2023

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Mark P. Williamson
P/L Supervisor
CIS
P.O. Box 10166
Eugene, OR 97440

**Re: Name of Insured: City of Oakridge
 Claimant: The Estate of Marcus Hartsfield
 File Number: GLOKR2019085189
 Date of Loss: 10-17-2019**

Dear Sirs, Mr. Cleavenger, Mr. Dahlstrom, and Mark:

On April 11, 2023, I requested conferral with opposing counsel Barry Fifth-Lince as we were planning to file a motion for summary judgment in this case. I provided him with legal authority for our motion which showed his client's claims should be dismissed.

Sgt. Mikal R. McPherson
Chief Kevin Martin
James M. Cleavenger
Matt Dahlstrom
Mark P. Williamson
May 2, 2023
Page 2

Roughly one-week later Mr. Fifth-Lince responded to my request and a phone conferral was scheduled towards the end of April. Conferral was productive: Plaintiff agreed to voluntarily dismissed their case with prejudice, meaning we did not need to go through motions practice on this issue.

On May 1, 2023, the voluntary dismissal under FRCP 41(a) (meaning dismissal by Plaintiff) was filed with the District Court of Oregon. Today, May 2, 2023, the Court entered a judgment of dismissal with prejudice.

Thank you for allowing our firm to assist you in resolving this matter. This matter is closed.

Sincerely,

A handwritten signature in blue ink that reads "Travis A. Merritt". The signature is fluid and cursive, with a large initial 'T' and 'M'.

Travis A. Merritt
Direct Dial No. (541) 858-3363
Email: Merritt@fdfirm.com

TAM

Enclosed: Judgment dismissing matter

**FROHNMAYER, DEATHERAGE, JAMIESON, MOORE,
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May 2, 2023

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May 2, 2023
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Travis A. Merritt
Direct Dial No. (541) 858-3363
Email: Merritt@fdfirm.com

TAM

Enclosed: Judgment dismissing matter

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ESTATE OF MARCUS HARTSFIELD,

Plaintiff,

v.

CITY OF OAKRIDGE,
STATE OF OREGON *et al.*,

Defendants.

6:22-cv-01445-MK

JUDGMENT

Based on the plaintiff's Notice of Voluntary Dismissal (ECF No. 20), this matter is dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

Dated this 2nd day of May 2023.

MELISSA AUBIN
Clerk of Court

By: /s/ J. Klein
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ESTATE OF MARCUS HARTSFIELD,

Plaintiff,

v.

CITY OF OAKRIDGE,
STATE OF OREGON *et al.*,

Defendants.

6:22-cv-01445-MK

JUDGMENT

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Dated this 2nd day of May 2023.

MELISSA AUBIN
Clerk of Court

By: /s/ J. Klein
Deputy Clerk

ORDINANCE NO. 940

**AN ORDINANCE AMENDING CITY OF OAKRIDGE CODE CHAPTER 130 TO
ADOPT A FIREWORKS BAN AND OTHER RESTRICTIONS DURING
DECLARED FIRE SEASON, EXTREME FIRE DANGER CONDITIONS**

WHEREAS, pursuant to Article IX, Section 2 of the Oregon Constitution and the Oakridge Charter, the City of Oakridge is a home rule municipality with all the powers that the constitutions, statutes, and common law of the United States and the State of Oregon expressly or impliedly grant or allow the City; and

WHEREAS, the City Council finds that summertime weather conditions can create conditions that create an extreme risk of wildfires; and,

WHEREAS, the City Council finds there are many things that could be the source of ignition for a wildfire, including but not limited to fireworks; and,

WHEREAS, the City Council finds that wildfires endanger the health and safety of the city's population, jeopardize economic vitality within the city, and imperil the quality of the environment; and,

WHEREAS, the City Council finds that Oregon Revised Statute 480.160 authorizes a municipality to prohibit the manufacture, sale or discharge of fireworks; and,

WHEREAS, the City Council finds that Oregon Revised Statutes 477.505 through 477.512 provides that when conditions that create a fire hazard to exist in any forest protection district or portion thereof, the Oregon State Forester has the authority to declare the beginning of fire season; and,

WHEREAS, the City of Oakridge finds the restrictions that are imposed by the declaration of the beginning of fire season found at Oregon Revised Statutes 477.510 and 477.512 would be appropriate for all areas within the City of Oakridge; and,

WHEREAS, the City Council finds the same conditions that trigger the declaration of a fire season and imposition of the accompanying restrictions are the same conditions that make it appropriate to prohibit the discharge of fireworks during declared extreme fire danger conditions for the South Cascade District.

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

Section I. Section 130.02(C), Fireworks Ban and Other Restrictions During a Declared Fire Season, Extreme Fire Danger Condition is attached as Exhibit A and incorporated by this reference is hereby added to the City of Oakridge Code Chapter 130; and,

Section II. If any section, subsection, sentence, clause phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Section III. Nothing herein is intended to, nor acts herein to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

Section IV. This Ordinance is necessary for the protection of public health, public safety, and public property and is effective immediately upon adoption.

READ, PASSED AND ADOPTED by a vote of the Oakridge City Council this ___ day of _____, 2023.

APPROVED AND SIGNED BY THE MAYOR of the City of Oakridge this ___ day of _____, 2023.

Attest:

Mayor

City Recorder

Ayes:

Nays:

Abstain:

§ 130.02 WEAPONS AND FIREWORKS.

(A) (1) Except at firing ranges approved by the Chief of Police, no person other than a peace officer or dog control officer shall fire or discharge a gun, including a spring or air actuated pellet gun, air gun or B.B. gun or other weapon which propels a projectile by use of gunpowder, other explosive or jet or rocket propulsion. (2) The provisions of this section shall not be construed to prohibit the firing or discharge of any weapon as allowed in the defense stated in O.R.S. 161.190 to 161.275.

(B) The Oregon Fireworks Law, O.R.S. 480.110 to 480.160, as now enacted, is hereby adopted and violation thereof shall constitute an offense against the city.

(Ord. 721, passed 6-5-86) Penalty, see § 130.99

(C) Fireworks prohibition and fire restrictions.

- (1) Upon the declaration of fire season by the Oregon State Forester pursuant to ORS 477.505 for the City of Oakridge, the [use or discharge] of fireworks is prohibited in the City of Oakridge during “extreme” fire danger conditions, as declared by the Oregon State Forester. The prohibitions and restrictions shall remain in place until the Oregon State Forester declares a fire danger condition less than extreme or has declared the end to fire season pursuant to ORS 477.505.**
- (2) For purposes of this section, the following definitions apply:**
 - (a) “Oregon State Forester” is defined as the position described in ORS 477.001(27);**
 - (b) “Fireworks” has the same definition as ORS 480.111;**
 - (c) “Fire Season” has the same definition as ORS 477.001(7).**
- (3) Violation of §130.02(C) is punishable upon conviction of a fine not exceed \$1000.**

Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: Ordinance 940 - Fireworks Prohibition During “Extreme” Fire Danger

Proposed Council Action: A motion from the floor to approve

Agenda Item No: 15.1

Exhibits: Draft Ord 940

Author: CA

ISSUE: Mayor Bryan Cutchen has drafted an Ordinance (see attached draft City Ordinance 940) prohibiting the discharge of fireworks during time periods wherein the fire danger conditions for the South Cascade District have been declared “Extreme” By the Oregon State Forester. As written, this ordinance would apply to the use of personal fireworks and professional shows (for example the 4th of July).

As written, this “emergency” Ordinance “necessary for the protection of public health, public safety, and public property,” would take effect immediately upon adoption, after 2 readings. As per Council Rules of Procedure Chapter 3.I.C.2 (page 14), the Council *may* enact a proposed Ordinance during a single meeting if the votes on both readings are *unanimous*.

FISCAL IMPACT: None

OPTIONS: Approve, deny, or modify

RECOMMENDATION: Fire Chief Scott Hollett will provide his recommendation during the City Council meeting. Police Chief Kevin Martin *may* also have a recommendation on the issue.

RECOMMENDED MOTION 1: *“I move to approve the **first reading** of Ordinance 940, an Ordinance amending Oakridge Code Chapter 130, to adopt a fireworks ban and other restrictions during declared “Extreme” fire danger conditions, effective immediately.”*

RECOMMENDED MOTION 2 (if first reading vote is *unanimous*): *“I move to approve and adopt Ordinance 940, an Ordinance amending Oakridge Code Chapter 130, to adopt a fireworks ban and other restrictions during declared “Extreme” fire danger conditions, effective immediately, after a 2nd reading by title only”*

STRATEGIC THEMES/GOALS INVOLVED:

Theme 1 (Safe Community), Goal #1: Ensure a safe community by partnering to protect people, property and the environment.

GUIDE



Guide to Persons Experiencing Homelessness in Public Spaces

JUNE 2022

Updated October 2022

Guide to Persons Experiencing Homelessness in Public Spaces

Cities possess a significant amount of property – from parks, greenways, sidewalks, and public buildings to both the developed and undeveloped rights of way – sizable portions of a city belong to the city itself, and are held in trust for particular public purposes or use by residents. Historically cities have regulated their various property holdings in a way that prohibits persons from camping, sleeping, sitting or lying on the property. The historic regulation and management of a city’s public spaces must be reimagined in light of recent federal court decisions and the Oregon Legislature’s enactment of HB 3115, both of which direct cities to consider their local regulations within the context of available local shelter services for those persons experiencing homelessness.

As the homelessness crisis intensifies, and the legal parameters around how a city manages its public property contract, cities need guidance on how they can regulate their property in a way that respects each of its community members, complies with all legal principles, and protects its public investments. A collective of municipal attorneys from across the state of Oregon convened a work group to create this guide, which is intended to do two things: (1) explain the legal principles involved in regulating public property in light of recent court decisions and statutory enactments; and (2) provide a checklist of issues/questions cities should review before enacting or amending any ordinances that may impact how their public property is managed.

Legal Principles Involved in Regulating Public Property

Two key federal court opinions, *Martin v. Boise* and *Blake v. Grants Pass*, have significantly impacted the traditional manner in which cities regulate their public property. In addition to these two pivotal cases, the Oregon Legislature enacted HB 3115 during the 2021 legislative session as an attempt to clarify, expand, and codify some of the key holdings within the court decisions. An additional piece of legislation, HB 3124, also impacts the manner in which cities regulate public property in relation to its use by persons experiencing homelessness. And, as the homelessness crisis intensifies, more legal decisions that directly impact how a city regulates its public property when it is being used by persons experiencing homelessness are expected. Some of these pending cases will seek to expand, limit, or clarify the decisions reached in *Martin* and *Blake*; other pending cases seek to explain how the well-established legal principle known as State Created Danger applies to actions taken, or not taken, by cities as they relate to persons experiencing homelessness.

A. *The Eighth Amendment to the U.S. Constitution*

The Eighth Amendment to the U.S. Constitution states that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. In 1962, the U.S. Supreme Court, in *Robinson v. California*, established the principle that “the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one’s status or being.” 370 U.S. 660 (1962).

B. *Martin v. Boise*

In 2018, the U.S. 9th Circuit Court of Appeals, in *Martin v. Boise*, interpreted the Supreme Court’s decision in *Robinson* to mean that the Eighth Amendment to the U.S. Constitution “prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter ... because sitting, lying, and sleeping are ... universal and unavoidable consequences of being human.” The court declared that a governmental entity cannot “criminalize conduct that is an unavoidable consequence of being homeless – namely sitting, lying, or sleeping.” 902 F3d 1031, 1048 (2018).

The 9th Circuit clearly stated in its *Martin* opinion that its decision was intentionally narrow, and that some restrictions on sitting, lying, or sleeping outside at particular times or in particular locations, or prohibitions on obstructing the rights of way or erecting certain structures, might be permissible. But despite the narrowness of the decision, the opinion only truly answered some of the many questions cities are rightly asking. After *Martin*, municipal attorneys could advise their clients in limited ways: some things were clear, and others were pretty murky.

One of the most commonly misunderstood aspects of the *Martin* decision is the belief that a city can never prohibit a person experiencing homelessness from sitting, sleeping or lying in public places. The *Martin* decision, as noted, was deliberately limited. Cities are allowed to impose city-wide prohibitions against persons sitting, sleeping, or lying in public, provided the city has a shelter that is accessible to the person experiencing homelessness against whom the prohibition is being enforced. Even if a city lacks enough shelter space to accommodate the specific person experiencing homelessness against whom the prohibition is being enforced, it is still allowed to limit sitting, sleeping, and lying in public places through reasonable restrictions on the time, place and manner of these acts (“where, when, and how”) – although what constitutes a reasonable time, place and manner restriction is often difficult to define.

A key to understanding *Martin* is recognizing that an analysis of how a city’s ordinance, and its enforcement of that ordinance, can be individualized. Pretend a city has an ordinance which prohibits persons from sleeping in city parks if a person has nowhere else to sleep. A person who violates that ordinance can be cited and arrested. A law enforcement officer finds 11 persons sleeping in the park, and is able to locate and confirm that 10 of said persons have access to a shelter bed or a different location in which they can sleep. If any of those 10 persons refuses to avail themselves of the available shelter beds, the law enforcement officer is within their rights, under *Martin*, to cite and arrest the persons who refuse to leave the park. The practicality of such an individualized assessment is not to be ignored, and cities are encouraged to consider the ability to make such an assessment as they review their ordinances, policies, and procedures.

What is clear from the *Martin* decision is the following:

1. Cities cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go;
2. Cities are not required to build or provide shelters for persons experiencing homelessness;

3. Cities can continue to impose the traditional sit, sleep, and lie prohibitions and regulations on persons who do have access to shelter; and
4. Cities are allowed to build or provide shelters for persons experiencing homelessness.

After *Martin*, what remains murky, and unknown is the following:

1. What other involuntary acts or human conditions, aside from sleeping, lying and sitting, are considered to be an unavoidable consequence of one's status or being?
2. Which specific time, place and manner restrictions can cities impose to regulate when, where, and how a person can sleep, lie or sit on a public property?
3. What specific prohibitions can cities impose that will bar a person who is experiencing homelessness from obstructing the right of way?
4. What specific prohibitions can cities impose that will prevent a person who is experiencing homelessness from erecting a structure, be it temporary or permanent, on public property?

The city of Boise asked the United States Supreme Court to review the 9th Circuit's decision in *Martin*. The Supreme Court declined to review the case, which means the opinion remains the law in the 9th Circuit. However, as other federal circuit courts begin considering a city's ability to enforce sitting, sleeping and camping ordinances against persons experiencing homelessness, there is a chance that the Supreme Court may review a separate but related opinion to clarify the *Martin* decision and provide clarity to the outstanding issues raised in this guide.

C. Blake v. Grants Pass

Before many of the unanswered questions in *Martin* could be clarified by the 9th Circuit or the U.S. Supreme Court, an Oregon federal district court issued an opinion, *Blake v. Grants Pass*, which provided some clarity, but also provided an additional layer of murkiness.

From the District Court's ruling in the *Blake* case we know the following:

1. Whether a city's prohibition is a civil or criminal violation is irrelevant. If the prohibition punishes an unavoidable consequence of one's status as a person experiencing homelessness, then the prohibition, regardless of its form, is unconstitutional.
2. Persons experiencing homelessness who must sleep outside are entitled to take necessary minimal measures to keep themselves warm and dry while they are sleeping.
3. A person does not have access to shelter if:

- They cannot access the shelter because of their gender, age, disability or familial status;
- Accessing the shelter requires a person to submit themselves to religious teaching or doctrine for which they themselves do not believe;
- They cannot access the shelter because the shelter has a durational limitation that has been met or exceeded; or
- Accessing the shelter is prohibited because the person seeking access is under the influence of some substance (for example alcohol or drugs) or because of their past or criminal behavior.

But much like *Martin*, the *Blake* decision left unanswered questions. The key unknown after *Blake*, is this: What constitutes a minimal measure for a person to keep themselves warm and dry—is it access to a blanket, a tent, a fire, etc.?

On September 28, 2022, the U.S. 9th Circuit Court of Appeals rendered their opinion and affirmed *Blake v. City of Grants Pass*.¹ The 9th Circuit Court of Appeals upheld the U.S. District Court’s prior ruling that persons experiencing homelessness are entitled to take necessary minimal measures to keep themselves warm and dry while sleeping outside. The 9th Circuit Court of Appeals noted that the decision in this case was narrow and that “it is ‘unconstitutional to [punish] simply sleeping somewhere in public if one has nowhere else to do so.’”²

The 9th Circuit Court of Appeals opined that cities violate the Eighth Amendment if they punish a person for the mere act of sleeping outside *or for sleeping in their vehicles at night* when there is no other place *in the city* for them to go.³ As a result of this ruling, this decision expanded the application of *Martin v. Boise*. The opinion concluded that class actions are permissible in these types of cases and remanded the decision for the District Court to make findings on several outstanding matters in the case.

This opinion, in most respects, affirmed what was already known from both the *Martin* and *Blake* cases. However, the opinion failed to provide much anticipated clarification on several issues, such as what constitutes “necessary minimal measures” to keep warm or dry or what “rudimentary protections from elements” means.

The City of Grants Pass intends to file a petition for an en banc panel rehearing—a petition for the three-judge panel opinion be re-heard by a panel of twelve judges. During the pendency of the petition process, the current opinion is in effect and the outstanding questions remain unanswered by the Court.

¹ *Johnson v. City of Grants Pass*, 50 F.4th 787 (9th Cir. 2022) [formerly *Blake v. City of Grants Pass*; class representative Blake became deceased during pendency of the appeal.]

² *Id.* at 813.

³ *Id.*

Municipal attorneys are still challenged in determining the answers to such questions as the following: what types of changes should be expected, the severity of those changes, and when those changes will occur. Given the fluidity surrounding the legal issues discussed in this guide, before adopting any new policy, or revising an existing policy, that touches on the subject matter described herein, cities are strongly encouraged to speak with their legal advisor to ensure the policy is constitutional.

D. House Bill 3115

HB 3115 was enacted by the Oregon Legislature during its 2021 session. It is the product of a workgroup involving the LOC and the Oregon Law Center as well as individual cities and counties.

The bill requires that any city or county law regulating the acts of sitting, lying, sleeping or keeping warm and dry outside on public property must be “objectively reasonable” based on the totality of the circumstances as applied to all stakeholders, including persons experiencing homelessness. What is objectively reasonable may look different in different communities. The bill retains cities’ ability to enact reasonable time, place and manner regulations, aiming to preserve the ability of cities to manage public spaces effectively for the benefit of an entire community.

HB 3115 includes a delayed implementation date of July 1, 2023, to allow local governments time to review and update ordinances and support intentional community conversations.

From a strictly legal perspective, HB 3115 did nothing more than restate the judicial decisions found in *Martin* and *Blake*, albeit a hard deadline to comply with those judicial decisions was imposed. The bill provided no further clarity to the judicial decisions, but it also imposed no new requirements or restrictions.

E. House Bill 3124

Also enacted during the 2021 legislative session, HB 3124 does two things. First, it changes and adds to existing guidance and rules for how a city is to provide notice to homeless persons that an established campsite on public property is being closed, previously codified at ORS 203.077 *et seq.*, now found at ORS 195.500, *et seq.* Second, it gives instructions on how a city is to oversee and manage property it removes from an established campsite located on public property. It is important to remember that HB 3124 applies to public property; it is not applicable to private property. This means that the rules and restrictions imposed by HB 3124 are not applicable city-wide, rather they are only applicable to property classified as public.

HB 3124 does not specify, with any true certainty, what constitutes public property. There has been significant discussion within the municipal legal field as to whether rights of way constitute public property for the purpose of interpreting and implementing HB 3124. The general consensus of the attorneys involved in producing this guide is that rights of way should be considered public property for purposes of HB 3124. If an established homeless camp is located on rights of way, it should generally be treated in the same manner as an established camp

located in a city park. However, as discussed below, depending on the dangers involved with a specific location, exceptions to this general rule exist.

When a city seeks to remove an established camp site located on public property, it must do so within certain parameters. Specifically, a city is required to provide 72-hour notice of its intent to remove the established camp site. Notices of the intention to remove the established camp site must be posted at each entrance to the site. In the event of an exceptional emergency, or the presence of illegal activity other than camping at the established campsite, a city may act to remove an established camp site from public property with less than 72-hour notice. Examples of an exceptional emergency include: possible site contamination by hazardous materials, a public health emergency, or immediate danger to human life or safety.

While HB 3124 specifies that the requirements contained therein apply to established camping sites, it fails to define what constitutes an established camping site. With no clear definition of what the word established means, guidance on when the 72-hour notice provisions of HB 3124 apply is difficult to provide. The working group which developed this guide believes a cautious approach to defining the word established at the local level is prudent. To that end, the LOC recommends that if, for example, a city were to enact an ordinance which permits a person to pitch a tent between the hours of 7 p.m. and 7 a.m., that the city also then consistently and equitably enforce the removal of that tent by 7 a.m. each day, or as close as possible to 7 a.m. Failing to require the tent's removal during restricted camping hours each day, *may*, given that the word established is undefined, provide an argument that the tent is now an established camp site that triggers the requirement of HB 3124.

In the process of removing an established camp site, oftentimes city officials will also remove property owned by persons who are experiencing homelessness. When removing items from established camp sites, city officials should be aware of the following statutory requirements:

- Items with no apparent value or utility may be discarded immediately;
- Items in an unsanitary condition may be discarded immediately;
- Law enforcement officials may retain weapons, drugs, and stolen property;
- Items reasonably identified as belonging to an individual and that have apparent value or utility must be preserved for at least 30 days so that the owner can reclaim them; and
- Items removed from established camping sites in counties other than Multnomah County must be stored in a facility located in the same community as the camping site from which it was removed. Items removed from established camping sites located in Multnomah County must be stored in a facility located within six blocks of a public transit station.

Cities are encouraged to discuss with legal counsel the extent to which these or similar requirements may apply to any camp site, “established” or not, because of due process protections.

F. Motor Vehicles and Recreational Vehicles

Cities need to be both thoughtful and intentional in how they define and regulate sitting, sleeping, lying, and camping on public property. Is sleeping in a motor vehicle or a recreational vehicle (RV) that is located on public property considered sitting, lying, sleeping, or camping on public property under the city’s ordinances and policies? This guide will not delve into the manner in which cities can or should regulate what is commonly referred to as car or RV camping; however, cities do need to be aware that they should consider how their ordinances and policies relate to car and RV camping, and any legal consequences that might arise if such regulations are combined with ordinances regulating sitting, lying, sleeping, or camping on public property. Motor and recreational vehicles, their location on public property, their maintenance on public property, and how they are used on or removed from public property are heavily regulated by various state and local laws, and how those laws interact with a city’s ordinance regulating sitting, lying, sleeping, or camping on public property is an important consideration of this process. Further, the Court of Appeals opinion in *Blake v. City of Grants Pass* has potential implications in determining how cities can regulate motor vehicles.

G. State Created Danger

In 1989, the U.S. Supreme Court, in *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, interpreted the Fourteenth Amendment to the U.S. Constitution to impose a duty upon the government to act when the government itself has created dangerous conditions – this interpretation created the legal principle known as State Created Danger. 489 U.S. 189 (1989). The 9th Circuit has interpreted the State Created Danger doctrine to mean that a governmental entity has a duty to act when the government actor “affirmatively places the plaintiff in danger by acting with ‘deliberate indifference’ to a ‘known or obvious danger.’” *LA Alliance for Human Rights v. City of Los Angeles*, 2021 WL 1546235.

The State Created Danger principle has three elements. First, the government’s own actions must have created or exposed a person to an actual, particularized danger that the person would not have otherwise faced. Second, the danger must have been one that is known or obvious. Third, the government must act with deliberate indifference to the danger. *Id.* Deliberate indifference requires proof of three elements:

“(1) there was an objectively substantial risk of harm; (2) the [state] was subjectively aware of facts from which an inference could be drawn that a substantial risk of serious harm existed; and (3) the [state] either actually drew that inference or a reasonable official would have been compelled to draw that inference.” *Id.*

Municipal attorneys are closely reviewing the State Created Danger principle as it relates to the use of public spaces by persons experiencing homelessness for three reasons. First, many cities are choosing to respond to the homeless crisis, the legal decisions of *Martin* and *Blake*, and HB 3115, by creating managed homeless camps where unhoused persons can find shelter and

services that may open the door to many State Created Danger based claims of wrongdoing (e.g. failure to protect from violence, overdoses, etc. within the government sanctioned camp). Second, in California, at least one federal district court has recently ruled that cities have a duty to act to protect homeless persons from the dangers they face by living on the streets, with the court’s opinion resting squarely on the State Created Danger principle. Third, when imposing reasonable time, place, and manner restrictions to regulate the sitting, sleeping or lying of persons on public rights of way, cities should consider whether their restrictions, and the enforcement of those restrictions, trigger issues under the State Created Danger principle. Fourth, when removing persons and their belongings from public rights of way, cities should be mindful of whether the removal will implicate the State Created Danger principle.

In creating managed camps for persons experiencing homelessness, cities should strive to create camps that would not reasonably expose a person living in the camp to a known or obvious danger they would not have otherwise faced. And if there is a danger to living in the camp, a city should not act with deliberate indifference to any known danger in allowing persons to live in the camp.

And while the California opinion referenced above has subsequently been overturned by the 9th Circuit Court of Appeals, at least one federal district court in California has held that a city “acted with deliberate indifference to individuals experiencing homelessness” when the city allowed homeless persons to “reside near overpasses, underpasses, and ramps despite the inherent dangers – such as pollutants and contaminant.” *LA Alliance for Human Rights v. City of Los Angeles*, 2022 WL 2615741. The court essentially found a State Create Danger situation when a city allowed persons experiencing homelessness to live near interstates – a living situation it “knew” to be dangerous.

Before a city official enforces a reasonable time, place, and manner restriction which regulates the sitting, sleeping and lying of persons on public property, the official should review the enforcement action they are about to take in in light of the State Created Danger principle. For example, if a city has a restriction that allows persons to pitch a tent on public property between the hours of 7 p.m. and 7 a.m., a city official requiring the person who pitched the tent to remove it at 7:01 a.m. should be mindful of all environmental conditions present at the time their enforcement order is made. The same thoughtful analysis should be undertaken when a city removes a person and their belongings from the public rights of way.

How Cities Proceed

The law surrounding the use of public spaces by persons experiencing homelessness is newly emerging, complex, and ripe for additional change. In an effort to simplify, as much as possible, the complexity of this legal conundrum, below is an explanation of what municipal attorneys know cities must do, must not do, and may potentially do.

A. What Cities Must Do

In light of the court decisions discussed herein, and the recent House bills enacted by the Oregon Legislature, cities must do the following:

1. Review all ordinances and policies with your legal advisor to determine which ordinances and policies, if any, are impacted by the court decisions or recently enacted statutes.
2. Review your city's response to the homelessness crisis with your legal advisor to ensure the chosen response is consistent with all court decisions and statutory enactments.

If your city chooses to exclude persons experiencing homelessness from certain areas of the city for violating a local or state law, the person must be provided the right to appeal that expulsion order, and the order must be stayed while the appeal is pending.

3. If your city chooses to remove a homeless person's established camp site, the city must provide at least 72-hour notice of its intent to remove the site, with notices being posted at entry point into the camp site.
4. If a city obtains possession of items reasonably identified as belonging to an individual and that item has apparent value or utility, the city must preserve that item for at least 30 days so that the owner can reclaim the property, and store that property in a location that complies with state law.

B. What Cities Must Not Do

When the decisions rendered by the federal district court of Oregon and the 9th Circuit Court of Appeals are read together, particularly in conjunction with Oregon statutes, cities must not do the following:

1. Cities cannot punish a person who is experiencing homelessness for sitting, sleeping, or lying on public property when that person has no place else to go within the city's jurisdiction .
2. Cities cannot prohibit persons experiencing homelessness from taking necessary minimal measures to keep themselves warm and dry when they must sleep outside.
3. Cities cannot presume that a person experiencing homelessness has access to shelter if the available shelter options are:
 - Not accessible because of their gender, age, or familial status;
 - Ones which requires a person to submit themselves to religious teaching or doctrine for which they themselves do not believe;
 - Not accessible because the shelter has a durational limitation that has been met or exceeded; or
 - Ones which prohibit the person from entering the shelter because the person is under the influence of some substance (for example alcohol or drugs) or because of their past or criminal behavior.

C. What Cities May Potentially Do

As previously noted, the recent court decisions lack clarity in many key respects. This lack of clarity, while frustrating, also provides cities some leeway to address the homelessness crisis, specifically with how the crisis impacts the management of public property.

1. Cities may impose reasonable time, place and manner restrictions on where persons, including those persons experiencing homelessness, may sit, sleep, or lie. Any such regulation imposed by a city should be carefully vetted with the city's legal advisor.
2. Cities may prohibit persons, including those persons experiencing homelessness, from blocking rights of way. Any such regulation should be carefully reviewed by the city's legal advisor to ensure the regulation is reasonable and narrowly tailored.
3. Cities may prohibit persons, including those persons experiencing homelessness, from erecting either temporary or permanent structures on public property. Given that cities are required, by *Blake*, to allow persons experiencing homelessness to take reasonable precautions to remain warm and dry when sleeping outside, any such provisions regulating the erection of structures, particularly temporary structures, should be carefully reviewed by a legal advisor to ensure the regulation complies with all relevant court decisions and Oregon statutes.
4. If a city chooses to remove a camp site, when the camp site is removed, cities may discard items with no apparent value or utility, may discard items that are in an unsanitary condition, and may allow law enforcement officials to retain weapons, drugs, and stolen property.
5. Cities may create managed camps where person experiencing homelessness can find safe shelter and access to needed resources. In creating a managed camp, cities should work closely with their legal advisor to ensure that in creating the camp they are not inadvertently positioning themselves for a State Created Danger allegation.

D. What Cities Should Practically Consider

While this guide has focused exclusively on what the law permits and prohibits, cities are also encouraged to consider the practicality of some of the actions they may wish to take. Prior to imposing restrictions, cities should work with all impacted staff and community members to identify if the suggested restrictions are practical to implement. Before requiring any tent pitched in the public right of way to be removed by 8 a.m., cities should ask themselves if they have the ability to practically enforce such a restriction – does the city have resources to ensure all tents are removed from public property every morning 365 days a year? If a city intends to remove property from a camp site, cities should practically ask themselves if they can store said property in accordance with the requirements of HB 3124. Both questions are one of only dozens of practical questions cities need to be discussing when reviewing and adopting policies that touch on topics covered by this guide.

Conclusion

Regulating public property, as it relates to persons experiencing homelessness, in light of recent court decisions and legislative actions, is nuanced and complicated. It is difficult for cities to know which regulations are permissible and which are problematic. This guide is an attempt to answer some of the most common legal issues raised by *Martin, Blake/Johnson*, HB 3115, HB 3124, and the State Created Danger doctrine – it does not contain every answer to every question a city may have, nor does it provide guidance on what is in each community’s best interest. Ultimately, how a city chooses to regulate its public property, particularly in relation to persons experiencing homelessness, is a decision each city must make on its own. A city’s decision should be made not just on the legal principles at play, but on its own community’s needs, and be done in coordination with all relevant partners. As with any major decision, cities are advised to consult with experts on this topic, as well as best practice models, while considering the potential range of public and private resources available for local communities. Cities will have greater success in crafting ordinances which are not only legally acceptable, but are accepted by their communities, if the process for creating such ordinances is an inclusive process that involves advocates and people experiencing homelessness.

Additional Resources

The League of Oregon Cities (LOC), in preparing this guide, has obtained copies of ordinances and policies that may be useful to cities as they consider their own next steps. Additionally, several municipal advisors who participated in the development of this guide have expressed a willingness to share their own experiences in regulating public rights of way, particularly as it relates to persons experiencing homelessness, with Oregon local government officials. If you believe these additional resources may be of use to you or your city, please feel free to contact a member of the LOC’s [Legal Research Department](#).

Recognition and Appreciation

The LOC wishes to extend its sincerest thanks to the municipal attorneys who assisted in the development of this guide. Attorneys from across Oregon came together over several months to vet legal theories, share best practices, and create this guide. These attorneys donated their time, experience, and resources – seeking nothing in return. And while a core team of attorneys was gathered to build this guide, the LOC recognizes that the team’s work stands on the shoulders of every city and county attorney in Oregon who has been working, and who will continue to work, to assist their community in addressing the homelessness crisis. For those attorneys not specifically named below, please know your contributions are equally recognized and respected:

- Aaron Hisel, Montoya, Hisel & Associates;
- Chad Jacobs, Beery Elsner & Hammond;
- Eric Mitton, City of Medford;

- Kirk Mylander, Citycounty Insurance Services;
- Elizabeth Oshel, City of Bend;
- Mary Winters, City of Bend; and
- Grace Wong, City of Beaverton.

JX

[Statutes, codes, and regulations](#)[Oregon Revised Stat...](#)[HOMELESS INDIVID...](#)

ORS § 195.530

Current through legislation effective May 8, 2023

Section 195.530 - [Operative 7/1/2023] Noncamping use of public property by homeless individuals; attorney fees

(1) As used in this section:

(a) "City or county law" does not include policies developed pursuant to ORS 195.500 or 195.505.

(b)

(A) "Keeping warm and dry" means using measures necessary for an individual to survive outdoors given the environmental conditions.

(B) "Keeping warm and dry" does not include using any measure that involves fire or flame.

(c) "Public property" has the meaning given that term in ORS 131.705.

(2) Any city or county law that regulates the acts of sitting, lying, sleeping or keeping warm and dry outdoors on public property that is open to the public must be objectively reasonable as to time, place and manner with regards to persons experiencing homelessness.

this section. The action must be brought in the circuit court of the county that enacted the law or of the county in which the city that enacted the law is located.

(5) For purposes of subsections (2) and (3) of this section, reasonableness shall be determined based on the totality of the circumstances, including, but not limited to, the impact of the law on persons experiencing homelessness.

(6) In any suit brought pursuant to subsection (4) of this section, the court, in its discretion, may award reasonable attorney fees to a prevailing plaintiff if the plaintiff:

(a) Was not seeking to vindicate an interest unique to the plaintiff; and

(b) At least 90 days before the action was filed, provided written notice to the governing body of the city or county that enacted the law being challenged of an intent to bring the action and the notice provided the governing body with actual notice of the basis upon which the plaintiff intends to challenge the law.

(7) Nothing in this section creates a private right of action for monetary damages for any person.

ORS 195.530

2021 c. 370, § 1

195.530 becomes operative July 1, 2023. See section 2, chapter 370, Oregon Laws 2021.

195.530 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 195 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Previous Section

[Section 195.520 - Camping by individuals living in vehicles](#)

Business of the City Council

City of Oakridge, Oregon

June 1, 2023

Agenda Title: Ordinance 941 – Prohibited Camping

Proposed Council Action: A motion from the floor to approve

Agenda Item No: 15.2

Exhibits: Draft Ord 941, LOC Guide, and ORS 195.530

Author: CA

ISSUE: I have drafted a proposed Ordinance (see attached draft Ordinance 941) to address the unhoused camping issues facing our city. It is modeled off similar Ordinances recently enacted by the cities of Eugene, Springfield, and Roseburg. I also used the League of Oregon Cities’ 2022 “Guide to Persons Experiencing Homelessness in Public Spaces” for guidance in drafting the Ordinance. Further details will be explained by the CA during the Council meeting.

By recent state laws (HB 3115, HB 3124, and especially ORS 195.530), cities’ prohibited camping ordinances ***must be enacted by July 1, 2023***. If they are not, cities cannot prohibit camping on public property. Due to this state mandated deadline, this “emergency” Ordinance, which is “necessary for the protection of public health, public safety, and public property,” would take effect immediately upon adoption, after 2 readings. As per Council Rules of Procedure Chapter 3.I.C.2 (page 14), the Council may enact a proposed Ordinance during a single meeting if the votes on both readings are unanimous.

FISCAL IMPACT: None

OPTIONS: Approve, deny, or modify

RECOMMENDATION: Approve

RECOMMENDED MOTION 1: *“I move to approve the **first reading** of Ordinance 941, an Ordinance prohibiting camping on public property, effective immediately.”*

RECOMMENDED MOTION 2 (if first reading vote is *unanimous*): *“I move to approve and adopt Ordinance 941, an Ordinance prohibiting camping on public property, effective immediately, after a 2nd reading by title only”*

STRATEGIC THEMES/GOALS INVOLVED:

Theme 1 (Safe Community), Goal #1: Ensure a safe community by partnering to protect people, property and the environment.



May 31, 2023

For More Information Contact:
Travis Knudsen, Public Affairs Manager
541-736-1056 ext. 217

For immediate release...

Outdoor Burning Season Ends Early in Lane County Due to Elevated Fire Risk.

LANE COUNTY — In light of dry conditions and an escalating fire danger, the Lane Regional Air Protection Agency (LRAPA) announces an early closure of the outdoor burning season. The season, normally scheduled to close on June 15, will now end on June 2, 2023. The final day for burning is June 2, 2023.

The decision to conclude the outdoor burning season ahead of schedule comes from the Lane Fire Defense Board and the Oregon Department of Forestry (ODF). The extended dry period, coupled with forecasted conditions, has prompted the revision of the burning season dates.

“Given the current conditions, the only way to mitigate fire risk without relying on weather changes is through our actions,” said Travis Knudsen, the Public Affairs Manager for LRAPA. “That’s why the Fire Defense Board and ODF are closing the season now.”

Residents are reminded that disposing of yard debris is crucial in defending against wildfires. To facilitate this, Lane County offers several collection depots where residents can dispose of woody yard debris for a minimal fee. Alternatives to burning, such as chipping and composting, are also recommended.

As the fall open burning season is set to begin on October 1, any changes to this date due to fire risk will be announced by the Lane County Fire Defense Board.

To stay updated on the burning season status, visit www.lrapa.org, or call the LRAPA daily open burning advisory line at 541-726-3976. Coastal residents may reach out at 541-997-1757.

For further information about the decision and fire danger, please contact Lane Fire Defense Board’s Chief Chad Minter at 541-686-1573.

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May 18, 2023 @ 6:00 p.m.
Regular Session
City Hall Council Chambers and Zoom
48318 E 1st Street

MINUTES

1. Call Meeting to Order- 6:00 pm

Council Present: Mayor Bryan Cutchen, Councilors Dirk “Poncho” Tarman, Dawn Kinyon, Melissa Bjarnson, Jan Hooker, Chrissy Hollett and Michelle Coker

Staff Present: City Administrator James Cleavenger, Community Development Director Rick Zylstra, City Recorder Jackie Taylor, Sargent Mikal McPherson and Fire Chief Scott Hollett

2. Pledge of Allegiance

3. Roll Call-all present

4. Additions, Corrections or Adjustments to the Agenda

Mayor Cutchen- requested that a staff report on portable restrooms be added.

James-agreed and said Rick is prepared to report on that.

5. Public Comment

Trudy Hammond-thanked the council and staff for everything they are doing.

Nancy Kelly-made a complaint about the porta potties that have been across the street from her house for three years.

6. Mayor Comments / Announcements / Proclamations

Mayor Cutchen- The Community Disaster Readiness Group is looking for volunteers, this is your opportunity to help Oakridge. There will be a group kickoff meeting/potluck on May 25th at the First Baptist Church. The information is on our website.

Mayor Cutchen-presented an award from the Oregon Health Authority for Outstanding Performance to the City of Oakridge. Robert Chrisman, Public Works Crew Leader and Jackson Stone, Wastewater Operator were present and Mayor Cutchen presented the awards and gift cards and thanked them for their hard work.

7. Councilor Comments / Announcements

Councilor Kinyon-reminded the councilors to email James with comments or concerns about the Council Rules of Procedure. She would like to schedule a work session for mid- July.

8. Consent Agenda

8.1 Consent Agenda City Council minutes from5/4/2023

Motion: Councilor Hooker moved to approve the consent agenda. Councilor Coker seconded the motion.

Hooker (aye), Bjarnson (aye), Tarman (aye), Mayor Cutchen (aye), Coker (aye), Hollett (aye), Kinyon (aye). Motion passed 7-0

9. Business from the City Council

9.1 Alcohol Permits for Concerts in the Park

James-introduced the issue.

Motion: Councilor Tarman moved to approved all three alcohol permit applications for the Concerts in the Park 2023 Series at Greenwaters Park. Councilor Hooker seconded the motion.

Bjarnson (aye), Mayor Cutchen (aye), Coker (aye), Kinyon (aye), Tarman (aye), Hooker (aye), Hollett (aye). Motion passed 7-0

9.2 4th of July RTMP Funding request

Mayor Cutchen-asked for any Conflicts of Interest, there were none made.

Motion: Councilor Tarman moved to approve \$2500 in RTMP Funds for the 4th of July Festival. Councilor Coker seconded the motion.

Coker (aye), Tarman (aye), Mayor Cutchen (aye), Hooker (aye), Hollett (aye), Kinyon (aye), Bjarnson (aye). Motion passed 7-0

9.3 Greenwaters Park Amphitheater Curtain Replacement

James-introduced the issue.

Motion: Councilor Hooker moved to approve up to \$400 in TRT Funds to replace the curtains at the Greenwaters Amphitheater. Councilor Tarman seconded the motion.

Hooker (aye), Mayor Cutchen (aye), Tarman (aye), Coker (aye), Kinyon (aye), Bjarnson (aye), Hollett (aye). Motion passed 7-0

9.4 Library Roof Repairs

James-introduced the issue.

Motion: Councilor Tarman moved to approve up to \$11,380 in ARPA Funds to fix the remaining 11 skylights on the roof of the library. Councilor Coker seconded the motion.

Kinyon (aye), Bjarnson (aye), Coker (aye), Hollett (aye), Mayor Cutchen (aye), Hooker (aye), Tarman (aye). Motion passed 7-0

9.5 Edited 4/20/2023 City Council Minutes

James-introduced the issue and read the new motion.

Motion: Councilor Coker moved to approve the revised 4/20/2023 City Council meeting minutes. Councilor Tarman seconded the motion.

Councilor Kinyon- said she does not believe these are an accurate account of what happened.

Councilor Coker -withdrew her motion.

Amended Motion: Councilor Kinyon moved to approve the revised 4/20/2023 City Council meeting minutes with corrections notated in meeting tonight. Councilor Hooker seconded the motion.

Bjarnson (aye), Mayor Cutchen (aye), Kinyon (aye), Hollett (aye), Tarman (aye), Coker (aye), Hooker (aye). Motion passed 7-0

10. Business from the City Administrator

10.1 Dispatch Update

James-gave an update on the dispatch services with Junction City. The techs won't have to buy as much hardware as initially thought. We do not have a transfer date as of yet and this has not been approved by their city council.

10.2 WAC Remodel Update

James-gave an update on the WAC Remodel. The contract has been awarded to Bear Mountain Electric to replace the panel, this will help with our insurance issue. We received a \$30,000 grant for a solar feasibility study.

10.3 Middle Fork Watershed Council Annual Report 2022

Mayor Cutchen-they are doing well and have got a lot more grant money to do projects along the Willamette River.

11. Staff and Board/Committee/Commission reports

11.1 Finance Report – moved to 6/1/2023

11.2 Police-Mikal gave the report in place of Chief Martin

11.3 Fire-Chief Hollett gave the report

11.4 Public Works Rick gave the report

11.5 Parks & Community Services Committee-Councilor Tarman gave the report.

11.6 Public Safety Committee-James reported on this.

11.7 Audit Committee-Councilor Kinyon reported this, we will get the audit on Monday.

11.8 Budget Committee-no report

11.9 Library Board-no quorum, didn't meet

11.10 Planning Commission-Rick reported on this, they had 2 action items.

11.11 OEDAC-James reported on this.

11.12 Special Fire District Sub-Committee-Councilor Hollett reported on this, they are wrapping up the feasibility study and will be meeting up with all three entities soon.

11.13 WAC Sub-Committee-Councilor Hollett reported that the committee will be meeting with Trisha Maxfield at her request on Monday and they will also be doing a walk through, any councilors that want to attend the walk through can get a hold of James.

11.14 WAC Funding Committee-Mayor Cutchen reported on this. They will check with James on Monday for a walk through of the WAC. The next meeting is May 25 at 2:00 pm.

12. Items removed from the consent agenda-None

13. Ordinances, Resolutions and Public Comments

13.1 Resolution 10-2023 Declaring OIP lot 24 Surplus

James-read the issue.

Motion: Councilor Kinyon moved to repeal and replace Resolution 09-2023 and replace with Resolution 10-2023 declaring lot 24 in the OIP as surplus property. Councilor Hooker seconded the motion.

Coker (aye), Hooker (aye), Bjarnson (aye), Hollett (aye), Tarman (aye), Kinyon (aye), Mayor Cutchen (aye). Motion passed 7-0

James-read Resolution 10-2023.

Motion: Councilor Kinyon moved to approve the 2nd reading of Resolution 10-2023 declaring lot 24 in the OIP as surplus property by title only. Councilor Hooker seconded the motion.

Mayor Cutchen: called for ayes- all voted aye, no nays.

James-read Res. 10-2023 by title only.

- 14. **Public Hearings**-none
- 15. **Appointments**-none
- 16. **Public Comment**

Paul Scott- talked about code violation enforcement and inquired about the enforcement process.

James- responded to Mr. Scott by informing him that since we lost our code officer, police only respond to formal complaints made by citizens who are willing to testify in Court as witnesses to the violations, otherwise such violations usually get thrown out in Court due to there not being witnesses.

- 17. **Adjourn -7:16 pm**

Signed: _____
Bryan Cutchen, Mayor

Signed: _____
Jackie Taylor, City Recorder