

AGENDA

REGULAR CITY COUNCIL MEETING

October 25, 2010

5:30 p.m.

CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
10. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

OFFICE OF THE CITY MANAGER

COUNCIL AGENDA

- A. Approval of October 11, 2010 Regular City Council Meeting Minutes
- B. Approval to Declare Discarded Library Books as Surplus Property

11. PUBLIC HEARINGS

- A. Public Hearing to Receive Testimony Regarding a Proposed Sign Code District of Special Control for Lone Pine Village **[Agenda Staff Report #10-083]**
 - 1. Special Ordinance No. 10-538 Approving a District of Special Control for Signage at the Lone Pine Village

12. CONTRACT REVIEW BOARD ACTIONS

- A. Award Contract for 2011 Sanitary Sewer CIPP Lining Project **[Agenda Staff Report #10-084]**

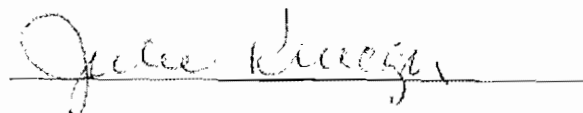
13. ACTION ITEMS

- A. General Ordinance No. 10-1308 Amending Sections 8 and 9 of General Ordinance No. 950, Eliminating Petitions for Waiver of Penalties, and Redefining the Delinquent Date of Transient Room Taxes Due **[Agenda Staff Report #10-085]**
- B. Resolution No. 10-023 Adopting the Amended Identity Theft Program and Procedures to Comply With Federal Regulations and Laws Relating to Utility Billing; and Repealing Resolution No. 08-034 **[Agenda Staff Report #10-087]**

14. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC, City Clerk





AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 25, 2010	Consent Agenda 10, A - B	N/A

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk

THRU: Nolan K. Young, City Manager

DATE: October 12, 2010

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

A. **ITEM:** Approval of October 11, 2010 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the October 11, 2010 regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the October 11, 2010 regular City Council meeting.

B. **ITEM:** Approval to Declare Discarded Library Books as Surplus Property and Donate to Friends of the Library.

BUDGET IMPLICATIONS: None.

SYNOPSIS: In 1976, the Friends of the Library received permission from City Council to have discarded library books donated to their used book sale. This practice has continued over the years with the Friends of the Library using the proceeds from their sale to purchase equipment, furniture, and books and help pay for projects for the library. The list of books to be discarded is on file with the City Clerk's Office if Council wishes to receive or have a copy of the list.

RECOMMENDATION: That City Council declare the books as surplus property and donate them to the Friends of the Library.

MINUTES

REGULAR COUNCIL MEETING
OF
OCTOBER 11, 2010
5:30 P.M.
CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Jim Wilcox

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Dan Spatz, Brian Ahier, Tim McGlothlin

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Senior Planner Dick Gassman, Police Chief Jay Waterbury

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:34 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; all Councilors present.

PLEDGE OF ALLEGIANCE

Mayor Wilcox invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Wilcox announced changes to the agenda as follows: Add a Proclamation in honor of Breast Cancer Awareness Month; Add an Action Item concerning property transactions with Wasco County; and remove the Executive Session.

MINUTES (Continued)
Regular Council Meeting
October 11, 2010
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It was moved by Wood and seconded by Spatz to approve the agenda as amended. The motion carried unanimously.

PRESENTATIONS/PROCLAMATIONS

Paint The Dalles Pink Proclamation

Mayor Wilcox read a Proclamation in honor of breast cancer awareness, declaring the month of October, 2010 as Paint The Dalles Pink month.

Presentation by Wasco County Commission Regarding November Ballot Issues

Wasco County Commission Chair Dan Ericksen reviewed three items to be voted on for the November election: Measure 33-70, a three year levy for operation of the animal control program; Measure 33-71, a one percent lodging tax; and Measure 33-75, changing the Commission positions to non-partisan offices.

Regarding the animal control levy, Ericksen said if the measure passed, the County would conduct a Request for Proposals (RFP) process for someone to operate the animal shelter. He said this levy would also pay the costs of the animal control officer salary and associated costs.

Councilor Spatz asked if the RFP would be based on the current operation. Ericksen said the current level of service would be used as an example for the document.

Spatz mentioned that stray cats were a big issue for Wasco county and asked if that would be addressed through the RFP process. Ericksen said it could be considered as a criteria.

City Manager Young said he believed the proposed levy was based only on dog control.

Councilor Ahier said many people had approached him regarding concerns about the levy. He said the main concern expressed to him was that people wanted to support the Shelter operations but were upset that the County had added the animal control officer expenses into the levy to free up more money for other programs.

Ericksen said that was correct. He said the County did not have the ability to fund the service and that animal control was not a mandated service. He said when the Commission reviewed County programs, it could be considered an expendable operation and would likely be eliminated if a second three-year levy didn't pass in the future.

City Manager Young said the City had an obligation to pay for 50% of the cost of the program, but had previously agreed to pay 72% and this year was paying between 80 and 85% of the cost of the program.

Regarding the proposed lodging tax, Ericksen said it was estimated the County would collect approximately \$80,000 per year which would be used to pay the bond payment for the Discovery Center infrastructure. He said once the bond was repaid, the tax would sunset. He thanked the City for their financial support in paying the bond for the past three years.

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT

City Manager Young said he had previously sent information to the Council regarding an RFP process for use of the vacant Transportation Center building. He proposed an amendment to the criteria that would include input at a future Council meeting from the general public, regarding possible uses for the building.

It was moved by Ahier and seconded by Spatz to authorize the City Manager to proceed with the RFP process for lease of the Transportation Center, as amended by including a public input process. The motion carried unanimously.

City Manager Young invited Police Chief Waterbury to provide a report to the City Council regarding dog control procedures. Chief Waterbury said it was the City's policy to take care of calls for dog bites, barking dogs, and vicious animals, but they did not normally take calls for dogs running at large. He said if the City officers get called out while the Animal Control Officer is off duty, they do sometimes call the County and ask for assistance from Animal Control.

Waterbury said the City did not have a specific dog ordinance. He said the City contracted with Wasco County to provide animal control services and that agreement was based on Oregon State law.

Regarding the specific incident that had previously been reported at a Council meeting, Waterbury said he had read the report and it stated that the reporting party had requested a contact from Animal Control on the following Monday, and requesting additional patrol in the neighborhood, which the City did respond to.

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Regular Council Meeting
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Councilor Wood said an explanation of City procedures should be provided to the newspaper because people seemed to be confused about what services were provided by the agencies.

CITY ATTORNEY REPORT

City Attorney Parker said he was working on the EDA grant bid documents and working to revise language for the yard sale sign ordinance. He said that ordinance would come back for Council consideration at a meeting in November.

Councilor Ahier asked if the ordinance would address political signs. City Attorney said political signs were addressed in the Land Use Development Ordinance (LUDO). He said regulation of political signs may not be enforceable based on State law and political speech rights.

City Manager said it may be appropriate for the Council to direct staff to treat political signs as exempt until there is a resolution through LUDO amendments.

CITY COUNCIL REPORTS

Councilor Spatz congratulated staff for getting the City's Main Street program application approved.

Mayor Wilcox said he had met with all the sixth grade classes last week to talk about the position of the Mayor. He said it had been very interesting and a great experience.

Wilcox said he would be attending a meeting on Friday regarding wetlands issues in the community.

Wilcox said he had attended the Candidate's Forum last week and it had been a positive experience. He said everyone was very respectful.

Mayor Wilcox reminded the Council of the Town Hall meeting, scheduled for November 15th.

CONSENT AGENDA

Councilor McGlothlin said he had reported on activities of the Traffic Safety Commission in the minutes of September 20, 2010, but failed to report that the Traffic Safety Commission meeting had been held on August 17, 2010. He asked that the date of the Traffic Safety Commission be included.

It was moved by Wood and seconded by Ahier to approve the Consent Agenda as amended. The motion carried unanimously.

Items approved by Consent Agenda were: 1) approval of September 27, 2010 regular City Council meeting minutes; 2) approval of September 20, 2010 regular City Council meeting minutes; 3) authorization for City Clerk to endorse OLCC New outlet application for Montira's Thai Cuisine; 4) Resolution No. 10-024 concurring with the Mayor's appointment to the Museum Commission; and 5) Resolution 10-025 concurring with the Mayor's appointment of Dan Richardson to the Tree Policy Committee.

ACTION ITEMS

Resolution No. 10-026 Initiating a Street Vacation Procedure for a Portion of Right of Way in the Alley Between West Third, West Fourth, Liberty and Lincoln Streets

Senior Planner Gassman reviewed the staff report.

It was moved by Spatz and seconded by McGlothlin to adopt Resolution No. 10-026 initiating a street vacation procedure for a portion of right of way in the alley between West Third, West Fourth, Liberty and Lincoln Streets. The motion carried unanimously.

Approval of Memorandum of Understanding With the Warm Springs Tribe Regarding Protection of Fishing Right Adjacent to Proposed Marine Terminal at Union Street

City Manager Young reviewed the staff report. He said the agreement was still be negotiated but asked for approval so the process could move forward. He suggested the Council include in their motion that the agreement would be similar to the previously approved agreement with the Yakama Nation.

It was moved by Spatz and seconded by Wood to authorize the City Manager to sign the Memorandum of Understanding with Confederated Tribes of the Warm Springs Reservation of Oregon, similar to the previously approved agreement with the Yakama Nation.

Mayor Wilcox said he did not agree and that the Council should review the final document before allowing staff to sign the agreement.

City Manager Young suggested changing the words "similar to" to "same as".

It was moved by Dick and seconded by Ahier to amend the motion, changing the words "similar to" to "the same as". The motion was voted on and carried unanimously.

The amended motion to authorize the City Manager to sign the Memorandum of Understanding with Confederated Tribes of the Warm Springs Reservation of Oregon, the same as the previously approved agreement with the Yakama Nation was voted on and carried unanimously.

Property Transactions With Wasco County

Wasco County Commission Chair Dan Ericksen said the staff report had recommended that the Council decline the offer of the Rock Fort property, but that the County wanted the City to have ownership of that property. He said it seemed a logical extension of the development planned for that area.

Councilor Wood said she had been involved with the Rock Fort site for many years. She said the original signs had been funded through license plate sales. Wood said the property was included in the National Register of Historic Places and was also listed with the National Parks Service. She said the intent had always been to keep it a primitive site and said the Historic Landmarks Commission had expressed an interest in maintaining the property. Wood said she supported having the property in City ownership. She said funding was available through the Oregon Trail Advisory Fund for replacement of signs.

Councilor Ahier said he agreed with Wood that the property should be in the City's ownership.

City Manager Young said there would be a cost to the City for maintenance and staff time would also be involved if the Historic Landmarks Commission wanted to maintain the property.

Councilor Dick said he also agreed with previous Council comments, saying it might be appropriate to include the property's historical significance into the deed for future conservation of the site.

Councilor Spatz said he was not opposed to delaying acceptance of the Rock Fort property until staff had an opportunity to research into the cost of maintaining the site.

Mayor Wilcox said the City had several small properties in its ownership and it was difficult to keep them maintained. He said the Sister City area in front of City Hall was a continual problem with people littering and that was right in front of everyone. Wilcox said he had concerns about keeping trash picked up and having transient camps at the site.

Councilor McGlothlin said he supported accepting the property, but also supported waiting until staff had an opportunity to research costs for maintaining the property.

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City Manager Young recommended that staff investigate costs for maintenance of the property and report to City Council at their goal setting session in January, with consideration of acceptance in 2011.

It was moved by Ahier and seconded by McGlothlin to accept the property offered by Wasco County with the exception of the Lewis and Clark Rock Fort site. The motion carried; Wood opposed.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:25 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 25, 2010	Public Hearings 11, A, 1	10-083

TO: Honorable Mayor and City Council

FROM: Dawn Marie Hert, Associate Planner
Community Development Department

THRU: Nolan Young, City Manager

DATE: October 6, 2010

ISSUE: District of Special Control for signage – Lone Pine Village

PREVIOUS AGENDA ITEMS: None.

SYNOPSIS: This request is to establish a district of special control for the Lone Pine Village. Our current Land Use and Development Ordinance 98-1222, Chapter 13 allows for various signage options for the site. The applicant is requesting flexibility for freestanding signs and more control and uniformity with the flush mount signs. The applicant has worked with the property owner, Icon Holdings, and has developed a program that they feel will best suit The Dalles area as well as the future tenants of this new complex.

City of The Dalles Land Use and Development Ordinance 98-1222:

Chapter 13: Special Provisions Section 13.080 Districts of Special Control. The Planning Commission shall have the authority to establish districts which must be at least one city block in length (or the equivalent thereof) that would allow for variance of sizes, types, heights, etc. when:

- (1) the area is shown to have, or it is desired to promote, a unique and beneficial display of desirable architectural, historic, or historic area; or*

- (2) *a group of commercial activities is an intensive commercial area joins together in a cooperative arrangement to sign their occupancies so as to create an unusual or unique display; but only after a plan showing all of the new sign arrangement and a petition of all property owners is presented to the City Planning Commission. After approval by the Commission is received, the plan will be forwarded to the City Council to either: by ordinance designate the district as one of special control, return it to the Planning Commission for correction or further study, or reject the plan.*
- (3) *Once approved, the plan shall govern sign design, location, number, and size within the special district. However, all other provisions of this ordinance, including but not limited to: permitting, safety, inspection, and enforcement, shall have full force and effect.*

FINDING: The subject properties are the equivalent of one city block.

The property owners would like to create a unique sign arrangement for all the properties/buildings involved in the Lone Pine Village. On September 16, 2010, the Planning Commission approved the proposed sign program and has now forwarded it by recommendation to the City Council for final approval. The City Council has the option to approve and designate the district as one of special control, return it for further study by the Planning Commission or reject the plan.

CONCLUSIONS: This proposal is consistent with the City of The Dalles Land Use and Development Ordinance 98-1222. It provides the Lone Pine Village a special district of control to allow for the site to be recognized as one, organize tenant signage to be consistent thorough-out the site, and allow for additional signage options for tenants that have a poor line-of-site.

BUDGET IMPLICATIONS: None

ALTERNATIVES:

- A. **Staff Recommendation:** *Move to adopt Special Ordinance 10-538 approving a District of Special Control for signage at the Lone Pine Village.*
- B. Move to return the District of Special Control for signage plan recommendation back to the Planning Commission for further study.
- C. Move to reject Special Ordinance 10-538.

SPECIAL ORDINANCE NO 10-538

**AN ORDINANCE APPROVING A DISTRICT OF SPECIAL CONTROL
FOR SIGNAGE AT THE LONE PINE VILLAGE**

WHEREAS, on September 16, 2010, the City of The Dalles Planning Commission voted to recommended the Lone Pine Village as a new District of Special Control for signage to the City Council; and

WHEREAS, on October 25, 2010, the City of The Dalles City Council conducted a public hearing and voted to approve the formation of a District of Special Control for signage at the Lone Pine Village; and

WHEREAS, the City Council approves and specifically adopts the findings of fact and conclusions set forth in the staff reports submitted as part of the record, and incorporates findings of fact and conclusions, and the Sign District Plan in this ordinance; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS
FOLLOWS:**

Section 1. The formation of a District of Special Control for signage at the Lone Pine Village is adopted:

The City of The Dalles Land Use and Development Ordinance 98-1222, Chapter 13, concerning the properties described Assessor's Maps and Tax Lots: 1 North 13 East 1 BA tax Lots 600, 601 & 700 and 2 North 13East 36 Tax Lots 400 & 500

Section 2. Effective Date. This ordinance shall go into full force and effect 30 days after its passage and adoption.

PASSED AND ADOPTED THIS 25TH DAY OF OCTOBER, 2010

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 25TH DAY OF OCTOBER, 2010

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

Harper
Houf Peterson
Righellis Inc.

Lane Pine Village

ICO-09

Sign District Plan

July 13, 2010 - Final Draft

Prepared For:

Robert Gilham
Icon Holdings LLC
201 Osprey Lane West
The Dalles, OR 97058

Prepared By:

Harper Houf Peterson Righellis Inc.
205 SE Spokane St., Suite 200
Portland, OR 97202
P: 503-221-1131 F: 503-221-1171

Keith Jones, AICP

Submitted To :

City of The Dalles
Community Development Department
313 Court Street
The Dalles, OR 97058



ENGINEERS ♦ PLANNERS
LANDSCAPE ARCHITECTS ♦ SURVEYORS

Lone Pine Village Sign District Plan Final Draft 7-13-10

I. INTRODUCTION

Lone Pine Village is a Planned Unit Development (PUD) and is located on the banks of the Columbia River in the City of the Dalles, Oregon. This planned community provides 60-acres of mixed-use development including residential and commercial space.

The developer and manager of Lone Pine Village, Icon West Developments, has established the "Lone Pine Village Sign District Plan" to promote well designed, appropriately sized and well placed signs that are specific to the theme and architecture of Lone Pine Village. The Dalles Sign Regulations Chapter 13.080.010 allows sign districts of special control and the Lone Pine Village Sign District has been established under this provision.

II. LONE PINE VILLAGE SIGN DISTRICT REQUIREMENTS

The Lone Pine Village Sign District guidelines and standards apply specifically to the following sign types:

- Freestanding Signs
- Wall Signs¹
- Hanging or Projecting Signs

The Lone Pine Village Sign District shall supersede requirements for the sign types listed above, all other regulations of the City of the Dalles Sign Regulations shall continue to apply. However, all sign types must meet the general sign guidelines and must receive approval from Icon West Developments and the City prior to placing the sign (see General Design Guidelines Section III below and Section VIII for Approval Process).

III. GENERAL DESIGN GUIDELINES

Each building in Lone Pine Village represents only a portion of the development as a whole, but contributes significantly to the overall visual image of Lone Pine as a planned pedestrian-oriented community. The uniform application of sign guidelines addressing type, location, size and quantity is to ensure signs are in keeping with the design intent of the community.

Appropriately designed signs reinforce the community character and provide visual interest. Signs should be architecturally compatible and contribute to the character of the area. Signs should be well placed and design to be readable to customers but should not compete with each other or dominate their surroundings.

All signs must comply with the following guidelines and compliance is solely at the discretion of Icon West Developments:

¹ Wall signs are defined as Flush Signs in the City Sign Regulations.

General Sign Guidelines

1. Design and Construction

Signs should be professionally designed and constructed by a qualified sign builder or contractor.

2. Landscaping

Where signage is freestanding or requires a foundation, low landscaping should be placed at the base of the sign, unless located in a paved plaza area. Mature landscaping must be of a height so as not to obscure any text or message on the sign.

3. Materials

Signs should be made of one or more durable and high quality natural materials to compliment the character of Lone Pine Village. This includes, but is not limited to wood (stained or painted), aluminum, steel, metal, stone, precast concrete stone, precast concrete structure and brick. All signs must be 3D in nature, offering relief of carved, routed (non-illuminated), sandblasted, or raised dimensional letters and/or images. Standard franchise signs should be tailored to the character of Lone Pine Village. Neon tubing may be used in limited amounts.

4. Colors

A variety of sign colors are encouraged and shall coordinate with the character and architectural theme of Lone Pine Village. Franchise colors are permitted but are encouraged to be tailored to the development.

5. Lighting

Indirect and landscape lighting is encouraged. Internal or structure illuminated box, pylon or cabinet type signs are discourage. Use of LED lights or other low power consuming methods used in place of traditional incandescent lighting is encouraged to save energy.

6. Projection & Clearance

All signs shall maintain 8 feet of clearance above a pedestrian walkway and 14 feet of clearance above a roadway or driveway.

IV. FREESTANDING SIGN REQUIREMENTS

The following freestanding signs are allowed in the Lone Pine Village PUD:

1. Entry Monument Signs

- a) Purpose: The purpose of the principle entry monument sign is to identify the main entrance to the Lone Pine Village development to vehicular traffic traveling along the Dalles-California Highway 197. Entry monument signs may also be placed within the development to mark gateways or entry to specific areas of the development such as the single-family residential area.

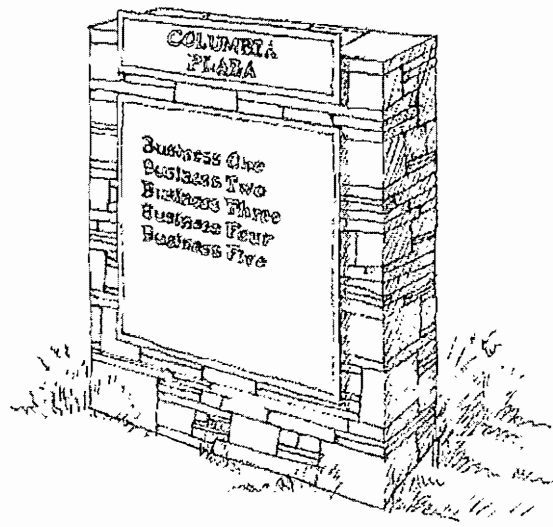
- b) Quantity: One principal entry monument signs shall be allowed as shown in Figure 1. Additional internal entry signs may be permitted as stated in the purpose statement above.
- c) Design: signs shall have a maximum of 60 square feet of display surface per sign face. Materials should include, but are not limited to, stone work, concrete, resin panels, and stainless steel letters and should be externally illuminated.



Example Principal Entry Sign

2. Commercial Plaza Signs

- a) Purpose: The purpose of the commercial plaza signs is to provide business identification along internal roadways.
- b) Quantity: One (1) commercial plaza sign per commercial or mixed-use lot shall be allowed.
- c) Design: The commercial plaza signs should be a multi-sided freestanding monument sign and have a maximum of 80 square feet of display surface per sign face. Materials and finishes should correspond with those used for the Entry Monument Sign. Pole signs are prohibited.



Example Commercial Plaza Sign

V. WALL SIGN REQUIREMENTS

A wall sign, defined in the City Sign Regulations as a Flush Sign is a sign that is permanently affixed to the wall of a building.

Size Restrictions

One wall sign per building wall or elevation. Wall signs shall not exceed 20% of the gross area face or elevation of the building the sign is attached to. A minimum of 30 square feet is guaranteed and the maximum shall not exceed 200 square feet.

Guideline

Signs should be sized and placed so that they are compatible with the building's architectural design. Signs should be readable but at the same time should not overwhelm the building or its important architectural features. Signs should be incorporated into the building and not become the building.

Recommended

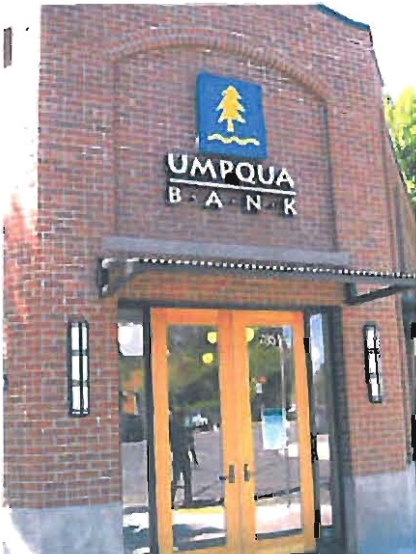
- Signs should be incorporated into the building as part of the wall surface.
- Signs should be painted or made with applied metal lettering and graphics.
- Internally illuminated signs are discouraged. Signs are preferred to be lighted externally with high quality architecturally appropriate light fixtures.
- Signs should be positioned above storefronts or near entrances and not mask or cover architectural features such as windows.

Not Recommend

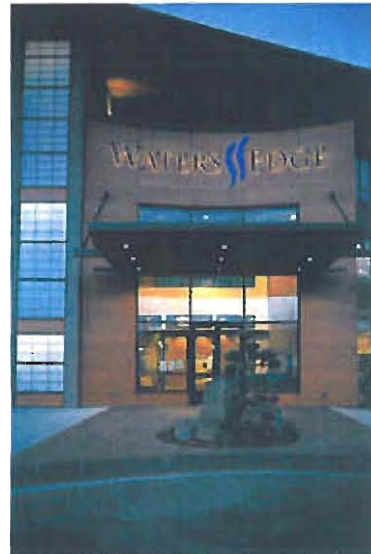
- The material, size and shape of signs that overwhelm, contrast greatly or adversely impact the architectural quality of the building.



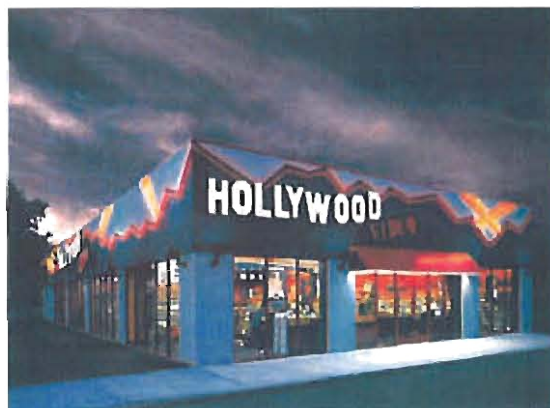
Recommended: externally illuminated signs with professionally designed and installed durable materials that fit with building architecture



Good: Internally illuminated sign fits with building architecture



Better: Externally illuminated sign that fits with building architecture



Not Recommended: Building that functions as a sign. Signs should follow architecture not become the building.

VI. HANGING OR PROJECTING SIGNS

A hanging sign is a sign affixed to and hangs below a structural portion of a building such as a canopy or recessed entryway. A projecting sign projects outward from the wall of the building. These signs are intended to be viewable by pedestrians and slow moving vehicular traffic.

Size Restrictions

One sign per business per wall elevation. Maximum size 20 square feet per sign face. Sign shall not be placed on or above a roof line and shall have a minimum clearance of 8 feet above a sidewalk and 14 feet above a vehicular travel way.

Guideline

Signs should be oriented to the pedestrian and highly visible from sidewalks. Signs should not overwhelm the streetscape and should be compatible with and complementary to the building architecture and any awnings, canopies, lighting and street furniture.

Recommended

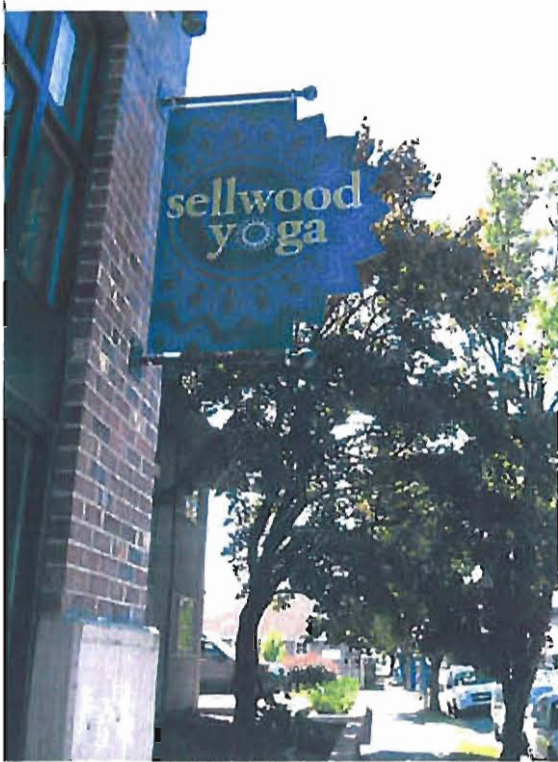
- Any required sign lighting should be integrated into the façade of the building.
- Signs should be very graphic and constructed of high quality materials and finishes.
- Internally illuminated signs are discouraged. Signs are preferred to be lighted externally.
- Signs should be attached and built to be durable.

Not Recommend

- Signs that obstruct views or sightlines.
- Signs that are difficult to view from the sidewalk.



Recommended: Hanging signs of well made durable material oriented to the pedestrian and located near building entrances.



Recommended: Projecting signs of well made durable material oriented to pedestrian.



Not Recommended: Projecting sign placed above canopy difficult to read from sidewalk.

VII. PROHIBITED SIGNS

In addition to signs listed as prohibited in the City Sign Regulations the following signs are prohibited:

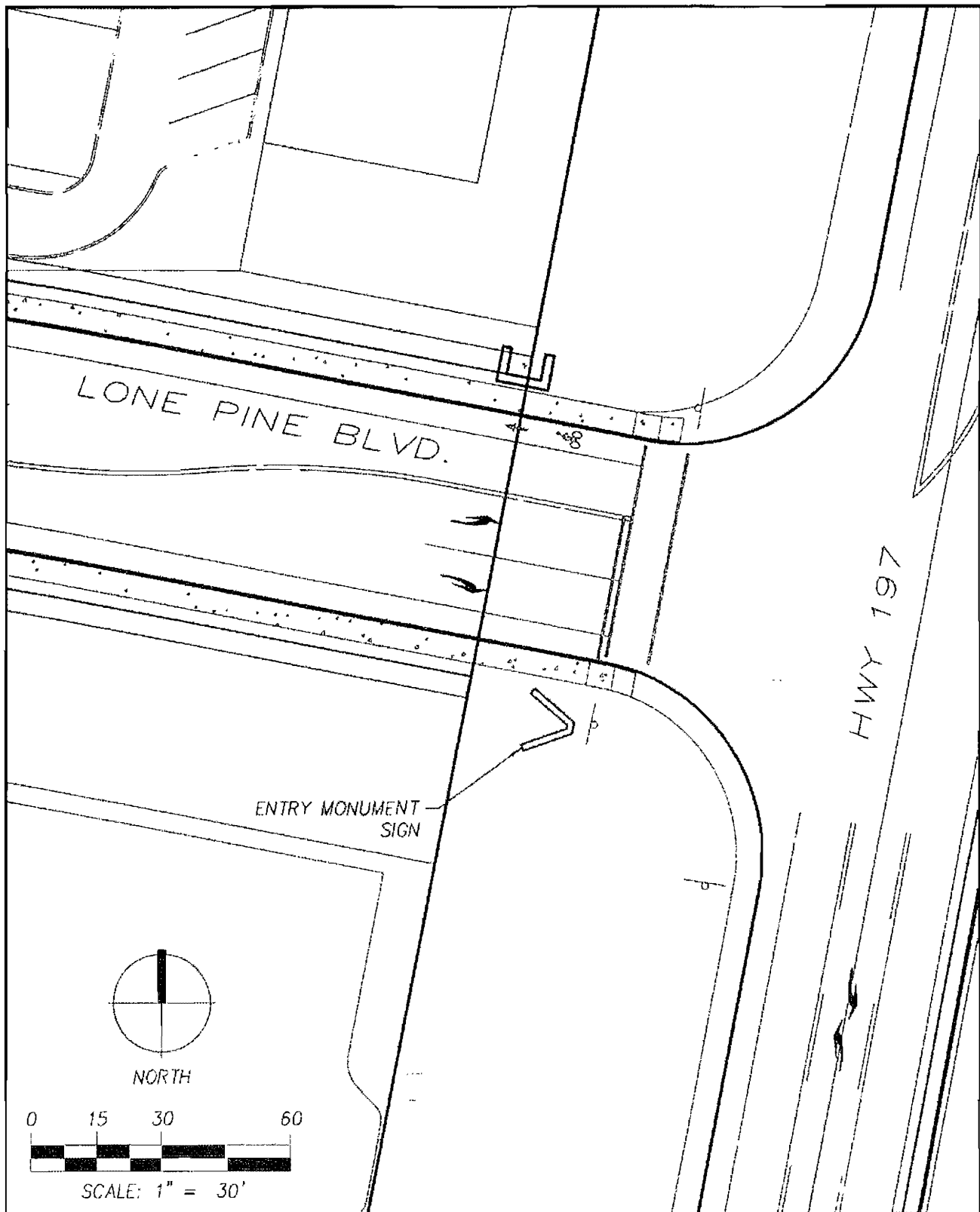
1. Electronic reader board signs
2. Video display signs
3. Flashing or moving signs

VIII. APPROVAL PROCESS

Business owners seeking to place a sign within the Lone Pine Village PUD will first need to obtain approval from Icon West Developments followed by obtaining all necessary permits from the City of the Dalles.

The owner must submit to Icon West Developments detailed drawings including scaled elevation drawings that specify the location, size, colors and materials of the proposed sign. Once approved, Icon West Developments will issue an approval letter and attached the approved drawings.

The business owner will submit the approval letter with any required sign permit applications to the City of the Dalles for approval.



SHEET NO.		DESIGNED:	LRM
FIGURE		DRAWN:	LRM
1		CHECKED:	
SHEET NO.	DATE	NO.	DESCRIPTION
ICO-09	JULY 9TH, 2010		



Harper
Houf Peterson
Righellis Inc.

205 SF Spokane Street, Suite 200 Portland, OR 97203
phone: 503.221.1171 www.hhpri.com fax: 503.221.1171

FREE STANDING SIGN PLAN
LONE PINE VILLAGE
THE DALLES, OREGON



CITY OF THE DALLES
Department of Public Works
1900 West Sixth Street
The Dalles, Oregon 97058

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 25, 2011	Contract Review Board 12, A	10-084

TO: Honorable Mayor and City Council

FROM: Dale S. McCabe, City Engineer

THRU: Nolan K. Young, City Manager *NKY*

DATE: October 13, 2009

ISSUE: **2011 SANITARY SEWER CIPP LINING PROJECT,
CONTRACT NO. 2011-005**

RELATED CITY COUNCIL GOAL: None

BACKGROUND: The City of The Dalles Public Works Department advertised for bids for the 2011 Sanitary Sewer CIPP Lining Project, Contract No. 2011- 005. The scope of work for the project was stated as follows: "The work to be performed shall consist of furnishing all materials, labor, and equipment necessary in the installation of Cured In Place Pipe (CIPP) Liner for approximately 6519 feet of eight inch (8") sanitary sewer pipe. 390 feet of ten inch (10") sanitary sewer pipe, and 181 feet of twelve inch (12") sanitary sewer pipe. All work will be conducted in accordance with the contract documents."

The Public Works Department has developed a process of annually inspecting, prioritizing, and repairing deteriorated sections/high maintenance sections of the sanitary sewer or storm sewer systems. With this past analysis, we have tried to prioritize sanitary sewer lines that are on the trouble sewer/root list that also have little to no available access.

Once again, due to the location and condition of the proposed lines to be repaired, The Dalles Public Works Department has determined that using the method of Sliplining with cured in place pipe (CIPP) is the best way to repair the lines without exposing them and completely replacing them. We have issued similar contracts in the past and have experience with using similar materials and construction methods to repair other lines in our system. We have been happy with the performance of the repairs that were made and we feel that it is a long term solution for ensuring proper function of our system.

The bid opening for the contract was held on October 7th at 2:00 p.m. for which we received two bids. (We did receive a third bid that was not opened because the bidder did not submit the proper pre-qualification forms and was therefore not pre-qualified to bid on the project). The bids received were as follows.

1. Michels Corporation, in the amount of \$197,279.00.
2. Insituform Technologies, Inc., in the amount of \$209,843.75.

The bids were reviewed by City staff to make sure that the proper material was submitted and the bids were deemed complete.

BUDGET IMPLICATIONS: A total of \$225,000 is budgeted for this project in the Wastewater Fund 56, Line Code 7630. The low bid for this project falls under the amounts that were budgeted and available for this project.

ALTERNATIVES:

- a. Staff Recommendation: Authorize the City Manager to enter into contract with Michels Corporation, in an amount not to exceed \$197,279.00.
- b. Provide additional research in response to questions raised by City Council.
- c. Not to proceed with the contract.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 25, 2010	Action Items 13, A	10-085

TO: Honorable Mayor and City Council

FROM: Kate Mast, Finance Director

THRU: Nolan K. Young, City Manager *nyj*

DATE: September 10, 2010

ISSUE: General Ordinance No. 10-1308 Amending Sections 8 and 9 of General Ordinance No. 950, Eliminating Petitions for Waiver of Penalties and Redefining the Delinquent Date of Taxes Due.

BACKGROUND: While working with a lodging operator a few months ago who had gotten into a severely delinquent situation, penalties were assessed in accordance with General Ordinance No. 950. Section 9, item 6 of the Ordinance, allows the operator to petition for a waiver of penalties. The operator questioned staff about this waiver of penalties and staff stated that if the payment arrangement to bring the operator's tax payments up to date was completed satisfactorily, staff would recommend to the Council that the operator's petition for waiver be approved.

The operator in question did submit such a petition for waiver of penalties, after complying fully with the payment arrangements, and the Council, following the recommendation of staff, approved the waiver. During the discussion of this issue during the Council meeting, it was pointed out that this penalty waiver opportunity was an invitation to be delinquent, and to be allowed to make payments over time to catch up, and then be refunded legitimate penalties that had been assessed.

It was pointed out by a citizen that operators that pay the gas tax could also take advantage of the opportunity to have penalties refunded. Staff subsequently checked the gas tax ordinance and found that there is no penalty refund option in that ordinance. However, that does point out an inequity

between the Transient Room Tax Ordinance and the Gas Tax Ordinance.

In addition, if a determination has been made that there has been fraud, evasion, or operator delay that has resulted in penalties, Section 11 of the Ordinance allows for a petition for redetermination, and, if a reversal of the original determination that resulted in the penalties is granted, then a refund can be granted. However, offering a refund of penalties as currently stated in Section 9, allowing for legitimate penalties to be refunded without a reversal of the determination that required that the penalties be assessed, should, in staff's opinion, be eliminated.

Section 8 of General Ordinance No. 950 indicates that while the reports and payments for the transient room taxes collected each month are due on the fifteenth of each month, the operator is not considered delinquent until the last day of the month. Since the taxes are required to be collected when the operator is paid for the rent, and those taxes that are collected are obligated to be turned over to the City, the fifteen days to complete and submit the report and taxes to the City is more than adequate. There should never be a need to have more time to obtain the funds to pay the taxes because the taxes were collected during the previous month and are not legally available to the operator for any use other than to forward those taxes to the City.

The proposed changes to the Ordinance include removing the additional time for payment of the taxes and declaring that the taxes are considered delinquent if not paid to the City on or before the 15th of the month following collection of those taxes by the operator. Declaring the delinquency sooner will provide for assessment of interest and penalties in a timelier manner, which will be an incentive for submitting reports and taxes on time.

Some very minor changes in language are also being proposed to eliminate possible gender indicator language in the Sections being amended.

Making the proposed changes would allow staff to address delinquent tax payments earlier and would eliminate petitions for refunds without a determination that the penalties were originally assessed in error. The wording currently encourages petitions for refunds of penalties that were legitimately assessed. The exact changes to the wording are shown below. Wording to be eliminated is struck through, while wording to be added is in bold italics.

Section 1. Section 8(1), 8(2), and 8(4), of General Ordinance No 950 shall be amended to read as follows:

Section 8. Due Date: Returns and Payments.

- (1) The tax imposed by this ordinance shall be paid by the transient to the operator at the time that rent is paid. All amounts of such taxes collected by any operator are due and payable to the tax administrator on a monthly basis on ***or before*** the fifteenth day of the ***following*** month; and are delinquent ~~on the last day of the month in which they are due~~ ***after that date.***
- (2) On or before the fifteenth day of the month following each month of collection by an operator, ~~he~~ ***the operator*** shall file a return for the preceding month's tax collections

with the tax administrator. The return shall be filed in such form as the tax administrator may prescribe.

- (3) The person required to file the return shall deliver the return, together with payment of the ~~amount of the~~ tax due, to the tax administrator's at his office, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery.

Section 2. Section 9, item 6, of General Ordinance No 950 shall be deleted in its entirety.

- (6) ~~Petition for waiver. Any operator who fails to deliver the return and pay the tax herein levied within the time herein stated shall pay the penalties herein stated; provided, however, the operator may petition the City Council for waiver and refund of the penalty or any portion thereof, and the City Council may, if a good and sufficient reason is shown, waive all or a portion of the penalty, and direct that the entire penalty or a portion thereof be refunded to the operator. [Section 9 (6), as amended by Ordinance NO. 91-1123, passed February 4, 1991.]~~

The City Attorney has reviewed and approves the proposed changes.

BUDGET IMPLICATIONS: There would be no significant budget implications, although the changes would allow staff to address delinquent payments earlier, and would remove the opportunity for a refund of penalties assessed unless the Council determined that the penalties had originally been assessed unfairly. Since we rarely assess penalties, not refunding them would increase revenues only slightly.

ALTERNATIVES:

- A. **Staff Recommendation:** The Council move to adopt General Ordinance No. 10-1308 Amending Sections 8 and 9 of General Ordinance No. 950, Eliminating Petitions for Waiver of Penalties and Redefining the Delinquent Date of Taxes Due.
- B. Do not make the proposed changes to the Ordinance. Situations that these portions of the proposed ordinance addresses do not happen frequently and can continue to be dealt with on a case by case basis.

GENERAL ORDINANCE NO. 10-1308

**AN ORDINANCE AMENDING SECTIONS 8 AND 9 OF GENERAL
ORDINANCE NO. 950, ELIMINATING PETITIONS FOR WAIVER
OF PENALTIES, AND REDEFINING THE DELINQUENT DATE
OF TRANSIENT ROOM TAXES DUE**

WHEREAS, Section 9(6) of General Ordinance No. 950 currently includes a provision whereby an operator who has been assessed a penalty for delinquent transient room taxes may petition the City Council for a waiver and refund of the penalty or a portion thereof; and

WHEREAS, during the process of reviewing a recent petition filed by a hotel operator who requested a waiver of certain penalties which had been assessed due to the delinquent payment of transient room taxes, the City Council was advised that the provision providing for a potential waiver of penalties could be construed as creating an opportunity for hotel and motel operators to become delinquent in their collection of the transient room taxes, and be provided an opportunity to cure the delinquency by making payments over time, and then receive a refund of penalties which had been legitimately assessed; and

WHEREAS, City staff has researched the provisions of the City's gas tax ordinance, and confirmed that this ordinance does not contain any similar provision allowing for the potential waiver of penalties assessed against a fuel dealer who is delinquent in collecting the gas tax; and

WHEREAS, City staff has recommended that General Ordinance No. 950 be amended to eliminate the provision in Section 9(6) allowing for the potential waiver of penalties assessed under the ordinance, to remove any potential incentive for hotel and motel operators to allow their collection of transient room taxes to become delinquent, and avoid the refund of penalties which were otherwise legitimately assessed, and to eliminate the inequity of providing the opportunity for potential waiver of penalties to only one class of businesses which collect a tax on behalf of the City; and

WHEREAS, Section 8 of General Ordinance No. 950 currently provides that while the reports and payments for the transient room taxes collected each month are due on the fifteenth of each month, the hotel and motel operators are not considered delinquent until the last day of the month; and

WHEREAS, City staff believes that requiring hotel and motel operators to file a return and make payment of the taxes collected for the preceding month, within fifteen days of the month following each month of collection by the operator is sufficient, since the taxes are required to be collected when the operator is paid for the rent, and those taxes that are collected are obligated to be turned over to the City; and

WHEREAS, the City Council has reviewed the proposed amendments to General Ordinance No. 950, which would eliminate the provision allowing for a petition for a waiver of penalties imposed for delinquent payment of transient room taxes, and also revise the date when the taxes would be considered to be delinquent, and the Council has determined that adoption of the proposed amendments is in the best interests of the welfare of the City of The Dalles;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. Sections 8(1), 8(2), and 8(4) of General Ordinance No. 950 shall be amended to read as follows:

Section 8. Due Date: Returns and Payments.

- (1) The tax imposed by this ordinance shall be paid by the transient to the operator at the time that rent is paid. All amounts of such taxes collected by any operator are due and payable to the tax administrator on a monthly basis on or before the fifteenth day of the following month; and are delinquent after that date.
- (2) On or before the fifteenth day of the month following each month of collection by an operator, the operator shall file a return for the preceding month's tax collections with the tax administrator. The return shall be filed in such form as the tax administrator may prescribe.
- (4) The person required to file the return shall deliver the return, together with payment of the tax due, to the tax administrator's office, either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery.

Section 2. Section 9(6) of General Ordinance No. 950 shall be deleted in its entirety.

Section 3. Effective Date. This ordinance shall go into effect thirty days after its adoption and approval.

PASSED AND ADOPTED THIS 25TH DAY OF OCTOBER, 2010

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 25TH DAY OF OCTOBER, 2010

SIGNED: _____
James L. Wilcox, Mayor

ATTEST: _____
Julie Krueger, MMC, City Clerk



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AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 25, 2010	Action Items 13, B	10-087

TO: Honorable Mayor and City Council

FROM: Kate Mast, Finance Director

THRU: Nolan K. Young, City Manager

DATE: October 5, 2010

ISSUE: Resolution No. 10-023 Adopting the Amended Identity Theft Program and Procedures to Comply with Federal Regulations and Laws Relating to Utility Billing; and Repealing Resolution No. 08-034.

BACKGROUND: The City Council adopted Resolution No. 08-034 on October 27, 2008, in order to comply with Federal Trade Commission's requirement regarding the adoption of programs relating to "creditor's detection, prevention, and mitigation of Identity Theft", which applies to the City's utility billing services. This Red Flag resolution adopted the Program that laid out the processes for properly verifying identity for utility services applicants. The Program, in section VI. "Program Updates" directs that the Program be reviewed and updated at least once a year to reflect changes in risks to customers and the soundness of the City from Identity Theft.

As City staff has attempted to follow the Program, we found that there were situations when it was not possible or practical to comply with the strict letter of the Program. There are situations when people are calling from out of town to open an account and get services connected because they are arriving and moving in over a weekend. There are also instances where the owners of rentals in The Dalles, do not live in or near The Dalles, but call in when they are connecting or disconnecting between rentals.

In these cases, it is just not practical or reasonable for staff to insist that they come into the office with their application and original photo ID so that staff can verify their identity. However, these situations place staff in the position of having to refuse service to these customers or of not being in compliance with a Council adopted Program. At this time, we are taking faxed applications and photo ID, but have no way of verifying that the person sending the fax is who they say they are, which creates the potential for an act of identity theft to be committed.

The proposed resolution repeals the resolution that adopted the original program and adopts the program as revised to accommodate situations described above. If someone is moving in over a weekend, which happens frequently, they can have the account opened and services connected for them before they arrive, but they will be required to present themselves and their photo ID in the City offices within five business days to comply with the Program.

Landlords or other applicants for service who are not within a reasonable distance from the City and won't be in the foreseeable future, will need to get their application notarized, which will verify their identity for us, so we can accept a mailed or faxed application in those cases.

No exemption or provision is being suggested for applicants that are within reasonable distance from the City who are just "too busy" to come in to our offices so their identity can be verified by staff. Their refusal or reluctance to comply is a "red flag" and they should not be allowed to open an account or receive services until they are in compliance with our Program.

BUDGET IMPLICATIONS: None.

ALTERNATIVES:

- A. **Staff Recommendation:** Move to adopt Resolution No. 10-023 Adopting the amended Identity Theft Program and Procedures to comply with Federal Regulations and Laws relating to Utility Billing; and Repealing Resolution No. 08-034.
- B. Do not adopt this resolution with the revised Program and continue under the current Program, which leaves staff in the position of not being able to address an opportunity where the potential for identity theft exists or not being able to provide reasonable customer service to certain applicants that are not able to comply with the strictest letter of the current Program.

RESOLUTION NO. 10-023

A RESOLUTION ADOPTING THE AMENDED IDENTITY THEFT PROGRAM AND PROCEDURES TO COMPLY WITH FEDERAL REGULATIONS AND LAWS RELATING TO UTILITY BILLING; AND REPEALING RESOLUTION NO. 08-034.

WHEREAS, the Federal Trade Commission promulgated Identity Theft rules requiring the adoption of programs relating to a creditor's detection, prevention, and mitigation of Identity Theft; and

WHEREAS, the Federal Trade Commission's regulations apply to governmental utilities which grant "credit" to utility customers through billing for utility services in arrears;

WHEREAS, the Fair and Accurate Credit Transactions Act of 2003 (FACTA), 15 USC Section 1681, requires such utilities to adopt "Red Flag" policies to detect, prevent and mitigate Identity Theft and to protect customers' personally identifiable information; and

WHEREAS, the City of The Dalles provides utility services and bills for such services in arrears, and is therefore subject to the Federal Trade Commission's Red Flag rules and FACTA; and

WHEREAS, the City Council adopted Resolution No. 08-034 on October 27, 2008, establishing an Identity Theft Program and procedures to comply with Federal regulations and laws relating to utility billing; and

WHEREAS, the Program so adopted contains in section VI. PROGRAM UPDATES, a directive to review and update the Program at least once a year to reflect changes in risks to customers and the soundness of the City from Identity Theft; and

WHEREAS, the purpose of this Resolution is to update the Program as required to more accurately provide for actual practices and processes in the utility billing account set up function;

WHEREAS, the City Council has determined that the Program is appropriate for the City and has approved the Program as revised;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS
FOLLOWS:**

Section 1. Amendments to the Identity Theft Program. The City Council hereby amends the previously adopted Program IV. DETECTING RED FLAGS, A. New Accounts, to read as follows:

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a new account, City personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

Require certain identifying information, including the following:

1. Full name;
2. Date of birth (for individual);
3. Previous and current residential or business address;
4. Principal place of business (for an entity); and
5. Proof of identification. Identification can be established by providing the following documents:
 - a. For a U.S. Citizen
 - (1) Taxpayer Identification number (for business) or Social Security Number; and/or
 - (2) Photo-bearing documents (original required) such as:
 - (a) State-issued driver's license; or
 - (b) State-issued identification card; or
 - (c) Passport.
 - b. For a Non-U.S. Citizen
 - (1) Social Security Number; and/or
 - (2) Photo-bearing documents (original required) such as:
 - (a) State-issued driver's license; or
 - (b) State-issued identification card; or
 - (c) Passport; or
 - (d) Documents containing an alien identification number and country of issuance; or
 - (e) Any other photo-bearing government issued document evidencing nationality or residence.

In the event an applicant is not able to present themselves in the City offices along with the required photo identification so that identity can be visually verified by City Staff prior to the connection of services to the new account, the applicant must choose one of the following alternatives:

- 1. The applicant can make an arrangement with City Staff to present themselves and the required identification in the City Hall offices, within five (5) business days following the connection of the services to comply with the City's policy on new accounts. If the applicant does not comply with this arrangement, services will be disconnected at the service location and will not be reconnected until compliance is established and any fees and service charges are paid in full.*
- 2. The applicant must submit a completed application form with the signature being legally notarized. The application form, notary documentation and a copy of the identification must then be received in the City offices via mail or fax prior to opening the account and providing the requested services.*

Review documentation showing the existence of a business entity. A copy of an application for commercial or industrial service shall be forwarded to the City Attorney's office for examination of the Corporate Division website records to confirm if the business entity is duly registered with the State of Oregon; and/or

Independently contact the customer.

Section 2. Revised Program Adopted. The City Council hereby approves and adopts the revised Identity Theft Program attached hereto as Exhibit A, which is incorporated herein by this reference.

Section 3. Repeal of Resolution No. 08-034. Resolution No. 08-034 is hereby repealed.

Section 4. Effective Date. This Resolution shall be effective upon adoption by the City Council and approval by the Mayor.

PASSED AND ADOPTED THIS 25th DAY OF OCTOBER, 2010.

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 25th DAY OF OCTOBER, 2010.

SIGNED:

ATTEST:

James L. Wilcox, Mayor

Julie Krueger, MMC, City Clerk

City of The Dalles

Identity Theft Prevention Program

Effective November 1, 2008

Revised October 25, 2010

I. PROGRAM ADOPTION

The City of The Dalles ("City") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule") (16 C. F. R. §681.2), which implements Section 114 of the Fair and Accurate Credit Transactions (FACT) Act of 2003 and ORS 646A.622, the Oregon Consumer Identity Theft Protection Act, (OCITPA). This Program was developed with oversight by the City Attorney ("Program Administrator") and approved by the City of The Dalles City Council. After consideration of the size and complexity of the City's operations and account systems, and the nature and scope of the City's activities, the City of The Dalles City Council has determined that this Program was appropriate for the City of The Dalles, and therefore approved this Program on October 27, 2008.

II. PROGRAM PURPOSE AND DEFINITIONS

A. Fulfilling requirements of the Red Flags Rule

Under the Red Flags Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. Red Flags Rule definitions used in this Program

The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as "a pattern, practice, or specific activity that indicates the possible existence of Identity Theft."

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.”

All the City’s accounts that are individual utility service accounts held by customers of the City whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “covered account” is:

1. Any account the City offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the City offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

III. IDENTIFICATION OF RED FLAGS

In order to identify relevant Red Flags, the City considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The City identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies, when used

Red Flags

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;
3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity such as the following:
 - a. A recent and significant increase in the volume of inquiries;
 - b. An unusual number of recently established credit relationships;
 - c. A material change in the use of credit, especially with respect to recently established credit relationships; or
 - d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

B. Suspicious Documents

Red Flags

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
3. Identification on which the information is inconsistent with information provided by the applicant or customer;
4. Identification on which the information is inconsistent with readily accessible information that is on file with the City, such as a signature card or a recent check, which would indicate the person's signature appears to be forged; or
5. An application for service that appears to have been altered or forged, or appears to have been destroyed and reassembled.

C. Suspicious Personal Identifying Information

Red Flags

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates or lack of correlation between SSN range and date of birth);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number, pager number or answering service; or mail drop address, jail address, or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

Red Flags

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;

3. Account used in a way that is not consistent with prior use (example: very high activity or an account that has been inactive for a long time is used);
4. Mail sent to the account holder is repeatedly returned as undeliverable, although transactions continue to be conducted in connection with the customer's account;
5. Notice to the City that a customer is not receiving mail sent by the City;
6. Notice to the City that an account has unauthorized activity;
7. Breach in the City's computer system security;
8. Unauthorized access to or use of customer account information; and
9. Discovery by the City that utility service is be provided to a premises without evidence that a current service account has been established for that premises.

E. Alerts from Others

Red Flag

1. Notice to the City from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

IV. DETECTING RED FLAGS

A. New Accounts

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, City personnel will take the following steps to obtain and verify the identity of the person opening the account:

Detect

Require certain identifying information including the following:

1. Full name;
2. Date of birth (for individual);
3. Previous and current residential or business address;
4. Principal place of business (for an entity); and
5. Proof of identification. Identification can be established by providing the following documents:
 - a. For a U.S. Citizen
 - (1) Taxpayer Identification number (for business) or Social Security Number; and/or
 - (2) Photo-bearing documents (original required) such as:
 - (a) State-issued driver's license; or
 - (b) State-issued identification card; or
 - (c) Passport.

(3) For a Non-U.S. Citizen

- (a) Social Security Number; and/or
- (b) Photo-bearing documents (original required) such as:
 - i) State-issued driver's license; or
 - ii) State-issued identification card; or
 - iii) Passport; or
 - iv) Documents containing an alien identification number and country of issuance; or
 - v) Any other photo-bearing government-issued document evidencing nationality or residence.

In the event an applicant is not able to present themselves in the City offices along with the required photo identification so that identity can be visually verified by City Staff prior to the connection of services to the new account, the applicant must choose one of the following alternatives:

- 1. The applicant can make an arrangement with City Staff to present themselves and the required identification in the City Hall offices, within five (5) business days following the connection of the services to comply with the City's policy on new accounts. If the applicant does not comply with this arrangement, services will be disconnected at the service location and will not be reconnected until compliance is established and any fees and service charges are paid in full.*
- 2. The applicant must submit a completed application form with the signature being legally notarized. The application form, notary documentation and a copy of the identification must then be received in the City offices via mail or fax prior to opening the account and providing the requested services.*

Review documentation showing the existence of a business entity. A copy of an application for commercial or industrial service shall be forwarded to the City Attorney's office for examination of the Corporation Division website records to confirm if the business entity is duly registered with the State of Oregon; and/or

Independently contact the customer.

A. Existing Accounts

In order to detect any of the Red Flags identified above for an **existing account**, City personnel will take the following steps to extent possible to monitor transactions with an account:

Detect

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email. Verification may be confirmed by the person providing information concerning their existing account number);
2. Verify the validity of requests to change billing addresses; and
3. Verify changes in banking information given for payment purposes.

V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event City personnel detect Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

Prevent and Mitigate

4. Continue to monitor an account for evidence of Identity Theft;
5. Contact the customer;
6. Not open a new account;
7. Close an existing account;
8. Reopen an account with a new number;
9. Notify the Program Administrator for determination of the appropriate step(s) to take;
10. Notify law enforcement; or
11. Determine that no response is warranted under the particular circumstances.

Protect customer identifying information

In order to further prevent the likelihood of Identity Theft occurring with respect to City accounts, the City will take the following steps with respect to its internal operating procedures to protect customer identifying information:

12. Ensure complete and secure destruction of paper documents and computer files containing customer information;
13. Ensure that office computers are password protected;
14. Keep offices clear of papers containing customer information, and arrange for secure storage of such papers when necessary;
15. Ensure computer virus protection is up to date;
16. Require and keep only the kinds of customer information that are necessary for City purposes;
17. Transmit Identifying Information using only approved methods and include the following statement on any transmitted Identifying Information:

“This message may contain confidential and/or proprietary information, and is intended for the person/entity to which it was originally addressed. If you have received this email by error, please contact the City and then shred the original document. Any use by others is strictly prohibited.”

18. Do not use or post customer's Social Security number as an account identifier or on any other documents unless requested by customer or required by federal law (such as W-2 forms).

VI. PROGRAM UPDATES

The Program Administrator will review and update this Program at least once a year to reflect changes in risks to customers and the soundness of the City from Identity Theft. In doing so, the Program Administrator will consider the City's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, and changes in the City's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program and present the City of The Dalles City Council with his or her recommended changes and the City of The Dalles City Council will make a determination of whether to accept, modify or reject those changes to the Program.

VII. PROGRAM ADMINISTRATION

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the City. The Committee is headed by the Program Administrator or his or her appointee, and the committee membership shall consist of the Program Administrator and the City Finance Director. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of City staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

City staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. City staff will provide reports to the Program Administrator on incidents of Identity Theft.

Department Managers are responsible to be familiar with the Identity Theft Protection Act and to meet with their staff to assess current compliance and document appropriate safeguard practices in writing.

C. Service Provider Arrangements

In the event the City engages a service provider to perform an activity in connection with one or more accounts, the City will take the following steps to ensure the service provider performs its

activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft:

1. Require, by contract, that service providers have such policies and procedures in place;
and
2. Require, by contract, that service providers review the City's Program and report any Red Flags to the Program Administrator.

D. Non-disclosure of Specific Practices

For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered "Security information" (as defined in the following paragraph) and are unavailable to the public because disclosure of them would be likely to substantially jeopardize the security of information against improper use, that use being to circumvent the City's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.

"Security information" is defined as government data the disclosure of which would be likely to substantially jeopardize the security of information, possessions, individuals or property against theft, tampering, improper use, attempted escape, illegal disclosure, trespass, or physical injury.