City of Brookings

MEETING AGENDAS

CITY COUNCIL

Monday, October 13, 2025, 5:30pm
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

- *The City Council will meet in Executive Session immediately following the Workshop, in the City's Manager's office, under the authority of ORS 192.660 (2)(h), to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Domestic Violence Awareness Month Proclamation – The SAFE Project [Pg. 1]
2. September Yard of the Month Awards
   Commercial: Manley Art Center, 433 Oak Street
   Residential: 7180 Vista Ridge Drive, owner Peggy Rupert

E. Oral Requests and Communications from the audience
(*Public Comments on non-agenda items – five (5) minute limit per person, please submit Public Comment Form in advance)

F. Consent Calendar

1. Approve Council minutes for September 22, 2025 [Pg. 2]
2. Accept Planning Commission minutes for July 1, 2025 [Pg. 4]

G. Staff Reports/Public Hearings/Ordinances/Resolutions/Final Orders

1. Reedsport Flood Reduction Resiliency Project Discussion [Pg. 5]
   a. DLCD Public Notice – Reedsport Flood Reduction Resiliency [Pg. 7]
   b. Joint Permit Application #NWP-2020-450 [Pg. 10]
   c. Enforceable Policy Report – Oregon DLCD OCMP [Pg. 38]
2. First Amendment to the Brookings City Manager Employment Agreement [Pg. 55]
   a. First Amendment to Employment Agreement [Pg. 56]
   b. Fully executed City Manager Employment Agreement approved June 13, 2024 [Pg. 57]

H. Informational Non-Action Items

1. September 2025 Vouchers [Pg. 63]

I. Remarks from Mayor, Councilors and City Manager

J. Adjournment

WORKSHOP

Immediately following Council Meeting, approximately 6:00 pm
Emergency Operations Center, 888 Elk Drive, Brookings, OR 97415

Continued on Next Page

A. Call to Order

B. Roll Call

C. Topics

1. City of Brookings City Council, Boards and Commissions Protocol [Pg. 67]
   - **a.** City of Sweet Home City Council Rules [Pg. 69]
   - **b.** City of Medford City Council Rules of Procedures [Pg. 80]
   - **c.** City of Talent Rules of Procedure [Pg. 114]

D. Council Member Requests for Workshop Topics

E. Adjournment

*Public Comment forms and the agenda packet are available on-line at www.brookings.or.us, and at Brookings City Hall. Return completed Public Comment forms to the City Recorder before the start of the meeting or during regular business hours. All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 541-469-1102 if you have any questions regarding this notice. You can view City Council meetings LIVE on television on Charter PEG Channel 181, or stream/view on the City's YouTube Channel: https://www.youtube.com/@cityofbrookingsoregon8039 clicking on "Live" or search 'City of Brookings Oregon YouTube' in your browser.

City of Brookings

Proclamation

In the City of Brookings in recognition of the important work done by survivors, domestic violence programs, and victim service providers, I urge all citizens to actively participate in the scheduled activities and programs sponsored by The SAFE Project and other community organizations to work toward the elimination of intimate partner violence.

WHEREAS, in just one day, across the U.S and its territories, nearly 75,000 victims of domestic violence sought services from domestic violence programs and shelters. That same day, more than 9,000 requests for services, including emergency shelter, housing, transportation, childcare, and legal representation, could not be provided because programs lacked the resources to meet victims' needs;

WHEREAS, the impact of domestic violence is wide ranging, directly affecting individuals and society as a whole, here in this community, throughout the United States and the world, and

WHEREAS, racism, homophobia, transphobia, ageism and discrimination based on physical ability, nationality or other factors help to perpetuate domestic violence and make finding safety even more difficult for some victims;

WHEREAS, the need for safe housing continues to be rated as a survivors' most urgent need; and

WHEREAS, Brookings joins with others across Oregon and the nation in supporting victims of domestic violence, as well as local programs, state coalitions, national organizations, and other agencies nationwide who are committed to increasing public awareness of domestic violence and sending a clear message to abusers that domestic violence is not tolerated in Brookings;

WHEREAS, domestic violence impacts millions of people each year, but it can be prevented. Preventing domestic violence requires the collected voice and power of individuals, families, institutions, and systems – each whose "One thing they can do to end domestic violence or support victims" adds a valuable and powerful component to transforming communities.

NOW, THEREFORE BE IT RESOLVED, that I, Isaac Hodges, Mayor of the City of Brookings, do hereby proclaim October 2025 as

Domestic Violence Awareness Month

In Witness Whereof, I, Mayor Isaac Hodges, do hereto set my hand and cause the official seal of the City of Brookings, Oregon, to be affixed this 13th day of October, 2025.

_____

Mayor Isaac Hodges

THE SAFE PROJECT
SAFETY · ADVOCACY · FREEDOM · EMPOWERMENT
NOW SERVING COOS & CURRY COUNTY

#1Thing

City of Brookings
CITY COUNCIL MEETING MINUTES
City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, September 22, 2025

Call to Order

Mayor Isaac Hodges called the meeting to order at 5:32 PM

Roll Call

Council Present: Mayor Isaac Hodges, Councilors, Andy Martin, Clayton Malmberg, Phoebe Pereda and Kristi Fulton; a quorum present
Staff Present: City Manager Tim Rundel, Police Chief Kelby McCrae, Lieutenant Donny Dotson, Public Works & Development Services Director Tony Baron, and Public Works & Development Services Administrative Assistant Michelle Robidoux
Media Present: None
Others Present: approximately 8 audience members

Ceremonies/Appointments/Announcements

Mayor Hodges announced the August Yard of the Month winners:

- Commercial: Premier Ocean Properties, 937 Chetco Avenue
- Residential: 810 Highland Avenue, owners Carlo Pelaccio & Frances Hartmann-Pelaccio

Mayor Hodges awarded the National Emblem Club Week Proclamation to the local Emblem Club

Oral Requests and Communications from the audience

1. Don Bemis, resident – spoke about the Wreaths Across America Program
2. Florence Savercool, resident – requested a traffic light at the intersection of Hwy 101 and Parkview
3. Gordon Clay, resident – spoke about Suicide Prevention Month

Consent Calendar

1. Approve Council minutes for August 11, 2025
2. Receive monthly financial report for July 2025
3. Receive monthly financial report for August 2025

Councilor Malmberg moved and Councilor Pereda seconded to approve the Consent Calendar as presented. Motion passed; Councilors Fulton, Martin, Malmberg, Pereda and Mayor Hodges voting "aye" [5:0].

Staff Reports and Public Hearings

1. Intergovernmental Agreement between City of Brookings and Curry County

Staff Report presented by Tim Rundel, Chief McCrae and Lieutenant Dotson available for questions

Mayor Hodges moved and Councilor Fulton seconded to authorize the City Manager to enter into an Intergovernmental Agreement between City of Brookings and Curry County for halftime Community Resource Officer services, insuring that all ancillary costs will be covered, not just hourly wages. Motion failed; Mayor Hodges and Councilor Fulton voting "aye", Councilors Martin and Malmberg voting "nay", Councilor Pereda abstaining [2:2].

2. Civil Engineering Service Contract Extensions
Staff Report presented by Tony Baron

Councilor Martin moved and Councilor Malmberg seconded to authorize City Manager to negotiate civil engineering service contract extensions with The Dyer Partnership, Civil West Engineering and Jacobs. Motion passed; Mayor Hodges, Councilors Fulton, Martin, Pereda, and Malmberg voting "aye" [5:0].

3. Ford Lightning Electric Trucks Purchase
Staff Report presented by Tony Baron

Councilor Malmberg moved and Councilor Fulton seconded to authorize the City Manager to execute a purchase agreement with Kendall Ford of Bend for two Ford Lightning electric trucks under the Statewide Price Agreement. Motion passed; Mayor Hodges, Councilors Fulton, Martin, Pereda, and Malmberg voting "aye" [5:0].

Remarks from Mayor, Councilors and City Manager
City Manager Rundel advised Council needed to nominate a voting delegate and an alternate for the upcoming League of Oregon Cities conference Annual Business Meeting in Portland.

Mayor Hodges nominated Councilor Pereda as the voting delegate and himself as the alternate. There were no objections.

Adjournment
Mayor Isaac Hodges adjourned the meeting at 7:02 PM.

Respectfully submitted:

ATTESTED:
this 13th day of October, 2025:

Isaac Hodges, Mayor

Brooklyn Osterhage, City Recorder

BROOKINGS PLANNING COMMISSION MINUTES
July 1, 2025

CALL TO ORDER
The regular meeting of the Brookings Planning Commission was called to order by Vice Chair Gerry Wulkowicz at 7:01 pm in the Council Chambers at Brookings City Hall followed by the Pledge of Allegiance.

ROLL CALL
Commissioners Present: Anthony Bond, Nicholas Chapman, Amanda Whittemore, Gerry Wulkowicz
Commissioners Absent: Chair Skip Watwood and Sage Bruce
Staff Present: PWDS Deputy Director Lauri Ziemer, PWDS Admin Assistant Michelle Robidoux
Others Present: None

PLANNING COMMISSION CHAIR PERSON ANNOUNCEMENTS - None

PUBLIC HEARINGS
4.1 In the matter of File No. MC-1-25/CUP-3-17, a request for approval of a Minor Change of a Conditional Use Permit, changing permit for 1585 Beach Avenue into new property owner's name.

There was no ex parte contact, bias, personal interest, or conflicts of interest declared and no objection to the jurisdiction of the Planning Commission to hear the matter. The public hearing was opened at 7:07 pm. PWDS Deputy Director Lauri Ziemer reviewed the staff report.

Applicant Jeff Golden was present by phone. No one spoke in opposition or requested additional time to submit materials. The public hearing was closed at 7:11 pm.

The Commission deliberated on the matter. **Motion made by Commissioner Chapman to approve File No. MC-1-25/CUP-3-17 a request for a Minor Change of the Conditional Use Permit, changing the permit for 1585 Beach Avenue into the new property owners' names, Jeff Golden & Sarah Collard, based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded. By a 4-0 vote the motion carried.**

Motion made by Commissioner Whittemore to approve the Final Order regarding file MC-1-25/CUP-3-17 based on the findings and conclusions stated in the staff report and subject to the Conditions of Approval; motion seconded. By a 4-0 vote the motion carried.

MINUTES FOR APPROVAL
5.1 Minutes of regular Planning Commission meeting of May 6, 2025.

Motion made by Commissioner Chapman to approve the Planning Commission minutes of May 6, 2025; motion seconded and with no further discussion by a 4-0 vote the motion carried.

UNSCHEDULED PUBLIC APPEARANCES - None

REPORT FROM THE PLANNING STAFF - None

COMMISSION FINAL COMMENTS - None

ADJOURNMENT
Commissioner Wulkowicz adjourned the meeting at 7:15 pm.

Respectfully submitted,

Skip Watwood, Planning Commission Chair
Approved at the October 7, 2025 meeting

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 13, 2025

Originating Dept: CM

Signature (submitted by)

City Manager Approval

Subject: Reedsport Flood Reduction Resiliency Project Discussion

Background

Councilor Pereda has requested that the Council discuss the Reedsport Flood Reduction Resiliency Project during this meeting. The City of Reedsport recently issued a Joint Permit Application (NWP-2020-450) to the U.S. Army Corps of Engineers and other state agencies for improvements to its existing levee system. The Oregon Department of Land Conservation and Development (DLCD) have opened a public comment period (September 26 – October 26, 2025) under the federal Coastal Zone Management Act review process.

Councilor Pereda is asking that our Council consider submitting a public comment letter supporting the project, given its regional importance and the reliance of Brookings and Curry County residents on U.S. Highway 101 for transportation, emergency response, and supply-chain continuity.

Project Overview

The Reedsport Flood Reduction Resiliency Project aims to address deficiencies in the existing levee system that protects eastern Reedsport and adjacent Highway 101. Over time, settlement and erosion have reduced the levee's protective capacity, leaving the city vulnerable to flooding from 200- and 500-year flood events.

Key Project Components:

- Levee Improvements: Raising sections of the existing levee to withstand up to a 500-year flood plus 2 feet of freeboard, consistent with U.S. Army Corps of Engineers design standards.

- Construction Activities: Earthen fill and floodwall installation; drainage trenching and seepage mitigation; reconstruction of levee embankments and associated roadway segments.

- Material Sourcing: Approximately 37,000 cubic yards of soil from two City-owned acquisition sites totaling 40.2 acres; vegetation removal minimized where possible.

- Environmental Impacts: Permanent impact to approximately 15,775 sq ft (0.36 acre) of wetlands and 300 sq ft below the high-tide line of Scholfield Creek; temporary impacts to an additional 0.09 acre with post-construction restoration.

• Regulatory Compliance: 401 Water Quality Certification previously issued by Oregon DEQ remains valid; Biological Opinion and Cultural Resource Concurrence obtained; State Consistency Review currently underway with DLCD OCMP.

• Timeline: Construction anticipated 2026–2027.

Regional Significance

Highway 101 is the principal north–south transportation corridor connecting coastal communities and serving as a critical supply and evacuation route for Curry County. The Reedsport levee protects the portion of Highway 101 that passes through the Umpqua River floodplain. A major flood event could disrupt regional access and impede emergency and goods movement along the coast.

Supporting this project aligns with regional resiliency and infrastructure protection priorities shared by coastal cities and counties.

Discussion / Recommended Action

Council is asked to:

1. Discuss the Reedsport Flood Reduction Resiliency Project and its potential regional implications.

2. Consider whether to submit a formal public comment to the Oregon DLCD in support of the project.

3. (Optionally) coordinate with Curry County, Port Orford, and Gold Beach councils to submit a joint regional letter of support prior to the October 26, 2025 comment deadline.

Attachments:

1. DLCD Public Notice – Reedsport Flood Reduction Resiliency (September 26, 2025)
2. Joint Permit Application #NWP-2020-450 (City of Reedsport)
3. Enforceable Policy Report – Oregon DLCD OCMP

Oregon
Tina Kotek, Governor

Department of Land Conservation and Development
Oregon Coastal Management Program
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: 503-373-0050
Fax: 503-378-5518
www.oregon.gov/LCD

Coastal Consistency Review Public Notice

Notice Issued: September 26, 2025

Comments Due: October 26, 2025

Notice is hereby given that the Department of Land Conservation & Development (DLCD), as provided in Section 307(c) of the Coastal Zone Management Act, is reviewing the following federal activity for consistency with the Oregon Coastal Management Program (Program).

PERMIT INFORMATION

Applicant: Deanna Schafer, City of Reedsport

Project Name: Reedsport Flood Reduction Resiliency

Federal Agency: U.S. Army Corps of Engineers

Permit Number: NWP-2020-450

Permit Type/Authority: Individual Permit, Section 10, Rivers and Harbors Act; Clean Water Act Section 404

Location: Reedsport, Douglas County, Oregon

Latitude and Longitude: 43.699411, -124.105403 to 43.694608, -124.073669

PROJECT INFORMATION

The purpose of the project is to address deficiencies to the existing levee system to protect the eastern portion of the city of Reedsport from up to a 500-year flood event (i.e. 0.2 percent annual chance of occurring) at least over the next 40 years. Since its original construction, areas of the levee have undergone settlement and are no longer protecting the city from a 200- or 500-year flood. Without raising the levee elevation, the potential for increased flood frequency exists in the downtown area of the city and on Highway 101.

Levee improvements would be made section by section. Soil material would be used to increase levee height and would be acquired from two soil acquisition sites totaling approximately 40.2 acres. Approximately 37,000 cubic yards of soil will be necessary for construction activities. Vegetation removal, including removal of some trees, may be required in the primary soil acquisition area. Vegetation will not be removed when it can be avoided. Excess removed material would be disposed of at an approved upland location.

The proposed project would result in permanent impact to 15,775 sq. ft. of wetlands and 300 sq. ft. below the high tide line of Scholfield Creek. Of the 1.45 acres of wetlands delineated within the project area, 0.09 acre will be temporarily impacted and returned to pre-construction conditions following project completion, and 0.36 acre will be permanently impacted.

Gravity drain improvements would occur in three locations below the high tide line of Scholfield Creek. All removal for waterbodies is calculated at the high tide line. Removal is anticipated to be 10 feet wide, 3 feet deep, and 10 feet long at each location, resulting in 36 cubic yards of permanent removal of substrate. Each area would then be filled with quarry spall, resulting in 36 cubic yards of permanent fill.

Improvements to the levee, conveyance piping, and gravity drains would not require equipment to enter areas below the high tide line. To minimize impacts, equipment for work required in the high tide line would be staged on top of the levee and extensions would reach the work areas. Sediment disturbance within the high tide line and near the banks of Scholfield Creek and the Umpqua River would require installation of silt curtains in portions of these waterways.

SUBMIT COMMENTS

DLCD has started the coastal consistency review of this proposed activity and is soliciting comments on the project's consistency with the Oregon Coastal Management Program. All comments must be received by midnight on **October 26, 2025**. Please contact DLCD if you require additional information or have questions. Send comments to:

E-mail Comments: coast.permits@dlcd.oregon.gov.

Written Comments: OCMP-DLCD, 635 Capitol St. NE, Suite 150, Salem, OR 97301-2540.

COMMENTS DUE TO DLCD: October 26, 2025

Comments sent to other email addresses or mailing addresses will not be recorded.

HOW TO CRAFT A COMMENT

Coastal Zone Review Criteria:

Comments should address consistency with the applicable policies of the Program. Posted with this Notice is a list of policies evaluated by the project applicant to determine whether the proposed project is consistent with the Program. Additional enforceable policies may be identified during the course of the review. The full list of the Oregon Coastal Management Program's Enforceable Policies can be accessed on the Federal Consistency webpage.

INCONSISTENT?

If you believe this project is inconsistent with the Program, your comments should explain why you believe the project is inconsistent and should identify the Program policies in question. You should also describe how the project could be modified, if possible, to make it consistent.

QUESTIONS?

Contact DLCD-OCMP with any questions regarding this federal consistency review:

Anna Roller
State-Federal Relations Coordinator | Oregon Coastal Management Program
Oregon Department of Land Conservation and Development
971-493-2894
anna.roller@dlcd.oregon.gov

Joint Permit Application

9-3-2025

Date Stamp

This is a joint application, and must be sent to all agencies (Corps, DSL, and DEQ). Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

U.S. Army Corps of Engineers Portland District	Oregon Department of State Lands	Oregon Department of Environmental Quality
Action ID Number NWP-2020-450	Number	

(1) TYPE OF PERMIT(S) IF KNOWN (check all that apply)

Corps: ☐Individual ☒Nationwide No.: 31 ☐Regional General Permit _____ ☐Other (specify): _____

DSL: ☐Individual ☐GP Trans ☐GP Min Wet ☐GP Maint Dredge ☐GP Ocean Energy ☒No Permit Waiver

(2) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) ☒ Consultant ☐ Contractor
Name (Required)	Deanna Schafer		Dana Kurtz, AICP
Business Name	City of Reedsport		Anderson Perry & Associates, Inc.
Mailing Address 1	451 Winchester Avenue		P.O. Box 1107
Mailing Address 2			1901 N. Fir Street
City, State, Zip	Reedsport, Oregon 97467		La Grande, Oregon 97850
Business Phone	541-271-3603		541-963-8309
Cell Phone			
Fax			
Email	dschafer@cityofreedsport.org		dkurtz@andersonperry.com

(3) PROJECT INFORMATION

A. Provide the project location.

Project Name	Latitude & Longitude* (in DD.DDDD format)
Reedsport Flood Reduction Resiliency	43.699411, -124.105403 to 43.694608, -124.073669

Project Address / Location	City (nearest)	County
Reedsport, Oregon	Reedsport	Douglas

Township	Range	Section	Quarter / Quarter	Tax Lot
22 South	12 West	01 02 03	NE 1/4, NW 1/4 NE 1/4 NE 1/4, NW 1/4	See attached list in Appendix E
21 South	12 West	34 35 36	NE 1/4, SE 1/4 SW 1/4; NE 1/4, SE 1/4 NW 1/4, SW 1/4 SW 1/4	See attached list in Appendix E

Brief Directions to the Site: The levee and levee staging areas can be reached by driving west on Highway 38 toward the City of Reedsport. The east side of the levee begins just east of the intersection of Highway 38 and Riverside Way. The levee begins at approximately river mile (RM) 11.8 along the Umpqua River, then downstream to the confluence with Scholfield Creek, and then upstream along Scholfield Creek until meeting the west end of Winchester Avenue, approximately 0.1 mile southeast of the intersection with Highway 101 near RM 1.6. The soil acquisition sites can be reached by traveling west on Highway 38 and turning left onto Crestview Drive (approximately 1.25 miles east of the City). The soils sites are located on City property along Crestview Drive.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

☒ River / Stream ☒ Non-Tidal Wetland ☐ Lake / Reservoir / Pond

☐ Estuary or Tidal Wetland ☐ Other ☐ Pacific Ocean

Waterbody or Wetland Name**	River Mile	6th Field HUC Name	6th Field HUC (12 digits)
Umpqua River	10.0 to 11.8	Umpqua River Estuary	171003030803
Scholfield Creek	0.0 to 1.6		

* In decimal format (e.g., 44.9399, -123.0283)

** If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").

C. Indicate the project category. (Check all that apply.)

☐ Commercial Development	☐ Industrial Development	☐ Residential Development
☐ Institutional Development	☐ Agricultural	☐ Recreational
☐ Transportation	☐ Restoration	☐ Bridge
☐ Dredging	☐ Utility lines	☐ Survey or Sampling
☐ In- or Over-Water Structure	☐ Maintenance	☒ Other: Levee Resiliency

(4) PROJECT DESCRIPTION

A. Summarize the overall project including work in areas both in and outside of waters or wetlands.

The following attachments are included in this Joint Permit Application (JPA):

Attachment A - Figures
- Figure 1, Location and Vicinity Maps
- Figure 2, Aerial Photograph
- Figures 3, Tax Lot Map
- Figures 4A through 4D, Site Photographs
- Figure 5, Fill and Removal Within Waters and Wetlands

Attachment B - Project Plan Sheets
Attachment C - U.S. Army Corps of Engineers Preliminary Jurisdictional Determination
Attachment D - Cultural Resource Concurrence
Attachment E - Tax Lots
Attachment F - Removal Volumes and Dimensions
Attachment G - Fill Volumes and Dimensions
Attachment H - Biological Opinion
Attachment I - Oregon Department of Environmental Quality 401 Water Quality Certification
Attachment J - Planting Plan
Attachment K - Wetland Functional Assessment Best Professional Judgment

The proposed project includes returning the levee to original height using earthen fill in practical locations and would incorporate floodwalls where impacts may occur to adjacent structures or facilities. The proposed project would include improving flood resiliency to the levee, with the levee being constructed to the 500-year flood elevation plus 2 feet of freeboard (approximately equivalent to the original design for the U.S. Army Corps of Engineers [USACE] 200-year flood elevation plus 3 feet of freeboard), floodwall construction, levee embankment reconstruction, installation of a sand berm and drainage trench, seepage mitigation, and roadway reconstruction.

See Attachment A, Figure 1, Location and Vicinity Maps, for the project location; Figure 2, Aerial Photograph for aerial views of the proposed project area; and Figures 4A through 4D for site photographs of the proposed project area.

Total Project Permanent Impacts:

Permanent Wetland Disturbed Area: 15,775 sq. ft. / 0.36 acre
Permanent Waterway Impacts: 300 sq. ft. / 0.009 acre

Permit Understanding Summary

This project is anticipated to fit Nationwide Permit (NWP) 31 for Maintenance of an Existing Flood Control Facility for USACE. Mitigation for wetland and waterbody impacts was originally evaluated through a wetland best professional judgment evaluation (see Attachment K). A proposal to purchase mitigation credits through the Wilbur Island Mitigation Bank was developed and provided to USACE. After the proposal was reviewed, the USACE project manager determined that purchase was not necessary due to minimal impacts, improvements to the overall system through gravity draws, and the NWP 31 option to waive mitigation requirements. Therefore, no mitigation is proposed in this JPA.

This project is anticipated to be exempt under Maintenance of Water Control Structure for the Oregon Department of State Lands (DSL) (Oregon Administrative Rules 141-085-0510(57). This was confirmed by DSL; therefore, no Removal-Fill Permit Application will be submitted.

An Oregon Department of Environmental Quality (DEQ) 401 Water Quality Certification (WQC) has been received (see Attachment I).

A Biological Opinion, cultural resource concurrence, and Preliminary Jurisdictional Determination (PJD) have been issued (see Attachments H, D, and C, respectively).

No additional local permits are anticipated.

B. Describe work within waters and wetlands.

The proposed project would result in permanent impact to 15,775 sq. ft. of wetlands and 300 sq. ft. below the high tide line (HTL) of Scholfield Creek. Wetland impacts have been minimized to the amount necessary to complete the proposed project. Since its original construction, areas of the levee have undergone settlement and are no longer protecting the City from a 200- or 500-year flood. Without raising the levee elevation, the potential for increased flood frequency exists in the downtown area of the City and on Highway 101. Of the 1.45 acres of wetlands delineated within the project area, 0.09 acre will be temporarily impacted and returned to pre-construction conditions following project completion, and 0.36 acre will be permanently impacted. This minimal impact will allow the levee to be repaired and provide needed flood resiliency for the City. All impacts to wetlands are shown in Attachment A, Figure 5, Fill and Removal Within Waters and Wetlands. Cross section drawings are shown in Attachment B, Project Plan Sheets.

Wetlands

Wetland 1

Earthen fill would be permanently placed within Wetland 1; fill would consist of of 1,929 cubic yards (CY) of earthen fill removed from the soil acquisition site. Gravity drain No. 2 would also require 12 CY of permanent quarry spall. See Attachment G, Fill Volumes and Dimensions.

Wetland 2

A drainage trench would be constructed within Wetland 2. A 14-foot deep by 4-foot wide trench would be excavated along 170 feet of Wetland 2, consisting of 353 CY of permanent removal. The trench would be filled with sand, resulting in 353 CY of permanent fill. Once all sand is placed, the drainage trench would be covered with a mounded crushed rock trench cap resulting in an additional 26 CY of permanent fill. See Attachment F, Removal Volumes and Dimensions, and Attachment G, Fill Volumes and Dimensions.

Wetland 3

Substrate would be removed from Wetland 3 at the Gravity Drain No. 5 location, resulting in 12 CY of permanent removal. The area would then be filled with quarry spall, resulting in 12 CY of permanent fill. See Attachment F, Removal Volumes and Dimensions, and Attachment G, Fill Volumes and Dimensions.

Wetland 5

A pipe and the existing wetland soil would be removed from Wetland 5, resulting in 682 CY of temporary removal to replace the existing pipe with 48-inch pipe. See Attachment F, Removal Volumes and Dimensions, and Attachment G, Fill Volumes and Dimensions.

Waterbodies

Scholfield Creek

Gravity drain improvements would occur in three locations below the HTL of Scholfield Creek. All removal for waterbodies is calculated at the HTL. Removal is anticipated to be 10 feet wide, 3 feet deep, and 10 feet long at each location, resulting in 36 CY of permanent removal of substrate. Each area would then be filled with quarry spall, resulting in 36 CY of permanent fill. See Attachment F, Removal Volumes and Dimensions; and Attachment G, Fill Volumes and Dimensions.

Work Area Isolation and Fish Salvage

Improvements to the levee, conveyance piping, and gravity drains would not require equipment to enter areas below the HTL. To minimize impacts, equipment for work required in the HTL would be staged on top of the levee and extensions would reach the work areas. Sediment disturbance within the HTL and near the banks of Scholfield Creek and the Umpqua River would require installation of silt curtains in portions of these waterways.

Construction activities from these improvements may increase turbidity and sediment disturbance in waterways. To minimize these impacts, fish seining would occur as needed in Scholfield Creek and the Umpqua River. Fish seining would consist of removing any stranded fish in the isolated area by implementing a silt curtain. After the upland site preparation is complete, the in-water work area would be isolated. Silt curtains would be manually placed within the work area. A crew would set a silt curtain and conduct one fish seining pass from the proposed project area along the bank, spreading out toward the middle of the waterway. The silt curtain would not extend the width of the channel, thereby maintaining upstream and downstream fish passage.

After the fish are removed from the isolated area, excavation would begin on the gravity drains as needed. Equipment necessary for the construction would be staged on top of the levee, outside the HTL. Caution would be used to minimize the amount of sediment deposited in the water. Once construction activities are completed, the silt curtain would be removed and upstream and downstream passage would be restored to previous conditions.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.

Levee improvements would be made section by section. The anticipated construction sequence is listed below (this is one possible schedule; the actual sequence will be determined through discussion and coordination with the selected contractor).

1. Materials would be brought to the site using designated access roads and placed in the designated staging areas (see Attachment A, Figure 2).
2. Erosion control measures would be installed and maintained throughout the construction period.
3. Conveyance pipes would be removed and transported to a designated upland disposal area. The new conveyance pipes would be placed on top of the existing pipe supports.
4. Six hundred feet of 48-inch pipe would be installed along the pre-existing ditch at the Elm Street slough (Wetland No. 5).
5. The in-water work areas would be isolated and fish seining would be performed (if necessary).
6. Five gravity drains would be excavated, requiring excavation approximately 3 feet BGS and replaced with quarry spall.

7. The sand berm and drainage trench would be installed.
8. Following completion of the project, all of the sites would be restored.

The following equipment is anticipated to be used for the proposed project.

- Wheel loaders
- Track-mounted excavators
- Rubber-tired dump trucks
- Rubber-tired mixer trucks
- Cranes
- Pump trucks
- Pile drivers

The following measures would be implemented to minimize impacts to wetlands and waterbodies within the project area:

- Prior to moving equipment on site or beginning any work within project regulated work area (RWA), the project engineer or construction representative would meet with the contractor to ensure all parties understand the locations of sensitive biological sites and measures that would be taken to protect them. Project RWA boundaries would be clearly marked with flagging and/or signs.
- During non-work hours, equipment and vehicles (other than track-mounted vehicles) would be stored in the designated staging area, which would be located away from the project RWA in an approved upland location.
- Prior to operating within the project RWAs, equipment cleaning, maintenance, and refueling would be completed. Storage of fuels and other potentially hazardous materials would occur in the designated staging area, which would be located away from the project RWA in an approved upland location.
- Contaminated or sediment-laden water, or water contained within an isolation barrier or excavated trench, would not be discharged directly into any Waters of the State or wetland until it has been satisfactorily treated (e.g., by bioswale, filter, settlement pond, pumping to a vegetated upland location, bio-bag, or dirtbag).
- For track-mounted equipment, and other equipment whose limited mobility makes it impractical to move for refueling, precautions would be taken to minimize the risk of fuel reaching the project RWA. Spill prevention measures and fuel containment systems designed to completely contain a potential spill, as well as other pollution control devices and measures (such as diapering, parking on absorbent material, etc.) adequate to provide containment of hazardous materials, would be implemented.
- Hazardous material containment booms and spill containment booms would be kept on site to facilitate cleanup of hazardous material spills.
- Sediment barriers would be installed to prevent spoils or sediment-laden water from entering any waterbody.
- Erosion control measures, such as silt fencing or wattles, would be used as needed to ensure minimal sediment is released from the work area, as required.
- All clearing and excavation would be accomplished in ways that minimize soil disturbance, compaction, and impacts to vegetation whenever possible.
- All temporary access roads and paths would be restored after construction and revegetated to pre-project conditions.
- The site would be restored and revegetated with native seedings and plantings, as possible after construction

All access and staging would occur on City-owned property (see Attachment A, Figure, 2, Aerial Photograph; Figure 3, Tax Lot Map; and Attachment E, Tax Lots).

(4) PROJECT DESCRIPTION (continued)

D. Describe source of fill material and disposal locations if known.

Soil material would be used to increase levee height and would be acquired from a primary soil acquisition area located on City property. A secondary soil acquisition area is located just southeast of the primary area but is not anticipated to be used. This area would be accessed via an existing roadway that leads to the soil acquisition site. No removal will occur until two hours past sunrise, and removal activities will cease two hours before sunset. The two soil acquisition areas total approximately 40.2 acres. Approximately 37,000 CY of soil will be necessary for construction activities. Soil will be excavated using track-mounted excavators and transported via rubber-tired dump trucks. Vegetation removal, including removal of some trees, may be required in the primary soil acquisition area. However, this area is already somewhat disturbed as this area has experienced recent logging and does not have attributes of mature forested stands. Vegetation will not be removed when it can be avoided. Excess removed material would be disposed of at an approved upland location. See Figure 2, Aerial Photograph.

The wetland delineation included evaluation of the soil acquisition areas for wetlands, utilizing USACE methodologies (Western Mountains, Valleys, and Coast Regional Supplement), as well as evaluation for waterways. No perennial or intermittent drainages were identified in the soil acquisition areas, as there were no channels with developed bed and bank features. Precipitation appears to drain through these areas as percolation and sheet flow across vegetated areas. See Attachment C, USACE PJD.

E. Construction timeline.

What is the estimated project start date? 2026

What is the estimated project completion date? 2027

Is any of the work underway or already complete? ☐ Yes ☒ No

If yes, please describe.

F. Removal Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name *	Removal Dimensions					Time Removal is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq.ft. or ac.)	Volume (c.y.)		
See Attachment F.							

G. Total Removal Volumes and Dimensions

Total Removal to Wetlands and Other Waters	Length (ft.)	Area (sq. ft or ac.)	Volume (c.y.)
Total Removal to Wetlands	677	4,714 sq. ft.	1,087
Total Removal Below Ordinary High Water			
Total Removal Below Highest Measured Tide			
Total Removal Below High Tide Line	113	842 sq. ft.	186
Total Removal Below Mean High Water Tidal Elevation			

H. Fill Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)							
Wetland / Waterbody Name*	Fill Dimensions					Time Fill is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (sq. ft. or ac.)	Volume (c.y.)		
See Attachment G.							

(4) PROJECT DESCRIPTION (CONTINUED)			
I. Total Fill Volumes and Dimensions			
Total Fill to Wetlands and Other Waters	**Length (ft.)**	**Area (sq. ft or ac.)**	**Volume (c.y.)**
Total Fill to Wetlands	1,065	15,755 sq. ft.	2,332
Total Fill Below Ordinary High Water			
Total Fill Below Highest Measured Tide			
Total Fill Below High Tide Line	30	300 sq. ft.	36
Total Fill Below Mean High Water Tidal Elevation			

*If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").
**Indicate whether the proposed area of removal or fill is permanent or, if you are proposing temporary impacts, specify the days, months or years the fill or removal is to remain.
*** Example: soil, gravel, wood, concrete, pilings, rock etc.

(5) PROJECT PURPOSE AND NEED

Provide a statement of the purpose and need for the overall project.

In 1971, the Reedsport levee was designed to provide protection from the 200-year flood while maintaining 3 feet of freeboard above the peak water surface elevations. Since original construction, areas of the levee have undergone settlement, and in 2011, the levee was rated minimally acceptable by USACE according to their standard for levee safety. The purpose of this project is to increase levee height to reduce the risk of flooding from a 500-year flood plus 2 feet of freeboard, essentially equivalent to the original design elevation. These efforts generally consist of maintenance activities including infrastructure retrofits, including rebuilding and updating the Reedsport flood reduction system in Reedsport, Oregon. Infrastructure retrofits would address levee settlement and improve the functions of four pump stations and drainage systems. Without raising the height of the levee to its original design height, the potential for increased flood frequency exists in the downtown area of Reedsport and on Highway 101.

(6) DESCRIPTION OF RESOURCES IN PROJECT AREA

A. Describe the existing physical, chemical, and biological characteristics of each wetland or waterbody. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.

Wetlands

The wetlands delineated within the study area are included on Table 1 and shown on Figure 5A in Attachment A. Wetlands and waterways discussed consist of 1.45 acres of wetland and 0.15 acre of waterways within the 40.62-acre Study Area A. No wetlands or waterways were found in Study Areas B, C, or D. See Attachment C, USACE PJD.

TABLE 1
WETLANDS DELINEATED WITHIN THE STUDY AREA

Wetland Number	HGM Class	Cowardin Class	USACE Category and Basis
1	RI	PSS	Category 7 - Adjacent to Scholfield Creek
2	D	PEM	Category 7 - Adjacent to Scholfield Creek
3	EFB	PEM	Category 7 - Adjacent to McIntosh Slough
4	D	PFO	Category 7 - Adjacent to Umpqua River
5	D	PEM	Category 7 - Adjacent to Umpqua River

D = Depressional
EFB = Estuarine Fringe Embayment
HGM = Hydrogeomorphic
PEM = Palustrine Emergent
PFO = Palustrine Forested
PSS = Palustrine
RI = Riverine Impounding

Wetland 1

Wetland 1 is located adjacent to the small freshwater pond in the southwestern corner of Study Area A, at the toe of the slope of the levee. The pond and wetland are separated from Scholfield Creek by the levee and appear to be supported by precipitation, surface runoff, and groundwater. The freshwater pond is shown on the National Wetlands Inventory (NWI) map, but the fringing wetland is not. Based on site observations, this wetland is classified as PSS. The wetland is not entirely contained within the study area, as it continues around the pond.

Hydrology

The primary hydrology indicator recorded in this wetland was High Water Table and Saturation. Surface Water (A1) was also observed in the wetland but not at the sample plot.

Vegetation

Vegetation observed in this wetland included willows, cattails, rushes, reed canarygrass, horsetails, annual and perennial grasses, and smaller amounts of forbs and weedy herbaceous vegetation.

Wetland 2

Wetland 2 is located in a ditch at the toe of the slope of the levee, north of the large playing field at Champion Park with Study Area A. The wetland appears to be supported by precipitation, surface runoff, and groundwater. This area is not depicted as wetland on the NWI map. Based on site observations, this wetland is classified as PEM. The wetland is entirely contained within the study area.

Hydrology

The primary hydrology indicator recorded in this wetland was Saturation.

Vegetation

Vegetation observed in this wetland included reed canarygrass, rushes, horsetail, annual and perennial grasses, and smaller amounts of forbs and weedy herbaceous vegetation. The hydrophytic vegetation indicator used was the Dominance Test.

Wetland 3

Wetland 3 is located at the toe of the slope of the road/levee, west of Highway 101 and continuing north under the south abutment of the Highway 101 Bridge over McIntosh Slough and the Umpqua River within Study Area A. The wetland appears to be supported by precipitation, surface runoff, groundwater, the outfall of the conveyance pipe from the 7th Street pump station, and periodic high water from McIntosh Slough. There is a direct connection to McIntosh Slough via a pipe under the gravel access road at the north end of the wetland. This area is depicted as wetland on the NWI map. Based on site observations, this wetland is classified as PEM. The wetland is not entirely contained within the study area, as it extends outside the study area to the northwest.

Hydrology

The primary hydrology indicators recorded in this wetland were High Water Table and Saturation.

Vegetation

Vegetation observed in this wetland included tule, cattails, reed canarygrass, rushes, sedges, annual and perennial grasses, and smaller amounts of forbs and weedy herbaceous vegetation. The hydrophytic vegetation indicator used was the Dominance Test.

Wetland 4

Wetland 4 is located in a roadside ditch east of the Elm Street pump station and south of Highway 38 at the eastern end of Study Area A. The wetland appears to be supported by precipitation, surface runoff, groundwater, and possibly leakage from the Elm Street pump station conveyance pipe. This wetland is not shown on the NWI map. Based on site observations, this wetland is classified as PFO. The wetland is not entirely contained within the study area, as it continues east along Highway 38.

Hydrology

The primary hydrology indicator recorded in this wetland was Saturation.

Vegetation

Vegetation observed in this wetland included alder, bigleaf maple, reed canarygrass, rushes, and smaller amounts of annual and perennial grasses and forbs. The hydrophytic vegetation indicator used was the Dominance Test.

Wetland 5

Wetland 5 is located in a drainage ditch west of the Elm Street pump station and south of Highway 38 at the eastern end of Study Area A. The wetland is supported by precipitation, surface runoff, groundwater, and drainage water that flows to the pump station. This wetland is shown on the NWI map. Based on site observations, this wetland is classified as PEM. The wetland is entirely contained within the study area.

Hydrology

The primary hydrology indicators recorded in this wetland were High Water Table and Saturation.

Vegetation

Vegetation observed in this wetland included reed canarygrass, sedges, rushes, annual and perennial grasses, and smaller amounts of forbs and weedy herbaceous vegetation. The hydrophytic vegetation indicator used was the Dominance Test.

Rivers/Waterbodies

According to the U.S. Geological Survey (USGS), as part of the Umpqua Basin, the Umpqua River is a perennial river that drains 12,103 square kilometers of land located in western Oregon from the Cascade mountain range to the Oregon coast. The Umpqua River is roughly 179 kilometers long and originates at the confluence of the north and south Umpqua Rivers and drains into the Pacific Ocean. The DEQ lists the Umpqua Basin as approximately 3 million acres divided into five geomorphic provinces, with the project area portion of the Umpqua River located within the coastal plain. The Umpqua Basin is composed of 70 percent forest, 20 percent grassland and shrub, 5 percent agriculture, and 5 percent urban.

Scholfield Creek is a perennial tributary that feeds into the Umpqua River with the confluence located at Reedsport, Oregon. According to the USGS, Scholfield Creek has an average annual runoff of 6.8 cubic feet per second per square mile.

Indicators used to determine the HTL for waterbodies in the proposed project area include a topographic break from a steep slope to a gentle slope, a change in vegetation, and a textural change of depositional sediment.

Water Quality

Scholfield Creek and the Umpqua River are the main surface waters located in the project vicinity. According to the DEQ 303(d) list, the portion of Scholfield Creek in the proposed project area is listed as water quality limited for fecal coliform (Category 4A - Total Maximum Daily Load [TMDL] approved). According to the DEQ 303(d) list, the portion of the Umpqua River surrounding the proposed project area is listed as water quality limited for fecal coliform and temperature (Category 4A - TMDL approved).

This project is intended to extend the life of the existing levee system. The existence of the Reedsport Levee may have negative impacts on stormwater quality, including impairing natural flow and creating artificial conditions to protect the City from flooding. However, the project will lessen these negative impacts by improving water quality (through decreased erosion from the degrading levee system) and through reducing the likelihood of a catastrophic flood that could introduce a significant amount of harmful substances (i.e., household wastes, municipal waste, oils, gas, and all hazardous chemicals present in the City). The project is self-mitigating for the extension of the life of the levee due to the extremely negative outcomes for water quality that could result from flooding.

The 401 pre-filing meeting request was submitted on October 20, 2020, and a 401 WQC was received February 22, 2021 (see Attachment I, DEQ 401 WQC).

A wetland functional assessment best professional judgment spreadsheet was prepared to show the baseline information on the functions and services of wetlands at the project site (see Attachment K, Wetland Functional Assessment Best Professional Judgment). This project is anticipated to fit NWP 31 for Maintenance of an Existing Flood Control Facility for USACE. Mitigation for wetland and waterbody impacts was originally evaluated through a wetland best professional judgment evaluation (see Attachment K). A proposal to purchase mitigation credits through the Wilbur Island Mitigation Bank was developed and provided to USACE. After the proposal was reviewed, the USACE project manager determined that purchase was not necessary due to minimal impacts, improvements to the overall system through gravity draws, and the NWP 31 option to waive mitigation requirements. Therefore, no mitigation is proposed in this JPA.

The Wilbur Island Mitigation Bank is a Legacy Bank; therefore, no assessment of functions and values was done using Oregon Rapid Wetland Assessment Protocol.

Floodplain

No new floodplain will be developed or eliminated as a result of this project. The existing floodplain maps show the City of Reedsport downtown area as protected by a provisionally accredited existing levee. A Conditional Letter of Map Revision has been prepared.

Substrate

High levels of sediment occur within the Umpqua Basin primarily due to the natural water regime, tidal influences, and dredging activities to maintain the channel for navigation. This area also has a high potential for erosion. Substrate in the proposed project area consists of subdominant cobble and rock, with sand and finer sediments. The naturally variable flow regime means that bank erosion may be of concern during periods of high water, contributing to increased substrate embeddedness and degraded stream substrates.

Channel Conditions

Cross sections of the proposed project area are not available; however, based on the site visits it appears that the bankfull width-to-depth ratio of Umpqua River and Scholfield Creek is approximately 10 to 15. The City of Reedsport is built along the streambanks of the Umpqua River and Scholfield Creek, with little to no vegetation existing between structures or parking lots. The Scholfield Creek streambank has patches of vegetation, but these are limited. Floodplain connectivity in the vicinity of the proposed project area is controlled with the existing levee along most of the proposed project area. Most of the floodplain on the exterior of the levee has been developed for industrial purposes and consists of mainly impervious surfaces and little natural vegetation. There is limited floodplain habitat available.

Flow in the Umpqua River has declined over time, mostly attributed to changes in climate. Peak and base flows in the watershed are artificially constrained due to channelization, roads, urban development, and agricultural practices. There is a significant natural seasonal variation in flows and water levels, with history of flood events.

Functional Attributes

Large woody debris is not abundant in the proposed project area. This portion of the Umpqua River is heavily navigated by boats, with a wide channel that feeds into low floodplain areas or abuts man-made infrastructure. Scholfield Creek is also heavily navigated with limited amounts of large woody debris. Based on site visits, it also appears that pool frequency within the proposed project area is low, due to the low gradient and homogenous nature of the river and creek in these sections.

The proposed project area has limited off-channel habitat. No oxbows, ponds, or side channels are located along the project side of the Umpqua River where improvement activities would occur. Scholfield Creek is constrained by a levee. However, a slough originating from Scholfield Creek creates some off-channel habitat.

Disturbance history of the Umpqua Basin includes agricultural activities, residential/urban development, timber harvesting, and road/railroad development. The area development includes roads, structures, parking lots, docks, etc., which are adjacent to the Umpqua River and Scholfield Creek. Highway 101 and the railroad span both waterbodies as well.

Riparian reserves in the proposed project area consist of bands of trees, shrubs, and herbaceous vegetation along Scholfield Creek, running north and south of Highway 101. Other smaller clumps of riparian vegetation are discontinuous along the project site but are small and do not provide adequate habitat. McIntosh Slough has the greatest amount of riparian reserves, with trees, shrubs, and herbaceous vegetation lining most of the bank. However, McIntosh Slough intersects with a small portion of the proposed project area.

Fish and Wildlife

Threatened or endangered species that have potential to be within the boundaries of the proposed project were obtained from the U.S. Fish and Wildlife Service, the Oregon Department of Fish and Wildlife (ODFW), the Oregon Biodiversity Information Center, and the National Marine Fisheries Service (NMFS). Oregon Coast coho salmon, southern distinct population segment (DPS) eulachon, southern DPS green sturgeon, western U.S. DPS marbled murrelet, northern spotted owl, and the Pacific coast DPS of western snowy plover may be present within the project vicinity. The Umpqua River is considered critical habitat for coho salmon, eulachon, and green sturgeon and is also essential fish habitat for Pacific salmon, coastal pelagic, and Pacific groundfish species.

The proposed project area does not include critical habitat for the marbled murrelet, northern spotted owl, or western snowy plover, due to a lack of suitable nesting habitat.

A summary of when listed fish species may be present in the action area is presented on Table 2 below. This table was provided by Jeff Young and Ken Phippen, NMFS Fish Biologists. Jason Brandt, ODFW Assistant District Fish Biologist, also provided information included on Table 2 below.

TABLE 2
TIMING OF FISH PRESENCE IN ACTION AREA

Project/Species Timing		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
In-water work window													
Coho salmon	Adult												
	Smolt												
Eulachon	Adult												
	Larvae												
Green sturgeon adult/sub adult													

Darker shades indicate higher density of individuals in the action area.

Section 7 consultation for Endangered Species Act-listed species was completed through the submittal of a Biological Assessment for a formal Section 7 consultation, which was reviewed by the NMFS, who issued a Biological Opinion. See Attachment H, Biological Opinion.

No new habitat impairment is anticipated with the proposed improvements. The existing habitat for shoreline and estuary impacts occurred prior to the current development of the modern City of Reedsport footprint. This project will not increase the City of Reedsport footprint or result in increases in habitat degradation. The shoreline vegetation will remain unchanged from the present condition.

Cultural Resources

A cultural resource inventory was completed. See Attachment D for Oregon State Historic Preservation Office concurrence.

B. Describe the existing navigation, fishing and recreational use of the waterbody or wetland.

The Umpqua River is used for recreational and commercial fishing and navigation from the Pacific Ocean. Portions of the river have docks, pilings, bridges, and other structures.

Scholfield Creek is used for fishing, navigation, and other recreational activities. Several residential structures (houseboats) are located in Scholfield Creek.

(7) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterbody or wetland.*

The City considered three alternatives to meet the project objectives. The primary purpose of the project is to increase flood reduction resiliency in the City of Reedsport with the least amount of environmental impacts. The following project-specific criteria were established to ensure the chosen alternative would meet these goals:

- Raise the levee to meet Federal Emergency Management Agency (FEMA) 500-year flood elevation requirements and base flood standards for the 500-year flood event plus 2 feet of freeboard (approximately equivalent to the original USACE design elevation)
- Ensure long-term flood reduction resiliency
- Have minimal impacts to the environment and surrounding areas

The project alternatives are:

No Action - Alternative No. 1

The No Action Alternative would leave the levee, pump stations, drainage system, and soil acquisition area in their existing condition. The levee and associated structures would continue to deteriorate and remain out of compliance with FEMA's 500-year flood elevation requirements and base flood standards.

Flood risk for the downtown area of Reedsport and Highway 101 would remain at an unacceptable level. Flood damage claims could potentially increase. Impacts to local government operations would continue and be dealt with according to the existing Emergency Operation Plans.

Relocation of businesses and government offices might be considered as part of the No Action Alternative but would be costly. Based on climate change experienced over the past decade and forecasted projections of increased storm intensity, this alternative was not determined to be a reasonable or a feasible solution. This alternative does not meet two of the three project-specific criteria and is not considered practicable. The only criteria that this alternative may meet is having a minimal impact to the environment.

Levee Raising - Alternative No. 2

This alternative would include raising the levee using earthen fill at all locations where the levee height does not meet the USACE original design or FEMA base flood requirements. Advantages to this alternative include reduced risks to downtown flooding and minimal capital cost. Disadvantages to this alternative include additional loading on foundation soils that could lead to further settlement. There may be significant impacts to adjacent structures and facilities in several locations. The alternative may be impractical in several locations and does not address all deficiencies to the flood reduction system. This alternative would not fully meet any of the three project-specific criteria, is not considered practicable, and is, therefore, not retained for analysis in this JPA.

Levee Raising and Floodwall Construction - Alternative No. 3 (Selected)

This alternative would improve flood resiliency on approximately 4,500 linear feet of the levee, with the levee being constructed to the 500-year flood elevation plus 2 feet of freeboard (approximately equivalent to the original design for the USACE 200-year flood elevation plus 3 feet of freeboard), floodwall construction, levee embankment reconstruction, installation of a sand berm and drainage trench, seepage mitigation, and roadway reconstruction. This alternative also would also include drainage improvements and additional pump station improvements. Advantages to this alternative include reduced risk of flooding, addressing deficiencies that have a high risk of embankment failure or seepage issues, and has limited impact to adjacent areas. Disadvantages include higher capital cost. This alternative meets all three of the project-specific criteria and, as such, it is considered the Selected Proposed Alternative.

Alternatives No. 1 and 2 were not considered practicable because they did not meet all of the project-specific criteria above. Under Alternative No. 1, the existing levee would remain, compromising safety and increasing risk for residents and businesses within the City. Alternative No. 2 is a more cost-effective way of raising the levee using earthen fill. However, this alternative would increase the load on foundation soils, which would impact adjacent structures and have a potential for increased environmental impacts. Alternative No. 3 has a higher cost than the other alternatives; however, Alternative No. 3 was selected because over time it would be the most cost-effective method to provide long-term flood risk reduction for future flooding events.

Other locations that would reduce impacts to estuarine waters, waterbodies, and wetlands were not explored in this JPA because the levee is already existing, and relocating the levee is not feasible with current infrastructure, cost to the City, and lack of locations to which to move the levee. All proposed improvements to the flood reduction system are to be made on previously disturbed areas that are part of the pre-existing flood reduction system.

(8) ADDITIONAL INFORMATION

Are there state or federally listed species on the project site? ☒ Yes ☐ No ☐ Unknown

Is the project site within designated or proposed critical habitat? ☒ Yes ☐ No ☐ Unknown

Is the project site within a national Wild and Scenic River? ☐ Yes ☒ No ☐ Unknown

Is the project site within a State Scenic Waterway? ☐ Yes ☒ No ☐ Unknown

Is the project site within the 100-year floodplain? ☒ Yes ☐ No ☐ Unknown

If yes to any above, explain in Block 6 and describe measures to minimize adverse effects to those resources in Block 7.

Is the project site within the Territorial Sea Plan (TSP) Area? ☐ Yes ☒ No ☐ Unknown

If yes, attach TSP review as a separate document for DSL.

Is the project site within a designated Marine Reserve? ☐ Yes ☒ No ☐ Unknown

If yes, certain additional DSL restrictions will apply.

Will the overall project involve ground disturbance of one acre or more? ☒ Yes ☐ No ☐ Unknown

If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).

Is the fill or dredged material a carrier of contaminants from on-site or off-site spills? ☐ Yes ☐ No ☒ Unknown

Has the fill or dredged material been physically and/or chemically tested? ☐ Yes ☒ No ☐ Unknown

If yes, explain in Block 6 and provide references to any physical/chemical testing report(s).

Has a cultural resource (archaeological and/or built environment) survey been performed on the project area? ☒ Yes ☐ No ☐ Unknown

Do you have any additional archaeological or built environment documentation, or correspondence from tribes or the State Historic Preservation Office? ☒ Yes ☐ No ☐ Unknown

If yes, provide a copy of the survey and/or documentation of correspondence with this application to the Corps only. Do not describe any resources in this document. Do not provide the survey or documentation to DSL.

* Not required by the Corps for a complete application but is necessary for individual permits before a permit decision can be rendered.

Is the project part of a DEQ Cleanup Site? ☒ No ☐ Yes Permit Number: _____

DEQ contact _____

Will the project result in new impervious surfaces or the redevelopment of existing surfaces? ☒ Yes ☐ No

If yes, the applicant must submit a post-construction stormwater management plan as part of this application to DEQ's 401 WQC program for review and approval, see https://www.oregon.gov/deq/FilterDocs/401wqcertPostCon.pdf

Identify any other federal agency that is funding, authorizing or implementing the project.

Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
FEMA	Bill Kersche	425-487-2187 425-877-7865	October 19, 2020

List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application.

Agency	Certificate / approval / denial description	Date Applied
DEQ	401 - Approved	February 22, 2021 - Received

Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)

☒ Work proposed on or over lands owned by or leased from the Corps (may require authorization pursuant to 33 USC 408). These could include the federal navigation channel, structures, levees, real estate, dikes, dams, and other Corps projects.

☐ State owned waterway — DSL Waterway Lease #:

☐ Other Corps or DSL Permits — Corps # — DSL #

☐ Violation for Unauthorized Activity — Corps # — DSL #

☒ Wetland and Waters Delineation — Corps # — DSL #

Submit the entire delineation report to the Corps; submit only the concurrence letter (if complete) and approved maps to DSL. If not previously submitted to DSL, send under a separate cover letter

(9) IMPACTS, RESTORATION/REHABILITATION, AND COMPENSATORY MITIGATION

A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts.

Permanent Impacts

Wetlands

Raising the levee to its original height using earthen fill, installing the drainage trench, and improvements to the gravity drains will result in 0.36 acre of permanent wetland impacts (see Attachments F and G).

Waterways

Excavation for four gravity drains as well as refilling with quarry spall would cause permanent impacts to areas below the HTL of Scholfield Creek in the location of each of the four gravity drains, resulting in 0.009 acre of permanent impacts. Streambed material will be excavated with an excavator, the excavation is anticipated to be 10 feet long, 10 feet wide, and 3 feet deep through each of the four sites. Quarry spall will be imported and placed into the trench with an excavator. This effort will reduce erosion around the gravity drain outlets (see Attachments F and G).

Uplands

Approximately 14 acres of upland area will be permanently impacted within the project area. No long-term negative impacts are anticipated as a result of the proposed project. Erosion control measures will be implemented during construction to ensure sediment release is minimized from disturbed areas.

Temporary Impacts

The conveyance pipe replacement along Wetland 4, and the conveyance pipe placement within Wetland 5 will result in 0.09 acre of temporary impacts to wetlands. After the placement of the new pipes, excavated material would be returned and graded to original elevation to return the wetlands to near original condition.

Wetlands and Floodplains: Temporary impacts would occur in association with sediment distribution and soil erosion in conjunction with construction disturbance to increase levee height. This project may remove or affect vegetation.

Streambed and Banks: Gravity drain excavation and improvements and construction of culvert maintenance activities would temporarily disturb the streambed and banks. Equipment would need to excavate around existing structures to rehabilitate the flap gates, pipes, and tide gatewells. Slip lining of the culverts would likely be performed from a barge on the riverside of the levee. Minor turbidity plumes associated with construction activities may cause some fish to move out of preferred locations downstream of the construction area; however, these effects are expected to be localized, temporary, and of short duration.

B. For temporary removal or fill or disturbance of vegetation in waterbodies, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction to include the timeline for restoration.

Temporary Access Roads and Paths

To minimize soil disturbance, compaction, and impacts to vegetation in riparian areas and floodplains, existing access roads and paths would be used whenever reasonable.

Removal of riparian vegetation during construction of the temporary access roads or paths would be minimized. When temporary removal of vegetation is necessary, the vegetation would be cut at ground level rather than grubbed.

All temporary access roads and paths would be restored upon project completion, and the soil would be stabilized and revegetated. Temporary roads and paths within wetland areas or areas prone to flooding would be restored by the end of the in-water work window.

Planting and Reseeding

All disturbed areas above the HTL and within wetlands would be hydroseeded with a native seed mix to stabilize the soil and prevent erosion. This planting strategy would allow for site restoration and provide a natural riparian to upland habitat transition (see Attachment J, Planting Plan).

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

Permittee responsible Permittee responsible Mitigation Bank or Payment In-Lieu

☐ Onsite Mitigation ☐ Offsite Mitigation ☐ In-Lieu Fee Program ☐ (Not approved for use with Corps permits)

D. Provide a brief description of proposed mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

The proposed project will result in the loss of 0.36 acre of wetland habitat including permanent impacts to Wetlands 1, 2, 3, and 4. Mitigation is not required by USACE because the project is anticipated to fit NWP 31 for Maintenance of an Existing Flood Control Facility for USACE. Mitigation for wetland and waterbody impacts was originally evaluated through a wetland best professional judgment evaluation (see Attachment K). A proposal to purchase mitigation credits through the Wilbur Island Mitigation Bank was developed and provided to USACE. After the proposal was reviewed, the USACE project manager determined that purchase was not necessary due to minimal impacts, improvements to the overall system through gravity draws, and the NWP 31 option to waive mitigation requirements. Therefore, no mitigation is proposed in this JPA.

Mitigation Bank / In-Lieu Fee Information:
Name of mitigation bank or in-lieu fee project:
Type and amount of credits to be purchased:

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

☐ Yes. Submit the plan with this application and complete the remainder of this section.

☐ No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete application).

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description	Mitigation Site Address	Tax Lot #

County	City	Latitude & Longitude* (in DD.DDDD format)

Township	Range	Section	Quarter/Quarter

(10) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE		
☐ **Pre-printed mailing labels of adjacent property owners attached separately (if more than 30).**	**Project Site Adjacent Property Owners**	**Mitigation Site Adjacent Property Owners**
Contact Name **Address 1** **Address 2** **City, ST ZIP Code**	See Attachment E.	
Contact Name **Address 1** **Address 2** **City, ST ZIP Code**		
Contact Name **Address 1** **Address 2** **City, ST ZIP Code**		

(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT (TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)

I have reviewed the project described in this application and have determined that:

- ☐ This project is not regulated by the comprehensive plan and land use regulations
- ☒ This project is consistent with the comprehensive plan and land use regulations
- ☐ This project is consistent with the comprehensive plan and land use regulations with the following:
  - ☐ Conditional Use Approval
  - ☐ Development Permit
  - ☐ Other Permit (explain in comment section below)
- ☐ This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:
  - ☐ Plan
  - ☐ Amendment
  - ☐ Zone Change
  - ☐ Other Approval or Review (explain in comment section below)

An application or variance request has☐ has not☒ been filed for the above required above.

Local planning official name (print)	Title	City / County
STEVEN WILSON	COMMUNITY DEV. DIR.	REEDSPORT

Signature	Date
[signature]	08-29-2025

Comments:

(12) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon Coastal Zone, the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click here.

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Applicant Name	Title
Deanna Schafer	City Manager
Applicant Signature	**Date**
[signature]	8/29/2025

(13) SIGNATURES

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance.

To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.

Fee Amount Enclosed	Not applicable; application submittal is to USACE only.

Applicant Signature (required) must match the name in Block 2	
Print Name Deanna Schafer	Title ~~Deanna~~ City Manager
Signature Deanna Schafer	Date 8/29/2025
Authorized Agent Signature	
Print Name Dana Kurtz	Title Senior Environmental Scientist
Signature Dana Kurtz	Date September 3, 2025

Landowner Signature(s)*	
Landowner of the Project Site (if different from applicant)	
Print Name Deanna Schafer City of Reedsport	Title City Manager
Signature Deanna Schafer	Date 8/29/2025
Landowner of the Mitigation Site (if different from applicant)	
Print Name	Title
Signature	Date

Department of State Lands, Property Manager (to be completed by DSL)

If the project is located on state-owned submerged and submersible lands, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.

Print Name	Title
Signature	Date

* Not required by the Corps.

(14) ATTACHMENTS

☒Drawings
- ☒Location map with roads identified
- ☒U.S.G.S topographic map
- ☒Tax lot map
- ☒Site plan(s)
- ☒Plan view and cross section drawing(s)
- ☒Recent aerial photo
- ☒Project photos
- ☐Erosion and Pollution Control Plan(s), if applicable
- ☒DSL / Corps Wetland Concurrence letter and map, if approved and applicable

☒Pre-printed labels for adjacent property owners (Required if more than 30)

☐Incumbency Certificate if applicant is a partnership or corporation

☒Restoration plan or rehabilitation plan for temporary impacts

☐Mitigation plan

☐Wetland functional assessments, if applicable
- ☐Cover Page
- ☐Score Sheets
- ☐ORWAP OR, F, T, & S forms
- ☐ORWAP Reports
- ☐Assessment Maps
- ☐ORWAP Reports: Soils, Topo, Assessment area, Contributing area

☐Stream Functional Assessments, if applicable
- ☐Cover Page
- ☐Score
- ☐Sheets
- ☐SFAM PA, PAA, & EAA forms
- ☐SFAM Report
- ☐Assessment Maps
  - ☐Aerial Photo Site Map and Topo Site Map (Both maps should document the PA, PAA, & EAA)

☐Compensatory Mitigation (CM) Eligibility & Accounting Worksheet
- ☐Matching Quickguide sheet(s)
- ☐CM Eligibility & Accounting sheet

☐Alternatives analysis

☒Biological assessment (if requested by the Corps project manager during pre-application coordination)

☐Stormwater management plan (may be required by the Corps or DEQ)

☐Other
- ☐ Please describe:

For U.S. Army Corps of Engineers send application to:

USACE Portland District
ATTN: CENWP-ODG-P
PO Box 2946
Portland, OR 97208-2946
Phone: 503-808-4373
portlandpermits@usace.army.mil

Counties:
Baker, Benton, Clackamas, Clatsop, Columbia, Gilliam, Grant, Hood River, Jefferson, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

U.S. Army Corps of Engineers
ATTN: CENWP-ODG-E
211 E. 7th AVE, Suite 105
Eugene, OR 97401-2722
Phone: 541-465-6868
portlandpermits@usace.army.mil

Counties:
Coos, Crook, Curry, Deschutes, Douglas, Jackson, Josephine, Harney, Klamath, Lake, Lane

For Department of State Lands send application to:

West of the Cascades:
Department of State Lands
775 Summer Street NE, Ste 100
Salem, OR 97301-1279
Phone: 503-986-5200
https://www.oregon.gov/dsl/wetlands-waters/Documents/uploadinstructions_removalfill.pdf

East of the Cascades:
Department of State Lands
951 SW Simpson Ave, Ste 104
Bend, OR 97702
Phone: 541-388-6112
https://www.oregon.gov/dsl/wetlands-waters/Documents/uploadinstructions_removalfill.pdf

For Department of Environmental Quality:

Submit all application materials electronically through *Your DEQ Online*.

For questions related to *Your DEQ Online*, please visit the *Your DEQ Online* help page, email YourDEQOnline@deq.state.or.us, or call 503-229-6184

INSTRUCTIONS FOR PREPARING THE JOINT APPLICATION

This is a joint application and must be sent to all agencies (Corps, DSL, and DEQ), who administer separate permit or certification processes. For questions regarding these instructions or the form, contact the Corps, DSL and/or DEQ or refer to the following online resources:

- DSL's Removal-Fill Guide; or,
- The Corps Regulatory website: http://www.nwp.usace.army.mil/Missions/Regulatory.aspx
- DEQ's 401 Water Quality Certification website: https://www.oregon.gov/deq/wq/wqpermits/Pages/Section-401-Certification.aspx

General Instructions and Tips

- Provide the information in the appropriate blocks of the application form. If you need more space, provide a summary in the space provided and attach additional detail as an appendix to the application. Each appendix or attachment must reference which application block number it pertains to.
- Not all items on the application form will apply to all projects.
- Electronic submittal of applications and supporting material is preferred by the Corps. Both electronic and hard copies must be in 8 ½ x 11-inch sized format and reproducible in black and white. Currently DSL does not accept electronic submittals. DSL will accept color figures and 11 X 17. Use either all double sided or all single sided paper. Do not use staples or dividers. NOTE: If the electronic submittal of application and associated documents is 10 megabytes or more, check with each agency for how best to submit the document to that agency.
- **FEES:** Fees for water quality certification apply. Nationwide projects approved by DEQ will incur a fee of $985. Others will be evaluated on a case-by-case basis: https://www.oregon.gov/deq/wq/wqpermits/Pages/Section-401-Fees.aspx.

For complex projects or for those that may have more than minimal impacts, additional information may be necessary to complete the evaluation and make a permit decision. Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

Section 1. Type of Permit(s) if Known
If known, indicate the type of permit/authorization applying for.

Section 2. Applicant and Landowner Contact Information
Applicant: The applicant is the responsible party. If the applicant is an agency, business entity or other organization, indicate the name of the organization and a person that has the authority to sign the application. If applicant is a partnership or corporation, the applicant name must match the Incumbency Certificate, and the business name as listed on OR Secretary of State business registry. Applicant must not be "doing business as" or has an "assumed business name." In such cases the applicant must be an individual.
Applicant Contact Name: If the applicant is a business, provide the contact name for an individual representing the business.
Authorized Agent: An authorized agent is someone who has permission from the applicant to represent their interests and supply information to the agencies. An agent can be a consultant, an attorney, builder, contractor, or any other person or organization. An authorized agent is optional.
Landowner: Provide landowner information if different from the applicant. DSL requires the landowner's signature, unless the project qualifies as a linear project, e.g. road, pipeline, utility.

Section 3. Project Information
A. Provide location information. Latitude and longitude must be reported in decimal format and can be found by zooming in to your respective project location and reading off the coordinates displayed on the bottom many maps, such as Google Earth.

B. Provide information on wetlands and waterbodies within the project area. Indicate the category of activities that make up your project. For projects with multiple locations, provide latitude and longitude for each location. For linear projects, provide the latitude and longitude for the start and end points.

Section 4. Project Description

A. Overall Description: Provide a description of the overall project, including:

- All associated work with the project both outside and within waters or wetlands.
- Total ground disturbance for all associated work (i.e., area and volume of ground disturbance).
- Total area of impervious surfaces created or modified by the project, if applicable.

B. Work within Waters and Wetlands: Provide a description of the proposed work within waters and wetlands, including:

- Each removal or fill activity proposed in waters or wetlands, as well as any construction or maintenance of in-water or over-water structures.
- The number and dimensions of in-water or over-water structures (i.e., pilings, floating docks) proposed within waters or wetlands.

C. Construction Methods: Describe how the removal and/or fill activities will be accomplished, including the following:

- Construction methods, equipment to be used, access and staging areas, etc.
- Measures you will use during construction to minimize impacts to the waterbody or wetland. Examples may include isolating work areas, controlling construction access, site specific erosion and sediment control methods, site specific best management practices, and using specialized equipment or materials. Attach work area isolation and/or erosion and pollution control plans, if applicable.

D. Fill Material and Disposal: Provide a description of fill material and procedure for disposal of removed material, including:

- The source(s) of fill materials (if known).
- Locations for disposal area(s) for dredged material, if applicable. If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into jurisdictional waters. If using an upland disposal area that is not a Department of Environmental Quality (DEQ)-regulated landfill, a Solid Waste Letter of Authorization or a Beneficial Use Determination from DEQ may be required.

E. Construction Timing: Provide the proposed start and completion dates for the project. Describe project work that is already complete, if applicable.

F. – I. Summary of Removal and Fill Activities: Summarize the dimensions, volume and type/composition of material being placed or removed in each waterbody or wetland. Describe each impact on a separate row. For instance, if two culverts are being removed from Clear Creek, use two rows. Add extra rows if needed or include an attachment.

The DSL and the Corps use different elevations for determining whether an activity in tidal waters is regulated by the State's Removal-Fill law, the Clean Water Act, and/or the Rivers and Harbors Act. DSL regulates activities below the highest measured tide. The Clean Water Act applies below the high tide line. The Rivers and Harbors Act applies below the mean high water.

If jurisdictional limits are not the same for each agency, prepare a table for each agency stating impacts within that agency's jurisdiction.

Section 5. Project Purpose and Need
Explain the purpose and need for the project. Also include a brief description of any related activities needed to accomplish the project objectives.

The following items are required by DSL, as applicable:

- If the removal-fill would satisfy a public need and the applicant is a public body, include any pertinent findings regarding public need and benefit.
- If the project involves fill in the estuary for a non-water dependent use, explain how the project is for public use and/or satisfies a public need.
- If the project is located within a marine reserve or marine protected area, explain how the project is needed to study, monitor, evaluate, enforce or protect the designated area.

Section 6. Description of Resources in Project Area
Territorial Sea: For activities in the Territorial Sea (mean lower low water seaward 3 nautical miles), provide a separate evaluation of the resources and effects determination.

For each wetland, include:

- Whether the wetland is freshwater or tidal, and the Cowardin class and Hydrogeomorphic (HGM) class.
- Source of hydrology and direction of flow (if any).
- Dominant plant species by layer (herb, shrub, tree).
- Assessment of the hydrologic, water quality, fish habitat, aquatic habitat, and ecosystem support functions and values of the wetland(s) to be permanently impacted. The assessment should be attached as a separate Excel document.
    - DSL requires the use of ORWAP for wetland impacts over 0.2 acre and any wetland that is an Aquatic Resource of Special Concern (ARSC), unless the impacts are to Agate Desert Vernal Pools (VPs). See Appendix B of the Removal Fill Guide for a list of ARSCs. The Vernal Pool Assessment Method is required for all VPs. For impacts to wetlands less than 0.2 acre that are not ARSCs or VPs Best Professional Judgment (BPJ) may be used.
- Identify any Aquatic Resources of Special Concern (ARSC) in or near the project area. ARSCs include alkali wetlands, bogs, cold water habitat, fens, hot springs, interdunal wetlands, kelp beds, mature forested wetlands, native eelgrass beds, off-channel habitats (alcoves and side channels), ultramafic soil wetlands, vernal pools (including Willamette Valley, Medford area, Modoc basalt, and Columbia Plateau vernal pools), wet prairies, or wooded tidal wetlands. See Appendix B of the Removal Fill Guide for a list of ARSCs.
- Include relevant summary information from the wetland delineation report if available. Provide a copy of the wetland delineation report to **the Corps,** if not previously provided to the Corps. If a delineation report has not been previously submitted to DSL, then submit to DSL under a separate cover.
- Describe existing uses, including fish and wildlife use (type, abundance, period of use, and significance of site).
- Next major downstream waterbody name.

For rivers, streams, other waterbodies, lakes and ponds, include a description of, as applicable:

- Streamflow regime (e.g., perennial year-round flow, intermittent seasonal flow, ephemeral event-driven flow). If flow is ephemeral, provide streamflow duration assessment data sheet or other information that supports your determination.
- Field indicators used to identify the Ordinary High Water Mark (OHWM).
- Channel and bank conditions.

- Type and condition of riparian (streamside) vegetation.
- Channel morphology (structure and shape).
- Stream substrate.
- Assessment of the hydrologic, geomorphic, biologic and water quality functions and values of waters to be permanently impacted.
    - DSL requires use of the Stream Function Assessment Methodology (SFAM) for wadable non-tidal streams. SFAM should be attached as a separate Excel document. For impacts to non-wadable or tidal streams, BPJ can be used. Sections 2.2 through 2.3 of the SFAM User Manual give guidance for the functions and values to be addressed for all streams, even if SFAM does not apply.
- Identify any Aquatic Resources of Special Concern (ARSC) in or near the project area. ARSCs include alkali wetlands, bogs, cold water habitat, fens, hot springs, interdunal wetlands, kelp beds, mature forested wetlands, native eelgrass beds, off-channel habitats (alcoves and side channels), ultramafic soil wetlands, vernal pools (including Willamette Valley, Medford area, Modoc basalt, and Columbia Plateau vernal pools), wet prairies, or wooded tidal wetlands.
- Fish and wildlife use (type, abundance, period of use, and significance of site).
- Water quality impairments, including waterways adjacent to impacted wetlands and waterway to be impacted and next major downstream waterbody

Section 7. Project Specific Criteria and Alternatives Analysis
Provide an explanation describing how impacts to waters and wetlands are being avoided and minimized on the project site. For DSL, the alternatives analysis must include:

- Project-specific criteria that are needed to accomplish the stated project purpose.
- A range of alternative sites and designs that were considered with less impact.
- An evaluation of each alternative site and design against the project criteria and a reason for why the alternative was not chosen.
- If the project involves fill in an estuary for a non-water dependent use, a description of alternative non-estuarine sites must be included.

The level of rigor required in this analysis should be commensurate with the level of impact proposed. Please note that additional information regarding alternatives may be necessary for Corps Individual Permits to comply with the Clean Water Act Section 404(b)(1) Guidelines. Please check with your local Corps contact early in the planning process to determine what level of analysis is required. An alternative analysis is not required for a complete application by the Corps; however, it may be required before a permit decision can be rendered.

Section 8. Additional Information
Any additional information you provide helps the reviewer(s) understand your project and the other approvals or reviews that may be required.

Section 9. Impacts, Restoration/Rehabilitation, and Compensatory Mitigation
A. Description of Impacts: Clearly identify the permanent, temporary, direct and indirect impacts. Provide a written analysis of potential changes the project may make to the hydrologic characteristics of the affected wetlands or waterbodies, and an explanation of measures taken to avoid or minimize any adverse effects of those changes, such as: impeding, restricting or increasing flows; relocating or redirecting flow; and potential flooding or erosion downstream of the project. Provide a table summarizing permanent and temporary impacts by HGM and Cowardin Classifications.

B. Site Restoration/Rehabilitation: For temporary disturbance of soils and/or vegetation in waterbodies, wetlands or riparian (streamside) areas, discuss how you will restore the site after construction. This may include the following:

- Grading plans to restore pre-existing elevations.
- Planting plans and species list (native species only) to replace vegetation in riparian or wetland areas.
- Maintenance and monitoring plans to document restoration to wetland condition and/or vegetation establishment.
- Associated erosion control for site stabilization.

C.-D. Compensatory Mitigation. Describe your proposed compensatory mitigation approach or explain why you believe compensatory mitigation is not required. If proposing permittee-responsible mitigation for permanent impacts to jurisdictional waters, see OAR 141-085-0705 and 33 CFR 332.4(c) for plan requirements. The Oregon Explorer Aquatic Mitigation topic page and map viewers may be a helpful resource.

For activities involving discharges of dredged or fill material into waters of the United States, the Corps requires the application to include a statement describing how impacts to waters of the United States are to be avoided and minimized. The application must also include either a statement describing how impacts to waters of the United States are to be compensated for or a statement explaining why compensatory mitigation should not be required for the proposed impacts.

Section 10. Adjacent Property Owners for Project and Mitigation Site(s)
Names and addresses for properties that are adjacent to the project site and permittee responsible mitigation site (if applicable), are required. "Adjacent" means those properties that share or touch upon a common property line or are across the street or stream. If more than 30, attach pre-printed labels. A list of property owners may be obtained by contacting the county tax assessor's office.

Section 11. City/County Planning Department Land Use Affidavit
This section is required to demonstrate land use compatibility for removal fill permits and water quality certifications. Provide this form to your local planning official for them to complete and sign.

Section 12. Coastal Zone Certification
Your signature for this statement is **required** for projects within the coastal zone (generally, west of the summit of the Coast Range).

Section 13. Signatures
The application **must** be signed by the responsible party as identified in section 1. DSL also requires the landowner's signature. Linear Facilities (e.g. road, pipeline, utility) do not require landowner signature for the impact sites; signatures are required for mitigation sites.

Section 14: Attachments
Project Drawings. A complete application must include a location map, site plan, and plan view and cross-section drawings. DSL also requires a recent aerial photo. All drawings should be clear, legible, and to scale. For the Corps, drawings must be on 8.5 x 11-inch paper and must be in black and white or clearly reproducible in black and white. DSL will accept color and 11 x 17, but all figures must be clear when reproduced in black and white. While illustrations need not be professionally prepared, they should be clear, accurate, and contain all necessary information, as follows:

Location maps (with project boundaries, including staging and construction access, scale bar and north arrow on all):
- Location map with roads identified
- U.S.G.S. Topographic map
- Tax lot map

Site plan(s), including:

- Entire project site and activity areas, which includes staging and construction access areas
- Existing and proposed contours
- Stormwater outfalls and other related features
- Location of Ordinary High Water Mark, wetland boundaries, and other jurisdictional boundaries. Clearly identify temporary, permanent, direct and indirect impact areas within waterbodies and wetlands
- Scale bar, legend, and north arrow
- Location of staging areas and construction access
- Location of cross section(s), as applicable
- Location of mitigation area, if applicable

Cross section drawing(s), including:

- Existing and proposed elevations
- Clearly identify temporary, permanent, direct and indirect impact areas within waterbodies and wetlands
- Ordinary High Water Mark, wetland boundaries, and other jurisdictional boundaries
- Scale bar (horizontal and vertical scale)

Recent Aerial Photo

- 1:200 resolution, or, if not available for your site, highest resolution possible

DSL Wetland Concurrence (map and letter only for DSL; the Corps requires the full wetland/waters delineation report if not already submitted)

Mitigation documents including:

- Functional assessment results for each impacted resource and mitigation area
    - Results should include: Cover sheet, Score Sheet, assessment area maps
- Eligibility and Accounting Worksheet
    - Matching "Quickguide" sheet(s)
    - Compensatory Mitigation (CM) Eligibility & Accounting sheet

Do NOT submit the following items to DSL (unless specifically requested by DSL for your project):

- Wetland delineation report
- Biological assessment
- Cultural/archeological reports
- Stormwater calculations
- Geotechnical reports
- Marketing reports
- Contract agreements
- Applications for other agencies such as local land use applications
- Contractor/construction specifications
- Other extraneous drawings and information

ENFORCEABLE POLICY REPORT

About this Report

This draft report lists the enforceable policies associated with the location of your proposed project. It is intended to provide guidance to federal permit and license applicants and federal action agencies proposing small to medium projects, and does not replace the detailed analysis that is necessary to identify project-specific enforceable policies and coastal effects. Enforceable policies identified by this tool are not an exhaustive project-specific policy analysis. **Applicants and federal action agencies are wholly responsible for identifying all the applicable enforceable policies for the project.**

Directions

Review the policies listed in the table below and complete the "Coastal Effects" and "How Project Complies" columns. If any of the identified policies are not applicable to the project, include "N/A" in the associated column boxes.

- **"Coastal Effects" Column:** Include the coastal effects of the project associated with the identified policy. For example, the coastal effects associated with the removal or fill of material (ORS 196.682) may be "Dredge and fill of wetland, temporary impacts to water quality".
- **"How Project Complies" Column:** Include how the project complies with the identified policies. One way to do this is to indicate the project elements that may mitigate or address the potential coastal effects.
    - Any policies that do require a local or state permit/authorization should be listed with the status and submission date of the associated permit/authorization. As these permits/authorizations are issued, they should be forwarded to Coast.PERMITS@dlcd.oregon.gov.
    - Any policies that do not require a permit or authorization should be listed and include project elements that show consistency with the policy, as well as the contact information for the staff at the associated jurisdiction who have been consulted on the project.

Additional Tips

- **Adding Rows for Applicable Enforceable Policies:** To add additional rows for applicable enforceable polices, right click and choose "Insert" then "Insert Rows Below".
- If an identified policy states "Check marked document" in the "Enforceable Policy" column, click on the link to open the policy document. Highlighted or commented policies within the document are identified as enforceable policies that may apply to your proposed project.
- Policies identified in the "Local Government Plan / Land Use Regulations (Statewide Planning Goals 1-18)" table may be addressed through the completion of a Land Use Compatibility Statement.

Questions?

Contact Coast.PERMITS@dlcd.oregon.gov for assistance.

OCMP

Oregon Coastal Management Program

ENFORCEABLE POLICY REPORT

Generated on 09/17/2025

Project Name: Reedsport Flood Reduction Resiliency

Project Number: NWP-2020-450

Total Enforceable Policies: 37

Local Comprehensive Plan / Land Use Regulations (Statewide Planning Goals 1-18)

Authority & Enforceable Policies	Coastal Effects	How Project Complies
City of Reedsport Comprehensive Plan • Check marked document.	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	Land use affidavit signed by the City of Reedsport 8/29/2025 (see Block 11 of the Joint Permit Application [JPA]).
City of Reedsport Zoning Code • Check marked document.	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	Land use affidavit signed by the City of Reedsport 8/29/2025 (see Block 11 of the JPA).
Douglas County Land Use and Development Ordinance • Check marked document.	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	Land use affidavit signed by the City of Reedsport 8/29/2025 (see Block 11 of the JPA).
Douglas County Rural Comprehensive Plan • Check marked document.	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	Land use affidavit signed by the City of Reedsport 8/29/2025 (see Block 11 of the JPA).

State Agency Authorities

Authority & Enforceable Policies	Coastal Effects	How Project Complies

ORS 468A: Air Quality • .005 Definitions for air pollution laws • .010 Policy • .020 Application of air pollution laws • .025 Air purity standards; air quality standards; treatment and control of emissions; rules • .040 Permits; rules • .045 Activities prohibited without permit; limit on activities with permit • .050 Classification of air contamination sources; registration and reporting of sources; rules; fees • .055 Notice prior to construction of new sources; order authorizing or prohibiting construction; effect of no order; appeal • .060 Duty to comply with laws, rules and standards • .070 Measurement and testing of contamination sources; rules • .075 Variances from air contamination rules and standards; delegation to local governments; notices • .350 Definitions for ORS 468A.350 to 468A.400 • .355 Legislative findings • .360 Motor vehicle emission and noise standards; copy to Department of Transportation • .363 Purpose of ORS 468A.363, 468A.365, 468A.400 and 815.300 • .365 Certification of motor vehicle pollution control systems and inspection of motor vehicles; rules • .370 Cost-effective inspection program; contracts for inspections • .375 Notice to state agencies concerning certifications • .380 Licensing of personnel and equipment; certification of motor vehicles; rules • .385 Determination of compliance of motor vehicles • .387 Operating schedules for testing stations • .390 Designation of areas of the state subject to motor vehicle emission inspection program; rules • .395 Bond or letter of credit; remedy against person licensed under ORS 468A.380; cancellation of license • .400 Fees; collection; use • .405 Authority to limit motor vehicle operation and traffic; rules • .410 Administration and enforcement of rules adopted under ORS 468A.405 • .415 Legislative findings • .420 Oxygenated motor vehicle fuels; when required by rule • .455 Police enforcement • .460 Policy	N/A – the proposed project does not involve impacts to air quality.	N/A – the proposed project does not involve impacts to air quality.

- .465 Certification requirements for new solid fuel burning devices; rules
- .467 Prohibition on burning certain materials in solid fuel burning devices
- .485 Definitions for ORS 468A.460 to 468A.515
- .490 Residential Solid Fuel Heating Air Quality Improvement Fund; uses
- .495 Prohibition on installation of used solid fuel burning devices; exceptions; rules
- .500 Prohibition on sale of noncertified solid fuel burning devices; rules
- .505 Removal; exceptions; confirmation of removal; rules
- .515 Residential solid fuel heating curtailment program requirements; exemptions; rules
- .625 Definitions for ORS 468A.630 to 468A.645
- .630 Legislative findings
- .635 Restrictions on sale, installation and repairing of items containing chlorofluorocarbons and halon; rules
- .640 Department program to reduce use of and recycle compounds
- .645 State Fire Marshal; program; halons; guidelines
- .650 Legislative findings
- .655 Prohibition on sale or promotion; exemption for medical use
- .660 Wholesale transactions permitted
- .700 Definitions for ORS 468A.700 to 468A.760
- .705 Legislative findings
- .707 Asbestos abatement program; rules; contractor licensing; worker certification
- .710 License required for asbestos abatement project
- .715 Licensed contractor required; exception
- .720 Qualifications for license; application
- .725 Grounds for license suspension or revocation
- .730 Worker certificate required; qualifications; renewal application; suspension or revocation
- .735 Alternatives to protection requirements; approval
- .740 Accreditation requirements; rules
- .745 Rules; variances; training; standards; procedures
- .750 Fee schedule; waiver; disposition; rules
- .755 Exemptions
- .760 Content of bid advertisement
- .775 Indoor air quality sampling; accreditation and certification programs
- .780 Schedule of fees; accreditation and certification programs; rules

• .785 Pilot programs • .793 Goal to reduce excess lifetime risk of cancer due to exposure to diesel engine emissions • .795 Definitions • .796 School buses; retrofitting of engines; replacement • .797 Standards for certified cost of qualifying repower or retrofit; rules • .799 Standards for qualifying repower of nonroad diesel engine or retrofit of diesel engine; rules • .801 Clean Diesel Engine Fund; interest • .803 Uses of Clean Diesel Engine Fund; rules		
ORS 468: Environmental Quality Generally • .936 Unlawful air pollution in the second degree • .939 Unlawful air pollution in the first degree • .941 Determination of number of punishable offenses under ORS 468.936 and 468.939 • .942 Unlawful water pollution in the second degree • .946 Unlawful water pollution in the first degree • .949 Determination of number of punishable offenses under ORS 468.943 and 468.946 • .951 Environmental endangerment	N/A – the proposed project will not involve air pollution, water pollution, or environmental endangerment.	N/A – the proposed project will not involve air pollution, water pollution, or environmental endangerment.
ORS 465: Hazardous Waste and Materials • .003 - .037 Reduction of use of toxic substances and hazardous waste generation • .101 - .108 Bulk petroleum product withdrawal regulation • .200 - .455 Removal or remedial action (generally) • .475 - .482 Removal or remedial action (Oregon environmental cleanup assistance) • .500 - .555 Removal or remedial action (cleanup of contamination resulting from dry cleaning facilities) • .900 - .992 Civil penalties	N/A – the proposed project does not involve hazardous waste/materials.	N/A – the proposed project does not involve hazardous waste/materials.
ORS 454: Sewage Treatment and Disposal Systems • .605 Definitions for ORS 454.605 to 454.755 • .607 Policy • .610 Regulation of gray water discharge; permit; rules • .655 Permit required for construction; application; time limit; special application procedure for septic tank installation on parcel of 10 acres or more • .657 Variance from subsurface sewage disposal system rules or standards; conditions; hearing	N/A – the proposed project does not involve sewage treatment/disposal systems.	N/A – the proposed project does not involve sewage treatment/disposal systems.

ORS 468b: Water Quality • .005 Definitions for water pollution control laws • .015 Policy • .020 Prevention of pollution • .025 Prohibited activities • .040 Certification of hydroelectric power project; comments of affected state agencies • .045 Certification of change to hydroelectric power project; notification of federal agency • .046 Reauthorization of hydroelectric project not to limit authority of department related to certification of project for water quality purposes • .048 Rules for standards of quality and purity; factors to be considered; meeting standards • .050 Water quality permit; issuance by rule or order; rules • .052 Fees for water quality permit to operate suction dredge • .055 Plans and specifications for disposal, treatment and sewerage systems • .060 Liability for damage to fish or wildlife or habitat; agency to which damages payable • .070 Prohibited activities for certain municipalities • .075 Definitions for 468B.080 • .080 Prohibitions for relating to garbage or sewage dumping into waters of the state • .083 When motor vehicle parts may be placed in waters of state; rules • .085 Depositing vehicles or manufactured structures into water prohibited • .090 Permit authorized for discharge of shrimp and crab processing byproducts; conditions • .093 General permit for discharge of geothermal spring water to surface water • .095 Use of sludge on agricultural, horticultural or silvicultural land; rules • .120 Definitions for 468B.120 to 468B.135 • .125 Policy to reduce phosphorous pollution • .130 Prohibition on sale or distribution of cleaning agents containing phosphorous; rules • .135 Exemptions • .150 Definitions for 468B.150 to 468B.190 • .155 State goal to prevent ground water contamination • .160 Ground water management and use policy • .300 Definitions for 468B.300 to 468B.500 • .305 Entry of oil into waters of state prohibited; exceptions	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	A 401 Water Quality Certification (WQC) was approved for the project in 2021 by Oregon Department of Environmental Quality (DEQ) (see Attachment I of the JPA). Because the project is applying for U.S. Army Corps of Engineers (USACE) authorization under Nationwide Permit #3 (NWP 3), the 401 WQC is still valid.

• .310 Liability for violation of 468B.305; exceptions • .315 Duty to collect and remove oil; dispersal of oil • .320 Action by state; liability for state expense; order; appeal • .337 Liquefied natural gas • .345 Oil spill contingency plan required to operate facility or covered vessel in state or state waters; exceptions • .350 Standards for contingency plans; oil spill response zones; rules • .355 Contingency plans; participation in maritime association; lien; liability of maritime association; exemption from liability • .360 Review of contingency plan • .365 Plan approval; change affecting plan; certificate of approval • .370 Determination of adequacy of plan; practice drills; rules • .375 Inspection of facilities and vessels; coordination with State of Washington • .380 Tank vessel inspection program; rules • .385 Modification of approval of contingency plan; revocation of approval; violation • .390 Compliance with federal Oil Pollution Act of 1990; proof of financial responsibility • .450 Willful or negligent discharge of oil; civil penalty; authority of director to mitigate • .460 Rules • .475 Legislative finding; need for evidence of financial assurance for ships transporting oil • .485 Methods of establishing financial assurance		
OAR 340-041: Water Quality Standards: Beneficial Uses, Policies, and Criteria for Oregon • 0002 Definitions • 0004 Antidegradation • 0007 Statewide Narrative Criteria • 0009 Bacteria • 0011 Biocriteria • 0016 Dissolved Oxygen • 0021 pH • 0028 Temperature • 0031 Total Dissolved Gas • 0032 Total Dissolved Solids (TDS) • 0033 Toxic Substances • 0036 Turbidity • 0061 Other Implementation of Water Quality Criteria	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	A 401 Water Quality Certification (WQC) was approved for the project in 2021 by Oregon Department of Environmental Quality (DEQ) (see Attachment I of the JPA). Because the project is applying for U.S. Army Corps of Engineers (USACE) authorization under NWP 3, the 401 WQC is still valid.

• 0104 Basin-Specific Criteria (Main Stem Columbia River): Water Quality Standards and Policies Specific to the Main Stem Columbia River • 0225 Basin-Specific Criteria (Mid Coast Basin): Water Quality Standards and Policies for this Basin • 0235 Basin-Specific Criteria (North Coast): Water Quality Standards and Policies for this Basin • 00275 Basin-Specific Criteria (Rogue): Water Quality Standards and Policies for this Basin • 0305 Water Quality Standards and Policies for South Coast Basin • 0326 Basin-Specific Criteria (Umpqua Basin): Water Quality Standards and Policies for this Basin		
Statewide Planning Goal 17: Coastal Shorelands • Identification of Coastal Shorelands • Coastal Shoreland Uses • Permissible Nonwater-Dependent Uses • Implementation Requirements • Examples of Incidental Uses	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	The project area is within the coastal shoreland, and the proposed project is consistent with the City of Reedsport Comprehensive Plan and local land use regulations as confirmed by the land use affidavit signed by the City of Reedsport 8/29/2025 (see Block 11 of the JPA). Coastal shoreland resources will be conserved and protected to the extent possible as indicated by the measures detailed in Block 4, Section C of the JPA.
Statewide Planning Goal 16: Estuarine Resources • Pg. 1 Column 2 • Management Units • Implementation Requirements	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	The project area is within an estuarine location, and the proposed project is consistent with the City of Reedsport Comprehensive Plan and local land use regulations as confirmed by the land use affidavit signed by the City of Reedsport 8/29/2025 (see Block 11 of the JPA). Estuarine resources will be conserved and protected to the extent possible as indicated by the measures detailed in Block 4, Section C of the JPA.
OAR 660-015: Land Conservation and Development Commission • 0010(4) Definitions	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	The proposed project is anticipated to be in compliance with statewide planning goals and guidelines as documented in this Enforceable Policy Report submitted to the Oregon Department of Land Conservation and Development.
OAR 660-035: Land Conservation and Development Commission • 0030 Consistency for Federal Agency Activities	Levee reconstruction, floodwall construction, levee embankment	The proposed project is anticipated to obtain authorization from USACE for

• 0000 Purpose • 0005 Conformance with Federal Consistency Review Rules • 0010 Definitions • 0015 Activities Subject to Review • 0020 Federal Consistency with the OCMP • 0050 Consistency for Activities Requiring a Federal License or Permit • 0060 Consistency for Outer Continental Shelf Activities • 0070 Consistency for Federal Assistance to State and Local Governments	reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	coverage under NWP 3. Concurrence has also been received from the National Marine Fisheries Service (NMFS) on the Biological Opinion for the proposed project (see Attachment H of the JPA). Additionally, the proposed project is designed to be in compliance with the Federal Emergency Management Agency 500-year flood elevation requirements for levees. The City has maintained appropriate correspondence to ensure policy and regulatory consistency with these federal agencies.
ORS 520: Conservation of Gas and Oil • .005 Definitions • .025 Permit for drilling well or using well; extension; annual report; grounds for granting or denying permit • .035 Waste of oil or gas prohibited • .095 Rules and orders; bond	N/A – the proposed project does not involve the extraction of gas or oil.	N/A – the proposed project does not involve the extraction of gas or oil.
ORS 517: Mining and Mining Claims • .005 Definitions	N/A – the proposed project does not involve mining/mining claims.	N/A – the proposed project does not involve mining/mining claims.
ORS 273: State Lands Generally • .775 Definitions for ORS 273.775 to 273.790 • .780 Retention of mineral and geothermal resource rights by state; exploration permit or lease; sale or exchange; exception • .785 Application of ORS 273.551 to 273.775 to 273.790; rules	N/A – the proposed project does not involve mineral or geothermal resource rights.	N/A – the proposed project does not involve mineral or geothermal resource rights.
ORS 196: Regulation of Wetlands • .687 Regulation of alteration or fill of artificially created wetlands • .816 General permits allowing removal of certain amount of material for maintaining drainage; rules; waiver of fees • .817 General permits; rules • .818 Wetland delineation reports; review by Department of State Lands; fees • .678 Wetland conservation plans; contents; procedure for adopting • .681 Duties of department; standards for approval of plan; conditions for approval; order. • .682 Permits required for removal or fill; conditions on issuance of permit. • .825 Criteria for issuance of permit; conditions; consultation with public bodies; hearing; appeal.	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	The City has completed consultation with USACE regarding wetlands in the project area. USACE has issued a Preliminary Jurisdictional Determination stating these wetlands "may be waters of the U.S." (see Attachment C of the JPA). A wetland functional assessment best professional judgment spreadsheet was prepared to show the baseline information on the functions and services of wetlands at the project area (see Attachment K of the JPA). Wetlands will be conserved and protected to the extent possible as indicated by the measures detailed in Block 4, Section C of the JPA.

• .860 Enforcement powers of director • .865 Revocation, suspension or refusal to renew permit • .870 Abatement proceedings; restraining order; injunction; public compensation • .875 Double and treble damages for destruction of public right of navigation, fishery or recreation; costs and attorney fees • .890 Civil penalties • .895 Imposition of civil penalties • .900 Schedule of civil penalties; rules; factors to be considered in imposing civil penalties		
ORS 273: State Lands Generally • .551 Mining and drilling leases on state lands; fee • .553 South Slough National Estuarine Research Reserve; agreement between Oregon and federal government; rules • .554 South Slough National Estuarine Research Reserve Management Commission; powers; rules; fees; membership; procedures; expenses	N/A – the proposed project is not located near the South Slough National Estuarine Research Reserve.	N/A – the proposed project is not located near the South Slough National Estuarine Research Reserve.
ORS 274: Submersible and Submerged Lands • .043 Exemptions from leasing requirements; rules; registration; use without charge; use with charge; indemnification • .430 State ownership of meandered lakes; status as navigable and public waters • .005 Definitions • .015 Determination of ordinary high and low water • .025 Jurisdiction over submersible and submerged lands generally • .040 Sale or lease of submersible lands; easements; occupation of submerged and submersible lands for water works • .060 Regulation of harbor improvements; oyster beds; public easement in submerged and submersible lands • .400 Definition for ORS 274.400 to 274.412 • .402 Exclusive jurisdiction to assert title to submerged or submersible lands in navigable waterway • .425 Definition for ORS 274.430 to 274.520 • .440 Acquisition of future rights to meandered lakes denied; extension of riparian ownership; lands overflowed by high water • .525 City use of stream bed material • .530 Lease or license of stream beds for removal of material; rules for measurement of volume removed • .550 Removal of material without payment of royalties; eligible material and uses	N/A – the proposed project is not anticipated to have impacts to submersible or submerged lands.	N/A – the proposed project is not anticipated to have impacts to submersible or submerged lands.

• .560 Lease terms; bond or security; prohibited lease or purchase option; monthly reports and payments; rules • .705 Definitions for ORS 274.705 to 274.860 • .710 Jurisdiction of department over tidal submerged lands; easements; leases for oil, gas and sulfur • .715 Sulfur leases • .725 Scope of leases and permits; persons ineligible • .735 Application for survey permit; effect of permit; rules • .740 Issuance of survey permit; renewal; reports • .745 Drilling logs and records • .760 Considerations involved in granting lease or easement • .770 Prohibited drilling requirements • .790 Royalties • .805 Drill sites • .810 Commencement of drilling; operational requirements • .820 Water contamination or pollution • .825 Nonconflicting use of leased lands • .830 Protecting lands from drainage • .835 Conformance to laws and regulations; periodic negotiations • .840 Continuation of lease after cessation of production • .850 Cancellation of lease; partial retention of leasehold; removal of equipment • .855 Restoration of leasehold to original condition • .860 Protection of location of filled lands • .867 Wave energy; financial assurance; rules • .885 Lease of kelp fields • .890 Time allowed lessee for survey and erection of plant; filing copy of survey with department • .895 Removing kelp without lease • .905 Definitions for ORS 274.905 to 274.940 • .920 Creation of new lands upon submersible or submerged lands • .940 Reservation of new lands		
ORS 527: Forest Practices • .620 Definitions for ORS527.610 to 527.770 • .630 Policy • .660 Committees to review rules • .670 Commencement of operations; when notice and written plan required; notice of chemical application; appeal of plan • .700 Appeals from order of State Forester; hearings procedure; stay of operation • .710 Duties and powers of board; rules to protect resources; inventory for resource protection; consultation with other agencies	N/A – the proposed project is not anticipated to have impacts to forest practices.	N/A – the proposed project is not anticipated to have impacts to forest practices.

• .722 Restrictions on local government adoption of rules regulating forest operations; exceptions • .990 Criminal penalties		
ORS 509: Additional Fishery Requirements • .001 Definitions • .112 Wasting food fish • .115 Placing in waters fish harmful to food fish • .120 Using electricity to disturb food fish • .122 Definitions for ORS 509.125 to 509.155 • .125 Placing substances in water to drive fish from closed areas • .130 Placing substances in water or using explosives to take or destroy food fish • .140 Placing explosives or harmful substances in waters in course of lawful work; permit • .505 Placing in water matter injurious to shellfish • .510 Taking shellfish from marked beds without permission; disturbing beds • .580 Definitions for ORS 509.580 to 509.590, 509.600 to 509.645 and 509.10; rules • .585 Fish passage required for artificial obstructions; statewide inventory; waiver of requirement by commission; rules; exemptions • .600 Destroying, injuring or taking fish near fishway; permits to take fish • .610 Maintenance of fish passage required • .625 Power of department to inspect artificial obstructions and have fish passage constructed or remove obstruction	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	NMFS has issued concurrence on the Biological Opinion for the proposed project (see Attachment H of the JPA). This concurrence states that critical habitat for listed aquatic species will not be adversely affected by the proposed project. ODFW was also consulted on the timing of fish presence in the project area (see Block 6, Section A of the JPA).
ORS 506: Commercial Fishing and Fisheries • .006 General definitions • .011 Types of marine life defined • .016 "Salmon" defined • .025 "Unlawful to buy" defined • .028 "Conservation" defined • .109 Food fish management policy • .220 Erecting markers of closed waters; interference with markers • .450 Definitions for ORS 506.450 to 506.465; rules • .455 Policy • .610 When possession prima facie evidence of taking fish unlawfully	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	NMFS has issued concurrence on the Biological Opinion for the proposed project (see Attachment H of the JPA). This concurrence states that critical habitat for listed aquatic species will not be adversely affected by the proposed project. ODFW was also consulted on the timing of fish presence in the project area (see Block 6, Section A of the JPA).
OAR 635-415: Fish and Wildlife Habitat Mitigation Policy • 0005 Definitions	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand	NMFS has issued concurrence on the Biological Opinion for the proposed project (see Attachment H of the JPA). This

• 0010 Fish and Wildlife Habitat Mitigation Policy • 0020 Implementation of Department Habitat Mitigation Requirements (*excluding Policies #6-7) • 0025 Implementation of Department Habitat Mitigation Recommendations	berm/drainage trench, seepage mitigation, and roadway reconstruction.	concurrence states that critical habitat for listed aquatic species will not be adversely affected by the proposed project. ODFW was also consulted on the timing of fish presence in the project area (see Block 6, Section A of the JPA).
OAR 635-412: Fish Passage • 0005 Definitions • 0015 Prioritization • 0020 Fish Passage Approval • 0025 Fish Passage Waivers and Exemptions • 0035 Fish Passage Criteria • 0040 Mitigation Criteria	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	NMFS has issued concurrence on the Biological Opinion for the proposed project (see Attachment H of the JPA). This concurrence states that critical habitat for listed aquatic species will not be adversely affected by the proposed project. ODFW was also consulted on the timing of fish presence in the project area (see Block 6, Section A of the JPA).
ORS 498: Hunting, Angling, and Wildlife • .306 Screening or by-pass devices for water diversions; fees; costs • .316 Exemption from screening or by-pass devices	N/A – the proposed project is not anticipated to have impacts to hunting, angling, or wildlife.	N/A – the proposed project is not anticipated to have impacts to hunting, angling, or wildlife.
OAR 635-425: In-Water Blasting Permits • 0005 Applicability • 0010 Definitions • 0015 Fish and Wildlife In-Water Blasting Permit Policy • 0020 Application Requirements • 0035 Permit Conditions • 0040 Notification Requirements	N/A – the proposed project does not involve in-water blasting.	N/A – the proposed project does not involve in-water blasting.
ORS 498: Screening • .301 Policy	N/A – the proposed project does not involve any fish screens or bypass devices.	N/A – the proposed project does not involve any fish screens or bypass devices.
ORS 564: Threatened or Endangered Plants • .100 Definitions for ORS 564.100 to 564.135 • .115 Protection and conservation programs; action by state agencies; alternatives; findings required if agency fails to adopt alternatives • .120 Transactions in threatened or endangered species; restrictions; prohibition	N/A – the proposed project is not anticipated to have impacts to threatened or endangered plants.	N/A – the proposed project is not anticipated to have impacts to threatened or endangered plants.
ORS 496: Wildlife • .004 Definitions • .007 "Game bird" defined • .009 "Game fish" defined	N/A – the proposed project is not anticipated to have impacts to wildlife.	N/A – the proposed project is not anticipated to have impacts to wildlife.

• .012 Wildlife policy • .162 Establishing seasons, amounts and manner of taking wildlife; rules • .171 Definitions for ORS 496.171 to 496.182; applicability date • .182 Protection and conservation programs; compliance by state agencies; rules		
ORS 358: Archaeological Objects and Sites • .905 Archaeological Objects and Sites: Definitions • .910 Archaeological Objects and Sites: Policy • .920 Archaeological Objects and Sites: Prohibited Conduct • .945 Archaeological Objects and Sites: Notice required upon finding of object • .950 Archaeological Objects and Sites: When notice to Indian tribe required	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	The Oregon State Historic Preservation Office (SHPO) has issued concurrence that the proposed project will have no adverse effect on cultural and historic resources in the project area, which fulfills Section 106 consultation requirements (see Attachment D of the JPA).
OAR 736-051: Archaeological Permits • 0080(1) Archaeological Permits - Process for Applying for an Archaeological Permit on Public Lands: Circumstances requiring Archaeological Permits. • 0090(1) Archaeological Permits - Process for Applying for an Archaeological Permit on Private Lands: Circumstances requiring Archaeological Permits	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	The Oregon State Historic Preservation Office (SHPO) has issued concurrence that the proposed project will have no adverse effect on cultural and historic resources in the project area, which fulfills Section 106 consultation requirements (see Attachment D of the JPA).
ORS 390: Archaeological Resource Protection Policies • .235 Permits and conditions for excavation or removal of archaeological or historical material; rules; criminal penalty • .237 Removal without permit; exceptions	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	The Oregon State Historic Preservation Office (SHPO) has issued concurrence that the proposed project will have no adverse effect on cultural and historic resources in the project area, which fulfills Section 106 consultation requirements (see Attachment D of the JPA).
ORS 97: Rights and Duties Relating to Cemeteries, Human Bodies and Anatomical Gifts • .740 Rights and Duties Relating to Cemeteries, Human Bodies and Anatomical Gifts: Definitions • .745 Rights and Duties Relating to Cemeteries, Human Bodies and Anatomical Gifts: Prohibited Acts • .750 Rights and Duties Relating to Cemeteries, Human Bodies and Anatomical Gifts: Permitted Acts	N/A – the proposed project is not anticipated to impacts cemeteries or human remains.	N/A – the proposed project is not anticipated to impacts cemeteries or human remains.
ORS 537: Appropriation of Water • .400 Reservoir permits • .010 Definition of ""Water Rights Act • .110 Public ownership of waters • .120 Right of appropriation; vested rights protected	N/A – the proposed project does not involve impacts to reservoirs, surface water/groundwater resources or existing water rights.	N/A – the proposed project does not involve impacts to reservoirs, surface water/groundwater resources or existing water rights.

- .130 Permit to appropriate water required; notification to owner of certain land
- .135 Permit required to appropriate water for recharging ground water sources; minimum perennial streamflow required for permit; exception
- .140 Application for permit; contents; maps and drawings
- .150 Filing of application; determination of completeness; initial review; preliminary determination; notice; public comments; fees
- .160 Approval for beneficial use; agreement authorizing use of ditch for waste or seepage water
- .170 Contested case hearing on application; final order; appeal
- .240 Federal permit; time for obtaining; cancellation; time for beginning and completing work
- .332 Definitions for ORS 537.332 to 537.360
- .334 Findings
- .343 Certificate for in-stream water right
- .346 Conversion of minimum perennial streamflows to in-stream water rights; special provisions for Willamette Basin
- .348 Purchase, lease or gift of water right for conversion to in-stream water right; priority dates
- .349 Processing request for in-stream water right
- .350 Legal status of in-stream water right
- .352 Precedence of uses
- .410 Failure to commence or complete work, or to properly apply water, as grounds for cancellation of permit; irrigation districts, municipalities and public utilities excepted
- .420 Notice of hearing
- .440 Cancellation of permit; priorities of other permits
- .445 Hearing upon proposal to cancel permit or appropriation; cancellation suspended pending review
- .450 Rules for proof as to work and use of water under permits; noncompliance as evidence in cancellation proceedings
- .505 Short title
- .515 Definitions for ORS 537.505 to 537.795 and 537.992
- .525 Policy
- .535 Unlawful use or appropriation of ground water, including well construction and operation
- .545 Exempt uses; map; filing of use; fee; rules
- .575 Permits granted, approved or pending under former law
- .585 Beneficial use of ground water prior to August 3, 1955, recognized as right to appropriate water when registered
- .595 Construction or alteration of well commenced prior to August 3, 1955, recognized as right to appropriate water when registered

• .605 Registration of right to appropriate ground water claimed under ORS 537.585 or 537.595; registration statement • .610 Recording of registration statements; issuance of certificate of registration; conclusiveness of certificate • .615 Necessity of permit to acquire new right or enlarge existing appropriation right • .620 Determination of completeness and propriety of application; public notice and comment • .625 Final order; appeal; contents of permit • .630 Time allowed for construction work under permit; certificate of completion; survey; ground water right certificate; requirements for supplemental water right • .635 Assignment of application, certificate of registration or permit • .680 Taking testimony; inspecting evidence; contesting claim • .685 Findings of fact and order of determination • .690 Filing evidence, findings and determinations; court proceedings • .695 Conclusive adjudication • .705 Ground water appurtenant; change in use, place of use or point of appropriate • .730 Designation of critical ground water area; rules; notice • .780 Powers of Water Resources Commission; rules; limitations on authority • .795 ORS 537.505 to 537.795 supplementary		
ORS 543: Hydroelectric Projects • .012 Applicability of chapter to reauthorization of existing hydroelectric project • .014 Exemption for wave energy project; conditions • .015 Policy • .017 Minimum standards for development of hydroelectric power; public interest considerations; rules • .060 Investigations; access to project, maps, books and other project data • .110 Appropriation and use of water for power is governed by this chapter • .120 Water power projects to be inconformity with this chapter • .140 Projects or developments constructed by federal government excepted from law • .150 Municipal corporations and utility districts; applicability of laws; powers of commission respecting districts • .210 Preliminary permits; application; contents; fee • .225 Hearing on application; notice; policy	N/A – the proposed project does not involve hydroelectric power.	N/A – the proposed project does not involve hydroelectric power.

• .250 Permit; duration; transfer; cancellation; priority; terms and conditions; denial • .255 Determination of cumulative impacts of proposed hydroelectric power projects; consolidated review; applicability • .260 Licenses; duration; terms and conditions; termination; denial of application; preference of municipality or utility district • .265 Testing of fish protection measures as condition for hydroelectric project permit or license; scope and cost • .270 Preference in granting permit or license; municipal use • .280 Fee payments by licensee • .290 Filing of maps, plans, estimates and other materials; incorporation as part of license; alteration; further statements and data • .300 Conditions governing license; fees; waiver of conditions • .410 Construction of project; time for commencement and completion; supply of service; extension of time; nonperformance; termination of license • .440 Transfer of license, rights or property; effect • .610 Acquisition of project by state or municipality • .760 Definition of water right • .765 Certificate to use water for hydroelectric purposes; expedited application process; fees		
ORS 536: Water Resources Administration • .220 Policy on water resources generally; integrated state water resources strategy • .700 Drainage basin"" defined • .710 Policy	Levee reconstruction, floodwall construction, levee embankment reconstruction, installation of sand berm/drainage trench, seepage mitigation, and roadway reconstruction.	The USACE is anticipated to authorize the proposed project through NWP 3, which will allow the levee and floodwall improvements to occur within the floodplain ("water resources of the state" as defined in ORS 536).

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: October 13, 2025

Originating Dept: CM

Signature (submitted by)

City Manager Approval

Subject: First Amendment to the Brookings City Manager Employment Agreement

Recommended Motion:

1. Authorize the Mayor to sign the First Amendment Agreement to the City of Brookings City Manager Employment Agreement

Background/Discussion:

The City of Brookings voted 5-0 on June 13, 2024 to enter into an employment agreement with Timothy L. Rundel. Mr. Rundel had his annual evaluation on September 22, 2025 and is requesting the same cost of living increase (7%) and Administrative Time benefits (64 hrs annually) within the City of Brookings Management Compensation Plan approved by the Brookings City Council on August 11, 2025 (retro July, 1, 2025).

Attachment(s):

First Amendment to Employment Agreement
Fully executed City Manager Employment Agreement approved on June 13, 2024

CITY OF BROOKINGS

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

This First Amendment to Employment Agreement is effective the 13th day of, October 2025 ("Effective Date"), by and between the City of Brookings, a municipal corporation of the State of Oregon ("City"), and Timothy L. Rundel ("City Manager"), upon the terms and conditions set forth below.

AMENDMENT NO. 1

The City and Rundel ("Parties") agree to amend the Employment Agreement dated June 13, 2024, as subsequently amended, as follows:

Section 5 Other Benefits:

A. Employee shall be entitled to the same cost of living increase and Administrative Time benefits within the City of Brookings Management Compensation Plan approved by the Brookings City Council on August 11, 2025 (retro July, 1, 2025).

CITY OF BROOKINGS

By: _____ _____

Mayor Hodges
Date: _____

Timothy L. Rundel
Date: _____

Approved as to form:

_____
Lori Cooper, City Attorney

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT ("Agreement"), is made and entered into this 13th day of June, 2024, by and between the **CITY OF BROOKINGS**, a municipal corporation, ("City"), and **Tim Rundel**, ("Employee"). The parties to this Agreement do hereby enter into the terms, conditions, covenants, duties, and responsibilities as follows:

RECITALS

WHEREAS, City is a municipal corporation providing a wide range of public services to the community; and

WHEREAS, for City to ensure that its responsibilities to the health and safety of the public are met at all times, the City must attract and retain in its employment a City Manager who exhibits the knowledge, experience, technical ability, professionalism, and qualities of leadership necessary to meet the City's objectives; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and set working conditions for the position of City Manager; and

WHEREAS, it is the desire of the City Council to: (1) retain the services of Employee and to provide inducement for Employee to remain in such employment; (2) establish a clear and mutually understood system of compensating Employee; and (3) provide a just means for terminating the services of Employee at such time as they may be unable to discharge fully their duties due to disability or retirement or when the City Council may desire to otherwise terminate their employment; and

WHEREAS, in contemplation of and subject to the approval of the City Council, Employee agrees to begin providing services to the City as of July 22, 2024.

NOW THEREFORE, in consideration of the mutual covenants herein contained and as authorized by the Brookings City Charter and Municipal Code, applicable City Personnel Rules and Regulations, and in accordance with Oregon Revised Statutes, the parties hereto agree as follows:

Section 1 Term and Duties

A. City hereby employs Employee as City Manager, and Employee hereby accepts this employment, commencing on the 22nd day of July, 2024. The Initial Term of this Agreement shall begin July 22, 2024 and shall expire 3 years thereafter, unless sooner as provided in Section 3 or unless renewed as provided in Section 1.B. below.

B. At 5:00 pm on the expiration date of the Initial Term, the Agreement shall automatically renew for unlimited additional three-year renewal terms, unless one party notifies the other in writing of its desire not to renew the Agreement at least 90 days prior to the expiration of the then-current term. If the City unilaterally decides to end City Manager's employment at the end of a contract period, the City Manager shall receive SIX (6) months' lump sum of salary and ONE (1) month COBRA insurance coverage.

This provision does not restrict the rights of the parties to adjust the City Manager compensation and benefits on an annual basis, at the sole discretion of the Council.

C. Employee will perform those duties and functions as specified in the Brookings City Charter and Municipal Code, and perform such other legally permissible duties as the City Council shall from time-to-time assign.

D. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of City to terminate the services of City Manager at any time, subject only to the provisions set forth in Section 3 of this Agreement.

E. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Manager to resign at any time from City Manager position with City, subject only to the provisions set forth in Section 3 of this Agreement.

F. In addition to the duties outlined in paragraph C above, Employee will, as City Manager, direct the overall budgeting and finance functions of the City, oversee work relating to the maintenance of official City records and elections, and function as the Personnel Director for the City.

G. In addition to the duties and responsibilities defined herein, during the term of this Agreement, and any extensions thereto, Employee shall also serve as Executive Director for the Urban Renewal Agency.

H. Employee and City Council shall mutually establish performance goals and objectives to be met by Employee for each year of this Agreement. Said objectives shall be established as part of an annual evaluation process.

I. Employee shall not spend more than ten (10) hours per week teaching, consulting, or other non-Employee connected business without the prior written approval of the City Council.

Section 2 Compensation and Review

A. City will pay Employee an annual salary of ONE HUNDRED SIXTY THOUSAND DOLLARS ($160,000), commencing July 22, 2024, payable in installments at the same time as other City employees are paid.

B. City shall conduct an annual performance evaluation of Employee using such criteria as City may establish with input from the Employee.

C. The City Council shall review Employee's salary annually, make cost of living increases on the same basis as other city management employees, and make such adjustments as the City Council deems appropriate based upon Employee performance.

Section 3 Schedule and Severance

A. The Parties anticipate that Employee's work schedule will be a flexible full-time schedule, exempt from FLSA. Overtime will not be paid. The Employee's schedule of work each day and week shall vary in accordance with the work required to be performed. It is recognized that Employee must devote a great deal of their time outside of normal office hours to business of the City and, to that end, will be allowed to take a reasonable amount of compensatory time off during normal business hours. A typical work week is defined as a minimum of 40 hours, but not to exceed 60 hours. If the Employee is placed on paid leave by the city council for more than 60

days, accrued leave will be used as employee compensation for the remainder of the leave.

B. Employee will serve at the pleasure of the City Council and may be removed by the City Council at any time and without notice. In the event Employee is terminated by the City Council without cause, they shall be entitled to a lump sum payment equal to their total base salary for 9 (nine) months. Severance pay shall include the cost of continued group health insurance coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) for the same period of time. In the event Employee is terminated "for cause", City shall have no obligation to pay the aforementioned aggregate severance sum.

C. A "for cause" termination is defined as:

i. the failure or refusal to comply with the lawful ordinances, policies, rules, standards, and regulations of the city as established periodically;

ii. the City Council considered the evidence and concluded the city manager committed an act of fraud, dishonesty, misappropriation of funds, conduct of moral turpitude, or deception of the City Council in connection with their duties;

iii. the City Council considered the evidence and concluded that the city manager engaged in a crime involving dishonesty or theft;

iv. the City Council considered the evidence and concluded that the city manager more likely than not engaged in an act of poor ethics or moral turpitude which would negatively affect the public trust;

v. incompetency, inefficiency, or inattention to or dereliction/neglect of duty, including excessive absence;

vi. dishonesty to city staff; city council; the general public; or agencies, organizations, or entities which the City interacts with or does business with;

vii. intemperance, use of illegal drugs or illegal use of legal drugs or controlled substances; or immoral or unethical conduct which affects City Manager job duties or City reputation;

viii. insubordination defined as refusal to follow legal direct order(s) of the City Council; and

ix. continued discourteous treatment of city staff; city council; the general public; or agencies, organizations, or entities which the City interacts with or does business with.

D. In the event Employee voluntarily resigns their position with City, Employee shall give City 45 days' written notice in advance, unless the parties agree in writing otherwise. In the event Employee resigns, employee will not be entitled to any severance pay.

E. Upon the earlier of Employer's request or termination of this Agreement (and Employee's employment with Employer), Employee will immediately return to Employer any and all records, files, forms, materials, credit cards, phone, equipment, software supplies, confidential information, and any other materials furnished, used, or

generated by Employee during the course of Employee's employment with Employer (and any and all copies of the foregoing), all of which Employe agrees is the sole property of Employer. If requested by the Employer, Employee will execute a written certification satisfactory to the Employer to the effect that Employee has returned all such documents and material to Employer, including, without limitation, all confidential information.

Section 4 Automobile

A. As Employee will be required to use their personal automobile in the conduct of City business, City shall pay to Employee a monthly automobile stipend of $400. In addition, Employee shall receive payment at the rate provided in IRS guidelines for all miles driven on official business outside of Curry and Del Norte counties.

B. Employee shall not use a City-owned vehicle, except as a passenger or in the event of an emergency.

C. Employee shall not use a city gas card.

D. Employee shall name City as an "additional named insured" on Employee's personal automobile liability insurance policy.

Section 5 Other Benefits

A. Employee shall be entitled to observe holidays on the same basis as other City management employees. Employee shall earn vacation leave at a rate of 200 hours annually (increasing to 240 hours/year on the anniversary of 15 years of City employment), and shall be allowed to accrue unused vacation leave to a maximum of 600 hours. Any unused vacation leave shall be paid to Employee upon termination, resignation, or retirement. Employee shall earn sick leave at a rate of 96 hours annually, shall be allowed to accrue unused sick leave to a maximum of 960 hours, and any such unused sick leave shall be paid at a 25% rate to employee upon termination, resignation, or retirement.

B. City shall reimburse Employee for the cost of maintaining in force a policy of term life insurance for the benefit of Employee's survivors in the amount of $250,000.

C. City shall pay both the Employer and Employee contribution on behalf of Employee's membership in the Public Employees Retirement System.

D. City will contribute $3,000 annually to Employee's deferred compensation account, payable in installments at the same time as other City employees are paid.

E. City shall contribute monthly toward the premium for health, dental, and vision care insurance for Employee and their family at the same rate as other exempt employees.

F. De minimis use of City telecommunications resources, such as occasional use of City telephone for personal use, shall be considered a part of Employee's compensation. Appropriate use of city telephones, email, and internet are defined in the Brookings Personnel Policy Handbook. Use of the internet and City-provided e-mail may be monitored at any time, with or without notice, with the approval of the City Council.

G. City will reimburse employee for moving expenses for a total not to exceed $7,000.

Section 6 Other Terms and Conditions

A. Personnel Rules. The parties agree that Employee will be bound by the City personnel manual, rules, and procedures personnel manual, rules, except as follows:
   i. If the City's personnel manual, rules, or procedures conflict with the express terms of the Agreement, this Agreement shall control; and
   ii. Employee shall not be subject to any City progressive discipline process or disciplinary due process provided in the City's personnel manual, rules or procedures. If there is a question regarding an Employee performance issue, the issue will be discussed between the City Council (or its designee) and Employee and will be handled and/or resolved pursuant to the terms of this Agreement.

B. City agrees to budget for and pay for professional dues and subscriptions of Employee necessary for their continuation and participation in national, regional, state, and local associations and organizations necessary and desirable for their continued professional participation, growth, and advancement, and the good of the City. Employee must maintain membership in good standing in professional associations as deemed appropriate by the City Council.

C. City hereby agrees to budget for and to pay for attendance, travel, and reasonable subsistence expenses of Employee for official travel and professional development including, but not limited to, the ICMA Annual Conference, League of Oregon Cities Annual Conference, the Oregon City Management Association Conference, Oregon Society of Certified Public Accountants Governmental Conference, and Oregon Government Finance Officers Association Conferences.

D. City recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by Employee, and hereby agrees to reimburse or pay said general expenses, and the Finance Department is hereby authorized to disburse such money upon receipt of duly executed expenses receipts, statements, or personal affidavits.

Section 7 Indemnification

City shall defend, save harmless, and indemnify Employee against any tort, professional liability claim, or demand or other legal action, whether groundless or otherwise, arising out of an alleged act of omission occurring in the performance of Employee's duties as defined in the Agreement. City will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered for Employee's activities performed within the course and scope of their employment.

Section 8 Bonding

City shall bear the full costs of any fidelity or other bonds required of the Employee under any law or ordinance.

Section 9 Modifications

Any modification to this Agreement must be in writing and signed by both parties executing this Agreement to be effective.

Section 10 Effect of Waiver

The failure of either party to insist on strict compliance with any of the terms, covenants, or conditions of this Agreement by the other party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other times.

Section 11 Entire Agreement

A. Each of the Recitals stated above is incorporated by reference as is fully set forth herein.

B. Each party agrees that this Agreement is valid and shall be binding upon said party. Each party to this Agreement acknowledges that no representation, inducements, promises, or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein and that no other agreement, statement, or promise not contained or referenced in the Agreement shall be valid or binding on either party.

IN WITNESS WHEREOF, the City of Brookings has approved and caused this Agreement to be signed and executed on its behalf by the Mayor and duly attested by the City Recorder, and the Employee has signed and executed three (3) copies of this Agreement.

Executed this 13 day of June, 2024.

CITY

By: _____
Mayor Isaac Hodges

Employee

_____
TIM RUNDEL

ATTEST:

_____
City Recorder

APPROVED AS TO FORM:

_____
Lori J. Cooper, City Attorney

Report Criteria:
Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Amount		Invoice GL Account	Invoice GL Account Title
09/25	09/04/2025	93991	5908	Amazon Capital Services	89.98		10-13-6030	Operating Supplies
09/25	09/04/2025	93992	6121	AutoZone Inc	9.89		10-14-6015	Equipment Maintenance
09/25	09/04/2025	93993	4939	Bi - Mart Corporation	76.93		10-13-6030	Operating Supplies
09/25	09/04/2025	93994	313	Brookings Vol Firefighters	2,250.00		10-14-6165	B.F.A. Services
09/25	09/04/2025	93995	715	Budge McHugh Supply	654.98		20-21-6030	Operating Supplies
09/25	09/04/2025	93996	5567	CAL/OR Insurance Agency	683.33		30-10-6115	Insurance/Bonds
09/25	09/04/2025	93997	5070	Canon U.S.A. Inc	105.73		10-13-6030	Operating Supplies
09/25	09/09/2025	93998	6328	Canopy Wellbeing	.00	V	10-19-6090	Contract Services
09/25	09/04/2025	93999	6186	Jerit Carpenter	21.00		10-16-6120	Training/Travel
09/25	09/04/2025	94000	6031	Cascade Home Center	5,626.15		20-21-6030	Operating Supplies
09/25	09/04/2025	94001	3015	Charter Communications	365.99		30-10-6135	Communications
09/25	09/04/2025	94002	5822	Chaves Consulting Inc	388.70		49-10-7030	Computer Hardware
09/25	09/04/2025	94003	5952	Chetco Auto Marine & Industrial Supply	70.20		25-31-6090	Contract Services
09/25	09/04/2025	94004	6299	Chetco Resources LLC	1.00		10-19-6090	Contract Services
09/25	09/04/2025	94005	4977	Civic Plus LLC	10,302.95		49-10-6090	Contract Services
09/25	09/04/2025	94006	3834	Clean Sweep Janitorial Service	3,465.00		10-16-6060	Capella Expense
09/25	09/04/2025	94007	5827	Coastal Investments LLC	960.00		10-19-6090	Contract Services
09/25	09/04/2025	94008	1745	Coastal Paper & Supply Inc	721.84		10-16-6030	Operating Supplies
09/25	09/04/2025	94009	1740	Code Publishing Company Inc	98.00		10-12-6090	Contract Services
09/25	09/04/2025	94010	182	Coos-Curry Electric	11,436.97		10-16-6060	Capella Expense
09/25	09/04/2025	94011	259	Da-Tone Rock Products	2,033.91		50-10-7025	Construction
09/25	09/04/2025	94012	1	Sandra Proctor	19.47		20-00-2070	Deposits
09/25	09/04/2025	94013	1	Clay Dudley	135.39		20-00-2070	Deposits
09/25	09/04/2025	94014	1	Geoff & Lydia Engelund	88.03		20-00-2070	Deposits
09/25	09/04/2025	94015	1	Brenly Lackey	125.78		20-00-2070	Deposits
09/25	09/04/2025	94016	1	Vallorie Rubright	149.10		20-00-2070	Deposits
09/25	09/04/2025	94017	1	Pat Tinnell	56.68		20-00-2070	Deposits
09/25	09/04/2025	94018	6320	Donovan Enterprises Inc	525.00		59-57-7025	Construction
09/25	09/04/2025	94019	5951	Executech	33.85		49-10-6090	Contract Services
09/25	09/04/2025	94020	5432	First Community Credit Union	3,560.00		25-31-8010	Interest
09/25	09/04/2025	94021	269	Grainger	373.59		20-21-6030	Operating Supplies
09/25	09/04/2025	94022	6265	H&S Energy Group	4,620.81		10-13-6030	Operating Supplies
09/25	09/04/2025	94023	1130	H.D. Fowler	2,681.66		20-21-6030	Operating Supplies
09/25	09/04/2025	94024	6227	Darryl Harmon	372.80		10-14-6090	Contract Services
09/25	09/04/2025	94025	6289	Colton Hill	780.00		10-14-6090	Contract Services
09/25	09/04/2025	94026	5733	Thomas W Kerr	186.40		10-14-6090	Contract Services
09/25	09/04/2025	94027	4269	Gary Milliman	325.00		10-11-6090	Contract Services
09/25	09/04/2025	94028	4443	Napa Auto Parts-Golder's	41.21		15-10-6015	Equipment Maintenance
09/25	09/04/2025	94029	329	New Hope Plumbing	5,000.00		50-10-7025	Construction
09/25	09/04/2025	94030	252	Paramount Pest Control	225.00		10-19-6090	Contract Services
09/25	09/04/2025	94031	4	The Wicked Pig	165.00		10-00-2070	Deposits
09/25	09/04/2025	94032	4	Skyler Arnold	216.00		10-06-4150	Capella Revenue
09/25	09/04/2025	94033	4	Dan Beuck	266.00		10-00-2070	Deposits
09/25	09/04/2025	94034	4	Hailey Davis	266.00		10-00-2070	Deposits
09/25	09/04/2025	94035	4	Christian Elders	566.00		10-00-2070	Deposits
09/25	09/04/2025	94036	4	Harmony Harris	266.00		10-00-2070	Deposits
09/25	09/04/2025	94037	4	Jasmine Nehzati	266.00		10-00-2070	Deposits
09/25	09/04/2025	94038	4	Lotes Priddy	550.00		10-06-4150	Capella Revenue
09/25	09/04/2025	94039	4	Jessica Rowland	266.00		10-00-2070	Deposits
09/25	09/04/2025	94040	4	South Coast Lumber Co & Affiliates	896.00		10-00-2070	Deposits
09/25	09/04/2025	94041	322	Postmaster	1,250.00		25-31-6005	Office Supplies
09/25	09/04/2025	94042	207	Quill Corporation	131.84		10-19-6005	Office Supplies
09/25	09/04/2025	94043	3309	Roberts & Associates	875.00		52-42-7025	Construction

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Amount	Invoice GL Account	Invoice GL Account Title
09/25	09/04/2025	94044	6346	Michael T Runge	176.00	10-14-6090	Contract Services
09/25	09/04/2025	94045	6229	Wayne E Sheffel Jr	198.00	10-14-6090	Contract Services
09/25	09/04/2025	94046	5979	LeeAnn Spring Sheffel	175.50	10-14-6090	Contract Services
09/25	09/04/2025	94047	956	Suiter's Paint & Body	293.00	10-14-6020	Vehicle Maintenance
09/25	09/04/2025	94048	142	Tidewater Contractors Inc	491.15	15-10-6030	Operating Supplies
09/25	09/04/2025	94049	797	Town & Country Animal Clinic	1,118.45	61-41-6030	Supplies - K9
09/25	09/04/2025	94050	5829	Transport Wisdom LTD	300.00	10-16-6120	Training/Travel
09/25	09/04/2025	94051	5882	Jessica VanZelf	392.00	10-13-6120	Training/Travel
09/25	09/04/2025	94052	2863	Verizon Wireless	1,107.43	10-13-6135	Communications
09/25	09/04/2025	94053	551	Western Pacific Tree Serv Inc	2,350.00	10-19-6090	Contract Services
09/25	09/04/2025	94054	5980	Jennifer Wolf	528.00	10-14-6090	Contract Services
09/25	09/04/2025	94055	5992	Ziply Fiber	228.96	30-10-6090	Contract Services
09/25	09/11/2025	94056	6254	5-R Excavation and Paving LLC	7,862.00	15-10-7030	Emergency Repairs
09/25	09/11/2025	94057	5908	Amazon Capital Services	35.82	10-19-6005	Office Supplies
09/25	09/11/2025	94058	5997	AmeriTitle LLC	300.00	53-43-7026	Construction-USDA
09/25	09/11/2025	94059	6121	AutoZone Inc	145.92	20-21-6030	Operating Supplies
09/25	09/11/2025	94060	6326	Beacon Broadband Inc	401.00	30-10-6135	Communications
09/25	09/11/2025	94061	5070	Canon U.S.A. Inc	5.37	10-13-6030	Operating Supplies
09/25	09/11/2025	94062	6328	Canopy Wellbeing	66.00	10-19-6090	Contract Services
09/25	09/11/2025	94063	185	Del Cur Supply	147.06	53-43-7025	Construction
09/25	09/11/2025	94064	5718	Don Kirk Construction Inc	36,713.00	50-10-7025	Construction
09/25	09/11/2025	94065	6339	Garrett Hemann Robertson PC	3,180.00	10-12-6065	Legal/Administration Services
09/25	09/11/2025	94066	6355	Harben Inc	1,425.24	25-31-6015	Equipment Maintenance
09/25	09/11/2025	94067	6289	Colton Hill	780.00	10-14-6090	Contract Services
09/25	09/11/2025	94068	5754	iFocus Consulting Inc	2,575.00	49-10-6090	Contract Services
09/25	09/11/2025	94069	5858	Jacobs Engineering Group Inc	156,287.42	25-32-6090	Contract Services
09/25	09/11/2025	94070	5858	Jacobs Engineering Group Inc	23,914.89	53-43-7026	Construction-USDA
09/25	09/11/2025	94071	5043	JB's Painting & Drywall LLC	7,500.00	50-10-7025	Construction
09/25	09/11/2025	94072	6354	Terry Konrady	775.00	10-16-6175	Summer Recreation Program
09/25	09/11/2025	94073	6025	La Flor de Mexico	600.00	10-19-6182	Employee/Volunteer Recognition
09/25	09/11/2025	94074	6065	Local Government Law Group PC	3,936.50	10-12-6065	Legal/Administration Services
09/25	09/11/2025	94075	6331	N & S Tractor Inc	17,291.48	50-10-7019	Equipment - Streets
09/25	09/11/2025	94076	329	New Hope Plumbing	540.00	10-16-6015	Equipment Maintenance
09/25	09/11/2025	94077	279	One Call Concepts Inc	77.00	25-31-6090	Contract Services
09/25	09/11/2025	94078	699	OR Transportation Infrastructure Bank	125,255.00	44-10-8010	Interest Payments
09/25	09/11/2025	94079	5101	Pitney Bowes Reserve Acct	500.00	10-19-6030	Operating Supplies
09/25	09/11/2025	94080	207	Quill Corporation	80.32	10-19-6005	Office Supplies
09/25	09/11/2025	94081	6346	Michael T Runge	176.00	10-14-6090	Contract Services
09/25	09/11/2025	94082	6094	SAIF Corporation	74.53	10-00-1110	Prepaid Workers Compensation
09/25	09/11/2025	94083	6260	South Coast Community Aquatics Inc	20,000.00	10-18-6090	Contract Services
09/25	09/11/2025	94084	5377	Andrew Stubbs	372.80	10-14-6090	Contract Services
09/25	09/11/2025	94085	797	Town & Country Animal Clinic	71.00	61-41-6030	Supplies - K9
09/25	09/11/2025	94086	4734	Vestis Services LLC	120.00	10-19-6030	Operating Supplies
09/25	09/11/2025	94087	2122	Cardmember Service	7,143.32	10-14-6030	Operating Supplies
09/25	09/11/2025	94088	169	Waste Connections Inc	299.20	61-41-6038	Range Maintenance
09/25	09/11/2025	94089	169	Curry Transfer & Recycling Inc	48.72	15-10-6130	Utilities
09/25	09/11/2025	94090	5980	Jennifer Wolf	528.00	10-14-6090	Contract Services
09/25	09/11/2025	94091	5992	Ziply Fiber	314.47	30-10-6135	Communications
09/25	09/18/2025	94092	6356	Daniel Ambrose	150.00	10-14-6030	Operating Supplies
09/25	09/18/2025	94093	5842	Century West Engineering Corp	28,210.00	33-10-7025	Construction
09/25	09/18/2025	94094	173	Curry Equipment	259.99	15-10-6015	Equipment Maintenance
09/25	09/18/2025	94095	259	Da-Tone Rock Products	1,436.94	25-31-6030	Operating Supplies
09/25	09/18/2025	94096	1	Sam Kholi	278.85	20-00-2070	Deposits
09/25	09/18/2025	94097	6127	Ferguson Enterprises LLC #3325	406.40	15-10-6030	Operating Supplies
09/25	09/18/2025	94098	6265	H&S Energy Group	4,264.81	10-13-6030	Operating Supplies
09/25	09/18/2025	94099	1130	H.D. Fowler	4,212.87	20-21-6030	Operating Supplies

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Amount	Invoice GL Account	Invoice GL Account Title
09/25	09/18/2025	94100	5733	Thomas W Kerr	372.80	10-14-6090	Contract Services
09/25	09/18/2025	94101	4487	Net Assets Corporation	180.00	10-12-6090	Contract Services
09/25	09/18/2025	94102	5008	Online Information Services	121.37	10-12-6090	Contract Services
09/25	09/18/2025	94103	6342	Brooklyn Osterhage	325.30	10-12-6120	Training/Travel
09/25	09/18/2025	94104	4	Jenny Hadley	266.00	10-00-2070	Deposits
09/25	09/18/2025	94105	4	Kayla Kitchen	266.00	10-00-2070	Deposits
09/25	09/18/2025	94106	4	Angelina Long	266.00	10-00-2070	Deposits
09/25	09/18/2025	94107	4	Andrew Sehorn	266.00	10-00-2070	Deposits
09/25	09/18/2025	94108	4	Emily Ward	645.50	10-00-2070	Deposits
09/25	09/18/2025	94109	4	Caleb Brignac	266.00	10-00-2070	Deposits
09/25	09/18/2025	94110	4	Cheyenne Dimmick	266.00	10-00-2070	Deposits
09/25	09/18/2025	94111	4	Ronald Lindley	266.00	10-00-2070	Deposits
09/25	09/18/2025	94112	4	Laurie Smith	266.00	10-00-2070	Deposits
09/25	09/18/2025	94113	4	Shannon Walsh	216.00	10-06-4150	Capella Revenue
09/25	09/18/2025	94114	6263	Phoebe Pereda	109.20	10-12-6120	Training/Travel
09/25	09/18/2025	94115	866	Pitney Bowes Global Financial LLC	165.54	10-19-6005	Office Supplies
09/25	09/18/2025	94116	207	Quill Corporation	120.58	10-19-6005	Office Supplies
09/25	09/18/2025	94117	6346	Michael T Runge	176.00	10-14-6090	Contract Services
09/25	09/18/2025	94118	6350	Sensiba LLP	440.00	10-12-6080	Audit Services
09/25	09/18/2025	94119	6229	Wayne E Sheffel Jr	176.00	10-14-6090	Contract Services
09/25	09/18/2025	94120	380	Stadelman Electric Inc	102.00	10-16-6015	Equipment Maintenance
09/25	09/18/2025	94121	142	Tidewater Contractors Inc	1,326.00	50-10-7025	Construction
09/25	09/18/2025	94122	6318	Trojan Technologies Corp	24,417.40	53-43-7025	Construction
09/25	09/18/2025	94123	169	Waste Connections Inc	1,287.58	10-16-6090	Contract Services
09/25	09/18/2025	94124	5992	Ziply Fiber	151.68	30-10-6135	Communications
09/25	09/25/2025	94125	6357	A & A Drilling Service Inc	4,862.00	20-21-6030	Operating Supplies
09/25	09/25/2025	94126	5070	Canon U.S.A. Inc	425.60	10-15-6030	Operating Supplies
09/25	09/25/2025	94127	6327	Curry County	5.00	10-19-6090	Contract Services
09/25	09/25/2025	94128	6078	Curry County Reporter	262.50	10-15-6090	Contract Services
09/25	09/25/2025	94129	1	Barbara Sweetland-Bradley	6.35	20-00-2070	Deposits
09/25	09/25/2025	94130	5333	Double D Electric	1,093.85	10-13-6015	Equipment Maintenance
09/25	09/25/2025	94131	2640	Dyer Partnership	21,879.88	54-42-7025	Construction
09/25	09/25/2025	94132	5073	Edwards Roofing	2,210.00	50-10-7025	Construction
09/25	09/25/2025	94133	2067	Enviro-Clean Equipment	1,889.86	25-31-6030	Operating Supplies
09/25	09/25/2025	94134	5078	Geotechnical Resources Inc	8,186.25	54-42-7025	Construction
09/25	09/25/2025	94135	198	Grants Pass Water Lab	55.00	20-21-6030	Operating Supplies
09/25	09/25/2025	94136	1130	H.D. Fowler	3,231.48	20-21-6030	Operating Supplies
09/25	09/25/2025	94137	6040	Hard Rock Pumping	450.00	50-10-7025	Construction
09/25	09/25/2025	94138	6030	Hartwick Automotive LLC	79.24	10-13-6015	Equipment Maintenance
09/25	09/25/2025	94139	6287	Isaac Hodges	383.70	10-12-6120	Training/Travel
09/25	09/25/2025	94140	4980	iSecure Inc	45.10	10-12-6090	Contract Services
09/25	09/25/2025	94141	6358	Kendall Ford Mazda	74,005.77	50-10-7020	Equipment-PW
09/25	09/25/2025	94142	6358	Kendall Ford Mazda	74,005.77	50-10-7021	Equipment - Police
09/25	09/25/2025	94143	5733	Thomas W Kerr	372.80	10-14-6090	Contract Services
09/25	09/25/2025	94144	3978	KLB Enterprises	1,505.30	15-10-6015	Equipment Maintenance
09/25	09/25/2025	94145	4	Kyle Bliss	216.00	10-06-4150	Capella Revenue
09/25	09/25/2025	94146	4	Ahna Henrickson	266.00	10-00-2070	Deposits
09/25	09/25/2025	94147	4	Emily Rinehart	266.00	10-00-2070	Deposits
09/25	09/25/2025	94148	6263	Phoebe Pereda	383.70	10-12-6120	Training/Travel
09/25	09/25/2025	94149	207	Quill Corporation	218.65	10-19-6005	Office Supplies
09/25	09/25/2025	94150	6281	Tim Rundel	383.70	10-12-6120	Training/Travel
09/25	09/25/2025	94151	6346	Michael T Runge	176.00	10-14-6090	Contract Services
09/25	09/25/2025	94152	6229	Wayne E Sheffel Jr	176.00	10-14-6090	Contract Services
09/25	09/25/2025	94153	380	Stadelman Electric Inc	699.95	25-31-6040	Building Maintenance
09/25	09/25/2025	94154	6262	Stateline Tires LLC	3,025.00	10-14-6020	Vehicle Maintenance
09/25	09/25/2025	94155	6264	Tradewind Signs LLC	81.94	10-13-6030	Operating Supplies

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Amount	Invoice GL Account	Invoice GL Account Title
09/25	09/25/2025	94156	5980	Jennifer Wolf	352.00	10-14-6090	Contract Services
09/25	09/25/2025	94157	301	Woudstra Concrete Finishers	1,729.00	50-10-7025	Construction
09/25	09/25/2025	94158	5992	Ziply Fiber	1,413.32	25-31-6135	Communications
Grand Totals:					767,566.23		

Dated: _____

Mayor: _____

City Council: _____

_____

_____

_____

_____

_____

City Recorder: _____

Report Criteria:
Report type: Summary

M = Manual Check, V = Void Check

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: Oct. 13, 2025

Originating Dept: Admin.

Signature (submitted by)

City Manager Approval

Subject: City of Brookings City Council, Boards and Commissions Protocol

Financial Impact: Nominal

Background/Discussion:

Several municipalities in Oregon and around the country utilize a city council protocol manual for their elected and appointed officials. Establishing a city council protocol is important because it fosters efficiency, transparency, and public confidence by setting clear rules for meetings, communication, and conduct. Protocols promote respectful discourse, ensure consistency in decision-making, provide clarity on roles and responsibilities, and help prevent personal conflicts and legal issues by defining expectations for all participants.

For Effective Meeting Management:

- Ensures Productivity: Protocols provide a framework for structured discussions, helping to keep meetings focused, efficient, and on schedule.
- Promotes Civil Discourse: Guidelines for respectful communication prevent personal attacks and ensure a safe environment where all members feel comfortable sharing their opinions.
- Provides Clear Structure: Adopting parliamentary procedures, such as Robert's Rules of Order, guides discussions and decision-making processes, preventing confusion and conflict.

For Transparency and Accountability:

- Builds Public Trust: Clear protocols for how the council operates and makes decisions helps to build and maintain public confidence and support for the local government.
- Establishes Clear Expectations: Protocols clarify roles, responsibilities, and expected conduct for council members, staff, and the community, ensuring everyone understands the boundaries and procedures.
- Enhances Communication: Protocols establish best practices for communication between the council, city staff, and the public, fostering better relationships and understanding.

For Council Member and Staff Cohesion:

- Fosters Teamwork: Clear rules and norms of behavior help council members work together more effectively, reducing role confusion and conflicts.

- Promotes Professionalism: Protocols set standards for professional conduct, encouraging members to treat each other and the public with dignity and courtesy.

- Supports Legal Compliance: Protocols can help ensure that council actions comply with relevant laws and regulations, reducing the risk of due process violations and potential legal liability.

Attachment(s):
City of Sweet Home City Council Rules
City of Medford City Council Rules of Procedures
City of Talent Rules of Procedure

City of Sweet Home
City Council Rules

Adopted August 28, 2018 - Effective September 27, 2018

Table of Contents

1) **Rules of the City Council Adopted.** 1
2) **Meeting of the City Council.** 2
3) **Minutes** 2
4) **Agenda.** 3
5) **Attendance.** 3
6) **Citizens Duties at City Council Meetings.** 3
7) **Councilor's Duties at City Council Meetings.** 4
8) **Mayor** 5
9) **Mayor's Duties at City Council Meetings.** 5
10) **President Pro Tem** 5
11) **Order of Business.** 5
13) **Procedure.** 6
14) **Quorum.** 6
15) **Resolutions.** 7
16) **Vote.** 7
17) **Debate and Withdrawal of Motions.** 7
18) **Vacancies** 7
19) **Ethics.** 8
20) **Violations.** 9
21) **Legal Advice.** 9
22) **Public Records.** 9
23) **Representing the City.** 10
24) **Communication with Staff.** 10
25) **Non-Material Failure** 10

1) **Rules of the City Council Adopted.**
"The Council shall… adopt rules and regulations for the government of its members and proceedings." (2014 City of Sweet Home Charter, Sec. 14). The Sweet Home City Council does hereby adopt the following rules for conducting business and to govern its members, the same to be known as the Rules of the City Council (Council Rules). The City Council shall strive to review its rules at least once every two years. The Council Rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinances or policies or provisions of the City Charter.
   a) Amendment. These rules of procedure are subject to amendment by the City Council in accordance with the rules noted herein.
      i) Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
      ii) All amendments to these rules require a majority vote of the City Council.
      iii) Amended rules shall not go into effect until the meeting after the rule is approved.

iv) These rules may be suspended upon a majority vote of the City Council.

b) Repeal. These rules of procedure are subject to repeal and replacement by the City Council in accordance with the rules noted herein.
   i) Any proposed repeal of these rules shall be accompanied by a proposed replacement.
   ii) Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
   iii) Any repeal and replacement of these rules requires a majority vote of the City Council.
   iv) Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule is approved.

2) Meeting of the City Council.

a) Public Meeting Law. All meetings of the City Council shall comply with the Oregon State Public Meetings Law, which is hereby incorporated by reference into these rules.

b) Regular Meeting. The City Council will meet for regular meetings on the second and the fourth Tuesday of each month unless the Mayor cancels or reschedules the meeting upon consensus of the City Council. The Mayor, in conference with the City Manager, may cancel a regular meeting for inclement weather or other unforeseen circumstances or emergency situations. Regular meetings will convene at 6:30 pm and will be adjourned by 10:00 pm unless extended by consent of a majority of the City Council.

c) Special Meeting. Special Meetings of the City Council may be called in accordance with the provisions of Section 14 of the City Charter, "Special meetings of the council may be called by the mayor, either upon his/her own motion or upon the request of at least three members of the council, and held at any time, upon verbal or written notice to all members of the council then in the city. Special meetings of the council may also be held by the common consent of all members of the council."

d) At Special Meetings of the Council, called in a manner provided by the Charter, no business shall be acted upon except that mentioned in the notice or call of the special meeting.

e) Work Sessions. Work sessions will be held to provide Council with an informal opportunity to ask questions about pertinent issues and provide guidance to staff. No issues will be decided in work sessions that would require formal Council decision making.

f) Executive Session. An executive session shall be held in accordance with Oregon State Public Meetings Law. The chairperson may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. The chairperson shall determine which persons other than the City Council shall be allowed to attend executive sessions. The chairperson shall instruct any media representatives present not to disclose the substance of any discussion during executive session. No final decision shall be made in executive session. To make a final decision, the chairperson shall either call the meeting into open session or place the decision on the agenda of a future open session.

3) Minutes.

The City Recorder, or the designee, shall prepare written minutes of all open regular and special meetings, which shall be approved by the City Council and made available for public inspection. All meetings shall be recorded for the benefit of the City Recorder in the preparation of the minutes.

a) Written Minutes. Per Section 20 (c)(16) of the City Charter, the City Manager shall, "...serve as the city recorder and such to be clerk of the council, keep an accurate record of its proceedings in a book provided for that purpose, and countersign all

instruments and writings by this charter or by the laws of the state or the city." Written minutes shall include the names of all City Councilors present, all motions, resolutions, orders, ordinances and measures proposed and their disposition, the results of all votes and references to any documents discussed. Adopted minutes shall be signed by the chairperson.

b) Audio/Video Recording. City Council meetings may be audio and/or video recorded. If the City of Sweet Home records the meeting, copies shall be retained by the City of Sweet Home in order to comply with the State of Oregon Public Meetings Law.

c) Audio/Video Area. All audio and/or video recording by the public and/or press shall be done from within a designated area.

4) **Agenda.**

The City Manager shall coordinate with the chairperson on the preparation of an agenda of the business to be presented at a City Council meeting. The chairperson and City Manager shall endeavor to publish the agenda of regular meetings five days prior to the meeting. The agenda packet containing all agenda items will be available for the City Council on that day.

a) Non-Agenda items brought to Council by an individual Councilor must be introduced by motion during a City Council meeting and requested to be on the agenda for the next meeting. The motion, which can be made by the Councilor submitting the item, must have a second for the item to move to the next agenda.

b) In a time sensitive or emergency situation, items may be brought forth, and by a majority vote of the Council, reviewed during the current meeting.

5) **Attendance.**

Councilors will inform the chairperson or the City Manager if they are unable to attend any meeting. Additionally, the Mayor will inform the President Pro Tem or the City Manager regarding any absence by the Mayor.

a) Per Section 12 of the City Charter, "An office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, removal from the city or absence from the city for a period of 30 days without the consent of the council in the case of the mayor, manager, municipal judge or councilor...and in the case of the mayor or a councilor, upon his/her absence from meetings of the council for 60 days without the consent of the council."

b) When unable to physically attend a Council meeting, City Council members may participate in Council meetings, including executive sessions and work sessions, by telephone or video conference. Telephonic or video participation must be approved in advance by the chairperson and there must be a quorum present in the City Council Chambers before telephonic participation will be allowed. All Council members, whether attending the meeting in person or by telephonic/video means, shall have identical voting rights. The participant must be telephonically/video present for the entire meeting.

6) Citizens Duties at City Council Meetings.

a) General Procedure. Citizens desiring to address Council shall first be recognized by the chairperson. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof. Any remarks and questions regarding administration of the City shall be referred to the City Manager by the chairperson.

b) Agenda Items. Anyone desiring to speak to the Council on an agenda item must indicate their desire to speak to the chairperson by signing in on the request to speak form. When that agenda item is on the floor for discussion, the chairperson will recognize registered individual(s) to address the Council.

c) Non-Agenda Items. Anyone desiring to speak to the Council on a non-agenda item must first properly sign in on the request to speak form, clearly indicating the topic they wish to address. The chairperson, at their discretion, may permit such persons to address the

Council and may limit the time for comment as needed, generally allowing between three to five minutes.

d) Speaker's Conduct. Citizens acknowledged by the chairperson to address the Council shall step up to the microphone, give his/her name, address and subject matter of their comments in an audible tone of voice for the record and, unless further time is granted by the chairperson, shall limit their address to three (3) minutes.
   i) All comments shall be made to the entire Council and not to any single member or to staff.
   ii) Any questions for Council members or staff shall be presented through the chairperson.
   iii) The Council will determine the disposition of any issues raised (e.g., placed on the agenda, designated for a work session, future agendas, refer to staff, or do not consider).

e) Conduct of Audience. All audience members shall abide by the rules of common decorum contained herein and as would be commonly expected in a public setting. No audience member shall disrupt the conduct of the meeting or clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so shall be determined out of order and the chairperson may have such person removed from the Council chambers. Such person shall not be permitted to attend the remainder of that Council meeting.

f) Citizen Complaints. All citizen complaints regarding city operations shall be submitted to the City Manager's office in writing preferably on the form provided by the City. Such forms will be available at City Hall and on the City's web site. Each form must be signed by the person making the complaint. The City Manager shall forward any such written complaints to the appropriate person for review. Citizen complaints brought directly to the Council during a meeting may not be heard or considered at the discretion of the Chairperson.

7) **Councilor's Duties at City Council Meetings.**

Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the Orders of the chairperson. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

a) Every Councilor desiring to speak shall first address the chairperson and await recognition to obtain the floor. No person other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without permission of the chairperson.

b) Any Councilor who has the floor shall confine himself or herself to the questions under debate, avoid personalities and refrain from impugning motives of any member, member argument or vote. No member shall address the chairperson or demand the floor while any vote is being taken.

c) Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the Council. No Councilor shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.

d) A Councilor once recognized shall not be interrupted while speaking, unless called to order by the chairperson, or unless a point of order is raised by any Councilor while they are speaking, in which case he or she shall cease speaking immediately until the point is determined. If ruled to be in order, the Councilor shall be permitted to proceed; if ruled

to be out of order, the Councilor shall remain silent or shall alter their remarks as to comply with the ruling.

e) City staff and employees shall observe the same rules of order and decorum as are applicable to the Council.

8) **Mayor.**

The Mayor shall act as the chairperson and preside at meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. In case of the Mayor's absence or temporary disability, the President Pro Tem shall act as the chairperson during the continuance of the absence. In case of the absence or temporary disability of the Mayor and President Pro Tem, the members of the Council shall select a member to act as chairperson during the continuance of the absences. The Mayor or President Pro Tem are referred to as the "chairperson" from time-to-time in these Council Rules.

a) At its first meeting of the new term after each biennial general election, the Council shall elect from its membership a chairperson who shall be Mayor for a term of two years. (2014 City of Sweet Home Charter, Sec. 3)

b) The Mayor shall appoint the various committees provided for under the rules of the council or otherwise and shall fill all vacancies in committees of the council from that body. (2014 City of Sweet Home City Charter, Sec. 19)

c) The Mayor shall sign all ordinances passed by the Council within three days after passage. (2014 City of Sweet Home City Charter, Sec. 19)

d) The Mayor shall sign all instruments and writings authorized by the charter, the laws of the State of Oregon or the City Council. In the absence of the Mayor, such instruments shall be signed by the President Pro Tem of the City Council. (2014 City of Sweet Home City Charter, Sec. 19)

e) All orders on the city treasurer shall be signed by two of the three following named city officers, being the Mayor, the City Manager and the City Treasurer. (2014 City of Sweet Home Charter, Section 19)

9) **Mayor's Duties at City Council Meetings.**

"The Mayor shall be the chairperson of the council and shall preside over its deliberations. He/she shall have the authority to preserve order, enforce the rules of the council and determine the order of business, subject to the rules of the council. He/she may vote as any other Councilor." (City of Sweet Home Charter, Section 16)

10) **President Pro Tem**

At its first meeting in the new term after each biennial election, the council shall elect from its membership, a President Pro Tem for a term of two years. The President Pro Tem shall perform the duties of the Mayor in the absence of the Mayor. (2014 City of Sweet Home Charter, Section 17)

11) Order of Business.

In the conduct of business of the City Council, the following procedure shall be substantially followed:

a) Call to Order
b) Roll Call
c) Consent Agenda
d) Recognition of Visitors and Hearing of Petitions
e) Old Business
f) New Business
g) Ordinance Bills
   i) Request for Council Action and First Reading of Ordinance Bills
   ii) Second Reading of Ordinance Bills
   iii) Third Reading of Ordinance Bills
h) Reports of Committees

i) Reports of City Officials
j) Council Business for Good of the Order
k) Adjournment

12) Ordinance Bills.

Proposed ordinances shall be known as "ordinance bills." They shall be numbered consecutively and filed by the City Manager in the order in which they are introduced.

a) Numbering. The city recorder shall number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the ordinance was introduced.
b) The enacting clause of all ordinances hereafter passed shall be "The City of Sweet Home does ordain as follows." (2014 City of Sweet Home Charter, Section 23)
c) All ordinances shall, before presentation to the council, have been approved as to form by the city attorney, or the city attorney's designee.
d) "Every ordinance shall be fully and distinctly read in open council meeting on one day and shall be read by title only on two different days previous to being put upon its final passage provided that the council may have the ordinance fully and distinctly read at any reading thereof; provided, however, that any ordinance may be introduced and read the first time at any meeting and may upon a unanimous vote of all the members of council present at the meeting be read a second time by title only and placed upon its passage at the meeting held on a separate and successive day." (2014 City of Sweet Home Charter, Section 24)
e) After an ordinance is introduced for consideration by the council for presentation for first reading, the council may direct that:
    i) A public hearing on the ordinance be held;
    ii) Refer the ordinance to committee for review and recommendation;
    iii) Refer the ordinance to the city manager for further revision;
    iv) Pass the ordinance to a second reading;
    v) Pass the ordinance to a second reading and by, "...unanimous vote of all the members of the council present at the meeting be read a second time by title only and placed upon its passage at the meeting held on a separate and successive day." (2014 City of Sweet Home Charter, Section 24)
    vi) Reject the ordinance in whole or in part.
f) Except as otherwise provided by this section, on second reading all ordinances shall be placed by title and number on a calendar of second reading and may be passed to a third reading as a group, provided that the vote for the passage of the calendar is unanimous.
g) The third reading of ordinance bills need be read by title only.
h) Each ordinance shall take effect on the thirtieth day after passage; provided that when the council deems it expedient or in case of emergency; an ordinance may provide a different time when it shall take effect, or that it shall take effect immediately. All ordinances shall be posted for 10 days after passage in three or more conspicuous places in the city. (2014 City of Sweet Home Charter, Section 25)
i) All resolutions shall be signed by the Mayor and the City Manager and shall have therein the date of their passage by the Council land the date of approval by the Mayor.

13) Procedure.

In all cases not specifically provided for herein or in the City Charter, the Council shall be governed by the law and precedents laid down in the then current edition of Robert's Rules of Order.

14) Quorum.

A majority of council members is a quorum. A quorum is required to conduct business, but a

smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by ordinance. The Council shall keep a journal of its proceeding, and on the call of two members shall the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the council shall be public. (2014 City of Sweet Home Charter, Section 15)

15) **Resolutions.**

a) All resolutions shall be in writing and numbered consecutively in the order in which they are introduced in each calendar year.

b) All resolutions shall be signed by the Mayor and the City Manager and shall have therein the date of their passage by the Council land the date of approval by the Mayor.

16) **Vote.**

The concurrence of a majority of a quorum shall be required to determine any matter before the Council except as provided otherwise in the Charter. (2014 City of Sweet Home Charter, Section. 18)

a) All questions shall be voted on by affirmation except those involving the expenditure of money and third reading of ordinance bills in which case a roll call shall be taken. If the chairperson doubts or a decision is called for, a roll call shall be taken.
Every Councilor, when a question is taken, shall vote. If a Councilor is planning to abstain, the Councilor must declare the intent to abstain prior to the vote.
No Councilor shall be permitted to vote on any subject in which he or she has a conflict of interest.

17) **Debate and Withdrawal of Motions.**

Members who wish to make a motion must first be recognized by the chairperson. After the Councilor makes a motion the chairperson should then restate it or rule it out of order, then call for a second. No motion shall be debated until it has been seconded and distinctly announced by the chairperson and shall have been reduced to writing if so desired by any Councilor. It shall be read by the City Manager, or their designee, when required by members for information. A motion may be withdrawn at any time before amendment.

a) Most motions require a second, although there are some exceptions:
   i) Nominations, points of order, requests to remove an item from the consent agenda, and motions to table.
   ii) A motion to table does not require a second and is not debatable. The chairperson will state the motion and call for the vote.

b) Motions for Reconsideration. A Motion for Reconsideration must be made by a member from the prevailing side. Any member may make the second. The following rules apply to motions for reconsideration:
   i) Motion must be in a timely manner but in no instance more than six (6) months after the original action.
   ii) When (6) months have elapsed, any member may bring the item before the Council.
   iii) No motion to reconsider an adopted quasi-judicial written decision shall be entertained after the close of the meeting at which the written findings were adopted.

18) Vacancies.

a) Vacancies in office filled by election or by appointment by the council shall be filled by appointment by the council at any regular or special meeting, and the person so appointed shall serve the full unexpired term and until his/her successor is chosen and qualified. (2014 City of Sweet Home Charter, Section 13)

b) Vacancies in offices filled by appointment by the manager shall be filled by appointment by the manager. An officer appointed to fill a vacancy shall within 24 hours after his/her appointment qualify for office, and unless he/she does so, the office shall be considered vacant. During the temporary absence of any officer from the city for any cause his/her

office may be filled temporarily in the manner provided for filling vacancies in office. (2014 City of Sweet Home Charter, Section 13)

19) **Ethics.**

All members of the City Council shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to ensure impartial application of the law to all citizens, and equal treatment of each citizen before the law.

a) All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
   i) Disclosing confidential information.
   ii) Taking action, which benefits special interest groups or persons at the expense of the City as a whole.
   iii) Expressing an opinion contrary to the official position of the council without so saying.
   iv) Conducting themselves in a manner so as to bring discredit upon the government of the City.

b) **Ex Parte Communications in Land Use.**
When Council receives written ex parte communication regarding land use, City Council should inform the citizen that the Council is interested in his or her perspective; however, because the Council is hearing the associated land use application, Council must refrain from reading and responding to information outside of the public hearing process. The Councilor should inform the citizen that the information received is being forwarded to staff for inclusion in the public record. Council shall then forward all ex parte correspondence received to staff as soon as possible for inclusion in the land use file, and if possible, the record.

c) **Expenses and Reimbursement.**
Councilor expenditures for other than routine reimbursable expenses (e.g. budgeted conference registration, travel, etc.) will require advance Council approval according to the purchasing rules which apply.

d) **Interference in Administration.**
No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to any city office or employment. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of Council, may be removed therefrom by the Council or by any court of competent jurisdiction; provided, however, that nothing herein contained shall be construed as prohibiting the council, while in open session, discussing with or suggesting to the manager, fully and freely, anything pertaining to city affairs and for the best interest of the city. Neither the manager nor any person in the employ of the city shall take any part in securing, or shall contribute any money toward the nomination or election of any candidate for the municipal office. (2014 City of Sweet Home Charter, Section 20(f))

e) A Councilor who desires major policy or ordinance research should first raise the issue at a regular meeting of the Council. The Council should consider items in light of City priorities and workload and agree to proceed with an issue or ordinance before any staff time is spent preparing a report. The Councilor may present information or a position

paper or ask for a department report or committee recommendation. Councilors who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before the Council for a vote.

20) Violations.

a) The council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a member of council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline or remove the member.

b) The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

c) After the Executive Session or Public Hearing, if further action by the City Council is needed in addition to any other options allowed by law the City Council may use the following.

(1) Admonition: An admonition shall be verbal vote in open session made by the Council and recorded in the minutes.

(2) Reprimand: A reprimand shall be administered to the offending Councilor by letter. The letter shall be prepared by the City Council after action in open session to approve such letter. If the member objects to the contents of such letter, they may file a request for review of the content of the letter of reprimand with the City Council. The City Council shall review the letter of reprimand based upon the request for review and any record established, and may take whatever action reasonable and prudent under the circumstances.

(3) Removal from office: Removal from office shall occur after trial on written charges before the City Council and by complying with the recall provisions of ORS 249.865.

ii) The action of the City Council in response to a violation of these Council Rules shall be final and not subject to further review before the City Council.

21) Legal Advice.

a) Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the consensus of the Council. Before requesting research or other action by the City Attorney, the Council member should consult with the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique or sensitive City business-related requests.

b) PRESERVING THE ATTORNEY CLIENT PRIVILEGE. No Council member shall make any disclosures or release any information which would result in the waiver of the attorney/client privilege without first obtaining the approval of a majority of the Council in open session. Such a request for disclosure shall first be raised during an executive session for discussion prior to a vote in open session.

22) Public Records.

a) The disposition of public records created or received by Councilors shall be in accordance with Oregon Public Records Law. Written information incidental to the official duties of a member of the City Council, including mail messages, notes, memos and calendars (e.g., Outlook calendars and "Day Timers") are public records and are subject to disclosure under the Public Records Law.

b) Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the

proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder.

23) Representing the City.

a) Representing City. If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.

b) Personal Opinions. If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

c) Upon returning, a reasonable effort should be made by the Councilor to communicate any information or questions pertinent to city business to the full council within a reasonable time frame.

24) Communication with Staff.

a) City Council will respect the separation between policy making (Council function) and administration (City Manager function) by:
   i) Working with the staff as a team with a spirit of mutual respect and support.
   ii) Except in a Council meeting, not attempting to influence a City employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of City licenses and permits. However, the sharing of ideas on these matters is appropriate.
   iii) Limiting individual contacts with City staff to the City Manager, or other designated staff as not to influence staff decisions or recommendations, interfere with their work performance, undermine the City Manager authority or prevent the full Council from having the benefit of any information received.
   iv) Council members shall not request City staff to perform significant work without the prior approval of the City Manager, so that workloads and work plans are not adversely impacted. Councilors will limit individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.
   v) Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
   vi) Members of the Council shall normally share any information obtained from staff with the entire council. This section is not intended to apply to questions by members of the council acting in their individual capacities rather than as members of the council, nor to questions regarding conflict of interest or similar issues particular to a member of the council.
   vii) The mayor will refer any comments or questions regarding City personnel or administration to the City Manager. The mayor may redirect other questions to a Council member or the City Manager, as appropriate. Council members may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so.

25) Non-Material Failure

a) Non-material failures to follow the Council Rules in conducting business or to abide by the rules of procedure does not invalidate the decisions of the City Council nor will it be grounds to later challenge the validity of the decision.

CITY OF MEDFORD
CITY COUNCIL

RULES OF PROCEDURES

Authority
It shall, by ordinance enacted by two-thirds vote of the whole Council, adopt rules for the government of its members and proceedings.[1]

The Council shall review these rules periodically and not less frequently than every two years at its second meeting in January of odd-numbered years to coincide with the possible election of new Council members. Amendments shall be adopted by ordinance, as required by the Charter. The Council rules are not intended to replace or supersede any applicable federal or state laws or regulations or provisions of the City Charter.

The Council may by majority vote in an open Council meeting waive any Council rule for a specific situation.

[1] Charter Chapter IV, Section 13

MEDFORD
OREGON

MEDFORD
CITY COUNCIL

Table of Contents

CHAPTER 1 General Governance.....2

CHAPTER 2 Meeting Time, Frequency and Location 9

CHAPTER 3 Ordinances and Resolutions.....12

CHAPTER 4 Land Use Hearings 14

CHAPTER 5 Motions, Debate, Voting and Minutes..... 18

CHAPTER 6 Appointments 21

CHAPTER 7 Ethics, Decorum, Outside Statements.....25

CHAPTER 8 Interactions with Staff & City Attorney..... .30

CHAPTER 9 Censure [and Removal].....31

CHAPTER 10 Amendment and Repeal.....33

CHAPTER 1

I. Rules of Procedure

The presiding officer shall conduct all meetings of the Council in accordance with Robert's Rules of Order, Revised ("Robert's Rules"). However, the validity of an act of the Council shall not be affected by failure to observe Robert's Rules of Order, Revised.[2] Notwithstanding this provision and the provisions of Medford Municipal Code ("MMC") 2.010, Chapter 5 of these Rules apply to Council proceedings when inconsistent with Robert's Rules.

II. Quorum.

A. A majority of members of the Council shall constitute a quorum necessary for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.[3]

B. The Mayor, or in his absence the Council President or Vice-President, shall call the meeting to order at the hour designated for the meeting. If a quorum is not present, the City Recorder shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.[4]

C. Councilors unable to attend a meeting for pre-planned or unexpected reasons must notify the City Recorder and City Manager as soon as the member knows they will be absent. In the event of an extended absence of two or more meetings, Councilors shall provide written notice to the Mayor, Council President and City Manager. Absence from the City for over 30 days without the Council's consent or from all meetings of the Council within a 90 day period creates a vacancy.[5]

III. Presiding Officer

[2] MMC 2.010 Meeting Procedure
[3] Charter Chapter IV, Section 14
[4] MMC 2.035 Quorum
[5] Charter Chapter VII, Section 25

A. The Mayor shall be the presiding officer of the City Council but shall not vote upon any question except in case of a tie and the Mayor shall then cast the deciding vote.[6] As recognized under Chapter 6, Section II.B. of these Rules, the Mayor is permitted to vote for the appointment of persons to serve on City boards, committees and commissions as authorized by ordinance.

B. At its first meeting of each year, the Council shall elect a president and vice-president from its membership. In the Mayor's absence from a Council meeting, the president, or in the president's absence the vice president, shall preside over it, but shall retain the right to vote on each question. In any event, the president or vice-president may vote only once on each question before the Council. Whenever the Mayor is unable to perform the other functions of the office, the president, or in the president's inability the vice-president, shall act as Mayor.[7]

IV. Other Elected and Appointed Officers

A. The Manager and such other officers as the Council designates shall be entitled to sit with the Council but shall have no vote on questions before it. The Manager may take part in all Council discussions.[8]

B. The recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Council, keep accurate record of its proceedings, and sign all orders on the treasury.[9]

C. City Attorney. The city attorney is authorized to sit with Council and attend any meeting of the council, and will, upon request or to prevent procedural, ethical or legal deviations by Council, give an opinion, either written or oral, on legal questions.

V. Agendas

A. The manager shall prepare an agenda of the business to be presented at a regular council meeting. Agenda items should be submitted at the time determined by the city manager per Administrative Regulation. The agenda shall be prepared in accordance with section 2.050. Councilmembers and the mayor shall endeavor to have subjects they wish considered submitted in time to be placed on the agenda. [10]

---

[6] Charter Chapter V, Section 17

[7] Charter Chapter IV, Section 15

[8] Charter Chapter V, Section 18(4):

[9] Charter Chapter V, Section 21

[10] MMC 2.040 Agenda

B. Council Officers shall meet, as needed, to discuss items of interest/concern that may require Council action in open meetings or executive sessions and shall advise the City Manager on the agenda priority of such items.

VI. Order of Business

The order of business at council meetings shall be as follows:

(a) Roll call
(b) Recognitions, community group reports
(c) Oral request and communications from the audience
(d) Approval or correction of the minutes of the preceding meeting
(e) Consent calendar
(f) Items removed from the consent calendar, if any
(g) Ordinances and Resolutions
(h) Public Hearings
(i) Council Business (including propositions and remarks from the mayor and council members)
(j) Manager and staff reports
(k) Adjournment

The order of business at council meetings is subject to change at the discretion of the presiding officer in accordance with the needs of the Council. Upon motion and second, any change in the order of business by the presiding officer may be overridden or changed by majority vote of council members present.[11]

Roll Call

The city recorder shall conduct a roll call to determine which members of the council are present and which are absent.

1. The attendance shall be properly reflected in the minutes.
2. If roll call determines that a quorum is not present, the City Recorder shall immediately attempt to inform the absent members, except those known to be unavoidably detained, that their presence is required to enable the Council to proceed. If it is determined that a quorum cannot be obtained within a reasonable period of delay, the meeting shall be adjourned.

Recognitions, community group reports

[11] MMC 2.050 Order of Business

Reserved for employee recognitions and reports from agencies or other community groups with information relevant to City business.

Oral Requests and Communications

Public Comment

A. A period for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time to continue at the end of Council Business. Public comment shall be limited to items placed on the agenda, other than public hearings, or any other city business issue.

B. Persons wishing to speak during public comment must complete a "request to speak" form with the person's name and address and the topic upon which the person wishes to speak, not later than five minutes after the Public Comment has been opened by the Mayor or presiding officer. All remarks shall be addressed to the council as a body and not to any member thereof.

C. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about any quasi-judicial matter, including land use; to testify on an item that is not a public matter; to testify on a matter which has been or is scheduled to be heard by a hearings official; or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.

D. Speakers are limited to two minutes. Generally, speakers will be called upon in the order in which they have submitted their request to speak form, prioritizing Medford residents. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address [or the ward in which they reside]. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the 30- minute period.

E. Should there be more speakers than can be heard for two minutes each during the period provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.

F. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questions and responses to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

G. Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the council chambers as a part of their comment, but must provide the materials in a readable format to city staff prior to the meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.

Written Comment

A. Unsolicited communications to the mayor and/or council concerning matters on the agenda, other than public hearings, or any other city business issue shall be provided to the council, and be individually itemized in the minutes if received by noon the day of the meeting.

B. Unsolicited communications to the mayor and/or council concerning matters that are not clearly identified for inclusion under the agenda item intended for public comment shall be forwarded to the mayor and/or council but shall not be included in the minutes.

C. Anonymous and unsigned communications shall not be introduced in Council meetings.

D. The city manager may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the council, and making a recommendation for council action.

Consent Calendar

In order to make more efficient use of meeting time, the manager shall place all ordinances and resolutions which are routine in nature and concerning which no debate is expected on a "consent calendar." Any item placed on the consent calendar shall be removed at the request of the mayor or a councilmember prior to the time a vote is taken on the consent calendar items. All remaining items on the consent

calendar shall be disposed of by a single motion "to adopt the consent calendar," which shall not be debatable. Adoption of the consent calendar shall be by the affirmative vote of all councilmembers present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item on the consent calendar shall be voted upon separately in the usual manner.[12]

Ordinances and Resolutions – see Chapter 3

Public Hearings

Generally

1. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.

2. Persons wishing to speak shall sign a request to speak form with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.

3. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address [or identify the ward in which they reside.] For land use matters, persons offering comment are required to provide an address for purposes of mailing final decisions. All remarks shall be addressed to the council as a body and not to any member thereof.

4. For matters that are legislative or administrative and are not quasi-judicial, comments are limited to 4 minutes per individual, group or organization.[13]

5. For quasi-judicial matters, comments are limited to a total of 30 minutes for applicants and/or their representatives. They may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All other participants will be limited to 4 minutes.[14]

Land Use Matters – See Chapter 4

[12] MMC 2.045 Consent Calendar

[13] Current Agenda Language

[14] Current Agenda Language

Council Business

Proclamations

1. Request for Proclamations - Organizations or citizens requesting proclamations that proclaim a specified date or dates to recognize the efforts of various community groups and individuals on certain projects, shall be filed with the City Recorder. Upon receipt, the City Recorder will notify the Mayor of the request. If the Mayor approves the request, the City Recorder will prepare the proclamation for the Mayor's signature. The Mayor may also make proclamations at the Mayor's own discretion without a request.

2. Reading of Proclamations - It will be at the discretion of the Mayor if a proclamation will be read at a City Council meeting or presented to the organization or group. It is preferred that a representative of the requesting organization be present to receive the proclamation.

Committee Reports and Communications

The council liaison shall provide regular updates to the entire Council as to the concerns or issues for this board or commission during a Council meeting, under the Committee Reports and Communications portion of the agenda.

Manager and Staff Report

To focus on reporting on progress on Council goals and related work plan, as well as other timely community or City-related announcements.

CHAPTER 2

I. Regular Meetings

A. Unless the Council sets a different date and time for a particular meeting, the Council shall meet at 6:00 p.m. on the first and third Thursdays of each month in the Council Chambers. If business is not finished by 10:00 p.m., the Mayor shall adjourn the meeting, unless a majority of the Councilmembers present vote to continue in session. Unfinished business shall automatically be placed on the next regular Council agenda, unless the Council specifies a different time for consideration of such items. On holidays, the Council shall meet on the Thursday next following the holiday.[15]

B. In the event Council Chambers is not available for a meeting, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the city.

C. In the event Council meetings are held virtually, Council shall meet in the following manner. No in-person public comments will be heard under the oral comments agenda Item during the meeting, but in-person comments may be received during public hearings. The City Council encourages written comments. Comments may be submitted by regular mail to City Council, 411 W. 8th Street or by email at publiccomments@cityofmedford.org. Comments must be received by noon the date of the meeting to be noted in the record.

D. Virtual attendance should be avoided unless there are extenuating circumstances which prevents a council member from in-person attendance, such as illness. In these circumstances, the Mayor and City Recorder must be notified a minimum of one day prior to the meeting. In the event a council member is absent, and their presence is required to meet quorum, the council member may be asked to attend virtually.

E. Approved virtual meetings operations protocol will be followed when Council members attend virtually.

[15] MMC 2.005 Meeting Time

II. Special Meetings

A. The Mayor or any two Councilmembers may call a special meeting of the Council. Notice of a special meeting shall be in such form and delivered or otherwise given in such manner as may be prescribed by the Council's rules of government and state statute.[16]

B. The rules of procedure for special sessions shall be the same as provided for regular sessions of the council insofar as the provisions of sections 2.010 to 2.075 are applicable.[17]

III. Executive Sessions

Executive Sessions. An executive session (meeting closed to the public) may be held in accordance with state law. Care will be taken to ensure that proper and timely notice is made in accordance with statutory requirements. Executive sessions may be held during, or in conjunction with, regular, special or emergency meetings, so long as appropriate statutory requirements are met.

A. No formal actions can be taken during an executive session. When the Council reconvenes in open session, formal action may be taken. Only the Council, City Manager, City Recorder and specific staff members, news media representatives and others specifically invited can attend an executive session.
B. A major reason for allowing members of the news media to attend executive sessions is to ensure that the issues discussed are proper subjects and actions under the state laws related to executive sessions and to keep them informed concerning the background of deliberations so they have a better understanding of any decisions made as a result of the meeting. Members of the press shall be told that they may not report the substance of an executive session.
C. Minutes or a recording of executive sessions are required.
D. Material discussed during an executive session should not be disclosed outside the executive session or other privileged communications.

IV. Study Sessions

(1) Council public study sessions shall be held on the second Thursday when there is not a regular city council meeting at 6:00 p.m. in City Hall with the option to utilize the fourth Thursday for special and time sensitive subjects. Additional days may be utilized at the request of the Council or City Manager. Any study session may be canceled at the discretion of the City Manager, unless the session was specifically requested by the council. If a meeting falls on a holiday, it shall not be

[16] Charter Chapter IV, Section 13

[17] MMC 2.015 Special Sessions Procedure

held.

(2) A quorum is not required for a study session and members are not under any obligation to attend.

(3) The purpose of a study session shall be for councilmembers to informally receive background information on city business and to give councilmembers an opportunity to ask questions and to express their individual views.

(4) Particular cases involving quasi-judicial decisions shall not be discussed at study sessions.

(5) No decision shall be made and no vote shall be taken at any study session, except on a point of order.

(6) The agenda for a study session shall be made up by the City Manager and distributed at least 24 hours in advance. The council may, at any regular meeting, direct the City Manager to schedule appropriate matters which the council wants discussed at study sessions. However, appropriate non-agenda items may be discussed if a majority of members present agree.

(7) Minutes of each study session shall be kept by the City Recorder or Deputy Recorder and filed in the Recorder's office. Council approval of such minutes is not required.

(8) The study session agenda shall be posted in City Hall and made available to interested persons including news media which have requested notice at least 24 hours prior to the meeting.

(9) The rules contained in this section may not be suspended.[18]

V. Notice

The city recorder, or other appropriate City staff, shall provide notice of all meetings in accordance with Oregon's public meeting law, Medford Municipal Code section 10.124 and other applicable federal or state laws or regulations.

[18] MMC 2.080 Study Sessions

CHAPTER 3

I. Ordinances

A. ENACTING CLAUSE. The enacting clause of all ordinances hereafter enacted shall be, the City of Medford ordains as follows:[19]

MODE OF ENACTMENT.

1) Except as the second and third paragraphs of this section provide to the contrary, every ordinance of the Council shall, before being put on its final passage, be read fully and distinctly in open Council meeting on two different days.

2) If such ordinance has been available for public inspection in the office of the City Recorder not less than three days prior to the meeting, the ordinance, and any amendments thereto, may be enacted at a single meeting of the Council unless there is more than one dissenting vote, upon being read first as in this chapter provided.

3) Any of the readings may be by title only, if no Councilmember present at the meeting requests to have the ordinance read in full, or if a complete copy of the ordinance is provided for each Councilmember prior to the meeting.[20]

B. Subject to the provisions of sections 2.010 to 2.075, ordinances and resolutions shall be introduced and passed at regular or special sessions of the council. Before introduction, all proposed ordinances and resolutions shall be delivered to the recorder, who shall endorse on them the council bill number assigned to each. The number shall begin with the year in which the bill was introduced followed by the consecutive number identifying each bill, beginning each year with the number 1 for the first bill of that year (i.e., 2021-1, 2021-2, etc.). Proposed ordinances and resolutions shall from the time of numbering be referred to in the minutes or records of the recorder as council bills. [21]

Motions, Debate, Voting on ordinances and resolutions – See Chapter 5

[19] Charter Chapter VIII, Section 27
[20] Charter Chapter VIII, Section 28
[21] MMC 2.020 Ordinance and Resolution Procedure

The recorder shall record all ordinances passed by the council and approved by the mayor in a book to be kept for that purpose.[22]

[22] MMC 2.025 Ordinance Recording

CHAPTER 4

I. General Conduct of Hearings.

A. Any party may speak in person; through an attorney; through an agent authorized in writing; or through a representative, authorized in writing, from an officially recognized neighborhood association present the party's case.

B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.

C. No person may speak more than once without obtaining permission from the presiding officer.

D. Upon being recognized by the presiding officer, any member of the council, or the city manager, planning director or the city attorney (or their designees), may question any person who testifies.

E. Testimony shall be directed toward any standards and criteria applicable to the proposal before the council.

F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

II. Quasi-Judicial Land Use Matters.

The contents of this section shall govern the conduct of all quasi-judicial public hearings before an advisory body/approving authority. A copy of this section shall be available for public inspection at each quasi-judicial hearing and in the Planning Department. The conduct of public hearings on legislative matters shall be at the discretion of the presiding officer.

A. Nature of Hearing. All parties with standing shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

B. Authority of Presiding Officer. The presiding officer of the advisory body/approving authority shall have authority to:
   1) Regulate the course and decorum of the meeting.
   2) Dispose of procedural requests and similar matters.
   3) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, questions, and rebuttal testimony.
   4) Question any person appearing, and allow other members to question any such person.
   5) Waive, at their discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party their substantial rights as provided herein or otherwise by law.
   6) Take such other action as authorized by the approving authority to appropriately conduct the hearing.

C. Challenge or Reversal of Presiding Officer Ruling. A ruling of the presiding officer may be challenged by any member of that advisory body/approving authority present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the presiding officer's decision.

D. Conduct of Participants. Proceedings shall at all times be orderly and respectful. The presiding officer may refuse to recognize or exclude from the hearing anyone who:
   1) Is disorderly, abusive, or disruptive;
   2) Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing;
   3) Testifies without first receiving recognition from the presiding officer and stating his full name and residence; and,
   4) Presents irrelevant, immaterial, or repetitious evidence.

E. Order of Procedure. The presiding officer shall conduct the hearing in an orderly fashion, within the guidelines set forth herein. The hearing shall proceed in the following manner:
   1) Commencement: At the commencement of a hearing under a Comprehensive Plan or land use regulation, a statement shall be made to those in attendance that lists the applicable substantive criteria; states that testimony and evidence must be directed toward the criteria described in this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision; and states that failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal based on that issue.

2) Abstentions, Conflict of Interest and Challenges. All members shall comply with ORS 244.120 and 244.130 regarding actual or potential conflicts of interest. Any member who is disqualified or wishes to abstain from participation in the hearing on a proposal shall identify the reasons for the record and shall not thereafter participate in the discussion as a member or vote on the proposal. Any challenges to the impartiality shall also be decided at this time.
3) Planning Director's Report. The presiding officer shall request that the Planning Director or staff member report on the criteria and standards and the basic factual evidence applicable to the case and indicate the action required to be taken.
4) Applicant's Case. The presiding officer shall allow the applicant or applicant's representative to present evidence in support of the application. The applicant shall be allowed to produce witnesses on their behalf. Other parties in favor of the proposal shall thereafter be allowed to present their evidence. Applicant may then reserve time for rebuttal. The Planning Director may appear as an applicant on a staff proposal.
5) Opponent's Case. The presiding officer shall allow opponents to present evidence in opposition to the proposal. Opponents shall be allowed to produce witnesses on their behalf.
6) Questioning of Witnesses. Cross examination shall be permitted as per Section 10.132.
7) Applicant's Rebuttal if Reserved.
8) Staff Summary and Recommendations. The Planning Director or staff person may present any additional evidence, comments and recommendations at the close of the hearing.
9) Final Discussion. Upon conclusion of the evidence, members shall be allowed to openly discuss the proposal and further question any party appearing for or against the proposal as necessary.
10) Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. Such an extension shall not be subject to the limitations of ORS 227.178, "120 Day Rule."
11) When the advisory body/approving authority re-opens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.
12) The failure of the property owner to receive notice as provided in Section 10.124 shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was mailed. The notice provisions contained in Section 10.124

shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.

F. Standing. A person has the right to appear as a party to a quasi-judicial proceeding if the person:
   1) received official written notice of the hearing or was entitled to receive such notice, or
   2) has interests which could be adversely affected by the decision.[23]

III. Legislative Land Use Matters.

A. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:

1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case. For matters that are legislative or administrative and are not quasi-judicial, comments are limited to 4 minutes per individual, group or organization. [24] For citizen initiated code amendments the presiding officer may allow additional time for the applicant(s) to comment.
4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

[23] MMC 10.130 Due Process Element 5: Public Hearings

[24] Current Agenda Language

CHAPTER 5

I. Motions. All motions shall be distinctly worded.

A. The following rules shall apply to motions:

1) If a motion does not receive a second, it dies.
2) The council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
3) Any motion can be reduced to writing if requested by a member of the council and approved by the majority.
4) A motion to amend can be made to a motion that is on the floor and has been seconded. Only one amendment can be considered at a time. No secondary amendments can be made until the initial amendment has been put to a vote.
5) A motion may be withdrawn by the mover at any time with the consent of the second.
6) Amendments are voted on first, then the main motion if voted on as amended.
7) A call for the question is intended to close the debate on the main motion; requires a second and is not debatable.
    a) A call for the question fails without a majority vote.
    b) Debate on the main subject resumes if the motion fails.
8) The Mayor breaks a tied Council vote. In the Mayor's absence, a motion that receives a tie vote fails.
9) The presiding officer shall repeat the motion in substance prior to a vote.
10) A motion to adjourn cannot be amended.

B. Motion to Reconsider. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

1) No motion to reconsider shall be made more than once.
2) The motion to reconsider shall be made before the final adjournment of the meeting when the item goes out of possession of the council.

II. Debate. The following rules shall govern the debate of any item being discussed by the council:

A. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine themselves to the question under debate, at all times acting and speaking in a respectful manner.

B. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

III. Voting

A. Except as this charter otherwise provides, the express concurrence of a majority, but not less than three, of those voting on the question shall be necessary and sufficient to decide any question before the Council.[25]

B. 1) Only a member who is present shall be permitted to vote when the "ayes" and "nays" on a question are called for. Presence shall be determined by the following:

a) When a member' name is called in the regular order, in the case of a roll call vote; or

b) In any other case, when the question is put.

2) The president of the council or a councilmember acting as president pro tem may vote on all questions in all cases in which they might vote if not so acting.

3) On a motion to adopt an ordinance, or to adopt a resolution authorizing any disposition of public funds, or in the course of special assessment proceedings, there shall be a roll call vote. On all other motions it is sufficient to put the question in the following form: "All in favor say 'aye', opposed 'nay'." If the presiding officer is then uncertain of the votes cast or if a division is called for, the presiding officer shall call for a roll call vote.

[Summary: A roll call vote is only required for a) an ordinance; b) a resolution authorizing disposition of public funds; c) special assessment proceedings; and d) calls for division.]

4) In order to carry an authorization to expend public funds, at least three members of the council shall vote affirmatively for the proposition.[26]

---

[25] Charter Chapter IV, Section 16

[26] MMC 2.055 Voting

IV. Minutes. Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required.

1) Council meeting minutes shall contain:
   A. The name of Council members present.
   B. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
   C. The result of any votes, including ayes and nays and the names of the
   D. Council members who voted.
   E. A brief summary of the substance of the discussion on any matter.
   F. Reference to any document discussed at the meeting.
2) The Council may amend the minutes to more accurately reflect what transpired at a meeting. Upon receipt of the minutes in the Council agenda packet, the Council members should read them and if possible submit any changes, additions or corrections to the City Recorder in order that the recording of the meeting can be reviewed and a corrected copy can be prepared prior to the meeting for approval. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes the change by majority vote.

CHAPTER 6

I. City Staff

A. 1) The Manager shall be chosen by the Council without regard to political considerations and solely with reference to executive and administrative qualifications. 2) The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council.[27]

B. The judge shall be appointed by the Mayor, with the approval of the Council for a term of three years, subject to being removed by a two-thirds vote of the whole Council for cause as defined by ordinance in effect prior to the occurrence of the grounds for cause.[28]

II. Boards & Commissions

A. Except as otherwise provided herein or by ordinance, the Mayor shall appoint the members of committees or commissions of the City.[29]

B. Medford Municipal Code or state law outlines the appointments for the following boards and commissions:
2.438 Arts Commission: Appointed by Parks & Recreation Commission. Youth: Appointed by Parks & Recreation Commission
2.454 Bicycle & Pedestrian Advisory Committee: Appointed by Mayor and Council
ORS 294.414 Budget Committee: Appointed by Mayor and Council
2.204 Cemetery Commission: Appointed by Parks & Recreation Commission. Youth: Appointed by Mayor
2.437 Commission on Access, Diversity, Equity & Inclusion: Appointed by Mayor and Council
2.441 Community Services and Development Commission: Appointed by Mayor and Council
2.448 Hospital Facilities Authority Board of Directors: Appointed by Mayor and Council
2.439 Housing Advisory Commission: Appointed by Mayor and Council

[27] Charter Chapter V, Section 18
[28] Charter Chapter V, Section 20
[29] Charter Chapter V, Section 17

10.110 Landmarks & Historic Preservation Commission: Appointed by Mayor and Council
2.447 Parking Committee: Appointed by Mayor and Council
2.461 Parks & Recreation Commission: Appointed by Mayor and Council. Youth: Appointed by Mayor
10.110 and ORS 227 Planning Commission: Appointed by Mayor and Council
2.427 Police Advisory Committee: Appointed by Council (Mayor not included)
10.110 Site Plan & Architectural Commission: Appointed by Mayor and Council
2.457 Traffic Coordinating Committee: Two members are appointed by the Transportation Commission.
2.451 Transportation Commission: Appointed by Mayor and Council
2.475 Unified Appeal Board: Appointed by Mayor and Council.
ORS 294 Urban Renewal Agency Budget Committee: At large members appointed by Mayor and Council.
Charter Chapter V, Section 19: Water Commission: Appointed by Mayor; confirmed by Council
[Note: Where City Council has, by ordinance, provided that the "Mayor and Council" shall appoint members of the above-named boards and commissions, the Mayor is authorized to vote on those appointments.]

III. Council Liaison to Boards and Commissions

1) At the second regular City Council session of a new calendar year, the Council president shall appoint Council liaisons to the following City Boards and Commissions:

Hospital Facilities Authority (2 positions)
Rogue Valley Area Commission on Transportation (RVACT)
Rogue Valley Council of Governments (RVCOG)
Rogue Valley Metropolitan Planning Organization (RVMPO)
Regional Rate Committee (2 positions)
Southern Oregon Regional Economic Development Inc. (SOREDI)
Housing Advisory Committee
Parking Committee
Parks & Recreation Commission
Police Advisory Committee
Transportation Commission
TRADCO
Chamber Board
Travel Medford Board
Medford Water Commission

6) Some boards and commissions are not City of Medford boards and commissions, but instead include a member from the governing body of the City as a voting member of the board or commission. In these instances, the council member may act as a voting member of the Board, not as a council liaison. Those council members, when appropriate, should obtain direction from the entire council prior to voting on a matter. Staff appointed as representatives, including alternates, to such boards and commissions shall follow the guidelines of this subsection.[30]

IV. Council Vacancies

A. Vacant elective offices in the City shall be filled by a majority vote of the whole Council. [31]

B. 1) Before filling a vacancy in an elective office, the Council shall:
   a) Cause a notice of the vacancy to be published once a week for two consecutive weeks in the newspaper published in the city that has the largest local circulation. The notice shall indicate the vacant position and state the deadline for submitting a written application for the position, which shall not be less than 30 days after first publication. The City may supplement this notice through other means, including but not limited to social media or the City's website.
   b) Prescribe a form of application to be used by all applicants and a form of nominating petition to be signed by 25 electors of the applicant's ward. Until the Council directs otherwise by motion or resolution, the existing form of "Candidate Information Sheet" (CMO/101) may be used by applicants.
   c) Appoint a committee of five citizens from the applicants' ward to interview all applicants and make recommendations to the Council as to who is most qualified to represent the ward with the vacancy.
   d) Offer all eligible persons who submitted an application and a nominating petition signed by 25 electors of his or her ward before the deadline an opportunity to appear before both the citizen's committee and the Council for interviews.

   2) No one shall be selected to fill a vacancy in elected office unless that person applied in writing, presented a nominating petition signed by 25 electors of his or her ward and appeared in person before both the citizens committee and the Council for interviews. If the Council is not satisfied with the field of applicants, it may repeat the process as many times as it deems necessary.

---

[30] MMC 2.436 Council Liaison

[31] Charter Chapter VII, Section 26

Once an applicant has submitted an application and has been interviewed, it is not necessary to submit a new application or appear for another interview for the same position, unless specifically requested by the Council to do so.

3) The procedures listed in this section shall not commence until after the Councilmember has actually vacated his or her position on Council. As used in this section, "vacancy" refers to an actual vacancy where a Councilmember has already ceased his or her role as a Councilmember, and not a declared intent to vacate the position in the future.
4) The procedures for filling the Council vacancy prescribed by this section shall not be temporarily suspended. Notwithstanding this prohibition, the procedures for forming a citizens' committee described in subsection (1)(c) may be suspended if the actual vacancy occurs less than 120 days prior to an election where the vacant seat will be filled, in which case the procedures regarding the citizens' committee may be suspended upon a vote of the majority of Council members present. This vote may take place before or after the actual vacancy, but if it occurs before the actual vacancy, the vacating member shall recuse himself or herself from that vote.
5) The procedures as set forth will commence within 45 days of the vacancy and shall not thereafter be unreasonably delayed.[32]

[32] MMC 2.085 Filling Certain Vacancies

CHAPTER 7

I. Ethics

A. All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:

1) Disclosing confidential information.
2) Taking action which benefits special interest groups or persons at the expense of the city as a whole.
3) Expressing an opinion contrary to the official position of the council without so saying.
4) Conducting themselves in a manner so as to bring discredit upon the government of the city.

B. Each councilmember shall be entitled to vote when present at a regular or special meeting of the council, except that a councilmember shall not vote when they have a conflict of interest. A conflict of interest exists if the action to be taken can confer on them a significant economic benefit or impose a significant economic loss not shared by the public generally. If there is such a conflict of interest, the councilmember shall identify it before taking part in any discussion.[33]

II. Decorum

(1) Except by permission of the presiding officer, a councilmember shall address any remarks to the council, and not to the audience. Upon recognition and with permission of the presiding officer, a person in the audience may address the council relative to any matter being considered by the council at that time.(2) All members shall preserve order and decorum during meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer.

(3) All members shall:
(a) confine themselves to questions or issues then under discussion;
(b) not engage in personal attacks;

[33] MMC 2.070 Conflict of Interest

(c) not impugn the motives of any speaker;
(d) not chastise, denigrate, or criticize anyone;
(e) set an example of good ethical conduct; and
(f) at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.[34]

In general, Council members shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services and keeping informed concerning the matters coming before the Council. Council members must abide by all decisions of the Council, whether or not the member voted on the prevailing side. Abiding by decisions of the Council does not preclude a Council member from advocating for repeal or amendment of the decision.

City Council Ground Rules. Mayor and Council members shall:

1. Honor the expertise in the room
2. Avoid blame, speculation, and inflammatory language
3. Ensure that all are heard and encourage participation
4. Acknowledge and respect differences
5. Agree to disagree
6. Look for common ground
7. Come to meetings prepared
8. Ask questions of staff in advance whenever possible
9. Active listening – Listen to understand, not to respond
10. WAIT – Why am I talking? / Why aren't I talking?
11. Stay on topic
12. Provide actual direction
13. Be respectful to all (MMC 2.065 Decorum)
14. Follow functional procedural rules
    - Amendments, tabling, vote on items (piece meal)

Staff and Public Conduct: The rules of conduct for members of city staff and the public shall generally be the same as for the Council. Per Case Law *State v. Seidel,* the presiding officer has the ability to order a member of the public removed for the duration of a public meeting for disrupting the meeting, and have that individual arrested if they refuse to leave the meeting when instructed.

[34] MMC 2.065 Decorum

Electronic Communications During Meetings: "Electronic communications" means email, text messages, virtual meeting chat or other forms of communications transmitted or received by technological means. "Electronic communications devices" means laptop computers, smart phones, cell phones, notebooks, or other similar devices capable of transmitting or receiving messages electronically.

Any electronic communications regarding a quasi-judicial matter to be considered by council is an ex parte contact and shall be disclosed as required by law.

Virtual Meetings:

Before the meeting:

1. Take measures to minimize interruptions and distractions.
2. If possible, use a room where you can close the door.
3. Try to isolate yourself from pets, children or others who may be noisy.
4. Use a location with a neutral background.
5. Eat before the meeting; eating during the meeting can be distracting to others.
6. Consider the use of headphones to reduce background noise and avoid feedback.
7. Review the agenda packet ahead of time. If possible, send any questions to the City Manager ahead of time so staff can provide requested information in their presentation.
8. Check your email beforehand to review any public comments that were received.

Public Meeting Reminders:

1. Virtual meetings are public record.
2. All rules pertaining to in-person meetings apply to electronic virtual meetings, including quorum, minutes, voting and confidentiality requirements.
3. All policies relating to in-camera meetings and conflicts of interest apply equally for all participants.
4. Council's decorum rules apply during virtual meetings.
5. Any statements made during the meeting are "on the record."

Attending the Meeting:

1. Arrive on time. Plan to login to the meeting at least 10 minutes prior to the meeting, to ensure you are setup before the meeting starts.
2. Login using your individual Zoom link sent via email.
3. RVTV begins broadcasting the meeting live promptly at 6:00 p.m. whether or not the Council is prepared.
4. The video camera shall be turned on and remain on throughout the majority of the meeting unless the member is attending an in-person meeting virtually. In that case, the member shall be present without the video camera. In the event the camera is off intentionally or you temporarily leave the meeting, inform the presiding officer of your intent and reason. This helps confirm attendance and quorum requirements.
5. Verify that your first and last name are displayed at all times.
6. Remain muted except when speaking to prevent background noise.
7. Mayor, or his designee, will chair the meeting.
8. Prevent side conversations during the meeting. They can be distracting and whispers are easily picked up on microphones.
9. Refrain from using the Chat feature for conversations with other attendees.
    a. Chat messages may be broadcast during live meetings.
    b. Any conversation held using Chat are considered part of the public record and will be retained.
    c. Comments made using Chat may be read aloud to participants and be considered in discussions.
10. If you arrive after the meeting starts, please use the Chat feature to notify the Recorder when you arrive.
    a. Please notify staff via Chat if you briefly leave and return to an active meeting.
    b. If you are leaving the meeting and will not return, please use the Raise Hand feature to notify participants.

    Notifying staff of your arrivals/departures ensures a quorum is present and provides accurate information for the minutes without interrupting the meeting.
11. Use the Raise Hand feature and wait to be recognized by the Mayor before speaking or making a motion.
12. At adjournment, Mayor will clearly state the closure and time of meeting for the record.
13. Recordings are placed on the City's website for public viewing.

III. Outside Statements

A. Representing City. If a member of the Council, to include the mayor, appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the Council.

B. Personal Opinions. If a member of the Council, to include the mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

CHAPTER 8

I. Staff

All members of the council shall respect the separation between the council's role and the city's manager's responsibility by:

A. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.

B. Refraining from actions that would undermine the authority of the city manager or a department head.

C. Questions of city staff should be directed to the City Manager, Deputy City Manager or to the appropriate Department Head.

D. Any request, which requires more than one hour of staff time, will need to be approved by the City Manager

E. Questions from individual members of the council requiring significant time or resources (two hours or more) shall normally require approval of the council.

F. Individual Councilor requests, when acting in their individual capacities rather than as members of the council, for information that constitute a public record under the law should be requested through the appropriate Public Records Request online system on the City website.

II. City Attorney. Requests to the City Attorney for advice requiring extensive legal research shall not be made by an individual Council member except with the concurrence of the majority of the Council.

CHAPTER 9

I. Censure

To assure the public confidence in the integrity of the City of Medford, Councilmembers are held to a high standard of conduct. For this reason, Councilmembers developed a set of Rules as codified in this ordinance and believe the Rules are as important to the public process as other rules and procedures. It is also recognized there may be times when action is required to correct and/or prevent behavior that violates the Rules.

A Councilmember or the Mayor may be censured by the other Councilmembers for misconduct, nonperformance of duty or failure to obey the laws of the federal, state, or local government. Misconduct includes not honoring the provisions of the Council Rules.

Early recognition of the questioned conduct is encouraged. Progressive counsel may occur with the Councilmember but is not required prior to passage of a Council Resolution of Censure by the other Councilmembers.

A violation of the Rules will not be considered a basis for challenging the validity of any Council decision.

II. Removal

A. No member of the Council shall, in any manner, directly or indirectly, by suggestion or otherwise, attempt to coerce or influence the City Manager in the making of any appointment or any removal or in the award of any contract within the Manager's authority or in any disciplinary action against a City employee; nor shall any member of the Council exact any promise relative to any appointment from any candidate for City Manager or discuss directly or indirectly with any such candidate the matter of appointments to any City office or employments. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of the Council who may be removed therefrom by the Council or any court of competent jurisdiction. Nothing contained herein, however, shall be construed as prohibiting the Council, while in open session, from discussion with or suggesting to the City

Manager anything pertaining to City affairs.[35]

B. Absence from the City for over 30 days without the Council's consent or from all meetings of the Council within a 90 day period.[36]

[35] Charter Chapter V, Section 18(6)

[36] Charter Chapter VII, Section 25(b)

CHAPTER 10

The Council will review its rules at its second meeting in January of odd-numbered years to coincide with the possible election of new Council members. Amendments will be made as deemed necessary.

COUNCIL RULES OF PROCEDURE
Talent, OR City Council

Section 1. Authority

A. Pursuant to CHAPTER IV, Section 13 of the City Charter, the Council adopts the following rules to govern its meetings and proceedings. The Council intends these rules to provide guidelines for consideration of Council matters and to help preserve order during meetings. However, the validity of an act of the Council shall not be affected by inadvertent failure to observe these rules. These rules may be suspended only by a motion approved by a two-thirds vote of the Councilors present at the meeting.

B. At or near the beginning of each calendar year, the Council shall review and consider possible changes to these rules.

C. Section 7 of the City Charter identifies the offices of the six City Councilors collectively as the "Council" and does not include therein the office of the Mayor. Accordingly, in these rules the use of the term "Council" refers exclusively to the six Councilors.

D. These meeting procedure rules are intended to apply to City Council, but not necessarily to the City's appointed bodies, such as commissions, committees, and subcommittees. The City's appointed bodies, and any subsidiary committees established to make recommendations to them, may adopt their own rules for conduct of their meetings, provided such rules have been approved by City ordinance or resolution. Except as otherwise provided in Council-approved meeting procedure rules, Robert's Rules of Order shall govern the conduct of meetings of the City Council and each of its appointed bodies and any subsidiary committees established to make recommendations to them.

E. The Mayor and Council members are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the Council and confuse members of the public.

Section 2. Meetings of Council.

A. Quorum Requirement. All meetings of the City Council shall comply with the Oregon State Public Meetings Law, which is hereby incorporated by reference into these rules. A quorum must be present in order to take any official action when members of the Council convene for a duly noticed meeting. A quorum consists of at least a majority of the Council members (which does not include the Mayor) who currently fill Council seats or whose terms of office begin at the first Council meeting of the calendar year following their election to fill Council seats. Any Councilor who is present counts towards the quorum requirement even if they[1] are not voting on a particular matter pursuant to voting rules herein. If a quorum is not present, the Recorder shall immediately provide notice to the absent Councilors, except those known to be unavoidably absent or detained, that their presence is required to enable Council to transact any substantive official business. If a quorum is not established within a

[1] The pronoun "they" as used throughout these rules is intended to indicate both the singular and plural meaning of the pronoun, as well as the masculine, feminine and gender-neutral meaning.

reasonable time after such notice has been issued, the Councilors present may not transact business, but they can address agenda items that do not require official action, such as allowing presentations by guests. Any decision reached without a quorum is null and void, except for a decision to take measures to establish a quorum, to take a recess, or to adjourn until a specific time or until the next regular meeting. If a quorum is established and then is later not maintained because a member or members of the Council have left the meeting, then only agenda items not requiring official action may be considered, after which the meeting must be adjourned.

B. Regular Meetings. The City Council will meet in regular session on the first and third Wednesday of each month unless the Council cancels or reschedules the meeting. If a scheduled meeting falls on a legal holiday, the Council shall meet on Tuesday of that week, or, by a majority vote, reschedule to an alternate date, or cancel the meeting. Regular sessions will convene at 6:45 p.m. All regular sessions will be adjourned no later than 9:30 p.m. unless extended to 10:00 p.m. by a majority vote of the Councilors present at the meeting (which may include the Mayor's vote in the event of a tie). Unless otherwise required by statute or ordinance, notice of public meetings shall be given by posting the agenda for the meeting at City Hall, Town Hall and on the City website no later than 48 hours prior to the meeting time.

C. Special Meetings. The City Manager, the Mayor, or three or more Councilors may call a special meeting of the City Council. The City Manager shall give notice of such a special meeting to all Council members and the Mayor and to the public no less than twenty-four hours in advance of the meeting. Public notice shall be given by posting notice at City Hall, at Town Hall and on the City website. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, no advance notice is required. No general legislation may be considered at a special meeting except that for which the meeting is called.

D. Executive Sessions (meetings closed to the public).

(1) A governing body may hold a meeting consisting of only an executive session in accordance with the requirements of Oregon Public Meetings Law regarding public notice and specification of the statutory authority for the executive session. Also, the Presiding Officer may call any regular, special or emergency meeting for which public notice has been given into executive session by citing the specific provision of ORS 192.660 which authorizes the session.

(2) When Council enters executive session during a meeting, remote and in-person access to the session by staff members and members of the public will be suspended except for persons specifically invited by the Council to attend and participate in the session. Online participation in an executive session by any person, including the Mayor and any Councilor, is subject to their affirmation at the start of the session that to their knowledge no unauthorized persons will be able to see or hear the executive session proceedings. If Council returns to open session, staff and members of the public will be welcomed back into Council chambers, and all remote access to the meeting will be resumed.

(3) No final decision shall be made by Council in executive session. To make a final decision on an issue discussed in executive session, the Presiding Officer shall either call the prior open Council meeting back into open session or place the issue to be decided on the agenda of a future open session. Executive sessions will generally be scheduled at the end of a Council meeting to encourage public participation on other agenda items.

(4) Except pursuant to applicable exceptions in Oregon Public Meetings Law, representatives of the news media shall be allowed to attend executive sessions. The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion held during executive session.

E. Study Sessions. Study sessions of the Council shall be held in accordance with Oregon Public Meetings Law, and shall be called by the Mayor, by the City Manager, or at the request of at least three Councilors. No votes or binding decisions can be made during study sessions. Study sessions will be held as needed, with a preference for the fifth Wednesday of the month, or at other times in coordination with the City Manager.

F. Attendance by Mayor and Councilors. Councilors shall inform the City Manager, City Recorder, or Mayor if they are unable to attend any meeting in person and shall endeavor to provide such notice at least 48 hours in advance if possible. Additionally, the Mayor shall provide advance notice to the Council President, as well as the City Manager, if the Mayor are unable to attend any meeting in person.

(1) Remote Participation. Any Councilor or the Mayor may participate remotely by electronic communication device (for example, via telephone or web-based technology).

G. Attendance by Staff. Except as provided in Section 2D(2), the City Manager and City Recorder shall participate in person or by remote electronic communication in all City Council meetings unless excused. Except as provided in Section 2D(2), other City department heads may participate in person or via online video if they have a reliable online connection, camera, and microphone so that they can be clearly seen and heard if called upon.

H. Public Participation

1) Meetings Attendance Using Remote Electronic Communication. In all Council meetings other than executive sessions, members of the general public shall have the opportunity to the extent reasonably possible to access and attend by telephone or other electronic means of remote communication. In all Council meetings in which remote participation by one or more Council members occurs, a location shall be provided at which the public can at least listen to the oral discussion during the meeting through speakers or other devices. The location provided does not have to be the same location where the meeting is taking place.

2) Oral Public Testimony at Council Meetings

a) Right/Invitation. The right to discuss agenda items before the Council is reserved exclusively for the Mayor, Councilors, the City Manager, the City Attorney and guests pre-invited by staff or Council members, except that members of the public

shall have the right to present testimony during the Public Testimony portion of a regular Council business meeting's agenda and during public hearings. No public testimony shall occur at City Council study sessions except after Council approval of a motion to suspend the rules in recognition of special circumstances. If in-person oral testimony is allowed at a meeting, including a public hearing, oral testimony by telephone or other electronic means shall also be allowed to the extent reasonably possible.

b) Speaking during Public Testimony. An individual who wishes to speak in person or via an electronic communication device at a particular City Council meeting on a matter that is not the subject of a public hearing already on the agenda for that meeting may speak during the agenda item for Public Testimony if they have delivered to the City Recorder in person or online a completed Speaker Request form prior to commencement of the Public Testimony item on the agenda of the meeting at which the person wishes to speak. After Public Testimony presentations by members of the public, follow-up questions or responses by the Mayor or Councilors shall be allowed only in unusual circumstances and after suspension of the rules.

c) Speaking at a Scheduled Public Hearing. In order to speak in person or via an electronic communication device during a public hearing held at a City Council meeting, a person not already scheduled to speak at a public hearing must deliver to the City Recorder in person or online a completed Speaker Request form before commencement of the public hearing at which the person wishes to speak. After conclusion of an individual's public hearing testimony, the Mayor or Councilors may ask brief clarifying or follow-up questions of that individual or of staff.

d) Availability of Speaker Request Forms. Speaker Request forms are available online at publictestimony@cityoftalent.org and at meetings of the Talent City Council. To be complete, a Speaker Request form must include the speaker's name, identify the city (or the unincorporated portion of a named county) in which they reside, and specify the matters they wish to address.

e) Pictorial or Graphic Presentations. An individual wishing to also provide pictorial or graphic information during Public Testimony or a public hearing must provide the visual information in PDF, JPG or PowerPoint format along with their completed Speaker Request form prior to 4:00 p.m. on the day before the meeting at which they seek to make their presentation.

3) Outside Communications During a Public Meeting. Items on the agenda of a public meeting may not be the subject of private telephone, text, email or social media communications with the Mayor or Councilors during the meeting. Likewise, Chat, Question and Answer(Q+A), and other interactive features will be disabled for the duration of Council meetings utilizing remote participation technology. If, however, a special meeting or public hearing is noticed in advance as one in which extensive community engagement is the purpose, for example a "Town Hall" special meeting focused on a particular topic, the Mayor or City Manager may elect to enable Chat, Q+A or other interactive web-based features. If so enabled, the transcript from the Q+A and

chat must be uploaded as part of the meeting record on the City website.

4) Guidelines for Public Meetings Participation. The Talent City Charter makes the Presiding Officer, namely the Mayor or a Councilor serving as Presiding Officer in lieu of the Mayor pursuant to Section 4A below, responsible for preserving order and ensuring that Council rules and the following guidelines for persons at City of Talent public meetings are observed:

   a) No person shall be permitted to speak or present evidence until recognized by the Presiding Officer.

   b) Persons speaking at a Council meeting must
      i) Address their comments to the Presiding Officer and the Council, without directly questioning Council members, City employees, or other persons in the audience;
      ii) Comply with the reasonable guidelines set by the Presiding Officer for the purpose of preserving order, including abiding by the time limits set by the Presiding Officer; and
      iii) If attending the meeting in person, sit or stand at the speaker table and use the microphones provided in order to facilitate effectual recording of the meeting.

   c) All oral or written presentations to Council must refrain from engaging in, or encouraging other to engage in, disorderly conduct in violation of ORS 166.025(1) or otherwise disrupting, interrupting, or delaying an ongoing Council meeting by
      i) Making defamatory or derogatory statements about the personal characteristics, reputations, or motives of others;
      ii) Using any profanity or vulgar words;
      iii) Intimidating, threatening or bullying specific individuals;
      iv) Promoting discrimination, prejudice, or violence against individuals or groups based on personal or group attributes subject to legal protections, such as those for race, ethnicity, gender, and religion; and.
      v) Applauding, cheering, singing, chanting, or displaying signs.

   d) The Presiding Officer may exclude from further participation for the rest of a current Council meeting any attendee who causes or induces disruption of the meeting or otherwise engages in conduct perceived to be contrary to the guidelines above, and any Council member may invoke a Point of Order seeking to prohibit such conduct.

5) Written Communications, Generally.

   a) Unsolicited communications to the Mayor and/or Councilors concerning matters on the agenda, other than public hearings, or any other City business issue shall be provided to the Council and be individually referenced in the minutes if the subject agenda item is clearly identified and if received by noon the day of the meeting via U.S. mail or email to official City email addresses or to publictestimony@cityoftalent.org

b) Unsolicited communications to the Mayor and/or Councilors concerning matters that are not clearly identified for inclusion under the agenda item intended for public comment shall be forwarded to the Mayor and/or Council but shall not be referenced in the minutes.

c) Anonymous and unsigned Communications shall not be introduced in Council meetings or referenced in Council meeting minutes.

d) The Mayor or any Councilor may request staff assistance through the City Manager's office to respond to a written communication. Any response utilizing staff time or City resources must represent Council policies or positions, and not those of individual Council members.

Section 3. Agenda Preparation and Revision.

A. The City Manager shall prepare the agenda of the business to be presented at a regular Council meeting, special meeting, study session or executive session. The City Manager shall have the discretion to determine the timing of placement of an item on the agenda for an upcoming meeting after considering meeting and staff time constraints. No advance Council approval shall be required for an agenda of any meeting.

B. The Mayor or prospective Presiding Officer shall have the opportunity to review and discuss with the City Manager the draft agenda for an upcoming meeting prior to distribution.

C. Staff shall endeavor to distribute agendas and informational material for meetings to the Mayor and Councilors at least three (3) business days prior the subject meeting.

D. The items on the agenda shall follow the formal order of business established pursuant to Sections 3 and 4 of these rules.

E. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer shall announce such removal under announcements proclamations.

F. Subject to Oregon Public Meetings Law, at the beginning of any meeting the City Manager, the Mayor, or any Councilmember may add or remove an agenda item by obtaining express approval from a majority of the Council present at the meeting,

G. Members of the public may request that an item be placed on a Council agenda by bringing that request to the Council during the Public Testimony portion of a meeting. Council may then request to add the item to a future agenda during discussion of Other Business.

H. Recommendations from Council-appointed commissions and committees for City actions or approvals shall be forwarded to the City Manager for decision or for placement on a Council meeting agenda for decision, as appropriate.

Section 4. Conduct of Business.

A. Presiding Officer.

(1) The Mayor shall preside at all meetings of the Council or, in the absence of the Mayor, the Council President shall preside. The Council President shall be elected at the first meeting of each odd-numbered year.

(2) In the absence of the Mayor and the Council President, any Councilor may call a meeting to order for the purpose of electing, by majority vote, a Councilor to serve as temporary Presiding Officer for the meeting. Should either the Mayor or the Council President subsequently arrive at the meeting, the temporary Presiding Officer shall relinquish control of the meeting immediately upon conclusion of the item then being discussed.

(3) A Councilor serving as Presiding Officer in the Mayor's absence shall perform the duties of the Mayor and shall not be entitled to vote on any matter of City business unless the vote by the Councilors present at a meeting results in a tie. In the event of a tie, the person serving as Presiding Officer must resolve the tie and may not abstain.

(4) In order to allow the Mayor or the Council President presiding at a meeting to take part in debate, or to allow a Council meeting to proceed despite their temporary absence, the Mayor or the Council President presiding at a meeting may appoint a temporary Presiding Officer. Such a temporary appointment shall not continue beyond the attainment of the purpose for which the temporary appointment is made and, in any case, shall not continue beyond the meeting at which the appointment occurs.

B. Agenda Protocol.

(1) Once an agenda item has been announced, the Presiding Officer shall ask for any recusals on the agenda item, if applicable.

(2) The Presiding Officer shall then ask for a staff report on the agenda item, if applicable.

(3) Once the staff report is completed, the Presiding Officer shall entertain Councilor questions or general discussion of reasons for or against current Council consideration of the subject matter of the agenda item (before a motion is made about that item).

(4) The Council then may provide direction to staff regarding the agenda item, may vote on a motion a Councilor makes to take a specific action on the agenda item, or may take no action at the current meeting and move on to the next agenda item.

(5) Call for Orders of the Day. By saying "I call for orders of the day," any Councilor may interrupt a speaker who has the floor to seek a ruling from the Presiding Officer that the order of the established agenda be followed. A Call for Orders of the Day does not require a second and is not amendable or debatable. Absent approval by a two-thirds vote of the Councilors present and voting on a subsequent motion to suspend the rules or to set aside the orders of the day, the Presiding Officer must rule that Council end discussion of whatever topic was then being addressed at the moment and consider instead the item then scheduled for discussion in the published agenda or revised agenda formally

approved pursuant to Section 3 above or Section 4C below.

C. Regular Meeting Order of Business. The Presiding Officer shall move through the business of regular meetings in the following order of business, subject to the right of the Presiding Officer or the City Manager, with Council consent, to alter the order of business for purposes of improving the flow of a meeting or accommodating special presentations by consultants or other guests specified in the published agenda or revised agenda formally approved pursuant to Section 3F above or Section 4C(2) below.

(1) Call to Order/Roll Call.

(2) Additions/Corrections to Agenda

(3) Recognitions, Proclamations, Community Announcements.

(4) Public Testimony. The purpose of this item is to allow persons who meet the requirements of Section 2H herein to address the Council on any matter related to city government. Speakers may address the Council for up to five minutes, unless the Presiding Officer allocates less time in order to accommodate as many speaker requests as possible. The maximum time allotted for this agenda category at a regular Council meeting is 30 minutes. Speakers' comments shall not exceed their allotted time limitations unless the Council votes to suspend the rules. When a matter raised in the Public Testimony section of a particular meeting's agenda is not already scheduled to be addressed later in that same meeting, the matter can be added to the agenda of a future meeting by agreement of the Council or can be taken up in the Other Business section of the current meeting's agenda pursuant to a successful motion to suspend the rules for that purpose.

(5) Special Presentations. Scheduled presentations, for example by invited guests, are limited to fifteen minutes unless the presentation is by City staff or prior arrangements with the Presiding Officer or City Manager have been made.

(6) Public Hearings. All public hearings shall be subject to the notice requirements specified in City ordinance and/or state law. In the absence of any local or state requirements, a Notice of Public Hearing shall be published in a local newspaper at least seven days prior to the hearing. A copy of the Notice of Public Hearing shall also be posted at City Hall and on the City website at least seven days prior to the hearing. The purpose of public hearings is to: 1) provide input to the Council in the form of information and opinions from affected parties and members of the public; and 2) provide an opportunity for residents to be involved in municipal affairs. Public hearings may be continued to another meeting date as long as specified notice requirements are met.

(7) Appointments. Council approvals of appointments of individuals to City commissions, committees, or ad hoc bodies or to non-City agencies or organizations as City representatives.

(8) Consent Calendar. The consent calendar includes routine or non-controversial items that can be considered as a single action without discussion or debate, except for simple questions of clarification. Any member of the Council who does not wish to have an item considered under a single action without debate may ask to have that item removed from the Consent Calendar and taken up immediately after voting on the rest of the consent calendar or taken up as an individual item under New Business.

(9) Unfinished Business. Items that were taken up at a previous meeting and not concluded will be heard under Unfinished Business. Unfinished business items will be heard at the next regularly scheduled Council meeting, unless the Council approves a motion to have an unfinished business item continued to a different date. Action on unfinished business will resume at the point at which the agenda item was being considered before the previous meeting was adjourned.

(10) New Business. Items requiring a vote of the Council including resolutions, ordinances, budget matters, discussion of proposed policy changes or proposed projects, or any other business appropriate for Council discussion.

(11) City Manager and Other Department Reports. Informational items from the City Manager and Department Heads. City Manager reports will generally take place at the first meeting of each month, and Department Head reports will generally take place at the second meeting of the month.

(12) Committee Reports. Reports by Council members on the activities of City commissions or committees for which a Council member has been designated as the Council liaison or ex officio member or reports from non-city agencies or organizations to which the Council member has been appointed as the City representative.

(13) Other Business. Items from the Mayor or Council, and items for future agendas.

(14) Adjournment.

D. Motion Procedure

(1) No motion or other proposed action shall be received when a prior motion or question is under debate, except for the following:
   a. Call for Orders of the Day;
   b. Point of Order;
   c. Point of Information or Parliamentary Inquiry
   d. Motion to Suspend the Rules;
   e. Motion to Lay the Matter on the Table;
   f. Call for the Previous Question;
   g. Motion to Postpone;
   h. Motion to Refer; or
   i. Motion to Amend.

(2) If a motion does not receive a second, it dies, and the Council then moves to a subsequent motion or to the next agenda item.

(3) When a motion is made and seconded, it shall be restated by the Presiding Officer prior to debate.

(4) Once a motion is made and seconded, it may not be withdrawn without the consent of the Councilor who seconded it.

(5) Any Councilor may speak for or against a motion only after being recognized by the Presiding Office. Generally, the Councilor who made the motion shall be given the first opportunity to speak during debate on the motion. Remarks made during debate shall be concise and focused on the motion being debated, in order to give all Councilors the same opportunity to participate in debate during the regular meeting time. No Councilor shall be allowed to speak more than once on a motion until every other Councilor has had an opportunity to do so.

(6) Amending the Main Motion. A motion to amend the main motion can be made at any time during discussion of the main motion. The motion to amend must be seconded to be in order for debate on it to begin. Once the motion to amend is made and seconded, debate is carried out in the manner prescribed in this section. A motion to amend must be decided before the debate on the main motion can continue. If the motion to amend is approved, the debate returns to the main motion as amended. If the motion to amend is defeated, the debate returns to the main motion. No amendments may be made to a motion to amend.

(7) Motion to Limit Debate or Motion for the Previous Question. A motion to set a time limit on debate or a procedural motion for the previous question (to end debate on a previously-made substantive motion and go immediately to a vote on it) is a procedural motion that may be made any time during deliberations but may not be made while another speaker has the floor. Once a member has been recognized and such a procedural motion has been made and seconded, it is immediately in order and supersedes any further discussion on the substantive motion on the floor, except that the City Manager and any Councilor who has not already addressed the substantive motion on the floor shall first be given the opportunity to do so. A motion to set time limits on the debate or to move the previous question is not debatable and must be approved by a two-thirds vote of the members present and voting.

(8) Motion to Reconsider. A motion to reconsider the vote on a previous motion may be made during Other Business, but only by a Councilor who voted on the prevailing side. The motion may be taken up immediately if no other business is pending or may be postponed to a later time or meeting by the order of the Presiding Officer. A motion to reconsider a previous vote requires a second, is subject to debate, and must be approved by a majority of those present and voting. The purpose of reconsideration is to permit correction of hasty, ill-advised, or erroneous action, or to consider new information or changed circumstances that have arisen since the original vote.

(9) Motion to Suspend the Rules. A motion to suspend the rules is used to take up an item of business out of regular agenda order, or to set aside a standing procedural rule other than one established by City ordinance, City Charter, or state law. The motion must specify the action proposed to be accomplished by the suspension, must be seconded, and is not debatable or amendable. The motion must be approved by a two-thirds vote of the members present and voting. If approved, the suspension may not be in effect any longer than the time necessary to accomplish the proposed action specified in the motion. A motion to suspend the rules cannot be made to suspend rules provided by City ordinance or state law, or to contravene provisions of the City Charter.

(10) Point of Order. Any Councilor or the Presiding Officer may interrupt a speaker who has the floor to raise a Point of Order at any time they believe that a violation of the Council Rules has occurred. A Point of Order must be made at the time a breach of the rules occurs and is not intended for minor infractions of the rules or for dilatory purposes. A Councilor making the Point of Order must address it to the Presiding Officer and be recognized by the Presiding Officer prior to stating the Point of Order. A second is not needed. Once the Point of Order has been stated, the Presiding Officer must rule on the Point of Order as stated without allowing debate on it. Before making a decision, however, the Presiding Officer may seek advice from the City Attorney or submit to the Council the decision on upholding or denying the Point of Order by a majority of those present and voting, excluding the Presiding Officer. A ruling by the Presiding Officer on a Point of Order is subject to the right of any Councilor to appeal the decision to the full Council. A motion to appeal the Presiding Officer's ruling on a Point of Order requires a second, is debatable, and fails absent a majority of votes. The Presiding Officer cannot vote on appeal of the Presiding Officer's ruling.

(11) Request for Information. Any member of the Council, including the Presiding Officer, may interrupt a speaker who has the floor to seek permission to request information from a fellow Councilor, the Mayor, a staff member, an invited speaker, or a person speaking during the Public Forum portion of a meeting, speaking in a public hearing, or speaking on an agenda item. The person speaking at the time of a Request for Information must discontinue speaking until disposition of the request. The request must be addressed to the Presiding Officer; must concern the topic under discussion; and must not include arguments or statements of fact (unless necessary to clarify the request). A second is not needed. Once the Request for Information has been stated, the Presiding Officer must uphold or deny it without allowing debate on it. The Presiding Officer's ruling on a Request for Information, as well as overuse or inappropriate use of the interjection may be challenged by a Point of Order.

(12) Special Rules for Land Use Matters. The procedures for the conduct of Quasi-Judicial Hearings and Hearings on Legislative Actions involving land use issues shall be governed by applicable city ordinance and/or state law. Prior to the commencement of one of the above-described proceedings, the City Manager shall provide the Presiding Officer with instructions setting forth the procedures to be followed. The Presiding Officer shall read the procedures into the record at the start of the hearing, and the hearing process will be governed by those procedures.

Section 5. Voting.

A. Requirements. The affirmative vote of a majority of those present and voting at a meeting is required to approve any motion before the Council. Each Councilor present must vote on all motions unless they have an actual conflict of interest that would disqualify the member from voting, or if the Council agrees to suspend this rule for a particular vote. If a member of the Council has an actual conflict of interest, that conflict must be stated at the start of an agenda item, and the member must then refrain from participating in the agenda item or voting on any motions pertaining to the agenda item.

B. Roll Call Vote. Voting on a matter shall occur by roll call if required by Charter or ordinance or if requested by any Council member.

C. Presiding Officer. The Presiding Officer (the Mayor or a Councilor serving as Presiding Officer) shall not vote on any matter of City business except in the case of a tie vote, in which case the Presiding Officer is required to vote and shall not abstain unless the vote is on an appeal of a decision by the Presiding Officer or unless they have an actual conflict of interest that would disqualify them from voting.

D. Record of Votes. The ayes and nays of each Council member shall be recorded and entered in the minutes.

Section 6. Minutes.

A. All City Council meetings shall be digitally-recorded, and the recordings shall be kept as the official meeting record pursuant to state law and City retention policy. In addition, written minutes of all open regular and special meetings shall be prepared by the City Recorder or their designee. Staff shall endeavor to present written minutes for approval by the Council at the next regular meeting or the meeting thereafter and shall make written meeting minutes available for public inspection and post them on the City website once approved by the City Council and subsequently signed by the City Recorder or designee responsible for documenting the approval decision.

B. Written minutes shall include the rollcall of the meeting, and the exact wording of all motions, resolutions, orders, ordinances, and measures proposed. Minutes shall also state the actual results of all votes taken. In addition, the minutes should record the substance of the discussion on any matter before the Council, as well as references to any documents discussed.

Section 7. Mayor and Council Member Conduct.

A. Decorum.
   (1) The duties of the Presiding Officer at any public meeting shall include preserving order and ensuring that Council Rules of Procedure are followed by Councilors and all Council meeting attendees.

(2) The Mayor and Councilors shall conduct themselves so as to bring credit to the government of the City by respecting the rule of law, ensuring nondiscriminatory performance of public services, endeavoring to be adequately informed on matters for Council consideration, and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

(3) Discourse in any public meeting shall be pertinent to the matter under discussion.

(4) Discourse in any public meeting and shall avoid defamatory or derogatory statements about the personal characteristics, reputation, or motives of others.

(5) The Mayor and Councilors shall not engage in advocacy during a Council meeting for or against a candidate, organization, or measure for which approval exclusively by City of Talent voters is being sought in an impending public election.

(6) Neither the Mayor nor any Councilors shall engage in, or encourage others to engage in disruptive conduct, including applauding, cheering, singing, chanting, displaying signs and other distractive actions.

(7) The Mayor or any Councilor may invoke a Point of Order to challenge conduct perceived to be contrary to Council Rules.

B. Ethics. The Mayor and Councilors shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. If the Mayor or any Councilor has an actual conflict of interest on a matter, the conflict shall be disclosed at the outset of any agenda item on that matter, and the person making the disclosure shall refrain from participating in any discussion or voting on the matter. If the Mayor or any Councilor has a potential conflict of interest on a matter, the conflict shall be disclosed at the outset of any agenda item on that matter, but the person making the disclosure may participate in any discussion and votes on the matter. It is up to the individuals who could possibly vote on a Council matter to make personal determinations regarding conflicts of interest.

In addition to matters of financial interest, The Mayor and Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council. This general obligation includes the duty to refrain from:

(1) Disclosing confidential information or making use of special knowledge or information before it is made available to the general public;

(2) Making decisions involving business associates, customers, clients and competitors;

(3) Violating any Council rules in fact or intent;

(4) Appointing relatives, clients or employees to boards and commissions;

(5) Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends;

(6) Seeking City employment of relatives;

(7) Taking actions benefiting special interest groups at the expense of the city as a whole; and

(8) Expressing in a forum available to the public a position that is contrary to the official position of the Council without so stating.

C. Use of Electronic Devices.

(1) All phones and other electronic devices shall be kept in silent or vibrate mode during Council meetings.

(2) In keeping with the intent of the state's open meetings law, the use of electronic communications devices during Council meetings shall be limited and shall otherwise comply with all rules and laws applicable to proceedings before the Council or communications outside Council meetings.

(3) Any electronic communication received by the Mayor or a Councilor concerning a quasi-judicial matter before or during Council consideration of the matter is an ex-parte contact and shall be disclosed, as required by law.

(4) This rule does not prohibit the use of computers or other devices on the dais for viewing the Council meeting agenda and agenda packet during Council meetings. This rule also does not limit the use of electronic communication devices outside of public meetings. However, all electronic communications pertaining to city business both sent and received by members of the Council are subject to, and must comply with, the rules and laws applicable to public records.

(5) As used in this section, "electronic communication devices" means laptop computers, smart phones, cell phones, or other similar devices capable of transmitting or receiving information or messages electronically.

(6) As used in this section, "electronic communications" means phone conversations, e-mails, text messages, social media postings, or other forms of communication concerning City business transmitted or received by technological means.

D. Confidentiality.

(1) The Mayor and Councilors shall maintain the confidentiality of all confidential information provided to them, whether written or oral. No reference to, or discussion of, any confidential information shall occur beyond other Council members, the City Manager or City Attorney.

(2) When the Council, in executive session, provides direction or consensus to staff on proposed contract terms and conditions, or related to negotiations regarding property acquisition or disposal, or pending or likely legal claims or litigation, or employee

negotiations, then all contact with negotiating parties shall be made only by designated staff or other representatives handling the negotiations or litigation. Neither the Mayor nor Council member shall have any contact or discussion with any other negotiating party or its representative regarding any executive session discussion.

(3) Although Oregon state law requires that the media be allowed to attend executive sessions except those concerning labor negotiations, Neither the Mayor nor any Councilor shall engage in discussion with the media outside the executive session on the topic of that session. If discussion of a confidential topic were to continue after adjournment of the executive session, media representatives would no longer be bound by confidentiality requirements.

(4) The Mayor and Councilors are bound by the confidentiality rules pertaining to executive sessions even after they no longer serve as public officials.

(5) The Council, by resolution, may censure a member who discloses a confidential matter.

E. Interactions with Staff and City Attorney.

(1) Staff. The Mayor and Councilors shall respect the separation between their policy-making role and the City Manager's administrative role by:

a. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.

b. Refraining from actions that would undermine the authority of the City Manager or department heads.

c. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Requests for assistance or information of a more complex nature be made through the City Manager's office.

i. Questions from the Mayor or Councilors requiring significant time or resources (two hours or more) shall normally require approval of the Council.

ii. The City Manager or any other member of City staff shall provide to the full Council and Mayor any information about City business they have provided to any Councilor or to the Mayor. This provision, however, is not intended to apply to responses to questions from the Mayor or Councilors acting in their individual capacities rather than as City officials or to questions regarding conflicts of interest, meeting procedures, or similar issues particular to individual City officials.

(2) City Attorney.

a. The City Attorney represents the City of Talent acting through its duly elected governing board, the City Council. The City Attorney is not the personal attorney of the Mayor or any individual Councilor and is not authorized to provide legal advice concerning City matters to other members of the public.

b. Requests to the City Attorney for legal advice may be made by the Mayor or any member of the Council during a Council meeting, as long as the request is relevant to the matter of City business under Council discussion. If the City Attorney is not present at the Council meeting, such a request may be conveyed to the City Attorney through the auspices of the City Manager. Both the advice requested and the resulting legal advice shall be made available to the entire Council at the first regular Council meeting following receipt of the legal advice.

c. The City Manager and the Mayor may consult the City Attorney on any matter of City business at any time.

d. In addition, communication with the City Attorney by the Mayor or individual Councilors is authorized and appropriate regarding questions about legal duties and responsibilities of City officials. Such issues could include questions about meeting procedures, possible conflicts of interest, or similar issues particular to individual City officials.

(3) If possible, after receiving agenda packets, the Mayor or Council members with questions or concerns they would like to have addressed at an upcoming meeting should so advise the City Manager in advance of the meeting.

F. Training. Pursuant to ORS 192.700, the Mayor and each Councilor must attend or view at least once during their term Oregon Government Ethics Commission training on the requirements of ORS 192.610 to 192.705 (Open Meetings) and best practices to enhance compliance with those requirements. In addition, the Mayor and each Councilor shall be encouraged to attend or view during their term at least one complete training session on public records and ethics requirements for Oregon public officials.

G. Ensuring Compliance with Rules of Conduct.

(1) Pursuant to Section 21 of the City of Talent Charter, the Council may authorize an independent confidential investigation to produce a preliminary finding as to whether any member of the Council has failed attend to duties or undermined the Council by failing to comply with the City Charter, City ordinances, these rules, or state laws applicable to governing bodies. The Council may then meet in executive session under ORS 192.660(2)(b) to discuss the sufficiency and possible consequences of any such finding. Sufficient notice must be given to the affected individual to afford them the opportunity to request an open hearing under ORS192.660(2)(b).

(2) In open meeting after conclusion of an executive session described in Section 7F(1) above, the Council has the power under Charter Section 21 to decide whether reasonable grounds exist to discipline a Council member and, if so, whether to issue a public reprimand of the member. The making of any such finding and exercise of any such enforcement power requires a two-thirds affirmative vote of the entire Council.

Section 8. Media, Social Media, and Public Forum Guidelines for City of Talent Public Officials, Including Staff

A. A City of Talent public official is expected to refrain from expressing in a public forum or on publicly available media a personal position contrary to the Council's official position (if

there is one) without making clear they are voicing their own individual views. City of Talent public officials may engage in advocacy for or against a local, county, state, or federal candidate, or measure organization if (1) they have formal Council approval to do so, or (2) they expressly disclose they do so in their capacity as a private individual and not as a public official.

B. Any City official's social media site content that is related to City business, including communication between and individual elected officials and constituents, or the general public, or a site's listing of "friends" or "followers" may well be considered a public record subject to disclosure pursuant to the Oregon Public Records Act or to a subpoena in a lawsuit.

C. If a City official invites public comment on City business, disseminates official City information, or uses their official City title on a social media site subject to the official's control, the social media site may be deemed to constitute a public forum, and the official may be legally precluded from engaging in viewpoint discrimination, blocking users, or even deleting comments just because of the content or source of the comments.

D. Communication between elected City officials via social media or email, may constitute a "meeting" under the Open Public Meetings Act if it involves discussion of public business subject to open meetings laws. For this reason, the Mayor and Councilors are discouraged from commenting or posting on each other's email messages or social media pages.

E. The Mayor is the primary spokesperson for the City of Talent and is the City official authorized to present to media representatives or members of the public the officially-approved positions of the City. Upon request, the City Manager or department heads may provide objective factual information to media representatives or the public. Any public expression of personal opinions by City of Talent elected or appointed officials about City matters is to be clearly identified as such.