

**AGENDA**  
**CITY COUNCIL WORK SESSION**  
**TUESDAY, JULY 3, 2018 – 7:00 P.M.**  
Lowell City Hall, 107 East 3<sup>rd</sup> Street, Lowell, Oregon

**CALL TO ORDER/ROLL CALL**

Councilors: Mayor Bennett \_\_\_\_ Burford \_\_\_\_ Osgood \_\_\_\_ Angelini \_\_\_\_ Harris \_\_\_\_

Study sessions are held for the City Council to receive background information on City business and to give Council members an opportunity to ask questions and express their individual views. No decisions are made, and no votes are taken on any agenda item. The public is invited to attend, however, there is generally no public comment period.

**WORK SESSION TOPIC(S)**

1. Update on Vehicle Replacement Plan
2. New Water Testing Regulations
3. Legislative Priority Ballot
4. Special City Allotment Grant Application
5. Parks and Downtown Survey
6. Update of System Development Charges

**ADJOURN**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Joyce Donnell at 541-937-2157.

WITHNELL DODGE  
2650 COMMERCIAL SE  
SALEM, OR 973024451

Configuration Preview

Date Printed: 2018-06-29 3:55 PM  
Estimated Ship Date:

VIN:  
VON:

Quantity: 1  
Status: BA - Pending order  
FAN 1: 48979 State of Oregon  
FAN 2:  
Client Code:  
Bid Number: TB8273  
PO Number:

Sold to:  
WITHNELL DODGE (56440)  
2650 COMMERCIAL SE  
SALEM, OR 973024451

Ship to:  
WITHNELL DODGE (56440)  
2650 COMMERCIAL SE  
SALEM, OR 973024451

Vehicle: 2018 1500 ST CREW CAB 4X2 (149 in WB 6 FT 4 IN box) (DS1L91)

	Sales Code	Description	MSRP(USD)
Model:	DS1L91	1500 ST CREW CAB 4X2 (149 in WB 6 FT 4 IN box)	33,995
Package:	27B	Customer Preferred Package 27B	0
	EZH	5.7L V8 HEMI MDS VVT Engine	0
	DFD	8-Spd Auto 8HP70 Trans (Buy)	0
Paint/Seat/Trim:	PW7	Bright White Clear Coat	0
	APA	Monotone Paint	0
	*TX	HD Vinyl 40/20/40 Split Bench Seat	0
	-X8	Black/Diesel Gray	0
Options:	4DH	Prepaid Holdback	0
	4ES	Delivery Allowance Credit	0
	MAF	Fleet Purchase Incentive	0
	GXM	Remote Keyless Entry with All-Secure	190
	UA1	Uconnect 3.0	195
	XHC	Trailer Brake Control	295
	5N6	Easy Order	0
	4FM	Fleet Option Editor	0
	4FT	Fleet Sales Order	0
	170	Zone 70-Phoenix Arizona	0
	4EA	Sold Vehicle	0
Non Equipment:	4FA	Special Bid-Ineligible For Incentive	0
Bid Number:	TB8273	Government Incentives	0
Destination Fees:			1,395

Total Price: 36,070

Order Type: Fleet  
Scheduling Priority: 1-Sold Order  
Customer Name:  
Customer Address:

PSP Month/Week:  
Build Priority: 99

USA

Instructions:

23252.<sup>02</sup>  
priv. tax 1/b.<sup>26</sup>

Note: This is not an invoice. The prices and equipment shown on this priced order confirmation are tentative and subject to change or correction without prior notice. No claims against the content listed or prices quoted will be accepted. Refer to the vehicle invoice for final vehicle content and pricing. Orders are accepted only when the vehicle is shipped by the factory.



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**ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):**

Deere & Company  
2000 John Deere Run  
Cary, NC 27513  
FED ID: 36-2382580; DUNS#: 60-7690989

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**ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:**

Ramsey-Waite, Co.  
4258 Franklin Blvd  
Eugene, OR 97403  
541-726-7625  
mikek@ramseywaite.com

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**Quote Summary****Prepared For:**

City Of Lowell  
Po Box 347  
Lowell, OR 97452  
Business: 937-2157

**Delivering Dealer:**

**Ramsey-Waite, Co.**  
Steve Woolett  
4258 Franklin Blvd  
Eugene, OR 97403  
Phone: 541-726-7625  
steve@ramseywaite.com

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<b>Quote ID:</b>	17673203
<b>Created On:</b>	21 June 2018
<b>Last Modified On:</b>	21 June 2018
<b>Expiration Date:</b>	29 June 2018

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Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE TS (Model Year 18)	\$ 7,109.00	\$ 5,971.56 X	1 =	\$ 5,971.56
<b>Contract:</b> OR Lawn and Garden Equipment 1443 (PG 25 CG 22)				
<b>Price Effective Date:</b> January 2, 2018				
<b>Equipment Total</b>				<b>\$ 5,971.56</b>

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\* Includes Fees and Non-contract items

**Quote Summary**

Equipment Total	\$ 5,971.56
Trade In	
SubTotal	<b>\$ 5,971.56</b>
Est. Service Agreement Tax	\$ 0.00
Total	\$ 5,971.56
Down Payment	(0.00)
Rental Applied	(0.00)
<b>Balance Due</b>	<b>\$ 5,971.56</b>

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Salesperson : X \_\_\_\_\_

Accepted By : X \_\_\_\_\_

Confidential

Dear Oregon Drinking Water Providers;

As you are probably aware, harmful algal blooms (HABs) and the potential presence of algal toxins in Oregon's drinking water has recently become a major public health concern. The temporary rule developed by the Oregon Health Authority requires sampling source water and potentially finished water at facilities considered at risk for harmful algal blooms. You are receiving this email because OHA has determined that your facility is one of those at risk for HABs.

As part of this effort, the Oregon Department of Environmental Quality Laboratory will be analyzing these required samples for algal toxins as required by the temporary rule through October 31. DEQ will do the required analysis at no cost to the facilities.

Attached is a link to a survey to gather the information we need to accept and process samples from your facility. Please complete this survey as soon as possible but no later than 5:00 on July 5<sup>th</sup>.

Please contact me if you have trouble with this survey.

Thank you for your prompt assistance with this.

<https://www.surveymonkey.com/r/8WBF6CZ>

[Algal toxin monitoring - Oregon drinking water providers Survey](#)

[www.surveymonkey.com](http://www.surveymonkey.com)

Web survey powered by SurveyMonkey.com. Create your own online survey now with SurveyMonkey's expert certified FREE templates.

Michael Mulvey  
Aquatic Biologist  
Oregon Department of Environmental Quality  
Laboratory and Environmental Assessment  
Water Quality Monitoring Section  
7202 NE Evergreen Parkway, Suite 150  
Hillsboro, Oregon 97124  
503-693-5732

OFFICE OF THE SECRETARY OF STATE  
DENNIS RICHARDSON  
SECRETARY OF STATE  
  
LESLIE CUMMINGS  
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
MARY BETH HERKERT  
DIRECTOR  
  
800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

## TEMPORARY ADMINISTRATIVE ORDER INCLUDING STATEMENT OF NEED & JUSTIFICATION

**PH 231-2018**

CHAPTER 333  
OREGON HEALTH AUTHORITY  
PUBLIC HEALTH DIVISION

**FILED**

06/26/2018 4:39 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Cyanotoxin monitoring and testing at public drinking water systems

EFFECTIVE DATE: 07/01/2018 THROUGH 12/27/2018

AGENCY APPROVED DATE: 06/26/2018

CONTACT: Brittany Hall  
503-449-9808  
publichealth.rules@state.or.us

800 NE Oregon St. Suite 930  
Portland, OR 97232

Filed By:  
Brittany Hall  
Rules Coordinator

### NEED FOR THE RULE(S):

The Oregon Health Authority (Authority) establishes rules for public drinking water systems to ensure all Oregonians have safe drinking water. Cyanobacteria are naturally occurring bacteria in marine and fresh water ecosystems, and may produce cyanotoxins, which at sufficiently high concentrations can pose a risk to public health. Cyanotoxins are currently an unregulated contaminant under the Federal Safe Drinking Water Act and public drinking water systems are not required to monitor and test for the presence of these toxins in drinking water. Recent events have indicated that cyanotoxins are present in certain drinking water systems supplied by water sources that are susceptible to harmful algal blooms that produce the release of cyanotoxins. These rules require water suppliers to monitor for the presence of cyanotoxins in drinking water at public water systems that are supplied by susceptible water sources. Water suppliers must also notify the public of the presence of cyanotoxins in drinking water, report testing results to the Authority and issue health advisories when cyanotoxin advisory levels are exceeded.

### JUSTIFICATION OF TEMPORARY FILING:

If the Oregon Health Authority (Authority) fails to adopt cyanotoxin monitoring rules applicable to certain water systems there would be no standardized process to determine whether cyanotoxins are present in susceptible water sources and whether those water sources present a risk to public health. A lack of knowledge of the presence of cyanotoxins and process for public water systems to notify the public of the potential public health risks of the presence of cyanotoxins may endanger the health of vulnerable populations and the general public. Failure to immediately take rulemaking action would leave public water suppliers and the Authority without sufficient data to provide adequate actions to ensure safe drinking water and protect public health. These temporary rules will require public water systems to monitor the presence and levels of cyanotoxins in drinking water and standardize a process to timely notify the public of potential risk to health.

The Authority finds that failure to act promptly will result in serious prejudice to the public interest, the Authority, and vulnerable populations including children under the age of six, the elderly and those with illnesses or immune-compromised. These rules need to be adopted promptly so that applicable public drinking water systems are required to

test for cyanotoxins that may pose a risk to public health and timely notify the public and issue health advisories to protect public health.

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DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

EPA, Recommendations for Public Water Systems to Manage Cyanotoxins in Drinking Water:  
<https://www.epa.gov/ground-water-and-drinking-water/recommendations-public-water-systems-manage-cyanotoxins-drinking>

Ohio rule regulating harmful algal blooms, Chapter 3745-90: <http://epa.ohio.gov/ddagw/rules#112029992-chapter-3745-90-harmful-algal-blooms>

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RULES:

333-061-0510, 333-061-0520, 333-061-0530, 333-061-0540, 333-061-0550, 333-061-0560, 333-061-0570, 333-061-0580

ADOPT: 333-061-0510

RULE TITLE: Applicability of Cyanotoxin Rules

RULE SUMMARY: 333-061-0510, Applicability of Cyanotoxin Rules: defines which water suppliers are subject to OAR 333-061-0510 to 333-061-0580

RULE TEXT:

(1) Water suppliers subject to OAR 333-061-0510 to 333-061-0580 are those water suppliers operating water systems subject to regulation under OAR 333-061-0010 that:

- (a) Are supplied by a surface water source that is susceptible to harmful algae blooms or release of cyanotoxins; or
- (b) Are supplied by a groundwater source determined by the Authority to be under the direct influence of a surface water source that is susceptible to harmful algae blooms or release of cyanotoxins; or
- (c) Purchase water from another water system that is supplied by a surface water source or a groundwater source determined by the Authority under the direct influence of a surface water that is susceptible to harmful algae blooms or release of cyanotoxins.

(2) A water source is susceptible to harmful algae blooms or release of cyanotoxins when:

- (a) One or more harmful algae blooms have been documented or at least one cyanotoxin was previously detected in the water source or at any location in a public water system supplied by that water source;
- (b) The point of diversion into the water system is downstream of or influenced by another surface water source susceptible to harmful algae blooms or release of cyanotoxins;
- (c) The surface water source is susceptible to cyanotoxins based on a water quality limited listing in the Oregon DEQ Integrated Report and Clean Water Act Section 303(d) list for the limiting factors of algae and aquatic weeds, chlorophyll-a, nitrates, phosphorus, pH, or dissolved oxygen; or
- (d) The Authority determines the source is susceptible to harmful algae blooms and cyanotoxins based on the characteristics of the source, including, but not limited to, slow moving or stagnant water, or available sources of nutrients.

(3) The Authority may, in its discretion, exempt a water supplier that would otherwise be subject to OAR 333-061-0510 to 333-061-0580 if the water supplier submits sufficient evidence, including but not limited to, water quality data, watershed characteristics, and environmental conditions such that the Authority determines that the water source has a low susceptibility to cyanotoxins when considered with any other information available to the Authority.

(4) A water supplier subject to OAR 333-061-0510 to 333-061-0580 under this rule must begin monitoring as described in OAR 333-061-0510 to 333-061-0580 beginning the week of July 15, 2018.

STATUTORY/OTHER AUTHORITY: 448.131, 448.150, ORS 448.123

STATUTES/OTHER IMPLEMENTED: 448.150, ORS 448.123

ADOPT: 333-061-0520

RULE TITLE: Definitions

RULE SUMMARY: 333-061-0520, Definitions: defines terms used in OAR 333-061-0510 to 333-061-0580.

RULE TEXT:

Except as follows, or unless the context indicates otherwise, the definitions in OAR 333-061-0020 shall apply to OAR 333-061-0510 to 333-061-0580. In addition, the following definitions apply to OAR 333-061-0510 to 333-061-0580:

- (1) "Confirmation sample" means a finished water sample taken on a different day but the same location and analyzed by the same method.
- (2) "Cyanobacteria" are photosynthetic bacteria that share some properties with algae and are found naturally in freshwater and saltwater. Some species of cyanobacteria can produce toxins, which are known to be harmful to human health above certain concentrations.
- (3) "Cyanotoxins" means total microcystins and cylindrospermopsin produced by cyanobacteria.
- (4) "Detected" or "detection" means an analytical result that is equal to or greater than the reporting limit for the analytical method being used.
- (5) "Distribution sampling points" means representative points in the distribution system.
- (6) "Finished water sampling point" means each entry point to the distribution system which is representative of the water intended for distribution and consumption without further treatment, except as necessary to maintain water quality in the distribution system (for example, booster chlorination).
- (7) "Harmful algae bloom" means a dense colony of cyanobacteria that can rapidly multiply in surface waters when environmental conditions are favorable for growth.
- (8) "Health advisory level" is the concentration of a cyanotoxin determined by the US Environmental Protection Agency, as specified in OAR 333-061-0530(1), at or below which adverse health effects are not expected to occur if consuming water containing cyanotoxins at this concentration for up to 10 days.
- (9) "Monitoring" means collecting a sample, having it analyzed by a competent lab, and reporting the results to the Authority.
- (10) "Raw water sampling point" means a sampling point on each water source intake in use prior to any treatment, or another raw water sampling point acceptable to the Authority.
- (11) "Subject water suppliers" means a water supplier subject to OAR 333-061-0010 and OAR 333-061-0510 to 333-061-0580 as described in OAR 333-061-0510.
- (12) "Vulnerable people" means formula-fed infants, people under the age of six, pregnant women, nursing mothers, the elderly, those receiving dialysis treatment, those with pre-existing liver conditions, and other sensitive populations.

STATUTORY/OTHER AUTHORITY: ORS 448.123, 448.131, 448.150

STATUTES/OTHER IMPLEMENTED: ORS 448.123, 448.150



ADOPT: 333-061-0530

RULE TITLE: Health Advisory Levels

RULE SUMMARY: 333-061-0530, Health Advisory Levels: identifies levels for cyanotoxins, above which a health advisory is issued.

RULE TEXT:

(1) The health advisory levels are as follows:

(a) Total Microcystins: 0.3 ug/L for vulnerable people; 1.6 ug/L for people aged 6 and older.

(b) Cylindrospermopsin: 0.7 ug/L for vulnerable people; 3 ug/L for people aged 6 and older.

(2) Exceeding a health advisory level in a sample collected from a finished water sampling point or a distribution sampling point requires additional monitoring and public notification as prescribed by OAR 333-061-0540(4) and OAR 333-061-0570.

STATUTORY/OTHER AUTHORITY: ORS 448.123, 448.131, 448.150

STATUTES/OTHER IMPLEMENTED: ORS 448.123, 448.150

ADOPT: 333-061-0540

RULE TITLE: Cyanotoxin Monitoring

RULE SUMMARY: 333-061-0540, Cyanotoxin Monitoring: defines when and how water suppliers must monitor for cyanotoxins.

RULE TEXT:

Subject water suppliers must monitor for cyanotoxins as follows.

(1) Water suppliers with raw water intakes must monitor at raw water sampling points as follows:

(a) From May 1 through October 31 water suppliers shall monitor at the raw water sampling point at least once every two weeks for cyanotoxins.

(b) If cyanotoxin levels are greater than or equal to 0.3 ug/L, or there is a recreational harmful algae bloom advisory in a water body upstream, water suppliers must immediately increase monitoring to weekly.

(c) Water suppliers may resume raw water monitoring every two weeks if cyanotoxin levels are less than 0.3 ug/L in at least two consecutive weekly samples.

(2) Water suppliers with raw water intakes must monitor at finished water sampling points as follows:

(a) If cyanotoxin levels are greater than or equal to 0.3 ug/L at the raw water sampling point, water suppliers must monitor finished water weekly, beginning within 24 hours of receiving raw water results.

(b) If any finished water sample detects cyanotoxins, water suppliers must immediately begin monitoring finished water daily.

(c) Water suppliers may resume weekly finished water monitoring if cyanotoxins are not detected in two consecutive daily samples collected at the finished water sampling point.

(d) Finished water monitoring may be discontinued if both cyanotoxin levels are less than 0.3 ug/L in two consecutive samples of the raw water and is not detected in any finished or distribution sample.

(3) Revised cyanotoxin monitoring frequency. The cyanotoxin monitoring frequency may be revised (decreased, increased or discontinued) at the discretion of the Authority. When establishing the revised schedule, the Authority may consider cyanotoxin data collected in accordance with this rule, locations of intakes and dilution factors for raw water monitoring of sources downstream of a harmful algae bloom, operational changes made, and other information provided by the water supplier.

(4) Monitoring following a cyanotoxin health advisory level exceedance in finished water.

(a) If the cyanotoxin concentration exceeds a health advisory level in a finished water sample, the water supplier must collect a finished water confirmation sample as soon as practical, but no later than 24 hours after receiving results.

(b) Distribution sampling. A water supplier with a confirmed finished water result greater than or equal to 0.3 ug/L for total microcystins or greater than or equal to 0.7 ug/L for cylindrospermopsin, and all water suppliers that purchase water from a water supplier with an exceedance, shall monitor daily at representative sites in the distribution system within 24 hours of receiving the confirmation sample result. Additional distribution system monitoring may be required by the Authority based on sampling results and other relevant circumstances.

(c) Once the health advisory is lifted as permitted under OAR 333-061-0570(4), water suppliers must monitor no less frequently than prescribed in sections (1) and (2) of this rule.

(5) Monitoring extension. Upon a request from a water supplier, the Authority may agree to extend the 24-hour monitoring timeline required pursuant to this rule on a case-by-case basis when the water supplier has a logistical problem timely collecting or analyzing samples in accordance with the requirements of OAR 333-061-0510 to 333-061-0580. When an extension is agreed to by the Authority, the Authority shall specify in writing how much time the water supplier has to monitor. Examples of potential logistical problems include, but are not limited to:

(a) Extreme weather conditions that create unsafe travel or on-site conditions for the person collecting the sample.

(b) Limited laboratory capacity on weekends and holidays.

STATUTORY/OTHER AUTHORITY: ORS 448.123, 448.131, 448.150

STATUTES/OTHER IMPLEMENTED: ORS 448.123, 448.150



ADOPT: 333-061-0550

RULE TITLE: Analytical Methods

RULE SUMMARY: 333-061-0550, Analytical Methods: identifies how cyanotoxin monitoring water samples must be analyzed by drinking water laboratories.

RULE TEXT:

- (1) A water supplier shall ensure that cyanotoxin samples are analyzed using the Enzyme-linked immunosorbent assay (ELISA) for the specific cyanotoxin, EPA method 546, or another method approved in writing by the Authority.
- (2) After December 31, 2018, to analyze samples required by OAR 333-061-0510 to 333-061-0580, a water supplier must use a laboratory accredited according to OAR chapter 333, division 64 and the Oregon Environmental Laboratory Accreditation Program (ORELAP), or the Oregon Department of Environmental Quality Laboratory.

STATUTORY/OTHER AUTHORITY: ORS 448.123, 448.131, 448.150

STATUTES/OTHER IMPLEMENTED: ORS 448.123, 448.150

ADOPT: 333-061-0560

RULE TITLE: Reporting

RULE SUMMARY: 333-061-0560, Reporting: requires water suppliers to notify purchasing water systems when advisory levels are exceeded and requires laboratories and water suppliers to report laboratory results to the Authority.

RULE TEXT:

(1) If the cyanotoxin concentration exceeds a health advisory level in the confirmation sample collected at any finished water sampling point in accordance with OAR 333-061-540(2), the water supplier shall notify all purchasing systems served by the water supplier as soon as practical but no later than 24 hours after receiving the confirmation sample results.

(2) Mandatory reporting requirements for laboratories:

(a) Laboratories must report validated results of any analysis that exceeds a health advisory level directly to the Authority and to the water supplier as soon as possible but no later than 24 hours or one business day of validating results, or within 72 hours or three business days post analysis.

(b) Subcontracted laboratories must report validated results of any analysis that exceeds the health advisory level directly to their client laboratory as soon as practical but no later than 24 hours or one business day of validating results, or within 72 hours or three business days post analysis.

(3) The water supplier shall:

(a) Ensure that laboratories conducting the testing report as described in section (2) of this rule; and

(b) Report to the Authority any analytical result used to determine whether an advisory may be lifted pursuant to OAR 333-061-0570(4) within 24 hours; and

(c) Report to the Authority any analytical result that changes the frequency of monitoring pursuant to OAR 333-061-0540 within 24 hours;

(d) Report to the Authority all other analytical results less than the health advisory levels within 10 days of the end of the month the sample results were received.

(4) Analyses required by OAR 333-061-0540 must be uploaded by the laboratory to the Authority in an approved XML format, or submitted in a format approved by the Authority.

STATUTORY/OTHER AUTHORITY: ORS 448.123, 448.131, 448.150

STATUTES/OTHER IMPLEMENTED: ORS 448.123, 448.150

ADOPT: 333-061-0570

RULE TITLE: Public Notification

RULE SUMMARY: 333-061-0570, Public Notification: identifies how and when water suppliers must notify the public of monitoring results and the standard language to be used.

RULE TEXT:

Subject water suppliers must notify the public as follows.

- (1) Issuance of a Health Advisory. If cyanotoxin levels from a confirmation sample in finished water or in the distribution system exceed any health advisory level, the water supplier and any suppliers that purchase water from that system must issue a health advisory as soon as possible, but no later than 24 hours of receipt of results. The public notification shall include, at a minimum, the cyanotoxin and health advisory level exceeded, the sample collection dates, dates results were received, locations of the samples, and the standard health effects language in section (6) of this rule.
- (2) The Authority may allow a water supplier additional time to issue an advisory, in order to await additional results or implement operational changes to reduce cyanotoxin levels, including but not limited to switching sources and optimizing treatment. If the Authority allows additional time, the water supplier shall issue public notification to all customers within 24 hours of receiving the confirmation sample results. The notification must include the date the samples were collected, the dates results were received, whether the sample was collected at the finished water sampling point or in the distribution, the results of the analyses, and steps the water supplier is taking to minimize risk to public health.
- (3) The Authority may allow the water supplier to limit distribution of the health advisory in accordance with OAR 333-061-0042(1)(b).
- (4) Unless otherwise specified by the Authority based on public health and safety considerations, a health advisory shall remain in effect until the following occur:
  - (a) Cyanotoxin concentrations are below the applicable health advisory level in two consecutive samples collected a minimum of 24 hours apart at the finished water sampling point; and
  - (b) Cyanotoxin concentrations are below the applicable health advisory level in two consecutive sets of samples collected at representative distribution sampling points.
- (5) Consumer confidence report. Each water supplier that detects a cyanotoxin in a sample collected at a finished water sampling point or a distribution sampling point collected within its water system in accordance with OAR 333-061-0540 shall include the following in the consumer confidence report required by OAR 333-061-0043:
  - (a) The range of levels detected and highest single measurement of cyanotoxin concentration in samples collected at finished water sampling points and distribution sampling points, the cyanotoxin health advisory level, and whether an advisory was required to be issued.
  - (b) Information regarding the major source of the contaminant using definitions found in OAR 333-061-0520(2), (3), and (7).
  - (c) Standard health effects language in section (6) of this rule.
- (6) Standard health effects language. Water suppliers shall include the following standard health effects language in public notification and consumer confidence reports: "Consuming water containing concentrations of cyanotoxins over the health advisory level for more than 10 days may result in upset stomach, diarrhea, vomiting, as well as liver or kidney damage. Formula-fed infants, children younger than six, pregnant women, nursing mothers, the elderly, those receiving dialysis treatment and those with pre-existing liver conditions may be more susceptible than the general population to the health effects of cyanotoxins. Seek medical attention if you or your family members experience illness."

STATUTORY/OTHER AUTHORITY: ORS 448.123, 448.131, 448.150

STATUTES/OTHER IMPLEMENTED: ORS 448.123, 448.150

ADOPT: 333-061-0580

RULE TITLE: Record Keeping

RULE SUMMARY: 333-061-0580, Record Keeping: identifies record keeping requirements for water suppliers.

RULE TEXT:

(1) Subject water suppliers shall retain, on its premises or at a convenient location near its premises, records of cyanotoxin analyses made pursuant to OAR 333-061-0510 to 333-061-0580 for not less than 10 years. Actual laboratory reports may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

- (a) The date, place and time of sampling, and the name of the person who collected the sample;
- (b) Identification of the sample as to whether it was collected at a raw, finished or distribution sampling point;
- (c) Date of analysis;
- (d) Laboratory and person responsible for performing analysis;
- (e) The analytical method used; and
- (f) The results of the analysis.

(2) Subject water suppliers shall retain, on its premises or at a convenient location near its premises, health advisories issued in accordance with OAR 333-061-0510 to 333-061-0580, and consumer confidence reports issued in accordance with OAR 333-061-0510 to 333-061-0580 and OAR 333-061-0043, for not less than 10 years.

STATUTORY/OTHER AUTHORITY: ORS 448.123, 448.131, 448.150

STATUTES/OTHER IMPLEMENTED: ORS 448.123, 448.150



1201 Court Street NE, Suite 200 • Salem, Oregon 97301  
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863  
[www.orcities.org](http://www.orcities.org)

June 6, 2018

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2019 session. They have identified legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

While the attached ballot reflects the top policies developed in each of the policy committees, each undertook a broad look at a range of issues impacting cities. Many issues reflect the League's ongoing mission to support cities' work and their home rule authority to develop and use a variety of tools to meet the needs of residents but were not included in the ballot. Additional issues, such as addressing the housing shortage and the opioid crisis, are multifaceted and did not fit concisely into policy priorities. However, they remain as work the League intends to accomplish as it works with large groups of stakeholders in search of solutions.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2019 legislative agenda. After your city council has had the opportunity to review the proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on during the 2019 session. **The deadline for response is August 3, 2018.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2019 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance to cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

Mike Cully  
Executive Director

Craig Honeyman  
Legislative Director

P.S. If you are reviewing the hard copy of this ballot and would like to view the linked material please visit the following web address and click on the links there:

<http://www.orcities.org/Portals/17/Legislative/2019PolicyBallotInformation.pdf>



## INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2018.
2. Simply place an **X or a check mark** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **August 3rd** via mail, fax or e-mail to:

Jenna Jones  
League of Oregon Cities  
1201 Court St. NE, Suite 200  
Salem, OR 97301  
Fax – (503) 399-4863  
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**Thank you for your participation.**

City of: \_\_\_\_\_

Please check or mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2019 legislative agenda.

**Legislation**

<b>A. 9-1-1 Tax</b>	
<b>B. Annexation Flexibility</b>	
<b>C. Auto Theft</b>	
<b>D. Beer and Cider Tax Increase</b>	
<b>E. Broadband Infrastructure</b>	
<b>F. Carbon Cap-and-Invest Program Adoption</b>	
<b>G. City Comparability for Compensation</b>	
<b>H. Green Energy Technology Requirement Changes</b>	
<b>I. Infrastructure Financing and Resilience</b>	
<b>J. Least Cost Public Contracting</b>	
<b>K. Local Control Over Speed Limits on City Streets</b>	
<b>L. Lodging Tax Definition Broadening</b>	
<b>M. Mental Health Investment</b>	
<b>N. Permanent Supportive Housing Investment</b>	
<b>O. PERS Reform</b>	
<b>P. PERS Unfunded Liability Revenue Stream Dedication</b>	
<b>Q. Place-Based, Water Resource Planning (Program Support)</b>	
<b>R. Property Tax Reform</b>	
<b>S. Qualification Based Selection (QBS)</b>	
<b>T. Right-of-Way and Franchise Fee Authority</b>	
<b>U. Safe Routes to School Match</b>	
<b>V. Small Area Cell Deployment</b>	
<b>W. Speed Cameras</b>	
<b>X. Speed Limit Methodology</b>	
<b>Y. Third Party Building Inspection</b>	
<b>Z. Tobacco Taxes Share Increase</b>	
<b>AA. Waste Water Technical Assistance Program</b>	
<b>BB. Wetland Development Permitting</b>	
<b>CC. Wood Smoke Reduction Program Support</b>	

**In addition to your ranking of the priorities shown above, please use this space to provide us with any comments (supportive or critical) you may have on these issues, or thoughts on issues or potential legislative initiatives that have been overlooked during the committee process.):**

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## A. 9-1-1 Tax

### **Legislation:**

Support legislation enhancing the effectiveness of the state's emergency communications system by increasing the 9-1-1 tax and/or seeking other sources of revenue and prohibiting legislative "sweeps" from emergency communications accounts managed by the Oregon Office of Emergency Management.

### **Background:**

The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 ([HB 3317](#)). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax ([HB 4055](#)). As concerns mount with regard to disaster preparedness and recovery and as upgrades to communications technology become available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities (see an analysis in the League's 2018 State Shared Revenue Report, [here](#), and the Oregon Office of Emergency Management's "Emergency Communications Tax" webpage, [here](#)). Additional funding is needed and the practice of periodically sweeping funds out of the state's emergency management account for other uses must cease. It is worthy of note that the practice of "sweeps" disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.

*Presented by the Telecom, Broadband & Cable Committee and endorsed by the Finance & Taxation Committee*

## B. Annexation Flexibility

### **Legislation:**

The League will work to increase the flexibility for cities to annex residential areas and to encourage voluntary annexations, with a primary focus on improving the island annexation process.

### **Background:**

There is a significant disconnect between the state's land use process and the [process of annexation](#), which has created issues for a variety of cities. The annexation process requirements are particularly difficult for areas known as "islands". Even though cities can involuntarily annex islands, most cities have adopted a policy to only engage in voluntary annexation. This has left significant islands un-annexed. In addition, waiting for surrounding properties to voluntarily annex often means the process and order of annexation does not necessarily match the plans for infrastructure development. Unannexed lands remain on the buildable land supply but much of it will contain some level of development that was approved by the county, but is often underdeveloped when compared to the comprehensive plan.

However, there have been bills that have been introduced over the last few sessions that aim to make non-voluntary annexation more difficult (see e.g., [HB 2039](#) and [HB 2040](#)). As these bills have gotten hearings, the League has taken the opportunity to discuss how annexation and land use are very disconnected. This is particularly of interest as interest in housing development remains at the top of the list of legislative priorities. If local governments have greater control over the annexation process and can better incentivize voluntary annexation, they can better meet the development expectations of the land use system and their comprehensive plans. It also assists in the orderly development of infrastructure.

Tools that were recommended to consider included partial island annexation in residential areas, relaxation of the limit of 10 years to bring a property fully onto the city's property tax level, changing the boundary requirements for islands, and looking at how the withdrawal of special district territory can be better regulated.

*Presented by the Community Development Committee*

## C. Auto Theft

### **Legislation:**

Address the deficiencies in the Unauthorized Use of a Motor Vehicle statute that were created after an adverse court ruling.

### **Background:**

A 2014 Oregon Court of Appeals ruling requires that prosecutors prove beyond a reasonable doubt that a person driving a stolen car knew they were in violation of the law prohibiting the unauthorized use of a motor vehicle. Because of this ruling, unless confesses to the crime, obtaining a conviction for stealing a car is near impossible. The National Insurance Crime Bureau's 2017 "Hot Spots" report stated that Oregon experienced a 19 percent increase in auto theft over 2016. News stories on this issue may be found [here](#), [here](#) and [here](#).

Because of the ruling, auto theft has increased exponentially across rural and urban Oregon. A legislative fix was proposed in 2018 and was generally agreed to but was never voted on by either chambers due to the fiscal impact it would have on the state. A copy of the legislation can be found [here](#). This issue was brought to the Committee by a representative of the Oregon Association of Chiefs of Police and they have requested the League's supported in seeking to fix this issue. Of particular concern to the General Government Committee was the fact that vehicles being stolen tend to be older cars and trucks that are more likely to be owned by people of more modest means who would be unable to readily replace their vehicles without considerable impact.

*Presented by the General Government Committee*

## D. Beer and Cider Tax Increase

### **Legislation:**

The League proposes increasing the state taxes on malt beverages and cider to assist with rising public safety costs, improve public health, reduce alcohol consumption by minors, and provide alcohol tax equity with wine and liquor.

### **Background:**

Oregon's tax has not been increased since 1978 and is currently \$2.60 per barrel which equates to about 8 cents on a gallon of beer. The tax is by volume and not on the sales price. (Yes, the bottle deposit is 60 cents and the tax is only about 4 cents on a six-pack!) Oregon is tied with Kentucky for the lowest beer taxes of all [states](#) (see page 98 in link). To get to the middle, Oregon would need to raise the tax to 80 cents per gallon (10-fold increase). Cities are [preempted](#) from imposing alcohol taxes. In exchange, cities receive approximately [34% of the state alcohol revenues](#) (see page 9 in link)(beer and wine taxes, license fees, and liquor profit sharing) as state shared revenues. However, because the tax is so small on beer, the share is also small. The beer tax brings in only about \$7 million per year state-wide; thus, the city share is about \$2.3 million of the total shared revenues. The total share for cities for all alcohol-based state shared revenues is estimated at over \$86 million. The League anticipates that excise tax increases including those on alcohol will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

*Presented by the Finance and Tax Committee and endorsed by the General Government Committee*

## **E. Broadband Infrastructure**

### **Legislation:**

Seek additional state support and funding for increased and equitable broadband infrastructure deployment, especially in rural areas. Oppose legislative efforts to restrict existing municipal authority to provide broadband services.

### **Background:**

The deployment of broadband and telecommunications networks and services (public and/or private) throughout Oregon is critical to economic development, education, health and safety and the ability of residents to be linked to their governments. Mapping research shows large areas of the state either not served or underserved by competitive broadband technology. A significant barrier to the deployment of broadband infrastructure is funding. Cities need additional funding and support from various sources, including the state and federal government, allocated for increased or new broadband infrastructure, especially for fiber connections to schools, community libraries, and public safety buildings. Also, oppose efforts by private internet service providers to restrict local efforts to make broadband technology available within their jurisdiction.

*Presented by the Telecom, Broadband & Cable Committee*

## **F. Carbon Cap-and-Invest Program Adoption**

### **Legislation:**

The League's Energy & Environment Policy Committee has recommended support, if specific principles are recognized and codified, of legislation that would implement a statewide cap on carbon emissions over time and that would generate revenues for strategic investments that further Oregon's greenhouse gas reduction goals. The cap on emissions would apply to certain "regulated entities" with carbon emissions over 25,000 metric tons annually. Regulated entities would receive allowances, or would generate offset credits, to emit carbon. The revenue from the purchase of allowances would be invested in specified programs aimed at furthering GHG reductions and mitigating program impacts. It is anticipated that funds generated from a cap on the transportation fuel industry may be subject to use per state Constitutional requirements related to the state highway fund. The statewide cap on carbon would be reduced over time to meet updated greenhouse gas reduction goals for Oregon.

For the League to support a statewide cap on carbon, the following principles would need to be recognized and codified in any legislation:

- The legislation and subsequent rulemaking processes would need to establish a forum to generate meaningful dialogue with rural Oregon communities and those with energy-intensive, trade-exposed industries. Equity considerations should be considered throughout this process by including cities and counties representing a variety of populations, regions of the state, and community demographics (e.g. low-income and underserved populations). Specific action should be taken to have representation from cities with populations of less than 1,500.
- The cap would need to apply to all sectors including utilities, industry and the transportation fuels sector (e.g. fuel producers) if annual carbon emissions exceed 25,000 metric tons.
- The program should be designed to link to the Western Climate Initiative which has a multi-jurisdictional carbon market (linking with programs in California, Ontario and Quebec)
- The revenue from the purchase of allowances would be invested in evidence-based technologies to reduce emissions from regulated sectors with excess revenues being invested in statewide programs to support climate resilience and rural Oregon economies. Requiring the reinvestment of allowance revenue will help regulated sectors become more efficient over time and less carbon intensive.

- In addition, LOC will advocate that additional revenues generated be dedicated to support programs including:
  - Technical assistance grants that local governments could access to help fund the adoption and implementation of local climate action/sustainability plans.
  - Funding for local woodstove smoke reduction programs to help communities in, or at risk of, non-attainment from woodstove smoke.
  - Funding to study and incentivize an expanded, yet sustainable, cross-laminated timber industry in Oregon with the intent of stimulating job creation in rural Oregon communities.
  - Funding for drought mitigation planning and resilience for Oregon water systems.

**Background:**

The League anticipates that the Legislature is very likely to pass legislation during the 2019 session that would implement a “cap-and-invest” program in Oregon, similar to the program adopted by California. Similar legislation has been considered by the Oregon Legislature during previous legislative sessions, but has failed to be brought for a vote. The political will to pass such a policy/program for Oregon appears to be incredibly strong; the Speaker of the House and President of the Senate are co-chairing the Joint Interim Committee on Carbon Reduction and the Governor’s team is staffing a new Carbon Policy Office to assist in the Committee’s efforts. The League’s Energy & Environment Committee has spent considerable time discussing this policy, including how best to craft a policy recommendation that makes both environmental and economic sense for the state and cities.

*Presented by the Energy & Environment Committee*

## G. City Comparability for Compensation

**Legislation:**

The League will seek legislation to ensure that cities are compared only with cities of a similar cost of living when negotiating with strike prohibited bargaining units.

**Background:**

Oregon labor law doesn’t allow police officers, firefighters, emergency communicators and other public safety critical employees to strike. Instead when an impasse is reached when bargaining with labor unions that represent those workers, the state proscribes a set procedure involving an outside arbitrator to resolve those contract disputes. In that process the arbitrator will compare the city to other cities of similar size. As a result, the cities in rural areas are being compared with cities in metropolitan areas that have different economic circumstances. Klamath Falls with 20,000 people in it and a median home value of \$160,000 could be compared to Tualatin with a similar population and a median home value of \$355,000. This is not a reasonable comparison.

The Human Resources Committee notes that the Legislature created a variable minimum wage in Oregon in recognition of the different costs of living across the state. Each Oregon county is assigned to one of three wage zones with one being the Portland Metropolitan area, that second are less populous regions and the third are rural counties. The Committee recommends that cities only be compared to cities in the same wage zones. A detailed explanation and graphics of the proposal may be found [here](#).

*Presented by the Human Resources Committee*

## H. Green Energy Technology Requirement Changes

### **Legislation:**

Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or energy efficiency projects.

### **Background:**

Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation. Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will advocate to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment including energy efficiency.

*Presented by the Energy & Environment Committee*

## I. Infrastructure Financing and Resilience

### **Legislation:**

The League will advocate for an increase in the state’s investment in key infrastructure funding sources, including, but not limited to, the Special Public Works Fund (SPWF), Brownfield Redevelopment Fund, and Regionally Significant Industrial Site loan program. The advocacy will include seeking an investment and set aside through the SPWF for seismic resilience planning and related infrastructure improvements to make Oregon water and wastewater systems more resilient.

### **Background:**

A key issue that most cities are facing is how to fund infrastructure improvements (both to maintain current and to build new). Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia and the funds are depleting and unsustainable without significant program modifications and reinvestments.

The funds are insufficient to cover the long-term needs across the state. While past legislative sessions have focused on finding resources for transportation infrastructure, the needs for water, wastewater, and storm water have not been given the same attention. A LOC survey of cities in 2016 identified a need of \$7.6 billion dollars over the next 20 years to cover water and wastewater infrastructure projects for the 120 cities who responded. This shows a significant reinvestment in the Special Public Works Fund (SPWF) is needed to help meet the needs of local governments. Without infrastructure financing options, cities cannot meet the needs of new housing or new business – high priorities for cities across the state.

In addition, there is a critical need to improve upon the seismic resilience of public drinking water and wastewater systems. The Oregon Resilience Plan (2013) identified Oregon’s water and wastewater systems as especially vulnerable to damage resulting from a Cascadia subduction zone earthquake. The plan recommended all public water and wastewater systems complete a seismic risk assessment and mitigation plan for their system. This plan would help communities identify and plan for a backbone water system that would be capable of supplying critical community water needs after a significant seismic event.



However, there is currently no dedicated funding to assist communities with this planning effort and the funding needed to repair/retrofit water infrastructure is significantly inadequate. Investments have been made in Oregon to seismically retrofit public safety facilities and schools, but without planning for infrastructure resilience, communities may not have access to water for critical needs, including drinking water and water for fire suppression, in the immediate aftermath of a seismic event.

This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment.

*Presented by the Community Development Committee and endorsed by the Finance & Taxation and Water/Wastewater committees*

## **J. Least Cost Public Contracting**

### **Legislation:**

Introduce and/or support legislation repealing Section [45\(2\)\(a\)\(G\)](#) and Section [45\(3\)\(a\)\(G\)](#) of HB 2017 (enacted in 2017) relating to compliance with least cost public contracting requirements as a condition for fuel tax increases after 2020.

### **Background:**

As a matter of public policy, the League fundamentally disagrees with this linkage of transportation projects funding with public contracting standards applicable to specific local projects. Under HB 2017 (enacted in 2017) cities must comply with least cost public contracting standards set forth by [ORS 279C.305](#) for subsequent the two-cent increases in the state gas tax to occur in 2020, 2022 and 2024. Literally interpreted, one recalcitrant city *might* be able to stop the next gas tax increase by its failure to comply with this statute.

*Presented by the Transportation Committee and endorsed by Finance and Taxation Policy Committee*

## **K. Local Control Over Speed Limits on City Streets**

### **Legislation:**

Introduce legislation that allows Oregon cities to opt-in (voluntarily) to adjust their speed limits on residential streets 5 mph lower than the statutory speed limit.

### **Background:**

[HB 2682](#) (enacted in 2017) allows the city of Portland to establish by ordinance a designated speed for a residential street under the jurisdiction of the city that is five miles per hour lower than the statutory speed provided the street is not an arterial highway. This authority should be extended to all cities and be considered permissive (not required). Cities should be able to determine speeds that are adequate and safe for their communities.

*Presented by the Transportation Committee*

## **L. Lodging Tax Definition Broadening**

### **Legislation:**

The League proposes adjusting and broadening the definitions of tourist, tourism promotion, and tourism-related facility as those terms are defined in the lodging tax statutes to ensure state-wide continued tourism and related [economic](#) (see page 17 of link) and [tax growth](#) (see page 223 of link), assist with city tourist costs, and provide local choice and revenue flexibility.



**Background:**

In 2003, when the state imposed a state lodging tax, the Legislature preempted cities by imposing restrictions on the use of local lodging tax revenues. (The percentage of restricted revenues varies by city.) Restricted tax revenues must be used for tourism promotion or tourism-related facilities. While the League will support all legislation that provides more flexibility on local tax usage, the League will advocate for lodging tax legislation that broadens those terms to clearly cover city costs of tourist events, tourism-related facility maintenance, tourist amenities, tourist attraction enhancement and public safety costs for special tourist events. Language from Section 3 of the [dash 1 amendment to HB 2064](#) (2017) and [Section 1 of HB 2064 \(2017\)](#) will likely serve as a starting place. See also this [power point presentation](#) and this [LOC testimony](#) (supporting HB 2064) for further information.

*Presented by the Finance and Tax Committee*

**M. Mental Health Investment****Legislation:**

The League will seek to protect and enhance the investments made to Oregon's treatment of the mentally ill.

**Background:**

In 2015, the Legislature funded rental and housing assistance for persons suffering from mental illness, specialized training for police officers to assist people in mental health crisis, multi-disciplinary crisis intervention teams and expanded access to treatment. While providing direct mental health services is not a standard city service, the state of care for persons in crisis had deteriorated to the point city police officers were regularly the primary public employee to provide interventions. The December, issue of Local Focus was devoted to cities and mental health, those articles may be found [here](#).

Because of the anticipated budget shortfalls in 2019, the General Government Committee would like the League to ensure that services established in 2015 are not cut and to capitalize on any opportunities that may exist or be created to enhance those investments.

*Presented by the General Government Committee*

**N. Permanent Supportive Housing Investment****Legislation:**

The League will support increased investments in the services that are provided to people who are living in permanent supportive housing.

**Background:**

[Permanent supportive housing](#) serves specific populations that traditionally face difficulty in remaining in housing due to additional, complex needs by providing housing and other services at the same time. A [variety of populations](#), such as seniors, veterans, families, and those with mental health conditions, have different services that accompany their housing support. Permanent supportive housing models that use a Housing First approach have been proven to be highly effective for ending homelessness, particularly for people experiencing chronic homelessness who have higher service needs. Investment in the services is as important as the housing because residents that do not receive these additional supports often end up returning to homelessness based on issues related to their other issues.

However, in many areas the funding for housing is not well matched with the funding for the services. The state is the primary funding source for these services. However, there is some disconnect between the housing support provided by the [Oregon Housing and Community Services Department \(OHCS\)](#) and the [Oregon Health Authority \(OHA\)](#).

To help communities that are working to provide opportunities for permanent supportive housing and those seeking to find long-term solutions to local homelessness issues, better investment in the services is vital to success of these programs. By supporting appropriations to OHCS and OHA for these services, more support services can be provided to those that are in permanent supportive housing and lead to better outcomes.

*Presented by the Community Development Committee*

## **O. PERS Reform**

### **Legislation:**

The League will seek legislation to modernize the PERS investment pool, ensure proper financial controls are adhered to, and give cities a greater voice in how their monies are invested. The League will also seek legislation that shares the risk and costs of the pension benefit with employees but does so in a manner that impacts employees based on the generosity of the benefit plan they will retire under.

### **Background:**

Oregon's Public Employee Retirement System (PERS) is a three-tiered program that provides a defined benefit pension (a pension that pays a retiree and their beneficiary a set amount for the length of their retirement) and a deferred compensation program that is funded through employee contributions. Each of the three tiers pays a different benefit and an employee's placement in a given tier is based on the date they were hired. Tier I is the most generous benefit and has an option for an annuity based retirement that has been incredibly expensive to maintain. Tier I was replaced by Tier II in 1996. Tier II costs, though reduced, were also unsustainable and were replaced with a third tier, known as the Oregon Public Service Retirement Plan (OPSRP) which is designed to provide a 45 percent salary replacement after a full career. A primer on the PERS system may be found [here](#).

The cost to employers for this system has risen steadily since the market crash of 2008, and will increase again on July 1, 2019 (projected individual employer rates may be found [here](#)) and then again in 2021 and possibly again in 2023. Rates are anticipated to remain at a system wide average of around 29 percent of payroll and remain at that level until 2035 without reforms.

Adverse court rulings to previous attempts at reforms have limited our options to addressing benefits not yet earned. With that in mind the Human Resources Committee recommends reforms in the three following areas:

- Ensure that investments into the PERS system are achieving the maximum possible return in the most efficient manner possible while safeguarding the funds with proper financial controls.
- Requiring that employees absorb some of the costs for the pension system but ensure that OPSRP employees are impacted more favorably than Tier I and Tier II employees who will receive more generous retirement benefits.
- Establishing a fourth tier that provides similar benefits to employees but is funded in a more sustainable manner. Providing incentives to retirees and current employees in the other tiers to switch to the fourth tiers should be explored as well.

*Presented by the Human Resources Committee*

## **P. PERS Unfunded Liability Revenue Stream Dedication**

### **Legislation:**

The League proposes that a new state revenue stream be dedicated to paying down the unfunded liability over a period of years to sustain the Public Employees Retirement System (PERS).

**Background:**

The present unfunded liability has grown extraordinarily large and is causing rate increases for most local governments and schools that are not sustainable. The League would support all reasonable revenue stream ideas. Ideas include but are not limited to a new temporary limited sales tax, a new payroll tax, and a new temporary state property tax. The League will advocate that PERS cost-containment measures be pursued along-side revenue raising efforts to pay down the liability; both seem necessary to address the state-created problem.

*Presented the Finance and Tax Committee and endorsed by the Human Resources Committee*

**Q. Place-Based, Water Resource Planning (Program Support)****Legislation:**

The League will advocate for the funding needed to complete existing place-based planning efforts across the state.

**Background:**

Oregon's water supply management issues have become exceedingly complex. Lack of adequate water supply and storage capacity to meet existing and future needs is an ongoing concern for many cities in Oregon and is a shared concern for other types of water users including agricultural, environmental and industrial. Most of the surface water in Oregon (during peak season months) is fully allocated with no new water available. As a result, the ability to meet existing and future demand for various water uses will require collaboration, improved management and coordinated conservation among a variety of stakeholders, including municipalities. For this reason, the Legislature passed legislation to create a place-based planning pilot program in Oregon. This program, administered through the Oregon Water Resources Department, is providing a framework and funding for local stakeholders to collaborate and develop solutions to address water needs within a watershed, basin or groundwater area. Place-based planning is intended to provide an opportunity for coordinated efforts and the creation/implementation of a shared vision to address water supply challenges. Four place-based planning efforts are currently underway across the state in the Malheur Lake Basin, Lower John Day sub-basin, Upper Grande Ronde sub-basin and mid-coast region. Without continued funding, these efforts will not be able to complete their work. The LOC Water & Wastewater Policy Committee recognized that while this funding is limited to specific geographic areas, they also recognize the importance of successfully completing these pilot efforts and conducting a detailed cost/benefit analysis. It is a critical step in order to demonstrate the benefits of this type of planning. If these local planning efforts prove to be successful, there will likely be future efforts to secure additional funding for other place-based planning projects across the state.

**R. Property Tax Reform****Legislation:**

The League of Oregon Cities proposes that the property tax system should be constitutionally and statutorily reformed as part of the 2019 session work on state and local tax reform and improving funding for [schools](#) (see pages 69-72 of link; property taxes make up 1/3 of school funding).

**Background:**

The property tax system is [broken and in need of repair](#) due to [Measures 5 and 50](#), which are both now over 20 years old. All local governments and schools rely heavily on property tax revenues to pay for services and capital expenses. Therefore, the League will participate in coalitions to help draft and advocate for both comprehensive and incremental property tax reform option packages. The League will remain flexible to support all legislation that improves the system, with a focus on a property tax package with these elements:

- To achieve equity, a system that transitions to a market-based property tax valuation system (RMV) rather than the present complex valuation system from Measure 50 (requires constitutional referral).
- To enhance fairness and adequacy, a system that makes various statutory changes, some of which would adjust the impact of a return to RMV. For example, the League supports a new reasonable homestead exemption (percentage of RMV with a cap) but also supports limiting or repealing various property tax exemptions that do not have a reasonable return on investment.
- To restore choice, a system that allows voters to adopt tax levies and establish tax rates outside of current limits (requires constitutional referral).

[SJR 3](#) (see page 50 of link)(constitutional referral with return to real market value system) and [SB 151](#) (see page 48 of link) (homestead exemption bill) from the 2017 session will likely serve as starting points. City property tax data including real market values and assessed values can be accessed [here](#).

*Presented by the Finance and Tax Committee*

## **S. Qualification Based Selection (QBS)**

### **Legislation:**

The League will seek to reform the Qualification Based Selection (QBS) requirements to allow for the consideration of price in the initial selection of architects, engineers, photogrammetrists and surveyors.

### **Background:**

The state currently prohibits the consideration of price when making an initial selection when awarding contracts for certain design professionals when conducting public improvements. Instead of issuing a request for proposals as is done with most public improvement projects, contracting agencies issue “requests for qualifications” on a project. Cities may negotiate price only after the initial selection of a contractor is made. Under this system a city or other contracting agency will never know the price of other qualified and responsible bidders on a project.

The League’s General Government Committee concluded that this process is not in the interests of cities or tax payers as it precludes the use of competitive bids. There is no other area in which a consumer, public or private, would procure a service or product without considering the price.

*Presented by the General Government Committee*

## **T. Right-of-Way and Franchise Fee Authority**

### **Legislation:**

Oppose legislation that, in any way, preempts local authority to manage public rights-of-way and cities’ ability to set the rate of compensation for the use of such rights-of-way.

### **Background:**

In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of public rights-of-way management authority discussions, proposals to restrict to this authority arise. Such was the case during the 2017 legislative session with [SB 202](#) and [SB 840](#). These efforts to restrict local authority often include proposals for a statewide right-of-way access policy and compensation system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority; the ability to enter into agreements with users of the right-of-way either by agreement/contract or ordinance; and to set the rate of compensation.

*Presented by the Telecom, Broadband & Cable Committee*

## U. Safe Routes to School Match

### **Legislation:**

Introduce legislation lowering the local Safe Routes to Schools matching grant requirement to 20 percent from 40 percent and lowering the matching grant requirement for areas qualifying for exceptions to 10 percent from 20 percent.

### **Background:**

[Section 123 of HB 2017](#) (enacted in 2017) authorizes the Oregon Transportation Commission to provide matching grants for safety improvement projects near schools. To receive the grant cities must provide a 40 percent cash match unless the school is located in a city with a population of less than 5,000; is within a safety corridor; or qualifies as a Title I school in which case the cash match requirement is reduced to 20 percent. While cities support the availability of matching grant funds provided by the state, the current cash match requirements are too high for most cities to participate in the program.

*Presented by the Transportation Committee*

## V. Small Area Cell Deployment (also known as “Small Cell Deployment”)

### **Legislation:**

Oppose legislation that preempts local authority to manage public property while supporting deployment of wireless technology, including small area cell and 5G.

### **Background:**

Legislative efforts involving the deployment of small area cell facilities are increasing around the nation. Currently 20 states ([Arizona](#), [Colorado](#), [Delaware](#), [Florida](#), [Hawaii](#), [Illinois](#), [Indiana](#), [Iowa](#), [Kansas](#), [Minnesota](#), [North Carolina](#), [New Mexico](#), [Ohio](#), [Oklahoma](#), [Rhode Island](#), [Tennessee](#), [Texas](#), [Utah](#), [Virginia](#), and [Washington](#)) have passed bills that limit cities ability to collect appropriate and fair rights-of-way, permitting, and lease fees on municipal property; to control their own design and aesthetics; or otherwise manage wireless technology deployment within their jurisdictions. This type of legislation is not going away. In fact, it is just beginning.

During the 2017 session, the League was approached independently by representatives of two wireless companies with draft concepts that could have resulted in legislation compromising local authority to manage the deployment of small area cell and 5G technology. Issues raised included “shot clock” (time allowed for cities to rule on applications), fee structures and limits, contract terms and duration, land use issues etc. These efforts are expected to continue in 2019 and with greater urgency as the technology approaches deployment status. While cities in Oregon support the advent of new wireless technology including small cell and 5G, authority to ensure their deployment complies with local laws and policies must be maintained.

*Presented by the Telecom, Broadband & Cable Committee*

## W. Speed Cameras

### **Legislation:**

Introduce and/or support legislation authorizing cities to use fixed speed cameras at locations other than intersections.

**Background:**

Speeding is a public safety issue. The Oregon Transportation Safety Action Plan envisions no deaths or life-changing injuries on Oregon's transportation system by 2035. Currently, cities have the authority as a result of [HB 2409](#) (enacted in 2017) to issue a speeding citation from the same camera and sensor system used to enforce red light compliance at intersections.

Further, speeding does not only occur at intersections. Additional automated enforcement, outside of intersections, would be a valuable tool allowing cities to mitigate dangerous behaviors and speeding. In 2015, the Oregon Legislature granted the city of Portland the authority to implement a fixed speed safety camera program ([HB 2621](#)). The fixed speed camera systems have been operating on "urban high crash corridors" that are also part of the city of Portland's High Crash Network. While this program has not been in place long, the comparison of before and after speeds near the fixed photo radar system is indicating that the automated enforcement is positively influencing speed reduction (see [PBOT report](#)). This legislation would extend the authority to all Oregon cities to implement fixed speed safety camera programs to help reduce the number of deaths and serious injuries that occur as a result of speeding.

*Presented by the Transportation Committee*

**X. Speed Limit Methodology****Legislation:**

Introduce legislation that directs the Oregon Department of Transportation to develop a new speed setting methodology for cities and other urban areas that uses a safe systems approach validated by expert system tools as recommended by [NTSB Safety Study SS-17/01](#).

**Background:**

The NTSB safety recommendations represent current data-driven best practices to determine speed limits. Currently, Oregon speed limits are set based on the guidance that speed limits in speed zones within cities should be within 10 mph of the 85th percentile speed as determined by .... [The NTSB Safety Study SS-17/01](#), "Reducing Speeding-Related Crashes Involving Passenger Vehicles" concludes,

- "Speed increases the injury severity of a crash;"
- "...that unintended consequences of the reliance on using the 85th percentile speed for changing speed limits in speed zones include higher operating speeds and new, higher 85th percentile speeds in the speed zones, and an increase in operating speeds outside the speed zones;"
- "...that the safe system approach to setting speed limits in urban areas is an improvement over conventional approaches because it considers the vulnerability of all road users."

*Presented by the Transportation Committee*

**Y. Third Party Building Inspection****Legislation:**

The League will clarify the ability for local government programs to have private party building officials and building inspectors provide services for local building inspection programs, including recognizing that privately employed specialized inspectors can to perform specialized inspections.

**Background:**

Beginning in 2017, the League has been working to defend local building inspection programs that contract with third-party companies to provide building official and inspectors to run the local program. However, the Oregon Building Codes Division (BCD) has stated that the Oregon Department of Justice (DOJ) [has informed BCD](#) that programs that are structured this way violate the constitutional prohibition on delegating government authority. The League has repeatedly asserted that we disagree with that legal assessment. There was a bill introduced in 2018, [HB 4086](#), that would have adopted new requirements for



local governments running programs. The League worked with other stakeholders to prevent passage of the bill, but we committed to working on a legally defensible solution that does not prevent these locally run programs from continuing.

After the session, the BCD determined that it would implement new rules for locally run inspection programs to meet the asserted legal opinion on delegation. On April 23, the BCD enacted [emergency, temporary rules](#) that added significant requirements for local building inspection programs. The new rules required local programs to designate a government employee as a city's building official. The rules also required the city to have a government- employed, certified electrical inspector. Both positions could be filled by hiring the person directly or by an agreement between municipalities to share the employee(s). The rules further stated that a shared employee could only service three jurisdictions.

In May, the Director of the Consumer and Business Services, who oversees the BCD, informed the League that the temporary rules were rescinded. The Department's decision to rescind the rules included a statement that they would seek a formal opinion from the DOJ to clarify the issue of delegation. However, the BCD did replace the rescinded rules with [another temporary, emergency rule](#). This new rule was enacted on May 18 and states that a local government must appoint a government-employed building official.

In addition to the concerns about using third-party building officials, there is currently statutory prohibition on specialized inspectors that are employed in the private sector to complete specialized inspections. There are a limited number of these inspectors, and, without removal of this prohibition, larger scale projects will not be able to move forward because they cannot be inspected and permitted. This issue was the catalyst for the overall discussion related to third-party building officials, but is not related to the asserted legal claims.

There is a commitment to work on this issue in the 2019 session, but it remains an issue of high concern as it directly impacts the flexibility of local government choice on how to provide services at the local level. Using third-party providers allows smaller jurisdictions to have local, efficient programs that provide clarity for the local development community. It also allows a base of business for these companies, which also serve to provide over-flow capacity to programs that primarily staff these programs with government staff. Therefore, this issue is vital to the long-term success of locally run building inspection programs.

*Presented by the Community Development Committee*

## **Z. Tobacco Taxes Share Increase**

### **Legislation:**

The League proposes seeking a share of all state tobacco product tax revenues .to assist with rising public safety costs and provide state shared revenue equity.

### **Background:**

Only cigarette tax revenues are included in the [state-shared revenue](#) distribution to cities and those revenues are decreasing; cities receive about 2% of the cigarette tax revenues or \$3.6 million a year under the formula. [Other tobacco](#) (chew, snuff, cigars, pipe tobacco, etc.) is also taxed by the state and those revenues have been increasing ([now over \\$60 million a year](#)), but those revenues are distributed only to the state. Cities are preempted from taxing cigarettes and other tobacco products. However, cities are often left to enforce tobacco laws and handle sales and use complaints. The League proposes that cities should receive a fair share of all the tobacco tax revenues. The League anticipates that excise tax increases to cigarettes and other tobacco products, and a new vaping tax will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

*Presented by the Finance and Tax Committee*

## **AA. Waste Water Technical Assistance Program**

### **Legislation:**

The League will advocate for the creation of a circuit rider program, within the Department of Environmental Quality, to provide needed technical assistance for communities on water quality issues, including wastewater treatment and permit compliance options. Staffing for the circuit rider program would be provided through a third-party contract (or contracts). The League will work to identify funding resources to support this program, including a possible set aside of Oregon's federal Clean Water State Revolving funds.

### **Background:**

As Clean Water Act requirements for public wastewater systems continue to evolve, with new and more stringent requirements being placed on a number of Oregon communities; cities have expressed concern over how best to comply with those requirements, especially with the limited technical and financial resources that many face. The League's Water & Wastewater Committee discussed the need for technical assistance for communities experiencing these challenges and looked to an existing program within the Oregon Health Authority's (OHA) Drinking Water Services division as a template for addressing this need. The OHA funds a circuit rider program through a third-party contract. The program is funded through federal Drinking Water State Revolving Loan Funds. The program is intended to help more communities be successful in complying with state and federal requirements. The services provided through the program are free for communities with populations of less than 10,000.

*Presented by the Water/Wastewater Committee*

## **BB. Wetland Development Permitting**

### **Legislation:**

The League shall work to establish legislative authority for the Department of State Lands to assume the federal program from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act.

### **Background:**

In many communities looking to develop in the wetlands creates regulatory uncertainty, particularly where development is occurring in previously un-identified wetlands, because there are two agencies that must provide permits, the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE). The state's process has set deadlines which provides certainty for developers. However, the USACE process is much less consistent or timely. This uncertainty increases risk related to development that can cause projects to stop before they start. In a time where cities are trying to encourage development to meet the housing shortages and economic development goals to support citizens, any increased barriers can impact success.

There is a process in place at the federal level that would allow for the state to assume the USACE permitting process increasing the efficiency and certainty in the process. The [state has taken steps](#) in the past to ensure alignment of the state program to the requirements for federal approval. However, there were concerns raised at the time that the process related to the Endangered Species Act and cultural resource protections. The DSL has continued to work on these conflicts and believes it is positioned to work with the federal government to assume the federal permitting process if so authorized by the state legislature. For further information, the DLS provided a presentation for the committee, available [here](#).

*Presented by the Community Development Committee*



## CC. Wood Smoke Reduction Program Support

**Legislation:** Support increased funding to support local wood smoke reduction programs and efforts. The League will advocate the need for an additional \$3-5 million, recognizing that any additional funding to assist communities is helpful.

**Background:** Woodstove smoke is one of the most significant sources of fine particulate and toxic air pollution in Oregon, often jeopardizing public health and putting communities at risk of violating federal air quality standards. Woodstove smoke is a problem for many Oregon communities that struggle with both the public health impacts and economic threat of being designated as nonattainment under the federal Clean Air Act. To address this challenge, local governments need access to funding for wood smoke reduction programs. Such programs have proven effective at reducing wood smoke in communities and include public education, enforcement, incentives for woodstove change-outs (to ductless heat pumps or certified stoves, weatherization assistance for low-income households and providing residents with dry, seasoned fire wood which burns cleaner. A 2016 taskforce report that was submitted to the Legislature indicated that there are approximately 150,000 uncertified stoves in the state, and that while Oregon has a long and successful history of replacing woodstoves in certain communities, money is sporadic and limited. The report went on to suggest that “an allocation in the range of \$3-5 million per biennium could target high-risk communities and would support a meaningful level of effort to replace old, dirty woodstoves.”

In 2017, the Legislature provided \$250,000 in funding for community wood smoke reduction programs. The need for local communities, including a number of small cities, is much greater.

*Presented by the Energy & Environment Committee*

**\*This is an addendum to the original ballot sent out on Friday, June 8<sup>th</sup>, 2018. It is due on August 3, 2018 like the original ballot\***

City of: \_\_\_\_\_

Please mark 4 boxes with an X or check mark that reflects the **4 issues that your city least wants to pursue** as part of the League's 2019 legislative agenda.

**Legislation**

<b>A. 9-1-1 Tax</b>	
<b>B. Annexation Flexibility</b>	
<b>C. Auto Theft</b>	
<b>D. Beer and Cider Tax Increase</b>	
<b>E. Broadband Infrastructure</b>	
<b>F. Carbon Cap-and-Invest Program Adoption</b>	
<b>G. City Comparability for Compensation</b>	
<b>H. Green Energy Technology Requirement Changes</b>	
<b>I. Infrastructure Financing and Resilience</b>	
<b>J. Least Cost Public Contracting</b>	
<b>K. Local Control Over Speed Limits on City Streets</b>	
<b>L. Lodging Tax Definition Broadening</b>	
<b>M. Mental Health Investment</b>	
<b>N. Permanent Supportive Housing Investment</b>	
<b>O. PERS Reform</b>	
<b>P. PERS Unfunded Liability Revenue Stream Dedication</b>	
<b>Q. Place-Based, Water Resource Planning (Program Support)</b>	
<b>R. Property Tax Reform</b>	
<b>S. Qualification Based Selection (QBS)</b>	
<b>T. Right-of-Way and Franchise Fee Authority</b>	
<b>U. Safe Routes to School Match</b>	
<b>V. Small Area Cell Deployment</b>	
<b>W. Speed Cameras</b>	
<b>X. Speed Limit Methodology</b>	
<b>Y. Third Party Building Inspection</b>	
<b>Z. Tobacco Taxes Share Increase</b>	
<b>AA. Waste Water Technical Assistance Program</b>	
<b>BB. Wetland Development Permitting</b>	
<b>CC. Wood Smoke Reduction Program Support</b>	

# Small City Allotment Program

*A Dedicated Funding Option for Oregon's Smallest Communities*



## Program Overview

**The Small City Allotment (SCA) is an annual allocation of state funds for local transportation projects.** Through an agreement between the League of Oregon Cities and ODOT, ODOT sets aside \$5,000,000 each year (half from city gas tax revenue and half from the State Highway Fund) for cities under 5,000 residents.

**Eligible agencies** are cities with less than 5,000 in population.

**Eligible projects** are those on city streets not a part of the state highway system. Additionally, SCA funds can only be used on streets that are "inadequate for the capacity they serve or are in a condition detrimental to safety" (ORS 366.805). Some agencies use SCA as local match for larger projects that also meet the intent of SCA.

**Ineligible projects** are those where any SCA funds have already been expended within the last ten years or not meeting the criteria above.

**Individual project funding** is limited to \$100,000 per project, with cities able to request an advance of up to \$25,000. Project invoices are sent to the region LAL for reimbursement.

**SCA project application and selection** is administered jointly by Region staff and ODOT's Active Transportation Section (detailed process on reverse), with final recommendations to the ODOT Director provided by an Advisory Committee of city representatives.

**Projects other than roadway improvements** such as the purchase of equipment is not automatically eligible for SCA funding. Contact ODOT's Investment Programs Manager for details.

**SCA is authorized by** ORS 366.805 and governed by the [ODOT-LOC Special City Allotment Guidelines and Working Agreement](#).

## Bay City Paving Project with SCA Funds



*Initial road condition (2015)*



*Road condition at final inspection (2016)*

# Small City Allotment Program

*A Dedicated Funding Option for Oregon's Smallest Communities*



## SCA Project Selection and Funding Process

1	Region Local Agency Liaisons (LALs) send their eligible city partners application materials
2	LALs receive applications by August 1st of each year
3	Investment Programs reviews projects for eligibility; makes recommendation to SCA Advisory Committee
4	<ul style="list-style-type: none"><li>If needed, LALs rank applications &amp; provide rankings to Investment Programs</li></ul>
5	<ul style="list-style-type: none"><li>Investment Programs calculates amounts available to each ODOT Region</li></ul>
6	SCA Advisory Committee validates final selection and fund distribution process
7	Investment Programs obtains Intergovernmental Agreement (IGA) number for each project
8	LALs coordinate IGA execution for their respective projects
9	ODOT Program & Funding Services establishes project Expenditure Account (EA) following IGA execution
10	LAL provides city approval to commence work
11	City may request up to \$25,000 of the total SCA amount in advance from PFS
12	City & LAL conduct a final project inspection at closeout; LAL requests final payment from PFS
13	PFS closes the EA and provides the Region with a summary of payments
14	PFS will provide Regions with a summary of SCA payments made each year

## Small City Allotment Contacts

For project-level questions or to discuss delivery options, contact the following ODOT headquarters staff or your region SCA administrator below:

**Investment Programs:** Deanna Edgar | 503.986.3441 | [deanna.edgar@odot.state.or.us](mailto:deanna.edgar@odot.state.or.us)

**Region 1:** Justin Shoemaker | 503.731.8486 | [justin.d.shoemaker@odot.state.or.us](mailto:justin.d.shoemaker@odot.state.or.us)

**Region 2:** Shelly White-Robinson | 503.986.6925 | [shelly.white-robinson@odot.state.or.us](mailto:shelly.white-robinson@odot.state.or.us)

**Region 3:** Jeanette Denn | 541.957.3508 | [jeanette.m.denn@odot.state.or.us](mailto:jeanette.m.denn@odot.state.or.us)

**Region 4:** Rick Williams | 541.388.6084 | [richard.l.williams@odot.state.or.us](mailto:richard.l.williams@odot.state.or.us)

**Region 5:** Michael Barry | 541.963.1353 | [michael.p.barry@odot.state.or.us](mailto:michael.p.barry@odot.state.or.us)

For questions or comments about the contents of this paper, contact:

**Cole Grisham, AICP**

Investment Programs Manager

503.986.3531 | [nicholas.grisham@odot.state.or.us](mailto:nicholas.grisham@odot.state.or.us)

## SMALL CITY ALLOTMENT RESOLUTION

Under the provisions of ORS 366.800 and 366.805, there has been withdrawn from state highway funds appropriated for allocation to all the cities of the State of Oregon the sum of Two Million Five Hundred Thousand and No/100 (\$2,500,000.00) Dollars, and in addition there has been withdrawn from monies available to the Department of Transportation from the State Highway Fund the sum of Two Million Five Hundred Thousand and No/100 (\$2,500,000.00) Dollars. As provided in ORS 366.805, said sums have been set up in a separate account to be administered by the Oregon Transportation Commission and to be allotted each year by said commission to be spent, within cities of 5,000 or fewer persons, upon streets not a part of the state highway system that are inadequate for the capacity they serve, or are in a condition detrimental to safety.

The City of \_\_\_\_\_ is an incorporated city of the State of Oregon and has a population of less than 5,000 as given by the latest official federal census. The following streets of said city, \_\_\_\_\_, meet the conditions required in ORS 366.805.

NOW, THEREFORE, the members of the City Council, in regular or special session assembled, do hereby find, declare, and resolve:

1. That the aforementioned named streets of said City are inadequate for the capacity they serve or are in a condition detrimental to safety.
2. That said streets of said City are in need of repair, reconstruction, or other major improvement.
3. That said streets are not part of the state highway system, and are under the jurisdiction and control of the City.
4. That the Oregon Transportation Commission hereby is respectfully requested to consider and declare said streets as qualified for reconstruction, repair, or other improvements out of funds allocated and made available by and through the said \$5,000,000 appropriation of revenues which is to be administered and spent by the Transportation Commission.
5. That the City of \_\_\_\_\_ does hereby offer to the Transportation Commission and does hereby pledge complete cooperation and assistance to the end, that said City may share and participate in the use and benefit of said special fund and appropriation; and therefor does designate \_\_\_\_\_ as the official representative of the City in all negotiations resulting from this request.

Passed and approved this            day of            , 20            .

There is attached hereto and made a part of hereof, a city map on which is indicated the street, streets, road or roads, described in this resolution.

\*\*\*\*\*

I, hereby certify that the foregoing resolution was passed and approved by the City Council of the City of            at a regular or special meeting of said Council, held on the            day of            , 20            , and the above copy is a true and correct copy of the original and of the whole thereof.

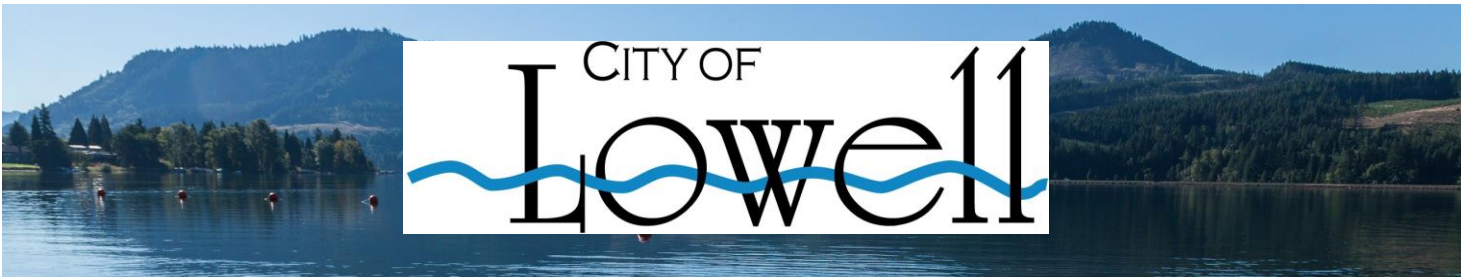
Dated this            day of            , 20            .

To be signed by person(s) with appropriate signature authority:

Name:\_\_\_\_\_ Title:\_\_\_\_\_ Date:\_\_\_\_\_

Name:\_\_\_\_\_ Title:\_\_\_\_\_ Date:\_\_\_\_\_

Name:\_\_\_\_\_ Title:\_\_\_\_\_ Date:\_\_\_\_\_



## Park and Downtown Survey

Greetings!

The City of Lowell is updating our Parks and Open Space Master Plan and our Downtown Master Plan. Parks and recreation facilities are key services that can enhance our community's overall quality of life and sense of place. Downtown areas play a central role in our community's social and economic vitality. This survey seeks your input on what existing features in Lowell's parks and open spaces are working well and what could be improved. We also want your input on identifying challenges, strengths, and opportunities in Lowell's Downtown area.

Your input is critical to helping us build a more effective parks system and downtown! *Your answers are completely confidential and will not be connected to any personal information you provide.*

On behalf of the City of Lowell, I would like to thank you for your participation.

Jared Cobb, City Administrator

### INSTRUCTIONS

This survey has four sections and should take you about 15 minutes to complete. There are two easy ways for you to take the survey. Please choose the method that is most convenient for you, *but only complete the survey once.*

There are two ways to provide feedback; choose the survey method that is most convenient to you.

#### 1) Paper Mailer Survey Instructions:

- This survey should be filled out by an adult in the household (18 years or older).
- Carefully read each question and mark your responses.
- We will not publish or share any personally identifying information that you share with us.
- **Please complete the survey by July 27, 2018 and return by mail using the provided envelope or bring to City Hall (107 E 3<sup>rd</sup> Avenue).**

— OR —

#### 2) Online Survey Instructions:

- Visit <https://bit.ly/2tBputh> or use the QR Code to the right:
- **Please complete the online survey by July 27, 2018.**



To thank you for your participation, you have the opportunity to enter into a special drawing for 1 of 4 \$25 gift certificates from local businesses! To enter, fill out the enclosed raffle ticket and return in the envelope with your completed survey (an anonymous entry form will be available if you complete the survey online).

*This survey was developed by the University of Oregon's Institute for Policy Research and Engagement (IPRE) in cooperation with the City of Lowell and the Lane Council of Governments. IPRE will be analyzing the results. Findings from the survey will be used to inform discussions and recommendations for the Parks and Open Space and Downtown Master Plans. Look for announcements for several public workshops we will conduct in the coming months.*

Please direct any questions about the survey to Michael Howard, IPRE Project Manager: [mrhoward@uoregon.edu](mailto:mrhoward@uoregon.edu) | 541-346-8413.



UNIVERSITY OF  
OREGON

School of Planning, Public  
Policy and Management



## Part 1: Current parks and open space use.

The City of Lowell currently operates and maintains two parks: Rolling Rock Park and Paul Fisher Park. Additional parks in the area that are not owned or operated by the City include Orchard Park (US Army Corps of Engineers), the Covered Bridge Interpretive Center (Lane County), and Lowell State Park (Oregon Parks and Recreation Department). Please answer the following questions to the best of your ability about your use of these parks.

### Q1. In your opinion, how important or unimportant are parks to Lowell's quality of life?

Very Important	Important	Neither Important nor Unimportant	Unimportant	Very Unimportant	No Opinion
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Q2. How satisfied or dissatisfied are you with the overall quality of the following parks?

Parks and Recreation Facility	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	No Opinion
Rolling Rock Park	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Paul Fisher Park	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lowell State Park (OPRD)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Covered Bridge (Lane Co.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Orchard Park (USACE)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Q3. How satisfied or dissatisfied are you with the level of maintenance in Lowell's parks system?

Very Satisfied	Satisfied	Neither Satisfied nor Unsatisfied	Dissatisfied	Very Dissatisfied	No Opinion
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### Q4. Have you visited a park in Lowell in the last 12 months?

- ☐ Yes → skip to Q6
- ☐ No

### Q5. If you answered NO, what are the main reasons you DIDN'T use a park? Check all that apply and then skip ahead to Part 2 on the next page.

- |  |   |
|--|---|
| <input type="checkbox"/> Inadequate facilities   | <input type="checkbox"/> Don't know where parks are located |
| <input type="checkbox"/> Condition of facilities | <input type="checkbox"/> Too far away                       |
| <input type="checkbox"/> Feel unsafe             | <input type="checkbox"/> Too crowded                        |
| <input type="checkbox"/> Not accessible          | <input type="checkbox"/> Limited parking                    |
| <input type="checkbox"/> Don't have time         | <input type="checkbox"/> Would rather do something else     |
|  | <input type="checkbox"/> Other: _____                       |



Q6. In the past year, approximately how often did you visit the following park sites?

Parks and Recreation Facility	At least once	A few times	Monthly	Weekly	Daily	Didn't use
Rolling Rock Park	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Paul Fisher Park	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Lowell State Park (OPRD)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Covered Bridge (Lane Co.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Orchard Park (USACE)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q7. What activities do you or your household use the parks for?  
(Check all that apply)

- ☐ Play with children
- ☐ Sports (basketball, soccer, etc.)
- ☐ Exercise (walking, etc.)
- ☐ Dog-walking
- ☐ Parties/group gatherings
- ☐ Entertainment (special events)
- ☐ Relaxation
- ☐ Other: \_\_\_\_\_

Q8. How do you most frequently get to the parks? (Choose one)

- ☐ Walk
- ☐ Bike
- ☐ Drive
- ☐ Other:\_\_\_\_\_

Q9. Check any and all populations you feel are underserved by Lowell’s parks.

- ☐ Children (0-5)
- ☐ Adults (20-64)
- ☐ People with disabilities
- ☐ Children (6-12)
- ☐ Seniors (65+)
- ☐ Other:
- ☐ Teenagers (13-19)
- ☐ Multi-generational groups
- \_\_\_\_\_

Q10. Are there any parks that you feel are underutilized or need improvement? If so, which park(s)?  
(Check all that apply) If No → Skip to Q12

Rolling Rock	Paul Fisher	Lowell State Park	Orchard Park	Covered Bridge
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q11. Please provide information on what, if anything, is needed to improve parks selected in Q10.

General	
Rolling Rock Park	
Paul Fisher Park	
Lowell State Park	
Covered Bridge	
Orchard Park	

## Part 2: Parks and open space improvements.

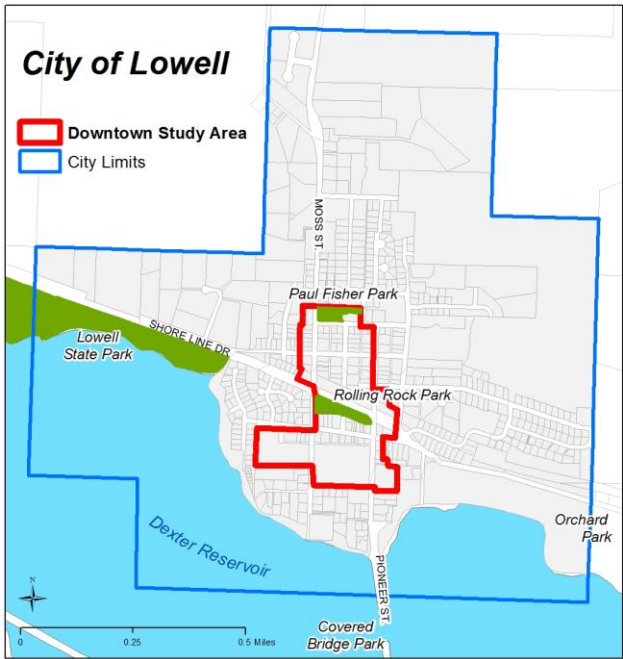
**Q12. How important are the following park facilities to you or your household? Mark your preference for future investment in the improvement or addition of the following park facilities.**

Facilities	High I feel improvement or addition of this type of facility should be a high priority.	Medium Some investment in this type of facility would be nice	Low I feel improvement or addition of this type of facility should be a low priority.	Don't Know
Playground equipment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Covered play areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Nature-play playgrounds	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rock climbing features	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Bicycle terrain tracks (BMX)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Water, spray, or splash play features	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Exercise equipment/stations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Paved trails	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Unpaved trails	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Green space or natural areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community vegetable garden	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Educational or interpretive signage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Amphitheater	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public art	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Picnic tables	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sheltered or covered areas	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooking facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dog park	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restrooms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Community center	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Performance venue	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Sports Areas</b>				
Basketball	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tennis/pickle ball	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Volleyball (sand)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Baseball/softball	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Football	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disc golf	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Soccer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Horseshoe pits	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<b>Other</b> (please write-in outdoor parks and recreation facilities important to you or your household that were not listed above):				
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Q13. Do you think the City of Lowell needs additional parks or open space?

- ☐ Yes
- ☐ No → skip to Q16

Q14. If you think Lowell needs additional parks or open space, please indicate the section of the City where you would like them to be located. Please mark the location(s) on the map below.



Q15. If you think Lowell needs additional parks or open space, please tell us what kind of parks and types of facilities you would like.

Q16. Would you support a new fee on your utility bill to pay for park improvements, improved maintenance, and/or new parks? (Please explain your answer in the space provided below)

- ☐ Yes
- ☐ No
- ☐ It depends/I don't know

Q17. If you answered YES or IT DEPENDS, what monthly fee would you be willing to pay for a higher level of service? (The table below lists potential uses of the fee for reference.)

Less than \$1	\$1 - \$3	\$4 - \$6	\$7 - \$9	\$10 or more
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Assuming 450 rate payers, these fees could potentially allow				
Fee	Total Revenue	Potential Use		
\$1	\$5,400	1-2 Seasonal staff		
\$3	\$16,200	1 part-time maintenance staff		
\$6	\$32,400	1 part-time maintenance staff plus <u>minor</u> improvements		
\$10	\$54,000	1 part-time maintenance staff plus <u>major</u> improvements		

**Q18. If you were given \$100 to spend on parks in Lowell how would you divide it among the following categories? You may put it all in one category or in any combination of categories.**

Spending Category	
Improving existing facilities and equipment.	\$
Building new parks and new park facilities.	\$
Improving parking (cars and bikes).	\$
Park maintenance.	\$
Improving security.	\$
Improving recreational programming for children, adults, and seniors	\$
Other (please specify):	\$
<b>Total \$100</b>	

### **Part 3: Downtown Development and Master Plan.**

The Lowell City Council and Downtown Master Plan Steering Committee are interested in perspectives on the strengths, challenges and opportunities associated with Lowell's downtown. Information gathered from this survey will inform downtown planning efforts over the next year.

**Q19. How satisfied or dissatisfied are you with Downtown Lowell now as a destination and central gathering area for the City of Lowell?**

Very Satisfied	Satisfied	Neither Satisfied nor Unsatisfied	Dissatisfied	Very Dissatisfied	No Opinion
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Q20. What are Lowell's current strengths and/or assets? (Select all that apply)**

<input type="checkbox"/> Clearly defined downtown	<input type="checkbox"/> Tourism	<input type="checkbox"/> Bicycle friendly	<input type="checkbox"/> Walkability
<input type="checkbox"/> Proximity to Eugene/ Springfield	<input type="checkbox"/> Parking in downtown	<input type="checkbox"/> Commercial/ retail services	<input type="checkbox"/> Housing affordability
<input type="checkbox"/> Natural Setting	<input type="checkbox"/> Public spaces	<input type="checkbox"/> Civic interest/ engagement	<input type="checkbox"/> Other: _____

**Please use this space to provide additional comments for Q20:**

**Q21. What are Lowell's current challenges? (Select all that apply)**

- |  |  |  |  |
|--|--|--|--|
| <input type="checkbox"/> Clearly defined downtown        | <input type="checkbox"/> Tourism             | <input type="checkbox"/> Bicycle friendly            | <input type="checkbox"/> Walkability           |
| <input type="checkbox"/> Proximity to Eugene/Springfield | <input type="checkbox"/> Parking in downtown | <input type="checkbox"/> Commercial/ retail services | <input type="checkbox"/> Housing affordability |
| <input type="checkbox"/> Natural Setting                 | <input type="checkbox"/> Public spaces       | <input type="checkbox"/> Civic interest/ engagement  | <input type="checkbox"/> Other: _____          |

**Please use this space to provide additional comments for Q21:**

**Q22. Where do you see Lowell's future opportunities? You can select more than one answer**

- |  |  |
|--|--|
| <input type="checkbox"/> Tourism associated with the lake        | <input type="checkbox"/> Retail and restaurant development |
| <input type="checkbox"/> Tourism associated with hiking/biking   | <input type="checkbox"/> Commercial business development   |
| <input type="checkbox"/> Residential development and improvement | <input type="checkbox"/> Other: _____                      |

**Q23. Please indicate your level of agreement or disagreement with the statements below.**

Parks and Recreation Facility	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree	No Opinion
Identifying and preserving historic buildings and areas is important.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attracting commercial and retail development is important.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Supporting small businesses and entrepreneurs is important.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other:_____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Q24. What is your highest priority for the future growth of downtown Lowell? (Choose only one)**

- |   |  |   |                                 |
|---|--|---|---------------------------------|
| <input type="radio"/> Residential growth              | <input type="radio"/> Commercial retail growth                   | <input type="radio"/> Better bike/pedestrian connectivity | <input type="radio"/> No growth |
| <input type="radio"/> Preserving parks and open space | <input type="radio"/> Reducing traffic and circulation conflicts | <input type="radio"/> Other: _____                        |                                 |

**Q25. Would you encourage or discourage the following land uses in Downtown Lowell?**

Land Uses	Strongly Encourage	Encourage	Neither Encourage nor Discourage	Discourage	Strongly Discourage	No Opinion
Residential	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
A mix of uses (retail and residential in the same lot)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Restaurant/retail development	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public outdoor space (parks, squares, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Motels/hotels	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Convenience stores	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tourism-based (bed & breakfasts, gift shops, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Professional offices	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public services and facilities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other: _____	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Q26. Do you have any additional comments about how to improve Lowell's Parks or Downtown?**

## Part 4: Household Information

Finally, we would appreciate any information you are willing to share with us about you and your household. This information will help us understand the characteristics of people who took the survey and will remain confidential.

**Q27. How many people live in your household (including yourself)? \_\_\_\_\_**

**Q28. Are there children in your household?**

☐ Yes ☐ No

**Q29. What is your gender?**

☐ Male ☐ Female ☐ Other

**Q30. Do you identify as Hispanic or Latino?**

☐ Yes ☐ No

**Q31. What is your age? \_\_\_\_\_**

**Q32. What was the combined income for your entire household last year?**

☐ Less than \$25,000 ☐ \$75,000 - \$99,999  
☐ \$25,000 - \$49,999 ☐ \$100,000 or more  
☐ \$50,000 - \$74,999

**Thank you!**