



595 Main Street, Aumsville, OR 97325
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PUBLIC NOTICE

AUMSVILLE CITY COUNCIL MEETING

Via Zoom Video Conference

MONDAY, November 9th, 2020

AGENDA

- 1) CALL TO ORDER: 7:00PM**
 - A. Approve Agenda
- 2) PRESENTATIONS, PROCLAMATIONS, & VISITORS**
 - A. **Proclamation:** Arbor Day Proclamation
 - B. **Public Comment:** Due to the COVID-19 Virus Council will conduct the meeting via Zoom conference call. Public Comment will be accepted from online attendees at this time. Comments are limited to 5 minutes for comments on items other than Public Hearings listed below. There is a public comment period within each hearing. You may also submit comments by emailing City Administrator Ron Harding at rharding@aumsville.us by noon on November 9, 2020.
 - C. **Visitors:** For information about how to attend the meeting online, please call City Hall at 503.749.2030 or email crogers@aumsville.us to request log in instructions. Information will also be posted on our website <https://www.aumsville.us/citycouncil/page/city-council-regular-meeting-76>
- 3) CONSENT AGENDA:** (Action) Council Meeting October 26, 2020 Minutes
- 4) PUBLIC HEARING: None**
- 5) OLD BUSINESS: Action**
 - 1) Approve Second Reading by Title Only and Adopt Ordinance No. 671 AN ORDINANCE ESTABLISHING CITY PLANNING COMMISSION; PRESCRIBING ITS POWERS AND DUTIES AND REPEALING ORDINANCE NO. 354.
 - a) Public Comment
 - 2) Approve Second Reading by Title Only and Adopt Ordinance No. 672 AN ORDINANCE REPEALING ORDINANCE NO. 362, WHICH ESTABLISHED A PARK AND RECREATION COMMISSION FOR THE CITY OF AUMSVILLE
 - a) Public Comment
 - 3) Approve Second Reading by Title Only and Adopt Ordinance No. 673 AN ORDINANCE REPEALING ORDINANCE NO. 476, WHICH ESTABLISHED AN AUMSVILLE TRAFFIC AND SAFETY COMMISSION.
 - a) Public Comment
 - 4) Approve Second Reading by Title Only and Adopt Ordinance No. 674 AN ORDINANCE REPEALING ORDINANCE NO. 365, WHICH PROVIDES FOR MUNICIPAL SEWER AND WATER SERVICE FEES, SIDEWALK, CURBS, SIDESTRIPS AND STREET ASSESSMENTS TO BECOME LEINS.
 - a) Public Comment
 - 5) Approve Second Reading by Title Only and Adopt Ordinance No. 675 AN ORDINANCE REPEALING ORDINANCE NO. 543, WHICH PROVIDED FOR APPOINTMENT OF AN AUMSVILLE SKATEPARK COMMITTEE FOR THE CITY OF AUMSVILLE, OREGON
 - a) Public Comment

- 6) Approve Second Reading by Title Only and Adopt Ordinance No. 676 AN ORDINANCE REPEALING ORDINANCE NO. 544, AN ORDINANCE OF THE CITY OF AUMSVILLE, OREGON, REGARDING CLAIMS FOR JUST COMPENSATION ARISING OUT OF THE ENACTMENT OF A STATEWIDE BALLOT MEASURE; MAKING CERTAIN PROVISION THEREFORE AND DECLARING AN EMERGENCY.
 - a) Public Comment
- 7) Approve Second Reading by Title Only and Adopt Ordinance No. 677 AN ORDINANCE ADOPTING RULES TO BE KNOWN AS THE CITY OF AUMSVILLE PUBLIC CONTRACTING REGULATIONS AND REPEALING ORDINANCE NO. 559.
 - a) Public Comment
- 8) Approve Second Reading by Title Only and Adopt Ordinance No. 678 AN ORDINANCE ESTABLISHING A SYSTEMS DEVELOPMENT CHARGE FOR CAPITAL IMPROVEMENTS FOR WATER SUPPLY, TREATMENT, TRANSMISSION, AND DISTRIBUTION; WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL; STORM DRAINAGE, INCLUDING FLOOD CONTROL; STREETS; AND PARKS AND REPEALING ORDINANCE NO. 387.
 - a) Public Comment
- 9) Approve Second Reading by Title Only and Adopt Ordinance No. 679 AN ORDINANCE ESTABLISHING WATER REGULATIONS AND REPEALING ORDINANCE NO. 401
 - a) Public Comment
- 10) Approve Second Reading by Title Only and Adopt Ordinance No. 680 AN ORDINANCE ESTABLISHING SEWER REGULATIONS AND REPEALING ORDINANCE NO. 402
 - a) Public Comment
- 11) Approve Second Reading by Title Only and Adopt Ordinance NO. 681 AN ORDINANCE ADOPTING REGULATIONS FOR USE OF THE CITY'S SANITARY SEWER SYSTEM AND REPEALING ORDINANCE NO. 570
 - a) Public Comment

6) NEW BUSINESS: None

7) CITY ADMINISTRATOR REPORT: (Information)

- A. Public Works Monthly Report
- B. Police Department Monthly Report
- C. Review Check Register October 29, 2020 through October 30, 2020

8) MAYOR AND COUNCILORS REPORTS

9) GOOD OF THE ORDER: Other Business May Come Before the Council at This Time

10) CORRESPONDENCE: None

11) EXECUTIVE SESSION: None

12) ADJOURNMENT

The City of Aumsville does not and shall not; discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.

Anyone wishing to speak on an agenda item should ask to be recognized by the Mayor or Chair at the beginning of that agenda item. 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 must be made at least 48 hours prior to the meeting. Please call (503) 749-2030 and leave a message or Oregon Relay Service for TDD at (800) 735-2900.



Arbor Day Proclamation

The City of Aumsville recognizes...

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted are a source of joy and spiritual renewal.

NOW THEREFORE, I, Derek Clevenger, Mayor of the City of Aumsville, do hereby proclaim:

April 24th, 2020 as Arbor Day

In the City of Aumsville, and

Further, council urges all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Signed this 9th day of November, 2020 in Aumsville, Oregon.

Derek Clevenger, Mayor



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AUMSVILLE CITY COUNCIL

Minutes – October 26, 2020

Mayor Clevenger called the meeting to order at 7:05 PM via Zoom Conferencing. Council present was: Mayor Derek Clevenger, Nico Casarez, Angelica Ceja (arrived 7:11 PM), Doug Ecclestone, Larry Purdy, and Della Seney. Council absent: Ryan Bambrick. City Administrator Ron Harding (CA Harding), City Clerk Colleen Rogers (CC Rogers) were also present via Zoom. The meeting was video recorded to be released later.

AGENDA APPROVAL: Councilor Casarez moved to approve the agenda as presented. Councilor Ecclestone seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

VISITORS: There were five online attendees. Login information was provided for members of the community to listen to the discussion.

PUBLIC COMMENT: There were no public comments at this time.

CONSENT AGENDA: Council reviewed the October 12, 2020 Council meeting minutes. Councilor Casarez moved to approve the consent agenda as presented. Councilor Ecclestone seconded. Motion APPROVED 5-0: (Yes: Councilors Casarez, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

PUBLIC HEARING: Municipal Code Ordinance Update Chapters 1 & 3

Mayor Clevenger opened the Public Hearing at 7:08 PM and called for CA Harding to present the staff report. He explained that it has been a two-year process reviewing the city's ordinances. Systematically going through each chapter having legal reviews conducted and making sure they are written to match how we are currently utilizing them. In August we approved a comprehensive update to the Development Code. Since then, Chapters 1 and 3 were brought to Council at the October 12th meeting where Council gave input for suggested changes. These changes are reflected in the ordinances to be approved by Council.

CA Harding went through each ordinance explaining the changes that have been made.

- Ordinance No. 671 regarding the Aumsville Planning Commission (APC):
 - Repeals and replaces Ordinance No. 354.
 - Removed the Mayor as an APC member.
 - Changed the authority to appoint the APC support staff over to the city administrator rather than the APC.
 - Cleaned up the language to be more readable and understandable.

- Ordinance No. 672 Repeals Ordinance No. 362. Regarding the Aumsville Park and Recreation Commission (PARC). Our approach to recreation planning has changed. We are in affect no longer utilizing the ordinance.
- Ordinance No. 673 Repeals Ordinance No. 476 regarding the Aumsville Traffic and Safety Commission. This commission has not been utilized for a long time. If there is a need in the future, it can be recreated through Council resolution.
- Ordinance No. 674 regarding Municipal Sewer and Water Liens
 - Repeals Ordinance No. 365.
 - Current Oregon Revised Statutes (ORS) gives cities this authority and makes this ordinance is unnecessary.
- Ordinance No. 675 Repeals Ordinance No. 543 regarding the Aumsville Skate Park Committee. The committee was created when the skate park project was in the process and is no longer active.
- Ordinance No. 676 Repeals Ordinance No. 544 regarding Property Owner Land Claims (Measure 37 Claims). This Ordinance was made null and void by the passing of Ballot Measure 37.
- Ordinance No. 677 regarding Public Contracting Regulations
 - Repeals and replaces Ordinance No. 559.
 - Legal review rewrite to bring us up to date with state law regulating public contracting.
 - Changes to spending authority threshold.
- Ordinance No. 678 regarding System Development Charges
 - Repeals and Replaces Ordinance No. 387.
 - Mostly wordsmithing to align the ordinance with our City Charter.
- Ordinance No. 679 regarding Water Rates and Regulations
 - Repeals and Replaces Ordinance No. 401.
 - Removed water rates from the ordinance. Rates will be set by resolution.
 - No changes to the Senior discount program.
 - Removed all lien language and put a provision in for property owners to sign a contract stating they would be responsible for any water and sewer use at that property. This would eliminate the water and sewer deposit that we currently charge.
- Ordinance No. 680 regarding Sewer Use Charges
 - Repeals and Replaces Ordinance No. 402.
 - Mirrored changes to the Water Regulations that regard Sewer Regulations.
- Ordinance No. 681 regarding Sewer Regulations
 - Repeals and Replaces Ordinance No. 570.
 - Rewritten by the city attorney with clearer language and legal updates.

CA Harding asked Council for any question or comments. He also said red line and clean copies of the ordinances are available online or at city hall for the community to view.

There were no Public Comment regarding the Public Hearing.

Mayor Clevenger closed the Public Hearing at 7:27 PM

Council Deliberation: There was no Council deliberation or discussion.

Council Decision:

Councilor Casarez moved to approve the first reading by title only of Ordinance No. 671 AN ORDINANCE ESTABLISHING CITY PLANNING COMMISSION; PRESCRIBING ITS POWERS AND DUTIES AND REPEALING ORDINANCE NO. 354. Councilor Seney seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney moved to approve the first reading by title only of Ordinance No. 672 AN ORDINANCE REPEALING ORDINANCE NO. 362, WHICH ESTABLISHED A PARK AND RECREATION COMMISSION FOR THE CITY OF AUMSVILLE. Councilor Purdy seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez moved to approve the first reading by title only of Ordinance No. 673 AN ORDINANCE REPEALING ORDINANCE NO. 476, WHICH ESTABLISHED AN AUMSVILLE TRAFFIC AND SAFETY COMMISSION. Councilor Ceja seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney moved to approve the first reading by title only of Ordinance No. 674 AN ORDINANCE REPEALING ORDINANCE NO. 365, WHICH PROVIDES FOR MUNICIPAL SEWER AND WATER SERVICE FEES, SIDEWALK, CURBS, SIDESTRIPS, AND STREET ASSESSMENTS TO BECOME LEINS. Councilor Ecclestone seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Purdy moved to approve the first reading by title only of Ordinance No. 675 AN ORDINANCE REPEALING ORDINANCE NO. 543, WHICH PROVIDED FOR APPOINTMENT OF AN AUMSVILLE SKATEPARK COMMITTEE FOR THE CITY OF AUMSVILLE, OREGON Councilor Seney seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Ecclestone moved to approve the first reading by title only of Ordinance No. 676 AN ORDINANCE REPEALING ORDINANCE NO. 544, AN ORDINANCE OF THE CITY OF AUMSVILLE, OREGON, REGARDING CLAIMS FOR JUST COMPENSATION ARISING OUT OF THE ENACTMENT OF A STATEWIDE BALLOT MEASURE; MAKING CERTAIN PROVISION THEREFORE AND DECLARING AN EMERGENCY. Councilor Purdy seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney moved to approve the first reading by title only of Ordinance No. 677 AN ORDINANCE ADOPTING RULES TO BE KNOWN AS THE CITY OF AUMSVILLE PUBLIC CONTRACTING REGULATIONS AND REPEALING ORDINANCE NO. 559. Councilor Ceja

seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Purdy moved to approve the first reading by title only of Ordinance No. 678 AN ORDINANCE ESTABLISHING A SYSTEMS DEVELOPMENT CHARGE FOR CAPITAL IMPROVEMENTS FOR WATER SUPPLY, TREATMENT, TRANSMISSION, AND DISTRIBUTION; WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL; STORM DRAINAGE, INCLUDING FLOOD CONTROL; STREETS; AND PARKS AND REPEALING ORDINANCE NO. 387. Councilor Seney seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez moved to approve the first reading by title only of Ordinance No. 679 AN ORDINANCE ESTABLISHING WATER REGULATIONS AND REPEALING ORDINANCE NO. 401 Councilor Ecclestone seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Casarez moved to approve the first reading by title only of Ordinance No. 680 AN ORDINANCE ESTABLISHING SEWER REGULATIONS AND REPEALING ORDINANCE NO. 402 Councilor Ecclestone seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

Councilor Seney moved to approve the first reading by title only of Ordinance NO. 681 AN ORDINANCE ADOPTING REGULATIONS FOR USE OF THE CITY'S SANITARY SEWER SYSTEM AND REPEALING ORDINANCE NO. 570 Councilor Casarez seconded. Motion APPROVED 6-0: (Yes: Councilors Casarez, Ceja, Ecclestone, Purdy, Seney, and Mayor Clevenger. No: None.)

OLD BUSINESS: None

NEW BUSINESS: None

CITY ADMINISTRATOR'S REPORT: COVID-19: CA Harding updated Council on the COVID-19 epidemic. The Aumsville zip code area had a rise and we are now at 52 positive cases since the beginning of the outbreak. He stated that it seems like the city is holding its own and the increases we've seen are proportionate to our population compared to what we've seen in other cities our size. We will continue to take precautions.

CA Harding commented that there is a lot of commercial construction going on in town. We are getting a new business in the vacant half of the grocery store, a new fueling station on Main St., and there is street and parking lot work being done at Bethel Baptist Church on Cleveland. He also stated that there are several other possible things in the permitting process.

MAYOR/COUNCIL REPORTS AND INITIATIVES: Councilor Casarez gave a shout out to Mayor Clevenger, Councilor Ecclestone, and Councilor Ceja, as well as the many volunteers and sponsors that helped to make the recent fundraiser for the victims of the Santiam Canyon Fires a success. They were able to raise over \$5000 in relief funds.

Rachel S. asked what the status is for the removal of the yellow blinking light at 11th and Main. CA Harding stated that he would check on the project schedule and let her know.

Scott Lee asked about the stop sign on Del Mar Dr. and if it would ever be removed. CA Harding explained that there are several agencies involved in making that decision. It has been a very contentious issue regarding whether to abandon the railway or reactivate the line. If they reactivate it, they want the city to pay for the upgrades to the safety crossings which could be very expensive. Unless the line is officially abandoned, the stop sign will most likely stay in place.

Dayadevi Heart reported some bad dips in the road near the Del Mar Dr. and 1st St. intersection and asked if someone could check it. CA Harding stated that our engineer and Public Works staff just completed an extensive review of this area. We will be looking at partial redesign of several intersections and this is one of those. He will bring the report to Council once it is completed.

Councilor Casarez asked for an example of the cost of the railroad crossing upgrades that would have to be done if the railroad line is reactivated. CA Harding explained that ODOT Rail Division is requiring crossing arms at three locations in the city; Mill Cr. Rd, 1st St., and Del Mar Dr. He stated that it could be in excess of \$1.5 million to do all three crossings and a total project cost with the intersection improvement could be as high as 7 million dollars but developing a preliminary design will help us determine a good estimated cost.

GOOD OF THE ORDER: Mayor Clevenger updated Council on his schedule. He commented that he should be able to join the next meeting by zoom and will do the best he can to stay in touch.

CORRESPONDENCE: None

ADJOURNED WITHOUT PREJUDICE AT 8:02 PM

Della Seney, Mayor Pro-tem

Ron Harding, City Administrator



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STAFF REPORT

TO: City of Aumsville City Council
FROM: Ron Harding, City Administrator
SUBJECT: Proposed Ordinances Revisions

RECOMMENDATION: Second reading by title only and adopt ordinances repealing Ord 354, 362, 476, 365, 543, 544, 559 and replacing with Ord 671, 672, 673, 674, 675, 676, and 677. In chapter 3 of the Aumsville Municipal Code repealing Ord 387, 401, 402, 570 and replacing with Ord 678, 679, 680 and 681.

BACKGROUND:

CHAPTER 1 CHANGES:

1-2 Planning Commission (Ord 354, amended by 432, 558).

(Replacing with Ordinance No. 671)

Revisions

Section 2. Updated to clarify member qualifications. Removed the Mayor as ex-officio member.

Section 7. Updated to clarify that secretary is a staff member.

Section 10. Updated to clarify that signature need only be chair or vice-chair if the chair was not present. Section 13. Removed Emergency Clause, not needed.

1-3 Park and Recreation Commission (Ord 362)

City Administrator recommends repeal as the commission is inactive and a substantial rewrite would need to be completed. Recommendation is to move committees like this to a resolution format.

Repealing with Ordinance No. 672

1-4 Traffic and Safety Commission

(Ord 476, amended by 483, 488, 512, 515, 553)

Repealing with Ordinance No. 673

City Administrator recommends repeal as this commission is inactive and would need substantial rewrites to be valid. Recommendation are the same as above.

1-5 Municipal Sewer and Water Liens (Ord 365)

Reviewed by City Attorney – recommend repeal.

Repealing with Ordinance No. 674

1-6 Skatepark Committee (Ord 543)

City Administrator recommends repeal as the committee is inactive and again should be rewritten when a need is shown.

Repealing with Ordinance No. 675

1-7 Property Owner Land Claims (Measure 37 Claims) (Ord 544)

Reviewed by City Attorney – recommend repeal.

Repealing with Ordinance No. 676

1-8 Public Contracting Regulations (Ord 559)

Replacing with Ordinance No. 677

X **Revisions**

Section 8. Updated ORS. Section (B) is all new

Section 10. (A) 2. Updated contract price

Section 10. (A) 18. Removed Temporary Use of City Owned Property

Section 10 (B) 1. Updated to apply to all Public Improvements, not just Non-Transportation

Section 10 (B) 2. Updated contract price

CHAPTER 3 CHANGES:

3-1 Solid Waste Management and Garbage Franchise

(Ordinance No. 308 as amended by Ordinance Nos. 334, 384, 459, 468, 514)

(See also under Chapter 9, 9-10 Franchises)

This section is to be removed as it already exists under Chapter 9. The language in the section is staying the same, it is a duplicate of Chapter 9.

3-2 Sewer Regulations

(Ordinance No. 374)(Repealed by Ord. No. 570 January 31, 2007 See section 3-6)

3-2 System Development Charges

(Ordinance No. 387 as amended by Ordinance No. 513; 588; 614)

☒ Revisions needed [Replacing with Ordinance No. 678](#)

Section 12, D & E deleted. No exceptions made for work in which the City finances or it is a municipal project.

Section 13, C, D, E Credits given to developers to be updated to fit within current method of operation. This allows an agreement between the city and a developer for installation of projects by development to allow either a purchase by the city or credits on SDC's for work performed above work required by development.

Section 22, Emergency clause deleted; not needed.

3-3 Water Rates and Regulations

(Ordinance No. 401 as amended by Ordinance Nos. 446, 448, 454, 521, 529, 548, 589, 591, 595, 631, 639)

☒ Revisions needed ([Replacing with Ord. 679](#))

Article 1, Section 1, (A) A water rate resolution is used to set the rates, the rates section is deleted.

Article 1, Section 1, (B)(1) The owner of the land upon which the user is located is responsible for charges. By doing this we also remove the option to lien, instead send to collections for unpaid bills.

Article 1, Section 1, (B)(3) Rate increased by 3% up to 6% should this be completed by resolution each year. We deleted any reference to % increase or decrease, the new process will simply be to review rates during budgeting and council can approve a new rate or leave rates in place by taking no action.

Article 1, Section 1 Removed all instances of specific fees as these will be set in the water rate resolution rather than in this Ord.

Article 1, Section 1, (C) Hydrant tank filling, it has been the practice of the city to only allow for use inside the city, i.e., when new development needs water but does not have water lines set yet. We adjusted this to fit within this practice.

Article 2 Section 1 (G) Spelling it out explicitly that the city is not responsible for the water lines on the customer's side of the water meter.

Article 2 Section 1 (H) Base water rates are always due, regardless of usage or not. So discontinue to allow opt out options for snow birds.

Article 2 Section 3 City restricts new wells and requires owners who have wells to install and maintain a backflow device that the Public Works Director says will prevent contamination of the city's water supply.

Article 2 Section 11 More clearly outlined the customers responsibility in regard to damaging the water system. Specifically added a section requiring promptness.

Article 2 Section 13 Adds a statement to the application stating that water staff can access the plumbing to ascertain no hazards.

Article 4 Section 2 Discuss the option of not requiring a deposit or refunding the deposit to everyone and not just homeowners after 12 months of on time payment.

Article 5 Section 1 Remain unchanged regarding senior discount program.

Article 6, Section 3 Inserted the right to an appeal section which it did not contain previously. This sets a specific process in place to stop a disconnection.

Article 6 Section 5 Unauthorized reconnection is the responsibility of the property owner and a violation results in a fine rather than a criminal or civil citation. The fine is set.

Article 6 Section 9 Updated the adjustment of accounts for leaks to fit within current practices, also require prompt repair, and to not be covered if the leak is a result of negligent action. This shares the cost of reduction between the owner and the city, rather than all on the city, and removes the adjustment fee.

Article 10 Section 2, Looking into removing mechanism for liens and instead sending to collections.

Article 10 Section 4, update the fines for violations. These violations can cause a public health issue to our water system and should be taken seriously; fines should reflect. We have increased the proposed fines. We deleted a sentence that did not refer to this section.

3-4 Sewer User Charges

(Ordinance No. 402 as amended by Ordinance Nos. 455, 523, 585, 590, and 612)

Revisions needed [\(Replacing with Ordinance No. 680\)](#)

Article 2, Section 7. Outdated sewer rate breakdown removed and states that resolution adopted by Council establishes the rate.

Article 3, Section 2. Discount programs remain the same but set by council resolution rather than this ordinance.

Article 4, Section 1. Responsible party will be the property owner, allows the council to set deposit fees by resolution or contract.

Added Article 10, Violations. This sets provisions for failures to comply with requirements. Removes liens and replace with contract and sending to collections.

Outlines what are prohibited activities. Outlines penalties, in line with the water fines in Article 10, Section 4.

3-5 Sewer Regulations

(Ordinance No. 570; amended by Ord. No. 586)

Attached with revisions **Rewritten by City Attorney – attached**

(Replacing with Ord. 681)

Repeals and replaces Ord 570.

Remove all emergency declarations

SAMPLE MOTION:

Option 1: Move to approve second reading of Ordinance No. ____ by title only and adopt, or

Option 2: Move to approve second reading of Ordinance No. ____ by title only and adopt with modifications, or

Option 3: Move to remand Ordinance No. _____ back to staff for revision.

If using option 1, you may use the sample motions below:

- I motion to approve the second reading by title only and adopt Ordinance No. 671 AN ORDINANCE ESTABLISHING CITY PLANNING COMMISSION; PRESCRIBING ITS POWERS AND DUTIES AND REPEALING ORDINANCE NO. 354.
- I motion to approve the second reading by title only and adopt Ordinance No. 672 AN ORDINANCE REPEALING ORDINANCE NO. 362, WHICH ESTABLISHED A PARK AND RECREATION COMMISSION FOR THE CITY OF AUMSVILLE
- I motion to approve the second reading by title only and adopt Ordinance No. 673 AN ORDINANCE REPEALING ORDINANCE NO. 476, WHICH ESTABLISHED AN AUMSVILLE TRAFFIC AND SAFETY COMMISSION.
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- I motion to approve the second reading by title only and adopt Ordinance No. 678 AN ORDINANCE WHICH ESTABLISHING A SYSTEMS DEVELOPMENT CHARGE FOR CAPITAL IMPROVEMENTS FOR WATER SUPPLY, TREATMENT, TRANSMISSION, AND DISTRIBUTION; WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL; STORM DRAINAGE, INCLUDING FLOOD CONTROL; STREETS; AND PARKS AND REPEALING ORDINANCE NO. 387.
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- I motion to approve the second reading by title only and adopt Ordinance NO. 681 AN ORDINANCE ADOPTING REGULATIONS FOR USE OF THE CITY'S SANITARY SEWER SYSTEM AND REPEALING ORDINANCE NO. 570

ORDINANCE NO. 671

AN ORDINANCE ESTABLISHING CITY PLANNING COMMISSION; PRESCRIBING ITS POWERS AND DUTIES AND REPEALING ORDINANCE 354.

The City of Aumsville ordains as follows:

Section 1. Ordinance 354 re-established and recreated the city planning commission ("Commission") for the city of Aumsville, Oregon. This ordinance perpetuates the Commission.

Section 2. The Commission shall consist of five members none of whom shall be city officials or employees, one of whom may reside outside the city limits but within the City's urban growth boundary, and one whom may be a current Aumsville business owner residing within or outside of the Aumsville urban growth boundary. All other Commission members must reside within the city limits. Commission members receive no compensation.

Section 3. Members of the Commission shall be appointed by the mayor with the consent of the majority of Council, for terms of two (2) years. Terms shall be staggered so two (2) members are appointed in odd-numbered years and three (3) in even-numbered years.

Section 4. Appointments to fill vacancies on the Commission shall be for the remainder of an unexpired term in the same manner as set forth in Section 3 above.

Section 5. Any member of the Commission may be removed for misconduct or non-performance of duty, following a public hearing. After which their position may be declared vacant. A Commission member absent from three (3) consecutive meetings without an approved excuse from the Commission is presumptively deemed in non-performance of duty. Removal shall be only upon a majority vote of the entire Council.

Section 6. At its first meeting of each calendar year, the Commission shall elect a Chair and Vice-Chair from among the Commission members.

Section 7. The City shall select a staff member who shall act as the secretary for the Commission. The secretary shall keep an accurate record of all Commission proceedings consistent with State law and Council policy.

Section 8. Three members of the Commission constitute a quorum. The Commission shall meet at least once a month unless the Chair cancels the meeting due to the lack of agenda items or the lack of a quorum. Meetings of the Commission shall be

conducted consistent with the Oregon Open Meetings Law and Council policy. Meetings other than at regularly scheduled times shall be announced at a prior meeting and made a part of the minute records.

The Chair upon their own motion, or at the request of three (3) Commission members, may call for a special Commission meeting to be held at a time not earlier than twenty-four (24) hours after public notice is provided consistent with state law. Notice of the special meeting will be given immediately to all Commission members. Notice of the special meeting shall be posted at city hall and to the extent feasible, provided to interested persons.

Section 9. It shall be the Commission's duty and authority except as otherwise provided by law to:

- 1) make recommendations to Council for revisions and updates of the city's currently adopted comprehensive plan and development code as provided by the respective ordinances.
- 2) recommend, make suggestions to and advise Council, and with the prior consent of Council, other public authorities concerning:
 - a. the laying out, widening, extension, and location of streets, sidewalks, boulevards, and other public rights-of-way and areas in the city;
 - b. relief from traffic congestion; and
 - c. betterment of zones and/or districts limiting the use, height, area, and bulk of buildings and other structures.
- 3) recommend to Council, and with the consent of Council, other public authorities plans for regulation of future growth, development, and beautification of the city.
- 4) study and propose for Council's consideration measures designed for promotion of the public interest, health safety, comfort, convenience, and welfare of the city and within the urban growth boundary.
- 5) exercise those substantive and procedural duties and obligations imposed on the Commission pursuant to this ordinance, the City's Development Code, or state law, including but not limited to:
 - a. the preparation and establishment of rules for the conduct of Commission meetings, to be effective upon approval by Council;
 - b. making decisions on all applications for planning approval by determining conformance with applicable Development Code and other lawful criteria, and following defined hearing and deliberation procedures set out in the Development Code and state law;
 - c. conducting public hearings and developing recommendations to Council concerning amendments to the Comprehensive Plan text and map, supplemental plans, and Development Code.

Section 10. All recommendations, reports, decisions, and suggestions made to Council by the Commission shall be in writing. Said written reports shall be signed and acknowledged by the Commission's Chair or Vice-Chair.

Section 11. The Commission shall have authority to neither make expenditures nor obligate the City for payment of any sums of money except as provided, approved, and authorized by Council. All requests for payment shall be submitted to the Council at a regularly scheduled meeting.

Section 12. Repeal. Ordinance 354 is hereby repealed.

Section 13. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 672

AN ORDINANCE REPEALING ORDINANCE NO. 362, WHICH ESTABLISHED A PARK AND RECREATION COMMISSION FOR THE CITY OF AUMSVILLE.

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer valid, The City has reorganized this committee and this structure is no longer needed.

Section 2. REPEAL. ORDINANCE NO. 362, AN ORDINANCE ESTABLISHING A PARK AND RECREATION COMMISSION FOR THE CITY OF AUMSVILLE, OREGON; PROVIDING THE TERMS OF OFFICE AND DEFINING THE POWERS AND DUTIES THEREOF; MAKING THE ORDINANCES OF SAID CITY APPLICABLE TO AUMSVILLE PARKS AND RECREATION PROPERTY WITHING THE BOUNDARIES OF SAID CITY; REPEALING ORDINANCES 173 AND 270 AND DECLARING AN EMERGENCY, dated December 13, 1989; is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 673

AN ORDINANCE REPEALING ORDINANCE NO. 476, WHICH ESTABLISHED AN AUMSVILLE TRAFFIC AND SAFETY COMMISSION.

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer valid, The City does not use this committee and is no longer needed.

Section 2. REPEAL. ORDINANCE NO. 476, AN ORDINANCE ESTABLISHING THE CITY OF AUMSVILLE TRAFFIC AND SAFETY COMMISSION; PRESCRIBING ITS POWERS AND DUTIES, dated July 10, 2000; is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 674

AN ORDINANCE REPEALING ORDINANCE NO. 365, WHICH PROVIDES FOR MUNICIPAL SEWER AND WATER SERVICE FEES, SIDEWALK, CURBS, SIDESTRIPS AND STREET ASSESSMENTS TO BECOME LIENS.

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer valid; under state law the City has lien authority for local improvement districts. This ordinance is no longer needed.

Section 2. REPEAL. ORD. NO. 365 AN ORDINANCE PROVIDING FOR MUNICIPAL SEWER AND WATER SERVICE FEES, SIDEWALK, CURBS, SIDESTRIPS AND STREET ASSESSMENTS TO BECOME LIENS; PROVIDING FOR RECORDING OF SAID LIENS; PROVIDING FOR PROCEDURES TO COLLECT SAID LIENS; REPEALING ORDINANCE 215, AND DECLARING AN EMERGENCY.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 675

AN ORDINANCE REPEALING ORDINANCE NO. 543, WHICH PROVIDED FOR APPOINTMENT OF AN AUMSVILLE SKATEPARK COMMITTEE FOR THE CITY OF AUMSVILLE, OREGON.

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer valid, The City does not use this committee and is no longer needed.

Section 2. REPEAL. ORD. NO. 543 AN ORDINANCE PROVIDING FOR APPOINTMENT OF AN AUMSVILLE SKATEPARK COMMITTEE FOR THE CITY OF AUMSVILLE, OREGON; PROVIDING THE TERMS OF OFFICE AND DEFINING THE POWERS AND DUTIES.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 676

AN ORDINANCE REPEALING ORDINANCE NO. 544, AN ORDINANCE OF THE CITY OF AUMSVILLE, OREGON, REGARDING CLAIMS FOR JUST COMPENSATION ARISING OUT OF THE ENACTMENT OF A STATEWIDE BALLOT MEASURE; MAKING CERTAIN PROVISION THEREFORE AND DECLARING AN EMERGENCY.

The City of Aumsville ordains as follows:

Section 1. PURPOSE. This ordinance is no longer valid, due to approval of Ballot measure 37 approved in 2004.

Section 2. REPEAL. ORD. NO. 544 AN ORDINANCE OF THE CITY OF AUMSVILLE, OREGON, REGARDING CLAIMS FOR JUST COMPENSATION ARISING OUT OF THE ENACTMENT OF A STATEWIDE BALLOT MEASURE; MAKING CERTAIN PROVISION THEREFORE AND DECLARING AN EMERGENCY.

Section 3. EFFECTIVE DATE. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 677

AN ORDINANCE ADOPTING RULES TO BE KNOWN AS THE CITY OF AUMSVILLE PUBLIC CONTRACTING REGULATIONS AND REPEALING ORDINANCE NO. 559.

The City of Aumsville ordains as follows:

Section 1. Short Title. The provisions of this ordinance and all rules adopted under this ordinance may be cited as the city of Aumsville's "Public Contracting Regulations."

Section 2. Policy.

- (A) Purpose of Public Contracting Regulations. These regulations are publicized by Council as the local contract review board ("Board"), as the governing body and local contract review board of the City of Aumsville; for the purpose of establishing the rules and procedures for contracts entered into by the City. It is the policy of the City in adopting the Public Contracting Regulations to utilize public contracting practices and methods that maximize the efficient use of public resources and the purchasing power of public funds by:
1. promoting impartial and open competition;
 2. using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
 3. taking full advantage of evolving procurement methods that suit the contracting needs of the City as they emerge within various industries.
- (B) Interpretation of Public Contracting Regulations. In furtherance of the purpose of the objectives set forth in subsection A, it is the City's intent that the City of Aumsville's Public Contracting Regulations be interpreted to authorize the full use of all contracting powers and authorities described in ORS Chapters 279A, 279B, and 279C.

Section 3. Application of Public Contracting Regulations.

- (A) In accordance with ORS 279A.025 the City's Public Contracting Regulations and the Oregon Public Contracting Code do not apply to the following classes of contracts.
1. Between Governments. Contracts between the City and another contracting agency or between the City and another governmental body, including the federal government.
 2. Grants. A grant contract is an agreement under which the City is either a grantee or a grantor of monies, property, or other assistance, including loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, for the purpose of supporting or stimulating a program or activity of the grantee and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with grant conditions. The making or receiving of a grant is not a Public Contract subject to the Oregon Public Contracting Code; however, the expenditure of any grant received by the City is subject

to these regulations and the expenditure of grants made by the City to construct a public improvement or public works project is subject to these Public Contracting Regulations.

3. Legal Witnesses and Consultants. Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the City is or may become interested.
4. Real Property. Acquisitions or disposals of real property or interests in real property. This exemption includes the City granting or receiving an interest in real property that may be less than fee title to property, including a lease, an easement, or a license.
5. Textbooks. Contracts for the procurement or distribution of textbooks.
6. Oregon Corrections Enterprises. Procurements from an Oregon corrections enterprises program.
7. Finance. Contracts, agreements, or other documents entered into, issued, or established in connection with:
 - a) The incurring of debt by the City, including any associated contracts, agreements, or other documents, regardless of whether the obligations that the contracts, agreements, or other documents establish are general, special, or limited;
 - b) The making of program loans and similar extensions or advances of funds, aid, or assistance by the City to a public or private person for the purpose of carrying out, promoting, or sustaining activities or programs authorized by law other than for the construction of public works or public improvements;
 - c) The investment of funds by the City as authorized by law, or
 - d) Other predominantly financial transactions of the City that, by their character, cannot practically be established under the competitive contractor selection procedures, as determined by the city administrator.
8. Employee Benefits. Contracts for employee benefit plans as provided in ORS 243.105(1), 243.125 (4), 243.221, 243.275, 243.291, 243.303, and 243.565.
9. Exempt Under State Laws. Any other public contracting specifically exempted from the Oregon Public Contracting Code by another provision of state law.
10. Federal Law. Except as otherwise expressly provided in ORS 279C.800 to 279C.870, applicable federal statutes and regulations govern when federal funds are involved and the federal statutes or regulations conflict with any provision of the Oregon Public Contracting Code or these regulations or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or these regulations.

Section 4. Authority of City Council. Except as expressly delegated under these regulations, Council reserves to itself the exercise of all of the duties and authority of a contract review board under state law, including, but not limited to, the power and authority to:

- (A) Solicitation Methods Applicable to Contracts. Approve the use of contracting methods and exemptions from contracting methods for a specific contract or certain classes of contracts;

- (B) Brand Name Specifications. Exempt the use of brand name specifications for public improvement contracts;
- (C) Waiver of Performance and Payment Bonds. Approve the partial or complete waiver of the requirement for the delivery of a performance or payment bond for construction of a public improvement, other than in cases of emergencies;
- (D) Electronic Advertisement of Public Contracts.
- (E) Appeals of Debarment/Disqualification and Prequalification Decisions. Hear properly filed appeals of the city administrator's determination of debarment, or concerning prequalification;
- (F) Rulemaking. Adopt additional contracting rules pursuant to ORS 279A.055, 279A.065, and 279A.070, including, without limitation, rules for the procurement, management, disposal, and control of goods, services, personal services, and public improvements; and
- (G) Award. Award all contracts that exceed the authority of the city administrator.

Section 5. Model Rules. The Model Rules adopted by the Attorney General under ORS 279A.065 do not apply to the contracting procedures of the City, except as otherwise provided by the Public Contracting Code or if the city administrator determines they are necessary to supplement this ordinance, and then they will apply only to the extent that they do not conflict with these Public Contracting Regulations or other contracting rules adopted by the Board.

Section 6. Definitions. For the purposes of these regulations, the following definitions apply:

Addendum or Addenda: Additions or deletions to, material changes in, or general interest explanations of the City's Solicitation Documents.

Affected Person: A person whose ability to participate in a procurement is adversely affected by the City.

Authorized Representative: The owner of a sole proprietorship, a partner in a firm or partnership, or, a person authorized to bind by a corporation's board of directors.

Award: The selection of a person to provide goods, services, or public improvements under a public contract. The award of a contract is not binding on the City until the contract is executed and delivered by the City.

Bid: A binding, sealed, written offer to purchase surplus property, or provide goods, services, or public improvements for a specified price or prices.

Bid or Proposal Bond/Bid or Proposal Security: A means of securing execution of an awarded contract.

Bidder: An Offeror who submits a bid in response to the City's Invitation to Bid.

Board: The local contract review board, which is the Aumsville City Council.

Closing: The closing of a solicitation is the end of the period in which bids or proposals may be submitted. The closing date and time must be specified in the solicitation documents.

City: City of Aumsville, Oregon

Cooperative Procurement: A procurement conducted by or on behalf of one or more contracting agencies.

Conduct Disqualification: A disqualification pursuant to ORS 279C.440.

Concession Agreement: A contract that authorizes and requires a private entity or individual to promote or sell, for its own business purposes, goods or services, specified by the city administrator, from real property owned or managed by the City, and under which the concessionaire makes payments to the City based, at least in part, on the concessionaire's revenues or sales. The term "concession agreement" does not include a mere rental agreement, license, lease, or permit for the use of the premises.

Contract: See definition for "Public Contract."

Contract Price: The total amount paid or to be paid under a contract, including bonuses, incentives, contingency amounts, approved alternatives, and any fully executed change orders or amendments; if the contractor fully performs under the contract; or the maximum not-to-exceed amount of payments specified in the contract; or the unit price for goods or services or personal services set forth in the contract.

Contractor: The person with whom the City executes a Public Contract.

Debarment: A declaration by the Board or city administrator under ORS 279B.130 or ORS 279C.440 that prohibits a potential contractor from competing for the City's public contracts for a prescribed period of time. The term used in ORS Chapter 279C is "disqualification" and it is synonymous with "debarment."

Disposal: Any arrangement for the transfer of property by the City under which the City relinquishes ownership.

Emergency: Circumstances that create a substantial risk of loss, damage, or interruption of services or a substantial threat to property, public health, welfare, or safety; and requires prompt execution of a contract to remedy the condition.

Energy Savings Performance Contract: A contract with a qualified energy service company for the identification, evaluation, recommendation, design, and construction of energy conservation measures that guarantee energy savings or performance.

Findings: Are the statements of fact that provide justification for a determination. Findings may include, but are not limited to, information regarding operation, budget and financial data; public benefits; cost savings; competition in public contracts; quality and aesthetic considerations, value engineering; specialized expertise needed; public safety; market conditions; technical complexity; availability, performance, and funding sources.

Goods and services/goods or services: Any item or combination of supplies, equipment, materials, and services other than personal services designated under ORS 279A.055, or other personal property, including tangible, intangible, and intellectual property and rights and licenses in relation thereto.

Informal Solicitation: A solicitation made in accordance with the City's public contracting regulations to a limited number of potential contractors, in which the Solicitation Agent attempts to obtain at least three written quotes or proposals.

Invitation to bid: A publicly advertised request for competitive sealed bids.

Model Rules: The public contracting rules adopted by the Attorney General under ORS 279A.065.

Nonresident Bidder: A bidder who is not a resident bidder as defined in this section.

Offeror: A person who submits a bid, quote, or proposal to enter into a public contract with the City.

Opening: The date, time, and place announced in the solicitation document for the public opening of written, sealed offers.

Oregon Public Contracting Code: ORS chapters 279A, 279B, and 279C.

Owner: The city of Aumsville, acting through its legally constituted Council.

Person: A natural person or any other private or governmental entity having the legal capacity to enter into a binding contract.

Proposal: A binding offer to provide goods, services, or public improvements with the understanding that acceptance will depend on the evaluation of factors other than, or in addition to, price. A proposal may be made in response to a request for proposals or under an informal solicitation.

Personal Services: The services or type of services performed under a Personal Services Contract.

Personal Service Contract: A contract with an independent contractor predominantly for services that require special training or certification, skill, technical, creative, professional, or communication skills or talents, unique and specialized knowledge, or the exercise of judgement skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of, architects, engineers, land surveyors, attorneys, auditors, and other licensed professionals, administrators, artists, computer programmers, consultants, designers, performers, and property managers. The city administrator shall have discretion to determine whether additional types of services not specifically mentioned in this paragraph fit within the definition of personal services.

Procurement. The act of purchasing, selling, leasing, renting, or other acquisition or disposal by the city of goods, services, public improvements, public works, and personal property, and personal services. Procurement includes each function and procedure undertaken or required to be undertaken by the City to enter into a contract, administer a contract, and obtain the performance of a contract under the State Public Contracting Code.

Public Contract: A sale or other disposal, or a purchase, lease, rental, or other acquisition, by the City of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement. Public Contract does not include grants.

Public Improvement: A project for construction, reconstruction, or major renovation on real property by or for the City. "Public improvement " does not include:

- (A) Projects for which no funds of the City are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
- (B) Emergency work, minor alteration, or ordinary repair or maintenance necessary to preserve a public improvement.

Qualified Pool: A pool of vendors who are pre-qualified to compete for the award of contracts for certain types of contracts or to provide certain types of services.

Quote: A price offer made in response to an informal or qualified pool solicitation to provide goods, services, or public improvements.

Request for Proposals: A publicly advertised request for sealed competitive proposals.

Resident Bidder: A bidder that has paid unemployment taxes or income taxes in this state during the 12 calendar months immediately preceding submission of the bid, has a business address in this state, and has stated in the bid whether the bidder is a "resident bidder" under this paragraph.

Solicitation: An invitation to one or more potential contractors to submit a bid, proposal, quote, statement of qualifications, or letter of interest to the City with respect to a proposed project, procurement, or other contracting opportunity. The work "solicitation" also refers to the process by which the City requests, receives, and evaluates potential contracts and awards public contracts.

Solicitation Agent: With respect to a particular solicitation or contract the staff member charged with the responsibility for conducting the solicitation and making an award or making a recommendation on award to the Board.

Solicitation Documents: All informational materials issued by the City for a solicitation, including, but not limited to advertisements, instructions, submission requirements and schedules, award criteria, contract terms and specifications, and all laws, regulations, and documents incorporated by reference.

Standards of Responsibility: The qualifications of eligibility for award of a public contract. An offeror meets the standards of responsibility if the offeror has:

- (A) Available the appropriate financial, material, equipment, facility, and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to indicate the capability of the offeror to meet all contractual responsibilities;
- (B) A satisfactory record of performance. The Solicitation Agent shall document the record of performance of an offeror if the Solicitation Agent finds the offeror to be not responsible under this paragraph;
- (C) A satisfactory record of integrity. The Solicitation Agent shall document the record of integrity of an offeror if the Solicitation Agent finds the offeror to be not responsible under this paragraph;
- (D) Qualified legally to contract with the City;
- (E) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the Solicitation Agent concerning responsibility, the Solicitation Agent shall base the determination of responsibility upon any available information or may find the offeror non-responsible; and
- (F) Not been debarred by the City, and, in the case of public improvement contracts, has not been listed by the Construction Contractors Board as a contractor who is not qualified to hold a public improvement contract.

Surplus Property: Personal property owned by the City which is no longer needed for use by the City.

Section 7. Authority of City Administrator.

- (A) General Authority.
1. Solicitation Agent. The city administrator is designated as the solicitation agent for all City contracts and concession agreements and will possess the authority granted to a "contracting agency" under the Public Contracting Code, subject to the limitations of these Public Contracting Regulations. The solicitation agent may award contracts for which the contract price does not exceed \$50,000, without additional authorization of the Board; provided there is a current fiscal year budget appropriation; or supplemental budgetary authority from Council, with respect to the contract, is approved. For all other contracts the solicitation agent shall conduct the solicitation and make a recommendation to the Board. The solicitation agent shall award all concession agreements that can be awarded under an informal solicitation or by direct appointment, and shall have authority to award all purchases of surplus property.
 2. Execution and Delivery. The city administrator has the authority to execute and deliver on behalf on the City all contracts that the city administrator has the power to award, and all amendments to such contracts. All other contracts and amendments shall be executed by the officer designated by the Board or designee.
 3. Publicize Forms and Materials. Subject to the provisions of these Public Contracting Regulations, the city administrator may adopt and amend all solicitation materials, contracts, and forms required or permitted to be adopted by contracting agencies under the Oregon Public Contracting Code or otherwise convenient for the City's contracting needs. The city administrator shall hear all solicitation and award protests.
- (B) Delegation of City Administrator's Authority. Any of the responsibilities or authorities of the solicitation agent or the city administrator under this ordinance may be delegated and sub-delegated by written directive.
- (C) Solicitation Preferences. When possible, the city administrator shall use solicitation documents and evaluation criteria that:
1. Give preference to goods and services that have been manufactured or produced in the State of Oregon if price, fitness, availability, and quality are otherwise equal; and
 2. Give preference to goods that are certified to be made from recycled products when such goods are available, can be substituted for non-recycled products without a loss in quality, and the cost of goods made from recycled products is not significantly more than the cost of goods made from non-recycled products.
- (D) Purchasing From City Officials. The city administrator shall not make any purchase of goods and services from any City official, or any business with which a City employee is associated; except when the purchase is expressly authorized by the Board; or during a state of emergency. In any situation in which the city administrator believes that a purchase would cause an appearance of impropriety, regardless of whether the purchase is prohibited by this or any other public contracting code provision, the city administrator may forward the proposed purchase to the Board for approval.

- (E) Mandatory Review of Rules. Whenever the Oregon State Legislative Assembly enacts laws that cause the attorney general to modify the Model Rules, the city administrator shall review the Public Contracting Regulations, other than the Model Rules, and recommend to the Board any modifications required to ensure compliance with statutory changes.
- (F) Guidelines to Implement Public Contracting Regulations. The city administrator may adopt guidelines and other materials to assist staff and the public with the implementation of these regulations. Such guidelines shall be consistent with these regulations and may include flowcharts to guide staff in the City's day-to-day procurement activities.

Section 8. Personal Service Contracts. Personal services contracts are subject to the regulations established by this section:

- (A) Procedures for the Screening and Selection of Persons to Perform Personal Services.
 1. Any Personal Services Contract. Personal services contracts in any amount may be awarded under a publicly advertised request for proposals in accordance with ORS 279B.060.
 2. Discretionary Award. The following personal service contracts may be awarded under any method deemed in the City's best interest by the city administrator, including by direct appointment; subject to approval by Council when required by this ordinance.
 - a) Contracts for which the solicitation agent estimates that payments will not exceed \$20,000 in any fiscal year.
 - b) Contracts for legal services for the City.
 - c) Contracts with architects, engineers, surveyors, and other professionals identified in ORS 279C.100 that involve "related services" as that term is defined in ORS 279C.100(8).
 3. Personal Service Contracts Not Exceeding \$150,000. Contracts for personal services for which the estimated contract price does not exceed \$150,000, may be awarded using an informal solicitation for proposals.
 4. Personal Service Contracts for Continuation of Work. Contracts of not more than \$200,000 for the continuation of work by a contractor who performed preliminary studies, analysis, or planning for the work under a prior contract may be awarded without competition, if the prior contract was awarded under a competitive process, and the city administrator determines that use of the original contractor will significantly reduce the costs of, or risks associated with, the work.
 5. \$75,000 Award from Qualified Pool. Contracts for personal services for which the estimated contract price does not exceed \$75,000 may be awarded by direct appointment without competition from a Qualified Pool.
- (B) Procedures for Screening and Selection of Persons to Perform Architectural, Engineering, Surveying, or Other Professional Services Governed by ORS 279C.105.

1. Intent. This section implements the qualification-based selection ("QBS") requirements contained in the Public Contracting Code (ORS 279C.100 through 279C.125). The City will rely on this section, not the Model Rules, when it is required to follow the QBS process.
2. Applicability. This section only applies when the services the City seeks are legally required to be performed by an architect, engineer, land surveyor, photogrammetrist or, in certain narrow instances, a transportation planner. If the services qualify as a "related service" as that term is defined in ORS 279C.100(8), the City may rely on Section 8(A) of these rules to award a contract.
3. Methods of Award.
 - a) Direct Award. The City may award a contract directly to a consultant of its choosing under this section:
 - i. If the estimated amount the City will pay a consultant for the consultant's services does not exceed \$100,000;
 - ii. In an emergency; or
 - iii. If the City previously had a contract with the consultant for the same or a substantially similar project and the prior contract was awarded in accordance with these regulations, including prior versions of these regulations.
 - b) RFP. If the City cannot award a contract directly to a consultant, the City will issue an RFP and advertise it in any manner it deems appropriate. If the City directly solicits proposals from consultants, it will contact at least three.
 - i. Criteria. The screening and selection procedures in the RFP will at least include consideration of a consultant's experience, resources, record of past performance, and familiarity with the City and its needs. The RFP must also contain the information required by ORS 279C.110(5)(a). Subject to the limitations in subsection (ii) below, the City may include consideration of additional screening criteria on a case-by-case basis.
 - ii. Costs. The City will consider a consultant's cost and pricing information as part of its screening and selection process in accordance with ORS 279C.110(5). After completing an initial evaluation of consultants pursuant to the criteria in the RFP, the City will announce the initial evaluation scores and rank each of the prospective consultants. The City may then determine that as many as three of the top-ranked consultants are qualified to perform the services and may request a pricing proposal from each consultant in accordance with ORS 279C.110(5)(c). The value assigned to the pricing proposal may not exceed 15 percent of the weight of the total score the City uses to evaluate consultants.
 - iii. Negotiation. After the City completes its evaluation of the top ranked consultants and their respective pricing proposals, the City may select one of the top ranked consultants and proceed to negotiate a contract for the

services. If for any reason the parties cannot arrive at a mutually acceptable contract, the City may terminate negotiations and engage the next highest ranked consultant in negotiations.

- iv. Award. If a contract is negotiated, the City will notify other prospective consultants of its intent to award a contract.

Section 9. Public Contract Exemptions and Process for Approval of Special Solicitation Methods.

- (A) Authority of the City Council. Council upon its own initiative, or upon request of the city administrator, may create special selection, evaluation, and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section.
- (B) Basis for Approval. The approval of an exemption from competition or special solicitation methods must be based upon a record before the Board that contains the following:
 1. The nature of the contract or class of contracts for which the special solicitation or exemption is requested;
 2. The estimated contract price or cost of the project, if relevant;
 3. Findings to support the substantial cost savings, enhancement in quality or performance, or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;
 4. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations;
 5. A description of the proposed alternative contracting methods to be employed; and
 6. The estimated date by which it would be necessary to let the contract(s).
In making a determination regarding a special selection method, the Board may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.
- (C) Hearing.
 1. Notice. The City shall approve the special solicitation or exemption after a public hearing before the Board following notice by publication in at least one publication of general circulation in the City. The notice shall be published at least seven days prior to the hearing. The Notice shall state that the purpose of the hearing is to consider findings in support of, as applicable:
 - a) A special procurement for a single contract or classes of contracts under ORS 2798.085; or
 - b) An exemption from competitive bidding for a single contract or class of contracts under ORS 279C.335.

The notice shall describe how copies of the draft findings may be obtained for review prior to the hearing and state that persons who wish to comment on or protest the considered action may appear and present testimony at the hearing.

2. At the public hearing, the City shall offer an opportunity for any interested party to appear and present comment.
 3. The Board will consider the findings and may approve the special solicitation or exemption as proposed or as modified by the Board after providing an opportunity for public comment.
 4. If the Board approves the special procurement(s) or exemptions(s) at the public meeting of the City Council following the hearing, or at a subsequent public meeting of the City Council, no published notice of the approval shall be required.
- (D) Public Improvement Contract Exemption Special Requirements.
1. Notification of the public hearing for exemption of a public improvement contract, or class of public improvement contracts, shall be published in a trade publication of general statewide circulation at least 14 days prior to the hearing.
 2. The notice shall state that the public hearing is for the purpose of taking comments on the City's draft findings for an exemption from the standard solicitation method. At the time of the notice, copies of the draft findings shall be made available to the public.
- (E) Commencement of Solicitation Prior to Approval. A solicitation may be issued prior to the approval of a special exemption under this Section 9, provided that the closing of the solicitation may not be earlier than five days after the date of the hearing at which the Board approves the exemption. If the Board fails to approve a requested exemption or requires the use of a solicitation procedure other than the procedures described in the issued solicitation documents, the issued solicitation may either be modified by addendum, or canceled.

Section 10. Solicitation Methods for Classes of Public Contracts. The City may encourage meaningful competition through a variety of solicitation methods. The solicitation agent shall choose the solicitation method that is most likely to encourage offers representing optimal value to the City. The following classes of public contracts and the method(s) that are approved for the award of each of the classes are hereby established by the Board. However, nothing in this section may be construed as prohibiting the City from conducting a procurement under competitive bidding or competitive proposal procedures.

- (A) Small Procurements - Direct Purchase or Appointment. The following classes of contracts may be awarded in any manner, which the solicitation agent deems appropriate to the City's needs, including by direct purchase or appointment.
1. Goods and Services Contracts Up to \$10,000. Contracts for goods and services for which the contract price does not exceed \$10,000, may be awarded as a small procurement.
 - a) Notwithstanding any other contrary provisions of these regulations, a goods and services contract awarded as a small procurement may be amended or re-negotiated without additional competition, with prior approval of the city administrator if it is

advantageous to the City; but the cumulative amendments shall not increase the total contract price to greater than \$12,500.

- b) State law prohibits a procurement from being artificially divided or fragmented, so as to constitute a small procurement under this section.
2. Public Improvement Contracts Up to \$5000. Contracts for a public improvement for which the contract price does not exceed \$5000 may be awarded as a small procurement. Contracts awarded pursuant to this subsection may be amended but the cumulative amendments shall not increase the total contract price to more than \$10,000.
3. Amendments. Contract amendments shall not be considered separate contracts, if made in accordance with the Public Contracting Regulations.
4. Advertising. Contracts for the placing of notice or advertisements in any medium.
5. Animals. Contracts for the purchase of animals.
6. Small Concessions. Concession agreements for which the city administrator estimates that receipts by the City will not exceed \$5,000 in any fiscal year, and \$50,000 in the aggregate may be awarded by any method deemed appropriate by the Solicitation Agent; including without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.
7. Copyrighted Materials; Library Materials. Contracts for the acquisition of materials entitled to copyright, including, but not limited to, works of art and design, literature and music, or materials even if not entitled to copyright, purchased for use as library lending materials.
8. Equipment Repair. Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without preliminary dismantling or testing.
9. Government Regulated Items. Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.
10. Insurance. Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135, and 414.145.
11. Non-Owned Property. Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the City.
12. Sole Source Contracts. Contracts for goods or services, which are available from a single source, may be awarded without competition.
13. Specialty Goods for Resale. Contracts for the purchase of specialty goods by City for resale to consumers.
14. Sponsor Agreements. Sponsorship agreements, under which the City receives a gift or donation in exchange for recognition of the donor.
15. Structures. Contracts for the disposal of structures located on City-owned property.
16. Renewals. Contracts that are being renewed in accordance with their terms are not considered to be newly issued Contracts and are not subject to competitive procurement procedures.
17. Temporary Extensions or Renewals. Contracts for a single period of one year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently

expired, contract, other than a contract for public improvements.

18. Used Property. The city administrator, for procurements for procurements up to \$50,000, may contract for the purchase of used property by negotiation, if such property is suitable for the City's needs and can be purchased for a lower cost than substantially similarly new property. For this purpose, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the City. There shall be a written record of the purchase.
 19. Utilities. Contracts for the purchase of steam, power, heat, water, telecommunications services, and other utilities.
 20. Hazardous Material Removal and Oil Clean-up. The City may acquire services to remove or clean up hazardous material or oil from any vendor when ordered to do so by the Oregon Department of Environmental Quality pursuant to its authority under ORS Chapter 466.
- (B) Intermediate Procurements - Informal Solicitation. The following classes of contracts may be awarded using the informal solicitation procedures in Section 12 of these regulations. State law prohibits a procurement from being artificially divided or fragmented, so as to constitute an intermediate procurement under this section.
1. Public Improvement Contracts.
 - a) Public Improvements up to \$100,000. Public improvement contracts for which the estimated contract price does not exceed \$100,000 may be awarded using an informal solicitation for competitive quotes. ***Contracts in excess of \$100,000, unless approved for a special exemption, shall be issued in accordance with the provisions of ORS 279C;***
 - b) Contracts for a public works project estimated to exceed \$50,000 shall include the Bureau of Labor and Industries (BOLI) provisions regarding the prevailing wage, unless otherwise exempt under Oregon law.
 - c) Use of Existing Contractors. When a public improvement is in need of minor alteration, repair, or maintenance at or near the site of work being performed by another City contractor, the City may hire that contractor to perform the work provided:
 - i. The contractor was hired through a competitive selection process permitted by these regulations;
 - ii. The solicitation agent first obtains a price quotation from the contractor that is competitive and reasonable or based on unit prices in the current contract;
 - iii. Any prevailing wage requirements are complied with and
 - iv. A change order is issued for the work.
 2. Contracts for Goods and Services Exceeding \$10,000. The procurement of goods or services, for which the estimated contract price exceeds \$10,000, but not exceeding \$150,000, may be awarded under an informal solicitation for either quotes or proposals. ***Public contracts for goods or services in excess of \$150,000 shall be let in accordance with the provisions of ORS 279B.***

3. Intermediate and Major Concessions. For Concession Agreements for which receipts by the City exceed \$5,000 in a fiscal year or \$50,000 in the aggregate, and the concessionaire's projected annual gross revenues are estimated to be \$500,000 or less; the city administrator has discretion to use either an informal solicitation or formal request for proposals process applicable to contracts for personal services. If the proposals received indicate a probability that the concessionaire's annual gross revenues will exceed \$500,000, the Solicitation Agent may, but shall not be required to, reissue the solicitation as a request for proposals. Major concession agreements, for which the concessionaire's projected annual gross revenues under the contract are estimated to exceed \$500,000 annually, shall be awarded using a request for proposals.
- (C) Hybrid Contracts. The following classes of contracts include elements of construction of public improvements as well as personal services and may be awarded under a request for proposals, unless exempt from competitive solicitation.
1. Design/Build and CM/GC Contracts. Contracts for the construction of public improvements using a design/build or construction manager/general contractor construction method shall be awarded under a request for proposals, but only if Council has approved an exemption in accordance with these regulations. The determination to construct a project using a design/build or construction manager/general contractor construction method may be approved by the Board if the construction of the improvement under the proposed method is likely to result in cost savings, higher quality, reduced errors, or other benefits to the City. All CM/GC contracts must also comply with ORS 279C.337 and the provisions in the Model Rules that govern the CM/GC delivery method.
 2. Energy Savings Performance Contracts. Unless the contract qualifies for award under another classification in this section, contractors for energy savings performance contracts shall be selected under a request for proposals in accordance with the City's Public Contracting Regulations.
- (D) Purchases from Nonprofit Agencies for Disabled Individuals. The City shall purchase goods, services, and public improvements available from qualified nonprofit agencies for disabled individuals in accordance with the provisions of ORS 279.835 through 279.850.
- (E) Emergency Procurements.
1. In General. When an official with authority to enter into a contract on behalf of City determines that immediate execution of a contract, within the official's authority, is necessary to prevent a substantial risk of loss, damage, or interruption of services; or a substantial threat to property, public health, welfare, or safety, the official may execute the contract without competitive selection and award or City approval; but, where time permits, the official shall attempt to use competitive price and quality evaluation before selecting an emergency contractor.
 2. Emergency Public Improvement Contracts. A public improvement contract may only be awarded under emergency circumstances if the city administrator or Board has made a written declaration of emergency. Any public improvement contract awarded under emergency conditions must be awarded within 60 days following the declaration of an emergency, unless the Board grants an extension of the emergency period. All such contracts, whether or not signed by the contractor, shall be deemed to contain a

termination for convenience clause permitting the City to immediately terminate the contract at its discretion and, unless the contract was void, the City shall pay the contractor only for work performed prior to the date of termination plus the contractor's unavoidable costs incurred as a result of the termination. In no event will the City pay for anticipated lost profits or consequential damages as a result of the termination. Where the time delay needed to obtain a payment or performance bond for the contract could result in injury or substantial property damage, the city administrator or Board may waive the requirement for all or a portion of required performance and payment bonds.

3. Reporting. An official who enters into an emergency contract shall, as soon as possible, in light of the emergency circumstances, document the nature of the emergency; and for good or services contracts, describe the method used for the selection of the particular contractor, and the reason why the selection method was deemed in the best interest of the City and the public; and notify the Board of the facts and circumstances surrounding the emergency execution of the contract.

(F) Surplus Property.

1. Disposal of Property with Minimal Value. Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds may be disposed of by any means determined to be cost-effective, including by disposal as waste. The official making the disposal shall make a record of the estimated value of the item and the manner of disposal.
2. General Methods. Surplus property may be disposed of by any of the following methods upon a determination by the Solicitation Agent that the method of disposal is in the best interest of the City. Factors that may be considered by the Solicitation Agent include costs of sale, administrative costs, and public benefits to the City. The Solicitation Agent shall maintain a record of the manner of disposal, including the name of the person to whom the surplus property was transferred.
 - a) Auction. By publicly advertised auction to the highest bidder.
 - b) Bids. By public advertised invitation to bid.
 - c) Donation. By donation to any non-profit cause or organization operating within or providing a service to residents of the City.
 - d) Governments. Without competition, by transfer or sale to another public agency.
 - e) Fixed Price Sale. The Solicitation Agent may establish a selling price based upon an independent appraisal or published schedule of values generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.
 - f) Liquidation Sale. By liquidation sale using a commercially recognized third- party liquidator selected in accordance with rules for the award of personal services contracts.
 - g) Trade-In. By trade-in, in conjunction with acquisition of other price-based item under procurement. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.
3. Restriction on Sale to City Employees. City employees shall not be restricted from competing, as members of the public, for the purchase of publicly sold surplus property,

but shall not be permitted to offer to purchase property to be sold to the first qualifying bidder until at least three days after the first date on which notice of the sale is first publicly advertised.

4. Personal-Use Items. An item (or indivisible set) of specialized and personal use, other than police officer's handguns, with a current value of less than \$100 may be sold to the employee or retired or terminated employee for whose use it was purchased. These items may be sold for fair market value without bid and by a process deemed most efficient by the city administrator.
 5. Police Officers' Handguns. Upon honorable retirement from service with the City, a police officer may purchase the handgun that she or he was using at the time of retirement. The purchase price shall be the fair market value of the handgun as determined by an independent appraisal performed by a qualified weapons appraiser. An officer electing to exercise this option shall notify the City at least 30 days prior to his or her expected retirement date and request an appraisal of the handgun. Upon receipt of the appraisal fee from the officer, the City shall arrange for the appraisal. A copy of the completed appraisal shall be provided to the officer, who shall have up to 30 days from the date of retirement to purchase the handgun for the appraised fair market value.
 6. Conveyance to Purchaser. Upon the consummation of a sale of surplus personal property, the City shall make, execute, and deliver, a bill of sale signed by the city administrator, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.
- (G) Federal Purchasing Programs. Goods and services may be purchased without competitive procedures under a local government purchasing program administered by the United States General Services Administration ("GSA") as provided in this subsection.
1. The procurement must be made in accordance with procedures established by GSA for procurements by local governments, and under purchase orders or contracts submitted to and approved by the city administrator. The Solicitation Agent shall provide the city administrator with a copy of the letter, memorandum, or other documentation from GSA establishing permission to the City to purchase under the federal program.
 2. The price of the goods or services must be established under price agreements between the federally approved vendor and GSA.
 3. The price of the goods or services must be less than the price at which such goods or services are available under state or local cooperative purchasing programs that are available to the City.
 4. If a single purchase of goods or services exceeds \$150,000, the Solicitation Agent must obtain informal written quotes or proposals from at least two additional vendors (if reasonably available) and find, in writing, that the goods or services offered by GSA represent the best value for the City. This paragraph does not apply to the purchase of equipment manufactured or sold solely for military or law enforcement purposes.

- (H) Cooperative Procurement Contracts. Cooperative procurements may be made without competitive solicitation as provided in the Oregon Public Contracting Code, ORS 279A.200-225.
- (I) Report to City Council on Non-Bid Public Improvement Projects.
 - 1. Upon completion of and final payment for any public improvement contract, or class of public improvement contracts described in ORS 279A.050 (3) (b), in excess of \$100,000; for which the City did not use the competitive bidding process, City staff shall prepare and deliver to the City Council an evaluation of the public improvement project, or class of public improvement contracts. The evaluation shall include but not be limited to the following matters:
 - i. The actual project cost as compared with original project estimates;
 - ii. The amount of any guaranteed maximum price;
 - iii. The number of project change orders issued by the Owner;
 - iv. A narrative description of successes and failures during the design, engineering, and construction of the project; and
 - v. An objective assessment of the use of the alternative contracting process as compared to the findings required by ORS 279C.335.
 - 2. Evaluations required by this section must be made available for public inspection, and be completed within 30 days of the date that the Contracting Agency accepts:
 - i. The public improvement project; or
 - ii. The last public improvement project if the project falls within a class of public improvement contracts.

Section 11. Sole Sources.

- (A) Determination of Sole Source. A sole source contract is a contract with a vendor who is the only responsible source for the goods, services, or personal services required by the City. A determination of sole source may be made by the city administrator based upon written findings that demonstrate that the contractor is a sole source, and that alternative goods, services, or personal services would be unsatisfactory for the City's needs based on factors that may include any of the following:
 - 1. A record that no qualified vendors responded to a notice issued in accordance with Subsection B;
 - 2. A written statement from a manufacturer established as a sole source that the product is only available to the City from a single point of sale;
 - 3. Written evidence that the contract is for a patented product and that the proposed vendor is the exclusive holder of a right to sell the product;
 - 4. Records of research that demonstrate that only one suitable source for the goods or service exists and that alternate goods or services do not meet the City's requirements, including, without limitation, that efficient utilization of existing goods requires the acquisition of compatible goods or services; or
 - 5. A statement that the goods or services are for use in a pilot or experimental project.

- (B) Manner of Notice. The record that a contractor is a sole source may be established if no qualified alternative sources responded to a public notice of the City's requirements. The notice shall be published at least five business days before contract execution and shall:
 1. Describe the goods, services, or personal services sought;
 2. State the estimated amount of the contract;
 3. Request statements of ability to provide the identified goods, services, or personal services from vendors who are qualified to compete for the contract, and
 4. State that if no responses are received from qualified vendors within the time period specified in the notice, the Purchasing Manager will proceed with a sole-source award.
- (C) Method of Selection. Sole source contracts may be awarded pursuant to direct negotiation with the sole source contractor, without competitive solicitation.

Section 12. Informal Solicitation Procedures and Qualified Pools. When authorized by these regulations, the City may use the following procedures for informal solicitations, and a contract may be awarded using the informal solicitation procedures described in this section.

- (A) Record of Contract Requirements and Evaluation Criteria. The Solicitation Agent shall make a written record of the contract requirements and criteria upon which the award will be based before conducting the solicitation. This record shall be used to provide all potential offeror with the same information concerning the contract requirements and the manner in which their offers will be evaluated.
- (B) Contact with Potential Offerors. The Solicitation Agent request for quotes or proposals may be by general or limited distribution to a certain group of vendors, by direct inquiry to persons selected by the Solicitation Agent, or in any other manner that the Solicitation Agent deems suitable for obtaining a sufficient number of competitive quotes or proposals.
- (C) Number of Offers. The Solicitation Agent shall attempt to obtain at least three responsive quotes or proposals from offerors who are qualified to perform the contract unless three offers cannot be reasonably obtained. If fewer than three quotes or proposals are reasonably available, fewer will suffice, but the Solicitation Agent shall make a record of the efforts made to obtain the offers.
- (D) When Written Solicitation Required. The request for offers and the receipt of offers shall be made in writing in the following cases:
 1. Contracts for Goods, Services, or Personal Services. If the estimated Contract Price will exceed \$75,000, the Solicitation Agent shall request written quotes or proposals using a written description of contract requirements and award criteria.
 2. Contracts for Public Improvements. The Solicitation Agent shall request written quotes for all public improvement contracts and shall present the description of contract requirements and award criteria using written materials unless the information can be given by other means in a conference or oral presentation at which all potential offerors are present and have an opportunity to ask questions. Notwithstanding the foregoing sentence, when soliciting quotes for a public works project, the Solicitation Agent must deliver all written materials, including written copies of the prevailing wage rates required by the Bureau of Labor and Industries.
- (E) Basis for Award. Selection of contractors for goods, services, and personal services shall be

based on the quote or proposal that is most advantageous to the City. The selection criteria for public improvement contracts shall be based on quotes but may include a consideration of, and ranking of other factors in addition to, price, such as experience, specific expertise, availability, project understanding, contractor capacity, responsibility, and similar factors. The Solicitation Agent shall make a written record of all offerors, the prices quoted and, if the award was made on a basis other than price, a record of the evaluation of each offer, and the basis for award.

- (F) Discussions and Negotiations. The Solicitation Agent may discuss the solicitation requirements for any type of informal solicitation with potential offerors and may discuss a quote or proposal with an offeror to clarify its quote or proposal or to effect modifications that will make the quote or proposal responsive to the solicitation requirements. Except for solicitations involving public improvements, after all initial quotes have been received and recorded, the solicitation agent may negotiate with an offeror to effect modifications that will make the quote or proposal more advantageous to the City. The Solicitation Agent may not disclose the price offer or terms of one offeror to another during discussions prior to contract award.
- (G) Amendment. A contract awarded using an Informal Solicitation may be amended only as provided in these regulations.
- (H) Qualified Pools.
 1. Purpose of Qualified Pools. In lieu of prequalification on a contract-by-contract basis, the City may establish qualified pools that can be used on a continuous basis for the selection of contractors when direct appointment or Informal Solicitation is otherwise authorized by these regulations.
 2. Creation of Qualified Pool. To create a qualified pool, the city administrator may invite prospective contractors to submit their qualifications to the City for inclusion as participants in a pool of contractors qualified to provide certain types of goods, services, or projects, including personal services and public improvements.
 3. Advertisement. The invitation to participate in a qualified pool shall be advertised, at the discretion of the Solicitation Agent, by publication in a publication of general circulation in the Aumsville area, by electronic publication as permitted in these regulations or by any other method that the Solicitation Agent deems desirable to develop a sufficient pool of qualified vendors. The advertisement shall be made at the time of initial formation and whenever the qualified pool contract is subject to re-opening or renewal. If the pool is open to entry at any time, and is continuously advertised on the City's website, no additional advertisement shall be required.
 4. Qualification for Participation. A qualified pool shall be open for entry not less than once in each three years. Standards for participation in a qualified pool may include the applicant's financial stability, contracts with manufacturers or distributors, certification as an emerging small business, insurance, licensure, education, training, experience and demonstrated skills of key personnel, access to equipment, and other relevant qualifications that are important to the contracting needs of the City. The City may also require, as a condition to participation, that the applicant furnish additional materials such as proof of licensure, insurance, insurance endorsements to protect the interests of the City, material concerning performance and fidelity bonds, and that the

- applicant agree to the terms and conditions of participation in the qualified pool. The qualifications for participation in each qualified pool shall be set forth in writing, but may be changed at any time, provided that all participants are notified of the change.
5. Contents of Solicitation. Requests for participation in a qualified pool shall describe the scope of goods or services or personal services for which the pool will be maintained, and the minimum qualifications for participation in the pool.
 6. Use of Qualified Pools. The Solicitation Agent may use a qualified pool to make direct appointments as authorized in these regulations or to obtain quotes or proposals for an informal solicitation but shall not be limited to selection from a qualified pool. Participation in a qualified pool shall not entitle any participant to the award of a City contract.
 7. Amendment and Termination. The Solicitation Agent may discontinue a qualified pool at any time or may change the requirements for eligibility as a participant in the pool at any time, by giving notice to all participants in the qualified pool.
 8. Protest of Failure to Qualify. The Solicitation Agent shall notify any applicant who fails to qualify for participation in a pool that it may appeal the Solicitation Agent's decision to the city administrator in the manner described in Section 17.

Section 13. Requirements for Invitation to Bids and Request for Proposals.

- (A) Unless otherwise provided in these regulations, all formal bids, and proposals made to the City shall:
1. Be in writing.
 2. Be filed with the solicitation agent before closing. Any offer received after the closing is late. An offeror's request for withdrawal or modification of an offer received after the closing is late. The City shall not consider late offers or late modification of an offer or late withdrawal of an offer.
 3. Be opened publicly by the City at the date, time, and place designated in the solicitation.

Section 14. Use of Brand Name Specifications for Public Improvements.

- (A) In General. Specifications for contracts shall not expressly or implicitly require any product by one brand name or mark, nor the product of one particular manufacturer or seller, except for the following reasons:
1. It is unlikely that such exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts; or
 2. The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings to the City; or
 3. There is only one manufacturer or seller of the product of the quality required; or
 4. Efficient utilization of existing equipment, systems or supplies requires the acquisition of compatible equipment or supplies.
- (B) Authority of City Administrator. The city administrator shall have authority to determine

whether an exemption for the use of a specific brand name specification should be granted by recording findings that support the exemption based on the provisions of Subsection A.

- (C) Brand Name or Equivalent. Nothing in this section prohibits the City from using a "brand name or equivalent" specification, from specifying one or more comparable products as examples of the quality, performance, functionality, or other characteristics of the product needed by the City, or from establishing a qualified product list.

Section 15. Bid, Performance, and Payment Bonds.

- (A) Solicitation Agent May Require Bonds. The Solicitation Agent may require bid security and a good and sufficient performance and payment bond even though the contract is of a class that is exempt from the requirement.
- (B) Bid Security. Except as otherwise exempted, the solicitations for all contracts that include the construction of a non-transportation related public improvement and for which the estimated contract price will exceed \$100,000 shall require bid security. For transportation-related public improvements, bid security is required if the estimated contract price will exceed \$50,000. Bid security for a request for proposal may be based on the City's estimated contract price. The amount of bid security may not exceed 10 percent of the bid amount.
- (C) Performance Bonds.
 - 1. General. Except as provided in these regulations, all public contracts are exempt from the requirement for the furnishing of a performance bond.
 - 2. Contracts Involving Public Improvements. Prior to executing a contract for more than \$50,000, that includes the construction of a public improvement, Contractor must deliver a performance bond in an amount equal to the full contract price conditioned on the faithful performance of the contract in accordance with the plans, specifications, and conditions of the contract. The performance bond must be solely for the protection of the City and any public agency that is providing funding for the project for which the contract was awarded.
 - 3. Cash-in-Lieu. The city administrator may permit the successful offer or to submit a cashier's check or certified check in lieu of all or a portion of the required performance bond.
- (D) Payment Bonds.
 - 1. General. Except as provided in these regulations, all public contracts are exempt from the requirement for the furnishing of a payment bond.
 - 2. Contracts Involving Public Improvements. Prior to executing a contract for more than \$50,000 that includes the construction of a public improvement, the contractor must deliver a payment bond equal to the full contract price, solely for the protection of claimants under ORS 279C.600.

- (E) Design/Build Contracts. If the public improvement contract is with a single person to provide both design and construction of a public improvement, the obligation of the performance bond for the faithful performance of the contract must also be for the preparation and completion of the design and related services covered under the contract. Notwithstanding when a cause of action, claim, or demand accrues or arises, the surety is not liable after final completion of the contract, or longer if provided for in the contract, for damages of any nature, economic or otherwise and including corrective work, attributable to the design aspect of a design-build project, or for the costs of design revisions needed to implement corrective work.
- (F) Construction Manager/General Contractor Contracts. If the public improvement contract is with a single person to provide construction manager and general contractor services, in which a guaranteed maximum price may be established by an amendment authorizing construction period services following preconstruction period services, the contractor shall provide the bonds required by Subsection A. of this section upon execution of an amendment establishing the guaranteed maximum price. The City shall also require the contractor to provide bonds equal to the value of construction services authorized by any early work amendment in advance of the guaranteed maximum price amendment. Such bonds must be provided before construction starts.
- (G) Surety; Obligation. Each performance bond and each payment bond must be executed solely by a surety company or companies holding a certificate of authority to transact surety business in Oregon. The bonds may not constitute the surety obligation of an individual or individuals. The performance and payment bonds must be payable to the City or to the public agency or agencies for whose benefit the bond is issued, as specified in the solicitation documents, and shall be in a form approved by the city administrator.
- (H) Emergencies. In cases of emergency, or when the interest or property of the City probably would suffer material injury by delay or other cause, the requirement of furnishing a good and sufficient performance bond and a good and sufficient payment bond for the faithful performance of any public improvement contract may be excused, if a declaration of such emergency is made in accordance with the provisions of Section 10.E.2, unless the Board requires otherwise.

Section 16. Electronic Advertisement of Public Contracts. In lieu of publication in a newspaper of general circulation in the City area, the advertisement for an invitation to bid or request for proposals for any type of public contract may be published electronically by posting on the City's website, provided that the following conditions are met:

- (A) The placement of the advertisement is on a location within the website that is maintained on a regular basis for the posting of information concerning solicitations for projects of the type for which the invitation to bid or request for proposals is issued; and
- (B) The Solicitation Agent determines that the use of electronic publication will be at least as effective in encouraging meaningful competition as publication in a publication of general circulation in the area and will provide costs savings for the City, or that the use of

electronic publication will be more effective than publication in a newspaper of general circulation in the area in encouraging meaningful competition.

Section 17. Protests and Appeals.

(A) Protests of Solicitation Procedures.

1. Protests Generally. A prospective offeror for a public contract may file a protest with the City if the prospective offeror believes that the procurement process is contrary to law or that a solicitation document is unnecessarily restrictive, is legally flawed, or improperly specifies a brand name. If a prospective offeror fails to timely file such a protest, the prospective offeror may not challenge the contract for any of the foregoing reasons in any future legal or administrative proceeding.
2. Exception for Special Procurements. The procedures for a contract-specific special procurement approved by the Board may not be protested, challenged, or reviewed unless the approval of the special procurement by the Board has been invalidated by a reviewing circuit court under ORS 2798.400.
3. Time for Submission of Protest. Protests of a Solicitation shall only be considered when presented to the city administrator in writing in accordance with the following timelines.
 - (a) Protests shall be submitted in writing, not less than five (5) days prior to the solicitation closing unless the solicitation period is shorter than seven (7) days, in which case, the solicitation documents shall recite another protest deadline that allows a period of at least one (1) business day after the issue date of the solicitation to submit protests; and
 - (b) Protests not asserted or not properly asserted within these timelines shall be deemed waived by the protester.
4. Identification of Protest. It is the protester's responsibility to ensure that the protest is received by the City within the stated timelines. The protest should be delivered in an envelope that is clearly marked with the protester's name and sufficient information to identify the solicitation being protested, identified as a protest, and directed to the person identified in the solicitation documents for receipt of protests. Faxed protests may not be accepted.
5. Eligibility for Consideration. The city administrator shall consider the protest if the protest is timely filed and contains the following:
 - (a) Sufficient information to identify the solicitation that is the subject of the protest;
 - (b) The grounds that demonstrate how the procurement process is contrary to law or how the solicitation document is unnecessarily restrictive, is legally flawed, or improperly specifies a brand name;
 - (c) Evidence or supporting documentation that supports the grounds on which the protest is based; and
 - (d) The relief sought.
6. Form of Decision. If the protest is timely submitted and contains the required information, the city administrator shall consider the protest and issue a decision in writing. Otherwise, the city administrator shall promptly notify the prospective protesting offeror that the protest is untimely or that the protest failed to meet the

requirements of this section and give the reasons for the failure.

7. Time of Decision. The city administrator shall issue a decision no less than 72 hours before the solicitation closing, unless a written determination is made by the city administrator that circumstances exist that require a shorter time limit.
8. Appeal. If the city administrator is the city administrator's designee, the city administrator's decision may be appealed to the city administrator by notifying the city administrator of the intent to appeal within three business days after the date on which the city administrator sends its decision to the protestor's electronic or postal address specified in the written protest.
9. Finality of Decision. The decision of the city administrator, or if no appeal is made to the city administrator, of the city administrator, shall be the final determination of the city on the protest.
10. Delay of Solicitation Closing. If the City receives a protest from an offeror in accordance with this section, the city administrator may in his or her discretion extend the date of solicitation closing if the city administrator determines an extension is necessary to consider the protest and, if necessary, to issue addenda to the solicitation documents or otherwise cancel the solicitation.

(B) Protest of Competitive Range Decisions and Contract Awards.

1. Delay of Evaluation or Award. The city administrator will not proceed with a subsequent tier or evaluation, or award a contract under an invitation to bid or request for proposals, until the period of time for filing a protest of competitive range determination, or award, as applicable, has expired, and the city administrator has responded to all timely filed protests of aggrieved offerors.
2. Definition of Aggrieved Offeror. An offeror is an aggrieved offeror only if the person is one to whom a notice of selection of a competitive tier or notice of intent to award has been, or should have been, sent, and such person has been erroneously denied the award of a contract, or has been erroneously eliminated from competition because:
 - (a) All higher-ranked offers were non-responsive, or all higher-ranked offerors clearly failed to meet the standards of responsibility;
 - (b) The evaluation of offers was not conducted in accordance with the criteria or processes described in the solicitation documents;
 - (c) The evaluator abused its discretion in disqualifying the protestor's offer as non-responsive or as failing to meet the standards of responsibility; or
 - (d) The evaluation of offers or subsequent determination of award was otherwise made in violation of the Oregon Public Contracting Code or these regulations.
3. Filing of Protests. Unless a longer or shorter time period is provided in the solicitation documents, an aggrieved offeror shall have five (5) days after the date of issuance of the notice of intent to award, and three (3) days, if mailed, or 72 hours, if issued electronically after a notice of competitive range determination, to submit to the city administrator a written protest of the matter described in the award. The written protest must specify the grounds upon which the protest is based, demonstrate the basis for the protestor's status as an aggrieved offeror, and include an electronic or postal address at which the protestor will receive the city administrator's response. Notwithstanding the foregoing, the period of protest may not be shorter than five (5)

days after the date of notice of award, unless the city administrator determines that the immediate execution of a contract is necessary to avoid a loss of funding for the contract or that further delay in execution will result in injury, property damage, or other serious adverse consequences.

4. Authority to Resolve Protests. The city administrator shall consider a written protest and issue a written decision on the protest. The city administrator may not consider a protest that is filed in an untimely manner or that fails to allege facts that would support a finding that the protester is an aggrieved offeror. If the city administrator is the city administrator's designee, the city administrator's decision may be appealed to the city administrator by notifying the city administrator of the intent to appeal within three business days after the date on which the city administrator sends its decision to the proposer's electronic or postal address specified in the written protest. The decision of the city administrator, or if no timely appeal to the city administrator is made, the decision of the city administrator, shall be the final decision of the city on the protest.
5. Delay of Award; Cancellation of Solicitation. If the City receives a protest from an offeror in accordance with this section, the city administrator shall not submit the contract for execution until the protest is resolved through the final decision under 17.2.4. In addition, the city administrator shall have discretion to delay or cancel an award or a solicitation in response to a protest, regardless of the final decision on the protest, and may, but shall not be required to, reissue the solicitation, if the city administrator determines that such action best serves the City's interests.

(C) Appeal of Debarment or Prequalification Decision.

1. Right to Hearing. Any person who has been debarred from competing for City contracts or for whom prequalification has been denied, revoked, or revised may appeal the City's decision to Council as provided in this section.
2. Filing of Appeal. The person must file a written notice of appeal with the city administrator within three business days after the prospective contractor's receipt of notice of the determination of debarment, or denial of prequalification.
3. Notification of City Council. Immediately upon receipt of such notice of appeal, the city administrator shall notify Council of the appeal.
4. Hearing. The procedure for appeal from a debarment or denial, revocation, or revision of prequalification shall be as follows:
 - (a) Promptly upon receipt of notice of appeal, the City shall notify the appellant of the time and place of the hearing;
 - (b) Council shall conduct the hearing and decide the appeal within 30 days after receiving notice of the appeal from the city administrator; and
 - (c) At the hearing, Council shall consider de novo the notice of debarment, or the notice of denial, revocation, or revision of prequalification, the standards of responsibility upon which the decision on prequalification was based, or the reasons listed for debarment, and any evidence provided by the parties.
5. Decision. Council shall set forth in writing the reasons for the decision.
6. Costs. Council may allocate Council's costs for the hearing between the appellant and the City. The allocation shall be based upon facts found by Council and stated in Council's decision that, in the Council's opinion, warrant such allocation of costs. If

Council does not allocate costs, the costs shall be paid as by the appellant, if the decision is upheld, or by the City, if the decision is overturned.

Section 18. Public Contracts Amendments.

- (A) Amendment Defined. An amendment is any change or modification of any term or condition of a contract or any addition or deletion of any term or provision of a contract. Amendments include, but are not limited to change directives, change orders, and any addition, deletion, or modification that affects the nature, quantity, degree, or scope of the goods or services or improvements to be provided under a contract or the time of performance or price or that affects any provision concerning the rights or obligations of a party.
- (B) Writing and Signature Requirements. No amendment will be binding on the City unless set forth in writing and signed by an official who is duly authorized to bind the City in the manner described by the amendment.
- (C) Amendments That Increase Price. Except in connection with a contract renewal or extension, no contract may be amended to increase the contract price unless the increase is directly related to an increase in the quantity or types of goods or services to be provided, a betterment in the quality of goods or materials to be provided, or to compensate the contractor for delays occurring after the execution of the contract for which the City is responsible. Amendments that increase the contract price are further limited as follows:
 - 1. Price Established by Contract. Amendments that increase the quantity of goods or services to be provided under the contract and for which unit prices were established in the original contract (for example, by weight, volume, itemized equipment price lists, or hourly fees) shall be permitted without limitation.
 - 2. Price Not Established by Contract. Amendments that increase the contract price and that are not described in subsection 18(C)(1) may not, in the aggregate, increase the total amount to be paid under the contract by more than twenty-five percent (25%) of the original contract price unless approved in advance by Council.
 - 3. Contracts Issued Under Price-Based Solicitation. Except in an emergency, or under a waiver approved by the Council, a contract awarded under a solicitation method based on contract price may not be amended if the resulting contract price would exceed either of:
 - (a) The limitations on amendment under subsections 18(C)(1) or (2), as applicable, or
 - (b) 125% of the maximum contract price for the class of contracts under which the solicitation was conducted.
- (D) Time. The time of performance under a contract, or the term of an expiring contract, may not be extended by amendment except as provided in the original contract or on a temporary basis as provided in Section 10.

Section 19. Repeal. Ordinance 559, adopting public contracting regulations, enacted November 8, 2005, is hereby repealed.

Section 20. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 678

AN ORDINANCE ESTABLISHING A SYSTEMS DEVELOPMENT CHARGE FOR CAPITAL IMPROVEMENTS FOR WATER SUPPLY, TREATMENT, TRANSMISSION, AND DISTRIBUTION; WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL; STORM DRAINAGE, INCLUDING FLOOD CONTROL; STREETS; AND PARKS AND REPEALING ORDINANCE NO. 387.

The city of Aumsville ordains as follows:

Section 1. Purpose. The systems development charge (SDC) imposes an equitable share of capital improvement costs for water, supply, treatment, transmission, and distribution; wastewater collection, treatment, and disposal; storm drainage; streets; flood control; and parks upon developments creating the need for, or increase in, the demand made on the aforementioned capital improvements.

Section 2. Scope. The SDC imposed by this ordinance is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

Section 3. Definitions. For purposes of this ordinance, the following mean:

- (A) Capital Improvements. Facilities or assets used for:
1. Water, supply, treatment, and distribution;
 2. Wastewater collection, transmission, treatment, and disposal; drainage and flood control;
 3. Transportation, including but not limited to streets, sidewalks, bike lanes and paths, streetlights, traffic signs and signals, public transportation, vehicle parking and bridges; or
 4. Parks and recreation, including but not limited to neighborhood parks, community parks, public open space and trail systems, buildings, courts, fields, and other like facilities.
- (B) Development. Any man-made change to improved or unimproved real estate, including but not limited to construction, installation, or change of a building or other structure; land division; establishment or termination of a right to access; storage on the land; drilling and site alteration, including but not limited to surface mining, dredging, paving, excavation, or clearing Developer. Any person responsible for a development.
- (C) Improvement Fee. A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to Section 4 of this ordinance.
- (D) Land Area. The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.
- (E) Owner. The owner(s) of record title or purchaser(s) under a recorded sale agreement and other persons having an interest of record in the described real property.

- (F) Parcel of Land. A tract of land however described occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.
- (G) Qualified Public Improvements. A capital improvement that is:
 - 1. Required as a condition of residential development approval;
 - 2. Identified in the plan adopted pursuant to Section 8 of this ordinance; and
 - 3. Not located on or contiguous to a parcel of land that is the subject of the residential development approval.
- (H) Reimbursement Fee. A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to Section 4 of this ordinance.
- (I) Systems Development Charge (SDC). A reimbursement fee, an improvement fee, or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit , building permit, or connection to the capital improvement as identified in Section 9. SDC does not include connection or hook-up fees for sanitary sewers, storm drains, or water lines; such fees are designed by the City only to reimburse the City for actual or average costs for such connections. An SDC does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

Section 4. Systems Development Charge Established.

- (A) SDCs shall be established and may be revised by resolution of Council.
- (B) Unless otherwise exempted by the provisions of this ordinance or other local or state law, an SDC is hereby imposed upon all developers of parcels of land within the city and lands outside the boundary of the city that connect to or otherwise use the sewer facilities, storm sewers, park facilities, transportation system, or water facilities of the city.

Section 5. Methodology.

- (A) The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvements, and other relevant factors identified by Council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.
- (B) The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related.
- (C) The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be established and may be revised by resolution of Council.
 - 1. The City shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any SDC.

2. Written notice shall be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify an SDC, and the methodology supporting the system development charge shall be available at least 60 days prior to the first hearing.
3. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the City. The city administrator may periodically delete names from the list, but at least 30 days prior to removing a name from the list must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.
4. Legal action intended to contest the methodology used for calculating a system development charge may not be filed after 60 days after the effective date of the ordinance or resolution establishing or modifying an SDC. Any person shall request judicial review of the methodology used for calculating a system development charge only as provided in ORS 34.010 to 34.100 (2020).
5. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the SDC if the change in the amount is based on the periodic application of an adopted specific cost index or on a modification to any of the factors related to rate that are incorporated in the established methodology.

Section 6. Authorized Expenditures.

- (A) Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.
- (B)
 1. Improvement fees shall be spent only on costs associated with capacity increasing capital improvements, including expenditures relating to repayment of bonded debt for said improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by development.
 2. A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the City pursuant to Section 8 of this ordinance.
- (C) Notwithstanding subsections (A) and (B) of this section, SDC revenues may be expended on the direct costs of complying with the provisions of this ordinance, including the costs of developing SDC methodologies and providing an annual accounting of SDC expenditures and costs of properly administering, collecting, and accounting for SDCs.

Section 7. Expenditures Restrictions.

- (A) SDCs shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.
- (B) SDCs shall not be expended for costs of the operation or routine maintenance of capital improvements.

Section 8. Improvement Plan. Council shall adopt a plan that:

- (A) Lists the capital improvements that may be funded with improvement fee revenues;
- (B) Lists the estimated costs and time of construction of each improvement; and
- (C) Describes the process for modifying the plan.

Section 9. Collection of Charge.

- (A) The SDC is payable upon issuance of:
 - 1. A building permit;
 - 2. A development permit for development not requiring the issuance of a building permit; or
 - 3. A permit to connect to the water, sanitary sewer, or storm drainage systems.
- (B) If no building, development, or connection permit is required, the SDC is payable at the time of annexation or when the usage of the capital improvement is increased.
- (C) If development is commenced or connection is made to the water, sewer, or storm drainage systems without an appropriate permit, the SDC is immediately payable upon the earliest date that a permit was required.
- (D) The city administrator shall collect the applicable SDC when a permit that allows building or development of a parcel is issued or when a connection to the water or sewer system of the city is made.
- (E) The city administrator shall not issue such permit or allow such connection until the charge has been paid in full, or until provision for installment payments has been made pursuant to Section 11 of this ordinance, or unless an exemption is granted pursuant to Section 12 of this ordinance.

Section 10. Delinquent Charges; Hearing.

- (A) When, for any reason, the SDC has not been paid, the city administrator shall report to Council the amount of the uncollected charge, the description of the real property to which the charge is attributable, the date upon which the charge was due, and the name of the developer.
- (B) Council shall schedule a public hearing on the matter and direct that notice of the hearing be given to each developer with a copy of the city administrator's report concerning the unpaid charge. Notice of the hearing shall be given either personally or by certified mail, return receipt requested, or by both personal and mailed notice, and by posting notice on the parcel at least 10 days before the date set for the hearing.
- (C) At the hearing, Council may accept, reject, or modify the determination of the city administrator as set forth in the report. If Council finds that an SDC is unpaid and uncollected, it shall direct the city administrator to docket the unpaid and uncollected SDC in the lien docket. Upon completion of the docketing, the City shall have a lien against the described land for the full amount of the unpaid charge, together with interest at the legal rate of 10 percent and with the City's actual cost of service notice of the hearing on the developer. The lien shall be enforceable in the manner provided in ORS Chapter 223.

Section 11. Installment Payment.

- (A) The owner of a parcel of land subject to an SDC over \$10,000.00 may apply for payment thereof in installments, to include interest at the rate of 10% on any unpaid balance, consistent with ORS 223.208 (2020). Payment may be over a period of less than 10 years if so elected by the property owner. Otherwise, SDCs are payable over a period of 10 years in 20 semi-annual installments, to include interest on the unpaid balance.
- (B) The city administrator shall provide application forms for payment of the SDC installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.
- (C) An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien.
- (D) The city administrator shall report to Council the amount of the SDC, the dates on which the payments are due, the name of the developer, and the description of the parcel.
- (E) The city administrator shall docket the lien in the lien docket. From that time the City shall have a lien upon the described parcel for the amount of the SDC, together with interest on the unpaid balance at the rate established by Council with the priority of an assessment lien described in ORS 223.230(3) (2020). The lien shall be enforceable in the manner provided in ORS Chapter 223 (2020).

Section 12. Exemptions.

- (A) A developer whose structures and uses were established and existing on or before the effective date of this ordinance is exempt from an SDC, except water and sewer charges, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Developers affected by this subsection shall pay the water or sewer charges pursuant to the terms of this ordinance upon the receipt of a permit to connect to the water or sewer system.
- (B) A developer whose development consists of an alteration, addition, replacement, or change in use that does not increase the parcel's or structure's use of the public improvement facility is exempt from those portions of the SDC that are not impacted.

Section 13. Credits.

- (A) As used in this section and in the definition of "qualified public improvement" in Section 3, the word contiguous means: in a public way which abuts.
- (B) When development occurs subject to payment of an SDC under Section 4 of this ordinance, the SDC for the existing use shall be calculated and if less than the SDC for the proposed use, the difference between the charge for the existing use, and the charge for the proposed use shall be the SDC required under Section 4. If the change in use results in the SDC for the proposed use being less than the SDC for the existing use, no SDC shall be imposed but no refund or credit shall be given.
- (C) A credit shall be given for the cost of a qualified public improvement associated with a development above that required by the development itself, if a qualified public

improvement is located partially on and partially off the parcel of land, subject of the development approval, the credit shall be given only for the cost of the portion of the improvement not located on or wholly contiguous to the parcel of land subject to development approval. The credit provided for by this subsection shall be only for the public improvement charge charged for the type of improvement being constructed and not exceed the public improvement charge even if the cost of the capital improvement exceeds the applicable public improvement charge. (for example if a development requires an eight inch (8") water line to be installed and the city's master plan shows a 12" water line is desired, and the developer agrees to install; the City would enter into an agreement to offset costs directly attributed to upsizing).

- (D) Where the amount of the credit exceeds the amount of the SDC, the excess credit is not transferable to another development although it may be transferred to another phase of the original development.
- (E) Credit shall not be transferable from one type of capital improvement to another.
- (F) Credits must be used within five (5) years of the date the credit was given.

Section 14. Segregation and Use of Revenue.

- (A) All funds derived from a particular type of SDC are to be segregated by accounting practices from other funds of the City. That portion of the SDC calculated and collected for a specific facility system shall be used for no purpose other than as set forth in Section 6 above.
- (B) The city administrator shall provide Council with an annual accounting, based on the City's fiscal year, for SDCs showing the total amount of SDC revenues collected for each type of facility and the projects funds for each account.

Section 15. Appeal Procedure.

- (A) A person challenging the propriety of an expenditure of SDC revenues may appeal the decision or the expenditure to Council by filing a written request with the city administrator describing with particularity the decision of Council and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.
- (B) Appeals of any other decision required or permitted to be made by the city administrator under this ordinance must be filed within 10 days of the date of the decision.
- (C) After providing notice to the appellant, Council shall determine whether the city administrator's decision or the expenditure is in accordance with this ordinance and the provisions of ORS 223.297 to 223.314 (2020) and may affirm, modify, or overrule the decision. If Council determines that there has been an improper expenditure of SDC revenues, Council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent.
- (D) A legal action challenging the methodology adopted by Council pursuant to Section 5 shall not be filed later than 60 days after the adoption.

Section 16. Prohibited Connection. No person may connect to or otherwise use any City public improvement unless the appropriate SDC has been fully paid or a lien or installment payment method has been applied for and approved in writing.

Section 17. Penalty. Violation of Section 16 of this ordinance is punishable by payment of the mandatory SDCs and a fine not to exceed \$500.00.

Section 18. Construction. The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference and made a part of this ordinance.

Section 19. Exceptions. Nothing in this ordinance prohibits Council from changing the SDC based on the facts and circumstances of a particular case.

Section 20. Severability. If any provision, section, sentence, or phrase of this ordinance shall for any reason be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this ordinance.

Section 21. Repeal. All city of Aumsville ordinances or parts of ordinance in conflict herewith are hereby repealed.

Read first on the 26th day of October 2020. READ a second time on the 9TH day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the ____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 679

AN ORDINANCE ESTABLISHING WATER REGULATIONS AND REPEALING ORDINANCE 401

The city of Aumsville, Oregon, ordains as follows:

ARTICLE 1

Monthly Water Rates

Section 1. Minimum Monthly Charge and Consumption Charge. The minimum monthly charge and consumption charge for use of water from the water system of the city of Aumsville for users thereof shall be established by a resolution of Council adopted each year based on the following parameters:

- (A) The water rate resolution shall establish water rates in amounts necessary to adequately fund the administration, existing debt, planning, design, construction, operation, maintenance, and repair of the City's water system. The rate shall be based on single use and multiple use meter size(s); location, (i.e., within and without city limits); base usage; charges for use/consumption beyond base usage amounts; and volume factor meter multipliers for commercial, industrial, public agency, and non-profit organization single-user meters.
- (B) Domestic Rates. The water rate resolution shall establish a minimum monthly charge for use or withdrawal of water by domestic single user meters residing within the city limits using the base usage number as the same is established in the water rate resolution.
 - 1. The consumption charge for water used by domestic single user meters exceeding the base allowed amount reflected in the minimum monthly charge may be charged an additional sum established in the water rate resolution for each 1,000 gallons (or part thereof) over the initial base allowed amount. If water consumption during the month exceeds the allowed gallons per dwelling unit, occupant upon which the users are located shall be responsible for any additional charges.
 - 2. In the annual water rate resolution, the monthly charge and consumption charge will increase upon determination that they are necessary to provide for the system expenses.
 - 3. Commercial, Industrial, Public Agency, and Non-Profit Organization Rates. The water rate resolution shall establish water rates for commercial, industrial, schools, churches, public agency, non-profit organizations, and similar users. In the annual water rate resolution, the monthly charge and consumption charge may increase upon determination that they are necessary to provide for the system expenses.
- (C) Tank or Container Users. The City may approve filling a tank or container with water from a designated fire hydrant for use within the city unless authorized by Council.

The Aumsville fire authority are exempt from this section as long as they have a contractual agreement with the city of Aumsville.

1. The tank or container shall first pass a safety inspection by public works staff and be equipped with a backflow protection assembly.
2. The approved user will be issued a fire hydrant water meter with the initial meter reading taken at city hall prior to issuance and instructed to use the hydrant located on the corner of Church and 5th Streets, or as approved by the public works director. It shall be the responsibility of the user to return the hydrant meter on a daily basis.
3. The minimum monthly charge for use or withdrawal of water by users as registered on the hydrant meter for use within or outside the City's corporate limits shall be established in the annual water rate resolution.

ARTICLE 2

Connection to the Water System

Section 1. Property Owner and Customer Responsibility.

- (A) No person shall attempt to or make connection with a City main or connect any pipe after it has been disconnected by the City, without first obtaining a permit from the City.
- (C) The service connection between the City's water lines and a user's service, regardless of its location on public or private property, is and remains the property of the City which reserves the right to repair, maintain, and replace it as the City deems appropriate.
- (D) The service line between the meter and the residence shall have a separate shutoff valve between said meter and the residence.
- (E) The location of the point of connection between the City's water system and a user thereof is determined by the City.
- (F) All expenses (including reimbursement fees) associated with connection(s) between the City's water system and property wishing to be served thereby along with all costs for the purchase and installation of any and all necessary flow metering systems for the property are the responsibility of the property owner.
- (G) The City's responsibility ends at the customer's side of the water meter.
- (H) Disconnection of Water Service. No disconnection of water service is allowed except for emergency situations approved by the city administrator.

Section 2. Application Required.

- (A) An applicant for water service from the City shall complete an application form provided by the City. The application is a written request for water service and does not bind the City to provide said service.
- (B) The City may refuse to furnish and/or discontinue water to property being served by the City where, in the judgment of the City's public works director, apparatus,

appliance(s), or equipment on said property may be used in violation of federal, state, or local law, is dangerous or otherwise unsafe.

- (C) If an applicant for water service has outstanding charges at another service address in the City, the City may refuse to provide service until the unpaid charges are paid in full or the City authorizes the transfer of the unpaid balance to the applicant's new utility service account.
- (D) In the event an applicant for City water service is not the owner of the property to be served, the City may, prior to water service being provided to the property, require the owner to agree in writing to be responsible for any and all charges incurred for water service to the property.

Section 3. Private Wells. No owner of real property upon which a water well is located shall permit any existing well or fixture thereto be connected directly or otherwise to the City's water system or be located in a manner such that well water might enter the City's water system. The City may require, by and through its public works director the installation by the property owner to install and thereafter maintain at their cost a backflow assembly/device and/or such other equipment as the public works director deems appropriate to prevent any contamination of the City's water supply.

Section 4. Private Booster Pumps Prohibited. No booster pumps may be installed by any person increasing water pressure or delivery to a premises without the written permission of the public works director.

Hookup of Property Outside City Limits

Section 5. Outside City Limits Application Requirement. An owner of property located outside the City's corporate limits wishing to have the City supply water to the property shall first make written application to Council for such services. The applicant shall show:

- (A) That the proposed connection is compatible with projected future growth of the City and that the property is within the City's urban growth boundary;
- (B) That the proposed connection will not burden the City's ability to provide water service to the citizens of Aumsville nor will it adversely affect water availability, flows, volumes, and infrastructure capacity beyond that identified in the City's water system master plan; .
- (C) That the applicant has or will obtained all necessary licenses, permits, and easements to connect to the City's water system; and .
- (D) That the proposed line connecting the property to the City's system meets or exceeds City specifications for said connecting line.

Section 6. Approval of the Outside City Limits Application. Regardless if an applicant is able to satisfy the requirements set forth in Section 5 above, approval of the connection remains in sole discretion of Council. The owner shall be required to sign

a waiver of remonstrance against annexation to the City in a form approved by the city attorney prior to water services being provided to the property.

Section 7. Outside City Limits Applicant Responsibilities. Upon approval of the application the following are the responsibility of the owner:

- (A) All construction and costs associated with the installation of the line or lines from the owner's property to and including the connection to the City's main line.
- (B) That the connection be a single hookup and serve only one household or business.
- (C) Maintenance and repair of the connection line from the property to and including connection to the City's main line shall be the sole and exclusive responsibility of the property owner to be served.
- (D) All lines that are to be connected to the City system shall be approved and inspected by the public works department prior to connection.
- (E) All costs of water meter and accessories necessary for the installation of a water meter shall be the sole responsibility of the property owner.
- (F) The water systems development charge is paid before water is provided by the City.

Section 8. Hookup Not Directly Adjacent to City Limits. Council, in its sole discretion, may allow a hookup to the City's water system by property not directly adjacent to the then existing city limits. If application is made for such property by its owner, the City may impose additional criteria including but not limited to requiring the property owner construct a connecting line sufficient to serve other prospective users that may hook up to the city water system at a later date, with such construction subject to a reimbursement district agreement

Section 9. Maintenance of Lines Outside City Limits. If for any reason the City make repairs to non-City owned connecting lines located outside the City, the owner(s) of the affected property shall be responsible for the costs thereof plus 25% and shall pay said amount within 30 days of being presented a bill by the City. Any bill not paid after 30 days shall automatically become an assessment lien upon said property and may be enforced pursuant to existing state law and city ordinance.

General Requirements

Section 10. Water Meters and Meter Clear Area.

- (A) No person may store or maintain any item, material, or refuse, or install equipment over, under, or within two (2) feet of a water meter.
- (B) No person may permit shrubs or other landscaping to obstruct the reading of any water meter. Any obstruction may be trimmed or removed by the City and the owner charged the cost thereof.
- (C) No person may park a motor vehicle so as to obstruct or prevent access to any water meter.

(D) A safe passageway to the water meter shall be maintained to allow City personnel to enter upon property or into a building to read a water meter or work on a water service connection.

(E) Water Meters: Use Required

1. Exception as provided below, each single-family structure and each dwelling unit in either a two- or three-family dwelling and each non-residential establishment shall have a separate water service line and meter, provided that if circumstances of construction render metering of individual service impractical, the public works director may waive or adjust said requirements.
2. Service to more than one user, or multiple meters for the same user, shall not be combined to obtain a more favorable water rate.
3. Each structure containing more than (3) residential dwelling units or (3) non-residential establishments will be served with a single meter for the entire building or by a separate water service line and meter for each unit.
4. Each meter shall be located in the public right-of-way or public utility easement consistent with the City's Public Works Standards.

Section 11. Damage to System.

(A) A customer is responsible for and cause to be repaired damages to the City's water system resulting from act(s) of the customer, persons, or things subject to the customer's control including users, tenants, or agents thereof. Damages include (but are not limited to) breaking or destruction of seals on or near a water meter, breaking or destruction of locks, removing the first fitting on the downstream side of a metering device, damage resulting from electrical grounding to cold water pipes, or damage to a water meter by steam from a boiler or heater on the customer's property as well as breaking or destruction of a water meter or its enclosure by a motor vehicle. The customer shall take such actions as are necessary to promptly cause the repair and/or replacement of the damage caused and pay any and all costs associated therewith.

(B) The City may opt to repair the damaged portions of the water system and if it does so, charge the cost for said repairs to the owner of the property served. The City shall be reimbursed by the customer for such damage promptly on presentation of a bill.

(C) Failure to pay costs for damages may be made an assessment lien against the property.

(D) No unauthorized person shall break, damage, destroy, uncover, deface, or tamper with any water system structure, appurtenance, or equipment.

(E) Contamination:

1. It shall be unlawful for any person to in any way contaminate or pollute the water in the reservoirs or pipes of the municipal water system or in any fountain, hydrant, or source or place of storage of the water supply of the City or any of its inhabitants.
2. It shall be unlawful to any person to throw any rubbish, debris, or any other thing into any water reservoir belonging to the City.

Section 12. Apparatus on Customer's Property. The City does not assume liability for inspecting apparatus on the customer's property. The City, upon 24 hours' notice to the occupant of the property, has the right of inspection; however, if there is reason to believe that unsafe or illegal apparatus is in use, the City has the ability to immediately inspect.

Section 13. Access to Premises.

- (A) City employees have access, upon proper identification, to all premises where city water is being used to ascertain that no hazard to the public water supply exists or that water is being used in a manner contrary to this ordinance. Such access shall be during City business hours with 24 hours' notice, unless otherwise arranged with customer, and shall not interfere with the customer's normal use of his premises.
- (B) Applications for water service will include a statement, signed by the property owner stating access to inspect plumbing both inside and outside the structure is granted to the City in perpetuity and that this granting of authority passes with ownership of the property, failure to allow access will result in immediate termination of service.

Section 14. Resale of Water Prohibited. Except in manufactured home parks or by special arrangements with the City, no customer shall resell water received by such customer from the city, nor shall water be delivered to premises other than those specified in the application for service. Any agreement to resell water is at the sole discretion of the City to approve.

Section 15. Illegal Taps Prohibited. All unauthorized taps on the city water system shall be designated illegal taps. Such taps are subject to immediate removal by the City and are a violation subject to the provisions of Article 10 of this ordinance.

Section 16. Interruption of Service, Notification. Wherever practicable, customers will be notified in advance of any planned interruption of service or shutdown of mains for repair or alterations. The City assumes no responsibility for providing uninterrupted water service and will not be liable for damages resulting from such interruptions.

Section 17. Abandonment of Service Lines and Water Mains. The public works director may cause the removal or abandonment of any unused service lines when its further need is not apparent and when in his or her judgment removal is appropriate to reduce leakage or future maintenance responsibility. Subsequent service to the property shall be treated as a new service.

Section 18. Installation of Temporary Water Pump Stations.

- (A) In certain instances where, in the judgment of the public works director, it is not practicable to provide adequate water flows to any area through the use of traditional water service methods, the City may, at the option of the public works

director, elect to serve said area through the installation and operation of a temporary water pump station by the City.

- (B) As used in Subsection 1, unless the context otherwise requires, a 'temporary water pump station,' or 'temporary pump station' shall mean any self-contained pump station designed, constructed, and installed with the intent of future relocation.

ARTICLE 3

Frequency of Reading Water Meters

Section 1. Designated Months Defined. The reading of water meters of the City shall take place monthly.

ARTICLE 4

Customer's Deposit Fee

Section 1. Fees Set for Inside and Outside City Limits. The water service deposit fee shall be established by resolution. The fee for customer water and sewer deposit outside the corporate limits of the City shall be double the fee for customers residing within the city limits.

Section 2. Refund Procedures. After deductions for City water services used, the water deposit fee shall be refunded:

- (A) Upon discontinuation of water service to a premises ;
- (B) To property owner/users connected to the water system after water service bills have been timely paid for 12 consecutive months;
- (C) To renters of property connected to the water system upon vacation of the rented premises.

ARTICLE 5

Senior Citizen Water Rates

Section 1. Reduced Rate and Qualifications. Council finds that citizens sixty-five years of age or over, that are retired and acting as the head of a household, are generally on a fixed income and use a minimal amount of water. Therefore, any retired citizen sixty-five years of age or over, residing within the limits of Aumsville and acting as the head of household shall be charged the following water rates:

- (A) A minimum monthly charge for use or withdrawal of not more than 7,000 gallons of water during the month according to the user's water meter
- (B) Monthly base rates and consumption charges for water in excess of 7,000 gallons during the month as shown by the water meter shall be set by Council in yearly rate resolution.

(C) Water deposit fee charged, if any shall be set by resolution.

Section 2. Application Required. Application for the reduced rates described in Article 5, Section 1 above, must be filed at city hall and approved by the city administrator. All information required to be given on the form shall be verified by the applicant as being true to the best of their knowledge.

Section 3. Termination of Rate Reduction. Reduced senior water rates for customers shall be terminated by the city administrator in the event of the occurrence of any of the following circumstances:

(A) Applicant moves from the dwelling;

(B) Applicant, if an owner, sells, trades, or otherwise relinquishes ownership of the dwelling;

(C) Applicant fails to comply with any rule, standard, or regulation adopted under this article; refuses to provide information to or hinders any investigation by the city administrator into the continued eligibility of the applicant for reduced rates; willfully makes any false or misleading statement in order to obtain or retain a rate reduction; or receives benefits under this article with knowledge that he or she does not qualify for such benefits.

ARTICLE 6

Payment of Water Billings

Section 1. Responsible Party (Customer).

(A) All water service provided by the City will be billed to and the responsibility of the occupant of the premises where service is provided unless the property owner or Customer requests, in writing, that the bill be sent to another address.

(B) Where more than a single dwelling unit or business is served by a single water meter, the bill for water service shall be sent to the premise's owner, who shall be responsible party for payment thereof.

Section 2. Assessments Due.

(A) Charges for municipal water services are due when the City requests payment by mailing a bill to a customer.

(B) Charges assessed for municipal water services provided by the City shall become delinquent if not paid within 10 days of the City request for payment as set forth in this ordinance section.

Section 3. Shut Off; Right of Appeal; Hearing.

(A) In the event a city water bill becomes delinquent, the City shall send written notice to the customer setting forth a date certain for the water shut off by first class mail to the customer and shall not be less than 4 business days from the shut off date. The City shall also post a copy of the shut off notice on or at the premises being served 48 hours before disconnection. The notices shall inform the customer and

other affected person(s) of the right to appeal any proposed shut off of the City's water service prior to the termination.

(B) In the event, the Customer and/or person(s) affected by the proposed shut off wishes to challenge the proposed water shut off as illegal or otherwise improper, they must file a written appeal with the city administrator at least one day prior to the shut off date identified in the City's notice. The appeal must include the following information:

1. The date of the notice of appeal;
2. The name of the person filing the appeal;
3. The address of the premises where the shut off is to take place;
4. A telephone number, email address, and physical address where the person(s) filing the appeal may be contacted by the City;
5. A short statement setting out the reasons why the person(s) filing the appeal believe the water shut off is illegal or otherwise improper.

Once an appeal is filed by a customer or other affected person with the city administrator, the water shut off shall be suspended so that the hearing on the appeal can occur and may be extended for such further time as the city administrator otherwise deems necessary or appropriate.

(D) Once the appeal is filed, the city administrator shall within two (2) business days cause there to be scheduled a hearing date, which date shall be no more than ten (10) business days after the appeal's filing. The person(s) filing the appeal will be notified thereof by email, regular mail, telephonically, or any combination thereof reasonably calculated to give the customer or other person filing the appeal notice of the hearing date. The hearing may be rescheduled by the city administrator for good cause.

(E) The hearing on the appeal shall be conducted by the city administrator (or designate). The customer and/or affected person filing the appeal shall explain why they believe the shut off is illegal or otherwise improper and the city administrator (or designate) shall either approve or reject the appeal, and if they deem appropriate prepare a written decision on the matter.

Section 5. Unauthorized Reconnection Prohibited. No person, other than an authorized city representative, shall turn on a water service connection which had been turned off by the City. The property owner is responsible for any unauthorized reconnection. A violation of this section results in a fee of \$500.00

Section 6. Meter Error. A customer may request the City test the meter serving their premises. In such an event:

- (A) The customer shall deposit an amount to cover the reasonable cost of the test, as set by resolution of Council. This deposit will not be returned if the meter is found to register less than 3% fast.
- (B) The customer or their representative shall have the right to be present when the test is made, and a customer who requests a meter test will be notified not less than two days in advance of the time and place of the tests.
- (C) A written report giving the results of the test shall be available to the customer

within 10 days after completion of the test.

- (D) When, upon testing, a meter is found to be registering more than 3% fast under conditions of normal operation the City shall refund the customer the full amount of the overcharge based on corrected meter reading for a period not to exceed three months.

Section 7. Hardship. In cases of hardship, the city administrator or designee shall have discretion to decide not to discontinue or renew services to a delinquent account upon acceptance of a customer signed payment plan for past due amounts. The accepted payment plan shall serve as the automatic shut off notice provided for in Section 3 above.

Section 8. Appeal of Council.

- (A) A customer or other person having filed an appeal with the city administrator under Section Article 6, Section 3 above may appeal the decision or result thereof to Council.
- (B) To file a notice of appeal the customer or other person affected must post with the City, monies in the amount of the bill being appealed.
- (C) If Council finds that the bill was incorrect, the bill shall be adjusted and the difference between the adjusted bill and the monies posted shall be returned to the customer.
- (D) All appeals must be filed within 30 days from the time the monies are posted to appeal a notice to disconnect.

Section 9. Adjustment of Accounts. Customer accounts shall be adjusted for any of the following circumstances:

- (A) Accounts receiving less than one month of service will be billed on a pro rata basis according to meter size.
- (B) When, upon tests, a meter is found to be registering more than three percent fast under conditions of normal operations, the City shall refund to the customer the full amount of the overcharge, based on corrected meter readings for a period not exceeding two months.
- (C) The City may bill the customer for water consumed while the meter is not registering. The bill shall be at the minimum monthly meter rate.
- (D) The city administrator may adjust a customer's utility billing to reduce charges resulting from a verified leak when:
 1. The customer notifies the City of the leak;
 2. The customer makes a reasonable effort to locate the leak and initiates repairs within 30 days of discovering the leak;
 3. The City verifies a leak exists, and the leak was caused by either a broken pipe or pipe connection;
 4. The customer (or a contractor hired by the customer) fully repairs the leak within 30 days of notice to the City of the leak; and

5. The customer provides proof of the fixed leak to the City on a form and manner as prescribed by the finance department, including, but not limited to, receipts and other verification of repairs or costs.
- (E) If the City determines the customer meets the conditions in subsection (D) of this section, the City will adjust the billing by reducing the affected monthly usage by 50% of the excess over the user's normal amount. Adjustments to the bill may not exceed 90 days from the date before the customer fixes the leak.
- (F) Faulty valves or similar devices (for example but not limited to: toilets, faucets, or irrigation systems) of the customer are not grounds for the adjustment of a utility bill. In addition, obvious neglect or improper installation by the customer is not grounds for adjustment of a utility billing.
- (G) The City will not adjust an account balance resulting from a leak if the same leak occurred within the last two years and the customer has already received an adjustment based on that leak or as a result of a negligent action by the customer, or customer's agent.

ARTICLE 7

Use of Funds

Section 1. Deposit of Gross Revenues. The city administrator shall deposit all gross revenues received from charges, rates, and penalties collected for the consumption of water in the Water Fund. .

Section 2. Exclusive Use of Revenues. Revenues deposited in the Water Fund shall be used exclusively for the planning, design, operation, maintenance, and repair of the water system, training expenses, administrative costs, expenses for collection of charges imposed by this ordinance, and payments of the principle and interest of any debts of the City's water system .

ARTICLE 8

Cross Connection and Backflow Prevention

Section 1. Designation. This portion of this ordinance shall be referred to and may be designated and cited as the Aumsville Cross Connection Control Ordinance.

Section 2. Purpose. The purpose of this section of the ordinance shall be to protect the water supply of the City from contamination or pollution due to existing or potential cross connection by establishing appropriate regulations and controls relating thereto, including the installation and proper maintenance of approved backflow and/or siphonage devices.

Section 3. Definitions.

- (A) Approved Backflow Prevention Device means a device to counteract back pressures and/or prevent back siphonage. Such devices must be approved by the Oregon State Health Division.
- (B) Auxiliary Supply means any water source or system other than the City's water system that may be available to a particular building on the premises.
- (C) Backflow means a flow in other than the intended direction of flow of any substance, foreign liquid, gas or otherwise, other than potable water provided by the City, into the City's water system.
- (D) Cross Connection shall mean any actual or potential connection or structural arrangement whereby the City's water system is connected directly or indirectly with any other water sources or system, public or private, through which it is possible to introduce into any part of the City's system, any other source of water, potable or otherwise, or an industrial fluid, gas, or substance other than the City's potable water with which the system is supplied, including any connection with a sewer, drain, conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler, or other device through which it is possible to introduce into any part of the water system contaminated water, sewage, or other materials of unknown or unsafe quality which may be capable of imparting contamination to the City's water system as a result of backflow or otherwise, bypass arrangements, jumper connections, removable sections, swivel, or changeover devices or other temporary or permanent devices through which, or because of which, backflow may occur.
- (E) City Water System shall refer to and mean the Aumsville water system which shall include its wells, pumping stations, reservoirs, supply, trunk or feeder lines, service lines, meters and all other appurtenances, devices, lines, and things necessary to the operation of the system and to supply water service to individual property or premise and shall include the City's potable water with which the system is supplied.
- (F) Public Works Director shall mean the person appointed by Council to be in charge of the City's water system.

Section 4. Application and Responsibility. This ordinance applies throughout the city of Aumsville and to every premise and property serviced by the City water system. It applies to any premises water system, public or private, regardless of date of installation. Every owner or occupant of any concerned premises is responsible for compliance with its terms and shall be responsible for any damages incurred as a result of failure to comply with the terms and provisions contained herein.

Section 5. Cross Connections Prohibited. Unless provided specifically herein or specially approved in writing by Council all cross connections, whether or not they are controlled by automatic devices such as check valves or by hand operated mechanisms such as gate valves or cork stops are prohibited.

Section 6. Backflow Prevention Device Installation. The owner of each property or premises serviced and/or furnished water by the City shall be required to install a testable backflow prevention device under the following circumstances:

- (A) There is upon such premises an auxiliary water supply which is or can be connected to the City's service or supply system (including individual premises service plumbing);
- (B) There is piping or equipment for conveying other than potable city water and that piping or equipment is under pressure and installed and operated in a manner that could cause a cross connection;
- (C) There is intricate plumbing which makes it impractical to ascertain whether or not cross connections exist;
- (D) The concerned premises have restricted entry so that inspections for cross connections cannot be made with sufficient frequency or with sufficient short notice, to assure that cross connections do not exist;
- (E) There is a fire line or irrigation service or domestic service larger than two inches;
- (F) The premises have a repeated history of cross connections being established or re-established;
- (G) The serviced premises from time to time may have materials of a toxic or hazardous nature which are handled so that if back siphonage should occur a serious health hazard may result;
- (H) Premises with the following or similar installation must have a backflow device installed: hot tubs, solar system, other uses specified by a certified cross connection specialist representing the City;
- (I) Premises on which any substance is handled under pressure so as to permit entry into the public water system, or where a cross connection could be reasonably expected to occur; this includes the handling of processed water and cooling water. Such type of facilities include dry cleaners/laundromats, laboratories, car washes, petroleum processing or storage plants, food preparation facilities, other facilities specified by the City's cross connection specialist.
- (J) Backflow prevention devices shall be required on domestic services two inches or smaller if the building is two (2) stories or higher than thirty-two (32) feet above the water main. One (1) and two (2) story buildings which exceed thirty-two (32) feet in height may be exempted upon determination by the city that no backflow hazard exists.
- (K) Any other water system which receives water from the city of Aumsville water system and does not have a cross connection program which has been approved by the City.

Section 7. Type of Backflow Prevention Devices Required and Location.

- (A) The type of backflow prevention device required shall be commensurate with the degree of hazard that exists and must meet at all times the standards of the Oregon State Health Division; all backflow prevention devices required under this section shall be a type and model approved by the Oregon State Health Division and the director of public works.

- (B) A reduced pressure principal backflow prevention device shall be installed where the water supply may be contaminated by a substance that could cause health or system hazard. This type of device will also be required in any premises where entry is restricted by the water user. A reduced pressure principle backflow will be required at the point of connection between the city water system and any other water system, which does not have a cross connection program.
- (C) A double-check valve assembly pressure vacuum breaker or a reduced pressure principle backflow device assembly shall be installed where it is possible to interject a substance that may be objectionable, but not hazardous, into the water system.

Section 8. Location and Installation of Backflow Device.

- (A) The City may specify the location and method of installation of a backflow prevention device. The control or elimination of a cross connection shall be in accordance with Manuals of Standard and Practice pertaining to cross connection control approved by the City, and any requirements set forth by the United States Environmental Protection Agency as authorized by the "Safe Drinking Water Act" PL93-523 and other applicable legislature, rules, and regulations of the United States, the state of Oregon and concerned agencies.
- (B) An installation, corrective measure, disconnection, or other change to a backflow prevention device shall be at the sole expense of the owner. The costs of any change required in the City's system outside the property concerned, or between the meter and the supply line or distribution system, or any changes for cut-offs or disconnection, shall be paid in accordance with the City's practice and procedure, and may, if not paid, be collected through legal process or any other appropriate manner approved by law.

Section 9. Pre-existing Backflow Prevention Device. Any backflow prevention device installed before the effective date of this ordinance, not an approved device and hereinafter set forth shall be permitted to remain in service if:

- (A) The device is property maintained; and
- (B) The type of device is commensurate with the degree of hazard, such determination to be made by the City; and
- (C) The device is tested annually as required herein; and
- (D) The device performs satisfactorily.

If a backflow device does not meet the standards of the Oregon State Health Division as herein set forth, the device may be replaced if it is removed or requires more than minimum maintenance.

Section 10. Testing Requirements.

- (A) Any backflow prevention device which may be required to be installed under this ordinance for the protection of the City's water supply shall be tested before its use in the city and annually thereafter, unless a more frequent testing is required. All tests required to be performed under this section must be performed by a tester

certified by the state of Oregon or otherwise approved by the City and written results of such test furnished to the City.

- (B) Any backflow prevention device which may be required by the City or state to be installed on property for the protection of a water supply shall be tested at the time of installation and anytime the device is moved or relocated (immediately after relocating or moving). The property owner must forward the results of such testing to the City within ten (10) days of the date of installation or relocation.
- (C) The property owner must order and cause to be performed a test of each backflow prevention device annually on or within thirty (30) days after the anniversary date of the initial testing. The City may require more frequent testing in order to assure the device is functioning in those installations which represent a serious health hazard as determined by the city or the State Health Department.
- (D) If the City has not received the results of such test within thirty (30) days of the anniversary date for annual testing or within ten (10) days of the date of installation of the device as the case may be, or the date of the City's discovery that a device was installed without appropriate test as applicable, the City may order such test and bill the property owner for the cost thereof if the device is for protection of a fire service or for a commercial use; if the device is for protection of a domestic service, the City may deny or discontinue water service until satisfactory proof is furnished that the device has been tested and is functioning properly.
- (E) If the results of a test required by the City as herein set forth indicates that repairs are necessary, such repair must be undertaken and a new test taken, and the results thereof forwarded to the City within ten (10) days of the test, indicating the defect was repaired.

Section 11. General Provisions.

- (A) Any person operating any mobile apparatus which uses the City's water system or water from any premises within the city must provide for backflow prevention and the provisions herein set forth are applicable.
- (B) All plumbing within buildings served by the City shall be so installed and all plumbing fixtures so constructed as to prevent pollution of the City's water supply by back siphonage or cross connections. Water service to any premises known or found to have such defects and hazards shall be disconnected and not restored until such defects and hazards have been eliminated.

Section 12. Customer System Open for Inspection. The customer system shall be open for inspection to perform a facility survey at all reasonable times to the public works director, to determine whether cross connections or other structural or sanitary hazards including violations of these regulations exist. The public works director or any police officer shall have the power to enter any premises or building, for the purpose of enforcing the regulations contained in this Article, and it shall be unlawful for any person in charge of any such premises or building to refuse such entrance.

Section 13. Cross Connection and Backflow Enforcement.

- (A) The public works director of the City or his duly appointed representative or the State of Oregon Health Division shall have the right without being deemed guilty of trespass or an unlawful act to check the premises of customers for cross connections (physical connections), physical connections with other water supplies, and the general condition of water lines and service facilities, at any reasonable time. Any such connection prohibited thereby shall be removed by the customer within the time specified after written notice by the City, and if not so removed, the City shall remove or discontinue any connection it may have for servicing the property.
- (B) The public works director shall designate City cross connections specialists, and institute, with the approval of Council, such additional rules or regulations necessary to carry out provisions of this ordinance.

Section 14. Repealing Ordinance. Ordinance No. 401 is hereby repealed.

ARTICLE 9

VALIDITY

Section 1. Validity. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

ARTICLE 10

VIOLATIONS

Section 1. Violations. Except as otherwise set out specifically in this ordinance, any person violating any of the provisions or failing to comply with the requirements of this ordinance is guilty of a violation.

Section 2. Enforcement of Provisions.

- (A) In the event of violation of any provision in this Chapter, the City may use any enforcement method or measure, including discontinuance of service, it deems appropriate, in addition to any penalties provided for in this ordinance.
- (B) Discontinuance for Customer Noncompliance. The City may discontinue water service to a Customer for noncompliance with a City water regulation, if the customer fails to comply with the regulation within five days after receiving written notice of the City's intention to discontinue service.
 - 1. If such noncompliance affects matters of health or safety, or other conditions warrant such action, the City may discontinue water service immediately.

Section 3. Violation: Prohibited Activities

- (A) It is unlawful for any person to open, cut into, or make any connection with any City water main or lines, or to tamper in any way with the public water system, including water mains, fire hydrants, valves, service lines, meters, and appurtenances without the express permission of the City.
- (B) It is unlawful for any person to open any shut off valve or other device so as to permit water to flow from the City mains or lines into any private main or line without the express permission of the City.
- (C) It is unlawful for any person to use water from a City fire hydrant for construction purposes or any other purpose without express permission of the City, which may make provisions for metering such use, set charges, or refuse such permission.
- (D) It is unlawful for any person required to use an approved backflow prevention device to not use such a device or to use a device that has not been maintained or passed the required inspection.

Section 4. Violation: Penalties

- (A) Except as otherwise provided in this ordinance, any person violating any of the terms of this Ordinance shall be subject to a civil penalty of not more than \$500.00.
- (B) If a person violates any term of this ordinance and then within 2 years of said violation that person commits another violation(s) , the person shall be subject to a civil penalty of \$1000.00 in addition to such other remedies as the court may deem appropriate.
- (C) The remedies provided in this section are cumulative and not exclusive. The City may pursue any remedy provided by law including the institution of injunction, mandamus, abatement, or other appropriate proceeding to prevent, temporarily or permanently enjoin, or abate an ordinance violation.

Section 5. Violation: Each Act a Separate Violation. Each day a violation continues constitutes a separate offense, and any person convicted of such offense shall be punished accordingly.

ARTICLE 11

Section 1. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 680

AN ORDINANCE ESTABLISHING SEWER REGULATIONS AND REPEALING ORDINANCE NO. 402

The city of Aumsville, Oregon, ordains as follows:

ARTICLE 1

DEFINITIONS

Section 1. Collection System means the system of public sewers operated by the City designed and intended for the collection of sewage and industrial waste.

Section 2. Commercial User means any premises used for commercial or business purposes other than an industrial use.

Section 3. Domestic Waste means wastewater from dwellings or from domestic activities which are performed outside the home in lieu of a home activity directly by or for private citizens.

Section 4. Industrial Waste shall mean that portion of the wastewater emanating from an industrial user which is not domestic waste or water from sanitary conveniences.

Section 5. Operation and Maintenance shall mean all activities, goods, and services which are necessary to maintain the proper capacity and performance of the treatment works for which such works were designed and constructed. The term "operation and maintenance" shall include replacement as directed hereinafter.

Section 6. Person means any individual, firm, partnership, corporation, company, association, society, corporation, or group.

Section 7. Replacement means acquisition and installation of equipment, accessories, or appurtenances necessary to maintain capacity and performance for which such the sewage treatment system works were designed and constructed.

Section 8. Service Area means the area served by the treatment works and for which there is a uniform user charge.

Section 9. Sewage means water contaminated by human use from any combination of domestic, industrial, commercial, or agricultural activities, surface runoff or stormwater, as well as sewer inflow or infiltration.

Section 10. Sewage Treatment System or System means all the City's facilities for collecting, pumping, treating, and disposing of sewage.

Section 11. Shall is mandatory; May is permissive.

Section 12. User means every person using any part of the public treatment system of the city of Aumsville.

Section 13. User Charge shall mean those charges levied on users of the sewage treatment system, to, at a minimum, cover each user's proportionate share of the cost of the operation and maintenance.

ARTICLE 2

SEWER USER CHARGES

Section 1. Purpose. A user charge shall be levied on all users of the sewage treatment system which shall apportion sewage treatment system costs in proportion to each user's potential contribution to the wastewater loading of the sewage treatment system.

Section 2. User Classes. There shall be established classes of users such that all members of a class may discharge approximately the same volume of wastewater per residence, facility, seat, or other appropriate unit.

Section 3. Proportionate Charge. The flat charge per appropriate unit shall be established in proportion to the volume of waste that may be discharged from that unit so that each user pays his/her proportionate share of the treatment costs.

Section 4. Appeal. Should any user believe that he/she has been incorrectly assigned to a particular user class, that user may apply for review of his/her user charge as provided in Article 7 of this ordinance.

Section 5. Reassignment of a User. Should the public works director determine that a user is incorrectly assigned to a user class, he/she shall reassign a more appropriate user class to the user and shall notify that user of such reassignment.

Section 6. Records. Records of all assigned rates and any assigned wastewater volume to user and user classes shall be kept on file with the city administrator and shall be open for public inspection.

Section 7. Rates. The minimum monthly charge for use of the sewage treatment system shall established by resolution considering the following:

- (A) an amount reasonable and necessary to fund the administration, debt, planning, design, construction, operation, maintenance, and repair of the City's sewer treatment system.
- (B) define user classes and rates per month for each user class.
- (C) an increase (if necessary) to provide for unforeseen system expenses.

Section 8. New Users and Vacancies. The sewer user charge for all occupied property begins the day connection is made to the public sewer. The sewer user charge for all unoccupied property begins the first day the affected structure is occupied. Once commenced, no sewer usage credit shall be given unless water service at the property from all sources had been discontinued. The user charge shall be reinstated provided water service to that property from any source has begun. If the dates when the user charge is commenced or altered does not fall on the first day of the billing period, the rates shall be pro-rated.

ARTICLE 3

DEPOSIT FEES

Section 1. Deposit Fee. The sewer service deposit fee shall be established by resolution. The fee for customer water and sewer deposit outside the corporate limits of the City shall be double the fee for customers residing within the city limits.

Section 2. Senior Citizen Deposit Fee. The sewer service deposit fee shall be established by resolution.

Section 3. Deposit Fee Outside City Limits. Anyone outside Aumsville's boundaries shall pay twice the deposit amount of in-City customers.

ARTICLE 4

RESPONSIBILITY, PAYMENT, DELINQUENCIES, AND PENALTIES

Section 1. Monthly Billing & Responsible Party.

- (A) Users of the system shall be billed monthly for services consistent with the rate schedule as set forth in Article 2 above.
- (B) Sewer charges will be billed as part of a combined water and sewer bill prepared, administered and enforced in accordance with Article 6 of the Water ordinance.

Section 2. Delinquent Accounts. In the event of failure to pay sewer charges after they become delinquent, the City shall have the rights afforded it under ORS 454.225 (2020) for the imposition and collection of same.

Section 3. Restoration of Services. Sewer service shall not be restored until all charges, including interest accrued and the expense of removal, closure, and restoration have been paid.

Section 4. Change of Ownership or Occupancy. Change of ownership or occupancy is not cause for reducing or eliminating these penalties.

ARTICLE 5

HANDLING OF FUNDS

Section 1. Mailing of Bills. Bills for sewer user charges shall be mailed to the person specified in the application for sewer services.

Section 2. Collection of Charges. Sewer user charges shall be computed as consistent with Article 2 above and collected by the City as provided by Article 4.

Section 3. Deposit of Gross Revenues. The city administrator shall cause all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as provided herein into the Sewer Fund.

Section 4. Exclusive Use of Revenues. The revenues thus deposited in the Sewer Fund shall be used exclusively for the operation, maintenance, and repair of the sewerage system, training expenses, administrative costs, expenses for collection of charges imposed by this ordinance, and payments of the principle and interest of any debts of the City's sewerage system.

ARTICLE 6

HOOKUP OF PROPERTY OUTSIDE THE CITY LIMITS

Section 1. Application Required. A person requesting sewer service to property outside the city limits shall make application to Council. The applicant shall have the burden of proving to Council the following:

- (A) That the proposed connection is compatible with projected future growth of the city of Aumsville and that the property is within the City's urban growth boundary.
- (B) That the proposed connection will not adversely affect the City ability to provide sewer service to the system's current users nor as to availability, flows, volumes, and capacity beyond that identified in the City's sewer system master plan.
- (C) That the applicant has obtained all necessary licenses, permits, and easements to put in the connecting line to the City's main line.
- (D) That the proposed line connecting the property to the City's main line will meet or exceed City specifications.
- (E) That sewer system development charges are paid at the time of application.

Section 2. Council Approval of Application. Regardless if the applicant meets the requirements set forth in Article 4, (A)-(E), approval of the application is at the sole discretion of Council.

Section 3. Applicant Responsibilities. Upon approval of an application under this Article, the applicant shall be responsible for the following:

- (A) All construction and other costs associated with installation of the line or lines from the applicant's property to and including the connection to the City's main line.
- (B) That the connection will be a single hookup serving one household or business.
- (C) Maintenance and repair of the lines from the property up to and including the connection to the City's main sewer line shall be the responsibility of the applicant.
- (D) All lines connected to the City sewer system shall be inspected and approved by the City public works department prior to connection.

Section 4. Maintenance of Lines. If the City is required to maintain or repair connecting lines located outside the city limits, the owners of the property service shall be responsible for and pay all costs and materials associated with the City's required maintenance and/or repair plus a 25% surcharge thereon. Payment of that amount shall be made not later than 45 days of being presented a bill by the City for that amount. Any sum not paid after 60 days shall automatically become an assessment lien upon said property and may be enforced consistent with existing state law

Section 5. Monthly Fee. The monthly sewer fee shall be double the monthly fee charged for single hookups inside the city, for all connections outside the city limits.

ARTICLE 7

APPEALS

Section 1. Written Application to Council. Any sewer user who feels his/her user charge is improper may make written application to Council requesting a review of his/her user charge.

Section 2. Review of Written Application. Review of the request shall be made by Council and the city engineer and shall determine if it is substantiated or not, including recommending further study of the matter by the city engineer or other professional engineer.

Section 3. Determination. If the request is determined to be valid, user charges for that user shall be recomputed based on the approved revised flow and/or strength data and new charges recomputed retroactively up to a maximum of six (6) months.

ARTICLE 8

VALIDITY

Section 1. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 9

VIOLATIONS

Section 1. Violations. Except as otherwise set out specifically in this ordinance, any person violating any of the provisions or failing to comply with the requirements of this ordinance is guilty of a violation.

Section 2. Enforcement of Provisions.

- (A) In the event of violation of any provision in this Chapter, the City may use any enforcement method or measure, including discontinuance of service it deems appropriate, in addition to any penalties provided for in this ordinance.
- (B) Discontinuance for Customer Noncompliance. The City may discontinue sewer service to a customer for noncompliance with a city sewer regulation, if the Customer fails to comply with the regulation within four days after receiving written notice of the City's intention to discontinue service.
- (C) If such noncompliance affects matters of health or safety, or other conditions warrant such action, the City may discontinue sewer service immediately.
- (D) In the event of an unauthorized sewer connection, the City may discontinue service immediately.

Section 3. Violation: Prohibited Activities

- (A) It is unlawful for any person to open, cut into, or make any connection with any City sewer main or lines, or to tamper in any way with the public sewer system, including sewer mains, service lines, pump stations, appurtenances, without the express permission of the City.

Section 4. Violation: Penalties

- (A) Except as otherwise provided in this ordinance, any person convicted of a violation of this Ordinance shall be punished by a penalty of not more than \$500.00.
- (B) If any person has been convicted of a violation of this ordinance, at any time within 2 years of such conviction, that person commits a second or subsequent violation, the person may be prosecuted as a misdemeanor, punishable by a penalty of not more than \$1000.00.
- (C) The remedies provided in this section are cumulative and not exclusive. The City may pursue any remedy provided by law including the institution of injunction,

mandamus, abatement, or other appropriate proceeding to prevent, temporarily or permanently enjoin, or abate an ordinance violation.

Section 5. Violation: Each Act a Separate Violation. Each day a violation continues constitutes a separate offense, and any person convicted of such offense shall be punished accordingly.

ARTICLE 11

Section 1. Repeal and Replace. Ordinance No. 402 is hereby repealed.

Section 2. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor

ORDINANCE NO. 681

AN ORDINANCE ADOPTING REGULATIONS FOR USE OF THE CITY'S SANITARY SEWER SYSTEM AND REPEALING ORDINANCE NO. 570.

WHEREAS, the City of Aumsville is updating its municipal code;

WHEREAS, the City Council believes it timely, appropriate, and in the interest of the public's health, safety and welfare to adopt updated provisions for the use of its sanitary sewer system and matters relating thereto;

NOW THEREFORE, based on the foregoing, the City of Aumsville ordains as follows:

Section 1. Unlawful disposal or discharge.

No person shall, except as herein provided, place, deposit, permit, suffer, or otherwise allow the open placement or deposit of the following on public or private property within the City or areas under the City's jurisdiction:

- (A) Untreated human excrement;
- (B) Animal excrement, garbage, or other similar objectionable material in other than an appropriate closed container or other authorized space; or
- (C) Sewage or other polluted water not having received suitable treatment thereof compliant with applicable federal, state, and local regulation, including those found in this chapter.

Section 2. On-site disposal restricted.

Except as authorized by this Chapter, no person shall construct or maintain a privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, human or animal excrement, or waste.

Section 3. Use of public sanitary sewers required.

- (A) The owner of a house, building, or other property designed or used for human occupancy, education, employment, recreation or other purpose situated within 150 feet of a public sanitary sewer shall install and maintain suitable toilet facilities therein with connection to the public sanitary sewer consistent with this chapter.
- (B) Connection to the public sanitary sewer shall be completed within 60 days of either:
 - 1. official notice by the City to do so; or
 - 2. prior to the construction or use of the house, building, or other property designed or used for human occupancy, education, employment, recreation, or other purpose.
- (C) The owner is responsible for the cost of the connection, including installation and the ongoing maintenance of any and all necessary pumps, pipelines, or equipment.

Section 4. Notice to connect.

The official notice by the City described in Section 3(B) above to connect to the public sewer shall be by first-class mailed notice to:

- (A) the owner(s) of property not connected to the sewer abutting a street, alley, or right-of-way in which there is a public sanitary sewer; and
- (B) the owners of property having public sewer service available within 150 feet of the affected property.

Section 5. Objections to notice.

In the event the owner of the affected property believes a sewer connection is either not possible or feasible, said owner may, during the 60-day period noted in Section 3(B) above, file written objections with the city administrator setting out the reasons why the property owner believes a connection to the public sanitary sewer should not be required. The City shall not enforce the requirement after the filing of objections until the objections to the requirements are heard by Council and a written decision thereon has been made and sent to the owner.

Section 6. Hearing on objections.

The objection shall be heard by Council not less than 30 nor more than 60 days from the date of the submission of objections to the city administrator. Not less than seven days prior to the date set by Council for hearing the objection, the city recorder shall notify the owner as to that date. The Council's decision shall be final; no exception to the connection requirement may be granted by the Council based solely on inconvenience or expense.

For good cause shown by the owner, Council may allow for a delay in making connection to the public sanitary sewer; notwithstanding the Council's authority to delay the connection, in no event shall a delay result in public health hazard to exist or be maintained.

Section 7. Sanitary sewer connection charges.

- (A) Applicants for a sanitary sewer connection permit must pay all required sanitary sewer connection and inspection fees as well as any and all system development charges (SDCs) prior to the issuance of a sanitary sewer connection permit by the City.
- (B) If connection to the sanitary sewage system is not effected prior to expiration of the sanitary sewer connection permit, said permit shall become void; to connect thereafter, the owner must apply for a new sanitary sewer connection permit and pay all appropriate sanitary sewer connection fees charges and additional SDCs, if any, that may be appropriate.

Section 8. Connection permit required.

No unauthorized person may uncover, make connections to, open, use, alter, or disturb any public sewer or City appurtenance thereto without first obtaining a written permit

from the City. Improper or unauthorized connections may be summarily abated by the City. All costs incurred by the City, its employees, and/or agents as a result of the improper or unauthorized connection may be assessed against the property upon which the connection was made and made an assessment lien thereon.

Section 9. Connection permits and fees.

- (A) The owner or authorized agent of the property for which connection to the sanitary sewerage system is requested shall submit in writing a permit application furnished by the City, which application shall include all plans, drawings, specifications, agreements, or other information the City may reasonably require prior to issuance of any sanitary sewerage system permit. All City-required fees relating to the sanitary sewer connection are to be paid at the time the application is filed.
- (B) By applying for and receiving a sanitary sewer connection permit, the owners of the property for which the sanitary sewer system connection is to be made agree on behalf of themselves, their heirs, successors and assigns to:
1. be bound by the terms of this Chapter as it now exists or as amended in the future;
 2. be bound by any rules, regulations, or protocols adopted or used by the City in existence now or as amended or added in the future concerning the use of the public sanitary sewer system; and
 3. be responsible for payment of any and all fees, charges, expenses, losses, damages, and/or fines incurred as a result of the use the connection to the public sanitary sewer system.
- (C) A sanitary sewer connection permit is both property specific and not transferable.
- (D) The property owner shall be responsible for and obtain all permits from applicable federal, state, or other local entities/agencies required for opening and/or using a street or highway prior to issuance of the City's sanitary sewer connection permit.
- (E) A sanitary sewer connection permit is valid for 180 calendar days from the permit's issuance date which may be extended for up to a maximum of 180 additional days upon written request by the property owner.

Section 10. Separate connections.

A separate sewer connection is both required and shall be provided for every building or premises unless otherwise allowed in writing by the City. Should more than one building be permitted by the City to connect via one sewer connection, the fees covered in Section 9(A) above shall be required of and paid for each building or premises served.

Section 11. Sewer connection excavations.

All excavations for sewer connections shall be open trench unless otherwise approved in writing by the City public works director. No backfill shall be placed in the trench until the installation work has first been inspected.

Section 12. Use of existing building sewers.

Old service laterals or building sewers may be used in connection with new buildings only when they are determined after examination and testing to meet all requirements of this Chapter with the costs associated therewith being borne by the applicant/customer.

Section 13. Construction standards.

The size, slope, alignment, materials of construction of a service lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the state plumbing code and the City's standards.

Section 14. Elevation of building sewer.

Where possible, the building sewer shall be brought to the building at an elevation below the basement floor. In buildings where the building drain is too low to permit gravity flow to the public sewer, sanitary waste carried by the building drain shall be lifted and discharged by an approved pump system to the building sewer.

Section 15. Connection to the public sewer.

Connection of the building sewer to the public sewer is to conform to the requirements of the then most current Oregon State Plumbing Code.

Section 16. Inspection.

The applicant for the building sewer permit shall notify the City not less than 24 hours in advance of the need for building sewer inspection and connection to the public sewer. No installation shall be covered until the building sewer is both inspected and approved.

Section 17. Barricades required.

All excavations for building sewer installations located within public rights-of-way shall be appropriately barricaded and lighted so as to protect members of the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the excavation and installation shall be restored to the condition existing prior to said excavation and installation and in a manner satisfactory to the City.

Section 18. Public sanitary sewer charges – Fee in lieu of assessment.

- (A) Except as provided in subsection (B) below, if property benefits from a public sanitary sewer, that property shall be assessed a proportionate share of the costs associated with the construction of that public sanitary sewer. Property shall not be assessed a public sanitary sewer charge for existing public sanitary sewer if:
1. Property had been assessed for that existing public sanitary sewer through a local improvement district (LID); or
 2. Evidence of an approved connection to the existing public sanitary sewer is found in the City's records.

(B) All sanitary sewer charges shall be paid prior to the City's issuance of a sanitary sewer connection permit.

Section 19. Private wastewater disposal.

No person may construct, maintain, abandon, operate or otherwise use, or have a private wastewater disposal system except as permitted and approved by the Oregon Department of Environmental Quality (DEQ).

Section 20. Discharge of stormwater.

- (A) No person may or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (B) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 21. Prohibited discharges into sanitary sewer system.

No person may discharge or cause to be discharged, directly or indirectly, any of the following substances into the City's sanitary sewerage system:

- (A) Gasoline, benzene, naphtha, fuel oil, any liquids or any solids, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil or gases which by reason of their nature or quantity are sufficient either alone or by interaction with other matter are capable of:
 - 1. Causing a fire or explosion; or
 - 2. Damaging in any way the City's sanitary sewer system;
- (B) Solid or viscous substances in quantity, size capable of causing obstruction to the sanitary sewer line flow or other interference with the operation of the sanitary sewerage system including substances such as: grease; fat; waste; oil (whether or not emulsified); either soluble or n-hexane soluble matter or any substance which may solidify or become discernibly viscous at temperatures above 32 degrees Fahrenheit;
- (C) Garbage with particles greater than 1/2 inch in any dimension;
- (D) Animal guts or tissues; manure; bones; hair, hides, or fleshings, entrails, whole blood, feathers;
- (E) Ashes, cinders, sand, spent lime, stone, or marble dust;
- (F) Metal or glass;
- (G) Straw, shavings, grass clippings, spent grains, spent hops;
- (H) Waste paper, wood, plastics, rags, mud grinding, glass grinding, or polishing wastes, paper dishes, cups, paper packaging, plastic packaging, glass packaging, and metal packaging whether whole or ground;
- (I) Any wastewater having:
 - 1. A pH of less than 5.5 or greater than 9.0; or

2. Any other corrosive property capable of causing damage or hazard to structures, equipment, or City personnel;
- (J) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction:
1. To injure or interfere with any wastewater treatment plant process;
 2. To constitute a hazard to humans or animals; or
 3. To exceed the limitations set forth in the categorical pretreatment standards;
- (K) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction, are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the public sanitary sewer lines for maintenance and repair;
- (L) Any substance which may cause the sanitary sewerage system's effluent or treatment residues, sludge, or scum to be unsuitable for reclamation and reuse;
- (M) Any substance that would likely cause the City's wastewater treatment plant to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the federal Solid Waste Disposal Act, the Clean Air Act, Toxic Substances Control Act, or Oregon standards applicable to the sludge management method being used;
- (N) Any substance that would cause the City's wastewater treatment plant to violate its National Pollution Discharge Elimination System (NPDES) or other disposal system permits;
- (O) Any substance with objectionable color not removed in the treatment process, such as dye wastes and vegetable tanning solutions;
- (P) Any liquid or vapor having a temperature which:
1. Is higher than 150 degrees Fahrenheit (65 degrees centigrade);
 2. Would inhibit biological activity resulting in interference at the wastewater treatment plant's operation; or
 3. Would cause wastewater entering the wastewater treatment plant to exceed 104 degrees Fahrenheit (40 degrees centigrade);
- (Q) Any pollutant "slug" including those with a biochemical oxygen demand (BOD) released in a single extraordinary discharge episode of a volume or strength as to cause interference to the City's sanitary sewerage system;
- (R) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration which exceeds limits established by applicable state or federal regulations;
- (S) Material from a private wastewater disposal system except material received directly at the wastewater treatment plant; and
- (T) Any wastewater which causes a hazard to human life or creates a public nuisance.

Section 22. Interceptor use and approval; exception; maintenance obligation.

- (A) Grease, oil, and sand interceptors shall be provided by the property being served by and using the City's sanitary sewer system when, in the considered belief of the City's public works director, the interceptors are necessary for the handling of the affected waste.

- (B) Interceptors shall not be required for private living quarters.
- (C) All interceptors shall be of a type and capacity that are approved by the public works director and be located so as to be both readily cleaned and inspected.
- (D) Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at the owner's expense, so as to remain in continuously efficient operation.

Section 23. Protection from damage.

No person shall break, damage, destroy, cover or uncover, deface, or tamper with any of the City's sanitary sewer system structures, appurtenances, or equipment absent the written approval of the City's public works director.

Section 24. Repair/correction of sewer infiltration.

- (A) Any building sanitary sewer connected to the City's sanitary sewer system (whether located within the City's right-of-way or on private property) determined by the public works director to allow infiltration of surface, storm, or groundwater into the City's sanitary sewer system, shall be repaired by the affected property owner within 60 days of the date of the official notice to the property owner to do so. All costs for said repair shall be borne by said owner.
- (B) When repairs are made within the City right-of-way, such repairs shall be performed consistent with the City Public Works Design Standards/Specifications.
- (C) Before being covered, each repair must be inspected and approved in writing by the City's public works director.

Section 25. Metered water consumption.

- (A) The premises' metered water consumption, as the same is reflected in the City's records for water meter readings for said premises, shall act as the flow volume used to compute both commercial and industrial wastewater charges for premises engaging in either commercial or industrial uses.
- (B) Notwithstanding subsection (A) above, adjustments to the approach identified therein may be made by the city administrator in the event the user is able to show the metered water flow to the premises is not entirely discharged into or otherwise served by the City's sanitary sewer system.
- (C) If the discharge of waste into the City's sanitary sewer system is (in whole or in part) the result of water sources other than those provided the premises by the City, the owner and/or user of the affected premises shall install and maintain City-approved meters to determine the water volume so obtained alternatively such that the waste volume derived from the other sources which are then discharged into the City's sanitary sewerage system may be determined and thereafter reflected in the waste water charges due.
- (D) The owner, after obtaining the City's approval, may install and operate a City-approved device measuring the volume of wastewater discharged instead of having the City employ the approach described in subsection (A) above. Subject to the periodic inspection of the device by the City, the owner shall own, install and

operate the device and be responsible for the costs associated with the City's inspection thereof.

- (E) All storm sewers (including building storm sewers) on private property connecting to the building sanitary sewer shall be disconnected and capped unless they are then connected to a City-approved storm water disposal system within 60 days of the City's notice to the property owner to make the change.
- (F) If the City-approved alterations required by either subsection (C) and/or (E) are not timely completed by the owner/premises user, the City may elect thereafter enter the affected property and cause the necessary alterations be made. Any and all City costs and expenses related to the alteration and incurred by the City shall become an assessment lien on the property once entered into the City's lien docket which assessment lien shall then have the priority accorded assessment liens under ORS 223.230 (2020). The assessment lien shall be fully due and owing 30 days after the date written notice of said expenses and costs is provided the property owner. The City's notice shall be sent to the owner by registered or certified mail, state the amount of the assessment lien and inform the property owner that the assessment lien will be deemed delinquent if not full paid within 90 days of the date the lien was entered on the City lien docket unless otherwise agreed to in writing by the City. In the event written agreement for payment of the assessment lien are not timely made by and between the City and owner and owner fails to pay the assessment lien within 120 days of the entry of the lien on the lien docket, the City may thereafter enforce or foreclose the lien or lien account in the manner provided by ORS Chapter 223 (2020).
- (G) It is the property owner's responsibility to maintain, replace or repair service connection lines from the point of connection from their property to the City's sanitary sewer collection line.

Section 26. Inspection and testing.

- (A) The City's public works director and other duly authorized City employees or representatives bearing proper credentials and identification shall have the right to enter upon all properties and premises receiving sanitary sewer service at reasonable hours in order to inspect, observe, measure, sample, and test to ensure compliance with the provisions of this Chapter.
- (B) The city administrator, in consultation with the public works director, is authorized to adopt, amend, and thereafter enforce reasonable rules and regulations concerning any matter relative to the connection to and use of the City's sanitary sewer system. The city administrator shall, in advance of the effective date of any such rule, regulation or amendment, submit the matter to Council at one of its regularly scheduled meetings for its review and comment. Said submission shall occur not less than 30 days prior to the rule, regulation, or amendment becoming effective.
- (C) Notwithstanding the provisions of subsection (B) above, in the event a public health emergency has been declared by the City, state, or federal government, the city administrator has the authority to immediately adopt and thereafter enforce rules designed to address issues relating to the public health emergency without having

said rules be first reviewed and commented on by Council. Said rules shall be effective and may be enforced for the period of said health emergency.

Section 27. Service charges.

- (A) Service and other charges for use of the City sewage system shall be established by Council resolution following a public hearing thereon.
- (B) The user and property owner (if different) shall each be responsible for payment of all charges provided for by this section. A penalty fee set by Council shall be added each month on all charges that are delinquent to defray the City's costs associated with the delinquency program which fees will be assessed only on accounts with total arrearages of \$10.01 or more on the date of the penalty assessment.

Section 28. Billing and payments.

- (A) Sewer service charges shall be billed either monthly or in two months intervals as determined by the City and due on the 15th of the month following the billing. If the bill is not fully paid by the due date, the unpaid amounts shall be considered past due unless written arrangements have been made with the City specifying another due date. Any charge not paid by the due date designated on the bill or otherwise as agreed in writing is deemed delinquent. Delinquent accounts may be collected, water and sewer service discontinued, property liens filed as appropriate and late penalties imposed in the manner set forth in the City's sewer and/or water regulation ordinances.
- (B) Recovery of Delinquent Charges for Sewer Accounts Only. The City may certify to the Marion County Tax Assessor's Office the amount of any delinquent user and billing service charges. When the certification is complete, such amount, including interest, will be assessed against the premises served with sewer service in the same manner as other taxes are certified, assessed, collected, and paid.
- (C) Notice to Customers of Placement of Lien. Except in an emergency, the City shall provide written notice to the customer, either mailed or delivered to the customer's last known address, of the City's intention to lien the property. In emergencies, the City may notify by telephone or messenger. The customer shall be notified of and have the opportunity to be heard by a City official or employee empowered to resolve any valid objections prior to City placement of property lien.

Section 29. User's agreement/owner's agreement for assessment lien.

- (A) All applicants and/or users of the City's sanitary sewer system shall be required to review and sign an application to use the sewer system. Said application shall include language whereby the applicant and/or user agrees to be bound by any City rules and regulations governing connection to and use of the sanitary sewer system without any reservation or qualification.
- (B) The owner of real property served by the City's sanitary sewer system shall agree in writing with the City that the City may impose an assessment lien on the property in the event there are monies owed associated with the provision of sanitary sewer services to the property.

Section 30. Disposition of payments.

Payments made on sewer service charges shall be credited and paid to the City's sewer fund.

Section 31. Repeal and Replace. Ordinance No. 570 is hereby repealed.

Section 32. Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of October, 2020. READ a second time on the 9th day of November, 2020. ADOPTED AND PASSED by the Aumsville City Council on the _____ day of _____, 2020.

Ron Harding, City Administrator

SIGNED by the mayor this ____ day of _____, 2020

Derek Clevenger, Mayor



595 Main St. Aumsville, Oregon 97325
(503) 749-2030 • TTY 711 • Fax (503) 749-1852
www.aumsville.us

STAFF REPORT

TO: City of Aumsville City Council

FROM: Ron Harding, City Administrator

SUBJECT: Council update

- 1) COVID-19 update:** As of this report our positive rate is 58 people, which is up 7 from our last report. The virus continues to be an ongoing issue of concern. There have been some larger jumps in counts recently and we continue to maintain our current COVID-19 protocols.
- 2) Ordinance review:** We still have some work to do with our Ordinance review. Up to now, we have conducted a very comprehensive review of Chapters 1-3 and almost complete with chapter 4-6.
- 3) Downtown landscaping project.** Public works will be working on the downtown landscaping project in the next few weeks. They will fit it in as time allows but it should be completed before the holidays.
- 4) Tiny Village:** We submitted plans for the tiny village project. They have been approved by Marion County, so we can begin the project as soon as there is a break in weather. I will take a few days out of the office to help with the project once it begins.
- 5) Community events:** We continue to find creative ways to rally our community using community events.
- 6) Opportunity zones:** The city of Stayton has designated their industrial area opportunity zone, and they have briefly discussed with us the possibility of expanding the zone to our industrial zone. My position is this would not be a good direction for our community for a number of reasons. It exempts property taxes in these zones to encourage growth. We are actually seeing a lot of development in our industrial zone already and we have planned for this growth to maintain future budgets. In our community this could have more of a negative impact on our revenues than it might in Stayton. I want Council to know I am not pursuing this right now.
- 7) Meeting calendar:** My plan would be to have a Council meeting on November 23rd and December 14th. We can evaluate at the December meeting if we can cancel the second meeting in December.

8) Youth Council: Resolution 16-10 was approved in 2010 establishing a youth council. There has been a renewed interest in the youth council, so I have done some preliminary work on the program. The idea is to create a program that benefits the students and provides meaningful, sustainable feedback to the City that creates diversity and inclusiveness in the public process. The youth council would not be an authority group but rather an advisory group on appropriate city issues. Working with Cascade High School, we have an outline that will come to Council at the next meeting for your approval. The difference is the youth council will be Cascade High School council not just the city of Aumsville, could have a broader reach of influence than just our city, and would be open to all students within their district who attend the high school. If Council approves the program, we will be investing a significant amount of time with the program, but it directly addresses Council and Vision goals for inclusion, diversity, and community communication outreach.



October 2020 Monthly Police Report

CRIME	NUMBER	ARRESTED
Burglary/Attempt Burgl	0/0	0/0
Criminal Mischief	2	0
Restraining Order Violation	1	1
Trespass	1	1
DUII	0	0
Theft/Fraud	4/0	0/0
Theft From Vehicles	8	
Receiving stolen property		
Warrant Arrest/Probation Violation	1/1	1/1
Harassment/Telephonic	2/0	2/0
Menacing		
Assault IV	1	1
Stalking Complaint	0	0
Weapon/Robbery	0/0	0/0
Child Neglect	1	1
Furnish alcohol		
MIP (Alcohol)/Drug Offense	0/1	0/1
Arson		
Stolen Vehicle/Trailer	0/0	0/0
Recovered Vehicle	1	0
Poss. Controlled Substance	0	0
Reckless Endanger/Drive	0/0	0/0
Giving False Informatio		
Disorderly Conduct		
Curfew/Runaway Juvenile	1/0	1/0
Animal Abuse		
Sex Offense	2	
DWS Criminal		0
Criminal Mistreatment		
Dogs as nuisance		
Hit and Run	0	0
Misc Crime	0	0
TOTAL	27	10

Value of Property Stolen	\$140
Value of Property Damaged	\$1025
Value of Property Recovered	\$4000
Value of Found Property	\$870
Dogs to Pound	2

DEPARTMENT MESSAGE:

The reserves worked a total of 66 hours during the month of October: 66 volunteer hours and 0 paid hours.

October passed without much fanfare. We have had a few isolated reports of "car prowls" in the early morning hours and are asking our citizens to make sure and lock your vehicles and remove valuables as we head into the Holiday Seasons.

We also ask for the public's assistance in reporting any suspicious persons or vehicles you might see in your neighborhoods. While we try to be vigilant, we can't be everywhere, and rely on the community's eyes and ears.

We had a safe and uneventful Halloween, thank you to all who helped keep our children safe

Last, you might notice some of the officers getting "scruffy", yes it is "No Shave November". This year we are asking our citizen's to join in our fundraising event. With every \$5 donation to "No Shave", you will receive a raffle ticket for a drawing for prizes at the end of November. Help us make this a great success. All proceeds will be donated to Santiam Hospital's cancer program.

Chief Richard Schmitz

CALLS FOR SERVICE	NUMBER
Assist other Agency—Turner PD	2
Assist other Agency—Fire Dept	1
Assist other Agency—DHS	2
Assist other Agency—MCSO	3
Assist other Agency—City	0
Assist other Agency—Stayton PD	7
Assist other Agency—Other	4
Assist Person/Citizen Contact	3/18
Vehicle Repo	1
911 Hang-Up/Welfare Check/Civil Dispute	2/7/5
False Alarms	2
Noise/Traffic Complaint	4/1
Suspicious Person/Vehicle/Circumstance	2/5/5
Traffic Accidents/Hit and Run	0/0
Driving Impounds	1
Unattended Death/Notification	0/0
Dogs—Barking/At Large/Bite	5/3/0
Ordinance Violation	10
Runaway Juvenile/missing person	1/0
Verbal Disturbance	3
Attempt Suicide/Mental Hold	0/0
Suicide	1
Open Door	1
Misc Call for Service	3
Found Property/Lost Property/Seized Property	6/0/0
TOTAL	108

TRAFFIC VIOLATION	City	County
Speeding	4	5
Fail to Carry Proof /Driving Uninsured	0/2	0/0
Driving While Suspended	3	0
No Valid Op	1	0
Fail to Carry DL		
Providing Vehicle to Unqual. Driver		
No Seatbelt/Improper Wear Seatbelt	0	0
Expired Registration/Fail to Register	0/0	0/0
Failure to Change Address	0	0
Failure to Carry Registration	0	0
Switched Plates	1	0
Failure to Yield to Ped in Crosswalk	0	0
Failure to Yield to Emerg Vehicle	0	0
Failure Safe Distance Emergency Veh.		
Fail to Obey Traffic Control Device	0	0
Reckless Driving/Speed Racing	0	0
Careless Driving	0	0
Fail to Drive Within Lane		
Following Too Close		
Failure to Signal/Use Turn Signal	0	0
Use of Electronic Device/Cell Phone	0/0	0/0
Defective Lighting	1	0
Open Container	1	0
Unreasonable Noise		
Refuse Intox Test		
Miscellaneous Violations	1	0
TOTAL	14	5



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TO: Mayor and City Council
FROM: Steve Osie, Public Works Director
SUBJECT: Public Works Report

November 4, 2020

Water: The wells pumped as follows:

Boone #1	Boone #2	Tower	Reservoir	Church	Total
696,900	2,685,000	1,515,849	161,000	3,755,000	8,813,749

We are reviewing the Water Management and Conservation Plan that the engineer has been working on. There have been items that have been accomplished and few more measures are being looked at to meet the benchmarks that have been identified in the document.

When our last engineer retired, we lost our water rights consultant. We are getting a proposal from a water rights consultant, as we have a well that needs to finish up a water rights transfer.

We think we have an iron build up in the check valve on the fire pump that is causing some start-up issues. We are going to replace the valve with a different style and be able to access the insides for cleaning.

Sewer: It has been interesting with a couple of eagles that have taken up residence here at the city shop. The real plus here is that the eagles tend to move the thousands of geese that leave a lot of droppings when they are here. This is helpful for our water treatment.

This month, we had 1 leaking manhole repaired and a leaking sewer main. Both leaks together were about 20 gallons per minute coming into our sewer system. The crew found these leaks during our yearly inspections of manholes to check for leaks and look for abnormal flows.

Streets: Street sweeper has been out to keep up on the leaf pick up.

We are gearing up to plant trees around 1st and Main. We are expecting the trees to be delivered this week.

Parks: The village building construction is on pause until the building permit is approved. We had to make some changes because the building codes have changed from years past.

Wildwood restroom door openers were vandalized and had to be replaced.

General: The vactor truck had contaminated hydraulic fluid. 100 gallons of hydraulic fluid was flushed out and changed. The vactor computer was also reprogrammed to perform the exhaust filter regeneration properly.

Accounts Payable Register

City of Aumsville

Fiscal: 2020-21
 Deposit Period: 2020-21 - October
 Check Period: 2020-21 - October - Second Council

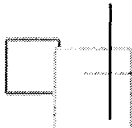
Riverview Community Bank

9001000967

Check

<u>54366</u>	AG WEST SUPPLY	10/29/2020	\$921.22
<u>54367</u>	AIRGAS USA, LLC	10/29/2020	\$721.08
<u>54368</u>	ANDREW DATIG	10/29/2020	\$75.00
<u>54369</u>	AT&T MOBILITY	10/29/2020	\$120.12
<u>54370</u>	BEERY ELSNER & HAMMOND LLP	10/29/2020	\$3,567.73
<u>54371</u>	BLAZER INDUSTRIES INC	10/29/2020	\$314.00
<u>54372</u>	BMS TECHNOLOGIES	10/29/2020	\$559.32
<u>54373</u>	CHERRY CITY ELECTRIC	10/29/2020	\$112.00
<u>54374</u>	D & W AUTOMOTIVE	10/29/2020	\$13.85
<u>54375</u>	EXTREME PRODUCTS	10/29/2020	\$623.00
<u>54376</u>	FERGUSON WATERWORKS #3011	10/29/2020	\$222.17
<u>54377</u>	INDUSTRIAL HEARING SERVICE, INC.	10/29/2020	\$315.04
<u>54378</u>	KNIFE RIVER	10/29/2020	\$446.88
<u>54379</u>	LITTLE OWLS DAYCARE	10/29/2020	\$483.95
<u>54380</u>	LUCKY DOG DESIGN	10/29/2020	\$100.00
<u>54381</u>	MARION COUNTY TAX COLLECTOR	10/29/2020	\$7,253.01
<u>54382</u>	MARION COUNTY TREASURY DEPARTMENT	10/29/2020	\$1,950.00
<u>54383</u>	MASONS SUPPLY COMPANY	10/29/2020	\$283.55
<u>54384</u>	METCOM 9-1-1	10/29/2020	\$7,870.50
<u>54385</u>	MNOP	10/29/2020	\$269.87
<u>54386</u>	OFFICE DEPOT, INC	10/29/2020	\$49.99
<u>54387</u>	O'REILLY AUTO PARTS	10/29/2020	\$59.88
<u>54388</u>	PRECISION TOWING & RECOVERY	10/29/2020	\$124.00
<u>54389</u>	ROOTX	10/29/2020	\$437.00
<u>54390</u>	STAYTON ACE HARDWARE	10/29/2020	\$30.57
<u>54391</u>	STAYTON BUILDERS MART	10/29/2020	\$682.12
<u>54392</u>	THE AUTOMATION GROUP	10/29/2020	\$2,454.75
<u>54393</u>	TRINITY'S QUALITY AUTO CARE	10/29/2020	\$1,412.07
<u>54394</u>	UNDERGROUND TECHNOLOGIES, LLC	10/29/2020	\$4,200.00
<u>54395</u>	WAVE	10/29/2020	\$9.95
<u>54396</u>	WILCO	10/29/2020	\$58.94
<u>54397</u>	XYLEM WATER SOLUTIONS USA INC	10/29/2020	\$2,475.00
<u>EFT Payment 10/28/2020 3:29:04 PM - 1</u>	ZIPLY FIBER	10/29/2020	\$639.09

Total	Check	\$38,855.65
Total	9001000967	\$38,855.65
Grand Total		\$38,855.65



Payroll Register

City of Aumsville

Fiscal: 2020-21
Deposit Period: 2020-21 - October
Check Period: 2020-21 - October - Second Council

Riverview Community Bank

9001000967

Check

<u>54364</u>	DAY SPRING FELLOWSHIP	10/30/2020	\$100.00
<u>54365</u>	Valley Credit Service Inc	10/30/2020	\$132.71
<u>Direct Deposit Run - 10/28/2020</u>	Payroll Vendor	10/30/2020	\$34,831.47
<u>EFT 11052020</u>	CIS TRUST	10/30/2020	\$34,173.72
<u>EFT 11132020</u>	PERS	10/30/2020	\$10,676.40
<u>EFT 11152020</u>	AFLAC	10/30/2020	\$948.08
<u>EFT 58371028</u>	Oregon Department of Revenue	10/30/2020	\$3,458.27
<u>EFT 60508084</u>	EFTPS	10/30/2020	\$12,541.19
<u>EFT HSA10302020</u>	HSA Bank	10/30/2020	\$875.83
<u>EFT OSGP10302020</u>	VOYA - STATE OF OREGON - LG#:2234	10/30/2020	\$540.00
<u>EFT V10302020</u>	Valic	10/30/2020	\$425.00
	Total	Check	\$98,702.67
	Total	9001000967	\$98,702.67
	Grand Total		\$98,702.67

