



City Hall – Council Chambers
206 N. Main Street
Toledo, Oregon 97391
6:00 p.m.

TOLEDO CITY COUNCIL
Regular Meeting – also via Zoom Meeting Platform
March 15, 2023

Virtual Meeting: The City Council will hold the meeting for the City Council and staff in person as well as through the Zoom video meeting platform. The public is encouraged to attend the meeting electronically. Visit the meetings page on the city website for details including meeting login information.

Public Comments: The City Council may take limited verbal comments during the meeting. Written comments may be submitted by email to lisa.figueroa@cityoftoledo.org 3:00 p.m. the day of the meeting to be included in the record. Comments received will be shared with the City Council and included in the record.

1. **Call to Order, Pledge of Allegiance and roll call**
2. **Presentations**
Presentation – Samaritan Treatment and Recovery Services Update – Pacific Communities Health District Foundation
Presentation – Northwest Coastal Housing, Blackberry project – Director Sheila Stiley
3. **Public Hearing – Temporary Use Permit Renewal, 727 SE 7th Street**
4. **Visitors/Public Comment**
(The public comment period provides the public with an opportunity to address the City Council regarding items not on the agenda. Please limit your comments to three (3) minutes).
5. **Consent Agenda**
Minutes from the regular meeting held January 18, 2023
6. **Discussion Items**
 - Discussion of Standby Water Rates
 - System Development Charges Review - Northwest Coastal Housing, Blackberry project – Mayor Rod Cross
7. **Decision Items**
 - New Liquor License application request –Dempseys, LLC
 - Approval to declare Fire Department equipment as surplus
 - Consideration and support for House Bill 3220 – Council President Betty Kamikawa
8. **Reports and Comments**
 - Committee updates
9. **Adjournment**

Comments submitted in advance are preferable. Comments may be submitted by e-mail at lisa.figueroa@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247.

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Samaritan Treatment and Recovery Services

5840 NW Biggs Street, Newport – PCHDistrict.org



Architect: Clark Kjos Architects, Portland

Construction Manager/General Contractor: Gerding Builders, Corvallis

Footprint: 13,712 square feet

Project cost estimate: \$10,093,170

Fund raised to date: \$5,752,819

Funding partners to date: United States Government, InterCommunity Health Network, Lincoln County, Cities of Newport, Toledo (thank you!), and Waldport; North Lincoln Health District; Pacific Communities Health District; Samaritan North Lincoln Hospital Auxiliary; Samaritan Pacific Communities Hospital Auxiliary; and private foundations, businesses and individuals. The Pacific Communities Health District Foundation and the North Lincoln Hospital Foundation are coordinating fundraising efforts for this project.

Funds pending (requests made and awaiting answers): \$4,000,000

Funds planned (requests planned but not yet made): \$340,351

Ceremonial Groundbreaking: June 16, 2023 @ 3 p.m.

Construction begins: No later than August 2023

Facility opens: August 2024

Contact: Ursula Marinelli, umarinelli@samhealth.org, 541-574-4745



Perspective from NW Biggs Street



Courtyard

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	March 15, 2023	Public Hearing; Temporary Use Permit Renewal TTP-1-23 (727 SE 7 th Street)
Council Goal:	Agenda Type:	
Not Applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
Contract Planner J. Peterson	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

After reviewing the application and hearing all public comments, Council should make a motion to either 1) approve the request to extend the deadline for Temporary Use Permit #TTP-1-23 for up to a year or 2) deny the request to extend the deadline for Temporary Use Permit #TTP-1-23.

Background:

Vincent S. Vitale requested a Temporary Use Permit to reside in a recreational vehicle (RV), due to a medical hardship. Mr. Vitale originally applied for a Temporary Use Permit and staff approved the application in March, 2022. The original application expired on September 19, 2022 (a total of six months). The applicant did not reside at this location and located the RV in a legal RV park. The owner is now requesting the ability to reside in the RV at 927 SE 7th Street and a new application was submitted on February 8, 2023. Toledo Municipal Code 8.08.100 requires new applications submitted by the same property owner within three years of the expiration of the temporary use permit to be approved by the City Council. The temporary use permits allow for up to 18-months with renewal approvals.

FACTS:

1. On February 8, 2023, Vincent S. Vitale submitted an application and application fee of \$200 to apply for a Temporary Use Permit (see application TTP-1-23 Application).
2. The proposed RV would be located at 727 SE 7th Street. The site (Assessor's Map No. 11-10-17 DB Tax Lot 300) contains a residence. The property is located in the General Residential (R-G) Zone and surrounded by the R-G Zone to the north, south, west, and east.
3. The applicant request the permit for a medical hardship and stated that he is unable to climb up and down stairs, due to recent hip replacements.
4. As required in TMC 8.08.100, notification to 15 surrounding property owners were mailed February 16, 2023, and provided a 15 day comment period before the public meeting. As of March 9, 2023, no comments were received.
5. Toledo Fire Captain, Police Chief, and Public Works Director reviewed the request. No comments or conditions were noted for the request.
6. The applicant has indicated that the RV has water, sewer, electrical services, has proper access to the unit, and contains smoke detectors and fire extinguishers.

CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION

7. TMC 8.08.100 establishes the standards to renew a temporary use permit. If the applicant can show that a permanent solution will be forthcoming, the applicant may apply to the City Council for one renewal. The City Council can determine the length of time for the extension, for a maximum of six months. (see TMC Chapter 8.08)
8. The temporary trailer permit can be revoked on twenty-four hour notice by the City if the structure: 1) lacks sanitary facilities, 2) is dangerous to public health and safety, 3) has become a public nuisance due to conditions, location, or use, 4) noncompliance with the above conditions, or 5) fraud or misrepresentation has occurred.

ALTERNATIVES: The City Council has the option of 1) approving the request (with or without conditions of approval) for a year, not to exceed March 15, 2024, 2) approving the request (with or without conditions of approval) for any period of time less than a year, or 3) deny the extension request.

Fiscal Impact:	Fiscal Year:	GL Number:
N/A	2022-2023	N/A

Attachment:

1. Temporary Use Permit Application (dated February 8, 2023)
2. Permit #TTP-1-22 Approval Letter (dated March 17, 2022)
3. TMC Chapter 8.08 – Temporary Uses, Temporary Structures, and Recreational Vehicles
4. City Council Temporary Use Permit Extension- Public Hearing Procedures



CITY OF TOLEDO
TEMPORARY USE PERMIT APPLICATION

Date: FEB 8, 2023

Applicant: VINCENT S. VITALE
Mailing Address: 927 SE 7TH PLACE
TOLEDO, OR 97391

Telephone: 408-930-8146
Email: dreamvalleybuffalo@gmail.com

Property Owner (if different): N/A
Mailing Address: N/A

Telephone: N/A
Email: N/A

Property Location: CITY OF TOLEDO
Assessor Map/Tax Lot:

Parcel Size: 0.27 ACRES
Zone Designation: RG

Type of Application: ☐ Special Event Structure for holiday or festival use
☒ Temporary Living Quarters for RV residence
☐ Temporary Structure for conducting business

Does the property have:

City Sewer	☒ yes	☐ no	If yes, will the unit be connected?	☐ yes	☒ no
City Water	☒ yes	☐ no	If yes, will the unit be connected?	☒ yes	☐ no
Electrical Service	☒ yes	☐ no	If yes, will the unit be connected?	☒ yes	☐ no
Proper Access	☒ yes	☐ no	If yes, will the existing access be used?	☒ yes	☐ no

Does the unit have smoke detectors? ☒ yes ☐ no

If yes, how many 2 + CO2 DETECTORS

Does the unit have fire extinguishers? ☐ yes ☐ no

If yes, how many 3

Have you had a Temporary Use Permit within the past 3 years? ☒ yes ☐ no

Does this constitute applicant's entire contiguous ownership? ☐ yes ☒ no

List structures existing on entire contiguous ownership: N/A

Length of time this request is being made: 6 MONTHS

For what reason do you request a Temporary Use Permit?

MEDICAL HARD SHIP, RECENTLY HAD TOTAL HIP
REPLACEMENT ON BOTH MY LEFT AND RIGHT HIP.
UNABLE TO CLIMB UP AND DOWN STAIRS UNTIL I
FULLY RECOVER/HEAL.

What alternative have been considered for resolving the current temporary housing needs?

NO OTHER ALTERNATIVE. CURRENTLY RETIRED AND UNABLE
TO AFFORD OTHER HOUSING.

Temporary Use Permit Application Fee = \$100.00

I understand that this is a City of Toledo staff-level decision and I certify, to the best of my knowledge, all information contained in this application is accurate. My signature below shows that I have discussed this application with the City Manager or designee or I have reviewed Toledo Municipal Code 8.08 (Ordinance 1310) and I am fully aware of my responsibilities as the applicant.

I understand that there may be limitation and conditions attached to the granting of this permit and I agree to abide by such limitations and conditions.

I understand this permit can be revoked if the use is found to violate conditions set forth in this permit or violates criteria in Toledo Municipal Code 8.08.

V.B. V. H.
Applicant(s) Signature

FEB 7, 2023
Date

N/A
Property Owner (if different)

N/A
Date

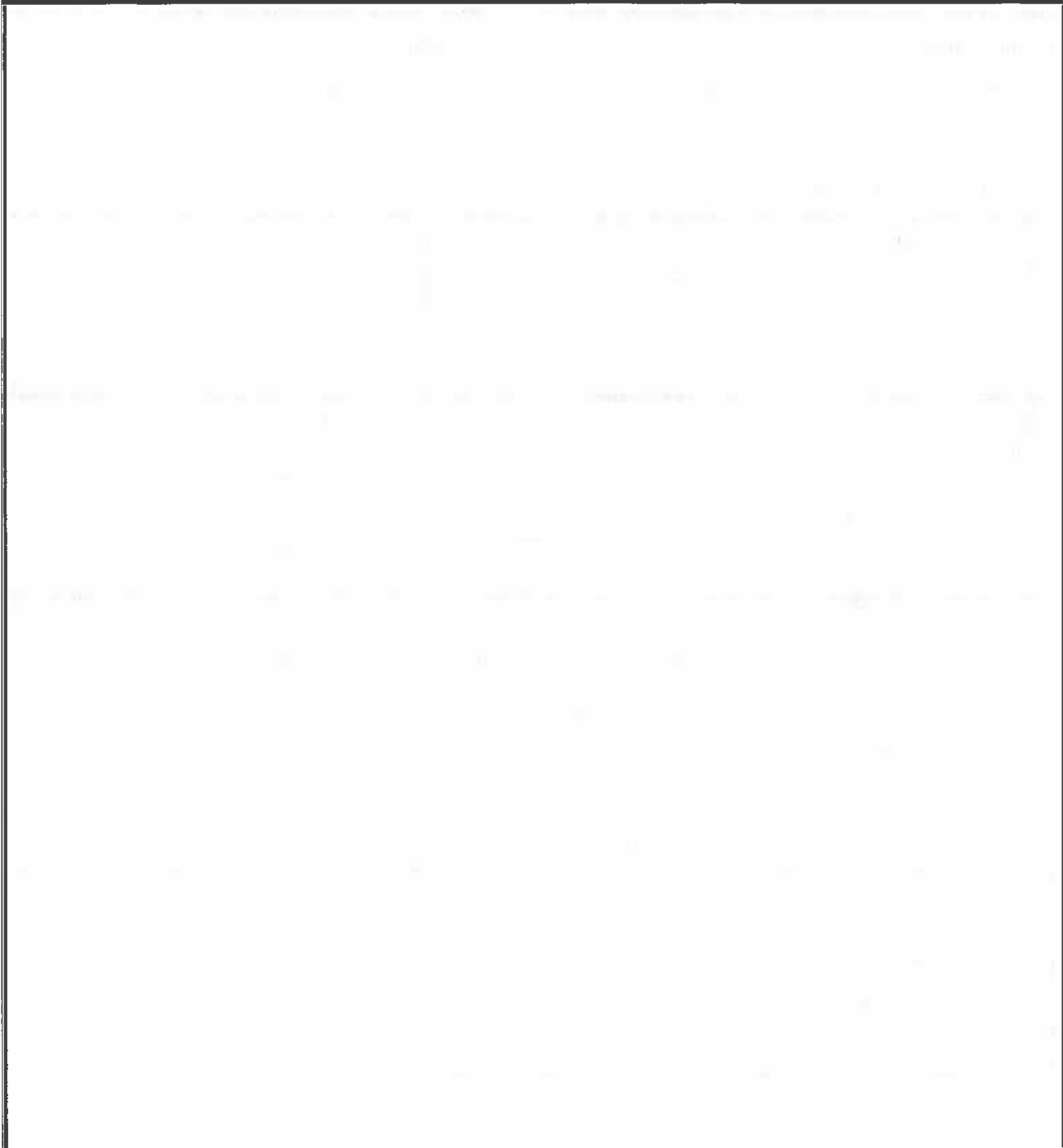
A site plan must be submitted identifying the property dimensions and following information:

- ☒ Location of temporary structure
- ☒ Existing buildings
- ☒ Access

- ☐ Additional structures or amenities for the use
- ☐ Parking for both temporary and existing structures
- ☐ Utilities

For Commercial Uses (in addition to the above information):

- ☐ Trash receptacles
- ☐ Attach building elevations or photo of temporary structure
- ☐ New and existing signs
- ☐ Location of sanitation facilities





Legend

~ Taxlots

~ Vegetation Line

10 Foot Contours

PARK
RV IN
DRIVEWAY

HOUSE
927 SETH
TOLEDO, OR.
2 TRASH CAN
NEAR HOUSE

Printed on 2 / 16 / 2022

Lincoln County Government Use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.



Office Use Only

Date Rec'd 2/10/23 Rec'd By ai Fee Paid \$200 Application No: TTP-1-23 Zone Designation: RG

TEMPORARY USE PERMIT CHECKLIST
DEPARTMENT REVIEW

Please review this request and make any comments you feel appropriate to the situation. When completed, sign and return to the City Planner. Thanks!

Public Works:

Approved: ☒

Not Approved: ☐

Comments: n/a

Brian Jospir
Public Works Director

3-9-23
Date

Fire Department:

Approved: ☒

Not Approved: ☐

Comments: NO comments

Fire Chief Inspector

2/16/23
Date

Police Department:

Approved: ☐

Not Approved: ☐

Comments:

Police Chief

Date

Planning Department:

Approved: ☐

Not Approved: ☐

Does the proposed use involve a conditional use permit? ☐ yes ☐ no

Comments: Applicant was approved for TTP-1-22. ~~add was that~~ A renewal request was never submitted. The new application (TTP-1-23) will need to be approved by City Council since the application is within 3 years

Community Development Coordinator

Date

the p
approv

☐ Approved with the following conditions:

☐ Not approved. Reasons:

4/29/21

Office Use Only

Date Rec'd _____ Rec'd By _____ Fee Paid _____ Application No: _____ Zone Designation: _____

TEMPORARY USE PERMIT CHECKLIST
DEPARTMENT REVIEW

Please review this request and make any comments you feel appropriate to the situation. When completed, sign and return to the City Planner. Thanks!

Public Works:

Approved: ☐

Not Approved: ☐

Comments: _____

Public Works Director

Date

Fire Department:

Approved: ☒

Not Approved: ☐

Comments: NO Comments

Fire Chief Inspector

2/16/23
Date

Police Department:

Approved: ☒

Not Approved: ☐

Comments: _____

Chief Michael Pace [Signature]
Police Chief

03/09/23
Date

Planning Department:

Approved: ☐

Not Approved: ☐

Does the proposed use involve a conditional use permit? ☐ yes ☐ no

Comments: Applicant was approved for TTP-1-22. ~~was not~~ A renewal request was never submitted. The new application (TTP-1-23) will need to be approved by City Council since the application is within 3 years of the prior approval

Community Development Coordinator

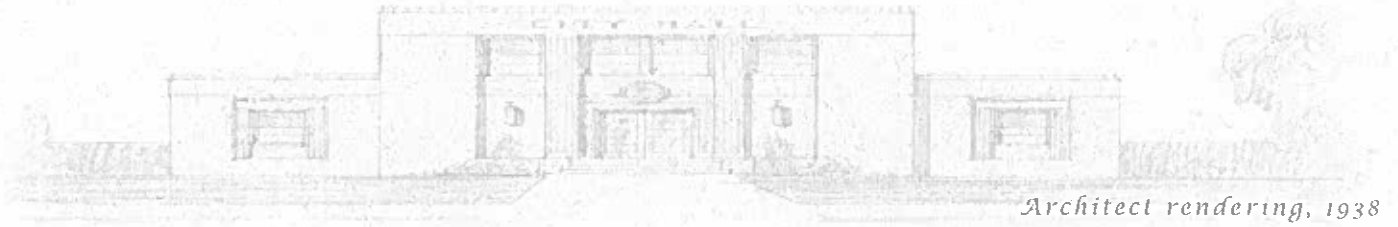
Date

☐ Approved with the following conditions: _____

☐ Not approved. Reasons: _____

4/29/21

CITY OF TOLEDO



March 17, 2022

Vincent S. Vitale
927 SE 7th Place
Toledo, OR 97391

RE: Temporary Trailer Permit (TTP-1-22)
927 SE 7th Place, Toledo OR
Lincoln County Assessors Map No. 11-10-17 DB Tax Lot 300

Your request for a recreational vehicle for use as a temporary residence has been approved for six months, subject to the following conditions:

1. The permit must be in conjunction with a valid, active building permit, security dwelling, or for a proven medical hardship.
2. The time limit shall be no longer than six months from issuance. After the expiration of the time limit, the recreational vehicle (RV) used for the temporary living quarter is subject to renewal provisions in Section 8.08.100.
3. The RV used as the temporary living quarter must be self-contained for sanitary sewer. No sewer connections without inspection. No dumping into sewer manholes or connection.
4. Any facility used for temporary living quarter must meet the definition of a RV as contained in TMC Chapter 8.08.
5. Temporary living situations for nonresidential projects shall not use a job shack or other such structure instead of an RV as the living quarter.
6. Post the enclosed approval notice in a street-side window of the RV.

Toledo Municipal Code (TMC) 8.08 allows special housing needs to be met by a recreational vehicle only under extraordinary situations. TMC 8.08.010(A) allows temporary use of an RV in conjunction with on-site construction, only if a building permit has been issued for such construction and the permit is active; as a security dwelling; or for a proven medical hardship.

The temporary trailer permit can be revoked on twenty-four hour notice by the City if the structure: 1) lacks sanitary facilities, 2) is dangerous to public health and safety, 3) has become a public nuisance due to conditions, location, or use, 4) noncompliance with the above conditions,

or 5) fraud or misrepresentation has occurred. This permit will expire on September 19, 2022. You have the right to apply for a six-month renewal, which must be submitted to the city staff. You can contact the Planning Department before August 17, 2022, to discuss the renewal process and allowing sufficient time to notice neighbors. If the applicant can show that a permanent solution will be forthcoming, the applicant may apply to the city council for one additional renewal of the temporary permit. The council will determine the length of time during which the renewal will be valid up to a maximum of six months. The maximum length of a temporary trailer permit is 18 months if all renewals are granted.

If you have any questions concerning this decision, please call me at 541-336-2247 extension 2130.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arlene Inukai', written in a cursive style.

Arlene Inukai
Planning Assistant

enc: Approval Notice
Approved TTP-1-22 Application

cc: Toledo Police Department (w/o enclosure)

8.08.010 - Purpose.

To regulate placement, restrict time limits, control aesthetics, limit nuisances, and generally protect health, safety, and welfare considerations the city of Toledo recognizes that certain short-term uses, structures, and recreational vehicle placements are not allowed as outright permitted uses. A temporary permit may be issued for up to six months by the city manager or other designated city staff member for only the following uses:

- A. In conjunction with on-site construction, only if a building permit has been issued for such construction, and the permit is active;
- B. Security measures that need to be taken for a temporary situation;
- C. A temporary place to conduct business;
- D. To meet special housing needs, in conjunction with an existing residence. The applicant must carry the burden of proof to show a permanent alternative is being sought and the temporary use provides the best or only alternative in the interim period;
- E. Special event structures; or
- F. Business office for the sale of property within a subdivision.

(Ord. 1310 § 1 (part), 2006)

8.08.020 - Definitions.

As used in this chapter:

"Adequate sanitation facilities" means any public restroom, private restroom, or any portable fixture approved by either the Lincoln County Sanitarian or a Lincoln County Plumbing Inspector.

"City manager" means the city manager of the city of Toledo or designee(s).

"Recreational structure" means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational purposes and may include yurts, cabins, fabric structures, or similar structures as further defined, by rule, by the city manager. A structure intended for removal or demolition within a prescribed time not exceeding six months.

"Recreational vehicle (RV)" means a vehicular-type living unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. Types of recreational vehicles include, but are not limited to, travel trailer, camping trailer, camper, camping van, and motor home.

"Special event structure" means a structure occupied in affiliation with an event recognized by the city of Toledo, state of Oregon, or United States related to a holiday, festival, or celebration, including, but not limited to Christmas, Independence Day, Toledo Summer Festival, Toledo Main Street Antique Fair, or carnivals or fairs. Special event vendors affiliated with the event organizers are exempt from obtaining a temporary permit, but are limited to no more than thirty (30) days prior to and seven calendar days following the event.

"Structure" means a building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground.

"Temporary living quarter" means a recreational vehicle, as defined in this chapter, used for sleeping and/or living purposes and has water and sewer, but is intended for short time use (six months).

"Temporary structure" means a structure without any foundation or footings and that is removed when the designated time period (usually six months), activity, or use for which the temporary structure was erected has ceased.

"Temporary use" means a use established for a limited duration with the intent to discontinue the use upon the expiration of the permitted time of six months.

(Ord. 1310 § 1 (part), 2006)

8.08.030 - Fees.

An appropriate application fee shall be set by city council resolution for a temporary permit. The application fee and renewal fee must be paid concurrent with the application. Renewal fees will be double the original fee. A request to waive fees for recognized nonprofit applicants must be made in writing to the city council.

(Ord. 1310 § 1 (part), 2006)

8.08.040 - Permit required.

AMENDED. SEE ORDINANCE 1396, SECTION 1

~~All temporary uses including the uses of an RV as a living quarter or for conducting business within the city of Toledo is prohibited unless the owner of land (applicant) on which it will be parked first obtains a temporary permit from the city. Use of an RV as a temporary living quarter in conjunction with a visitation of less than fourteen (14) days at an existing residence does not require a temporary permit. Using the Type I procedure under Toledo Municipal Code Chapter 19.08, the city shall approve, approve with conditions, or deny a temporary use permit based on findings that all of the criteria are satisfied.~~

(Ord. 1310 § 1 (part), 2006)

8.08.050 - Application requirements.

AMENDED. SEE ORDINANCE 1396, SECTION 2

- A. ~~The application form shall be provided by the city of Toledo and the applicant shall set forth on the site plan the following:~~
- ~~1. The location map showing the area in the city where the use will occur;~~
 - ~~2. The proposed siting of the temporary use or RV on property; and~~
 - ~~3. The provisions for water, sewer, and electrical service.~~
- B. ~~The applicant must indicate the period of time the permit is sought and the reason for the use of a temporary structure or RV instead of a permanent structure. The applicant must propose alternatives to the temporary permit in a permanent solution plan.~~

(Ord. 1310 § 1 (part), 2006)

8.08.060 - Special event structures.

- A. Special event structures may be erected in conjunction with a recognized federal, state, or local holiday, festival, and celebration if the following are met:
1. The time limit for such structures is no longer than thirty (30) days prior to and seven calendar days after the special event.
 2. The permission of the property owner must be obtained.
 3. The person or persons responsible for the special event structure shall also be responsible for the maintenance of the grounds and shall have a trash receptacle available.
 4. Adequate sanitary facilities must be available to the site.
 5. The person or persons responsible for the temporary structure shall sign an agreement that the provisions of this subsection shall be complied with.
 6. The structure must not interfere with the provisions of parking for the permanent use on the site.
- B. An application for a special event structure must be made on a form prescribed by the community development and planning department. Failure to fill out all needed items will result in the rejection of the application until such time as all items are provided. The city manager shall issue the permit for a special event structure if all the conditions outlined in subsection A of this section are met.

(Ord. 1310 § 1 (part), 2006)

8.08.070 - Temporary living quarter.

- A. A permit to allow a person or persons to occupy a temporary living quarter may be granted subject to the following conditions:
1. The permit must be in conjunction with a valid, active building permit, security dwelling, or for a proven medical hardship.

2. The time limit shall be no longer than six months from issuance. After the expiration of the time limit, the recreational vehicle (RV) used for the temporary living quarter is subject to renewal provisions in Section 8.08.100.
 3. The RV used as the temporary living quarter must be self-contained for sanitary sewer or connected to municipal sewer and water.
 4. Any facility used for temporary living quarter must meet the definition of a RV as contained in this chapter.
 5. Temporary living situations for nonresidential projects shall not use a job shack or other such structure instead of an RV as the living quarter.
 6. Prior to the issuance of a temporary living quarter permit, the applicant shall sign an agreement to comply with the provision of this section.
 7. If the property subject to the temporary living quarter permit is not owned by the applicant, written permission of the property owner is required.
- B. An application for a temporary living quarter permit must be made on a form prescribed by the community development and planning department. Failure to fill out all needed items will result in the rejection of the application until such time as all items are provided. The city manager or his designate shall issue the permit for the temporary living quarter if all conditions outlined in subsection A of this section are met.

(Ord. 1310 § 1 (part), 2006)

8.08.080 - Temporary structures.

A temporary structure not associated with a special event may be erected subject to the following:

- A. The permit, if approved, shall be issued for a period not to exceed six months. Upon like application and approval, the permit may be renewed for an additional six months in accordance with Section 8.08.100. Under no circumstances shall any permit be issued under this section exceed one year from the date the permit was first issued.
- B. Temporary structures are limited to commercial and industrial zoned properties.
- C. An application for a temporary structure must be accompanied by the following:
 1. Written permission from the property owner.
 2. A site plan, drawn to scale, showing:
 - a. The proposed location of the temporary structure;
 - b. Existing buildings;
 - c. Existing parking and proposed parking for the temporary structure;
 - d. Access(es) to the parking areas;
 - e. Any additional structures, seating areas, and amenities associated with the

temporary structure;

- f. The location and size of trash receptacles;
 - g. Utilities;
 - h. Existing signs;
 - i. Temporary structure building elevations or photos;
 - j. The colors of the temporary structure and signing;
 - k. Adequate sanitation facilities must be available to the site.
- D. In addition to the above requirements, the applicant for a temporary structure permit must submit the following:
- 1. An agreement stating that the applicant is aware of the limitations and conditions attached to the granting of the permit and agrees to abide by such limitations and conditions.
- E. An application for a temporary structure permit must be made on a form prescribed by the community development and planning department. Failure to fill out all needed items will result in the rejection of the application until such time as all items are provided. The city manager shall issue the permit for the temporary structure if all conditions outlined in subsections B through D of this section are met.
- F. If the temporary structure permit is approved, the applicant must obtain a city of Toledo business license.

(Ord. 1310 § 1 (part), 2006)

8.08.090 - Permit revocable.

Any temporary permit will be revoked on twenty-four (24) hour notice by the city manager, if, after inspection of the structure or RV, any of the following reasons are found:

- A. Lacks proper sanitary facilities.
- B. Is dangerous to the public health and safety.
- C. Has become a public nuisance due to conditions, location, or use.
- D. Noncompliance with conditions set forth in granting the permit.
- E. Approval being obtained by fraud or misrepresentation.

(Ord. 1310 § 1 (part), 2006)

8.08.100 - Renewal.

AMENDED. SEE ORDINANCE 1396, SECTION 3

~~Except those uses allowed in Section 8.08.060 (Special event structures), six months is the maximum time for which a temporary permit may be issued by city staff. If the applicant can show that a permanent solution will be forthcoming, the applicant may apply to the city council for one renewal of~~

~~the temporary permit. An applicant is only allowed to apply for one renewal. The council will determine the length of time during which the renewal will be valid up to a maximum of six months. The city council will consider the renewal application at a public meeting. Before council consideration, affected landowners within one hundred feet of the subject property boundaries shall be notified by first class mail of the renewal application, and provided at least a fifteen (15) day comment period before the public meeting. Any subsequent applications by the same property owner within three years of the expiration of the temporary permit must be approved by the city council following the same process and subject to the same fees as a temporary permit renewal.~~

(Ord. 1310 § 1 (part), 2006)

8.08.110 - Permits not transferable.

Permits authorized by this chapter are not transferable to another person or location unless approved by the city council.

(Ord. 1310 § 1 (part), 2006)

8.08.120 - Violation—Penalty.

Violations of this chapter shall constitute a Class A infraction.

(Ord. 1310 § 1 (part), 2006)

**CITY OF TOLEDO
ORDINANCE NO. 1396**

AN ORDINANCE OF THE TOLEDO CITY COUNCIL AMENDING SECTION 1 OF ORDINANCE 1310; TOLEDO MUNICIPAL CODE TITLE 8, HEALTH AND SAFETY; CHAPTER 8.08, TEMPORARY USES, TEMPORARY STRUCTURES, AND RECREATIONAL VEHICLES AND DECLARING AN EMERGENCY

WHEREAS, the City of Toledo Temporary uses, temporary structures and recreational vehicles Chapter has not been updated since 2006;

WHEREAS, Ordinance 1310 allows for amendments that may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law;

WHEREAS, the Planning Commission and City Council reviewed the proposed updates and recommended the updates;

WHEREAS, the City Council finds it advisable to declare an emergency and make the ordinance effective immediately upon adoption.

NOW, THEREFORE, THE CITY OF TOLEDO ORDAINS AS FOLLOWS:

Section 1. The Toledo Municipal Code Title 8, Health and Safety; Chapter 8.08 is amended as follows: (insertions included with underline)

Section 8.08.040 - Permit required (Section 1 of Ordinance 1310)

All temporary uses including the uses of an RV as a living quarter or for conducting business within the city of Toledo is prohibited unless the owner of land (applicant) on which it will be parked first obtains a temporary permit from the city. Use of an RV as a temporary living quarter in conjunction with a visitation of less than fourteen (14) days, with a minimum of five (5) days between stays, and no more than sixty (60) days in a calendar year at an existing residence does not require a temporary permit. Using the Type I procedure under Toledo Municipal Code Chapter 19.08, the city shall approve, approve with conditions, or deny a temporary use permit based on findings that all of the criteria are satisfied.

Section 2. **Section 8.08.050 - Application requirements**

- A. The application form shall be provided by the city of Toledo and the applicant shall set forth on the site plan the following:
1. The location map showing the area in the city where the use will occur;
 2. The proposed siting of the temporary use or RV on property; and
 3. The provisions for water, sewer, and electrical service.

- B. The applicant must indicate the period of time the permit is sought and the reason for the use of a temporary structure or RV instead of a permanent structure. The applicant must propose alternatives to the temporary permit in a permanent solution plan.
- C. The applicant shall demonstrate compliance with fire and life safety standards including but not limited to smoke alarms and fire extinguishers. The City may inspect the temporary use to ensure compliance with fire and life safety standards.

Section 3. **Section 8.08.100 - Renewal**

Except those uses allowed in Section 8.08.060 (Special event structures), one year and six months is the maximum time for which a temporary permit may be issued by the city. City staff may choose or the applicant may request to send the temporary permit approval or 6 month renewal directly to City Council.

The applicant may apply for a six month temporary permit approval from city staff.

The applicant then may apply for one six month renewal from city staff. Before staffs decision, affected landowners within one hundred feet of the subject property boundaries shall be notified by first class mail of the renewal application, and provided at least a fifteen (15) day comment period before the staff decision.

If the applicant can show that a permanent solution will be forthcoming, the applicant may apply to the city council for one additional renewal of the temporary permit. The council will determine the length of time during which the renewal will be valid up to a maximum of six months. The city council will consider the renewal application at a public meeting. Before council consideration, affected landowners within one hundred feet of the subject property boundaries shall be notified by first class mail of the renewal application, and provided at least a fifteen (15) day comment period before the public meeting. Any subsequent applications by the same property owner within three years of the expiration of the temporary permit must be approved by the city council following the same process and subject to the same fees as a temporary permit renewal.

Section 4. This ordinance being necessary for the public health, welfare and safety of the public, an emergency is declared to exist and this ordinance shall be effective upon its adoption by the Toledo City Council.

This Ordinance is adopted by the Toledo City Council on this 24th, day of February 2021.

APPROVED:

ATTEST:



Mayor Rod Cross

City Recorder Lisa Figueroa

**TOLEDO CITY COUNCIL
REGULAR MEETING
January 18, 2023**

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 p.m. also via Zoom in Toledo, Oregon.

Present	Absent	
X		Mayor Rod Cross
X		Council President Betty Kamikawa
X		Councilor Jackie Kauffman
X		Councilor Tracy Mix
X		Councilor Kim Bush
X		Councilor Wade Carey
		Vacant

Staff present: City Manager (CM) Judy Richter, Assistant City Manager/Human Resources Specialist (ACM) Sherry Meek, City Recorder (CR) Lisa Figueroa, Public Works Director (PWD) Bill Zuspan, Police Chief (PC) Michael Pace, City Attorney (CA) Mike Adams, Contract Planner (CP) Justin Peterson, Community Outreach Specialist (COS) Katy Keuter

2. PROCLAMATIONS/PRESENTATIONS

Marketing Toledo

COS Katy Keuter provided a presentation to the City Council in regards to marketing the City of Toledo. She commented on the multiple events plus recreation and outdoor opportunities available annually within the city. She compared marketing budgets between neighboring coastal municipalities and indicated it could be time for Toledo to consider a budget even if it is small to begin with in the first year. She noted Toledo does not have funding for marketing from transient lodging taxes like other cities such as Yachats or Lincoln City. She said she spoke with Jeremy Burke, owner of the *Ocean Waves* publication, who indicated he would write and include a story highlighting Toledo if they purchase advertisements for six months. The Council commented on the possibility of marketing Toledo and asked that a discussion/decision item be brought back to the Council on February 1.

3. PUBLIC HEARING

Mayor Cross opened the public hearing at 6:29 p.m. and asked Council members if they wish to declare any conflicts of interest or ex parte contacts. Councilors Kauffman, Bush, Carey, Kamikawa and Mayor Cross declared ex parte contacts because they have been to the site/have seen it recently. Mayor Cross called for CP Peterson to provide the council report.

CP Peterson said the application was submitted by the Port of Toledo to replace a gangway ramp, complete some excavation work, relocate the boathouse and remove three existing pilings. He said originally the joint permit application was also submitted to Army Corps [of Engineers], the Department of Environmental Quality (DEQ) and the Department of State Lands. He said part of the application requires a Land Use Compatibility Statement from the City. He said upon review, staff noticed it was in the floodway, which required an engineering hydrologic and hydraulic

1 analyses (H&H analysis). He said the Port of Toledo appealed staff's decision with the Planning
2 Commission through the variance process. He said the Port of Toledo presented information in
3 regards to the project and the Planning Commission decided in favor of the Port of Toledo and
4 stated an engineering analysis was not needed. He said after the public hearing, staff heard from
5 FEMA, who indicated the engineering analysis is needed and now staff appealed the Planning
6 Commission's decision to the City Council. He referenced the council packet and noted on Page
7 9 includes the need for the engineering analysis. He reviewed the variance criteria that was
8 included on page 11 of the staff report. He continued through the staff report and highlighted the
9 criterion. He said based on correspondence between Staff and FEMA, there is not enough evidence
10 to support approving the request without an H&H analysis. He said FEMA indicated they could
11 revoke flood insurance for the City if the request were approved.

12
13 CA Attorney reviewed the legalities of the approval. He noted if the City Council granted a
14 variance, they must ensure the variance does not conflict with any existing laws or ordinances.

15
16 Mayor Cross recognized the applicant. Debbie Scacco, Port of Toledo Manager addressed the City
17 Council. She said the project was adopted in the Port's 2021 Strategic Business Plan update. She
18 said they understand it is recommended not to approve variance, but request the City's support as
19 they challenge the restrictions.

20
21 Mayor Cross opened the floor for any comments in favor, against and/or neutral comments. After
22 hearing no comments, Mayor Cross asked the Council if they had any questions.

23
24 CA Adams identified the areas affected by the federal insurance coverage if the City lost coverage.
25 The Council inquired whether the applicant had money to cover the H&H analysis and Ms. Scacco
26 said they have on-going costs for the project. Several Council members expressed concern in
27 regards to the requirement and stated they felt it was unnecessary.

28
29 Mayor Cross closed the public hearing at 7:01 p.m.

30
31 **Motion** – It was moved and seconded (Carey/Bush) based on the testimony received, the staff
32 report, and the evidence and arguments before the City Council at the public hearing on January
33 18, 2023, and the findings made by the City Council in the public hearing, the City Council finds
34 that the request by the Port of Toledo, (fpv-1-22) does not comply with the criteria identified in
35 Toledo Municipal Code (TMC) 15.16.200 for a variance, TMC 15.16.220(d)(1)(a) and 44 CFR
36 60.3(d)(3) does require hydrologic and hydraulic analyses for development in the floodway, and
37 so the request by the Port of Toledo is denied and the motion carried unanimously.

38
39 Ms. Scacco thanked the Council and their position on the situation.

40 41 **4. VISITORS/PUBLIC COMMENT**

42 There were no comments.
43
44
45
46

1 **5. CONSENT AGENDA**

2 **Minutes from the executive session and regular meeting held December 7, 2022**

3 Councilor Kauffman noted Todd Michels was listed instead of Councilor Bush.

4
5 **Motion** – It was moved and seconded (Mix/Carey) to approve the consent agenda as amended and
6 the motion carried unanimously.
7

8 **6. DISCUSSION ITEMS**

9 **Set date for City Council goal setting**

10 CM Richter indicated Mayor Cross secured Pete Wall as the facilitator and wanted to select a date
11 for goal setting. She said Mr. Wall is available most Saturdays in February and in the beginning
12 of March. After discussion, the Council settled on Saturday February 11 and CM Richter said she
13 would follow up with the Council.
14

15 CM Richter noted that several Council members are signed up for City Day at the Capital on
16 January 25, which means there will be no quorum for the work session. There was a consensus of
17 the Council to cancel the January 25 meeting.
18

19 **Review timeline for City Council recruitment**

20 CR Figueroa noted she received an application for the vacant City Council position, but the
21 applicant withdrew their application. She said the packet includes a blank calendar so the Council
22 may decide on a new deadline. The Council indicated they would keep the recruitment open and
23 if an application is received, staff would extend the deadline two weeks from when the application
24 was received in case there are additional applicants.
25

26 **7. DECISION ITEMS**

27 **Approving an Intergovernmental Agreement with Lincoln City to protect against a dual-**
28 **office holding allegation being made against the Municipal Court Judge**

29 CA Adams provided the staff report. He noted the City can enter an Intergovernmental Agreement
30 (IGA) with another municipality for Municipal Judge Services. He answered clarification
31 questions in regards to the IGA for the Council.
32

33 **Motion** – It was moved and seconded (Kamikawa/Mix) to approve an Intergovernmental
34 Agreement with Lincoln City for a Municipal Court Judge and the motion carried unanimously.
35

36 The Council took a short recess at 7:30 p.m. and reconvened at 7:34 p.m.
37

38 **Provide direction for update to Seal Rock Water Agreement**

39 CM Richter provided the council report and said she was contacted by District Manager Adam
40 Denlinger. She said the agreement with the District expired December 31, 2022 and they are
41 interested in keeping Toledo as a backup water source. She said before she began negotiations, she
42 wanted to consult with the Council for direction. She indicated she and Mayor Cross participated
43 in the negotiations last time and said she feels they [District] needs to pay for infrastructure as
44 well. Mayor Cross said he would like to be involved again.
45

1 **Motion** – It was moved and seconded (Bush/Mix) to have the City Manager and Mayor to be the
2 negotiating team for the Seal Rock Water District Agreement and the motion carried unanimously.
3

4 **Ordinance No. 1406, an ordinance amending Toledo Municipal Code Chapter 1.16, Right of**
5 **Entry for Inspections, and declaring an emergency**

6 CA Adams delivered the council report and said a copy of the ordinance was posted for public
7 review as required by the Municipal Code. There was discussion in regards to someone collecting
8 greywater, pouring it down into the sewer system but not being connected to the City's system and
9 whether it were considered theft of services. The Council discussed several scenarios where a
10 sewer system is not needed.
11

12 **Motion** – It was moved and seconded (Carey/Kamikawa) to adopt by reading the title twice an
13 ordinance of the Toledo City Council amending Toledo Municipal Code Chapter 1.16, Right of
14 Entry for Inspections, and declaring an emergency and the motion carried unanimously.
15

16 **Ordinance No. 1407, an ordinance amending Toledo Municipal Code Chapter 1.20**

17 CA Adams presented the council report. There were no questions from the Council.
18

19 **Motion** – It was moved and seconded (Carey/Bush) to adopt by reading the title twice an ordinance
20 of the Toledo City Council amending Toledo Municipal Code Chapter 1.20, and declaring an
21 emergency and the motion carried unanimously.
22

23 **Ordinance No. 1408, an ordinance creating Toledo Municipal Code Chapter 1.24, Legislative**
24 **Subpoenas**

25 CA Adams provided the council report.
26

27 **Motion** – It was moved and seconded (Bush/Mix) to adopt by reading title twice an ordinance of
28 the Toledo City Council creating Toledo Municipal Code Chapter 1.24, and declaring an
29 emergency and the motion carried unanimously.
30

31 **Approval of Non-Represented Salary Schedule to reflect Cost of Living Adjustment of 3%**

32 CM Richter summarized the council report. She said the contract with the Toledo Public Safety
33 Association bargaining agreement was completed recently. She said they received a 4% salary
34 increase and typically the non-represented salary schedule was presented after both agreements
35 have been updated.
36

37 **Motion** – It was moved and seconded (Kamikawa/Carey) to approve the Non-Represented Salary
38 Schedule to reflect 3.0% COLA retroactive to July 1, 2022 and the motion carried unanimously.
39

40 **Consideration and approval of letter to the Governor from the City Council**

41 Mayor Cross presented a report to the City Council and referenced the letter he distributed to the
42 council before the meeting (a copy will be included with the archived packet). He said the letter is
43 addressed to Governor Kotek in regards to her executive orders that excluded 26 counties,
44 including Lincoln County from the homeless declaration of emergency. A consensus of the
45 Council agreed with the letter provided by Mayor Cross.
46

1 **8. REPORTS AND COMMENTS**

2 PC Pace updated the Council on department activities.

3
4 PWD Zuspan said the department is finishing up the Inflow & Infiltration (I&I) projects. He said
5 they found a void in some lines near 12th Street and the City had to fix that before they proceed
6 with completing any I&I in that area.

7
8 CA Adams indicated he will be out of the office next week.

9
10 CM Richter said the audit extension request was approved. She noted she was on a Zoom call with
11 CP Kamikawa and PWD Zuspan to review the draft Drinking Water Protection Plan, which will
12 be presented to the Council in a future meeting. She said there will be future projects for the
13 Council to consider based on that draft plan. She said there will be a change in the future for
14 Council meetings. She said Staff will provide a ‘dashboard’ or report once a month to the Council
15 instead of an oral report.

16
17 Councilor Kauffman noted motions adopting an ordinance do not need to include ‘read title twice’
18 and said it is a reminder for the Council to read the title twice.

19
20 Councilor Carey commented on serving as a Councilor and how Council members volunteer on
21 other committees. He indicated that when the Council are at the dais and provide updates from
22 their volunteer committees they must be cognizant of using the term “we” because that refers to
23 the Council and not the committee.

24
25 Councilor Bush said she attended the first committee meeting of the Summer Festival and there
26 was a lot of excitement. She said they are looking for more volunteers. She said they have a
27 Facebook page for details and they are planning to have it on July 14-16.

28
29 Councilor Mix said she attended the Summer Festival meeting as well and it was good to see the
30 support.

31
32 CP Kamikawa said she attended the Representative Wyden’s Town Hall recently. She said they
33 indicated there will be a way for cities to contact their office in regards to infrastructure. She
34 encouraged Councilors to participate on other committees the Council serves on such as Cascades
35 West Area Commission on Transportation or the Solid Waste Committee for the County.
36 Councilor Carey said he could serve on one of those committees in a few months.

37
38 Mayor Cross noted it was nice having a Council member attend the Port of Toledo or Pool District
39 meetings and then provide updates to the Council. He said he was on a call this week with the
40 Oregon Arts Commission, who would like to consider Art Toledo as an Arts District pilot program.
41 He said he would be in contact with several others at the end of the month. He said the
42 homelessness task force committee met recently and he will present some information to CM
43 Richter for her signature. He reported on the Town Hall held by Senator Merkley and said it was
44 very productive.

1 **9. ADJOURNMENT**

2 The meeting adjourned at 8:55 p.m.

3
4 Approve:

Attest:

5
6
7 _____
8 Mayor Rod Cross

City Recorder Lisa Figueroa

DRAFT

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	March 15, 2023	Discussion of Standby Water Rates
Council Goal:	Agenda Type:	
Not Applicable	Discussion Items	
Prepared by:	Reviewed by:	Approved by:
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Staff makes no recommendation at this time. Item is for discussion.

Background:

Recently the City Council was addressed by a citizen questioning the rates for “Standby Water Service” for sprinklers used for fire suppression. The City of Toledo currently has eight accounts who pay the monthly charge.

Attached and highlighted in yellow are copies of council minutes documenting the history of the charge. It was originally adopted by Ordinance in 1980 – see attached Resolution 613.

It was adjusted after a public hearing in 1989 by Resolution 818.

The charge is adjusted whenever the water rates are adjusted which in recent years has been in May of each year. Also attached is a report to show how many accounts the City has currently and the amounts that they pay.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2022-2023	N/A

Attachment:

1. City Council discussion on water rates
2. Resolution No. 613
3. Resolution No. 818
4. Listing of Accounts and charges

MEETING OF THE TOLEDO CITY COUNCIL

A regular meeting of the Toledo City Council was called to order on the above date at 7:30 p.m. Present were Mayor Floyd Ferguson, Councilors Stuart Davis, Karen Gerttula, Joseph Arriaga, Darrell McLaughlin, Karen French, City Manager Dan Ousley, Industrial Development Specialist Bruce Bullamore and City Recorder Jeanette Gray.

Absent was Councilor Jack Stock.

Minutes of the meeting held January 18, 1988, were approved as circulated and reviewed by Council with the following correction: Under "SALE OF FIRE TRUCK" should read, "and that specifications for the new truck are similar to the Pierce fire truck," not the LaFrance.

Visitors were: David Timme, Alberta Bryant, Nancy Boyer, Delight Kapfer, Ernie Birch, Jack Abbott, Cody Gray and Fred Cash.

LGPI COMPENSATION PROGRAM - PRESENTATION BY NANCY BOYER

LGPI Representative Nancy Boyer said that she used the current job classifications and job descriptions that were available, plus various other factors for the salary plan recommendations. Toledo employees' salaries were compared to twelve other cities of equal size and geographical location. The study includes a proposed salary schedule with pay ranges from 1 to 28 and pay steps from A to E, with proposed current salaries for each employee. Boyer said that annual percentage increases should be incorporated in the salary schedule with step increases on merit only. Also, the salary ranges and rates should be compared with the market every two to five years for equity revisions.

Mayor Ferguson said that he would like to see comments on the survey from the department heads before Council makes a decision. Upon question by Manager Ousley, Councilors changed the Council-Department Head meeting from February 8, 1988 to February 11, 1988 at 6:30 p.m. with the Salary Review Board meeting immediately following.

LOCATION OF COUNTY FAIRGROUNDS - DELIGHT KAPFER

Delight Kapfer said that the current fairgrounds is on 10.4 acres and the needs have outgrown the area. An estimated twenty to forty acres will be needed for a new location. The fair grounds have to be moved within ten years to make more room for expansion of the high school and a proposed Highway 20 bypass. Kapfer noted that the fairgrounds is a year-round business supported one-third each by income, taxes and gambling money from within the State of Oregon. Relocation of the grounds is estimated to cost between \$4,000,000 and \$6,000,000. The board is hoping to

receive funding through urban renewal or from a federal funding grant. The sale of the current fairgrounds is estimated at between \$600,000 and \$1,000,000. A relocation committee is looking at a South Beach area at the north end of the airport. The fog, weather and accessibility are drawbacks to that area. Kapfer said public opinion is in favor of the fairgrounds moving east. She said that Council should send a letter to the Fair Board and Alberta Bryant if they are interested in helping to relocate the fairgrounds to Toledo. Visitors Alberta Bryant, Jack Abbott, Fred Cash and Cody Gray spoke in favor of the proposal, noting several possible locations around Toledo, Highway 20 and the Siletz Highway.

Motion was made by Councilor Davis and seconded by Councilor Arriaga to instruct Manager Ousley to send a letter of interest to the Fair Board and Alberta Bryant. Motion passed unanimously.

WATER AND SEWER RATES - SUBCOMMITTEE REPORT

Councilor McLaughlin said that the subcommittee made two revisions to the previous recommendations as follows:

1. The Committee felt that the fire standby charge is too low at present and needs to be increased \$50.00 to 75.00 for smaller meters, and \$100.00 for 4" and higher meters, which is considerably lower than their original recommendation.
2. The sewer rates should be averaged the first four months of each year to establish a maximum fee for the following twelve months. Also, the City should increase the facilities charge from \$3.50 to \$4.00. McLaughlin recommended a ninety-day grace period to allow industry time to correct any inflow and infiltration problems and install meters on their sewer lines.

Upon discussion, Councilors asked Manager Ousley to check with Insurance Agent Paul Falor on insurance savings to customers with fire standby lines and check with Utility Clerk Polly Chavarria on changing the sewer facility charge from \$3.50 to \$4.00.

PLANNING COMMISSION APPOINTMENT - CLARK BALDWIN

Ginger Thompson has resigned her position on the Planning Commission. Motion was made by Councilor Davis and seconded by Councilor McLaughlin to appoint Clark Baldwin to fill the unexpired term of Ginger Thompson to December 31, 1991. Motion passed with Councilor French voting no.

HOUSING AUTHORITY CONTRACT - PROPOSAL

Manager Ousley said that he received a letter from Connie Hoffman of the Housing Authority asking Council to approve a contract allowing the Housing Authority to purchase houses in Toledo for low-income families. Council asked Manager Ousley to have Ms. Hoffman come to the next Council meeting to explain the program.

CONTRACT TO REMOVE WATER TOWER

Industrial Development Specialist Bruce Bullamore said that removal of the water tower on the TIP property has been delayed because someone was interested in purchasing it. The people are

Council Chambers
City Hall
March 7, 1988

MEETING OF THE TOLEDO CITY COUNCIL

A regular meeting of the Toledo City Council was called to order on the above date at 7:30 p.m. Present were Mayor Floyd Ferguson, Councilors Stuart Davis, Karen Gerttula, Jack Stock, Joseph Arriaga, Darrell McLaughlin, Karen French, City Manager Dan Ousley, Industrial Development Specialist Bruce Bullamore and Recorder Jeanette Gray.

Minutes of the meeting held February 16, 1988, and the special meeting held February 29, 1988, were approved as circulated and reviewed by Council.

Visitors: Ernie Birch, Bob Foster, Steve Downs, Patti Martin, Jack Dahl, Jim Miller, Dennis Berliner, Richard White, Nancy Everhart and other interested persons.

Visitor Dennis Berliner said that he is having problems with rodents due to excessive garbage and debris in his neighbor's yard. He has been working with City Engineer/Planner Fred Towne to get this matter cleared up. So far he has seen no conclusive results and asked for Council's intervention. Manager Ousley said that if Mr. Berliner will call him tomorrow, Tuesday, March 8, 1988, that he will help get this matter resolved in a timely manner.

TECHNICAL ASSISTANCE STUDY FOR TIP - PRESENTATION BY BENKENDORF ASSOCIATES

Bob Foster, of Benkendorf Associates, made a presentation on TIP study alternatives E and F, the alternatives picked by Council at a previous meeting. Building sites ranged from one-half acre to 4.75 acres. There are two drainage ditches across the property. Map E has three road entrances and Map F has two entrances. Map F also has an extension from 1st Street to Highway 20 on Butler Bridge Road. There is some variation in the parking area on the dike along Depoe Slough. The property is best suited for light industrial use but could support any industry.

Steve Downs, of Westech EGINEERING, gave price differences in alternatives E and F then summarized as follows: Estimated overall cost for streets, water, sewer, dike, and drainage ditches of option E is \$644,000.00, option F is \$668,000.00. In addition, extension of Butler Bridge Road will cost approximately \$164,000.00, not including land acquisition.

Toledo Industrial Development Specialist Bruce Bullamore said that 60% to 80% of the project could be funded by state and federal grants. Also, as the industries develop the property will be self supporting from various sources such as taxes, lease payment and property purchase.

SOLID WASTE VOLUMES FROM TILLAMOOK - RECONSIDERATION, JACK DAHL
 Jack Dahl, of Dahl Disposal Service, asked Council to reconsider their decision to oppose the dumping of Tillamook's garbage at the Waldport dump site. Dahl said that the life expectancy at the current volume of Waldport's 320 acres, 120 acres currently zoned for disposal, is 531 years. Tillamook's volume would lessen the time by 166 years to 365 years. If the rest of Lincoln County had to start dumping at Waldport the time would be lessened to 65 years. Tillamook would haul approximately one truck and trailer load a day to Waldport if approved. Tillamook would pay \$6.50 per yard at Waldport but would be paying about the same as Lincoln County residents when the hauling cost is included. Councilors expressed concern that DEQ would allow Tillamook to dump in Waldport when they refused to allow Toledo to dump there just a few years ago. Motion was made by Councilor Davis and seconded by Councilor Stock to withdraw their motion in opposition to Tillamook bringing garbage to Waldport. Motion passed with Mayor Ferguson voting no.

PURCHASE OF PIERCE FIRE TRUCK

Chief White recommended purchase of a Pierce fire truck from Hughes Fire Equipment for \$163,629.00. Motion was made by Councilor Stock and seconded by Councilor McLaughlin to purchase the Pierce fire truck for \$163,629.00. Motion passed with Councilors Gerttula and Arriaga voting no.

WATER AND SEWER RATES - SUBCOMMITTEE REPORT AND ADOPTION

Subcommittee recommendations are as follows:

WATER FUND

1. Increase the Facilities Charge to \$4.00 per meter equivalent for all customer classed inside the city limits.
2. Revise "FIRE STANDBY" service to one-half of the meter equivalent charge.
3. Revise the Service Charge of \$1.60 per month to include all meters.
4. Retain current Usage Charge at \$0.40 per 1000 gallons.
5. Retain "double" fees for ALL services outside the city limits.

SEWER FUND

1. Retain the Service Charge of \$3.50 per meter for all customer classes inside the city limits and include the first 1,000 gallons with the basic monthly Service Charge for SINGLE FAMILY customer class only.
2. Eliminate the EDUs option for INDUSTRIAL customer class and replace with a customer selected billing option either based upon (a) the water usage or (b) the actual metered sewer flow.
3. Retain current Usage Charge at \$1.30 per 1000 gallons.
4. Retain "double" fees for ALL services outside the city limits.

Motion was made by Councilor McLaughlin and seconded by Councilor Davis to accept the recommendations of the subcommittee and notify customers effective April 1, 1988, for their first payment due May 1, 1988. Motion passed unanimously.

FUNDING TECHNIQUES FOR NEW BUSINESSES ON TIP - BRUCE BULLAMORE

Councilors reviewed copies of a draft letter to a prospective business owner outlining the steps the City is willing to take to help them start a business on the TIP property. Bullamore said that the letter will serve two purposes: 1. to show good faith by the City, and 2. to enhance funding possibilities for the company. Bullamore suggested adding some conditions to the letter as a means of protection for the City. Councilors agreed that the conditions should be added to the letter. The letter will be re-drafted for consideration at Council's special meeting to be held March 14, 1988, at 7:00 p.m.

A five-minute break was taken at this time, after which the meeting was resumed.

APPOINTMENT OF BUDGET OFFICER - CITY MANAGER

Motion was made by Councilor Davis and seconded by Councilor Stock to appoint City Manager Dan Ousley as budget officer for the 1988-1989 budget. Motion passed unanimously.

APPOINTMENT OF REPRESENTATIVE TO COG SUBDISTRICT COMMITTEE-COUNCILOR MC LAUGHLIN

Motion was made by Councilor Stock and seconded by Councilor Arriaga to appoint Councilor McLaughlin to another term to represent the City of Toledo on the Council of Governments Subdistrict committee meetings. Councilor McLaughlin did not decline the nomination but said that he has enjoyed the COG meetings and felt that other Councilors would profit from the experience. Motion passed with Councilor McLaughlin abstaining.

PROCESS OF EVALUATION OF CITY MANAGER

Councilor French suggested that Councilor's review the City Manager evaluation forms for suggested changes or additions and submit them to her at the next Council worksession. Councilors agreed.

SEWER BOND MEASURE TITLE - AGENDA ADDITION

Manager Ousley gave Councilors copies of a proposed sewer bond measure title. Motion was made by Councilor Stock and seconded by Councilor French to approve the bond measure title as written. Motion passed unanimously.

Manager Ousley said that there may be changes in the amount of the bond and the repayment years.

CITY MANAGER RECRUITMENT

Representatives from the League of Oregon Cities and the Local

TOLEDO CITY COUNCIL MEETING

A regular meeting of the Toledo City Council was called to order on the above date at 7:00 p.m. Present were Mayor Floyd Ferguson, Councilors Karen Gerttula, Jack Stock, Joseph Arriaga, Stuart Strom and Louis Peterson. Staff present were City Manager Jim Allan, City Attorney Jim Ruggeri, Treasurer Polly Chavarria, Technician/Planner Fred Towne, Economic Development Specialist Bruce Bullamore, Police Chief Jerry Pryor, Librarian Blythe Jorgensen and Recorder Jeanette Gray. Visitors present were Gary Seth, Larry Spencer, Barbara and Ric Cowlshaw, Bob Brown, Tyson Haynes, Bill Hall, William and Lucy Erdmann, Gene Richardson, Bob Edenfield and other interested persons.

APPROVAL OF MINUTES

Minutes of the meeting held April 17, 1989, were approved as circulated and reviewed by Council.

VISITOR COMMENTS

Lincoln County Sheriff Larry Spencer furnished copies of a fact sheet provided by the Lincoln County Board of Commissioners supporting the need for a larger jail facility as follows:

1. The Lincoln County Sheriff can only hold 26 inmates in jail.
2. In 1987, a crime was reported to Lincoln County Law Enforcement agencies every ninety minutes.
3. On average, over 200 inmates a month are arrested, booked into jail and released.
4. There are over 500 felons living in Lincoln County, and their numbers are increasing.
5. In 1986, Oregon ranked fourth in the nation per capita for major crimes. Out of 36 Oregon counties, Lincoln County ranked eighth per capita in Oregon for major crimes, and placed second in the State for drug offenses.
6. Last year, Lincoln County Judges ordered offenders to pay over half a million dollars in victim and Court related costs, but less than two-thirds of that amount was paid back. Last Year, the Lincoln County Court Appointed Attorney costs totaled \$455,224, but only 13.4% was returned to the taxpayers.
7. The current balance of unpaid Court fines, attorney fees and Court costs is expected to reach over one million dollars by the end of this summer.
8. Lincoln County ranked first of 15 counties in Oregon, with 1.03% of the entire population of Lincoln County, being on supervised felony probation or parole.

The proposed 154 bed jail will house both men and women, will have concrete beds, steel toilets and a cost-effective design.

The inmates will be housed in "pods" which is basically a circle of cells with a "control unit" in the middle where the staff will supervise them through a one-way glass. This way the inmates will never know when they are being watched.

The Commissioners have proposed a bond levy of 8.4 million dollars, which will include construction costs and furnishings. At current rates, a \$50,000 home will cost approximately \$24.00 per year on a 20 year levy. The average loss per burglary in Oregon is over \$1,000. Statistics estimate that over seven out of ten households stand the chance of being burglarized over the next 20 years.

Sheriff Spencer summarized that the proposed jail should be adequate for 25 to 30 years and is not a fancy hotel for criminals but a bare-bones facility. In answer to Council questions Sheriff Spencer responded as follows: (1) There is 21 current jail staff for a ratio of 1 staff member to 1 1/2 inmates. Full capacity of the new facility will require 53 staff members, including 2 nurses, 3 cooks and maintenance personnel. (2) On completion of the newly proposed jail, the old facility will probably be reclaimed for court room.

Council spoke in supported of the jail proposal, and Councilor Gerttula also spoke in favor of the new juvenile facility that is due to begin construction soon.

City Recorder Jeanette Gray read a thank-you-note from Grad Nite Committee member Nancy Long, which reads: "Thank you for your generous contribution to our 1989 drug and alcohol free graduation party. Your support of this program is greatly appreciated."

REVIEW BILLS

On question of a \$161.00 payment to Karen Jones, Economic Development Specialist Bruce Bullamore responded that Ms. Jones was hired during the budget process to help catch up a back log of typing, phone calling and seven hours at \$7.00 per hour to type the fair grounds report. The Fair Board has agreed to reimburse the City \$30.00 toward the cost of typing the fair grounds report.

Motion was made and seconded (Stock/Strom) to pay the bills as presented. The motion passed unanimously.

FINANCIAL REPORT

City Treasurer Polly Chavarria gave the monthly financial report as follows:

1. \$52,596.21 was received from the Mary Baird Estate in April. \$45,082.84 went into the Library Trust Fund and \$7,513.00 into the Parks & Recreation Trust Fund. Approximately \$99,000.00 has been received from the Baird Estate.

2. The 1989-90 proposed Beginning Fund Balances are on target. Sixteen of the City's 21 funds and departments have already received better than 100% of the budgeted revenues for this fiscal year.
3. The Litigation Reserve Fund now has a zero fund balance.
4. The Water Fund is in the red by \$501.46 because of the \$35,000 transfer to the General Fund and Litigation Reserve Fund, and the City's retirement payment to SAFECO of \$5,532.00.
5. Accounting Clerk Debbie Wilson will be attending a conference on central purchasing later this month in an effort to enhance and expand central purchasing to include items other than office supplies and equipment.

Manager Allan ask if there is any central purchasing between communities. Mrs. Chavarria responded that the city started an agreement with the County to go together with the other Cities in the County to purchase supplies. It was too much work for the County, and an agreement was made with Pencilport to purchase supplies at a discount in lieu of purchasing collectively.

PUBLIC HEARING ON WATER RATE AND SERVICE CHARGE INCREASES

Mayor Ferguson opened the public hearing on proposed water rate and service charge increases. Prior to this meeting Council received an information packet concerning Water Department finances and containing the following information: (1) copy of the current proposed budget including rate increases, (2) copy of the proposed budget without rate increases, (3) copy of the January 1988 Council Subcommittee report, (4) copy of report outlining needed repairs and estimated costs at the water treatment plant, (5) copy of facilities plan for capital improvements, (6) copy of current resolution fixing water rates, (7) copy of current resolution setting Utility Service and Development Charges fees, (8) copy of Enterprise Zone Incentives, (9) copy of fact sheet outlining Water Department financial condition, (10) copy of a schedule of water usage information, and (11) copy of a chart of meter equivalents. A fact sheet prepared by City Treasurer Polly Chavarria and presented by Technician/Planner Fred Towne related the following:

PURPOSE:

To outline facts pertaining to the Toledo Water Department's financial condition.

FACTS:

1. Over the last twelve months expenditures and transfers have exceeded revenues by approximately 9%.
2. The Water Fund cash balance at the end of April is minus \$500.
3. While 72% of expected revenues have been received, only 44% of expenditures have been made.

4. Needed repairs at the Water Treatment Plant are estimated at a minimum of \$150,000.
5. The Council's Water/Sewer Subcommittee, in their January 1988 report, noted that adjustments may be required in system fees in the near future to maintain this fund's balance.
6. The budgeted transfer from the Water Fund into the Public Works Equipment Reserve Fund will not be made in the 1988-89 fiscal year due to lack of funds.
7. No funds are being set aside at this time for future repair, modification and expansion of the water system. It was previously thought that the money being held in the Litigation Reserve Fund might be available for this purpose, but that money has been paid to Seal Rock.

In the past Urban Renewal funds had been used for major water projects, but these funds are also no longer available.

8. There was a water rate restructuring in April 1988, but there has been no rate increase since 1982.
9. The beginning fund balance for fiscal year 1989-90 is projected to be zero.
10. The following chart shows comparison rates with other cities for a standard 5/8" or 3/4" residential water customer. The average usage for a customer in the City of Toledo is 4,300 gallons.

CITY	USAGE			CHGS FOR		
	BASE RATE	INC IN BASE	RATE/ 1000 GAL	2000 GAL USAGE	5300 GAL USAGE	10000GAL USAGE
Toledo	5.60	0	.40	6.40	7.75	9.60
Newport*	5.18	1000 gal	.92	6.10	9.14	13.46
Lincoln City	8.99	3000 gal	1.80	8.99	13.13	21.59
Seal Rock	9.00	0	1.33	11.66	16.05	22.30
Waldport	8.50	2250 gal	.67	8.50	10.54	13.69
Philomath	8.25	0	1.44	11.13	15.88	22.65

* projecting a 15% increase in rates for 1989-90 fiscal year

Fred Towne noted the following recommended increases:

TYPE	CURRENT CHG	PROPOSED CHARGE
(1) WATER USE CHARGE	\$0.40/1000 gal	\$0.50/1000 gal
(2) FACILITIES CHARGES:		

Meter Size	Equivalent
5/8" & 3/4"	1

1"	2.5	2.6
1-1/4"	2.5	4.1
1-1/2"	5	5.9
2"	8	10.5
3"	16	23.6
4"	25	41.9
6"	50	94.3
8"	80	167.5
10"	115	261.0
12"	-	377.0

(3) SERVICE CHARGE	\$ 5.00	to	\$10.00
(4) DELINQUENT CHARGE	\$ 2.00	to	\$ 5.00
(5) RECONNECTION CHARGE	\$ 10.00	to	\$15.00
(6) WATER DEPOSIT	\$ 20.00	to	\$30.00

(7) FIRE STANDBY:

Meter Size	Monthly Charge		
2 inch	\$ 16.00	to	\$ 21.00
6 inch	100.00	to	188.60
8 inch	160.00	to	335.00
10 inch	230.00	to	522.00

Towne noted that the Seal Rock Water District rates are still in negotiation; however, \$0.50 per thousand gallons is included in the 1989-90 budgeted water revenues for Seal Rock. The above noted increases are a first step effort to make the Water Fund self supporting. Continued monitoring by staff and the subcommittee of the Water Fund and Sewer Fund is essential to insure that these funds will be self supporting as mandated by the Federal Government. A Sewer Reserve Fund has been incorporated in the 1989-90 budget, and a Water Reserve Fund needs to be added the following year to help fund capital improvements.

It was suggested that water deposits be increased to \$60.00, instead of \$30.00, in an effort to reduce the delinquent final utility bills. Treasurer Chavarria said that it is staff's opinion that the proposed \$30.00 deposit will reduce the accumulation of delinquent final utility bills; whereas, a \$60.00 deposit would cost more staff time to collect than it would save in delinquent fees.

Water Treatment Plant Operator Bob Edenfield commented that other utility rates have been increasing at a far greater rate than the City's rates, that the cost of supplies to the City have increased, and that the recommended increases are warranted. Seal Rock Water District Attorney Gene Richardson made no comment on the increased water rates; however, he did note that the State is trying to reduce the water rights on the Siletz River and that it will take cooperation of all of the large water rights holders in order to maintain our water rights.

Manager Allan noted that the Seal Rock Water District and Toledo staff are aware of the water right legislation and have requested a hearing. A meeting is scheduled with the Water Resources Department on Wednesday, May 3, 1989. The group will meet at 9:30 a.m. to walk the ground, view the locations of the water rights and will hold a meeting at 1:00 p.m. in the County conference room. Mayor Ferguson closed the public hearing .

RESOLUTION NO. 818 - FIXING WATER RATES AND CHARGES

Resolution No. 818 fixes the rates and charges to be paid by the users of the water system of the City of Toledo. Motion was made by Councilor Stock and seconded by Councilor Strom to adopt Resolution No. 818 with the correction to remove the 3/4" equivalent and combine the 3/4" with the 5/8" inch meter equivalent. Council comments included: (1) even with these increases, the Toledo water rates and charges are considerably under the rates and charges of the neighboring cities; (2) the average residential customer's bill will increase by approximately \$0.55; (3) there was a concern with the fire standby rate increase; (4) there were no negative comments at the public hearing and none received at City Hall; (5) the need for utility increases has been discussed at several previous Council Meetings and was indicated in the sub-committee report submitted last year. The motion passed unanimously.

LIQUOR LICENSE RENEWALS

Liquor license renewal applications were received from Toledo Food Fair, Spar Tree Tavern, Eagles Lodge, Timbers Restaurant and Westgate Lanes and were approved by Chief of Police Jerry Pryor. Motion was made and seconded (Stock/ Peterson) to approve the above named liquor license renewal applications. The motion passed with Mayor Ferguson abstaining. Mayor Ferguson noted that he objects to alcoholic beverages being served at the Bowling Alley.

A five minute break was called, after which the meeting was reconvened.

LIBRARY DEPARTMENT QUARTERLY REPORT - BLYTHE JORGENSEN, LIBRARIAN

Librarian Blythe Jorgensen said that the purpose of the library is: (1) to provide a library collection of print and non print materials that meets the needs and interests of the community, (2) to maintain the collection so that the materials are easily accessible, and (3) to encourage maximum use of all library services by the community. Librarian Jorgensen showed transparencies and gave explanations on the library's long range plans and the amount of staff time and resources required to the programs. The following illustrates:

- A. To supply books, materials and facilities, organize and maintain same for easy access, supply adequate control to allow minimum loss takes up 24% of staff time and 45% of the Library budget. The Toledo Library was number one in the State for circulation per capita.

RESOLUTION NO. 613

A RESOLUTION FIXING THE RATES AND CHARGES TO BE PAID BY THE
USERS OF THE WATER SYSTEM OF THE CITY OF TOLEDO.

WHEREAS The City of Toledo has passed an Ordinance establishing and
regulating its water system and requiring that all rates and charges to be
paid by users be fixed by Resolution of the Common Council,

NOW, THEREFORE, THE CITY OF TOLEDO, OREGON RESOLVES AS FOLLOWS:

Section 1. The just and equitable charge to be paid by all
users of the water system of the City of Toledo, Oregon within the
boundaries of the City shall be based on the following meter rates:

<u>UNIT RATES</u>		<u>TOTAL RATES</u>
The first	1,000 gals. per 1,000 gal. \$2.50	1,000 gals. \$2.50
The next	1,000 gals. per 1,000 gal. .50	2,000 gals. 3.00
The next	2,000 gals. per 1,000 gal. .35	4,000 gals. 3.70
The next	100,000 gals. per 1,000 gal. .25	104,000 gals. 28.70
The next	100,000 gals. per 1,000 gal. .25	204,000 gals. 53.70
The next	100,000 gals. per 1,000 gal. .25	304,000 gals. 78.70
All over	304,000 gals. per 1,000 gal. .25	

The meter rates for water users outside the boundaries of the City
shall be twice the above rates.

Section 2. The connection fee for service in a location not
previously served shall be the actual cost of labor, equipment, and
material furnished by the City, as defined in Section 33 of Ordinance
No. 1093 , or the following schedule, whichever is greater:

5/8" Connection	\$150.00
3/4" Connection	200.00
1" Connection	250.00

The fee for all other such connections shall be the above actual
cost.

The connection fee for a change in the size of existing service
shall be the above connection fee less credit for salvaged materials
from the original service.

All connection fees shall be paid in full before any work is
performed by the City or water service is begun.

Section 3. The service charge for all requests for service in
location previously served shall be \$3.00 per request. That charge may
be added to the first month's billing for water service.

If the water service to a user has been discontinued for any reason
and the water meter removed, the reconnection fee shall be \$3.00 plus a
fee of \$8.00, both payable in advance before water service is reinstated.

Section 4. The amount of the deposit for each applicant for water service shall be \$20.00, payable in full before water service is begun.

Section 5. Quarterly charges for the rental of meters in excess of 1 1/4" shall be as follows:

<u>METER SIZE</u>	<u>QUARTERLY RENTAL RATE</u>
1½ inches	\$ 2.50
2 "	3.75
3 "	6.00
4 "	16.00
6 "	32.00
8 "	75.00
10 "	100.00
12 "	125.00

Section 6. Monthly standby charges for automatic fire service shall be based on meter size as follows:

<u>METER SIZE</u>	<u>MONTHLY RENTAL RATE</u>
3 inches	\$ 2.00
4 "	3.00
6 "	3.50
8 "	4.00

Section 7. The amount of the deposit to cover the cost of the test of a meter shall be \$20.00 for a 3/4" X 5/8" meter, and for a larger meter, the deposit shall be an amount set by the City Manager upon application for the test.

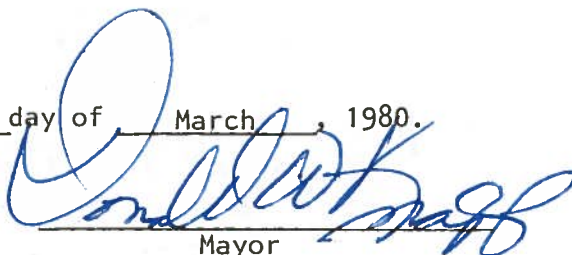
PASSED AND ADOPTED by the City Council of the City of Toledo, Oregon, this 3rd day of March, 1980, by the following vote:

YEAS: Mayor Donald Knapp, Councilmembers Stuart Davis, Floyd Ferguson, Vern Meyers, Nancy Boyer, and Jack Stock.

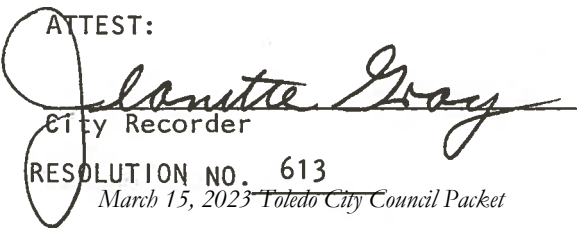
NAYS: None.

ABSENT: Hillard Brown.

APPROVED by the Mayor this 3rd day of March, 1980.


Mayor

ATTEST:


City Recorder

RESOLUTION NO. 613

March 15, 2023 Toledo City Council Packet

RESOLUTION 818.

A RESOLUTION FIXING THE RATES AND CHARGES TO BE PAID BY
THE USERS OF THE WATER SYSTEM OF THE CITY OF TOLEDO.

WHEREAS the City of Toledo has passed an ordinance establishing and regulating its water system and requiring that all rates and charges to be paid by users be fixed by resolution of the Common Council; NOW, THEREFORE,

THE CITY OF TOLEDO RESOLVES AS FOLLOWS:

Section 1. Effective May 21, 1989, the just and equitable charge to be paid by all users of the water system of the City of Toledo, Oregon, within and outside the boundaries of the City shall be based on the following meter rates.

For all of water users, the charge for water is the sum of Facilities, Service and Water Use Charges:

	<u>Facilities Charge</u>	<u>Service Charge</u>	<u>Water Use Charge</u>
All customer classes	\$4.00	\$1.60	\$0.50

The Facilities Charge for each classification is based on one 5/8-inch meter equivalent, and the charge is increased by the following meter equivalent factor for any meter larger than the minimum size:

CAPACITY FACTORS

<u>Meter Size</u>	<u>Equivalent</u>
5/8"	1
3/4"	1.5
1"	2.6
1-1/4"	4.1
1-1/2"	5.9
2"	10.5
3"	23.6
4"	41.9
6"	94.3
8"	167.5
10"	261.0
12"	377.0

The Service Charge is determined and payable for each meter.

The Water Use Charge is for each 1,000 gallons of water consumed.

Section 2. The connection fee for service in a location within the boundaries of the City and not previously served shall be the actual cost of labor, equipment, and material furnished by the City, as defined in Section 33 of Toledo Ordinance No. 1093, or the following schedule, whichever is greater:

5/8" connection	\$150.00
3/4" connection	200.00
1" connection	250.00

The fee for all other such connection of larger meters shall be the above actual cost. The connection fee for change in the size of existing service shall be the above connection fee less credit for salvaged materials from the original service.

All connection shall be paid in full before any work is performed by the City or water service is begun.

Section 3. The service charge for requests for service shall be \$10.00 per request.

The delinquent payment fee shall be \$5.00.

If a City of Toledo employee is dispatched to discontinue water service to a user for non-payment of service, the reconnection fee shall be \$15.00. If the water meter is removed for any reason other than maintenance by the City, the reinstallation fee shall be \$15.00. Both fees are payable in advance before water service is reinstated.

Section 4. The amount of the deposit for each applicant for water service shall be \$30.00, payable in full before water service is begun.

Section 5. Monthly standby charges for automatic fire service shall be based on one-half of the Facilities Charge based on the meter size, for example:

<u>Meter Size</u>	<u>Monthly Charge</u>
2 inch	21.00
6 inch	188.60
8 inch	335.00
10 inch	522.00

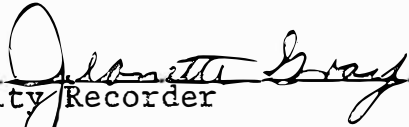
Section 6. The amount of deposit to cover the cost of the test of a meter shall be \$20.00 for a 3/4" or 5/8" meter, and for a larger meter, the deposit shall be an amount set by the City Manager upon application for the test.

Section 7. The fees and charges payable in this resolution shall be twice the amounts set forth in those sections for all users who reside outside the boundaries of the City.

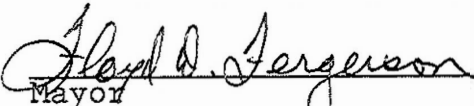
PASSED by the City Council on this
1st day of May, 1989.

APPROVED by the Mayor on
this 1st day of May,
1989.

ATTEST:


City Recorder

APPROVED:


Mayor

Utility Billing

Summary by Service Rate

User: jelmore
 Printed: 03/10/2023 - 10:34 AM
 Report Type: Detail



Service Number	Code	Description	Consumption Amount		Flat Amount	Tax Amount	Total Amount	Billable Consumption
	Account Number							
01								
	027	10" Fire Standby						
	000051-000		0.00		3,525.08	0.00	3,525.08	0.0000
	002086-000		0.00		3,525.08	0.00	3,525.08	0.0000
	027	10" Fire Standby	0.00		7,050.16	0.00	7,050.16	0.0000
	040	4" Fire Meter						
	000847-000		0.00		565.89	0.00	565.89	0.0000
	000873-000		0.00		565.89	0.00	565.89	0.0000
	001073-000		0.00		565.89	0.00	565.89	0.0000
	001960-000		0.00		565.89	0.00	565.89	0.0000
	040	4" Fire Meter	0.00		2,263.56	0.00	2,263.56	0.0000
	042	1.5" Fire Meter						
	103746-000		0.00		79.68	0.00	79.68	0.0000
	042	1.5" Fire Meter	0.00		79.68	0.00	79.68	0.0000
01			0.00		9,393.40	0.00	9,393.40	0.0000
03								
	104336-000		0.00		0.00	0.00	0.00	0.0000
	104340-000		0.00		0.00	0.00	0.00	0.0000
	104340-001		0.00		0.00	0.00	0.00	0.0000
	104342-000		0.00		0.00	0.00	0.00	0.0000
			0.00		0.00	0.00	0.00	0.0000
03			0.00		0.00	0.00	0.00	0.0000
04								
	000752-000		0.00		0.00	0.00	0.00	0.0000

Service Number		Consumption Amount	Flat Amount	Tax Amount	Total Amount	Billable Consumption
Code	Description					
Account Number						
		0.00	0.00	0.00	0.00	0.0000
04		0.00	0.00	0.00	0.00	0.0000
05						
	100208-000	0.00	0.00	0.00	0.00	0.0000
	104336-000	0.00	0.00	0.00	0.00	0.0000
	104340-000	0.00	0.00	0.00	0.00	0.0000
	104340-001	0.00	0.00	0.00	0.00	0.0000
	104342-000	0.00	0.00	0.00	0.00	0.0000
		0.00	0.00	0.00	0.00	0.0000
05		0.00	0.00	0.00	0.00	0.0000
		0.00	9,393.40	0.00	9,393.40	0.0000

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	March 15, 2023	New Liquor License application request – Dempseys, LLC
Council Goal:	Agenda Type:	
Not Applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Recorder L. Figueroa	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Staff makes on recommendation. The City Council may recommend approval or recommend denial of the Liquor License application for Dempseys, LLC.

Background:

A liquor license application was submitted by Kristi Martin, owner of Dempseys located at 155 N. Main Street, Toledo. The application requests Full On-Premises commercial sales. A copy of the application is attached. Their application was forwarded to the Police Department for review.

The final authority in permitting the Liquor License application rests with the Oregon Liquor Control Commission (OLCC).

Fiscal Impact:	Fiscal Year:	GL Number:
N/A	2022-2023	N/A

Attachment:

1. OLCC application



OREGON LIQUOR & CANNABIS COMMISSION LIQUOR LICENSE APPLICATION

Instructions

1. **Complete and sign** this application.
2. Prior to submitting this application to the OLCC, send the completed application to **the local government for the premises address** to obtain a recommendation.
 - If the premises street address is within a city's limits, the local government is the city.
 - If the premises street address is not within a city's limits, the local government is the county.
3. Collect the application from the local government **after** the recommendation has been provided.
4. **Email the application that contains the local government recommendation** to OLCC.LiquorLicenseApplication@Oregon.Gov.
5. **Do not** include any license fees with your application packet (fees will be collected at a later time). *When it's time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.*

License Request Options - Please see the general definitions of the license request options below:

- **New Outlet:** The licensing of a business that does not currently hold an active liquor license.
- **Change of Ownership:** The request to completely change the licensee of record at a licensed business.
- **Greater Privilege:** The request to replace a Limited On-Premises sales license with a Full On-Premises sales license.
- **Lesser Privilege:** The request to replace a Full On-Premises sales license with a Limited On-Premises sales license.
- **Additional Privilege:** The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an **additional** different liquor license type at that same premises location.

Additional Information

Applicant Identification: Please review [OAR 845-006-0301](#) for the definitions of "applicant" and "licensee" and [OAR 845-005-0311](#) to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per [OAR 845-005-0311\[6\]](#)) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.

Applicant Signature(s): Each individual listed in the applicant information box on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one individual who is authorized to sign for the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the below Authorized Representative area on page 2 as the applicant/licensee and/or
- Provide a Power of Attorney document showing the permissions allowable on the behalf of the applicant/licensee with this submission

Please note that applicants/licensees are responsible for all information provided on this form, even if an authorized representative or individual with authority signs on behalf of the applicant.

For help with this application or any related documents or processes, email olcc.alcohollicensing@oregon.gov.

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

☒ New Outlet | ☐ Change of Ownership | ☐ Greater Privilege | ☐ Lesser Privilege | ☐ Additional Privilege

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- ☒ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th

Brewery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Distillery

- ☐ Primary location
- Additional tasting locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th ☐ 6th

☐ Limited On-Premises

☐ Off Premises

☐ Warehouse

☐ Wholesale Malt Beverage and Wine

INTERNAL USE ONLY

Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

City/County name:

Date application received:

Optional: Date Stamp

- ☐ Recommend this license be granted
- ☐ Recommend this license be denied

Printed Name

Date

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:

Dempseys, LLC

Name of entity or individual applicant #2:

Name of entity or individual applicant #3:

Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Dempseys

Premises street address (The physical location of the business and where the liquor license will be posted):

155 N. Main St.

City:

Toledo

Zip Code:

97391

County:

Lincoln

Business phone number:

541-961-8649

Business email:

dempseysonmain@gmail.com

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065(1).):

155 N. Main St

City:

Toledo

State:

OR

Zip Code:

97391

Does the business address currently have an OLCC liquor license? ☐ Yes ☒ No

Does the business address currently have an OLCC marijuana license? ☐ Yes ☒ No

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

☒ Make changes regarding this license/application on my behalf.

☒ Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name:

Abe Martin

Phone number:

[REDACTED]

Email:

[REDACTED]

City:

Toledo

State:

OR

Zip Code:

97391

Please note: liquor license applications are public records.

OLCC Liquor License Application (Rev. 2.1.23)

March 15, 2023 Toledo City Council Packet

Page 50 of 90

LIQUOR LICENSE APPLICATION

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:

Kristi A. Martin

Phone number:

Email:

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands OAR 845-005-0311 and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Page 4 of 4

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

<u>Kristi Martin</u> Print name	<u>[Signature]</u> Signature	<u>02/26/2023</u> Date	 Atty. Bar Info (if applicable)
 Print name	 Signature	 Date	 Atty. Bar Info (if applicable)
 Print name	 Signature	 Date	 Atty. Bar Info (if applicable)
 Print name	 Signature	 Date	 Atty. Bar Info (if applicable)

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	March 15, 2023	Approval to declare Fire Department equipment as surplus
Council Goal:	Agenda Type:	
Not Applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
Fire Chief L.Robeson	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

Motion to declare the Fire Department equipment listed as surplus.

Background:

The attached list identifies air packs and bottles that were replaced five years ago. Packs and bottles have a 15 year life span and are also technologically outdated. The equipment listed has been sitting in the shed that long. There is no value to the product now that it is outdated but the department needs to get rid of them.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2022-2023	N/A

Attachment:

1. Equipment list



Survivair SCBAs

Current inventory

8 – 60min cylinders

42 – 45min cylinders

15 – 30min cylinders

44 – Air packs

58 – Survivair masks

4 – RIT kits

All cylinders have exceeded their OSHA lifespan of 15 years are no longer serviceable.

I have contacted Raul Garza from woodburn fire Department who ships out of service equipment to Mexico for use as the equipment is not regulated by OSHA and is still usable.

I am currently waiting for a response

1/9/2023

House Bill 3220

Sponsored by Representative MARSH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions of electronics recycling program. Expands definition of covered electronic device. Establishes criteria for electronics producer responsibility programs. Repeals requirement that Department of Environmental Quality establish state contractor program. Repeals requirement that department make certain calculations used in administration of program.

Directs Environmental Quality Commission to establish fee calculated to cover costs to department of carrying out program.

Establishes that changes to program become operative on July 1, 2025. Provides transition provisions.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to electronics recycling; creating new provisions; amending ORS 459.247, 459A.305, 459A.310, 459A.320, 459A.330, 459A.335, 459A.340, 459A.355 and 459A.360; repealing ORS 459A.315, 459A.322 and 459A.325; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

ELECTRONICS PRODUCER RESPONSIBILITY

(Changes to Oregon E-Cycles Program)

SECTION 1. ORS 459A.305 is amended to read:

459A.305. As used in ORS 459A.305 to 459A.355:

(1) "Brand" means a name, symbols, words or marks that identify a covered electronic device, rather than any of its components, and attribute the device to the owner of the brand as the manufacturer.

(2) "Collector" means an entity that collects covered electronic devices as part of *[a manufacturer program or the state contractor program]* **an electronics producer responsibility program**.

[(3) "Computer peripheral" means:]

[(a) A keyboard or mouse sold exclusively for external use with a computer as a wireless or corded device that provides input into, or output from, a computer; or]

[(b) Cords used with a keyboard or mouse described in paragraph (a) of this subsection.]

[(4)(a)] **(3)(a)** "Covered electronic device" means:

(A) A computer monitor of any type having a viewable area greater than four inches measured diagonally;

(B) A desktop computer or portable computer;

(C) A television;

(D) A *[computer]* peripheral; *[or]*

(E) A printer~~[[.]]~~;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 **(F) A facsimile machine;**
- 2 **(G) A videocassette recorder;**
- 3 **(H) A portable digital music player that has memory capability and is battery powered;**
- 4 **(I) A digital video disc player;**
- 5 **(J) A digital video disc recorder;**
- 6 **(K) A video game console;**
- 7 **(L) A digital converter box;**
- 8 **(M) A cable receiver;**
- 9 **(N) A satellite receiver;**
- 10 **(O) A router; or**
- 11 **(P) A modem.**

12 (b) "Covered electronic device" does not include:

13 (A) Any part of a motor vehicle;

14 (B) Any part of a larger piece of equipment designed and intended for use in an industrial,
15 commercial or medical setting, such as diagnostic, monitoring or control equipment;

16 (C) Telephones or personal digital assistants of any type unless the telephone or personal digital
17 assistant contains a viewable area greater than four inches measured diagonally; or

18 (D) Any part of a clothes washer, clothes dryer, refrigerator, freezer, microwave oven, conven-
19 tional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier.

20 [(5)] **(4)** "Covered entity" means any Oregon household, a business that employs 10 or fewer in-
21 dividuals, a [not-for-profit] **nonprofit** organization [exempt from taxation under section 501(c)(3) of the
22 *Internal Revenue Code*] that employs 10 or fewer individuals, or any person giving seven or fewer
23 covered electronic devices to a collector at any one time.

24 **(5) "Electronics producer responsibility organization" means a nonprofit organization**
25 **designated by a manufacturer or group of manufacturers to act as an agent of the man-**
26 **ufacturer or group of manufacturers for the purpose of developing and implementing an**
27 **electronics producer responsibility program on behalf of the manufacturer or group of man-**
28 **ufacturers, as required by ORS 459A.305 to 459A.355.**

29 **(6) "Electronics producer responsibility program" means a statewide program for col-**
30 **lecting, transporting and recycling covered electronic devices that is implemented by an**
31 **electronics producer responsibility organization pursuant to a plan approved by the Depart-**
32 **ment of Environmental Quality under section 5 of this 2023 Act.**

33 [(6)] **(7)** "Environmentally sound management practices" means practices that comply with all
34 applicable laws, including but not limited to adequate record keeping, tracking the fate of recycled
35 materials, performance audits and inspections, provisions for reuse and refurbishment, compliance
36 with worker health and safety requirements, maintaining liability insurance and financial assurances
37 and practices that may be adopted by rule by the Environmental Quality Commission.

38 [(7)(a)] **(8)(a)** "Manufacturer" means any person, irrespective of the selling technique used, in-
39 cluding by means of remote sale:

40 (A) That manufactures covered electronic devices under a brand that it owns or is licensed to
41 use;

42 (B) That sells covered electronic devices manufactured by others under a brand that the seller
43 owns;

44 (C) That manufactures covered electronic devices without affixing a brand;

45 (D) That manufactures covered electronic devices to which it affixes a brand that it does not

own; or

(E) On whose account covered electronic devices manufactured outside the United States are imported into the United States. This subparagraph does not apply if, at the time the covered electronic devices are imported into the United States, another person is registered as the manufacturer of the brand of the covered electronic devices.

(b) "Manufacturer" does not include a person:

(A) With a license to manufacture covered electronic devices for delivery exclusively to or at the order of the licensor.

(B) That manufactures only [computer] peripherals and no other covered electronic devices.

[(8) "Manufacturer program" means a statewide plan for collecting, transporting and recycling covered electronic devices that is provided by a single manufacturer or group of manufacturers pursuant to ORS 459A.320.]

(9) "Nonprofit organization" means an organization or group of organizations described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code.

[(9) "Nontelevision device" means a device described in subsection (4)(a)(A), (B), (D) or (E) of this section.]

[(10) "Nontelevision market share" means a manufacturer's percentage of all registered covered electronic devices except those described in subsection (4)(a)(C) of this section that are sold in this state during a specified time period.]

[(11)] **(10) "Orphan device" means a covered electronic device for which no manufacturer can be identified.**

(11) "Peripheral" means:

(a) A keyboard, mouse or other device sold exclusively for external use with a covered electronic device as a wireless or corded device that provides input into, or output from, a covered electronic device;

(b) Cords used with a keyboard, mouse or other device described in paragraph (a) of this subsection; or

(c) Other devices or equipment sold for use with a covered electronic device, as further defined by the commission by rule.

(12) "Person" means the United States, the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or other legal entity.

(13) "Portable computer" means any of the following that has a viewable area greater than four inches measured diagonally and that can be carried as one unit by an individual:

(a) A laptop computer;

(b) A notebook computer; or

(c) A notepad computer.

(14) "Premium service" means services such as at-location system upgrade services and at-home pickup services, including curbside pickup service.

(15)(a) "Printer" means a device that:

(A) Is used to make reproductions, or is multifunctional and performs one or more operations such as scanning or faxing in addition to making reproductions;

(B) Is designed to be placed on a desk or other work surface and may include an optional floor stand; and

(C) Uses print technology such as laser, electrographic, ink jet, dot matrix, thermal or digital sublimation.

(b) "Printer" does not include a device used to make reproductions that:

(A) Is floor-standing;

(B) Is a point of sale receipt printer;

(C) Is also a calculator;

(D) Can also make labels; or

(E) Is embedded in something other than a covered electronic device.

(16)(a) "Recycling" means:

(A) Processing through disassembling, dismantling, shredding, transforming or remanufacturing covered electronic devices, components and by-products into usable or marketable raw materials or products in a manner such that the original products may lose their identity; or

(B) Smelting materials from components removed from covered electronic devices to recover metals for reuse in conformance with applicable laws and rules.

(b) "Recycling" does not include:

(A) Landfill disposal or incineration of covered electronic devices; or

(B) Energy recovery or energy generation by means of combusting covered electronic devices, components and by-products with or without other waste.

[(17) "Recycling credit" means a credit granted to a manufacturer program or a state contractor program for the collection, transport and recycling of covered electronic devices in an amount that exceeds the program's return share by weight for a calendar year.]

[(18)] (17) "Retailer" means a person that offers new covered electronic devices for sale at retail through any means, including but not limited to remote offerings such as sales outlets, catalogs or the Internet.

[(19) "Return share" means the minimum percentage of covered electronic devices that an individual manufacturer is responsible for collecting, transporting and recycling.]

[(20) "Return share by weight" means the minimum total weight of covered electronic devices that an individual manufacturer is responsible for collecting, transporting and recycling.]

[(21)(a)] (18)(a) "Sell" or "sale" means any transfer of title for consideration, including but not limited to remote sales conducted through sales outlets, catalogs or the Internet, or any other similar electronic means.

(b) "Sell" or "sale" does not include leases.

[(22) "State contractor program" means a statewide program for collecting, transporting and recycling covered electronic devices that is provided by the Department of Environmental Quality for manufacturers who pay a recycling fee to the department pursuant to ORS 459A.325.]

[(23)] (19) "Television" means a television of any type having a viewable area greater than four inches measured diagonally.

[(24) "Television market share" means a manufacturer's percentage of the registered covered electronic devices described in subsection (4)(a)(C) of this section that are sold in this state during a specified time period.]

SECTION 2. ORS 459A.310 is amended to read:

459A.310. (1) ORS 459A.305 to 459A.355 apply to all manufacturers engaging in the activities set forth in ORS 459A.305 [(7)] (8) before, on or after June 7, 2007.

(2) ORS 459A.305 to 459A.355 do not apply to reused or refurbished covered electronic devices.

(3) A manufacturer may not sell or offer for sale any covered electronic device[, except for

1 *computer peripherals,]* in or for delivery in this state unless:

2 **(a) Except as provided in subsection (4) of this section, the manufacturer participates in**
 3 **an electronics producer responsibility program that complies with the requirements of ORS**
 4 **459A.305 to 459A.355;**

5 ~~[(a)]~~ **(b)** The covered electronic device is labeled with a brand and the label is permanently af-
 6 fixed and readily visible; and

7 ~~[(b)]~~ **(c)** The brand is included in ~~[the]~~ **a** plan that is ~~[filed with]~~ **approved by** the Department
 8 of Environmental Quality pursuant to ~~[ORS 459A.320]~~ **section 5 of this 2023 Act.**

9 **(4) A manufacturer is not required to participate in an electronics producer responsibility**
 10 **program for a given year if the manufacturer provides proof to the department's satisfaction**
 11 **that the manufacturer sold fewer than 50 covered electronic devices in this state during the**
 12 **previous year.**

13 **(5) The failure of an electronics producer responsibility organization to satisfy any of the**
 14 **obligations delegated to it by a manufacturer does not relieve the manufacturer of the**
 15 **manufacturer's obligation to satisfy the requirements of ORS 459A.305 to 459A.355.**

16 **SECTION 3.** ORS 459A.320 is amended to read:

17 459A.320. *[(1) A manufacturer choosing to implement a manufacturer program shall submit a plan*
 18 *to the Department of Environmental Quality at the time of payment of the annual registration fee re-*
 19 *quired under ORS 459A.315.]*

20 **(1) In the form and manner prescribed by the Department of Environmental Quality, an**
 21 **electronics producer responsibility organization must annually submit to the department a**
 22 **plan for implementing an electronics producer responsibility program.**

23 **(2) The [manufacturer's] electronics producer responsibility organization's plan must describe**
 24 **how the [manufacturer] electronics producer responsibility organization will implement an**
 25 **electronics producer responsibility program that complies with ORS 459A.305 to 459A.355,**
 26 **including how the electronics producer responsibility organization will:**

27 **(a) Finance, manage and conduct a statewide program to collect covered electronic devices from**
 28 **covered entities in this state.**

29 **(b) Provide for environmentally sound management practices to collect, transport and recycle**
 30 **covered electronic devices.**

31 **(c) Provide for advertising and promotion of collection opportunities statewide and on a regular**
 32 **basis, as described in section 8 of this 2023 Act.**

33 **(d)(A) [Include convenient service in every county in this state and at least one collection site for**
 34 **any city with a population of at least 10,000.] Provide convenient service throughout the state,**
 35 **including to rural areas and historically underserved populations.**

36 **(B) At a minimum, convenient service must include a network of collection sites dis-**
 37 **tributed to ensure that 95 percent of the residents of this state are within 15 miles of a col-**
 38 **lection site, and must include:**

39 **(i) At least one collection site in each county;**

40 **(ii) In each city with a population of at least 10,000 but less than 200,000, at least one**
 41 **collection site, plus one additional collection site for every additional 20,000 residents of the**
 42 **city over 10,000; and**

43 **(iii) In each city with a population of 200,000 or greater, at least ten collection sites, plus**
 44 **one additional collection site for every additional 50,000 residents of the city over 200,000.**

45 **(C) Collection sites described in subparagraphs (B)(ii) and (iii) of this paragraph must be**

1 located within two miles of the city boundaries and located to provide reasonably convenient
2 and equitable access to all residents of the city served.

3 (D) A collection site for a county may be the same as a collection site for a city in the county.
4 Collection sites shall be staffed and open to the public at a frequency adequate to meet the needs
5 of the area being served. [A program] **An electronics producer responsibility organization** may
6 provide collection service jointly with another [program] **electronics producer responsibility or-**
7 **ganization.**

8 (E) The department may waive the requirements of subparagraphs (A) to (D) of this
9 paragraph with respect to a county or city if the proposed plan demonstrates to the
10 department's satisfaction that the electronics producer responsibility organization can pro-
11 vide service in that county or city through an alternative method that adequately meets the
12 needs of the jurisdiction.

13 (e) Ensure continuous improvement of the electronics producer responsibility program
14 by:

15 (A) Establishing measurable goals for:

16 (i) Collection, such as amount collected or usage rates of collection services;

17 (ii) Increasing public awareness of the program; and

18 (iii) Reuse, such as amount collected and diverted for reuse.

19 (B) Evaluating every four years whether additional electronic devices should be included
20 in the program.

21 (f) Coordinate with other electronics producer responsibility organizations, including
22 through a coordinating body under section 6 of this 2023 Act, if applicable.

23 (3) In addition to the information required under subsection (2) of this section, an elec-
24 tronics producer responsibility program plan must include:

25 (a) A list of all processors that will be used by the electronics producer responsibility
26 program;

27 (b) The contact information for the electronics producer responsibility organization;

28 (c) A list of all manufacturers participating in the electronics producer responsibility
29 program; and

30 (d) A list of all brands of covered electronic devices manufactured, sold or imported by
31 each participating manufacturer, including:

32 (A) Those brands being offered for sale in this state by each manufacturer; and

33 (B) Those brands that were offered for sale in this state by each manufacturer during
34 the previous year.

35 [(3) A manufacturer choosing to implement a manufacturer program shall:]

36 [(a) Meet or exceed the requirements for collection sites described in subsection (2) of this
37 section.]

38 (4) **An electronics producer responsibility organization must:**

39 [(b)] (a) Provide for collection, transportation and recycling of covered electronic devices for
40 covered entities free of charge, except that [a manufacturer] **an electronics producer responsibil-**
41 **ity program** that provides premium service for a covered entity may charge for the additional cost
42 of that premium service.

43 [(c)] (b) Implement the plan required under this section.

44 (c) **Provide financial compensation to collection sites for their reasonable actual costs to**
45 **collect and manage covered electronic devices.**

(d) Enter into agreements with all willing, permitted transfer stations, as defined in ORS 459.005, to collect covered electronic devices in accordance with all applicable laws and the approved electronics producer responsibility program plan.

[(d)] **(e) Conduct a statistically significant sampling or actual count of the covered electronic devices, except for [computer] peripherals, collected and recycled by the [manufacturer] electronics producer responsibility program each [calendar] year using a methodology approved by the department. The [manufacturer] electronics producer responsibility organization shall report the results of the sampling or count to the department at least annually or as required by the department. The sampling or count methodology must take into account information including but not limited to the device type, weight and brand of each unit sampled.**

[(e)] **(f) In addition to the report required by paragraph [(d)] (e) of this subsection, in the form and manner prescribed by the department, [and no later than March 1 of each year, the manufacturer shall] provide [a] an annual report to the department that:**

(A) Includes the total weight of covered electronic devices, including orphan devices and [computer] peripherals, collected from covered entities in this state by the [manufacturer] electronics producer responsibility program during the previous [calendar] year;

(B) Includes the total weight of each type of covered electronic device, including orphan devices and [computer] peripherals, collected from covered entities in this state by the [manufacturer] electronics producer responsibility program during the previous [calendar] year; [and]

[(C) Details how the plan required under this section was implemented during the previous calendar year.]

(C) Includes a list of all collection sites and processors used by the electronics producer responsibility program;

(D) Includes the total amount, by weight, of each type of covered electronic device, including orphan devices and peripherals, collected at each collection site, presented in a manner that assists the department in determining the rate of use of each collection site;

(E) Includes the results of any approved alternative methods of service in adequately meeting the needs of the applicable jurisdiction, including the date of each alternative service event and the total weight of each type of covered electronic device, including orphan devices and peripherals, collected at each alternative service event;

(F) Details how the plan required under this section was implemented during the previous year, including:

(i) A description of how the electronics producer responsibility organization complied with subsection (2)(e) of this section that includes whether goals have been met, a summary of public awareness activities and copies of public awareness materials developed by the electronics producer responsibility organization; and

(ii) A summary of any safety or security problems that occurred during the collection, transportation or disposal of covered electronic devices and the actual or potential future resolutions of those problems; and

(G) Includes an attestation that all covered electronic devices collected under the electronics producer responsibility program were collected and disposed of in compliance with all applicable laws, rules and regulations and in accordance with environmentally sound management standards.

(g) Retain all records related to the implementation and administration of the electronics producer responsibility program for not less than five years from the time the record was

1 created and make the records available for inspection and audit by the department upon re-
2 quest.

3 (h) Provide, upon the request of the department, the contact information and a point of
4 contact for each manufacturer participating in the electronics producer responsibility pro-
5 gram.

6 (5) The department shall review reports submitted under subsection (4)(f) of this section,
7 and approve those reports that the department determines satisfy the requirements of sub-
8 section (4)(f) of this section. If the department does not approve a report, the department
9 shall provide the electronics producer responsibility organization with written notice of re-
10 visions necessary for approval and the timeline for resubmittal.

11 (6) Rules adopted by the Environmental Quality Commission to implement this section
12 may include standards for environmentally sound management practices and standards for
13 participating collection sites.

14 *[(4) A group of manufacturers may choose to implement a manufacturer program as one entity, if
15 in doing so the manufacturers meet the sum of their individual return shares by weight under ORS
16 459A.340 (3) and that sum is at least five percent.]*

17 *[(5) By July 1 of each year, a manufacturer that does not meet its return share by weight for the
18 previous calendar year shall pay the department for the amount not achieved at a rate determined by
19 the department to be equivalent to the amount the manufacturer would have paid, plus 10 percent, to
20 be part of the state contractor program under ORS 459A.340.]*

21 *[(6) A manufacturer participating in the state contractor program under ORS 459A.340 shall notify
22 the department at the time of its registration each year.]*

23 *[(7) Except as provided in subsection (4) of this section, a manufacturer with less than a five per-
24 cent return share is required to participate in the state contractor program under ORS 459A.340.]*

25 **SECTION 4.** Sections 5 to 8 of this 2023 Act are added to and made a part of ORS 459A.310
26 to 459A.335.

27 **SECTION 5.** (1) The Department of Environmental Quality shall approve an electronics
28 producer responsibility program plan as provided in this section if the department deter-
29 mines that the plan satisfies the requirements of ORS 459A.320.

30 (2) Not later than 60 days after receiving a plan under ORS 359A.320, the department
31 shall either approve, approve with conditions or reject the plan. If the department rejects the
32 plan, the department shall provide the reason or reasons for the rejection. An electronics
33 producer responsibility organization must submit a revised plan to the department no later
34 than 45 days after the date of the rejection.

35 (3) No later than 45 days after receiving a revised plan under subsection (2) of this sec-
36 tion, the department shall either approve, approve with conditions or reject the revised plan.

37 (4) If the department rejects a revised plan, the department may:

38 (a) Require the electronics producer responsibility organization to further revise the plan
39 in accordance with a timeline set forth by the department;

40 (b) Direct changes to the revised plan; or

41 (c) Direct the manufacturer or manufacturers on whose behalf the revised plan was
42 submitted to register with an electronics producer responsibility organization with an ap-
43 proved plan.

44 (5) If the department directs changes to a revised plan under subsection (4) of this sec-
45 tion, the electronics producer responsibility organization must implement the changes or

1 request a hearing under ORS chapter 183.

2 **SECTION 6.** If the Department of Environmental Quality approves more than one elec-
3 tronics producer responsibility program plan to be implemented:

4 (1) Two or more electronics producer responsibility organizations may coordinate to
5 jointly provide collection services or other activities required under ORS 459A.305 to
6 459A.355.

7 (2) Two or more electronics producer responsibility organizations may authorize a coor-
8 dinating body to coordinate activities required under ORS 459A.305 to 459A.355.

9 (3) Each electronics producer responsibility organization must coordinate with all other
10 electronics producer responsibility organizations to calculate market share if market share
11 will be used by electronics producer responsibility organizations to apportion responsibility
12 for developing and implementing educational resources and public awareness activities under
13 section 8 of this 2023 Act, for jointly providing collection services or for satisfying any other
14 obligations under ORS 459A.305 to 459A.355.

15 (4) The department may require two or more electronics producer responsibility organ-
16 izations to coordinate activities required under ORS 459A.305 to 459A.355 through a coordi-
17 nating body.

18 **SECTION 7.** (1) The Environmental Quality Commission shall establish by rule an annual
19 fee, which must be reasonably calculated to cover the costs to the Department of Environ-
20 mental Quality of implementing, administering and enforcing ORS 459A.305 to 459A.355.

21 (2) The commission shall establish by rule a one-time plan review fee reasonably calcu-
22 lated to cover the costs to the department of reviewing the initial electronics producer re-
23 sponsibility program plan submitted to the department for approval under section 5 of this
24 2023 Act by each electronics producer responsibility organization. The department may not
25 approve an initial plan under section 5 of this 2023 Act if the electronics producer responsi-
26 bility organization has not paid the fee required by this subsection.

27 **SECTION 8.** (1) An electronics producer responsibility organization shall develop educa-
28 tional resources and public awareness activities to advertise and promote, on a regular basis,
29 recycling of covered electronic devices and collection opportunities statewide. At a minimum,
30 an electronics producer responsibility organization must:

31 (a) Promote recycling of covered electronic devices through the electronics producer re-
32 sponsibility program;

33 (b) Establish a toll-free telephone number and a website address that a covered entity
34 may use to contact the electronics producer responsibility organization about the electronics
35 producer responsibility program; and

36 (c) Publicize information on the location of collection sites and all other collections ser-
37 vices offered by the electronics producer responsibility program.

38 (2) If the Department of Environmental Quality approves more than one electronics
39 producer responsibility program plan, each electronics producer responsibility organization
40 must coordinate with all other electronics producer responsibility organizations to imple-
41 ment ongoing public awareness activities to ensure that covered entities can easily identify,
42 understand and access the services provided by all electronics producer responsibility pro-
43 grams that are operational in this state. The public awareness activities must:

44 (a) Utilize a statewide system of promotion;

45 (b) Be uniformly branded to allow covered entities to easily understand that all elec-

1 **tronics producer responsibility organizations are providing services under ORS 459A.305 to**
 2 **ORS 459A.355; and**

3 **(c) Satisfy the requirements of subsection (1) of this section, including providing a single**
 4 **website and toll-free telephone number listing the collection services of all electronics pro-**
 5 **ducer responsibility programs.**

6 **SECTION 9. Section 10 of this 2023 Act is added to and made a part of ORS 459A.305 to**
 7 **459A.355.**

8 **SECTION 10. (1) The Department of Environmental Quality may require a manufacturer**
 9 **or an electronics producer responsibility organization to submit information to the depart-**
 10 **ment to evaluate compliance with ORS 459A.305 to 459A.355. A manufacturer or electronics**
 11 **producer responsibility organization must submit any data or information required by the**
 12 **department under this subsection in the format requested by the department.**

13 **(2) Trade secrets, as defined in ORS 646.461, and information protected by trademark or**
 14 **patent that the department receives from an electronics producer responsibility organization**
 15 **or manufacturer pursuant to ORS 459A.305 to 459A.355 are confidential and not subject to**
 16 **public disclosure under ORS 192.311 to 192.478, except that the department may disclose**
 17 **summarized information or aggregated data if the information or data does not directly or**
 18 **indirectly identify the information of a specific electronics producer responsibility organiza-**
 19 **tion or manufacturer. For purposes of this subsection, compilations of publicly available in-**
 20 **formation, which may have economic value, are not considered to be confidential**
 21 **information.**

22 **SECTION 11. ORS 459A.335 is amended to read:**

23 **459A.335. (1) A retailer may not sell or offer for sale any covered electronic device, except for**
 24 **[computer] peripherals, in or for delivery into this state unless:**

25 **(a) The covered electronic device is labeled with a brand and the label is permanently affixed**
 26 **and readily visible;**

27 **(b) The brand is included on the list [posted] **made publicly available** by the Department of**
 28 **Environmental Quality pursuant to ORS 459A.340 (1); and**

29 **(c) The list [posted] **made publicly available** by the department pursuant to ORS 459A.340 [(1)]**
 30 **(3) specifies that the manufacturer is in compliance with the requirements of ORS 459A.305 to**
 31 **459A.355.**

32 **(2) A retailer shall provide to a consumer at the time of the sale of a covered electronic device**
 33 **information from the department's website that provides details about where and how a consumer**
 34 **can recycle covered electronic devices in Oregon. The information shall be provided in printed form**
 35 **for in-store sales and in printable form for Internet sales and other sales where the Internet is in-**
 36 **volved.**

37 **SECTION 12. ORS 459A.340 is amended to read:**

38 **459A.340. The Department of Environmental Quality shall **make publicly available:****

39 **[(1) Maintain and make available on its website the following lists, which must be updated by the**
 40 **first day of each month:]**

41 **[(a)] (1) A list of registered manufacturers and their brands;**

42 **[(b)] (2) A list of brands for which no manufacturer has registered; [and]**

43 **[(c)] (3) A list that identifies which manufacturers are in compliance with ORS 459A.305 to**
 44 **459A.355[.];**

45 **(4) Electronics producer responsibility program plans submitted to the department under**

ORS 459A.320;**(5) Revised plans submitted to the department under section 5 of this 2023 Act;****(6) Reports submitted to the department under ORS 459A.320; and**

[(2) Review and approve manufacturer plans that comply with ORS 459A.320 and are submitted annually by manufacturers choosing to implement a manufacturer program for recycling covered electronic devices.]

[(3)(a) For each calendar year, determine:]

[(A) The total weight in pounds of covered electronic devices, including orphan devices and computer peripherals, to be collected; and]

[(B) Of the total weight determined under subparagraph (A) of this paragraph, the proportion that is equal to the total weight of televisions and the proportion that is equal to the total weight of nontelevision devices.]

[(b) For each calendar year, determine each manufacturer's television market share and nontelevision market share as follows:]

[(A) A manufacturer's television market share shall be determined by dividing the total weight in pounds of televisions sold in this state under brands manufactured, sold or imported by the manufacturer during the previous calendar year by the total weight in pounds of televisions sold in this state under all brands manufactured, sold or imported by all registered manufacturers during the previous calendar year.]

[(B) A manufacturer's nontelevision market share shall be determined by dividing the total weight in pounds of nontelevision devices sold in this state under brands manufactured, sold or imported by the manufacturer during the previous calendar year by the total weight in pounds of nontelevision devices sold in this state under all brands manufactured, sold or imported by all registered manufacturers during the previous calendar year.]

[(C) The department may use national market data prorated for Oregon, retail or manufacturer data, consumer research or any other data from the previous calendar year, as determined by the department, to make the determinations described in this paragraph. The department may require a manufacturer to submit sales or other data regarding the number and weight of covered electronic devices sold in this state by the manufacturer. A manufacturer must submit any data required by the department under this subparagraph in the format requested by the department.]

[(c) Determine the return share and return share by weight each calendar year for each manufacturer as follows:]

[(A) A manufacturer's return share by weight shall be equal to the sum of the manufacturer's return share by weight for televisions as calculated under subparagraph (B) of this paragraph and the manufacturer's return share by weight for nontelevision devices as calculated under subparagraph (C) of this paragraph.]

[(B) A manufacturer's return share by weight for televisions shall be equal to the product of the manufacturer's television market share as determined under paragraph (b)(A) of this subsection multiplied by the total weight of television devices to be collected as determined under paragraph (a)(B) of this subsection.]

[(C) A manufacturer's return share by weight for nontelevision devices shall be equal to the product of the manufacturer's nontelevision market share as determined under paragraph (b)(B) of this subsection multiplied by the total weight of nontelevision devices to be collected as determined under paragraph (a)(B) of this subsection.]

[(D) A manufacturer's return share shall be equal to the quotient of the manufacturer's return

1 share by weight divided by the sum total of the return shares by weight for all manufacturers.]

2 [(d) By May 1 of each year, provide to each manufacturer that had a return share determined un-
3 der this section its return share and its return share by weight for the following year.]

4 [(4) Establish a state contractor program for the collection, transportation and recycling of covered
5 electronic devices from covered entities in this state. The state contractor program shall:]

6 [(a) To the extent practicable, use existing local collection, transportation and recycling
7 infrastructure.]

8 [(b) Utilize environmentally sound management practices to collect, transport and recycle covered
9 electronic devices.]

10 [(c) Provide for covered entities, free of charge, convenient and available collection services and
11 sites for covered electronic devices in both rural and urban areas.]

12 [(d) Advertise and promote collection opportunities statewide and on a regular basis.]

13 [(e) Conduct a statistically significant sampling or actual count of the covered electronic devices,
14 except for computer peripherals, collected and recycled by the state contractor program during each
15 calendar year using a methodology approved by the department. The state contractor shall report the
16 results of the sampling or count to the department at least annually or as required by the department.
17 The methodology must take into account information including but not limited to the device type, weight
18 and brand of each unit sampled.]

19 [(f) No later than March 1 of the following calendar year, report, for the previous calendar year:]

20 [(A) The total weight of covered electronic devices, including orphan devices and computer periph-
21 erals, collected from covered entities in this state by the state contractor program; and]

22 [(B) The total weight of each type of covered electronic device, including orphan devices and com-
23 puter peripherals, collected from covered entities in this state by the state contractor program during
24 the previous calendar year.]

25 [(5) Determine a manufacturer's annual registration fee for purposes of ORS 459A.315 (2). In de-
26 termining a manufacturer's annual registration fee, the department may use national market data pro-
27 rated for Oregon, retail or manufacturer data, consumer research or any other data from the previous
28 calendar year, as determined by the department. The department may require a manufacturer to submit
29 sales or other data regarding the number of covered electronic devices sold in this state by the man-
30 ufacturer. A manufacturer must submit any data required by the department under this subsection in
31 the format requested by the department.]

32 [(6) Determine the recycling fee to be paid under ORS 459A.325 by each manufacturer that partic-
33 ipates in the state contractor program established pursuant to subsection (4) of this section. The de-
34 partment shall determine the recycling fees based on the manufacturer's annual return share and return
35 share by weight as determined under subsection (3) of this section.]

36 (7) [Maintain on its website] Information on collection opportunities for covered electronic de-
37 vices, including collection site locations and hours. The information must be made available in a
38 printable format for retailers.

39 [(8) Report biennially to the Legislative Assembly on the operation of the statewide system for col-
40 lection, transportation and recycling of covered electronic devices.]

41 **SECTION 13. ORS 459A.315, 459A.322 and 459A.325 are repealed.**

42
43 **(Conforming Amendments)**

44
45 **SECTION 14. ORS 459.247 is amended to read:**

1 459.247. (1) No person shall dispose of and no disposal site operator shall knowingly accept for
2 disposal the following types of solid waste at a solid waste disposal site:

- 3 (a) Discarded or abandoned vehicles;
- 4 (b) Discarded large home or industrial appliances;
- 5 (c) Used oil;
- 6 (d) Tires;
- 7 (e) Lead-acid batteries; or
- 8 (f) Covered electronic devices.

9 (2) As used in this section:

10 (a) "Covered electronic device" *[has the meaning given that term in ORS 459A.305, except that*
11 *"covered electronic device" does not include a computer peripheral or a printer as those items are de-*
12 *defined in ORS 459A.305; and]* **means:**

13 **(A) A computer monitor of any type having a viewable area greater than four inches**
14 **measured diagonally;**

15 **(B) A desktop computer or a portable computer as defined in ORS 459A.305; or**

16 **(C) A television as defined in ORS 459A.305.**

17 (b) "Used oil" has the meaning given that term in ORS 459A.555.

18 (3) Nothing in this section shall prohibit a disposal site operator from accepting and storing, for
19 purposes of recycling or recovering, any of the types of solid waste listed in subsection (1) of this
20 section.

21 (4) The Environmental Quality Commission may postpone the prohibition under subsection (1)(f)
22 of this section in any area of this state where the commission determines there is an inadequate
23 system for the collection, transportation and recycling of covered electronic devices.

24 (5)(a) Each disposal site operator shall establish and implement, in accordance with any permit
25 requirements established by the Department of Environmental Quality, a program reasonably de-
26 signed to prevent acceptance of covered electronic devices for disposal. If an operator operates the
27 disposal site in conformity with the program, the operator is presumed to have complied with the
28 provisions of this section that prohibit knowingly accepting covered electronic devices for disposal.

29 (b) This section does not prevent the disposal site operator from accepting and storing, for
30 purposes of recycling, reusing or refurbishing, covered electronic devices.

31 **SECTION 15.** ORS 459A.330 is amended to read:

32 459A.330. (1) Except as authorized in subsection (2) of this section, *[a manufacturer program, the*
33 *state contractor program]* **an electronics producer responsibility program** or a collector partic-
34 ipating in *[a manufacturer program or the state contractor program]* **an electronics producer re-**
35 **sponsibility program** may not charge a fee to covered entities for the collection, transportation or
36 recycling of covered electronic devices.

37 (2) A collector that provides a premium service to a covered entity may charge for the addi-
38 tional cost of providing the premium service.

39 **SECTION 16.** ORS 459A.355 is amended to read:

40 459A.355. The Covered Electronic Devices Account is established separate and distinct from the
41 General Fund. Interest earned by the account shall be credited to the account. Moneys in the ac-
42 count are continuously appropriated to the Department of Environmental Quality and may be used
43 only to pay the costs of **administering, implementing and enforcing** ORS 459A.305 to 459A.355 and
44 enforcing the prohibition in ORS 459.247 relating to disposal of covered electronic devices.

45 **SECTION 17.** ORS 459A.360 is amended to read:

1 459A.360. (1) The Department of Environmental Quality shall evaluate any federal law that es-
 2 tablishes a national program for the collection and recycling of electronic devices.

3 (2) If the department determines that the federal law substantially meets or exceeds the re-
 4 quirements and intent of ORS 459A.305 to 459A.355, the department shall include information on the
 5 federal law in *[the next biennial report to the Legislative Assembly pursuant to ORS 459A.340.]* a
 6 report to the Legislative Assembly in the manner provided by ORS 192.245.

8 TRANSITIONAL PROVISIONS

9
 10 **SECTION 18.** (1) Sections 5 to 8 and 10 of this 2023 Act, the amendments to ORS 459.247,
 11 459A.305, 459A.310, 459A.320, 459A.330, 459A.335, 459A.340, 459A.355 and 459A.360 by sections
 12 1 to 3, 11, 12 and 14 to 17 of this 2023 Act and the repeal of ORS 459A.315, 459A.322 and
 13 459A.325 by section 13 of this 2023 Act become operative on July 1, 2025.

14 (2) The Department of Environmental Quality and the Environmental Quality Commis-
 15 sion may take any action before the operative date specified in subsection (1) of this section
 16 that is necessary to enable the department and the commission to exercise, on and after the
 17 operative date specified in subsection (1) of this section, all the duties, functions and powers
 18 conferred on the department and the commission by sections 5 to 8 and 10 of this 2023 Act,
 19 the amendments to ORS 459.247, 459A.305, 459A.310, 459A.320, 459A.330, 459A.335, 459A.340,
 20 459A.355 and 459A.360 by sections 1 to 3, 11, 12 and 14 to 17 of this 2023 Act and the repeal
 21 of ORS 459A.315, 459A.322 and 459A.325 by section 13 of this 2023 Act.

22 **SECTION 19.** (1) Notwithstanding the operative date specified in section 18 of this 2023
 23 Act, sections 5 to 8 and 10 of this 2023 Act and the amendments to ORS 459A.305 and 459A.320
 24 by sections 1 and 3 of this 2023 Act apply to electronics producer responsibility program plans
 25 submitted to the Department of Environmental Quality pursuant to subsection (2) of this
 26 section.

27 (2) An electronics producer responsibility organization that plans to implement an elec-
 28 tronics producer responsibility program beginning July 1, 2025, must submit an electronics
 29 producer responsibility program plan to the department no later than November 1, 2024.

30 **SECTION 20.** (1) Notwithstanding ORS 459A.340 (3), for the period beginning January 1,
 31 2025, and ending June 30, 2025:

32 (a) The total weight of covered electronic devices to be collected shall be equal to one
 33 half of the total weight of covered electronic devices to be collected for the 2024 calendar
 34 year determined by the Department of Environmental Quality under ORS 459A.340 (3).

35 (b) A manufacturer's television market share, nontelevision market share, return share
 36 and return share by weight shall be equal to one half of the manufacturer's television market
 37 share, nontelevision market share, return share and return share by weight for the 2024
 38 calendar year, respectively, as determined by the department under ORS 459A.340 (3).

39 (2) Notwithstanding ORS 459A.315 (1), on or after October 1, 2023, and before January 1,
 40 2024, a manufacturer of covered electronic devices sold or offered for sale in this state shall
 41 register with the department for the period beginning January 1, 2024, and ending June 30,
 42 2025. The registration shall be on a form provided by the department and shall include the
 43 information required under ORS 459A.315 (1)(a) to (c).

44 (3) Notwithstanding ORS 459A.315 (2) and 459A.340 (5), in lieu of the annual registration
 45 fee to be paid by manufacturers of covered electronic devices not later than July 1, 2024, a

1 manufacturer of covered electronic devices shall pay to the department a fee reasonably
 2 calculated by the department to cover the costs to the department of implementing ORS
 3 459A.305 to 459A.355, excluding costs incurred under ORS 459A.340 (4), for the period begin-
 4 ning January 1, 2024, and ending June 30, 2025. In determining the fee under this subsection,
 5 the department may use data, or require a manufacturer to submit data, in the same manner
 6 as provided by ORS 459A.340 (5). A manufacturer shall pay the fee determined under this
 7 subsection no later than July 1, 2024.

8 (4)(a) Notwithstanding ORS 459A.340 (2), the department may extend the approval of
 9 manufacturer plan previously approved by the department for the 2024 calendar year so that
 10 a manufacturer may implement the manufacturer program, as provided in the previously
 11 approved plan, for the period beginning January 1, 2025, and ending June 30, 2025.

12 (b) Notwithstanding ORS 459A.320 (1), a manufacturer that has a program plan approval
 13 extended under paragraph (a) of this subsection is not required to submit an additional plan
 14 for approval for any part of the 2025 calendar year.

15 (5) Notwithstanding ORS 459A.325 and 459A.340 (6), the recycling fee under ORS 459A.325
 16 that is to be paid no later than September 1, 2024, by manufacturers participating in the
 17 state contractor program shall be based on each manufacturer's return share and return
 18 share by weight as determined under subsection (1) of this section and calculated by the
 19 department to cover the costs of collecting, transporting and recycling the manufacturer's
 20 return share of covered electronic devices for January 1, 2025, to June 30, 2025.

21 **SECTION 21.** (1) Notwithstanding the amendments to ORS 459A.320 by section 3 of this
 22 2023 Act:

23 (a) No later than October 1, 2025, a manufacturer choosing to implement a manufacturer
 24 program for January 1, 2025, to June 30, 2025, shall provide a report to the Department of
 25 Environmental Quality that:

26 (A) Includes the total weight of covered electronic devices, including orphan devices and
 27 computer peripherals, collected from covered entities in this state by the manufacturer from
 28 January 1, 2025, to June 30, 2025;

29 (B) Includes the total weight of each type of covered electronic device, including orphan
 30 devices and computer peripherals, collected from covered entities in this state by the man-
 31 ufacturer from January 1, 2025, to June 30, 2025; and

32 (C) Details how the manufacturer plan was implemented from January 1, 2025, to June
 33 30, 2025.

34 (b) By July 1, 2025, a manufacturer that does not meet its return share by weight for the
 35 2024 calendar year shall pay the department for the amount not achieved at a rate deter-
 36 mined by the department to be equivalent to the amount the manufacturer would have paid,
 37 plus 10 percent, to be part of the state contractor program under ORS 459A.340.

38 (c) By January 1, 2026, a manufacturer that does not meet its return share by weight for
 39 the period beginning January 1, 2025, and ending June 30, 2025, shall pay the department for
 40 the amount not achieved at a rate determined by the department to be equivalent to the
 41 amount the manufacturer would have paid, plus 10 percent, to be part of the state contractor
 42 program under ORS 459A.340.

43 (2) Notwithstanding the amendments to ORS 459A.340 by section 12 of this 2023 Act, no
 44 later than October 1, 2025, the state contractor program shall provide a report to the de-
 45 partment that:

1 (a) Includes the total weight of covered electronic devices, including orphan devices and
2 computer peripherals, collected from covered entities in this state by the state contractor
3 program from January 1, 2025, to June 30, 2025; and

4 (b) Includes the total weight of each type of covered electronic device, including orphan
5 devices and computer peripherals, collected from covered entities in this state by the state
6 contractor program from January 1, 2025, to June 30, 2025.

7
8 **CAPTIONS**
9

10 **SECTION 22.** The unit captions used in this 2023 Act are provided only for the conven-
11 ience of the reader and do not become part of the statutory law of this state or express any
12 legislative intent in the enactment of this 2023 Act.
13

14 **EFFECTIVE DATE**
15

16 **SECTION 23.** This 2023 Act takes effect on the 91st day after the date on which the 2023
17 regular session of the Eighty-second Legislative Assembly adjourns sine die.
18

January 18, 2023

To: Michael Lee, Oregon DEQ

From: Andrea Fogue, Governmental Affairs Director, ORRA

Re: ORRA E-Cycles Comments to DEQ on Proposed Legislative Concept 477

ORRA appreciated the small group conversation with DEQ and PSI on the proposed E-Cycles Program legislation and work that has gone into convening stakeholders on this critical issue. As we have stated in the 2022 Legislative Session and stakeholder conversations, our shared goal with the proposed legislation is to ensure a stable program that provides convenient, accessible collection of e-waste where these materials are safely handled and disposed of. An essential part of the solution is ensuring that collection sites are not dropped from the program without adequate consideration and notice to citizens who depend on this program.

ORRA offers the following comments and proposed changes for inclusion in the amendment to Legislative Concept 477. These are the areas we initially prioritized. We may have additional comments and suggestions based on the outcome of the amendment language and additional stakeholder conversations.

Landfill Ban Provision

ORRA does not support a landfill ban for newly added materials unless there is evidence of harm to the environment if the material is disposed of in a landfill.

Financial Compensation Provision (Section 3(4)(c))

ORRA proposes the following changes in bold text:

(c) Provide financial compensation to collection sites for their reasonable actual costs **including but not limited to transportation from a collection site to the processor, trained labor, equipment and supplies, appropriate signage, storage appropriate to protect human health and the environment and meet all local, state, and federal requirements, and any other reasonable costs to collect, store, manage and transport covered electronic devices** ~~to collect and manage covered electronic devices.~~

As discussed with DEQ, ORRA would expect additional details of what is covered within each category to be promulgated in administrative rules.

Opt-In Provision (Section 3(4)(d))

ORRA proposes the following changes in strike through and bold text:

(d) Enter into agreements with all willing ~~permitted transfer~~

~~stations, as defined in ORS 459.005,~~ **willing facilities covered under a DEQ Solid Waste Disposal Site Permit** to collect covered electronic devices in accordance with all applicable laws and the approved electronics producer responsibility program plan.

Permitted solid waste facilities meet all local, state, and federal regulations and provide the most convenient and cost-effective locations for the Oregon E-Cycles Program. While transfer stations are essential collection points, there are other permitted solid waste facilities such as landfills and material recovery facilities that have depots that can enhance the accessibility and convenience of the program.

ORRA agrees with DEQ that permitted collection sites who voluntarily opt-into the program should be eligible to receive the same cost reimbursement as those the PROs seek out and contract with to provide collection services to meet their convenience standards requirements. We look forward to the follow-up from DEQ as to how this will be ensured with the proposed changes to the program.

Additional Notice Provision

To aid in ensuring a similar situation to December 2021 does not happen again where collection sites were dropped from the program without adequate notice, ORRA proposes including the language identified in Rule Concept: Convenience Standards, Collection Targets and Performance Standards for PRO Recycling Services (Dec. 28, 2022, pg. 9, Notification of changes and continuity of services, .9) in the amendment to LC 477 as a basis with the addition of the bold text:

A PRO choosing to discontinue service at a collection point must provide the collection point operator and DEQ with at least three months advance notice. The PRO must also provide concurrent notice to the users of the collection point by means of prominently placed signage at the site, and via whatever Internet-based content the PRO uses to promote the site to the public **and provide notice to all other collection sites within the wasteshed**. All required notices shall include the date at which service will be discontinued and the location of other nearby collection points or information about the alternative collection service that will substitute for it.

While we understand that with the proposed legislation permitted solid waste service providers that voluntarily opt-in to the Oregon E-Cycles Program could not be dropped by a PRO, closing other sites (e.g. Goodwill) could impact alternative collection sites.

ORRA and our members look forward to continued conversation on the proposed legislation and amendment that is being drafted. Please do not hesitate to let me know if questions or you would like to convene an additional conversation to discuss our comments and proposed changes.



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5441 W. Hwy 20
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PO Box 1059

Waldport, OR 97394
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Chair Marsh
House Climate, Energy and Environment Committee
RE: Support for HB 3220 with -2 Amendment

March 3, 2023

Chair Marsh, Vice Chairs Levy, Members of the House Climate, Energy and Environment Committee, I urge your support for the -2 amendment to HB 3220.

As you know, Oregon's E-Cycles program is an important part of dealing with electronic wastes. E-Waste is the fastest growing sector of solid waste. If not handled properly, this waste can be hazardous to public and the environment.

Until the fall of 2021, the program worked well. However, at that time we learned that the producers were projecting to over-collect in calendar year 2022. Their response was to drop several sites from the program. Many of these sites were in rural locations, where alternatives are scarce. For our service area in East and South Lincoln County, we were scheduled to go from two drop-off locations to zero locations. That would have meant losing over 57,700 pounds of electronic waste into the garbage, as most residents would not have driven out of the area to dispose of their waste properly.

Fortunately, through a tremendous effort from many parties, a compromise was worked out that restored most of the sites, along with a promise to fix the problem in the 2023 Session of the State Legislature. HB 3220 (with the -2 Amendment) is that fix. Establishing a more robust set of guidelines for the producers to follow will help to ensure that this kind of disruption won't happen again. This bill will create a more equitable, convenient and stable program throughout Oregon.

The key changes to the E-Cycles program called for in HB 3220 (with the -2 Amendment) include:

- Stabilize the program by raising the minimum number of collection sites based on population and allowing permitted solid waste facilities to join the program.
- Permitted solid waste collection facilities will have priority in the program. These established collection sites already provide safe, convenient, and accessible locations for customers to access the E-Cycles Program. The operators work closely with cities and counties to provide this public service to their local residents.



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- Existing collection sites will not be dropped from the program without first providing a plan for how the service will be provided to residents in the affected areas.
- Collection sites will be paid fairly to cover their operational costs, which include collection, storage, management and transport of covered items.

Our company is family-owned, and we employ fifty hard-working folks in Lincoln County. We are committed to providing high quality, reliable, and affordable collection services to our customers. HB 3220 (with the -2 Amendment) makes the changes this program needs to better serve all Oregonians.

Respectfully Submitted,

Zack Dahl

Dahl Disposal Service



CITY COUNCIL DASHBOARD REPORT – MARCH 15, 2023

Police Department

Dispatch

706 CAD Screens

39 Case Numbers

761 Inbound calls

- 116 - 911 calls
- 645 – Admin calls

Traffic

<u>Citations</u>	
Driving Uninsured	5
Driving W/O Privileges	4
DWS-Violation	13
Fail Carry Proof Insurance	4
Failure to Drive w/in Lane	4
Failure to Obey Traffic Control Device	1
Failure to renew Vehicle Registration	2
Failure to Use Ignition Interlock Device	3
Failure to Yield Emergency Vehicle	1
Improper Display of Sticker	5
Open Container	1
Unlawful/Unsignaled Turn	1
Violation of Basic Speed Rule	7
Total	51

	<u>Citations</u>	<u>Warnings</u>	<u>Total Cars Stopped</u>	<u>Average Warning</u>	<u>DUII</u>
Total	51	129	180	72%	3



Crimes

Person

Assault	2
Harassment	2
Menacing	2
Reckless Endangering	1
Stalking	1
Violation Restraining/No Contact Order	2
Total	10

Property

Criminal Mischief	3
Fraud	3
Hit and Run - Property	2
Theft	7
Trespass	1
Total	16

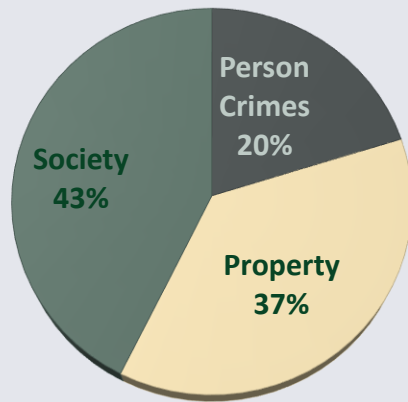
Society

DUI	3
DWS - Misdemeanor	3
Reckless Driving	2
Warrant	6
Total	14

Total Crimes	40
Total Cleared Crimes	28
Cleared by Arrest	70%



YTD Crimes in Toledo 2023



Overtime

Dispatch: 216.5

Patrol: 118.8

Library Department

Library Stats for Council for 2023		
	January	February
Circulation of all items	2895	3389
Hotspots	17	16
Laptops	3	8
In person visits	1120	1064
Storytime	65	64
Other programs		
Podcast	99	143
Computers use	122	160
Reference	79	92
Facebook Viewings		
Post reach	4259	3,412
Post Engagement 595	595	906
New Page Likes	7	11
Volunteer Hours	20	20
Community Room Use	29	31
Upstairs conference room	5	8



Municipal Court

- 16 citations
- \$3,910.00 collected for the month of February

Fire Department

- 87 total calls
- 49 medicals
- 21 Fire calls
- 6 Accidents
- 11 Public assists

Administration

Website stats

Page visits

Page ?		Pageviews ? ↓	Unique Pageviews ?	Avg. Time on Page ?
		6,134 % of Total: 100.00% (6,134)	5,057 % of Total: 100.00% (5,057)	00:01:33 Avg for View: 00:01:33 (0.00%)
1. /		1,497 (24.40%)	1,246 (24.64%)	00:01:08
2. /jobs		364 (5.93%)	300 (5.93%)	00:01:07
3. /meetings		317 (5.17%)	233 (4.61%)	00:01:21
4. /library		203 (3.31%)	137 (2.71%)	00:01:20
5. /community/page/history-toledo		177 (2.89%)	170 (3.36%)	00:06:14
6. /police		171 (2.79%)	128 (2.53%)	00:01:44
7. /contact		131 (2.14%)	109 (2.16%)	00:01:54
8. /finance/page/utilities-water-billing		130 (2.12%)	116 (2.29%)	00:01:12
9. /rfps		129 (2.10%)	108 (2.14%)	00:00:08
10. /fire		102 (1.66%)	92 (1.82%)	00:01:33



Top five items that received a click event/interaction.

Feb 1, 2023 - Feb 28, 2023					
Total Events	Unique Events	Event Value	Avg. Value	Sessions with Event	Events / Session with Event
3,107	2,069	0	0.00	1,236	2.51

Top Events	Event Label	Total Events	% Total Events
Event Category	1. https://cityoftoledo.merchanttransact.com/	823	26.49%
Event Action	2. https://library.municode.com/or/toledo/codes/code_of_ordinances	155	4.99%
Event Label	3. /sites/default/files/styles/gallery500/public/imageattachments/community/page/3121/toledowater.jpg?itok=FBDsCP59	73	2.35%
	4. /sites/default/files/styles/gallery500/public/imageattachments/finance/page/2761/water-2825771_1280.jpg?itok=As5GSwfl	71	2.29%
	5. /sites/default/files/fileattachments/administration/page/2911/city_of_toledo_employment_application_2-1-2020.pdf	66	2.12%

Public Works

The City suffered a weather event as we all know, approximately 35-45 trees were damaged and came down in areas that required immediate attention. Attached are 2 reports of such, from P.W. Supervisor Jeff Chatterton who was guiding the crew. We felt fortunate to have escaped with only 36 hours of overtime total for crew members. I would like to add that I received several calls & e-mails from residents, Police Dispatch, and PUD to my office thanking the City crew for helping residents that were stuck or were in potentially dangerous situations. PUD is delivering an appreciation lunch to the crew on Wed. March 15 at Council Chambers.

Such events like this really pulls a community together and exposes the strength (or lack of) relationships between entities. We are fortunate to have such flexible contractors to help out with just a phone call! Joe Howry was in the shop well before daylight with a front end loader asking where we needed him the most, Table Mountain Const. offered equipment and services and used tree grappling equipment to remove trees from the "S" curves to get traffic moving again. We also had Kip Everett from Oregon Coast tree who helped remove and cut trees off 2 homes. Approximate costs are as follows:

- O.T Hours (wage varied) – 36 hours
- 2000 lb. bags of de-icer (salt) – 8 bags @ 397.00 ea. = \$ 3176.00
- Contractor costs- (3) total of \$8300.00

Tree on Roof

On 2/24/2023 City of Toledo City Hall received a call regarding a tree that had fallen from City of Toledo property onto the roof of 253 NE Burgess Road. This tree is believed to have fallen due to the weather event that happened between, 2/21/2023-2/23/2023. Damage can be seen in the following photos.

Address: 253 NE Burgess Road, Toledo, OR 97391

As of 2/27/23 the homeowner and tenant have been contacted, the tree has been removed and bucked up and will be picked up at a later date as operations allow.











930 NE Alder Street Trees Incident

During the winter storm weather event on 2/24/23, several trees fell towards the house at 930 NE Alder Street.

Public Works was contacted by the owners on Monday 2-27-23 about a number of trees that had fallen towards their property from City property. Upon assessment it was found that approximately five trees had fallen over, one of which was leaning against 241 NE Alder Street.

Due to the challenges of the terrain, and other priorities, Public Works contracted with Oregon Coast Tree Company on March 1st, 2023 to cut the trees away from the structures and move the debris to City of Toledo property. Work was completed on March 2-3, 2023.

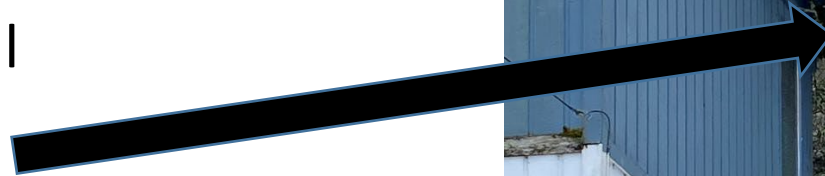
No damage was assessed on either residence, however, this report is a record of efforts by the City of Toledo that were taken to rectify the Citizen's concerns.





March 15, 2023 Toledo City Council Packet

Tree that fell
against 241
NE Alder
Street



During and After Clean Up

