



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**  
May 3, 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](mailto: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. **Proclamations/Presentations**
  - Proclamation – National Police Week
  - Proclamation – National Public Works Week
  - Employee Recognition – Police Chief Mike Pace
3. **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).
4. **Consent Agenda**
  - Minutes from the goal setting held February 22, 2023
5. **Discussion Items**
  - Discussion of amendments to Toledo Municipal Code 10.04.020, Applicability of state traffic laws, and Chapter 10.08, Administration and Enforcement
  - Discussion of draft Fire Code, amending Toledo Municipal Code Chapter 8.20
6. **Decision Items**
  - Approve expenditure of approximately \$52,000 to place manhole liners
  - Adjust water/sewer rates and water Standby Rates for resolution
  - Resolution No. 1512, a resolution approving an Intergovernmental Agreement (IGA) for a coordinated office on homelessness and appointing a representative and alternate representative to the board
7. **Reports and Comments**
  - Committee updates

8. **Adjournment**

Comments submitted in advance are preferable. Comments may be submitted by e-mail at [lisa.figueroa@cityoftoledo.org](mailto: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.



## City of Toledo PROCLAMATION

### National Police Week May 9 – 20, 2023

To recognize National Police Week 2023 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

**WHEREAS**, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Toledo Police Department; and

**WHEREAS**, since the first recorded death in 1786, more than 23,785 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

**WHEREAS**, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

**WHEREAS**, 556 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 224 officers killed in 2022 and 332 officers killed in previous years;

**WHEREAS**, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 34<sup>th</sup> Candlelight Vigil, on the evening of May 13, 2023; and

**WHEREAS**, the Candlelight Vigil is part of National Police Week, which will be observed this year May 9-20; and

**WHEREAS**, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

**NOW THEREFORE, I, Mayor Rod Cross** do hereby proclaim **May 9-20, 2023** as:

### National Police Week

I encourage all citizens to salute the service of law enforcement officers in our community and in communities across the nation.

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Mayor Rod Cross

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May 3, 2023  
Date



# City of Toledo

## PROCLAMATION

### National Public Works Week

May 21-27, 2023

**WHEREAS**, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of the City of Toledo; and

**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

**WHEREAS**, it is in the public interest for the citizens, civic leaders and children in Toledo, Oregon to gain knowledge of and to maintain ongoing interest and understanding of the importance of public works first responders and public works programs in their respective communities; and

**WHEREAS**, the year 2023 marks the 63<sup>rd</sup> annual National Public Works Week sponsored by the American Public Works Association.

**NOW THEREFORE**, I, **Mayor Rod Cross** do hereby proclaim **May 21-27, 2023** as

### ***NATIONAL PUBLIC WORKS WEEK***

I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protect our national health, safety, and quality of life.

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Mayor Rod Cross

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May 3, 2023

Presented

**TOLEDO CITY COUNCIL**  
**GOAL SETTING**  
February 22, 2023

**1. CALL TO ORDER**

The Council and staff ate lunch and then Mayor Rod Cross called the meeting to order at 12:35 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, City Recorder (CR) Lisa Figueroa, Public Works Director (PWD) Bill Zuspan, Police Chief (PC) Michael Pace, Fire Chief (FC) Larry Robeson, Library Director (LD), Deborah Trusty, City Attorney (CA) Mike Adams

**2. LUNCH AND TRAINING**

**How to communicate amongst the Council and with staff**

Facilitator Pete Wall introduced himself to the Council and staff. He had everyone introduce themselves and talk about their background in local government.

The Council took a short recess at 3:00 and reconvened at 3:05 p.m.

**Public hearing procedures, review the City Council rules & guidelines and social media 101**

League of Oregon Cities General Counsel Jayme Pierce joined the meeting via Zoom. She provided information on meetings in general, she highlighted the procedures for a public hearing and when to declare a conflict of interest versus ex parte contact. She indicated the Council Toledo's Council rules are pretty good and commented some cities revisit their rules/guidelines every couple (odd) years to assess whether any changes are needed. She reviewed the protocols of public officials using social media on a personal account, when it would apply as a public account and how the law applies when muting or deleting someone or their comment from your own social media account.

**3. DINNER BREAK**

The Council recessed at 3:45 for dinner.

*Councilor Wade Carey arrived at 4:00 p.m.*

The Council reconvened at 4:30 p.m.

1     **4.     GOAL SETTING**

2     The Council reviewed the goals and did not make any significant changes. They commented on  
3     the importance of hiring and retaining employees within the city. After further discussion, there  
4     was a consensus of the to include the following:

- 5  
6         •         The City of Toledo values its employees and citizens. Our goal is to recruit and retain  
7                 a diverse set of professional, dedicated employees who will provide superior customer  
8                 service to our community members.  
9

10    **5.     DECISION ITEMS**

11    **Resolution No. 1508, a resolution of the Toledo City Council establishing a policy related to**  
12    **the spending of Strategic Investment Program revenue**

13    CM Richter summarized the council report. She indicated there must be a policy in place to spend  
14    the Strategic Investment Program revenue received from Georgia-Pacific related to the Juno  
15    project.  
16

17    **Motion** – It was moved and seconded (Carey/Kamikawa) to approve resolution No. 1508, a  
18    resolution of the Toledo City Council establishing a policy related to the spending of Strategic  
19    Investment Program revenue and the motion carried unanimously.  
20

21    **6.     ADJOURNMENT**

22    The meeting adjourned at 6:12 p.m.  
23

24    Approve:

Attest:

25  
26  
27    \_\_\_\_\_  
28    Mayor Rod Cross

\_\_\_\_\_  
City Recorder Lisa Figueroa

**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

|                                                                                   |                           |                                                                                                                                                     |
|-----------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>Meeting Date:</b>      | <b>Agenda Topic:</b>                                                                                                                                |
|                                                                                   | May 3, 2023               | Discussion of amendments to Toledo Municipal Code 10.04.020, Applicability of state traffic laws, and Chapter 10.08, Administration and Enforcement |
| <b>Council Goal:</b>                                                              | <b>Agenda Type:</b>       |                                                                                                                                                     |
| Not Applicable                                                                    | Discussion Items          |                                                                                                                                                     |
| <b>Prepared by:</b>                                                               | <b>Reviewed by:</b>       | <b>Approved by:</b>                                                                                                                                 |
| City Attorney M. Adams                                                            | City Manager Judy Richter | City Manager Judy Richter                                                                                                                           |

**Recommendation:**

Discussion of amendments to Toledo Municipal Code (TMC) 10.04.020, Applicability of state traffic laws, and TMC Chapter 10.08, Administration and Enforcement, for possible adoption next week.

**Background:**

The City of Toledo maintains an exceptionally well-run Police Department. The existing adoption of state traffic laws in TMC 10.04.020 needed to be updated. Additionally, Chapter 10.08, Administrative and enforcement, needed to be updated, for example, to give authority to a community services officer.

This ordinance updates the adoption of the state traffic laws (adding ORS chapter 825, Motor Carriers, plus OAR 740.100.0010, Adoption of federal safety regulations, for trucks, and clarifying that ORS Chapters 804, 808, 812, and 817 do not exist). This ordinance clarifies the Chief of Police is the superior law enforcement official (see 10.08.050(C)), as opposed to the City Manager who does not have a DPSST certification. This ordinance also provides additional authorities for the Municipal Court (see TMC 10.08.080 and 10.08.090), and community services officer (see TMC 10.08.050(E) and (F)), who has no explicit authority to otherwise enforce the Code. This ordinance deletes gender specific references such as “City Manager or his designee”. This ordinance also updates the violation penalties, including that any violation of Chapter 10.08, except as specified in 10.08.100, is a Class B violation, and adds each separate day can be a continuing violation.

|                       |                     |                   |
|-----------------------|---------------------|-------------------|
| <b>Fiscal Impact:</b> | <b>Fiscal Year:</b> | <b>GL Number:</b> |
| Unknown               | 2022-2023           | N/A               |

**Attachment:**

1. Draft Ordinance

**CITY OF TOLEDO  
ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE TOLEDO CITY COUNCIL AMENDING TOLEDO MUNICIPAL CODE SECTION 10.04.020 AND §2 OF ORDINANCE 1072 (1979), AS AMENDED BY ORDINANCE 1169 (1985), AND AS AMENDED BY §1 OF ORDINANCE 1184 (1988), AND AMENDING CHAPTER 10.08, ADMINISTRATION AND ENFORCEMENT, AND DECLARING AN EMERGENCY.**

**WHEREAS**, businesses within the City of Toledo require Commercial Motor Vehicles to transport goods and services; and

**WHEREAS**, the City of Toledo's adoption of traffic laws needs to be updated; and

**WHEREAS**, because of issues that need current attention, the public welfare requires that this ordinance take effect immediately upon approval.

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

**Section 1.** Section 10.04.020, and Ord. 1072 §2, 1979, as amended by Ord. 1169, 1985, and amended by Ord. 1184 §1, 1988, is further amended, to read in its entirety as follows:

**10.04.020 – Applicability of state traffic laws.**

The provisions of ORS Chapters 801, 802, 803, 805, 806, 807, 809, 810, 811, 813, 814, 815, 816, 818, 819, 820, 821, 822, 823, 825 and OAR 740.100.0010 issued thereunder, are hereby adopted, and violations thereof shall constitute an offense against the city.

**Section 2.** Chapter 10.08, ADMINISTRATION AND ENFORCEMENT, shall be amended as provided in Sections 3 – 19 of this Ordinance.

**Section 3.** Section 10.08.010 and Ord. 1072 §4, 1979, shall remain unchanged, to read in its entirety as follows:

**10.08.010 - Powers of the City Council.**

A. Subject to state laws, the City Council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated herein or by another ordinance.

B. The powers of the council shall include, but not be limited to:

1. Designation of through streets;
2. Designation of one-way streets;

3. Designation of truck routes;
4. Designation of parking meter zones;
5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
7. Initiation of proceedings to change speed zones;
8. Revision of speed limits in parks.

**Section 4.** Section 10.08.020 and Ord. 1072 §4, 1979, as amended by Ord. 1077, 1979, is further amended, to read in its entirety as follows:

**10.08.020 - Duties of the City Manager.**

The City Manager or designee is delegated the authority to perform the following duties:

A. Implement the ordinances, resolutions and motions of the council by installing traffic control devices. Such installations shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways.

B. Establish, maintain, remove or alter the following classes of traffic controls:

1. Crosswalks, safety zones and traffic lanes;
2. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies;
3. Parking areas and time limitations, including the form of permissible parking.

C. In exercising these duties, the City Manager shall take into consideration budgetary, scheduling and personnel restrictions on the city in addition to the need for traffic control devices and parking and safety measures.

D. Review or appeal of decision or action of City Manager.

1. Any person affected by a decision or action of the City Manager or designee under section 10.08.020 may appeal the decision or action to the City Council by filing a written appeal with the city recorder within 10 days of the decision or action.

2. The City Manager or any Council member may initiate a review of any decision or action by the City Manager under this section by placing the matter on the Council agenda.

3. The Council may but is not required to give deference to the City Manager's decision in making its decision.

**Section 5.** Section 10.08.030 and Ord. 1072 § 6, 1979, is amended, to read in its entirety as follows:

**10.08.030 - Public danger.**

Under conditions constituting a danger to the public, the City Manager or designee may install temporary traffic control devices deemed to be necessary.

**Section 6.** Section 10.08.040 and Ord. 1072 § 7, 1979, is amended, to read in its entirety as follows:

**10.08.040 - Standards.**

The regulations of the City Council or its designee shall be based upon:

- A. Traffic engineering principles and traffic investigations;
- B. Standards, limitations and rules promulgated by the Oregon Transportation Commission;
- C. Other recognized traffic control standards.

**Section 7.** Section 10.08.050 and Ord. 1072 § 8, 1979, is amended, to read in its entirety as follows:

**10.08.050 - Authorities of police and fire personnel.**

- A. It shall be the duty of police officers to enforce the provisions of this title.
- B. In the event of a fire or other public emergency, officers of the police and fire department may direct traffic as conditions require, notwithstanding the provisions of this title.
- C. The Chief of Police shall be the superior police officer and shall direct and control all other police officers, community services officer, and dispatchers subject to the authority and control of the City Manager. It shall be the duty of the Chief of Police to execute all processes as directed by the municipal judge or by any magistrate of the state.
- D. Emergency vehicles and vehicles designated by the City Manager are exempt from the regulations of this title to the extent authorized by state law, but shall comply with all provisions

of this title when not responding to an emergency or call for immediate response. Police officers and firefighters may authorize others to take actions (park, stop, turn, proceed), as they deem appropriate in response to an accident or emergency.

E. A community service officer shall perform such duties as may be required by the charter of the city, the provisions of this code, or directions of the Chief of Police. A community service officer shall have the authority to enforce all parking, vehicle storage, noise disturbance, animal regulations, and other provisions of this Code, as permitted under the laws of this state and city by issuance of a citation, but is not authorized to arrest. A community service officer shall have the same authority as a police officer when directing traffic on the streets or public thoroughfares of the city.

F. No person shall fail to obey a lawful order, signal or direction of a community service officer while such individual is engaged in any of the duties pursuant to the provisions of subsection E. of this section and is wearing an authorized insignia or uniform.

**Section 8.** Section 10.08.060 and Ord. 1072 § 38, 1979, is amended, to read in its entirety as follows:

**10.08.060 - Impoundment of vehicles.**

A. Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer or community services officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

B. The disposition of a vehicle towed and stored under authority of this section shall be in accordance with the provisions of the ordinance of the city relating to impoundment and disposition of vehicles abandoned on the city streets.

C. The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this title.

D. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

E. Whenever a police officer or community services officer observes a vehicle parked in violation of a provision of this title, if the vehicle has four or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as is provided in subsection B of this section.

**Section 9.** Section 10.08.070 and Ord. No. 1326, 2009, is repealed, and replaced with the following language, to read in its entirety as follows:

**10.08.070 – Citation issuance.**

A. All proceedings or actions before the municipal judge shall be commenced by complaint or citation setting forth the violation of Code or state law, with such particulars as to the time or place or person or property as to enable the defendant to understand the character of the offense and answer the complaint or citation.

B. Except as required by state law, a maximum of three charges of a similar type may be listed on the same citation, with these stipulations:

1. All charges on one citation must be going to the same court
2. Traffic and non-traffic offenses cannot be mixed on the same citation
3. Traffic crimes (including ORS 807.570, failure to carry/present DL, if it is being treated as a traffic crime) cannot be mixed with infractions on the same citation; and
4. A charge of DUII must be on its own, separate citation.

**Section 10.** Section 10.08.080 is created, to read in its entirety as follows:

**Section 10.08.080 – Municipal Court – Authority.**

The municipal judge shall have all inherent statutory powers and duties of a justice of the peace within the jurisdictional limits of the city. The municipal judge may accomplish by any lawful means the serving of subpoenas, notices of jury duty, summonses, and all other orders of the court necessary for the proper conduct thereof, and may prescribe the security deposit, fine or forfeiture for violation of any provision of this code.

**Section 12.** Section 10.08.090 is created, to read in its entirety as follows:

**10.08.090 – Municipal Court – Procedure.**

All proceedings in municipal court shall be governed by the general laws of the state applicable to justices of the peace and justices' courts, except as otherwise prescribed by ordinance.

**Section 13.** Section 10.08.070 and Ord. 1072 § 39 (part), 1979, as amended by Ord. 1244 § 8 (part), 1996, as amended by Ord. 1296 § 1, 2003, as amended by Ord. 1326, 2009, is renumbered to Section 10.08.100, and amended, to read in its entirety as follows: as follows:

**10.08.100 - Violation—Penalty.**

A. Violation of Sections 10.16.010 through 10.16.060 and Sections 10.24.010 through 10.24.130 will constitute a Class B infraction.

B. Violation of Sections 10.12.010 through 10.12.090, 10.16.070, 10.16.080, 10.16.100, 10.20.010 and 10.20.020 of this title will constitute a Class C infraction.

C. Violation of Section 10.16.110 of this title will constitute a Class D infraction.

D. Except as provided in this section, any other violation of this chapter is a Class B infraction.

E. When a civil infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day that the civil infraction continues, and a separate citation may be issued for each such civil infraction.

**Section 14.** Section § 10.08.110 is added, to read in its entirety as follows:

**10.08.110 – Severability clause.**

A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section, or part of this ordinance shall not affect the validity of the remaining parts to this ordinance.

**Section 15.** Section § 10.08.120 is added, to read in its entirety as follows:

**10.08.120 – Savings clause.**

A prosecution that is pending on the effective date of this ordinance and arose from a violation of an ordinance repealed by this ordinance, or a prosecution started within one year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

**Section 19.** Section § 10.08.130 is added, to read in its entirety as follows:

**10.08.130 – Emergency clause.**

This ordinance being necessary for the immediate preservation of the public welfare, health and safety, an emergency is declared to exist and this ordinance shall take effect upon its passage.

This Ordinance adopted by the Toledo City Council this \_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor Rod Cross

\_\_\_\_\_  
City Recorder Lisa Figueroa

City of Toledo Ordinance No. \_\_\_\_\_

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**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

|                                                                                   |                           |                                                                            |
|-----------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------|
|  | <b>Meeting Date:</b>      | <b>Agenda Topic:</b>                                                       |
|                                                                                   | May 3, 2023               | Discussion of draft Fire Code, amending Toledo Municipal Code Chapter 8.20 |
| <b>Council Goal:</b>                                                              | <b>Agenda Type:</b>       |                                                                            |
| Not Applicable                                                                    | Discussion Items          |                                                                            |
| <b>Prepared by:</b>                                                               | <b>Reviewed by:</b>       | <b>Approved by:</b>                                                        |
| City Attorney M. Adams                                                            | City Manager Judy Richter | City Manager Judy Richter                                                  |

**Recommendation:**

Discussion of draft Fire Code, for possible adoption next week.

**Background:**

The City of Toledo maintains an exceptionally well-run Fire Department. The existing Fire Code adopted by the City, in Chapter 8.20, entitled “Adoption of Fire Code,” consists of Toledo Municipal Code (TMC) 8.20.010, subsections A. and C, with subsection B. having been repealed in Ord. 1382, not yet codified, but adopted April 22, 2020. Additionally, TMC 8.20.020, Violation – Penalty, which is a complete summary of the two existing sections of the chapter.

The City, in the existing TMC 8.20.010, adopts the “State of Oregon Fire Code 2019,” which adoption should be repealed. The Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OARs) provide that the City does not need to adopt a particular version of the Fire Code. If it does, the City is saying that the City will be responsible on its own for enforcement, rather than using the assistance of the Oregon Fire Marshal’s Office. Even without adoption, the current 2021 International Building Code, with modifications approved the Oregon State Fire Marshal’s Office, which is today’s 2022 Fire Code, is enforceable within the City.

The ordinance renames TMC Chapter 820, from “Adoption of Fire Code,” to “Fire Prevention Code.” The other additional authorities provided in this chapter, as a function of the City, include: (1) the explicit ability to render written and oral interpretations of the Fire Code (TMC 8.20.040); (2) stop work orders, and orders to vacate (TMC 8.20.050); (3) a fee for a re-inspection of unsafe facilities (TMC 8.20.060); (4) a fee for suppressing an unlawful fire (TMC 8.20.070); (5) explicit municipal code authority to act, and impose a fee, when there is an uncontrolled fire outside the corporate limits of the City and East Lincoln Fire District that is causing or may cause undue jeopardy to life or property (TMC 8.20.080); (6) hydrant obstruction, and removal (TMC 8.20.090); and (7) Lastly, reimbursement of expenses and the ability to lien (TMC 8.20.100).

|                       |                     |                   |
|-----------------------|---------------------|-------------------|
| <b>Fiscal Impact:</b> | <b>Fiscal Year:</b> | <b>GL Number:</b> |
| Unknown               | 2022-2023           | N/A               |

**Attachment:**

1. Draft Ordinance amending TMC Chapter 8.20

**CITY OF TOLEDO  
ORDINANCE NO.**

**AN ORDINANCE OF THE TOLEDO CITY COUNCIL UPDATING TOLEDO MUNICIPAL CODE, CHAPTER 8.20, FIRE PREVENTION CODE; CREATING NEW SECTIONS AND UPDATING SECTION 8.20.010; AMENDING ORDINANCE 1382, AND DECLARING AN EMERGENCY**

**WHEREAS**, The City of Toledo maintains an exceptionally well-run Fire Department; and

**WHEREAS**, Ord. No. 1229, adopted Nov 7, 1994, repealed Ord. 1139, adopted Aug 2, 1982, and amended Section 1 of Ord. No. 1228, 1981; and, further, Ord. 1382, amended Subsection A, and repealed Subsection B, of Section 8.20.010; and

**WHEREAS**, the City has in its Code previously adopted the “State of Oregon Fire Code 2019,” by Ord. 1382, on April 22, 2020, which is not needed or required; and

**WHEREAS**, even without adopting a fire code, the Fire Chief for the City of Toledo has the authority to enforce the Oregon Fire Code as authorized by the Oregon State Fire Marshal’s Office through ORS 476.060, ORS 476.150 and OAR 837-040-0010; and

**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.** That the City Council amends Ord. 1128 § 1, 1981 and Ord. 1229 § 3, 1994, as amended by Ord. 1382 § 2, 2020.

**Section 2.** Sections 3 through 14 of this ordinance are added to and made a part of the Toledo Municipal Code, Chapter 8.20, and changing the chapter title from “Adoption of State Fire Code”, to “Fire Prevention Code”.

**Section 3.** § 8.20.010, Subsection A. is repealed and replaced, subsection B. is added, and subsection C. is amended, to read in its entirety as follows:

**8.20.010 - Documents adopted.**

A. **Repealed.** The adoption of the previous version of the Oregon Fire Code is hereby repealed, because even without adoption the Fire Chief for the City of Toledo has the authority to enforce the then adopted Oregon Fire Code, as authorized by the office of the State Fire Marshal, which name is changed, operative on July 1, 2023, to the Department of the State Fire Marshal, through ORS 476.060, ORS 476.150, and OAR 837-040-0010.

B. The City adopts the following terms, when used in the Oregon Fire Code, to have the following meanings unless the context requires otherwise:

1. **FIRE CODE OFFICIAL**, the Fire Chief for the City of Toledo or designee.
2. **CORPORATION COUNSEL**, the City Attorney; and
3. **JURISDICTION**, in the City of Toledo, Fire District, or as otherwise permitted by this ordinance.

C. The City also adopts the standardized-costs schedules for transportation route response, unprotected area response, and apparatus cost that are contained in the State Fire Marshal's Oregon Fire Mobilization Plan and the volunteer firefighter reimbursement rate that is contained in the State Fire Marshal's Oregon Fire Service Mobilization Plan, including any revisions, changes, modifications, or deletions contained in any similar subsequently approved plans. All responses billed under these plans are subject to a thirty (30) minute minimum response charge. All reimbursement rates adopted by this ordinance are payable to the City of Toledo.

**Section 4.** Section § 8.20.020 is repealed and replaced with language to read in its entirety as follows:

**8.20.020 – Enforcement.**

A. Notwithstanding provisions in the Fire Prevention Code or Oregon Fire Code (hereafter “Code” in this section) authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, or provisions providing for enforcement of the Code, such inspections, testing and enforcement of the Code shall be discretionary by the Chief and other individuals charged by the Chief with such activities. The City recognizes that it has limited financial resources with which to provide fire, rescue and other services and functions and is forced to make public policy decisions as to allocation of City resources. Although the City places a high priority on prevention, inspection and maintenance of fire systems, due to financial limitations, it is the City Council's policy to require inspections only so often as necessary to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the City to make clear that the City's duty to perform the inspections and testing, or to take enforcement actions, as set forth in the Code is limited to providing a reasonable level of fire and life safety. Such actions are discretionary.

B. Neither the City nor any official or employee thereof, including the City police communications center, and its personnel, shall be liable for injury to person or property, without limitation, but including injury resulting from an interruption or failure of service caused by acts of God, other circumstances beyond the control of the city, or failure to reach thoroughfares of such grade, quality and condition that City’s firefighting equipment may not traverse them safely, or for a discretionary decision, without limitation, including the discretionary decision to not respond to a fire suppression or vehicle crash.

C. Any violation of the Fire Prevention Code, state law, this ordinance, or a city-issued permit that is actionable under this chapter shall constitute a civil infraction and a nuisance. Each day of violation shall constitute a separate civil infraction that can give rise to a separate citation, conviction and fine.

Section § 8.20.030 is repealed and replaced with language to read in its entirety as follows:

**8.20.030 - Definitions.**

*City* means the City of Toledo, Oregon.

*Fire Chief* means the Chief of the Fire Department of the City of Toledo.

*Fire Code Official* means the Fire Chief, and one or more designees of the Fire Chief, which may include personnel from the State Fire Marshal's Office.

*Fire District* means the East Lincoln Fire and Rescue District.

*Fire Prevention Code* means those provisions of the Oregon Fire Code (OFC), and any modifications thereof, and separate and distinct, as a function of the City, also include the provisions of this chapter.

*Fire prevention program* means the Fire Department program for regulation of building use and occupancy and the administration and enforcement of the Fire Prevention Code and other fire safety laws, ordinances and regulations.

*Person* means a natural person, partnership, corporation, limited liability partnership, limited liability company, co-operative, governmental entity, association, insurance provider or such person or entity, or other entity in law or fact.

*Unprotected area* means the unincorporated area that is outside the corporate boundaries of the City and Fire District, but falls within the extraterritorial jurisdiction under TMC 8.20.080, ORS 476.280, or is authorized through an IGA, MOU, Compact, mutual aid, or emergency mutual assistance agreement with another jurisdiction.

**Section 5.** Section § 8.20.040 is added to read in its entirety as follows:

**8.20.040 – Powers and duties of the Fire Code Official.**

The Fire Code Official shall implement, administer, and enforce the fire prevention program, and shall have the authority to render written and oral interpretations of the Fire Prevention Code and to adopt administrative rules and procedures necessary and proper for the administration and enforcement of the Fire Prevention Code. Such delegation shall include, but shall not be limited to, fire prevention, fire suppression, fire safety, fire storage, fire escapes, and fire investigation.

**Section 6.** Section § 8.20.050 is added to read in its entirety as follows:

**8.20.050 – Stop work orders; order to vacate; enforcement action.**

A. Whenever any work or activity is being done contrary to the provision of the OFC or other laws, ordinances or administrative rules or procedures used to enforce the Fire Prevention Code, the Fire Code Official may order the work or activity stopped by written notice served on any person or person doing or causing such work to be done. Upon receipt of such notice, the person doing or causing such work or activity to be done shall immediately cease such work or activity, until such time as an authorization to proceed is issued by the Fire Code Official.

B. Whenever any building, premises, or mechanical system or equipment regulated by the OFC, or any part thereof, is used contrary to the provision of the OFC, or this chapter, the Fire Code Official may order such use discontinued and the building and premises, or part thereof, vacated.

C. In addition to, but not in lieu of, any penalty, the Fire Code Official may commence any action necessary to prevent, restrain, correct or abate any violation of the Fire Prevention Code.

**Section 7.** Section § 8.20.060 is added to read in its entirety as follows:

**8.20.060 - Reinspection of unsafe conditions.**

A. Whenever the Fire Code Official has issued a notice to correct a violation of any provisions of the Fire Prevention Code at a particular premises and the Fire Code Official finds, upon reinspection, that the violation has not been abated, the person in possession of the premises shall pay a reinspection fee in the amount prescribed by resolution of the Council.

B. The Fire Code Official may waive all or any part of a reinspection fee, if, in the Fire Code Official's sole discretion, it appears that reinspection was required by circumstances that the responsible person in good faith took efforts to avoid.

**Section 8.** Section § 8.20.070 is added to read in its entirety as follows:

**8.20.070 - Fee for suppressing unlawful fire.**

If either firefighting apparatus or personnel of the City are required to respond to or to be used actively or on a standby basis in connection with the extinguishment or control of a fire that has been started or allowed to spread in violation of any law, including this chapter, or administrative rules or procedures adopted pursuant thereto, the person responsible therefor shall be liable to the City for the expenses incurred by the City in such response or use, in an amount prescribed by TMC 8.20.100.

**Section 9.** Section § 8.20.080 is added to read in its entirety as follows:

**8.20.080 – Extraterritorial fire protection.**

A. Whenever in the opinion of the Fire Chief an uncontrolled fire outside the corporate boundaries of the City and the Fire District is causing or may cause undue jeopardy to life or property, including a report of a vehicle crash or fire along Highway 20 outside the corporate boundaries of the City and Fire District, the Fire Chief may employ the same means and resources to extinguish the fire as would be used to extinguish a similar fire within the City.

B. The City Council finds that this section is necessary to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the City.

**Section 10.** Section § 8.20.090 is added to read in its entirety as follows:

**8.20.090 – Hydrant obstruction; Removal of obstructions.**

A. No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire department connection, or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to such equipment or hydrant. A minimum three-foot clear space shall be maintained around the circumference of the fire hydrant.

B. The Fire Chief or designee may cause to be removed any existing obstructions in any designated parking fire lane or other marked public place, or may require any property owner to clear and/or remove any obstructions to a fire hydrant which may exist on such owner's property. A failure to comply therewith, after ten days' written notice by the Fire Chief or designee, is a violation of this chapter and the Fire Chief or designee may then remove the obstructions and assess the expenses against the property in an amount prescribed by TMC 8.20.100.

**Section 11.** Section § 8.20.100 is added to read in its entirety as follows:

**8.20.100 –Reimbursement of Expenses; Lien.**

A. The use of city personnel and equipment in an inspection, suppression of a fire, or other fire service, without limitation, including for actions described in TMC 8.20.050 - TMC 8.20.090, shall require reimbursement, by the owner of the property or vehicle that requires such service, to the City, for expenses incurred at the rates in the documents referenced in subsection C. of 8.20.010, and to the extent not applicable, by resolution of the City Council.

B. The City may petition the Court to recover from respondent(s) all of its reasonable expenses associated with bringing and prosecuting a civil enforcement action under this

chapter and for any abatement action that may be necessary if the respondent(s) fail to abate a nuisance. Reasonable expenses include the City's attorney, administrative and staff time, inspection costs, contractor costs, materials and equipment, service and administrative expenses, the cost of work to demolish, remove, correct or otherwise abate the nuisance, and any associated disposal costs.

C. The Fire Chief shall keep an accurate record of the expenses, fines, fees, and civil penalties described in this section, and shall include therein an administrative fee of twenty (20) percent for overhead.

D. Any of the expenses, fines, fees, including administrative fee described in subsection C. of this section, and civil penalties awarded by the City Council or a Court pursuant to this chapter, shall accrue interest at the rate of nine percent (9%) per year until paid, pursuant to TMC Section 1.20.120(D).

E. The amounts described in this section may be recorded as a municipal assessment lien and foreclosed as provided in TMC Section 1.20.130.

F. For extraterritorial fire protection under TMC 8.20.080, pursuant to ORS 476.290, the cost charged for providing the fire service may not be greater than the pro rata cost that would have been charged by the City for the performance by the City of a similar fire suppression service within its jurisdiction.

**Section 12.** Section § 8.20.110 is added to read in its entirety as follows:

**8.20.110 - Construction; severability.**

If there is a conflict between any provision of the OFC and any provision with this chapter, the provisions shall be construed as mutually complementary or supplementary, if possible; otherwise, the specific provision of this chapter outside the OFC shall govern. In the event that any provision or part of the OFC or this chapter is found invalid or unconstitutional, such finding shall not be construed as affecting the validity or constitutionality of any other provision hereof.

**Section 13.** § 8.20.120 is added to read in its entirety as follows:

**8.20.120 - Violation—Penalty.**

A. Violation of any section of this chapter, or failure to comply with any order issued under this chapter, or building in violation of specification or plans submitted and approved under this chapter, is a Class A infraction.

B. This remedy is not intended to be exclusive, and the City of Toledo may pursue any other remedy available to it by law, including the removal of the prohibited conditions.

C. Each day that a violation is found to exist shall constitute a separate citable and sanctionable civil infraction.

**Section 14.** This Ordinance shall be effective immediately and upon its passage by the Toledo City Council.

This Ordinance is adopted by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
Mayor Rod Cross

ATTEST:

\_\_\_\_\_  
City Recorder Lisa Figueroa

**CITY OF TOLEDO  
REQUEST FOR COUNCIL ACTION**

|                                                                                   |                           |                                                                       |
|-----------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------|
|  | <b>Meeting Date:</b>      | <b>Agenda Topic:</b>                                                  |
|                                                                                   | May 3, 2023               | Approve expenditure of approximately \$52,000 to place manhole liners |
| <b>Council Goal:</b>                                                              | <b>Agenda Type:</b>       |                                                                       |
| Maintain and improve public infrastructure and facilities                         | Decision Items            |                                                                       |
| <b>Prepared by:</b>                                                               | <b>Reviewed by:</b>       | <b>Approved by:</b>                                                   |
| Public Works Director B. Zuspan                                                   | City Manager Judy Richter | City Manager Judy Richter                                             |

**Recommendation:**

Motion to approve an expenditure of approximately \$52,000 to place manhole liners.

**Background:**

This is a Department of Environmental Quality (DEQ) reportable project that will be reported to DEQ thru a certificate of completion. There is only one contractor locally that is able to complete the task. There were 12 manholes identified as “problematic” in the 2011 Infiltration and Inflow study.

|                       |                     |                   |
|-----------------------|---------------------|-------------------|
| <b>Fiscal Impact:</b> | <b>Fiscal Year:</b> | <b>GL Number:</b> |
| \$52,000              | 2022-2023           | 042-420-620550    |

**Attachment:**

1. Bid form from Underground Tech

# Proposal

APR 24, 2023



[info@undergroundtech.net](mailto:info@undergroundtech.net)  
541-990-2791

**CITY OF TOLEDO; MANHOLE REHAB**

[pwdirector@cityoftoledo.org](mailto:pwdirector@cityoftoledo.org)

**206 N Main St  
Toledo, Oregon**

# INTRODUCTION

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Dear City of Toledo,

We at Underground Tech are grateful for the opportunity to serve your manhole rehabilitation needs. After reviewing the details of your project, we are pleased to submit our proposal for providing materials and services for the above-referenced projects.

Our proposal includes the following scope of work:

1. Mobilization and demobilization of our crew, equipment, and materials to the project location.
2. Thorough cleaning and preparation of the structures.
3. Identification and sealing of any active leaks.
4. Application of the [Mainstay Composite Liner](#) to each structure.

We look forward to the opportunity to work with you on this project. Thank you for considering Underground Tech!

**Click [here](#) for a short video explanation of this quote.**

Doug Troyer  
Owner  
doug@undergroundtech.net  
541-990-2791

# INSPECTION



**Manhole: B-78A**  
**Depth: 5ft**

**Notes: Coordinate with Toledo for TC on this manhole**



**Manhole: H-33**  
**Depth: 10ft**



**Manhole: H-32**  
**Depth: 3ft**

**Notes: Improve flow channel, incoming line on the side is capped.**



**Manhole: H-26**  
**Depth: 4ft**



**Manhole: H-27**  
**Depth: 4ft**



**Manhole: K-35**  
**Depth: 15ft**

**Notes: Replace cast iron drop with plastic pipe?**



**Manhole: K-33**  
**Depth: 6ft**

**Notes: Improve flow channel**



**Manhole: K-6**  
**Depth: 11ft**



**Manhole: K-7**  
**Depth: 10ft**



**Manhole: K-2**  
**Depth: 10ft**



**Manhole: J-3**  
**Depth: 5ft**



**Manhole: E-1**  
**Depth: 7ft**

# QUOTE DETAILS

| Description                                 | Qty | Unit price | Line total  |
|---------------------------------------------|-----|------------|-------------|
| Line Manholes with Mainstay Composite Liner | 12  | \$4,293.00 | \$51,516.00 |
| Quote subtotal                              |     |            | \$51,516.00 |
| Total                                       |     |            | \$51,516.00 |

Coordinating and equipment moving with City of Toledo

# AUTHORIZATION PAGE

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Quote Details

\$51,516.00

**Name:** City of Toledo; Manhole Rehab

**Address:** 206 N Main St, Toledo, Oregon

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This proposal is valid for 30 days from date of estimate.

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## Customer Comments / Notes

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**Bill Zuspan:**

**Date:**

# TERMS AND CONDITIONS

- Access to the Project Site:
  - Underground Tech shall have free and legal access to the project site.
  - The customer shall provide all necessary approvals and permits required for the project.
- Traffic Control:
  - The customer shall be responsible for providing traffic control measures, if required, except for cones.
- Washout Area and Access to Water:
  - Underground Tech shall have access to a washout area for mortar equipment and a source of water for the duration of the project.
- Staging Area:
  - The customer shall provide a suitable staging area for equipment, if required.
- Roadway for Service Vehicles:
  - The customer shall provide a suitable roadway for access to Underground Tech's service vehicles.
- Permits and Licensures:
  - The customer shall be responsible for obtaining all necessary permits, inspections, licensures, and environmental approvals.
- Signing of Proposal:
  - This proposal must be signed and in place before any work by Underground Tech commences.
- Warranty:
  - Underground Tech provides a 10-year warranty covering any failure of structures lined with Mainstay Composite Liner.
  - This warranty does not cover damage resulting from mechanical or chemical abuse or acts of God.
- Labor and Equipment Charges:
  - Prices are based on non-prevailing wages.
  - In the event of differences in actual job site conditions, quantities, and scope of work, hourly charges for labor and equipment will apply, along with additional material expenses.
- Delays and Overtimes:
  - Delays on-site shall be billed at the appropriate hourly rate.
  - Any overtime work will be billed at 1.5 times the hourly rate.
- Termination of Agreement:
  - If the agreement is terminated after Underground Tech has mobilized or materials have been ordered, the customer shall be invoiced for out-of-pocket expenses incurred.
- Payment Terms:
  - Upon completion of the project, payment is due on the 20th of the following month.
  - No retainage shall be taken, and 1-1/2% interest per month will be assessed on past due invoices.

**CITY OF TOLEDO**  
**REQUEST FOR COUNCIL ACTION**

|                                                                                   |                           |                                                                 |
|-----------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------|
|  | <b>Meeting Date:</b>      | <b>Agenda Topic:</b>                                            |
|                                                                                   | May 3, 2023               | Adjust water/sewer rates and water Standby Rates for resolution |
| <b>Council Goal:</b>                                                              | <b>Agenda Type:</b>       |                                                                 |
| Maintain and improve public infrastructure and facilities                         | Decision Items            |                                                                 |
| <b>Prepared by:</b>                                                               | <b>Reviewed by:</b>       | <b>Approved by:</b>                                             |
| City Manager J. Richter                                                           | City Manager Judy Richter | City Manager Judy Richter                                       |

**Recommendation:**

Motion to raise the water/sewer rates by \_\_\_\_\_% for adoption by resolution.

Motion to adjust the water standby rates based on meter size by \_\_\_\_\_ for adoption by resolution.

**Background:**

The water and sewer rates are adjusted effective May 21 of each year. If Council will provide direction to Staff, Staff will prepare the necessary resolution for adoption at the next Council meeting on May 17, 2023.

Water standby rates may also be adjusted on May 21. Again, if Council will provide direction, Staff will prepare a resolution for adoption at the next Council meeting. Please notice the Summary billing report attached. The revenue generated from the Standby rates is for one month. Estimated revenue for the year would be around \$112,000.00.

|                       |                     |                   |
|-----------------------|---------------------|-------------------|
| <b>Fiscal Impact:</b> | <b>Fiscal Year:</b> | <b>GL Number:</b> |
| Unknown               | 2022-2023           | N/A               |

**Attachment:**

1. Summary by Service Rate Report

# Utility Billing

## Summary by Service Rate

User: jelmore  
 Printed: 04/28/2023 - 11:47 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             |            |                  |                    |             |            |              |                      |
|                | 000312-000 |                  | 0.00               | 0.00        | 0.00       | 0.00         | 0.0000               |
|                | 001588-001 |                  | 0.00               | 0.00        | 0.00       | 0.00         | 0.0000               |
|                | 103148-000 |                  | 0.00               | 0.00        | 0.00       | 0.00         | 0.0000               |
|                | 104348-000 |                  | 0.00               | 0.00        | 0.00       | 0.00         | 0.0000               |
|                | 104350-000 |                  | 0.00               | 0.00        | 0.00       | 0.00         | 0.0000               |
|                | 104353-000 |                  | 0.00               | 0.00        | 0.00       | 0.00         | 0.0000               |
|                | 104357-000 |                  | 0.00               | 0.00        | 0.00       | 0.00         | 0.0000               |
|                | 104358-000 |                  | 0.00               | 0.00        | 0.00       | 0.00         | 0.0000               |
|                |            |                  | 0.00               | 0.00        | 0.00       | 0.00         | 0.0000               |

$9,393.40 \times 12 = \$112,720.80$

# CITY OF TOLEDO

## REQUEST FOR COUNCIL ACTION

|                                                                                   |                           |                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <b>Meeting Date:</b>      | <b>Agenda Topic:</b>                                                                                                                                                                                |
|                                                                                   | May 3, 2023               | Resolution No. 1512, a resolution approving an Intergovernmental Agreement (IGA) for a coordinated office on homelessness and appointing a representative and alternate representative to the board |
| <b>Council Goal:</b>                                                              | <b>Agenda Type:</b>       |                                                                                                                                                                                                     |
| Not Applicable                                                                    | Decision Items            |                                                                                                                                                                                                     |
| <b>Prepared by:</b>                                                               | <b>Reviewed by:</b>       | <b>Approved by:</b>                                                                                                                                                                                 |
| City Attorney M. Adams                                                            | City Manager Judy Richter | City Manager Judy Richter                                                                                                                                                                           |

### Recommendation:

Motion to approve Resolution No. 1512, a resolution of the Toledo City Council approving an Intergovernmental Agreement (IGA) for a coordinated office on homelessness and appointing a representative and alternate representative to the board established by the IGA and appointing City Councilor \_\_\_\_\_, as the City's representative, and City Councilor \_\_\_\_\_, as an alternate.

### Background:

A countywide effort was successful in being awarded one of eight counties in the state to receive a grant for \$1 million to assist in the ability to formulate a 5-year strategic plan and to stand up an office to assist in the effort to address homelessness across the county. There is no direct expense or costs associated with this effort. Lincoln County is acting as the fiscal agent/grant coordinator addressing issues of consultants, contracts, and grant reports.

The state program requires the formulation of an entity comprised of the county, cities, tribe, and community service providers to enter into a formal agreement to oversee the year-long process in the completion of the strategy and its subsequent implementation over the remaining period of the strategic plan.

The effort has currently been following an agreed upon Declaration of Cooperation. This has enabled the effort to progress by appointing participants including alternates to the Advisory Board and to direct the issuing of Request for Proposals and subsequent selection of consultants to perform the work. This Resolution memorializes those City Councilor's appointed as representative and alternate for the City of Toledo. Additionally, as required by the state contract, the formal agreement as in this case, the IGA, illustrates the functions, bylaws, and timeframe for the Advisory Board. The Intergovernmental Agreement (IGA) has been reviewed by the attorneys of the nine parties to the agreement.

|                       |                     |                   |
|-----------------------|---------------------|-------------------|
| <b>Fiscal Impact:</b> | <b>Fiscal Year:</b> | <b>GL Number:</b> |
| Unknown               | 2022-2023           | N/A               |

### Attachments:

1. Resolution No. 1512, with IGA attached as Exhibit A
2. HB 4123

**CITY OF TOLEDO  
RESOLUTION NO. 1512**

**A RESOLUTION OF THE TOLEDO CITY COUNCIL APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) FOR A COORDINATED OFFICE ON HOMELESSNESS AND APPOINTING A REPRESENTATIVE AND ALTERNATE REPRESENTATIVE TO THE BOARD ESTABLISHED BY THE IGA**

**WHEREAS,** ORS 190.010 authorizes units of local government to enter into Intergovernmental Agreements (IGA) for the performance of any or all functions which a party to the IGA has the authority to perform; and

**WHEREAS,** The County has signed a grant agreement with the State of Oregon for \$1,000,000 to establish a coordinated homeless response system. Lincoln County will administer the funding and consulting agreements necessary to meet the requirements of this grant. The grant agreement is entered pursuant to the terms of HB 4123; and

**WHEREAS,** Lincoln County, the Cities of Depoe Bay, Lincoln City, Newport, Siletz, Toledo, Waldport and Yachats and the Confederated Tribes of the Siletz Indians (Parties) have entered into a Declaration of Cooperation to implement preliminary steps to develop a Homeless Response System for Lincoln County; and

**WHEREAS,** The Declaration of Cooperation established an advisory committee to develop a Coordinated Homeless Response Agreement and advise the County on initial steps to develop a homeless response system for Lincoln County in accordance with HB 4123; and

**WHEREAS,** The Parties to the IGA wish to further implement HB 4123 and establish a coordinated homeless response system. The system shall, at a minimum, consist of a homeless response office (the "Office") and a Homeless Response Advisory Board (the "Board") charged with developing a five-year strategic plan for the County on creating pathways to permanent and supportive housing; and

**WHEREAS,** On April 12, 2023 the Advisory Committee unanimously recommended approval of the IGA, which includes draft Bylaws for the operation of the Board, to all Parties proposed to be part of the IGA.

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

- Section 1.       The City Council approves the Intergovernmental Agreement Coordinated Office on Homelessness (IGA) by and between Lincoln County, a political subdivision of the State of Oregon (County), the Cities of Depoe Bay, Lincoln City, Newport, Siletz, Toledo, Waldport, and Yachats, and the Community Services Consortium and authorizes the Mayor to execute the Intergovernmental Agreement on behalf of the City of Newport.
- Section 2.       In accordance with the IGA, the City Council appoints Councilor \_\_\_\_\_ as representative and Councilor \_\_\_\_\_ as the alternate representative to serve on Lincoln County Homeless Response Advisory Board until replaced by subsequent action of the City Council.
- Section 3.       Upon adoption, a copy of this resolution shall be provided to Lincoln County Administrator Tim Johnson.

Section 4. The IGA is attached to this resolution as Exhibit A; and

Section 5. That this Resolution shall be effective immediately upon passage by the Toledo City Council.

That this resolution is hereby adopted by the Toledo City Council on this 3<sup>rd</sup> day of May, 2023.

APPROVED

ATTEST

---

Mayor Rod Cross

---

City Recorder Lisa Figueroa

## **Intergovernmental Agreement Coordinated Office on Homelessness**

This Agreement is entered into by and between Lincoln County, a political subdivision of the State of Oregon ("County"), the Cities of Depoe Bay, Lincoln City, Newport, Siletz, Toledo, Waldport, and Yachats, and the Community Services Consortium.

### **RECITALS**

- A. ORS 190.010 authorizes units of local government to enter into Intergovernmental Agreements ("IGA") for the performance of any or all functions which a Party to the IGA has the authority to perform.
- B. The County has signed a grant agreement with the State of Oregon for \$1,000,000 to establish a coordinated homeless response system. Lincoln County will administer the funding and consulting agreements necessary to meet the requirements of this grant. The grant agreement is entered pursuant to the terms of HB 4123.
- C. Lincoln County, the Cities of Depoe Bay, Lincoln City, Newport, Siletz, Toledo, Waldport and Yachats and the Confederated Tribes of the Siletz Indians (Parties) have entered into a Declaration of Cooperation to implement preliminary steps to develop a Homeless Response System for Lincoln County.
- D. The Declaration of Cooperation established an advisory committee to develop a Coordinated Homeless Response Agreement and advise the County on initial steps to develop a homeless response system for Lincoln County in accordance with HB 4123.
- E. The Parties to this IGA wish to further implement HB 4123 and establish a coordinated homeless response system. The System shall, at a minimum, consist of a homeless response office (the "Office") and a Homeless Response Advisory Board (the "Board") charged with developing a five- year strategic plan for the County on creating pathways to permanent and supportive housing. The Parties wish to create a System that will fulfill all requirements set forth in Exhibit A – Grant Agreement, attached hereto and incorporated by this reference herein.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

- 1. **RECITALS.** The recitals set forth above are true and correct and are incorporated herein by this reference.
- 2. **DURATION/TERM.** [ORS 190.020(1)(e)]. The term of this Agreement shall commence after execution by all nine Parties and shall expire on June 30, 2027, unless extended or earlier terminated in accordance with Section 7.
- 3. **REAL OR PERSONAL PROPERTY.** [ORS 190.020(1)(d)]. Lincoln County shall physically locate and establish a Homeless Response Office and provide such office space and meeting room space as is needed for Homeless Response Office operations and Homeless Response Advisory Board meetings as contemplated in this Agreement. Other

parties may provide satellite office space for Homeless Response Office operations or may offer meeting rooms for meetings. The Parties may donate personal property to the County for purposes of establishing the office.

**4. FUNCTIONS OR ACTIVITIES. [ORS 190.020(1)].**

A. The Parties jointly agree to the establishment and operation of a Lincoln County Homeless Response Advisory Board (the “Board”) which shall be organized as follows and perform the following functions:

1. A Board, consisting of one representative and an alternate from each Party to this IGA, shall be formed for the purposes of providing advice and general policy guidance to the Parties and to the Office. In addition, the Confederated Tribes of Siletz Indians and the local Continuum of Care will be requested to designate a representative to serve as non-voting members of the Board. The Board is not a separate independent Intergovernmental Entity with contracting powers but is intended to be advisory and function as a liaison between the Office and the individual Parties in this coordinated response. The Board is not intended to manage the Office. Board members shall serve as a liaison between their elected body, the Board and the Office.
2. As an entity authorized by statute and governed by this IGA with the authority to make formal advice and recommendations, the Board is considered a public body for the purposes of Oregon Public Meetings law. The Board shall hold noticed meetings open to the public, and otherwise act in accordance with Oregon Public Meetings Law, Oregon Public Records law and applicable conflict of interest statutes. The Board shall adopt formal Bylaws sufficient to ensure compliance with Oregon Public Meetings Law and the orderly functioning of the Board that are substantially similar to the Bylaws set forth in Exhibit B, attached hereto and incorporated by this reference herein.
3. Administrative support for the Board shall be provided by the Office who shall provide staff support to ensure that public meeting notices for the Advisory Board meetings are properly made.
4. The Board may make recommendations to the County on the hiring of a consultant by Lincoln County to establish and operate a coordinated homeless response office.
5. The Board may make recommendations to the County on the hiring of any consultants to develop a five-year strategic plan that identifies goals and strategies to provide a sustainable partnership to reduce homelessness in Lincoln County.
6. With recommendations from the Office, the Board shall appoint two groups to engage in outreach and provide advice on the operation of a Homeless Response Office and the development of a five-year strategic plan.
  - a. A Homeless Practitioners Panel (“Panel”) shall be comprised of homelessness experts drawn from the community to include representatives with knowledge and experiences in areas of youth services, lived experiences, accessibility, housing, homelessness, land use, public education, public health, law enforcement and philanthropy. The Panel shall advise the Office on establishing a coordinated regional response to address homelessness in the

County and provide input to the Board on the development of a five-year strategic plan to reduce homelessness in the County.

- b. A Lived Experience Homelessness Work Group (“Work Group”) shall advise the Panel on aspects of homelessness relating to the operation of the Office and the development of the five-year Strategic Plan.
  7. The Board shall guide, make recommendations, review, approve, and adopt a strategic plan that identifies and sets goals as set forth in HB 4123. Each member Party shall review, approve, and adopt the strategic plan that identifies and sets goals as set forth in HB 4123 in accordance with timetables established by the State of Oregon.
  8. The Board is not the supervisor or Project Manager of the Office staff or consultant. The County shall manage any consultant contract or Office personnel and the Board may only make recommendations to the County regarding such personnel.
  9. The Parties to this Agreement require that the Board members report to their respective jurisdictions on the progress of mandated tasks. Board members have no individual authority and shall make recommendations and communicate with the Office only as a group, that is, through motions adopted at noticed public meetings. Board members shall not coerce or attempt to coerce Office staff or consultants.
- B. The Parties jointly agree to the establishment and operation of a Homeless Response Office (the “Office”) which shall perform the following functions:
1. The Office will be operated through a professional services agreement with a consultant contracted by Lincoln County. The consultant will be any individual or entity duly qualified and willing to serve in the role.
  2. The Office will coordinate with and develop partnerships with local and regional stakeholders as specified in House Bill 4123, including plans for coordination with the local Continuum of Care receiving funding under 24 C.F.R. part 578, and the Confederated Tribes of the Siletz Indians.
  3. The Office will designate a Director who will be charged with the general operation of the office. The Board shall receive progress reports from the Office and shall provide general policy guidance and recommendations to the Office.
  4. The Office shall work to coordinate tasks with the Board to develop a five-year strategic plan conducted under an agreement with a separate consultant.
  5. The Office shall coordinate all meetings of the Panel and Work Group identified in Section 4(A)-(6)(a)(b) of this agreement.
- C. All Parties to this IGA agree to cooperate in good faith to ensure that the goals of the Homeless Response System are achieved. The Parties shall work in good faith to amend this IGA when necessary to achieve the System goals set forth in Exhibit A.

- D. The County shall serve as the fiscal agent responsible for funding the operations of the Office created under this IGA. The County shall be responsible for all contracting, procurement, or other activities necessary to retain consultants with a recommendation from the Advisory Board. The County will retain fiscal and contractual oversight of the Office and shall retain the authority to terminate the contract with the consultants as necessary. In such an event, the County shall seek a new consultant with recommendations from the Advisory Board. This IGA does not create any employment or contractual relationship between the Parties to this IGA or the Office.
- E. The Lincoln County Office of Legal Counsel may be called upon to provide legal advice to the Board and the Office as necessary. Such advice may include, but is not limited to, advice on public meetings law, the requirements of HB 4123, and the formulation of necessary bylaws.
- F. Access to Records/Record Retention. The County shall maintain fiscal records and all other records pertinent to this IGA.
1. All fiscal records shall be maintained pursuant to generally accepted accounting standards, and other records shall be maintained to the extent necessary to clearly reflect actions taken.
  2. All records shall be retained and kept accessible for at least three years, or as otherwise required to be retained by Oregon law or as may be required by any grant contract terms.
  3. If an audit, litigation, or other action involving this IGA is started before the end of the three-year period, the records shall be retained until all issues arising out of the action are resolved or until the end of the three-year period, whichever is later.
  4. All Parties to this IGA and their authorized representatives shall have the right to direct access to all associated books, documents, papers and records related to this IGA for the purpose of conducting audits and examinations and making copies, excerpts and transcripts.

**5. PAYMENTS / REVENUE. [ORS 190.020(1)(a)-(b)].**

- A. The Parties agree that for the first two years, the Office will be funded with a portion of \$1,000,000 grant provided by the State of Oregon.
- B. The Parties do not anticipate any revenues will be derived pursuant to this Agreement. If any unexpected revenues are received, the Parties stipulate and agree that such revenues shall be utilized to run the Office.
- C. The Parties further agree to work together and use best efforts to seek out and obtain grant funding. The Office shall seek funding from other sources. The Board will propose a budget for years three through five of the agreement to operate the Office. Should additional grant or outside funding not be available to fully fund the Office, any proportionate shares of funding from the Parties shall be mutually agreed upon by all Parties and reflected in an amendment to this Agreement. The following disclaimer applies to all future funding derived from the Parties: All obligations of the Parties

pursuant to this Agreement which require the expenditure of funds not yet identified are contingent upon future appropriations by the Parties as part of the Parties local budget processes. The Parties are entering into this Agreement voluntarily in the spirit of cooperation and coordination to facilitate a coordinated homeless response system, including establishment of a Homeless Response Office for Lincoln County. However, nothing in this Agreement makes the individual Parties responsible for the contracts or commitments of the Office. Reimbursement of personnel costs is not contemplated by the County for administering these agreements.

**6. PERSONNEL.** [ORS 190.020(1)(c)]. No employees will be transferred pursuant to this Agreement.

**7. TERMINATION.** [ORS 190.020(1)(f)].

A. Unless extended or earlier terminated in writing signed by a majority of the Parties, this IGA automatically terminates on June 30, 2027.

B. This Agreement may be terminated by mutual consent of a majority of the Parties, provided one hundred eighty (180) days written notice is delivered by certified mail or personal service to every party. Such termination shall be without prejudice to any obligations or liabilities of the Parties accrued prior to such termination.

**8. CONTRIBUTION.**

A. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (a “Third Party Claim”) against a Party (the “Notified Party”) with respect to which the other Parties (the “Others”) may have liability, the Notified Party shall promptly notify the Others in writing of the Third Party Claim and deliver to the Others, along with the written notice, a copy of the claim, process and all legal pleadings with respect to the Third Party Claim that have been received by the Notified Party. Each Party is entitled to participate in the defense of a Third-Party Claim, and to defend a Third-Party Claim with counsel of its own choosing. Receipt by the Others of the notice and copies required in this Section and a meaningful opportunity for the Others to participate in the investigation, defense and settlement of the Third-Party Claim with counsel of its own choosing are conditions precedent to the Others’ contribution obligation under this Section with respect to the Third-Party Claim.

B. With respect to a Third Party Claim for which Party is jointly liable with Other Parties (or would be if joined in the Third Party Claim ), the Parties shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement and actually and reasonably incurred and paid or payable by Parties in such proportion as is appropriate to reflect the relative fault of Party on the one hand, and of Other Parties on the other hand, in connection with the events that resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Party on the one hand, and of Other Parties on the other hand, shall be determined by reference to, among other things, the Party's relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the Party had sole liability in the proceeding.

9. **METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS, AND MAKING PAYMENTS.** Notices and requests required by and given in connection with this Agreement and all other communications related to this agreement shall be in writing or email and deemed given as of the day they are received by (a) personal delivery, (b) electronic, (c) overnight delivery service, (d) United States mail, certified and return receipt requested, and addressed as follows:

- i. Lincoln County  
Tim Johnson, County Administration  
Phone: 541-265-4100  
Email: [tjohnson@co.lincoln.or.us](mailto:tjohnson@co.lincoln.or.us)
- ii. City of Depoe Bay  
Kimberly Wollenberg, City Recorder  
Phone: 541-765-2361  
Email: [recorder@cityofdepoe.org](mailto:recorder@cityofdepoe.org)
- iii. City of Lincoln City  
Daphnee Legarza, City Manager  
Phone: 541-996-1200  
Email: [dlegarza@lincolncity.org](mailto:dlegarza@lincolncity.org)
- iv. City of Newport  
Spencer Nebel, City Manager  
Phone: 541-574-0603  
Email: [s.nebel@newportoregon.gov](mailto:s.nebel@newportoregon.gov)
- v. City of Siletz  
Mayor Will Worman  
Phone: 541-444-2521  
Email: [mayor@cityofsiletz.org](mailto:mayor@cityofsiletz.org)
- vi. City of Toledo  
Judy Richter, City Manager  
Phone: 541-635-2003  
Email: [judy.richter@cityoftoledo.org](mailto:judy.richter@cityoftoledo.org)
- vii. City of Waldport  
Dann Cutter, City Manager  
Phone: 541-563-3561 X7  
Email: [dann.cutter@waldport.org](mailto:dann.cutter@waldport.org)
- viii. City of Yachats  
City Manager  
Phone: 541-547-3565  
Email: [citymanager@yachatsmail.org](mailto:citymanager@yachatsmail.org)



Community Services  
Consortium: Signature\_\_\_\_\_ Date\_\_\_\_\_

Executive Director

## **EXHIBIT A**

### **PROJECT DESCRIPTION**

Pursuant to the Authorization, Recipient shall use Grant funds for the Project as follows:

- (1) Within 90 days of receiving the Grant funds, Recipient shall enter into an agreement among Recipient, the City of Lincoln City, the City of Newport, the City of Toledo and any other parties to the agreement to create a coordinated homeless response system (the “System”) that consists of, at a minimum:
  - (a) The establishment of a coordinated homeless response office;
  - (b) An advisory board with representation from the governing body of each member government;
  - (c) Specific roles of each member to support the advisory board and office;
  - (d) Plans for coordination with any local continuum of care receiving funding under 24 C.F.R. part 578; and
  - (e) The establishment of a centralized point of contact for the office.
- (2) The System, with Recipient’s oversight, shall use the Grant funds to:
  - (a) Hire necessary staff for the office;
  - (b) Support coordinated communications and public engagement;
  - (c) Support community outreach and policy development, including stipends for people with current or recent lived experience of homelessness;
  - (d) Acquire technical assistance and capacity building, including contracting with consultants; and
  - (e) Pay for other expenses reasonably necessary to meet the requirements in this Exhibit A.
- (3) Within one year of receiving the Grant funds, the System, through the advisory board or each member government to the agreement, shall adopt a five-year strategic plan that will identify and set goals for addressing:
  - (a) Funding to support the ongoing operations of the System;
  - (b) Increasing or streamlining resources and services to people at risk of or experiencing homelessness within the participating cities and counties;
  - (c) Incorporating national best practices for ending homelessness;
  - (d) Eliminating racial disparities within homeless services within the service area; and

- (e) Creating pathways to permanent and supportive housing that is affordable to local populations experiencing or at risk of homelessness.
- (4) No later than November 15, 2023, and September 15, 2024, the System shall provide a report to the Housing and Community Services Department, Oregon Housing Stability Council and one or more appropriate interim committees of the Legislative Assembly in the manner provided in ORS 192.245 on:
  - (a) The goals adopted in the five-year strategic plan and the progress made in implementing the plan;
  - (b) Other changes in homelessness services, ordinances of member governments relating to homelessness and partnerships or programs established that are specifically related to member government actions arising out of the agreement; and
  - (c) Identified challenges and opportunities relating to:
    - (A) Regional coordination of homelessness services and planning;
    - (B) Needs for technical assistance regarding program development or other programs from the Housing and Community Services Department; and
    - (C) Addressing racial disparities through partnerships with culturally specific and responsive organizations serving populations overrepresented in experiencing homelessness, including Black, Indigenous, People of Color, federally recognized tribes and tribal members and outreach and engagement with these populations.
- (5) In performing the Project tasks identified in this Exhibit A, the System shall coordinate with and develop partnerships with local and regional stakeholders, including, but not limited to:
  - (a) Advocates for people experiencing homelessness and for people with lived experience of homelessness;
  - (b) Community action agencies;
  - (c) Housing authorities;
  - (d) Affordable housing providers;
  - (e) Behavioral health providers;
  - (f) Law enforcement;
  - (g) Educational agency liaisons for homeless children as described in 42 U.S.C. 11432;
  - (h) Local Department of Human Services offices;
  - (i) Courts;

- (j) Legal aid;
  - (k) Coordinated care organizations, as described in ORS 414.572;
  - (l) Emergency shelter providers;
  - (m) Homeless service providers;
  - (n) Organizations serving and advocating for veterans, homeless youth, youth exiting the foster care system, individuals exiting the criminal justice system, people with disabilities and aging adults, health care systems, domestic violence and sexual assault survivors, members of lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ) communities, people experiencing behavioral health and substance use disorders, faith communities and business communities; and
  - (o) The Housing and Community Services Department.
- (6) In performing its duties under this section, the System shall coordinate with law enforcement, service providers and governing bodies to implement safe and humane processes to maintain public and environmental health and safety, balancing important individual and community rights.
- (7) The System may use Grant funds in excess of those funds needed by the System to accomplish the requirements of the System under sections (1) to (6) of this Exhibit A to support the delivery of homeless services and shelter consistent with the five-year strategic plan, including through contracts with service providers.

## **EXHIBIT B**

### **LINCOLN COUNTY HOMELESS RESPONSE ADVISORY BOARD BYLAWS**

#### **SECTION 1. ADVISORY BOARD NAME**

**1.1 Name.** The Advisory Board will be called the Lincoln County Homeless Response Advisory Board, hereinafter referred to as the “Board”.

**1.2 Bylaws.** The Board has adopted the following bylaws to act in accordance with the Oregon Public Meetings, Oregon Public Records Law, and applicable conflict of interest statutes.

#### **SECTION 2. PURPOSE.**

**2.1 The Purpose of the Board.** Purpose and objectives of the Board is to advise the parties to the Intergovernmental Agreement – Coordinated Office on Homelessness, approved by the parties in 2023, on various aspects of utilizing a grant funds pursuant to the terms of HB 4123 to reduce homelessness in Lincoln County. This advisory role includes review of the establishment and operation of Homeless Response Office “Office” that will coordinate with and develop partnerships with local and regional stakeholders as specified in House Bill 4123, and to make recommendations, review and recommend approval of a strategic plan that identifies the set goals as set forth in HB 4123.

#### **2.2 Relationship with the Parties to the Intergovernmental Agreement.**

The Intergovernmental Agreement is between Lincoln County, the Cities of Lincoln County and the Community Services Consortium as outlined in the Intergovernmental Agreement – Coordinated Office on Homeless signed by the parties. The Advisory Board will provide recommendations to parties of the agreement on various issues relating to reducing homelessness in Lincoln County, including the creation of a county wide five-year strategic plan to address the homeless populations, including creating pathways to permanent and supportive housing to address homelessness on a regional basis in Lincoln County.

#### **SECTION 3 AUTHORITY.**

**3.1 Advisory Function.** The Board is not a separate independent governmental entity with contracting powers, but is intended to be advisory and function as a liaison between the Homeless Response Office and the individual parties to the agreement in a coordinated response to homelessness. The goal is not intended to manage the office. Board members shall serve as a liaison between their elected body, the Board and the Office.

**3.2 Advisory Role for Lincoln County.** The Board may make recommendations to the County on hiring a consultant to establish and operate a Coordinated Homeless Response Office, the hiring of any consultants to develop a five-year strategic plan that identifies

goals and strategies to create sustainable partnerships to reduce homelessness in Lincoln County.

**3.3 Committee Appointments.** The Board is tasked with appointing members to two groups, after consultation with the Office, to engage in outreach and provide advice on the operation of the Office in the development of a five-year strategic plan.

**3.4 Homeless Response Office.** The Office shall provide support services to the Board as provided in the agreement and bylaws. The Board does not manage the Office, but provides advice to the Office and County on services and operations of the Office. The Board shall offer advice to the County on contracting for services to create and maintain a Homeless Response Office.

## **SECTION 4 MEMBERSHIP.**

**4.1 Appointments to the Board.** The governing body of the County and Cities shall each appoint one representative and an alternate from their elected body to serve on the Board. The Community Services Consortium will elect a representative and an alternate representative from the Consortium to serve on the Board. Notification of the appointments will be provided to the Office upon action of each of the parties.

**4.2 Term.** All members will serve at the pleasure of their appointed Commission/Council/Board during the duration of the intergovernmental agreement.

**4.3 Change of Representatives.** The parties Commission/Councils/Board shall notify the Office when a change in representatives is made by that body. The parties shall forward the name and contact information to the Office and the new representative will be seated immediately upon notification by that party.

## **SECTION 5 Meetings.**

**5.1 Public Meetings.** The Board is a public body subject to the public meetings laws as stated in ORS 192.640. All meetings, other than executive sessions allowed by law, will be open to the public.

**5.2 Administrative Support for Public Meetings.** The Office shall establish a venue for the meetings, provide proper notice to members of the public, and prepare appropriate agenda background materials for the Board.

**5.3 Notice.** In addition to Board members and alternate Board members, the Office will give notice of any meetings to interested persons and news media that have requested notice and general public notice, of the time and place for holding meetings.

**5.4 Regular Meetings.** The Board will meet monthly. Regular meetings may be canceled or changed to another specific place, date and time as provided in the notices given for the meeting.

**5.5 Special Meetings.** Special Board meetings may be called by the Chair or any three members to the intergovernmental agreement when business needs to be transacted outside of the regular meeting schedule. Special meetings require public notice of not less than 24 hours prior to the commencement of the meeting.

**5.6 Voting Members.** The Chair will ask for the roll call of each party to the agreement at the beginning of the meeting to determine whether the representative, or alternate representative, will be a voting member for that party. In the event that both the representative and alternate representative are present, the representative will be the voting member.

**5.7 Quorum.** The majority of members to the Board will constitute a quorum for the transaction of all business at meetings.

**5.8 Minutes.** The Office will cause minutes to be prepared and distributed to the members for review and approval. Minutes will include the voting members present, other parties present, and will include motions, resolutions, and orders acted on by the Board during that meeting. The results of all votes shall be listed by each member of voting.

**5.9 Agendas.** Items may be placed on a meeting agenda by the Chair or any Board member. The agenda will be distributed by the Office to members 72 hours in advance of a regular meeting.

**5.10. Public Comment.** Each regular meeting will end with an opportunity for public comment, discussion, and input by guests and the general public.

## **SECTION 6 OFFICERS.**

**6.1 Chair.** The Board Chair will act as the leader of the convened meeting and as a parliamentarian. The Chair will enforce Board directives, guidelines and ensure that the meetings are held in accordance with the bylaws adopted by the Board.

**6.2 Vice Chair.** In the absence of the Chair the Vice Chair will assume the Chair's responsibilities. If neither the Chair nor Vice Chair is available for a publicly convened meeting, then the assembled quorum of the meeting shall select a temporary person to conduct the meeting.

**6.3 Secretary.** The Office shall serve as the Secretary for the Board.

**6.4 Election of Officers.** The Chair and Vice Chair shall be elected by the Board to serve in that capacity upon approval of the bylaws and serve until the last meeting of the calendar year. At the first meeting of each subsequent calendar year, the Chair and Vice Chair will be elected by the Board to serve in those capacities. The Office holds the responsibility of Secretary based on their role as a contractor for Lincoln County to provide services to the Board.

## **SECTION 7 PANELS and WORK GROUPS.**

**7.1 Homeless Practitioner's Panel.** A panel of individuals involved in various aspects of homelessness will be appointed by the Board, after consultation with the Office, to work as subgroups on various aspects of the development of a five-year strategic plan to establish a coordinated regional response to homelessness in Lincoln County.

**7.2 Lived Experience Homelessness Work Group.** This work group shall be appointed by the Board, after consultation with the Office, to advise the panel on aspects of homelessness relating to the operation of the Office and the development of a five-year strategic plan. This group is to be made up of individuals who have, or, experiencing homelessness. A stipend may be paid to these members as determined by the Board.

**7.3 Meetings.** The Office will coordinate all meetings of either of these groups. These meetings are informal and the groups will not vote on issues, but will provide their expertise related to the development of the plan and operation of the Office through the term of the Intergovernmental Agreement.

**7.4. Quorum.,** A quorum of the Board shall be 50% of the appointed members. When a quorum is expected to be present, at a Panel or work group, the meeting will be posted in accordance with the rules of the Board outlined in Section 5.3 Notice. Members to the Panel and work group will be appointed for terms that will expire at the end of the calendar year. Members may be reappointed for subsequent one-year terms.

## **SECTION 8 FISCAL RESPONSIBILITIES.**

**8.1 Funds Granted through House Bill 4123.**These funds will be managed by Lincoln County.

**8.2 Budget.** The Board will recommend to the County a budget for the consultants to the Strategic Plan and to stand up an Office. It will also recommend a budget to continue to operate the Office and provide funding for various projects in accordance with the five-year plan adopted by the Board.

**8.3 Recommendations for Financial Support.** The Board may make recommendations to the members of this agreement for continued financial support of various initiatives identified in the five-year plan beyond the state provided funding. This may include additional grants, direct support from local units of government, or other financial ways to support homelessness initiatives in Lincoln County. The Board cannot bind any parties to any financial obligations.

**8.4 Contractual Relationships.** The Board is not empowered to make any contractual relationships with any parties. Lincoln County will manage the contractual relationship between the Office and any consultants utilized to develop the five-year strategic plan. The Board may recommend to the parties, any future agreements for services to meet the needs to reduce homelessness in Lincoln County.

**8.5 Fiscal Responsibility.** The Board is not responsible for any personnel, contracts or any fiscal responsibilities related to the Board's purpose.

## **SECTION 9 CONFLICT of INTEREST.**

**9.1 Statutory Authority.** The Board, Panel, and work group members will adhere to ORS 244.020, 244.040(1), and 244.120-130 defining conflict of interest and establishing protocols for members of public bodies in Oregon. Board, Panel and work group members are expected to declare a conflict of interest prior to consideration of any matter causing a potential or actual conflict.

**9.2 Potential Conflict Definition.** As defined in Oregon law, a potential conflict of interest exists when a member takes an action that reasonably could be expected to have a financial impact on that member, a relative, or a business with which the member or member's relative is associated.

**9.3 Actual Conflict Definition.** As defined in Oregon law, an actual conflict of interest when an action is reasonably certain to result in a special benefit or detriment to the member, a relative, or a business with which the member or the member's relative is associated.

**9.4 Potential Conflict Protocol.** With a potential conflict, the member may participate in an action after declaring the conflict and announcing its nature.

**9.5 Actual Conflict Protocol.** With an actual conflict, the member will declare the conflict and announce its nature. The member must then refrain from taking any official action, except when the member's vote is necessary to achieve a quorum. When a vote is necessary to achieve a quorum, the member may vote, but may not participate in any discussion or debate on the issue out of which the actual conflict arises.

## **SECTION 10. APPROVAL OF THE BYLAWS.**

**10.1 Bylaw Amendments.** The bylaws will be provided to the parties for any comments 45 days prior to adoption by the Board. These bylaws may be adopted, amended, or new bylaws may be adopted by the Board after written notice of the proposed amendments are made to each of the parties 30 days prior to the date of the meeting in which the amendments are to be considered for approval.

## **SECTION 11 TERMINATION.**

**11.1 Termination.** These bylaws will terminate upon the conclusion or termination of the Intergovernmental Agreement – Coordinated Office on Homelessness.

Adopted by the Lincoln County Homeless Response Advisory Board this \_\_\_\_\_(day) of \_\_\_\_\_(month), 2023.

## Enrolled

# House Bill 4123

Sponsored by Representatives KROPF, WILLIAMS, Senator PATTERSON, Representatives EVANS, GOMBERG, HOY, SMITH G, ZIKA, Senators ANDERSON, ARMITAGE, GELSER BLOUIN, HANSELL, KNOPP, THOMSEN; Representatives ALONSO LEON, CAMPOS, DEXTER, FAHEY, GRAYBER, HIEB, LEVY, MARSH, MOORE-GREEN, NOBLE, NOSSE, REYNOLDS, SOSA, WEBER (Presession filed.)

CHAPTER .....

### AN ACT

Relating to coordinated homeless response systems; and declaring an emergency.

Whereas the lack of available housing, high rents and high home prices are driving rapid increases in housing instability and homelessness in Oregon; and

Whereas Oregon has experienced a significant increase in the number of people experiencing homelessness and unsheltered homelessness; and

Whereas funding, resources and services to address homelessness in Oregon are not scaled to meet this need; and

Whereas the lack of housing affordability and availability in Oregon cannot be addressed without cross-jurisdictional collaboration; and

Whereas communities require coordinated leadership and governance to identify local needs and centralize communication, policy and services to end homelessness; now, therefore,

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

**SECTION 1. (1) The Oregon Department of Administrative Services shall provide grants to local governments and nonprofit corporations that agree to, within 90 days of receipt of grant funding, enter into an agreement among the member governments and nonprofit corporations, if any, to create a coordinated homeless response system that consists of, at a minimum:**

- (a) The establishment of a coordinated homeless response office;**
- (b) An advisory board with representation from the governing body of each member government;**
- (c) Specific roles of each member to support the advisory board and office;**
- (d) Plans for coordination with any local continuum of care receiving funding under 24 C.F.R. part 578; and**
- (e) The establishment of a centralized point of contact for the office.**
- (2) Grants provided under this section shall be used by the coordinated homeless response system to:**
  - (a) Hire necessary staff for the office;**
  - (b) Support coordinated communications and public engagement;**
  - (c) Support community outreach and policy development, including stipends for people with current or recent lived experience of homelessness;**

(d) Acquire technical assistance and capacity building, including contracting with consultants; and

(e) Pay for other expenses reasonably necessary to meet the requirements under this section.

(3) Within one year of receiving a grant under this section, a coordinated homeless response system, through the advisory board or each member government to the agreement, shall adopt a five-year strategic plan that will identify and set goals for addressing:

(a) Funding to support the ongoing operations of the coordinated homeless response system;

(b) Increasing or streamlining resources and services to people at risk of or experiencing homelessness within the participating cities and counties;

(c) Incorporating national best practices for ending homelessness;

(d) Eliminating racial disparities within homeless services within the service area; and

(e) Creating pathways to permanent and supportive housing that is affordable to local populations experiencing or at risk of homelessness.

(4) No later than November 15, 2023, and September 15, 2024, each coordinated homeless response system shall provide a report to the Housing and Community Services Department, Oregon Housing Stability Council and one or more appropriate interim committees of the Legislative Assembly in the manner provided in ORS 192.245 on:

(a) The goals adopted in the five-year strategic plan and the progress made in implementing the plan;

(b) Other changes in homelessness services, ordinances of member governments relating to homelessness and partnerships or programs established that are specifically related to member government actions arising out of the agreement; and

(c) Identified challenges and opportunities relating to:

(A) Regional coordination of homelessness services and planning;

(B) Needs for technical assistance regarding program development or other programs from the Housing and Community Services Department; and

(C) Addressing racial disparities through partnerships with culturally specific and responsive organizations serving populations overrepresented in experiencing homelessness, including Black, Indigenous, People of Color, federally recognized tribes and tribal members and outreach and engagement with these populations.

(5) In performing tasks under this section, a coordinated homeless response system shall coordinate with and develop partnerships with local and regional stakeholders, including, but not limited to:

(a) Advocates for people experiencing homelessness and for people with lived experience of homelessness;

(b) Community action agencies;

(c) Housing authorities;

(d) Affordable housing providers;

(e) Behavioral health providers;

(f) Law enforcement;

(g) Educational agency liaisons for homeless children as described in 42 U.S.C. 11432;

(h) Local Department of Human Services offices;

(i) Courts;

(j) Legal aid;

(k) Coordinated care organizations, as described in ORS 414.572;

(L) Emergency shelter providers;

(m) Homeless service providers;

(n) Organizations serving and advocating for veterans, homeless youth, youth exiting the foster care system, individuals exiting the criminal justice system, people with disabilities and aging adults, health care systems, domestic violence and sexual assault survivors,

members of lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ) communities, people experiencing behavioral health and substance use disorders, faith communities and business communities; and

(o) The Housing and Community Services Department.

(6) In performing its duties under this section, a coordinated homeless response system shall coordinate with law enforcement, service providers and governing bodies to implement safe and humane processes to maintain public and environmental health and safety, balancing important individual and community rights.

(7) A coordinated homeless response system may use grant funds in excess of those funds needed by the system to accomplish the requirements of the system under subsections (1) to (6) of this section to support the delivery of homeless services and shelter consistent with the five-year strategic plan, including through contracts with service providers.

**SECTION 2.** Section 1 of this 2022 Act is repealed on January 2, 2025.

**SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Department of Administrative Services, for the biennium ending June 30, 2023, out of the General Fund, to provide grants under section 1 of this 2022 Act for a coordinated homeless response system:

(1) \$1,000,000 to Benton County for a response system consisting of Benton County, the City of Corvallis and any other parties to the agreement forming the response system.

(2) \$1,000,000 to Coos County for a response system consisting of Coos County, the City of Coos Bay, the City of North Bend and any other parties to the agreement forming the response system.

(3) \$1,000,000 to Deschutes County for a response system consisting of Deschutes County, the City of Bend, the City of La Pine, the City of Redmond and the City of Sisters.

(4) \$1,000,000 to Lincoln County for a response system consisting of Lincoln County, the City of Lincoln City, the City of Newport, the City of Toledo and any other parties to the agreement forming the response system.

(5) \$1,000,000 to the Mid-Columbia Community Action Council for a response system consisting of the Mid-Columbia Community Action Council, Hood River County, Sherman County, Wasco County, the City of The Dalles, the City of Hood River and any other parties to the agreement forming the response system.

(6) \$1,000,000 to Polk County for a response system consisting of Polk County, the City of Dallas, the City of Falls City, the City of Independence, the City of Monmouth, the City of Willamina, the Confederated Tribes of the Grand Ronde, Mid-Willamette Valley Community Action Agency and any other parties to the agreement forming the response system.

(7) \$1,000,000 to Tillamook County for a response system consisting of Tillamook County, the City of Tillamook, Bay City, the City of Garibaldi, the City of Rockaway Beach, the City of Wheeler, the City of Manzanita, Tillamook County Community Action Resources Enterprises, Inc. and any other parties to the agreement forming the response system.

(8) \$1,000,000 to Umatilla County for a response system consisting of Umatilla County, the City of Umatilla, the City of Stanfield, the City of Echo, the City of Hermiston and any other parties to the agreement forming the response system.

**SECTION 4.** This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

**Passed by House March 2, 2022**

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

**Passed by Senate March 3, 2022**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2022

**Approved:**

.....M.,....., 2022

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2022

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Shemia Fagan, Secretary of State