

MISSION STATEMENT

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.



CITY OF SWEET HOME CITY COUNCIL AGENDA

November 26, 2019, 6:30 p.m.
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode:
guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

A. Call to Order and Pledge of Allegiance

B. Roll Call:

Councilor Coleman
Councilor Gerson
Councilor Goble
Councilor Gourley

Mayor Mahler
Councilor Nash
Councilor Trask

C. Consent Agenda:

- a) Approval of Minutes: November 12, 2019 City Council Minutes (pg. 3-7)
- b) Excuse Councilor Nash from October 30, 2019 Executive Session and Work Session

D. Recognition of Visitors and Hearing of Petitions:

- a) Regional Accelerator Innovation Network (RAIN) Presentation

E. Old Business:

- a) Information Only – Transit Shelter Ordinance (pg. 8-10)
- b) Request for Council Action – Adopt System Development Charges (SDC) Timeline (pg. 11-14)
- c) Request for Council Action – IGA Mid Valley Prosperity Partnership Economic Strategy and Action Plan 2019 (pg. 15-31)

F. New Business:

G. Ordinance Bills

- i. **Request for Council Action and First Reading of Ordinance Bills**
- ii. **Second Reading of Ordinance Bills**
 - (1) Ordinance No. 7 for 2019 – An Ordinance Pertaining to Expulsion from Enhanced Law Enforcement Areas of the City of Sweet Home (pg. 32-35)
- iii. **Third Reading of Ordinance Bills (Roll Call Vote Required)**

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

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H. Reports of Committees:

Administrative & Finance/Property	Goble
Park and Tree Committee	Trask
Youth Advisory Council	Gourley
Chamber of Commerce	Gerson
Council of Governments	Gerson
Area Commission on Transportation	Mahler
Solid Waste Advisory Council	Goble
Ad Hoc Committee on Health	Gourley
Legislative Committee	Coleman

I. Reports of City Officials:

- a) Mayor's Report
- b) City Manager's Report
- c) Department Director's Reports: (1st Meeting of the Month)
 - i. Library Services Director
 - ii. Community and Economic Development Director
 - iii. Public Works Director
- d) Department Director's Reports: (2nd Meeting of the Month)
 - i. Finance Director
 - (1) Department Report (pg. 36-37)
 - (2) Check by Date (pg. 38-41)
 - (3) Expense vs Revenue (pg. 42-43)
 - ii. Police Chief
 - (1) Department Report (pg. 44-47)
 - iii. City Attorney's Report
 - (1) Prohibiting Smoking in Downtown Memo (pg. 48-51)

J. Council Business for Good of the Order:

K. Adjournment

SWEET HOME CITY COUNCIL MEETING MINUTES

November 12, 2019

Mayor Mahler called the meeting to order at 6:30 p.m. in the Sweet Home City Hall. The Pledge of Allegiance was recited.

Staff Present: City Manager Ray Towry, City Attorney Robert Snyder, Public Works Director Greg Springman, Finance Director Brandon Neish, Police Chief Jeff Lynn, Community and Economic Development Director Blair Larsen, Library Services Director Rose Peda, Engineer Technician Trish Rice, Utilities Manager Steven Haney, and Administrative Assistant Julie Fisher

Visitors Registered to Speak: Vince Adams

Media: Sean Morgan, The New Era

Roll Call:	Councilor Coleman	P	Mayor Mahler	P
	Councilor Gerson	P	Councilor Nash	P
	Councilor Goble	P	Councilor Trask	P
	Councilor Gourley	AB		

Motion to excuse Councilor Gourley (Gerson/Trask) Motion passed with 6 Ayes and 1 Absent (Gourley)

Consent Agenda: **Motion was made to approve the Consent Agenda as submitted (Trask/Coleman) Motion passed with 6 Ayes, 0 Opposed, 1 Absent (Gourley)**

Items on the consent agenda are as follows:

Approval of Minutes: October 22, 2019 Council Minutes
October 30, 2019 City Council ES
October 30, 2019 City Council WS

Recognition of Visitors & Hearing of Petition:

Vince Adams
809 Mountain View Rd
Sweet Home, OR 97386

Vince Adams spoke of his displeasure of the ATV Ordinance which was recently approved by Council. He also spoke regarding the Exclusion Zone, concerned those excluded will be forced into the nearby residential zones.

Old Business:

Discussion Only – WEFTEC Trip
Update and Project Schedule
Presentation

Trish Rice, Engineer Tech and Steven Haney, Utilities Manager attended a conference in Chicago with Murraysmith. Their focus was to learn about technology, equipment options and related maintenance considerations for the upcoming Wastewater Treatment Plant project. They presented what they saw and heard during their investigative trip.

Discussion Only – Intro to System
Development Charges/ Timeline

Preston VanMeter with Murraysmith presented Council with information to consider regarding System Development Charges (SDC). Sweet Home is historically low in their SDC charges.

Components of SDCs were reviewed as well as how SDCs are calculated. A timeframe was presented for updating the SDC including a 90-day notice of the Public Hearing for SDC rate adoption occurring approximately June 9, 2020. Murraysmith will return to the Council during the November 26th Council meeting for adoption of the timeline to update the SDCs.

Request for Council Action – Adopt
2020 Capital Improvement Plan

City Manager Towry introduced the Capitol Improvement Plan as a necessary plan helpful to determine how to budget, priority of work and aids in securing funding. The CIP is a guideline and reviewed annually.

Motion to approve the 2020 Capital Improvement Plan as presented (Goble/Coleman) Motion passed with 6 Ayes, 0 Opposed and 1 Absent (Gourley)

Information Only – Utility
Management – Letter to Jacobs

City Manager Towry presented for information only, a letter to Jacobs regarding continuation of their contract.

Discussion Only – Jacobs Annual
Report – Brian Helliwell Regional
Managers & Efrain Rodriguez

Jacobs presented their Annual Report and City of Sweet Home and Jacobs 2019 Partnership Highlights.

Information Only – Community Court
Update

Chief Lynn gave an update on Community Court. Chief Lynn has been building a base of service providers who would be willing to be a part of the problem-solving efforts. Court staff will be visiting a Community Court in Eugene. The first Community Court date has been set for January.

Request for Council Action –
Enhanced Law Enforcement
Ordinance

City Manager Towry gave a brief history of the Enhanced Law Enforcement Ordinance. Public input has been heard, including from business owners, and a work session has been held. City Manager apologized for the unexpected addition of #24 under list of offenses which now includes “possession of alcoholic beverages in public places.” Council could choose to omit #24 if a motion was made.

Motion to move Ordinance No 7 for 2019 as presented to first reading (Trask/Coleman) Motion passed with 5 Ayes, 1 Opposed (Nash) and 1 Absent (Gourley)

Request for Council Action – 9th
Avenue Purchase and Sale
Agreement

City Manager Towry introduced the Purchase and Sale Agreement for property located at 1730 9th Avenue, 13S01E31 by Anthony Lee Larson and Michelle Lee Tack Larson for the purchase price of \$220,000.00.

**Motion to authorize the City Manager, a o , to authorize the Purchase and Sale Agreement, complete the sale, and sign the title for 1730 9th Avenue.
(Trask/Goble)**

Roll Call Vote:

Councilor Gerson	Aye
Councilor Goble	Aye
Councilor Gourley	Absent
Mayor Mahler	Aye
Councilor Nash	Aye
Councilor Trask	Aye

Motion passed with 6 Ayes, 0 Opposed and 1 Absent (Gourley)

New Business:

Request for Council Action –
Appointment to the Budget
Committee

Motion to appoint Lisa Willson to the Sweet Home Budget Committee for a three-year term to expire December 31, 2021 (Gerson/Trask) 6 Ayes, 0 Opposed and 1 Absent (Gourley)

Request for Council Action –
Appointment to the Charter Review
Committee

Motion to appoint Lisa Willson to the Sweet Home Charter Review Committee (Trask/Gerson) 6 Ayes, 0 Opposed and 1 Absent (Gourley)

Request for Council Action –
Updates to Personnel Policy Section
4(c)

City Manager Towry introduced the additional language regarding Holidays and Floating Holidays to match language in the CBA.

Motion to Approve Amendments to the Sweet Home Personnel Policies Section 4(c) Holidays and Floating Holidays (Coleman/Trask) 6 Ayes, 0 Opposed and 1 Absent (Gourley)

Request for Council Action – Mid
Valley Prosperity Partnership
Economic Strategy and Action Plan

Community and Economic Development Director Blair Larsen explained the partnership agreement with nearby communities working toward Economic Development. The agreement will come before Council during the November 26th meeting for adoption.

Discussion Only – Draft Transit
Shelter Ordinance

City Manager Towry introduced the draft Transit Shelter Ordinance explaining local community members are concerned about undesirable activity happening in transit shelters. The ordinance is draft for consideration.

Request for Council Action –
December 24th City Council
Meeting Schedule

Motion to cancel the December 24th City Council Meeting (Trask/Coleman) Motion passed with 6 Ayes, 0 Opposed and 1 Absent (Gourley)

Request for Council Action –
Resolution No. 30 for 2019 –
Authorizing Transfer of
Appropriations

Finance Director Neish explained a need to adjust already allocated funds to cover over expenditures in the Executive Department General Fund and over expenditures in the Wastewater Fund relating to repair and maintenance costs.

Motion to Adopt Resolution No. 30 for 2019 – A Resolution Authorizing Transfer of Appropriations (Goble/Coleman)

Roll Call Vote:

Councilor Goble	Aye
Councilor Gourley	Absent
Mayor Mahler	Aye
Councilor Nash	Aye
Councilor Trask	Aye
Councilor Coleman	Aye
Councilor Gerson	Aye

Motion Passed with 6 Ayes, 0 Opposed and 1 Absent (Gourley)

Request for Council Action –
Resolution No. 31 for 2019 –
Authorizing Transfer of Funds to
Cover Deficit

Finance Director Neish explained one fund that ended with a negative fund balance. The Community Center Fund pays for the utilities for Community Center and then gets reimbursed when utilities are paid.

Motion to Adopt Resolution No. 31 for 2019 – A Resolution Authorizing Transfer of Funds to Cover Deficit (Trask/Gerson)

Roll Call Vote:

Councilor Gourley	Absent
Mayor Mahler	Aye
Councilor Nash	Aye
Councilor Trask	Aye
Councilor Coleman	Aye
Councilor Gerson	Aye
Councilor Goble	No

Motion passed with 5 Ayes, 1 Opposed (Goble) and 1 Absent (Gourley)

**Request for Council Action and
First Reading of Ordinance Bills**

Ordinance No. 7 for 2019 – Sweet Home Ordinance Pertaining to Expulsion from Enhanced Law Enforcement Areas of the City of Sweet Home.

Chief Lynn read in its entirety Ordinance No. 7 for 2019 - Sweet Home Ordinance Pertaining to Expulsion from Enhanced Law Enforcement Areas of the City of Sweet Home.

With no objection by Council Ordinance No. 7 for 2019 – Sweet Home Ordinance Pertaining to Expulsion from Enhanced Law Enforcement Areas of the City of Sweet Home will move to second reading on November 26, 2019

Second Reading:

None

**Third and Final Reading of
Ordinance Bills:**

None

Reports of Committees:

Administration & Finance/ Property Committee	Mayor Mahler reported the committee met to conduct interviews for the Budget Committee and Charter Review Committee.
Park & Tree Commission	No Report
Youth Advisory Council	No Report
Chamber of Commerce	Councilor Gerson reported the Chamber Board is working towards agreement on two policies.
Council of Governments (COG)	No Report
Area Commission on Transportation	No Report
Solid Waste Advisory Council (SWAC)	No Report
Ad Hoc Committee on Health	No Report
Legislative Committee	No Report

Reports of City officials

Mayor's Report	No Report
City Manager's Report	City Manager Towry reported he will be out of the office Friday.
Department Directors Reports	Written reports were submitted by the following Departments: Public Works and Community and Economic Development. 2021 Budget Calendar is in the packet for review.
City Attorney	No Report.
Council Business for Good of the Order:	Showcase will take down the art in December and the new art show will go up January.
Adjournment:	With no further business the meeting adjourned at 8:47 pm.

The foregoing is a true copy of the proceedings of the City Council at the November 12, 2019 regular City Council Meeting.

ATTEST:

Mayor

City Manager – Ex Officio City Recorder

ORDINANCE BILL NO. _____ FOR 2019

ORDINANCE NO. _____

**SWEET HOME ORDINANCE PERTAINING TO THE USE OF TRANSIT SHELTERS
IN THE CITY OF SWEET HOME**

WHEREAS, the City desires to provide for the safety, convenience, and comfort of transit passengers, for safety of City of Sweet Home personnel, for the preservation of service quality in the City's ability to assist in providing a cost-effective source of reliable transportation, and to prevent transit system security vulnerabilities.

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Section (?) titled IMPROPER USE OF TRANSIT SHELTERS is created to read as follows:

A. Definitions.

"Transit shelter" shall mean any and all City-owned or managed bus shelters, non-covered bench areas related to bus transportation.

B. Improper use of transit shelter.

No person shall:

- (1) Enter or remain upon, occupy or use a bus shelter for purposes other than boarding, disembarking or waiting for an approved City bus service;
- (2) Lie down on or across the seats or the floor of a bus shelter seating;
- (3) Remain in or within 20 feet of a bus shelter seating for a period in excess of one hour within a 24-hour period.;
- (4) Place any object or substance on the seats of a bus shelter seating that inhibits the proper use of such seats; or
- (5) Block or obstruct the use of the seats or floor area of a bus shelter.

C. Exclusion.

In addition to other measures provided for in City or State laws, the City may exclude an individual from any or all transit shelters for a violation of any provision of this section, or a violation of any criminal law of the City of Sweet Home or State of Oregon while in or within 20 feet of a transit shelter as set forth below.

D. Issuance of exclusion notice.

In addition to any other remedies or penalties provided by law any Police Officer may exclude any person who violates the provisions of this chapter, city ordinance or state law from any and all transit shelters in accordance with the provisions of this section.

E. Procedure for exclusion.

(1) An exclusion issued under the provisions of this section shall be for 30 days. If the person to be excluded has been excluded from any transit shelter at any time within two years before the date of the present exclusion, the exclusion shall be for 90 days.

(2) At the time a person is cited to appear and/or arrested may deliver to that person a written notice excluding that person from any or all transit shelters and the area within 20 feet of the shelter. The exclusion shall take place immediately and apply to all City-owned transit shelters. A violation of a second or subsequent offense of this article during the specified may result in a charge of criminal trespass in the second degree (ORS [164.245](#)).

(3) The notice shall specify the area from which the person is excluded, the length of the exclusion, the penalty for entering the excluded area and contain information concerning the right to appeal the exclusion to the City Manager.

F. Appeal and variance.

(1) Any person receiving an exclusion notice may appeal the issuance of such notice by appealing to the City Manager. The appeal of the exclusion must be made to the City Manager within five business days of the date of the issuance of the exclusion notice. The City Manager or designee shall conduct a hearing on the appeal within ten days from receipt of the appeal notice. At the hearing both the appellant and the city shall be given an opportunity to provide evidence on the exclusion. The City Manager or designee shall decide if an offense did occur and if the length of expulsion is correct by substantial evidence on the record. The hearing held under this section may be informal in nature but the presentation of evidence at the hearing shall be consistent with the presentation of evidence required for contested cases under O.R.S. 183.450. An appeal of an exclusion notice automatically stays the exclusion period until a decision on appeal is issued by the City Manager or designee.

(2) An individual with a disability who is transit-dependent shall not be issued a complete exclusion from the transit shelters unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, if the City Manager determines that a violation was more probable than not, the City Manager shall order a qualified exclusion to permit the person with a disability to use the transit system for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services. Any person asserting the right to a qualified exclusion on the basis of transit dependence shall have the burden of establishing transit dependence by a preponderance of the evidence.

(3) Any variance may be granted at any time during the exclusion period by the Chief of Police, his or her designee or by the City Manager.

(4) All variances shall be in writing, for a specific period of time and only to accommodate a specific purpose, all of which shall be stated in the variance.

(5) The person shall keep the variance on his or her person at all times the person is within the area of exclusion.

(6) In the event a person is found to be outside the scope of the terms of the variance, the variance shall immediately become void and that person is subject to arrest for the crime of criminal trespass in the second degree (ORS [164.245](#)) and/or interfering with public transportation (ORS [166.116](#)). (Ord. 5835 § 1, 2014).

(7) Except as stated or provided for in the criminal laws of the State of Oregon, violation of this chapter constitutes a violation and may be prosecuted under the provisions of Chapter 9.36.

DRAFT



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: November 26, 2019	TITLE: City of Sweet Home - System Development Charges (SDC) Timelines	TYPE OF ACTION: <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> <input checked="" type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION <input type="checkbox"/> OTHER </div> </div>
SUBMITTED BY: Greg Springman, Public Works Director	ATTACHMENTS: Proposed Timelines for System Development Charges (SDC) Development	
REVIEWED BY: Ray Towry, City Manager		
RELEVANT CODE/POLICY: N/A	TOWARD COUNCIL GOAL: 1.1: Develop steps for infrastructure master plans 2.5: Continue to implement best financial practices 2.6: Employ sound technology to maximize efficiency	

PURPOSE OF THIS RCA:

To review and approve Murraysmith's proposed System Development Charges (SDC) evaluation process, with associated SDC project timelines.

BACKGROUND/CONTEXT:

The City of Sweet Home has begun to evaluate and update SDCs. SDCs are one-time fees charged on new development, and certain types of redevelopment, to help pay for existing and planned infrastructure to serve the development. SDCs are one means of financing growth that is available to local governments. State law authorizes local governments to assess SDCs and specifies how, when, and for what improvements they can be imposed. Under ORS 223.297 – 223.314, SDCs may be used for capital improvements for:

1. Water supply, treatment and distribution
2. Waste water collection, transmission, treatment and disposal
3. Drainage and flood control
4. Transportation
5. Parks

The SDCs may be a reimbursement by new development for a portion of unused infrastructure capacity and/or an improvement fee for planned infrastructure. The SDC is intended to recover a fair share of the costs of existing and planned infrastructure that provide capacity to serve new growth. SDC revenues may be recovered and used for capital costs, but not for ongoing facility, system maintenance, or for projects that either fix existing system deficiencies, or to replace existing capacity. Currently, the City does not recoup SDC fees for Transportation or Parks.

There are three types of SDCs fees:

1. Reimbursement fee;

2. Improvement fee;
3. Compliance fee.

Reimbursement Fee: Is the portion of the specific system SDC charged to recoup the community's investment in extra capacity in anticipation of future growth. The reimbursement fee shall promote the objective that the future system users contribute no more than an equitable share to the cost of reserve capacity in the existing facilities.

Improvement Fee: Is the portion of the system-specific SDC charged to cover an equitable share of the capital improvements required to increase capacity of the system to accommodate new development and to protect the health, safety and well-being of the community.

Compliance Fee: The State of Oregon authorizes the expenditure of SDCs on "the costs of complying with the provisions of statute, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

Cities must establish their SDCs by ordinance or resolution. The SDC methodology must provide a credit for any qualified capital improvement financed by the developer. The calculation methodology must be adopted through a public process and the ordinance must set up a review procedure through which anyone may challenge an expenditure of SDC revenue if it is out of compliance with state restrictions.

Prior to imposing SDCs the local body must have in place:

1. A capital improvement plan;
2. A master plan or comparable plan that lists improvements to be funded with the improvement fee portion of the SDC;
3. An estimate of the cost and timing for each listed improvement.

SDCs are typically assessed when development or building permits are issued, but they can be collected later, such as at the time of occupancy. They are collected from builders who may include the costs in their charges.

THE CHALLENGE/PROBLEM:

The City of Sweet Home has historically maintained "low" SDCs for planned and future developments compared to other cities in Oregon. Because of the "low" SDCs recouped, Water and Wastewater rates are funding most infrastructure capacity improvements and development projects supporting growth. Updating the City's SDCs will provide additional funding for current and future capital projects, lowering rates for community users over time.

STAKEHOLDERS:

- City of Sweet Home Residents. Residents are the funding source and pay water, sewer, and storm drain rates on a monthly basis. Currently, the City does not recoup SDC fees for Transportation or Parks.
- City of Sweet Home City Council. Council members are the voice of the citizens we serve. Each member of this group is interested in providing the best water, sewer, storm drain, transportation, and parks services possible.
- City of Sweet Home Management Team. Each Department Head a responsibility to the citizens in the City of Sweet Home and run their day-to-day operations as efficiently as possible.
- Developers/Contractors. Developers and Contractors are property/business owners with planned developments partnering with Sweet Home.
- Sweet Home Business Community/Chamber of Commerce. Local organization comprised of business owners, and as employers and property owners they can be very influential with the Council members. The business community expects efficient uninterrupted city services.

ISSUES & FINANCIAL IMPACTS:

1. City of Sweet Home – The community of Sweet Home has the some of the lowest SDCs in Oregon. The proposed SDCs evaluation and update will support future capital improvement projects without placing the financial burden on the individual rate payer.
2. Public Works Department – The Public Works Department staff will be tasked as project managers and will participate as members of the SDC development team.
3. Sweet Home City Council – The City Council is asked to approve the System Development Charges (SDCs) process and timelines.

ELEMENTS OF A STABLE SOLUTION:

Approve Murraysmith's timelines for the evaluation of the City's System Development Charges (SDCs). Updating the City's SDCs will have an impact water and sewer rates, and provide additional funding source for transportation, storm drain, and parks.

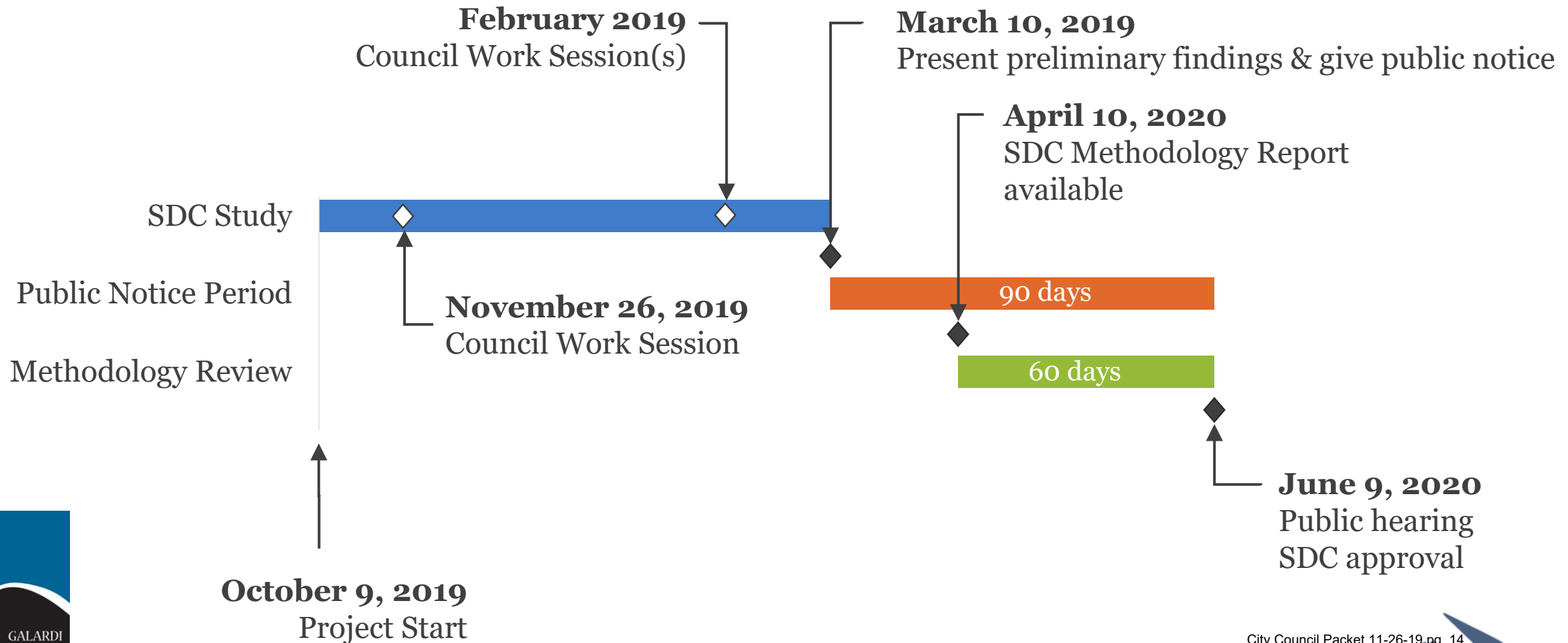
OPTIONS:

1. Do Nothing. Doing nothing preserves the status quo. City Staff would not be able to implement all the recommendations outlined in the adopted 5 Year Capital Improvement Plan (CIP). Developers/Property owners would not pay their fair share of capital improvements. The community rate payers would fund most CIP improvement projects.
2. Make a Motion. Make a Motion to adopt Murraysmith's timelines for the evaluation of the City's System Development Charges (SDCs).
3. Request City Staff to Make a Recommendation to City Council. Request City staff to provide additional information related to System Development Charges (SDC) development. This option would be a significant step backwards in updating the City of Sweet Home's System Development Charges (SDC), and new potential funding source.

RECOMMENDATION:

I strongly recommend option #2, requesting City Council to make a Motion to adopt Murraysmith's timeline for the evaluation of the City's System Development Charges (SDCs).

Current Project Schedule





REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: November 26, 2019	TITLE: Mid-Valley Partnership (MVP) Inter-governmental agreement	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Blair Larsen, CEDD Director	ATTACHMENTS: Mid-Valley Partnership Inter-governmental Agreement MVP Economic Strategy and Action Plan	
REVIEWED BY: R. Towry, City Manager		
RELEVANT CODE/POLICY:	TOWARD COUNCIL GOAL: Aspiration V: Economical Strong Environment Goal 4.3: Develop economic and business education opportunities with regional partners	

PURPOSE OF THIS RCA:

City Staff have worked with 8 other cities in Linn and Benton Counties on a framework for cooperation in economic development. The purpose of this RCA is to ask the Council to authorize the Mayor and City Manager to sign the intergovernmental agreement that has come out of this process.

BACKGROUND/CONTEXT:

In 2015, leaders from rural communities in Linn County, including Sweet Home, created the "Rural Linn County Economic Development Proposal," which, among other things, called for a regional approach to economic development that focused on rural communities. This idea led to 8 cities in Linn and Benton Counties joining together to apply for a joint Rural Opportunities Initiative Grant through Business Oregon that brought a venture catalyst from RAIN into the region. These cities are seeking to continue this regional cooperation through the creation of the Mid-Valley Partnership, a framework through which the cities can work together to accomplish their common economic goals and respond to economic opportunities.

THE CHALLENGE/PROBLEM:

How does the City work with other Cities in the region to promote economic development?

STAKEHOLDERS:

- City of Sweet Home: The City seeks to foster economic development within its jurisdiction. At the same time, the City recognizes that economic development in the region contributes to economic development within the City.
- Other participating Cities: Other cities in Linn and Benton counties recognize that they share common goals, that their economic futures are aligned with each other, and that they each benefit from collaborative economic development efforts.
- City of Sweet Home Residents: Sweet Home residents deserve to live in both a community and region where people and businesses thrive.

ISSUES & FINANCIAL IMPACTS:

1. City of Sweet Home: The agreement carries with it no actual costs (other than staff time) or commitment to spend money. Future activities within the partnership may have a financial impact, however such spending will be determined and controlled by future City budget processes.
2. Other participating Cities: Other Cities will bear the same financial impact as the City of Sweet Home, which will depend on their budget processes.

ELEMENTS OF A STABLE SOLUTION:

An ideal outcome would be to formalize an agreement with other communities in the region to cooperate in order to achieve our shared economic development goals.

OPTIONS:

1. Do Nothing. Make no agreements with other cities in the region to collaborate in economic development efforts.
2. Authorize the Mayor and City Manager to sign the MVP Intergovernmental Agreement. This agreement establishes a framework for regional cooperation in economic development.
3. Recommend changes to the MVP Intergovernmental Agreement. The Council could request staff to negotiate with the other participating cities to make changes to the agreement.

RECOMMENDATION:

Staff recommends option 2: motion to authorize the Mayor and City Manager to sign the MVP Intergovernmental Agreement.



INTERGOVERNMENTAL AGREEMENT BETWEEN VARIOUS MUNICIPAL CORPORATIONS OF THE STATE OF OREGON

PARTIES TO THE AGREEMENT

This agreement made and entered into this ____ day of November 2019, by and between the following municipalities:

Adair Village	Lebanon
Brownsville	Monroe
Halsey	Philomath
Harrisburg	Sweet Home

All listed cities are municipal corporations of the State of Oregon, hereinafter called CITIES, and hereby partner for the formation of the Mid-Valley Partnership, hereinafter called MVP, for the purpose of building economic development capacities for the region. This will be accomplished by creating a joint economic development organization as identified in Exhibit A – “Mid-Valley Prosperity Partnership Economic Strategy and Action Plan – 2019” and by creating the deliverables listed in Exhibit B.

PURPOSE

The CITIES are desirous of enhancing economic development activities that better serve the public. The CITIES will utilize resources such as personnel time, capacities, facilities and funding to promote the vision, strategy and goals set forth herein. This agreement is authorized and provided for by the provisions of ORS 190.010.

IN CONSIDERATION OF THE MUTUAL CONVENANTS CONTAINED HEREIN, THE PARTIES AGREE TO THE FOLLOWING TERMS, PROVISIONS AND CONDITIONS:

1. **Financial Obligations by CITIES.** CITIES shall cost share expenses on mutually agreed to terms allowed and authorized by each CITIES governing body

through the CITIES manager, administrator or authorized designee. Responsibility to meet financial obligations will be the sole responsibility of every political subdivision who is a party to this agreement.

During FY 19-20, expenditures by each City shall be within existing appropriate budgeted funds. A work program and budget will be developed by the Operations Group and proposed to each City in the FY 20-21 and subsequent budget processes.

2. **Service to be Performed by Third-Party Agents.** CITIES shall ensure performance of any services rendered on behalf of CITIES.
3. **Term.** This agreement shall be from November 1st, 2019 through and including June 30, 2022. However, the CITIES shall continue until all agents and third-party obligations are met once officially authorized by this agreement. The CITIES shall review the terms of the agreement and mutually determine if any amendments are desired. For any modification(s) to be effective, any amendment, modification or otherwise shall be in writing and approved by all parties and placed as an attachment or appendices to this agreement.
4. **Indemnification.** To the fullest extent permitted by law, and in accordance with the Oregon Constitution and the Oregon Tort Claims Act, each party to this Agreement shall indemnify, defend, save, and hold harmless the other party and its officers, employees and agents from and against all claims, actions, liabilities, damages, losses, or expenses, arising from actions derived for the purpose of this agreement:

Failure or refusal of one party to perform or fulfill its responsibilities under this Contract or any law, through no fault of the other party. The obligations or rights under this section may not be delegated or assigned without the express consent of the other parties.

The obligations contained in this section shall survive the termination of this Agreement.
5. **Entire Agreement.** This Agreement signed by all parties is the parties' final and entire Agreement and supersedes all prior and contemporaneous oral or written communications between the parties, their agent and representatives. There are no representations, promises, terms, conditions or obligations other than those contained herein.
6. **Venue.** Resolution of any disputes arising out of the performance of this contract shall be maintained in the Circuit Court of Linn County and/or Benton County as a last resort.
7. **Intent.** The intent of this Agreement is to cooperatively create a working relationship that will be mutually beneficial.

IN WITNESS WHEREOF, the CITIES by resolution duly adopted by its respective CITIES Council cause this agreement to be signed by its Mayor and attested by the CITIES Recorder, all on the day and year first above written.

**[Signature Pages to be added individually
to the agreement upon execution.]**

Introduction

Linn and Benton Counties are the heart of the southern part of Oregon's Willamette Valley, stretching east and west from the top of the Cascades to the top of the Coast Range. It is a region with long Native American history and heritage, and the history of pioneers from the eastern United States traveling on the Oregon Trail to reach this land which was and is rich in natural resources and opportunity. The two counties historically have been central to Oregon's agriculture and timber economies. This has included not only raising and harvesting crops and timber, it has included industries for processing, packaging, and shipping finished timber and agriculture products. These industries historically have been the foundation of employment, culture, and society in the two counties.

But, the economic foundation of the region was greatly shaken with the significant reduction of timber harvesting starting in the early 1980's. This eliminated jobs in the woods, jobs in the mills, and jobs in the supporting business community. It created a stagnant and diminishing population and economic base in the cities in the region, especially the smaller cities.

Agriculture remained strong, but the nature of the agriculture industry changed with growing commoditization, technology impacts, and global trade.

During the last two decades, high-technology businesses have located in the region bringing new dimensions to the economy with new employment, capital investment, and assessed valuation. The bulk of the high-tech growth has been in the large cities in the region, specifically Corvallis and Albany. However, the promise of becoming a high-tech hub was tempered with the Hewlett-Packard facility in Corvallis starting strong with employment to major reductions in jobs over time. This is a symptom of the global market and changing technologies encouraging large corporate businesses to rethink their systems, processes, and locations.

Competitive advantage is key to attracting and retaining businesses such as HP, and just as critical in attracting and retaining businesses and investment of all sizes and in all locations.

Starting with the "Rural Linn County Economic Development Proposal" created by leaders from rural cities in Linn County in 2015, leaders from several rural Linn communities continued to meet to discuss economic development strategies for the region. In the fall of 2017, eight cities from rural Linn and Benton Counties applied for a Rural Opportunities Initiative Grant through Business Oregon to partner with RAIN to bring a Venture Catalyst to the region to work with local entrepreneurs. These cities seek to continue the intra-city effort to create efficient and effective structures for furthering the economic objectives of the region beyond the Rural Opportunities Initiative grant and the work done through RAIN.

The initial eight-city collaborative consists of Sweet Home, Lebanon, Brownsville, Halsey, Harrisburg, Monroe, Adair Village, and Philomath. Together they take the name "Mid-Valley Partnership, or MVP. This Strategic Action Plan is the framework for the cities to work together to accomplish common economic goals and respond to common economic opportunities.

The eight-city initial collaborative reviewed the Rural Linn County Economic Development proposal created in 2016. This strategy document is based on that work, seeking to update and expand its scope to meet needs of the broader Linn-Benton region beyond the RAIN project.

Assessment of the Environment, Opportunity, and Needs

- Economic growth is happening throughout Oregon with historically high employment rates, high business investment, high levels of export, and high revenue and profit. However, this growth is primarily happening in larger cities which have the capacity to attract and support this level of economic development. Oregon's rural communities continue to not share this high level of economic prosperity.
- In the Linn-Benton region, Corvallis and Albany have great capacity for supporting economic development in dedicated city staff and active economic development organizations. This capacity allows these larger cities to effectively respond to queries from potential businesses and investors, to respond to Business Oregon and other organizations when they disseminate requests for information on behalf of potential businesses, and to facilitate the siting, development, operation, and growth of new businesses.
- None of the cities in this partnership have the same capacity to participate in these high-level economic development activities. There is no framework to cooperate with or even complement the efforts of Albany and Corvallis in attracting new business investment into the region. The smaller communities get left behind.
- There is significant opportunity for bringing economic investment to the eight cities in the partnership if the cities understand how to position and leverage their individual and joint assets, and how to respond to opportunities.

The best opportunity for economic investment in these communities may lie in working collaboratively, recognizing several things:

- The economic, housing, and services markets no longer focus on individual communities, but instead on systems tying together regions with multiple communities.
- Smaller cities can now compete with any larger city as a location for business investment due to the advent and growing availability of high-speed and high-capacity internet connections.
- Smaller cities have the competitive advantage of small-town livability.
- Each of the partners has assets and opportunities unique to themselves, but potentially stronger when tied together and leveraged.

This strategy is a commitment by each of the cities to work toward a partnership agreement to act as a coordinated economic development entity to accomplish three primary goals:

- To develop a coordinated story about the assets and opportunities available in each of the partner cities, and in the network of the cities working together.
- To research, identify, and pursue economic opportunities created by looking at the partner cities and region as a single economic, housing, and services system.

- To be able to respond to requests for information, invitations to respond to opportunities, create and implement regional economic development strategies, and advocacy for the region's interests.

Assets to Promote and Leverage

The managers and administrators of the Mid-Valley Prosperity Partnership met in August 2019 to build the foundation for the update of prior strategic planning. In that meeting, the leaders identified several assets of the region that create significant economic opportunity. These are in addition to assets identified in earlier work. These are:

- Higher Education – Two major research universities and one technology focused community college are in the immediate region. This presents great opportunity for using land and resources in the eight cities to help the education institutions pursue and expand their research and development programs.
- Traded Sector – While agriculture and timber economies were historically based on growing and harvesting, the expectation in today's economic world is traded sector where the raw materials created by farm and forest activities are processed locally in manufacturing, food processing, and creation of finished products and distribution of those products globally. The cities each have land and resources to expand traded sector businesses.
- Agriculture Businesses – The Willamette Valley, along with all of Oregon, is marked by family farms rather than large scale corporate farming. These farms compete well relying on the power of co-ops to create competitive abilities. However, these systems can be fragile. Strengthening family farms by creating traded sector vertical integration is highly important to the future. As well, providing farmers with additional income streams to diversify their business models will help preserve the family farm foundation of the region. These additional income streams may include produce and meat sales on-site, restaurant services on-site, farm-stays, and other activities.
- Telecommuters and Home-Based Businesses – With the advent of high-speed internet access to all communities, the opportunity exists to attract telecommuters and homebased businesses that can operate completely remotely. These foot-loose entrepreneurs may find livability opportunities in the eight cities where they can operate and succeed on a global scale to be highly attractive.
- Micro-businesses – Generally cannot afford the startup costs necessary in a larger city. The eight cities can provide incubator and micro-business support infrastructure, possible in conduction with the higher institution institutions, and likely at lower costs.
- Available Infrastructure – The Mid-Valley is poised for economic success for many reasons including extensive infrastructure. Not only is the area laced with surface trucking and automobile links including I-5 and several major highways, it has two major rail lines, pipelines, and a regional and several general aviation airports. Each of the cities has sewer, water, and storm systems with capacity to meet development needs. Broadband internet services are widely available. Energy including natural gas and electricity are available at

highly competitive rates. Now under development is a very large containerized freight transfer facility linking trucking to rail amplifying the efficiency of freight movement in the mid-Willamette Valley.

- Physical Alignment – The cities are close together and aligned on a general east/west axis across the Valley. They are connected by state highways. The I-5 corridor is crossed by similar city alignments east and west of Salem and east and west of Eugene. The fact these alignments to the north and south are anchored by large cities gives those aligned regions greater economic opportunity. The Linn-Benton aligned cities have not rallied in the past around common interests and opportunities but have great potential to thrive if the east/west physical alignment is amplified by an east/west economic alignment especially recognizing the north/south links offered by I-5 including easy access to commercial aviation at Mahlon Sweet Field in Eugene.
- Affordability and Ease of Development – The rural communities have more streamlined and less extensive codes than the surrounding larger cities coupled with a “How can we get to yes?” attitude. Land and development costs and fees are generally less than in larger communities. The communities support economic development and, working together, can be a formidable competitor for investment in retention, expansion, and creation of businesses.

Strategy

1. [Establish a rural-focused primary point of contact collaborating with all existing services and organizations to align, focus, and leverage resources and connect entrepreneurs to resources](#)

Existing, relocating, or start-up businesses can all benefit from assistance to successfully implement their growth strategies. A plethora of services and support organizations currently exist at state and local levels to help, but it is difficult for owners of businesses of any size to easily tap into these critical resources. By creating an entity to focus on these rural Linn County interests and represent them to other organizations, the Partnership will ensure those resources are better aligned, leveraged, and accessed in our communities.

As a result of fostering collaboration and helping align and focus resources for the eight rural cities:

- The Partnership will collect, catalog, and share relevant information, organizations, and services, and will help enable businesses to access and utilize needed resources. This will include an asset map to discover and understand the potential available in the region.
- The services to be cataloged shall be broad based including workforce development, finance, small business management assistance, and other important resources to help businesses succeed.
- By connecting existing and potential businesses to these resources, the Partnership will facilitate economic growth and employment opportunities.
- Where resources do not exist, or are not at the needed scale, MVP will identify those needs and work to see they are addressed.

- MVP will be a voice for businesses in rural Linn and Benton counties when working with regional, state, and global entities.
- MVP will plan for realizing the economic potential of the region looking for those places to connect needs and opportunities.

Outcomes

- A complete inventory of local land use and zoning laws and mapping with the means to keep it updated.
- A complete and constantly updated database of land and buildings available for new business development.
- A catalog of business services including banks, accounting, legal, commercial real estate firms, and other professional services available to business owners and entrepreneurs, as well as the government service of Business Oregon, Worksource Oregon, the Small Business Administration, and other economic development organizations.
- Assistance in knowledge of, understanding, and navigating state, county, and local rules and regulations.
- MVP becomes a behind-the-scenes partner helping new or existing businesses make the decisions to locate or expand locally and to increase their success.
- A recognizable organization and regional point of contact to provide advocacy and leadership in regional economic development efforts, serving as a credible entity to work with businesses, the Regional Solutions Team, other state and federal agencies, institutions of higher education, and the Legislature and Congress. Advocacy through the Cascade West Council of Governments and the League of Oregon Cities is currently underway.

2. Connect new entrepreneurs with learning opportunities and start-up support.

A prominent commercial real estate broker recently commented, “I see lots of potential entrepreneurs with great ideas and nothing else.” The “nothing else” these potential businesses lack is financial support for initial purchases, technical assistance, management support, legal training and support, and market research.

- MVP will use its developed network of existing contacts, organizations, and services to assist current and emerging entrepreneurs with accessing the tools and resources they need to bring their ideas to fruition. For example, understanding market rents for vacant storefronts in various communities, guidance or help in developing business plans, or referrals for legal and professional advice on organizational structures and business practices.

Outcomes

- MVP is employing a rural business accelerator approach using the business incubator model developed by RAIN and services such as those provided by Senior Corps of Retired Executives (SCORE).

- The entrepreneur development work is critical to the region and the partnership will continue to sponsor and carry out this work and the program's recommendations.

3. Help link existing and potential employers with a skilled and trained workforce

A reliable source of trained people is critical to attracting new business and retaining existing businesses. Educational programs are underway through other organizations in the county to develop basic work skills. Linn Benton Community College, the City of Albany, Linn County and several local high schools have various programs to assist people of all ages to upgrade their skills, thus enhancing their employability. Worksource Oregon provides extensive information on training and employment opportunities. In addition, employers frequently have job specific training programs. However, existing employers also have made clear the need for basic or soft skills, i.e. timeliness, personal reliability, grooming.

- MVP will support the efforts of all these trainers to produce a skilled workforce to meet current and future needs.
- MVP will cooperate with Worksource Oregon and local workforce development entities to identify needs, opportunities, and systems for creating a larger and better prepared work force.
- MVP will include training and employment information in both its asset mapping and its publicly available information database.
- MVP will advocate as needed for rural training programs matching the needs of existing and potential rural employers.

Outcomes

- Businesses are matched with trained workforce.
- Businesses are attracted to the region due to an existing, skilled workforce.

4. Advocate for the rural communities and the goals of this partnership for improved market conditions, and improved legislative, regulatory, or government laws, policies, and programs, particularly those directed at workforce readiness and development.

Rural areas generally lack a voice or a seat at the negotiating table. They may not be aware of government programs funding or facilitating economic development efforts, or may lack the capacity to access them. Having a voice, particularly one connected to existing economic development service organizations, is critical to participating in these efforts. Further, ensuring small, rural oriented employers can be heard when legislative or regulatory changes are proposed is also important in maintaining employment and job growth.

- MVP will work with state, county and local governments to ensure regulations and legislation are designed to stimulate rather than stifle local rural business growth including land use regulations, local fees and charges, building permit processes, and civil engineering requirements.

- MVP will work to simplify this task by developing knowledge and contacts within existing organizations.
- Oregon Cascade West Council of Governments is a regional resource for community and economic development efforts. MVP will work with OCWCOG to help leverage economic development programs and services. Oregon Cascade West Council of Governments also provides an advocacy platform to advance policy recommendations to better equip rural settings for economic development. Creating effective relationships with State officials is crucial for effective State involvement.

Action Plan

In order to pursue and accomplish the four goals of the Mid-Valley Partnership, a common structure for working together and getting things done is critical to create. It is evident a formal agreement must be created to establish a formal entity to carry out this work. This entity needs to be funded, housed, and staffed appropriately to meet these needs:

- Facilitate and lead the ongoing work of the partnership.
- Staff resources to pursue the four goals above working with the leaders of the Partnership to set priorities for specific actions and a detailed work plan to achieve them.
- Continue to plan and pursue a detailed and specific economic strategy based on what the partner cities can accomplish working together leveraging the resources and assets of the region.
- Seek outside funding when appropriate to support the work.
- Develop the materials, narrative, and story to be universally used by the Partnership to effectively communicate what is needed to have an entrepreneur understand the assets, resources, and opportunities of the partner communities both individually and together.
- Serve as the primary point of contact for inquiries from Oregon agencies, other economic development organizations, local governments, and existing and potential business entities.

To create this entity, a joint effort and structure will be created by an Intergovernmental Agreement between the partner cities. As the joint effort finds success, the structure of the entity might need to change, but is determined to be appropriate at this time to use an IGA to create agreement on the structure and direction of the economic development entity, to create a system of governance, and to create the financial structure defining each city's contribution.

It is also determined the initial organization needs to be streamlined and focused on creating the required structure and achieving the initial identified goals.

The Intergovernmental Agreement will be drafted with these elements:

- Operational Group to Pursue the Outcomes and Strategies of this Plan
 - ▶ The City Manager or Administrator from each city.
 - ▶ Other staff as needed.

- Administration
 - ▶ The Cities of Lebanon and Sweet Home will jointly be the conveners and managers of the logistics and records of the meetings and activities.
 - ▶ The City of Lebanon will be the fiscal agent for the new entity.
 - ▶ The Operational Group will determine the need for staff and capital resources to carry out the work of the new entity after the first year.
- Finance
 - ▶ The existing working group will determine the needed structure of staffing and resources to carry out the first year of the regional entity. This to be reflected in the IGA.
 - ▶ The existing working group will determine the needed budget to carry out the first year of the regional entity with this to be reflected in the IGA.
 - ▶ The existing working group will determine the contribution needed from each of the partner cities, proportioned in an equitable manner. This will be incorporated into the IGA.

Next Steps

ACTION	RESPONSIBILITY	TIMEFRAME
Draft the Intergovernmental Agreement (IGA)	Subcommittee	Completed by November 1 st , 2019
Develop a presentation summarizing this Plan to be presented to the City Councils of the eight cities with the recommendation to approve the IGA. The presentations will be made by members of the working group including the city managers and administrators.	Subcommittee to develop presentation	Ready to use by November 15 th , 2019
Enter into a three-year IGA based on the Goals, Outcomes, and structure outlined above	Advocacy and Council support by each City Manager and Administrator	Target for IGA approval is December 31 st , 2019
Deliver the presentation to other cities as requested with an invitation to consider joining the partnership	Entire Group	As requested
Define the Scope of Work and Staffing Needs to carry out the Plan	Operation Committee	March 2020
Develop a financial plan for on-going operations to submit as part of each City's 20-21 and subsequent budget processes	Operations Committee	March 2020 and subsequent years
Revise this strategy as needed and update the IGA	Operation committee	Completed within three years of adoption of the initial IGA.

EXHIBIT 'B'

Deliverables

(Projected over the life of the agreement)

Marketing

- ★ The creation of a professional logo.
- ★ Branding: packaging the story of the region for the general public; specifically geared to the clientele the collective is attempting to attract and retain.
- ★ The creation of a professional website.

Asset Mapping

- ★ Develop a comprehensive list of resources to meet the purpose of this partnership including but not limited to:
 - The State of Oregon
 - Non-profit
 - Financial Resources
 - Angel Investors
 - Market Sectors
 - Higher Education Assets
 - Rural Advantages
 - Natural Aspects
 - Amenities
- ★ Oregon Prospector
 - Populate available property with uniformity.
 - Devote resources to maintain this important data base.
 - Identify all relevant information.

Contract Management & Personnel

- ★ Determine how to accomplish necessary objectives.
 - Create work requirements
 - Develop budgetary needs.
 - Agree to means of execution.

★ RAIN Entrepreneurship

- Continue to monitor efforts.
- Ensure objectives are met per State agreements and obligations.

★ Personnel

- Discuss advantages of hiring personnel.
- Identify the capacities of existing personnel.
- Determine housing and equipment needs.

2019 MVP IGA Signature Page

Mayor

Manager

Date:

Date:

ORDINANCE BILL NO. 7 FOR 2019

ORDINANCE NO. ____

SWEET HOME ORDINANCE PERTAINING TO EXPULSION FROM ENHANCED LAW ENFORCEMENT AREAS OF THE CITY OF SWEET HOME

WHEREAS, the City desires to reduce unlawful behavior in certain areas within the City of Sweet Home by expulsing certain persons therefrom that are the cause of said unlawful behavior;

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Section 9.20.050 titled ENHANCED LAW ENFORCEMENT AREAS is created to read as follows:

A. Enhanced law enforcement areas are designed to protect the public from those whose illegal conduct poses a threat to safety, health or welfare. Enhanced law enforcement areas include the area within the City of Sweet Home encircled by the following boundary (and including those portions of the streets and rights-of-way mentioned herein): See Exhibit A attached hereto for area in blue.

B. A person is subject to expulsion for a period of 30 days from entering or remaining within an enhanced law enforcement area if that person has been cited to appear and/or arrested within an enhanced law enforcement area for a total of three (3) or more instances of unlawful behavior within the enhanced law enforcement area within the last 12 months. If the person to be expelled has been expelled from that enhanced law enforcement area at any time within two years before the date of the present expulsion, the expulsion shall be for 90 days. For purposes of this Section, unlawful behavior means violating or being charged with violating the crimes and violations listed below:

1.	Criminal Homicide	O.R.S. 163.005
2.	Rape, Sodomy, and Unlawful Sexual Penetration	O.R.S. 163.355 to O.R.S. 163.411
3.	Menacing and Recklessly Endangering Another Person	O.R.S. 163.190 and O.R.S. 163.195
4.	Intimidation	O.R.S. 166.155 and O.R.S. 166.165
5.	Harassment	O.R.S. 166.065
6.	Disorderly Conduct II	O.R.S. 166.025
7.	Discharge of Weapons	O.R.S. 166.630 and O.R.S. 166.635 SHMC §§ 9.32.010, 9.32.020, 9.32.030 (See O.R.S. 166.172)
8.	Providing Liquor	O.R.S. 471.410
9.	Minor in Possession of Alcohol	O.R.S. 471.430
10.	Assault and Strangulation	O.R.S. 163.160 to O.R.S. 163.187

11.	Sexual Abuse, Contributing to the Delinquency of a Minor and Sexual Misconduct	O.R.S. 163.415, O.R.S. 163.425, O.R.S. 163.427, O.R.S. 163.435, and O.R.S. 163.445
12.	Public Indecency	O.R.S. 163.465
13.	Controlled Substances	O.R.S. 167.222, O.R.S. 167.262 and O.R.S. 475.525 to O.R.S. 475.894
14.	Criminal Mischief	O.R.S. 164.345 to O.R.S. 164.365
15.	Criminal Mistreatment	O.R.S. 163.200 and O.R.S. 163.205
16.	Criminal Trespass	O.R.S. 164.245 and O.R.S. 164.255
17.	Unlawful Use of a Weapon	O.R.S. 166.220
18.	Prostitution and Related Offenses	O.R.S. 167.007 to O.R.S. 167.017
19.	Theft	O.R.S. 164.015 to O.R.S. 164.140
20.	Placing Offensive Substances in Waters, on Highways or Other Property and Offensive Littering	O.R.S. 164.785 and O.R.S. 164.805
21.	Arson and Related Offenses	O.R.S. 164.315 to O.R.S. 164.335
22.	Purchasing Sex with a Minor	O.R.S. 163.413
23.	Urinating or Defecating in Public Places	SHMC 9.24.050
24.	Consumption or Possession of Alcoholic Beverages in Public Places	SHMC 9.20.030
25	Any attempt to commit (as defined by O.R.S. 161.405) or conspiracy to commit (as defined by O.R.S. 161.450 and O.R.S. 161.455) any of the above offenses.	

C. If a person expelled from an enhanced law enforcement area is found within the perimeter of the enhanced law enforcement area during the expulsion period, that person may be arrested for trespass in the second degree, as defined by ORS 164.245. A person is not considered to be within the enhanced law enforcement area if the person is within a vehicle that is passing through the expulsion area.

D. The Chief of Police is designated as the person in charge of enhanced law enforcement areas for the purpose of issuing expulsion notices in accordance with this Section. Any Sweet Home Police Officer can issue expulsion notices in accordance with this Section.

E. At the time a person is cited to appear and/or arrested within an enhanced law enforcement area for any of the offenses specified in this Section, the officer making such cite to appear and/or arrest may deliver to that person a written notice expelling that person from the enhance law enforcement area. Any expulsion notice shall not take effect until the sixth day after the notice is issued.

1. The notice shall specify the area from which the person is expelled, the length of the expulsion, the penalty for entering the excluded area and contain information concerning the right to appeal the expulsion to the Sweet Home Municipal Court.

2. The person to whom the expulsion is issued shall sign a written acknowledgment of receipt or the officer shall make a written record of the refusal.

F. The person to whom an expulsion notice is issued shall have the right to an appeal from the issuance of the notice. The expulsion notice will notify the person of the right to appeal and process for appeal.

1. An appeal of the expulsion must be filed, in writing, within five business days of the issuance of the notice. The appeal must be filed with the Municipal Court. A hearing on the appeal shall be held before the Judge of the Municipal Court within 20 business days of the appeal. The expulsion shall be stayed during the pendency of the appeal. The decision of the Judge of the Municipal Court shall be final.

2. The City shall have the burden to show by a preponderance of evidence that the expulsion was based upon the conduct proscribed by this Section. Copies of documents in its control and which are intended to be used by the City at the hearing shall be made available to the appellant at least two days prior to the hearing.

3. A determination of the Judge of the Municipal Court that the officer who issued the expulsion notice at the time had probable cause to cite and/or arrest the person to whom the expulsion notice was issued for the conduct described in this Section shall be prima facie evidence that the expulsion was based on conduct prohibited by those statutes, ordinances or code.

G. Variances from the expulsion may be granted at any time during the expulsion period by the Chief of Police, or by the Municipal Court.

1. The Chief of Police or the Municipal Court shall grant a variance to any person who can establish that he or she is a resident of the expulsion area, is employed within the expulsion area, or will use the waiver to visit the residence of a family member, to consult with an attorney, to attend alcohol or drug treatment sessions, to attend religious services or otherwise exercise a constitutional right, to pass through the expulsion area, to attend a public meeting, to attend a court hearing, to engage in any activity ordered by a court, to obtain social, medical or like services, or for employment purposes. A variance may also be granted when, in the discretion of the Chief of Police or the Municipal Court, the expulsion order is no longer necessary to preserve public safety, health or welfare. The denial of a variance may be appealed within five business days to the Municipal Court using the same procedures as for an appeal of the imposition of the expulsion. The decision of the Judge of the Municipal Court shall be final.

2. All variances shall be in writing, for a specific period of time and only to accommodate a specific purpose, all of which shall be stated on the variance.

3. The person shall keep the variance on his or her person at all times the person is within the expulsion area.

Passed by the Council and approved by the Mayor this 10th day of December, 2019.

Mayor _____

ATTEST:

City Manager - Ex Officio City Recorder

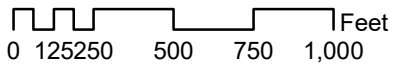
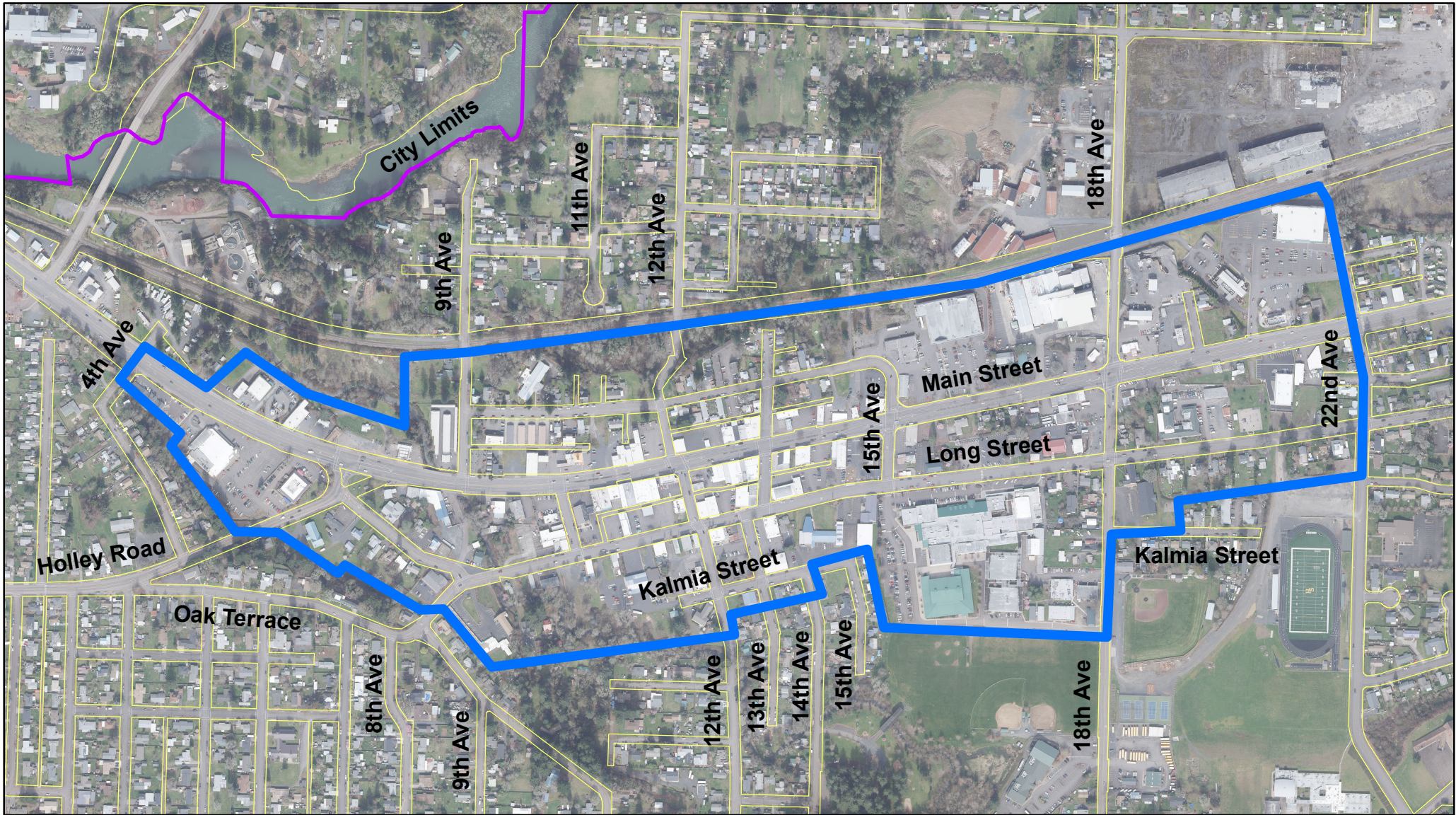


Exhibit A



Finance Department

To: City Council
Ray Towry, City Manager

From: Brandon Neish, Finance Director

Subject: Finance Department Monthly Report – October 2019

The Finance Department is responsible for the for the fiscal management of the City of Sweet Home. This includes accounts payable, payroll, general accounting, preparing the annual budget and the city's annual audit. This department also administers the city's assessment docket, coordinates employee's benefits and maintains financial records relating to grants and contracts. The following information represents the department's activities during the month of **October 2019**.

Accounts Payable:

The Finance Department maintains a weekly schedule for AP disbursements when possible. City departments submit documentation through Springbrook to request payment to vendors. Once the Finance Department has a completed purchase order and invoice/receipt, a check is printed and mailed within seven (7) business days.

For the month of October 2019, 151 checks were printed totaling \$453,438.77. A list of the checks is provided for your review. Below is a list of the checks that were equal to or exceeded \$5,000 and their purpose (if not clear on list).

<u>Check No.</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
89856	Accela, Inc	Springbrook annual maintenance	\$20,990.00
89932	PlayCore Wisconsin, Inc.	Playground equipment for Sankey Park	\$122,120.86
89951	Radio Communications Service, Inc.	New mobile radios for Police Department	\$34,529.55
89956	Fisher's RPM Electric Motor	New pumps for WWTP	\$11,318.50

Passports:

Since 2001, the city has been accepting passport applications for the United States Department of State. Travelers can call, stop by city hall or visit the city's website for information on application requirements.

For the month of October 2019, the city processed 31 passports and took 22 passport pictures.

Lien Searches:

The city has various liens that can be applied to properties in Sweet Home. The city can apply a lien for past due utility balances or a property owner can place a lien on their property for improvement assessments per ORS. An internet database maintains a list of these liens and is searchable by title companies for paying off outstanding balances during a sale. Each lien search generates \$25.00 for the city.

For the month of October 2019, 68 lien searches were completed.

Utility Billing:

Utility billing is responsible for the timely reading of water meters in the city and distribution of bills to residents and businesses. The revenue generated from the utility bills covers the costs associated with operating and maintaining the Water Treatment Plant and the Wastewater Treatment Plant as well as the maintenance of the city's distribution and collection systems.

For the month of October 2019, the city processed 226 service requests and saw 8 new customers open accounts in Sweet Home. In total, 42 accounts were opened and 40 were closed. The city processed 3,273 utility billing statements and 1,033 past due notices. **64 accounts were turned off for non-payment on October 9, 2019.**

Bank Reconciliation

Checks by Date

User: bneish
 Printed: 11/21/2019 - 11:48AM
 Cleared and Not Cleared Checks

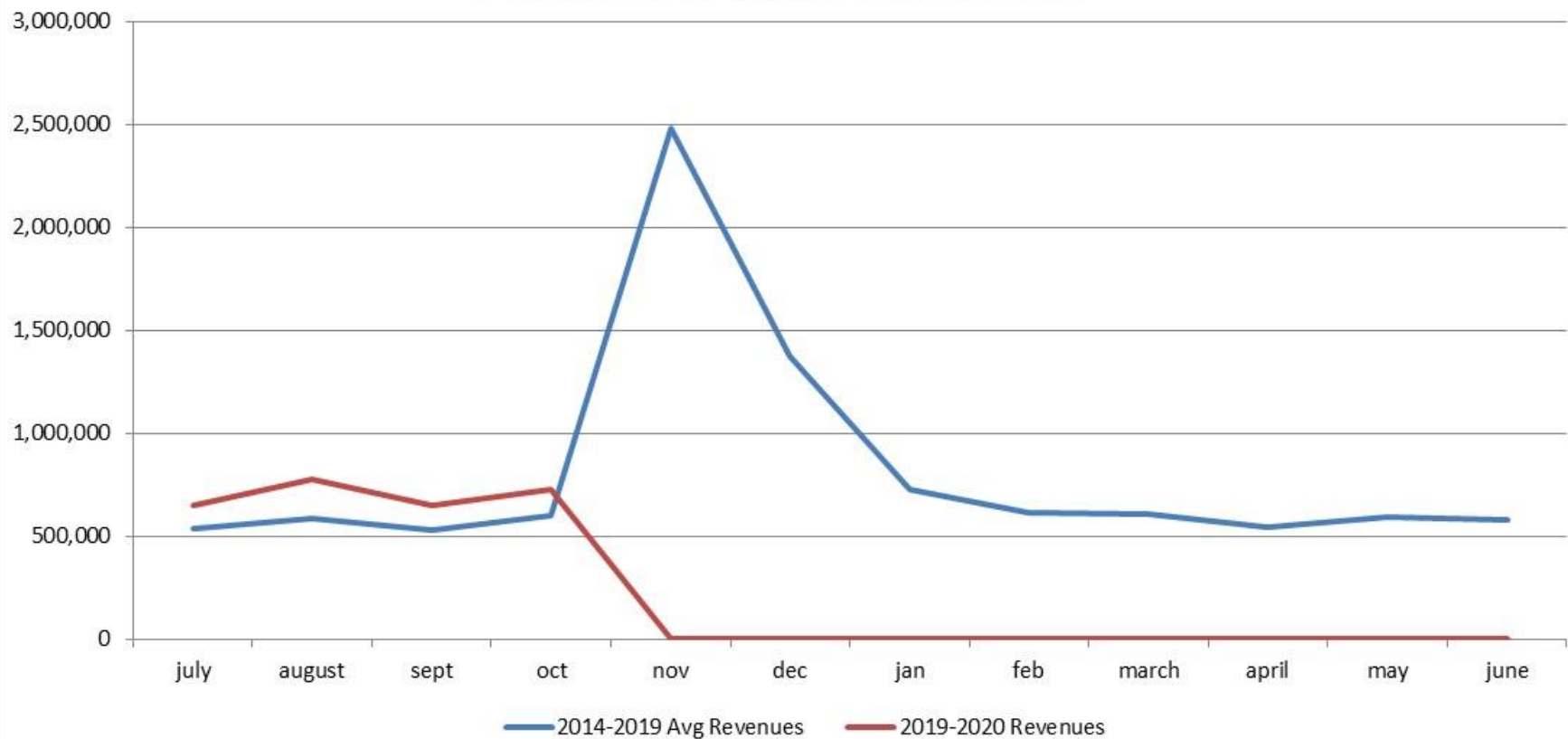


Check No	Check Date	Name	Comment	Module	Clear Date	Amount
89853	10/2/2019	OREGON AFSCME COUNCIL 75		AP		912.64
89854	10/2/2019	STEELHEAD STRENGTH & FITNESS		AP		652.80
89855	10/2/2019	UNITED WAY		AP		50.00
89856	10/7/2019	ACCELA, INC. #774375		AP		20,990.00
89857	10/7/2019	All Star Tents and Party Rentals		AP		670.00
89858	10/7/2019	Amazon Capital Services, Inc.		AP		1,957.56
89859	10/7/2019	ARAMARK UNIFORM SERVICES		AP		63.16
89860	10/7/2019	BLACKSTONE PUBLISHING		AP		310.48
89861	10/7/2019	JANET BLAIR		AP		13.39
89862	10/7/2019	STEPHEN CATLIN		AP		75.77
89863	10/7/2019	WILLIAM AND ROSALIE COFFEY		AP		26.07
89864	10/7/2019	COMCAST		AP		166.86
89865	10/7/2019	DEPT. OF CONSUMER AND BUSINESS		AP		4,430.55
89866	10/7/2019	Dick Welker Construction, Inc.		AP		805.00
89867	10/7/2019	MICHAEL DUNCAN		AP		36.07
89868	10/7/2019	Edge Analytical, Inc.		AP		385.00
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89871	10/7/2019	GOVERNMENT ETHICS COMMISSION		AP		768.41
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89874	10/7/2019	Steven Haney		AP		36.00
89875	10/7/2019	SCOTT HENDERSON		AP		106.72
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89882	10/7/2019	Blair Larsen		AP		13.32
89883	10/7/2019	Les Schwab Tire Centers of Portland, Inc.		AP		1,271.51
89884	10/7/2019	JULIE MAYFIELD		AP		75.25
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89887	10/7/2019	NATIONAL PHOTOCOPY CORPORATION		AP		78.70
89888	10/7/2019	JOE NELSON		AP		29.89
89889	10/7/2019	NET ASSETS		AP		556.00
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89892	10/7/2019	NORTHWEST NATURAL		AP		23.76
89893	10/7/2019	OREGON DEPT. OF ADMINISTRATIVE SERVICES		AP		900.00
89894	10/7/2019	O'REILLY AUTOMOTIVE, INC.		AP		15.25
89895	10/7/2019	Pacific Northwest Clean Water Association		AP		1,110.00
89896	10/7/2019	PACIFIC POWER		AP		42,910.82
89897	10/7/2019	Ferguson Enterprises, Inc. #3325 Pollard		AP		409.70
89898	10/7/2019	PATRICIA RICE		AP		36.00
89899	10/7/2019	SAIF CORPORATION		AP		75.00

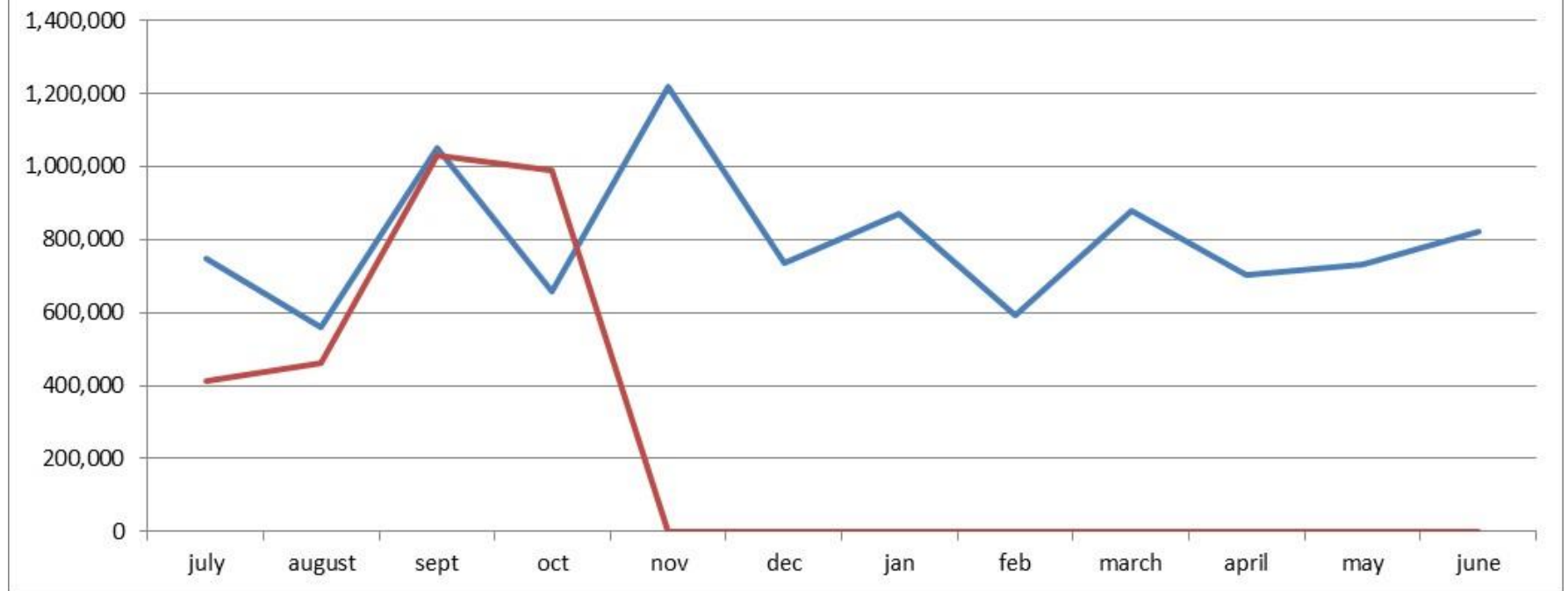
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89901	10/7/2019	SOUTH FORK TRADING CO., INC.		AP		718.55
89902	10/7/2019	GREG SPRINGMAN		AP		54.00
89903	10/7/2019	STAPLES ADVANTAGE		AP		1,602.38
89904	10/7/2019	Sunset Electric, Inc.		AP		45.00
89905	10/7/2019	SUNSHINE INDUSTRIES UNLIMITE		AP		1,313.00
89906	10/7/2019	THYSSENKRUPP ELEVATOR CORP.		AP		528.03
89907	10/7/2019	TRAFFIC SAFETY SUPPLY CO., INC		AP		52.38
89908	10/7/2019	TWGW, INC. NAPA AUTO PARTS		AP		323.22
89909	10/7/2019	WELLS FARGO VENDOR FIN SERV		AP		157.93
89910	10/7/2019	JEANNE WINSTON		AP		100.00
89911	10/11/2019	ACCELA, INC. #774375		AP		1,611.00
89912	10/11/2019	ALBERTSONS / SAFEWAY		AP		37.83
89913	10/11/2019	ALSCO		AP		257.32
89914	10/11/2019	Amazon Capital Services, Inc.		AP		968.54
89915	10/11/2019	BACKFLOW MANAGEMENT, INC.		AP		135.00
89916	10/11/2019	BUCK'S SANITARY SERVICE, INC.		AP		145.00
89917	10/11/2019	John Camelia		AP		100.00
89918	10/11/2019	CENTURYLINK		AP		1,413.49
89919	10/11/2019	COMCAST		AP		86.90
89920	10/11/2019	COMCAST BUSINESS		AP		173.31
89921	10/11/2019	DEMCO		AP		904.06
89922	10/11/2019	Felling and Reid, LLC		AP		650.00
89923	10/11/2019	FERGUSON WATERWORKS #3011 A		AP		1,358.72
89924	10/11/2019	GATEWAY IMPRINTS, INC.		AP		1,877.19
89925	10/11/2019	INGRAM LIBRARY SERVICES		AP		584.91
89926	10/11/2019	LEAGUE OF OREGON CITIES		AP		20.00
89927	10/11/2019	NEOFUNDS BY NEOPOST		AP		1,000.00
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89929	10/11/2019	Nick and Khaira Corporation		AP		600.00
89930	10/11/2019	NORM'S ELECTRIC, INC.		AP		409.00
89931	10/11/2019	ONE CALL CONCEPTS		AP		51.60
89932	10/11/2019	PlayCore Wisconsin, Inc.		AP		122,120.86
89933	10/11/2019	Rio Theatre, LLC		AP		1,803.78
89934	10/11/2019	Sign Wizards, Inc.		AP		1,503.00
89935	10/11/2019	SOUTH FORK TRADING CO., INC.		AP		18.25
89936	10/11/2019	Stepper Consulting, Inc.		AP		6,428.00
89937	10/11/2019	Tell & Sell		AP		8.49
89938	10/11/2019	WELLS FARGO FINANCIAL LEASIN		AP		98.00
89939	10/11/2019	WILDISH SAND & GRAVEL CO.		AP		61.38
89940	10/15/2019	Wilson Family Group, Inc.		AP		4,493.00
89941	10/23/2019	911 SUPPLY		AP		87.99
89942	10/23/2019	AAA Quality Appliance Care, Inc.		AP		161.15
89943	10/23/2019	Amazon Capital Services, Inc.		AP		14.98
89944	10/23/2019	BI-MART CORPORATION		AP		259.87
89945	10/23/2019	BLACKSTONE PUBLISHING		AP		30.95
89946	10/23/2019	BULLARD LAW		AP		189.00
89947	10/23/2019	Canon Financial Services, Inc.		AP		458.71
89948	10/23/2019	CARTER'S FIRE SPRINKLER MAINI		AP		250.00
89949	10/23/2019	CENTER POINT LARGE PRINT		AP		175.56
89950	10/23/2019	CH2M OMI, Inc.		AP		88,439.17
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89953	10/23/2019	DAN DEE SALES		AP		100.00
89954	10/23/2019	FASTENAL COMPANY		AP		396.05
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89958	10/23/2019	Grainger, Inc.		AP		127.02
89959	10/23/2019	CHELSEA GREGORY		AP		83.51
89960	10/23/2019	INTEGRITY CONSTRUCTION AND I		AP		76.10
89961	10/23/2019	LEAGUE OF OREGON CITIES		AP		600.00
89962	10/23/2019	LIBERTY ROCK PRODUCTS, INC.		AP		595.00
89963	10/23/2019	PAUL LOTT		AP		110.00
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89966	10/23/2019	NEW ERA		AP		90.00
89967	10/23/2019	O & M POINT S TIRE & AUTO SERV		AP		20.00
89968	10/23/2019	OREGON HEALTH AUTHORITY - S		AP		195.00
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89973	10/23/2019	PITNEY BOWES		AP		144.12
89974	10/23/2019	RBR Construction and Roofing		AP		3,150.00
89975	10/23/2019	GINA RILEY		AP		53.91
89976	10/23/2019	SJ Albany Automotive Investments, LL		AP		441.60
89977	10/23/2019	SWEET HOME RV CENTER		AP		50.99
89978	10/23/2019	THE BUILDING DEPARTMENT, LLC		AP		4,437.34
89979	10/23/2019	STEPHEN TYMAN		AP		15.50
89980	10/23/2019	PATRICIA VALLAD		AP		54.63
89981	10/23/2019	VERIZON WIRELESS		AP		810.20
89982	10/23/2019	WATERSHED, INC.		AP		487.76
89983	10/23/2019	WILDISH SAND & GRAVEL CO.		AP		95.54
89984	10/29/2019	Amazon Capital Services, Inc.		AP		480.45
89985	10/29/2019	JAMES BJORALT		AP		54.63
89986	10/29/2019	Gay Byers		AP		15.00
89987	10/29/2019	CIRCLE K STORE INC #2701359		AP		10.00
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89989	10/29/2019	COMCAST BUSINESS		AP		3,893.41
89990	10/29/2019	FFA Architecture and Interiors, Inc.		AP		12,601.74
89991	10/29/2019	FISHER'S RPM ELECTRIC MOTOR, [AP		18,757.45
89992	10/29/2019	KATIE HARER		AP		14.71
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89995	10/29/2019	LEAGUE OF OREGON CITIES		AP		600.00
89996	10/29/2019	LINN COUNTY RECORDER		AP		95.00
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89998	10/29/2019	CHAYHOWA MCELHINNY		AP		35.00
89999	10/29/2019	OFFICE DEPOT		AP		442.05
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90001	10/29/2019	SENIOR CITIZENS OF SWEET HOM		AP		35.00
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90004	10/29/2019	TYLER TECHNOLOGIES, INC.		AP		4,950.00
Total Check Count:						151

6 YEARS OF REVENUES BY MONTH



6 YEARS OF EXPENSES BY MONTH





	10/31/2019	10/31/2018	%
Call Volume:	2019-07250	2018-08164	-11.20%
CAD Calls:	15232	15515	-1.82%
ONIBR Person Crimes	155	130	+19.23%
ONIBR Person Crimes Cleared:	104	89	67.10%
ONIBR Property Crimes:	357	544	-34.38%
ONIBR Property Crimes Cleared:	99	199	27.74%

Trends/Information:

On November 8, 2019 the newly passed Class IV ATV ordinance took effect. As you all know, this ordinance allows for the use side by side ATV's on the City streets of Sweet Home. We have continued to promote the ordinance and its requirements through social media and the City of Sweet Home's website. Our Department also continues to answer numerous inquiries on those requirements. As of November 18th, we have not received any documented complaints associated with the operation of a Class IV ATV on our streets. Hopefully this is an indication that those driving a side by side on our streets are doing so responsibly.

City staff are continuing to work with various agencies and resources within our Region in an attempt to improve livability aspects within our community. I recently attended a summit on homelessness in Albany and obtained some information on affordable housing in Linn County. I have attached a handout from that summit depicts that availability of homes and affordable housing in Linn County.

It is the holiday season and our Shop with A Cop program is set for Saturday, Dec. 7th from 9:30 AM until noon at our local Bi-Mart store. SHPD, LCSO and OSP Officers will be shopping with local kids for Christmas.

Our Shop with A Cop program will serve 35 kids, age 4-12. Each will receive a \$75 gift card and they will be able to shop for gifts for themselves or their family for Christmas. Local Resident donations and the Kiwanis Car Show for Kids help fund this event.

Currently, we have 15 applications and we usually receive about 60. We have a vetting process for each family/child and have no problem filling the 35 spots. During our selection process, consideration is given to household size, income, as well as other eligibility factors. Applications for Shop with A Cop were sent to all local Elementary schools, the Charter School, Head Start and Little Promises.

The Sweet Home Police Department's Teen Sharing tree that serves kids that are between 13 and 18 years of age will be placed in the SHPD Lobby on Nov. 21st and gift stars will be ready to be taken by Friday the 22nd. During typical years we serve between 60-75 teens. However, this year the number of teens in need that have been registered for the program is down. We have reached out to the SHHS, SHJH and our SRO for additional names.

ALL applications are available at our Dispatch window and need to be completed returned to SHPD by Nov. 25th at 1700 to be considered.

Person Crimes are defined as:

	October 2019	October 2018
Assault	1	3
Child Neglect	0	0
Criminal Homicide	0	0
Custodial Interference	0	0
Elder Abuse	0	0
Forcible Rape	0	0
Harassment	7	3
Kidnapping	0	0
Menacing	0	0
Other Sex Offense	0	2
Violation Stalking Order	2	0
Violation Restraining Order	2	2
Person Crime Other	1	2

Property Crimes are defined as:

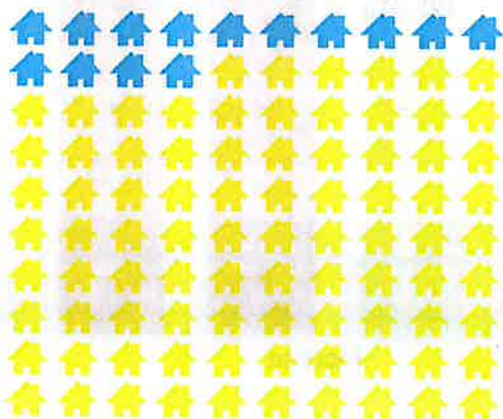
	October 2019	October 2018
Arson	0	0
Burglary	4	3
Criminal Mischief	5	10
Forgery	2	0
Fraud	2	3
Motor Vehicle Theft	2	6
Recovered Stolen	0	0
Robbery	0	1
Theft	24	36

A Place to Call Home: Linn County

Homes give people an opportunity to build better lives and communities. But how do Linn County residents fare?

We have a serious shortage of affordable housing

For every 100 families with extremely low incomes, there are only 14 affordable units available.



3,185

units are needed to meet the need

More than 1 out of 4



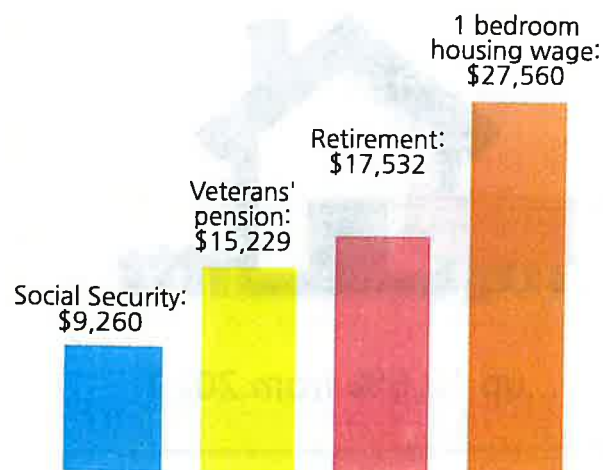
renters are paying more than 50% of their income in rent

6 out of 7



renters with extremely low incomes are paying more than 50% of their income in rent

Our neighbors are facing homelessness



Oregonians on fixed incomes struggle to pay rent even for a one bedroom apartment.

1 in 20 students

experienced homelessness in 2017-2018



That's 1024 children during the 2017-18 school year in Linn County.

Workers can't afford rent

\$12.86

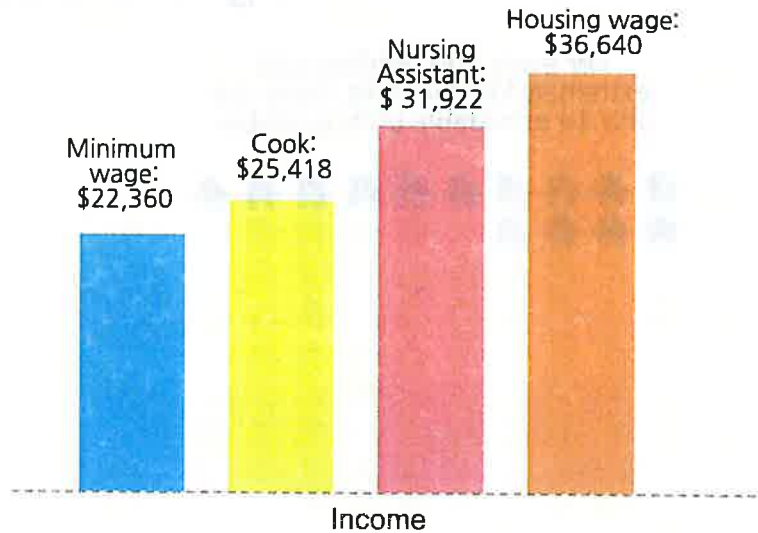


Mean renter wage



Number of hours per week at minimum wage needed to afford a 2 bedroom apartment

A household must earn at least \$36,640 to afford a 2 bedroom apartment at fair market rent.

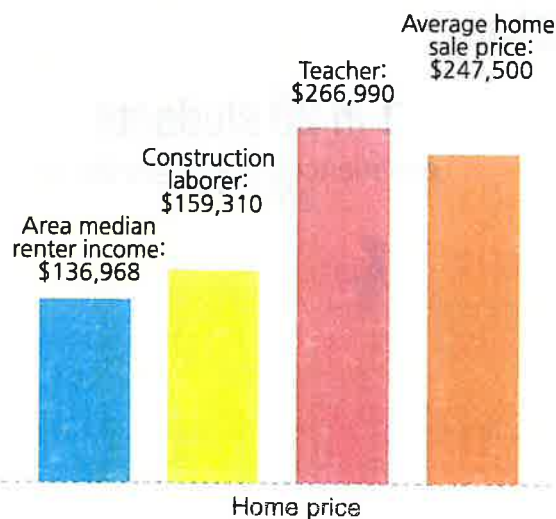


Homeownership is out of reach for many

Average home price an individual can afford

\$247,500

average home sale price in 2018



...up 12.6% from 2017



Oregon Housing Alliance
www.oregonhousingalliance.org
Alison McIntosh | amcintosh@neighborhoodpartnerships.org
Reyna Gillet | rgillet@neighborhoodpartnerships.org
(503) 226-3001

MEMORANDUM

DATE: NOVEMBER 26, 2019

TO: SWEET HOME CITY COUNCIL

FROM: ROBERT SNYDER, CITY ATTORNEY

TOPIC: PROHIBITING SMOKING IN DOWNTOWN

SUBJECT:

As part of the livability goals and vitalization of the downtown area of the City the City Council has been reviewing what other cities are doing to make their cities a better place to live and encourage economic development. The ordinance enclosed herewith is from Ashland and prohibits smoking in certain areas: in a place of employment (see state law below), in an enclosed area open to the public (see state law below), on any sidewalk or on any public or private property within 20 feet of a sidewalk in Downtown Ashland, on the City property commonly referred to as the Theater Corridor Walkway...

ORS 433.835 to 433.875 is known as the Oregon Indoor Clean Air Act and prohibits smoking in all public places (i.e. an enclosed area open to the public) and places of employment and within 10 feet of an entrance, exit or open window of said places.

The City of Corvallis in their Corvallis Municipal Code 5.03.080.160.02 prohibit smoking in certain public places (does not include sidewalks and street in general) by listing those places and also a 50 foot area around the public library which includes sidewalks and streets.

From the commentaries Portland's Pioneer Courthouse Square Transit Areas have no smoking bans and Salem around its hospital has a no smoking ban.

The Oregon Indoor Clean Air Act in 2005 had ORS 433.863 which stated that a local government may not prohibit smoking in any areas listed in ORS... but ORS 433.863 was repealed in 2009 which in one commentary the author states that now cities can regulate smoking in areas that the state law does not cover including outdoor seating/dining areas and other unenclosed public places.

The Ashland Ordinance presents the topic of prohibiting smoking in a downtown area of a city.

The City of Sweet Home in SHMC 12.12.110 prohibits smoking in city parks except in designated smoking areas.

Chapter 9.30

PROHIBIT SMOKING IN PLACE OF EMPLOYMENT, IN ENCLOSED AREAS OPEN TO PUBLIC,
AND IN DOWNTOWN ASHLAND

Sections:

- 9.30.010 Definitions
- 9.30.020 Smoking Prohibited
- 9.30.030 Smoke Free Place of Employment
- 9.30.040 Exemptions from Smoking Prohibition
- 9.30.050 Penalties for Violation

9.30.010
Definitions

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

- A. "Cigar bar" has the meaning provided in ORS 433.835(1).
- B. "Downtown" means the area within the boundary lines depicted in Exhibit A to AMC 10.120.010.B.1 plus the area within the outer perimeter of the public right-of-way of any streets and sidewalks adjoining and parallel to those boundary lines. To include the Pioneer Hall and Community Center tax lots on Winburn Way between Granite Street and the Plaza in AMC 9.30.020.A.
- C. "Enclosed area" means all space between a floor and a ceiling that is enclosed on two or more sides by permanent or temporary walls or windows, exclusive of doors, passageways or gaps. If no ceiling is present, "enclosed area" means all space that is included by three or more sides by permanent or temporary walls or windows, exclusive of doors, passageways or gaps.
- D. "Inhalant" means nicotine, a cannabinoid or any other substance that is in a form that allows the nicotine, cannabinoid or substance to be delivered into a person's respiratory system by inhalation and is not approved by, or emitted by a device approved by, the United States Food and Drug Administration for a therapeutic purpose.
- E. "Inhalant delivery system" means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device.
- F. "Place of employment" means every enclosed area under the control of a public or private employer that employees frequent during the course of employment, including but not limited to work areas, employee lounges, vehicles that are operated in the course of an employer's business that are not operated exclusively by one employee, rest rooms, conference rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and stairways. "Place of employment" includes privately owned enclosed areas where volunteers perform work typically done by employees. "Place of employment" does not include a private residence unless it is used as a child care facility as defined in ORS or a facility providing adult day care as defined in ORS 410.490.
- G. "Plaza" means the area bounded by and including East Main Street, North Main Street, and Winburn Way.
- H. "Smoke shop" means a business that is certified with the authority as a smoke shop pursuant to the rules adopted under ORS 433.847.
- I. "Smoking instrument" means any cigar, cigarette, pipe or other instrument or Inhalant delivery system used to smoke tobacco, marijuana or any other inhalant. (Ord. 3146 § 1, amended, 11/07/2017; Ord. 3140, amended, 04/18/2017; Ord. 3127, amended, 2016)

9.30.020
Smoking Prohibited

- A. Except as allowed in AMC 9.30.040, a person may not smoke, aerosolize or vaporize an inhalant or carry a lighted smoking instrument in a place of employment, in an enclosed area open to the public, on any sidewalk or on any public or private property within 20 feet of a sidewalk in Downtown Ashland, on the City property commonly referred to as the Theater

Corridor Walkway (Assessor's Map No. 391E09BC, Tax Lot 901) except for that portion of the property controlled by leasehold right of the Oregon Shakespeare Festival (commonly known as the Thomas Theater); on the sidewalk on North Main Street between Granite Street and the Plaza, on sidewalks on Winburn Way abutting Lithia Park, in the public walkway between 150 and 166 East Main, on the Plaza; on the area at the corner of East Main Street and South Pioneer Street known as Chautauqua Square; or in the public parking lot at 130 N. Pioneer Street.

B. A person may not smoke, aerosolize or vaporize an inhalant or carry a lighted smoking instrument within 20 feet of the following parts of places of employment or enclosed areas open to the public:

1. Entrances;
2. Exits;
3. Windows that open;
4. Ventilation intakes that serve an enclosed area; and
5. Outdoor dining areas.

C. A person may not smoke or carry any lighted smoking instrument in a room during the time that jurors are required to use the room. (Ord. 3140, amended, 04/18/2017; Ord. 3127, amended, 2016)

9.30.030

Smoke Free Place of Employment

A. An employer shall provide a place of employment that is free of tobacco smoke for all employees.

B. Except in those places described in AMC 9.30.040 A to E, an employer shall post signs that provide notice of the provision of ORS 433.835 to 433.875. (Ord. 3127, amended, 2016)

9.30.040

Exemptions from Smoking Prohibition

A. The owner of person in charge of a hotel or motel may designate up to 25 percent of the sleeping rooms of the hotel or motel as rooms in which smoking is permitted.

B. Smoking of noncommercial tobacco products for ceremonial purposes is permitted in spaces designated for traditional ceremonies in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996.

C. Smoking is permitted in a smoke shop.

D. Smoking is permitted in a cigar bar that generated on-site retail sales of cigars of at least \$5,000 for the calendar year ending December 31, 2006.

E. A performer may smoke or carry a lighted smoking instrument that does not contain tobacco while performing in a scripted stage, motion picture or television production if:

1. The production is produced by an organization whose primary purpose is producing scripted productions; and
2. Smoking is an integral part of the production. (Ord. 3127, amended, 2016)

9.30.050

Penalties for Violation

Violations of this chapter are Class IV violations as described in AMC 1.08. (Ord. 3127, amended, 2016)

The Ashland Municipal Code is current through Ordinance 3178, passed August 6, 2019.

Disclaimer: The City Recorder's office has the official version of the Ashland Municipal Code. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.ashland.or.us

City Telephone: (541) 488-5307

Code Publishing Company