

**GLADSTONE CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
March 12, 2019 – 6:30 PM**

5:30 p.m. – EXECUTIVE SESSION – ORS 192.660(2)(a) – To consider the employment of an officer, employee, staff member or agent.

This Executive Session may last longer than the scheduled time. The regular meeting will begin immediately after.

6:30 p.m.
CALL TO ORDER
ROLL CALL
FLAG SALUTE

AGENDA ADDITIONS OR CORRECTIONS

CONSENT AGENDA:

1. Approval of February 12, 2019 Regular Meeting Minutes
2. Approval of January Bank Balances
3. Budget Report for Period ending 01-31-2019
4. Approval of January Check Register
5. Legal Costs on Projects
6. Department Head Monthly Reports for February 2019

CORRESPONDENCE – none

REGULAR AGENDA:

7. **STATE OF THE CITIES ADDRESS:** Mayor Tamara Stempel
8. **2019-2021 STRATEGIC PLAN**
Presentation of the 2019-21 City of Gladstone Strategic Plan
9. **REPORT FROM GLADSTONE SCHOOL DISTRICT – (no attachments) – School Board Member Tracey Grant.**
10. **OREGON HOUSING PLANNING PROJECT – CODE AUDIT ADVISORY COMMITTEE APPOINTMENTS-** Appointment of ad-hoc committee members.
11. **MUTUAL AGREEMENT ORDER (MAO) WITH DEPARTMENT ENVIRONMENTAL QUALITY (DEQ)-** Authorize the Public Works Director to act as the City Representative for the City of Gladstone, to enter into the Mutual Agreement and Order with the State of Oregon.
12. **UTILITY RATE DIRECTION FROM COUNCIL.** Public Works Director Jim Whynot
13. **ORDINANCE 1496 – AMENDING GLADSTONE MUNICIPAL CODE (GMC) CHAPTER 9.60 – CAMPING PROHIBITED IN CERTAIN PLACES, SECTION 9.60.030 – VIOLATION – PENALTY TO CLASS “B” VIOLATION –** Interim Police Chief Kim Yamashita
Consider approving Ordinance 1496 – an Ordinance amending GMC Chapter 9.60 – Camping Prohibited in Certain Places, Section 9.60.030 – Violation – Penalty to Class “B” Violation.

BUSINESS CARRIED FORWARD

BUSINESS FROM THE AUDIENCE

Visitors: This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others and must fill out a speaker card available in the back of the room prior to making a comment.

BUSINESS FROM THE COUNCIL - Council Monthly Activity Reports

ADJOURN

Upcoming Meeting Dates:

- March 18, 2019 – Budget Committee Orientation, 5:30 p.m., City Hall Council Chambers
- March 25, 2019 - Budget Committee Meeting, 6:00 p.m. City Hall Council Chambers
- March 26, 2019 Work Session City Council Meeting, 6:30 p.m. City Hall Council Chambers



CONSENT AGENDA

GLADSTONE CITY COUNCIL MEETING MINUTES of February 12, 2019

Meeting was called to order at 6:30 PM.

ROLL CALL:

Mayor Tammy Stempel, Councilor Ripley, Councilor Neace, Councilor Tracy, Councilor Reisner, Councilor Todd, Councilor Mersereau

ABSENT:

None

STAFF:

Jacque Betz, City Administrator; Tami Bannick, City Recorder; Cathy Brucker, Interim Finance Director; Kim Yamashita, Interim Police Chief; Jeff Smith, Interim Fire Chief; David Doughman, City Attorney

AGENDA ADDITIONS OR CORRECTIONS:

None.

PRESENTATION – CIVILIAN LIFESAVING AWARD PRESENTATION:

Fire Chief Jeff Smith introduced Tighe Vroman, the Training/EMS Officer, who went over the events that happened on December 25th. On the evening of December 24th Sean and Piper Flett, along with their children and Piper's mother, Mary Jenkins, were joined by Mary's boyfriend, Greg Smith, at their home in Gladstone. At approximately 3:30 A.M. on Christmas morning Greg Smith experienced breathing difficulty and became unresponsive. Sean Flett performed CPR while they waited for first responders to arrive. They arrived at 3:35 A.M. and were able to achieve "ROSC" (return of spontaneous circulation). Mr. Smith was transported to Kaiser Hospital and has made a full recovery.

Awards were presented to CCOM 9-1-1 Dispatcher Fred Yungbluth; Gladstone Engine 391 Crew: Captain EMT Paramedic Pat Brost, Engineer EMT Tim Atkeson, and Firefighter EMT Zach Buchanan; Gladstone Police Officers Danny Day and Dustin Wilson; American Medical Response Medic 275 Crew: Paramedic Alex Hall and EMT Marissa Donahey; Gladstone Fire Squad 390 Crew: Captain EMT Intermediate Richard Newton and Lieutenant Paramedic Gabe Wiggins; and Gladstone citizen, Sean Flett.

Mayor Stempel said a few words about the role of the City Council. She feels it is important for everyone to understand their limitations: they represent the citizens of Gladstone and not their own personal agendas and beliefs. There have been many times when a decision being made doesn't align with what they would like personally, but after hearing the citizens' desires they have sometimes gone a different direction. That doesn't mean that their beliefs have changed; just that they listened and acted accordingly. There are laws and rules they have to use as the basis of their decisions. They do not have the luxury of randomly making decisions, but instead have to be consistent and take the path that is defensible. They appreciate everyone's time in participating in this process. Her goal is to keep the meeting respectful and engaging and she hopes everyone will help her do that.

CONSENT AGENDA:

1. Approval of January 8, 2019 Regular Meeting Minutes
2. Approval of December Bank Balances
3. Budget Report for Period ending 12-31-2018
4. Approval of December Check Register
5. Legal Costs on Projects
6. Department Head Monthly Reports for January 2019
7. Resolution No. 1155 – Support of Enacting HR 530, Reversing Recent Federal Communications Commission (FCC) Actions Relating to Wireless Facilities

Councilor Neace made a motion to approve the Consent Agenda. Motion was seconded by Councilor Mersereau. Motion passed unanimously.

CORRESPONDENCE:

None.

REGULAR AGENDA

8. ACCEPT THE 2017-2018 CITY OF GLADSTONE FISCAL AUDIT:

Ms. Brucker introduced Danielle Groves from Merina & Company. Ms. Groves said they have completed the audit for the fiscal year ending June 30, 2018. They issued their report with an unqualified/clean opinion, which is the highest level of opinion. There were no findings/issues noted. She went over the new GASB pronouncement, accounting estimates, and financial statement disclosures.

Councilor Reisner said there was some concern that the audit committee hadn't received the materials until two days before their meeting – they are hoping that in the future they will be given more time to review the material before the meetings.

Councilor Reisner made a motion to accept the 2017-2018 City of Gladstone Fiscal Audit. Motion was seconded by Councilor Neace. Motion passed unanimously.

ADJOURN TO URBAN RENEWAL AGENCY MEETING

RECONVENED TO REGULAR AGENDA

11. UPDATE ON METRO AFFORDABLE HOUSING BOND:

Deputy Director Jill Smith and Director of Community Development Chuck Robbins from Clackamas County Health, Housing & Human Services gave a presentation. They have had over 230 people staying in their warming shelters during the last few weeks. Clackamas County will get \$116 million that can be used in very specific ways: purchase land to build affordable housing, construct new housing, and/or purchase/renovate existing housing, making it affordable. They went over the timeline. They are hoping to begin work as early as this summer. They went over the constitutional amendment. They will be able to create more than 2,500 housing units throughout the region – Clackamas County will be responsible for creating at least 812 units. 40% of Clackamas County's units have to be available to families at or below 30% of area median income. About half of the units have to be two bedrooms or larger. All of the units have to be available at or below 80% of area median income. They have identified a potential early project in Gladstone and they are in negotiations with the owners to purchase the vacant building (on Webster Road – used to be a behavioral health residential treatment center). They would like to turn it into housing for very low income seniors (approximately 50 single room units). They also have a vision of placing a health clinic within the building as well. They went over the land use issues related to this property.

They went over how they can work with for-profit developers – in one case they have partnered with the Housing Authority (25% owner) and they have a restrictive land use covenant on the property that says the property will remain affordable at/below 60% of area median income for a period of 60 years.

12. GLADSTONE CIVIC CENTER UPDATE:

Ms. Betz said there will be an open house on February 20th at 6:00 P.M. They will be asking the public for input regarding some extra money that is available for enhancements. Kim Knox, SOJ and Project Manager for the City, said the design/build team has made progress. They shared drawings of the proposed building, parking lot, interior, etc. The review process will start with the Planning Commission on March 19th. The groundbreaking event is scheduled for April 9th at 5:30 P.M., on-site, prior to the City Council meeting. Site demolition work is scheduled to start April 18th. Piers and footings are going in in May. A building permit for the building will be submitted in May. The building should be enclosed by the end of this year and City staff should be able to move in in March of 2020. Everything is moving forward smoothly. There was discussion regarding storage space.

13. ACCEPT OREGON STATE MARINE BOARD GRANT IN THE AMOUNT OF \$133,000:

This is for the purchase of fabrication and delivery of a new boat dock at the Meldrum Bar Park boat launch area. Ms. Betz said they recommend that the City Council accept this grant but she said they don't have the resources to manage this project internally. In order for the City to accept this grant we need to hire a project manager. The Parks Department has approximately \$124,000 in an improvement project fund account – part of this grant means that we have to take \$10,000 to match the \$133,000 that we would receive. The Parks Board is aware of this. It will cost approximately \$5,000 for a project manager and this will also come out of the Parks improvement budget. In order to accept the grant the City will have to go through the formal bidding process, procurement process, insure all the bid bonds, do the solicitation, make sure the bond payments are done, etc. The City has two weeks to apply for the third phase of the grant.

Councilor Tracy made a motion to accept the Oregon State Marine Board Boating Facility Grant in the amount of \$133,000 and authorize the City Administrator to hire a project manager within her spending authority. Motion was seconded by Councilor Neace. Motion passed unanimously.

14. APPOINTMENT TO BUDGET COMMITTEE:

Ms. Betz explained that there is one vacant four-year term and three applicants.

Ms. Bannick took a roll call vote: Mayor Stempel – Mason. Councilor Ripley – No on all three. Councilor Neace – No on all three. Councilor Tracy – Harman. Councilor Reisner – Bergeron. Councilor Todd – Bergeron. Councilor Mersereau – No on all three.

Mr. Doughman said that before someone can be appointed they must have a majority vote from the Council. One option would be to consider Mr. Bergeron and have the full Council vote yeah or nay. The other option would be to continue to solicit applications.

Ms. Bannick took another vote on Mr. Bergeron: Mayor Stempel – yes. Councilor Ripley – no. Councilor Neace – no. Councilor Tracy – yes. Councilor Reisner – yes. Councilor Todd – yes. Councilor Mersereau – no. Steve Bergeron was selected (4-3).

15. ADOPT THE 2019-2021 CITY OF GLADSTONE BUDGET CALENDAR:

Ms. Brucker went over the calendar. It was agreed that the budget meetings will begin at 6:00 P.M. The meetings will be videotaped so the public can view them. The public can give input via email or letter.

Councilor Neace made a motion to adopt the 2019-2021 City of Gladstone Budget Calendar. Motion was seconded by Councilor Todd. Motion passed unanimously.

16. CITY COUNCIL LIAISON APPOINTMENTS:

Mayor Stempel asked if anyone had any questions/concerns. Councilor Mersereau asked why the Police Department and Fire Departments are not on the list. Mayor Stempel said because they are not advisory committees - it's staff and she didn't want to overburden Councilors. Councilor Mersereau said he does not agree with that – he believes those are two of the most important departments in the City and should be considered. Mayor Stempel said he could still attend the meetings. There was discussion regarding having liaisons for police/fire. Councilor Reisner pointed out that the Police and Fire Chiefs report to the City Administrator – not City Council; whereas the boards/committees/commissions answer to City Council. Councilor Neace said she is concerned about the number of times the Mayor is listed. Mayor Stempel said that some of those will hopefully be wrapped up soon.

Councilor Reisner made a motion to accept the Council Liaison appointment recommendations from Mayor Stempel. There was no second.

PUBLIC COMMENT:

Libby Wentz said there has always been a liaison for the Police/Fire Departments and she feels there should continue to be one.

There was further discussion. Councilor Tracy said he feels that if we continue to show the support and are able to have that information freely flowing between the two he thinks it's healthy. He doesn't feel this should involve the actual management of the departments. Ms. Betz said that if a Councilor wants to be a liaison to a Department Head she is not concerned about operational interference. She said with all the projects going on she could use help from the elected officials. She said if she feels it's going into operations then she will have a discussion with the elected official. Mayor Stempel appointed Councilor Mersereau as the liaison for both departments.

Councilor Tracy made a motion to amend Councilor Reisner's motion to accept the Council Liaison appointment recommendations from Mayor Stempel to include Councilor Mersereau as the liaison for both the Police and Fire Departments. Motion was seconded by Councilor Neace. Motion passed unanimously.

BUSINESS CARRIED FORWARD:

Ms. Betz gave an update on the Senior Center. The lobby restoration is almost complete. The pool room and wellness room restoration is almost complete as well. A final clean sweep is scheduled for Friday and they should be able to open those rooms back up on Friday. The main issue is still a piece of the roof above the kitchen – they do not have a timeline on when the kitchen will be open/operational.

She provided a packet regarding the immediate next steps are on the Downtown Revitalization Plan. She will be taking on the Trolley Trail Bridge Feasibility Study and the Library.

BUSINESS FROM THE AUDIENCE:

None.

BUSINESS FROM THE COUNCIL:

Mayor Stempel:

She gave an update on the Water Environmental Services (WES) governance. They agreed to hire Oregon Consensus to interview all of the stakeholders to see if they had a path forward – the County paid the \$30,000 for their services. They are in phase two, which is coming up with an actual agreement and will cost approximately \$30,000 as well. Oregon City offered to put \$5,000 toward the cost. Mayor Stempel would like Gladstone to put \$2,000 toward this. The other cities will also pay something as well

and the County will pay the remainder. She said that currently we do not have any representation on the Sewer District Governance Board.

Councilor Tracy made a motion to authorize payment of \$2,000 toward phase two of the WES governance agreement consensus. Motion was seconded by Councilor Todd. Motion passed unanimously.

Councilor Todd:

She said she felt really good after the strategic planning session and she is excited.

Councilor Reisner:

He said we have some awesome employees at the City who do great things day in and day out. He wanted to echo Ms. Betz's email from last month that stated how our employees serve and are committed to what they do and to the citizens. They go above and beyond their specified duties. He would like to ask for support in asking Ms. Betz and staff to determine if there are funds in the current budget to give the employees a 7.5% raise going back to January 1st of this year, with the exception of the Police Chief, Fire Chief, and contract employees. Ms. Betz said they just started negotiations with represented employees. Mr. Doughman and Ms. Betz suggested holding this for an executive session. Councilor Reisner agreed.

Councilor Tracy:

He said that Jim Whynot is knocking the ball out of the park showing us exactly the condition of our infrastructure. He encouraged him to show this during an open house at some point. He said that Mr. Whynot approaches this with care and prudence and he's done a phenomenal job.

He said the North Clackamas County Water Commission is working hard – they have a new Chair. He is serving as Vice Chair. They are focusing on the external forces that are going to be on the river and they have some work ahead of them. He will keep everyone briefed.

Mayor Stempel:

She thanked Public Works for being rock stars during the snow/ice storm. She said they were well prepared.

She said the strategic planning session was wonderful.

The Historical Society has been busy. Kim Huey, the Historian, just completed a book on the history of Gladstone – it should be available in approximately six weeks.

She said there are volunteer opportunities at the Food Pantry, Rotary, and the Kiwanis.

ADJOURN:

Meeting was adjourned at approximately 8:40 P.M.

Approved by the Mayor this _____ day of _____, 2019.

ATTEST:

Tamara Stempel, Mayor

Tami Bannick, City Recorder

BANK BALANCES						
Month Ending Balance						
Bank	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018
LGIP -City Of Gladstone #4472	\$ 8,035,092.04	\$ 7,077,290.87	\$ 7,330,190.63	\$ 7,204,869.17	\$ 10,330,272.64	\$ 11,266,768.65
LGIP - Urban Renewal Agency #4650	7,380,826.41	13,903,020.95	13,952,945.55	13,984,160.68	14,683,565.34	14,913,618.25
Checking Accounts:						
General Fund ¹⁾	3,115,967.05	401,118.15	204,109.12	151,905.74	203,864.34	192,957.71
Urban Renewal ¹⁾	3,816,920.33	316,927.81	316,930.41	128,849.61	128,850.66	128,784.25
Municipal Court	40,851.67	49,238.16	39,792.55	42,755.85	66,055.10	26,525.09
Totals	\$ 22,389,657.50	\$ 21,747,595.94	\$ 21,843,968.26	\$ 21,512,541.05	\$ 25,412,608.08	\$ 26,528,653.95
¹⁾ Borrowing closed on 07/31/18 - moved to LGIP in August						
Bank	January 2019	February 2019	March 2019	April 2019	May 2019	June 2019
LGIP -City Of Gladstone #4472	\$ 11,761,585.63					
LGIP - Urban Renewal Agency #4650	14,805,716.70					
Checking Accounts:						
General Fund	88,817.11					
Urban Renewal	28,785.64					
Municipal Court	76,770.35					
Totals	\$ 26,761,675.43	\$ -	\$ -	\$ -	\$ -	\$ -



		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 100 - GENERAL FUND							
Revenue							
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL							
RptType: 3000 - BEG FUND BAL.							
100-000-309999	BEGINNING FUND BALANCE	3,270,000.00	3,270,000.00	0.00	0.00	-3,270,000.00	0.00 %
	RptType: 3000 - BEG FUND BAL. Total:	3,270,000.00	3,270,000.00	0.00	0.00	-3,270,000.00	0.00 %
RptType: 3100 - LOCAL TAXES							
100-000-310010	CURRENT YEAR TAXES	3,874,318.00	3,874,318.00	36,339.53	3,906,669.27	32,351.27	100.84 %
100-000-310050	PRIOR YEAR TAXES	110,000.00	110,000.00	5,322.06	22,607.52	-87,392.48	20.55 %
100-000-311030	LIBRARY DISTRICT REVENUE	740,778.00	740,778.00	728,898.00	728,898.00	-11,880.00	98.40 %
100-000-314045	TRANSIENT LODGING TAX	2,000.00	2,000.00	10,374.96	90,513.77	88,513.77	4,525.69 %
	RptType: 3100 - LOCAL TAXES Total:	4,727,096.00	4,727,096.00	780,934.55	4,748,688.56	21,592.56	100.46 %
RptType: 3110 - STATE SHARED TAXES							
100-000-310170	STATE REVENUE SHARING	0.00	0.00	0.00	63,251.58	63,251.58	0.00 %
100-000-311010	ALCOHOL TAX REVENUE	206,000.00	206,000.00	0.00	98,925.28	-107,074.72	48.02 %
100-000-311015	MARIJUANA TAX	0.00	0.00	10,711.51	29,259.39	29,259.39	0.00 %
100-000-311020	CIGARETTE TAX REVENUE	14,000.00	14,000.00	1,130.53	7,419.75	-6,580.25	53.00 %
	RptType: 3110 - STATE SHARED TAXES Total:	220,000.00	220,000.00	11,842.04	198,856.00	-21,144.00	90.39 %
RptType: 3120 - RIGHT OF WAY FEES							
100-000-312010	GLADSTONE DISPOSAL FRANCHISE FEE	100,000.00	100,000.00	23,988.44	53,850.63	-46,149.37	53.85 %
100-000-312025	PGE FRANCHISE FEES	300,000.00	300,000.00	0.00	0.00	-300,000.00	0.00 %
100-000-312030	NW NATURAL GAS FRANCHISE FEE	78,000.00	78,000.00	0.00	0.00	-78,000.00	0.00 %
100-000-312035	CENTURY LINK FRANCHISE FEE	25,000.00	25,000.00	0.00	0.00	-25,000.00	0.00 %
100-000-312040	COMCAST CABLE TV FRANCHISE FE	165,000.00	165,000.00	0.00	37,039.09	-127,960.91	22.45 %
100-000-312050	RIGHT OF WAY FEES	225,000.00	225,000.00	7,445.08	49,015.82	-175,984.18	21.78 %
100-000-312060	LICENSE & APPLICATION FEES	0.00	0.00	0.00	50.00	50.00	0.00 %
	RptType: 3120 - RIGHT OF WAY FEES Total:	893,000.00	893,000.00	31,433.52	139,955.54	-753,044.46	15.67 %
RptType: 3130 - LICENSES AND PERMITS							
100-000-313010	BUSINESS LICENSE FEES	125,000.00	125,000.00	31,650.00	54,395.00	-70,605.00	43.52 %
100-000-313015	LIQUOR LICENSE RENEWALS	1,000.00	1,000.00	210.00	315.00	-685.00	31.50 %
100-000-313020	ALARM PERMITS	3,500.00	3,500.00	1,075.00	2,550.00	-950.00	72.86 %
	RptType: 3130 - LICENSES AND PERMITS Total:	129,500.00	129,500.00	32,935.00	57,260.00	-72,240.00	44.22 %
RptType: 3140 - CHARGES FOR SERVICES							
100-000-314010	RECREATION FEES	3,000.00	3,000.00	0.00	798.16	-2,201.84	26.61 %
100-000-314015	SENIOR CENTER BUILDING RENTAL FE...	3,500.00	3,500.00	0.00	3,541.75	41.75	101.19 %
100-000-314020	PLANNING APPLICATION FEES	30,000.00	30,000.00	10,832.75	16,737.75	-13,262.25	55.79 %
100-000-314025	SOCIAL SERVICES CONTRACT	32,000.00	32,000.00	0.00	16,158.54	-15,841.46	50.50 %
100-000-314030	LIEN SEARCH FEES	4,200.00	4,200.00	390.00	3,690.00	-510.00	87.86 %
100-000-314040	ALL OTHER LIBRARY RECEIPTS	25,000.00	25,000.00	1,530.28	9,385.05	-15,614.95	37.54 %
	RptType: 3140 - CHARGES FOR SERVICES Total:	97,700.00	97,700.00	12,753.03	50,311.25	-47,388.75	51.50 %
RptType: 3141 - SDC							
100-000-314110	PARK SDC FEES	0.00	0.00	0.00	19,411.00	19,411.00	0.00 %
	RptType: 3141 - SDC Total:	0.00	0.00	0.00	19,411.00	19,411.00	0.00 %
RptType: 3150 - GRANTS							
100-000-315040	FIRE GRANTS	257,020.00	257,020.00	0.00	103,006.01	-154,013.99	40.08 %
100-000-315050	READY TO READ/STATE AID LIBRARY	3,000.00	3,000.00	0.00	2,944.00	-56.00	98.13 %
100-000-315055	MARINE BOARD MAINTENANCE GRA...	5,400.00	5,400.00	0.00	0.00	-5,400.00	0.00 %
100-000-315070	SR. CENTER FEDERAL FUNDS	0.00	0.00	1,728.32	1,728.32	1,728.32	0.00 %
	RptType: 3150 - GRANTS Total:	265,420.00	265,420.00	1,728.32	107,678.33	-157,741.67	40.57 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 01/31/2019

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
RptType: 3160 - DEBT SERVICE PROCEEDS							
100-000-381000	OFS-DEBT PROCEEDS	0.00	3,000,000.00	0.00	3,000,000.00	0.00	100.00 %
RptType: 3160 - DEBT SERVICE PROCEEDS Total:		0.00	3,000,000.00	0.00	3,000,000.00	0.00	100.00 %
RptType: 3260 - FINES AND FORFEITURES							
100-000-326010	COURT FINES & FORFEITURES	356,400.00	356,400.00	22,337.49	235,871.52	-120,528.48	66.18 %
RptType: 3260 - FINES AND FORFEITURES Total:		356,400.00	356,400.00	22,337.49	235,871.52	-120,528.48	66.18 %
RptType: 3301 - INTEREST							
100-000-330100	INTEREST	65,000.00	65,000.00	24,706.36	120,528.59	55,528.59	185.43 %
RptType: 3301 - INTEREST Total:		65,000.00	65,000.00	24,706.36	120,528.59	55,528.59	185.43 %
RptType: 3600 - MISCELLANEOUS							
100-000-360000	ALL OTHER GF RECEIPTS	122,000.00	122,000.00	1,592.47	37,229.43	-84,770.57	30.52 %
100-000-361014	FIRE TRAINING REIMBURSEMENT	1,000.00	1,000.00	0.00	0.00	-1,000.00	0.00 %
100-000-361016	FIRST RESPONDER SUPPLIES REIMB	6,000.00	6,000.00	0.00	3,071.00	-2,929.00	51.18 %
100-000-361041	LIBRARY FOUNDATION - FUNDED PR...	5,000.00	5,000.00	6,500.00	11,500.00	6,500.00	230.00 %
100-000-362210	SENIOR CENTER BEQUESTS	0.00	0.00	0.00	11,661.15	11,661.15	0.00 %
100-000-362212	TRAM TRIPS	2,000.00	2,000.00	369.55	4,984.37	2,984.37	249.22 %
100-000-362213	MEAL CHARGES	5,000.00	5,000.00	451.74	9,006.34	4,006.34	180.13 %
100-000-362214	MEDICAID FUNDS	20,000.00	20,000.00	0.00	0.00	-20,000.00	0.00 %
RptType: 3600 - MISCELLANEOUS Total:		161,000.00	161,000.00	8,913.76	77,452.29	-83,547.71	48.11 %
RptType: 3700 - OTHER							
100-000-371000	SALE OF SURPLUS EQUIP/PROPERTY	15,000.00	15,000.00	0.00	156,054.94	141,054.94	1,040.37 %
RptType: 3700 - OTHER Total:		15,000.00	15,000.00	0.00	156,054.94	141,054.94	1,040.37 %
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:		10,200,116.00	13,200,116.00	927,584.07	8,912,068.02	-4,288,047.98	67.52 %
Department: 910 - TRANSFER IN							
RptType: 3990 - TRANSFERS IN							
100-910-399205	TRANSFER IN FROM STREET FUND	66,105.00	66,105.00	0.00	0.00	-66,105.00	0.00 %
100-910-399228	TRANSFER IN FROM POLICE LEVY	14,990.00	14,990.00	0.00	0.00	-14,990.00	0.00 %
100-910-399229	TRANSFER IN FROM FIRE LEVY	6,300.00	6,300.00	0.00	0.00	-6,300.00	0.00 %
100-910-399390	TRANSFER IN FROM URBAN RENEWAL	0.00	45,250.00	45,000.00	45,000.00	-250.00	99.45 %
100-910-399730	TRANSFER IN FROM SEWER FUND	28,620.00	28,620.00	0.00	0.00	-28,620.00	0.00 %
100-910-399740	TRANSFER IN FROM WATER FUND	16,025.00	16,025.00	0.00	0.00	-16,025.00	0.00 %
100-910-399750	TRANSFER IN FROM STORM WATER	20,350.00	20,350.00	0.00	0.00	-20,350.00	0.00 %
RptType: 3990 - TRANSFERS IN Total:		152,390.00	197,640.00	45,000.00	45,000.00	-152,640.00	22.77 %
Department: 910 - TRANSFER IN Total:		152,390.00	197,640.00	45,000.00	45,000.00	-152,640.00	22.77 %
Revenue Total:		10,352,506.00	13,397,756.00	972,584.07	8,957,068.02	-4,440,687.98	66.85 %
Expense							
Department: 121 - ADMIN							
RptCategory: 40 - PERSONNEL SERVICES							
100-121-431010	CITY ADMINISTRATOR	142,000.00	142,000.00	11,265.00	76,324.20	65,675.80	53.75 %
100-121-431020	CITY RECORDER	109,500.00	109,500.00	8,614.00	73,576.00	35,924.00	67.19 %
100-121-431070	OFFICE ASSISTANT	82,895.00	82,895.00	4,370.00	31,600.97	51,294.03	38.12 %
100-121-431500	ACCOUNTING CLERK	121,200.00	121,200.00	8,700.03	48,822.70	72,377.30	40.28 %
100-121-450100	OVERTIME	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
100-121-450500	CAREER RECOGNITION PAY	3,200.00	3,200.00	204.17	1,133.77	2,066.23	35.43 %
100-121-470000	ASSOCIATED PAYROLL COSTS	267,200.00	267,200.00	15,646.88	105,930.94	161,269.06	39.64 %
RptCategory: 40 - PERSONNEL SERVICES Total:		726,995.00	726,995.00	48,800.08	337,388.58	389,606.42	46.41 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-121-500110	CONTRACTUAL & PROFESSIONAL SER...	247,107.00	247,107.00	17,171.55	84,187.42	162,919.58	34.07 %
100-121-500120	MUNICIPAL AUDIT CONTRACT	40,000.00	40,000.00	16,000.00	29,000.00	11,000.00	72.50 %
100-121-500130	LEGAL FEES	188,000.00	188,000.00	5,013.15	36,807.89	151,192.11	19.58 %
100-121-500210	COMPUTER/TECHNOLOGY SERVICES	66,000.00	66,000.00	0.00	25,704.80	40,295.20	38.95 %
100-121-500490	COUNCIL ACTIVITIES	10,000.00	10,000.00	138.26	1,030.80	8,969.20	10.31 %
100-121-500491	OUTSIDE AGENCY REQUESTS	1,250.00	1,250.00	0.00	0.00	1,250.00	0.00 %
100-121-500492	COUNTY PLANNING SERVICES CONTR...	65,000.00	65,000.00	0.00	52,186.52	12,813.48	80.29 %
100-121-510020	COMM PROMOTIONS/BUSINESS DEV	232,000.00	232,000.00	0.00	3,600.00	228,400.00	1.55 %

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		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
100-121-520120	BANK CHARGES	4,500.00	4,500.00	390.61	3,639.08	860.92	80.87 %
100-121-520310	MAINTENANCE, REPAIR & OPERATION	0.00	0.00	0.00	562.50	-562.50	0.00 %
100-121-520320	FLEET FUEL, MAINTENANCE & REPAIR	1,500.00	1,500.00	0.00	25.93	1,474.07	1.73 %
100-121-520400	OFFICE SUPPLIES & EQUIPMENT	27,255.00	27,255.00	1,914.13	10,514.35	16,740.65	38.58 %
100-121-520450	CITY NEWSLETTER	33,600.00	33,600.00	2,315.11	18,504.55	15,095.45	55.07 %
100-121-530000	FIRE & LIABILITY INSURANCE	160,000.00	160,000.00	0.00	157,036.40	2,963.60	98.15 %
100-121-530200	EMERGENCY MANAGEMENT	25,750.00	25,750.00	0.00	171.00	25,579.00	0.66 %
100-121-540110	EMPLOYEE APPRECIATION	1,700.00	1,700.00	30.17	485.18	1,214.82	28.54 %
100-121-540120	PERSONNEL RECRUITMENT	17,700.00	17,700.00	1,102.00	2,965.00	14,735.00	16.75 %
100-121-540200	DUES & MEMBERSHIPS	12,500.00	12,500.00	286.00	10,554.68	1,945.32	84.44 %
100-121-540220	TRAVEL, CONFERENCES & TRAINING	12,700.00	12,700.00	0.00	2,720.74	9,979.26	21.42 %
100-121-540230	MILEAGE REIMBURSEMENT	2,500.00	2,500.00	0.00	0.00	2,500.00	0.00 %
100-121-542000	PUBLICATIONS & SUBSCRIPTIONS	15,000.00	15,000.00	785.02	4,451.99	10,548.01	29.68 %
100-121-560120	TELEPHONES	14,000.00	14,000.00	871.97	5,861.34	8,138.66	41.87 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		1,178,062.00	1,178,062.00	46,017.97	450,010.17	728,051.83	38.20 %
Department: 121 - ADMIN Total:		1,905,057.00	1,905,057.00	94,818.05	787,398.75	1,117,658.25	41.33 %
Department: 124 - FACILITIES							
RptCategory: 40 - PERSONNEL SERVICES							
100-124-437050	PUBLIC WORKS SUPERVISOR	7,800.00	7,800.00	711.08	4,781.95	3,018.05	61.31 %
100-124-437070	UTILITY WORKER, JOURNEY	33,000.00	33,000.00	2,096.40	14,226.20	18,773.80	43.11 %
100-124-439011	SEASONAL HELP	8,500.00	8,500.00	0.00	4,758.53	3,741.47	55.98 %
100-124-450100	OVERTIME	1,000.00	1,000.00	201.75	469.74	530.26	46.97 %
100-124-470000	ASSOCIATED PAYROLL COSTS	1,450.00	1,450.00	1,186.24	8,403.19	-6,953.19	579.53 %
RptCategory: 40 - PERSONNEL SERVICES Total:		51,750.00	51,750.00	4,195.47	32,639.61	19,110.39	63.07 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-124-500110	CONTRACTUAL & PROFESSIONAL SER...	47,000.00	47,000.00	2,651.24	18,876.46	28,123.54	40.16 %
100-124-520130	OPERATIONS, MAINTENANCE & REPA...	29,000.00	29,000.00	3,119.84	25,812.44	3,187.56	89.01 %
100-124-520322	GENERATOR FUEL	1,600.00	1,600.00	0.00	0.00	1,600.00	0.00 %
100-124-540220	TRAVEL, CONFERENCES& TRAINING	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00 %
100-124-540300	SMALL TOOLS, EQUIPMENT & SAFETY...	7,400.00	7,400.00	52.32	474.76	6,925.24	6.42 %
100-124-560100	UTILITIES	52,500.00	52,500.00	6,762.91	41,293.59	11,206.41	78.65 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		138,500.00	138,500.00	12,586.31	86,457.25	52,042.75	62.42 %
RptCategory: 60 - CAPITAL OUTLAY							
100-124-641010	BUILDING REPAIR	0.00	0.00	2,475.78	33,887.78	-33,887.78	0.00 %
RptCategory: 60 - CAPITAL OUTLAY Total:		0.00	0.00	2,475.78	33,887.78	-33,887.78	0.00 %
Department: 124 - FACILITIES Total:		190,250.00	190,250.00	19,257.56	152,984.64	37,265.36	80.41 %
Department: 220 - COURT							
RptCategory: 40 - PERSONNEL SERVICES							
100-220-432020	MUNICIPAL COURT CLERK	61,000.00	61,000.00	4,955.33	34,687.31	26,312.69	56.86 %
100-220-432035	ASSISTANT COURT CLERK	22,600.00	22,600.00	4,761.68	29,767.51	-7,167.51	131.71 %
100-220-450100	OVERTIME	800.00	800.00	0.00	0.00	800.00	0.00 %
100-220-450500	CAREER RECOGNITION PAY	580.00	580.00	0.00	0.00	580.00	0.00 %
100-220-470000	ASSOCIATED PAYROLL COSTS	57,000.00	57,000.00	4,716.67	31,149.24	25,850.76	54.65 %
RptCategory: 40 - PERSONNEL SERVICES Total:		141,980.00	141,980.00	14,433.68	95,604.06	46,375.94	67.34 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-220-500110	CONTRACTUAL & PROFESSIONAL SER...	1,000.00	1,000.00	100.00	400.00	600.00	40.00 %
100-220-500132	PROSECUTING ATTORNEY	45,500.00	45,500.00	0.00	18,000.00	27,500.00	39.56 %
100-220-500134	ATTORNEYS FOR INDIGENT CLIENTS	31,550.00	31,550.00	3,700.00	14,875.00	16,675.00	47.15 %
100-220-500136	MUNICIPAL COURT JUDGE	41,000.00	41,000.00	0.00	19,092.00	21,908.00	46.57 %
100-220-500137	PRO-TEM JUDGE	1,869.00	1,869.00	0.00	0.00	1,869.00	0.00 %
100-220-500138	JURY EXPENSES	1,000.00	1,000.00	122.42	122.42	877.58	12.24 %
100-220-500282	COURTROOM SECURITY	8,000.00	8,000.00	285.00	3,135.00	4,865.00	39.19 %
100-220-520120	BANK CHARGES	6,000.00	6,000.00	0.00	1,205.48	4,794.52	20.09 %
100-220-520400	OFFICE SUPPLIES & EQUIPMENT	11,000.00	11,000.00	413.38	3,923.14	7,076.86	35.66 %
100-220-520401	REFUNDS & COLLECTION SERVICES	1,200.00	1,200.00	0.00	0.00	1,200.00	0.00 %
100-220-520420	DOCUMENT IMAGING	1,800.00	1,800.00	0.00	0.00	1,800.00	0.00 %

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		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
100-220-540220	TRAVEL, CONFERENCES & TRAININGI...	4,000.00	4,000.00	0.00	1,076.02	2,923.98	26.90 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		153,919.00	153,919.00	4,620.80	61,829.06	92,089.94	40.17 %
Department: 220 - COURT Total:		295,899.00	295,899.00	19,054.48	157,433.12	138,465.88	53.21 %
Department: 240 - POLICE							
RptCategory: 40 - PERSONNEL SERVICES							
100-240-432110	POLICE CHIEF	101,880.00	101,880.00	9,829.00	71,503.59	30,376.41	70.18 %
100-240-432130	POLICE LIEUTENANT	96,425.00	96,425.00	8,086.00	56,691.71	39,733.29	58.79 %
100-240-432140	POLICE DETECTIVE	144,125.00	144,125.00	6,129.24	42,775.05	101,349.95	29.68 %
100-240-432160	POLICE OFFICER	598,850.00	598,850.00	46,424.11	311,348.45	287,501.55	51.99 %
100-240-432170	POLICE SERGEANT	222,137.00	222,137.00	19,394.92	129,908.91	92,228.09	58.48 %
100-240-432182	PROPERTY ROOM TECHNICIAN	28,000.00	28,000.00	2,517.32	15,232.23	12,767.77	54.40 %
100-240-432185	POLICE RECORDS CLERK	47,700.00	47,700.00	3,963.00	27,741.00	19,959.00	58.16 %
100-240-432190	POLICE RESERVES	7,000.00	7,000.00	0.00	563.17	6,436.83	8.05 %
100-240-450100	OVERTIME	100,000.00	100,000.00	3,420.16	69,566.79	30,433.21	69.57 %
100-240-450200	HOLIDAY PAY	10,000.00	10,000.00	2,936.19	7,998.85	2,001.15	79.99 %
100-240-450300	PROFICIENCY PAY	50,000.00	50,000.00	2,247.04	16,305.09	33,694.91	32.61 %
100-240-450500	CAREER RECOGNITION PAY	8,000.00	8,000.00	134.30	894.81	7,105.19	11.19 %
100-240-470000	ASSOCIATED PAYROLL COSTS	1,005,000.00	1,005,000.00	48,922.19	350,815.25	654,184.75	34.91 %
100-240-470040	LIFE & DISABILITY INSURANCE	0.00	0.00	0.00	130.93	-130.93	0.00 %
RptCategory: 40 - PERSONNEL SERVICES Total:		2,419,117.00	2,419,117.00	154,003.47	1,101,475.83	1,317,641.17	45.53 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-240-500110	CONTRACTUAL & PROFESSIONAL SER...	40,000.00	40,000.00	383.05	17,222.38	22,777.62	43.06 %
100-240-500284	PARK PATROL	6,300.00	6,300.00	0.00	4,092.00	2,208.00	64.95 %
100-240-510044	JUVENILE DIVERSION PROGRAM	3,500.00	3,500.00	0.00	2,500.00	1,000.00	71.43 %
100-240-520100	OPERATIONAL SUPPLIES AND EXPENS...	90,000.00	90,000.00	760.76	14,692.46	75,307.54	16.32 %
100-240-520112	FIREARMS/AMMUNITION	20,000.00	20,000.00	416.00	10,165.11	9,834.89	50.83 %
100-240-520310	MAINTENANCE, REPAIR & OPERATION	15,000.00	15,000.00	127.08	1,154.47	13,845.53	7.70 %
100-240-520320	FLEET FUEL, MAINTENANCE & REPAIR	75,000.00	75,000.00	4,386.54	31,399.46	43,600.54	41.87 %
100-240-520340	RADIO MAINTENANCE REPLACEMENT	22,000.00	22,000.00	0.00	17,002.00	4,998.00	77.28 %
100-240-520345	RADAR MAINTENANCE REPLACEMENT	6,000.00	6,000.00	0.00	257.50	5,742.50	4.29 %
100-240-520400	OFFICE SUPPLIES & EQUIPMENT	9,000.00	9,000.00	596.44	8,146.78	853.22	90.52 %
100-240-530101	POLICE RESERVE LIFE INSURANCE	0.00	0.00	0.67	2.11	-2.11	0.00 %
100-240-540110	EMPLOYEE APPRECIATION	6,500.00	6,500.00	0.00	557.23	5,942.77	8.57 %
100-240-540200	DUES & MEMBERSHIPS	35,000.00	35,000.00	330.64	10,122.14	24,877.86	28.92 %
100-240-540301	UNIFORMS AND SAFETY EQUIPMENT	24,000.00	24,000.00	568.00	12,972.98	11,027.02	54.05 %
100-240-542000	PUBLICATIONS & SUBSCRIPTIONS	19,500.00	19,500.00	900.00	2,237.50	17,262.50	11.47 %
100-240-560110	CELL PHONES, PAGERS, RADIOS	16,500.00	16,500.00	1,601.56	11,909.01	4,590.99	72.18 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		388,300.00	388,300.00	10,070.74	144,433.13	243,866.87	37.20 %
RptCategory: 60 - CAPITAL OUTLAY							
100-240-641025	POLICE STATION IMPROVEMENTS	38,800.00	38,800.00	0.00	0.00	38,800.00	0.00 %
100-240-651000	VEHICLES AND EQUIPMENT RESERVES	151,000.00	151,000.00	57,438.34	96,467.08	54,532.92	63.89 %
100-240-661018	RADIO & COMPUTER RESERVE	8,000.00	8,000.00	0.00	790.00	7,210.00	9.88 %
RptCategory: 60 - CAPITAL OUTLAY Total:		197,800.00	197,800.00	57,438.34	97,257.08	100,542.92	49.17 %
Department: 240 - POLICE Total:		3,005,217.00	3,005,217.00	221,512.55	1,343,166.04	1,662,050.96	44.69 %
Department: 250 - FIRE							
RptCategory: 40 - PERSONNEL SERVICES							
100-250-432210	FIRE CHIEF	104,672.00	104,672.00	8,565.00	56,616.73	48,055.27	54.09 %
100-250-432220	FIRE MARSHAL	82,930.00	82,930.00	9,439.99	52,801.99	30,128.01	63.67 %
100-250-432240	FIRE CAPTAIN	172,000.00	172,000.00	18,102.24	111,845.87	60,154.13	65.03 %
100-250-432290	ON-CALL FIREFIGHTERS	280,000.00	280,000.00	21,899.32	144,333.35	135,666.65	51.55 %
100-250-450100	OVERTIME	13,000.00	13,000.00	3,340.84	16,641.94	-3,641.94	128.01 %
100-250-470000	ASSOCIATED PAYROLL COSTS	244,000.00	244,000.00	26,857.84	173,927.25	70,072.75	71.28 %
100-250-470040	LIFE & DISABILITY INSURANCE	7,000.00	7,000.00	16.08	2,998.01	4,001.99	42.83 %
RptCategory: 40 - PERSONNEL SERVICES Total:		903,602.00	903,602.00	88,221.31	559,165.14	344,436.86	61.88 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-250-500110	CONTRACTUAL & PROFESSIONAL SER...	0.00	0.00	0.00	34.00	-34.00	0.00 %

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100-250-500150	MEDICAL DIRECTOR CONTRACT	17,000.00	17,000.00	925.00	7,105.00	9,895.00	41.79 %
100-250-500210	COMPUTER/TECHNOLOGY SERVICES	13,500.00	13,500.00	2,761.83	6,509.65	6,990.35	48.22 %
100-250-500498	SHARE COST CCOM DISPATCH	87,300.00	87,300.00	7,000.08	49,000.56	38,299.44	56.13 %
100-250-510022	FIRE GRANTS	50,000.00	50,000.00	0.00	0.00	50,000.00	0.00 %
100-250-520122	FIRE PREVENTION & INVESTIGATION	12,000.00	12,000.00	0.00	2,031.05	9,968.95	16.93 %
100-250-520124	FIRST RESPONDER SUPPLIES	29,000.00	29,000.00	1,998.59	15,478.22	13,521.78	53.37 %
100-250-520126	SCBA & TURNOUT MAINTENANCE	15,500.00	15,500.00	388.75	6,108.32	9,391.68	39.41 %
100-250-520200	BLDG MAINTENANCE & SUPPLIES	47,000.00	47,000.00	1,435.57	19,052.80	27,947.20	40.54 %
100-250-520310	MAINTENANCE, REPAIR & OPERATION	0.00	0.00	31.50	31.50	-31.50	0.00 %
100-250-520320	FLEET FUEL, MAINTENANCE & REPAIR	63,000.00	63,000.00	3,409.72	34,754.36	28,245.64	55.17 %
100-250-520400	OFFICE SUPPLIES & EQUIPMENT	4,700.00	4,700.00	246.84	4,007.56	692.44	85.27 %
100-250-540130	PHYSICAL EXAMINATIONS	17,000.00	17,000.00	1,729.40	6,742.74	10,257.26	39.66 %
100-250-540200	DUES & MEMBERSHIPS	13,500.00	13,500.00	1,550.50	2,660.00	10,840.00	19.70 %
100-250-540222	TECH RESCUE TRAINING	12,250.00	12,250.00	130.00	634.00	11,616.00	5.18 %
100-250-540224	EMS TRAINING & RECERTIFICATION	12,500.00	12,500.00	125.75	2,988.83	9,511.17	23.91 %
100-250-540225	FIREFIGHTER TRAINING	64,000.00	64,000.00	1,042.90	14,381.61	49,618.39	22.47 %
100-250-540301	UNIFORMS AND SAFETY EQUIPMENT	18,500.00	18,500.00	773.78	5,526.66	12,973.34	29.87 %
100-250-560110	CELL PHONES, PAGERS, RADIOS	51,000.00	51,000.00	432.62	4,816.57	46,183.43	9.44 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		527,750.00	527,750.00	23,982.83	181,863.43	345,886.57	34.46 %
RptCategory: 60 - CAPITAL OUTLAY							
100-250-661010	ROUTINE EQUIP REPLACEMENT	45,300.00	45,300.00	5,488.65	9,800.33	35,499.67	21.63 %
100-250-661012	TURN-OUTS & SCBA RESERVE	271,000.00	271,000.00	0.00	8,149.20	262,850.80	3.01 %
100-250-661014	DIVE RESCUE EQUIPMENT	16,000.00	16,000.00	1,873.30	5,980.05	10,019.95	37.38 %
100-250-661016	FIRE APPARATUS & EQUIPMENT RESE...	418,667.00	418,667.00	0.00	0.00	418,667.00	0.00 %
100-250-661018	RADIO & COMPUTER RESERVE	93,000.00	93,000.00	0.00	22,197.00	70,803.00	23.87 %
RptCategory: 60 - CAPITAL OUTLAY Total:		843,967.00	843,967.00	7,361.95	46,126.58	797,840.42	5.47 %
Department: 250 - FIRE Total:		2,275,319.00	2,275,319.00	119,566.09	787,155.15	1,488,163.85	34.60 %
Department: 526 - PARKS							
RptCategory: 40 - PERSONNEL SERVICES							
100-526-437049	PUBLIC WORKS DIRECTOR	21,400.00	21,400.00	1,980.60	12,856.60	8,543.40	60.08 %
100-526-437050	PUBLIC WORKS SUPERVISOR	32,200.00	32,200.00	3,199.85	21,518.75	10,681.25	66.83 %
100-526-437055	PW ADMIN ASSISTANT	3,000.00	3,000.00	910.89	5,570.81	-2,570.81	185.69 %
100-526-437070	UTILITY WORKER, JOURNEY	82,000.00	82,000.00	7,186.15	51,606.57	30,393.43	62.93 %
100-526-439011	SEASONAL HELP	11,000.00	11,000.00	0.00	21,943.64	-10,943.64	199.49 %
100-526-450100	OVERTIME	1,300.00	1,300.00	312.57	1,528.64	-228.64	117.59 %
100-526-450500	CAREER RECOGNITION PAY	1,690.00	1,690.00	152.69	1,122.11	567.89	66.40 %
100-526-470000	ASSOCIATED PAYROLL COSTS	90,000.00	90,000.00	7,677.44	57,767.44	32,232.56	64.19 %
RptCategory: 40 - PERSONNEL SERVICES Total:		242,590.00	242,590.00	21,420.19	173,914.56	68,675.44	71.69 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-526-500110	CONTRACTUAL & PROFESSIONAL SER...	20,000.00	20,000.00	904.47	2,871.98	17,128.02	14.36 %
100-526-520130	OPERATIONS, MAINTENANCE & REPA...	18,000.00	18,000.00	1,069.57	37,393.79	-19,393.79	207.74 %
100-526-520132	HAZARDOUS TREE REMOVAL	29,000.00	29,000.00	3,538.00	8,543.00	20,457.00	29.46 %
100-526-520134	SPRAY PARK OPS & MAINTENANCE	0.00	0.00	0.00	267.00	-267.00	0.00 %
100-526-520320	FLEET FUEL, MAINTENANCE & REPAIR	30,000.00	30,000.00	1,748.63	9,139.69	20,860.31	30.47 %
100-526-520400	OFFICE SUPPLIES & EQUIPMENT	2,000.00	2,000.00	187.09	1,671.06	328.94	83.55 %
100-526-540220	TRAVEL, CONFERENCES & TRAINING	3,000.00	3,000.00	0.00	300.60	2,699.40	10.02 %
100-526-540300	SMALL TOOLS, EQUIPMENT & SAFETY...	20,000.00	20,000.00	374.63	1,221.01	18,778.99	6.11 %
100-526-540400	DUMPING, HAULING, GARBAGE	5,000.00	5,000.00	0.00	0.00	5,000.00	0.00 %
100-526-560100	UTILITIES	25,000.00	25,000.00	2,102.71	16,533.13	8,466.87	66.13 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		152,000.00	152,000.00	9,925.10	77,941.26	74,058.74	51.28 %
RptCategory: 60 - CAPITAL OUTLAY							
100-526-660100	EQUIPMENT REPLACEMENT RESERVES	115,200.00	115,200.00	4,199.00	4,199.00	111,001.00	3.64 %
100-526-676050	SYSTEM IMPROVEMENTS & PROJECTS	124,000.00	124,000.00	0.00	0.00	124,000.00	0.00 %
RptCategory: 60 - CAPITAL OUTLAY Total:		239,200.00	239,200.00	4,199.00	4,199.00	235,001.00	1.76 %
Department: 526 - PARKS Total:		633,790.00	633,790.00	35,544.29	256,054.82	377,735.18	40.40 %

Budget Report

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		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Department: 527 - RECREATION							
RptCategory: 40 - PERSONNEL SERVICES							
100-527-435110	FIELD MAINTENANCE CREW	10,000.00	10,000.00	0.00	2,133.66	7,866.34	21.34 %
100-527-435120	PLAYGROUND AIDES	14,000.00	14,000.00	0.00	12,141.53	1,858.47	86.73 %
100-527-470000	ASSOCIATED PAYROLL COSTS	5,300.00	5,300.00	0.00	2,308.41	2,991.59	43.55 %
RptCategory: 40 - PERSONNEL SERVICES Total:		29,300.00	29,300.00	0.00	16,583.60	12,716.40	56.60 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-527-500460	COMMUNITY SCHOOL CONTRACT	23,500.00	23,500.00	23,606.00	23,606.00	-106.00	100.45 %
100-527-510062	SUMMER PROGRAMS	2,700.00	2,700.00	0.00	1,116.42	1,583.58	41.35 %
100-527-510064	SPECIAL EVENTS	850.00	850.00	20.00	168.17	681.83	19.78 %
100-527-520136	MAINTENANCE & SUPPLIES	700.00	700.00	46.12	324.83	375.17	46.40 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		27,750.00	27,750.00	23,672.12	25,215.42	2,534.58	90.87 %
Department: 527 - RECREATION Total:		57,050.00	57,050.00	23,672.12	41,799.02	15,250.98	73.27 %
Department: 528 - SENIOR CENTER							
RptCategory: 40 - PERSONNEL SERVICES							
100-528-435210	SENIOR CENTER MANAGER	74,000.00	74,000.00	6,335.00	40,887.90	33,112.10	55.25 %
100-528-435240	TRAM DRIVER	33,500.00	33,500.00	2,284.71	17,351.19	16,148.81	51.79 %
100-528-435250	NUTRITION CATERER	32,000.00	32,000.00	2,324.34	16,736.19	15,263.81	52.30 %
100-528-435280	CENTER ASSISTANT	42,000.00	42,000.00	3,364.00	23,925.31	18,074.69	56.97 %
100-528-435295	BUILDING MONITOR	7,000.00	7,000.00	0.00	1,294.90	5,705.10	18.50 %
100-528-450500	CAREER RECOGNITION PAY	1,500.00	1,500.00	138.27	854.82	645.18	56.99 %
100-528-470000	ASSOCIATED PAYROLL COSTS	82,500.00	82,500.00	5,008.23	41,526.15	40,973.85	50.33 %
RptCategory: 40 - PERSONNEL SERVICES Total:		272,500.00	272,500.00	19,454.55	142,576.46	129,923.54	52.32 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-528-500210	COMPUTER/TECHNOLOGY SERVICES	425.00	425.00	0.00	99.98	325.02	23.52 %
100-528-510075	NUTRITION PROGRAM SUPPLIES	13,000.00	13,000.00	418.75	6,899.53	6,100.47	53.07 %
100-528-520140	TRAM EXPENSES	6,480.00	6,480.00	230.99	3,533.69	2,946.31	54.53 %
100-528-520190	MISCELLANEOUS EQUIPMENT	2,700.00	2,700.00	110.00	252.39	2,447.61	9.35 %
100-528-520200	BLDG MAINTENANCE & SUPPLIES	3,600.00	3,600.00	0.00	2,120.40	1,479.60	58.90 %
100-528-520320	FLEET FUEL, MAINTENANCE & REPAIR	9,500.00	9,500.00	0.00	36.00	9,464.00	0.38 %
100-528-520400	OFFICE SUPPLIES & EQUIPMENT	6,500.00	6,500.00	281.45	1,414.24	5,085.76	21.76 %
100-528-540200	DUES & MEMBERSHIPS	2,400.00	2,400.00	54.67	480.61	1,919.39	20.03 %
100-528-540230	MILEAGE REIMBURSEMENT	100.00	100.00	0.00	0.00	100.00	0.00 %
100-528-560120	TELEPHONES	3,500.00	3,500.00	279.47	1,952.75	1,547.25	55.79 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		48,205.00	48,205.00	1,375.33	16,789.59	31,415.41	34.83 %
RptCategory: 60 - CAPITAL OUTLAY							
100-528-641010	BUILDING REPAIR	13,000.00	13,000.00	0.00	0.00	13,000.00	0.00 %
100-528-641090	PLANTON ESTATE	137,959.00	137,959.00	0.00	0.00	137,959.00	0.00 %
RptCategory: 60 - CAPITAL OUTLAY Total:		150,959.00	150,959.00	0.00	0.00	150,959.00	0.00 %
Department: 528 - SENIOR CENTER Total:		471,664.00	471,664.00	20,829.88	159,366.05	312,297.95	33.79 %
Department: 529 - LIBRARY							
RptCategory: 40 - PERSONNEL SERVICES							
100-529-435320	LIBRARY ASSISTANT II	470,000.00	470,000.00	20,816.07	158,951.31	311,048.69	33.82 %
100-529-435392	ON CALL LIB ASSISTANT	35,900.00	35,900.00	3,006.11	19,559.55	16,340.45	54.48 %
100-529-450500	CAREER RECOGNITION PAY	3,925.00	3,925.00	140.29	896.37	3,028.63	22.84 %
100-529-470000	ASSOCIATED PAYROLL COSTS	126,500.00	126,500.00	10,941.84	83,723.26	42,776.74	66.18 %
RptCategory: 40 - PERSONNEL SERVICES Total:		636,325.00	636,325.00	34,904.31	263,130.49	373,194.51	41.35 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-529-500110	CONTRACTUAL & PROFESSIONAL SER...	74,310.00	74,310.00	15,958.00	31,916.00	42,394.00	42.95 %
100-529-500210	COMPUTER/TECHNOLOGY SERVICES	20,000.00	20,000.00	18,312.46	18,312.46	1,687.54	91.56 %
100-529-510081	NEW BOOKS	115,000.00	115,000.00	4,227.56	42,377.49	72,622.51	36.85 %
100-529-510082	ADULT/CHILDREN'S PROGRAMS	11,000.00	11,000.00	300.00	1,490.78	9,509.22	13.55 %
100-529-510084	READY TO READ GRANT	3,300.00	3,300.00	2,491.34	3,002.69	297.31	90.99 %
100-529-510086	LIB FOUNDATION FUNDED PROGRAM	6,000.00	6,000.00	0.00	0.00	6,000.00	0.00 %
100-529-510100	MARKETING	1,300.00	1,300.00	0.00	0.00	1,300.00	0.00 %
100-529-520400	OFFICE SUPPLIES & EQUIPMENT	6,800.00	6,800.00	169.68	3,613.91	3,186.09	53.15 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 01/31/2019

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
100-529-530100	RENTALS AND LEASES	12,000.00	12,000.00	0.00	3,495.22	8,504.78	29.13 %
100-529-540200	DUES & MEMBERSHIPS	6,000.00	6,000.00	0.00	0.00	6,000.00	0.00 %
100-529-542000	PUBLICATIONS & SUBSCRIPTIONS	4,100.00	4,100.00	88.83	3,291.50	808.50	80.28 %
100-529-560120	TELEPHONES	950.00	950.00	0.00	0.00	950.00	0.00 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		260,760.00	260,760.00	41,547.87	107,500.05	153,259.95	41.23 %
Department: 529 - LIBRARY Total:		897,085.00	897,085.00	76,452.18	370,630.54	526,454.46	41.31 %
Department: 600 - DEBT SERVICE							
RptCategory: 70 - DEBT SERVICE							
100-600-730040	DEBT SERVICE - INTEREST	0.00	45,250.00	45,000.00	45,000.00	250.00	99.45 %
RptCategory: 70 - DEBT SERVICE Total:		0.00	45,250.00	45,000.00	45,000.00	250.00	99.45 %
Department: 600 - DEBT SERVICE Total:		0.00	45,250.00	45,000.00	45,000.00	250.00	99.45 %
Department: 920 - TRANSFER OUT							
RptCategory: 89 - TRANSFERS OUT							
100-920-899205	TRANSFER OUT TO ROAD & STREET F...	221,175.00	221,175.00	0.00	0.00	221,175.00	0.00 %
100-920-899390	TRANSFER OUT TO URBAN RENEWAL	0.00	3,000,000.00	0.00	3,000,000.00	0.00	100.00 %
RptCategory: 89 - TRANSFERS OUT Total:		221,175.00	3,221,175.00	0.00	3,000,000.00	221,175.00	93.13 %
Department: 920 - TRANSFER OUT Total:		221,175.00	3,221,175.00	0.00	3,000,000.00	221,175.00	93.13 %
Department: 990 - CONTINGENCY							
RptCategory: 90 - OTHER							
100-990-910000	CONTINGENCY FUNDS	400,000.00	400,000.00	0.00	0.00	400,000.00	0.00 %
RptCategory: 90 - OTHER Total:		400,000.00	400,000.00	0.00	0.00	400,000.00	0.00 %
Department: 990 - CONTINGENCY Total:		400,000.00	400,000.00	0.00	0.00	400,000.00	0.00 %
Expense Total:		10,352,506.00	13,397,756.00	675,707.20	7,100,988.13	6,296,767.87	53.00 %
Fund: 100 - GENERAL FUND Surplus (Deficit):		0.00	0.00	296,876.87	1,856,079.89	1,856,079.89	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 01/31/2019

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 205 - ROAD AND STREET FUND							
Revenue							
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL							
RptType: 3000 - BEG FUND BAL.							
205-000-309999	BEGINNING FUND BALANCE	1,807,000.00	1,807,000.00	0.00	0.00	-1,807,000.00	0.00 %
	RptType: 3000 - BEG FUND BAL. Total:	1,807,000.00	1,807,000.00	0.00	0.00	-1,807,000.00	0.00 %
RptType: 3110 - STATE SHARED TAXES							
205-000-310140	STATE HIGHWAY TAXES	750,000.00	750,000.00	76,935.04	454,819.51	-295,180.49	60.64 %
	RptType: 3110 - STATE SHARED TAXES Total:	750,000.00	750,000.00	76,935.04	454,819.51	-295,180.49	60.64 %
RptType: 3141 - SDC							
205-000-314075	TRANSPORTATION SDC'S	10,000.00	10,000.00	0.00	34,808.97	24,808.97	348.09 %
	RptType: 3141 - SDC Total:	10,000.00	10,000.00	0.00	34,808.97	24,808.97	348.09 %
RptType: 3600 - MISCELLANEOUS							
205-000-360000	ALL OTHER ROAD/STREET RECEIPTS	30,000.00	30,000.00	1,410.00	10,462.50	-19,537.50	34.88 %
	RptType: 3600 - MISCELLANEOUS Total:	30,000.00	30,000.00	1,410.00	10,462.50	-19,537.50	34.88 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	2,597,000.00	2,597,000.00	78,345.04	500,090.98	-2,096,909.02	19.26 %
Department: 910 - TRANSFER IN							
RptType: 3990 - TRANSFERS IN							
205-910-399100	TRANSFER IN FROM GENERAL FUND	221,175.00	221,175.00	0.00	0.00	-221,175.00	0.00 %
205-910-399730	TRANSFER IN FROM SEWER FUND	113,650.00	113,650.00	0.00	0.00	-113,650.00	0.00 %
205-910-399740	TRANSFER IN FROM WATER FUND	72,125.00	72,125.00	0.00	0.00	-72,125.00	0.00 %
205-910-399750	TRANSFER IN FROM STORM WATER	37,500.00	37,500.00	0.00	0.00	-37,500.00	0.00 %
	RptType: 3990 - TRANSFERS IN Total:	444,450.00	444,450.00	0.00	0.00	-444,450.00	0.00 %
	Department: 910 - TRANSFER IN Total:	444,450.00	444,450.00	0.00	0.00	-444,450.00	0.00 %
	Revenue Total:	3,041,450.00	3,041,450.00	78,345.04	500,090.98	-2,541,359.02	16.44 %
Expense							
Department: 305 - ROAD AND STREET							
RptCategory: 40 - PERSONNEL SERVICES							
205-305-437049	PUBLIC WORKS DIRECTOR	21,500.00	21,500.00	1,980.60	12,856.60	8,643.40	59.80 %
205-305-437050	PUBLIC WORKS SUPERVISOR	35,050.00	35,050.00	3,199.85	21,518.74	13,531.26	61.39 %
205-305-437055	PW ADMIN ASSISTANT	5,150.00	5,150.00	910.89	5,570.81	-420.81	108.17 %
205-305-437070	UTILITY WORKER, JOURNEY	115,000.00	115,000.00	9,428.17	65,314.91	49,685.09	56.80 %
205-305-439011	SEASONAL HELP	30,000.00	30,000.00	0.00	5,130.00	24,870.00	17.10 %
205-305-450100	OVERTIME	6,000.00	6,000.00	273.43	1,888.71	4,111.29	31.48 %
205-305-450500	CAREER RECOGNITION PAY	610.00	610.00	56.28	376.60	233.40	61.74 %
205-305-470000	ASSOCIATED PAYROLL COSTS	92,000.00	92,000.00	9,728.47	68,111.04	23,888.96	74.03 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	305,310.00	305,310.00	25,577.69	180,767.41	124,542.59	59.21 %
RptCategory: 50 - MATERIAL AND SERVICES							
205-305-500110	CONTRACTUAL & PROFESSIONAL SER...	60,000.00	60,000.00	581.40	11,006.27	48,993.73	18.34 %
205-305-520130	OPERATIONS, MAINTENANCE & REPA...	485,000.00	485,000.00	2,097.79	71,066.66	413,933.34	14.65 %
205-305-520172	STREET LIGHT MAINTENANCE	78,000.00	78,000.00	5,751.09	41,725.04	36,274.96	53.49 %
205-305-520176	TRAFFIC SIGNAL MAINTENANCE	41,000.00	41,000.00	401.82	2.51	40,997.49	0.01 %
205-305-520178	STREET SIGN MAINTENANCE	35,000.00	35,000.00	284.00	10,412.30	24,587.70	29.75 %
205-305-520195	50/50 SIDEWALK REPAIR COST SHARE	20,000.00	20,000.00	0.00	0.00	20,000.00	0.00 %
205-305-520320	FLEET FUEL, MAINTENANCE & REPAIR	85,000.00	85,000.00	2,251.74	10,596.77	74,403.23	12.47 %
205-305-520400	OFFICE SUPPLIES & EQUIPMENT	2,700.00	2,700.00	187.09	791.53	1,908.47	29.32 %
205-305-540220	TRAVEL, CONFERENCES & TRAINING	4,800.00	4,800.00	0.00	300.60	4,499.40	6.26 %
205-305-540300	SMALL TOOLS, EQUIPMENT & SAFETY...	39,000.00	39,000.00	972.00	1,977.00	37,023.00	5.07 %
205-305-540400	DUMPING, HAULING, GARBAGE	32,000.00	32,000.00	150.00	275.00	31,725.00	0.86 %
205-305-560100	UTILITIES	2,000.00	2,000.00	51.69	309.85	1,690.15	15.49 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	884,500.00	884,500.00	12,728.62	148,463.53	736,036.47	16.79 %
RptCategory: 60 - CAPITAL OUTLAY							
205-305-660100	EQUIPMENT REPLACEMENT RESERVES	425,000.00	425,000.00	4,199.00	4,199.00	420,801.00	0.99 %
205-305-675054	NEW STREET LIGHTS	20,000.00	20,000.00	0.00	0.00	20,000.00	0.00 %
205-305-675056	BIKEWAY & SIDEWALK IMPROVEMENT	57,000.00	57,000.00	0.00	0.00	57,000.00	0.00 %

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		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
205-305-676050	SYSTEM IMPROVEMENTS & PROJECTS	756,000.00	756,000.00	0.00	0.00	756,000.00	0.00 %
205-305-678090	RESERVE FROM SDC'S	327,535.00	327,535.00	0.00	0.00	327,535.00	0.00 %
	RptCategory: 60 - CAPITAL OUTLAY Total:	1,585,535.00	1,585,535.00	4,199.00	4,199.00	1,581,336.00	0.26 %
	Department: 305 - ROAD AND STREET Total:	2,775,345.00	2,775,345.00	42,505.31	333,429.94	2,441,915.06	12.01 %
	Department: 920 - TRANSFER OUT						
	RptCategory: 89 - TRANSFERS OUT						
205-920-899100	TRANSFER OUT TO GENERAL FUND	66,105.00	66,105.00	0.00	0.00	66,105.00	0.00 %
	RptCategory: 89 - TRANSFERS OUT Total:	66,105.00	66,105.00	0.00	0.00	66,105.00	0.00 %
	Department: 920 - TRANSFER OUT Total:	66,105.00	66,105.00	0.00	0.00	66,105.00	0.00 %
	Department: 990 - CONTINGENCY						
	RptCategory: 90 - OTHER						
205-990-910000	CONTINGENCY FUNDS	200,000.00	200,000.00	0.00	0.00	200,000.00	0.00 %
	RptCategory: 90 - OTHER Total:	200,000.00	200,000.00	0.00	0.00	200,000.00	0.00 %
	Department: 990 - CONTINGENCY Total:	200,000.00	200,000.00	0.00	0.00	200,000.00	0.00 %
	Expense Total:	3,041,450.00	3,041,450.00	42,505.31	333,429.94	2,708,020.06	10.96 %
	Fund: 205 - ROAD AND STREET FUND Surplus (Deficit):	0.00	0.00	35,839.73	166,661.04	166,661.04	0.00 %

Budget Report

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		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 228 - POLICE LEVY FUND							
Revenue							
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL							
RptType: 3000 - BEG FUND BAL.							
228-000-309999	BEGINNING FUND BALANCE	444,340.00	444,340.00	0.00	0.00	-444,340.00	0.00 %
	RptType: 3000 - BEG FUND BAL. Total:	444,340.00	444,340.00	0.00	0.00	-444,340.00	0.00 %
RptType: 3100 - LOCAL TAXES							
228-000-310020	CURRENT LEVY TAX	637,825.00	637,825.00	5,130.03	551,502.08	-86,322.92	86.47 %
228-000-310050	PRIOR YEAR TAXES	30,000.00	30,000.00	751.31	3,191.49	-26,808.51	10.64 %
	RptType: 3100 - LOCAL TAXES Total:	667,825.00	667,825.00	5,881.34	554,693.57	-113,131.43	83.06 %
RptType: 3301 - INTEREST							
228-000-330100	INTEREST	4,000.00	4,000.00	935.86	2,971.41	-1,028.59	74.29 %
	RptType: 3301 - INTEREST Total:	4,000.00	4,000.00	935.86	2,971.41	-1,028.59	74.29 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	1,116,165.00	1,116,165.00	6,817.20	557,664.98	-558,500.02	49.96 %
	Revenue Total:	1,116,165.00	1,116,165.00	6,817.20	557,664.98	-558,500.02	49.96 %
Expense							
Department: 245 - POLICE LEVY							
RptCategory: 40 - PERSONNEL SERVICES							
228-245-432160	POLICE OFFICER	129,000.00	129,000.00	7,665.64	43,747.65	85,252.35	33.91 %
228-245-432165	SCHOOL RESOURCE OFFICER	64,000.00	64,000.00	5,949.71	41,772.12	22,227.88	65.27 %
228-245-432180	MUNICIPAL ORDINANCE SPECIALIST	47,000.00	47,000.00	4,684.00	34,112.16	12,887.84	72.58 %
228-245-432192	ON CALL POLICE RECORDS CLERK	10,000.00	10,000.00	0.00	0.00	10,000.00	0.00 %
228-245-432195	EXECUTIVE ASSISTANT	60,000.00	60,000.00	0.00	18,810.84	41,189.16	31.35 %
228-245-450100	OVERTIME	26,800.00	26,800.00	2,058.21	17,947.42	8,852.58	66.97 %
228-245-450200	HOLIDAY PAY	3,200.00	3,200.00	162.44	747.22	2,452.78	23.35 %
228-245-450300	PROFICIENCY PAY	16,875.00	16,875.00	911.42	5,956.34	10,918.66	35.30 %
228-245-450500	CAREER RECOGNITION PAY	600.00	600.00	126.22	897.38	-297.38	149.56 %
228-245-450600	UNIFORM ALLOWANCE	3,000.00	3,000.00	0.00	1,000.00	2,000.00	33.33 %
228-245-470000	ASSOCIATED PAYROLL COSTS	311,000.00	311,000.00	13,015.70	93,957.09	217,042.91	30.21 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	671,475.00	671,475.00	34,573.34	258,948.22	412,526.78	38.56 %
RptCategory: 50 - MATERIAL AND SERVICES							
228-245-500498	SHARE COST CCOM DISPATCH	132,000.00	132,000.00	11,009.08	77,063.56	54,936.44	58.38 %
228-245-510032	SRO EXPENSES	2,000.00	2,000.00	0.00	0.00	2,000.00	0.00 %
228-245-510040	K-9 EXPENSES	0.00	0.00	0.00	194.67	-194.67	0.00 %
228-245-520310	MAINTENANCE, REPAIR & OPERATION	3,000.00	3,000.00	0.00	0.00	3,000.00	0.00 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	137,000.00	137,000.00	11,009.08	77,258.23	59,741.77	56.39 %
	Department: 245 - POLICE LEVY Total:	808,475.00	808,475.00	45,582.42	336,206.45	472,268.55	41.59 %
Department: 920 - TRANSFER OUT							
RptCategory: 89 - TRANSFERS OUT							
228-920-899100	TRANSFER OUT TO GENERAL FUND	14,990.00	14,990.00	0.00	0.00	14,990.00	0.00 %
	RptCategory: 89 - TRANSFERS OUT Total:	14,990.00	14,990.00	0.00	0.00	14,990.00	0.00 %
	Department: 920 - TRANSFER OUT Total:	14,990.00	14,990.00	0.00	0.00	14,990.00	0.00 %
Department: 990 - CONTINGENCY							
RptCategory: 90 - OTHER							
228-990-910000	CONTINGENCY FUNDS	292,700.00	292,700.00	0.00	0.00	292,700.00	0.00 %
	RptCategory: 90 - OTHER Total:	292,700.00	292,700.00	0.00	0.00	292,700.00	0.00 %
	Department: 990 - CONTINGENCY Total:	292,700.00	292,700.00	0.00	0.00	292,700.00	0.00 %
	Expense Total:	1,116,165.00	1,116,165.00	45,582.42	336,206.45	779,958.55	30.12 %
	Fund: 228 - POLICE LEVY FUND Surplus (Deficit):	0.00	0.00	-38,765.22	221,458.53	221,458.53	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 01/31/2019

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 229 - FIRE LEVY FUND						
Revenue						
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL						
RptType: 3000 - BEG FUND BAL.						
229-000-309999	BEGINNING FUND BALANCE	412,800.00	412,800.00	0.00	0.00	-412,800.00 0.00 %
	RptType: 3000 - BEG FUND BAL. Total:	412,800.00	412,800.00	0.00	0.00	-412,800.00 0.00 %
RptType: 3100 - LOCAL TAXES						
229-000-310020	CURRENT LEVY TAX	274,520.00	274,520.00	2,339.40	251,496.26	-23,023.74 91.61 %
229-000-310050	PRIOR YEAR TAXES	7,000.00	7,000.00	342.61	1,455.38	-5,544.62 20.79 %
	RptType: 3100 - LOCAL TAXES Total:	281,520.00	281,520.00	2,682.01	252,951.64	-28,568.36 89.85 %
RptType: 3301 - INTEREST						
229-000-330100	INTEREST	4,500.00	4,500.00	1,274.74	6,480.30	1,980.30 144.01 %
	RptType: 3301 - INTEREST Total:	4,500.00	4,500.00	1,274.74	6,480.30	1,980.30 144.01 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	698,820.00	698,820.00	3,956.75	259,431.94	-439,388.06 37.12 %
	Revenue Total:	698,820.00	698,820.00	3,956.75	259,431.94	-439,388.06 37.12 %
Expense						
Department: 255 - FIRE LEVY						
RptCategory: 40 - PERSONNEL SERVICES						
229-255-432230	TRAINING CAPTAIN	84,720.00	84,720.00	6,034.00	50,276.53	34,443.47 59.34 %
229-255-439010	PART TIME	50,000.00	50,000.00	1,746.64	12,110.20	37,889.80 24.22 %
229-255-439011	SEASONAL HELP	10,000.00	10,000.00	0.00	10,190.78	-190.78 101.91 %
229-255-470000	ASSOCIATED PAYROLL COSTS	73,000.00	73,000.00	4,974.06	35,968.85	37,031.15 49.27 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	217,720.00	217,720.00	12,754.70	108,546.36	109,173.64 49.86 %
RptCategory: 50 - MATERIAL AND SERVICES						
229-255-500110	CONTRACTUAL & PROFESSIONAL SER...	3,600.00	3,600.00	0.00	3,220.54	379.46 89.46 %
229-255-520365	EQUIPMENT TESTING & SERVICE	15,200.00	15,200.00	0.00	4,791.00	10,409.00 31.52 %
229-255-520400	OFFICE SUPPLIES & EQUIPMENT	20,000.00	20,000.00	0.00	0.00	20,000.00 0.00 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	38,800.00	38,800.00	0.00	8,011.54	30,788.46 20.65 %
RptCategory: 60 - CAPITAL OUTLAY						
229-255-641030	TRAINING FACILITY	78,000.00	78,000.00	0.00	0.00	78,000.00 0.00 %
229-255-660116	FIRE APPARATUS	300,000.00	300,000.00	0.00	0.00	300,000.00 0.00 %
229-255-660120	FIRE, EMS & EXTRICATION EQUIPME...	41,000.00	41,000.00	0.00	20,877.60	20,122.40 50.92 %
	RptCategory: 60 - CAPITAL OUTLAY Total:	419,000.00	419,000.00	0.00	20,877.60	398,122.40 4.98 %
	Department: 255 - FIRE LEVY Total:	675,520.00	675,520.00	12,754.70	137,435.50	538,084.50 20.35 %
Department: 920 - TRANSFER OUT						
RptCategory: 89 - TRANSFERS OUT						
229-920-899100	TRANSFER OUT TO GENERAL FUND	6,300.00	6,300.00	0.00	0.00	6,300.00 0.00 %
	RptCategory: 89 - TRANSFERS OUT Total:	6,300.00	6,300.00	0.00	0.00	6,300.00 0.00 %
	Department: 920 - TRANSFER OUT Total:	6,300.00	6,300.00	0.00	0.00	6,300.00 0.00 %
Department: 990 - CONTINGENCY						
RptCategory: 90 - OTHER						
229-990-910000	CONTINGENCY FUNDS	17,000.00	17,000.00	0.00	0.00	17,000.00 0.00 %
	RptCategory: 90 - OTHER Total:	17,000.00	17,000.00	0.00	0.00	17,000.00 0.00 %
	Department: 990 - CONTINGENCY Total:	17,000.00	17,000.00	0.00	0.00	17,000.00 0.00 %
	Expense Total:	698,820.00	698,820.00	12,754.70	137,435.50	561,384.50 19.67 %
	Fund: 229 - FIRE LEVY FUND Surplus (Deficit):	0.00	0.00	-8,797.95	121,996.44	121,996.44 0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 01/31/2019

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 306 - LIBRARY CAPITAL FUND						
Revenue						
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL						
RptType: 3101 - DNU						
306-000-310130	LIBRARY CONTR FROM COUNTY	2,600,000.00	2,600,000.00	0.00	0.00	-2,600,000.00 0.00 %
	RptType: 3101 - DNU Total:	2,600,000.00	2,600,000.00	0.00	0.00	-2,600,000.00 0.00 %
RptType: 3160 - DEBT SERVICE PROCEEDS						
306-000-316000	DEBT SERVICE PROCEEDS	2,700,000.00	2,700,000.00	0.00	0.00	-2,700,000.00 0.00 %
	RptType: 3160 - DEBT SERVICE PROCEEDS Total:	2,700,000.00	2,700,000.00	0.00	0.00	-2,700,000.00 0.00 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	5,300,000.00	5,300,000.00	0.00	0.00	-5,300,000.00 0.00 %
	Revenue Total:	5,300,000.00	5,300,000.00	0.00	0.00	-5,300,000.00 0.00 %
Expense						
Department: 529 - LIBRARY						
RptCategory: 50 - MATERIAL AND SERVICES						
306-529-500110	CONTRACTUAL & PROFESSIONAL SER...	650,000.00	650,000.00	0.00	0.00	650,000.00 0.00 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	650,000.00	650,000.00	0.00	0.00	650,000.00 0.00 %
RptCategory: 60 - CAPITAL OUTLAY						
306-529-620000	CONSTRUCTION	2,400,000.00	2,400,000.00	0.00	0.00	2,400,000.00 0.00 %
306-529-660000	FURNISHINGS & EQUIPMENT	500,000.00	500,000.00	0.00	0.00	500,000.00 0.00 %
306-529-670000	INFRASTRUCTURE	500,000.00	500,000.00	0.00	0.00	500,000.00 0.00 %
	RptCategory: 60 - CAPITAL OUTLAY Total:	3,400,000.00	3,400,000.00	0.00	0.00	3,400,000.00 0.00 %
	Department: 529 - LIBRARY Total:	4,050,000.00	4,050,000.00	0.00	0.00	4,050,000.00 0.00 %
Department: 990 - CONTINGENCY						
RptCategory: 90 - OTHER						
306-990-910000	CONTINGENCY FUNDS	1,250,000.00	1,250,000.00	0.00	0.00	1,250,000.00 0.00 %
	RptCategory: 90 - OTHER Total:	1,250,000.00	1,250,000.00	0.00	0.00	1,250,000.00 0.00 %
	Department: 990 - CONTINGENCY Total:	1,250,000.00	1,250,000.00	0.00	0.00	1,250,000.00 0.00 %
	Expense Total:	5,300,000.00	5,300,000.00	0.00	0.00	5,300,000.00 0.00 %
	Fund: 306 - LIBRARY CAPITAL FUND Surplus (Deficit):	0.00	0.00	0.00	0.00	0.00 0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 01/31/2019

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 307 - CIVIC BUILDINGS CAPITAL FUND (NEW)							
Revenue							
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL							
RptType: 3000 - BEG FUND BAL.							
307-000-309999	BEGINNING FUND BALANCE	0.00	37,658.00	0.00	0.00	-37,658.00	0.00 %
	RptType: 3000 - BEG FUND BAL. Total:	0.00	37,658.00	0.00	0.00	-37,658.00	0.00 %
RptType: 3160 - DEBT SERVICE PROCEEDS							
307-000-316000	DEBT SERVICE PROCEEDS	5,200,000.00	0.00	0.00	0.00	0.00	0.00 %
	RptType: 3160 - DEBT SERVICE PROCEEDS Total:	5,200,000.00	0.00	0.00	0.00	0.00	0.00 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	5,200,000.00	37,658.00	0.00	0.00	-37,658.00	0.00 %
Department: 910 - TRANSFER IN							
RptType: 3990 - TRANSFERS IN							
307-910-399390	TRANSFER IN FROM URBAN RENEWAL	4,640,000.00	13,248,600.00	150,000.00	347,044.03	-12,901,555.97	2.62 %
	RptType: 3990 - TRANSFERS IN Total:	4,640,000.00	13,248,600.00	150,000.00	347,044.03	-12,901,555.97	2.62 %
	Department: 910 - TRANSFER IN Total:	4,640,000.00	13,248,600.00	150,000.00	347,044.03	-12,901,555.97	2.62 %
	Revenue Total:	9,840,000.00	13,286,258.00	150,000.00	347,044.03	-12,939,213.97	2.61 %
Expense							
Department: 307 - CIVIC CENTER PROJECT							
RptCategory: 50 - MATERIAL AND SERVICES							
307-307-620310	D/B SELECTION PM	0.00	6,442.00	0.00	0.00	6,442.00	0.00 %
307-307-620320	PROJECT MGMT-OWNERS REP	0.00	181,047.00	6,641.95	17,960.00	163,087.00	9.92 %
307-307-620325	OTHER PROF. SERVICES	0.00	10,000.00	0.00	97.50	9,902.50	0.98 %
307-307-620330	PROJECT LEGAL COSTS	0.00	11,561.00	22.50	1,980.00	9,581.00	17.13 %
307-307-620360	FINANCE CONSULTING	0.00	20,000.00	0.00	0.00	20,000.00	0.00 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	0.00	229,050.00	6,664.45	20,037.50	209,012.50	8.75 %
RptCategory: 60 - CAPITAL OUTLAY							
307-307-620100	CONSTRUCTION - PHASE 1	0.00	395,222.00	134,002.00	369,594.50	25,627.50	93.52 %
307-307-620110	CONSTRUCTION - PHASE 2	0.00	11,548,428.00	0.00	0.00	11,548,428.00	0.00 %
307-307-620340	TESTING & SPECIAL INSP.	0.00	60,000.00	0.00	0.00	60,000.00	0.00 %
307-307-620365	LAND ACQUISITION/SITE PREP	0.00	958.00	0.00	0.00	958.00	0.00 %
307-307-620370	ADD ALTERNATES	0.00	775,000.00	0.00	-2,500.00	777,500.00	-0.32 %
	RptCategory: 60 - CAPITAL OUTLAY Total:	0.00	12,779,608.00	134,002.00	367,094.50	12,412,513.50	2.87 %
RptCategory: 70 - DEBT SERVICE							
307-307-740040	OFU-ISSUANCE COSTS	0.00	128,600.00	0.00	132,806.59	-4,206.59	103.27 %
	RptCategory: 70 - DEBT SERVICE Total:	0.00	128,600.00	0.00	132,806.59	-4,206.59	103.27 %
RptCategory: 90 - OTHER							
307-307-620390	PROJECT CONTINGENCY	0.00	149,000.00	0.00	0.00	149,000.00	0.00 %
	RptCategory: 90 - OTHER Total:	0.00	149,000.00	0.00	0.00	149,000.00	0.00 %
	Department: 307 - CIVIC CENTER PROJECT Total:	0.00	13,286,258.00	140,666.45	519,938.59	12,766,319.41	3.91 %
	Expense Total:	0.00	13,286,258.00	140,666.45	519,938.59	12,766,319.41	3.91 %
	Fund: 307 - CIVIC BUILDINGS CAPITAL FUND (NEW) Surplus (Deficit):	9,840,000.00	0.00	9,333.55	-172,894.56	-172,894.56	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 01/31/2019

	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 390 - URBAN RENEWAL FUND						
Revenue						
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL						
RptType: 3000 - BEG FUND BAL.						
390-000-309999	BEGINNING FUND BALANCE	7,391,000.00	7,391,000.00	0.00	0.00	-7,391,000.00 0.00 %
	RptType: 3000 - BEG FUND BAL. Total:	7,391,000.00	7,391,000.00	0.00	0.00	-7,391,000.00 0.00 %
RptType: 3100 - LOCAL TAXES						
390-000-310010	CURRENT YEAR TAXES	726,000.00	726,000.00	8,124.96	873,473.27	147,473.27 120.31 %
390-000-310050	PRIOR YEAR TAXES	26,000.00	26,000.00	1,174.54	4,994.57	-21,005.43 19.21 %
	RptType: 3100 - LOCAL TAXES Total:	752,000.00	752,000.00	9,299.50	878,467.84	126,467.84 116.82 %
RptType: 3160 - DEBT SERVICE PROCEEDS						
390-000-381000	OFS-DEBT PROCEEDS	0.00	3,800,000.00	0.00	3,800,000.00	0.00 100.00 %
	RptType: 3160 - DEBT SERVICE PROCEEDS Total:	0.00	3,800,000.00	0.00	3,800,000.00	0.00 100.00 %
RptType: 3301 - INTEREST						
390-000-330100	INTEREST	20,000.00	20,000.00	34,925.08	190,213.86	170,213.86 951.07 %
	RptType: 3301 - INTEREST Total:	20,000.00	20,000.00	34,925.08	190,213.86	170,213.86 951.07 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	8,163,000.00	11,963,000.00	44,224.58	4,868,681.70	-7,094,318.30 40.70 %
Department: 910 - TRANSFER IN						
RptType: 3990 - TRANSFERS IN						
390-910-399100	TRANSFER IN FROM GENERAL FUND	0.00	3,000,000.00	0.00	3,000,000.00	0.00 100.00 %
	RptType: 3990 - TRANSFERS IN Total:	0.00	3,000,000.00	0.00	3,000,000.00	0.00 100.00 %
	Department: 910 - TRANSFER IN Total:	0.00	3,000,000.00	0.00	3,000,000.00	0.00 100.00 %
	Revenue Total:	8,163,000.00	14,963,000.00	44,224.58	7,868,681.70	-7,094,318.30 52.59 %
Expense						
Department: 410 - URBAN RENEWAL						
RptCategory: 50 - MATERIAL AND SERVICES						
390-410-500110	CONTRACTUAL & PROFESSIONAL SER...	59,000.00	100.00	0.00	105.56	-5.56 105.56 %
390-410-500120	MUNICIPAL AUDIT CONTRACT	10,000.00	10,000.00	0.00	0.00	10,000.00 0.00 %
390-410-530000	FIRE & LIABILITY INSURANCE	15,000.00	15,000.00	0.00	0.00	15,000.00 0.00 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	84,000.00	25,100.00	0.00	105.56	24,994.44 0.42 %
RptCategory: 70 - DEBT SERVICE						
390-410-730040	DEBT SERVICE - INTEREST	0.00	57,126.00	57,124.74	57,124.74	1.26 100.00 %
	RptCategory: 70 - DEBT SERVICE Total:	0.00	57,126.00	57,124.74	57,124.74	1.26 100.00 %
RptCategory: 89 - TRANSFERS OUT						
390-410-899100	TRANSFER OUT TO GENERAL FUND	0.00	45,250.00	45,000.00	45,000.00	250.00 99.45 %
	RptCategory: 89 - TRANSFERS OUT Total:	0.00	45,250.00	45,000.00	45,000.00	250.00 99.45 %
	Department: 410 - URBAN RENEWAL Total:	84,000.00	127,476.00	102,124.74	102,230.30	25,245.70 80.20 %
Department: 920 - TRANSFER OUT						
RptCategory: 89 - TRANSFERS OUT						
390-920-899307	TRANSFER OUT TO CIVIC BUILDINGS ...	4,820,000.00	13,248,600.00	150,000.00	347,044.03	12,901,555.97 2.62 %
	RptCategory: 89 - TRANSFERS OUT Total:	4,820,000.00	13,248,600.00	150,000.00	347,044.03	12,901,555.97 2.62 %
	Department: 920 - TRANSFER OUT Total:	4,820,000.00	13,248,600.00	150,000.00	347,044.03	12,901,555.97 2.62 %
Department: 990 - CONTINGENCY						
RptCategory: 90 - OTHER						
390-990-910000	CONTINGENCY FUNDS	2,824,000.00	1,586,924.00	0.00	0.00	1,586,924.00 0.00 %
	RptCategory: 90 - OTHER Total:	2,824,000.00	1,586,924.00	0.00	0.00	1,586,924.00 0.00 %
	Department: 990 - CONTINGENCY Total:	2,824,000.00	1,586,924.00	0.00	0.00	1,586,924.00 0.00 %
	Expense Total:	7,728,000.00	14,963,000.00	252,124.74	449,274.33	14,513,725.67 3.00 %
	Fund: 390 - URBAN RENEWAL FUND Surplus (Deficit):	435,000.00	0.00	-207,900.16	7,419,407.37	7,419,407.37 0.00 %

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		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 730 - SEWER FUND							
Revenue							
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL							
RptType: 3000 - BEG FUND BAL.							
730-000-309999	BEGINNING FUND BALANCE	2,011,995.00	2,011,995.00	0.00	0.00	-2,011,995.00	0.00 %
	RptType: 3000 - BEG FUND BAL. Total:	2,011,995.00	2,011,995.00	0.00	0.00	-2,011,995.00	0.00 %
RptType: 3140 - CHARGES FOR SERVICES							
730-000-314050	OAK LODGE SANITARY	538,000.00	538,000.00	50,938.95	365,422.06	-172,577.94	67.92 %
730-000-314055	TRI-CITY SERVICE DISTRICT	1,695,000.00	1,695,000.00	148,651.36	1,209,155.51	-485,844.49	71.34 %
730-000-314080	CONNECTION FEES	25,000.00	25,000.00	0.00	5,219.00	-19,781.00	20.88 %
	RptType: 3140 - CHARGES FOR SERVICES Total:	2,258,000.00	2,258,000.00	199,590.31	1,579,796.57	-678,203.43	69.96 %
RptType: 3141 - SDC							
730-000-314110	SEWER SDC'S (13%)	5,000.00	5,000.00	0.00	13,988.09	8,988.09	279.76 %
	RptType: 3141 - SDC Total:	5,000.00	5,000.00	0.00	13,988.09	8,988.09	279.76 %
RptType: 3600 - MISCELLANEOUS							
730-000-360000	ALL OTHER SEWER RECEIPTS	10,000.00	10,000.00	100.00	785.00	-9,215.00	7.85 %
	RptType: 3600 - MISCELLANEOUS Total:	10,000.00	10,000.00	100.00	785.00	-9,215.00	7.85 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	4,284,995.00	4,284,995.00	199,690.31	1,594,569.66	-2,690,425.34	37.21 %
	Revenue Total:	4,284,995.00	4,284,995.00	199,690.31	1,594,569.66	-2,690,425.34	37.21 %
Expense							
Department: 703 - SEWER							
RptCategory: 40 - PERSONNEL SERVICES							
730-703-431500	ACCOUNTING CLERK	13,900.00	13,900.00	3,282.31	10,498.81	3,401.19	75.53 %
730-703-437049	PUBLIC WORKS DIRECTOR	21,500.00	21,500.00	1,980.60	12,856.60	8,643.40	59.80 %
730-703-437050	PUBLIC WORKS SUPERVISOR	30,000.00	30,000.00	2,397.22	16,240.54	13,759.46	54.14 %
730-703-437055	PW ADMIN ASSISTANT	7,500.00	7,500.00	910.89	5,570.81	1,929.19	74.28 %
730-703-437070	UTILITY WORKER, JOURNEY	84,000.00	84,000.00	7,041.48	51,210.47	32,789.53	60.96 %
730-703-439011	SEASONAL HELP	15,000.00	15,000.00	0.00	5,400.00	9,600.00	36.00 %
730-703-450100	OVERTIME	5,200.00	5,200.00	208.97	1,776.99	3,423.01	34.17 %
730-703-450500	CAREER RECOGNITION PAY	3,500.00	3,500.00	247.38	1,441.07	2,058.93	41.17 %
730-703-470000	ASSOCIATED PAYROLL COSTS	125,000.00	125,000.00	7,007.21	45,772.98	79,227.02	36.62 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	305,600.00	305,600.00	23,076.06	150,768.27	154,831.73	49.34 %
RptCategory: 50 - MATERIAL AND SERVICES							
730-703-500110	CONTRACTUAL & PROFESSIONAL SER...	33,000.00	33,000.00	1,547.51	9,951.11	23,048.89	30.15 %
730-703-500452	SDC PASS THROUGH TO TCSD	20,625.00	20,625.00	0.00	5,584.00	15,041.00	27.07 %
730-703-500456	OAK LODGE SANITARY DISTRICT	520,000.00	520,000.00	0.00	252,681.74	267,318.26	48.59 %
730-703-500458	TRI-CITY SERVICE DISTRICT	1,160,000.00	1,160,000.00	95,575.29	708,568.77	451,431.23	61.08 %
730-703-520130	OPERATIONS, MAINTENANCE & REPA...	65,000.00	65,000.00	1,184.37	24,434.19	40,565.81	37.59 %
730-703-520320	FLEET FUEL, MAINTENANCE & REPAIR	85,000.00	85,000.00	1,082.99	8,040.36	76,959.64	9.46 %
730-703-520400	OFFICE SUPPLIES & EQUIPMENT	3,500.00	3,500.00	433.50	1,875.20	1,624.80	53.58 %
730-703-520430	UTILITY BILLS & POSTAGE	8,000.00	8,000.00	621.36	4,558.56	3,441.44	56.98 %
730-703-540220	TRAVEL, CONFERENCES & TRAINING	6,000.00	6,000.00	0.00	461.12	5,538.88	7.69 %
730-703-540300	SMALL TOOLS, EQUIPMENT & SAFETY...	16,500.00	16,500.00	5,253.05	12,389.59	4,110.41	75.09 %
730-703-540400	DUMPING, HAULING, GARBAGE	20,000.00	20,000.00	0.00	50.00	19,950.00	0.25 %
730-703-560100	UTILITIES	2,500.00	2,500.00	116.78	660.36	1,839.64	26.41 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	1,940,125.00	1,940,125.00	105,814.85	1,029,255.00	910,870.00	53.05 %
RptCategory: 60 - CAPITAL OUTLAY							
730-703-660100	EQUIPMENT REPLACEMENT RESERVES	679,000.00	679,000.00	4,199.00	4,199.00	674,801.00	0.62 %
730-703-676050	SYSTEM IMPROVEMENTS & PROJECTS	818,000.00	818,000.00	22,448.61	22,448.61	795,551.39	2.74 %
730-703-678090	RESERVE FROM SDC'S	0.00	0.00	0.00	15,000.00	-15,000.00	0.00 %
	RptCategory: 60 - CAPITAL OUTLAY Total:	1,497,000.00	1,497,000.00	26,647.61	41,647.61	1,455,352.39	2.78 %
	Department: 703 - SEWER Total:	3,742,725.00	3,742,725.00	155,538.52	1,221,670.88	2,521,054.12	32.64 %
Department: 920 - TRANSFER OUT							
RptCategory: 89 - TRANSFERS OUT							
730-920-899100	TRANSFER OUT TO GENERAL FUND	28,620.00	28,620.00	0.00	0.00	28,620.00	0.00 %

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	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
730-920-899205 TRANSFER OUT TO ROAD & STREET F...	113,650.00	113,650.00	0.00	0.00	113,650.00	0.00 %
RptCategory: 89 - TRANSFERS OUT Total:	142,270.00	142,270.00	0.00	0.00	142,270.00	0.00 %
Department: 920 - TRANSFER OUT Total:	142,270.00	142,270.00	0.00	0.00	142,270.00	0.00 %
Department: 990 - CONTINGENCY						
RptCategory: 90 - OTHER						
730-990-910000 CONTINGENCY FUNDS	400,000.00	400,000.00	0.00	0.00	400,000.00	0.00 %
RptCategory: 90 - OTHER Total:	400,000.00	400,000.00	0.00	0.00	400,000.00	0.00 %
Department: 990 - CONTINGENCY Total:	400,000.00	400,000.00	0.00	0.00	400,000.00	0.00 %
Expense Total:	4,284,995.00	4,284,995.00	155,538.52	1,221,670.88	3,063,324.12	28.51 %
Fund: 730 - SEWER FUND Surplus (Deficit):	0.00	0.00	44,151.79	372,898.78	372,898.78	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 01/31/2019

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 740 - WATER FUND							
Revenue							
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL							
RptType: 3000 - BEG FUND BAL.							
740-000-309999	BEGINNING FUND BALANCE	1,943,432.00	1,943,432.00	0.00	0.00	-1,943,432.00	0.00 %
	RptType: 3000 - BEG FUND BAL. Total:	1,943,432.00	1,943,432.00	0.00	0.00	-1,943,432.00	0.00 %
RptType: 3140 - CHARGES FOR SERVICES							
740-000-314060	WATER SERVICE REVENUE	1,373,000.00	1,373,000.00	134,156.30	1,083,427.05	-289,572.95	78.91 %
740-000-314080	WATER SERVICE CONNECTIONS	12,000.00	12,000.00	0.00	5,590.00	-6,410.00	46.58 %
	RptType: 3140 - CHARGES FOR SERVICES Total:	1,385,000.00	1,385,000.00	134,156.30	1,089,017.05	-295,982.95	78.63 %
RptType: 3141 - SDC							
740-000-314110	WATER SDC'S (87%)	20,000.00	20,000.00	0.00	19,993.16	-6.84	99.97 %
	RptType: 3141 - SDC Total:	20,000.00	20,000.00	0.00	19,993.16	-6.84	99.97 %
RptType: 3600 - MISCELLANEOUS							
740-000-360000	ALL OTHER WATER RECEIPTS	37,500.00	37,500.00	0.00	-319.09	-37,819.09	0.85 %
	RptType: 3600 - MISCELLANEOUS Total:	37,500.00	37,500.00	0.00	-319.09	-37,819.09	0.85 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	3,385,932.00	3,385,932.00	134,156.30	1,108,691.12	-2,277,240.88	32.74 %
	Revenue Total:	3,385,932.00	3,385,932.00	134,156.30	1,108,691.12	-2,277,240.88	32.74 %
Expense							
Department: 704 - WATER							
RptCategory: 40 - PERSONNEL SERVICES							
740-704-431500	ACCOUNTING CLERK	18,500.00	18,500.00	3,938.77	12,598.57	5,901.43	68.10 %
740-704-437049	PUBLIC WORKS DIRECTOR	23,000.00	23,000.00	1,980.60	12,856.60	10,143.40	55.90 %
740-704-437050	PUBLIC WORKS SUPERVISOR	36,000.00	36,000.00	2,444.36	16,707.17	19,292.83	46.41 %
740-704-437055	PW ADMIN ASSISTANT	8,000.00	8,000.00	910.89	5,570.81	2,429.19	69.64 %
740-704-437070	UTILITY WORKER, JOURNEY	155,000.00	155,000.00	11,449.45	75,967.86	79,032.14	49.01 %
740-704-439011	SEASONAL HELP	25,000.00	25,000.00	0.00	6,165.00	18,835.00	24.66 %
740-704-450100	OVERTIME	10,000.00	10,000.00	380.27	3,512.45	6,487.55	35.12 %
740-704-450500	CAREER RECOGNITION PAY	2,500.00	2,500.00	256.81	1,346.01	1,153.99	53.84 %
740-704-470000	ASSOCIATED PAYROLL COSTS	175,000.00	175,000.00	9,949.65	58,884.18	116,115.82	33.65 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	453,000.00	453,000.00	31,310.80	193,608.65	259,391.35	42.74 %
RptCategory: 50 - MATERIAL AND SERVICES							
740-704-500110	CONTRACTUAL & PROFESSIONAL SER...	60,000.00	60,000.00	1,139.48	25,523.21	34,476.79	42.54 %
740-704-500240	METER READING CONTRACT	35,000.00	35,000.00	2,127.84	14,841.56	20,158.44	42.40 %
740-704-500425	WHOLESALE WATER	560,000.00	560,000.00	1,025.31	199,983.67	360,016.33	35.71 %
740-704-520120	BANK CHARGES	13,000.00	13,000.00	2,133.94	20,040.01	-7,040.01	154.15 %
740-704-520130	OPERATIONS, MAINTENANCE & REPA...	145,000.00	145,000.00	7,274.40	57,650.34	87,349.66	39.76 %
740-704-520162	LABORATORY WATER TESTS	15,000.00	15,000.00	360.00	558.00	14,442.00	3.72 %
740-704-520165	FIRE HYDRANT MAINTENANCE & REP...	18,000.00	18,000.00	0.00	707.88	17,292.12	3.93 %
740-704-520310	MAINTENANCE, REPAIR & OPERATION	0.00	0.00	0.00	-353.10	353.10	0.00 %
740-704-520320	FLEET FUEL, MAINTENANCE & REPAIR	97,000.00	97,000.00	1,082.98	6,904.79	90,095.21	7.12 %
740-704-520400	OFFICE SUPPLIES & EQUIPMENT	2,000.00	2,000.00	249.76	1,051.39	948.61	52.57 %
740-704-520430	UTILITY BILLS & POSTAGE	5,500.00	5,500.00	621.37	4,558.57	941.43	82.88 %
740-704-540200	DUES & MEMBERSHIPS	0.00	0.00	0.00	345.00	-345.00	0.00 %
740-704-540220	TRAVEL, CONFERENCES & TRAINING	3,600.00	3,600.00	0.00	2,172.30	1,427.70	60.34 %
740-704-540300	SMALL TOOLS, EQUIPMENT & SAFETY...	15,000.00	15,000.00	2,587.88	8,038.37	6,961.63	53.59 %
740-704-540400	DUMPING, HAULING, GARBAGE	15,000.00	15,000.00	112.50	2,369.01	12,630.99	15.79 %
740-704-560100	UTILITIES	18,000.00	18,000.00	1,504.44	11,299.23	6,700.77	62.77 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	1,002,100.00	1,002,100.00	20,219.90	355,690.23	646,409.77	35.49 %
RptCategory: 60 - CAPITAL OUTLAY							
740-704-660100	EQUIPMENT REPLACEMENT RESERVES	0.00	0.00	4,199.00	4,199.00	-4,199.00	0.00 %
740-704-676050	SYSTEM IMPROVEMENTS & PROJECTS	890,000.00	890,000.00	0.00	0.00	890,000.00	0.00 %
740-704-678090	RESERVE FROM SDC'S	375,000.00	375,000.00	0.00	0.00	375,000.00	0.00 %
	RptCategory: 60 - CAPITAL OUTLAY Total:	1,265,000.00	1,265,000.00	4,199.00	4,199.00	1,260,801.00	0.33 %

Budget Report

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		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
RptCategory: 70 - DEBT SERVICE							
740-704-720040	2005 BONDED DEBT/PRINCIPAL	153,000.00	153,000.00	0.00	153,000.00	0.00	100.00 %
740-704-730040	2005 BONDED DEBT/INTEREST	24,682.00	24,682.00	0.00	24,680.70	1.30	99.99 %
	RptCategory: 70 - DEBT SERVICE Total:	177,682.00	177,682.00	0.00	177,680.70	1.30	100.00 %
	Department: 704 - WATER Total:	2,897,782.00	2,897,782.00	55,729.70	731,178.58	2,166,603.42	25.23 %
Department: 920 - TRANSFER OUT							
RptCategory: 89 - TRANSFERS OUT							
740-920-899100	TRANSFER OUT TO GENERAL FUND	16,025.00	16,025.00	0.00	0.00	16,025.00	0.00 %
740-920-899205	TRANSFER OUT TO ROAD & STREET F...	72,125.00	72,125.00	0.00	0.00	72,125.00	0.00 %
	RptCategory: 89 - TRANSFERS OUT Total:	88,150.00	88,150.00	0.00	0.00	88,150.00	0.00 %
	Department: 920 - TRANSFER OUT Total:	88,150.00	88,150.00	0.00	0.00	88,150.00	0.00 %
Department: 990 - CONTINGENCY							
RptCategory: 90 - OTHER							
740-990-910000	CONTINGENCY FUNDS	400,000.00	400,000.00	0.00	0.00	400,000.00	0.00 %
	RptCategory: 90 - OTHER Total:	400,000.00	400,000.00	0.00	0.00	400,000.00	0.00 %
	Department: 990 - CONTINGENCY Total:	400,000.00	400,000.00	0.00	0.00	400,000.00	0.00 %
	Expense Total:	3,385,932.00	3,385,932.00	55,729.70	731,178.58	2,654,753.42	21.59 %
	Fund: 740 - WATER FUND Surplus (Deficit):	0.00	0.00	78,426.60	377,512.54	377,512.54	0.00 %

Budget Report

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		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 750 - STORM WATER FUND							
Revenue							
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL							
RptType: 3000 - BEG FUND BAL.							
750-000-309999	BEGINNING FUND BALANCE	30,390.00	30,390.00	0.00	0.00	-30,390.00	0.00 %
	RptType: 3000 - BEG FUND BAL. Total:	30,390.00	30,390.00	0.00	0.00	-30,390.00	0.00 %
RptType: 3140 - CHARGES FOR SERVICES							
750-000-314060	STORM REVENUE	552,080.00	552,080.00	57,469.95	405,118.94	-146,961.06	73.38 %
	RptType: 3140 - CHARGES FOR SERVICES Total:	552,080.00	552,080.00	57,469.95	405,118.94	-146,961.06	73.38 %
RptType: 3141 - SDC							
750-000-314110	STORMWATER SDC'S	0.00	0.00	0.00	2,881.00	2,881.00	0.00 %
	RptType: 3141 - SDC Total:	0.00	0.00	0.00	2,881.00	2,881.00	0.00 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	582,470.00	582,470.00	57,469.95	407,999.94	-174,470.06	70.05 %
	Revenue Total:	582,470.00	582,470.00	57,469.95	407,999.94	-174,470.06	70.05 %
Expense							
Department: 705 - PUBLIC WORKS DIRECTOR							
RptCategory: 40 - PERSONNEL SERVICES							
750-705-431500	ACCOUNTING CLERK	15,750.00	15,750.00	3,282.29	10,498.79	5,251.21	66.66 %
750-705-437049	PUBLIC WORKS DIRECTOR	22,380.00	22,380.00	1,980.60	12,856.60	9,523.40	57.45 %
750-705-437050	PUBLIC WORKS SUPERVISOR	26,200.00	26,200.00	2,397.21	16,087.51	10,112.49	61.40 %
750-705-437055	PW ADMIN ASSISTANT	8,000.00	8,000.00	910.89	5,570.82	2,429.18	69.64 %
750-705-437070	UTILITY WORKER, JOURNEY	65,000.00	65,000.00	3,764.88	27,019.13	37,980.87	41.57 %
750-705-439011	SEASONAL HELP	25,000.00	25,000.00	0.00	0.00	25,000.00	0.00 %
750-705-450100	OVERTIME	7,000.00	7,000.00	208.96	690.83	6,309.17	9.87 %
750-705-450500	CAREER RECOGNITION PAY	500.00	500.00	96.05	312.53	187.47	62.51 %
750-705-470000	ASSOCIATED PAYROLL COSTS	100,000.00	100,000.00	5,530.41	35,769.48	64,230.52	35.77 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	269,830.00	269,830.00	18,171.29	108,805.69	161,024.31	40.32 %
RptCategory: 50 - MATERIAL AND SERVICES							
750-705-500110	CONTRACTUAL & PROFESSIONAL SER...	20,000.00	20,000.00	2,945.24	12,981.14	7,018.86	64.91 %
750-705-520130	OPERATIONS, MAINTENANCE & REPA...	30,000.00	30,000.00	1,225.33	16,098.18	13,901.82	53.66 %
750-705-520320	FLEET FUEL, MAINTENANCE & REPAIR	50,000.00	50,000.00	1,807.74	6,572.95	43,427.05	13.15 %
750-705-520400	OFFICE SUPPLIES & EQUIPMENT	1,300.00	1,300.00	249.75	1,051.35	248.65	80.87 %
750-705-520430	UTILITY BILLS & POSTAGE	5,000.00	5,000.00	621.55	4,559.93	440.07	91.20 %
750-705-540220	TRAVEL, CONFERENCES & TRAINING	2,700.00	2,700.00	0.00	888.38	1,811.62	32.90 %
750-705-540300	SMALL TOOLS, EQUIPMENT & SAFETY...	17,000.00	17,000.00	445.45	7,408.67	9,591.33	43.58 %
750-705-540400	DUMPING, HAULING, GARBAGE	19,000.00	19,000.00	262.50	677.50	18,322.50	3.57 %
750-705-560100	UTILITIES	1,000.00	1,000.00	51.69	309.85	690.15	30.99 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	146,000.00	146,000.00	7,609.25	50,547.95	95,452.05	34.62 %
RptCategory: 60 - CAPITAL OUTLAY							
750-705-660100	EQUIPMENT REPLACEMENT RESERVES	0.00	0.00	4,199.00	4,199.00	-4,199.00	0.00 %
750-705-676050	SYSTEM IMPROVEMENTS & PROJECTS	38,000.00	38,000.00	0.00	4,391.00	33,609.00	11.56 %
	RptCategory: 60 - CAPITAL OUTLAY Total:	38,000.00	38,000.00	4,199.00	8,590.00	29,410.00	22.61 %
	Department: 705 - PUBLIC WORKS DIRECTOR Total:	453,830.00	453,830.00	29,979.54	167,943.64	285,886.36	37.01 %
Department: 920 - TRANSFER OUT							
RptCategory: 89 - TRANSFERS OUT							
750-920-899100	TRANSFER OUT TO GENERAL FUND	70,350.00	70,350.00	0.00	0.00	70,350.00	0.00 %
750-920-899205	TRANSFER OUT TO ROAD & STREET F...	37,500.00	37,500.00	0.00	0.00	37,500.00	0.00 %
	RptCategory: 89 - TRANSFERS OUT Total:	107,850.00	107,850.00	0.00	0.00	107,850.00	0.00 %
	Department: 920 - TRANSFER OUT Total:	107,850.00	107,850.00	0.00	0.00	107,850.00	0.00 %

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	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Department: 990 - CONTINGENCY						
RptCategory: 90 - OTHER						
750-990-910000 CONTINGENCY FUNDS	20,790.00	20,790.00	0.00	0.00	20,790.00	0.00 %
RptCategory: 90 - OTHER Total:	20,790.00	20,790.00	0.00	0.00	20,790.00	0.00 %
Department: 990 - CONTINGENCY Total:	20,790.00	20,790.00	0.00	0.00	20,790.00	0.00 %
Expense Total:	582,470.00	582,470.00	29,979.54	167,943.64	414,526.36	28.83 %
Fund: 750 - STORM WATER FUND Surplus (Deficit):	0.00	0.00	27,490.41	240,056.30	240,056.30	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 01/31/2019

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
Fund: 801 - MUNICIPAL COURT TRUST FUND							
Revenue							
Department: 000 - UNDESIGNATED / NON DEPARTMENTAL							
RptType: 3000 - BEG FUND BAL.							
801-000-309999	BEGINNING FUND BALANCE	8,000.00	8,000.00	0.00	0.00	-8,000.00	0.00 %
	RptType: 3000 - BEG FUND BAL. Total:	8,000.00	8,000.00	0.00	0.00	-8,000.00	0.00 %
RptType: 3260 - FINES AND FORFEITURES							
801-000-326020	CITY OF GLADSTONE FINES/FEES	362,000.00	362,000.00	31,436.36	225,764.92	-136,235.08	62.37 %
801-000-326030	CLACKAMAS COUNTY FINES/FEES	12,000.00	12,000.00	1,572.76	8,151.18	-3,848.82	67.93 %
801-000-326040	STATE OF OREGON FINES/FEES	35,000.00	35,000.00	6,319.78	35,252.49	252.49	100.72 %
801-000-326050	RESTITUTION	3,000.00	3,000.00	0.00	0.00	-3,000.00	0.00 %
801-000-326060	BOND	20,000.00	20,000.00	-202.50	691.71	-19,308.29	3.46 %
	RptType: 3260 - FINES AND FORFEITURES Total:	432,000.00	432,000.00	39,126.40	269,860.30	-162,139.70	62.47 %
RptType: 3600 - MISCELLANEOUS							
801-000-360000	ALL OTHER COURT FEES	0.00	0.00	21.37	616.66	616.66	0.00 %
	RptType: 3600 - MISCELLANEOUS Total:	0.00	0.00	21.37	616.66	616.66	0.00 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	440,000.00	440,000.00	39,147.77	270,476.96	-169,523.04	61.47 %
	Revenue Total:	440,000.00	440,000.00	39,147.77	270,476.96	-169,523.04	61.47 %
Expense							
Department: 220 - COURT							
RptCategory: 50 - MATERIAL AND SERVICES							
801-220-500500	CITY OF GLADSTONE FINES & FEES	356,400.00	356,400.00	21,337.49	235,045.52	121,354.48	65.95 %
801-220-500510	CLACKAMAS COUNTY FINES & FEES	20,600.00	20,600.00	847.90	8,218.34	12,381.66	39.89 %
801-220-500520	STATE OF OREGON FINES & FEES	40,000.00	40,000.00	2,968.80	35,713.07	4,286.93	89.28 %
801-220-500530	RESTITUTION	3,000.00	3,000.00	0.00	0.00	3,000.00	0.00 %
801-220-500540	BOND - COURT	20,000.00	20,000.00	0.00	0.00	20,000.00	0.00 %
801-220-500550	ALL OTHER FEES & FINES	0.00	0.00	113.25	673.74	-673.74	0.00 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	440,000.00	440,000.00	25,267.44	279,650.67	160,349.33	63.56 %
	Department: 220 - COURT Total:	440,000.00	440,000.00	25,267.44	279,650.67	160,349.33	63.56 %
	Expense Total:	440,000.00	440,000.00	25,267.44	279,650.67	160,349.33	63.56 %
	Fund: 801 - MUNICIPAL COURT TRUST FUND Surplus (Deficit):	0.00	0.00	13,880.33	-9,173.71	-9,173.71	0.00 %
	Report Surplus (Deficit):	10,275,000.00	0.00	250,535.95	10,594,002.62	10,594,002.62	0.00 %

Fund Summary

Fund	Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)
100 - GENERAL FUND	0.00	0.00	296,876.87	1,856,079.89	1,856,079.89
205 - ROAD AND STREET FUND	0.00	0.00	35,839.73	166,661.04	166,661.04
228 - POLICE LEVY FUND	0.00	0.00	-38,765.22	221,458.53	221,458.53
229 - FIRE LEVY FUND	0.00	0.00	-8,797.95	121,996.44	121,996.44
306 - LIBRARY CAPITAL FUND	0.00	0.00	0.00	0.00	0.00
307 - CIVIC BUILDINGS CAPITAL FUN	9,840,000.00	0.00	9,333.55	-172,894.56	-172,894.56
390 - URBAN RENEWAL FUND	435,000.00	0.00	-207,900.16	7,419,407.37	7,419,407.37
730 - SEWER FUND	0.00	0.00	44,151.79	372,898.78	372,898.78
740 - WATER FUND	0.00	0.00	78,426.60	377,512.54	377,512.54
750 - STORM WATER FUND	0.00	0.00	27,490.41	240,056.30	240,056.30
801 - MUNICIPAL COURT TRUST FUN	0.00	0.00	13,880.33	-9,173.71	-9,173.71
Report Surplus (Deficit):	10,275,000.00	0.00	250,535.95	10,594,002.62	10,594,002.62

CHECK REGISTER FOR JANUARY 2019

Check Date	Check No.	Vendor		Line Item Description
01/02/2019	86465 - 86472	UB Refunds	\$ 746.32	UB Refunds - PW
01/03/2019	86473	Aramark	55.46	Mats/Coveralls - PW
01/03/2019	86474	Backflow Management Inc	2,365.00	Drinking Water Tests - PW
01/03/2019	86475	Bateman Senior Meals	1,510.85	Frozen Lunch Meals - SC
01/03/2019	86476	Brown & Caldwell	840.25	Engineering Services - PW
01/03/2019	86477	Canon Financial Services, Inc.	149.19	Copier Lease/Usage - FD
01/03/2019	86478	CIS Trust	35,873.16	Worker's Comp Insurance - Admin
01/03/2019	86479	City of Milwaukie	1,803.75	ROW Management - Admin
01/03/2019	86480	City Wide Tree Service Inc.	1,330.00	Hazardous Tree Removal - PW
01/03/2019	86481	Clackamas Fire District #1	96.04	Uniforms - FD
01/03/2019	86482	Comcast	46.48	Internet - FD
01/03/2019	86483	Comcast Business	258.37	Internet/Voice - PW
01/03/2019	86484	Craig Blackman Trucking	1,223.49	Materials/Hauling - PW
01/03/2019	86485	Curtis, L. N. Co.	750.00	Uniforms - PD
01/03/2019	86486	Cycle Express	192.00	Stickers/Freight - FD
01/03/2019	86487	Drapery House Designs	50.00	Business License Refund - Admin
01/03/2019	86488	Edginton Properties	375.00	Court Parking Spot - PD
01/03/2019	86489	Gladstone Municipal Court	1,006.22	Reimburse Bank Charges - Admin
01/03/2019	86490	Gold Wrench	410.95	Vehicle Maintenance - PD
01/03/2019	86491	Hart Crowser, Inc	14,695.50	Meldrum Bar Dredging - PW
01/03/2019	86492	Life-Assist Inc	1,996.97	First Responder Supplies - FD
01/03/2019	86493	Lundquist Legal, LLC	3,000.00	Prosecutor Services - CT
01/03/2019	86494	Maxwell Rentals	2,000.00	Apartment Rental - FD
01/03/2019	86495	MercuryPDX, LLC	400.00	Meal Delivery Service - SC
01/03/2019	86496	Meterreaders	2,126.60	Meterreading - PW
01/03/2019	86497	North Clackamas County	66,557.14	Water Usage - PW
01/03/2019	86498	Northwest Safety Clean	248.45	Equipment Maintenance - FD
01/03/2019	86499	Oak Lodge Water Services	30,990.00	SDC Pass Through - PW
01/03/2019	86500	Office Depot	368.80	Office Supplies - CT/Admin/FD
01/03/2019	86501	Pacific Office Automation Inc	280.23	Copier Lease/Usage - SC/PW
01/03/2019	86502	Pamplin Media Group	1,831.50	Printing - Admin/PD
01/03/2019	86503	RH Media Services LLC	5,200.00	IT Support - Admin
01/03/2019	86504	Ronald L. Gray	1,092.00	Pro-Tem Judge - CT
01/03/2019	86505	Ross Upholstery Inc.	400.00	Repairs - FD
01/03/2019	86506	Shred-it USA LLC	122.53	Shredding Service - PD
01/03/2019	86507	Sieckmann's Race Car Consulting	50.00	Business License Refund - Admin
01/03/2019	86508	Sign Guy	125.00	Vehicle Graphics Removal - PD
01/03/2019	86509	Solutions Yes	27.94	Copier Usage - PD
01/03/2019	86510	Stein Oil Co. Inc.	3,109.36	Gasoline - PD/FD/SC/PW
01/03/2019	86511	Jill Tate	315.00	Transcription - Admin
01/03/2019	86512	Tri Cities Service District	99,400.16	Sewer Service - PW
01/03/2019	86513	Val Codino Consulting	250.00	Consulting Service - FD
01/03/2019	86514	Wilsonville Lock & Security	254.55	Quarterly Monitoring - LIB/PW/PD
01/03/2019	86515	Wire Works	14,131.74	Vehicle Customization - PD
01/10/2019	86516	Backflow Management Inc	764.00	Quarterly Reports - PW
01/10/2019	86517	Baker & Taylor Inc	2,254.19	New Books - LIB
01/10/2019	86518	BridgePay Network Solutions, LLC	104.90	UB Online Transaction Fees - PW
01/10/2019	86519	Buel's Impressions Printing	25.00	Business Card Printing - PD
01/10/2019	86520	California Police Chiefs Assn.	300.00	Employment Ad - Admin
01/10/2019	86521	CIS Trust	488.29	Liability Insurance - Admin
01/10/2019	86522	City Wide Tree Service Inc.	1,120.00	Tree Removal - PW
01/10/2019	86523	Clackamas County Finance Department	27,954.72	Dispatch/Planning/Broadband - PS/FD/Admin
01/10/2019	86524	Clackamas Fire District #1	3,438.30	IT Support/Fleet Labor - FD
01/10/2019	86525	Curtis, L. N. Co.	63.99	Uniforms - PD

CHECK REGISTER FOR JANUARY 2019

Check Date	Check No.	Vendor		Line Item Description
01/10/2019	86526	David M. Corey	420.00	Post Offer Evaluation - PD
01/10/2019	86527	Galls, LLC	1,746.75	Uniforms - PD
01/10/2019	86528	Harden Psychological Associates, P.C.	779.40	Pre-Offer Evaluations - FD
01/10/2019	86529	Houston, Marc R	925.00	Physician Advisor - FD
01/10/2019	86530	J & K Oil Inc.	500.00	Car Wash Certificates - PD
01/10/2019	86531	LeBrie Rich	300.00	Craft Program - LIB
01/10/2019	86532	MercuryPDX, LLC	720.00	Delivery Service - SC
01/10/2019	86533	Midwest Tape	1,582.71	Non-Print Items - LIB
01/10/2019	86534	Northwest Natural Gas	1,371.45	Natural Gas - All Depts
01/10/2019	86535	Northwest Safety Clean	571.35	Equipment Maintenance - FD
01/10/2019	86536	One Call Concepts Inc	69.30	Utility Notifications - PW
01/10/2019	86537	Oregon City/County Management Assn.	286.00	Membership Dues/Betz - Admin
01/10/2019	86538	Oregon Patrol Service	285.00	Courtroom Security - CT
01/10/2019	86539	Pitney Bowes	1,373.09	Postage - All Depts
01/10/2019	86540	Pitney Bowes Global Financial Svcs.	483.60	Postage Meter Rental - All Depts
01/10/2019	86541	Portland General Electric	6,875.79	Electricity Usage - All Depts
01/10/2019	86542	TransUnion Risk and Alternative	25.00	Data Research Service - PD
01/10/2019	86543	United Site Service	276.20	Portable Restroom Rental - FD
01/10/2019	86544	Verizon Wireless	2,783.16	Cell Phones - All Depts
01/10/2019	86545	Wilsonville Lock Works	262.50	Repairs - FD
01/10/2019	86546	US Postal Service	492.11	Newsletter Postage - Admin
01/15/2019	86547 - 86554	Juror Payments	122.42	Jury Service Payments - CT
01/17/2019	86555	Action Fire & Safety	31.50	Tool Holders - FD
01/17/2019	86556	Alexin Analytical Laboratories	360.00	Drinking Water Tests - PW
01/17/2019	86557	Aramark	55.46	Mats/Overalls - PW
01/17/2019	86558	Batteries Plus	30.72	Batteries - FD
01/17/2019	86559	Bel-Air Machine & Performance	60.00	Counter Bore - PW
01/17/2019	86560	BMS Technologies	1,864.28	UB Printing/Mailing - PW
01/17/2019	86561	Clackamas Auto Parts Inc	41.20	Auto Parts - FD
01/17/2019	86562	Clackamas County Business	15,958.00	Library Director Services - Admin
01/17/2019	86563	Clackamas County Finance Department	416.82	Signal Maintenance - PW
01/17/2019	86564	Clark's Lawn & Garden Equip	13.99	Parts - FD
01/17/2019	86565	Comcast Business	258.47	Internet/Voice - PW
01/17/2019	86566	Demco	168.74	Supplies - LIB
01/17/2019	86567	Elmer's Flag & Banner LLC	69.90	Oregon Flag - FD
01/17/2019	86568	Ferrellgas Propane	95.28	Propane - FD
01/17/2019	86569	Home Depot	645.42	Materials/Supplies - FD
01/17/2019	86570	Huser Sales & Service, Inc.	81.00	Cylinder Hydrotest - FD
01/17/2019	86571	Jack Rawlings	195.02	Restroom Supplies - FD
01/17/2019	86572	John Southgate LLC	2,625.00	Professional Fees - Admin
01/17/2019	86573	League of Oregon Cities	160.00	Day at the Capital Fees - CC/Admin
01/17/2019	86574	Metereaders	2,127.84	Metereading - PW
01/17/2019	86575	National Fire Prot. Assoc	1,345.50	Fire Codes Annual Subscription - FD
01/17/2019	86576	Oak Lodge Water Services	85,741.91	Water/Sewer Billings - PW
01/17/2019	86577	Office Depot	574.43	Office Supplies - Admin/LIB/PD
01/17/2019	86578	Oregon Volunteer	205.00	Volunteer Firefighter Dues - FD
01/17/2019	86579	Pacific Office Automation	671.91	Copier Lease - LIB
01/17/2019	86580	Portland Adventist Medical Center	950.00	Recruit Physicals - FD
01/17/2019	86581	Portland General Electric	5,122.76	Street Light Electricity - PW
01/17/2019	86582	Portland Road & Driveway Co., Inc.	225.00	Dump Fees - PW
01/17/2019	86583	Providence Health & Services	190.00	Driver Exams - Admin
01/17/2019	86584	Ron Tonkin CJDRF	25,637.55	Dodge Charger - PD
01/17/2019	86585	SeaWestern	3,690.50	Particulate Blocking Hoods - FD
01/17/2019	86586	Sierra Springs	106.08	Drinking Water - PD

CHECK REGISTER FOR JANUARY 2019

Check Date	Check No.	Vendor		Line Item Description
01/17/2019	86587	Sisul Engineering	2,697.50	Engineering Services - PW
01/17/2019	86588	Smith-Wagar Brucker Consulting Inc.	10,175.00	Financial Services - Admin
01/17/2019	86589	Stark's Vacuum	216.85	Vacuum Repair/Supplies - FD
01/17/2019	86590	Stein Oil Co. Inc.	2,217.39	Gasoline - FD/PD/PW/SC
01/17/2019	86591	Tyler Technologies, Inc.	5,244.25	UB Module Maintenance - PW
01/17/2019	86592	US Bank Equipment Finance	224.46	Copier Lease - PD
1/21/2019	86593	Zeb Sowers	354.29	Payroll Correction
1/24/2019	86594 - 86595	Elizabeth Taylor	8,768.59	Final Payroll Checks
01/25/2019	86596	Allstream	1,221.13	Land Lines - All Depts
01/25/2019	86597	Cintas First Aid Lockbox	226.08	First Aid Supplies - LIB/PW/Admin
01/25/2019	86598	Columbia Bank	45,000.00	Civic Center Debt Interest
01/25/2019	86599	Comcast	177.00	Internet/Voice - PD/FD
01/25/2019	86600	Demco	2,491.34	Summer Reading Program - LIB
01/25/2019	86601	F.I.R.E. Restoration	6,879.00	FD Bldg Repairs - PW
01/25/2019	86602	Pacific Office Automation Inc	238.87	Copier Lease/Usage - PW/SC
01/25/2019	86603	Les Schwab Tires	836.92	Vehicle Maintenance - PD
01/25/2019	86604	Secure Pacific Corporation	382.05	Building Monitoring - PW
01/25/2019	86605	Sierra Springs	47.67	Drinking Water - Admin
1/31/2019	86606 - 86609	Payroll Checks	3,102.81	Payroll Checks - FD/PW
1/30/2019	86610 - 86612	UB Refund Checks	251.44	UB Refund Checks -PW
01/31/2019	86613	Axa Equi-Vest	6,795.00	Voluntary Payroll Deferred Comp
01/31/2019	86614	Axa EVLICO	141.00	Non-PERS Retirement Pmt
01/31/2019	86615	Axa RIA	3,602.97	Non-PERS Retirement Pmt
01/31/2019	86616	CIS Trust	65,006.91	Monthly Health Insurance
01/31/2019	86617	Clackamas Community Federal Credit Unio	1,102.55	GPA Union Dues
01/31/2019	86618	Gladstone Fire Department	675.00	Fire Members House Dues
01/31/2019	86619	Oregon AFSCME Council #75	1,141.61	AFSCME Union Dues
01/31/2019	86620	Airgas USA LLC	96.43	Oxygen Cylinders - FD
01/31/2019	86621	Bateman Senior Meals	917.70	Frozen Meals/Beverages - SC
01/31/2019	86622	Beery, Elsner & Hammond LLP	5,035.65	Legal Fees - Admin
01/31/2019	86623	Beloof & Haines	3,000.00	Municipal Court Judge - CT
01/31/2019	86624	Canon Financial Services, Inc.	777.65	Copier Lease/Usage - Admin
01/31/2019	86625	Clackamas ESD	1,421.99	Electronic Backup Storage - Admin
01/31/2019	86626	J. Thayer Co.	269.30	Councilor Nameplates - Admin
01/31/2019	86627	MercuryPDX, LLC	800.00	Meal Delivery - SC
01/31/2019	86628	Oregon DMV	23.00	Suspension Package - PD
01/31/2019	86629	Paramount Pest Control Inc	205.00	Facilities Pest Control - PW
01/31/2019	86630	Pioneer Center	141.78	Meal Delivery - SC
01/31/2019	86631	Robert C Johnson	175.00	Landscaping - PW
01/31/2019	86632	Watts Heating & Cooling	5,057.36	HVAC Maintenance - PW
		Total Checks	<u>\$ 693,678.04</u>	
Urban Renewal Checks				
01/24/2019	5501	City of Gladstone	\$ 150,000.00	Reimburse Civic Bldg Expenses
01/24/2019	5502	Columbia Bank	57,124.74	Civic Center Note - Debt Interest
01/24/2019	5503	City of Gladstone	45,000.00	Reimburse General Fund FF & C Debt Service
		Total Urban Renewal Checks	<u>\$ 252,124.74</u>	
		Total Issued in January 2019	<u>\$ 945,802.78</u>	

ATTORNEY CHARGES

Attorneys:	July, 2018	Aug, 2018	Sept, 2018	Oct, 2018	Nov, 2018	Dec, 2018	Totals
City Charter	\$ -	\$ -	\$ -	\$ -	\$ 112.50	\$ -	\$ 112.50
Elections	292.50	64.50	-	21.50	22.50	-	401.00
Transient Lodging Tax	-	-	-	-	-	-	-
General	247.50	22.50	663.00	-	-	886.25	1,819.25
Civic Center Project	225.00	-	-	-	1,732.50	1,136.25	3,093.75
Meeting Attendance	-	-	-	-	-	-	-
Governance/City Council	450.00	517.50	3,114.78	352.54	423.00	763.50	5,621.32
Meeting Attendance	802.00	1,005.80	1,094.50	914.50	1,575.50	795.84	6,188.14
Intergovernmental	90.00	774.00	285.50	1,098.50	112.50	-	2,360.50
Land Use/ Community Development	765.00	882.50	-	-	225.00	297.00	2,169.50
Meeting Attendance	667.00	-	-	-	-	-	667.00
Parks & Recreation	-	-	247.50	-	22.50	22.50	292.50
Personnel/Labor	-	-	-	715.50	88.00	-	803.50
AFSCME	-	-	-	-	-	-	-
City Administration	-	-	-	-	-	-	-
Public Records & Meetings	-	45.00	67.50	443.00	153.89	43.00	752.39
Public Safety	-	838.50	-	43.00	765.00	90.00	1,736.50
Public Works	157.50	562.50	-	112.50	292.50	902.20	2,027.20
Real Property Transactions	-	-	-	-	-	-	-
Risk Management/Litigation	1,195.79	397.10	4,338.47	1,884.55	1,481.32	401.00	9,698.23
Rights of Way-Telecommunications	-	-	-	-	1,096.50	635.94	1,732.44
Urban Renewal	-	-	67.50	-	-	-	67.50
Total	\$ 4,892.29	\$ 5,109.90	\$ 9,878.75	\$ 5,585.59	\$ 8,103.21	\$ 5,973.48	\$ 39,543.22

Attorneys:	Jan, 2019	Feb, 2019	Mar, 2019	Apr, 2019	May, 2019	June, 2019	Totals for Year
City Charter							\$ 112.50
Elections							401.00
Transient Lodging Tax							-
General							1,819.25
Civic Center Project							3,093.75
Meeting Attendance							-
Governance/City Council							5,621.32
Meeting Attendance							6,188.14
Intergovernmental							2,360.50
Land Use/ Community Development							2,169.50
Meeting Attendance							667.00
Parks & Recreation							292.50
Personnel/Labor							803.50
AFSCME							-
City Administration							-
Public Records & Meetings							752.39
Public Safety							1,736.50
Public Works							2,027.20
Real Property Transactions							-
Risk Management/Litigation							9,698.23
Rights of Way-Telecommunications							1,732.44
Urban Renewal							67.50
Total	\$ -	\$ 39,543.22					



Staff

GLADSTONE PUBLIC WORKS

Report for the Month of

February, 2019

Report Date: February 28, 2019
To : Jacque M. Betz, City Administrator
Copy : Mayor and City Council
From : Jim Whynot, Public Works Director

The failing condition of our water infrastructure keeps our **Water Division** continually busy with broken lines and repairs.

Photo right is a picture of a water leak repair at 1430 Columbia Avenue.





Photos left shows a service line replacement on Barton at Clarendon.



As we reported last month, our **Sewer Division** discovered I & I in the main sewer line on E. Gloucester Street. The photo left shows the plug we installed in the sanitary sewer line, which will prevent the stormwater from infiltrating into the sewer lines. This is temporary measure to reduce our I & I problems until we abandon the failing catch basins and stormwater lines that flow into our sanitary sewers. Public Works is actively working to investigate and correct our I & I issues. We have made good progress in this area over the last two years.

Our sewer division attended a FOG (Fats, Oils, and Grease) training and demonstration at WES this month. After discovering the large globs of solidified grease that were found in our sewer lines last month, we are considering establishing a FOG program here in Gladstone. Besides causing reduced capacity, grease in the sewer lines can cause a 20% reduction in the life of the lines. Our infrastructure is already well beyond its years, and the grease situation only exacerbates our challenges of keeping the infrastructure working.

Stormwater Division completed the project on Doncaster Drive this month. As previously reported, while working on a water line in that neighborhood, we discovered a very large sink hole caused by a faulty stormwater catch basin that had been installed some years back. Because the sink hole was so large, it required digging up a substantial portion of the surrounding area. Picture right show the new curb that we replaced subsequent to the repairs. Photo below shows the smile on the face of Jeff Shephard, as he completes the final compaction and we bring this unexpectedly troublesome project home!



Stormwater division received a report of unlawful dumping into the storm system. We investigated and discovered an undetermined substance. Code Enforcement was notified.

Photo right shows a funnel for what appears to be for pouring material into the storm system.



Photo below shows the green liquid that looked similar to anti-freeze spilling into the street from the home's downspout system.





Photo left shows Public Works remedial efforts to control the material from further infiltration into our stormwater system. We placed booms around two catch basins downstream from the house to contain the dumped material and prevent it from getting into our rivers, as required by DEQ.

Subsequently, the homeowner stated on social media that the substance was not anti-freeze, but it was a biodegradable non-toxic substance he was using to determine if his downspout system was leaking, as he noticed water under his house. As of this writing, we have not had the opportunity to follow-up, but this occurrence did require a great deal of our time.

Public Works has put several advisories in our Newsletter regarding our stormwater system, and will continue to do so. "Only Rain in the Drain" is the stormwater pollution prevention motto and we hope the public will abide by these rules for the protection of our rivers and natural environment. We would ask homeowners to please contact Public Works before adding anything to the storm system, as we have a responsibility under DEQ and our NPDES Stormwater Permit to protect our stormwater lines that drain into the rivers.

Streets Division was called out to the top of Caldwell Street, near the intersection of Oatfield Road. Someone dumped about half a truck load of lumber in the street, creating a dangerous traffic hazard at the intersection. We dispatched two crew members to clear the intersection and properly dispose of the lumber.

The street crew has also been busy with the unusually inclement weather that we are experiencing this late in the year. The logistics involved in preparing our fleet and equipment for snow and sanding require a lot of time. Trucks are chained up, gravel and sand are in stock, and we are ready for whatever Mother Nature decides to deliver.



Our experienced and talented crew is able to fabricate adaptations to our fleet to meet our specific needs in the field. Sometimes these changes need to be made on the fly to adapt to changing situations. (Left)

The final product shown right shows the two additional material doors that we fabricated to eliminate the need to move the truck too often during a job, which will improve efficiency. It is not only highly serviceable, but also professionally finished.

We work hard and in dirty conditions, but we pride ourselves on representing the City at all times with our obvious good looks!



We've upgraded street signage behind Gladstone High School to replace the missing and damaged signs with new ones. (Photos below) We are bringing our street signage around town up to date with new standards, including consistent posts and the signage itself. This will allow us greater cost savings.



Our Right of Way usage supervision is ongoing, and is a full time job to protect the public property. As telecommunications, cable, and other providers continue to use the public right of way, Public Works is going full speed trying to ensure that the resulting damage to our streets, sidewalks, and other rights of way are properly repaired following construction. Holding the providers responsible for the damage they cause to our rights of way, helps to ensure that the homeowners and taxpayers don't end up footing the bills for repair. Unfortunately, the City does not currently have sufficient funding to repair the streets, so holding the providers responsible for their damage to our streets is primary. Public Works is currently developing protocol to provide better oversight on the providers and contractors. Following are just a few photos showing examples of damage to our rights of way caused by providers and contractors:



Photo left shows improper compaction that caused a sinkhole, which could have resulted in roadway collapse and damage to a homeowner's driveway. Because this happened recently, Public Works was able to remediate the damage by getting the contractor back for repairs before our time to do so expired.



Photo left is one of many examples of ROW work with insufficient oversight and inspection. The road is sinking and cracking due to lack of compaction. Soft spots and sinkholes require Public Works to expend at least three crew members and a half day to repair damage caused by providers and contractors working in our ROW. Follow ups on ROW permits can require more than five inspections to ensure that contractors do not leave our roads and sidewalks damaged.

Photos below show damage to a homeowner's sidewalk, caused by a telecommunications company. Without the City enforcing these repairs, the adjacent property would be stuck with the repairs.





Photos left and below shows damage from PGE that could cost the bordering homeowner close to \$10,000 in sidewalk repairs, had Public Works not followed up. We are still working with PGE to come back and correct this damage.



Dierickx park suffered vandalism, which sadly, together with graffiti clean-up, is an ongoing problem in all of our parks, and presents daily issues for our **Parks Division**.

Bathroom damage at Dierickx Field before (Right):

Bathroom repairs in process (Below):



athroom repairs completed and awaiting fresh



(Below):



Dead and otherwise hazardous trees are an ongoing challenge in our parks. This particular tree (left) was overhanging a path in the Gladstone Nature Park. Although it had a few leaves on it, the only live wood was the dark V shaped area in the picture.

Staff has been very busy with Oregon State Marine Board grant applications to restore the Meldrum Bar Boat Launch area. Over the past few months, we have been successful in obtaining \$166,000 in grant funding to perform a sediment analysis in the navigation area, and the



fabrication and delivery of a new aluminum boarding dock. We have submitted the final grant application to secure funding to dredge the navigation lagoon and are awaiting determination from the OSMB. The research and documentation we were able to provide to the Board clearly demonstrate the need for increased draft for boats launching and returning to the boat launch site. During low tide and low water times, there is only between one and two feet of draft, and boats have run aground on the sandbars in the marked navigation channel. (Photo Right)

In addition to the grant applications, which are a complicated process in themselves, we must maneuver the myriad permitting processes with the Federal and State government agencies, as well as getting the bidding and procurement process compiled. We thank the Council for your support in approving consultants to assist us with these projects. The Meldrum Bar boat launch is one of the most used and most appreciated launch sites along the lower Willamette River. We are getting the backing and support from the fishing and boating public and will be collecting letters of their support for the dredging project to submit to the OSMB later this spring. Once this project is complete, we can be proud of this jewel in our crown of beautiful park amenities.

In addition to these large projects, the Parks Division has been preparing for spring with ongoing fleet maintenance, restroom repairs and maintenance, and ordering new replacement parts for playground equipment.

Facilities Division was busy with adverse weather conditions and the impact it has on our City buildings. We de-iced the City's facilities and buildings, and responded to several requests from the Senior Center for de-icing, sandbags, and other requests.

Public Works Quote of the Month

The first step in the evolution of ethics is a sense of solidarity with other human beings.

Albert Schweitzer

Gladstone Fire Department

Monthly Report: February 2019

Report Date: March 5, 2019
To: City Administrator Jacque Betz
Cc: City Council
From: Interim Fire Chief Jeff Smith

Gladstone Fire responded to 122 calls in February. We report response times and compare with the Standards of Cover document for all emergency (lights and siren) calls in the City of Gladstone utilizing the adopted "80% fractile" standard, meaning we do something in a certain amount of time - or faster - 80% of the time during a given time period.

February Code-3 EMS Response Data (50 calls)

Turnout Time: 80% fractile of 1:29 (adopted standard is 1:30) Response Time: 80% fractile of 4:58 (adopted standard is 5:30)

February Code-3 Fire & Vehicle Accident Response Data (9 calls) Turnout Time: 80% fractile of 1:32 (adopted standard is 2:00) Response Time: 80% fractile of 5:05 (standard is 6:00)

- **Turnout Time** – The time interval between when units are notified of the incident and when the apparatus leave the station.
- **Travel Time** – The amount of time the responding unit actually spends travelling to the incident.
- **Response Time** – Response Time equals the combination of **Turnout Time** and **Travel Time**.

Great Job Everyone!!!!

From Assistant Chief Mike Funk:

Buildings under construction-

- New construction continues at Auto Town dealership. Phase one is complete and Phase two will begin soon.
- Continue contacts and exchanges Axis Design Group, regarding the remodel/expansion planned for Tonkin Hyundai dealer on McLoughlin.

Fire Investigations-

- Investigate illegal burn reported to me from "A" shift duty crew. Builders at 19105 Oatfield were found to be burning construction materials that are not permitted to be burnt in Gladstone City limits.
- Continued follow-up with Det. Fich, related to Dec.24th R-fire on Dagmar.

Review business for Planning Commission-

- Attended planning commission meeting mid- February. Proposed tri-plex on E. Exeter reviewed and considered at the meeting. Approved by the board.

Business Inspections and development proposal reviews-

- Contacted by Gail with Gladstone Christian Fellowship. Fielding questions regarding emergency lighting requirements at the church. Also requesting to remove required signage at front doors (that are not currently being used as the main entry doors)
- Provide information to President of Two Rivers co-op about water system requirements when the Co-op makes improvements to sewer and water systems in the park. Water system will require 3 new fire hydrants supplied by minimum of 6-inch supply line.
- Business inspection done at Gladstone Christian church. Church is inquiring about having a private school in the basement of the church. Reviewed kitchen area, classrooms proposed to be used, fire alarms and extinguishers, and exiting. Church was advised that they would most likely need to talk with Clackamas County building dept. and it may require a conditional use permit from Gladstone Planning Committee.

Education and/or Public events –

- Sign-up sheets produced and posted for special safety talk and tour to be given to a group from the adult daycare in early March.
- Gladstone Fire received multiple requests to help at Everybody Reads events around the city. Sign-up sheets were created and posted. First two events were scheduled for March first, both reported to have gone great.

School district-

- Follow-up contact with Ryan Johnson for a teacher requesting to alter an exit door from a classroom. Helped identify a solution for adequate emergency lighting at GHS during dances. School will be working on a solution to split electrical circuit which will maintain lit exit signs and emergency lighting while allowing the lights in the cafeteria to be turned off.
- GFD has been invited to speak at WLK for career day in the first week of March.

Meetings-

- Meet with person proposing to buy property on E. Jersey for development. Fielded questions regarding the possibility of the FD using the property for training if the property is purchased. Provided Training officer info for follow-up.
- Attended AM and PM business meetings. Safety meeting and FD operational business meeting.
- Meet with Susan L. and Chief Smith to brainstorm payroll ideas to streamline payroll. Looking for solutions from Image Trend and City payroll vender.
- Attended Fire Investigators meeting hosted at Gladstone fire station.
- Attended the Saturday Memorial event for retired Asst. Chief Pat Monte.

Training events-

- Met with Engineer Dan Sotin to help with fire inspector task book. We spent the afternoon reviewing and checking off competencies. Task Book complete - Congrats Dan.
- Participated in February -EMS drill, on hemorrhage control and tourniquets.

Miscellaneous:

- Continue processing 2019 City business licenses.
- Review and disperse invoices for fire extinguisher services to city departments.
- Coordinate City Hall fire alarm servicing, Included Scott J. to transition the responsibilities to facilities in the future.
- Attended station ribbon cutting and opening of CCFD #1 new station #16. (Hilltop OC)

- Fielded questions from Mayor Stempel about idea to build additional apts. on the SDA property. The idea was looked it about two years ago with no movement forward by SDA group.
- Continue to find workable options for capturing payroll information to report to Susan for Fire Dept. paid on call staff.
- Researched and provided comment to resident at Two Rivers mobile park wanting to install a 120-gallon propane tank on the property. Oregon Fire Code allows tank up to 125-gallons in residential areas without lot line set-backs.

From Deputy Chief Randy Hopperstad:

Radio's and Pagers. We are still on the list for new radio's sometime in maybe late March or early April. Waiting for quote for 900mgh. Pagers from WACCCA.

Repairs: Engine 393 had an unexpected bout between a cabinet door vs a building wall. Wall won but did minimal damage to both the door and the wall Repairs are now being done to both. Repaired some issues with wireless headsets on both engines.

Meetings: Attended the monthly meeting of the Fire Defense Board and C-800 Board of Directors meetings at Molalla O.D.F. office. Gladstone Fire hosted the County Fire Investigation Teams bi-monthly meeting 2/12/19. Attended the grand reopening of C.C.F.D.#1 Station 16 in Oregon City and the monthly meeting of the C-800 fire users group at CCOM

Building Maintenance: Contacted Scott from facilities and discussed L.E.D. lighting for our engine bays and meeting areas. This will need to be a BID project that will happen at a later date after budgeting and more planning. There was one fixture that had to be replaced due to bad parts in the engine bay.

Logistics: Ordered four (4) sets of turn-outs from our vendor to replace out dated gear. Also ordered five (5) Class "A" uniforms for the remaining Engineers. Sent a gas detector in for service and a new o2 sensor and recalibration. Assembling new ergonomic rising and lowering table desk and disposing of the old desk for recycling.

From Captain Tighe Vroman Training:

During the month of February, I primarily focused on DPSST certification paperwork, EMS continuing education and preparing for the EMT license recertification process that is fast approaching. I am in the middle of performing an updated medical continuing education hour audit for all of our personnel. Many of our personnel have completed the required continuing education hours to recertify their EMT certification. For those who haven't, these updated audits allow me to see who needs what type of hours and tailor training opportunities accordingly. EMT recertification for the State of Oregon occurs in June.

We hosted another Public Education event for a fire station tour to a group of Boy Scouts/Cub Scouts from Troop 510. These Scouts are learning first aid skills and are working toward a merit badge pertaining to emergency response. Captain Kirk Stempel, ENG Pete Martinez and ENG Tim Atkeson assisted me in showing approximately 40 attendees our fire station, personal protective equipment, engine, truck, and some of our fire/rescue equipment. Part two of their training will occur the first week of March when GFD personnel attend their Scout meeting to teach and practice first aid skills and techniques.

Training:

Fire training for the month of February focused on the new National Fire Incident Reporting System (NFIRS)/Patient Care Report (PCR) record management program and an operational change regarding the way we take hydrants.

As I mentioned in last month's report, we had to switch to the updated version of the NFIRS and PCR record management program offered by the state, called Image Trend Elite. This month's training regarding the Elite program was geared toward familiarizing our personnel with the changes. There are a number of differences in how the program looks, operates and in how the user interfaces with the program. Our Lieutenants and AICs, who function in an officer role, need to be familiar with how to complete the NFIRS reports that we are required to complete for every alarm we respond on. Also, any EMT needs to be familiar with how to complete a patient care report when we provide patient care. Captain Brost was tasked with creating a training program to familiarize our personnel with the operation of the Elite program. He was the lead instructor for this drill.

Our second fire related drill for the month reviewed an operational change Gladstone Fire recently made regarding the way we hook up to fire hydrants. Previously, we attached our hose only to the port we wanted to use, leaving any excess ports on the hydrant capped. All of the appliances we use to hook up to a hydrant were secured to an aluminum "board" that was attached to the exterior of the fire engine.

Our new practice involves attaching our hose to the port we typically use, but also attaching hydrant gates to each available port. This way, these additional ports can be accessed without having to shut the hydrant down. Since we are now carrying a number of additional appliances and gates, these items no longer fit on our existing hydrant board stored on the exterior of the engine. We switched from a hydrant board to a bag, which holds more equipment. This change is in line with what our neighboring fire agencies using four-inch supply hose are doing to ensure we have adequate water supply. We are all moving to a similar procedure so that we are performing the tasks the same way. This is particularly important in the event we respond to a fire in each other's jurisdiction. Captain Newton was in charge of the implementation of this updated operational change. Crews did well with the operational change and adapted to the new procedure quickly.

Also this month, a handful of our officers and AICs have been working on a series of wildland classes to become certified as a Wildland Engine Boss. Capt. Brost, Lt. Cerda, Lt. Schafer and AIC Sotin attended two weekends of training during the month of February and will be attending training for two weekends during the month of March. Having our officers and AICs certified at the Engine Boss level has been a goal of Gladstone Fire Department, and will allow us a lot more depth when it comes to sending crews and equipment to conflagration mobilization requests during wildfire season. A big thank you to our personnel who have made the commitment to attend all of this training to increase their education and certification levels, and for expanding GFD's response and service capabilities!

Other training related items of note for the month of February:

- The following GFD personnel attained increased levels of fire certification from the Department of Public Safety Standards and Training (DPSST).



Lt. Barry Schafer- NFPA Dive Rescue



PFF Jessie Person- NFPA Fire Fighter I, Firefighter Type 2 (Wildland)

- AIC/ENG Daniel Sotin completed his task book and other requirements to become certified as a Fire Inspector I. I have submitted his application for certification to DPSST. Dan has been working on this certification for a number of years, and I want to congratulate him on attaining this goal! Nice work, Dan!

Emergency Medical Services:

The current, year-to-date EMS line item expenditures through the month of February total \$38,025.70 of the \$50,000 allotted for the biennial budget. This currently leaves the EMS line item with \$11,974.30 for the rest of the 18-19 fiscal year.

During the month of February, we had to replace stock for a number of medications. Our supply of Haloperidol, Magnesium Sulfate, oral Ondansetron, Epinephrine 1:1,000 and some of our Atropine

required replacement. We also used most of our 10% Dextrose supply on patients having diabetic emergencies.

Also, we increased our medical diagnostic capabilities by purchasing two lactate meters. They have not yet gone in to service, as we still need to provide training for our members on how to use them. Once in service, they will be placed on E391 and S390 since these are the two units most likely to respond to a medical emergency.

AMR crews often ask our personnel if we have obtained a lactate reading on certain types of patients. Most other fire agencies in the metro area have this equipment, and are able to provide this level of service to their citizens and partnering transporting agencies. Lactate readings are primarily used in the prehospital setting to determine if a patient is septic. Recent medical practices have changed, and greater emphasis on care and treatment of the sepsis patient has become a standard of care. Once a patient is determined to be a suspected sepsis patient, they are treated with more aggressive fluid resuscitation, are transported with a higher level of acuity, and hospital emergency departments are given advanced notice by on scene fire and EMS crews that a sepsis patient is being transported to their facility. Lactate readings are an important piece of information when considering someone a sepsis patient per recent Tri-County EMS Protocol updates.

Our EMS drill for the month was bleeding and hemorrhage control. The way we treat significant bleeding is different and much more aggressive than we treated it ten years ago. Current medical knowledge and practice suggest increased use of tourniquets or wound packing if direct pressure does not immediately control the bleeding.

We had guest instructor Val Codino join us for our EMS drills. Val has his own consulting company and is also an EMS instructor for Chemeketa Community College. More importantly, Val is a certified Bleeding Control (B-Con) instructor. Since Val taught our class, all who attended are eligible to also become certified as B-Con instructors. These techniques are appropriate for emergency responders and were good training for our personnel. The B-Con class is geared more toward civilian and community audiences, and is receiving a lot of focus. You may have heard this type of training referred to as the "Stop the Bleed" campaign.

Clackamas County Fire/EMS agencies will begin offering more Bleeding Control training to the general public in the near future, and I am happy that members of Gladstone Fire will be ready to serve as instructors for this training. The Clackamas County EMS consortium just purchased a cache of "Stop the Bleed" training materials and training props to be shared amongst Clackamas County Fire and EMS agencies so we can begin offering this training to the public.

You will most likely start to see bleeding control kits housed alongside AEDs when you are out in public. The whole idea is to have our citizens trained in both CPR and bleeding control, and to provide accessible resources in public areas. This way, in the event of a natural disaster, active shooter situation or other large mass casualty event where emergency responders are overwhelmed with large numbers of patients, members of the public can provide basic emergency care to save the lives of our fellow community members. Also, if a member of the public can intervene and help stop life threatening bleeding before Fire or EMS arrive on scene, it is a win for all of us!

Other EMS related items of note for the month of February:

- Jon Cole from Enerspect visited Gladstone Fire at the end of the month to perform annual service on all of our cardiac monitors/defibrillators.

- Zach Buchanan was awarded the scholarship to the Timberline EMS Conference. Zach will be receiving paid admission to the preconference classes, conference and also a room at Timberline Lodge courtesy of the East Clackamas EMS Association. Congratulations, Zach!

Finally, we recently presented Gladstone citizen Sean Flett with the Gladstone Fire Life Saving Award. Gladstone Fire also recognized the emergency responders involved on this call with the “Secunda Vita” (Second Life) challenge coin at last month’s city council meeting. This coin is only awarded to responders that treat a patient in cardiac arrest, who is revived and discharged from the hospital in a manner that allows them to continue living their life. This is the second time we have awarded this coin in the 2018 year!

I highlighted the 911 call in last month’s report, but as a recap Sean provided life-saving CPR to a family friend early Christmas morning. Fire, police and EMS crews arrived quickly and worked together seamlessly. The patient regained a pulse, received emergency care in the field and was transported to a cardiac specialty hospital. The patient received additional cardiac specific care, recovery care and was discharged four days later.

The CPR Sean Flett performed from the time the event happened until the time emergency responders arrived is exactly in line with current American Heart Association guidelines and training. We hope this will help encourage members of the public to become trained in CPR in the event the unthinkable happens.



Emergency service professionals from the following agencies were also recognized:

- Clackamas County 911 (C-Com) Dispatcher Fred Youngbluth

- Gladstone Fire Engine 391:
 - Captain/EMT Pat Brost
 - ENG/EMT Tim Atkeson
 - FF/EMT Zach Buchanan

- Gladstone Police:
 - Officer Danny Day
 - Officer Dustin Olson

- American Medical Response Medic 275:
 - Paramedic Alex Hall
 - EMT Maryssa Donaghy

- Gladstone Fire Squad 390:
 - Captain/EMT Intermediate Richard Newton
 - Lieutenant/Paramedic Gabe Wiggins

We thank them for their teamwork and cooperation in performing care that was greater than they could've provided on their own, and the manner in which they performed their duty that Christmas morning: quickly, competently, professionally, and with compassion. Congratulations to all those who were involved and made a difference preserving another person's life!

From Captain Brost A Shift:

A-shift responded to 49 emergency calls during February. As with all things fire department, those were as varied and as important as are the citizens of this community we are lucky to serve. They included everything from assisting people from a fall, to helping hospice patients, to vehicle accidents, and fires.

Most of A-company either just completed a large project, or is getting ready to start a new one, or both. February was spent by most as a time to respond to calls and be available for the department and to get ready for whatever that individual firefighter's next step is going to be in his/her personal and professional development. They all work hard while they're here and I appreciate that.

I attended two classes in February to help me work on being certified as an Engine Boss. One was a two-day class early in the month (S131/133, Firefighter Type 1) and one was a three-day class at the end of the month (S230, Single Resource Boss). These were held with multiple other agencies and contract wildland firefighting companies. We had some excellent instructors, especially with the S230 class. It was a great time to network and learn. I attended each of these with Lt. Schafer and Eng/AIC Sotin and I feel we represented the department well. The goal is to have more flexibility in staffing for qualified individuals to go on wildfires during the fire season. I look forward to continuing down this road.

Notable Calls

There were a couple of trends I noticed during the month of February. One was individuals using barrels to burn construction debris outside. A-shift responded to several of these incidents during the month and took the opportunity to connect with the community and educate them on the specifics of Gladstone's outdoor burning ordinance.

Another trend was overdoses. Each one of these met expedient and appropriate responses by responding crews. But, this was a reminder to myself and hopefully our crews to really try and watch out for people, reach out to them, and care for them. The winter time can be challenging for people.

On February 10, E391 was dispatched along with a task force to a fire on W. Clackamas Blvd. E391 arrived to discover it was clothing in a dryer that was on fire, and E391 along with Clackamas E315 worked quickly to remove the burning items from the apartment and take them outside where they could be extinguished. While the call wasn't particularly arduous, there was something noteworthy. There was a smoke alarm in the immediate vicinity of the fire, and it never alarmed. Upon inspection, the battery had been removed. Had the resident not been home and alert, this could have had a very, very different outcome. We're glad everyone was okay.

From Captain Kirk Stempel B Shift:

With the start of 2019, February has been a very busy month with 122 calls for assistance, and 253 calls so far this year.

SPECIAL OPERATIONS / TECH RESCUE:



The month of February has proven to be a busy month with Technical Rescue training. This month, crews worked on throw bags and deploying cross river ropes by using different techniques including our rope launcher.



Dive training continues with Captain Vroman, and his open water check out that was scheduled for this month had to be rescheduled due to the large amounts of snow that fell at the training area. The dive team spends numerous hours training with skills and rescue scenarios in prep for the summer season.

The next swift water rescue training class has been scheduled for the beginning of May, and I will be sending 6 of our own to this extensive 3 day training.

PIO:

Work continues at updating our city website, including new content and additional photos. Our Instagram and Twitter accounts are both doing well, great items being added to them daily.

OTHER ITEMS OF INTEREST:



On February 2nd, B Shift responded to a head on car crash on Mcloughlin Blvd. My crew, with the assistance of Clackamas Fire, performed a quick extrication of the passenger that involved cutting the car open. Patient was transported to a hospital with non-life threatening injuries.



On February 8th, with the threat of snow in the Clackamas county area, we spent some time getting the apparatus chained up and ready for the big freeze. With areas in Gladstone that require getting up some steep hills, safety is priority!



On February 14th, B Shift responded to a single vehicle crash on Portland Ave. On arrival, we found one car that had extensive damage to it, and a quick triage found one patient that needed to be extricated. The crew did a fantastic job with a quick extrication and packaging of the patient who was transported to a trauma hospital.



On February 26th, I had the privilege of instructing Gladstone Public Works on CPR and the Automated External Defibrillator (AED). This knowledge will give them the advantage if there is ever a cardiac event in the field, as initiating early CPR will give a patient an increased chance of survivability.

From Captain Richard Newton C Shift:

C-shift has been out doing lots of training with the department. C-shift is working with training on a new concept of water supply. There has been some great work done with CCOM in regards to the Pre-plans.



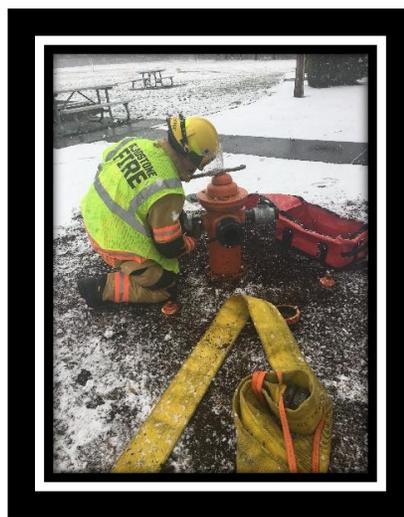
Truck training with some of our new operators.

Projects:

The Pre-fire incident plan project is ongoing and doing well. With the new computer upgrade from windows 7 to windows 10 there were some new challenges with the program, but they have been worked out. What you need to know is that First Look Pro (FLP) will work just as it has in the past. I will be introducing a new form next month that will help track issues with FLP. Val Cadino Consulting and I met with C-COM on February 22nd, 2019 to go over what they had in CAD for Pre-plans. At the end of the day C-COM has every Pre-plan that we have in our system FLP. So when we get a call to any of the apartment complexes or any other business that is in FLP. They should be on the apparatus Mobile Data Computers (MDC) under the Prim function button **(If you are not familiar with this function see your Captain)**. C-COM was also able to change the names of these complexes to match what is in FLP. There's now 350 Pre-plans in the FLP program.

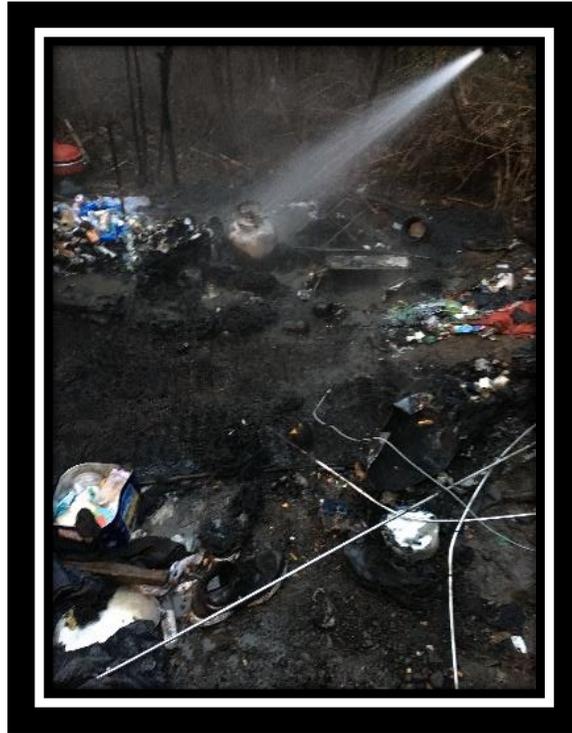
Fire operations:

Gladstone Fire Department (GFD) will be moving to a hydrant bag. There's a couple of reasons for this. As the department moved on from high pressure to low pressure nozzles we deliver more water than we did before. With that being said we need more water from the hydrant. To address this issue GFD will be "dressing" the hydrant. What that means is we will be taking two hydrant gates and adding them to the two 2.5 ports. This will allow for additional lines to come off the hydrant and deliver more water to the pumping apparatus.



Calls:

On the morning of February 3, 2019 we had a call for a miscellaneous fire at the NB off ramp of I-205 (Gladstone exit). There we had a transient camp that was fully involved. As we were cleaning up Gladstone fire got dispatched to a call for a burn patient. The burn patient happened to be from the transient camp. The patient was treated and transported to the Burn Center.



On February 7, 2019 GFD was dispatched on a third (3rd) alarm fire in Molalla. T392 got to perform some forcible entry on multiple businesses to check for fire extension.



GLADSTONE MUNICIPAL COURT FEBRUARY 2019

	Viol. Fee assessed	Viol. Fees Paid	Misd. Fine Assessed	Misd. Fees Paid
Jan. 2018	\$ 82,695.26	\$ 31,475.75	\$ 41,340.50	\$ 11,583.12
Jan. 2019	\$ 62,173.00	\$ 28,973.67	\$ 16,748.50	\$ 10,315.17
Feb. 2018	\$ 84,425.75	\$ 28,879.41	\$ 20,820.00	\$ 10,649.57
Feb. 2019	\$ 33,666.05	\$ 24,608.32	\$ 10,875.25	\$ 9,955.57
Mar. 2018	\$ 36,815.08	\$ 42,146.18	\$ 14,588.00	\$ 9,977.53
Apr. 2018	\$ 44,254.00	\$ 39,299.22	\$ 10,547.00	\$ 8,528.31
May. 2018	\$ 38,926.00	\$ 34,218.09	\$ 11,427.50	\$ 13,873.70
Jun. 2018	\$ 50,968.00	\$ 38,467.85	\$ 13,796.00	\$ 12,249.84
Jul. 2018	\$ 33,509.79	\$ 27,625.22	\$ 3,172.00	\$ 12,793.70
Aug. 2018	\$ 45,548.00	\$ 33,676.39	\$ 11,334.67	\$ 14,979.08
Sept. 2018	\$ 20,374.00	\$ 26,286.79	\$ 4,206.75	\$ 10,884.78
Oct. 2018	\$ 31,177.00	\$ 26,884.79	\$ 3,424.00	\$ 13,550.47
Nov. 2018	\$ 36,566.53	\$ 24,234.34	\$ 4,728.25	\$ 14,619.54
Dec. 2018	\$ 21,961.50	\$ 20,534.13	\$ 446.00	\$ 4,765.81

General Information for February 2019

- 151 violation filed
- 44 violations closed
- 17 misdemeanors filed
- 4 misdemeanors closed
- 20 violations were dismissed through the fixit program
- 28 warrants were issued
- 134 cases were set up on a payment agreement
- 19 overdue payment letters were mailed
- 5 driver's licenses were requested suspended
- 39 cases were sent to collections
- 1 Jury trial was held
- \$33,666.05 in violation fees assessed
- \$24,608.32 in violation fees paid
- \$10,875.25 in misdemeanor fees assessed
- \$9,955.57 in misdemeanor fees paid
- \$6,767.48 received from Western Collections Bureau
- \$9,107.52 was collected with the Dept. of Revenue

GLADSTONE MUNICIPAL COURT FEBRUARY 2019

	Viol. Filed	Viol. Disposed	Misd. Filed	Misd. Disposed	Parking filed
Jan. 2018	116	187	31	34	10
Jan. 2019	122	174	19	17	4
Feb. 2018	255	206	19	14	5
Feb. 2019	151	133	17	9	2
Mar. 2018	218	178	8	14	11
Apr. 2018	227	113	14	3	3
May. 2018	174	30	8	11	6
Jun. 2018	133	184	23	14	2
Jul. 2018	168	93	17	6	14
Aug. 2018	88	156	15	5	6
Sept. 2018	170	44	17	8	4
Oct. 2018	109	57	11	3	4
Nov. 2018	55	90	14	8	4
Dec. 2018	176	57	32	2	2



Gladstone Senior Center

Monthly Report

February 2019

Report Date: March 5, 2019

To: City Administrator, Jacque Betz

From: Senior Center Manager, Colin Black

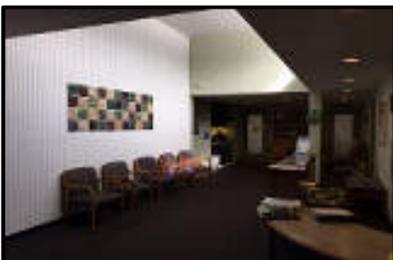
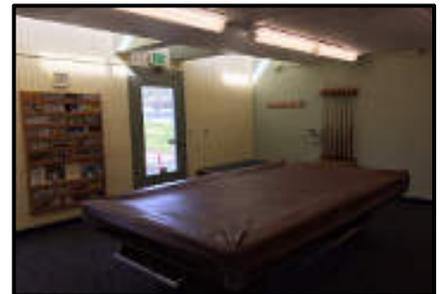
Work continues at the Senior Center and each week are one step closer to being completely operational once again. As always, the Senior Center staff are available to provide tours and updates on our progress as it improves. Here are some current photos of the work as of the date of this report. The smaller portion of the Bloye Hall (our dining hall) that we are able to partition off, has been reopened for business. This will allow us to hold more than one program, service, or activity at a time.



Here we have clients participating in our weekly Bingo game.

Our Billiards Room is back!

This has been one area that clients have been calling about weekly. We are very happy to have it back!



The lobby is decorated and furnished once again.

Tax season is here! The AARP Tax Foundation started its' annual assistance program here at the Senior Center on February 1. AARP has a new system for processing tax returns; the new

system allows the preparers more information on current tax laws and processing time. As of the date of this report, we are completely booked for tax assistance for the rest of the tax year.

Home bound meal preparation and delivery continues without a hitch. We are grateful to the assistance that the Pioneer Center in Oregon City is providing. As of March 1, 2019, we anticipate that we will be fully operational once again in mind-April, this is of course assuming all goes as planned, we will keep you updated. With the assistance of the Gladstone Seniors Foundation, we will host an excellent reopening ceremony and luncheon!

The budget season is upon us again. Senior Center staff have worked hard to ensure that we are submitting a carefully planned budget that meets our needs while continuing to be good stewards of City funds.

In February, your Senior Center staff:

- Developed our 19-21 Biennium budget.
- SC Manager Black, GPD Chief Yamashita, and GFD Chief Smith continue to work on our emergency preparedness efforts within the city.
- Attended the Clackamas County Transportation Consortium meeting. We discussed what the state legislature is proposing for the State Biennium Social Services funding.
- SC Manager Black gave an Emergency Preparation presentation at Clackamas Rehab for residents.
- Provide outreach to the community about the progress the Senior Center is making to our clients. As a reminder to all, please ensure that you and your family are prepared for any disaster that may happen. *Disasters don't prepare, but you can!*
- While our daily transportation numbers are down, we are seeing an increase in our Friday excursions. Our daily transportation numbers will resume to more normal numbers once we have the kitchen open.
- Our home-bound meal client numbers remain the same.

Your Senior Center staff do have one request. Please continue to advocate for the Senior Center within our community. We are in dire need of home bound meal drivers. If you or anyone you know of are able to assist, please send them our way, we would really appreciate it.

Respectfully,

Colin Black

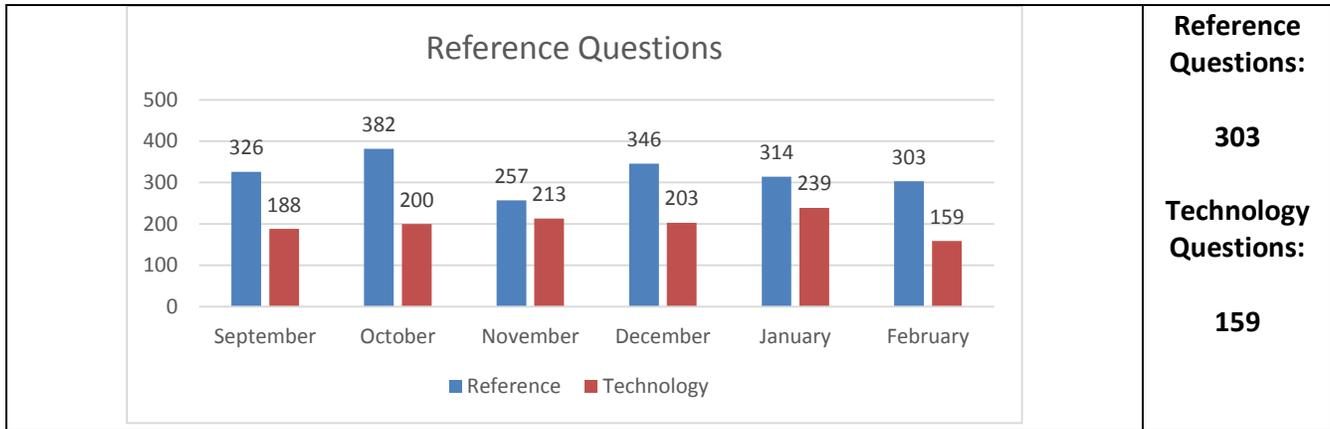
Senior Center Manager

Social Media Coordinator

GLADSTONE PUBLIC LIBRARY DIRECTOR'S REPORT

February 2019

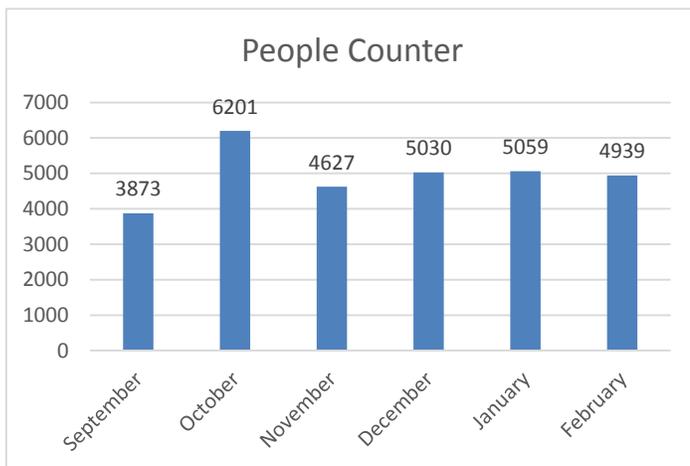
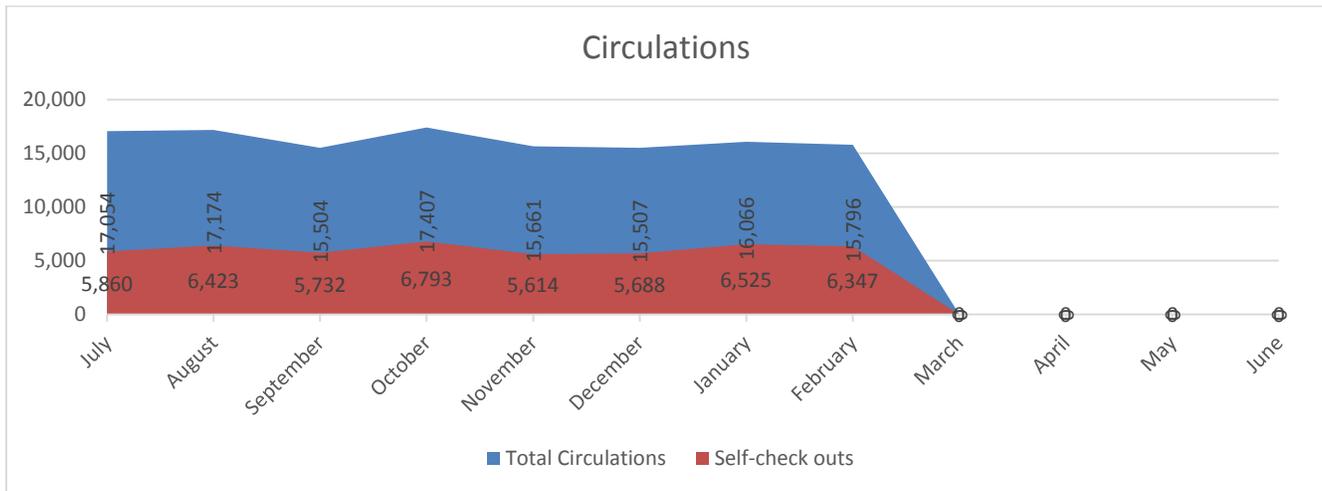
Library Statistics: February 1-28, 2019



Reference Questions:
303

Technology Questions:
159

New Library Cards	Registered Borrowers	Items Owned	Total Circulations	Self-check outs	Hold Placed	Internet Sessions
34	5,358	45,200	15,796	6,347	4,335	798



Social Media:

- Facebook Likes: 614
- Twitter followers: 188
- Instagram followers: 804

Volunteer hours: 139

People Counter: 4939

GLADSTONE PUBLIC LIBRARY DIRECTOR'S REPORT

February 2019

Updates:

- The adult fiction collections have been shifted, with big thanks to staff members Dillon and Ann, who completed the project in record time. Now, all fiction genres (science fiction, fantasy, mystery, etc.) have genre stickers, and are interfiled with general fiction. Staff are available to help anyone find what they're looking for with the new shelving system.
- In April, LINCC will be launching a brand new online cultural pass reservation system! In most cases, patrons will be able to reserve and print passes from home, without having to pick up a pass at the library or return it afterward. Be on the lookout for more information soon!
- We will be having a brand new weekly storytime on Saturdays starting in March! Families with children of all ages are invited to join us at 9:30 am for an engaging storytime featuring, books, songs, and activities designed to promote early literacy development.
- The Library will be closed all day on March 7th for a staff training event with the Oak Lodge Library.
- The Adult Winter Reading Program continues through the end of March. Participants can begin turning in their completed bingo cards March 1st, and the Grand Prize Drawing will occur on March 31st.
- On March 14th, we will have Master Quiller Heidi Johnson teaching a class on making cards with paper quilling techniques! Advance registration is already full, but please contact the library to be placed on the wait list for the class.
- Wednesdays starting in mid-March through April, we're excited to have a series of Master Gardener talks for the public at 6 PM:
 - 3/20: Edible Landscaping with Laura Huckaba
 - 3/27: Chickens with Cindy Manselle
 - 4/3: Fairy Gardens with Cindy Manselle
 - 4/10: Native Plants with Jim Cronenberg
 - 4/17: Xeriscaping with Kris LaMar



City of Gladstone Monthly Report | FEBRUARY 2019

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/Planning Actions	JANUARY	FEBRUARY	MARCH	APRIL	YEAR TOTALS
Customer Service Counter Contacts	8	4			12
Customer phone contacts	48	42			90
Building Permits Issued	0	1			1
Pre-application conferences	3	1			4
Administrative Decisions	0	0			0

PLANNING COMMISSION ACTIONS/DECISIONS

- APPROVAL OF Z0597-18-D, Z0598-18-C

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- NONE

PRE-APPLICATION CONFERENCES

- Conversion of a residential building to commercial at 540 Portland Ave

BUILDING PERMITS

FEBRUARY

Date	Address	Building Permit #	Description
2/21	19300 McLoughlin	B0369418	Ron Tonkin Showroom

FUTURE ITEMS/PROPERTY UPDATES

Location	Topic	Contact
82 nd Ave Bridge	Retrofits and structural improvements to 82 nd ave bridge, suite of staff administrative decisions	County WES
18085 se Webster Ridge Rd.	Comp Plan/Zone change; (Design Review and Conditional Use Permit to follow at a subsequent hearing) for a multi-family apartment complex development	Cascadia Planning
310 W. Arlington	Building permit-Demolition of existing home, re-establishment of two platted lots; development of two new homes	N/A
18595 Portland Ave, Gladstone	Gladstone Civic Center Development; Tentatively scheduled for March Planning Commission meeting	City of Gladstone
19120 SE McLoughlin Blvd	CarzPlanet Design Review application to modify previously approved landscaping; Tentatively scheduled for April Planning Commission meeting	CarzPlanet



Gladstone Police Department Memorandum

March 1, 2019

TO: Jacque Betz, City Administrator

FROM: Kim Yamashita, Chief of Police

SUBJECT: Monthly Report – February 2019

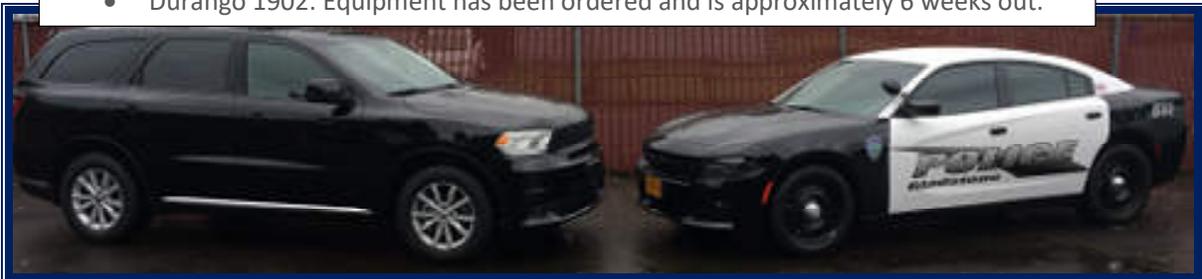
Patrol



Libby Wentz, Traffic Safety Board Chair did a ride along with Sgt. Okerman on February 2nd. Thank you Libby for your support of our community and the GPD!

Replacements for totaled patrol cars:

- Charger 1901 should be complete and operational in three weeks.
- Durango 1902: Equipment has been ordered and is approximately 6 weeks out.



We had some very important visitors tour the Gladstone Police Department this month. Kindergarten class from Paideia Classical Christian School.



ADMINISTRATION

On February 12, I went to Salem to testify before the Senate Judiciary Committee on an important house bill that good have impacts cities that go to mediation or arbitration over employee discipline/termination. The session went well and resulted in a working group representing both sides of the issue crafting language that will protect employees and cities rights.

CELEBRATIONS

Officer Butler is officially off FTO and on solo patrol as a regular career police Officer as of 2-21-19. We celebrated by having a small pizza dinner on his first night of solo patrol. If you don't know, Officer Butler, is an Active Army Reservist. Been deployed several times to the Gulf War and is a Bronze Star recipient. What an honor to have this caliber of an officer with our department.

Officer Blanco will be graduating from the Basic Law Enforcement Officers Academy March 15th.

CODE ENFORCEMENT

Some examples and stats of the work getting done.

700 Block of Debbie Court





AFTER

1700 block of Oatfield



Before

You can see the fence line and sidewalk are cleared of blackberries.



After

Here is a break-down of other things we are working on:

CP190360410		PRK - PARKING COMPLAINT	135 E CLARENDON ST	2/5/2019 14:36
CP190360412		PRK - PARKING COMPLAINT	215 E CLARENDON ST	2/5/2019 14:39
CP190370426	PH19-0003029	ABV - ABANDON VEH	500 W CLARENDON ST	2/6/2019 11:03
CP190370598	PH19-0003051	ORD - ORDINANCE VIOL	18310 PETITE CT	2/6/2019 14:14
CP190370631		PRK - PARKING COMPLAINT	18335 PETITE CT	2/6/2019 14:42
CP190370634		ABV - ABANDON VEH	18365 TRYON CT	2/6/2019 14:45
CP190420190		ABV - ABANDON VEH	18301-18399 TRYON CT	2/11/2019 9:58
CP190420283	PH19-0003377	ORD - ORDINANCE VIOL	7005 DEBBIE CT	2/11/2019 12:07
CP190420285		FOL - FOLLOW UP	17950-17998 OATFIELD RD	2/11/2019 12:14
CP190420290		PRK - PARKING COMPLAINT	17200 LUNDGREN WAY	2/11/2019 12:23
CP190420296		FOL - FOLLOW UP	1260 82ND DR	2/11/2019 12:29
CP190420319		PRK - PARKING COMPLAINT	200 W Arlington St	2/11/2019 12:58
CP190420349		ASP - ASSIST PERSON	535 Portland Ave	2/11/2019 13:47

CP190420406	PH19-0003392	ORD - ORDINANCE VIOL	495 W CLARENDON ST	2/11/2019 15:12
CP190420428	PH19-0003393	ORD - ORDINANCE VIOL	865 E BERKELEY ST	2/11/2019 15:36
CP190430184	PH19-0003450	ORD - ORDINANCE VIOL	535 PORTLAND AVE	2/12/2019 8:22
CP190430345	PH19-0003460	TAU** - TRF ACC UNK INJ	W Arlington St / Mcloughlin Blvd	2/12/2019 12:05
CP190430413		ABV - ABANDON VEH	216 E CLARENDON ST	2/12/2019 13:56
CP190430541		PRK - PARKING COMPLAINT	500-blk W Arlington St	2/12/2019 16:07
CP190430556		ABV - ABANDON VEH	6685 PARTRIDGE CIR	2/12/2019 16:31
CP190440147		PRK - PARKING COMPLAINT	1055 RISLEY AVE	2/13/2019 9:18
CP190440485		ABV - ABANDON VEH	355 CHICAGO AVE	2/13/2019 14:57
CP190440600		ORD - ORDINANCE VIOL	7005 DEBBIE CT	2/13/2019 16:48
CP190450180	PH19-0003623	ORD - ORDINANCE VIOL	390 W ARLINGTON ST	2/14/2019 9:27
CP190450418		PRK - PARKING COMPLAINT	17280 LUNDGREN WAY	2/14/2019 14:38
CP190510348		FOL - FOLLOW UP	6685 OAKRIDGE DR	2/20/2019 13:57
CP190510365		FOL - FOLLOW UP	1055 RISLEY AVE	2/20/2019 14:15
CP190520188	PH19-0004167	ORD - ORDINANCE VIOL	280 NELSON LN	2/21/2019 9:44
CP190520251		HAR - HARASSMENT/THREAT	365 E Exeter St	2/21/2019 11:02
CP190520285		FOL - FOLLOW UP	7005 DEBBIE CT	2/21/2019 11:37
CP190520290		FOL - FOLLOW UP	17952 OATFIELD RD	2/21/2019 11:40
CP190530171	PH19-0004246	ORD - ORDINANCE VIOL	7480 CASON CI	2/22/2019 9:39
CP190530358		ABV - ABANDON VEH	5801-5999 GLEN ECHO AVE	2/22/2019 13:27
CP190530364		ABV - ABANDON VEH	5850 GLEN ECHO AVE	2/22/2019 13:36
CP190530369		ABV - ABANDON VEH	5860 GLEN ECHO AVE	2/22/2019 13:42
CP190560196	PH19-0004456	ABV - ABANDON VEH	5801-5999 GLEN ECHO AVE	2/25/2019 10:07
CP190560398		ABV - ABANDON VEH	5801-5999 Glen Echo Ave	2/25/2019 14:42
CP190560408		PRK - PARKING COMPLAINT	5801-5999 GLEN ECHO AVE	2/25/2019 15:04

CP190560413		ABV - ABANDON VEH	5860 GLEN ECHO AVE	2/25/2019 15:08
CP190560437	PH19- 0004489	ORD - ORDINANCE VIOL	6560 CHESSINGTON LN	2/25/2019 15:33
CP190570132		PRK - PARKING COMPLAINT	630 E Fairfield St	2/26/2019 8:09
CP190570149	PH19- 0004536	ORD - ORDINANCE VIOL	635 E FAIRFIELD ST	2/26/2019 8:52
CP190570169		PRK - PARKING COMPLAINT	785 PORTLAND AVE	2/26/2019 9:17
CP190570389		PRK - PARKING COMPLAINT	150 W GLOUCESTER ST	2/26/2019 13:58
CP190570528		FOL - FOLLOW UP	6560 CHESSINGTON LN	2/26/2019 16:43
CP190590130		FOL - FOLLOW UP	535 Portland Ave	2/28/2019 8:10
CP190590490		FOL - FOLLOW UP	18317 OATFIELD RD	2/28/2019 15:19

Evidence

We started conducting monthly spot check audits of the evidence room this month. We ask to see a random piece of evidence to ensure it is on site, packaged and marked correctly and we inspect the storage area for cleanliness and organization. I conducted the first one on 2-21-19 and am happy to report that the evidence areas are clean, organized and the evidence I was looking for was secure and packaged correctly. Command staff will rotate this duty assignment.

Respectfully,

Kim E. Yamashita

Kim E. Yamashita
Chief of Police



REGULAR AGENDA

State of the Cities Address

A copy of the Mayor's *State of the Cities Address* will be posted on the website as "additional correspondence" after the City Council Meeting.

City of Gladstone Staff Report

Report Date: March 6, 2019
Meeting Date: March 12, 2019
To: City Council
Via:
From: Jacque M. Betz, City Administrator

AGENDA ITEM

Presentation of the City of Gladstone Strategic Plan for 2019-2021

PROPOSAL

On January 25 and 26, 2019 the City Council and management team held a Strategic Planning Retreat, facilitated by John Morgan of Morgan CPS. There were two objectives:

- 1) Improve the functioning and effectiveness of the Gladstone City Council as an entity and in partnership with the City's management team;
- 2) Establish Goals for 2019 and 2020 to guide Council agenda items, the City's work programs and the FY 19/20 budget.

A copy of the City of Gladstone Strategic Plan for 2019-2021 is attached as Exhibit A.

Also as part of the retreat the 2018 Report Card on the City's Strategic Plan was presented to Council. The Report Card is attached as Exhibit B.

Recommended Staff Action

No staff action recommended

Department Head
Signature

Date


City Administrator
Signature

3-6-19

Date

City of Gladstone Strategic Plan

2019 - 2021



The Gladstone City Council has created a Strategic Plan to better serve citizens for the next two years (2019–2021). The priority projects will be undertaken within available and forecasted financial resources. The City’s vision and core values, two-year goals and priority projects are highlighted below.

City Council’s Goals for the Next Two Years

- Communicate with the public
- Invest in infrastructure
- Address affordable housing
- Provide resources for parks
- Identify a brand message for Gladstone
- Explore annexation options

Gladstone City Council



Councilors: Randy Ripley, Linda Neace, Matt Tracy, Mayor Tammy Stempel, Neal Reisner, Tracy Todd, Thomas Mersereau

Done!

Gladstone’s recent accomplishments:

- ✓ Water-sewer-stormwater-transportation and parks master plans completed
- ✓ System Development Charges (SDCs) in place to ensure new development pays its fair share
- ✓ New library being planned on current City Hall site, in partnership with Clackamas County
- ✓ 24/7 Fire Department to improve our response times and expanded technical training to include rope, dive and swift water rescue
- ✓ Successful K-9 program implemented
- ✓ Completed the Downtown Revitalization Plan

Gladstone Vision and Core Values

Our City will be...

- Safe
- Healthy
- Engaged
- Livable
- Vibrant
- Thriving
- Highly qualified
- Accountable
- Financially stable
- Continually improving

Priority Projects: 2019-2021

Here are some of the amazing projects coming soon...

Facilities	<p>Open the new voter-approved Gladstone Police Station & City Hall in 2020 – on-time and on-budget.</p> <p>Return the Senior Center to full operation.</p> <p>Conduct a feasibility study to replace the Trolley Trail Bridge that connects Gladstone and Oregon City.</p>
Infrastructure	<p>Renew service agreements with our water, sewer, stormwater partner agencies.</p> <p>Update utility rates to re-invest in our infrastructure.</p> <p>Reach agreement with DEQ on capital projects needed to correct deficiencies and protect the environment.</p>
Parks	<p>Evaluate fees and other supplemental funding resource methods for our parks.</p>
Housing	<p>Complete the Housing Needs Assessment and code audit.</p>
Communications	<p>Provide consistent and accurate communications.</p>
Other Projects	<p>Welcome Gladstone’s new police chief and fire chief.</p> <p>Explore annexation options to ensure financially sustainable services.</p>



Construction of Gladstone’s new Police Station/City Hall is set to be completed in 2020.

City of Gladstone Strategic Plan



**2018 REPORT
CARD**

Years 2018-2022

The City of Gladstone is a thriving organization. In effort to prioritize for a future with forecasted financial resources, the City Council and employees prepared a five year strategic plan beginning in 2016 to chart a direction for the City to better serve its citizens. The City and employees met in January of 2017 and 2018 to update the strategic plan, which continues to identify the City's vision, mission, core values, goals, and objectives. This document is utilized by the City in the developments of budgets and to provide guidance on Council policies.

Vision

- Gladstone - a vibrant place for people to live, work and play

Mission

- Continually Improving ~ Quality Customer Service

Core Values

- Safe Community
- Healthy Economy
- Quality Services
- Accountable Leadership
- Citizen Engagement

Goals

- Enhance the Livability in Gladstone
- Address Critical Civic Building Needs
- Ensure a Highly Qualified Workforce
- Maintain the Health and Long Term Vibrancy (Stability) of the City of Gladstone
- Ensure Financial Stewardship and Long Term Municipal Financial Stability

Objectives

ENHANCE THE LIVABILITY IN GLADSTONE		Score
		1 2 3 4 5
		2018
1.1	Develop a strategic Communication Plan that addresses residents, businesses, and City employees and encourages citizen participation.	4
1.2	Complete the Downtown Revitalization Planning process.	5
1.3	Move forward on Trolley Trail Bridge Feasibility Study through ODOT grant.	5
1.4	Complete Parks System Development Charges (SDCs) Study	5
1.5	Complete sewer rate study	5
1.6	Complete Technology Plan.	5
1.7	Research the feasibility of a Gladstone Fiber Network.	0
1.8	Update Intergovernmental Agreement with North Clackamas County Water Commission and Oak lodge water services	5
1.9	Proactive Code Enforcement Program with Adequate resources.	5
Final Score Average		4.33

ADDRESS CRITICAL CIVIC BUILDING NEEDS		Score
		1 2 3 4 5
		2018
2.1	Continue to work with Clackamas County on the new Gladstone library project	5
2.2	Post pictures or concept of new buildings, facilities	5
2.3	Move forward with constructing new City Hall/Police Station per citizens' vote.	5
2.4	In the design phase use existing or new facilities to supply needs for public safety, seniors, administration office, multipurpose use, training, etc.	5
2.5	Explore expanded uses of the senior center	5
2.6	Explore feasibility of adding sleeping quarters to existing Fire Department	5
2.7	Explore options for permanent Public Works facilities	5
Final Score Average		5

RECRUIT AND RETAIN A HIGHLY QUALIFIED WORKFORCE		Score
		1 2 3 4 5
		2018
3.1	Develop organization necessary to efficiently provide services	5
3.2	Provide competitive salary, and training, to attract and keep top professionals.	5
3.3	Provide a positive work environment.	5
3.4	Complete class and compensation studies on non- represented employees	5
3.5	Complete class and compensation studies on represented employees	5
3.6	Revise Employee Performance Evaluation Document	0
3.7	Revise Employee Handbook	0
3.8	Develop an employee recognition program/appreciation	5
3.9	Prepare a citywide staffing and programming plan for the new buildings	4
Final Score Average		3.78

MAINTAIN THE HEALTH AND LONG TERM VIBRANCY AND STABILITY OF GLADSTONE		Score
		1 2 3 4 5
		2018
4.1	Move forward with Water Master Plan ensuring it has the financial plan implemented considering residents and businesses willingness to pay.	5
4.2	Move forward with Stormwater Master Plan ensuring it has the financial plan implemented considering residents and businesses willingness to pay	5
4.3	Move forward with Sewer Master Plan ensuring it has the financial plan implemented considering residents and businesses willingness to pay	5
4.4	Build in a capability to maintain our facilities (infrastructure, buildings, etc).	5
Final Score Average		5

ENSURE FINANCIAL STEWARDSHIP AND LONG TERM MUNICIPAL FINANCIAL STABILITY		Score
		1 2 3 4 5
		2018
5.1	Identify and implement a cost-recovery model for services we don't currently charge for.	5
5.2	Prepare to renew Fire/EMS Levy and renew Police Levy 2018.	5
5.3	Consider the feasibility of an annexation strategy and policy	0
Final Score Average		3.33

Gladstone School District Report

City of Gladstone Staff Report

Report Date: March 5, 2019
Meeting Date: March 12, 2019
To: Gladstone City Council
From: Jacque Betz, City Administrator
John Southgate, Consultant

AGENDA ITEM

Gladstone Housing Code Audit Advisory Committee; Appointment of Committee Members

History/Background

Per Resolution No. 1129, *A Resolution Adopting Council Rules, Section R. Commissions, Boards, Committees, Organizations & Media* it states the following;

1. Citizen Appointment and Removal
 - b. When creating an ad hoc committee or a vacancy occurs on an ad hoc committee, City staff and Council will make recommendations to the Mayor who will then appoint the chosen individuals with the consent of the council by a majority vote at a Council meeting.

The City is partnering with Clackamas County's Planning Department and the State's Department of Land Conservation & Development (DLCD) to undertake an audit of the City's Development Code as it pertains to housing. DLCD is funding the effort, which entails retaining a planning consultant (Siegel Planning) to perform the audit, the ultimate goal of which is to increase "the supply and affordability of housing" in Gladstone.

As part of this work, the City is charged with forming an Advisory Committee to provide feedback on the Audit. With assistance from John Southgate (under contract to assist the City in advancing its downtown revitalization strategy), we have identified the following individuals to serve on the Advisory Committee. The intention is that the Committee include a broad variety of perspectives, both community members as well as from professionals (from a variety of public sector and private sector fields) who understand the challenges and opportunities associated with new housing development. The Advisory Committee will meet twice – once in mid-March to review and provide comment on the draft Code Audit; and again in late April to review revisions to the Audit and also to weigh in on feedback from the general public. At this second meeting in April, the Advisory Committee may also opt to make recommendations to the Planning Commission and City Council regarding the Audit (including suggested changes to the Audit).

The proposed member list:

- Randi Thomas, Abernethy Neighborhood Group
- Second Representative (TBD), Abernethy Neighborhood Group
- Jeff Waters, Gladstone School District
- Randy Rowlette, Planning Commission liaison
- Jill Smith, County Housing Authority
- Julie Garver, Innovative Housing, Inc.
- Clay Crowhurst, NW Housing Alternatives
- Dennis Marsh, Downtown Property Owner
- Michael Maxwell, Downtown Property Owner
- Jonathan Russell, Seventh Day Adventist Church
- Dan Fowler, For-Profit Developer*
- Sid Scott, Architect

*note that Mr. Fowler have not confirmed their availability to serve as of March 5, 2019; I intend to confirm their availability prior to the Council hearing on March 12, 2019.

Options

The City Council may opt to remove names from the list; or add other names to the list.

Cost Impact

The City will incur limited costs for Mr. Southgate's time overseeing the formation and facilitation of the Committee - the identified funding source is the Community Promotions/Business Development line item in the administration budget.

Staff Recommendation

Staff recommends the Council support the Mayor appointing the above mentioned members to an ad hoc committee to provide feedback on the Gladstone Housing Code Audit proposal.

Department Head
Signature Date


City Administrator
Signature 3-6-19
Date

City of Gladstone Staff Report

Report Date : March 5, 2019
Meeting Date: March 12, 2019
To : City Council
From : Jim Whynot, Public Works Director

AGENDA ITEM

Authorizing staff to enter into Mutual Agreement and Order with the State of Oregon to settle DEQ violations.

History/Background

The City of Gladstone has a longstanding history of DEQ violations pertaining to raw sewage overflowing into the Clackamas River. This is the result of stormwater inflow and infiltration (I&I).

DEQ has been aware of these longstanding issues for a number of years, and has worked with the city to allow us time to correct these deficiencies. However, until recently, the city has made very little progress to do so, and has since run out of time with DEQ, resulting in the fines and stipulations. The current Public Works Director met with DEQ to mitigate the sanctions against the city, resulting in a negotiated Mutual Agreement and Order (MAO). Mutual Agreement and Order No. WQ/M-NWR-2019-038 is attached hereto, marked Exhibit A, and incorporated by reference.

Proposal:

Staff recommends the Public Works Director be authorized to enter into and sign as the City's Representative, Mutual Agreement and Order No. WQ/M-NWR-2019-038.

Options:

The City's options are limited. Oregon Statutes and Oregon Administrative Rules clearly establish authority with the State of Oregon to enforce violations of municipal wastewater discharge into State waterways.

- Option 1 - Do not enter into this MOA, incur further penalties at progressively increasing amounts, along with potentially increasing sanctions.
- Option 2 - Enter into the MOA, pay the civil penalty, and abide by the stipulations.

Cost Impact:

Due to increased oversight by the DEQ for longstanding past issues with the city's violations, current staff will be required to expend additional time and resources to implement the terms of the compliance order. Additionally, DEQ will begin assessing civil penalties for future violations as set out in the MAO. Also, the City is required to pay a civil penalty of \$4,800 as a global settlement for past violations as set out in the

MAO,

and due upon execution of the MAO. Furthermore, among other stipulations, DEQ is requiring a schedule of major milestones to correct these longstanding issues. The fine will be paid from the sewer fund.

Recommended Staff Action:

Staff recommends the City authorize the current Public Works Director to enter into and sign the attached Mutual Agreement and Order No. WQ/M-NWR-2019-038.

Department Head Signature Date

Jaqueline M. Bell 3-6-19

City Administrator Signature Date

**RESOLUTION NO. 1157
CITY OF GLADSTONE, OREGON**

A Resolution to Adopt the Mutual Agreement and Order between The City of Gladstone and Oregon Department of Environment Quality (DEQ)

WHEREAS, the Department of Environment Quality (DEQ) has found the City to be in violation of certain Oregon Revised Statutes and Oregon Administrative Rules as set out in the attached Mutual Agreement and Order (MAO) No. WQ/M-NWR-2019-038, specifically relating to prohibited discharge of raw sewage to state waters. Said MAO is attached hereto and marked Exhibit A; and

WHEREAS, both DEQ and the City recognize that during heavy rains, the joint stormwater and sanitary sewer lines will overflow into the state waters again; and

WHEREAS, The City recognizes that the Environmental Quality Commission has the authority to impose a civil penalty and to issue abatement orders for violations of Oregon law; and

WHEREAS, both DEQ and the City wish to settle the City's past violations and to address future violations as stipulated in the MAO; and

WHEREAS, to address the City's longstanding infrastructure issues as it relates to stormwater, in 2017 the City implemented a stormwater fee in order to begin to provide funding to correct stormwater related environmental violations; and

WHEREAS, DEQ recognizes the efforts the City has recently made to begin to address infrastructure deficiencies; and

WHEREAS, the Environmental Quality Commission has issued a final order as set forth in the attached MOA.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Gladstone,

a municipal corporation of the State of Oregon, the following:

The Public Works Director is authorized to act as the City Representative for the City of Gladstone, to enter into the Mutual Agreement and Order with the State of Oregon.

This Resolution adopted by the Gladstone City Council and approved by the Mayor this 12th day of March, 2019

ATTEST:

Tamara Stempel, Mayor

Tami Bannick, City Recorder

1 caused negligently, willfully or intentionally) in advance by this Mutual Agreement and Order
2 (MAO).

3 5. This MAO is not intended to limit, in any way, DEQ's right to proceed against the
4 City in any forum for any past or future violations not expressly settled herein.

5 NOW THEREFORE, it is stipulated and agreed that:

6 6. The Environmental Quality Commission shall issue a final order:

7 A. Requiring the City to comply with the following compliance order:

8 (1) By May 31, 2019, begin comprehensive Inflow and Infiltration study
9 planning, including preliminary flow data gathering. Immediately notify DEQ when data
10 gathering begins.

11 (2) By July 31, 2020, begin data analysis, hire consultant(s) and allocate
12 budget for the Inflow and Infiltration study. Share budget and consultant deliverable
13 requirements with DEQ when determined.

14 (3) By August 31, 2022, complete the Inflow and Infiltration study and
15 submit to DEQ for review, comment and approval.

16 (4) By November 30, 2022, revise the Inflow and Infiltration study
17 consistent with any DEQ comments and resubmit for DEQ review and approval.

18 (5) By July 31, 2023, complete a final schedule and annual budget for
19 addressing the issues identified by the Inflow and Infiltration study.

20 (6) By January 31, 2024, complete all construction identified in the DEQ
21 approved Inflow and Infiltration study as major sources of inflow to sanitary sewers.

22 B. Requiring the City to report all Sanitary Sewer Overflows (SSOs) in the
23 following manner:

24 (1) The City must report SSOs orally within 24 hours in the following
25 manner:

26 ///

1 a. For overflows other than basement backups, the City must report
2 the following information to the Oregon Emergency Response
3 System (OERS) at 1-800-452-0311. For basement backups, the City
4 must report the following information directly to the DEQ regional
5 office.

- 6 i. The location of the overflow;
- 7 ii. The receiving water (if there is one);
- 8 iii. An estimate of the volume of the overflow;
- 9 iv. A description of the sewer system component from which
10 the release occurred (for example, manhole, constructed
11 overflow pipe, crack in pipe); and
- 12 v. The estimated date and time when the overflow began and
13 stopped or will be stopped.

14 b. The City must report the following information to the DEQ
15 regional office within 24 hours, or during normal business hours,
16 whichever is earlier:

- 17 i. The OERS incident number (if applicable); and
- 18 ii. A brief description of the event.

19 (2) The City must report SSOs in writing, postmarked within 5 days, in the
20 following manner:

21 a. The City must provide the following information to the DEQ
22 regional office within 5 days from the time the City becomes aware
23 of the overflow:

- 24 i. The OERS incident number (if applicable);
- 25 ii. The cause or suspected cause of the overflow;

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- iii. The steps take or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;
- iv. The steps take or planned to mitigate the impacts of the overflow and a schedule of major milestones for those steps;
- and
- v. For storm related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.
- vi. In reporting overflows, include all data from which overflow amounts were determined, including but not limited to: formula(s), spreadsheet(s), weir elevation, water surface elevation, and times and durations of the overflows

(3) DEQ may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

C. Requiring the City, upon receipt of a written Penalty Demand Notice from DEQ, to pay the following civil penalties:

- a. \$2,400 for each violation of the corrective action schedule set forth in Paragraph 6.A.
- b. For sewage overflows, as measured by the meter at the overflow pipe which discharges to the Clackamas River, also known as the manhole at the address of 110 West Clackamas Boulevard, in Gladstone Oregon, \$500 for each SSO up to 100,000 gallons of overflow, \$1,000 for each sewage overflows of more than 100,000 gallons but less than 200,000 gallons, and for other SSOs, an additional \$500 where the volume exceeds another 100,000 gallon increment.

1 D. Requiring the City to pay a civil penalty of \$4,800 for the violations listed in
2 Paragraph 2 above, which is due upon execution of this MAO. Make the check or money order
3 payable to "State Treasurer, State of Oregon" and send it to the DEQ, Revenue Section, 700 NE
4 Multnomah Street, Suite 600, Portland, OR 97232.

5 7. If any event occurs that is beyond the City's reasonable control and that causes or
6 may cause a delay or deviation in performance of the requirements of this MAO, the City must
7 immediately notify DEQ verbally of the cause of delay or deviation and its anticipated duration,
8 the measures that have been or will be taken to prevent or minimize the delay or deviation, and
9 the timetable by which the City proposes to carry out such measures. The City must confirm in
10 writing this information within five (5) working days of the onset of the event. It is the City's
11 responsibility in the written notification to demonstrate to DEQ's satisfaction that the delay or
12 deviation has been or will be caused by circumstances beyond the control and despite due
13 diligence of the City. If the City so demonstrates, DEQ may extend times of performance of
14 related activities under this MAO as appropriate. Circumstances or events beyond the City's
15 control include, but are not limited to, acts of nature, unforeseen strikes, work stoppages, fires,
16 explosion, riot, sabotage, or war. Increased cost of performance or a consultant's failure to
17 provide timely reports are not considered circumstances beyond the City's control.

18 8. The violations set forth in Paragraph 3 will be addressed per DEQ's Enforcement
19 Guidance Internal Management Directive in effect at the time of the violation.

20 9. The City and DEQ hereby waive any and all of their rights to any and all notices,
21 hearing, judicial review, and to service of a copy of the final order herein. DEQ reserves the
22 right to enforce this order through appropriate administrative and judicial proceedings.

23 10. Regarding the order set forth in Paragraph 6.A above, the City acknowledges that
24 the City is responsible for complying with that order regardless of the availability of any federal
25 or state grant monies.

26 ////

1 11. The terms of this MAO may be amended by mutual agreement of DEQ and the
2 City.

3 12. DEQ may amend or terminate this MAO upon finding that such modification or
4 termination is necessary because of changed circumstances or to protect public health and the
5 environment. DEQ shall provide the City a minimum of thirty (30) days written notice prior to
6 issuing an order amending or terminating the MAO. If the City contests the order, the applicable
7 procedures for conduct of contested cases in such matters shall apply.

8 13. This MAO shall be binding on the parties and their respective successors, agents,
9 and assigns. The undersigned representative of each party certifies that he or she is fully
10 authorized to execute and bind such party to this MAO. No change in ownership or corporate or
11 partnership status relating to the facility shall in any way alter the City's obligations under this
12 MAO, unless otherwise approved in writing by DEQ. The City agrees to waive any and all rights
13 and objections the City may have to a contested case hearing and judicial review of this MAO,
14 and to service of a copy of this MAO, which shall be effective when signed by DEQ.

15 14. All reports, notices and other communications required under or relating to this
16 MAO should be directed to Michael Pinney, DEQ Northwest Regional Office, 700 NE
17 Multnomah Street, Portland, Oregon 97232 phone number 503-229-5310. The contact person
18 for the City shall be Jim Whynot, 18595 Portland Ave, Gladstone, Oregon 97027, phone number
19 503-656-7957.

20 15. The City acknowledges that it has actual notice of the contents and requirements of
21 this MAO and that failure to fulfill any of the requirements hereof will constitute a violation of
22 this MAO and subject the City to payment of civil penalties pursuant to Paragraph 6.C above.

23 16. Any stipulated civil penalty imposed pursuant to Paragraph 6.C shall be due upon
24 written demand. Stipulated civil penalties shall be paid by check or money order made payable
25 to the "Oregon State Treasurer" and sent to: Business Office, Department of Environmental
26 Quality, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232. Within 20 days of

1 receipt of a "Demand for Payment of Stipulated Civil Penalty" Notice from DEQ, the City may
2 request a hearing to contest the Demand Notice. The issue shall be limited to the City's
3 compliance or non-compliance with this MAO. The amount of each stipulated civil penalty for
4 each violation and day of violation is established in advance by this MAO and shall not be a
5 contestable issue.

6 17. This MAO shall terminate at the end of the day on the date the final compliance task
7 in Paragraph 6.A above is to be completed. However, the City remains liable for stipulated
8 penalties for any violations of the MAO occurring during the period the MAO was in effect and
9 demanded pursuant to Paragraph 16.

10
11 CITY OF GLADSTONE

12
13 _____
Date

{City representative}
{title}

14
15
16 DEPARTMENT OF ENVIRONMENTAL QUALITY and
ENVIRONMENTAL QUALITY COMMISSION

17
18
19 _____
Date

Kieran O'Donnell, Manager
Office of Compliance and Enforcement
on behalf of DEQ pursuant to OAR 340-012-0170
on behalf of the EQC pursuant to OAR 340-011-0505

City of Gladstone Staff Report

Report Date : March 5, 2019
Meeting Date: March 12, 2019
To : City Council
From : Jim Whynot, Public Works Director

AGENDA ITEM

Gladstone Utility Rate Direction from Council.

History/Background

The City of Gladstone is responsible for maintaining a system of over 100 miles of water, stormwater, and sewer pipelines, 2 water pumping stations, and 3 storage tanks within the City. This infrastructure is getting older, with portions of the system over 50 years old.

As the drinking water piping system ages, the pipes break more frequently. Pipe failures create service outages and cause damage to City streets and private property. The City's sewer pipelines are also aging. As they get older, they leak more, allowing groundwater to enter the sewers and mix with the wastewater in the pipes. The City then has to pay to have that groundwater treated along with the wastewater at the wastewater treatment plant. This problem is called inflow and infiltration (I&I). Older pipes also get blockages more frequently, leaving wastewater to flood streets or basements

Gladstone's elected leaders are committed to catching up on infrastructure needs. Water, sewer and stormwater systems are in very poor condition due to long deferred maintenance and lack of timely replacement of failing infrastructure. A high priority is raising water and sewer rates to pay for fixing failing pipelines, pump stations, and storage tanks. These investments are needed to maintain reliable water and sewer service to City residents.

In 2016 the elected officials conducted public outreach (open houses, work sessions, city council meetings, and mailed inserts and fact sheets) to educate about the city's infrastructure. The overwhelming response from the community was that we need to invest in our aging infrastructure. Elected officials approved staff's phased-in approach to raising revenue to maintain existing infrastructure. Below is a chronological order of updates that occurred:

- July 2017 Implemented a stormwater utility of \$5.00 per month
- January 2018 Updates water by \$1.58 and sewer by \$.50 per month.
- July 2018 Update stormwater by \$5.00 per month
- January 2019 Update water by \$1.99 & sewer by \$.48 per month.

The City portion of the utility bill has increased by \$14.55 since July 2017. This has allowed the city to increase staff (2 Full time employees) to operate and maintain infrastructure. For more information please refer to the Gladstone Public Works website at www.ci.gladstone.or.us/publicworks/page/here-whats-happening-public-works

The utility funds are not sustainable to properly maintain the infrastructure let alone replace it.

Proposal:

City staff is recommending continuing the phasing in of rate increases to address replacing the city's infrastructure. Please see attached graph showing rate increases not to exceed 10% per year. Also attached is what the rates would look like if the city implemented rates without phasing them in gradually. This figure is based on rate studies the city paid a consultant for.

Example of infrastructure costs to rebuild a section of right of way runs about \$600 a lineal foot based on previous projects. This includes water, sewer, stormwater, street, curbs, and sidewalks. To put this into perspective the citizens own, maintain, and operate 40 miles or 211,000 lineal feet of infrastructure. To replace this in today's dollars would cost \$126 million. If the city expects to get 100 years out of its infrastructure the city would need to spend \$1.26 million a year. At a 10% rate increase per year it would take five years to reach the annual revenue needed to begin the replacement schedule every 100 years.

Staff is also recommending to update Resolution No. 1097 (A resolution formalizing the allocation of revenue collected for the implementation of the right of way Ordinance (No. 1465). The Resolution states that the funds collected from ROW users be used for infrastructure within the rights of way with funds being put into the City's Street Operation and Maintenance Fund. In an effort to utilize the revenue from the ROW fees staff recommends splitting these up between Streets, Water, Sewer, and Storm Funds. This will allow staff to address all the city's infrastructure located in the right of way, not just streets. Staff believes this was the intent based on discussion at the time.

These recommendations would put the city in a position to continue to operate and maintain its infrastructure, address the requirements listed in the Mutual Agreement and Order with the Department of Environment Quality, and in five years be able to replace its infrastructure on a 100 year cycle.

Options:

- Implement a rate increase plan to replace the city's infrastructure on a 100 year cycle as mentioned above.
- Implement rate increases per rate studies replacing the city's infrastructure in 20 years. See attached to see what the rates would look like.
- Implement a status quo rate increase plan to operate and maintain the city's infrastructure without capital expenditures.

Cost Impact:

Revenue increase.

Recommended Staff Action:

Staff needs direction from Council and recommends implementing a phased-in plan as mentioned in the Proposal above to continue operating, maintaining, and addressing the requirements in the MAO with DEQ, and replacing the city's infrastructure on a 100 year cycle. This would be for January 2020 and 2021

Department Head Signature Date

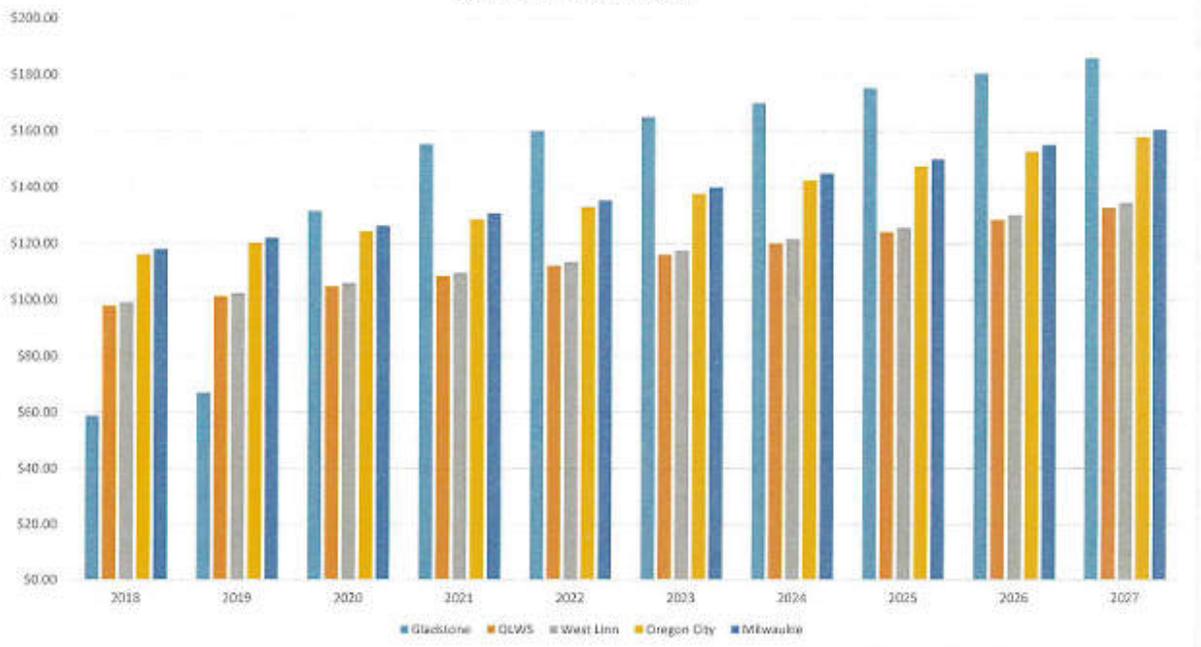
 3-6-19
City Administrator Signature Date

Recommended by Rate Studies Typical Single Family Home Utility Bill on Tri-City Treatment

(Water, Sewer, and Stormwater combined)

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Bill Total	\$58.67	\$66.99	\$131.69	\$155.33	\$160.12	\$165.07	\$170.16	\$175.42	\$180.83	\$186.42
Dollar Increase		\$8.32	\$64.70	\$23.64	\$4.79	\$4.94	\$5.10	\$5.25	\$5.42	\$5.58
Total Bill Percent Increase		12.4%	49.1%	15.2%	3.0%	3.0%	3.0%	3.0%	3.0%	3.0%
Passthrough (assuming 3.5%)	\$24.15	\$25.00	\$25.87	\$26.78	\$27.71	\$28.68	\$29.69	\$30.73	\$31.80	\$32.91
Gladstone Portion	\$34.52	\$41.99	\$105.82	\$128.56	\$132.41	\$136.38	\$140.48	\$144.69	\$149.03	\$153.50

Typical Single Family Home Utility Bill Comparison Per Rate Studies
(assuming others at 3.5% increases)

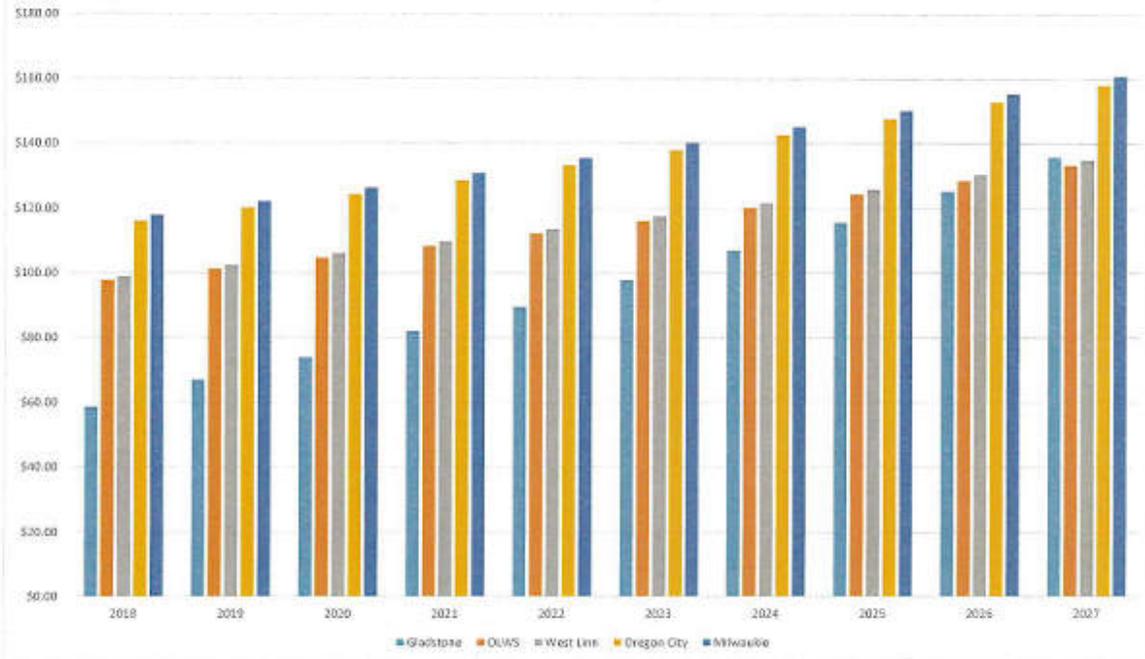


Phased in Typical Single Family Home Utility Bill on Tri-City Treatment

@ 10% increase per year (Water, Sewer, and Stormwater combined)

	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
Bill Total	\$58.67	\$66.99	\$73.99	\$82.08	\$89.51	\$97.75	\$106.92	\$115.68	\$125.25	\$135.71
Total Dollar Increase		\$8.32	\$7.00	\$8.10	\$7.42	\$8.24	\$9.17	\$8.76	\$9.57	\$10.46
Total Bill Percent Increase		12.4%	9.5%	9.9%	8.3%	8.4%	8.6%	7.6%	7.6%	7.7%
Passthrough (assuming 8.9%)	\$24.15	\$25.00	\$25.87	\$26.78	\$27.71	\$28.68	\$29.69	\$30.73	\$31.80	\$32.91
Gladstone Portion	\$34.52	\$41.99	\$48.12	\$55.31	\$61.79	\$69.07	\$77.23	\$84.96	\$93.45	\$102.80

Typical Monthly Single Family Home Utility Bill Comparison (assuming others at 3.5% increases)



City of Gladstone Staff Report

Report Date : February 5, 2019
Meeting Date : March 12, 2019
To : City Council
From : Kim Yamashita, Chief of Police

AGENDA ITEM:

Amend Gladstone Municipal Code Chapter 9.60 – Camping Prohibited in Certain Places, Section 9.60.030 Violation - Penalty

History/Background:

The Ninth Circuit Court of Appeals presided over a case titled “Martin V. City of Boise” which was argued on July 13, 2017 and an opinion by the same court was filed on September 4, 2018.

The Ninth Circuit Court held that, among other things, it should not be criminal for the homeless to camp on public property, as it subjects one to jail simply because of a socio-economic class. It does not mean that we must allow the camping on public property (sidewalks, alleys, schools and other public venues) simply that we should not arrest for it or treat it as criminal.

I have included a link to [Martin V. City of Boise](#) if you are interested in reading it in its entirety (see Exhibit “B”)

Gladstone Municipal Code that needs to be modified currently reads:

Chapter 9.60 CAMPING PROHIBITED IN CERTAIN PLACES

Sections:

9.60.030 Violation—Penalty.

Any violation of this chapter is a Class “C” Misdemeanor.

Statutory Reference: ORS

History: Ord. [1226](#) §1, 1996.

Proposal:

It is my recommendation and that of our City Attorney that we take steps to comply with this case law and amend our Gladstone Municipal Code to decriminalize camping and reduce the penalty to a Class B VIOLATION (see exhibit "A"). This will get the City of Gladstone in compliance with this case law ruling, while still providing the police with options to address livability issues.

Options:

None

Cost Impact:

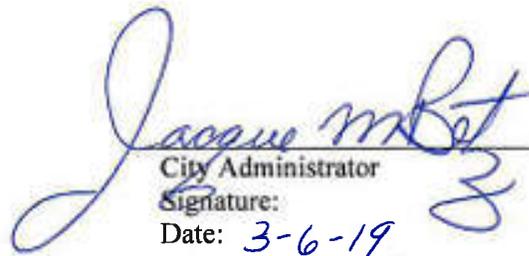
None

Recommended Staff Action:

Staff recommends Council approval by making the following motion:

"I make a motion to amend Gladstone Municipal Code, Section 9.60.030 – Penalty Section changing violations of Chapter 9.60 to a Class B Violation.

Department Head
Signature:
Date:


City Administrator
Signature:
Date: 3-6-19

ORDINANCE NO. 1496

***AN ORDINANCE AMENDING CHAPTER 9.60 OF THE
GLADSTONE MUNICIPAL CODE***

WHEREAS, the State of Oregon, County of Clackamas, City of Gladstone is subject to the effects of decisions made by the Ninth Circuit Court of Appeals; and

WHEREAS, the Ninth Circuit Court of Appeals heard and issued an opinion on case Martin v. City of Boise on September 4, 2018 having effect on the City of Gladstone; and

WHEREAS, the ruling requires amendments to Chapter 9 of the Gladstone Municipal Code;

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

Section 1. The Gladstone City Council Amends Section 9.60.30 of the Gladstone Municipal Code as described in Exhibit A to this ordinance, which is attached and incorporated by reference.

Section 2. All remaining provisions of Chapter 9.60 of the Gladstone Municipal Code are reaffirmed.

Approved by the Gladstone City Council this __ day of _____, 20__.

ATTEST:

Tamara Stempel, Mayor

Tami Bannick, City Recorder

ORDINANCE NO. 1497

Exhibit “A”

Chapter 9.60
CAMPING PROHIBITED IN CERTAIN PLACES

Sections:

9.60.010 Definitions.

9.60.020 Camping prohibited.

9.60.030 Violation—Penalty.

9.60.010 Definitions.

(1) “To camp” means to set up, or to remain in or at, a campsite.

(2) “Campsite” means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire, is placed, established, maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

Statutory Reference: ORS

History: Ord. [1226](#) §1, 1996.

9.60.020 Camping prohibited.

It is unlawful for any person to intentionally or knowingly camp in or upon any sidewalk, street, alley, lane, public right-of-way, or any other place to which the general public has access, or under any bridge way or viaduct unless otherwise specifically authorized by this code or by declaration by the Mayor in emergency circumstances.

Statutory Reference: ORS

History: Ord. [1226](#) §1, 1996; Ord. [1236](#) §1, 1997.

9.60.030 Violation—Penalty.

Any violation of this chapter is a Class ~~“C” Misdemeanor.~~ “B” Violation.

Statutory Reference: ORS

History: Ord. [1226](#) §1, 1996

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

ROBERT MARTIN; LAWRENCE LEE
SMITH; ROBERT ANDERSON; JANET
F. BELL; PAMELA S. HAWKES; and
BASIL E. HUMPHREY,
Plaintiffs-Appellants,

v.

CITY OF BOISE,
Defendant-Appellee.

No. 15-35845

D.C. No.
1:09-cv-00540-
REB

OPINION

Appeal from the United States District Court
for the District of Idaho
Ronald E. Bush, Chief Magistrate Judge, Presiding

Argued and Submitted July 13, 2017
Portland, Oregon

Filed September 4, 2018

Before: Marsha S. Berzon, Paul J. Watford,
and John B. Owens, Circuit Judges.

Opinion by Judge Berzon;
Partial Concurrence and Partial Dissent by Judge Owens

SUMMARY*

Civil Rights

The panel affirmed in part and reversed in part the district court's summary judgment in an action brought by six current or formerly homeless City of Boise residents who alleged that their citations under the City's Camping and Disorderly Conduct Ordinances violated the Eighth Amendment's prohibition on cruel and unusual punishment.

Plaintiffs sought damages for the alleged violations under 42 U.S.C. § 1983. Two plaintiffs also sought prospective declaratory and injunctive relief precluding future enforcement of the ordinances. In 2014, after this litigation began, the ordinances were amended to prohibit their enforcement against any homeless person on public property on any night when no shelter had an available overnight space.

The panel first held that two plaintiffs had standing to pursue prospective relief because they demonstrated a genuine issue of material fact as to whether they faced a credible risk of prosecution on a night when they had been denied access to the City's shelters. The panel noted that although the 2014 amendment precluded the City from enforcing the ordinances when shelters were full, individuals could still be turned away for reasons other than shelter capacity, such as for exceeding the shelter's stay limits, or for

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

failing to take part in a shelter's mandatory religious programs.

The panel held that although the doctrine set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994) and its progeny precluded most — but not all — of the plaintiffs' requests for retrospective relief, the doctrine had no application to plaintiffs' request for an injunction enjoining prospective enforcement of the ordinances.

Turning to the merits, the panel held that the Cruel and Unusual Punishments Clause of the Eighth Amendment precluded the enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to alternative shelter. The panel held that, as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.

Concurring in part and dissenting in part, Judge Owens disagreed with the majority's opinion that *Heck v. Humphrey* did not bar plaintiffs' claim for declaratory and injunctive relief. Judge Owens stated that a declaration that the city ordinances are unconstitutional and an injunction against their future enforcement would necessarily demonstrate the invalidity of plaintiffs' prior convictions. Judge Owens otherwise joined the majority in full.

COUNSEL

Michael E. Bern (argued) and Kimberly Leefatt, Latham & Watkins LLP, Washington, D.C.; Howard A. Belodoff, Idaho Legal Aid Services Inc., Boise, Idaho; Eric Tars, National Law Center on Homelessness & Poverty, Washington, D.C.; Plaintiffs-Appellants.

Brady J. Hall (argued), Michael W. Moore, and Steven R. Kraft, Moore Elia Kraft & Hall LLP, Boise, Idaho; Scott B. Muir, Deputy City Attorney; Robert B. Luce, City Attorney; City Attorney's Office, Boise, Idaho; for Defendant-Appellee.

OPINION

BERZON, Circuit Judge:

“The law, in its majestic equality, forbids rich and poor alike to sleep under bridges, to beg in the streets, and to steal their bread.”

— Anatole France, *The Red Lily*

We consider whether the Eighth Amendment's prohibition on cruel and unusual punishment bars a city from prosecuting people criminally for sleeping outside on public property when those people have no home or other shelter to go to. We conclude that it does.

The plaintiffs-appellants are six current or former residents of the City of Boise (“the City”), who are homeless or have recently been homeless. Each plaintiff alleges that,

between 2007 and 2009, he or she was cited by Boise police for violating one or both of two city ordinances. The first, Boise City Code § 9-10-02 (the “Camping Ordinance”), makes it a misdemeanor to use “any of the streets, sidewalks, parks, or public places as a camping place at any time.” The Camping Ordinance defines “camping” as “the use of public property as a temporary or permanent place of dwelling, lodging, or residence.” *Id.* The second, Boise City Code § 6-01-05 (the “Disorderly Conduct Ordinance”), bans “[o]ccupying, lodging, or sleeping in any building, structure, or public place, whether public or private . . . without the permission of the owner or person entitled to possession or in control thereof.”

All plaintiffs seek retrospective relief for their previous citations under the ordinances. Two of the plaintiffs, Robert Anderson and Robert Martin, allege that they expect to be cited under the ordinances again in the future and seek declaratory and injunctive relief against future prosecution.

In *Jones v. City of Los Angeles*, 444 F.3d 1118, 1138 (9th Cir. 2006), *vacated*, 505 F.3d 1006 (9th Cir. 2007), a panel of this court concluded that “so long as there is a greater number of homeless individuals in Los Angeles than the number of available beds [in shelters]” for the homeless, Los Angeles could not enforce a similar ordinance against homeless individuals “for involuntarily sitting, lying, and sleeping in public.” *Jones* is not binding on us, as there was an underlying settlement between the parties and our opinion was vacated as a result. We agree with *Jones*’s reasoning and central conclusion, however, and so hold that an ordinance violates the Eighth Amendment insofar as it imposes criminal sanctions against homeless individuals for sleeping outdoors, on public property, when no alternative shelter is available to

them. Two of the plaintiffs, we further hold, may be entitled to retrospective and prospective relief for violation of that Eighth Amendment right.

I. Background

The district court granted summary judgment to the City on all claims. We therefore review the record in the light most favorable to the plaintiffs. *Tolan v. Cotton*, 134 S. Ct. 1861, 1866 (2014).

Boise has a significant and increasing homeless population. According to the Point-in-Time Count (“PIT Count”) conducted by the Idaho Housing and Finance Association, there were 753 homeless individuals in Ada County — the county of which Boise is the seat — in January 2014, 46 of whom were “unsheltered,” or living in places unsuited to human habitation such as parks or sidewalks. In 2016, the last year for which data is available, there were 867 homeless individuals counted in Ada County, 125 of whom were unsheltered.¹ The PIT Count likely underestimates the number of homeless individuals in Ada

¹ The United States Department of Housing and Urban Development (“HUD”) requires local homeless assistance and prevention networks to conduct an annual count of homeless individuals on one night each January, known as the PIT Count, as a condition of receiving federal funds. State, local, and federal governmental entities, as well as private service providers, rely on the PIT Count as a “critical source of data” on homelessness in the United States. The parties acknowledge that the PIT Count is not always precise. The City’s Director of Community Partnerships, Diana Lachiondo, testified that the PIT Count is “not always the . . . best resource for numbers,” but also stated that “the point-in-time count is our best snapshot” for counting the number of homeless individuals in a particular region, and that she “cannot give . . . any other number with any kind of confidence.”

County. It is “widely recognized that a one-night point in time count will undercount the homeless population,” as many homeless individuals may have access to temporary housing on a given night, and as weather conditions may affect the number of available volunteers and the number of homeless people staying at shelters or accessing services on the night of the count.

There are currently three homeless shelters in the City of Boise offering emergency shelter services, all run by private, nonprofit organizations. As far as the record reveals, these three shelters are the only shelters in Ada County.

One shelter — “Sanctuary” — is operated by Interfaith Sanctuary Housing Services, Inc. The shelter is open to men, women, and children of all faiths, and does not impose any religious requirements on its residents. Sanctuary has 96 beds reserved for individual men and women, with several additional beds reserved for families. The shelter uses floor mats when it reaches capacity with beds.

Because of its limited capacity, Sanctuary frequently has to turn away homeless people seeking shelter. In 2010, Sanctuary reached full capacity in the men’s area “at least half of every month,” and the women’s area reached capacity “almost every night of the week.” In 2014, the shelter reported that it was full for men, women, or both on 38% of nights. Sanctuary provides beds first to people who spent the previous night at Sanctuary. At 9:00 pm each night, it allots any remaining beds to those who added their names to the shelter’s waiting list.

The other two shelters in Boise are both operated by the Boise Rescue Mission (“BRM”), a Christian nonprofit

organization. One of those shelters, the River of Life Rescue Mission (“River of Life”), is open exclusively to men; the other, the City Light Home for Women and Children (“City Light”), shelters women and children only.

BRM’s facilities provide two primary “programs” for the homeless, the Emergency Services Program and the New Life Discipleship Program.² The Emergency Services Program provides temporary shelter, food, and clothing to anyone in need. Christian religious services are offered to those seeking shelter through the Emergency Services Program. The shelters display messages and iconography on the walls, and the intake form for emergency shelter guests includes a religious message.³

Homeless individuals may check in to either BRM facility between 4:00 and 5:30 pm. Those who arrive at BRM facilities between 5:30 and 8:00 pm may be denied shelter, depending on the reason for their late arrival; generally, anyone arriving after 8:00 pm is denied shelter.

Except in winter, male guests in the Emergency Services Program may stay at River of Life for up to 17 consecutive nights; women and children in the Emergency Services Program may stay at City Light for up to 30 consecutive

² The record suggests that BRM provides some limited additional non-emergency shelter programming which, like the Discipleship Program, has overtly religious components.

³ The intake form states in relevant part that “We are a Gospel Rescue Mission. Gospel means ‘Good News,’ and the Good News is that Jesus saves us from sin past, present, and future. We would like to share the Good News with you. Have you heard of Jesus? . . . Would you like to know more about him?”

nights. After the time limit is reached, homeless individuals who do not join the Discipleship Program may not return to a BRM shelter for at least 30 days.⁴ Participants in the Emergency Services Program must return to the shelter every night during the applicable 17-day or 30-day period; if a resident fails to check in to a BRM shelter each night, that resident is prohibited from staying overnight at that shelter for 30 days. BRM's rules on the length of a person's stay in the Emergency Services Program are suspended during the winter.

The Discipleship Program is an "intensive, Christ-based residential recovery program" of which "[r]eligious study is the very essence." The record does not indicate any limit to how long a member of the Discipleship Program may stay at a BRM shelter.

The River of Life shelter contains 148 beds for emergency use, along with 40 floor mats for overflow; 78 additional beds serve those in non-emergency shelter programs such as the Discipleship Program. The City Light shelter has 110 beds for emergency services, as well as 40 floor mats to handle overflow and 38 beds for women in non-emergency shelter programs. All told, Boise's three homeless shelters contain 354 beds and 92 overflow mats for homeless individuals.

A. The Plaintiffs

Plaintiffs Robert Martin, Robert Anderson, Lawrence Lee Smith, Basil E. Humphrey, Pamela S. Hawkes, and Janet F.

⁴ The parties dispute the extent to which BRM actually enforces the 17- and 30-day limits.

Bell are all homeless individuals who have lived in or around Boise since at least 2007. Between 2007 and 2009, each plaintiff was convicted at least once of violating the Camping Ordinance, the Disorderly Conduct Ordinance, or both. With one exception, all plaintiffs were sentenced to time served for all convictions; on two occasions, Hawkes was sentenced to one additional day in jail. During the same period, Hawkes was cited, but not convicted, under the Camping Ordinance, and Martin was cited, but not convicted, under the Disorderly Conduct Ordinance.

Plaintiff Robert Anderson currently lives in Boise; he is homeless and has often relied on Boise's shelters for housing. In the summer of 2007, Anderson stayed at River of Life as part of the Emergency Services Program until he reached the shelter's 17-day limit for male guests. Anderson testified that during his 2007 stay at River of Life, he was required to attend chapel services before he was permitted to eat dinner. At the conclusion of his 17-day stay, Anderson declined to enter the Discipleship Program because of his religious beliefs. As Anderson was barred by the shelter's policies from returning to River of Life for 30 days, he slept outside for the next several weeks. On September 1, 2007, Anderson was cited under the Camping Ordinance. He pled guilty to violating the Camping Ordinance and paid a \$25 fine; he did not appeal his conviction.

Plaintiff Robert Martin is a former resident of Boise who currently lives in Post Falls, Idaho. Martin returns frequently to Boise to visit his minor son. In March of 2009, Martin was cited under the Camping Ordinance for sleeping outside; he was cited again in 2012 under the same ordinance.

B. Procedural History

The plaintiffs filed this action in the United States District Court for the District of Idaho in October of 2009. All plaintiffs alleged that their previous citations under the Camping Ordinance and the Disorderly Conduct Ordinance violated the Cruel and Unusual Punishments Clause of the Eighth Amendment, and sought damages for those alleged violations under 42 U.S.C. § 1983. *Cf. Jones*, 444 F.3d at 1138. Anderson and Martin also sought prospective declaratory and injunctive relief precluding future enforcement of the ordinances under the same statute and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202.

After this litigation began, the Boise Police Department promulgated a new “Special Order,” effective as of January 1, 2010, that prohibited enforcement of either the Camping Ordinance or the Disorderly Conduct Ordinance against any homeless person on public property on any night when no shelter had “an available overnight space.” City police implemented the Special Order through a two-step procedure known as the “Shelter Protocol.”

Under the Shelter Protocol, if any shelter in Boise reaches capacity on a given night, that shelter will so notify the police at roughly 11:00 pm. Each shelter has discretion to determine whether it is full, and Boise police have no other mechanism or criteria for gauging whether a shelter is full. Since the Shelter Protocol was adopted, Sanctuary has reported that it was full on almost 40% of nights. Although BRM agreed to the Shelter Protocol, its internal policy is never to turn any person away because of a lack of space, and neither BRM shelter has ever reported that it was full.

If all shelters are full on the same night, police are to refrain from enforcing either ordinance. Presumably because the BRM shelters have not reported full, Boise police continue to issue citations regularly under both ordinances.

In July 2011, the district court granted summary judgment to the City. It held that the plaintiffs' claims for retrospective relief were barred under the *Rooker-Feldman* doctrine and that their claims for prospective relief were mooted by the Special Order and the Shelter Protocol. *Bell v. City of Boise*, 834 F. Supp. 2d 1103 (D. Idaho 2011). On appeal, we reversed and remanded. *Bell v. City of Boise*, 709 F.3d 890, 901 (9th Cir. 2013). We held that the district court erred in dismissing the plaintiffs' claims under the *Rooker-Feldman* doctrine. *Id.* at 897. In so holding, we expressly declined to consider whether the favorable-termination requirement from *Heck v. Humphrey*, 512 U.S. 477 (1994), applied to the plaintiffs' claims for retrospective relief. Instead, we left the issue for the district court on remand. *Bell*, 709 F.3d at 897 n.11.

Bell further held that the plaintiffs' claims for prospective relief were not moot. The City had not met its "heavy burden" of demonstrating that the challenged conduct — enforcement of the two ordinances against homeless individuals with no access to shelter — "could not reasonably be expected to recur." *Id.* at 898, 901 (quoting *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 189 (2000)). We emphasized that the Special Order was a statement of administrative policy and so could be amended or reversed at any time by the Boise Chief of Police. *Id.* at 899–900.

Finally, *Bell* rejected the City’s argument that the plaintiffs lacked standing to seek prospective relief because they were no longer homeless. *Id.* at 901 & n.12. We noted that, on summary judgment, the plaintiffs “need not establish that they in fact have standing, but only that there is a genuine issue of material fact as to the standing elements.” *Id.* (citation omitted).

On remand, the district court again granted summary judgment to the City on the plaintiffs’ § 1983 claims. The court observed that *Heck* requires a § 1983 plaintiff seeking damages for “harm caused by actions whose unlawfulness would render a conviction or sentence invalid” to demonstrate that “the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal . . . or called into question by a federal court’s issuance of a writ of habeas corpus.” 512 U.S. at 486–87. According to the district court, “a judgment finding the Ordinances unconstitutional . . . necessarily would imply the invalidity of Plaintiffs’ [previous] convictions under those ordinances,” and the plaintiffs therefore were required to demonstrate that their convictions or sentences had already been invalidated. As none of the plaintiffs had raised an Eighth Amendment challenge as a defense to criminal prosecution, nor had any plaintiff successfully appealed their conviction, the district court held that all of the plaintiffs’ claims for retrospective relief were barred by *Heck*. The district court also rejected as barred by *Heck* the plaintiffs’ claim for prospective injunctive relief under § 1983, reasoning that “a ruling in favor of Plaintiffs on even a prospective § 1983 claim would demonstrate the invalidity of any confinement stemming from those convictions.”

Finally, the district court determined that, although *Heck* did not bar relief under the Declaratory Judgment Act, Martin and Anderson now lack standing to pursue such relief. The linchpin of this holding was that the Camping Ordinance and the Disorderly Conduct Ordinance were both amended in 2014 to codify the Special Order’s mandate that “[l]aw enforcement officers shall not enforce [the ordinances] when the individual is on public property and there is no available overnight shelter.” Boise City Code §§ 6-01-05, 9-10-02. Because the ordinances, as amended, permitted camping or sleeping in a public place when no shelter space was available, the court held that there was no “credible threat” of future prosecution. “If the Ordinances are not to be enforced when the shelters are full, those Ordinances do not inflict a constitutional injury upon these particular plaintiffs” The court emphasized that the record “suggests there is no known citation of a homeless individual under the Ordinances for camping or sleeping on public property on any night or morning when he or she was unable to secure shelter due to a lack of shelter capacity” and that “there has not been a single night when all three shelters in Boise called in to report they were simultaneously full for men, women or families.”

This appeal followed.

II. Discussion

A. Standing

We first consider whether any of the plaintiffs has standing to pursue prospective relief.⁵ We conclude that there are sufficient opposing facts in the record to create a genuine issue of material fact as to whether Martin and Anderson face a credible threat of prosecution under one or both ordinances in the future at a time when they are unable to stay at any Boise homeless shelter.⁶

“To establish Article III standing, an injury must be concrete, particularized, and actual or imminent; fairly traceable to the challenged action; and redressable by a favorable ruling.” *Clapper v. Amnesty Int’l USA*, 133 S. Ct. 1138, 1147 (2013) (citation omitted). “Although imminence is concededly a somewhat elastic concept, it cannot be stretched beyond its purpose, which is to ensure that the alleged injury is not too speculative for Article III purposes — that the injury is *certainly* impending.” *Id.* (citation omitted). A plaintiff need not, however, await an arrest or prosecution to have standing to challenge the constitutionality of a criminal statute. “When the plaintiff has alleged an

⁵ Standing to pursue retrospective relief is not in doubt. The only threshold question affecting the availability of a claim for retrospective relief — a question we address in the next section — is whether such relief is barred by the doctrine established in *Heck*.

⁶ Although the SAC is somewhat ambiguous regarding which of the plaintiffs seeks prospective relief, counsel for the plaintiffs made clear at oral argument that only two of the plaintiffs, Martin and Anderson, seek such relief, and the district court considered the standing question with respect to Martin and Anderson only.

intention to engage in a course of conduct arguably affected with a constitutional interest, but proscribed by a statute, and there exists a credible threat of prosecution thereunder, he should not be required to await and undergo a criminal prosecution as the sole means of seeking relief.” *Babbitt v. United Farm Workers Nat’l Union*, 442 U.S. 289, 298 (1979) (citation and internal quotation marks omitted). To defeat a motion for summary judgment premised on an alleged lack of standing, plaintiffs “ need not establish that they in fact have standing, but only that there is a genuine question of material fact as to the standing elements.” *Cent. Delta Water Agency v. United States*, 306 F.3d 938, 947 (9th Cir. 2002).

In dismissing Martin and Anderson’s claims for declaratory relief for lack of standing, the district court emphasized that Boise’s ordinances, as amended in 2014, preclude the City from issuing a citation when there is no available space at a shelter, and there is consequently no risk that either Martin or Anderson will be cited under such circumstances in the future. Viewing the record in the light most favorable to the plaintiffs, we cannot agree.

Although the 2014 amendments preclude the City from enforcing the ordinances when there is no room available at any shelter, the record demonstrates that the City is wholly reliant on the shelters to self-report when they are full. It is undisputed that Sanctuary is full as to men on a substantial percentage of nights, perhaps as high as 50%. The City nevertheless emphasizes that since the adoption of the Shelter Protocol in 2010, the BRM facilities, River of Life and City Light, have never reported that they are full, and BRM states that it will never turn people away due to lack space.

The plaintiffs have pointed to substantial evidence in the record, however, indicating that whether or not the BRM facilities are ever full or turn homeless individuals away *for lack of space*, they *do* refuse to shelter homeless people who exhaust the number of days allotted by the facilities. Specifically, the plaintiffs allege, and the City does not dispute, that it is BRM's policy to limit men to 17 consecutive days in the Emergency Services Program, after which they cannot return to River of Life for 30 days; City Light has a similar 30-day limit for women and children. Anderson testified that BRM has enforced this policy against him in the past, forcing him to sleep outdoors.

The plaintiffs have adduced further evidence indicating that River of Life permits individuals to remain at the shelter after 17 days in the Emergency Services Program only on the condition that they become part of the New Life Discipleship program, which has a mandatory religious focus. For example, there is evidence that participants in the New Life Program are not allowed to spend days at Corpus Christi, a local Catholic program, "because it's . . . a different sect." There are also facts in dispute concerning whether the Emergency Services Program itself has a religious component. Although the City argues strenuously that the Emergency Services Program is secular, Anderson testified to the contrary; he stated that he was once required to attend chapel before being permitted to eat dinner at the River of Life shelter. Both Martin and Anderson have objected to the overall religious atmosphere of the River of Life shelter, including the Christian messaging on the shelter's intake form and the Christian iconography on the shelter walls. A city cannot, via the threat of prosecution, coerce an individual to attend religion-based treatment programs consistently with the Establishment Clause of the First Amendment. *Inouye v.*

Kemna, 504 F.3d 705, 712–13 (9th Cir. 2007). Yet at the conclusion of a 17-day stay at River of Life, or a 30-day stay at City Light, an individual may be forced to choose between sleeping outside on nights when Sanctuary is full (and risking arrest under the ordinances), or enrolling in BRM programming that is antithetical to his or her religious beliefs.

The 17-day and 30-day limits are not the only BRM policies which functionally limit access to BRM facilities even when space is nominally available. River of Life also turns individuals away if they voluntarily leave the shelter before the 17-day limit and then attempt to return within 30 days. An individual who voluntarily leaves a BRM facility for any reason — perhaps because temporary shelter is available at Sanctuary, or with friends or family, or in a hotel — cannot immediately return to the shelter if circumstances change. Moreover, BRM’s facilities may deny shelter to any individual who arrives after 5:30 pm, and generally will deny shelter to anyone arriving after 8:00 pm. Sanctuary, however, does not assign beds to persons on its waiting list until 9:00 pm. Thus, by the time a homeless individual on the Sanctuary waiting list discovers that the shelter has no room available, it may be too late to seek shelter at either BRM facility.

So, even if we credit the City’s evidence that BRM’s facilities have never been “full,” and that the City has never cited any person under the ordinances who could not obtain shelter “due to a lack of shelter capacity,” there remains a genuine issue of material fact as to whether homeless individuals in Boise run a credible risk of being issued a citation on a night when Sanctuary is full and they have been denied entry to a BRM facility for reasons other than shelter capacity. If so, then as a practical matter, no shelter is

available. We note that despite the Shelter Protocol and the amendments to both ordinances, the City continues regularly to issue citations for violating both ordinances; during the first three months of 2015, the Boise Police Department issued over 175 such citations.

The City argues that Martin faces little risk of prosecution under either ordinance because he has not lived in Boise since 2013. Martin states, however, that he is still homeless and still visits Boise several times a year to visit his minor son, and that he has continued to seek shelter at Sanctuary and River of Life. Although Martin may no longer spend enough time in Boise to risk running afoul of BRM's 17-day limit, he testified that he has unsuccessfully sought shelter at River of Life after being placed on Sanctuary's waiting list, only to discover later in the evening that Sanctuary had no available beds. Should Martin return to Boise to visit his son, there is a reasonable possibility that he might again seek shelter at Sanctuary, only to discover (after BRM has closed for the night) that Sanctuary has no space for him. Anderson, for his part, continues to live in Boise and states that he remains homeless.

We conclude that both Martin and Anderson have demonstrated a genuine issue of material fact regarding whether they face a credible risk of prosecution under the ordinances in the future on a night when they have been denied access to Boise's homeless shelters; both plaintiffs therefore have standing to seek prospective relief.

B. *Heck v. Humphrey*

We turn next to the impact of *Heck v. Humphrey* and its progeny on this case. With regard to retrospective relief, the

plaintiffs maintain that *Heck* should not bar their claims because, with one exception, all of the plaintiffs were sentenced to time served.⁷ It would therefore have been impossible for the plaintiffs to obtain federal habeas relief, as any petition for a writ of habeas corpus must be filed while the petitioner is “in custody pursuant to the judgment of a State court.” See 28 U.S.C. § 2254(a); *Spencer v. Kemna*, 523 U.S. 1, 7, 17–18 (1998). With regard to prospective relief, the plaintiffs emphasize that they seek only equitable protection against *future* enforcement of an allegedly unconstitutional statute, and not to invalidate any prior conviction under the same statute. We hold that although the *Heck* line of cases precludes most — but not all — of the plaintiffs’ requests for retrospective relief, that doctrine has no application to the plaintiffs’ request for an injunction enjoining prospective enforcement of the ordinances.

1. The *Heck* Doctrine

A long line of Supreme Court case law, beginning with *Preiser v. Rodriguez*, 411 U.S. 475 (1973), holds that a prisoner in state custody cannot use a § 1983 action to challenge the fact or duration of his or her confinement, but must instead seek federal habeas corpus relief or analogous state relief. *Id.* at 477, 500. *Preiser* considered whether a prison inmate could bring a § 1983 action seeking an injunction to remedy an unconstitutional deprivation of good-time conduct credits. Observing that habeas corpus is the traditional instrument to obtain release from unlawful

⁷ Plaintiff Pamela Hawkes was convicted of violating the Camping Ordinance or Disorderly Conduct Ordinance on twelve occasions; although she was usually sentenced to time served, she was twice sentenced to one additional day in jail.

confinement, *Preiser* recognized an implicit exception from § 1983’s broad scope for actions that lie “within the core of habeas corpus” — specifically, challenges to the “fact or duration” of confinement. *Id.* at 487, 500. The Supreme Court subsequently held, however, that although *Preiser* barred inmates from obtaining an injunction to restore good-time credits via a § 1983 action, *Preiser* did not “preclude a litigant with standing from obtaining by way of ancillary relief an otherwise proper injunction enjoining the prospective enforcement of invalid prison regulations.” *Wolff v. McDonnell*, 418 U.S. 539, 555 (1974) (emphasis added).

Heck addressed a § 1983 action brought by an inmate seeking compensatory and punitive damages. The inmate alleged that state and county officials had engaged in unlawful investigations and knowing destruction of exculpatory evidence. *Heck*, 512 U.S. at 479. The Court in *Heck* analogized a § 1983 action of this type, which called into question the validity of an underlying conviction, to a cause of action for malicious prosecution, *id.* at 483–84, and went on to hold that, as with a malicious prosecution claim, a plaintiff in such an action must demonstrate a favorable termination of the criminal proceedings before seeking tort relief, *id.* at 486–87. “[T]o recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court’s issuance of a writ of habeas corpus.” *Id.*

Edwards v. Balisok, 520 U.S. 641 (1997) extended *Heck*'s holding to claims for declaratory relief. *Id.* at 648. The plaintiff in *Edwards* alleged that he had been deprived of earned good-time credits without due process of law, because the decisionmaker in disciplinary proceedings had concealed exculpatory evidence. Because the plaintiff's claim for declaratory relief was "based on allegations of deceit and bias on the part of the decisionmaker that necessarily imply the invalidity of the punishment imposed," *Edwards* held, it was "not cognizable under § 1983." *Id.* *Edwards* went on to hold, however, that a requested injunction requiring prison officials to date-stamp witness statements was not *Heck*-barred, reasoning that a "prayer for such *prospective* relief will not 'necessarily imply' the invalidity of a previous loss of good-time credits, and so may properly be brought under § 1983." *Id.* (emphasis added).

Most recently, *Wilkinson v. Dotson*, 544 U.S. 74 (2005), stated that *Heck* bars § 1983 suits even when the relief sought is prospective injunctive or declaratory relief, "if success in that action would necessarily demonstrate the invalidity of confinement or its duration." *Id.* at 81–82 (emphasis omitted). But *Wilkinson* held that the plaintiffs in that case *could* seek a prospective injunction compelling the state to comply with constitutional requirements in parole proceedings in the future. The Court observed that the prisoners' claims for future relief, "if successful, will not necessarily imply the invalidity of confinement or shorten its duration." *Id.* at 82.

The Supreme Court did not, in these cases or any other, conclusively determine whether *Heck*'s favorable-termination requirement applies to convicts who have no practical opportunity to challenge their conviction or sentence via a

petition for habeas corpus. *See Muhammad v. Close*, 540 U.S. 749, 752 & n.2 (2004). But in *Spencer*, five Justices suggested that *Heck* may not apply in such circumstances. *Spencer*, 523 U.S. at 3.

The petitioner in *Spencer* had filed a federal habeas petition seeking to invalidate an order revoking his parole. While the habeas petition was pending, the petitioner's term of imprisonment expired, and his habeas petition was consequently dismissed as moot. Justice Souter wrote a concurring opinion in which three other Justices joined, addressing the petitioner's argument that if his habeas petition were mooted by his release, any § 1983 action would be barred under *Heck*, yet he would no longer have access to a federal habeas forum to challenge the validity of his parole revocation. *Id.* at 18–19 (Souter, J., concurring). Justice Souter stated that in his view “*Heck* has no such effect,” and that “a former prisoner, no longer ‘in custody,’ may bring a § 1983 action establishing the unconstitutionality of a conviction or confinement without being bound to satisfy a favorable-termination requirement that it would be impossible as a matter of law for him to satisfy.” *Id.* at 21. Justice Stevens, dissenting, stated that he would have held the habeas petition in *Spencer* not moot, but agreed that “[g]iven the Court’s holding that petitioner does not have a remedy under the habeas statute, it is perfectly clear . . . that he may bring an action under 42 U.S.C. § 1983.” *Id.* at 25 n.8 (Stevens, J., dissenting).

Relying on the concurring and dissenting opinions in *Spencer*, we have held that the “unavailability of a remedy in habeas corpus because of mootness” permitted a plaintiff released from custody to maintain a § 1983 action for damages, “even though success in that action would imply the

invalidity of the disciplinary proceeding that caused revocation of his good-time credits.” *Nonnette v. Small*, 316 F.3d 872, 876 (9th Cir. 2002). But we have limited *Nonnette* in recent years. Most notably, we held in *Lyall v. City of Los Angeles*, 807 F.3d 1178 (9th Cir. 2015), that even where a plaintiff had no practical opportunity to pursue federal habeas relief while detained because of the short duration of his confinement, *Heck* bars a § 1983 action that would imply the invalidity of a prior conviction if the plaintiff could have sought invalidation of the underlying conviction via direct appeal or state post-conviction relief, but did not do so. *Id.* at 1192 & n.12.

2. Retrospective Relief

Here, the majority of the plaintiffs’ claims for *retrospective* relief are governed squarely by *Lyall*. It is undisputed that all the plaintiffs not only failed to challenge their convictions on direct appeal but expressly waived the right to do so as a condition of their guilty pleas. The plaintiffs have made no showing that any of their convictions were invalidated via state post-conviction relief. We therefore hold that all but two of the plaintiffs’ claims for damages are foreclosed under *Lyall*.

Two of the plaintiffs, however, Robert Martin and Pamela Hawkes, also received citations under the ordinances that were dismissed before the state obtained a conviction. Hawkes was cited for violating the Camping Ordinance on July 8, 2007; that violation was dismissed on August 28, 2007. Martin was cited for violating the Disorderly Conduct Ordinance on April 24, 2009; those charges were dismissed on September 9, 2009. With respect to these two incidents, the district court erred in finding that the plaintiffs’ Eighth

Amendment challenge was barred by *Heck*. Where there is no “conviction or sentence” that may be undermined by a grant of relief to the plaintiffs, the *Heck* doctrine has no application. 512 U.S. at 486–87; *see also Wallace v. Kato*, 549 U.S. 384, 393 (2007).

Relying on *Ingraham v. Wright*, 430 U.S. 651, 664 (1977), the City argues that the Eighth Amendment, and the Cruel and Unusual Punishments Clause in particular, have no application where there has been no conviction. The City’s reliance on *Ingraham* is misplaced. As the Supreme Court observed in *Ingraham*, the Cruel and Unusual Punishments Clause not only limits the types of punishment that may be imposed and prohibits the imposition of punishment grossly disproportionate to the severity of the crime, but also “imposes substantive limits on what can be made criminal and punished as such.” *Id.* at 667. “This [latter] protection governs the criminal law process as a whole, not only the imposition of punishment postconviction.” *Jones*, 444 F.3d at 1128.

Ingraham concerned only whether “impositions outside the criminal process” — in that case, the paddling of schoolchildren — “constituted cruel and unusual punishment.” 430 U.S. at 667. *Ingraham* did not hold that a plaintiff challenging the state’s power to criminalize a particular status or conduct in the first instance, as the plaintiffs in this case do, must first be convicted. If conviction were a prerequisite for such a challenge, “the state could in effect punish individuals in the preconviction stages of the criminal law enforcement process for being or doing things that under the [Cruel and Unusual Punishments Clause] cannot be subject to the criminal process.” *Jones*, 444 F.3d at 1129. For those rare Eighth Amendment

challenges concerning the state's very power to criminalize particular behavior or status, then, a plaintiff need demonstrate only the initiation of the criminal process against him, not a conviction.

3. Prospective Relief

The district court also erred in concluding that the plaintiffs' requests for prospective injunctive relief were barred by *Heck*. The district court relied entirely on language in *Wilkinson* stating that "a state prisoner's § 1983 action is barred (absent prior invalidation) . . . no matter the relief sought (damages or equitable relief) . . . if success in that action would necessarily demonstrate the invalidity of confinement or its duration." *Wilkinson*, 544 U.S. at 81–82. The district court concluded from this language in *Wilkinson* that a person convicted under an allegedly unconstitutional statute may never challenge the validity or application of that statute after the initial criminal proceeding is complete, even when the relief sought is prospective only and independent of the prior conviction. The logical extension of the district court's interpretation is that an individual who does not successfully invalidate a first conviction under an unconstitutional statute will have no opportunity to challenge that statute prospectively so as to avoid arrest and conviction for violating that same statute in the future.

Neither *Wilkinson* nor any other case in the *Heck* line supports such a result. Rather, *Wolff*, *Edwards*, and *Wilkinson* compel the opposite conclusion.

Wolff held that although *Preiser* barred a § 1983 action seeking restoration of good-time credits absent a successful challenge in federal habeas proceedings, *Preiser* did not

“preclude a litigant with standing from obtaining by way of ancillary relief an otherwise proper injunction enjoining the prospective enforcement of invalid . . . regulations.” *Wolff*, 418 U.S. at 555. Although *Wolff* was decided before *Heck*, the Court subsequently made clear that *Heck* effected no change in the law in this regard, observing in *Edwards* that “[o]rordinarily, a prayer for . . . prospective [injunctive] relief will not ‘necessarily imply’ the invalidity of a *previous* loss of good-time credits, and so may properly be brought under § 1983.” *Edwards*, 520 U.S. at 648 (emphasis added). Importantly, the Court held in *Edwards* that although the plaintiff could not, consistently with *Heck*, seek a declaratory judgment stating that the procedures employed by state officials that deprived him of good-time credits were unconstitutional, he *could* seek an injunction barring such allegedly unconstitutional procedures in the future. *Id.* Finally, the Court noted in *Wilkinson* that the *Heck* line of cases “has focused on the need to ensure that state prisoners use only habeas corpus (or similar state) remedies *when they seek to invalidate the duration of their confinement,*” *Wilkinson*, 544 U.S. at 81 (emphasis added), alluding to an existing confinement, not one yet to come.

The *Heck* doctrine, in other words, serves to ensure the finality and validity of previous convictions, not to insulate future prosecutions from challenge. In context, it is clear that *Wilkinson*’s holding that the *Heck* doctrine bars a § 1983 action “no matter the relief sought (damages or equitable relief) . . . if success in that action would necessarily demonstrate the invalidity of confinement or its duration” applies to equitable relief concerning an existing confinement, not to suits seeking to preclude an unconstitutional confinement in the future, arising from incidents occurring after any prior conviction and stemming

from a possible later prosecution and conviction. *Id.* at 81–82 (emphasis added). As *Wilkinson* held, “claims for *future* relief (which, if successful, will not necessarily imply the invalidity of confinement or shorten its duration)” are distant from the “core” of habeas corpus with which the *Heck* line of cases is concerned, and are not precluded by the *Heck* doctrine. *Id.* at 82.

In sum, we hold that the majority of the plaintiffs’ claims for retrospective relief are barred by *Heck*, but both Martin and Hawkes stated claims for damages to which *Heck* has no application. We further hold that *Heck* has no application to the plaintiffs’ requests for prospective injunctive relief.

C. The Eighth Amendment

At last, we turn to the merits — does the Cruel and Unusual Punishments Clause of the Eighth Amendment preclude the enforcement of a statute prohibiting sleeping outside against homeless individuals with no access to alternative shelter? We hold that it does, for essentially the same reasons articulated in the now-vacated *Jones* opinion.

The Eighth Amendment states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” U.S. Const., amend. VIII. The Cruel and Unusual Punishments Clause “circumscribes the criminal process in three ways.” *Ingraham*, 430 U.S. at 667. First, it limits the type of punishment the government may impose; second, it proscribes punishment “grossly disproportionate” to the severity of the crime; and third, it places substantive limits on what the government may criminalize. *Id.* It is the third limitation that is pertinent here.

“Even one day in prison would be a cruel and unusual punishment for the ‘crime’ of having a common cold.” *Robinson v. California*, 370 U.S. 660, 667 (1962). Cases construing substantive limits as to what the government may criminalize are rare, however, and for good reason — the Cruel and Unusual Punishments Clause’s third limitation is “one to be applied sparingly.” *Ingraham*, 430 U.S. at 667.

Robinson, the seminal case in this branch of Eighth Amendment jurisprudence, held a California statute that “ma[de] the ‘status’ of narcotic addiction a criminal offense” invalid under the Cruel and Unusual Punishments Clause. 370 U.S. at 666. The California law at issue in *Robinson* was “not one which punishe[d] a person for the use of narcotics, for their purchase, sale or possession, or for antisocial or disorderly behavior resulting from their administration”; it punished addiction itself. *Id.* Recognizing narcotics addiction as an illness or disease — “apparently an illness which may be contracted innocently or involuntarily” — and observing that a “law which made a criminal offense of . . . a disease would doubtless be universally thought to be an infliction of cruel and unusual punishment,” *Robinson* held the challenged statute a violation of the Eighth Amendment. *Id.* at 666–67.

As *Jones* observed, *Robinson* did not explain at length the principles underpinning its holding. *See Jones*, 444 F.3d at 1133. In *Powell v. Texas*, 392 U.S. 514 (1968), however, the Court elaborated on the principle first articulated in *Robinson*.

Powell concerned the constitutionality of a Texas law making public drunkenness a criminal offense. Justice Marshall, writing for a plurality of the Court, distinguished the Texas statute from the law at issue in *Robinson* on the

ground that the Texas statute made criminal not alcoholism but *conduct* — appearing in public while intoxicated. “[A]ppellant was convicted, not for being a chronic alcoholic, but for being in public while drunk on a particular occasion. The State of Texas thus has not sought to punish a mere status, as California did in *Robinson*; nor has it attempted to regulate appellant’s behavior in the privacy of his own home.” *Id.* at 532 (plurality opinion).

The *Powell* plurality opinion went on to interpret *Robinson* as precluding only the criminalization of “status,” not of “involuntary” conduct. “The entire thrust of *Robinson*’s interpretation of the Cruel and Unusual Punishment Clause is that criminal penalties may be inflicted only if the accused has committed some act, has engaged in some behavior, which society has an interest in preventing, or perhaps in historical common law terms, has committed some actus reus. It thus does not deal with the question of whether certain conduct cannot constitutionally be punished because it is, in some sense, ‘involuntary’” *Id.* at 533.

Four Justices dissented from the Court’s holding in *Powell*; Justice White concurred in the result alone. Notably, Justice White noted that many chronic alcoholics are also homeless, and that for those individuals, public drunkenness may be unavoidable as a practical matter. “For all practical purposes the public streets may be home for these unfortunates, not because their disease compels them to be there, but because, drunk or sober, they have no place else to go and no place else to be when they are drinking. . . . For some of these alcoholics I would think a showing could be made that resisting drunkenness is impossible and that avoiding public places when intoxicated is also impossible. As applied to them this statute is in effect a law which bans

a single act for which they may not be convicted under the Eighth Amendment — the act of getting drunk.” *Id.* at 551 (White, J., concurring in the judgment).

The four dissenting Justices adopted a position consistent with that taken by Justice White: that under *Robinson*, “criminal penalties may not be inflicted upon a person for being in a condition he is powerless to change,” and that the defendant, “once intoxicated, . . . could not prevent himself from appearing in public places.” *Id.* at 567 (Fortas, J., dissenting). Thus, five Justices gleaned from *Robinson* the principle that “that the Eighth Amendment prohibits the state from punishing an involuntary act or condition if it is the unavoidable consequence of one’s status or being.” *Jones*, 444 F.3d at 1135; *see also United States v. Roberston*, 875 F.3d 1281, 1291 (9th Cir. 2017).

This principle compels the conclusion that the Eighth Amendment prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter. As *Jones* reasoned, “[w]hether sitting, lying, and sleeping are defined as acts or conditions, they are universal and unavoidable consequences of being human.” *Jones*, 444 F.3d at 1136. Moreover, any “conduct at issue here is involuntary and inseparable from status — they are one and the same, given that human beings are biologically compelled to rest, whether by sitting, lying, or sleeping.” *Id.* As a result, just as the state may not criminalize the state of being “homeless in public places,” the state may not “criminalize conduct that is an unavoidable consequence of being homeless — namely sitting, lying, or sleeping on the streets.” *Id.* at 1137.

Our holding is a narrow one. Like the *Jones* panel, “we in no way dictate to the City that it must provide sufficient shelter for the homeless, or allow anyone who wishes to sit, lie, or sleep on the streets . . . at any time and at any place.” *Id.* at 1138. We hold only that “so long as there is a greater number of homeless individuals in [a jurisdiction] than the number of available beds [in shelters],” the jurisdiction cannot prosecute homeless individuals for “involuntarily sitting, lying, and sleeping in public.” *Id.* That is, as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter.⁸

We are not alone in reaching this conclusion. As one court has observed, “resisting the need to eat, sleep or engage in other life-sustaining activities is impossible. Avoiding public places when engaging in this otherwise innocent conduct is also impossible. . . . As long as the homeless plaintiffs do not have a single place where they can lawfully be, the challenged ordinances, as applied to them, effectively

⁸ Naturally, our holding does not cover individuals who *do* have access to adequate temporary shelter, whether because they have the means to pay for it or because it is realistically available to them for free, but who choose not to use it. Nor do we suggest that a jurisdiction with insufficient shelter can *never* criminalize the act of sleeping outside. Even where shelter is unavailable, an ordinance prohibiting sitting, lying, or sleeping outside at particular times or in particular locations might well be constitutionally permissible. *See Jones*, 444 F.3d at 1123. So, too, might an ordinance barring the obstruction of public rights of way or the erection of certain structures. Whether some other ordinance is consistent with the Eighth Amendment will depend, as here, on whether it punishes a person for lacking the means to live out the “universal and unavoidable consequences of being human” in the way the ordinance prescribes. *Id.* at 1136.

punish them for something for which they may not be convicted under the [E]ighth [A]mendment — sleeping, eating and other innocent conduct.” *Pottinger v. City of Miami*, 810 F. Supp. 1551, 1565 (S.D. Fla. 1992); *see also Johnson v. City of Dallas*, 860 F. Supp. 344, 350 (N.D. Tex. 1994) (holding that a “sleeping in public ordinance as applied against the homeless is unconstitutional”), *rev’d on other grounds*, 61 F.3d 442 (5th Cir. 1995).⁹

Here, the two ordinances criminalize the simple act of sleeping outside on public property, whether bare or with a blanket or other basic bedding. The Disorderly Conduct Ordinance, on its face, criminalizes “[o]ccupying, lodging, or sleeping in *any* building, structure or place, whether public or private” without permission. Boise City Code § 6-01-05. Its scope is just as sweeping as the Los Angeles ordinance at issue in *Jones*, which mandated that “[n]o person shall sit, lie or sleep in or upon any street, sidewalk or other public way.” 444 F.3d at 1123.

The Camping Ordinance criminalizes using “any of the streets, sidewalks, parks or public places as a camping place

⁹ In *Joel v. City of Orlando*, 232 F.3d 1353, 1362 (11th Cir. 2000), the Eleventh Circuit upheld an anti-camping ordinance similar to Boise’s against an Eighth Amendment challenge. In *Joel*, however, the defendants presented unrefuted evidence that the homeless shelters in the City of Orlando had never reached capacity and that the plaintiffs had always enjoyed access to shelter space. *Id.* Those unrefuted facts were critical to the court’s holding. *Id.* As discussed below, the plaintiffs here have demonstrated a genuine issue of material fact concerning whether they have been denied access to shelter in the past or expect to be so denied in the future. *Joel* therefore does not provide persuasive guidance for this case.

at any time.” Boise City Code § 9-10-02. The ordinance defines “camping” broadly:

The term “camp” or “camping” shall mean the use of public property as a temporary or permanent place of dwelling, lodging, or residence, or as a living accommodation at anytime between sunset and sunrise, or as a sojourn. Indicia of camping may include, but are not limited to, storage of personal belongings, using tents or other temporary structures for sleeping or storage of personal belongings, carrying on cooking activities or making any fire in an unauthorized area, or any of these activities in combination with one another or in combination with either sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping).

Id. It appears from the record that the Camping Ordinance is frequently enforced against homeless individuals with some elementary bedding, whether or not any of the other listed indicia of “camping” — the erection of temporary structures, the activity of cooking or making fire, or the storage of personal property — are present. For example, a Boise police officer testified that he cited plaintiff Pamela Hawkes under the Camping Ordinance for sleeping outside “wrapped in a blanket with her sandals off and next to her,” for sleeping in a public restroom “with blankets,” and for sleeping in a park “on a blanket, wrapped in blankets on the ground.” The Camping Ordinance therefore can be, and allegedly is, enforced against homeless individuals who take even the most rudimentary precautions to protect themselves from the

elements. We conclude that a municipality cannot criminalize such behavior consistently with the Eighth Amendment when no sleeping space is practically available in any shelter.

III. Conclusion

For the foregoing reasons, we **AFFIRM** the judgment of the district court as to the plaintiffs' requests for retrospective relief, except as such claims relate to Hawkes's July 2007 citation under the Camping Ordinance and Martin's April 2009 citation under the Disorderly Conduct Ordinance. We **REVERSE** and **REMAND** with respect to the plaintiffs' requests for prospective relief, both declaratory and injunctive, and to the plaintiffs' claims for retrospective relief insofar as they relate to Hawkes' July 2007 citation or Martin's April 2009 citation.¹⁰

¹⁰ Costs shall be awarded to the plaintiffs.

OWENS, Circuit Judge, concurring in part and dissenting in part:

I agree with the majority that the doctrine of *Heck v. Humphrey*, 512 U.S. 477 (1994), bars the plaintiffs’ 42 U.S.C. § 1983 claims for damages that are based on convictions that have not been challenged on direct appeal or invalidated in state post-conviction relief. *See Lyall v. City of Los Angeles*, 807 F.3d 1178, 1192 n.12 (9th Cir. 2015).

I also agree that *Heck* and its progeny have no application where there is no “conviction or sentence” that would be undermined by granting a plaintiff’s request for relief under § 1983. *Heck*, 512 U.S. at 486–87; *see also Wallace v. Kato*, 549 U.S. 384, 393 (2007). I therefore concur in the majority’s conclusion that *Heck* does not bar plaintiffs Robert Martin and Pamela Hawkes from seeking retrospective relief for the two instances in which they received citations, but not convictions. I also concur in the majority’s Eighth Amendment analysis as to those two claims for retrospective relief.

Where I part ways with the majority is in my understanding of *Heck*’s application to the plaintiffs’ claims for declaratory and injunctive relief. In *Wilkinson v. Dotson*, 544 U.S. 74 (2005), the Supreme Court explained where the *Heck* doctrine stands today:

[A] state prisoner’s § 1983 action is barred (absent prior invalidation)—no matter the relief sought (damages or equitable relief), no matter the target of the prisoner’s suit (state conduct leading to conviction or internal prison proceedings)—*if* success in that action

would necessarily demonstrate the invalidity of confinement or its duration.

Id. at 81–82. Here, the majority acknowledges this language in *Wilkinson*, but concludes that *Heck*'s bar on any type of relief that “would necessarily demonstrate the invalidity of confinement” does not preclude the prospective claims at issue. The majority reasons that the purpose of *Heck* is “to ensure the finality and validity of previous convictions, not to insulate future prosecutions from challenge,” and so concludes that the plaintiffs’ prospective claims may proceed. I respectfully disagree.

A declaration that the city ordinances are unconstitutional and an injunction against their future enforcement necessarily demonstrate the invalidity of the plaintiffs’ prior convictions. Indeed, any time an individual challenges the constitutionality of a substantive criminal statute under which he has been convicted, he asks for a judgment that would necessarily demonstrate the invalidity of his conviction. And though neither the Supreme Court nor this court has squarely addressed *Heck*'s application to § 1983 claims challenging the constitutionality of a substantive criminal statute, I believe *Edwards v. Balisok*, 520 U.S. 641 (1997), makes clear that *Heck* prohibits such challenges. In *Edwards*, the Supreme Court explained that although our court had recognized that *Heck* barred § 1983 claims challenging the validity of a prisoner’s confinement “as a substantive matter,” it improperly distinguished as not *Heck*-barred *all* claims alleging only procedural violations. 520 U.S. at 645. In holding that *Heck* also barred those procedural claims that would necessarily imply the invalidity of a conviction, the Court did not question our conclusion that claims challenging a conviction “as a substantive matter” are barred by *Heck*.

Id.; see also *Wilkinson*, 544 U.S. at 82 (holding that the plaintiffs' claims could proceed because the relief requested would only "render invalid the state *procedures*" and "a favorable judgment [would] not 'necessarily imply the invalidity of [their] conviction[s] or sentence[s]'" (emphasis added) (quoting *Heck*, 512 U.S. at 487)).

Edwards thus leads me to conclude that an individual who was convicted under a criminal statute, but who did not challenge the constitutionality of the statute at the time of his conviction through direct appeal or post-conviction relief, cannot do so in the first instance by seeking declaratory or injunctive relief under § 1983. See *Abusaid v. Hillsborough Cty. Bd. of Cty. Comm'rs*, 405 F.3d 1298, 1316 n.9 (11th Cir. 2005) (assuming that a §1983 claim challenging "the constitutionality of the ordinance under which [the petitioner was convicted]" would be *Heck*-barred). I therefore would hold that *Heck* bars the plaintiffs' claims for declaratory and injunctive relief.

We are not the first court to struggle applying *Heck* to "real life examples," nor will we be the last. See, e.g., *Spencer v. Kemna*, 523 U.S. 1, 21 (1998) (Ginsburg, J., concurring) (alterations and internal quotation marks omitted) (explaining that her thoughts on *Heck* had changed since she joined the majority opinion in that case). If the slate were blank, I would agree that the majority's holding as to prospective relief makes good sense. But because I read *Heck* and its progeny differently, I dissent as to that section of the majority's opinion. I otherwise join the majority in full.

**CITY COUNCIL
MONTHLY
ACTIVITY
REPORTS**

COUNCILOR TRACY TODD

FEBRUARY 2019 – CIVIC ACTIVITY DETAIL

MEETINGS - ACTIVITIES

- | | |
|-----------|--|
| 2/12/2019 | Gladstone City Council Meeting |
| 2/15/2019 | Interviewed by JWES student Bradley Miller, earning his Arrow of Light requirement |
| 2/20/2019 | Gladstone Civic Center Open House |

NOTES

MAYOR TAMMY STEMPEL

FEBRUARY 2019 – CIVIC ACTIVITY DETAIL

MEETINGS - ACTIVITIES

- 2/1/2019 - Fire Department Awards Banquet
- 2/4/2019 - Agenda meeting with Jacque
- 2/5/2019 - Affordable Housing Meeting
- 2/6/2019 - Food Pantry – Stocking
- 2/7/2019 - Water Tourism Studio Meeting
- Clackamas County Coordinating Committee Meeting
- 2/11/2019 - Gladstone Parks and Recreation Meeting
- 2/12/2019 - Gladstone City Council Meeting
- 2/13/2019 - Food Pantry – Stocking
- 2/14/2019 - Food Pantry Shift
- Historical Society Meeting
- 2/19/2019 - Council Work session Agenda Meeting with Jacque
- Police Dept./Civic Center Space Planning Meeting
- 2/20/2019 - Food Pantry – Stocking
- Civic Center Open House
- 2/21/2019 - Mark Meek Education Town Hall Meeting
- 2/23/2019 - Food Pantry – Stocking and Fill-in Shift
- 2/25/2019 - Police Chief Interviews
- Police and Fire Chief Meet and Greet
- 2/26/2019 - City Council Work Session - Canceled
- 2/27/2019 - Food Pantry – Stocking
- 2/28/2019 - Clackamas Cities Dinner

NOTES

1. Fire Dept. Awards Banquet – Great event! Thank you to all of the hard work these firefighters do every day! Thank you to staff and the council members that attended.
2. Gladstone Food Pantry
 - Going well, but we still need volunteers and donations.
3. Affordable housing is a huge topic regionally. We are trying to create strategic partnerships that will allow us to use some of the housing bond money within our city.
4. Travel Oregon | Clackamas County Water Tourism Studio – This is a regional visioning and action group focused on tourism opportunities on the Clackamas River. The meetings will take place over the next three months and will hopefully end with a marketing and action plan.
5. Clackamas County Coordinating Committee Meeting – Discussions around transportation and affordable housing.
6. Parks and Recreation Board – Further discussion on park planning.
7. Historical Society Meeting – The new Gladstone History/Photo book by Arcadia is being published and will be available soon online, through the Historical Society and at local Costco stores. We will have a book signing party sometime in April. Thank you, Kim Huey, for writing this wonderful book!!
8. Clackamas Cities Dinner – Happy Valley hosted the event and gave a presentation on their annexation and planning of the Damascus area.

Councilor Randy Ripley

February 2019 Civic Activity Detail

2-11-19 Meeting with CA Betz

2-12-19 City council meeting

2-14-19 Civic Center plans review

2-15-19 meeting with Resident

2-20-19 Civic Center Q&A

2-25-19 Police Chief Interviews

Fire Chief interviews

Chiefs meet and greet

