

**GLADSTONE CITY COUNCIL MEETING
CITY HALL COUNCIL CHAMBERS
April 9, 2019 – 6:30 PM**

5:30 p.m. – Gladstone Civic Center Groundbreaking Ceremony – 18505 Portland Avenue.

6:30 p.m.

CALL TO ORDER

ROLL CALL

FLAG SALUTE

AGENDA ADDITIONS OR CORRECTIONS

PRESENTATION: Metro Food Scrap Policy – Information on a new ordinance regarding Business Food Waste requirements, mandated by Metro – Presentation by Clackamas County Staff.

CONSENT AGENDA:

1. Approval of March 12, 2019 Regular Meeting Minutes
2. Approval of February Bank Balances
3. Budget Report for Period ending 02-28-2019
4. Approval of February Check Register
5. Legal Costs on Projects
6. Department Head Monthly Reports for March 2019
7. Resolution 1157 – Adopt the Mutual Agreement Order between the City of Gladstone and Oregon Department of Environmental Quality (DEQ)
8. Resolution 1158 – Amending Use of Right of Way (ROW) Funds to include Street, Sewer, Storm and Water

CORRESPONDENCE – none

REGULAR AGENDA:

9. COMMUNITY FESTIVAL APPLICATION

Consider approval of the August 2-4, 2019 Community Festival Contract

10. 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

Second Reading of Ordinance 1496 - Consider approving the Ordinance amending GMC Chapter 9.60 – Camping Prohibited in Certain Places, Section 9.60.030 – Violation – Penalty to Class “B” Violation.

11. RESOLUTION 1156 - UPDATE ON PUBLIC CONTRACTING RULES – Consider approving Resolution 1156 adopting updated public contracting rules and repealing resolution 902.

12. REPORT FROM GLADSTONE SCHOOL DISTRICT BOARD – Kristin Eaton (no attachments)

BUSINESS CARRIED FORWARD

1. Public Records Request for Attorney Bills
2. Letter of Appreciation to the Oregon City Pioneer Center

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:

- April 24, 2019 – Joint City Council – School Board Meeting, 5:30 p.m., Gladstone High School
- April 25, 2019 – Clackamas Cities Dinner, 5:30 p.m., Gladstone High School Cafeteria

PRESENTATION

City of Gladstone Staff Report

Report Date: April 2, 2019
Meeting Date: April 9, 2019
To: Gladstone City Council
From: Jacque Betz, City Administrator, Reba Crocker, ROW Manager

AGENDA ITEM

Introduction and information on a new ordinance regarding Business Food Waste requirements, mandated by Metro. Presentation by Clackamas County staff.

History/Background

Food is the largest component of our waste stream. Food is currently being sent to landfills where it decays and creates methane. For over 10 years Metro and local governments have been working towards an alternative disposal option. In July of 2018, the Metro Council adopted a business food waste requirement administrative rule. Under this administrative rule, local governments within Metro's boundaries are required to adopt an ordinance by July 31, 2019.

Since 2017, staff has been working with Metro and Clackamas County on the required ordinance and implementation procedures.

Proposal

This ordinance will apply to those businesses with full-service restaurants or on-site food preparation. Currently that list includes an estimated 20 to 25 businesses in Gladstone and a list of the businesses will be provided at the meeting.

Implementation will be phased in over a period of three years. Beginning on March 31, 2020 first phase that effects 1 to 2 business producing 1,000 or more pounds of food waste. The second phase, beginning on March 31, 2021 would affect 5 to 10 businesses, producing between 999 pounds and 500 pounds of food waste. The third and final phase begins on September 30, 2022 and covers an additional 3 to 13 business, that produce 250 pounds or more of food waste. During each phase the effected businesses would be required to separate food waste from all other solid waste.

This ordinance may affect solid waste rates in future years.

Options

N/A. The City is required to adopt these requirements.

Cost Impact

Clackamas County and Metro staff will provide assistance to effected business. City staff should not see any increase in staff time or labor. Code enforcement may be called upon to assist the County with enforcement.

Recommended Staff Action

Staff will work with the County and Metro staff to complete an ordinance for Council to consider adopting on May 14, 2019. At that time, staff will recommend Council adopt the ordinance.

S/Reba Crocker
Department Head
Signature


City Administrator
Signature

4-3-19
Date



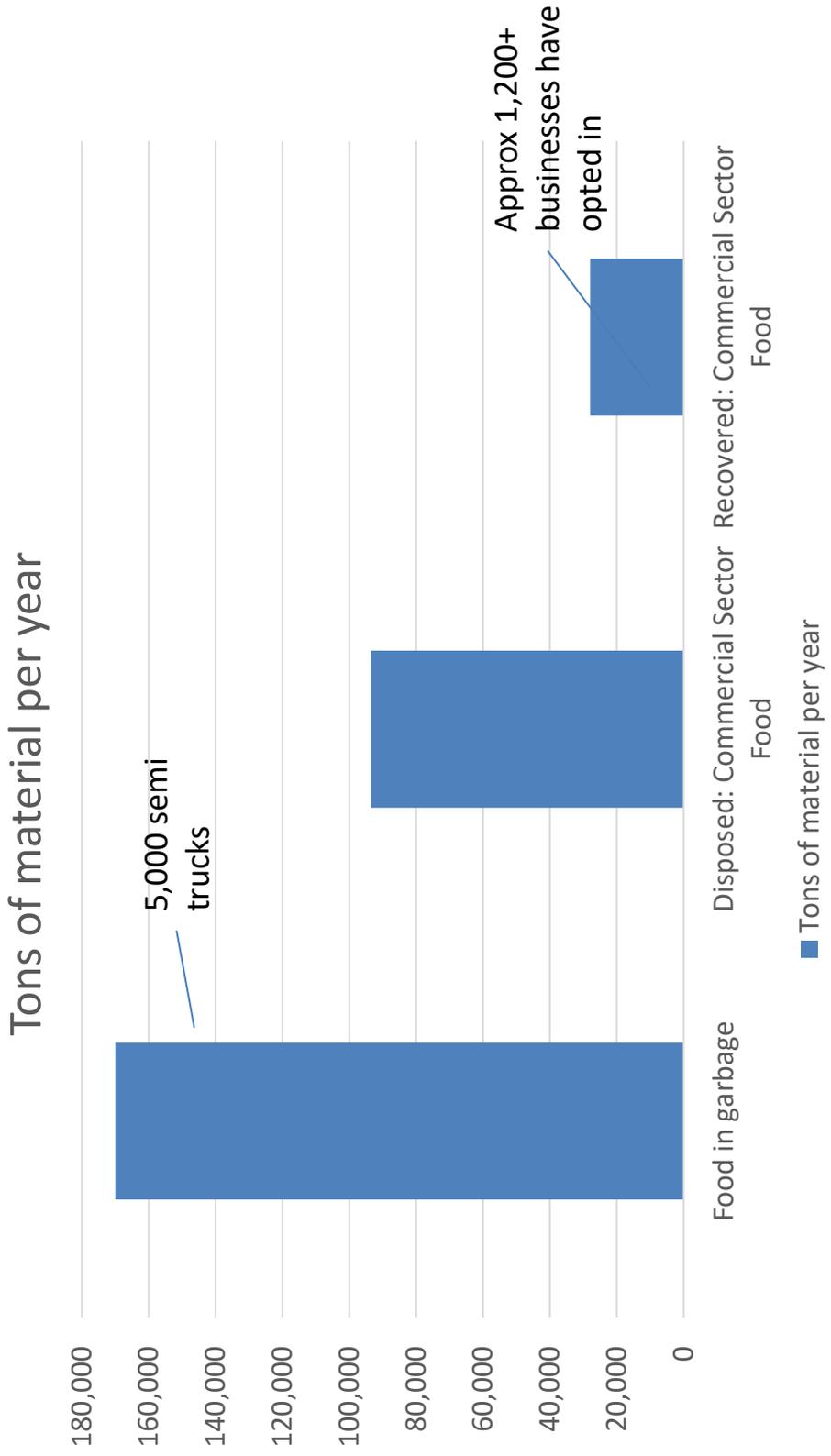
Regional Food Scraps Policy Overview

Gladstone City Council

April 9, 2019



Food in our Waste Stream



Why Food?

Recovering a valuable material
for energy / nutrients

Metro Food Scrap Policy - 4



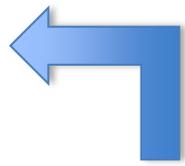
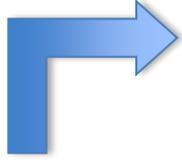
Why Food?

- Opportunity to better sort remaining garbage in future
- Oregon goal to recover 25% of wasted food by 2020
- On list of menu items for local govt compliance under OAR 340-90
- Voluntary programs are not seeing growth
- Mandate may open doors to donating and reducing food waste

Commercial not Residential



Not these



These food
scraps

This work has a long history

- 1993: Metro workshop to develop strategies for Organic Waste
- 1994: Metro conference follow up to 1993 workshop
- 1995: RFP for Phase 1 Food Waste Collection & Processing
- 1996: RFP for Phase 2 Food Waste Collection & Processing
- 1999: AOR Organics Forum: Portland discusses mandatory
- 2000: Metro & Portland convene processing roundtable, Metro RFP
- 2001: City of Portland issues RFP
- 2002: Metro matching grant program & site search
- 2003: Metro Organic Waste Infrastructure Development Grant
- 2004: RFP for combined transportation & processing services
- 2004-present: Metro provides funding to support local program development
- 2005: Food scraps collection program begins in Portland
- 2010: SWAC engagements specific to Food System
- 2009: PRC begins accepting food scraps
- 2010: Recology takes over contract for processing
- 2010: Nature's Needs begins accepting food scraps
- 2011: SWAC recommends the region move to mandatory if benchmarks not met
- 2012: Roadmap Food Scraps Project begins
- 2013: Nature's Needs closes to commercial food scraps
- 2013: JC Biomethane begins processing the region's food scraps

Public process so far

2016	<ul style="list-style-type: none"> Preliminary business survey (10% opposed to possible mandate) Preliminary review of six states and 13 cities with a mandatory collection for food or landfill ban
October 2016	Metro Council directive to draft a commercial food scraps requirement
December 2016	Creation of Food Scraps Policy Committee; presentation to C4
June-Nov 2017	Presentations to City Councils/business groups (Gladstone City Council 11/2017)
Sept-Oct 2017	Public Comment / Survey #1
April - May 2018	Public Comment / Survey #2
July 2018	Metro Council adopted resolution and ordinance (Public Comment period)
October 2018	Metro COO adopted administrative rules
December 2018	Notification letters to local governments

Metro Council Direction

To achieve the objectives of increasing recovery and attracting stable, local processing capacity:

1. Require certain businesses to separate their food scraps for recovery, eventually ban disposal of food.
2. Determine how to efficiently collect and deliver food scraps for processing.
3. Secure local and stable processing capacity.

Policy context

- There are approximately 67,000 businesses in the Metro region.
- About 7,000 of those in food service.
- About 3,000 would be affected by the policy (4% of the region's businesses).
- Over 1,700 are participating already.

What will this policy do?

- Requires local governments inside the Metro boundary to implement collection programs.
- Affects ~3,000 large to medium-sized food service businesses.
- Phased in over 5 years.
- Would eventually prohibit the disposal of large amounts of food.



Ordinance (Metro Code 5.10.410-470)

- Covered businesses: Defined as those that cook, assemble, process, serve or sell food
- Requires local governments to:
 - Require covered businesses to separate food waste
 - Notify haulers and businesses
 - Provide education & technical assistance
 - Enforce
 - Require property managers to allow collection

Thresholds and timing for businesses

Business Group 1 ≥0.5 ton (1,000 pounds) per week food waste generated	Business Group 2 ≥0.25 ton (500 pounds) per week food waste generated	Business Group 3 ≥0.125 ton (250 pounds) per week food waste generated
--	---	--

Who:

Starting: March 31, 2020

March 31, 2021

September 30, 2022

Approx Volume:



Covered Businesses in Gladstone

In Gladstone – There are approximately 25-30 food related entities total.

20-25 of these may be covered by the food scraps requirement.

- Group 1 (2020) – Larger Food Generators

1 grocery store (already participating)

~ 1 retirement community

- Group 2 (2021) – Medium Food Generators

~ 5-10 restaurants

- Group 3 (2022) – Smaller Food Generators

3 schools

~ 10 more restaurants

**WORKING
ESTIMATES**

Metro Administrative Rules

Key Elements (AR 5.10-4000)

For local governments:

- Policy does not apply outside the Metro boundary
- 5 or fewer covered businesses: Metro waives requirements
- Distance to Transfer Payments: for waste haulers for whom Metro Central takes longer to reach than nearest transfer station
 - Payments based on the value of the additional time spent in transit, per load
 - Metro will estimate the number of loads a hauler will have in its 'distant' area based on assumptions about the businesses and how much food waste they generate
- Property managers must allow collection
- Implementation plans are required

For Covered Businesses:

- Source separation and recovery of food waste (does not require 'front of house')
- Local governments may grant temporary compliance waivers

Stakeholder outreach

Business survey and interviews

- conducted by third party, reached 360 businesses

Individual businesses and industry associations – meetings and presentations

- **Albertsons/Safeway**
- Aramark/Pacific Wild
- Bon Appetit/Oregon Episcopal School
- Building Owners and Managers Association (BOMA)
- Clackamas County Business Alliance
- Costco
- Gresham Chamber of Commerce
- Elmer's
- Hillsboro Chamber of Commerce
- McMenamin's
- **North Clackamas Chamber Public Policy Committee**
- Northwest Food Processors Association
- Northwest Grocers Association
- Oregon Convention Center, Oregon Zoo, EXPO Center, P'5
- Oregon Restaurant & Lodging Association
- Portland Business Alliance
- Providence Hospital
- Red Robin
- Shari's Restaurants
- Tualatin Chamber of Commerce Business Advisory Council
- Walmart
- Washington County Green Business Alliance
- Washington County Haulers
- Westside Economic Alliance
- Willamette View Retirement

Local government meetings and presentations

- Beaverton City Council
- Clackamas County Commission
- Cornelius City Council
- Fairview City Council
- Forest Grove City Council
- Forest Grove Sustainability Commission
- **Gladstone City Council**
- Gresham City Council & staff
- Hillsboro City Council
- King City City Council
- Lake Oswego City Council
- Milwaukie City Council
- Oregon City Commission
- Regional City Managers
- Regional Mayors and Chairs
- Sherwood City Council
- State and County Health Departments
- Tigard City Council
- Troutdale City Council
- Tualatin City Council
- Washington County Commission
- Washington County SWAC
- West Linn City Council
- Wilsonville City Council
- Wood Village City Council

Food Rescue Agency Roundtable

- Conducted by third party, 12 food rescue non-profits participated.

How have businesses responded?

- On-site assistance is key, as is reliable collection service
- Very few are opposed to a required program
- Almost half are in favor
- One-third had concerns
- Phase-in and flexibility are critical

• Metro Food Scrap Policy - 17



Roles (from a City's perspective)

Function	City	County	Metro
Regionwide compliance			✓
Distance payments to collectors			✓
Funding support for Implementation			✓
Local Ordinance	✓		
Implementation Plan		✓	
Outreach & Notification		✓	
Technical Assistance		✓	
Reporting		✓	
Waiver Review	?	?	
Enforcement	✓		

What's next?

2016	<ul style="list-style-type: none"> Preliminary business survey (10% opposed to possible mandate) Preliminary review of six states and 13 cities with a mandatory collection for food or landfill ban
October 2016	Metro Council directive to draft a commercial food scraps requirement
December 2016	Creation of Food Scraps Policy Committee; presentation to C4
June-Nov 2017	Presentations to City Councils
Sept-Oct 2017	Public Comment / Survey #1
July 2018	Metro Council adopted resolution and ordinance (Public Comment period)
October 2018	Metro COO adopted administrative rules
December 2018	Notification letters to local governments
July 31, 2019	Deadline for local governments to adopt implementing ordinances
February 2020	DUE: Clackamas County & Cities Implementation Plan
March 2020	Group 1 Implementation Begins
March 2021	Group 2 Implementation Begins
September 2022	Group 3 Implementation Begins
2023	Metro may consider a ban on significant food waste disposal

Model Ordinance

BUSINESS FOOD WASTE REQUIREMENT MODEL ORDINANCE

Section 1. Applicability

This ordinance applies to all covered businesses. A covered business is a business that cooks, assembles, processes, serves, or sells food or does so as service providers for other enterprises.

Covered businesses subject to the business food waste requirement include but are not limited to:

- Cafeterias & buffets
- Caterers
- Colleges & universities*
- Correctional facilities
- Drinking places*
- Elementary and secondary schools*
- Food product manufacturing
- Food service contractors
- Full service restaurants
- Grocery retail
- Grocery wholesale
- Hospitals*
- Hotels*
- Limited service restaurants
- Nursing & residential care*
- Retirement & assisted living*
- Specialty food markets
- Warehouse clubs

* Only those with full-service restaurants or on-site food preparation or service are subject to this requirement.

Section 2. Business Food Waste Requirement

Covered businesses must separate food waste from all other solid waste for collection. Food waste means waste from fruits, vegetables, meats, dairy products, fish, shellfish, nuts, seeds, grains, coffee grounds, and other food that results from the distribution, storage, preparation, cooking, handling, selling or serving of food for human consumption. Food waste includes but is not limited to excess, spoiled or unusable food and includes inedible parts commonly associated with food preparation such as pits, shells, bones, and peels. Food waste does not include liquids or large amounts of oils and meats which are collected for rendering, fuel production or other non-disposal applications, or any food fit for human consumption that has been set aside, stored properly and is accepted for donation by a charitable organization and any food collected to feed animals in compliance with applicable regulations.

Covered businesses must collect food waste that is controlled by the business, agents, and employees. This requirement does not apply to food wastes controlled by customers or the public. At its discretion, a business may also collect food waste from customers or the public but must ensure that food wastes are free of non-food items. K-12 schools may also include student-generated food waste from school cafeteria meals but must ensure that food wastes are free of non-food items.

Covered businesses must have correctly-labeled and easily-identifiable receptacles for internal maintenance or work areas where food waste may be collected, stored, or both.

Covered businesses must post accurate signs where food waste is collected, stored, or both that identify the materials that the covered business must source separate.

Owners or managers of single or multi-tenant buildings containing covered businesses must allow or otherwise enable the provision of food waste collection service to lessees or occupants subject to the business food waste requirement.

Section 3. Compliance Timeline

Covered Businesses must comply with the food waste requirement as determined by the quantity of food waste they generate per week, on average. Implementation will begin with Business Group 1 and progress to the other groups according to the dates noted below. Covered Businesses that demonstrate they generate less than 250 pounds per week of food waste are not subject to this requirement.

Business Group 1 March 31, 2020-March 31, 2021	Business Group 2 March 31, 2021-Sept. 30, 2022	Business Group 3 Sept. 30, 2022-Sept. 30, 2023
≥0.3 ton (1,000 pounds) per week food waste generated	≥0.25 ton (500 pounds) per week food waste generated	≥0.125 ton (250 pounds) per week food waste generated

Section 4. Temporary Compliance Waivers to Covered Businesses

A covered business may seek a temporary (12 month) waiver from the business food waste requirement by providing access to a recycling specialist for a site visit and demonstrating that the covered business cannot comply with the business food waste requirement. Businesses must agree to periodic waiver verification site visits to determine if conditions that warrant the waiver are still in place and cannot be remedied in accordance with waiver criteria.

Section 5. Enforcement of the Business Food Waste Requirement

A covered business that does not comply with the business food waste requirement may receive a written notice of noncompliance. The notice of noncompliance will describe the violation, provide the covered business an opportunity to cure the violation within the time specified in the notice, and offer assistance with compliance.

A covered business that does not cure a violation within the time specified in the notice of noncompliance may receive a written citation. The citation will provide an additional opportunity to cure the violation within the time specified in the citation and will notify the covered business that it may be subject to a fine.

A covered business that does not cure a violation within the time specified in the citation may be subject to a fine.

Thank you

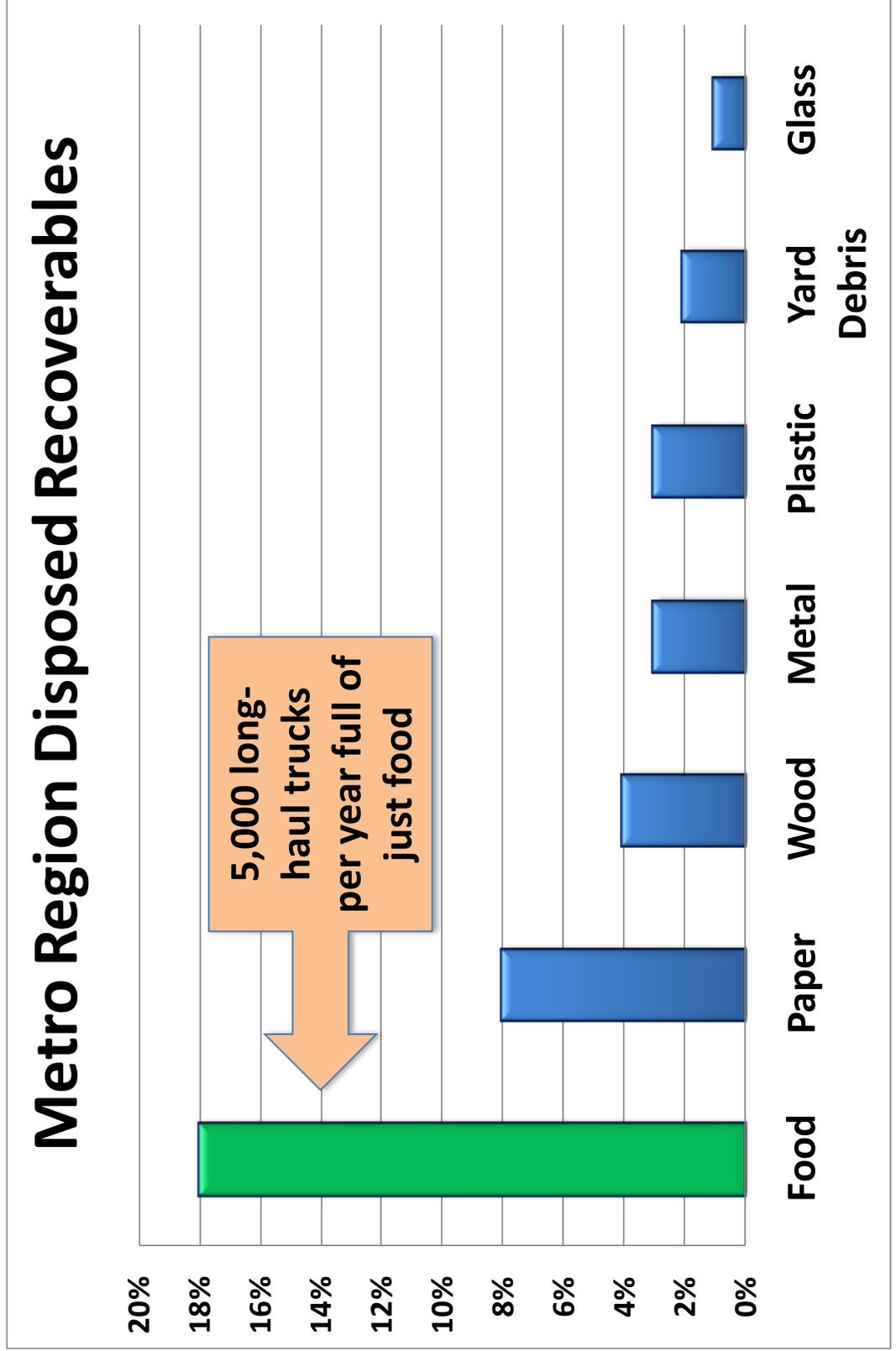
**Eben Polk
Clackamas County**

503.742.4470

epolk@clackamas.us

oregonmetro.gov/foodscraps

Why Food?





CONSENT AGENDA

GLADSTONE CITY COUNCIL MEETING MINUTES of March 12, 2019

Meeting was called to order at 7:20 PM.

ROLL CALL:

Mayor Tammy Stempel, Councilor Randy Ripley, Councilor Linda Neace, Councilor Matt Tracy, Councilor Neal Reisner, Councilor Traci Todd, Councilor Thomas Mersereau

ABSENT:

None

STAFF:

Jacque Betz, City Administrator; Tami Bannick, City Recorder; Jim Whynot, Public Works Director; Kim Yamashita, Chief of Police; Jeff Smith, Interim Fire Chief; David Doughman, City Attorney

AGENDA ADDITIONS OR CORRECTIONS:

Ms. Betz added two items under "Business Carried Forward" – awarding the bid for aluminum boarding docks for the Meldrum Bar Park project and a brief discussion regarding use of City facilities for political officials.

CONSENT AGENDA:

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

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

CORRESPONDENCE:

Ms. Betz said there was correspondence on the dais – a letter regarding a request for funding for the Gladstone High School 2019 senior graduation party. They are asking for a \$500 donation. The City does not have any concerns with the funds coming out of the community promotion/business development line item.

Councilor Neace made a motion to donate \$500 for the 2019 Senior Graduation party. Motion was seconded by Councilor Reisner.

Discussion: Councilor Reisner said this has been an ongoing donation that the City has done in hopes that all of the seniors celebrate in an organized environment so they aren't out on the streets of Gladstone and possibly getting themselves hurt.

Motion passed unanimously.

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.

REGULAR AGENDA

7. STATE OF THE CITIES ADDRESS:

Mayor Stempel said the staff and elected officials sat down in January and looked at the strategic plan, looked at what they have done, what they are doing now, and what the future looks like. Out of 32 objectives in the strategic plan they completed almost everything. She went over some of the projects they are working on: Water/stormwater/sewer/parks/transportation master plans are in place - they are approaching the capital improvement projects identified and looking at efficiencies. Staff is looking at the big picture and checking off the low hanging fruit when they think it might help mitigate the larger projects. They have invested in equipment desperately needed to keep our systems the best way they can. They were able to implement realistic system development charges. They entered into an agreement with the County to end the library lawsuit – they are now partnering on a two library solution being built and managed by the County that is truly a win-win for everyone in our district. The new Gladstone library will be located on the corner of Portland Avenue and Dartmouth where City Hall is currently and it will be the centerpiece of our Main Street, right where it should be. The library project will start as soon as the Civic Center is completed. They have broken ground on the new Civic Center – it will be a combined City Hall/Police Station located next to Public Works on Portland Avenue. The building will be the bookend to the downtown core and give us a place to do business that we can all be proud of. They expect it to be completed in May of 2020. Portland Avenue has gone through an extensive redevelopment plan and they are now working with a consultant to strategize how they can encourage developers to invest in our core.

The replacement of the trolley bridge connecting Gladstone and Oregon City is now in the feasibility study phase. The contract has been awarded and we are off and running. She said this is a great project for our region.

The Police Department is running smoothly, but in a holding pattern while they look for a new Chief – Kim Yamashita has agreed to step in and manage the department while they go through the recruiting process. The K-9 program is in place and they are reviewing codes and ordinances that seem to be a bit vague.

The Fire Department is now staffed 24/7 with shifts led by full time Captains. They have a strategic plan and standard of coverage that rivals anyone's in the region. They have expanded their technical training to include not only dive rescue, but added swift water and rope rescue. Our insurance rating is evaluated every ten years and we are mid-cycle now – when it is completed she is confident that our rating will improve significantly and a cost savings will be realized. They are also in the process of hiring a new Fire Chief. She thanked Jeff Smith for stepping up and helping with the transition.

The Food Pantry is up and running – it closed temporarily last summer, but with the help of volunteers they were able to open it up again. They are looking for a solid funding source to help pay for a part-time coordinator (approximately \$25,000/year). The Food Pantry is critical to our county. We are a regional resource serving people from all over the metro area. She is proud to be a volunteer there and she encourages others to help as well.

She said that Gladstone is still that small town where the police officers wave when they drive by and where everybody attends the community celebrations and high school football games. We don't want to lose that – it's who we are. All of these amazing projects will only strengthen our community and support the needs of our people.

8. 2019-2021 STRATEGIC PLAN:

Ms. Betz said that Mayor Stempel just outlined the strategic plan. They wanted to present it to the public and it is available on the City's website. Mayor Stempel thanked all the staff for their hard work.

9. REPORT FROM GLADSTONE SCHOOL DISTRICT:

The School Board member, Tracey Grant, was not present so this item was skipped.

10. OREGON HOUSING PLANNING PROJECT – CODE AUDIT ADVISORY COMMITTEE APPOINTMENTS:

Ms. Betz explained that they are going through the process of a code audit of Chapter 17, specifically in regard to our housing allowances. They received some grant funds through DLCD to have them hire a consultant to review our codes for housing. Part of that means they have to create an ad-hoc City committee. In order to appoint someone to an ad-hoc committee staff needs to make a recommendation to the Mayor and then the Mayor and the Council need to concur with those recommendations. John Southgate is the consultant. Ms. Betz went over the list of members and noted some changes to the list – Second Representative from the Abernethy Neighborhood Group will be Liz Wease, the Representative from the Seventh Day Adventist Church will be David Schwinghammer, and the Architect will be Jennifer Marsicek. They would also like to add a Representative from the Historical Society, Bill Osburn. The first meeting will be on March 27th.

Councilor Reisner made a motion to support staff and the Mayor's recommended appointments to the Ad-Hoc Committee to provide feedback on the Gladstone Housing Code Audit proposal. Motion was seconded by Councilor Mersereau. Motion passed unanimously.

11. MUTUAL AGREEMENT ORDER (MAO) WITH DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ):

Mr. Whynot introduced Tiffany Yelton-Bram, Water Quality Source Control Manager with DEQ. They are asking the Council to authorize staff to sign the Mutual Agreement Order. Mr. Whynot said that Gladstone has a long history of overflowing raw sewage into the rivers. Typically every time we get heavy rains there is a lot of inflow and infiltration (I&I) that gets into the system through a series of manners: storm system direct connects, leaking pipes and manholes, roof drains connected to the sewer, etc. The Oregon Revised Statutes and Oregon Administrative Rules both prohibit the discharge of raw sewage into the rivers. The MAO basically says that the City will be paying \$4,800 in fines for current violations, the City needs to conduct a comprehensive I&I study to locate where the problems are, develop an annual budget to address I&I issues according to what the results of the study shows, and remove all the major sources of I&I.

Ms. Yelton-Bram said the MAO is an enforcement document that takes care of the violations that have happened to date that are documented in the order and does set a penalty, but it also sets a path forward that will help with future planning.

Mr. Whynot said that the City has modified some of our storm manholes that redirected flow and installed a flow meter in our sewer system on Clackamas Boulevard to start monitoring to

determine if we are making improvements and it helps determine how far out in the system the problem is. They now have equipment to clean the lines.

Mayor Stempel asked if the City Attorney is comfortable with all the language in the MAO – Mr. Doughman went over some questions/issues he had in the document – Ms. Yelton-Bram will look into those. Mayor Stempel asked Mr. Whynot if he was confident that the City will be able to make these repairs/upgrades in the timeframe that is allotted in the agreement – he said it will depend a lot on their next discussion. Ms. Betz said we really don't have any choice but to enter into this agreement or pay an inordinate amount of fines for the next several years. Councilor Reisner asked about doing another study of the sewer system. Mr. Whynot said this is specifically an I&I study – it will address the problems and not just be replacing all the pipes. Ms. Yelton-Bram said this type of study helps you use the information you may already have in a very strategic way. Mr. Whynot said that a lot of the work will be done in-house – they have purchased a smoke machine that is used to locate issues in the pipes. Ms. Yelton-Bram went over the factors involved in how they arrive at the amount of penalty – they recognize that the City has already put together quite a bit of work and planning to address the overflow problem. The formula includes frequency and severity.

Councilor Reisner suggested they wait until the City Attorney has a chance to review the proposed changes. It was agreed that this will come back before the Council in the Consent Agenda at the April 9th meeting.

Ms. Betz said they need to acknowledge the civil penalty of \$4,800 is a global settlement for past violations and that will come out of the sewer fund.

12. UTILITY RATE DIRECTION FROM COUNCIL:

Mr. Whynot gave a brief history related to this topic. There have been multiple studies done in recent years. In July of 2017 a stormwater utility of \$5.00/month was implemented. In January 2018 the water rates were raised by \$1.58 and sewer by \$.50/month. In July of 2018 they increased the stormwater utility to \$10, which is still below what most other cities charge. In January of 2019 they raised the water rates by \$1.99/month and sewer by \$.48. The City portion of the utility bill has increased by \$14.55 since July of 2017 – this has allowed the City to increase staff (2 full time employees) to operate and maintain infrastructure. He went over the options for rate increases. With a 10% increase staff feels that it would take approximately five years to address the I&I issues addressed in the MAO. The construction costs for the Addie Street project was approximately \$575/ foot. The estimate for the current project is approximately \$711/lineal foot (replacing curbs/sidewalk/pavement/water/sewer/storm). The City owns approximately 40 miles of infrastructure which comes out to 211,000 lineal feet. Over the next six months staff is planning on doing some open houses, public messaging, and inserts in the bills to provide information regarding the infrastructure. Any rate increase would not happen until January of 2020. They are anticipating using the right-of-way fees toward repairing/replacing the infrastructure. Ms. Betz said that currently the right-of-way fees come into the general fund and they are allocated to Public Works Street Fund. She said they are offering a phased-in approach with a 10% increase in rates that is going to add about \$7.50 to monthly utility bills. There was discussion regarding the rates/increases in surrounding cities. Mr. Whynot said that soon the City will be at a point where they can't take advantage of some grants because they can't fund the match needed and if we don't start spending the system development fees we can plan on giving them back.

Ms. Betz said that they are asking the Council for their blessing on the 10% increase in the next biennial budget for 2020-2021 and in the meantime they would like to run some scenarios to do an options list for the budget committee to look at.

Councilor Mersereau said he believes if we sped up the process and did everything in five years' time it would save the City millions of dollars. He asked if that was being considered. Mr. Whynot said it was not because yes, you would save money, but he doesn't see how it could be accomplished.

Public Comments:

Bill Osburn said he hopes this is looked at very seriously and that the increases will be the bare minimum of what's needed. He would like more transparency on this issue – let people know why this is necessary. He said he was disappointed in the recent newsletter regarding right-of-way fees. He said while the City is trying to catch up all at once with modernizing the City there are a lot of growing pains that people are feeling. He suggested pumping the brakes on the extra fees/taxes that are just revenue generators that we are doing just because other cities do it.

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:

Police Chief Yamashita said this is mostly a housekeeping matter - the code needs to be updated. Illegal camping will be decriminalized – it doesn't mean we can't/won't enforce it – this is a recommendation to change it to a Class “B” Violation, which is generally just a cash fine and does not subject the violator to arrest. This would put the City in compliance with the findings of the Ninth Circuit Court.

Councilor Reisner said there are also a lot of park rules that are criminalized. He recommends we decriminalize all but a couple of sections of the parks rules also. Chief Yamashita said that could be done, but those are not affected by this case so it wouldn't be necessary to do so. Councilor Reisner said the Parks Board wanted to give as much teeth as possible in dealing with park rules. Councilor Reisner feels we are being heavy handed and overbearing if we are threatening someone with arrest for being in a park after hours, but if they're camping they can't be – he doesn't feel that it's fair. Chief Yamashita said it's definitely a tool the officers have available to them but they also have discretion. Their decision to arrest or not is based on the totality of the circumstances.

Councilor Tracy made a motion to amend Gladstone Municipal Code Section 9.60.030 – Penalty Section changing violations of Chapter 9.60 to a Class B Violation. Motion was seconded by Councilor Ripley. Ms. Bannick took a roll call vote: Councilor Ripley – yes. Councilor Neace – yes. Councilor Tracy – yes. Councilor Reisner – no. Councilor Todd – yes. Councilor Mersereau – yes. Mayor Stempel – yes. Motion passed (6-1).

Mr. Doughman noted that this was the first reading of Ordinance 1496, an Ordinance amending Chapter 9.60 of the Gladstone Municipal Code.

BUSINESS CARRIED FORWARD:

Ms. Betz said they would like to award the bid for the Meldrum Bar Park dock to the lowest responsive bidder, which was C.R. Fabrication, Ltd. in the amount of \$127,448.49.

Councilor Reisner made a motion to award the bid for the aluminum boarding docks fabricate and deliver at Meldrum Bar Park for the City of Gladstone to C.R. Fabrication, Ltd. in the amount of

\$127,448.49 once the protest period has expired. Motion was seconded by Councilor Neace. Motion passed unanimously.

Ms. Betz said she will follow up with the individual Councilors she needs feedback from regarding the next item, which was use of City facilities.

BUSINESS FROM THE AUDIENCE:

Bob Everett, representing the Gladstone Senior Foundation, said they are having a fundraiser at Five Guys Burgers and Fries on April 6th – they get 15% of whatever is sold on that day. He invited everyone to come. He said the Foundation is in the process of doing a couple fundraisers. They will also be talking about how they want to spend the money they will be getting. They appreciate any donations. He thanked everyone who has already donated. They are hoping that the Senior Center will be fully operational soon. They are always looking for people who want to help out in whatever manner they can.

Nancy Eichsteadt, representing Friends of Gladstone Nature Park, said they are having the fourth Arbor Day event coming up at the end of April. They are looking for vendors. They will have hot food available this time. She said the licorice ferns are out now and are spectacular – she encouraged everyone to go see them.

Ms. Betz said she has a letter from someone who is not present – they asked that page one be read into the record, but legally it is not required – she could just hand it out to the Council. Councilor Reisner agreed to read it aloud. The letter is from Mindy Garlington, Gladstone resident/homeowner. Gladstone City Council, March 12th, 2019. “At the February 12th, 2019 City Council meeting agenda item number 14 was an appointment to the Budget Committee. I happened to be on that board and appreciate the knowledge, insight, schooling, and business experience that the people on that committee bring to the table at budget time. The Council had three applicants from three super qualified individuals who also happen to live in this town, pay taxes, and have graciously offered their time, experience, and expertise to help this city with a very important task at hand. Our budget is not a bargaining game. Our budget is millions of tax payer dollars and collected funds that support our city and pay for necessary infrastructure, including repairs, upgrades, and new projects. Of the seven members of this Council three of you elected not to vote for any of the three applicants. There isn’t a person who attended or watched that meeting online that couldn’t clearly see that there was a pre-agreed upon vote that was decided amongst the three. One has to wonder the reasoning behind the votes or who the ring leader of the agreement was. I frankly don’t care. What I will say is that it needs to stop. The people in town will not tolerate these tricks and shenanigans. You are toying with our hard earned money and for the folks in this town who go to work every day and pay their fair share of taxes this is no joke. Gladstone residents might be interested in knowing that more than half the members of this Council have been through personal bankruptcy and one member is currently involved in a second. So you do not care about your money. Should we be concerned with your lack of financial knowledge? If one is unable to unclog a sewer one finds someone who can. Bottom line is if you can’t do it you should find people that can and that would have been one of those three applicants that you passed on. Please leave your personal games out of this room and start doing what the people in this town thought you would do when they voted for you.”

BUSINESS FROM THE COUNCIL:

Councilor Tracy:

He said he appreciated going to the State of the Cities luncheon and having the Mayor, along with two other mayors (Milwaukie and Happy Valley) address the group. There was a lot of information given and it’s also kind of scary times for all the cities.

Councilor Reisner:

He said the next couple of Mondays there are Budget Committee meetings.

He apologized for the late start of the meeting tonight – they had some discussions regarding personnel that they needed to hammer down.

Mayor Stempel:

She recommended that everyone look at the civic activity detail from the Councilors – she thanked the Councilors for providing that. She said there are so many meetings that they attend and that’s how to find out what’s going on regionally. There are a lot of big dollar items coming down the pike (transportation bond, parks bond, affordable housing bond). She asked that people let the Council know how they feel about these issues so that they can carry that forward in their committees.

ADJOURN:

Meeting was adjourned at 9:02 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	\$ 11,319,906.13				
LGIP - Urban Renewal Agency #4650	14,805,716.70	14,842,907.79				
Checking Accounts:						
General Fund	88,817.11	327,460.30				
Urban Renewal	28,785.64	18,635.78				
Municipal Court	76,770.35	34,435.90				
Totals	\$ 26,761,675.43	\$ 26,543,345.90	\$ -	\$ -	\$ -	\$ -



Budget Report Account Summary

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	24,322.64	3,930,991.91	56,673.91	101.46 %
100-000-310050	PRIOR YEAR TAXES	110,000.00	110,000.00	1,922.96	24,530.48	-85,469.52	22.30 %
100-000-311030	LIBRARY DISTRICT REVENUE	740,778.00	740,778.00	0.00	728,898.00	-11,880.00	98.40 %
100-000-314045	TRANSIENT LODGING TAX	2,000.00	2,000.00	11,131.05	101,644.82	99,644.82	5,082.24 %
	RptType: 3100 - LOCAL TAXES Total:	4,727,096.00	4,727,096.00	37,376.65	4,786,065.21	58,969.21	101.25 %
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	25,083.13	124,008.41	-81,991.59	60.20 %
100-000-311015	MARIJUANA TAX	0.00	0.00	0.00	29,259.39	29,259.39	0.00 %
100-000-311020	CIGARETTE TAX REVENUE	14,000.00	14,000.00	0.00	7,419.75	-6,580.25	53.00 %
	RptType: 3110 - STATE SHARED TAXES Total:	220,000.00	220,000.00	25,083.13	223,939.13	3,939.13	101.79 %
RptType: 3120 - RIGHT OF WAY FEES							
100-000-312010	GLADSTONE DISPOSAL FRANCHISE FEE	100,000.00	100,000.00	0.00	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	39,892.26	39,892.26	-38,107.74	51.14 %
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	38,490.62	75,529.71	-89,470.29	45.78 %
100-000-312050	RIGHT OF WAY FEES-TELECOM	225,000.00	225,000.00	-44,735.13	4,280.69	-220,719.31	1.90 %
100-000-312055	RIGHT OF WAY - OTHER	0.00	0.00	34,823.62	34,823.62	34,823.62	0.00 %
100-000-312060	ROW LICENSE & APP. FEES	0.00	0.00	550.00	600.00	600.00	0.00 %
	RptType: 3120 - RIGHT OF WAY FEES Total:	893,000.00	893,000.00	69,021.37	208,976.91	-684,023.09	23.40 %
RptType: 3130 - LICENSES AND PERMITS							
100-000-313010	BUSINESS LICENSE FEES	125,000.00	125,000.00	12,800.00	67,195.00	-57,805.00	53.76 %
100-000-313015	LIQUOR LICENSE RENEWALS	1,000.00	1,000.00	245.00	560.00	-440.00	56.00 %
100-000-313020	ALARM PERMITS	3,500.00	3,500.00	1,525.00	4,075.00	575.00	116.43 %
	RptType: 3130 - LICENSES AND PERMITS Total:	129,500.00	129,500.00	14,570.00	71,830.00	-57,670.00	55.47 %
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	30.00	3,571.75	71.75	102.05 %
100-000-314020	PLANNING APPLICATION FEES	30,000.00	30,000.00	0.00	16,737.75	-13,262.25	55.79 %
100-000-314025	SOCIAL SERVICES CONTRACT	32,000.00	32,000.00	2,012.65	19,899.51	-12,100.49	62.19 %
100-000-314030	LIEN SEARCH FEES	4,200.00	4,200.00	480.00	4,170.00	-30.00	99.29 %
100-000-314040	ALL OTHER LIBRARY RECEIPTS	25,000.00	25,000.00	992.12	10,377.17	-14,622.83	41.51 %
	RptType: 3140 - CHARGES FOR SERVICES Total:	97,700.00	97,700.00	3,514.77	55,554.34	-42,145.66	56.86 %
RptType: 3141 - SDC							
100-000-314110	PARK SDC FEES	0.00	0.00	7,477.00	26,888.00	26,888.00	0.00 %
	RptType: 3141 - SDC Total:	0.00	0.00	7,477.00	26,888.00	26,888.00	0.00 %
RptType: 3150 - GRANTS							
100-000-315040	FIRE GRANTS	257,020.00	257,020.00	43,228.53	146,234.54	-110,785.46	56.90 %
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 %
	RptType: 3150 - GRANTS Total:	265,420.00	265,420.00	43,228.53	149,178.54	-116,241.46	56.20 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	31,436.36	267,307.88	-89,092.12	75.00 %
	RptType: 3260 - FINES AND FORFEITURES Total:	356,400.00	356,400.00	31,436.36	267,307.88	-89,092.12	75.00 %
RptType: 3301 - INTEREST							
100-000-330100	INTEREST	65,000.00	65,000.00	22,706.58	143,235.17	78,235.17	220.36 %
	RptType: 3301 - INTEREST Total:	65,000.00	65,000.00	22,706.58	143,235.17	78,235.17	220.36 %
RptType: 3600 - MISCELLANEOUS							
100-000-360000	ALL OTHER GF RECEIPTS	122,000.00	122,000.00	2,826.59	40,056.02	-81,943.98	32.83 %
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	0.00	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	322.60	5,306.97	3,306.97	265.35 %
100-000-362213	MEAL CHARGES	5,000.00	5,000.00	179.50	9,185.84	4,185.84	183.72 %
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	3,328.69	80,780.98	-80,219.02	50.17 %
RptType: 3700 - OTHER							
100-000-371000	SALE OF SURPLUS EQUIP/PROPERTY	15,000.00	15,000.00	3,705.00	159,759.94	144,759.94	1,065.07 %
	RptType: 3700 - OTHER Total:	15,000.00	15,000.00	3,705.00	159,759.94	144,759.94	1,065.07 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	10,200,116.00	13,200,116.00	261,448.08	9,173,516.10	-4,026,599.90	69.50 %
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	0.00	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	0.00	45,000.00	-152,640.00	22.77 %
	Department: 910 - TRANSFER IN Total:	152,390.00	197,640.00	0.00	45,000.00	-152,640.00	22.77 %
	Revenue Total:	10,352,506.00	13,397,756.00	261,448.08	9,218,516.10	-4,179,239.90	68.81 %
Expense							
Department: 121 - ADMIN							
RptCategory: 40 - PERSONNEL SERVICES							
100-121-431010	CITY ADMINISTRATOR	142,000.00	142,000.00	11,265.00	87,589.20	54,410.80	61.68 %
100-121-431020	CITY RECORDER	109,500.00	109,500.00	13,759.00	87,335.00	22,165.00	79.76 %
100-121-431070	OFFICE ASSISTANT	82,895.00	82,895.00	4,506.40	36,107.37	46,787.63	43.56 %
100-121-431500	ACCOUNTING CLERK	121,200.00	121,200.00	6,320.51	55,143.21	66,056.79	45.50 %
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	125.83	1,259.60	1,940.40	39.36 %
100-121-470000	ASSOCIATED PAYROLL COSTS	267,200.00	267,200.00	15,544.24	121,496.77	145,703.23	45.47 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	726,995.00	726,995.00	51,520.98	388,931.15	338,063.85	53.50 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-121-500110	CONTRACTUAL & PROFESSIONAL SER...	247,107.00	247,107.00	26,410.00	110,597.42	136,509.58	44.76 %
100-121-500120	MUNICIPAL AUDIT CONTRACT	40,000.00	40,000.00	350.00	29,350.00	10,650.00	73.38 %
100-121-500130	LEGAL FEES	188,000.00	188,000.00	4,837.23	41,645.12	146,354.88	22.15 %
100-121-500210	COMPUTER/TECHNOLOGY SERVICES	66,000.00	66,000.00	1,877.66	27,582.46	38,417.54	41.79 %
100-121-500490	COUNCIL ACTIVITIES	10,000.00	10,000.00	4,369.95	5,400.75	4,599.25	54.01 %
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	10,769.69	62,956.21	2,043.79	96.86 %
100-121-510020	COMM PROMOTIONS/BUSINESS DEV	232,000.00	232,000.00	6,200.00	9,800.00	222,200.00	4.22 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	385.03	3,017.89	1,482.11	67.06 %
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	2,102.64	12,616.99	14,638.01	46.29 %
100-121-520450	CITY NEWSLETTER	33,600.00	33,600.00	2,847.80	21,352.35	12,247.65	63.55 %
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	85.50	256.50	25,493.50	1.00 %
100-121-540110	EMPLOYEE APPRECIATION	1,700.00	1,700.00	0.00	485.18	1,214.82	28.54 %
100-121-540120	PERSONNEL RECRUITMENT	17,700.00	17,700.00	1,481.27	4,446.27	13,253.73	25.12 %
100-121-540200	DUES & MEMBERSHIPS	12,500.00	12,500.00	0.00	10,554.68	1,945.32	84.44 %
100-121-540220	TRAVEL, CONFERENCES & TRAINING	12,700.00	12,700.00	303.00	3,023.74	9,676.26	23.81 %
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	28.00	4,479.99	10,520.01	29.87 %
100-121-560120	TELEPHONES	14,000.00	14,000.00	871.35	6,732.69	7,267.31	48.09 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		1,178,062.00	1,178,062.00	62,919.12	511,923.07	666,138.93	43.45 %
Department: 121 - ADMIN Total:		1,905,057.00	1,905,057.00	114,440.10	900,854.22	1,004,202.78	47.29 %
Department: 124 - FACILITIES							
RptCategory: 40 - PERSONNEL SERVICES							
100-124-437050	PUBLIC WORKS SUPERVISOR	7,800.00	7,800.00	692.62	5,474.57	2,325.43	70.19 %
100-124-437070	UTILITY WORKER, JOURNEY	33,000.00	33,000.00	1,983.00	16,209.20	16,790.80	49.12 %
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	21.52	491.26	508.74	49.13 %
100-124-470000	ASSOCIATED PAYROLL COSTS	1,450.00	1,450.00	1,094.52	9,497.71	-8,047.71	655.01 %
RptCategory: 40 - PERSONNEL SERVICES Total:		51,750.00	51,750.00	3,791.66	36,431.27	15,318.73	70.40 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-124-500110	CONTRACTUAL & PROFESSIONAL SER...	47,000.00	47,000.00	4,563.68	23,440.14	23,559.86	49.87 %
100-124-520130	OPERATIONS, MAINTENANCE & REPA...	29,000.00	29,000.00	5,735.80	31,548.24	-2,548.24	108.79 %
100-124-520322	GENERATOR FUEL	1,600.00	1,600.00	134.74	134.74	1,465.26	8.42 %
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	215.18	689.94	6,710.06	9.32 %
100-124-560100	UTILITIES	52,500.00	52,500.00	7,130.39	48,423.98	4,076.02	92.24 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		138,500.00	138,500.00	17,779.79	104,237.04	34,262.96	75.26 %
RptCategory: 60 - CAPITAL OUTLAY							
100-124-641010	BUILDING REPAIR	0.00	0.00	1,739.86	35,627.64	-35,627.64	0.00 %
RptCategory: 60 - CAPITAL OUTLAY Total:		0.00	0.00	1,739.86	35,627.64	-35,627.64	0.00 %
Department: 124 - FACILITIES Total:		190,250.00	190,250.00	23,311.31	176,295.95	13,954.05	92.67 %
Department: 220 - COURT							
RptCategory: 40 - PERSONNEL SERVICES							
100-220-432020	MUNICIPAL COURT CLERK	61,000.00	61,000.00	4,955.33	39,642.64	21,357.36	64.99 %
100-220-432035	ASSISTANT COURT CLERK	22,600.00	22,600.00	3,032.64	32,800.15	-10,200.15	145.13 %
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	3,835.62	34,984.86	22,015.14	61.38 %
RptCategory: 40 - PERSONNEL SERVICES Total:		141,980.00	141,980.00	11,823.59	107,427.65	34,552.35	75.66 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-220-500110	CONTRACTUAL & PROFESSIONAL SER...	1,000.00	1,000.00	100.00	500.00	500.00	50.00 %
100-220-500132	PROSECUTING ATTORNEY	45,500.00	45,500.00	3,000.00	21,000.00	24,500.00	46.15 %
100-220-500134	ATTORNEYS FOR INDIGENT CLIENTS	31,550.00	31,550.00	1,000.00	15,875.00	15,675.00	50.32 %
100-220-500136	MUNICIPAL COURT JUDGE	41,000.00	41,000.00	6,000.00	25,092.00	15,908.00	61.20 %
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	30.60	153.02	846.98	15.30 %
100-220-500282	COURTROOM SECURITY	8,000.00	8,000.00	855.00	3,990.00	4,010.00	49.88 %
100-220-520120	BANK CHARGES	6,000.00	6,000.00	0.00	2,211.70	3,788.30	36.86 %
100-220-520400	OFFICE SUPPLIES & EQUIPMENT	11,000.00	11,000.00	1,572.93	5,496.07	5,503.93	49.96 %
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 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	350.00	1,426.02	2,573.98	35.65 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		153,919.00	153,919.00	12,908.53	75,743.81	78,175.19	49.21 %
Department: 220 - COURT Total:		295,899.00	295,899.00	24,732.12	183,171.46	112,727.54	61.90 %
Department: 240 - POLICE							
RptCategory: 40 - PERSONNEL SERVICES							
100-240-432110	POLICE CHIEF	101,880.00	101,880.00	9,829.00	81,332.59	20,547.41	79.83 %
100-240-432130	POLICE LIEUTENANT	96,425.00	96,425.00	8,676.40	65,368.11	31,056.89	67.79 %
100-240-432140	POLICE DETECTIVE	144,125.00	144,125.00	6,083.43	48,858.48	95,266.52	33.90 %
100-240-432160	POLICE OFFICER	598,850.00	598,850.00	46,400.96	357,749.41	241,100.59	59.74 %
100-240-432170	POLICE SERGEANT	222,137.00	222,137.00	19,491.04	149,399.95	72,737.05	67.26 %
100-240-432182	PROPERTY ROOM TECHNICIAN	28,000.00	28,000.00	1,759.68	16,991.91	11,008.09	60.69 %
100-240-432185	POLICE RECORDS CLERK	47,700.00	47,700.00	3,963.00	31,704.00	15,996.00	66.47 %
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	3,705.13	73,271.92	26,728.08	73.27 %
100-240-450200	HOLIDAY PAY	10,000.00	10,000.00	743.15	8,742.00	1,258.00	87.42 %
100-240-450300	PROFICIENCY PAY	50,000.00	50,000.00	2,282.27	18,587.36	31,412.64	37.17 %
100-240-450500	CAREER RECOGNITION PAY	8,000.00	8,000.00	112.32	1,007.13	6,992.87	12.59 %
100-240-470000	ASSOCIATED PAYROLL COSTS	1,005,000.00	1,005,000.00	48,242.29	399,057.54	605,942.46	39.71 %
100-240-470040	LIFE & DISABILITY INSURANCE	0.00	0.00	0.67	131.60	-131.60	0.00 %
RptCategory: 40 - PERSONNEL SERVICES Total:		2,419,117.00	2,419,117.00	151,289.34	1,252,765.17	1,166,351.83	51.79 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-240-500110	CONTRACTUAL & PROFESSIONAL SER...	40,000.00	40,000.00	751.55	17,973.93	22,026.07	44.93 %
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	19,062.94	33,755.40	56,244.60	37.51 %
100-240-520112	FIREARMS/AMMUNITION	20,000.00	20,000.00	984.06	11,149.17	8,850.83	55.75 %
100-240-520310	MAINTENANCE, REPAIR & OPERATION	15,000.00	15,000.00	127.15	1,281.62	13,718.38	8.54 %
100-240-520320	FLEET FUEL, MAINTENANCE & REPAIR	75,000.00	75,000.00	6,196.56	37,596.02	37,403.98	50.13 %
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	822.98	8,969.76	30.24	99.66 %
100-240-530101	POLICE RESERVE LIFE INSURANCE	0.00	0.00	0.00	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	672.47	10,794.61	24,205.39	30.84 %
100-240-540301	UNIFORMS AND SAFETY EQUIPMENT	24,000.00	24,000.00	217.99	13,190.97	10,809.03	54.96 %
100-240-542000	PUBLICATIONS & SUBSCRIPTIONS	19,500.00	19,500.00	0.00	2,237.50	17,262.50	11.47 %
100-240-560110	CELL PHONES, PAGERS, RADIOS	16,500.00	16,500.00	1,975.26	13,884.27	2,615.73	84.15 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		388,300.00	388,300.00	30,810.96	175,244.09	213,055.91	45.13 %
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	1,695.00	98,162.08	52,837.92	65.01 %
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	1,695.00	98,952.08	98,847.92	50.03 %
Department: 240 - POLICE Total:		3,005,217.00	3,005,217.00	183,795.30	1,526,961.34	1,478,255.66	50.81 %
Department: 250 - FIRE							
RptCategory: 40 - PERSONNEL SERVICES							
100-250-432210	FIRE CHIEF	104,672.00	104,672.00	8,565.00	65,181.73	39,490.27	62.27 %
100-250-432220	FIRE MARSHAL	82,930.00	82,930.00	7,409.00	60,210.99	22,719.01	72.60 %
100-250-432240	FIRE CAPTAIN	172,000.00	172,000.00	18,102.16	129,948.03	42,051.97	75.55 %
100-250-432290	ON-CALL FIREFIGHTERS	280,000.00	280,000.00	20,884.09	165,217.44	114,782.56	59.01 %
100-250-450100	OVERTIME	13,000.00	13,000.00	1,510.58	18,152.52	-5,152.52	139.63 %
100-250-470000	ASSOCIATED PAYROLL COSTS	244,000.00	244,000.00	25,370.04	199,297.29	44,702.71	81.68 %
100-250-470040	LIFE & DISABILITY INSURANCE	7,000.00	7,000.00	16.08	3,014.09	3,985.91	43.06 %
RptCategory: 40 - PERSONNEL SERVICES Total:		903,602.00	903,602.00	81,856.95	641,022.09	262,579.91	70.94 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-250-500110	CONTRACTUAL & PROFESSIONAL SER...	0.00	0.00	0.00	34.00	-34.00	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		Original Total Budget	Current Total Budget	Period Activity	Fiscal Activity	Variance Favorable (Unfavorable)	Percent Used
100-250-500150	MEDICAL DIRECTOR CONTRACT	17,000.00	17,000.00	925.00	8,030.00	8,970.00	47.24 %
100-250-500210	COMPUTER/TECHNOLOGY SERVICES	13,500.00	13,500.00	0.00	6,509.65	6,990.35	48.22 %
100-250-500498	SHARE COST CCOM DISPATCH	87,300.00	87,300.00	7,000.08	56,000.64	31,299.36	64.15 %
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	1,956.11	17,434.33	11,565.67	60.12 %
100-250-520126	SCBA & TURNOUT MAINTENANCE	15,500.00	15,500.00	843.95	6,952.27	8,547.73	44.85 %
100-250-520200	BLDG MAINTENANCE & SUPPLIES	47,000.00	47,000.00	6,311.70	25,364.50	21,635.50	53.97 %
100-250-520310	MAINTENANCE, REPAIR & OPERATION	0.00	0.00	25.00	56.50	-56.50	0.00 %
100-250-520320	FLEET FUEL, MAINTENANCE & REPAIR	63,000.00	63,000.00	2,926.03	37,680.39	25,319.61	59.81 %
100-250-520400	OFFICE SUPPLIES & EQUIPMENT	4,700.00	4,700.00	686.02	4,693.58	6.42	99.86 %
100-250-540130	PHYSICAL EXAMINATIONS	17,000.00	17,000.00	0.00	6,742.74	10,257.26	39.66 %
100-250-540200	DUES & MEMBERSHIPS	13,500.00	13,500.00	100.00	2,760.00	10,740.00	20.44 %
100-250-540222	TECH RESCUE TRAINING	12,250.00	12,250.00	896.21	1,530.21	10,719.79	12.49 %
100-250-540224	EMS TRAINING & RECERTIFICATION	12,500.00	12,500.00	0.00	2,988.83	9,511.17	23.91 %
100-250-540225	FIREFIGHTER TRAINING	64,000.00	64,000.00	2,260.45	16,642.06	47,357.94	26.00 %
100-250-540301	UNIFORMS AND SAFETY EQUIPMENT	18,500.00	18,500.00	1,439.95	6,966.61	11,533.39	37.66 %
100-250-560110	CELL PHONES, PAGERS, RADIOS	51,000.00	51,000.00	432.68	5,249.25	45,750.75	10.29 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		527,750.00	527,750.00	25,803.18	207,666.61	320,083.39	39.35 %
RptCategory: 60 - CAPITAL OUTLAY							
100-250-661010	ROUTINE EQUIP REPLACEMENT	45,300.00	45,300.00	671.95	10,472.28	34,827.72	23.12 %
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	659.78	6,639.83	9,360.17	41.50 %
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	1,331.73	47,458.31	796,508.69	5.62 %
Department: 250 - FIRE Total:		2,275,319.00	2,275,319.00	108,991.86	896,147.01	1,379,171.99	39.39 %
Department: 526 - PARKS							
RptCategory: 40 - PERSONNEL SERVICES							
100-526-437049	PUBLIC WORKS DIRECTOR	21,400.00	21,400.00	1,980.60	14,837.20	6,562.80	69.33 %
100-526-437050	PUBLIC WORKS SUPERVISOR	32,200.00	32,200.00	3,116.80	24,635.55	7,564.45	76.51 %
100-526-437055	PW ADMIN ASSISTANT	3,000.00	3,000.00	980.96	6,551.77	-3,551.77	218.39 %
100-526-437070	UTILITY WORKER, JOURNEY	82,000.00	82,000.00	7,245.25	58,851.82	23,148.18	71.77 %
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	81.97	1,610.61	-310.61	123.89 %
100-526-450500	CAREER RECOGNITION PAY	1,690.00	1,690.00	157.87	1,279.98	410.02	75.74 %
100-526-470000	ASSOCIATED PAYROLL COSTS	90,000.00	90,000.00	7,598.86	65,366.30	24,633.70	72.63 %
RptCategory: 40 - PERSONNEL SERVICES Total:		242,590.00	242,590.00	21,162.31	195,076.87	47,513.13	80.41 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-526-500110	CONTRACTUAL & PROFESSIONAL SER...	20,000.00	20,000.00	1,663.55	4,535.53	15,464.47	22.68 %
100-526-520130	OPERATIONS, MAINTENANCE & REPA...	18,000.00	18,000.00	5,577.82	42,971.61	-24,971.61	238.73 %
100-526-520132	HAZARDOUS TREE REMOVAL	29,000.00	29,000.00	0.00	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	1,144.31	10,284.00	19,716.00	34.28 %
100-526-520400	OFFICE SUPPLIES & EQUIPMENT	2,000.00	2,000.00	242.04	1,913.10	86.90	95.66 %
100-526-540220	TRAVEL, CONFERENCES & TRAINING	3,000.00	3,000.00	42.50	343.10	2,656.90	11.44 %
100-526-540300	SMALL TOOLS, EQUIPMENT & SAFETY...	20,000.00	20,000.00	1,032.35	2,253.36	17,746.64	11.27 %
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	2,195.82	18,728.95	6,271.05	74.92 %
RptCategory: 50 - MATERIAL AND SERVICES Total:		152,000.00	152,000.00	11,898.39	89,839.65	62,160.35	59.11 %
RptCategory: 60 - CAPITAL OUTLAY							
100-526-660100	EQUIPMENT REPLACEMENT RESERVES	115,200.00	115,200.00	0.00	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	0.00	4,199.00	235,001.00	1.76 %
Department: 526 - PARKS Total:		633,790.00	633,790.00	33,060.70	289,115.52	344,674.48	45.62 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	0.00	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	0.00	168.17	681.83	19.78 %
100-527-520136	MAINTENANCE & SUPPLIES	700.00	700.00	46.12	370.95	329.05	52.99 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	27,750.00	27,750.00	46.12	25,261.54	2,488.46	91.03 %
	Department: 527 - RECREATION Total:	57,050.00	57,050.00	46.12	41,845.14	15,204.86	73.35 %
Department: 528 - SENIOR CENTER							
RptCategory: 40 - PERSONNEL SERVICES							
100-528-435210	SENIOR CENTER MANAGER	74,000.00	74,000.00	6,335.00	47,222.90	26,777.10	63.81 %
100-528-435240	TRAM DRIVER	33,500.00	33,500.00	2,579.40	19,930.59	13,569.41	59.49 %
100-528-435250	NUTRITION CATERER	32,000.00	32,000.00	1,785.14	18,521.33	13,478.67	57.88 %
100-528-435280	CENTER ASSISTANT	42,000.00	42,000.00	3,364.00	27,289.31	14,710.69	64.97 %
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	117.42	972.24	527.76	64.82 %
100-528-470000	ASSOCIATED PAYROLL COSTS	82,500.00	82,500.00	5,174.13	46,700.28	35,799.72	56.61 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	272,500.00	272,500.00	19,355.09	161,931.55	110,568.45	59.42 %
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	499.15	7,398.68	5,601.32	56.91 %
100-528-520140	TRAM EXPENSES	6,480.00	6,480.00	97.62	3,631.31	2,848.69	56.04 %
100-528-520190	MISCELLANEOUS EQUIPMENT	2,700.00	2,700.00	0.00	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	286.04	1,700.28	4,799.72	26.16 %
100-528-540200	DUES & MEMBERSHIPS	2,400.00	2,400.00	0.00	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	279.73	2,232.48	1,267.52	63.79 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	48,205.00	48,205.00	1,162.54	17,952.13	30,252.87	37.24 %
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	20,517.63	179,883.68	291,780.32	38.14 %
Department: 529 - LIBRARY							
RptCategory: 40 - PERSONNEL SERVICES							
100-529-435320	LIBRARY ASSISTANT II	470,000.00	470,000.00	20,704.51	179,655.82	290,344.18	38.22 %
100-529-435392	ON CALL LIB ASSISTANT	35,900.00	35,900.00	2,702.41	22,261.96	13,638.04	62.01 %
100-529-450500	CAREER RECOGNITION PAY	3,925.00	3,925.00	139.79	1,036.16	2,888.84	26.40 %
100-529-470000	ASSOCIATED PAYROLL COSTS	126,500.00	126,500.00	10,832.82	94,556.08	31,943.92	74.75 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	636,325.00	636,325.00	34,379.53	297,510.02	338,814.98	46.75 %
RptCategory: 50 - MATERIAL AND SERVICES							
100-529-500110	CONTRACTUAL & PROFESSIONAL SER...	74,310.00	74,310.00	0.00	31,916.00	42,394.00	42.95 %
100-529-500210	COMPUTER/TECHNOLOGY SERVICES	20,000.00	20,000.00	0.00	18,312.46	1,687.54	91.56 %
100-529-510081	NEW BOOKS	115,000.00	115,000.00	2,723.02	45,100.51	69,899.49	39.22 %
100-529-510082	ADULT/CHILDREN'S PROGRAMS	11,000.00	11,000.00	0.00	1,490.78	9,509.22	13.55 %
100-529-510084	READY TO READ GRANT	3,300.00	3,300.00	0.00	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	176.36	3,790.27	3,009.73	55.74 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	1,355.64	4,850.86	7,149.14	40.42 %
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	44.00	3,335.50	764.50	81.35 %
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	4,299.02	111,799.07	148,960.93	42.87 %
Department: 529 - LIBRARY Total:		897,085.00	897,085.00	38,678.55	409,309.09	487,775.91	45.63 %
Department: 600 - DEBT SERVICE							
RptCategory: 70 - DEBT SERVICE							
100-600-730040	DEBT SERVICE - INTEREST	0.00	45,250.00	0.00	45,000.00	250.00	99.45 %
RptCategory: 70 - DEBT SERVICE Total:		0.00	45,250.00	0.00	45,000.00	250.00	99.45 %
Department: 600 - DEBT SERVICE Total:		0.00	45,250.00	0.00	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	547,573.69	7,648,583.41	5,749,172.59	57.09 %
Fund: 100 - GENERAL FUND Surplus (Deficit):		0.00	0.00	-286,125.61	1,569,932.69	1,569,932.69	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	76,916.10	604,725.29	-145,274.71	80.63 %
	RptType: 3110 - STATE SHARED TAXES Total:	750,000.00	750,000.00	76,916.10	604,725.29	-145,274.71	80.63 %
RptType: 3141 - SDC							
205-000-314075	TRANSPORTATION SDC'S	10,000.00	10,000.00	3,536.00	38,344.97	28,344.97	383.45 %
	RptType: 3141 - SDC Total:	10,000.00	10,000.00	3,536.00	38,344.97	28,344.97	383.45 %
RptType: 3600 - MISCELLANEOUS							
205-000-360000	ALL OTHER ROAD/STREET RECEIPTS	30,000.00	30,000.00	4,230.00	14,693.02	-15,306.98	48.98 %
	RptType: 3600 - MISCELLANEOUS Total:	30,000.00	30,000.00	4,230.00	14,693.02	-15,306.98	48.98 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	2,597,000.00	2,597,000.00	84,682.10	657,763.28	-1,939,236.72	25.33 %
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	84,682.10	657,763.28	-2,383,686.72	21.63 %
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	14,837.20	6,662.80	69.01 %
205-305-437050	PUBLIC WORKS SUPERVISOR	35,050.00	35,050.00	3,116.81	24,635.55	10,414.45	70.29 %
205-305-437055	PW ADMIN ASSISTANT	5,150.00	5,150.00	980.96	6,551.77	-1,401.77	127.22 %
205-305-437070	UTILITY WORKER, JOURNEY	115,000.00	115,000.00	9,031.70	74,346.61	40,653.39	64.65 %
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	77.71	1,966.42	4,033.58	32.77 %
205-305-450500	CAREER RECOGNITION PAY	610.00	610.00	50.44	427.04	182.96	70.01 %
205-305-470000	ASSOCIATED PAYROLL COSTS	92,000.00	92,000.00	9,425.36	77,536.40	14,463.60	84.28 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	305,310.00	305,310.00	24,663.58	205,430.99	99,879.01	67.29 %
RptCategory: 50 - MATERIAL AND SERVICES							
205-305-500110	CONTRACTUAL & PROFESSIONAL SER...	60,000.00	60,000.00	1,152.96	12,159.23	47,840.77	20.27 %
205-305-520130	OPERATIONS, MAINTENANCE & REPA...	485,000.00	485,000.00	2,686.32	73,752.98	411,247.02	15.21 %
205-305-520172	STREET LIGHT MAINTENANCE	78,000.00	78,000.00	6,017.19	47,742.23	30,257.77	61.21 %
205-305-520176	TRAFFIC SIGNAL MAINTENANCE	41,000.00	41,000.00	0.00	2.51	40,997.49	0.01 %
205-305-520178	STREET SIGN MAINTENANCE	35,000.00	35,000.00	2,697.79	13,110.09	21,889.91	37.46 %
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	1,525.67	12,122.44	72,877.56	14.26 %
205-305-520400	OFFICE SUPPLIES & EQUIPMENT	2,700.00	2,700.00	242.04	1,033.57	1,666.43	38.28 %
205-305-540220	TRAVEL, CONFERENCES & TRAINING	4,800.00	4,800.00	42.50	343.10	4,456.90	7.15 %
205-305-540300	SMALL TOOLS, EQUIPMENT & SAFETY...	39,000.00	39,000.00	1,801.17	3,778.17	35,221.83	9.69 %
205-305-540400	DUMPING, HAULING, GARBAGE	32,000.00	32,000.00	0.00	275.00	31,725.00	0.86 %
205-305-560100	UTILITIES	2,000.00	2,000.00	53.95	363.80	1,636.20	18.19 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	884,500.00	884,500.00	16,219.59	164,683.12	719,816.88	18.62 %
RptCategory: 60 - CAPITAL OUTLAY							
205-305-660100	EQUIPMENT REPLACEMENT RESERVES	425,000.00	425,000.00	0.00	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 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	0.00	4,199.00	1,581,336.00	0.26 %
	Department: 305 - ROAD AND STREET Total:	2,775,345.00	2,775,345.00	40,883.17	374,313.11	2,401,031.89	13.49 %
	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	40,883.17	374,313.11	2,667,136.89	12.31 %
	Fund: 205 - ROAD AND STREET FUND Surplus (Deficit):	0.00	0.00	43,798.93	283,450.17	283,450.17	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	3,433.61	554,935.69	-82,889.31	87.00 %
228-000-310050	PRIOR YEAR TAXES	30,000.00	30,000.00	271.46	3,462.95	-26,537.05	11.54 %
	RptType: 3100 - LOCAL TAXES Total:	667,825.00	667,825.00	3,705.07	558,398.64	-109,426.36	83.61 %
RptType: 3301 - INTEREST							
228-000-330100	INTEREST	4,000.00	4,000.00	784.38	3,755.79	-244.21	93.89 %
	RptType: 3301 - INTEREST Total:	4,000.00	4,000.00	784.38	3,755.79	-244.21	93.89 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	1,116,165.00	1,116,165.00	4,489.45	562,154.43	-554,010.57	50.36 %
	Revenue Total:	1,116,165.00	1,116,165.00	4,489.45	562,154.43	-554,010.57	50.36 %
Expense							
Department: 245 - POLICE LEVY							
RptCategory: 40 - PERSONNEL SERVICES							
228-245-432160	POLICE OFFICER	129,000.00	129,000.00	5,961.28	49,708.93	79,291.07	38.53 %
228-245-432165	SCHOOL RESOURCE OFFICER	64,000.00	64,000.00	5,912.55	47,684.67	16,315.33	74.51 %
228-245-432180	MUNICIPAL ORDINANCE SPECIALIST	47,000.00	47,000.00	4,684.00	38,796.16	8,203.84	82.55 %
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	974.62	18,922.04	7,877.96	70.60 %
228-245-450200	HOLIDAY PAY	3,200.00	3,200.00	0.00	747.22	2,452.78	23.35 %
228-245-450300	PROFICIENCY PAY	16,875.00	16,875.00	753.69	6,710.03	10,164.97	39.76 %
228-245-450500	CAREER RECOGNITION PAY	600.00	600.00	117.10	1,014.48	-414.48	169.08 %
228-245-450600	UNIFORM ALLOWANCE	3,000.00	3,000.00	375.00	1,375.00	1,625.00	45.83 %
228-245-470000	ASSOCIATED PAYROLL COSTS	311,000.00	311,000.00	12,372.85	106,329.94	204,670.06	34.19 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	671,475.00	671,475.00	31,151.09	290,099.31	381,375.69	43.20 %
RptCategory: 50 - MATERIAL AND SERVICES							
228-245-500498	SHARE COST CCOM DISPATCH	132,000.00	132,000.00	11,009.08	88,072.64	43,927.36	66.72 %
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	88,267.31	48,732.69	64.43 %
	Department: 245 - POLICE LEVY Total:	808,475.00	808,475.00	42,160.17	378,366.62	430,108.38	46.80 %
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	42,160.17	378,366.62	737,798.38	33.90 %
	Fund: 228 - POLICE LEVY FUND Surplus (Deficit):	0.00	0.00	-37,670.72	183,787.81	183,787.81	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

	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	1,565.80	253,062.06	-21,457.94 92.18 %
229-000-310050	PRIOR YEAR TAXES	7,000.00	7,000.00	123.79	1,579.17	-5,420.83 22.56 %
	RptType: 3100 - LOCAL TAXES Total:	281,520.00	281,520.00	1,689.59	254,641.23	-26,878.77 90.45 %
RptType: 3301 - INTEREST						
229-000-330100	INTEREST	4,500.00	4,500.00	1,190.05	7,670.35	3,170.35 170.45 %
	RptType: 3301 - INTEREST Total:	4,500.00	4,500.00	1,190.05	7,670.35	3,170.35 170.45 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	698,820.00	698,820.00	2,879.64	262,311.58	-436,508.42 37.54 %
	Revenue Total:	698,820.00	698,820.00	2,879.64	262,311.58	-436,508.42 37.54 %
Expense						
Department: 255 - FIRE LEVY						
RptCategory: 40 - PERSONNEL SERVICES						
229-255-432230	TRAINING CAPTAIN	84,720.00	84,720.00	6,034.00	56,310.53	28,409.47 66.47 %
229-255-439010	PART TIME	50,000.00	50,000.00	1,724.80	13,835.00	36,165.00 27.67 %
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	4,887.05	40,855.90	32,144.10 55.97 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	217,720.00	217,720.00	12,645.85	121,192.21	96,527.79 55.66 %
RptCategory: 50 - MATERIAL AND SERVICES						
229-255-500110	CONTRACTUAL & PROFESSIONAL SER...	3,600.00	3,600.00	375.00	3,595.54	4.46 99.88 %
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	375.00	8,386.54	30,413.46 21.61 %
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	13,020.85	150,456.35	525,063.65 22.27 %
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	13,020.85	150,456.35	548,363.65 21.53 %
	Fund: 229 - FIRE LEVY FUND Surplus (Deficit):	0.00	0.00	-10,141.21	111,855.23	111,855.23 0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

	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: 02/28/2019

		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	0.00	347,044.03	-12,901,555.97	2.62 %
	RptType: 3990 - TRANSFERS IN Total:	4,640,000.00	13,248,600.00	0.00	347,044.03	-12,901,555.97	2.62 %
	Department: 910 - TRANSFER IN Total:	4,640,000.00	13,248,600.00	0.00	347,044.03	-12,901,555.97	2.62 %
	Revenue Total:	9,840,000.00	13,286,258.00	0.00	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	0.00	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	1,136.25	3,116.25	8,444.75	26.95 %
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	1,136.25	21,173.75	207,876.25	9.24 %
RptCategory: 60 - CAPITAL OUTLAY							
307-307-620100	CONSTRUCTION - PHASE 1	0.00	395,222.00	0.00	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	0.00	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	1,136.25	521,074.84	12,765,183.16	3.92 %
	Expense Total:	0.00	13,286,258.00	1,136.25	521,074.84	12,765,183.16	3.92 %
	Fund: 307 - CIVIC BUILDINGS CAPITAL FUND (NEW) Surplus (Deficit):	9,840,000.00	0.00	-1,136.25	-174,030.81	-174,030.81	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

	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	5,438.18	878,911.45	152,911.45 121.06 %
390-000-310050	PRIOR YEAR TAXES	26,000.00	26,000.00	432.79	5,427.36	-20,572.64 20.87 %
	RptType: 3100 - LOCAL TAXES Total:	752,000.00	752,000.00	5,870.97	884,338.81	132,338.81 117.60 %
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	31,320.26	221,534.12	201,534.12 1,107.67 %
	RptType: 3301 - INTEREST Total:	20,000.00	20,000.00	31,320.26	221,534.12	201,534.12 1,107.67 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	8,163,000.00	11,963,000.00	37,191.23	4,905,872.93	-7,057,127.07 41.01 %
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	37,191.23	7,905,872.93	-7,057,127.07 52.84 %
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	10,150.00	10,150.00	-150.00 101.50 %
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	10,150.00	10,255.56	14,844.44 40.86 %
RptCategory: 70 - DEBT SERVICE						
390-410-730040	DEBT SERVICE - INTEREST	0.00	57,126.00	0.00	57,124.74	1.26 100.00 %
	RptCategory: 70 - DEBT SERVICE Total:	0.00	57,126.00	0.00	57,124.74	1.26 100.00 %
RptCategory: 89 - TRANSFERS OUT						
390-410-899100	TRANSFER OUT TO GENERAL FUND	0.00	45,250.00	0.00	45,000.00	250.00 99.45 %
	RptCategory: 89 - TRANSFERS OUT Total:	0.00	45,250.00	0.00	45,000.00	250.00 99.45 %
	Department: 410 - URBAN RENEWAL Total:	84,000.00	127,476.00	10,150.00	112,380.30	15,095.70 88.16 %
Department: 920 - TRANSFER OUT						
RptCategory: 89 - TRANSFERS OUT						
390-920-899307	TRANSFER OUT TO CIVIC BUILDINGS ...	4,820,000.00	13,248,600.00	0.00	347,044.03	12,901,555.97 2.62 %
	RptCategory: 89 - TRANSFERS OUT Total:	4,820,000.00	13,248,600.00	0.00	347,044.03	12,901,555.97 2.62 %
	Department: 920 - TRANSFER OUT Total:	4,820,000.00	13,248,600.00	0.00	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	10,150.00	459,424.33	14,503,575.67 3.07 %
	Fund: 390 - URBAN RENEWAL FUND Surplus (Deficit):	435,000.00	0.00	27,041.23	7,446,448.60	7,446,448.60 0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	50,943.08	403,958.14	-134,041.86	75.09 %
730-000-314055	TRI-CITY SERVICE DISTRICT	1,695,000.00	1,695,000.00	148,246.35	1,197,391.98	-497,608.02	70.64 %
730-000-314080	CONNECTION FEES	25,000.00	25,000.00	3,490.00	8,709.00	-16,291.00	34.84 %
	RptType: 3140 - CHARGES FOR SERVICES Total:	2,258,000.00	2,258,000.00	202,679.43	1,610,059.12	-647,940.88	71.30 %
RptType: 3141 - SDC							
730-000-314110	SEWER SDC'S (13%)	5,000.00	5,000.00	5,380.00	19,368.09	14,368.09	387.36 %
	RptType: 3141 - SDC Total:	5,000.00	5,000.00	5,380.00	19,368.09	14,368.09	387.36 %
RptType: 3600 - MISCELLANEOUS							
730-000-360000	ALL OTHER SEWER RECEIPTS	10,000.00	10,000.00	100.00	885.00	-9,115.00	8.85 %
	RptType: 3600 - MISCELLANEOUS Total:	10,000.00	10,000.00	100.00	885.00	-9,115.00	8.85 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	4,284,995.00	4,284,995.00	208,159.43	1,630,312.21	-2,654,682.79	38.05 %
	Revenue Total:	4,284,995.00	4,284,995.00	208,159.43	1,630,312.21	-2,654,682.79	38.05 %
Expense							
Department: 703 - SEWER							
RptCategory: 40 - PERSONNEL SERVICES							
730-703-431500	ACCOUNTING CLERK	13,900.00	13,900.00	752.16	11,250.97	2,649.03	80.94 %
730-703-437049	PUBLIC WORKS DIRECTOR	21,500.00	21,500.00	1,980.60	14,837.20	6,662.80	69.01 %
730-703-437050	PUBLIC WORKS SUPERVISOR	30,000.00	30,000.00	2,219.91	18,460.45	11,539.55	61.53 %
730-703-437055	PW ADMIN ASSISTANT	7,500.00	7,500.00	980.96	6,551.77	948.23	87.36 %
730-703-437070	UTILITY WORKER, JOURNEY	84,000.00	84,000.00	5,245.36	56,455.83	27,544.17	67.21 %
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	342.34	2,119.33	3,080.67	40.76 %
730-703-450500	CAREER RECOGNITION PAY	3,500.00	3,500.00	153.61	1,594.68	1,905.32	45.56 %
730-703-470000	ASSOCIATED PAYROLL COSTS	125,000.00	125,000.00	5,842.29	51,615.27	73,384.73	41.29 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	305,600.00	305,600.00	17,517.23	168,285.50	137,314.50	55.07 %
RptCategory: 50 - MATERIAL AND SERVICES							
730-703-500110	CONTRACTUAL & PROFESSIONAL SER...	33,000.00	33,000.00	3,177.09	13,128.20	19,871.80	39.78 %
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	84,262.05	336,943.79	183,056.21	64.80 %
730-703-500458	TRI-CITY SERVICE DISTRICT	1,160,000.00	1,160,000.00	0.00	708,568.77	451,431.23	61.08 %
730-703-520130	OPERATIONS, MAINTENANCE & REPA...	65,000.00	65,000.00	604.15	25,038.34	39,961.66	38.52 %
730-703-520320	FLEET FUEL, MAINTENANCE & REPAIR	85,000.00	85,000.00	698.80	8,739.16	76,260.84	10.28 %
730-703-520400	OFFICE SUPPLIES & EQUIPMENT	3,500.00	3,500.00	440.52	2,315.72	1,184.28	66.16 %
730-703-520430	UTILITY BILLS & POSTAGE	8,000.00	8,000.00	614.07	5,172.63	2,827.37	64.66 %
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	1,249.91	13,639.50	2,860.50	82.66 %
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	118.13	778.49	1,721.51	31.14 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	1,940,125.00	1,940,125.00	91,164.72	1,120,419.72	819,705.28	57.75 %
RptCategory: 60 - CAPITAL OUTLAY							
730-703-660100	EQUIPMENT REPLACEMENT RESERVES	679,000.00	679,000.00	0.00	4,199.00	674,801.00	0.62 %
730-703-676050	SYSTEM IMPROVEMENTS & PROJECTS	818,000.00	818,000.00	0.00	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	0.00	41,647.61	1,455,352.39	2.78 %
	Department: 703 - SEWER Total:	3,742,725.00	3,742,725.00	108,681.95	1,330,352.83	2,412,372.17	35.55 %
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 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

	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	108,681.95	1,330,352.83	2,954,642.17	31.05 %
Fund: 730 - SEWER FUND Surplus (Deficit):	0.00	0.00	99,477.48	299,959.38	299,959.38	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	134,383.51	1,217,810.56	-155,189.44	88.70 %
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	134,383.51	1,223,400.56	-161,599.44	88.33 %
RptType: 3141 - SDC							
740-000-314110	WATER SDC'S (87%)	20,000.00	20,000.00	7,488.00	27,481.16	7,481.16	137.41 %
	RptType: 3141 - SDC Total:	20,000.00	20,000.00	7,488.00	27,481.16	7,481.16	137.41 %
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	141,871.51	1,250,562.63	-2,135,369.37	36.93 %
	Revenue Total:	3,385,932.00	3,385,932.00	141,871.51	1,250,562.63	-2,135,369.37	36.93 %
Expense							
Department: 704 - WATER							
RptCategory: 40 - PERSONNEL SERVICES							
740-704-431500	ACCOUNTING CLERK	18,500.00	18,500.00	902.59	13,501.16	4,998.84	72.98 %
740-704-437049	PUBLIC WORKS DIRECTOR	23,000.00	23,000.00	1,980.60	14,837.20	8,162.80	64.51 %
740-704-437050	PUBLIC WORKS SUPERVISOR	36,000.00	36,000.00	2,261.68	18,968.85	17,031.15	52.69 %
740-704-437055	PW ADMIN ASSISTANT	8,000.00	8,000.00	980.96	6,551.77	1,448.23	81.90 %
740-704-437070	UTILITY WORKER, JOURNEY	155,000.00	155,000.00	9,513.45	85,481.31	69,518.69	55.15 %
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	1,092.71	4,605.16	5,394.84	46.05 %
740-704-450500	CAREER RECOGNITION PAY	2,500.00	2,500.00	129.01	1,475.02	1,024.98	59.00 %
740-704-470000	ASSOCIATED PAYROLL COSTS	175,000.00	175,000.00	8,725.48	67,609.66	107,390.34	38.63 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	453,000.00	453,000.00	25,586.48	219,195.13	233,804.87	48.39 %
RptCategory: 50 - MATERIAL AND SERVICES							
740-704-500110	CONTRACTUAL & PROFESSIONAL SER...	60,000.00	60,000.00	1,238.04	26,761.25	33,238.75	44.60 %
740-704-500240	METER READING CONTRACT	35,000.00	35,000.00	2,130.32	16,971.88	18,028.12	48.49 %
740-704-500425	WHOLESALE WATER	560,000.00	560,000.00	63,281.28	263,264.95	296,735.05	47.01 %
740-704-520120	BANK CHARGES	13,000.00	13,000.00	1,951.42	21,991.43	-8,991.43	169.16 %
740-704-520130	OPERATIONS, MAINTENANCE & REPA...	145,000.00	145,000.00	3,906.01	61,556.35	83,443.65	42.45 %
740-704-520162	LABORATORY WATER TESTS	15,000.00	15,000.00	198.00	756.00	14,244.00	5.04 %
740-704-520165	FIRE HYDRANT MAINTENANCE & REP...	18,000.00	18,000.00	0.00	707.88	17,292.12	3.93 %
740-704-520300	EQUIPMENT MAINTENANCE AND SU...	0.00	0.00	522.00	522.00	-522.00	0.00 %
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	698.80	7,603.59	89,396.41	7.84 %
740-704-520400	OFFICE SUPPLIES & EQUIPMENT	2,000.00	2,000.00	287.18	1,338.57	661.43	66.93 %
740-704-520430	UTILITY BILLS & POSTAGE	5,500.00	5,500.00	614.07	5,172.64	327.36	94.05 %
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	1,359.20	9,397.57	5,602.43	62.65 %
740-704-540400	DUMPING, HAULING, GARBAGE	15,000.00	15,000.00	0.00	2,369.01	12,630.99	15.79 %
740-704-560100	UTILITIES	18,000.00	18,000.00	1,581.05	12,880.28	5,119.72	71.56 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	1,002,100.00	1,002,100.00	77,767.37	433,457.60	568,642.40	43.25 %
RptCategory: 60 - CAPITAL OUTLAY							
740-704-660100	EQUIPMENT REPLACEMENT RESERVES	0.00	0.00	0.00	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	0.00	4,199.00	1,260,801.00	0.33 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

	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	100.00 %
740-704-730040	2005 BONDED DEBT/INTEREST	24,682.00	24,682.00	0.00	24,680.70	99.99 %
RptCategory: 70 - DEBT SERVICE Total:		177,682.00	177,682.00	0.00	177,680.70	100.00 %
Department: 704 - WATER Total:		2,897,782.00	2,897,782.00	103,353.85	834,532.43	28.80 %
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	0.00 %
740-920-899205	TRANSFER OUT TO ROAD & STREET F...	72,125.00	72,125.00	0.00	0.00	0.00 %
RptCategory: 89 - TRANSFERS OUT Total:		88,150.00	88,150.00	0.00	0.00	0.00 %
Department: 920 - TRANSFER OUT Total:		88,150.00	88,150.00	0.00	0.00	0.00 %
Department: 990 - CONTINGENCY						
RptCategory: 90 - OTHER						
740-990-910000	CONTINGENCY FUNDS	400,000.00	400,000.00	0.00	0.00	0.00 %
RptCategory: 90 - OTHER Total:		400,000.00	400,000.00	0.00	0.00	0.00 %
Department: 990 - CONTINGENCY Total:		400,000.00	400,000.00	0.00	0.00	0.00 %
Expense Total:		3,385,932.00	3,385,932.00	103,353.85	834,532.43	24.65 %
Fund: 740 - WATER FUND Surplus (Deficit):		0.00	0.00	38,517.66	416,030.20	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	57,467.20	462,586.14	-89,493.86	83.79 %
	RptType: 3140 - CHARGES FOR SERVICES Total:	552,080.00	552,080.00	57,467.20	462,586.14	-89,493.86	83.79 %
RptType: 3141 - SDC							
750-000-314110	STORMWATER SDC'S	0.00	0.00	2,881.00	5,762.00	5,762.00	0.00 %
	RptType: 3141 - SDC Total:	0.00	0.00	2,881.00	5,762.00	5,762.00	0.00 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	582,470.00	582,470.00	60,348.20	468,348.14	-114,121.86	80.41 %
	Revenue Total:	582,470.00	582,470.00	60,348.20	468,348.14	-114,121.86	80.41 %
Expense							
Department: 705 - PUBLIC WORKS DIRECTOR							
RptCategory: 40 - PERSONNEL SERVICES							
750-705-431500	ACCOUNTING CLERK	15,750.00	15,750.00	752.16	11,250.95	4,499.05	71.43 %
750-705-437049	PUBLIC WORKS DIRECTOR	22,380.00	22,380.00	1,980.60	14,837.20	7,542.80	66.30 %
750-705-437050	PUBLIC WORKS SUPERVISOR	26,200.00	26,200.00	2,219.91	18,307.42	7,892.58	69.88 %
750-705-437055	PW ADMIN ASSISTANT	8,000.00	8,000.00	981.00	6,551.82	1,448.18	81.90 %
750-705-437070	UTILITY WORKER, JOURNEY	65,000.00	65,000.00	3,931.00	30,950.13	34,049.87	47.62 %
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	265.97	956.80	6,043.20	13.67 %
750-705-450500	CAREER RECOGNITION PAY	500.00	500.00	0.00	312.53	187.47	62.51 %
750-705-470000	ASSOCIATED PAYROLL COSTS	100,000.00	100,000.00	4,932.18	40,701.66	59,298.34	40.70 %
	RptCategory: 40 - PERSONNEL SERVICES Total:	269,830.00	269,830.00	15,062.82	123,868.51	145,961.49	45.91 %
RptCategory: 50 - MATERIAL AND SERVICES							
750-705-500110	CONTRACTUAL & PROFESSIONAL SER...	20,000.00	20,000.00	1,176.99	14,158.13	5,841.87	70.79 %
750-705-520130	OPERATIONS, MAINTENANCE & REPA...	30,000.00	30,000.00	397.21	16,495.39	13,504.61	54.98 %
750-705-520320	FLEET FUEL, MAINTENANCE & REPAIR	50,000.00	50,000.00	698.84	7,271.79	42,728.21	14.54 %
750-705-520400	OFFICE SUPPLIES & EQUIPMENT	1,300.00	1,300.00	287.18	1,338.53	-38.53	102.96 %
750-705-520430	UTILITY BILLS & POSTAGE	5,000.00	5,000.00	614.26	5,174.19	-174.19	103.48 %
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	1,032.37	8,441.04	8,558.96	49.65 %
750-705-540400	DUMPING, HAULING, GARBAGE	19,000.00	19,000.00	0.00	677.50	18,322.50	3.57 %
750-705-560100	UTILITIES	1,000.00	1,000.00	53.95	363.80	636.20	36.38 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	146,000.00	146,000.00	4,260.80	54,808.75	91,191.25	37.54 %
RptCategory: 60 - CAPITAL OUTLAY							
750-705-660100	EQUIPMENT REPLACEMENT RESERVES	0.00	0.00	0.00	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	0.00	8,590.00	29,410.00	22.61 %
	Department: 705 - PUBLIC WORKS DIRECTOR Total:	453,830.00	453,830.00	19,323.62	187,267.26	266,562.74	41.26 %
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 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

	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	19,323.62	187,267.26	395,202.74	32.15 %
Fund: 750 - STORM WATER FUND Surplus (Deficit):	0.00	0.00	41,024.58	281,080.88	281,080.88	0.00 %

Budget Report

For Fiscal: 2018-2019 Period Ending: 02/28/2019

		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	28,937.43	254,702.35	-107,297.65	70.36 %
801-000-326030	CLACKAMAS COUNTY FINES/FEES	12,000.00	12,000.00	963.15	9,114.33	-2,885.67	75.95 %
801-000-326040	STATE OF OREGON FINES/FEES	35,000.00	35,000.00	4,537.65	39,790.14	4,790.14	113.69 %
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	-1,400.00	-708.29	-20,708.29	3.54 %
	RptType: 3260 - FINES AND FORFEITURES Total:	432,000.00	432,000.00	33,038.23	302,898.53	-129,101.47	70.12 %
RptType: 3600 - MISCELLANEOUS							
801-000-360000	ALL OTHER COURT FEES	0.00	0.00	37.26	653.92	653.92	0.00 %
	RptType: 3600 - MISCELLANEOUS Total:	0.00	0.00	37.26	653.92	653.92	0.00 %
	Department: 000 - UNDESIGNATED / NON DEPARTMENTAL Total:	440,000.00	440,000.00	33,075.49	303,552.45	-136,447.55	68.99 %
	Revenue Total:	440,000.00	440,000.00	33,075.49	303,552.45	-136,447.55	68.99 %
Expense							
Department: 220 - COURT							
RptCategory: 50 - MATERIAL AND SERVICES							
801-220-500500	CITY OF GLADSTONE FINES & FEES	356,400.00	356,400.00	31,436.36	266,481.88	89,918.12	74.77 %
801-220-500510	CLACKAMAS COUNTY FINES & FEES	20,600.00	20,600.00	1,572.76	9,791.10	10,808.90	47.53 %
801-220-500520	STATE OF OREGON FINES & FEES	40,000.00	40,000.00	6,319.78	42,032.85	-2,032.85	105.08 %
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	21.37	695.11	-695.11	0.00 %
	RptCategory: 50 - MATERIAL AND SERVICES Total:	440,000.00	440,000.00	39,350.27	319,000.94	120,999.06	72.50 %
	Department: 220 - COURT Total:	440,000.00	440,000.00	39,350.27	319,000.94	120,999.06	72.50 %
	Expense Total:	440,000.00	440,000.00	39,350.27	319,000.94	120,999.06	72.50 %
	Fund: 801 - MUNICIPAL COURT TRUST FUND Surplus (Deficit):	0.00	0.00	-6,274.78	-15,448.49	-15,448.49	0.00 %
	Report Surplus (Deficit):	10,275,000.00	0.00	-91,488.69	10,403,065.66	10,403,065.66	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	-286,125.61	1,569,932.69	1,569,932.69
205 - ROAD AND STREET FUND	0.00	0.00	43,798.93	283,450.17	283,450.17
228 - POLICE LEVY FUND	0.00	0.00	-37,670.72	183,787.81	183,787.81
229 - FIRE LEVY FUND	0.00	0.00	-10,141.21	111,855.23	111,855.23
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	-1,136.25	-174,030.81	-174,030.81
390 - URBAN RENEWAL FUND	435,000.00	0.00	27,041.23	7,446,448.60	7,446,448.60
730 - SEWER FUND	0.00	0.00	99,477.48	299,959.38	299,959.38
740 - WATER FUND	0.00	0.00	38,517.66	416,030.20	416,030.20
750 - STORM WATER FUND	0.00	0.00	41,024.58	281,080.88	281,080.88
801 - MUNICIPAL COURT TRUST FUN	0.00	0.00	-6,274.78	-15,448.49	-15,448.49
Report Surplus (Deficit):	10,275,000.00	0.00	-91,488.69	10,403,065.66	10,403,065.66

CHECK REGISTER FOR FEBRUARY 2019

Check Date	Check No.	Vendor		Line Item Description
02/05/2019	86633	Accurate Electric of Oregon	\$ 3,322.46	Lighting Repairs - PW
02/05/2019	86634	American Medical Response	750.00	Blood Draw/First Responder Supplies - PD/FD
02/05/2019	86635	Aramark	83.19	Overalls/Mats - PW
02/05/2019	86636	Aspen Living LLC	50.00	Business License Refund - Admin
02/05/2019	86637	Backflow Management Inc	20.00	Letters Mailed - PW
02/05/2019	86638	Bainbridge Associates LLC	22,448.61	Flow Meter/Rainuauge & Accessories - PW
02/05/2019	86639	Buel's Impressions Printing	101.25	Form Printing - PD
02/05/2019	86640	City of Milwaukie	1,526.55	ROW Management - Admin
02/05/2019	86641	Clackamas County Finance Department	18,858.46	Data Base Content/RFID Tags/Annual Fees - LIB
02/05/2019	86642	Craig Blackman Trucking	300.00	Sand Delivery - PW
02/05/2019	86643	Curtis, L. N. Co.	1,414.00	Hydrant Valves - FD
02/05/2019	86644	Dave Finley	50.00	Business License Refund - Admin
02/05/2019	86645	Diane L Reed	80.00	Records Review - PD
02/05/2019	86646	EBSCO Information Services	44.83	Subscription - LIB
02/05/2019	86647	Galls, LLC	255.29	Uniforms - FD
02/05/2019	86648	Genevra Molina	100.00	Interpreting Service - CT
02/05/2019	86649	IJS Law, LLC	250.00	Indigent Defense - CT
02/05/2019	86650	Interior Tropics Landscaping LLC	50.00	Business License Refund - Admin
02/05/2019	86651	Lighthouse Uniform Co.	454.95	Uniforms - FD
02/05/2019	86652	Lil' Stinky Environmental Service Inc.	1,585.00	Site Evaluation - Admin
02/05/2019	86653	Lucy Heil, Attorney at Law	2,450.00	Indigent Defense - CT
02/05/2019	86654	Lundquist Legal, LLC	3,000.00	Prosecutor Services - CT
02/05/2019	86655	Lynn Peavey Company	142.10	Evidence Storage Supplies - PD
02/05/2019	86656	Maxwell Rentals	1,000.00	Apartment Rental - FD
02/05/2019	86657	MercuryPDX, LLC	814.00	Meal Delivery - SC
02/05/2019	86658	Meter Mix Concrete Service LLC	475.00	Patterson Park Swing Upgrade - PW
02/05/2019	86659	Metro Area Sergeants Academy	250.00	Training - PD
02/05/2019	86660	MP Plumbing	140.00	Maintenance Call - FD
02/05/2019	86661	Mr. Belvedere's Janitorial	2,155.00	Janitorial Fees - PW/LIB/PD/SC/Admin
02/05/2019	86662	North Clackamas Aquatic Park	130.00	Dive Well Rental - FD
02/05/2019	86663	Northwest Natural Gas	1,635.38	Natural Gas Usage - All Depts
02/05/2019	86664	One Call Concepts Inc	78.75	Utility Notifications - PW
02/05/2019	86665	Oregon Patrol Service	855.00	Court Security - CT
02/05/2019	86666	P & C Construction	134,002.00	Civic Building Phase I - Admin
02/05/2019	86667	Pacific Fence & Wire Co.	1,607.00	Materials/Installation - PW
02/05/2019	86668	Pamplin Media Group	1,980.02	Newsletter Printing - Admin
02/05/2019	86669	Pioneer Center	214.63	Meal Costs - SC
02/05/2019	86670	Portland General Electric	6,716.56	Electrical Usage - All Depts
02/05/2019	86671	Ruben Medina LLC	1,000.00	Indigent Defense - CT
02/05/2019	86672	SeaWestern	472.80	Gear Bags - FD
02/05/2019	86673	Shiels Obletz Johnsen	6,641.95	Civic Building Phase I - Admin
02/05/2019	86674	Sierra Springs	58.02	Drinking Water - Admin
02/05/2019	86675	Sign Guy	1,200.00	Vehicle Graphic/Banner - PD/SC
02/05/2019	86676	Smart Foodservice	19.25	Meeting Refreshments - Admin
02/05/2019	86677	State of Oregon - DEQ	1,333.00	Water Quality Annual Invoice - PW
02/05/2019	86678	Stein Oil Co. Inc.	2,114.57	Gasoline - PW/SC/FD/PD
02/05/2019	86679	Stellar Flake LLC	50.00	Business License Refund - Admin
02/05/2019	86680	Stitch n' Embroidery Inc.	568.00	Embroidery - PD
02/05/2019	86681	Sturm Elevator Inc	358.00	Elevator Maintenance - PW
02/05/2019	86682	Tri Cities Service District	95,575.29	Monthly Sewer Billing - PW
02/05/2019	86683	Triangle Pump & Equipment, Inc.	540.00	Pump Station Vibration Analysis - PW
02/05/2019	86684	Two Girls Catering	240.00	Burn to Learn lunches - FD
02/05/2019	86685	Uline Inc	155.01	Evidence Storage Supplies - PD
02/05/2019	86686	Verizon Wireless	2,605.79	Cell Phone/Data Line Costs - All Depts
02/05/2019	86687	Withnell Motor Company	30,710.79	Vehicle Purchase - PD
02/05/2019	86688	WorkSAFE Service Inc	900.00	Annual Testing Subscription - Admin
02/08/2019	86689	Canon Financial Services, Inc.	151.76	Copier Lease/Usage - FD
02/08/2019	86690	Oregon Secretary of State	350.00	Audit Filing Fee - Admin
02/08/2019	86691	Satcom Global	42.75	Satellite Phone Service - PD
02/08/2019	86692	United Site Service	255.30	Portable Restroom/Training Site - FD
02/08/2019	86693	United States Postal Service	1,024.80	Newsletter Postage - Admin
02/08/2019	86694	Washington County Consolidated	175.00	Work Order - PD

CHECK REGISTER FOR FEBRUARY 2019

Check Date	Check No.	Vendor		Line Item Description
02/08/2019	ACH	US Bank P-Card Payment	30,882.67	P-Card Purchases - All Depts
02/14/2019	86695	Bateman Senior Meals	418.75	Frozen Lunch Meals - SC
02/14/2019	86696	Beery,Elsner & Hammond LLP	5,973.48	Legal Fees - Admin
02/14/2019	86697	Belooof & Haines	3,000.00	Municipal Court Judge - CT
02/14/2019	86698	BMS Technologies	1,842.40	UB Mailing Costs - PW
02/14/2019	86699	BridgePay Network Solutions, LLC	98.30	UB Online Transaction Fees - PW
02/14/2019	86700	Buel's Impressions Printing	1,350.00	Form Printing - CT
02/14/2019	86701	Clackamas County Finance Department	21,990.90	Planning/Dispatch Fees - Admin/FD/PD
02/14/2019	86702	Clackamas Fire District #1	2,568.35	Vehicle Maintenance - FD
02/14/2019	86703	Clark's Lawn & Garden Equip	148.98	Fuel/Parts - FD
02/14/2019	86704	Danielle Ragland	10.00	Jury Service - CT
02/14/2019	86705	Cycle Express	8.14	Freight Charges - FD
02/14/2019	86706	Dujea	1,270.00	Patches/Caps/Watter Bottles - FD
02/14/2019	86707	Gladstone School Dist.115	23,606.00	Community School Contribution - Admin
02/14/2019	86708	Gold Wrench	569.50	Vehicle Maintenance - PD
02/14/2019	86709	Home Depot	82.63	Training Supplies - FD
02/14/2019	86710	Insight Public Sector	15,360.00	MARK 43 Records Mgmt - PD
02/14/2019	86711	Kathryn Wright	10.20	Jury Service - CT
02/14/2019	86712	M.R. Davis Property Management	50.00	Business License Refund - Admin
02/14/2019	86713	Merina and Company LLP	16,000.00	Audit Fee - Admin
02/14/2019	86714	Michael R. Parkins	10.40	Jury Service - CT
02/14/2019	86715	Oak Lodge Water Services	1,025.31	Water Purchases - PW
02/14/2019	86716	Pacific Int-R-Tek	2,180.00	Pipeline Video Service - PW
02/14/2019	86717	Portland General Electric	5,337.82	Street Light Electricity - PW
02/14/2019	86718	PowerDMS, Inc.	900.00	OAAE Standards Subscription - PD
02/14/2019	86719	RH Media Services LLC	5,200.00	IT Support - Admin
02/14/2019	86720	Shred-it USA LLC	122.53	Shredding Service - PD
02/14/2019	86721	Sierra Springs	102.65	Drinking Water - PD
02/14/2019	86722	Sign Guy	80.00	Vehicle Graphics Removal - PD
02/14/2019	86723	Smith-Wagar Brucker Consulting Inc.	18,700.00	Financial Services - Admin
02/14/2019	86724	Solutions Yes	16.22	Copier Usage - PD
02/14/2019	86725	Stericycle	83.25	Disposal Services - FD
02/14/2019	86726	Jill Tate	270.00	Transcription - Admin
02/14/2019	86727	TransUnion Risk and Alternative	50.00	Data Research - PD
02/14/2019	86728	Two Girls Catering	3,085.00	Fire Dept Banquet - FD
02/14/2019	86729	US Bank Equipment Finance	224.46	Copier Lease/Usage - Admin
02/14/2019	86730	Val Codino Consulting	375.00	Consulting Fee - FD
02/21/2019	86731	Backflow Management Inc	379.47	Parts/Service Call - PW
02/21/2019	86732	Baker & Taylor Inc	2,679.67	New Books - LIB
02/21/2019	86733	Canon Financial Services, Inc.	1,022.37	Copier Lease/Usage - Admin/FD
02/21/2019	86734	Chief Supply	63.54	Nameplates - FD
02/21/2019	86735	Cintas First Aid Lockbox	243.97	First Aid Supplies - Admin/PW/SC/LIB
02/21/2019	86736	Clackamas County Public & Government A	5,000.00	Willamette Falls Locks Project - Admin
02/21/2019	86737	Code Publishing Inc.	656.00	Municipal Code Web Update - Admin
02/21/2019	86738	Comcast	46.48	Cable/Internet - FD
02/21/2019	86739	Curtis, L. N. Co.	852.21	Training Ammunition - PD
02/21/2019	86740	Harbor Freight Tools	6.98	Tools - FD
02/21/2019	86741	R-Supply	195.08	Paper Products - FD
02/21/2019	86742	Life Safety Corporation	237.00	Multigas Monitor Repairs - FD
02/21/2019	86743	Life-Assist Inc	1,293.18	First Responder Supplies - FD
02/21/2019	86744	Maxwell Rentals	1,000.00	Apartment Rental - FD
02/21/2019	86745	MercuryPDX, LLC	740.00	Meal Delivery - SC
02/21/2019	86746	Midwest Tape	1,547.89	Non-Print Items - LIB
02/21/2019	86747	Municipal Emergency Svcs	388.75	SCBA Repair - FD
02/21/2019	86748	Northwest Safety Clean	18.95	Uniform Maintenance - FD
02/21/2019	86749	Office Depot	745.30	Office Supplies - Admin/CT/PD
02/21/2019	86750	Oregon DMV	12.00	Driving Records - Admin
02/21/2019	86751	Pacific Office Automation	671.91	Copier Lease - LIB
02/21/2019	86752	Pacific Office Automation Inc	54.44	Copier Lease - SC
02/21/2019	86753	PACWEST Machinery LLC	1,449.51	Sweeper Maintenance - PW
02/21/2019	86754	Pape Material Handling	20,995.00	Compressor - PW
02/21/2019	86755	SeaWestern	471.95	Rechargeable Lithium Batteries - FD

CHECK REGISTER FOR FEBRUARY 2019

Check Date	Check No.	Vendor		Line Item Description
02/21/2019	86756	Stein Oil Co. Inc.	1,608.15	Gasoline - PD/FD
02/28/2019	86757 - 86761	Payroll Checks	6,498.69	Payroll Checks
		Total Checks	<u>\$ 567,813.54</u>	
 <u>Urban Renewal Checks</u>				
02/08/2019	5504	OR Secretary of State	\$ 150.00	Audit Filing Fee
02/13/2019	5505	Merina & Company LLP	10,000.00	Audit Services
		Total Urban Renewal Checks	<u>\$ 10,150.00</u>	
		Total Issued in February 2019	<u><u>\$ 577,963.54</u></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	703.00						2,522.25
Civic Center Project	22.50						3,116.25
Meeting Attendance	-						-
Governance/City Council	810.00						6,431.32
Meeting Attendance	532.00						6,720.14
Intergovernmental	1,477.00						3,837.50
Land Use/ Community Development	157.50						2,327.00
Meeting Attendance	-						667.00
Parks & Recreation	720.00						1,012.50
Personnel/Labor	-						803.50
AFSCME	-						-
City Administration	-						-
Public Records & Meetings	150.50						902.89
Public Safety	-						1,736.50
Public Works	238.95						2,266.15
Real Property Transactions	-						-
Risk Management/Litigation	-						9,698.23
Rights of Way-Telecommunications	224.20						1,956.64
Urban Renewal	-						67.50
Total	\$ 5,035.65	\$ -	\$ 44,578.87				



Gladstone Police Department Memorandum

April 1, 2019

TO: Jacque Betz, City Administrator

FROM: Kim Yamashita, Chief of Police

SUBJECT: Monthly Report – March 2019

On March 2nd and 3rd, Officers from the Gladstone PD participated and wonderfully fun event, called Fish with a Cop



Here is a [link](#) to Cabela's video that shows the fun! This fish almost got away!

Officer Mark Herkamp is showing us the true meaning of Community Oriented Policing. He met Mr. Gail Cox (93), learned that he recently lost his wife and is pretty lonely. Mark has gone out of his way to befriend Mr. Cox. Checks on him regularly and has even spent some of his off time working with him on a project tractor.



Mr. Cox lives on Cox Lane (not in city but across the street from city line)

Mr. Coz shipped to WWII on a captured German ship and was in Montgomery's 8th army in Belgium, Holland and Germany. He was last located near Bremerhaven, Germany when the war ended. He shipped home on the Queen Mary. Mr. Cox has restored over 300 tractors.

Most recently Mr. Cox came out for a ride along and even helped Mark take someone to jail. We then had lunch to celebrate!

Green Eggs and Ham – Reading and serving at Gladstone Center for Children and Families





Our 800 MGH radios arrived. These were partially paid for by a bond (approx. 60%) We received 26 portable radios (wear on out belt) which will give us 5 spares. We also received 14 car radios which will give us 2 spares. We have been using them for about 2 weeks and they seem to be working well. They still have that “new radio smell”.

Code Enforcement Officer Boyle continues to be pretty busy this month.

ASP - ASSIST PERSON	535 Portland Ave	3/4/2019 11:04
PRK - PARKING COMPLAINT	Park Way / Oatfield Rd	3/4/2019 11:09
FOL - FOLLOW UP	150 W GLOUCESTER ST	3/4/2019 11:56
ORD - ORDINANCE VIOL	625 BELLEVUE AVE	3/4/2019 11:59
PROP - PROPERTY LST/FND	535 Portland Ave	3/4/2019 13:10
PRK - PARKING COMPLAINT	370 W BERKELEY ST	3/5/2019 12:58
ORD - ORDINANCE VIOL	458 W BERKELEY ST	3/6/2019 8:04
AOA - ASSIST AGENCY	535 Portland Ave	3/6/2019 8:32
ORD - ORDINANCE VIOL	UNNAMED STREET	3/6/2019 8:33
AOA - ASSIST AGENCY	535 Portland Ave	3/6/2019 13:59
FOL - FOLLOW UP	635 E FAIRFIELD ST	3/7/2019 13:28
TAU** - TRF ACC UNK INJ	82nd Dr / Oatfield Rd	3/11/2019 8:14
FOL - FOLLOW UP	535 Portland Ave	3/11/2019 11:07
CIV - CIVIL	19240 Mcloughlin Blvd	3/11/2019 13:16
PRK - PARKING COMPLAINT	465 W ARLINGTON ST	3/11/2019 13:31
ORD - ORDINANCE VIOL	540 E HEREFORD ST	3/11/2019 14:01
FOL - FOLLOW UP	540 E Hereford St	3/11/2019 14:48

FOL - FOLLOW UP	625 BELLEVUE AVE	3/12/2019 14:23
ABV - ABANDON VEH	390 W ARLINGTON ST	3/12/2019 14:53
PRK - PARKING COMPLAINT	247 W IPSWICH ST	3/12/2019 15:28
HAZ - HAZARD	17401-17519 SE OATFIELD RD	3/13/2019 14:03
ORD - ORDINANCE VIOL	955 PORTLAND AVE	3/13/2019 14:35
PRK - PARKING COMPLAINT	17201-17399 LUNDGREN WAY	3/14/2019 16:29
ORD - ORDINANCE VIOL	6905 GLEN ECHO AVE	3/14/2019 16:36
PRM - PREMISE CHECK	20199 Mcloughlin Blvd	3/18/2019 12:11
PRK - PARKING COMPLAINT	Tudor Ct / Tudor Dr	3/19/2019 11:33
ABV - ABANDON VEH	7125 LOS VERDES DR	3/19/2019 12:01
FOL - FOLLOW UP	6905 GLEN ECHO AVE	3/19/2019 12:11
PRK - PARKING COMPLAINT	10 82nd Dr	3/20/2019 10:27
PRK - PARKING COMPLAINT	7120 Valley View Dr	3/20/2019 10:41
ABV - ABANDON VEH	7251 LOS VERDES DR	3/20/2019 10:58
PROP - PROPERTY LST/FND	660 82nd Dr	3/20/2019 11:44
FOL - FOLLOW UP	390 W ARLINGTON ST	3/21/2019 10:42
FOL - FOLLOW UP	18317 OATFIELD RD	3/21/2019 11:51
ORD - ORDINANCE VIOL	150 W BERKELEY ST	3/21/2019 12:17
PRK - PARKING COMPLAINT	5930 SLADEN AVE	3/21/2019 12:48
FOL - FOLLOW UP	635 E FAIRFIELD ST	3/21/2019 13:11
ABV - ABANDON VEH	17565 KIRKWOOD RD	3/25/2019 9:37
FOL - FOLLOW UP	7122 LOS VERDES DR	3/25/2019 9:47
ORD - ORDINANCE VIOL	19755 DAHL PARK RD	3/25/2019 13:01
PRK - PARKING COMPLAINT	Mcloughlin Blvd / River Rd	3/26/2019 9:28
TAU** - TRF ACC UNK INJ	19203 SE MCLOUGHLIN BLVD	3/26/2019 12:49
SUA** - SUICIDE ATTEMPT	19240 Mcloughlin Blvd	3/26/2019 14:10
ABV - ABANDON VEH	721 BELLEVUE AVE	3/26/2019 17:34
ABV - ABANDON VEH	147 PORTLAND AVE	3/26/2019 17:51
ORD - ORDINANCE VIOL	200 W ARLINGTON ST	3/27/2019 10:22
ORD - ORDINANCE VIOL	390 W CLACKAMAS BLVD	3/27/2019 11:31
PRK - PARKING COMPLAINT	5862 GLEN ECHO AVE	3/27/2019 14:41
FOL - FOLLOW UP	710 Bellevue Ave	3/28/2019 11:32
FOL - FOLLOW UP	5860 Glen Echo Ave	3/28/2019 12:39
ABV - ABANDON VEH	7251 LOS VERDES DR	3/28/2019 13:15

We will have some more before and after pictures for you next month.

Also, while on the subject of Code Enforcement:

As you may know, I have been working on a Chronic Nuisance Abatement issues with the Budget INN. I have had two meetings with the owners and am very pleased with the desire to correct the issues that they are exhibiting. They have started using a new agreement with anyone going to be staying more than one week. This new agreement clearly defines conduct, rules and expectations of the tenants and their guests. Failure to follow those rules will result in eviction. Additionally, three of the most troublesome tenants that could not conduct themselves correctly were evicted by the owners of the Inn. Lastly, they are working on No-Trespassing signs and we agreed to keep the lines of communications open and work together to minimize problems at the property.

Officers are still required to write a report for calls associated with the property, but we have also do a personal contact at the front counter when we are done with a call to let the owner know what is going on (to the extent allowed by law) so he can deal with it directly and quickly.

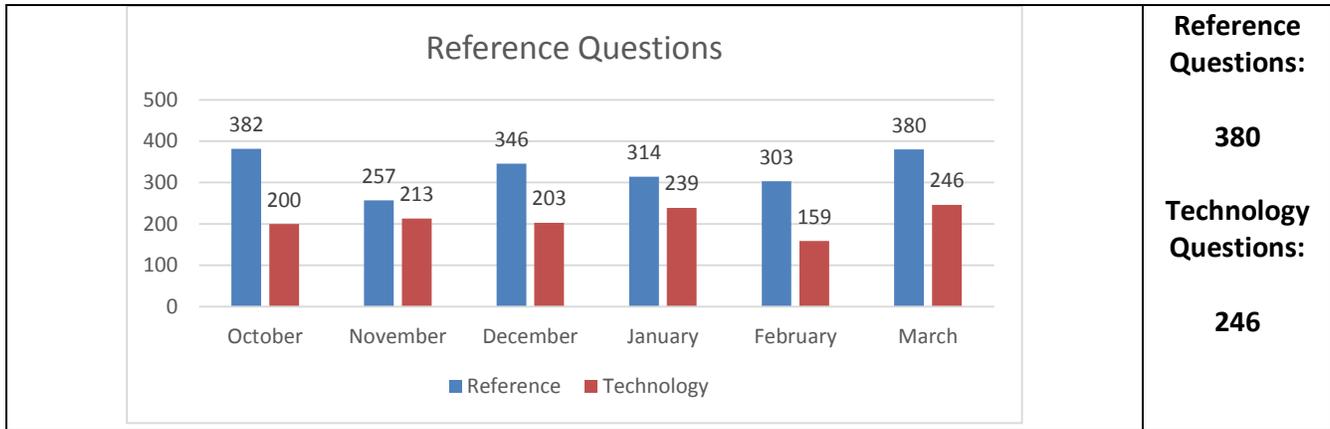
We continue to work on education and voluntary compliance rather than citations or punitive action. It seems to be working pretty well. We still have work to do, but I am already seeing a difference when I drive through town.

Respectfully,

Kim E. Yamashita
Kim E. Yamashita
Chief of Police.

GLADSTONE PUBLIC LIBRARY DIRECTOR'S REPORT March 2019

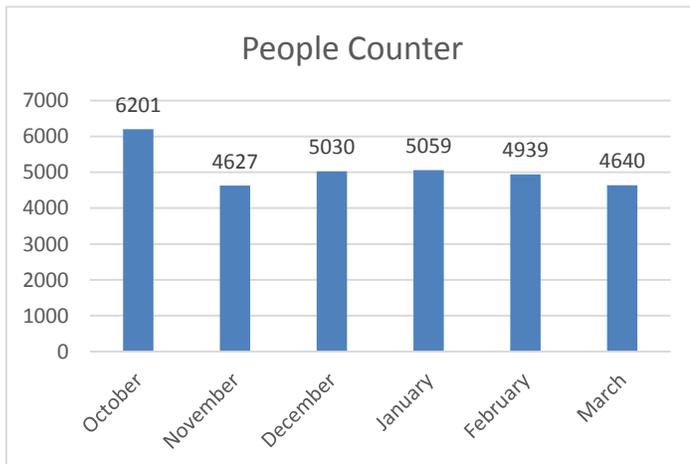
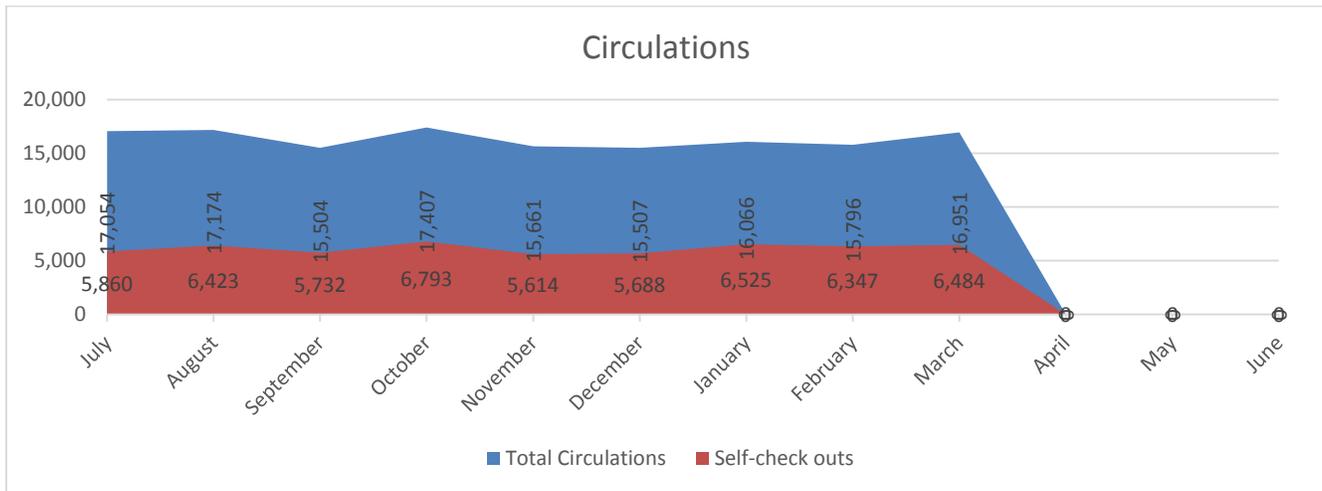
Library Statistics: March 1-31, 2019



Reference Questions:
380

Technology Questions:
246

New Library Cards	Registered Borrowers	Items Owned	Total Circulations	Self-check outs	Hold Placed	Internet Sessions
58	5,410	45,433	16,951	6,484	4,606	959



Social Media:

- Facebook Likes: 621
- Twitter followers: 189
- Instagram followers: 832

Volunteer hours: 163.75

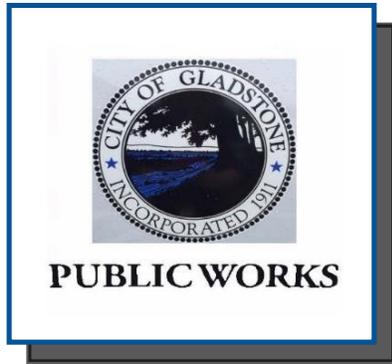
People Counter: 4640

GLADSTONE PUBLIC LIBRARY DIRECTOR'S REPORT

March 2019

Updates:

- Our brand new online reservation system, Cultural Pass Express, launched April 1st! We're excited to see how our community enjoys the ease of being able to make and manage their cultural pass reservations from anywhere. Reservations can now be made online from lincc.org/culturalpass
- Thank you to everyone who completed our Adult Winter Reading Program! We had a grand total of 31 finishers, and participants of the program had some encouraging feedback for us:
 - "I love this program! It gets me reading in new genres, and more than at any other time of the year. The prizes are thoughtful and practical (and fun!). Thank you for running this super event."
 - "This activity has been a great joy! It has opened my eyes to books I would typically shy away from. This was my first time participating but I would definitely look out for more of these in the future. Thank you!"
 - "Nice to have an indoor activity for adults to help shake off the winter blues."
 - "I love the reading challenge. It pushes me to explore titles I wouldn't read otherwise. I am much richer for the experience."
- We're still getting the word out about our new Saturday Storytime! Families are invited to join us every Saturday morning at 9:30 am for another great, all-ages storytime.
- Our Master Gardener series continues throughout this month, at 6 pm:
 - 4/2: Chickens with Cindy Manselle (rescheduled from the original date)
 - 4/3: Fairy Gardens with Cindy Manselle
 - 4/10: Native Plants with Jim Kronenberg
 - 4/17: Xeriscaping with Judy Fulton
- National Library Week is April 7th-13th, and we will be doing a week long Food for Fines event in celebration! Every non-perishable food item donated will be \$1 off overdue fines, and the donated food will go to the Gladstone Food Pantry.



GLADSTONE PUBLIC WORKS

Staff Report for the Month of March, 2019

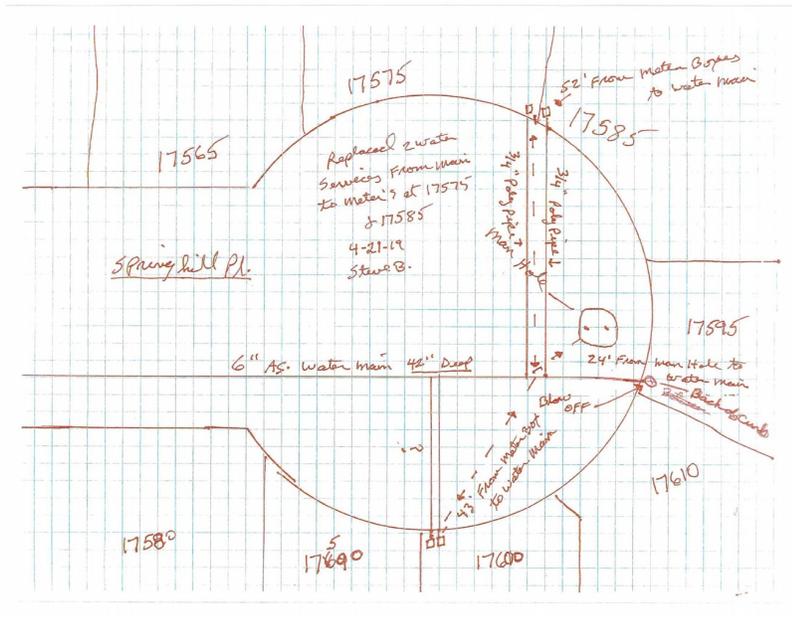
Report Date : March 29, 2019
To : Jacque M. Betz, City Administrator
Copy : Mayor and City Council
From : Jim Whynot, Public Works Director

Water Division had another near miss when the altitude valve on the Webster reservoir failed. This caused both the Webster and the Kirkwood water reservoirs to drop down to critically low levels. In this case, the alarm finally sounded (sometimes it does not), and we immediately responded after-hours. We were forced to manually fill the reservoirs. With our nearly 40 year old, obsolete computer system, the city water supply is set up for some potentially serious problems. A critical drop in water pressure can result in boil water notices, and insufficient fire protection for the City. As a stop-gap measure until we can fund a modern, dependable telemetry system, we have been rebuilding the altitude valve on Webster, as well as several other valves within the system.

Our water crew has also been busy with a water line leak on Springhill Place. Photos below show the extent of the work:



The Springhill Place waterline project took two days to complete, which is twice as long as a repair would normally require. This was due to the fact that most of our water mains are constructed of obsolete AC Pipe (asbestos concrete) which does not react with utility locate tools. We had no way to find the location of the water main from above ground in order to plan the path from the main line to the meter. We had to construct this line in a reverse direction, beginning at the meter, and digging toward our best guess of where the water main was until we found it. Once we were in a position to replace the line, we routed it back to the meter along a straight path as is industry preferred. If there is a positive side to having so much badly failing infrastructure, it is that we are getting a lot of experience digging up the streets and lines, and are learning where many of our lines are, and the condition they are in. We are having to do this manually in the field, but it yields information for future use and infrastructure mapping. In this case, we discovered that the main line blow off could not be located. We were finally able to locate it after some time, in the homeowner's yard, covered by landscaping. Below is an example of the field work required to be completed on the ground in these cases:



These drawings are kept in our files and are updated on our GIS infrastructure map for future use.

Sewer Division was busy cleaning W. Clackamas Boulevard sewer lines. We removed a considerable amount of large grease globules, and rock debris. Photo right shows an example of a large rock that had obstructed the line .



Sewer Division performed multiple confined space entries into sewer manholes on Clarendon Street, to plug off stormwater lines that flow into our sanitary sewer system, adding to our already problematic I & I issues. The sewer manholes are approximately fifteen feet deep, and are especially dangerous with toxic gas buildup that can render a man unconscious within seconds. The picture left shows UW II Zeb Sowers preparing to go below on the rescue tri-pod. Before going into the manhole, he will lower the gas meter down to check the gas levels. If the levels are too high, the crew will vent the hole until the gases measure a safe level, before making his descent.



We responded to a surging manhole at 18235 Stonewood Drive. This was caused by a downstream blockage, which we took care of by jetting the line with our vector truck.



Stormwater Division responded to an overturned truck on Oatfield Road. More about that will follow on page six under our Streets Division section.

We also responded to two additional oil spills. One occurred on Ridge Drive. We installed oil booms to protect our stormwater conveyance:



The second oil spill occurred on Howell Street. We remediated that oil spill in the same manner. In this case, as shown in the photo right, a considerable amount of absorbent sand was required to contain the spillage.





Streets Division continues to replace faded traffic signs within the City. Stop signs are our first priority. We ask the public to report any badly faded stop signs to Public Works as soon as possible, so that we can get them replaced at our earliest opportunity. Photo left is recently replaced signs scheduled for disposal. Photos below show an example of our newly replaced school crossing signs.

Old School Crossing Sign:



New School Crossing Sign:



Streets Division is struggling to meet challenges with the current booming construction industry. We are having a difficult time getting trucking companies scheduled to deliver material to us due to their heavily booked schedules. We are making arrangements with yet another private trucker, hoping he may be available.



Street Division were first responders to the rollover truck accident on 82nd and Oatfield. When the truck fell onto its side on the roadway, it created a hazardous material spill, which our Stormwater Division contained so as to prevent the petroleum products from draining into our storm system, as required by state regulations. The sandy material under the truck is an absorbent product for that purpose. (Photo below left.) Photo below right shows absorbent booms and cleaning the storm drain.



Right of Way permit follow ups have stalled. Much valuable staff time is required to ensure that contractors complete projects to the City's design and construction standards. Administrative staff has had meetings with our Reba Crocker, our ROW manager and various service providers to develop efficient and effective methods to ensure that the City isn't left with a mess after the contractors and providers have departed their projects. We want to avoid a situation where the residents are left to pay for the costly clean up of ROW damage. Riding herd on these projects is a very labor intensive, time consuming effort. A great deal of Public Works staff time is spent confirming adequate insurance coverage and appropriate licensing before permits are issued to work in the ROW.

Parks Division

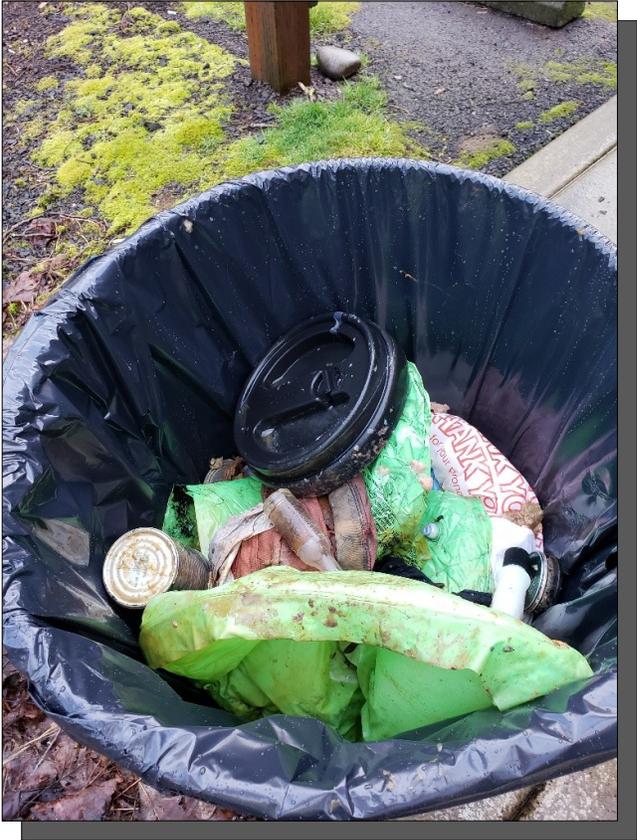
has been gearing up for good weather and increased park usage. Volunteer groups are beginning to plan work. One communication meeting has already taken place at Dahl Beach. To avoid multiple volunteer efforts stepping on each other's projects, these meetings with new



groups are important to maximize and oversee all of our efforts. We have had incidents in the past where unbeknown to the City, volunteers were going into the parks and planting native species, and another group was coming in behind them and pulling them up as part of a volunteer clean-up effort. Photo above is a tree that fell, and is a strong example of the need to assess hazards before volunteer groups move forward with improvements that invite public into unimproved areas. While volunteer efforts are appreciated, they do require much staff time to oversee, and the Public Works Department has neither the funding nor the staff hours to manage volunteer efforts at this time.

On a more putrescent note, pumping out the pit toilet at Meldrum Bar must take place several times a year, as the boat launch area gets heavy use. Foreign objects thrown into the toilet by users makes for a very unpleasant job, as each item must be retrieved by hand to prevent the

hose from becoming clogged. Photo below right shows the extent of the variety of items thrown into the toilet, everything from garbage to floaty toys.



So far this spring, the weather has allowed us a very narrow window to prepare ball fields, but we were able to condition all seven ball fields to a higher quality level than in years past.

Part of the fence along Rinearson Creek required replacement this month. Photo right shows new section of fence.



Fleet is preparing to service all mowing and parks related equipment for the busy season that is rapidly approaching.

Facilities Division is getting a jump on the necessary groundwork in preparation for the building of the new Civic Center Building. In the picture right, Scott Johnson is inventorying the utilities.





Photo left shows installing the fiber optic conduit.

Facilities has been busy with Work Orders, and the exterior cleanup has started on the Senior Center in preparation of the reopening celebration soon.

PUBLIC WORKS QUOTE OF THE MONTH

Suspicion ruins the atmosphere of trust in a team, rendering the whole team ineffective.

... Dr. Sunday Adelaja

Gladstone Fire Department Monthly Report: March 2019

Report Date: April 2, 2019
To: City Administrator Jacque Betz
Cc: City Council
From: Interim Fire Chief Jeff Smith

Gladstone Fire responded to 120 calls in March. 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 1:25 (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 (15 calls) Turnout Time: 80% fractile of 1:39 (adopted standard is 2:00) Response Time: 80% fractile of 5:10 (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:

Communications-

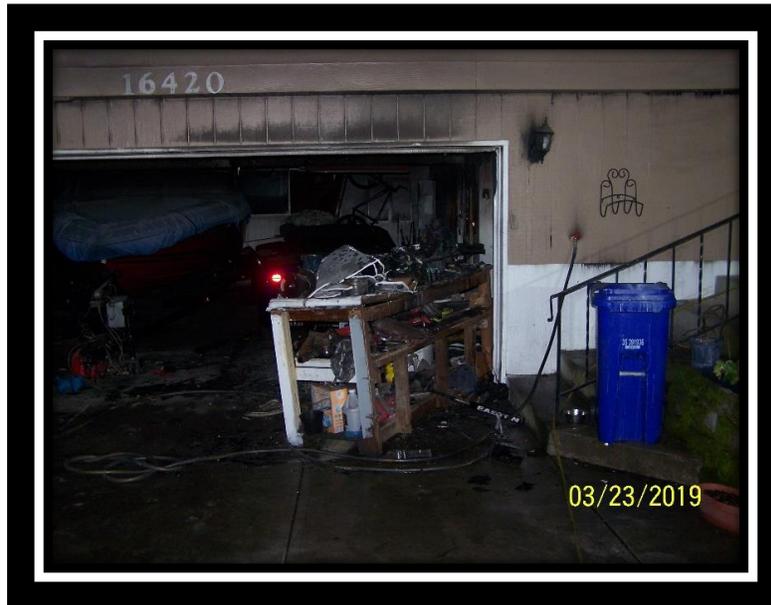
- Radio pagers, I have been advised by DC Hopperstad that the VHF system is being phased out. Hopperstad is looking into the purchase of new 90Mhz pagers for department members.
- Radios, Hopperstad is making progress on Radio replacement. All radios programmed and replacements in progress with contractor Dave Gibson.
- Active 911, Subscription current. Funk contacted both Active 911 and CCOM this month after several 911 pages did not come across the system. The issue was attended to and was fixed within about 24 hours.

Buildings under construction-

- Major renovation of Tonkin Hyundai -McLoughlin Blvd. Re-Roof and siding replacement continuing at 1055 Risley.
- Water flow information provided for Duniway -Civic center project, Car lot McLoughlin and car lot Gloucester.

Fire Investigations-

- Small garage fire on 16420 Chessington, March 23rd



- Investigate burn complaint – educate homeowner about burn regulations inside the city limits and burning rules that apply to the Portland DEQ metro burn area.

Planning Commission business and development ideas and proposals/reviews-

- Planning commission approved City plan to move forward with construction of new Police and City hall building on Portland Ave.
- New developer taking on the business park project in the 700 block of E Clarendon. A 2-story 9000 sq. ft. building will be built housing 4 new businesses.
- There has been a substantial increased interest about operating small private schools inside church buildings during non-church service times. There is a lot of work being done by the City and County to evaluate how planning requirements are applied. Work continues at Caldwell, Dartmouth, Glen Echo and Gloucester sites.
- Travel to Ormae Rd. to approve access easement on subdivided property. Approval email to Clackamas County.
- Worked with Melissa -Clackamas County planning to identify an old fill site along Clackamas Blvd. Historical information does not support what the property owner is telling the County.

Business Inspections-

- Inspection performed at GCCF for annual licenses for Head start program operated inside the building.
- Inspection performed at new business on McLoughlin. Gladstone Smiles Dentistry.
- Partial business insp. Safeway store; check compressor and electrical room. Check exits and schedule inspection for a couple weeks out.

School district-

- Crews attended an invitation to Career Day at WLK school. Crews explained what firefighters do in a typical work day, education needed for the job and tips on how to get into the field.



- Worked with night staff at WLK for hosting several overnight guests in the gym of the school. Each year WLK hosts about 50 school kids overnight while students travel to the Portland area for culture and Metro education overnight. There are specific provisions that are required that allow this to occur a couple times a year.

- Several Firefighters read to preschoolers and to grade school students at three scheduled events this month. Locations included GCCF, John Wetten sch. And St. Stephens preschool.



Meetings

- Met with Glen Echo church staff to discuss process to operate a church school on the church site. County advises no conditional use is required since the site had previously run a school on the site. I advised the contact of this but explained that there would need to be building revisions and things like alarms and exit issues to be addressed before re-starting a school.

Training events-

- Met with office staff of a local business to discuss fire extinguishers. Staff will be replacing the businesses extinguishers and will now have the training of how to perform monthly checks.

Miscellaneous:

- Signed a mountain of business licenses this month. People getting them turned in at the end of the quarter.
- Worked with Sean Boyle to review fire lane complaint on Shawna Lane. There is a required 20' right-of-way that some of the local residents are partially obstructing with parked cars.
- Did a site visit to Safeway parking lot, to review site for approval of fireworks stand for the July 2019 season.
- Review Dagmar house fire with Det. Fich. Gathered additional contact information.
- Email reply to 2 Rivers Mobile Park regarding size of propane tank resident wishes to use in the park. Fire Code would allow a 120-gallon tank to be placed and used.
- Assisted with new recruit physical ability testing March 23rd.

Deputy Chief Randy Hopperstad:

Clothing: Continue to order, distribute and inventory all types of uniforms for members as needed.

Radio's and Pagers: On March 21,2019 we received our radio's from Motorola Once the radio's arrived I spent time numbering them for the proper piece of equipment they will be installed in. On Monday March 25 our vendor began installing for the Police as well as the Fire Dept. Hopefully the installs will be complete by the end of this week providing all goes well. March 28 I ordered 900 megahertz Pagers for all members that I believe the C-800 group will be paying for.

Repairs: Engine 393 cabinet door has been repainted and reinstalled on the engine. As a result of the damaged door a buzzer has been added to the door open light on Engine 393 and Squad 390 that should eliminate this issue for good. Mid-month Engine 391 had an issue with running very rough and after maintenance ran all the checks they could and it was recommended we take the Engine to Cummings NW for further checks. It was determined to be something in an engine wiring harness witch was replaced and is now running fine.

Building Maintenance: Coordinated with facilities to replace the upper column lights in front of the station. Painted a sheet of plywood for a project Chief Smith is doing. Replaced toilet handle in the department quarters.

Logistics: Gearing up for the next academy to start by making sure I have everything in stock for when the time arrives. Looking forward to suppling our new Chief with the equipment he will need to begin his journey with Gladstone Fire Dept.

From Captain Tighe Vroman Training:

This March, my primary efforts in the Training and EMS division include completing the EMS continuing education hour audits for all Gladstone Fire EMS personnel, continuing with keeping our personnel on track with their professional development and completing additional steps in the firefighter recruitment process.

I coordinated or participated in a number of public education events throughout the month. The first event involved teaching first aid skills and techniques to Boy Scout Pack 510. This was the second part of what I mentioned in last month's report. I was assisted by Gladstone Fire crew members Captain Richard Newton, Eng. Tim Atkeson and AO-FF Zach Buchanan. We taught the Scouts about choking, bleeding and shock recognition and management. We also discussed using the 911 system and talked about CPR. The GFD personnel had a great time working with the kids and the Scouts did an excellent job learning these new skills.



Also this month, I participated as a guest speaker with a group of personnel from Gladstone Fire for Career Day at Kraxberger Middle School. Other GFD members included Asst. Chief Mike Funk, Captain Richard Newton, Eng. Izaak Thoman and Eng. Tim Atkeson. Our presentation described the education, personal characteristics and jobs related to the Fire/EMS emergency service field. We presented three times to different groups of eighth grade students that were interested in learning more about this career field and some ways to prepare for this type of work.

Last, a number of Gladstone Fire members went into schools to read to children for "Everybody Reads" day. Fire personnel read to various age groups representing Gladstone Fire by wearing our uniform and a fire helmet. This is a great opportunity to let the kids interact with firefighters in a non-stressful and upbeat situation, and show the importance of school and reading skills to our youth.

Training:

This month, Gladstone Fire personnel attended a number of training opportunities, both internal and external. Fire training for the month of March covered vehicle stabilization and master stream operations. I was out of the office for a week attending week one of the two-week Chief Officer Fire Academy sponsored by NAFT. Lt. John Cerda and Lt. Barry Schaffer attended the four-day S-290 Intermediate Wildland Fire Behavior class that is required to attain certification as a Wildland Engine Boss.

Our first drill of the month reviewed the assessment and stabilization of vehicles involved in collisions. AIC/Eng. Josh Miller was the lead instructor for this training session, as Josh is certified as an NFPA Vehicle and Machinery Rescue technician. Hazards need to be identified and the vehicle needs to be stabilized before we remove a victim or use heavy tools to cut away parts of the car to free a trapped victim. Josh reviewed the hazard identification process and reviewed the different tools, equipment and methods we use to stabilize vehicles.

The second fire related drill of the month was master stream operations. The master stream is our largest water delivery system when combating large, defensive fires. We reviewed all the controls of the master stream deck gun, reviewed water supply needs and discussed the different volumes and discharge pressures that can be used based on the type of nozzle mounted. We also reviewed apparatus mounted master stream use and operation. Last, we reviewed the process and skills to set up the deck gun on its remote base so it can be used away from the apparatus. Crews performed multiple evolutions setting up the remote master stream and flowing water within a specified time goal. GFD crews did an excellent job, showed professionalism and demonstrated solid improvement with this training.



Lt. Cerda and Lt. Schafer completed their S-290 Intermediate Wildland Fire Behavior class through Clackamas Community College. This is a four day (two weekend) class and is one of the main educational components to becoming certified as a single resource Wildland Engine Boss. John and Barry spent two of their weekends in March to get this training done. With this class completed, both Lt. Cerda and Lt. Schafer have completed all the classes necessary to get their Engine Boss certification. At this point, both need to complete task books before we can apply to get them certified as Engine Bosses. We will be getting them the necessary task book check-offs in the months to come, and throughout the upcoming wildland season, if necessary, to add these two officers to our list of certified Engine Bosses. Thanks to John and Barry for their hard work, dedication and effort!

Also this month, I was out of the office for a week working on my own professional development at the NAFT Chief Officer Academy. I attended the first half of the two-week Chief Officer Academy for 2019. Along with two weeks of classroom work, we have to complete 40 hours of online education through Jones and Bartlett in the Chief Officer curriculum. Also, I have to compile an extensive portfolio of project work demonstrating my ability to meet Job Performance Requirements (JPR) necessary for the Administrative Fire Officer (Fire Officer III) and Executive Fire Officer (Fire Officer IV) certifications. I hope to have this completed this May. It has been a great course and it will allow me to better serve Gladstone Fire Department, the City of Gladstone and our citizens in my current position as Training Officer, or any other future opportunity here at Gladstone Fire.

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

- The following GFD personnel attained increased levels of fire certification from the Department of Public Safety Standards and Training (DPSST).
 - PFF Charles Stay- NFPA Fire Fighter I



Emergency Medical Services:

The current, year-to-date EMS line item expenditures through the month of March total \$39,143.11 of the \$50,000 allotted for the biennial budget. This currently leaves the EMS line item with \$10,856.89 for the rest of the 18-19 fiscal year.

EMS supplies that we purchased during the month of March consisted of IV catheters in all sizes, and quick-combo fast patches used for defibrillation and pacing in cardiac arrest situations. Our IV supply was getting low and the remaining IV catheters were expiring at the end of the month.

Our crews have been responding to a number of cardiac arrest calls over the past couple of months. The patches we apply to the patient's chest connect to our cardiac monitor and are called "Quick-combo pads" or "fast patches". They allow us to interpret or analyze the patient's cardiac rhythm, deliver a shock if needed and act as an external cardiac pacemaker for those EMTs who are qualified to perform this skill. We consumed our entire supply that we usually use throughout the year with the number of cardiac arrest calls we have responded to over the past two to three months. Each set of fast patches used costs \$25.46.

The EMS continuing education hour audits for all Gladstone Fire personnel who hold certification as an EMT have been completed. This was one of my main goals for the month of March and I am glad it is done. 14 of our 21 EMTs have met or exceeded the required continuing education hours necessary to recertify their EMT level when it is up for renewal at the end of June. Two of our EMTs are employed as full-time emergency service professionals with other agencies and they will be recertifying through their primary agency of employment. Five of our EMT's still need some amount of continuing education before the end of June to recertify. We are right on track and for those who still need some continuing education hours, there will be multiple opportunities to get those hours in the next three months.

Our EMS drill for the month was Rapid Extrication & Spinal/Traumatic Injury related to traffic accidents. We reviewed initial patient assessment and evaluation for spinal injuries. GFD crews also practiced the removal of a critical patient with a potential spinal injury from a vehicle onto a long back board. This exercise requires communication between the crew and with the patient. It also requires teamwork and working in tight enclosed spaces in and around a vehicle. GFD personnel did well with the exercise and showed great improvement between the start of the class and the end of the class.

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

- Spring Multi-Agency Training (MAT) will be occurring the last week of March and the first week of April. This is EMS training that all Clackamas County Fire and EMS agencies are encouraged to participate in. The topics for this spring are obstetric scenarios, airway management skills, sepsis management and STEMI review. I have been involved with the planning of the Spring MAT training and Gladstone Fire will be sending our members to participate in this excellent training opportunity.

Gladstone Fire Recruit Testing and Academy 2018-02:

Our five recruit firefighter candidates have all completed their extensive background check that was performed by Gladstone Police Detective Fitch. Also, the candidates all successfully completed the physical ability test, oral interview panel, and drug screening process through occupational health. At this point, the recruit candidates still need to complete the psychological examination by Dr. Harden and the NFPA physical exam and cardiac stress test. Once these last two steps are complete, we can begin our recruit academy. I am anticipating we will have six new recruits for the upcoming academy.

Thank you to GPD Detective Tony Fitch for his work providing an excellent quality and in-depth background examination. I am confident his attention to detail will make the psychologist's review process easier and more successful than our first attempt. I would also like to thank the following GFD members for their assistance and participation in the recruit oral interview panel and/or physical ability testing: Asst. Chief Mike Funk, Dep. Chief Randy Hopperstad, Capt. Pat Brost, Lt. John Cerda, AIC/Eng. Phil Smith, Eng. Tim Atkeson, Eng. Izaak Thoman, AO-FF Austin Krieger, AO-FF Zach Buchanan, PFF Jesse Person. Thank you for your help making these parts of our recruitment process happen!

From Captain Brost A Shift:

March was a fairly quiet month for A-shift. We used this opportunity for some spring cleaning (once the weather decided if it was done snowing). The floor in the apparatus bay is challenging to keep up on during winter, so it was great to give it a deep cleaning.



While we were at it, a spontaneous round of “Whiffle Ball” broke out. We were joined by Interim Police Chief Yamashita. This type of inter-departmental recreation time is helpful to forming lasting working relationships.



Between all of our students working on EMT and other professional classes currently, we also added in some Fire Pumper training to include advancing hand lines, doing changeovers from tank water to hydrant water, and apparatus mounted master stream operations.

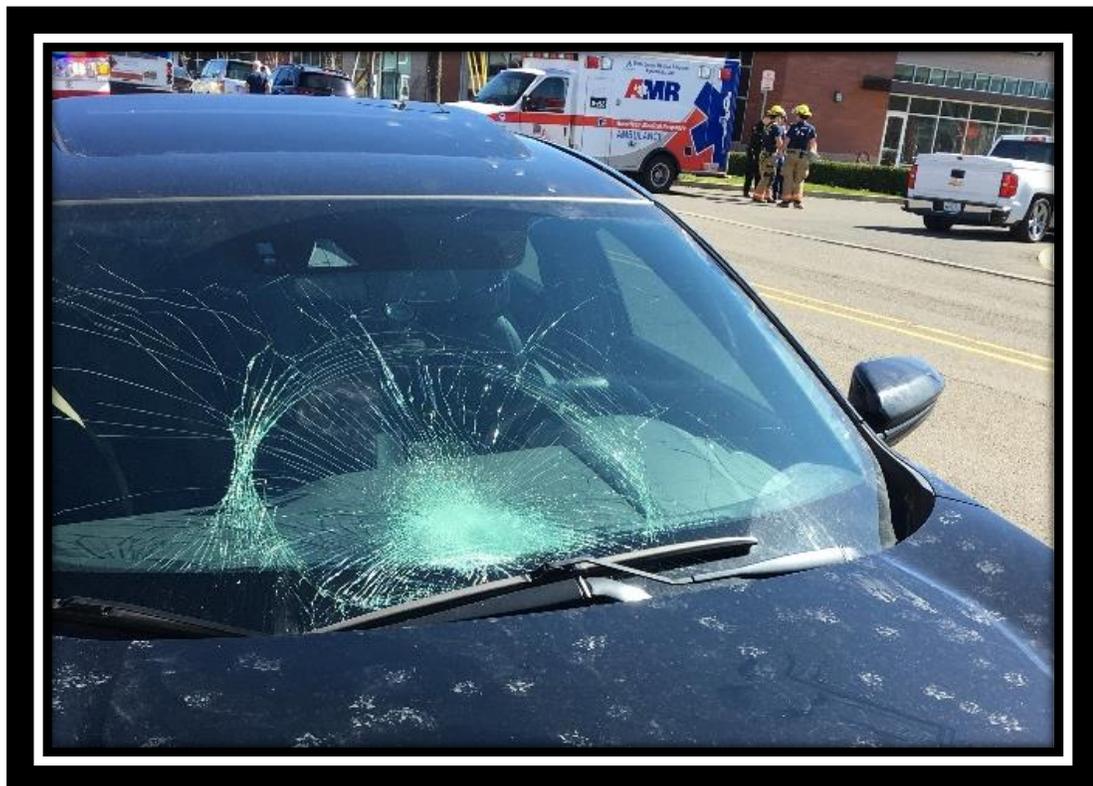
On March 8, AC Funk and I were invited to participate in the “Everybody Reads” event at John Wetten Elementary (JWE). This was a fantastic event where we got to read to different classes. I personally got to read for three different classrooms as a representative of Gladstone Fire. I read *Cat in the Hat* for a class of third graders, then a book called *My Secret Bully* for fifth graders. Both of these classes asked some wonderful questions, and it was a good opportunity to share information about safety, what working in public service is like, and how important math and reading are for the rest of their lives.

The best part of that day for me was the class I had in the middle to whom I also read *Cat in the Hat*. There is a small class in JWE called the disabilities learning center (DLC). It is a class of some very special students who are learning skills to be able to join their other grade-level peers on both a social and educational level. The staff of this class are incredibly dedicated and do a wonderful job with these kiddos. I didn’t realize it at the time, but I was the first non-faculty guest they’ve had in their classroom in over three years. It was an honor being able to share and connect with them for something special in their day and they did great. We are planning their first field trip to the fire station later this spring.

Notable Calls

March 30, E391 along with Gladstone PD, DO394 and AMR M265 responded to a vehicle vs. two pedestrian accident on W. Arlington in front of the Walgreens/24 Hour Fitness area. AMR arrived first on scene and took over patient care. E391 and DO394 arrived shortly after to help with scene security and briefly closing the road to avoid any further injuries with traffic driving through the scene.

The area was secured and the main patient transported to an appropriate hospital in a short period of time. This is a good reminder to keep your head on a swivel and never assume you know what another car or a pedestrian is going to do. Keep safe out there.



From Captain Kirk Stempel B Shift:

March continues to be another busy month for the Gladstone Fire Department with 120 assistance calls.

SPECIAL OPERATIONS | TECH RESCUE

The month of March proved to be busy with rope rescue training, as well as getting rope gear replaced and put into service. Dive training continues with Captain Vroman's open water check off dive rescheduled for mid-April. Outdated rope gear has been replaced with new current equipment and training continues.

PIO

Continued updates and changes to the Gladstone Fire Department website, and the Instagram and twitter pages continue to be very successful.

OTHER ITEMS OF INTEREST

On March 1st, in celebration of Dr. Seuss's birthday, B Shift had the privilege of reading to the children at the Gladstone Center for Children and Families.



On Wednesday March 13th, under direction of AIC Engineer J. Miller, scheduled drill was vehicle stabilization and extrication. Little did we know we would use these fine-tuned skills later that evening as we responded to a single vehicle car crash.



On March 23rd, B Shift responded to a residential fire in Sherwood forest. On arrival, E391 was first in and found smoke pouring from the garage. E391 took command and initiated fire attack. The fire was soon extinguished with damage minimized to only the garage and surrounding area, due to the quick response of all fire units.



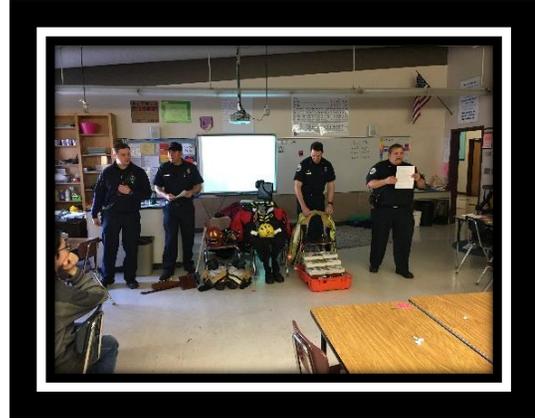
On March 28th, B Shift finished off the busy month by attending Multi Agency Training hosted at AMR Clackamas Operations. Topics and hands on skills included medical emergency scenarios, child birth and pediatric emergencies, hands on airway management, and ending with a medical roundtable talk with Dr. Warden.



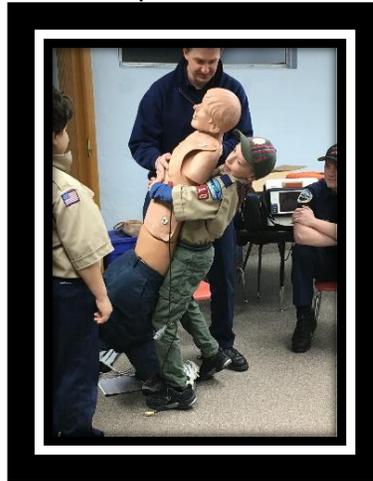
From Captain Richard Newton C Shift:

C-shift was out in the community assisting with first aid training and in our schools assisting with career day. The crews had fun with these events. During the month C-shift gave a station tours to some future firefighters. For the month of March Gladstone fire responded to over 100 call for service.

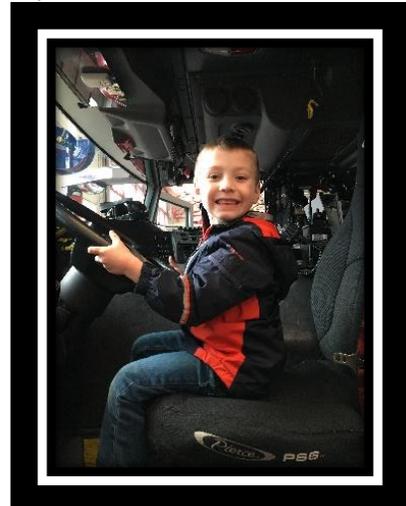
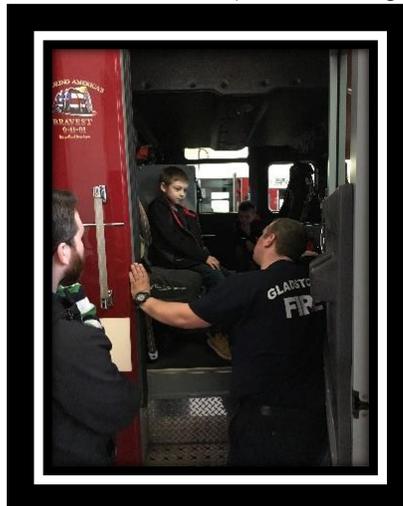
Career day at the middle school.



Assisting with first aid training to scout troop 510.



C-shift giving the community a tour of the station (future firefighters).



Projects:

Pre-incident plans:

The Pre-incident plans have been going well. Like I said last month there is a new form. If you find problems with First Look Pro (FLP) please us the form. I will introduce it at the April operations meeting. On March 14, 2019 we went out to Gladstone Center for Children and Families (GCCF) and did a Pre-plan of the building. I encourage all of you when you're on shift to look at the Pre-plans that we have in our system. When the opportunity come available with the duty crew to walk some of these business it benefits you and the department. There's currently 353 Pre-incident plans in FLP.

Engineer Tim Atkeson one day was looking at one the Pre-incident plans (8330 Cason Rd) and found that our 150ft hotel buddle will not stretch to four apartments on the second floor. It was discussed around the table that the crew would need to bring more hose with them. This was a great conversation to have.

Operations:

We are still working on coming up with the standard for taking a hydrant. I'm hoping to have the standard done by the end of April. This next academy will be training to this standard. After last drill Master stream evolution, it was discovered that we need to be able to reverse out. We currently are not set up to do that evolution. I'm currently working up a proposal for the Chief.

Call:

On March 26th, 2019 Gladstone Fire assisted Fire District #1 with a cardiac arrest.

On March 29, 2019 Gladstone fire was dispatched on a Barn fire out in Redland. This fire ended up going to a 2nd alarm. E391 assisted with fire attack and with overhaul.



GLADSTONE MUNICIPAL COURT MARCH 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
Mar. 2019	\$ 22,064.00	\$ 20,162.83	\$ 28,158.17	\$ 9,856.19
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 March 2019

- 78 violation filed
- 47 violations closed
- 17 misdemeanors filed
- 2 misdemeanors closed
- 16 violations were dismissed through the fixit program
- 23 warrants were issued
- 125 cases were set up on a payment agreement
- 52 overdue payment letters were mailed
- 43 driver's licenses were requested suspended
- 36 cases were sent to collections
- 12 cases sent to Department of Revenue
- 0 Jury trial was held
- \$22,064.00 in violation fees assessed
- \$20,162.83 in violation fees paid
- \$28,158.17 in misdemeanor fees assessed
- \$9856.19 in misdemeanor fees paid
- \$2,421.96 was collected with the Dept. of Revenue

GLADSTONE MUNICIPAL COURT MARCH 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
Mar. 2019	78	95	17	17	5
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

March 2019

Report Date: April 3, 2019

To: City Administrator, Jacque Betz

From: Senior Center Manager, Colin Black

We are moments away from reopening. March was a good month for making progress with the remodel. We are on track to open the facility for serving meals the week of April 15th. The kitchen is awaiting some final minor touch ups and is scheduled to be inspected by the County Health Department the 2nd week of April. The Public Works Department has been taking great care to get us looking good once again by scrubbing the concrete sidewalks, washing the building, cleaning up the parking lot, and getting the landscaping polished up. Their hard work is really appreciated.

**As a special note, once we are cleared to open, there will be a "soft opening". I would like to ensure that there is a smooth transition process and will have a "Grand Reopening" ceremony the first or second week of May. Please make sure to stay tuned!*

We continue to see more people through our doors. Our clients are anxiously awaiting the reopening of the kitchen. With the confidence of being reopen for operations in April, we have begun taking facility rentals once again. In the last weeks of March and the date of this report, we have already secured a couple rentals in the coming months. Business is on the way to being back to normal.

In March, your Senior Center staff:

- Participated in the City budget meetings.
- We saw a decrease in our homebound meal client count in the first half of the month, however we jumped right back by the end of the month.
- Our contractors performed a final clean of the dining hall. It looks fantastic! Staff is working hard at reorganizing all the equipment and supplies to new locations.
- Staff has already begun to schedule programs and activities for the coming summer, they are excited to be back to full operations.
- AARP Tax help continues with the season ending on April 12th. It has been a good year, no issues logistically.
- Hosted the bi-monthly Senior Center Advisory Board meeting.
- Finalized an agreement to complete the roof. We are almost there!
- SCM Black attended the GEMS meeting.

Your Senior Center staff do have one request. Please continue to advocate for the Senior Center within our community as you always have. Thank you!

Respectfully,

Colin Black

Senior Center Manager

Social Media Coordinator



Kitchen lights installed, painting and cleaning complete.



Dishwashing area plumbing and electrical completed, awaiting final dishwashing machine set up, to be completed by 4/4/19.



City of Gladstone Monthly Report | MARCH 2019

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/Planning Actions	JANUARY	FEBRUARY	MARCH	APRIL	YEAR TOTALS
Customer Service Counter Contacts	8	4	5		17
Customer phone contacts	48	42	35		125
Building Permits Issued	0	1	1		2
Pre-application conferences	3	1	0		4
Administrative Decisions	0	0	1		1

PLANNING COMMISSION ACTIONS/DECISIONS

- APPROVAL OF Z0037-19-D; CIVIC CENTER
- APPROVAL OF Z0079-19-C; CLARENDON BUSINESS PARK

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- NONE

PRE-APPLICATION CONFERENCES

- NONE

BUILDING PERMITS

MARCH

Date	Address	Building Permit #	Description
3/14	1205 COLUMBIA AVE	B0064019	NEW SINGE FAMILY HOME

FUTURE ITEMS/PROPERTY UPDATES

Location	Topic	Contact
82 nd Ave Bridge	Approved: 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
19120 SE McLoughlin Blvd	CarzPlanet Design Review application to modify previously approved landscaping; Tentatively scheduled for May Planning Commission meeting	CarzPlanet

City of Gladstone Staff Report

Report Date : March 5, 2019
Meeting Date: April 9, 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

This item was presented to the City Council at the March 12, 2019 Council Meeting. At that time City Attorney David Doughman recommended removal of Paragraph 8 (*The violations set forth in Paragraph 3 will be addressed per DEQ's Enforcement Guidance Internal Management Directive in effect at the time of the violation*) because it was duplicative language. The Council concurred and DEQ was allowed time for legal counsel to review the request; therefore this item was moved to the April 9, 2019 Council meeting. DEQ concurred with the recommendation and the mutual agreement order in this packet has removed that paragraph.

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.

At the March 12, 2019 City Council meeting Council asked the City Attorney to review the proposed questions/issues raised by the City Attorney and come back before the City Council on the consent agenda at the April 9th meeting.

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.

Recommended Staff Action:

Staff recommends the City Council approve Resolution 1157 and authorize the current Public Works Director to enter into and sign the attached Mutual Agreement and Order No. WQ/M-NWR-2019-038.

	4/3/19		4-3-19
Department Head Signature	Date	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 9th day of April, 2019

ATTEST:

Tamara Stempel, Mayor

Tami Bannick, City Recorder

RESOLUTION 1157 – EXHIBIT “A”

BEFORE THE ENVIRONMENTAL QUALITY COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF:)
CITY OF GLADSTONE) MUTUAL AGREEMENT
AND ORDER
NO. WQ/M-NWR-2019-038

WHEREAS:

1. Oregon law prohibits the discharge of raw sewage into waters of the state. Pursuant to Oregon Revised Statute (ORS) 468B.080(1) No sewage shall be discharged into or in any other manner be allowed to enter the waters of the state from any building or structure unless the sewage has been treated in a manner approved by the Oregon Department of Environmental Quality (DEQ). ORS 468B.050(1)(a) prohibits any discharge of wastes to waters of the state, unless authorized by a waste discharge permit. Oregon Administrative Rule (OAR) 340-041-0009(2) prohibits the discharge of raw sewage to waters of the state.

2. Dating back to 2015, when an alarm was installed to monitor overflows, the City of Gladstone (the City) has reported sewage overflows from a manhole in its sewage collection system as a result of sewer surcharging. The most recently reported discharges of raw sewage to waters of the state were on January 11, April 8, and December 18, 2018, and January 20, 2019. Previous overflows were recorded October 2016 through April 2017. The sewage joined storm water and flowed into the Clackamas River, a water of the state.

3. DEQ and the City recognize that during periods of heavy rainfall, this manhole will overflow again, and the City will be in violation of ORS 468B.080(1), ORS 468B.050(1)(a) and OAR 340-041-0009(2).

4. DEQ and the City recognize that the Environmental Quality Commission has the authority to impose a civil penalty and to issue an abatement order for violations of Oregon law. Therefore, pursuant to ORS 183.417(3), DEQ and the City wish to settle those past

1 violations referred to in Paragraph 2 and to address the future violations referred to in
2 Paragraph 3 (unless caused negligently, willfully or intentionally) in advance by this Mutual
3 Agreement and Order (MAO).

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

6 NOW THEREFORE, it is stipulated and agreed that:

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

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

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

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

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

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

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

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

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

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

1 ///

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

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

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

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

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

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

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

1 ///

2

3

iii. The steps take or planned to reduce, eliminate, and prevent reoccurrence of the overflow and a schedule of major milestones for those steps;

4

5

6

iv. The steps take or planned to mitigate the impacts of the overflow and a schedule of major milestones for those steps; and

7

8

9

v. For storm related overflows, the rainfall intensity (inches/hour) and duration of the storm associated with the overflow.

10

11

12

vi. In reporting overflows, include all data from which overflow amounts were determined, including but not

13

14

limited to: formula(s), spreadsheet(s), weir elevation, water surface elevation, and times and durations of the overflows

15

16

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

17

18

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

19

20

a. \$2,400 for each violation of the corrective action schedule set forth in Paragraph 6.A.

21

22

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

23

24

25

26

1 exceeds another 100,000 gallon increment.

2 D. Requiring the City to pay a civil penalty of \$4,800 for the violations listed
3 in Paragraph 2 above, which is due upon execution of this MAO. Make the check or money
4 order payable to "State Treasurer, State of Oregon" and send it to the DEQ, Revenue Section,
5 700 NE Multnomah Street, Suite 600, Portland, OR 97232.

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

20 8. 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 9. 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
25 federal or state grant monies.

26 10. The terms of this MAO may be amended by mutual agreement of DEQ and the

1 City.

2 ////

3 11. 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
6 to issuing an order amending or terminating the MAO. If the City contests the order, the
7 applicable procedures for conduct of contested cases in such matters shall apply.

8 12. 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
11 or partnership status relating to the facility shall in any way alter the City's obligations under
12 this MAO, unless otherwise approved in writing by DEQ. The City agrees to waive any and all
13 rights and objections the City may have to a contested case hearing and judicial review of this
14 MAO, and to service of a copy of this MAO, which shall be effective when signed by DEQ.

15 13. 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
19 number 503-656-7957.

20 14. 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 15. 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
2 may 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 16. This MAO shall terminate at the end of the day on the date the final compliance
7 task in Paragraph 6.A above is to be completed. However, the City remains liable for
8 stipulated penalties for any violations of the MAO occurring during the period the MAO was in
9 effect and demanded pursuant to Paragraph 15.

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

20

21

22

23

24

25

26

City of Gladstone Staff Report

Report Date : March 25, 2019
Meeting Date: April 9, 2019
To : Jacque Betz, City Administrator
Mayor and City Council
From : Jim Whynot, Public Works Director

AGENDA ITEM

Repeal Resolution No. 1097 allocating Right of Way (ROW) revenue funds to the City's Street Operation and Maintenance Fund, and replacing it with Resolution No. 1158, allocating ROW revenue funds across water, sewer, and stormwater infrastructure.

History/Background

In May, 2016, the City adopted Ordinance No. 1465 to provide uniform requirements for all utilities using the City rights of way. In December, 2016, the City redirected fund allocation from the General Fund to the City's Street Operation and Maintenance Fund under Resolution No. 1097. The language in Resolution No. 1097 does not align with the intention of the resolution. While it states that ROW funds may be used for infrastructure within the rights of way, it assigns the funds only to the City's Street Operation and Maintenance Fund. Resolution No. 1158 corrects the language to assign the ROW revenue across the City's infrastructure funds as set forth in the Resolution, and increases the administration funding from 1.7% to two percent (2%).

Proposal:

Staff proposes the Council approve the adoption of Resolution No. 1158 and repealing Resolution 1097.

Options:

Section I

- Option 1 – Approve Resolution No. 1158 and Repeal Resolution No. 1097.
- Option 2 - Do not approve Resolution No. 1158 and repeal Resolution No.1097.
- Option 3 – Approve Resolution No.1158 with amendments.

Cost Impact:

This resolution will not generate additional cost or revenue to the City. It will allow for the distribution of ROW revenue funds to include the Water, Sewer, and Stormwater in addition to the Street fund.

Relevancy to Council Goals and Objectives Identified in the 2016-2020 Strategic Plan

Maintain the Health and Long Term Vibrancy and Stability of Gladstone

- 4.4 Build in a capability to maintain our facilities (infrastructure, buildings, etc.)

Recommended Staff Action:

Staff recommends approving the adoption of Resolution No.1158 with the following motion:

"I move to adopt Resolution No. 1158, A Resolution Formalizing the Reallocation of Additional Revenue Collected for the Implementation of Right of Way Ordinance No. 1465, to allocate ROW revenue distribution to Streets, Water, Sewer, and Stormwater funds in the percentages set forth in the Resolution."

	4/3/19		4-3-19
Department Head Signature	Date	City Administrator Signature	Date

**RESOLUTION NO. 1158
CITY OF GLADSTONE, OREGON**

*A Resolution Formalizing the Reallocation of Additional Revenue Collected
for the Implementation of Right-of-Way Ordinance No. 1465.*

WHEREAS, The City approved Right-of-Way (ROW) Ordinance No. 1465 in May 2016 to provide uniform requirements for all utilities using City rights of way; and,

WHEREAS, in an attempt to improve transparency and accountability with the use of public funds the City Council adopted Resolution 1097, reallocating ROW revenue from the General Fund to the City's Street Operation and Maintenance Fund; and

WHEREAS, the City recognizes the need for ROW revenue to be allocated for all infrastructure within the City rights of way; and

WHEREAS, The City desires to correct the language in Resolution No. 1097 to allow for ROW revenue to be distributed across all infrastructure in the City rights of way.

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 City of Gladstone repeals the allocation of funds as set forth in Resolution No. 1097 and replaces it by adopting the following allocation of the distribution of additional revenue collected from the implementation of ROW Ordinance No. 1465:

- 2% into General Fund Administration
- 20% into each fund for Water, Sewer, and Stormwater
- 38% into Street Fund

This Resolution adopted by the Gladstone City Council and approved by the Mayor this 9th day of April, 2019

ATTEST:

Tamara Stempel, Mayor

Tami Bannick, City Recorder



REGULAR AGENDA

City of Gladstone Staff Report

Report Date: April 2, 2019
Meeting Date: April 9, 2019
To: City Council
From: Tami Bannick, City Recorder

AGENDA ITEM

Authorize the City Administrator to sign the Gladstone Community Festival Agreement with the Gladstone/Oak Grove Rotary Club for the dates of August 2-4, 2019.

History/Background

The Gladstone/Oak Grove Rotary Club hosts the annual community festival. The attached agreement is to augment the special event permit. The agreement is consistent with last year's agreement. Applicant will also need to provide a certificate of liability insurance before the event in August.

Proposal

Authorize staff to execute the agreement.

Options

- 1) City Council could choose not to enter into the agreement which could negatively affect the festival.
- 2) City Council could choose to modify the agreement.

Cost Impact

In previous years, In-kind resources to the City were estimated at \$16,690 (Please see Exhibit A "Fire", B "Police" and C "Public Works"). Included in the estimate above are also costs associated with administration time, spray park staffing and the event insert in the City's July newsletter. The City estimates in-kind resources to be approximately the same for 2019.

Relevancy to Council Goals and Objectives Identified in the Strategic Plan

Even though the Gladstone Community Festival is not specifically identified as a goal in the Strategic Plan it does fall under the Objective of "Maintain the Health and Long Term Vibrancy and Stability of Gladstone." Community festivals are important and necessary for the good health of communities. Each small town needs a time of the year on which each member of the community can be proud and this festival enhances Gladstone's identity and spirit of camaraderie.

Recommended Staff Action

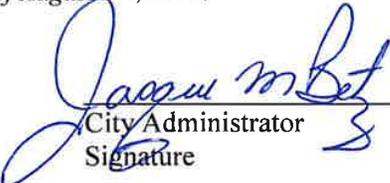
I make a motion:

Authorize the City Administrator to sign the Gladstone Community Festival Agreement with the Gladstone/Oak Grove Rotary Club for the dates of August 2-4, 2019.



Department Head
Signature

Date



City Administrator
Signature

Date



City of Gladstone
Special Events Permit Application
 525 Portland Avenue
 Gladstone, Oregon 97027
 503-557-2769

Fill out completely and type or print legibly. Completed applications must be submitted at least 30 calendar days in advance. Failure to do so could result in permit denial.

APPLICANT AND SPONSORING ORGANIZATION INFORMATION (Person/Group Responsible)				
Name of Applicant/Person Responsible: <i>Gladstone - Oak Lodge Rotary</i>				
Applicant Street Address: <i>3416 S. Everett Rd</i>		City, State, ZIP: <i>Milwaukie, Or. 97267</i>		
Applicant Phone: <i>503-201-0785</i>		Applicant FAX: <i>503-650-3951</i>		
Sponsoring Organization Name: <i>Gladstone - Oak Lodge Rotary</i>				
Organization Phone: (office) <i>503-201-0785</i> (cell) <i>same</i> (Email) <i>perrett78@upkco.com</i>				
Name of contact person "on site" day of the event: <i>Robert H. Everett (cell - required) 503-201-0785</i>				
EVENT INFORMATION				
Event Type <input type="checkbox"/> Run/Walk <input type="checkbox"/> Bike Ride/Race <input checked="" type="checkbox"/> Parade <input checked="" type="checkbox"/> Festival/Fair <input type="checkbox"/> Farmers/Street Market <input checked="" type="checkbox"/> Concert/Performance				
<input checked="" type="checkbox"/> Car Show <input type="checkbox"/> Film Production <input type="checkbox"/> Rally <input type="checkbox"/> Demonstration "First Amendment" Event <input checked="" type="checkbox"/> Street Closure				
<input type="checkbox"/> Construction (construction, road, sewer, water, drilling, blasting, etc) <input type="checkbox"/> Other (please specify):				
Event Name: <i>Gladstone Community Festival</i>		Event Site: <i>Portland Ave, Max Peterson Park</i>		
Event Dates: <i>Aug 2-4, 2019</i>				
Event Hours: (start) <i>Aug 2 12</i> (end) <i>Aug 4 5pm</i>				
Set-up Date: Start Time <i>12</i> End Time <i>3-4</i>				
Break-Down Date: Start Time <i>5</i> End Time <i>7</i>				
Participant type and numbers of each type:	Participants: <i>300</i>	Vehicles: <i>10</i>	Bands: <i>2</i>	Animals:
	Spectators: <i>1000</i>	Floats:	Bikes:	Other:
Overall Event Description				
Briefly explain event and event details: <i>The Gladstone Community Festival is a yearly event to celebrate our town. It's focus is to provide Gladstone residents a chance to come together for fun, entertainment, food, + good will. It also provides an economic boost to the local business's and exposes outside individuals to Gladstone and see what it provides.</i>				
STREET CLOSURE INFORMATION <i>See attached information</i>				
Names of streets to be closed (attach further closures on a separate sheet if needed)				
	Between		And	
Provide a detailed map that includes the start point, end point, direction of travel, and street names. Include if the route will be held on sidewalk, street, etc. Barricades, including set up and take down, will be the responsibility of the applicant to obtain (i.e. from a rental store) for the event.				
<i>See attached information</i>				

Are you requesting a complete or rolling street closure? Why are you requesting this street closure?

(A completed Property Owner Notification Form must be completed and submitted with this application for complete street closures)

Complete closures for car show, parade, + Max Patterson Park. We will notify citizens of closures through the City of Gladstone newsletter, Masker Gladstone, Meanwhile in Gladstone, Festival + Rotary website + Clackamas Review insert.

Time of Street Closure

Start:

See Attached

End:

Will your proposed route cross and/or utilize where TriMet operates? Yes No

For TriMet bus maps please go to: <http://www.trimet.org/schedules/index.htm> (Contact TriMet at 503-962-8117.)

EVENT DETAILS

Does your event involve the sale or consumption of alcoholic beverages? Yes No Oregon Liquor Control: 503-872-5000

If yes, will this activity occur on (or spill into) city streets? Yes No

If yes, please describe:

This will be a beer garden. It will be on Park and limited street but will be cordoned off. There will be one access that will be secured and ID checked. It will be open during the day for all ages and over 21 after 5. It will be run outside Rotary + Festival but managed by the Festival. If alcohol will be served in any of the City's parks, applicants must complete a permit request pursuant to Gladstone Municipal Code Section 12.12.100.

Will items, food, drinks, or service be sold at your event? Yes No If yes, will this activity occur on (or spill into) city streets?

Yes No Please describe:

Vendors will be selling food at Max Patterson Park on Fairfield. Also there may be some vendors on Portland Ave. for the car show

All vendors must possess a City of Gladstone Temporary Business License. Additionally, all food vendors must have a signed application by the Clackamas County Health Department for the Event. The signed application must be on site as proof of Clackamas County Health Department approval. <http://www.clackamas.us/publichealth/restaurantlicensing.html>

Will the event have amplified sound? Yes No If yes, a completed Noise Variance Application Form must be completed and submitted with this application.

Will the event be posting signs? Yes No If yes, a completed temporary sign application must be completed and submitted with this application.

Safety/Environmental Requirements

Temporary restrooms, hand washing stations, dumping/holding tanks, and recycling/garbage bins will be the responsibility of the applicant to rent. No grey water may be dumped in storm drains, streets, grass areas, etc. Violators may be cited and fined with the possibility of the entire event shut down.

Please describe in detail, your restroom, dumping, garbage/recycling, clean-up plan for this event:

Rental of port-o-potties with handwashing stations will be located at Max Patterson Park, Portland Ave. during car show + High School before the parade. No dumping will be allowed and we have notified all food vendors of this. Numerous garbage + recycling containers will be placed at port-out Portland Ave.

By signing this application, the applicant agrees to meet all requirements of the Oregon Fire Code, ODOT, City Code, and Gladstone Fire Department Permit Guidelines (attached) for the duration of the event.

SECURITY/VOLUNTEERS

Please describe your procedures for crowd control and internal security and any emergency vehicle response plan:

Rotary members will provide general crowd control with security at night. Beer garden will have full time security.

Are you expecting City police services at intersection and/or for crowd control? Yes No

Do you plan on utilizing volunteers? Yes No (volunteer/monitors are required)

If yes, in what capacity? *See attached forms*

Name and phone number of volunteer coordinator: *Robert Everett 503-201-0795*

INSURANCE AND INDEMNIFICATION

HOLD HARMLESS AGREEMENT: IN CONSIDERATION OF THE CITY OF GLADSTONE GRANTING THIS PERMIT, THE SPONSOR(S) OF THIS EVENT HEREBY AGREE TO SAVE, DEFEND AND HOLD HARMLESS AND INDEMNIFY THE CITY, ITS AGENTS, OFFICIALS, AND EMPLOYEES FROM AND AGAINST ALL CLAIMS, DEMANDS, ACTIONS AND SUITS (INCLUDING ALL ATTORNEY FEES AND COSTS) BROUGHT BY ANY PERSON ALLEGING PERSONAL OR BODILY INJURY OR PROPERTY DAMAGE AS A RESULT OF THIS EVENT OR A PERSON'S PARTICIPATION IN IT AND NOT CAUSED BY THE NEGLIGENT ACTS OF THE CITY.

Signature of Sponsor or Authorized Representative	<i>Robert Everett</i>	Date	<i>3/12/2019</i>
---	-----------------------	------	------------------

LIABILITY AGREEMENT: SPONSORS OF SMALL PARADES, LARGE PARADES, SMALL ATHLETIC, LARGE ATHLETIC, EXTRA LARGE USES, AND POSSIBLY EXCEPTIONS SHALL HOLD HARMLESS, DEFEND AND INDEMNIFY THE CITY AND THE CITY'S OFFICERS, AGENTS AND EMPLOYEES AGAINST ALL CLAIMS, DEMANDS, ACTIONS AND SUITS (INCLUDING ALL ATTORNEY FEES AND COSTS) BROUGHT AGAINST ANY OF THEM ARISING FROM SPONSOR'S ACTIVITIES AUTHORIZED BY A STREET AND SIDEWALK USE PERMIT.

The sponsor shall maintain general liability insurance that protects the sponsor and the City and its officers, agents and employees from any and all claims, demands, actions and suits for damage to property or personal injury, including death, arising from the sponsor's Event. The insurance shall provide coverage for not less than \$2 million per occurrence – some exceptions may be made down to \$1 million at the discretion of the City based on the risks involved in the event. Sponsor may be required to provide proof of insurance in the form of a certificate of insurance and also an endorsement showing the City as an additional insured.

I have read the hold harmless agreement and liability agreement and agree the terms herein.

Signature of Sponsor or Authorized Representative	<i>Robert Everett</i>	Date	<i>3/12/2019</i>
---	-----------------------	------	------------------

DRAFT

GLADSTONE COMMUNITY FESTIVAL AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____, 2019, by the city and the Gladstone Community Festival (Event).

RECITALS

WHEREAS, User will host a City-wide Event on August 2-4 2019. This is the sixth year User will have hosted the event which will occur at sites around the City including, Portland Avenue and Max Patterson Memorial Park (Premises); and

WHEREAS, User has submitted a special events permit to the City pursuant to Chapter 12.22 of the Gladstone Municipal Code (GMC), and

WHEREAS, the City has assisted User and hosts the event formerly known as the Gladstone Chautauqua Festival in the past through in-kind donations, staff time, City resources, and/or monetary contributions; and by its sponsorship of a Friday night "Movie in the Park".

WHEREAS, the City desires to support the event known as the Gladstone Community Festival which will benefit the community and will continue an event that has traditionally been held every year in the City.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants of the parties set forth in the Agreement, the receipt and adequacy of which are acknowledged, the parties agree as follows:

City Obligations. The City agrees to the following to assist with the Event:

Public Works will deliver and set up barriers and picnic tables on the afternoon of August 2, 2019 and to be removed on the evening of August 4, 2019 after all events have concluded. City Public Works Director will coordinate with User on delivery and pick-up.

Public Works will turn off sprinklers in Max Patterson Park during the Event (August 2 – August 4, 2019).

Public Works will provide and set-up a water station for vendors at Max Patterson Park. User will coordinate exact location and times with Public Works Director.

Public Works will ensure that all electrical boxes at Max Patterson Park comply with the Code and are operational before the Event. There is no guarantee that the electrical boxes will stay operational throughout the event and the City cannot make such a guarantee. In the event the electrical boxes malfunction during the event, the City will make every reasonable effort to fix the box(es).

Public Works will remove the nets in the tennis courts at a time coordinated with the User.

The Police Department will set-up and take down barriers for the parade on August 3, 2019 and for the car show on August 4, 2019. The Department will coordinate with the User on set-up and take down of barriers for both events.

City to provide and pay for electricity used at Max Patterson Park from 12pm on August 2, 2019 through the end of the day August 4, 2019.

City will maintain normal hours and operational staff for the spray park. City will keep Max Patterson Park restrooms open. User is responsible for cleaning and maintaining the restrooms. User is responsible for the cost and coordination of all necessary portable toilets.

City will sponsor Friday Night "Movie in the Park" and will provide a point person to coordinate with a Festival Committee person with respect to the showing of the same.

City agrees, that if it is necessary, to request use of traffic pylons for the City of Lake Oswego, Oregon for use in the Event. Further, the City will facilitate the pick-up and return of the traffic pylons in cooperation with the User.

City agrees to attach a Community Festival flier to the July City Newsletter.

User Obligations. The User agrees to the following:

The User, its employees, sub-contractors, guests, patron, or invitees shall use the premises in a safe, careful, and lawful manner, and use reasonable, best efforts to ensure the Premises and the other City property are not altered, marred, defaced.

The User shall be responsible for all costs, arrangements, and equipment related to production of the Event, including but not limited to removal of trash, renting portable toilets, setting up and tearing down portable stages, erecting and taking down barriers and caution tape on Portland Avenue. All invoices for services provided to User shall be invoiced to User, not City.

The User, if permitted to do so, will pick up and return the traffic pylons from the City of Lake Oswego or assist the City in doing so, as the City deems necessary or appropriate.

The User will be responsible for the use and control of the traffic pylons obtained for use in the Event and any costs if the traffic pylons are lost, stolen or damaged. User agrees to return all traffic pylons to the City by August 6, 2019 or to the City of Lake Oswego.

Special Event Permit

User agrees to obtain a special event permit from the City pursuant to Chapter 12.22 of the Gladstone Municipal Code (GM)

City agrees to waive the special event permit fee so long as the User meets the following requirements:

User agrees to comply with all City event permit, parade, signage and GMC requirements.

User is registered with the state of Oregon as nonprofit corporation and/or the federal government as a 501 (c)(3) organization; and

Event will be free and open to the public.

Indemnification

The User shall hold and save the City, its officers, directors, elected officials, employees and agents harmless from all claims, costs, loss or damage of any kind or nature whatsoever arising out of the Event (Indemnified Claims) which may be sustained by reason of any act or omission on the part of the User, its vendors, employees, guests, patrons, invitees, or anyone directly or indirectly employed by any of them, or by anyone directly or indirectly employed by any of them, or by anyone for whose acts or omissions any of them may be liable. User agrees to indemnify, defend, save and hold harmless City, its elected and appointed officials, officers, agents, employees and volunteers against all liability, claims, suits, or actions, of whatsoever nature loss or expenses, including attorney fees, based upon or arising out of the acts or omissions of the User with respect to the use of the traffic pylons, as well as the acts or omissions of any of its subcontractors, volunteers or employees under this Agreement except those acts or omissions arising solely out of the negligence of the City. User will pay all reasonable attorney and expert fees and costs relating to such defense and will conduct all steps or proceedings in connection with such defense and as required settling or defending such Indemnified Claims, including without limitation the employment of counsel reasonably satisfactory to City.

Insurance

User shall obtain prior to beginning any work under this Agreement and shall maintain in full force and effect through the tear down date of the event, or any other time periods required herein, at User's expense, an occurrence form comprehensive general liability and automobile insurance policies for bodily injury, including death, and broad form property damage, including loss of property and coverage for owned, hired or non-owned vehicles, as applicable, for the protection of User and the City, its elected and appointed officials, officers, agents, employees and volunteers as additional insureds. The policies shall be primary policies and shall be issued by a company authorized to do business in the State of Oregon maintain an A-rated financial rating as published by AM Best and provide limits no less than \$2,000,000 in general liability coverage and

separate automobile coverage of \$2,000,000. The certificates shall provide that City will receive 30 (thirty) days written notice of cancellation or material modification of the insurance contract. User shall provide certificates of insurance and additional insured endorsements to City evidencing the date, amount and type of insurance prior to commencement of any work under this Agreement. If requested, complete copies of insurance policies shall be provided to City. User shall be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance.

User and all of its subcontractors, if any, providing work or labor under this Agreement shall provide a certificate of Workers Compensation insurance coverage for their User contracted operations in the State of Oregon including Employer's Liability Insurance with coverage limits at the current statutory limits. This Employer's Liability Insurance shall be endorsed so that any aggregate limit on liability shall apply separately to other insurance coverage required under this Agreement rather than aggregating this with other policy limits or other events covered by User's policy(ies).

Waiver

The User hereby surrenders and gives up all right to any claim for compensation for any loss or damage sustained by reason of any defect, deficiency, failure, or impairment of the water supply, drainage, electrical, or other services provided by the City. The City shall not be liable for any claim if the Event sites are damaged by fire or other casualty, or for any other act, including strikes, utility failure or acts of God, which prevent the holding of the Event.

Administration

The administration of Agreement by the City shall be by the City Administrator or his/her designated agent.

Assignment

This Agreement shall not be deemed for the benefit of any entity or person who is not a party hereto, and neither this agreement, nor any interest therein may be assigned by the User without written approval of the City.

Entire Agreement

This Agreement contains the entire understanding of the parties regarding the subject matter of this Agreement and supersedes all prior and contemporaneous negotiations and agreements, whether written or oral, between the parties with respect to the subject matter of this Agreement.

Staff Contact Information

Principal City Contact
Tami Bannick, City Hall Administrative
Assistant 503-557-2769
bannick@ci.gladstone.or.us

Insurance/Contracts

Operations/Road Closures
Jim Whynot, Public Works Director
971-337-4929
whynot@ci.gladstone.or.us

Fire Department
Mike Funk, Fire Marshall
503-557-2775
funk@ci.gladstone.or.us
and
Fire Chief
503-557-2790
oconnor@ci.gladstone.or.us

Police Department
Police Chief
503-557-2765
jolley@ci.gladstone.or.us

Emergency 9-1-1
Non-Emergency Dispatch: 503-655-8211

IN WHITNESS WHEREOF, the parties have signed this Agreement on the year and day first written above

GLADSTONE-OAK GROVE ROTARY

CITY OF GLADSTONE

Robert Everett
Committee Chair

Jacque Betz
City Administrator

GLADSTONE COMMUNITY FESTIVAL AGREEMENT 2019

EXHIBIT A

I. PROPOSED AGREEMENT

The User shall have the right to use the Premises and a portion of the public right of way during designated times as listed below and in the Permit Application only for the 2019 Gladstone Community Festival (hereafter GCF) with City approval. The following dates and times are tentatively planned:

Premise(s):	Max Patterson Park
Date(s)/Time(s)	Event ----August 2, 2019 Movie in the Park Event ----August 2, 2019 – August 4, 2019 (GCF Event) Set up --- August 3, 2019 Noon Tear down – Complete by August 4, 2019 5pm
Premise(s)	Parade Route (See Article II.1 for specific streets) Event ---- August 3, 2019 Set up ----begins August 3, 2019 – 8:00am Tear down – Complete August 3, 2019 – 1:00pm
Premise(s)	Portland Avenue (street use to be determined with City at a later date) Event ---- Cruise in and Car Show August 4, 2019 Set up ---- begins August 4, 2019 6:00 am Tear down – Complete August 4, 2019 4:00pm

1. The User, its employees, sub-contractors, guests, patrons, and invitees shall use the premises in a safe, careful and lawful manner, and use reasonable, best efforts to ensure the Premises and other City property are not altered, marred, or defaced.
2. User shall be responsible for all costs, arrangements, and equipment related to production of the Event, including but not limited to removal of trash, renting portable toilets, setting up and tearing down portable stages, and erection and taking down temporary fencing. All invoices for services provided to User shall be invoiced to User, not City.

II. PARADE

1. The Event will include a parade which will be routed from Portland Avenue to Hereford Street to Harvard Avenue to Gloucester Street to Portland Avenue to Berkeley Street to Yale Avenue where the parade will end. The streets along the parade route will be temporarily closed from 8:30 am to noon on August 3, 2019.
2. User agrees to notify all owners with property on and adjacent to the parade route and

those properties nearby that will be affected by the street closures. Notification will be in writing a minimum of two weeks prior to the parade.

III. OTHER ROAD CLOSURES

The City agrees to the following road closures during the Event:

1. Exeter Street between Cornell and Yale for the exclusive use of emergency vehicles.
2. East Fairfield closed between Cornell and Yale for vendor booths.
3. Cornell Street between East Fairfield and East Exeter Street for the main stage.
4. Portland Avenue between Arlington and Jersey (subject to expansion with City approval) on August 4, 2019 from 8:00am to 4:00pm for Cruise-In/Car Show event
5. Road closures for Parade as listed in Section II above.

IV. ROAD CHANGES

(Reserved for later discussion)

V. VENDORS

1. User agrees that all vendors for commercial amusement rides, food, game concessions, novelty stand, shows, support vehicles and equipment (Vendors) shall be fully inspected, permitted or licensed as required by state law and shall strictly comply with every provision of appropriate city, county, state, federal, and other governmental law, rule or regulation applicable in any manner to it activities. The following vendors are prohibited: bouncy houses or any other game involving bouncy balls, unless approved by the city.
2. User will require all Vendors to obtain a Gladstone business license/mobile vendor permit, unless specifically exempt under state or federal law, to be authorized to operate within the City.
3. User will require that all food Vendors obtain and maintain appropriate restaurant licensing, and must meet all federal, state and local health code requirements.
4. User shall keep all Vendor records on file and provide a copy of them to the Assistant City Administrator by July 25th of each year.
5. User will inform all Vendors that **no dumping of any grey water into the storm drains is permitted**. User will be responsible for any dumping that occurs during the Event.
6. User must provide the City with all Vendor certificates of insurances and endorsements naming the City as an additional insured for the event.

VI. SECURITY

User shall hire and assign security as necessary to protect the Premises and patrons during this event. The security company must be licensed and bonded in Oregon. All security personnel must be easily identifiable with a shirt, badge, or other item that shows they are Event Staff.

VII. TRAFFIC CONTROL

User shall have traffic control personnel (flaggers) positioned as necessary for Event safety. Flaggers must possess a Certified State Flagger Card that is ODOT approved. Flaggers must be easily identifiable with a reflective vest that shows they are Event Staff.

VII. ALCOHOL

User agrees that no alcohol will be served or sold on any City property during the Event with the exception of alcohol that would be served and consumed in an age restricted area with City approval.

IX. CITY'S DUTIES

Any work that the City performs for the Event will be reimbursed by the Rotary Club of Gladstone-Oak Grove. An itemized bill will be provided to the Rotary Club of Gladstone-Oak Grove and paid in full to the City within 30 days of invoice. The City may, in its sole discretion, agree to forgive any such invoice for City services or expenses provided to the GCF. City will provide the following services for the Event.

1. The City agrees to loan User barricades and have them available at agreed upon locations. User is responsible for setting up and tearing down barricades, returning them to the agreed upon locations.
2. The City agrees to obtain traffic pylons from the City of Lake Oswego or another municipality should there be a need for the use of pylons.
3. The City agrees to provide usage of available electrical hookups and will bill the User for electricity used at Patterson Park.
4. In the past the City's contribution has been up to \$1500 dollars of out of pocket and in-kind. We respectfully request that the City of Gladstone again contribute at this same level.
5. The GCF is also asking that City forgive the cost of the Event insert in the City's July Newsletter.

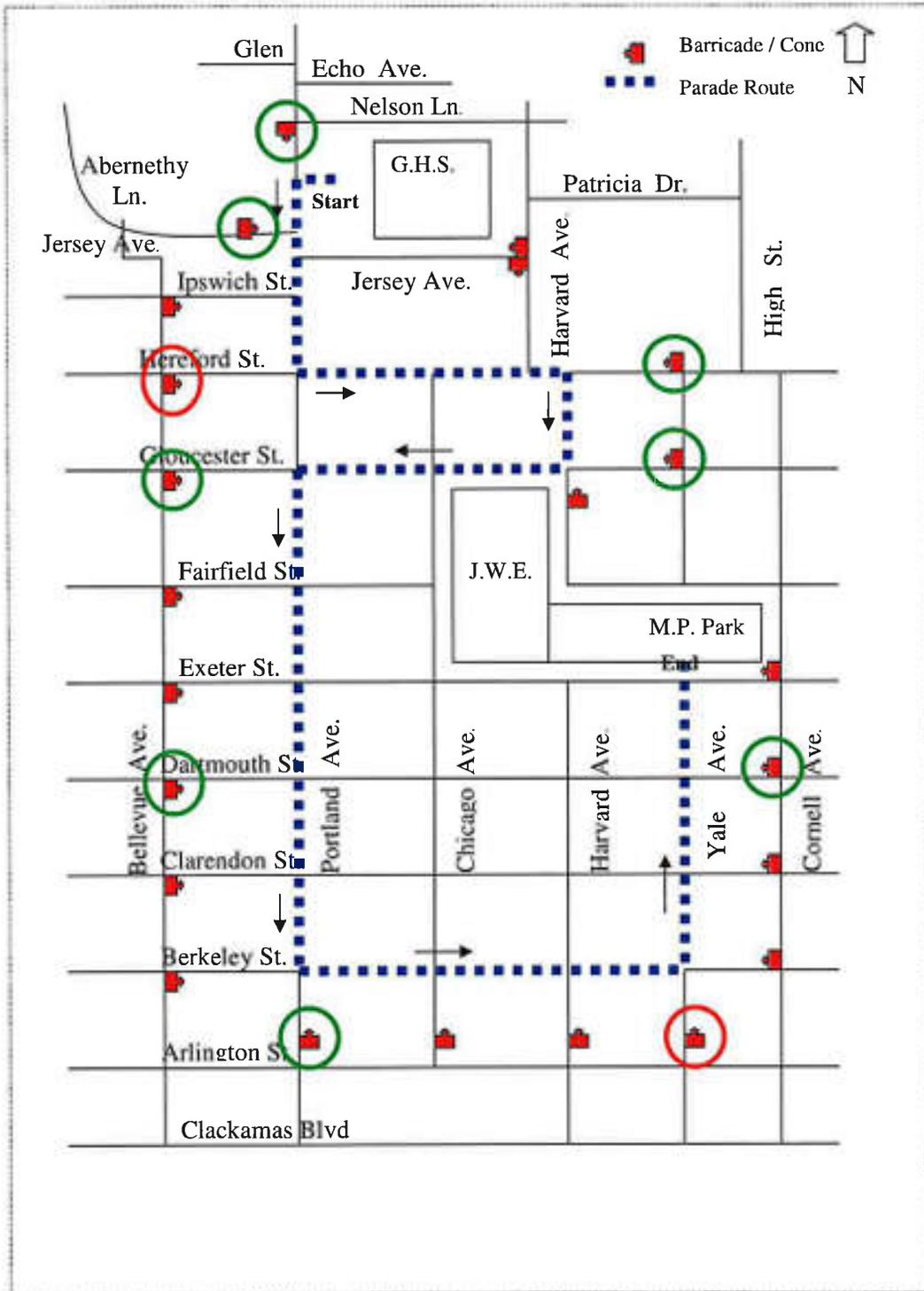
X. USER'S DUTIES

In addition to other User responsibilities set forth herein:

1. The User will be responsible for actual repair and/or clean-up costs incurred by the City if City property is damaged or vandalized as a result of Users use of the Premises under this Agreement and User agrees to reimburse the City for any such actual expenses.
2. User shall, at its expense, provide an emergency plan which must include a first aid station equipped with Emergency Medical Technicians on standby throughout the scheduled Event hours.

3. User will require all food vendors to have temporary health permits and conform to all regulations as stated by the Clackamas County Health District.
4. User shall prohibit patrons from bringing glass containers of any kind onto the premises.
5. User is responsible for all other Event management issues not specifically enumerated in the Agreement.
6. User is to provide all lighting for the Event including the illumination of parking areas for safety.
7. User is to provide all generators needed and have them inspected and approved by the Fire Marshall after set-up but before usage.
8. User is to provide temporary restroom facilities at all locations including restrooms that are ADA compliant. User is to provide dumping tanks for the disposal of Vendor's grey water.
9. Any services contracted by the User are to be billed to and in name of the User,. The City shall not incur any bills on behalf of the User.
10. User is to contract for the disposal of all trash, provide all trash receptacles and empty trash containers as frequently as needed.
11. User is to provide smoking receptacles for the safe and appropriate disposal of used cigarettes.
12. User will assist City to pick up and return traffic pylons should they become necessary to use at the GCF.

GLADSTONE CULTURAL FESTIVAL PARADE ROUTE



GLADSTONE CULTURAL FESTIVAL CAR SHOW

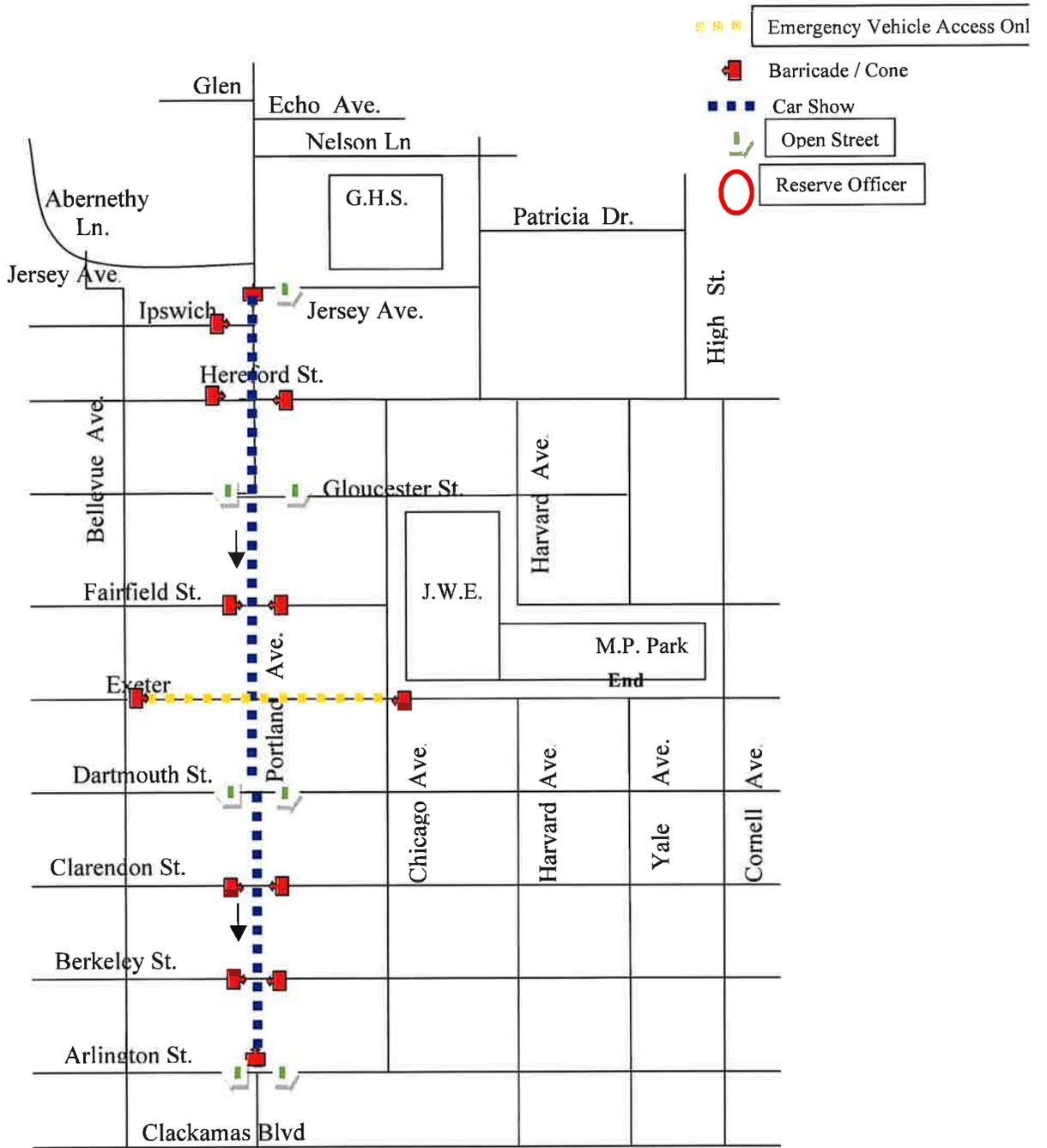


EXHIBIT "A"

2019 Estimated Festival Costs / Fire

Friday, August 2nd, -Set-up and first day of prevention booth. 38-man hours = \$ 805.00

FD sets up five – 10 x 20 tents and moves tables and chairs to the City booth for operations.

Rough costs 38-man hours at varied costs per person.

Saturday, August 3rd. Parade, fire engine rides, staff prevention booth. 77-man hours = \$1665.00

Fill dunk tank, Parade wash, parade route, demobilization. Fire engine rides after the parade until 3pm. Staff fire prevention booth. Supplement duty crew during tours through the park and around the City. Partial break-down at end of day- secure City tent space.

Sunday, August 4th, Car show, Post flag from ladder truck, Staff fire prevention booth. Check large church Baptism at MBP. 45-50-man hours = \$1080.00

Fire prevention supplies: est. = \$2250.00

Our Community received handouts and fire safety brochures throughout the 3-day event. The main object at the parade was our yearly "frisbee" toss. Visitors to the prevention booth were encouraged to take prevention information in the form of pencils, stickers, pins, badges, and book marks.

THIS IS BY FAR THE FIRE DEPARTMENTS LARGEST FIRE PREVENTION EFFORT OF THE YEAR. We feel the connection made with our community is of great value. As Fire Marshal, I believe in this connection effort, and support the costs associated with the energy poured into this Community Weekend.

Michael Funk
Asst. Chief/Fire Marshal
503-557-2775

EXHIBIT "B"

GLADSTONE COMMUNITY FESTIVAL

GPD COST ESTIMATE

Staff Time

• Full-time officers	- 30 hours @ \$64 per hour	\$1920
• Reserve officers	- 10 hours @ \$19 per hour	\$ 190
• Code Officer	- 10 hours @ \$36 per hour	\$ 360
• Chief & LT time	- 20 hours (no OT cost)	\$1000

Material

- Public Relations handouts - \$300
- Give Away Items - \$250

Other

- GPD Chaplains - 16 hours – no charge for time (manning police booth)

Total GPD Costs - **\$4020**

- *Costs for staff time are approximate depending upon sign up*

EXHIBIT "C"

Public Works Hours for Gladstone Community Festival

Books to JWE
20 Hrs

Logistics and Picnic Tables

24 Hrs Pickup tables from storage
09 Purchase and pickup lumber, hardware, tools, generator, etc.
16 Repair and paint tables
16 Set up tables in proper locations in park.
24 Return tables to storage

Traffic Control

16 Hrs Set up barricades & cones
04 Supervise logistics
04 Street sweeping routes
12 Pickup and return barricades and cones to storage.

Total Labor Hours Public Works Community Festival Preparation:

145 Hrs \$3,999.02

City of Gladstone Staff Report

Report Date : April 3, 2019
Meeting Date : April 9, 2019
To : City Council
From : Kim Yamashita, Chief of Police

AGENDA ITEM:

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

History/Background:

At the March 12, 2019 City Council meeting Ordinance No 1496 was approved however, there was a dissenting vote, which requires a second reading at the next regularly scheduled Council meeting. Therefore this has been placed on the April 9, 2019 agenda for the second reading.

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: 4-3-19

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. 1496

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

Ordinance 1496 - Exhibit "B"

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 of Gladstone Staff Report

Report Date : April 3, 2019
Meeting Date: April 9, 2019
To : City Council
From : Jacque M. Betz, City Administrator

AGENDA ITEM

Consider a resolution to adopt updated public contracting rules and repeal Resolution 902.

History/Background

The City of Gladstone last updated its contracting and procurement rules in 2005. Since that time, the Oregon Public Contracting Code has been amended in part to impose new requirements on the City when it solicits the services of certain professionals in the context of construction projects (e.g. architects and engineers).

Proposal:

The proposed resolution would repeal the current contracting rules and adopt updated rules related to the solicitation of personal service contracts and makes other housekeeping changes to the City's contracting rules.

Included in this packet is the following;

- ✓ a memo from City Attorney David Doughman (Exhibit A)
- ✓ a clean copy of the changes, if approved (Exhibit B)
- ✓ a ~~striketrough~~ redlined version of the proposed changes (Exhibit C)

Options:

- Do not update the current contract rules and continue procurement under Resolution 902.
- Approve resolution 1156 with modifications

Cost Impact:

There is no cost impact

Recommended Staff Action:

Staff recommends approval of Resolution 1156, a resolution adopting updated public contracting rules and repealing resolution 902.

Department Head Signature Date

 4-3-19
City Administrator Signature Date

EXHIBIT "A"

MEMORANDUM

TO: Mayor Stempel
Gladstone City Councilors

FROM: David Doughman, City Attorney's Office

SUBJECT: Update to City's Contracting Rules

DATE: April 2, 2019



At its April 9 meeting, the Gladstone City Council will consider a resolution that updates the city's contracting rules. The existing rules have been in effect since 2005. Since that time, the Oregon Legislature has imposed new requirements on how local governments generally contract with architects, engineers and other similar consultants that provide services on construction projects. In addition, because the costs of services have increased since 2005, staff and our office are proposing to modestly increase the dollar thresholds established in the city's rules for obtaining personal services.

The council will find a summary of the main changes below. In addition, a redlined version of the new resolution is included to allow the council to see precisely what changes are being proposed.

Changes to Section 1.10.020. This section governs how the city contracts with providers of "personal services." These are services that generally require unique or specialized skills and include accountants, attorneys, consultants, artists, IT professionals and others. State law grants the city wide discretion in how it solicits and awards contracts for personal services.

- Currently, when the estimated payment exceeds \$25,000, the city generally must engage in a process akin to a formal request for proposals. When the city estimates it will not spend more than \$25,000 on a personal service, the city may solicit the work through an informal quote process. We are proposing a change to subsections (2) and (3) to increase the threshold separating the formal and informal processes to \$50,000. If the council approves the proposed change, the formal process would generally apply to contracts with an estimated value exceeding \$50,000, while the informal process would apply to contracts with an estimated value not exceeding \$50,000.
- We are also proposing a change in subsection (5) that would allow the city to directly award a contract to a person or firm that has a previous work history with the city. There are times when the city engages a contractor to perform preliminary work or studies that

may lead to additional work for a related project. Because the contractor would already have a working knowledge of the relevant issues, in most cases it is in the city's best interest, both financially and otherwise, to reengage the contractor to perform the additional work.

New Section 1.10.025. Local governments are now subject to a qualifications-based selection ("QBS") process when they want to hire professionals in connection with construction projects.¹ The QBS process is addressed in state law at ORS 279C.100 through 279C.125. QBS generally prohibits the city from considering the cost of such services until the city has determined which professional is the "most qualified" to perform the work. For example, if the city needs to hire an engineer to design a new road, the city will need to first make a decision about which engineer is most qualified to perform that work *before* the city may consider the cost of the engineer's services.

In many cases, the city will need to proceed with a formal request for proposals, rank the proposals to determine the most qualified professional and then engage in negotiations with that firm to (hopefully) arrive at an agreement that is within the city's budget for the work. If the city cannot arrive at an agreement with the most qualified professional, the law permits the city to begin negotiations with the next most qualified professional.

There are certain exceptions to the QBS requirement. First, it only applies to services that an architect or an engineer is legally required to perform. Returning to the example of an engineer the city hires to design a road. The law requires a registered engineer to prepare and ultimately stamp the design. Someone who is not a registered engineer could not legally design a new road for the city. But, the city may also hire an engineer to perform other services such as project management or construction management. While an engineer may typically perform such services, one does not need to be a registered engineer to perform them. In those cases, when an architect or an engineer is performing such "related services," QBS does not apply and the city may consider the cost when it solicits such services.

Another exception focuses on the estimated fee the city will pay the professional. If the estimated value of the design services the engineer will provide the city for the new road will not exceed \$100,000, the QBS process does not apply and the city may directly award a contract to an engineer of its choosing. In addition, the city may avoid the QBS process and directly contract with an engineer who may have assisted the city with pre-design work related to the new road. Finally, the QBS process does not apply in the event of an emergency.

The rules proposed for Section 1.10.025 are an alternative to the rules that would otherwise govern the how the city complies with the QBS requirements in state law. Those rules are contained in the Oregon Attorney General Model Rules (Chapter 137, division 48). The proposed rules are, we believe, more straightforward and less onerous than those contained in the Model Rules. Given the complexity of the QBS process, we believe a simpler and clearer approach benefits the city.

¹ QBS covers the following services: architectural, engineering, land surveying and photogrammetric mapping. In very limited instances when a federal law applies, transportation planning services are also subject to QBS.

Change to Section 1.10.050. We are proposing to increase the thresholds in this section for “small procurements” to be consistent with updates to state law.

Finally, a note about what the contracting rules authorize and do not authorize. The contracting rules establish the *process* the city must use to ultimately contract with another party. The process the city will use to purchase items or obtain services, whether directly awarding a contract, seeking quotes or formally soliciting work through bids or proposals, will depend on the type of good or service and its value.

The contracting rules do not address how the city ultimately binds itself to an agreement and becomes obligated to pay money to another party. The city council has adopted a separate resolution (No. 1062) that addresses this issue through a schedule of signature authority. In summary, the council has delegated signature authority as follows:

<u>Authorization Required</u>	<u>Budgeted</u>	<u>Unbudgeted</u>
City Council	\$50,000 or more	\$25,000 or More
City Administrator	Up to \$50,000	Up to \$25,000
Directors	Up to \$10,000	Up to \$2,000
Managers	Up to \$5,000	Up to \$2,000

Therefore, even if an informal process were used to choose a contractor where the value of the service is estimated to be \$100,000, the city council would need to provide its authorization before an agreement for those services could become legally effective. This distinction between the process of arriving at a contract and the authority to actually bind the city to a contract is one that can create confusion. I wanted to highlight it here for the benefit of the council and note that the proposed changes to the contracting rules do not affect the signature authority the council previously established.

EXHIBIT "B"

RESOLUTION NO. 1156

**A RESOLUTION ADOPTING UPDATED PUBLIC CONTRACTING RULES AND
REPEALING RESOLUTION 902**

Findings:

- A. The City of Gladstone ("City") last updated its contracting and procurement rules in 2005.
- B. Since that time, the Oregon Public Contracting Code ("Code") has been amended in part to impose new requirements on the City when it solicits the services of certain professionals in the context of construction projects (e.g. architects and engineers).
- C. Through this resolution, the City adopts rules related to the solicitation of such professionals, raises the dollar thresholds that apply to the solicitation of personal service contracts and makes other housekeeping changes to the City's contracting rules.

THE CITY OF GLADSTONE RESOLVES AS FOLLOWS:

Section 1. Public Contracting Rules for the City of Gladstone.

1.10.010 **General provisions**

- (1) Except as provided within these rules, City public contracting is governed by the the Oregon Public Contracting Code (ORS Chapters 279, 279A, 279B and 279C) (the "Code") and the Oregon Attorney General's Model Public Contract Rules (OAR Chapter 137, divisions 46, 47 and 49) (the "Model Rules"). The City opts out of OAR Chapter 137, division 48 of the Model Rules, related to certain construction-related professional services.
- (2) The Gladstone City Council is the City's Contract Review Board ("Board"). Except as otherwise provided in these rules, the Board will exercise the powers and duties of local contract review boards under the Code and Model Rules and the City Administrator as the City's contracting agent will exercise the powers and duties given or assigned to contracting agencies by the Code or Model Rules.
- (3) For the purposes of these rules, "City Administrator" means the City Administrator for the City of Gladstone, or the City Administrator's designee.
- (4) For the purposes of these rules, "Emergency" means circumstances that:
 - (A) Could not have been reasonably foreseen;
 - (B) Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
 - (C) Require prompt execution of a contract to remedy the condition.

1.10.020 Personal service contracts not including certain construction-related personal services

- (1) “Personal service contract” means a contract for personal or professional services performed by an independent contractor, primarily for the provision of services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of attorneys, accounting and auditing services, information technology services, planning and development services, artists, designers, performers, property managers and consultants. The City Administrator has discretion to determine whether a particular contract or service falls within this definition. Personal services contracts generally do not include contracts for architectural, engineering and land surveying services. The procedures for those contracts are found below in section 1.10.025.
- (2) The following formal selection procedure will be used when the estimated payment to the contractor exceeds \$50,000.
 - (a) Announcement. The City will give notice of its intent to procure personal services through its website, and any other means the City deems appropriate, including contacting prospective contractors directly. Announcements will include:
 - (A) A description of the proposed project;
 - (B) The scope of the services required;
 - (C) The project completion dates;
 - (D) A description of special requirements;
 - (E) When and where the application may be obtained and to whom it must be returned;
 - (F) The closing date; and
 - (G) Other necessary information.
 - (b) Application. Applications will include a statement that describes the prospective contractor’s credentials, performance data, examples of previous work product or other information sufficient to establish contractor’s qualification for the project, references, and other information identified by the City as necessary to make its selection.

- (c) Initial screening. The City Administrator will evaluate the qualifications of all applicants and select a prospective contractor or prospective contractors whose application demonstrates that the contractor is best qualified to meet the City's needs.
- (d) Final selection.
 - (A) The City Administrator will interview the finalists selected from the initial screening. At the City Administrator's discretion, the interviews may be conducted before the Board.
 - (B) After the interview process concludes, the City Administrator will make the final selection. If the interviews are conducted before the Board, the Board will make the final selection.
 - (C) The final selection will be based upon applicant capability, experience, project approach, compensation requirements, references and any other criteria identified by the City as necessary for the City to select a contractor.
- (3) The following informal selection procedure may be used when the estimated payment to the contractor does not exceed \$50,000 or when the City Administrator determines that the informal procedures will not interfere with competition among prospective contractors, reduce the quality of services or increase costs. The City Administrator will contact a minimum of three prospective contractors qualified to offer the services sought. The City Administrator will request an estimated fee and make the selection consistent with the City's best interests. If three quotes are not received, the City Administrator will make a written record of efforts to obtain the quotes.
- (4) The City Administrator may enter personal service contracts not exceeding an estimated \$25,000 without following the procedures under subsection (2) or (3). However, the City Administrator must make reasonable efforts to choose the most qualified contractor to meet the City's needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures.
- (5) The City Administrator may negotiate with a single source for personal services if the services are available from only one contractor, or the prospective contractor has special skills uniquely required for the performance of the services, or the City has previously worked with the contractor. Unless the basis for a direct award under this subsection is a prior work history with the contractor, the City must make written findings to demonstrate why the proposed contractor is the only contractor who can perform the services desired.
- (6) The City Administrator may select a contractor under this section without following any procedures in an Emergency. The City Administrator must make written findings of the circumstances that describe the Emergency.

1.10.025 **Contracts for certain construction-related personal services**

- (1) Purpose. This section implements ORS 279C.100 to .125. The City will rely on these rules, not the Model Rules, when it seeks to contract with an architect, engineer, photogrammerist, land surveyor or (in very narrow instances) a transportation planner.
- (2) Applicability. This section applies only to personal services meeting the following criteria:
 - (a) A contract with an Estimated Fee that exceeds \$100,000; and
 - (b) The contract is for a personal service that is *legally required* to be provided or performed by an architect, engineer, photogrammerist, transportation planner or land surveyor. For example: hiring an architect to design a building or hiring an engineer to design a wastewater system. Because the law requires licensed professionals to design buildings and infrastructure, the City would rely on this subsection to hire someone to perform those services. However, if the City were hiring an architect or engineer to perform project management services (for example), it may solicit and award such services under section 1.10.020 of these rules. *See* definition of “Related Services” below.
 - (c) If either (a) or (b) above is not satisfied (i.e. the contract is for a personal service that is legally required to be provided by a licensed architect, etc. *but* is estimated to not exceed \$100,000; *or* the contract will require an engineer, etc. to perform a Related Service) then the City may rely on section 1.10.020 of these rules to solicit and award the contract.
 - (d) Mixed contracts. Some contracts will contain a mixture of services covered by this section (i.e. services that only the particular consultant may legally perform) and Related Services. Whether the City uses section 1.10.020 or this section to solicit and award a mixed contract will depend upon the predominate purpose of the contract. The City will determine the predominate purpose based upon either the amount of money it estimates it will spend for covered services versus Related Services or the amount of time it estimates it the consultant will spend working on covered services versus Related Services. If covered services predominate, the City will solicit the contract under this section. If Related Services predominate, the City will solicit the contract under section 1.10.020.
- (3) Exception for Previous Work. Pursuant to ORS 279C.115, the City may enter into a contract with a Construction-Related Consultant pursuant to section 1.10.020 if the Project described in the contract:
 - (a) Involves work that was described, planned or rendered in an earlier contract with the Construction-Related Consultant;

- (b) The earlier contract was awarded in accordance with the City's contracting rules in effect at the time of the earlier contract; and
 - (c) The new contract is a continuation of the Project described in the earlier contract.
- (4) Exception for Emergencies. Pursuant to ORS 279C.110(9), the City may directly contract with a Construction-Related Consultant in an Emergency.
- (5) Definitions. The following definitions apply to this section:
- (a) "Construction-Related Consultant" means an architect, engineer, photogrammetrist, land surveyor, a transportation planner in narrow instances defined below or a provider of Related Services.
 - (b) "Estimated Fee" means the City's reasonably projected fee to be paid for a Construction-Related Consultant's services under the anticipated contract, excluding all anticipated reimbursable or other non-professional fee expenses. The Estimated Fee is used solely to determine the applicable contract solicitation method and is distinct from the total amount payable under the contract.
 - (c) "Price Agreement" means an agreement related to the procurement of architectural, engineering, photogrammetric mapping, transportation planning or land surveying services, or Related Services, under agreed-upon terms and conditions and possibly at a set price with:
 - (A) No guarantee of a minimum or maximum purchase; or
 - (B) An initial order or minimum purchase, combined with a continuing obligation to provide architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services where the City does not guarantee a minimum or maximum additional purchase.
 - (d) "Project" means all components of a City-planned undertaking that gives rise to the need for a Construction-Related Consultant's architectural, engineering, photogrammetric mapping, transportation planning or land surveying services, or Related Services, under a contract.
 - (e) "Transportation Planning Services" only includes Project-specific transportation planning required for compliance with the National Environmental Policy Act, 42 USC 4321 et seq. and no other types of transportation planning services. By way of example only, Transportation Planning Services do not include transportation planning for corridor plans, transportation system plans, interchange area management plans, refinement plans and other transportation plans not associated with an

individual Project required to comply with the National Environmental Policy Act, 42 USC 4321 et. seq.

- (f) “Related Services” means personal services, other than architectural, engineering, photogrammetric, mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvements, including, but not limited to, landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraising services, material testing services, mechanical system balancing services, commissioning services, project management services, construction management services, and owner’s representation services or land-use planning services. In other words, personal services that are *not required by law* to be performed by an architect, engineer, photogrammetrist, transportation planner or land surveyor.

(6) Selection procedures.

- (a) When selecting a Construction-Related Consultant to perform architectural, engineering, photogrammetric mapping, transportation planning or land surveying services under this section, the City must award a contract to the most qualified consultant.
- (b) In accordance with Oregon law, when determining which consultant is most qualified, the City may only solicit or use pricing policies and pricing proposals, or other price information, including the number of hours proposed for the services required, expenses, hourly rates and overhead, to determine a Construction-Related Consultant's compensation *after* the City has selected the most qualified consultant.
- (c) When soliciting a Construction-Related Consultant under this section, the City will use a Request for Proposals (“RFP”) or a Request for Qualifications (“RFQ”) followed by a RFP, as described below. The City may advertise RFQs and RFPs in any manner it deems appropriate. If the City directly solicits qualifications or proposals from Construction-Related Consultants, it will attempt to contact at least three consultants.
- (d) RFQ. The City may in its sole discretion issue a RFQ to evaluate potential Construction-Related Consultants and establish a short list of qualified Construction-Related Consultants to whom it may issue a RFP for some or all of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services described in the RFQ. RFQs may include:

- (A) A brief Project description;

- (B) A description of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services required for the Project;
 - (C) Any conditions or limitations that may constrain or prohibit the selected Construction-Related Consultant's ability to provide additional services related to the Project, including but not limited to construction services;
 - (D) A response deadline and a description of how or where to submit a response;
 - (E) A statement that interested consultants respond solely at their own expense;
 - (F) RFQ evaluation criteria; and
 - (G) Any other elements the City Administrator deems appropriate.
- (e) RFP. The City will issue a RFP to select the most qualified Construction-Related Consultant, regardless of whether an RFQ precedes a RFP. RFPs will include:
- (A) A description of the Project and the specific architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services sought for the Project, the estimated Project cost, the estimated time period during which the Project is to be completed, and the estimated time period in which the specific architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services sought will be performed;
 - (B) The RFP evaluation process and the criteria that the City will use to select the most qualified Construction-Related Consultant, including the weight, points or other classifications applicable to each criterion. Without limitation, the criteria may include:
 - (i) Proposers' availability and capability to perform the services described in the RFP;
 - (ii) Experience of proposers' key staff persons in providing similar services on similar projects within the last three years;
 - (iii) The amount and type of resources, and number of experienced staff persons Proposers will commit to the Project;
 - (iv) Proposers' demonstrated ability to successfully complete similar Projects on time and within budget, including the hourly rates for

key personnel and related cost data for similar Projects in the previous 12 months;

(v) References and recommendations from past clients; and

(vi) Any other criteria the City Administrator deems appropriate.

- (C) Conditions or limitations, if any, that may constrain or prohibit the selected Construction-Related Consultant's ability to provide additional services related to the Project, including but not limited to construction services;
 - (D) Whether interviews will or may occur and, if so, how the interview will factor into the City's selection;
 - (E) A proposal deadline and a description of how or where to submit a proposal;
 - (F) A statement whether the City will accept proposals in electronic format;
 - (G) A statement that interested consultants respond solely at their own expense;
 - (H) A statement reserving the City's right to reject any or all proposals and its right to cancel the RFP at anytime if doing either would be in the public interest;
 - (I) A statement directing proposers to the protest procedures set forth in the RFP;
 - (J) A statement whether the City will hold a pre-proposal meeting for all interested Construction-Related Consultants to discuss the Project and if a pre-Proposal meeting will be held, the location of the meeting and whether or not attendance is mandatory; and
 - (K) Any other elements the City Administrator deems appropriate.
- (f) After selecting the most qualified Construction-Related Consultant in accordance with a RFP, the City will notify each proposer accordingly and state that it will begin negotiating a contract with the most qualified consultant. A resulting contract will at least include:
- (A) The consultant's performance obligations and performance schedule;
 - (B) Payment methodology and a maximum amount payable to the consultant for the services required under the contract;

- (C) Legally required terms; and
 - (D) Any other provisions the City believes to be in its best interest to negotiate.
 - (g) The City will formally terminate negotiations in writing with the most qualified consultant if it is unable for any reason to negotiate a contract within a reasonable amount of time, as the City may determine in its sole discretion. The city may thereafter negotiate with the second ranked consultant, and if necessary, with the third ranked consultant, and so on, until negotiations result in a contract. If negotiations with any consultant do not result in a contract within a reasonable amount of time, the City may end the particular solicitation. Nothing in this section precludes the City from re-entering negotiations, in its own discretion, with a consultant if negotiations were previously terminated for the same contract.
- (7) Price agreements. Solicitation materials and the terms and conditions for a Price Agreement for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services must:
- (a) Include a scope of services, menu of services, a specification for services or a similar description of the nature, general scope, complexity and purpose of the procurement that will reasonably enable a Construction-Related Consultant to decide whether to submit a proposal;
 - (b) Specify whether the City intends to award a Price Agreement to one consultant or to multiple consultants. If the City will award a Price Agreement to more than one consultant, the solicitation document and Price Agreement will describe the criteria and procedures the City will use to select a consultant for each individual work order or task order. Subject to the requirements of ORS 279C.110, the criteria and procedures to assign work orders or task orders that only involve or predominantly involve architectural, engineering, photogrammetric mapping, transportation planning or land surveying services are at the City's sole discretion.
 - (c) Specify the maximum term for assigning services under the Price Agreement.

1.10.030 Authority to electronically advertise solicitations for goods and services

- (1) The City Administrator is authorized to develop an “electronic procurement system” in accordance with OAR 137-047-0300(2)(b). As described in OAR 137-046-0110(15), this is an information system accessible through the internet that allows the City to post electronic advertisements and receive electronic offers for goods and services. When an electronic procurement system is in place, the Model Rules allow procurement solicitations to be advertised exclusively on the internet. This saves the City time and money over newspaper advertisements.

- (2) Prior to any development of an electronic procurement system, the City may advertise solicitations for goods and services on the internet in addition to newspaper advertisements.

1.10.040 Authority to electronically advertise solicitations for public improvements

- (1) For all public improvement contracts with an estimated cost not exceeding \$125,000, the City Administrator may electronically advertise solicitations in a manner deemed appropriate. This method of advertising will save the City time and money, may be used exclusively, and is allowed under ORS 279C.360(1).
- (2) An advertisement for a public improvement contract with an estimated cost over \$125,000 must be published at least once in a trade newspaper of general statewide circulation, such as the Daily Journal of Commerce.

1.10.050 Small procurements

- (1) As provided by ORS 279B.065, any procurement of goods or services not exceeding \$10,000 may be awarded in any manner the City Administrator finds practical or convenient, including direct selection or award.
- (2) A small procurement contract may be amended, but in accordance with OAR 137-047-0265 the cumulative amendments may not increase the total contract price to greater than \$12,500.
- (3) A procurement may not be artificially divided or fragmented to qualify for this section.

1.10.060 Sole-source procurements

- (1) Pursuant to ORS 279B.075(1), the City Administrator is authorized to declare in writing certain goods and services to be available from only one source.
- (2) The determination of a sole-source must be based on findings required by ORS 279B.075(2), and otherwise be processed in accordance with OAR 137-047-0275.

1.10.070 Notice of intent to award certain contracts

- (1) At least seven days before the award of a public contract solicited under a traditional invitation to bid or request for proposals, the City will post or provide to each bidder or proposer notice of the City's intent to award a contract.
- (2) If stated in the solicitation document, the City may post this notice electronically or through non-electronic means and require the bidder or proposer to determine the status of the City's intent.

- (3) As an alternative, the City may provide written notice to each bidder or proposer of the City's intent to award a contract. This written notice may be provided electronically or through non-electronic means.
- (4) The City may give less than seven days notice of its intent to award a contract if the City determines in writing that seven days is impracticable as allowed by ORS 279B.135.
- (5) This section does not apply to goods and services contracts awarded under small procurements under these rules, or other goods and services contracts awarded in accordance with ORS 279B.070, 279B.075, 279B.080 or 279B.085.
- (6) This section does not apply to any public improvement contract or class of public improvement contracts exempt from formal competitive bidding requirements.
- (7) A protest of the City's intent to award a contract may only be filed in accordance with OAR 137-047-0740 or OAR 137-049-0450, as applicable.

Section 2. Resolution 902 is repealed.

Section 3. This resolution is effective on the date of its adoption.

THIS RESOLUTION IS ADOPTED BY THE CITY OF GLADSTONE THIS ____ DAY OF _____, 2019.

EXHIBIT "C"

RESOLUTION NO. 1156

A RESOLUTION ADOPTING UPDATED PUBLIC CONTRACTING RULES AND REPEALING RESOLUTION 902

Findings:

- A. ~~The 2003 Legislature enacted House Bill 2341 (HB 2341) that revised the state public contracting laws.~~ The City of Gladstone ("City") last updated its contracting and procurement rules in 2005.
- B. ~~As of March 1, 2005, HB 2341 repeals all existing local government public contracting rules and public contracting exemptions.~~ Since that time, the Oregon Public Contracting Code ("Code") has been amended in part to impose new requirements on the City when it solicits the services of certain professionals in the context of construction projects (e.g. architects and engineers).
- C. Through this resolution, the City adopts rules related to the solicitation of such professionals, raises the dollar thresholds that apply to the solicitation of personal service contracts and makes other housekeeping changes to the City's contracting rules. ~~HB 2341 created a new Oregon Public Contracting Code (Code), codified in ORS chapters 279A, 279B and 279C.~~
- D. ~~In accordance with HB 2341, the Attorney General adopted Model Rules to implement the Code, and they are found in OAR 137, divisions 46, 47, 48 and 49.~~
- E. ~~The Code and the Model Rules apply to all public contracts first advertised, or if not advertised then executed on or after March 1, 2005.~~
- F. ~~The Code and the Model Rules allow local governments to adopt contracting rules different from or in addition to those in the Model Rules so long as they are consistent with the Code.~~

THE CITY OF GLADSTONE RESOLVES AS FOLLOWS:

Section 1. Public Contracting Rules for the City of Gladstone.

1.10.010 General provisions

- (1) Except as provided within these rules, City public contracting is governed by the the Oregon Public Contracting Code (ORS Chapters 279, 279A, 279B and 279C) (the "Code") and the Oregon Attorney General's Model Public Contract Rules (OAR Chapter 137, divisions 46, 47 and 49) (the "Model Rules") ~~Code and the Model Rules.~~ The City opts out of OAR Chapter 137, division 48 of the Model Rules, related to certain construction-related professional services.
- (2) The Gladstone City Council is the City's Contract Review Board ("Board"). Except as otherwise provided in these rules, the Board will exercise the powers

and duties of ~~the Board~~ local contract review boards under the Code and Model Rules ~~will be exercised by the Board~~ and the City Administrator as the City's contracting agent will exercise the powers and duties given or assigned to contracting agencies by the Code or Model Rules ~~will be exercised by the City Administrator as the City's contracting agent.~~

(3) For the purposes of these rules, "City Administrator" means the City Administrator for the City of Gladstone, or the City Administrator's designee.

(4) For the purposes of these rules, "Emergency" means circumstances that:

(A) Could not have been reasonably foreseen;

(B) Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and

(C) Require prompt execution of a contract to remedy the condition.

1.10.020 Personal service contracts not including certain construction-related personal services

(1) "Personal service contract" means a contract for personal or professional services performed by an independent contractor, primarily for the provision of services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of attorneys, accounting and auditing services, information technology services, planning and development services, artists, designers, performers, property managers and consultants. The City Administrator has discretion to determine whether a particular contract or service falls within this definition. ~~For the purposes of this section, p~~Personal services contracts generally do not include ~~such~~ contracts for architectural, engineering and land surveying services. The procedures for those contracts are found ~~in the Model Rules, OAR 137, division 48~~ below in section 1.10.025.

(2) The following formal selection procedure will be used when the estimated payment to the contractor exceeds ~~\$25,000~~ \$50,000.

(a) Announcement. The City will give notice of its intent to procure personal services through ~~the League of Oregon Cities~~ its website, and any other means the City deems appropriate, including contacting prospective contractors directly. Announcements will include:

(A) A description of the proposed project;

(B) The scope of the services required;

- (C) The project completion dates;
 - (D) A description of special requirements;
 - (E) When and where the application may be obtained and to whom it must be returned;
 - (F) The closing date; and
 - (G) Other necessary information.
- (b) Application. Applications will include a statement that describes the prospective contractor's credentials, performance data, examples of previous work product or other information sufficient to establish contractor's qualification for the project, references, and other information identified by the City as necessary to make its selection.
- (c) Initial screening. The City Administrator will evaluate the qualifications of all applicants and select a prospective contractor or prospective contractors whose application demonstrates that the contractor is best qualified to meet the City's needs.
- (d) Final selection.
- (A) The City Administrator will interview the finalists selected from the initial screening. At the City Administrator's discretion, the interviews may be conducted before the Board.
 - (B) After the interview process concludes, the City Administrator will make the final selection. If the interviews are conducted before the Board, the Board will make the final selection.
 - (C) The final selection will be based upon applicant capability, experience, project approach, compensation requirements, references and any other criteria identified by the City as necessary for the City to select a contractor.
- (3) The following informal selection procedure may be used when the estimated payment to the contractor ~~is under~~does not exceed \$2550,000 or when the City Administrator determines that the informal procedures will not interfere with competition among prospective contractors, reduce the quality of services or increase costs. The City Administrator will contact a minimum of three prospective contractors qualified to offer the services sought. The City Administrator will request an estimated ~~fee, and~~fee and make the selection consistent with the City's best interests. If three quotes are not received, the City Administrator will make a written record of efforts to obtain the quotes.

- (4) The City Administrator may enter personal service contracts not exceeding an estimated \$25,000 without following the procedures under subsection (2) or (3). However, the City Administrator must make reasonable efforts to choose the most qualified contractor to meet the City's needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures.
- (5) The City Administrator may negotiate with a single source for personal services if the services are available from only one contractor, or the prospective contractor has special skills uniquely required for the performance of the services, or the City has previously worked with the contractor. ~~The~~ Unless the basis for a direct award under this subsection is a prior work history with the contractor, the City must make written findings to demonstrate why the proposed contractor is the only contractor who can perform the services desired.
- (6) The City Administrator may select a contractor under this section without following any procedures ~~when conditions require immediate action to protect life or property in an Emergency.~~ In such instances, tThe City Administrator must make written declarations findings of the circumstances that justify the emergency appointments describe the Emergency.

1.10.025 Contracts for certain construction-related personal services

- (1) Purpose. This section implements ORS 279C.100 to .125. The City will rely on these rules, not the Model Rules, when it seeks to contract with an architect, engineer, photogrammerist, land surveyor or (in very narrow instances) a transportation planner.
- (2) Applicability. This section applies only to personal services meeting the following criteria:
 - (a) A contract with an Estimated Fee that exceeds \$100,000; and
 - (b) The contract is for a personal service that is *legally required* to be provided or performed by an architect, engineer, photogrammerist, transportation planner or land surveyor. For example: hiring an architect to design a building or hiring an engineer to design a wastewater system. Because the law requires licensed professionals to design buildings and infrastructure, the City would rely on this subsection to hire someone to perform those services. However, if the City were hiring an architect or engineer to perform project management services (for example), it may solicit and award such services under section 1.10.020 of these rules. See definition of "Related Services" below.
 - (c) If either (a) or (b) above is not satisfied (i.e. the contract is for a personal service that is legally required to be provided by a licensed architect, etc. *but* is estimated to not exceed \$100,000; *or* the contract will require an engineer, etc. to perform a Related Service) then the City may rely on section 1.10.020 of these rules to solicit and award the contract.

- (d) Mixed contracts. Some contracts will contain a mixture of services covered by this section (i.e. services that only the particular consultant may legally perform) and Related Services. Whether the City uses section 1.10.020 or this section to solicit and award a mixed contract will depend upon the predominate purpose of the contract. The City will determine the predominate purpose based upon either the amount of money it estimates it will spend for covered services versus Related Services or the amount of time it estimates it the consultant will spend working on covered services versus Related Services. If covered services predominate, the City will solicit the contract under this section. If Related Services predominate, the City will solicit the contract under section 1.10.020.
- (3) Exception for Previous Work. Pursuant to ORS 279C.115, the City may enter into a contract with a Construction-Related Consultant pursuant to section 1.10.020 if the Project described in the contract:

 - (a) Involves work that was described, planned or rendered in an earlier contract with the Construction-Related Consultant;
 - (b) The earlier contract was awarded in accordance with the City's contracting rules in effect at the time of the earlier contract; and
 - (c) The new contract is a continuation of the Project described in the earlier contract.
- (4) Exception for Emergencies. Pursuant to ORS 279C.110(9), the City may directly contract with a Construction-Related Consultant in an Emergency.
- (5) Definitions. The following definitions apply to this section:

 - (a) "Construction-Related Consultant" means an architect, engineer, photogrammetrist, land surveyor, a transportation planner in narrow instances defined below or a provider of Related Services.
 - (b) "Estimated Fee" means the City's reasonably projected fee to be paid for a Construction-Related Consultant's services under the anticipated contract, excluding all anticipated reimbursable or other non-professional fee expenses. The Estimated Fee is used solely to determine the applicable contract solicitation method and is distinct from the total amount payable under the contract.
 - (c) "Price Agreement" means an agreement related to the procurement of architectural, engineering, photogrammetric mapping, transportation planning or land surveying services, or Related Services, under agreed-upon terms and conditions and possibly at a set price with:

 - (A) No guarantee of a minimum or maximum purchase; or

- (B) An initial order or minimum purchase, combined with a continuing obligation to provide architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services where the City does not guarantee a minimum or maximum additional purchase.
- (d) "Project" means all components of a City-planned undertaking that gives rise to the need for a Construction-Related Consultant's architectural, engineering, photogrammetric mapping, transportation planning or land surveying services, or Related Services, under a contract.
- (e) "Transportation Planning Services" only includes Project-specific transportation planning required for compliance with the National Environmental Policy Act, 42 USC 4321 et seq. and no other types of transportation planning services. By way of example only, Transportation Planning Services do not include transportation planning for corridor plans, transportation system plans, interchange area management plans, refinement plans and other transportation plans not associated with an individual Project required to comply with the National Environmental Policy Act, 42 USC 4321 et. seq.
- (f) "Related Services" means personal services, other than architectural, engineering, photogrammetric, mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvements, including, but not limited to, landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraising services, material testing services, mechanical system balancing services, commissioning services, project management services, construction management services, and owner's representation services or land-use planning services. In other words, personal services that are *not required by law* to be performed by an architect, engineer, photogrammetrist, transportation planner or land surveyor.
- (6) Selection procedures.
- (a) When selecting a Construction-Related Consultant to perform architectural, engineering, photogrammetric mapping, transportation planning or land surveying services under this section, the City must award a contract to the most qualified consultant.
- (b) In accordance with Oregon law, when determining which consultant is most qualified, the City may only solicit or use pricing policies and pricing proposals, or other price information, including the number of hours proposed for the services required, expenses, hourly rates and

overhead, to determine a Construction-Related Consultant's compensation after the City has selected the most qualified consultant.

(c) When soliciting a Construction-Related Consultant under this section, the City will use a Request for Proposals (“RFP”) or a Request for Qualifications (“RFQ”) followed by a RFP, as described below. The City may advertise RFQs and RFPs in any manner it deems appropriate. If the City directly solicits qualifications or proposals from Construction-Related Consultants, it will attempt to contact at least three consultants.

(d) RFQ. The City may in its sole discretion issue a RFQ to evaluate potential Construction-Related Consultants and establish a short list of qualified Construction-Related Consultants to whom it may issue a RFP for some or all of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services described in the RFQ. RFQs may include:

(A) A brief Project description;

(B) A description of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services required for the Project;

(C) Any conditions or limitations that may constrain or prohibit the selected Construction-Related Consultant's ability to provide additional services related to the Project, including but not limited to construction services;

(D) A response deadline and a description of how or where to submit a response;

(E) A statement that interested consultants respond solely at their own expense;

(F) RFQ evaluation criteria; and

(G) Any other elements the City Administrator deems appropriate.

(e) RFP. The City will issue a RFP to select the most qualified Construction-Related Consultant, regardless of whether an RFQ precedes a RFP. RFPs will include:

(A) A description of the Project and the specific architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services sought for the Project, the estimated Project cost, the estimated time period during which the Project is to be completed, and the estimated time period in which the specific architectural, engineering, photogrammetric mapping,

transportation planning or land surveying services or Related Services sought will be performed;

- (B) The RFP evaluation process and the criteria that the City will use to select the most qualified Construction-Related Consultant, including the weight, points or other classifications applicable to each criterion. Without limitation, the criteria may include:

 - (i) Proposers' availability and capability to perform the services described in the RFP;
 - (ii) Experience of proposers' key staff persons in providing similar services on similar projects within the last three years;
 - (iii)The amount and type of resources, and number of experienced staff persons Proposers will commit to the Project;
 - (iv)Proposers' demonstrated ability to successfully complete similar Projects on time and within budget, including the hourly rates for key personnel and related cost data for similar Projects in the previous 12 months;
 - (v) References and recommendations from past clients; and
 - (vi)Any other criteria the City Administrator deems appropriate.
- (C) Conditions or limitations, if any, that may constrain or prohibit the selected Construction-Related Consultant's ability to provide additional services related to the Project, including but not limited to construction services;
- (D) Whether interviews will or may occur and, if so, how the interview will factor into the City's selection;
- (E) A proposal deadline and a description of how or where to submit a proposal;
- (F) A statement whether the City will accept proposals in electronic format;
- (G) A statement that interested consultants respond solely at their own expense;
- (H) A statement reserving the City's right to reject any or all proposals and its right to cancel the RFP at anytime if doing either would be in the public interest;

- (I) A statement directing proposers to the protest procedures set forth in the RFP;
 - (J) A statement whether the City will hold a pre-proposal meeting for all interested Construction-Related Consultants to discuss the Project and if a pre-Proposal meeting will be held, the location of the meeting and whether or not attendance is mandatory; and
 - (K) Any other elements the City Administrator deems appropriate.
- (f) After selecting the most qualified Construction-Related Consultant in accordance with a RFP, the City will notify each proposer accordingly and state that it will begin negotiating a contract with the most qualified consultant. A resulting contract will at least include:
- (A) The consultant's performance obligations and performance schedule;
 - (B) Payment methodology and a maximum amount payable to the consultant for the services required under the contract;
 - (C) Legally required terms; and
 - (D) Any other provisions the City believes to be in its best interest to negotiate.
- (g) The City will formally terminate negotiations in writing with the most qualified consultant if it is unable for any reason to negotiate a contract within a reasonable amount of time, as the City may determine in its sole discretion. The city may thereafter negotiate with the second ranked consultant, and if necessary, with the third ranked consultant, and so on, until negotiations result in a contract. If negotiations with any consultant do not result in a contract within a reasonable amount of time, the City may end the particular solicitation. Nothing in this section precludes the City from re-entering negotiations, in its own discretion, with a consultant if negotiations were previously terminated for the same contract.
- (7) Price agreements. Solicitation materials and the terms and conditions for a Price Agreement for architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services must:
- (a) Include a scope of services, menu of services, a specification for services or a similar description of the nature, general scope, complexity and purpose of the procurement that will reasonably enable a Construction-Related Consultant to decide whether to submit a proposal;
 - (b) Specify whether the City intends to award a Price Agreement to one consultant or to multiple consultants. If the City will award a Price Agreement to more than one consultant, the solicitation document and

Price Agreement will describe the criteria and procedures the City will use to select a consultant for each individual work order or task order. Subject to the requirements of ORS 279C.110, the criteria and procedures to assign work orders or task orders that only involve or predominantly involve architectural, engineering, photogrammetric mapping, transportation planning or land surveying services are at the City's sole discretion.

(a)(c) Specify the maximum term for assigning services under the Price Agreement.

1.10.030 Authority to electronically advertise solicitations for goods and services

- (1) The City Administrator is authorized to develop an “electronic procurement system” in accordance with OAR 137-047-0300(2)(b). As described in OAR 137-046-0110(15), this is an information system accessible through the internet that allows the City to post electronic advertisements and receive electronic offers for goods and services. When an electronic procurement system is in place, the Model Rules allow procurement solicitations to be advertised exclusively on the internet. This saves the City time and money over newspaper advertisements.
- (2) Prior to any development of an electronic procurement system, the City may advertise solicitations for goods and services on the internet in addition to newspaper advertisements.

1.10.040 Authority to electronically advertise solicitations for public improvements

- (1) For all public improvement contracts with an estimated cost not exceeding \$125,000, the City Administrator may electronically advertise solicitations in a manner deemed appropriate. This method of advertising will save the City time and money, may be used exclusively, and is allowed under ORS 279C.360(1).
- (2) An advertisement for a public improvement contract with an estimated cost over \$125,000 must be published at least once in a trade newspaper of general statewide circulation, such as the Daily Journal of Commerce.

1.10.050 Small procurements

- (1) As provided by ORS 279B.065, any procurement of goods or services not exceeding ~~\$5000~~ 10,000 may be awarded in any manner the City Administrator finds practical or convenient, including direct selection or award.
- (2) A small procurement contract may be amended, but in accordance with OAR 137-047-~~0800~~ 0265, ~~but~~ the cumulative amendments may not increase the total contract price to greater than ~~\$6000~~ 12,500.
- (3) A procurement may not be artificially divided or fragmented to qualify for this section.

1.10.060 Sole-source procurements

- (1) Pursuant to ORS 279B.075(1), the City Administrator is authorized to declare in writing certain goods and services to be available from only one source.
- (2) The determination of a sole-source must be based on findings required by ORS 279B.075(2), and otherwise be processed in accordance with OAR 137-047-0275.

1.10.070 Notice of intent to award certain contracts

- (1) At least seven days before the award of a public contract solicited under a traditional invitation to bid or request for proposals, the City will post or provide to each bidder or proposer notice of the City's intent to award a contract.
- (2) If stated in the solicitation document, the City may post this notice electronically or through non-electronic means and require the bidder or proposer to determine the status of the City's intent.
- (3) As an alternative, the City may provide written notice to each bidder or proposer of the City's intent to award a contract. This written notice may be provided electronically or through non-electronic means.
- (4) The City may give less than seven days notice of its intent to award a contract if the City determines in writing that seven days is impracticable as allowed by ORS 279B.135.
- (5) This section does not apply to goods and services contracts awarded under small procurements under these rules, or other goods and services contracts awarded in accordance with ORS 279B.070, 279B.075, 279B.080 or 279B.085.
- (6) This section does not apply to any public improvement contract or class of public improvement contracts exempted from formal competitive bidding requirements.
- (7) A protest of the City's intent to award a contract may only be filed in accordance with OAR 137-047-0740 or OAR 137-049-0450, as applicable.

Section 2. Resolution 902 is repealed.

Section 3. This resolution is effective on March 1, 2005, or on the date of its adoption if that date is later than March 1, 2005.

THIS RESOLUTION IS ADOPTED BY THE CITY OF GLADSTONE THIS ____ DAY OF _____, 20052019.

**GLADSTONE
SCHOOL
DISTRICT BOARD
REPORT**



BUSINESS CARRIED FORWARD



**CITY OF GLADSTONE
PUBLIC RECORDS REQUEST
525 Portland Ave, Gladstone, OR 97027
Phone: (503)557-2766 Fax: (503)557-2761**

Date of Request: 3/28/2019

Requestor's Information

Name: James L. Buchal

Address: 3425 SE Yamhill St, Ste. 100

Phone #: 503-227-1011

Email Address: jbuchal@mbilp.com & ccaldwell@mbilp.com

Description of Records Requested

Please include the following when describing the materials requested, to the extent known and with as much detail as possible:

- Type of document
- Title
- Date
- Address of any real property at issue
- Author
- Subject matter

Please see attached.

Additional sheets may be attached as needed

- Oregon law requires that the City respond within a reasonable time to public records requests.
- Public Records Law authorizes the City to charge fees for the actual costs of making public records available.
- If the estimated costs involved in fulfilling your request exceed \$25, the City will advise you of those costs and require your approval before beginning work.
- If the fee estimate exceeds \$100, a 50% deposit shall be required to begin work.
- Full payment of the total amount of costs incurred is required before the public records may be inspected or copies released.
- Please note that police reports and court records cannot be obtained through this form. For such records, please contact the department directly.

I HAVE READ AND AGREE TO COMPLY WITH THE ABOVE CONDITIONS, and further agree to pay the cost of fulfilling this Public Records Request. I understand these costs will include any costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet a public records request. Costs will be charged for staff/attorney time spent in locating the requested records, reviewing the records in order to delete exempt material, supervising a person's inspection of original documents in order to protect the records, copying records, certifying documents as true copies, and mailing any records. Costs will be incurred for search time even if the City fails to locate any records responsive to this request or if it is subsequently determined that said records are exempt from disclosure. I agree to pay a maximum of \$25 without further approval.

[Signature]
Signature of Requestor

3-28-2019
Date

Attachment to City of Gladstone

Public Records Request

We are informed that on more than one occasion since December 2016, the City Council has declared that it, as the governing body of the City of Gladstone, is forbidden from reviewing certain attorney billing to the City of Gladstone. For this reason, it appears to us that since whatever is going on with the attorney and the services provided does not involved giving advice to the City, and the billing cannot be withheld based on any attorney-client privilege asserted by the City. We are therefore requesting, pursuant to the Public Records Act, copies of all billing issued by the Beery, Elsner & Hammond, LLP law firm to the City of Gladstone from December 2016 to June 2018.

In the event that the City Council should determine that it is willing and able to review these bills and the attorney services for this time period and going forward, we stand ready to withdraw the request.

City of GLADSTONE

The Honorable Dan Holladay, Mayor
Members of the City Commission
City of Oregon City
625 Center St.
Oregon City, Oregon 97045

Dear Mayor Holladay and Members of the Oregon City Commission:

A letter of appreciation for the Pioneer Center.

In October 2018 during a major rain storm, the roof of the Gladstone Senior Center failed, causing major internal damage to half the facility. Due to the severity of the damage, the Senior Center was unable to provide congregate and homebound meals to our clients. Gladstone Senior Manager Colin Black met with Kathy Wiseman, Manager of the Pioneer Center to inquire if the Pioneer Center could assist with the preparation of hot meals for the Gladstone Senior Center. Mrs. Wiseman graciously took on the task with no hesitation.

In December 2018, the Senior Center began receiving meals from the Pioneer Center five days a week. During this time(December 2018 -April 2019), there were no issues and the staff of the Pioneer Center have been extremely obliging. The meals have been hot and ready for delivery on time each day. Additionally, the staff of the Pioneer Center have welcomed our congregate clients with open arms.

The City of Gladstone, the Gladstone Senior Center, and especially the homebound and congregate meal clients appreciate the efforts of the Pioneer Center and its staff. It is through good partnerships that great relationships are made. The relationship between the Gladstone Senior Center and the Pioneer Center is a perfect example of this statement.

We wish that you recognize the value of your Pioneer Center and its' staff. You truly have a wonderful team there. Again, a tremendous thanks to the Pioneer Center.

Tamara Stempel, Mayor

Randy Ripley, City Councilor

Linda Neace, City Councilor

Matt Tracy, City Councilor

Neal Reisner, City Councilor

Tracy Todd, City Councilor

Tom Mersereau, City Councilor

City Hall
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5223
FAX: (503) 650-8938
E-Mail: (last name)@
ci.gladstone.or.us

Municipal Court
525 Portland Avenue
Gladstone, OR 97027
(503) 656-5224 ext. 1
E-Mail: municourt@
ci.gladstone.or.us

Police Department
535 Portland Avenue
Gladstone, OR 97027
(503) 656-4253
E-Mail: (last name)@
ci.gladstone.or.us

Fire Department
555 Portland Avenue
Gladstone, OR 97027
(503) 557-2776
E-Mail: (last name)@
ci.gladstone.or.us

Public Library
135 E. Dartmouth
Gladstone, OR 97027
(503) 656-2411
FAX: (503) 655-2438

Senior Center
1050 Portland Avenue
Gladstone, OR 97027
(503) 655-7701
FAX: (503) 650-4840

City Shop
18595 Portland Avenue
Gladstone, OR 97027
(503) 656-7957
FAX: (503) 722-9078

**CITY COUNCIL
MONTHLY
ACTIVITY
REPORTS**

MAYOR TAMMY STEMPEL

MARCH 2019 – CIVIC ACTIVITY DETAIL

MEETINGS - ACTIVITIES

- 3/1/2019 - Everybody Reads Day (Dr. Seuss' Birthday) - GCCF
- 3/4/2019 - Clackamas County Local Public Safety Coordinating Council Meeting
 - Planning Meeting with Jacque Betz
 - City Council Executive Session
- 3/5/2019 - 8th Grade Career Day – Kraxberger Middle School
 - Oregon Food Bank Visit
- 3/6/2019 - State of the Cities Address
 - Food Pantry – Stocking
 - Homeless Meeting | Wrap Around Services Options
- 3/7/2019 - Clackamas County Coordinating Committee Meeting
 - Regional Trails Options Meeting
- 3/8/2019 - Regional Diversity | Disadvantaged Opportunities Meeting
 - Cottage Community Meeting
- 3/9/2019 - Food Pantry Shift and Stocking
- 3/11/2019 - Food Pantry Steering Committee Meeting
 - Gladstone Parks and Recreation Meeting
- 3/12/2019 - Kiwanis Breakfast Meeting
 - Metro Parks and Recreation Meeting
 - City Council Executive Session
 - City Council Meeting
- 3/13/2019 - Food Pantry – Stocking
 - Meeting with Dave Morris (HCF) – Community Wrap Around Services Visioning
- 3/14/2019 - Clackamas County Mayors and Chairs Meeting
 - Food Pantry – Shift
 - Historical Society Meeting
- 3/15/2019 - Affordable Housing Options Meeting
- 3/18/2019 - City Council Executive Session
 - Budget Committee and Orientation

- 3/19/2019 - Gladstone Senior Center Advisory Board Meeting
- Affordable Housing Options Meeting
- 3/20/2019 - Food Pantry – Stocking
- Bound to Happen Open House
- Coffee with a Councilor
- 3/21/2019 - Clackamas County Affordable Housing Presentation
- Portland Affordable Housing Developers Meeting
- Affordable Housing Breakaway Meeting
- 3/22/2019 - Gladstone Community Support Services Discussions
- 3/23/2019 - Food Pantry – Stocking
- 3/25/2019 - City Council Executive Session
- Budget Committee Meeting
- 3/26/2019 - Mark Meek – Affordable Housing Town Hall
- City Council Work Session
- 3/27/2019 - GEMS Meeting
- Food Pantry – Stocking
- 3/28/2019 - Food Pantry – Shift Lead
- Clackamas County Cities Dinner
- 3/29/2019 - OAME – Coffee and Issues | Trimet
- 3/30/2019 - Food Pantry – Stocking/Shift Help
- Friends of the Gladstone Nature Park Work Party
- Needed Housing Code Audit Discussion

NOTES

1. Clackamas County Coordinating Committee (C4) Meeting:
 - a. Presentation by Lynn Peterson, Metro President. She discussed the affordable housing bond, but spent most of her presentation on the transportation bond she is planning on putting forward. Their focus will be on corridor improvements and asked that C4 have a list of top projects before March 20th.
 - b. Executive Committee and R1ACT appointments.
 - c. Retreat discussion and topics.
 - d. VFR and legislative updates.
2. Clackamas Cities Dinner – Focus on Affordable Housing
 - Clackamas County will receive approximately \$116 million from bond funding. The goals are 2500 units in our county, 40% are to be below the 30% AMI plus supportive housing.

3. GEMS

The CERT program will now be managed by Bound to Happen instead of Colin Black.

COUNCILOR MATT TRACY

MARCH 2019 – CIVIC ACTIVITY DETAIL

MEETINGS - ACTIVITIES

3/6/2019	State of the Cities Luncheon
3/7/2019	Executive Session COG CC
3/12/2019	Executive Session-City Council Meeting
3/18/2019	COG Budget Meeting
3/25/2019	COG Budget Meeting
3/26/2019	COG Park Commission Work Session
3/28/2019	NCCWC Budget Meeting and Regular Meeting

NOTES

COUNCILOR TRACY TODD

MARCH 2019 – CIVIC ACTIVITY DETAIL

MEETINGS - ACTIVITIES

3/4/19	City Council Executive Session
3/7/19	Monthly Meeting with City Administrator Betz and Public Works Director Whynot
3/12/19	City Council Executive Session
3/12/19	Gladstone City Council Regular Meeting
3/13/19	Gladstone School Board Meeting
3/18/19	City Council Executive Session
3/21/19	Budget Tutorial with Finance Director Cathy Brucker and City Administrator Betz
3/25/19	City Council Executive Session
3/25/19	Budget Committee Meeting
3/26/19	Combined City Council and Parks & Rec Work Session

NOTES

COUNCILOR NEAL REISNER

MARCH 2019 - CIVIC ACTIVITY DETAIL

<u>DATE</u>	<u>ACTIVITY</u>
March 4th	City Council Executive Session (Fire/Police Chief selection)
March 12th	City Council Meeting
March 18th	Budget Committee Ethics Workshop
March 22nd	Reviewed Fire Chief application material at City Hall
March 25th	City Council Executive Session (Fire Chief selection)