

**UMATILLA CITY COUNCIL WORKSHOP
A G E N D A
COUNCIL CHAMBERS
FEBRUARY 19, 2019
6:00 P.M.**

1. MEETING CALLED TO ORDER

2. ROLL CALL

3. CITY MANAGER'S REPORT

3.1 Umatilla High School Skate Park Proposal *pages 1-4*

3.2 Library Quarterly Report *pages 5 - 6*

3.3 Chamber Semi – Annual Report *pages 7 - 10*

4. ADJOURN TO EXECUTIVE SESSION

4.1 Chamber Funding and Future

a) To conduct deliberations with persons designated by the governing body to negotiate real property transaction ORS 192.660 (2)(e)

b) To consult with counsel concerning the legal rights and duties of a public body ORS 192-660(2)(h)

5. RECONVENE

6. DISCUSSION ITEMS

6.1 Abandoned Buildings *pages 11 - 16*

6.2 Enterprise Zone *pages 17 - 21*

6.3 Consent to Use Agreement and Permit with BOR *pages 22 - 45*

6.4 Immediate Opportunity Fund Application for Lind Road *pages 46 – 56*

6.5 Rights-of-Way Acquisition from ODOT *pages 57 - 65*

6.6 Wage Scale / Salary Survey *pages 66 - 71*

6.7 Supplemental Budget Discussion *pages 72 - 78*

6.8 Taxi Voucher Program for Workforce *pages 79 - 87*

6.9 Social Media Policy *pages 88 – 91*

7. ADJOURN

This institution is an equal opportunity provider. Discrimination is prohibited by Federal law. Special accommodations to attend or participate in a city meeting or other function can be provided by contacting City Hall at (541) 922-3226 or use the TTY Relay Service at 1-800-735-2900 for appropriate assistance.

Who we are 

We are a BMX and Skateboard club from Urnatilla High School.

We want a place where kids can hangout after school. Not only that, we see that other local cities have skateparks. We are one of the only cities without one.



Irriison Skatepark
Nov. 2014

We need a skate park!



By: R.O.D bmx/skateboard club

Benefits of having a skate park

1. It would give kids something to do with their free time, other than: drugs or playing video games all day.
2. It would be good for attracting tourists.
3. It would give people a chance to make new friends.
4. It would bring the community together.

What we want

Well, what we want is a pretty basic skate park.



image from
www.change.org

Obstacles and Engineering

We would like:

- A Dome
- Half-Pipe
- Cover top
- Down rail
- Bowl
- Foam pit and cover top
- Bank with no grind boxes/coping
- Stairs
- Bathrooms
- Water fountains and water bottle filter
- Lights
- Benches and tables
- Trees

What we are doing to get to our goal

1. Community service
2. Talked to Scott's Cycle for sponsorship
3. Developed a logo/shirts and hoodies
4. Researching grants and costs
5. Met with City Manager, Stockdale
6. Meet every day before school
7. Visited skate parks
8. Created a blueprint for the skate park
9. Scouted out sites for a skate park
10. Presenting the need to the city.





Skate parks in other places and costs

- Irrigon cost: \$403,000
- Eugene cost: \$ 2.5 million
- Hermiston estimate \$ 5 million



Ways we plan to contribute to the cost of the Skatepark

- Shovel on driveways
- Car Wash
- Cut the grass landscaping
- Water plants
- Working dogs



More ideas for raising money

1. We would like to set up a BMX and Skateboard competition with an entry fee.
2. We could do a fundraiser such as a raffle.
3. We also would like to try to sell our hoodies that we are going to make.
4. We want to sell candy.
5. We have talked to City Manager, Stockdale, and were told that whatever we made there could be matching grant funds that could double it.
6. We have looked in to grants such as the Tony Hawk Grant. There are many.



Grants

Besides the Tony Hawk Grant we found other grants that are available to cities.



Thank you for your time!!

Any questions?

Umatilla Public Library



Quarterly Report October-December 2018

MISSION: We provide quality materials and services that fulfill educational, informational, and recreational needs of the community in an atmosphere that is welcoming, respectful, and businesslike.

A LOOK AT PROGRAMMING:

In October we participated in Trick or Treat on Main Street. It was a great event and we had approximately 1,000 people come through the library! We passed out candy, decorated for Trolls, and had a castle and throne where parents could take pictures of their children pretending to be the King.

In December we partnered with Isis Ilias, the ELL Family Liason for the Umatilla School District, to host a Spanish Book Tasting event for children. We had approximately 50 attendees. Parents brought their children to read and take home free books which were in English and Spanish. The goal of this event was to encourage more families to visit the library. We had three of those families sign up for new library cards.

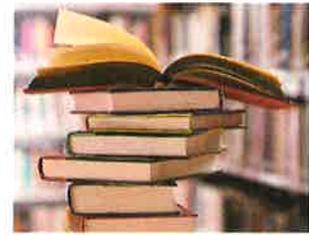


Looking Ahead:

We are starting to prepare for our spring and summer activities. Last year during our annual Summer Reading Program we offered several craft days, a presentation by the Traveling Lantern, rock painting, movies, games and Bram Bata Steel Drum Band.

2ND QUARTER BY THE NUMBERS:

We obtain our visitor count by tracking each person that comes through our doors. Here is a quarterly summary of our foot traffic and circulation.



	October 2018	November 2018	December 2018
Foot Traffic Count	1000 +	541	776
Circulation by Category:			
Adult Fiction	298	345	284
Adult Non-Fiction	52	33	44
Audio Books	31	38	0
Children's Fiction/Non-fiction	282	190	135
Children's Non-Fiction	23	8	16
E-Books	57	51	61
Large Print	123	61	74
Movies	302	281	286
Young Adult	0	10	15
Other (magazines etc)	8	16	16
TOTAL Circulation	1176	1033	931

UPCOMING TRAINING:



Our library director, Kellie, and library aide, Susie, will be attending the Oregon Library Association (OLA) annual conference in April. This four day conference will bring together the Oregon Library Association and Washington Library Association for four days of professional development opportunities and networking events. Session titles include "Collaborative Library Outreach: Working Across Library Systems to Reach Patrons" and "Leveling Up: Staying Current in an Evolving Learning Environment."



Umatilla Chamber of Commerce
2018 Year in Review
and
Looking Ahead at 2019

City Council Presentation
2/19/2019

Umatilla Chamber of Commerce
Board of Directors

Kacie E Evans, Executive Director

Mark Ribich, President
Salud Campos, Treasurer
Dave Meade, Past President

Raelynn Gallegos
Larry Hardy
Craig Simson

Our Mission Statement

The mission of the Umatilla Chamber of Commerce is to actively promote local and regional businesses by providing opportunities and platforms where our members connect for the benefit of the community. Supporting and encouraging a healthy business community while working to increase tourism to ensure economic growth and stability.

Examples of Services

- Advocacy
 - Legislative
 - Agency news sharing (Travel Oregon, Tourism, etc.)
- Advertising Opportunities
- Sponsorship Opportunities
- It's all about helping member businesses
 - Increase visibility in the community
 - Help to build relationships
 - Generate business referrals
 - Offer business support and training opportunities
 - Provide access to community leaders and officials



2018 Highlights

- Kacie Evans hired
- CRWAA Spring Classic (Columbia River Walleye Anglers Assoc.)
- Chamber Newsletter
- DCA Banquet
- Landing Days
- Destination Management Plan
 - Key Dates were:
 - Focus Groups June 5,6,7
 - Final Report July 26th



2018 Highlights (cont.....)

- Jobs and Housing Fair
- Brought the Oregon Travel Bike Friendly Business Program to Umatilla
- City Manager Candidates Public Forum
- Chamber Membership Appreciation BBQ
- City Council/Mayor Public Forum
- *Fish'n the Brave*
- 3 Grand Opening Ribbon Cutting Ceremonies
 - Econo Lodge on 11/28
 - Encore Wellness 4 Life on 12/14
 - United Grain Growers on 12/20



2018 Challenges

- Low Membership Renewal
- Chamber Board turnover
- Residual issues from 2016 and 2017
 - Unclear focus (i.e. Visitor Center vs. Membership outreach and support)
 - Tax ID Status

Chamber Funding

- Service Agreement Contract (res. #32-2017) signed June 6th 2017
 - Chamber receives 50% of available TRT funds (approx. \$21K for 2018)
 - City provides an additional amount adjusted annually (\$20K for 2018)
- Membership (currently 45)
- Events:
 - Landing Days
 - DCA
- Potential advertisement sales in promotional materials

2019 Preview

- Promotional Materials – Maps, flyers and social media opportunities to share Umatilla with the world! Featuring our member businesses and the wealth of resources available in the City and region.
- Membership Appreciation events
- Mar. 21 – Distinguished Citizen Featuring Above and Beyond Awards Banquet
- Mar. 24 - Columbia River Walleye Angler's Assoc. Spring Classic
- June 21/22 – Landing Days
- July – Possible Veterans Appreciation Fishing Tournament by Hero's on the Water and Washington Walleye Anglers Unlimited
- July – Umatilla Blues Fest???
- October Fest – Let's talk.....
- Nov. 9 - Fishing the Brave – Veterans Salute led by Fisher's Catch Outfitters and regional Guides

Thank you for your
support!

CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Abandoned Buildings	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> CDD	<u>Director:</u> Tamra Mabbott	<u>Contact Person:</u> Tamra or Tisa	<u>Phone Number:</u> 922-3226 X 101
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<u>Cost of Proposal:</u> Possible legal fees/Abatement costs	<u>Fund(s) Name and Number(s):</u> N/A
<u>Amount Budgeted:</u> N/A	

<u>Reviewed by Finance Department:</u> Yes.	<u>Previous Dates Before Council:</u> None with these specific issues, but several code enforcement issues have been before Council in the previous year.
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<u>Attachments to Agenda Packet Item:</u> 1) February 6, 2019 memo from Tisa Coffey, Code Enforcement 2) February 14, 2019 memo from Brandon Seitz, Planner/Building Official

<u>Summary Statement:</u> Staff has identified several abandoned homes throughout the City. Abandoned homes, particularly in certain locations, generally create blight on surrounding properties and even entire neighborhoods. Removing the manufactured homes or demolishing is expensive and complicated. Doing so is the responsibility of the property owner, but staff is able to assist with providing access to potential resources to assist the property

owner. Even then, unless the homes are determined to be dangerous, current codes do not prohibit abandoned buildings, only dangerous buildings. Furthermore, some restrictions on structures may be against state law. Additional research would be required and would come at an associated legal cost.

Staff is seeking direction from Council on how to proceed with this issue. There are a few options:

1. Direct staff to work with the city attorney to review current code to determine if updates are needed and to ensure that if updates are created they comply with state law,
2. Direct staff to work with property owners to assist them with identifying and even assisting them in securing potential resources,
3. Enforce current code as permitted that may include abatement requirements and, at extreme, condemnation.
4. Any combination of the above options.

Any option above will come with increased costs and staff time to address this issue. Staff is seeking direction on the level of priority of this issue and how you would like us to proceed.

Consistent with Council Goals:

1220 5th St. (5N2817BD00701) Abandoned single-wide manufactured home. (DR)

Owner: [REDACTED]
Mailing Address: [REDACTED]
Hermiston, OR 97838

Property has set vacant for at least 14 years. Travis Rock manages the [REDACTED] property. He has stated in the past that they would like to replace the home with a new single-wide. Updated zoning codes prohibit single-wide manufactured homes in this area.

My plan is to contact [REDACTED] via mail and provide the Oregon Brownsfields Redevelopment Fund information. As this manufactured home was built in 1969 the chances of being contaminated with lead-based paint is increased. Older homes and buildings built before 1978 increases the chance of the structure containing lead-based paint. Therefore, qualifying for possible funding.

The Land RMV is \$23,000
Year Built: 1969
Query attached in paper file.

[REDACTED] (5N2815AC07000) Double-wide manufactured home: Fire Damaged/Destroyed (R-2)

Owner: [REDACTED]
Mailing Address: [REDACTED]
Hermiston, OR 97883

Home was destroyed in fire several years ago (10+ yrs.) [REDACTED] remains the owner of this property and has boarded up the windows and doors keeping the structure secured. The noxious vegetation has been maintained since the fire. [REDACTED] has stated that she would like to replace the double-wide with a new home however finances have been an issue.

In speaking with Chief Potts with the Umatilla Rural Fire Protection District, the concern lies in the potential toxic contamination left behind. Again, the structure was built in 1976, two years before they stopped using lead-based paint.

I will follow up with [REDACTED] and provide her with the information and possible funding available to assist in the clean-up. (Oregon Brownfields Redevelopment Fund)

The Land RMV is \$36,000
Year Built 1976
Query is attached in paper file.

Buena Ct. (5N2815BD01500) Double-wide left abandoned/owner deceased. (R-2)

Owner: Marks, Rodney (deceased)

Mailing Address: 10 [REDACTED] 14th St. Unit 51 (possible address of daughter)
Hermiston, OR 97838

Mr. Marks passed away 3+ years ago. The residence is still in his name. His daughter, [REDACTED] has done her best at maintaining the outside portion of the property. I have been in contact with her in regards to what she wants to do with the property. She has stated that she would like to remove the double-wide and sell the property but again, the financing of removal remains an issue. This house was built in 1975, not making it eligible for a "burn to learn." This house remains full of furniture and other household items.

I will provide [REDACTED] with the Oregon Brownsfields Redevelopment Fund and possible options for removal.

The Land RMV is \$36,000
Year Built: 1975
Query is attached in paper file

Covina Ct. (5N2815BD01600) Single-wide abandoned 5+ years. (R-2)

Owner: State of ORE (DVA)

Mailing Name: [REDACTED]
[REDACTED]
Hermiston, OR 97838

Property has sat vacant for 5+ years. Mr. & Mrs. Cassens have secured the residence by boarding up the windows and doors. They maintain the noxious vegetation throughout the growing season and as needed. I have contacted [REDACTED] regarding this property and what their future plans are. Her reply has been that she is out of town as she volunteers with Red Cross or she has family complications. Other than a few times being tagged with graffiti (immediately removed,) there have been no violations under our NUISANCE code.

A letter and information flyer will be mailed to [REDACTED]

The Land RMV is \$36,000
Year Built: 1975
Query attached in paper file.

G:\Community Development\TISA\Abandoned Building-Manufactured Homes



City of Umatilla

700 6th Street, PO Box 130, Umatilla, OR 97882
City Hall (541) 922-3226 Fax (541) 922-5758

February 14, 2019

MEMO

TO: Tamra Mabbott, Community Development Director

FROM: Brandon Seitz, City Planner and Building Official

RE: Abandoned and Dangerous Buildings

The following is a summary of current City Code and possible solutions for dealing with abandoned and dangerous buildings.

The City has adopted the "1997 Uniform Code for the Abatement of Dangerous Buildings" which allows city to abate through the code enforcement process. Buildings are generally considered dangerous if they pose a danger to the public.

City Code does not have provisions restricting abandoned buildings, unless the abandoned building posed a threat to the public and was considered a dangerous building. City has a number of abandoned buildings that create an eyesore, for example where windows are boarded up, yard area is not kept clean and/or mowed. In the downtown area, abandoned or empty buildings signal a poor economy and detracts from new businesses.

Many abandoned buildings are manufactured homes. Staff has researched creative solutions for several of those, as outlined in the attached memo.

One solution for abandoned buildings is to amend Title 10 (Zoning) of the City Code so that older manufactured homes could be replaced "like for like." For example, many existing lots are not large enough to meet the current City Code which requires a multi-sectional dwelling and a carport or garage. With a "like for like" provision, a property owner could replace an old or abandoned single wide mobile home with a new single wide.

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:
Renew Enterprise Zone

Meeting Date:
February 19, 2019

Department:
CDD

Director:
Tamra Mabbott

Contact Person:
Tamra

Phone Number:
922-3226 X101

Cost of Proposal:
None direct.
Legal fees to review
Amount Budgeted:
N/A

Fund(s) Name and Number(s):
N/A

Reviewed by Finance Department:
Yes

Previously Presented:
No

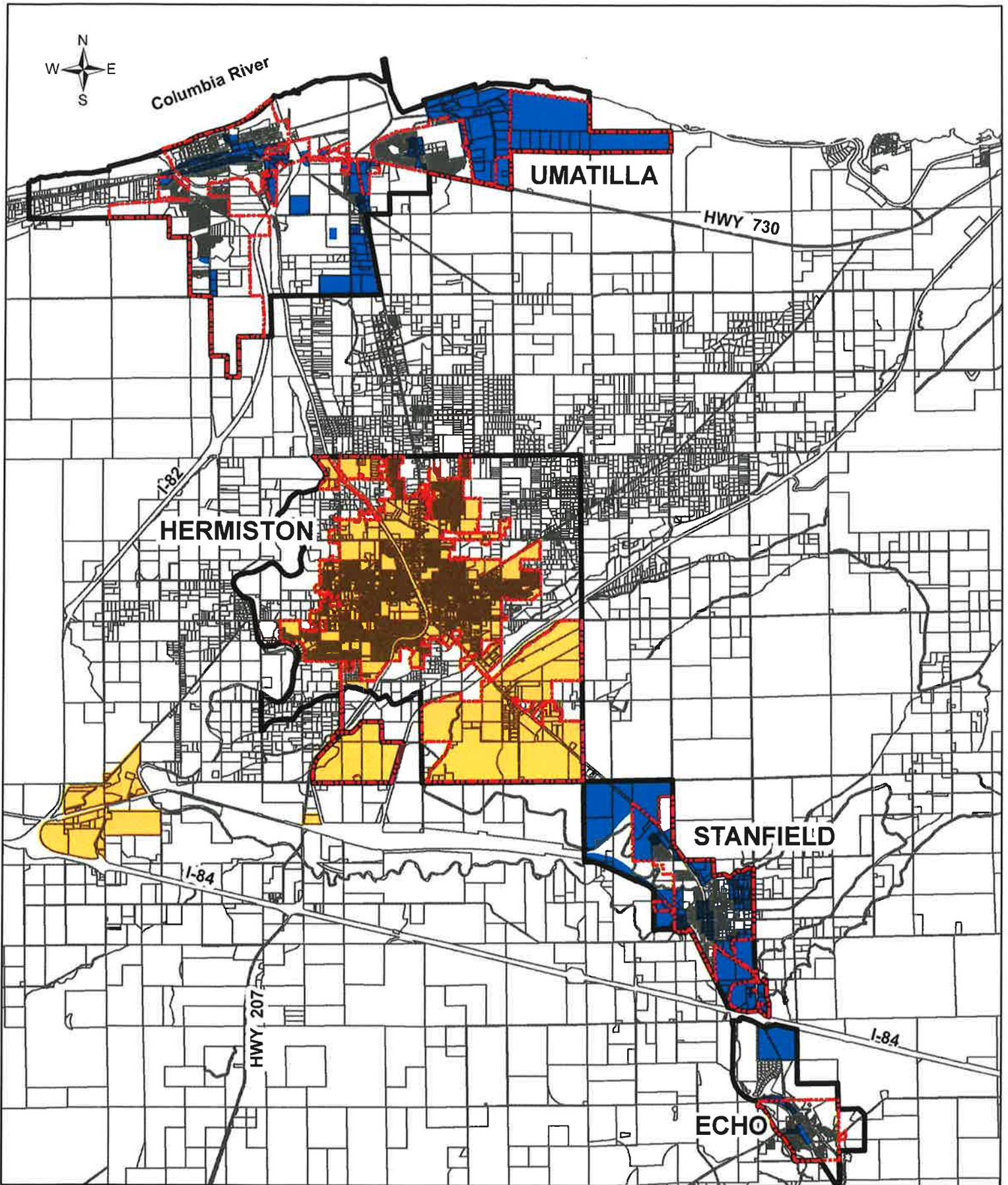
Attachments to Agenda Packet Item:

- 1) Map of Greater Umatilla Enterprise Zone
- 2) Map of West County Industrial Properties
- 3) "Oregon Enterprise Zones" January, 2019, Business Oregon

Summary Statement:

City applied for and was granted an Enterprise Zone in 1997. It was reauthorized in 2008 and is due to be renewed. The current zone includes industrial lands in Stanfield and Echo. Previously, Business Oregon (State of Oregon) imposed a limit on the total number of Enterprise Zones in the state and City of Umatilla agreed at that time to include lands in Stanfield and Echo. Business Oregon has since removed the limitation so each city could qualify for an Enterprise Zone. There are merits to keeping the same zone area and merits to changing the boundaries which will be discussed. Enterprise Zones are a commonly used incentive for economic development. The attached summary provides more detailed information.

Consistent with Council Goals:

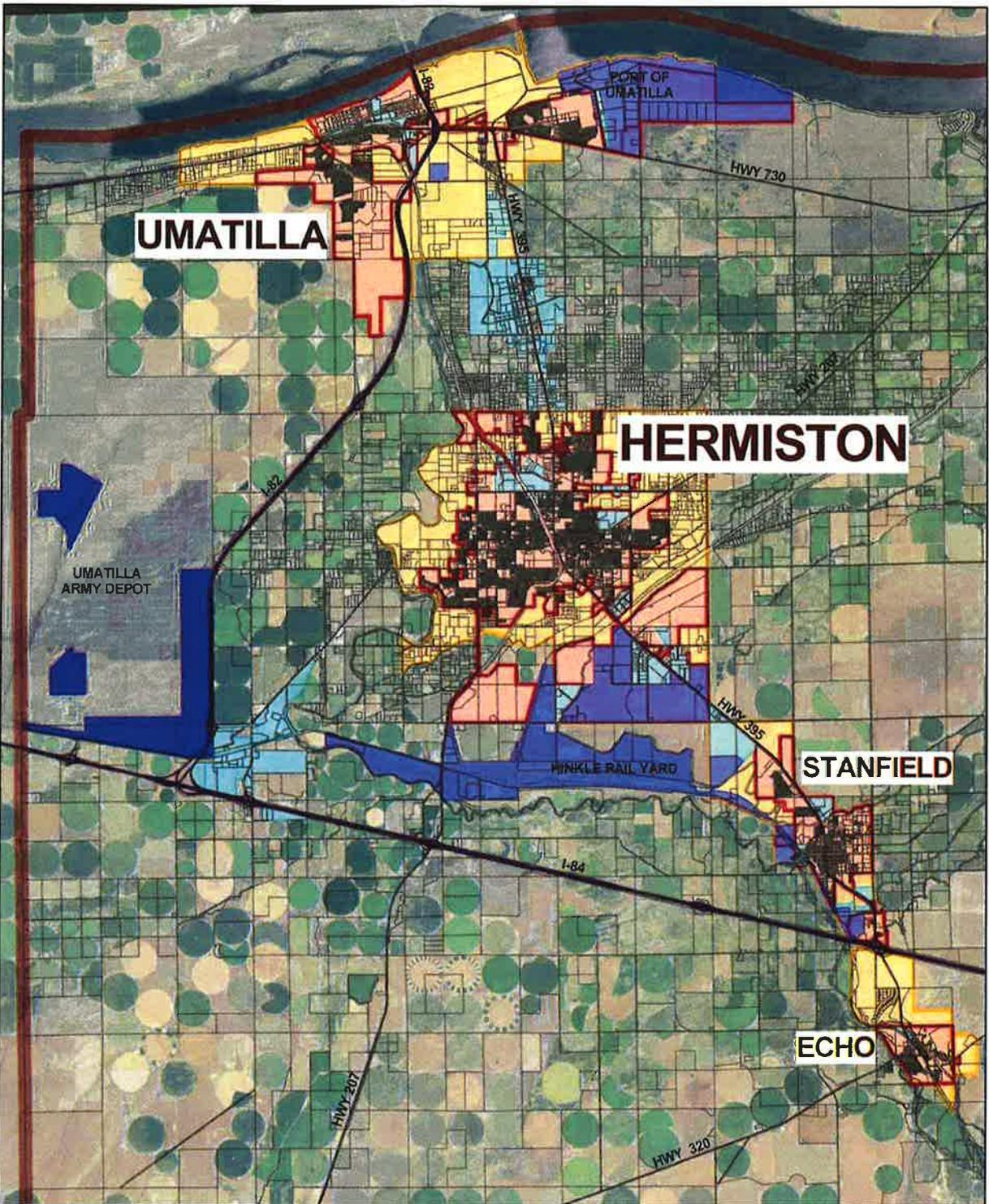


**West Umatilla County Oregon,
Enterprise Zones**

- City Limits
- Urban Growth Boundary
- Hermiston Enterprise Zone
- Greater Umatilla Enterprise Zone



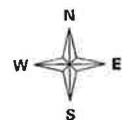
Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Created by J. Potter, Umatilla County Planning Department. Created 8/14/2018



West Umatilla County Industrial Zoned Areas

Legend

- | | | | |
|---|-----------------------|---|---------------------------------|
|  | City Limits |  | Light Industrial Zone |
|  | Urban Growth Boundary |  | Heavy & General Industrial Zone |
| | |  | Depot Industrial Zone |



2016 Aerial Photography

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use.

Created by Julie Alford, Umatilla County Planning Department
Date: 9/2/17

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Oregon Enterprise Zones

January 2019

ORS 285C.055 (2017) sums up the general purpose for enterprise zone legislation, first enacted by the Oregon Legislature in 1985, as follows:

"... [T]he health, safety and welfare of the people of this state are dependent upon the continued encouragement, development, growth and expansion of employment, business, industry and commerce throughout all regions of the state, but especially in those communities at the center of or outside of major metropolitan areas for which geography may act as an economic hindrance. The Legislative Assembly further declares that there are areas in the state that need particular attention of government to help attract private business investment into those areas and to help resident businesses to reinvest and grow and that many local governments wish to have tax incentives and other assistance available to stimulate sound business investments that support and improve the quality of life."

Number and Size

Seventy-three enterprise zones are currently designated: 56 being rural, 17, urban. There is no cap on how many zones may be locally designated around the state. The boundary of a zone may be noncontiguous, but it must not encompass more than 15 or 12 square miles (above the high water mark) and must conform to restrictions on distances within the zone. Each zone terminates after 10 years, at which time local or tribal governments may re-designate.

How it Works

In exchange for locating or expanding into an enterprise zone, eligible (generally non-retail) business firms receive total exemption from the property taxes normally assessed on new plant and equipment for at least three years (but up to five years) in the standard program. Longer-term tax incentives are available in certain zones.

[<For more on tax incentives>](#)

Local Designation

Sponsored by local city/port/county governments or tribal governments, an enterprise zone typically serves as a focal point for local development efforts and incentives. Inside 35 counties, 142 cities and 22 ports currently use enterprise zones to create better economic opportunities.

Role of State Agency

Business Oregon is responsible for determining statutory compliance of enterprise zone designations and of changes to zone boundaries by local governments. In cooperation with the Department of Revenue and other state agencies, Business Oregon also provides administrative rules, information materials, training, technical assistance and marketing support to local governments and county assessors for implementing business tax incentives, as well as active promotion with eligible firms.

Local Area Economics

For cities, ports and counties seeking to create an enterprise zone anywhere in Oregon, the statutes specify the following two threshold criteria for local economic hardship: (1) Household median income is 80 percent or less of state median income, or (2) Unemployment rate is 2.0 percentage points or more above comparable state unemployment rate, based on the most recent annual figures. Business Oregon may and has defined alternative but equally severe threshold criteria.

Note: Oregon also has areas of tax-increment financing (TIF) known as "[urban renewal](#)" districts.

Statutory Tax Incentives in an Oregon Enterprise Zone

—Standard (Three-to-Five-Year) Property Tax Exemption

Through an exemption from taxation on new property, an Oregon enterprise zone induces eligible businesses of all sizes to make additional investments that will improve employment opportunities, spur economic growth and diversify business activity. Qualifying new plant & equipment in a zone receives a total exemption for at least three and—in some cases—up to five consecutive years from the local assessment of *ad valorem* property taxes, which can otherwise have a deterring effect on private investors seeking to start or enlarge operations with a substantial capital outlay. Enterprise zone property (except hotel/resorts and utilities) also is exempt for up to two years while it is being constructed or installed. *

Business Firm Eligibility

Prior to commencing construction/installations, an eligible business firm submits an application for local "authorization." Eligible firms include manufacturers, processors, shippers and other operations that serve other organizations, as well as headquarters and call centers. Also, hotels and resorts are eligible in some or all of 44 of the 73 zones. In the up to 15 specially designated electronic commerce enterprise zones any ecommerce-related operation is eligible and personal property items more comprehensively qualify. Otherwise, retail, construction, financial and certain other activities are explicitly ineligible by statute.

Qualified Property

New building/structure, structural modifications or additions, or newly installed machinery or equipment qualify for exemption, but not land, preexisting property value and minor personal property items.

Requirements

Basic, 3-year enterprise zone exemption ("as-of-right")

- Increase full-time, permanent employment of the firm inside the enterprise zone by the greater of one new job or 10 percent (or special-case local sponsor waivers)
- Generally no concurrent job losses outside/beyond the zone boundary
- Maintain minimum employment levels during exemption period
- Enter into first-source agreement with local job training providers
- Satisfy local additional conditions, potentially imposed under an *urban* zone policy.

Extended Abatement, 4 or 5 years of exemption in total—same as 3-year, plus ...

- "Compensation" of new workers at 130 or 150 percent of county average wage at authorization in all years, and that those worker's average wage in the 4th and 5th year at least equals the then most recently available county average wage †
- Local approval by written agreement with the local zone sponsor,
- Additional requirements that the local zone sponsor may reasonably request.

* Two other material benefits of the standard exemption program for authorized business firms:

(1) Local government incentives, such as fee waivers, reduced charges and administrative priority, and

(2) The right to acquire (state/local) publicly owned and available real estate for use in the zone.

† Other than in an urban enterprise zone within the Portland and Salem metro areas.

—Long-Term Rural Enterprise Zone Facilities

In most rural enterprise zones—those inside a qualified rural county or a county with chronically low income or chronic unemployment—an entire, locally certified facility is fully exempt from property taxes during construction and then for 7 to 15 years. Special criteria to qualify the facility limit this program to rather exceptional investments in terms of minimum investment cost and a minimum number of new hires, which depend on the facility's location and the county's size, in addition to payroll requirements for all facility jobs equivalent to those noted above for the 5-year exemption.

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:

Agreement and Permit with BOR

Meeting Date:

February 19, 2019

Department:

Community Dev
Public Works

Director:

Tamra Mabbott
Scott Coleman

Contact Person:

Tamra Mabbott
Scott Coleman

Phone Number:

X101

Cost of Proposal:

Legal fees to prepare.
None.

Amount Budgeted:

N/A

Fund(s) Name and Number(s):

N/A

Possibly maintenance costs

Reviewed by Finance Department:

Yes

Previously Presented:

N/A

Attachments to Agenda Packet Item:

- 1) Map of IWW alignment
- 2) Draft Consent to Use Agreement with BOR
- 3) Draft Permit with BOR

Summary Statement:

The City is moving forward with plans to divert waste water from Vadata campus (PDX 2) through an industrial waste water (IWW) pipeline and into the West Extension Irrigation District (WEID) canal. In order to do so, an agreement between the City and the Bureau of Reclamation (BOR) is required. This agreement will permit the pumping of industrial waste water into BOR-owned canal and provide permission to use the canal for this purpose. WEID would then use this diverted water for irrigation to WEID patrons. This project also additionally benefits the City by diverting waste water from city waste water

treatment plant that would otherwise be required to be treated, thus incurring associated costs and using existing system capacity. This project will reduce operational expenditure in the long run, free up system capacity, and may also create an opportunity for revenue in the future if the City were to create a method to sell the water before it enters the canal.

Consistent with Council Goals:

I to BOR
ge Canal

osed Phase 1
sion Structure

PDX2



Contract No. 18-07-1U-L0268

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Umatilla Project, Oregon

CONSENT TO USE

THIS CONSENT TO USE, hereinafter referred to as "Consent," made the _____ day of _____, 2017⁹ (the "Effective Date"), pursuant to the Act of Congress June 17, 1902 (32 Stat. 388; 43 U.S.C. §391), and acts amendatory thereof or supplementary thereto, collectively referred to as the Federal Reclamation Laws, specifically, Section 10 of the Reclamation Project Act of 1939 (53 Stat. 1196), between the **United States of America**, hereinafter called the "**United States**," represented by the official executing this Consent, and the **City of Umatilla**, a political subdivision of the State of Oregon, hereinafter referred to as the "**City**."

WITNESSETH, THAT:

WHEREAS, in connection with the Umatilla Project, the United States, by and through the Bureau of Reclamation, Department of the Interior, hereinafter referred to as "Reclamation," has, pursuant to Federal Reclamation Laws, acquired certain easement rights in Umatilla County and constructed certain irrigation distribution facilities thereon, known as the Phase I Canal; hereinafter referred to as the "Canal;" and

WHEREAS, this Consent to Use is being issued in response to an "Application for Transportation and Utility Systems and Facilities on Federal Lands" submitted by the City on March 21, 2016 to construct on the Canal and related Reclamation facilities an outfall structure and appurtenant industrial wastewater piping for the discharge into and subsequent conveyance of treated industrial non-contact cooling wastewaters ("Industrial Wastewater") within the Canal; and

WHEREAS, prior to granting a pipeline easement to the City across their fee-owned lands, over a portion of which Reclamation has a permitted right-of-way for the Canal, the Corps of Engineers completed an Environmental Assessment and Finding of No Significant Impact, which Reclamation has accepted as complying with the National Environmental Policy Act for this action in addition to completing a Categorical Exclusion Checklist; and

WHEREAS, said Canal is operated and maintained by the West Extension Irrigation District, hereinafter referred to as the "District," under a repayment contract with the United States; and

WHEREAS, in consideration of the premises, the proposed use by the City has been reviewed and has been determined to be not incompatible with purposes for which said lands and/or facilities are administered by Reclamation on behalf of the United States.

NOW, THEREFORE, in consideration of the covenants and stipulations hereinafter stated, the parties hereto do mutually agree as follows:

1. CONSENT AND LEGAL

The United States does hereby consent to construction, installation, operation, and maintenance of an outfall structure and associated industrial wastewater piping for the City's discharge of Industrial non-contact cooling Wastewater into the facilities of the United States Canal at the following location hereinafter referred to as the "Permanent Use Area":

The Permanent Use Area shall be located in the NE¼SE¼SW¼ of Section 10, Township 5 North, Range 28 East, Willamette Meridian, Umatilla County, Oregon, and shall encompass an area lying ten (10) feet beyond the exterior boundary of all portions of the City's facilities once constructed.

A temporary use area, to be used only during the construction of the City's facilities, shall be located adjacent to the Permanent Use Area and shall extend a distance of twenty (20) feet from all outer boundaries of the Permanent Use Area.

The location of the City's proposed facilities is substantially as shown in red on **Exhibit "A"**, attached hereto and made a part hereof.

2. SUBJECT TO FEE OWNER APPROVAL

Unless the City is the underlying fee owner, this Consent is subject to the City securing approval of the underlying fee owner to cross or use the identified portion of Reclamation's pre-existing easement for location, operation, and maintenance of the Canal.

3. FEES

In accordance with Title 43 of the Code of Federal Regulations, Part 429.26, Reclamation has made a determination to waive the application fee and administrative costs for this Consent.

4. TERM

The term of this Consent is to **be twenty-five (25) years** from the Effective Date. This Consent may be renewable; provided however, that any renewal of the Consent shall be subject to then applicable policies, law and regulations, and shall require Reclamation and District approval.

5. SPECIAL STIPULATIONS

By acceptance of ~~this Agreement~~Consent~~this Consent~~, the City agrees to the following construction and/or installation related stipulations:

a. The City shall construct their facilities as shown on the plans dated _____, as submitted by the City and accepted by Reclamation. Said plans are attached hereto and made a part hereof as **Exhibit "B"**.

b. The City shall at all times takes steps to maintain compliance with (1) Reclamation Permit No 18-07-1U-L0269, a copy of which is attached hereto and made a part hereof as **Exhibit "C"**, which allows for the discharge of ~~Industrial non-contact cooling Wastewater~~ into the Canal, and (2) NPDES Permit No. _____ issued by the Oregon Department of Environmental Quality which governs the City's discharge of ~~Industrial non-contact cooling Wastewater~~ into the Canal.

c. The City shall notify Reclamation's Umatilla Field Office and the District five (5) business days prior to the commencement of any construction and/or installation activities within the subject easement or premises.

j. If during construction and/or installation any damage from such activities is inflicted upon the Canal, the related maintenance road, or any of the Reclamation premises, the entity performing the work agrees to immediately contact Reclamation's Umatilla Field Office and the District for instructions, and return the damaged area to pre-existing, or better, conditions.

k. The City shall provide Reclamation's Umatilla Field Office with final as-built drawings of the outfall structure and associated industrial wastewater piping within 60 days of completion of construction and/or installation. Said drawings shall be submitted in 11x17-inch drawings and on a CD/DVD in ACAD (preferable) or PDF format.

6. UNRESTRICTED ACCESS

The United States, its officers, agents, employees, shall at all times have unrestricted access and ingress to, passage over, and egress from, all of Reclamation's said rights-of-way and easement for the purposes of exercising, enforcing, and protecting the rights reserved herein.

7. HOLD HARMLESS

The City hereby agrees to indemnify the United States for, and hold the United States and all of its representatives harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or method of performing any construction, care,

operation, maintenance, supervision, examination, inspection, or other activities of the City related to the installation, operation and maintenance of the outfall structure and associated industrial wastewater piping.

8. PROTECTION OF UNITED STATES INTERESTS

The City shall construct, operate, and maintain its structures in a good workmanlike manner, as reasonably determined by the United States, to ensure that the authorized uses are compatible with the Reclamation purposes for which the land rights were acquired to protect the interests of the United States. The City shall insure compliance with all laws, regulations, and orders of the United States, and any other public authority affecting such works.

9. TERMINATION

This Consent, a use authorization, will terminate and all rights of the City hereunder will cease, and the City will quietly deliver to the United States possession of the premises in like condition as when taken, reasonable wear and damage by the elements excepted, upon:

- a. The end of the term of this Consent;
- b. Reclamation's reasonable determination at any time, and at no cost or liability to the United States, that the City has failed to comply with any of the terms and conditions hereof, or upon mutual agreement of all parties;
- c. The United States, acting through Reclamation reserving rights to construct, operate, and maintain public works now or hereafter authorized by the Congress without liability for termination of the use authorization or other damage to the City's activities or facilities;
- d. Reclamation's decision, at any time and at no cost or liability to the United States, to terminate any use authorization in the event of a natural disaster, a national emergency, a need arising from security requirements, or an immediate and overriding threat to public health and safety.
- e. Reclamation's decision, at any time and at no cost or liability to the United States, to terminate any use authorization, for activities other than existing authorized private exclusive recreational or residential use as defined under 43 CFR § 429.2 if Reclamation determines that any of the following apply:
 - i. The use has become incompatible with authorized project purposes, project operations, safety, and security;
 - ii. A higher public use is identified through a public process described at 43 CFR § 429.32(a)(1); or

iii. Termination is necessary for operational needs of the Umatilla Project.

f. Reclamation's decision, at any time and at no cost or liability to the United States, to terminate any use authorization if Reclamation determines that the City has failed to use the use authorization for its intended purpose. Further, failure to construct within the timeframe specified in the terms of the use authorization may constitute a presumption of abandonment of the requested use and cause termination of the use authorization.

g. Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization if the City fails to comply with all applicable Federal, State, and local laws, regulations, ordinances, or terms and conditions of any use authorization, or to obtain any required permits or authorizations.

10. NOTICES

All notices required or desired to be given under this Agreement shall be in writing and may be delivered by personal delivery; via recognized delivery services such as United Parcel Services (UPS) or Federal Express (FedEx); or by deposit in the United States Mail, postage prepaid, as certified mail, return receipt requested, and addressed as follows:

Manager, Umatilla Field Office	City of Umatilla
Bureau of Reclamation	700 6th Street
32871 Diagonal Rd	P.O. Box 130
Hermiston, OR 97838	Umatilla, OR 97882

Any notice delivered by personal delivery shall be deemed received by the addressee upon actual delivery. Any notice delivered by certified mail shall be deemed received by the addressee on the third business day after deposit. The addresses to which notices are to be delivered may be changed by giving notice of such change in accordance with this paragraph. This paragraph shall apply where notice is required under this Consent, and no specific requirements are set forth. Where this Consent provides for a specific notice in a different manner, the more specific requirements shall prevail.

The parties hereby designate the Manager, Umatilla Field Office, and the City Manager for the City as their authorized representatives for this Consent. These individuals shall have authority to take any action allowed or required under this Consent, on behalf of their employer. The parties may change their designated representatives at any time by giving notice of such change in accordance with this Article.

11. INCREASED COSTS

If the construction, operation, or maintenance of any or all of such structures and facilities of the United States across, over, under, or upon said right of way should be made more

expensive by reason of the existence of improvements or works of the City thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto. Within thirty (30) days after demand is made upon the City for payment of any such sums, the City will make payment thereof to the United States or any of its successors or assigns. As an alternative to payment, the City, at its sole cost and expense and within the time limits established by the United States, may remove or adapt facilities constructed and operated by it on said right-of-way to accommodate the aforementioned structures and facilities of the United States. The City shall bear any costs incurred by the United States occasioned by the failure of the City to remove or adapt its facilities within the time limits specified.

12. REMOVAL OF STRUCTURES

Upon expiration, termination, or revocation of the Consent, or wherein no renewal of the Consent or new consent is entered into among the United States and the City, the City shall remove all structures, equipment, or other improvements made by it from the premises at no cost to the United States, provided such removal can be accomplished without damaging the Canal. Subject to the preceding provisions, upon the City's failure to remove any such improvements within sixty (60) days of expiration, termination, or revocation, any remaining improvements shall, at the option of the United States, be removed or become the property of the United States. The City shall pay all the expenses of the United States, or its assigns, related to removal of such improvements.

13. DISCOVERY OF CULTURAL RESOURCES

The City shall immediately provide an oral notification to Reclamation of the discovery of any and all antiquities or other objects of archaeological, cultural, historic, or scientific interest. The City shall follow up with a written report of their finding(s) to Reclamation within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects, and artifacts discovered as a result of activities under this authorization. The City shall immediately cease the activity in the area of the discovery, make a reasonable effort to protect such discovery, and wait for written approval from Reclamation before resuming the activity. Protective and mitigative measures specified by Reclamation shall be the responsibility of the City.

14. HAZARDOUS MATERIALS

a. The City may not allow contamination or pollution of Federal lands, waters, or facilities. The City has the responsibility for care, operation, and maintenance by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution by third parties. Substances causing contamination or pollution shall include, but are not limited to, hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste,

petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers, or any other pollutants.

b. The City shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and directives and standards, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored, or disposed of, on or, in Federal lands, waters, or facilities.

c. "Hazardous material" means any substance, pollutant, or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

d. Upon discovery of any event which may or does result in contamination or pollution of Federal lands, waters, or facilities, the City shall initiate any necessary emergency measures to protect health, safety, and the environment and shall report such discovery with full details of the actions taken to Reclamation. Reporting may be within a reasonable time period. A reasonable time period means within twenty-four (24) hours of the time of discovery if it is an emergency, or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment.

e. Violation of any of the provisions of this Article, as determined by Reclamation, may constitute grounds for termination of this Consent. Such violations require immediate corrective action by the City and shall make the City liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

f. The City agrees to include the provisions contained in paragraphs (a) through (e) of this Article in any subcontract or third-party contract it may enter into pursuant to this Consent.

g. Reclamation agrees to provide information necessary for the City using reasonable diligence, to comply with the provisions of this Article.

15. NON-DISCRIMINATION

The City, by acceptance of this Consent, is receiving a type of Federal assistance, and therefore agrees to comply with:

a. Nondiscrimination on the basis of Race, Color, or National Origin

i. Title VI (Section 601) of the Civil Rights Act of July 12, 1964 (78 Stat.

241 which provides that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance," and to be bound by the regulations of the Department of the Interior for the effectuation thereof, as set forth in 43 CFR 17.

ii. To obligate its subcontractors, subconsentees, transferees, successors in interest, or any other participants receiving Federal Financial assistance hereunder, to comply with the requirement of this provision.

b. Nondiscrimination on the Basis of Disability

i. To comply with Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, as amended which is designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

ii. To obligate its subcontractors, subconsentees, transferees, successors in interest, or any other participants receiving Federal financial assistance hereunder, to comply with the requirements of this provision

c. Nondiscrimination on the Basis of Age

i. To comply with the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq.; and the general age discrimination regulations at 45 CFR § 90 which are designed to prohibit discrimination on the basis of age in programs and activities receiving Federal financial assistance, as set forth in 43 CFR § 17.

ii. To obligate its subcontractors, subconsentees, transferees, successors in interest, or any other participants receiving Federal financial assistance hereunder, to comply with the requirements of this provision.

16. THIRD PARTY RIGHTS

This Consent is granted subject to all rights in and to use of the Canal previously acquired by third parties.

17. SEVERABILITY

Each provision of this Consent shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this Consent shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of this Consent as a whole.

18. BINDING

The provisions of this Consent shall apply to, and bind, the heirs, successors and assigns of the parties hereto, but no assignment or transfer of this Consent or any part or interest therein shall be valid until approved in writing by Reclamation.

19. OFFICIALS NOT TO BENEFIT

No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

[Signatures and Acknowledgments on following pages]

IN WITNESS WHEREOF, the parties hereto have executed this Consent the day and year first above written.

THE UNITED STATES OF AMERICA

CAROLYN CHAD
Deputy Area Manager
Columbia-Cascades Area Office
Pacific Northwest Region
Bureau of Reclamation
Department of the Interior

ACKNOWLEDGMENT

STATE OF WASHINGTON

County of Yakima

On the ____ day of _____, 2018~~9~~, personally appeared before me, _____, to me known to be the official of the **UNITED STATES OF AMERICA** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said UNITED STATES for the uses and purposes therein mentioned, and on oath stated that s/he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

Notary Public in and for the
State of _____
Residing at _____
My commission expires _____

CONSENTEE:

CITY OF UMATILLA, OREGON

By:

Title:

ACKNOWLEDGMENT

STATE OF OREGON

County of Umatilla

On the _____ day of _____, 2018~~9~~, personally appeared before me, the undersigned notary, _____, known to me to be the party/parties who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the
State of _____

Residing at _____

My commission expires _____

(SEAL)

The **West Extension Irrigation District** hereby concurs, this _____ day of _____, 2018~~9~~, with Reclamation's intent to issue this Consent.

WEST EXTENSION IRRIGATION DISTRICT

By: _____

Title: _____

ATTESTED:

By: _____

Title: _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Umatilla Project, Oregon

PERMIT

THIS PERMIT ("the "Permit") is granted this ____ day of _____, 2018 (the "Effective Date"), pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388; 43 U.S.C. § 391), Reclamation Project Act of 1939, § 10 (43 U.S.C. 387), and Acts amendatory thereof or supplementary thereto, all of which Acts are commonly known and referred to as the Federal Reclamation Laws, and 43 CFR 429 by the UNITED STATES OF AMERICA, hereinafter referred to as the "United States," acting by and through the Department of the Interior, Bureau of Reclamation, hereinafter referred to as "Reclamation," to The City of Umatilla, hereinafter referred to as the "City," with the concurrence of the West Extension Irrigation District, hereinafter referred to as the "District."

WITNESSETH THAT:

WHEREAS, Reclamation is issuing this Permit in response to an "Application for Transportation and Utility Systems and Facilities on Federal Lands" dated May 21, 2016 to discharge ~~reated industrial non-contact cooling wastewater~~, hereinafter referred to as ~~i(the "Industrial wWastewater.")~~ into the Phase I Canal (~~hereinafter referred to as the "Canal"~~); and

WHEREAS, Reclamation, has complied with the National Environmental Policy Act by completing Categorical Exclusion No. PN-UFO-CE-2016-089 dated August 8, 2016; and

WHEREAS, the United States, through Reclamation and pursuant to Federal Reclamation Laws, was permitted certain easement lands, and constructed irrigation facilities and their appurtenant works, specifically the Canal, a feature of the Umatilla Project ("the Project"); and

WHEREAS, Reclamation administers said Canal and its associated lands, rights-of-way and/or facilities on behalf of the United States and the District reimburses Reclamation for associated pumping use costs per Contract No.4-07-10-W0983; and

WHEREAS, Reclamation has authorized the construction, operation and maintenance of an outfall structure and appurtenant piping ~~by the City~~ on Reclamation permitted lands under a separate agreement, Consent to Use No. 18-07-1U-L0268; and

WHEREAS, said outfall structure and appurtenant works of the City shall be paid for ~~and used~~ by the City ~~and shall be utilized by the City~~ to discharge ~~i~~Industrial ~~w~~Wastewater into the Canal ~~after which the City may then make such water available for~~ use by the District ~~or other authorized uses~~. Said discharge ~~of Industrial Wastewater~~ is also subject to regulation under

the Clean Water Act and for which National Pollutant Discharge Elimination System (NPDES) Permit Number 103196 (the "NPDES Permit") has been issued by the State of Oregon Department of Environmental Quality to the City;

WHEREAS, the United States facilitated the proposed discharge of ~~the~~ iIndustrial ~~w~~Wastewater into the facilities of the Project with the express understanding and commitment of the City that ~~the waters so such~~ discharges would meet or exceed established standards, and that all public disclosure and compliance documents were based on this commitment by the City.

NOW, THEREFORE, the City does hereby accept this Permit, and is thereby subject to comply with and be bound by the following terms and conditions:

1. Reclamation hereby permits the discharge of iIndustrial ~~w~~Wastewater that meets the requirements of the ~~aforementioned~~ NPDES Permit ~~No. 103196~~ to the Canal pursuant to the terms set forth herein.
2. ~~The Industrial Waste~~waters will be discharged, via facilities authorized by the Consent to Use No. 18-07-1U-L0268, into the Canal just downstream of where the ~~Phase I~~ Canal emerges from the siphon, on the south side of the Union Pacific Railroad tracks, in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 5 North, Range 28 East, Willamette Meridian, Oregon.
3. This Permit shall remain in effect for a term of twenty-five (25) years, commencing upon the ~~day and year first above written~~ Effective Date, unless sooner terminated as hereinafter provided. After 20 years, Reclamation and the City shall initiate discussions as to whether the Permit will be renewed; provided, however, that any renewal of this Permit would be subject to the then applicable agreements, policies, laws and regulations, and would require Reclamation's written approval and the District's written concurrence.
4. This Permit is for the express purpose of ~~the dischargeing of i~~ iIndustrial ~~w~~Wastewater and is subject to the valid rights of the District, ~~and~~ Reclamation, and ~~to all existing other~~ valid rights of record previously acquired by third parties, which include any person or private or public entity of record not a party to this Permit.
5. The City shall abide by the following Industrial Wastewater discharge related stipulations:
 - a. Prior to any discharge, ~~and throughout the term of this Permit~~, the City shall ~~obtain and continue to maintain a its~~ NPDES permit, ~~as may be modified, for authorizing the~~ discharge of iIndustrial ~~w~~Wastewater from the City of Umatilla's wastewater infrastructure Umatilla Port industrial complex into the Canal and will ensure ~~it such discharges~~ meets or exceeds existing standards as ~~committed to by the City in the project development plans~~ set forth in the NPDES Permit. The City shall ensure that said discharges complies with the NPDES pPermit and this Permit, and that both permits remain in good standing at all times. The City may discharge no more than approximately 10 cubic feet per second of water to the Canal from

April 1st through October 31st of every year (up to 2,800 acre feet per year total), as specified by ~~said the~~ NPDES ~~p~~Permit as of the Effective Date or as ~~such permit may be specified in any~~ modified, amended, or renewed NPDES permit for the discharge. Any modification of ~~said the~~ NPDES ~~p~~Permit, ~~such as discharge volumes (2,800 acre feet per year) or timing,~~ shall require ~~advance notification by the City to, and with the~~ prior written approval of Reclamation and the District ~~with such approval not to be unreasonably withheld.~~

b. The City may only discharge Industrial Wastewater in to the Canal ~~at times~~ when Reclamation's pumps are in operation, and ~~only at times when the flows~~ in the Phase I Canal ~~is~~ are 4.6 cfs (3.0 MGD) or greater, as measured by the Phase I Pumping Plant. The City will ~~erect a flow gage upstream of the discharge outfall structure, which will utilize the flow meter at Phase I Pumping Plant~~ Reclamation's SCADA system to determine when Reclamation's ~~pumpings~~ facilities are in operation.

c. The City shall ensure that any Industrial Wastewater discharged into the Canal meets or exceeds all applicable ~~existing and future~~ Federal and State water quality standards, including standards for water applied to food crops. ~~If such discharges fail to meet applicable water quality standards or otherwise fail to comply with the NPDES Permit, the City shall immediately suspend further Industrial Wastewater discharges into the Canal and immediately notify Reclamation and the District.~~ Reclamation or the District can immediately suspend or terminate this Permit if a situation occurs that results in ~~i~~Industrial ~~w~~Wastewater being discharged ~~into~~ the Canal that does not meet or exceed the aforementioned standards. The City shall notify Reclamation and the District in writing prior to implementing new or changed water quality standards.

d. ~~Upon written request, the City will~~ shall also furnish to Reclamation and the District ~~upon request,~~ copies of records required to be kept by the City pursuant to the NPDES ~~p~~Permit, ~~such as discharge monitoring reports.~~ ~~In addition, the City shall immediately suspend discharge into the Canal if the City's industrial wastewater fails to meet applicable water quality standards or otherwise becomes noncompliant with the noted NPDES permit and immediately notify Reclamation and the District.~~ Reclamation and the District each reserve the right to sample ~~at any time on a monthly basis the discharged Industrial Wastewater at any time for quality assurance on a monthly basis,~~ at the point of discharge into the Canal, or more frequently following a non-compliant test result and re-initiation of discharges, to ensure that future discharges ~~is are~~ compliant with ~~said the~~ NPDES ~~p~~Permit or other applicable water quality standards. ~~The City is responsible for the reasonable labor costs and fees incurred by Reclamation and/or the District to conduct such tests.~~

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e. The City's discharge of Industrial Wastewater may be temporarily interrupted by either Reclamation or the District to ensure due to proper operation, and maintenance, and needs or problems such as repair of the Canal repairs. ~~This Any such temporary interruption will be kept to the shortest amount period of time possible but may last for days or weeks depending on given~~ the nature of the issuework to be completed on the Canal. During periods of interruption, the City, the District, and Reclamation agree to work in good faith to arrive at a

temporary solution which allows the City to continue to discharge Industrial Wastewater to the Canal, if feasible. In any event, the interests of Reclamation and the District in operating and maintaining the Canal and related facilities pursuant to their legal authorities and obligations shall remain paramount.

6. The City agrees to indemnify the United States and the District for, and hold the United States and all of its representatives and the District harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or method of performing any construction, discharge, care, operation, maintenance, supervision, examination, inspection, or other activities of the City, its agents or employees.

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7. In addition to the automatic termination of this Permit at the expiration of its term as set forth in Paragraph Section 3 of this Permit, Reclamation or the City may sooner suspend or terminate this Permit in the circumstances described in Paragraphs Subsections 7.a. through 7.g. below. In the case of a suspension by Reclamation, the City shall temporarily cease to-useing Project facilities and to-dischargeing Industrial Wastewater into the Canal during the suspension period as determined by Reclamation. In the case of termination by Reclamation, the City shall permanently cease to-useing Reclamation-Project facilities and to-dischargeing Industrial Wastewater into the Canal, unless the Permit is later reissued. In the case of either a suspension or a termination, the party deciding to suspend or terminate shall provide the other party with written notice of the decision and its reasons, and concurrently send the District a copy of said notice.

a. At the request of the City upon provision of at least 90 days written notice to Reclamation and the District; ~~or~~

b. Upon ~~the City's failure of the City to;~~ (i) comply with applicable Federal, State, and local laws, regulations and ordinances that govern the use of the Project facilities incorporated into the NPDES Permit; or upon failure to (ii) comply with any of the terms and conditions of this Permit other than Paragraph Subsection 5.c. the NPDES pPermit or Consent to Use; or upon failure to (iii) obtain any required permits or authorizations, provided the City has not cured any such failure within 10 days of the violation being discovered by the City, or if such violation necessarily takes a longer period of time to cure, within a reasonable period of time; ~~or~~

c. Upon failure of the City to comply with the terms and conditions of Paragraph Subsection 5.c of this Permit; ~~or~~

d. In the event of a natural disaster, a national emergency, a need arising from security requirements, or an immediate threat to public health or safety that is made worse by Industrial Wastewater discharges authorized by this Permit or that can be mitigated by suspending ~~the such discharges authorized by this Permit;~~ provided, however, that, depending on the circumstances, the City may be allowed to resume discharging Industrial Wastewater to

the Canal under this Permit if Reclamation provides the City written notification that it may do so; ~~or~~

e. Upon Reclamation's determination that the City failed to use the Permit for its intended purpose; ~~or~~

f. Upon Reclamation's determination that the City's participation in any activity on Federal lands is out of compliance with Federal statutes or Federal regulations; or

g. To protect the interests of Reclamation or the District from adverse affects caused by the City or its actions under this Permit in relation to the normal operation or maintenance of the Canal or related facilities; ~~or.~~

If the City or Reclamation questions whether any suspension or termination under Paragraph-Subsections 7.a through 7.g is proper under the terms of this Permit, either party ~~may~~ shall have the opportunity to meet and confer on the matter with the other party. Upon such request, the parties shall meet as soon as practicable, preferably within seven days of either the City's or Reclamation's request for such a meeting. The District shall be informed in writing reasonably in advance of the meeting, and may also attend the meeting at ~~their-its~~ discretion. The parties will endeavor to resolve their differences, and may (but shall not be required to) utilize the services of a mediator upon such terms as the parties may agree. While it is hoped that such efforts would be successful in resolving the dispute, nothing in this Paragraph-Section 7 of the Permit shall have the effect ~~either~~ of compelling alternative dispute resolution, ~~or (except the timeframes stated in sub-paragraphs 7.a and 7.b) of delaying the cessation of the discharge of the~~ industrial ~~ww~~ wastewater, or ~~of preventing~~ the suspension or termination set forth in the original notice from Reclamation, unless Reclamation otherwise agrees, or, in the case of a suspension or termination notice issued by the City under Paragraph-Subsection 7.a, unless the City otherwise agrees. In considering any termination of ~~the~~ City's rights, Reclamation shall consider as an important factor in such a decision that as the extent to which the City has invested significant financial, human and material resources into this project, Reclamation will try to keep the project in operation where it is safe and feasible to do so.

8. By its ~~joinder signature~~ herein, the District has provided its concurrence to this Permit, and shall have the right to enforce this Permit according to its terms. It is a material condition to the District's joinder in the Permit that nothing in the Permit, in the City's discharge of ~~the~~ industrial ~~ww~~ wastewater into the Canal pursuant to the Permit, or in the District's acceptance thereof, shall increase operational, administrative, or maintenance costs of the District, now or in the future, that the District would not have incurred but for the City's discharge into, and its subsequent intentions to make delivery of industrial ~~ww~~ wastewater available from, the Canal for such lawful uses as the City and the District agree. Should the City's discharge of ~~the~~ industrial ~~ww~~ wastewater into the Canal increase the District's operational, administrative, or maintenance costs of the ~~Canal~~ District ~~be increased~~, the District may recoup those costs by separate agreement with the City.

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9. The City shall use Reclamation-Project facilities only for the purposes stated herein and in the use of said Premises shall conduct their operations in a good and workmanlike manner, and in full compliance with all local and State laws and with all laws, regulations, and orders of the United States affecting such operations.

10. Notices shall be served by certified mail addressed to the respective addresses given, as set forth below, and the mailing of any such notice properly enclosed, addressed, and stamped, will be considered service.

Manager
Umatilla Field Office
32871 Diagonal Road
Hermiston, OR 97838

Manager
West Extension Irrigation
District
P.O. Box 100
Irrigon, OR 97844

Manager
City of Umatilla
P.O. Box 130
700 6th Street
Umatilla, OR 97882

11. Upon expiration, termination, or suspension of this Permit, the City shall cease dischargeing ~~of all Industrial Wastewaters~~ into the Canal at no cost to the United States. Upon failure of the City to cease dischargeing ~~of Industrial Wastewater~~ into the Canal, upon expiration, termination, or suspension of this Permit, the United States shall cause ~~this to happen~~ the cessation of any such discharges. The City shall pay all expenses of the United States related to the cessation of the discharge of ~~the Industrial Wastewater~~ into the Canal, ~~which shall to include any costs so incurred to removal~~ of any associated facilities of the City located within the boundaries identified in this Permit and the restoration of the Project facilities to a like condition similar to that existing as when taken immediately prior to the City's installation of its facilities, provided such removal can be accomplished without damaging the Canal.

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12. The City warrants that no person or agency has been employed or retained to solicit or secure this Permit upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established agencies maintained by the City for the purpose of securing business. For breach or violation of this warranty, the United States shall have the right to annul this Permit without liability or, in its discretion, to require the City to pay, in addition to the price or consideration, the full amount of such commission percentage, brokerage, or contingent fee.

13. No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

14. Each provision of this Permit shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this Permit shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of the Permit as a whole.

IN WITNESS WHEREOF, the undersigned have executed this Permit which shall become effective the day and year first above written.

UNITED STATES OF AMERICA

CAROLYN CHAD
Deputy Area Manager
Columbia-Cascades Area Manager
Pacific Northwest Region
Bureau of Reclamation
Department of the Interior

ACKNOWLEDGMENT

STATE OF WASHINGTON

County of Yakima

On this _____ day of _____, 2018, personally appeared before me, the undersigned Notary, _____, to me known to be the official of the **UNITED STATES OF AMERICA**, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public
in and for the State of Washington
Residing at: _____
My commission expires: _____

(SEAL)

PERMITTEE:

CITY OF UMATILLA

Signature

Title (Authorized Official)

ACKNOWLEDGMENT

STATE OF OREGON

County of Umatilla

On this _____ day of _____, 2018, personally appeared before me the undersigned Notary, _____, to me known to be the _____ of the **CITY OF UMATILLA**, the Permittee who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said Permittee, for the purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public
in and for the State of Oregon

Residing at: _____

My commission expires: _____

(SEAL)

THIS PERMIT has been considered and the West Extension Irrigation District hereby concurs with in the issuance of this Permit this _____ day of _____, 2018.

WEST EXTENSION IRRIGATION DISTRICT

By: _____

Title: _____

ATTEST:

By: _____

Title: _____

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:

Immediate Opportunity Fund (IOF)

Meeting Date:

February 19, 2019

Department:

CDD

Director:

Tamra Mabbott

Contact Person:

Tamra

Phone Number:

922-3226 X101

Cost of Proposal:

Approximately \$472,000

Fund(s) Name and Number(s):

N/A

Amount Budgeted:

N/A will adopt supplemental budget if awarded grant

Reviewed by Finance Department:

Yes

Previously Before Council:

Several items regarding the Vadata property have been before Council in the past few years. This is the first time this specific item has come.

Attachments to Agenda Packet Item:

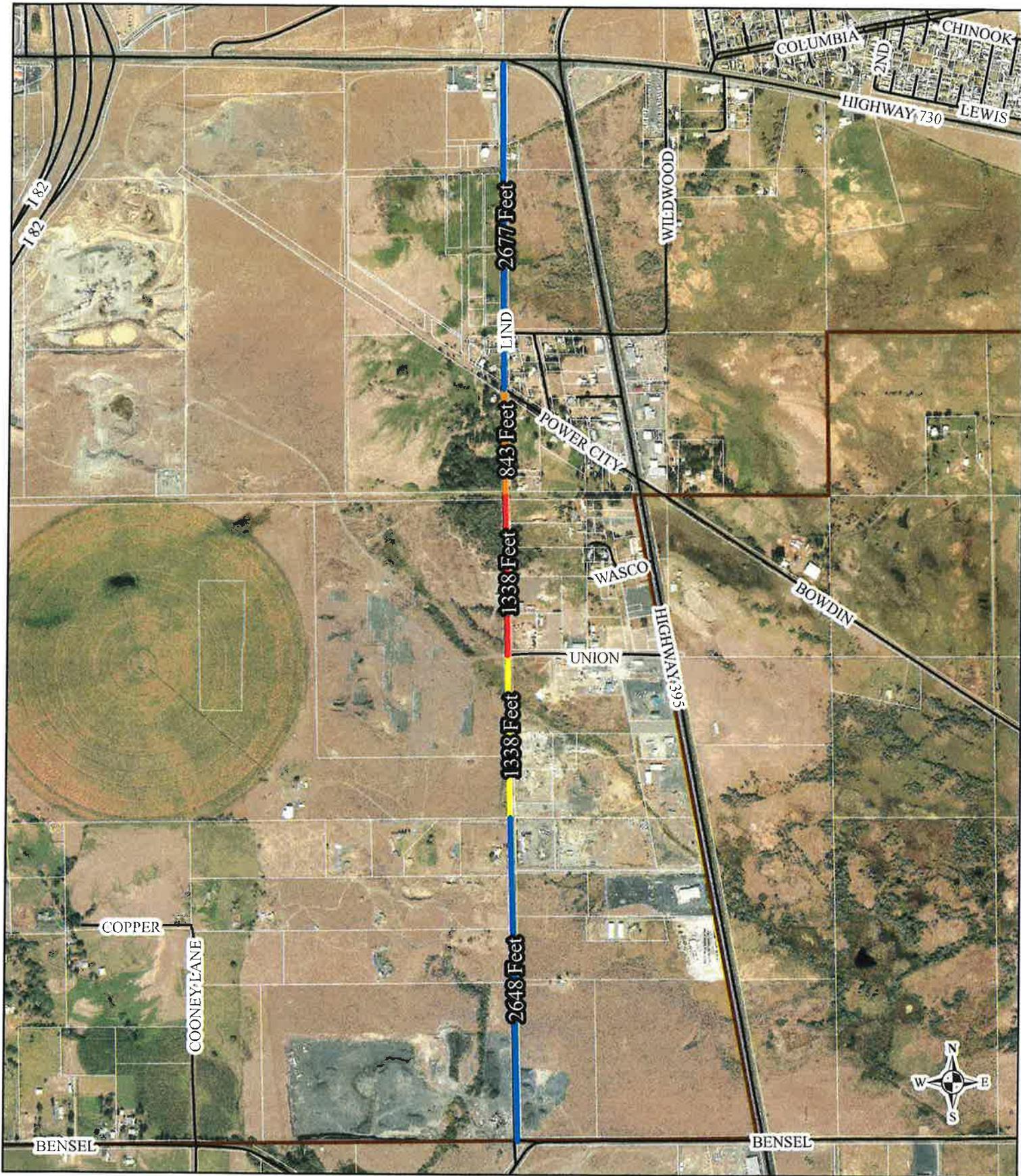
- 1) Map of Lind Road
- 2) Lind Road MOA
- 3) ODOT IOF Policy Guidelines

Summary Statement:

City acquired Lind Road in 2018. The road is in poor condition and is in need of improvement. The IOF program provides funds for construction and improvement of streets and roads to support "primary economic development," for which the Vadata project on Lind road likely qualifies.

As a condition of the development, Vadata agreed to make certain road improvements (specific amount not yet determined). The IOF program would award city funds in the amount that matched the Vadata investment. Those funds could then be used to make additional road/street improvements.

Consistent with Council Goals:

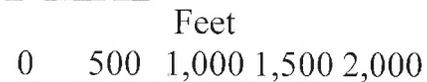


CITY OF UMATILLA TAX LOT MAP

Lind Road Total = 8,844 Ft (1.67 Miles)

Legend

- Tax Lots (10/1/18) — Not Part — IOF Section — City Section
- Umatilla UGB — Vadata Section — -48-



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Brandon Seitz, on 10/17/2018



MEMORANDUM OF AGREEMENT

This **MEMORANDUM OF AGREEMENT** (this "Memorandum"), dated as of this 25th day of January, 2019, is made by and between **VADATA, INC.**, a Delaware corporation ("Developer") and the **CITY OF UMATILLA, OREGON**, an Oregon municipal corporation ("City"), which are collectively referred to herein as the "Parties."

1. PURPOSE: The purpose of this Memorandum is to establish a schedule and parameters for completion of street improvements on Lind Road in order to satisfy Condition 2 of the City's approval of Developer's site plan review for development of a data center building and related facilities at 81712 Lind Road ("Property") (City File No. SP-3-18) ("Project") and to satisfy Condition 5 of the City's approval of the building permit for the Project (City File No. BP-45-18) sufficient to permit the City to issue a certificate of occupancy for the Project.

2. REQUIRED STREET IMPROVEMENTS: The currently known scope of improvements shall consist of full-street improvements for approximately 1,338 feet of Lind Road from the south side of the Property north to Union Street in accordance with the City's modified industrial arterial street standards applied to Beach Access Road immediately north of Highway 730 ("Street Improvements"), provided that the Parties understand the completion of additional improvements may be necessary, which may include, but not be limited to, the installation of further improvements at the Lind Rd./Union St. intersection, along the length of that portion of Union St. from Hwy 395 to Lind Rd., and along the transitional sections of road north of the Lind Rd./Union St. intersection and up to 200 feet south of the Property ("Additional Improvements").

3. DESIGN, PERMITTING, AND CONSTRUCTION: Developer will complete design, permitting, and construction of the Street Improvements, except as provided in Section 5 below. Before commencing the street design, the Parties will negotiate and agree upon which Party/Parties will be responsible for completing the design, permitting, and construction of the Additional Improvements.

4. EXPENSES: Developer will bear all design, permitting, and construction costs for the Street Improvements, except as provided in Section 5 below. Before commencing the street design, the Parties will negotiate and agree upon cost-sharing for the design, permitting, and construction costs for the Additional Improvements, provided that Developer will not be obligated to contribute more than its proportionate share for same.

5. WETLAND PERMITTING: If construction of the Street Improvements and/or Additional Improvements requires wetland delineations or permits affecting real

property owned by third parties, City will either obtain the written consent of all third-party landowners to such delineations and permits or acquire the properties/property rights from the third parties. Any reimbursement by Developer of expenses incurred by the City to secure such delineations, permits and/or properties/property rights will be negotiated by the Parties prior to City taking the steps to secure completion of the delineation, the issuance of applicable permits, or the acquisition of properties/property rights.

6. CONSTRUCTION COMPLETION DATE: Later of: (A) July 1, 2020; or (B) nine months after obtaining all required state and federal permits authorizing wetland impacts associated with the construction of the Street Improvements (and the Additional Improvements, as applicable).

7. CITY ACCEPTANCE AND MAINTENANCE: Upon final construction, City will accept dedication of the Street Improvements and all applicable Additional Improvements, and will, at City's expense, assume long term maintenance of the Street Improvements and such Additional Improvements according to City's standards.

8. IMMEDIATE OPPORTUNITY FUNDS: Developer will cooperate with City in pursuing State of Oregon Immediate Opportunity Fund grants for other street improvements in the surrounding area.

9. COMPLIANCE WITH CONDITIONS: City will find that mutual execution of this Memorandum satisfies Condition 5 of City File No. BP-45-18 sufficient to issue a certificate of occupancy for the Project.

10. LEGAL EFFECT: The Parties intend that neither shall have any contractual obligations to the other with respect to the matters referred to herein unless and until a definitive agreement has been fully executed and delivered by the Parties.

DEVELOPER:
VADATA, INC.,
a Delaware corporation

By: _____
Print Name: _____
Title: _____
Date: _____

CITY:
CITY OF UMATILLA, OREGON,
an Oregon municipal corporation

By:  _____
Print Name: David Stockdale
Title: City Manager
Date: 11/30/19

Oregon Department of Transportation
Immediate Opportunity Fund
Policy Guidelines

Revised and Approved by the OTC on March 19, 2015

1. Purpose of the Immediate Opportunity Fund

The purpose of the "Immediate Opportunity Fund" (IOF) is to support primary economic development in Oregon through the construction and improvement of streets and roads. The 1987 Oregon Legislature created state funding for immediate economic opportunities with certain motor vehicle gas-tax increases.

Access to this fund is discretionary and the fund may only be used when other sources of financial support are unavailable or insufficient. The IOF is not a replacement or substitute for other funding sources.

The IOF is designed to meet the following objectives:

- A. Provide needed street or road improvements to influence the location, relocation or retention of a firm in Oregon.
- B. Provide procedures and funds for the Oregon Transportation Commission (OTC) to respond quickly to economic development opportunities.
- C. Provide criteria and procedures for Business Oregon, other agencies, local governments and the private sector to work with the Oregon Department of Transportation (ODOT) in providing road improvements needed to ensure specific job development opportunities for Oregon or to revitalize business or industrial centers.

2. Use of IOF and Funding Levels

The IOF will be financed at a level of \$7 million per biennium, with the following limits for each project type:

Project Type	Use	Limit per Biennium	Limit per Project
Type A	Specific economic development projects that affirm job retention and job creation opportunities	\$7,000,000	\$1,000,000
Type B	Revitalization of business or industrial centers to support economic development	\$1,000,000	\$250,000
Type C	Preparation of Oregon Certified Project Ready Industrial Sites	\$1,500,000	\$500,000
Type D	Preparation of Regionally Significant Industrial Areas	\$3,000,000	\$1,000,000

3. Program criteria

All projects must meet the following requirements:

- A. The results of an economic impact analysis must be acceptable to the Business Oregon Director, who will provide recommendations to the ODOT Director.
- B. The project requires an immediate commitment of funds to address an existing transportation problem or to prevent a future transportation problem. The problem must be demonstrated and the proposed project must demonstrate how it solves the problem.
- C. The improvements must be on a public right-of-way with the local government agency that will assume ownership identified (right-of-way must be acquired before project completion). The local government agency, or the future owner, must also demonstrate how it has adequate ability to fully maintain the improvements. Note: Unless a project is part of a jurisdictional transfer, the state will maintain sections of projects on state highways.
- D. The improvements must serve general transportation needs and must conform to access management policies.
- E. No more than 50% of the cost of the transportation improvement project will be covered by Immediate Opportunity Funds.

Public or private sources may provide the match. Donations of right-of-way will be considered to be part of the match. Normally, applicants for projects off the State Highway System will provide the right-of-way. (ODOT's Right-of-Way Section will verify right-of-way value estimates.)

- F. The local government sponsor must demonstrate that all other funds necessary for successful completion of the project have been secured.
- G. The project and, if applicable, the development must meet all necessary land use and environmental requirements and must have or be able to obtain all necessary permits.
- H. Arrangements for other infrastructure needed for successful development, such as water, sewer, police, fire, etc. are documented.
- I. The project and, if applicable, the development must be consistent with regional priorities for community and economic development developed by the relevant regional solutions advisory committee.

4. Program criteria specific to project type

In addition to the criteria in Paragraph 3 above, proposed projects must meet the following requirements:

Type A Projects:

- A. A business's decision to locate, relocate or expand hinges on an immediate

commitment of road construction resources to construct the road improvement project.

- B. The direct benefits in terms of "primary" jobs created or retained by the development through the construction of a road improvement have been demonstrated. The jobs created by the development must be "primary" jobs, such as manufacturing, production, warehousing, distribution, or others that create new wealth for the Oregon economy and support development of at least one of the state of Oregon's strategic key industries, which have been identified by the Oregon Business Development Commission as being key to the state's economic vitality, growth and diversification. Normally, retail and service jobs do not meet this definition.

Type B Projects:

- A. Benefits in terms of development in a revitalized central business district or industrial center through the construction of a road improvement must be identified.

Type C Projects:

- A. The site to be served by the road and street improvements must be appropriate for development of at least one of the state of Oregon's strategic key industries, which have been identified by the Oregon Business Development Commission as being key to the state's economic vitality, growth and diversification.
- B. The direct benefits in terms of certification of an industrial site through the construction of a road improvement have been demonstrated.
- C. The road and street improvements must be completed in order for the industrial site to meet, or continue to meet, the certification standards under the State of Oregon's Certified Industrial Site program.
- D. The road and street improvements must be the only remaining issue needing to be addressed before the industrial site meets, or is able to continue to meet, the certification standards under the State of Oregon's Certified Industrial Site program.
- E. The industrial site proposed to be served by the road and street improvements must meet Business Oregon's marketability criteria, adopted by Business Oregon in Policy #004-06 on November 7, 2006, as determined by its Business Development Officer, with the exception of "ease of access." If the industrial site does not meet the marketability criterion for "ease of access," the Business Development Officer must conclude that completion of the road and street improvements will result in the industrial site meeting the marketability criterion of "ease of access." The marketability criteria are:
 - i. Utilities are currently in place
 - ii. Buildability; configuration; soil; terrain; current usage/conditions

- iii. Ease of access
- iv. Attractiveness of site
- v. Attractiveness/compatibility of neighborhood
- vi. Local labor market conditions
- vii. Site economics; pricing/incentives/property taxes/site preparation costs
- viii. Site and community marketing/promotional materials
- ix. The competitive real estate marketplace

- F. The owner of the industrial site must commit to obtaining certification of the site served by the road and street improvements under the State of Oregon's Certified Industrial Site program within three (3) months of completion of the road and street improvements.

Type D Projects:

The project must comprehensively address the transportation needs and issues of the Regionally Significant Industrial Area that has a current designation under and in accordance with ORS 197.722 to 197.728 ("RSIA"), or the project is a specifically defined phase (including phases for separate sites) in a comprehensive plan that fully addresses the transportation needs and issues of the RSIA; as defined by a transportation analysis (acceptable to ODOT) or documented conditions related to transportation. The project may include enhancements and safety improvements needed as a result of RSIA designation on nearby portions of the State Highway System.

5. Immediate Opportunity Fund request process

For projects to be eligible for Immediate Opportunity Funds, private businesses or their local government sponsors requesting assistance must involve Business Oregon and ODOT early in the process.

The OTC requires a rapid four-step procedure for project requests using the IOF. The steps to be undertaken in conjunction with Business Oregon are as follows:

- Business Oregon Business Development Officer receives request, evaluates for job impact and other economic merit as described above, provides the appropriate Regional Solutions Team an opportunity to review and comment on the proposed project, and forwards recommendation to ODOT Region IOF Coordinator.
- ODOT Region IOF Coordinator reviews project request for transportation eligibility and merit and, with Business Oregon, jointly recommends action to ODOT Region Manager for approval.
- Business Oregon Director receives ODOT Region Manager and Business Oregon Business Development Officer joint recommendation and makes a formal recommendation on the validity of the data and the project proposal to the ODOT

Director for OTC approval.

- Upon OTC action, the ODOT Director notifies the Business Oregon Director and the local government sponsor of the IOF award approval or denial.

6. OTC decision and implementation

The OTC's judgment on eligible projects will include consideration of the size of each project in relation to the availability of IOF funds, number of project requests, local community support, private participation, proportion of matching funds, scheduling of the development project and other factors such as employment generation, revitalization, improved industrial site access, certification of industrial sites, and regional priorities. Preference will be given to projects having a positive impact on safety, operation and/or capacity of the State Highway System.

The OTC will decide the commitment of funds within forty-five (45) days of a request received from the Business Oregon Director. If approved, a project agreement between ODOT and the local government sponsor (and other participants, if necessary) will then be developed. The agreement will cover factors such as, but not limited to, project engineering, contracting, land use and environmental approvals, funding, and future maintenance and use.

The agreement will also provide for reimbursement to ODOT by the local government sponsor if the promised number of jobs created or retained does not materialize or is not documented. This may occur on a pro-rated basis, and time extensions may be allowed. When the Business Oregon Director indicates, in writing, that business conditions for the firm(s) cited in an IOF agreement have changed significantly, ODOT may re-negotiate the required number of jobs with the local government sponsor, and amend the agreement to address the change. Re-negotiation must be approved, in writing, by the ODOT Director and referred to the OTC for approval.

For Type C projects:

- A. The agreement will require the local government sponsor to obtain certification of the site served by the road and street improvements under the State of Oregon's Certified Industrial Site program within three (3) months of completion of the road and street improvements or repayment of the Immediate Opportunity Fund award will be required. If certification of the industrial site is not obtained by the deadline due to a Business Oregon delay, an extension for the deadline may be approved through mutual agreement of the Director of Business Oregon and the Director of ODOT.
- B. In the event construction of the road and street improvements results in the discovery of previously unknown circumstances that require significant financial resources to address, the deadline for certification may be extended or the repayment requirement may be waived through a recommendation of the Business Development Officer which is mutually agreed upon by the Directors of

ODOT and Business Oregon, and referred to the OTC for approval.

Generally, the local government sponsor is expected to manage the development and construction of the project, and work directly with the private firm(s) involved.

7. Program administration

The OTC will review the status of the Immediate Opportunity Fund with each project proposal. An annual evaluation of the program will be conducted, including any recommendations for changes, and presented to the OTC.

It is the OTC's policy that no uncommitted balances accumulate in the Immediate Opportunity Fund. The highest balance available per biennium is \$7 million. The OTC reallocates uncommitted amounts to the Statewide Transportation Improvement Program (STIP). The Statewide Section of the STIP document will list the annual fund allocation in each document update.

For projects off the State Highway System, this program provides grants for project completion contingent upon job creation and other factors contained in this document. This is distinct from the usual focus on reimbursements for ODOT-sponsored construction activity.

CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Application to Use or Purchase Real Property from ODOT Tax lot 5500 of Assessor's Map 5N 2817AD	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> Community Dev Public Works	<u>Director:</u> <u>Tamra Mabbott</u> <u>Scott Coleman</u>	<u>Contact Person:</u> <u>Tamra Mabbott</u> <u>Scott Coleman</u>	<u>Phone Number:</u> <u>X101</u>
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<u>Cost of Proposal:</u> Cost of land or legal fees to prepare/review a lease or purchase. <u>Amount Budgeted:</u> N/A	<u>Fund(s) Name and Number(s):</u> <u>N/A</u> Possibly maintenance costs. If city must purchase land there is \$44,519 remaining in capital reserve – land acquisition. <u>Fund 0570491</u>
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<u>Reviewed by Finance Department:</u> Yes	<u>Previously Before Council:</u> July 3, 2018 – Resolution No. 03-2019
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<u>Attachments to Agenda Packet Item:</u> 1) Application 2) Map of right of way and ownership 3) July 5, 2018 letter to ODOT from Mayor 4) Resolution No. 03-2019

<u>Summary Statement:</u> This land is part of ODOT right of way, surplus after the intersection of River Road and Highway 730 (6 th Street) was realigned. The land could make a nice gateway area, where city could either landscape or construct signage. The land

also has value to city for the existing sewer manhole. Minor improvements would help revitalize the intersection. Longer term more significant improvements could be made, and, possibly city could acquire adjacent county r-o-w and combine to make a larger parcel. That larger parcel could become a wayside, park, gateway or used for development.

Consistent with Council Goals:



Oregon Department of Transportation

RIGHT OF WAY PROPERTY MANAGEMENT

APPLICATION TO USE OR PURCHASE REAL PROPERTY

Name:	Dave Stockdale		
Company Name:	City of Umatilla		
Address:	PO Box 130 Umatilla, OR 97882		
Daytime Phone:	541-922-3226 X 102	Evening Phone:	(509) 303-1051
Email Address:	david@umatilla-city.org		

Reason for applying:	Please indicate what you intend to do with the property. Use additional pages and attach to the application if you need more space.
<p>This parcel is remnant from a realignment project. Area is not used by ODOT. City sewer manhole is located within the parcel. City would like to acquire the land to secure access to the sewer manhole and to landscape as part of a city beautification effort. A "gateway" or signage is another consideration.</p>	

Please indicate your interest:
<input type="checkbox"/> Lease
<input checked="" type="checkbox"/> Buy
<input type="checkbox"/> Short term rental
<input checked="" type="checkbox"/> Permit (limited uses, landscaping, grazing, access etc.)

❖ With this application, please attach a tax lot map, assessment information, and a copy of the last vesting deed. You may obtain this at any local title company or the county assessor's office. Highlight the boundaries of the property you are interested in. Also include deeds, other maps or any documentation that may assist us in determining the property you are seeking to use or buy.

Signature

Date

RETURN THIS SIGNED APPLICATION WITH ATTACHMENTS TO:
ODOT Technical Leadership Center
Attn Property Management Unit
4040 Fairview Industrial Dr SE MS#2
Salem, OR 97302



Oregon

Kate Brown, Governor

Department of Transportation

Right of Way Section

4040 Fairview Industrial Drive SE, MS-2

Salem, OR 97302-1142

503-986-3600

Fax 503-986-3625

www.oregon.gov/odot/hwy/row

Thank you for your interest in ODOT property.

In order to assist you in your request it is important that you read through the accompanying material and submit your application with as much information completed as possible.

The information provided with this application is there to provide you with guidance on what is possible for ODOT to do for you and to help you understand how we process your request.

Although you are submitting your request to the Property Management Unit, depending on what your needs are, we may forward your application to others at ODOT who may be better able to assist you. We will strive to keep you informed of the status of your application.

Please understand, ODOT owns thousands of properties across the state and we receive many requests to buy or use our property. We strive to provide good service to the citizens of our great state but it is simply not possible to meet everyone's need. It is our goal to help you understand what we can do for you and let you know as soon as possible if we are able to move forward on your request.

The Property Management Staff



Oregon Department of Transportation

RIGHT OF WAY PROPERTY MANAGEMNT

About Requesting to Use or Buy ODOT Property

The following information is provided to help you understand what happens when you request to use or buy ODOT property. There is a brief explanation of how and why we acquire property and then a more detailed explanation of what occurs with your application depending on what you are asking ODOT to do.

How and Why ODOT Owns Property

It is important for you to understand that we are a public agency and we own property to support the development of transportation needs in the state. The key thing to remember is that when you request to use or buy our property, we need to ensure that the decision we make is in the best interest of the citizens of the state and does not adversely affect our transportation system.

How We Pay for Property

As a public agency, ODOT receives public money, mostly from the gas tax, but from other sources as well. All the money that ODOT receives is placed in the Highway Trust Fund. Because our funding comes from a trust fund, ODOT has very strict rules about what we can do with the property we buy using this money. One of the main responsibilities we have is to make sure that if we do not need property, our ownership of it returns fair value to the taxpayers and the Highway Trust Fund. So, when we let others use our property or when we sell it, we are required to do so in a way that is fair to the taxpayers of Oregon and the Highway Trust Fund.

Why We Own Property

ODOT owns property for the purpose of developing and maintaining the state highway system. We own properties for many reasons that support our mission. Among the reasons we may buy property are for roads, maintenance facilities to maintain those roads, stockpile sites to store road material, quarries to obtain rock or fill to build or maintain roads, and wetland mitigation sites to offset wetlands that may have been damaged while building roads. There are other reasons as well, but as you can see we use property for many reasons besides the actual roadway. Usually when we buy property we try to purchase only the amount of property actually needed for our use; however, sometimes that would leave the seller with a property that is not feasible for them to use. We have rules that guide us when a seller is damaged by our purchase of their property and there are times when we acquire more property than is actually needed. Also, we may move or change a road, or relocate ODOT facilities and as a result have property that is excess to our needs. It is also important to note that we may also own property that we intend to use in the future but are not currently using. Under certain circumstances we are able to allow the temporary use of portions of this property if it does not compromise the safety of our transportation system or the value of taxpayer assets.

What Happens When You Request to Use ODOT Property

When you submit your application to use or buy ODOT property several things may happen:

- We review what you are requesting of us.
- We figure out where the property is located.
- We verify whether we own it.
- We find out if there are plans to use it for transportation purposes.
- We determine if we have the manpower available to work on your request further.
- We log information about your request.

Once we understand the nature of the request and what options we have available, then we are in a position to respond to your request.

As you can see from the list of items above it is important for you to provide as much information as possible. If we cannot clearly identify the property and understand what you are requesting of us, then we will not be able to review your application effectively until we have complete information. This will only serve to delay getting you an answer to your request.

An important thing for you to understand is that the information is not always easily available. Most of the important information we need to address your request is in maps and files stored here in Salem. Researching your request requires a property agent to go to a file room, and/or a map room and physically locate information about the property.

Looking into these property requests is a time consuming process and can take from 30 minutes to 5 hours or more. The average research time needed to adequately identify a property and its current status is about 3 hours.

Our goal is to give you a timely response to your request.

Our turnaround time for requests for which we have complete information is a minimum of 60 days.

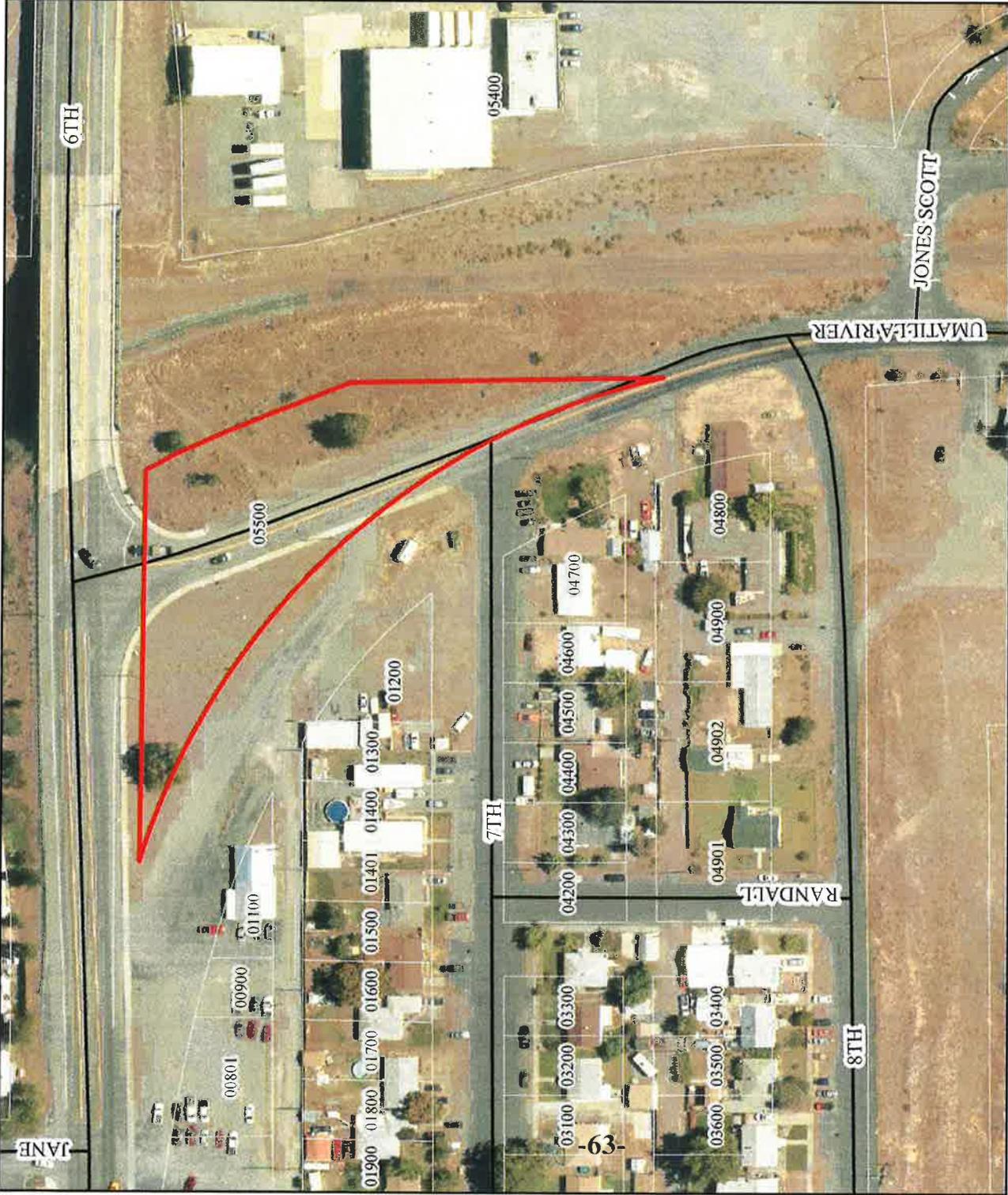
Once we have located the property you are interested in and obtained the property records, we periodically go through a review process to consider all of the requests we have received. Whether we will move forward on your request depends on many factors including how much it costs to sell or lease a property, if we have the manpower to work on your request, is the property needed by ODOT for other uses, etc.

After our review process is complete you will be notified of our decision. If your request is denied, our decision at this point is final, there is no appeal process. You are of course free to make the same request sometime in the future. Circumstances can change but our decision is usually made on projecting our workload and costs involved so you may want to wait before submitting your request again.

We hope this overview of our process has been helpful.

PROPERTY OWNERS

MAP	TAX LOT	OWNER
5N2817AD	00801	MCD LAND LLC
5N2817AD	00900	MCD LAND LLC
5N2817AD	01100	MCD LAND LLC
5N2817AD	01200	MCD LAND LLC
5N2817AD	01300	MCD LAND LLC
5N2817AD	01400	EVANS LINDSEY D
5N2817AD	01401	BASS DANNY EUGENE
5N2817AD	01500	DETWILER TERRY L
5N2817AD	01600	PRINDLE KENNETH RAY JR & DANETTE MARIE
5N2817AD	01700	LONGORIA ROBERTO JR & ROSIE
5N2817AD	01800	SAIRA & JIMMY LOERA TRUST ET AL
5N2817AD	01900	CASTRO ESTEBAN & ORTEGA MARTHA
5N2817AD	03100	WRENCHY KELLY D
5N2817AD	03200	DUNHAM CHERYL J
5N2817AD	03300	GRIFFIN RICHARD & REBECCA
5N2817AD	03400	MOORE MARK A & PATRICIA E
5N2817AD	03500	BAKER BRENT H & ELLA M
5N2817AD	03600	WOOD ROY L & LENA J
5N2817AD	04200	KURTZ MARION LESTER (TRS) ET AL
5N2817AD	04300	PEREZ JUAN M J & JAIREGIO MARIA G
5N2817AD	04400	AFFORDABLE PROPERTIES OF OREGON LLC
5N2817AD	04500	BIEGEL ROBERT M & SHEILA J
5N2817AD	04600	COVARRUBIAS ESPAIN MARIA FRANIA
5N2817AD	04700	C S CORPORATION
5N2817AD	04800	DAVISON GLEN W
5N2817AD	04900	BALL GEORGE W & JANICE R
5N2817AD	04901	CASTILLO GUILLERMO & MARIBEL
5N2817AD	04902	RAMIREZ JOAQUINA
5N2817AD	05400	R L R INVESTMENTS LLC
5N2817AD	05500	STATE OF OREGON



CITY OF UMATILLA TAX LOT MAP

Feet



Legend

- Tax Lots (1/2/19) _____
- Streets _____
- Subject Property



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Brandon Seitz, on 2/12/2019



City of Umatilla

700 6th Street, PO Box 130, Umatilla, OR 97882
City Hall (541) 922-3226 Fax (541) 922-5758

July 5, 2018

Paul Howland, Assistant District Manager
ODOT District 12
1427 SE 3rd Street
Pendleton, OR 97801

RE: parcel at intersection of Highway 730 and River Road
Tax Lot 5500 of Assessor's Map 5N 28

Hello Mr. Howland:

On behalf of the City of Umatilla, I would like to request that ODOT transfer to city the above parcel of land, located at the intersection of State Highway 730 and Umatilla River Road. I understand you have researched this parcel and have advised our Community Development Department that ODOT is willing to transfer the property. Thank you for your support and time.

As you know, the parcel was previously used as right of way and since then has been a place for collecting weeds, grass and garbage. City would like to clean up the property and look at opportunities to landscape the area and possibility erect a gateway feature.

If an agreement to do that work is required in the interim we would welcome that support as well.

If you have any questions please contact City Public Works Director Jason Barron, or City Community Development Director, Tamra Mabbott.

Thank you again for your assistance. The city appreciates our positive and productive relationship we have with you and ODOT staff.

Sincerely,

Daren Dufloth, Mayor

RESOLUTION NO. 03-2019

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LETTER REQUESTING
TRANSFER OF TAX LOT 5500 OF ASSESSOR'S MAP 5N 28 17AD TO THE CITY OF
UMATILLA**

WHEREAS, the City has adopted a Vision and Framework Plan to revitalize downtown Umatilla; and

WHEREAS, the City desires to make landscaping and other improvements along Highway 730, and;

WHEREAS, a parcel of land owned by the Oregon Department of Transportation is surplus and was previously part of a road right-of-way; and

WHEREAS, the parcel is in need of maintenance to control weeds, tall grass, and garbage; and

WHEREAS, the City wishes to clean up the property and look for opportunities to beautify with landscaping; and

WHEREAS, the City is willing to accept ownership of the parcel.

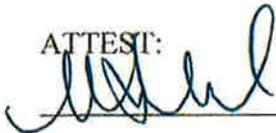
NOW, THEREFORE, the City of Umatilla does hereby authorize the Mayor to sign this letter requesting transfer of Tax Lot 5500 of Assessor's Map 5N 28 17AD.

PASSED by the Council and **SIGNED** by the Mayor this 3rd day of July, 2018.

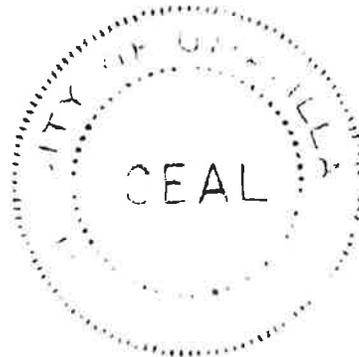


Daren Dufloth, Mayor

ATTEST:



Nanci Sandoval, City Recorder



CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Res XX-2019 A Resolution Amending the Compensation Plan for FY 2018-19 and Repealing Res 20-2018	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> Finance	<u>Director:</u> Melissa Ince	<u>Contact Person:</u> Melissa Ince	<u>Phone Number:</u> 541-922-3226 x 104
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<u>Cost of Proposal:</u> CY Impact \$56,000 <u>Amount Budgeted:</u> Included in Supplemental Budget	<u>Fund(s) Name and Number(s):</u> See Supplemental Budget
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<u>Reviewed by Finance Department:</u> Yes	<u>Previously Presented:</u> N/A
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<u>Attachments to Agenda Packet Item:</u> Res XX-2019, Schedule A Proposed Wage Scale
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Summary Statement:
City Manager Stockdale has completed his review of the City's organizational chart and has determined that it is in the City's best interests to hire a dedicated Building Inspector/Official and Administrative Services Manager to assist with daily accounting and administrative functions.

Additionally, staff was directed by City Manager Stockdale to review all other existing positions and perform a market analysis on current wages. City administration used the Milliman 2018 Oregon Public Employers Salary Survey to compare the results of all Cities, just Eastern Oregon, and the City's existing wage scale. In most cases, the results showed that the City is offering at least the mid-point salary and appears to be market competitive. The result of the analysis, however, also yielded that the major deficiency in the City's wage scale

is the compensation of the City's non-union police staff and most department heads. In response to this analysis, City Manager Stockdale is proposing that an additional Grade Level and an additional Step be added to the Wage Schedule for all non-bargained positions. Furthermore, most positions were provided an approximate 3% wage increase to continue to be market competitive.

If adopted, staff would settle into their most closely related current wage (with no wage reduction) on the updated grade and step and would move on to a higher step upon a successful evaluation on their anniversary hire date.

Additionally, in anticipation of continued growth, several positions were added to the proposed wage scale, but are not being proposed to be filled at this time (Human Resources Manager, multiple levels of City Planner, etc.)

Consistent with Council Goals:

RESOLUTION NO. XX-2019

**A RESOLUTION AMENDING THE COMPENSATION PLAN
FOR FISCAL YEAR 2018-2019
AND REPEALING PAY PLAN AND POSITION LEVELS OF
RESOLUTION NO. 20-2018**

WHEREAS, it is the intention of the City Council to review the employees' compensation on an annual basis; and

WHEREAS, the pay scale was last reviewed and amended on May 1, 2018 when non-union employees were granted a 2% cost of living adjustment effective July 1, 2018; and

WHEREAS, City Manager Stockdale has completed his review of the City's organizational chart and has determined it is in the best interests of the City to hire a dedicated Building Inspector/Official and Administrative Services Manager; and

WHEREAS, City administration used the Milliman 2018 Oregon Public Employers Salary Survey as a basis of comparing City wages to those of all Oregon Cities and Eastern Oregon; and

WHEREAS, this wage scale is designed to anticipate future City growth with the addition of several positions that will remain vacant until needed;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Umatilla, Oregon, that the pay plan adopted by Resolution 20-2018 and accompanying "position levels" of Resolution 20-2018 be repealed and superseded as follows:

Section 1: Schedule A attached sets forth the basic salary grade levels and increment steps for City of Umatilla employees, **EXCEPT** Police Bargaining Unit positions, to provide equitable pay for employees for fiscal years 2018-2019 and 2019-2020.

Section 2: Schedule B sets forth respective position titles which shall be assigned to the salary grade levels.

Section 3: Schedule C annualizes the pay schedule as required by our existing payroll program.

Section 4: This Resolution shall be effective, April 1, 2019.

PASSED by the Council and Signed by the Mayor this 5th day of March, 2019.

Mary Dedrick, Mayor

ATTEST:

DRAFT

**SCHEDULE A (Monthly)
Resolution #XX-2019**

GRADE LEVEL	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
A	2,571	2,650	2,732	2,817	2,904	2,994	3,086	3,182	3,280
B	3,104	3,200	3,299	3,401	3,507	3,615	3,727	3,842	3,961
C	3,459	3,565	3,676	3,789	3,907	4,027	4,152	4,280	4,413
D	3,660	3,773	3,889	4,010	4,134	4,262	4,393	4,529	4,669
E	4,290	4,423	4,559	4,700	4,846	4,996	5,150	5,310	5,474
F	5,193	5,326	5,462	5,602	5,746	5,893	6,044	6,196	6,352
G	6,024	6,147	6,272	6,400	6,531	6,664	6,800	6,939	7,081
H	5,972	6,157	6,347	6,544	6,746	6,955	7,170	7,391	7,620
I	7,593	7,748	7,906	8,068	8,232	8,400	8,572	8,747	8,880
J	7,637	7,832	8,033	8,239	8,451	8,667	8,889	9,117	9,351
K	7,735	7,974	8,221	8,475	8,737	9,007	9,286	9,573	9,819

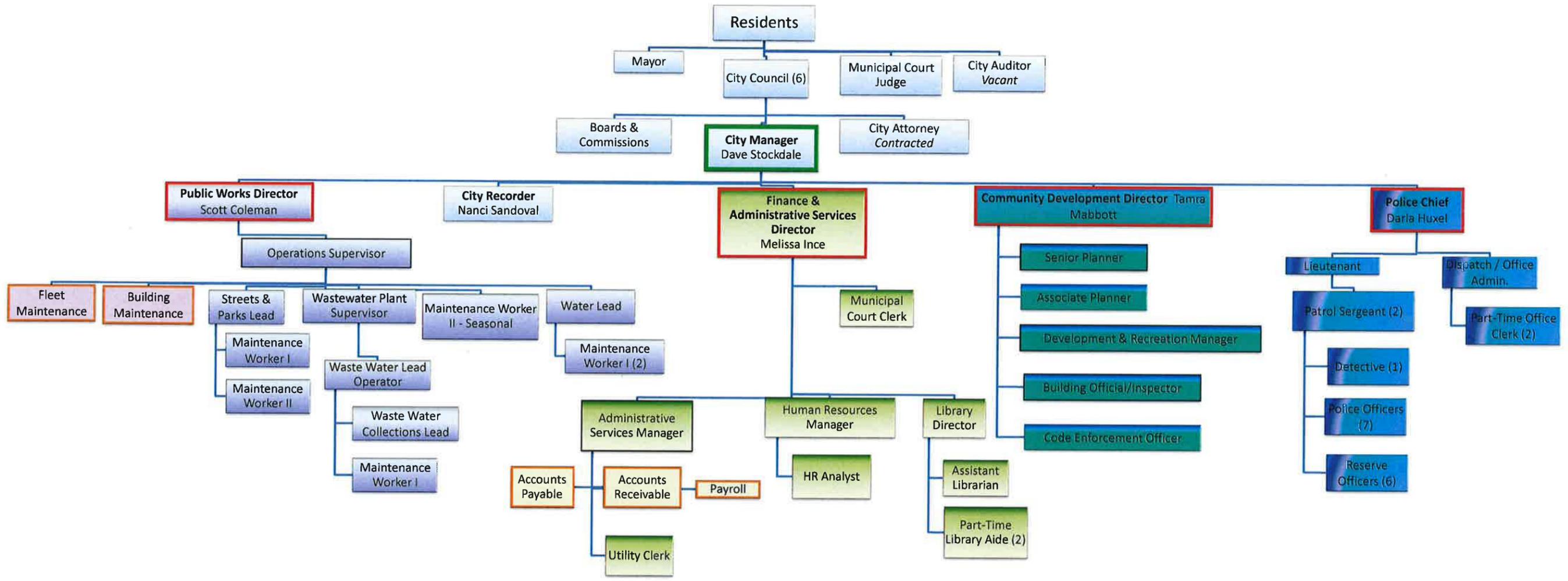
SEASONAL PART-TIME AND TEMPORARY POSITIONS	\$11.00 TO \$30.00/HR
ON CALL PAY	\$225/WEEKEND
BILINGUAL PAY INCENTIVE	\$75/PAY PERIOD

**SCHEDULE B
POSITIONS GROUPED BY SALARY GRADE LEVEL**

Grade Level	Position Title
A	Library Aide
B	Office Clerk
C	Maintenance Worker I, Senior Office Clerk, Utility Clerk
D	Accounting Tech, Court Clerk, Deputy City Recorder, Library Director, Maintenance Worker II, Municipal Judge
E	Public Works Lead, Community Development Coordinator, City Recorder
F	Associate Planner, Building Official/Inspector, Certified City Recorder
G	Administrative Services Manager, Development & Recreation Manager, Police Sergeant, Public Works Supervisor, Senior Planner
H	Certified & Licensed Building Official/Inspector, Human Resources Manager, Police Lieutenant, Public Works Superintendent, Principal Planner
I	Community Development Director
J	Public Works Director, Police Chief
K	Finance & Administrative Services Director
by Contract	City Manager

SCHEDULE C (Annual)

GRADE LEVEL	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
A	30,849	31,803	32,787	33,801	34,846	35,924	37,035	38,180	39,361
B	37,252	38,404	39,592	40,816	42,079	43,380	44,722	46,105	47,531
C	41,502	42,786	44,109	45,473	46,880	48,330	49,824	51,365	52,954
D	43,915	45,274	46,674	48,117	49,606	51,140	52,721	54,352	56,033
E	51,480	53,072	54,714	56,406	58,150	59,949	61,803	63,714	65,685
F	62,312	63,909	65,548	67,229	68,953	70,721	72,534	74,356	76,223
G	72,287	73,762	75,267	76,803	78,371	79,970	81,602	83,268	84,967
H	71,665	73,882	76,167	78,523	80,951	83,455	86,036	88,697	91,440
I	91,117	92,977	94,874	96,811	98,786	100,802	102,859	104,959	106,557
J	91,640	93,990	96,399	98,871	101,406	104,007	106,673	109,409	112,214
K	92,820	95,691	98,651	101,702	104,847	108,090	111,433	114,879	117,825



CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Supplemental Budget Discussion and Resolutions	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> Finance	<u>Director:</u> Melissa Ince	<u>Contact Person:</u> Melissa Ince	<u>Phone Number:</u> 541-922-3226 x 104
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<u>Cost of Proposal:</u> Supplemental Budget \$1,024,519 Transfer of Appropriations \$103,000 <u>Amount Budgeted:</u> N/A	<u>Fund(s) Name and Number(s):</u> See Attached Resolutions
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<u>Reviewed by Finance Department:</u> Yes	<u>Previously Presented:</u> N/A
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Attachments to Agenda Packet Item:
Res AA-2019, Res BB-2019, Res CC-2019

Summary Statement:
Each fiscal year administration monitors budget performance to ensure that the City does not exceed its budget allocations. In the current fiscal year we have received quite a bit of unexpected revenue including:

- \$200,000 higher than budgeted property tax collections
- \$52,500 higher than budgeted General Fund beginning balance
- \$7,000 STF Disabled Taxi Program revenue
- \$6,000 Kiwanis Park donation
- \$10,122 Insurance claim proceeds on police vehicle
- \$10,000 contribution from CTUIR for vegetation management plan
- \$13,897 Oregon Energy Trust incentives
- \$725,000 Loan proceeds 6th Street Waterline Project

The total of these receipts, \$1,024,519, is the proposed amount of the supplemental budget. The first resolution approves the entire supplemental budget amount. The second resolution appropriates the revenue to specific expenditure line items.

In addition to the supplemental budget, there is a third resolution transferring funds from operating contingencies to cover higher than anticipated legal fees relating to the SIP agreement and Vadata agreements, Building Fund expenditures resulting in the creation of a dedicated Building Inspector/Official, and transferring funds from Transient Room Tax materials and services into personnel as a result of increased tourism/event related job duties of the Community Development Department staff.

Consistent with Council Goals:

RESOLUTION NO. AA-2019

**A RESOLUTION ADOPTING SUPPLEMENTAL BUDGET
FOR FISCAL YEAR 2018-19**

BE IT RESOLVED, the City Council of the City of Umatilla hereby adopts the supplemental budget for fiscal year 2018-19, in the total sum of \$1,024,519.00, now on file at City Hall, 700 6th Street, Umatilla, Oregon 97882.

PASSED by the Council and **SIGNED** by the Mayor this 5th day of March, 2019.

Mary Dedrick, Mayor

ATTEST:

Nanci Sandoval, City Recorder

RESOLUTION NO. BB-2019

**A RESOLUTION MAKING APPROPRIATIONS FOR THE
2018-19 SUPPLEMENTAL BUDGET**

BE IT RESOLVED that the Umatilla City council hereby increases appropriations in the current 2018-19 fiscal year budget and that the 2018-19 supplemental budget totaling \$1,024,519.00 is appropriated as follows:

GENERAL FUND

Administration Regular Earnings	\$ 13,000
Administration Miscellaneous Expense	\$ 52,500
Planning Department Regular Earnings	\$ 7,000
Planning Department Training	\$ 7,500
Parks Department Regular Earnings	\$ 1,000
Parks Department Training	\$ 1,200
Code Enforcement Training	\$ 1,000
Taxi Program	\$ 6,000
Taxi Supplies	\$ 1,000
Operating Contingency	\$ 124,300

GENERAL FUND TOTAL **\$ 214,500**

CAPITAL RESERVE FUND

Park Expansion & Improvements	\$ 6,000
Police Vehicle	\$ 10,122
Computer Support	\$ 20,000
Water Dept Equipment	\$ 9,000
Sewer Dept Equipment	\$ 9,000
Street Dept Equipment	\$ 7,000

CAPITAL RESERVE FUND TOTAL **\$ 61,122**

TRANSIENT ROOM TAX FUND

River Front Development	\$ 10,000
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TRANSIENT ROOM TAX FUND TOTAL **\$ 10,000**

WATER RESERVE FUND

Engineering	\$ 70,000
Water System Improvements or Repairs	\$ 668,897

WATER RESERVE FUND TOTAL

\$ 738,897

PASSED by the City Council and **SIGNED** by the Mayor this 5th day of March, 2019.

Mary Dedrick, Mayor

ATTEST:

Nanci Sandoval, City Recorder

DRAFT

RESOLUTION NO. CC-2019

**A RESOLUTION TRANSFERRING FUNDS AND
APPROPRIATIONS WITHIN THE GENERAL, BUILDING DEPARTMENT AND TRANSIENT
ROOM TAX FUNDS
FOR FISCAL YEAR 2018-19**

WHEREAS, the Umatilla City Council must avoid overspending appropriations budgeted for a single fund or department; and,

WHEREAS, a resolution is required by ORS 294.450 to transfer appropriations; and,

WHEREAS, certain approved expenditures were higher than originally anticipated and mid-year personnel changes are anticipated.

NOW, THEREFORE BE IT RESOLVED that the Umatilla City Council does hereby authorize transfer of the following appropriation and budgeted funds:

GENERAL FUND

From:	01-99-5-21	Operating Contingency	\$ 60,000
To:	01-72-3-20	Attorney Fees	\$ 60,000

Reason: Adjustment necessary due to higher than anticipated legal fees related to SIP agreement and Vadata agreements.

BUILDING DEPARTMENT FUND

From:	09-70-5-21	Operating Contingency	\$ 38,000
To:	09-70-2-10	Regular Earnings	\$ 30,000
To:	09-70-3-57	Training	\$ 8,000

Reason: Adjustment necessary due to hiring dedicated Building Inspector/Official and providing required training.

TRANSIENT ROOM TAX FUND

From:	13-70-3-35	City Activities/Projects	\$ 5,000
To:	13-70-2-10	Regular Earnings	\$ 5,000

Reason: Adjustment necessary due to additional tourism/event related job duties of Community Development personnel.

PASSED by the City Council and **SIGNED** by the Mayor this 5th day of March, 2019.

Mary Dedrick, Mayor

ATTEST:

Nanci Sandoval, City Recorder

DRAFT

CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> STIF allocations involving Umatilla. City of Hermiston and Kayak	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> Community Development	<u>Director:</u> Tamra Mabbott	<u>Contact Person:</u> Esmeralda Horn	<u>Phone Number:</u> 541-922-3226 X108
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<u>Cost of Proposal:</u> N/A	<u>Fund(s) Name and Number(s):</u> N/A
<u>Amount Budgeted:</u> N/A	

<u>Reviewed by Finance Department:</u> Yes – M. Ince	<u>Previously Presented:</u> N/A
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<u>Attachments to Agenda Packet Item:</u> 1. OnTheMap Employer Analysis 2. WORC Tickets: Incentive Price 3. Disbursement allocation from STIF to City of Hermiston and Kayak.
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<u>Summary Statement:</u> This is the first review of this topic. Section 122 of <u>Keep Oregon Moving</u> (Oregon House Bill 2017) established a new dedicated source of funding for expanding public transportation service in Oregon . This new funding source is called the Statewide Transportation Improvement Fund, or STIF. A new state payroll tax of one-tenth of 1 percent funds STIF transportation improvements in Oregon. The average employee will contribute less than \$1 per week to generate \$115 million per year for better public transportation.

City of Hermiston has submitted application to the STIF Committee of Umatilla County, to include Umatilla, for a 50% reduced taxi ride for employees to any employers located within four zip codes; Hermiston, Umatilla, Stanfield and Echo. This service will be available seven days a week, 18 hours per day.

Kayak also submitted application to extend their service bus to Boardman. This will offer residents extended rides to employers and services in Boardman from Umatilla-Hermiston.

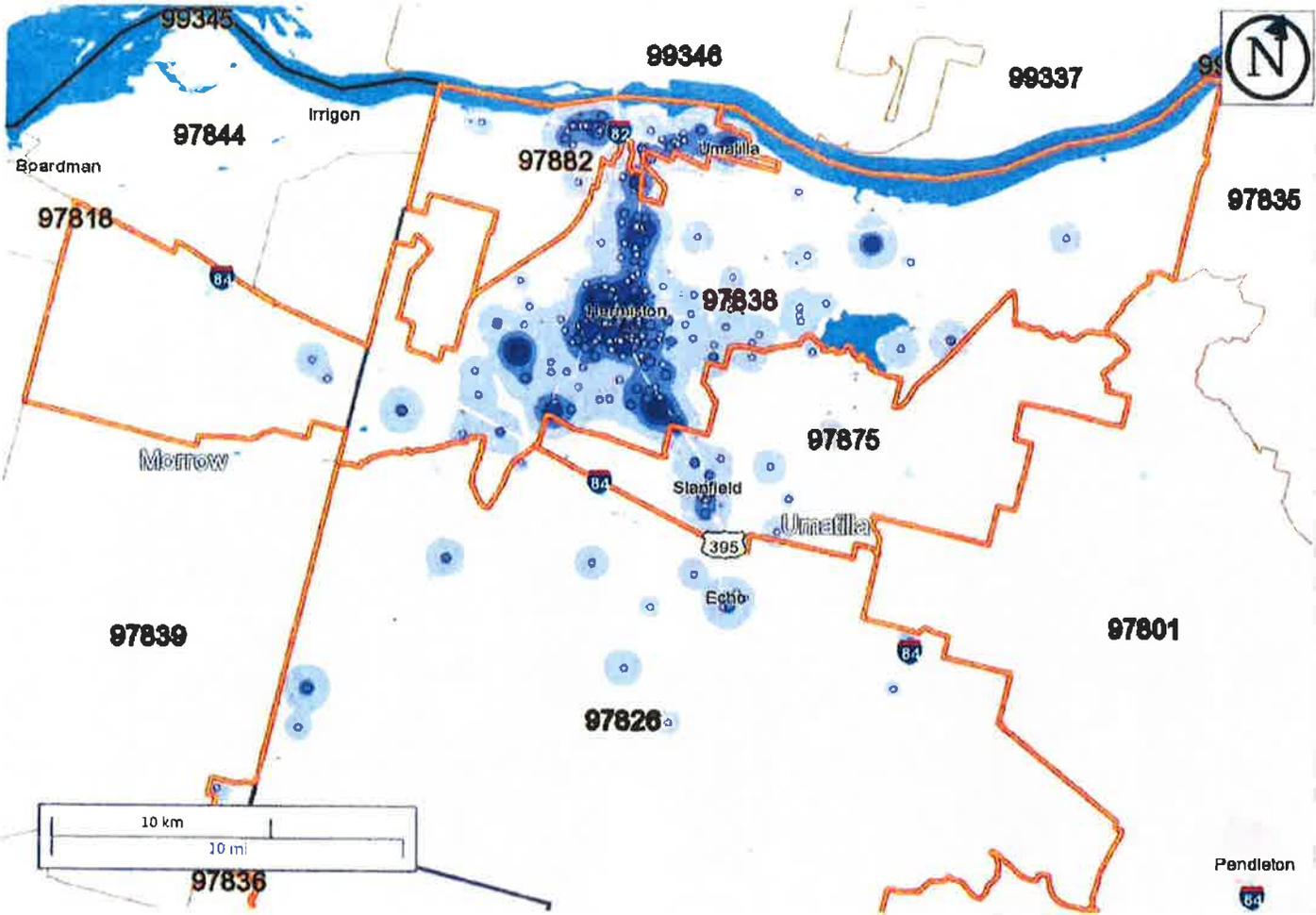
Consistent with Council Goals:

Employer Analysis 4-Zip West End

Created by the U.S. Census Bureau's OnTheMap <http://onthemap.ces.census.gov> on 11/20/2018

Counts and Density of All Jobs in Work Selection Area in 2015

All Workers



Map Legend

Job Density [Jobs/Sq. Mile]

- 5 - 139
- 140 - 544
- 545 - 1,219
- 1,220 - 2,163
- 2,164 - 3,378

Job Count [Jobs/Census Block]

- 1 - 2
- 3 - 27
- 28 - 133
- 134 - 419
- 420 - 1,022

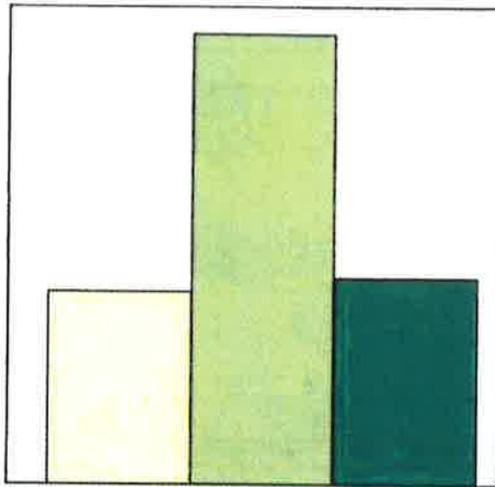
Selection Areas

- Analysis Selection

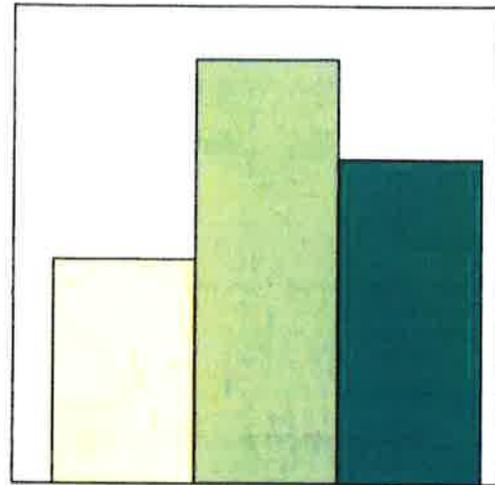


All Jobs for All Workers by Total in 2015

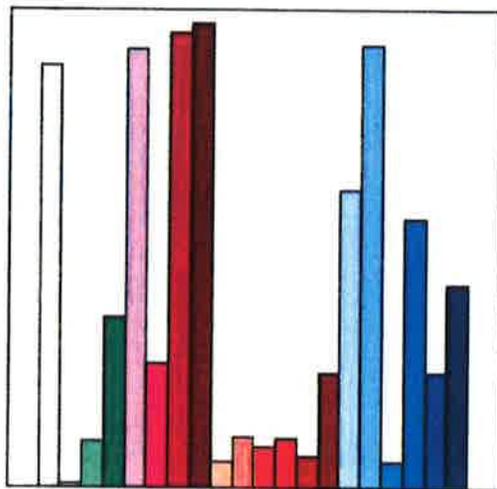
Employed in Selection Area



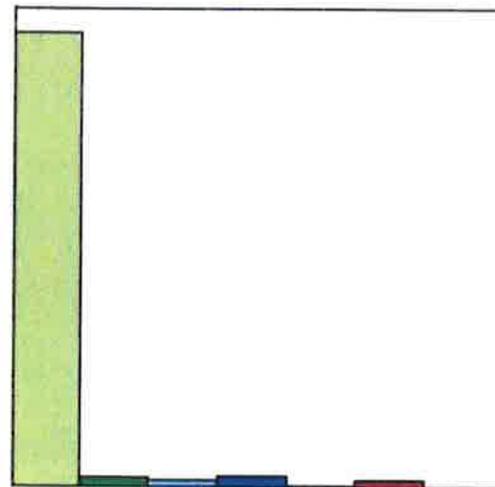
Age



Earnings



Industry Sector



Race

All Jobs for All Workers by Total in 2015

Employed in Selection Area

Total	2015	
	Count	Share
Total All Jobs	14,226	100.0

Additional Information

Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2015
Job Type	All Jobs
Labor Market Segment	All Workers
Selection Area	97826; 97838; 97875; 97882 from ZIP Codes (ZCTA)
Selected Census Blocks	1,904
Analysis Generation Date	11/20/2018 11:50 - OnTheMap 6.5
Code Revision	d6ec994dcb416ba9b4b1b8cb2b4d690f01609fc9
LODES Data Version	20160219

Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2015).

Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.

<u>Total</u>	2015	
	<u>Count</u>	<u>Share</u>
Total All Jobs	14,226	100.0

WORC Tickets: Incentive Price

Zip Code	Total 1-Way	Rider Share	Rider Cost	Subsidy	Jobs	Job %	Subs. Share*	Est. Rides**
Herriston(City)/Herriston(City)	\$ 7.00	36%	\$ 2.50	\$ 4.50	7,876	55%	\$ 55,363.42	12,303
Herriston(ZTA)/Herriston(ZTA)	\$ 9.00	36%	\$ 3.25	\$ 5.75	4,076	29%	\$ 28,651.76	4,983
Herriston(ZTA)/Umatilla(ZTA)	\$ 16.00	36%	\$ 5.75	\$ 10.25	1,627	11%	\$ 11,436.81	1,116
Herriston(ZTA)/Stanfield(ZTA)	\$ 16.00	36%	\$ 5.75	\$ 10.25	329	2%	\$ 2,312.67	226
Any Other/Any Other	\$ 20.00	36%	\$ 7.25	\$ 12.75	318	2%	\$ 2,235.34	175
					14,226	1.00	\$ 100,000	

*Amount allocated to be available for each ticket type as a percentage of jobs within the 4 Zip Codes

**Estimated number of tickets available based on available subsidy allocation divided by subsidy required per ticket.

WORC Tickets: 50% Cost Split

Zip Code	Total 1-Way	Rider Share	Rider Cost	Subsidy	Jobs	Job %	Subs. Share*	Est. Rides**
Herriston(City)/Herriston(City)	\$ 7.00	50%	\$ 3.50	\$ 3.50	7,876	55%	\$ 55,363.42	15,818
Herriston(ZTA)/Herriston(ZTA)	\$ 9.00	50%	\$ 4.50	\$ 4.50	4,076	29%	\$ 28,651.76	6,367
Herriston(ZTA)/Umatilla(ZTA)	\$ 16.00	50%	\$ 8.00	\$ 8.00	1,627	11%	\$ 11,436.81	1,430
Herriston(ZTA)/Stanfield(ZTA)	\$ 16.00	50%	\$ 8.00	\$ 8.00	329	2%	\$ 2,312.67	289
Any Other/Any Other	\$ 20.00	50%	\$ 10.00	\$ 10.00	318	2%	\$ 2,235.34	224
					14,226	1.00	\$ 100,000	

*Amount allocated to be available for each ticket type as a percentage of jobs within the 4 Zip Codes

**Estimated number of tickets available based on available subsidy allocation divided by subsidy required per ticket.

West-End Workforce Demand Ride Cooperative – 100%

West-End Workforce Demand Ride Cooperative – 80%

West-End Workforce Demand Ride Cooperative – 60%

Applicant: City of Hermiston

Project Summary: This program will provide 50% subsidized taxi rides for employees to any employer located within one of the four west-Umatilla County zip-codes (Hermiston, Umatilla, Stanfield, & Echo), and will be available seven days per week, 18 hours per day. This program will piggy-back off of the existing Senior/Disabled Taxi program operated within Hermiston. Adding additional rides/revenue to the system will help maintain the Senior/Disabled program by helping to spread the fixed overhead costs (i.e. office space, insurance, administration, etc.) across more service. This program will also help to improve the existing Hermiston HART fixed-route system by allowing it to continue to focus efforts toward the bulk of rider needs in Hermiston's core.

Note: This program consists of three scenarios scalable at 100%, 80%, and 60%.

STIF Funds Requested:

2019	2020	2021	
\$98,500	\$100,500	\$102,500	100%
\$78,800	\$80,400	\$82,000	80%
\$59,100	\$60,300	\$61,500	60%

Advisory Committee Recommendation: Fund the program at 80% for 2019 (\$78,800) and fully fund the program at 100% for 2020 (\$100,500) and 2021 (\$102,500)

Hermiston-Boardman Connector

Applicant: Kayak Public Transit

Project Summary: This project would add weekday fixed-route bus lines connecting the Cities of Hermiston, Stanfield, Echo, the Westland Road employment cluster, Port of Morrow, Boardman, Irrigon, Umatilla, and McNary. The project includes several phases - planning, start-up operations, administration, and capital purchases.

Note: This program consists of five tasks including planning (Task 1), Capital (Task 2), Operations (Task 3), Administration (Task 4) and Capital (Task 5).

STIF Funds Requested:

2019	2020	2021	
\$50,000	-	-	Task 1 - Planning
\$75,000	\$75,000	-	Task 2 - Capital (Bus Purchases)
-	\$50,000	\$175,000	Task 3 - Operations
-	-	-	Task 4 - Administration
-	\$25,000	\$25,000	Task 5 – Capital (Rolling Stock)

Advisory Committee Recommendation: Fully fund the all tasks associated with the project for 2019 (\$125,000), 2020 (\$150,000) and 2021 (\$200,000)

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:

Social Media Policy

Meeting Date:

February 19, 2019

Department:

City Mgr

Director:

David Stockdale

Contact Person:

Stockdale,
Esmeralda Horn

Phone Number:

922-3226 X102
X108

Cost of Proposal:

Amount Budgeted:

Fund(s) Name and Number(s):

Reviewed by Finance Department:

Yes – M.Ince

Previously Presented:

No, except discussed generally by
Council as an goal/objective to
enhance communication.

Attachments to Agenda Packet Item:

- 1) Social Media Policy

Summary Statement:

Social Media is an important communication tool. City currently does not have a policy directing how city staff and officials utilize social media. The attached policy will provide that direction.

Consistent with Council Goals:

Social Media Policy

Purpose-

This social media policy establishes guidelines for the establishment and use of Social Media by the City as means of conveying information about the City and its' events and activities to its' residents.

The intended purpose behind establishing City of Umatilla Social Media sites is to disseminate information from the City, about the City, to its residents.

Nothing in this policy shall be applied to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor laws or other applicable laws.

General Policy-

The city shall notify users and visitors to the social media site that the purpose of the site is to facilitate communication between the city and the public. Each site shall contain the following message:

This site is created by the city of _____. This site is intended to serve as a mechanism for communication between the public and the city of _____ on all topics relevant to city business. The city of _____ reserves the right to remove comments or postings that violate any applicable laws. A list of content that will be removed may be viewed at: *[insert hyperlink to user guidelines]*. Postings to this site are public records of the city of _____ and may be subject to disclosure under the Oregon Public Records Law. The city of _____ does not endorse nor sponsor any advertising posted by the social media host, that the social media is a private site, or the privacy terms of the site apply. The city of _____ does not guarantee reliability and accuracy of any third-party links.

“Social Media” includes blogs, Facebook, Twitter, YouTube, and other similar accounts.

The City shall identify those employees authorized to use social media in behalf of the city. Only those employees who are authorize shall engage in social media activities on behalf of the city. The city manager shall maintain a list of authorized social media users.

All social media accounts shall be created with a city issued email address.¹

When possible, all social media sites will display city's logo for consistency and authenticity.

¹ Some social media sites, such as Facebook, prohibit creation of a government “page” without the use of a personal account. In those instances, the city should provide a process for transition of page management in the event the person holding the primary personal account associated with the page leaves the city.

Social media posts are considered public records if posts are made on an official city account; *or* on a city staff member or official's private account which makes or receives comments on city matters.

Social Media Policy may be revised at any time.

Comment Policy –

As a public entity the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.

The city and its employees and officials shall not discriminate against public speech based on content or viewpoint. The city, its staff and its officials may not engage in viewpoint discrimination. All persons who wish to “friend,” “follow,” “re-tweet,” etc. must be allowed to do so.

Comments or content containing any of the following inappropriate forms of content shall not be permitted and are subject to removal and/or restriction by the City:

1. Comments not related to the business of the City (or specific Department if Department-specific Site), or not relevant to the original topic;
2. Violent, profane, obscene or pornographic content and/or language;
3. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, or national origin;
4. Content that threatens or defames any person or organization;
5. Content that is hateful or incites violence;
6. Solicitation of commerce, including but not limited to, advertising of any non-government related event, or business or product for sale;
7. Conduct in violation of any federal, state or local law;
8. Encouragement of any illegal activity;
9. Information that may tend to compromise the safety or security of the public or public systems
10. Content that violates a legal ownership interest, such as a copyright, of any party

These guidelines shall be displayed to all users or made available by hyperlink. Any content removed must be retained, including the time, date and identity of the poster when available.

Record Retention-

The city must maintain and preserve social media records in compliance with the Oregon Public Records Law. The Public Records Law applies regardless of whether the social media site is hosted by the city or a third party.

Those engaged in social media activities must be familiar with the city's records retention schedule. Any posted original content that is not a copy of a preexisting city record must be captured and retained by saving a copy and providing it to the city's records custodian.

Social media content shall be retained by composing and retaining message in local software and noting the time and date posted, or by capturing screenshots of the post once it is on the page.

Non-Original Social Media Content Maintained Elsewhere Any posted content that is a copy of a city record that exists in another location does not need to be separately preserved, provided that the original content is being retained in compliance with the appropriate city retention schedule and media preservation requirements. Employees should use social media applications exclusively as a mechanism for providing the public with links or references to content that is maintained as an official city record elsewhere. Links or references posted to social media accounts are considered convenience copies which need to be retained only “as needed” or “until superseded.”

Original Social Media Content Any posted original content that constitutes a city record and that is not preserved and retained elsewhere in compliance with the appropriate city retention schedule, must be captured by the city and retained according to the appropriate schedule and preservation requirements. The person who posts the content is responsible for retaining and preserving the record.

- a. **Speeches/Statements/News Releases/Program Activity Records** Content that contains written or photographed accounts of a city event, or summary of such events posted to social media are considered statements and reports for retention purposes and should be retained generally for two years from the time they are “published.” If these posts contain policy or historically significant content, they must be retained permanently.
- b. **Correspondence** Incoming messages from the public that arrive via the city’s social media account should be treated as correspondence. Messages completely unrelated to the city’s activities does not need to be retained. If the message relates to the city’s activities or functions, it must be captured and retained per the retention category that most closely corresponds to the content of the message. Staff are advised to respond to correspondence via email or other “offline” messaging methods and if possible, communicate directly with the individual and maintain that correspondence.
- c. **Content Associated with a Specific Function or Activity** Information received from the public in response to social media posts used as a public entry point to solicit specific information—such as conducting a poll or to launch a process or placing an order—should be retained along with other records associated with that function or activity using the appropriate retention schedule.

Any staff member in violation of this social media policy is subject to disciplinary action pursuant to the city’s personnel manual, including but not necessarily limited to termination.

Who we are 

We are a BMX and Skateboard club from Urnatilla High School.

We want a place where kids can hangout after school. Not only that, we see that other local cities have skateparks. We are one of the only cities without one.



Irrigon Skatepark
Nov. 2014

We need a skate park!



By: R.O.D bmx/skateboard club

Benefits of having a skate park

1. It would give kids something to do with their free time, other than drugs or playing video games all day.
2. It would be good for attracting tourists.
3. It would give people a chance to make new friends.
4. It would bring the community together.

What we want

Well, what we want is a pretty basic skate park.



image from
www.change.org

Obstacles and Engineering

We would like:

- A Dome
- Half-Pipe
- Cover top
- Down rail
- Bowl
- Foam pit and cover top
- Bank with no grind boxes/coping
- Stairs
- Bathrooms
- Water fountains and water bottle filter
- Lights
- Benches and tables
- Trees

What we are doing to get to our goal

1. Community service
2. Talked to Scott's Cycle for sponsorship
3. Developed a logo, shirts and hoodies.
4. Researching grants and costs.
5. Met with City Manager, Stockdale
6. Meet every day before school
7. Visited skate parks
8. Created a blueprint for the skate park.
9. Scouted out sites for a skate park.
10. Presenting the need to the city.





Skate parks in other places and costs

- Irrigon cost: \$403,000
- Eugene cost: \$ 2.5 million
- Hermiston estimate \$ 5 million



Ways we plan to contribute to the cost of the Skatepark

- Shovel on driveways
- Car Wash
- Cut the grass landscaping
- Water plants
- Working dogs



More ideas for raising money

1. We would like to set up a BMX and Skateboard competition with an entry fee.
2. We could do a fundraiser such as a raffle.
3. We also would like to try to sell our hoodies that we are going to make.
4. We want to sell candy.
5. We have talked to City Manager, Stockdale, and were told that whatever we made there could be matching grant funds that could double it.
6. We have looked in to grants such as the Tony Hawk Grant. There are many.



Grants

Besides the Tony Hawk Grant we found other grants that are available to cities.



Thank you for your time!!

Any questions?

Umatilla Public Library



Quarterly Report October-December 2018

MISSION: We provide quality materials and services that fulfill educational, informational, and recreational needs of the community in an atmosphere that is welcoming, respectful, and businesslike.

A LOOK AT PROGRAMMING:

In October we participated in Trick or Treat on Main Street. It was a great event and we had approximately 1,000 people come through the library! We passed out candy, decorated for Trolls, and had a castle and throne where parents could take pictures of their children pretending to be the King.

In December we partnered with Isis Ilias, the ELL Family Liason for the Umatilla School District, to host a Spanish Book Tasting event for children. We had approximately 50 attendees. Parents brought their children to read and take home free books which were in English and Spanish. The goal of this event was to encourage more families to visit the library. We had three of those families sign up for new library cards.

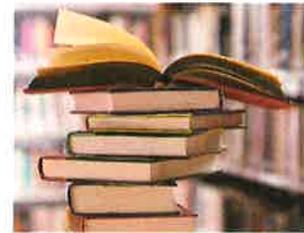


Looking Ahead:

We are starting to prepare for our spring and summer activities. Last year during our annual Summer Reading Program we offered several craft days, a presentation by the Traveling Lantern, rock painting, movies, games and Bram Bata Steel Drum Band.

2ND QUARTER BY THE NUMBERS:

We obtain our visitor count by tracking each person that comes through our doors. Here is a quarterly summary of our foot traffic and circulation.



	October 2018	November 2018	December 2018
Foot Traffic Count	1000 +	541	776
Circulation by Category:			
Adult Fiction	298	345	284
Adult Non-Fiction	52	33	44
Audio Books	31	38	0
Children's Fiction/Non-fiction	282	190	135
Children's Non-Fiction	23	8	16
E-Books	57	51	61
Large Print	123	61	74
Movies	302	281	286
Young Adult	0	10	15
Other (magazines etc)	8	16	16
TOTAL Circulation	1176	1033	931

UPCOMING TRAINING:



Our library director, Kellie, and library aide, Susie, will be attending the Oregon Library Association (OLA) annual conference in April. This four day conference will bring together the Oregon Library Association and Washington Library Association for four days of professional development opportunities and networking events. Session titles include "Collaborative Library Outreach: Working Across Library Systems to Reach Patrons" and "Leveling Up: Staying Current in an Evolving Learning Environment."



Umatilla Chamber of Commerce
2018 Year in Review
and
Looking Ahead at 2019

City Council Presentation
2/19/2019

Umatilla Chamber of Commerce
Board of Directors

Kacie E Evans, Executive Director

Mark Ribich, President
Salud Campos, Treasurer
Dave Meade, Past President

Raelynn Gallegos
Larry Hardy
Craig Simson

Our Mission Statement

The mission of the Umatilla Chamber of Commerce is to actively promote local and regional businesses by providing opportunities and platforms where our members connect for the benefit of the community. Supporting and encouraging a healthy business community while working to increase tourism to ensure economic growth and stability.

Examples of Services

- Advocacy
 - Legislative
 - Agency news sharing (Travel Oregon, Tourism, etc.)
- Advertising Opportunities
- Sponsorship Opportunities
- It's all about helping member businesses
 - Increase visibility in the community
 - Help to build relationships
 - Generate business referrals
 - Offer business support and training opportunities
 - Provide access to community leaders and officials



2018 Highlights

- Kacie Evans hired
- CRWAA Spring Classic (Columbia River Walleye Anglers Assoc.)
- Chamber Newsletter
- DCA Banquet
- Landing Days
- Destination Management Plan
 - Key Dates were:
 - Focus Groups June 5,6,7
 - Final Report July 26th



2018 Highlights (cont.....)

- Jobs and Housing Fair
- Brought the Oregon Travel Bike Friendly Business Program to Umatilla
- City Manager Candidates Public Forum
- Chamber Membership Appreciation BBQ
- City Council/Mayor Public Forum
- *Fish'n the Brave*
- 3 Grand Opening Ribbon Cutting Ceremonies
 - Econo Lodge on 11/28
 - Encore Wellness 4 Life on 12/14
 - United Grain Growers on 12/20



2018 Challenges

- Low Membership Renewal
- Chamber Board turnover
- Residual issues from 2016 and 2017
 - Unclear focus (i.e. Visitor Center vs. Membership outreach and support)
 - Tax ID Status

Chamber Funding

- Service Agreement Contract (res. #32-2017) signed June 6th 2017
 - Chamber receives 50% of available TRT funds (approx. \$21K for 2018)
 - City provides an additional amount adjusted annually (\$20K for 2018)
- Membership (currently 45)
- Events:
 - Landing Days
 - DCA
- Potential advertisement sales in promotional materials

2019 Preview

- Promotional Materials – Maps, flyers and social media opportunities to share Umatilla with the world! Featuring our member businesses and the wealth of resources available in the City and region.
- Membership Appreciation events
- Mar. 21 – Distinguished Citizen Featuring Above and Beyond Awards Banquet
- Mar. 24 - Columbia River Walleye Angler's Assoc. Spring Classic
- June 21/22 – Landing Days
- July – Possible Veterans Appreciation Fishing Tournament by Hero's on the Water and Washington Walleye Anglers Unlimited
- July – Umatilla Blues Fest???
- October Fest – Let's talk.....
- Nov. 9 - Fishing the Brave – Veterans Salute led by Fisher's Catch Outfitters and regional Guides

Thank you for your
support!

CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Abandoned Buildings	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> CDD	<u>Director:</u> Tamra Mabbott	<u>Contact Person:</u> Tamra or Tisa	<u>Phone Number:</u> 922-3226 X 101
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<u>Cost of Proposal:</u> Possible legal fees/Abatement costs	<u>Fund(s) Name and Number(s):</u> N/A
<u>Amount Budgeted:</u> N/A	

<u>Reviewed by Finance Department:</u> Yes.	<u>Previous Dates Before Council:</u> None with these specific issues, but several code enforcement issues have been before Council in the previous year.
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<u>Attachments to Agenda Packet Item:</u> 1) February 6, 2019 memo from Tisa Coffey, Code Enforcement 2) February 14, 2019 memo from Brandon Seitz, Planner/Building Official

<u>Summary Statement:</u> Staff has identified several abandoned homes throughout the City. Abandoned homes, particularly in certain locations, generally create blight on surrounding properties and even entire neighborhoods. Removing the manufactured homes or demolishing is expensive and complicated. Doing so is the responsibility of the property owner, but staff is able to assist with providing access to potential resources to assist the property

owner. Even then, unless the homes are determined to be dangerous, current codes do not prohibit abandoned buildings, only dangerous buildings. Furthermore, some restrictions on structures may be against state law. Additional research would be required and would come at an associated legal cost.

Staff is seeking direction from Council on how to proceed with this issue. There are a few options:

1. Direct staff to work with the city attorney to review current code to determine if updates are needed and to ensure that if updates are created they comply with state law,
2. Direct staff to work with property owners to assist them with identifying and even assisting them in securing potential resources,
3. Enforce current code as permitted that may include abatement requirements and, at extreme, condemnation.
4. Any combination of the above options.

Any option above will come with increased costs and staff time to address this issue. Staff is seeking direction on the level of priority of this issue and how you would like us to proceed.

Consistent with Council Goals:

1220 5th St. (5N2817BD00701) Abandoned single-wide manufactured home. (DR)

Owner: [REDACTED]
Mailing Address: [REDACTED]
Hermiston, OR 97838

Property has set vacant for at least 14 years. Travis Rock manages the [REDACTED] property. He has stated in the past that they would like to replace the home with a new single-wide. Updated zoning codes prohibit single-wide manufactured homes in this area.

My plan is to contact [REDACTED] via mail and provide the Oregon Brownsfields Redevelopment Fund information. As this manufactured home was built in 1969 the chances of being contaminated with lead-based paint is increased. Older homes and buildings built before 1978 increases the chance of the structure containing lead-based paint. Therefore, qualifying for possible funding.

The Land RMV is \$23,000
Year Built: 1969
Query attached in paper file.

[REDACTED] (5N2815AC07000) Double-wide manufactured home: Fire Damaged/Destroyed (R-2)

Owner: [REDACTED]
Mailing Address: [REDACTED]
Hermiston, OR 97883

Home was destroyed in fire several years ago (10+ yrs.) [REDACTED] remains the owner of this property and has boarded up the windows and doors keeping the structure secured. The noxious vegetation has been maintained since the fire. [REDACTED] has stated that she would like to replace the double-wide with a new home however finances have been an issue.

In speaking with Chief Potts with the Umatilla Rural Fire Protection District, the concern lies in the potential toxic contamination left behind. Again, the structure was built in 1976, two years before they stopped using lead-based paint.

I will follow up with [REDACTED] and provide her with the information and possible funding available to assist in the clean-up. (Oregon Brownsfields Redevelopment Fund)

The Land RMV is \$36,000
Year Built 1976
Query is attached in paper file.

Buena Ct. (5N2815BD01500) Double-wide left abandoned/owner deceased. (R-2)

Owner: Marks, Rodney (deceased)

Mailing Address: 10 [REDACTED] 14th St. Unit 51 (possible address of daughter)
Hermiston, OR 97838

Mr. Marks passed away 3+ years ago. The residence is still in his name. His daughter, [REDACTED] has done her best at maintaining the outside portion of the property. I have been in contact with her in regards to what she wants to do with the property. She has stated that she would like to remove the double-wide and sell the property but again, the financing of removal remains an issue. This house was built in 1975, not making it eligible for a "burn to learn." This house remains full of furniture and other household items.

I will provide [REDACTED] with the Oregon Brownsfields Redevelopment Fund and possible options for removal.

The Land RMV is \$36,000
Year Built: 1975
Query is attached in paper file

Covina Ct. (5N2815BD01600) Single-wide abandoned 5+ years. (R-2)

Owner: State of ORE (DVA)

Mailing Name: [REDACTED]
[REDACTED]
Hermiston, OR 97838

Property has sat vacant for 5+ years. Mr. & Mrs. Cassens have secured the residence by boarding up the windows and doors. They maintain the noxious vegetation throughout the growing season and as needed. I have contacted [REDACTED] regarding this property and what their future plans are. Her reply has been that she is out of town as she volunteers with Red Cross or she has family complications. Other than a few times being tagged with graffiti (immediately removed,) there have been no violations under our NUISANCE code.

A letter and information flyer will be mailed to [REDACTED]

The Land RMV is \$36,000
Year Built: 1975
Query attached in paper file.

G:\Community Development\TISA\Abandoned Building-Manufactured Homes



City of Umatilla

700 6th Street, PO Box 130, Umatilla, OR 97882
City Hall (541) 922-3226 Fax (541) 922-5758

February 14, 2019

MEMO

TO: Tamra Mabbott, Community Development Director

FROM: Brandon Seitz, City Planner and Building Official

RE: Abandoned and Dangerous Buildings

The following is a summary of current City Code and possible solutions for dealing with abandoned and dangerous buildings.

The City has adopted the "1997 Uniform Code for the Abatement of Dangerous Buildings" which allows city to abate through the code enforcement process. Buildings are generally considered dangerous if they pose a danger to the public.

City Code does not have provisions restricting abandoned buildings, unless the abandoned building posed a threat to the public and was considered a dangerous building. City has a number of abandoned buildings that create an eyesore, for example where windows are boarded up, yard area is not kept clean and/or mowed. In the downtown area, abandoned or empty buildings signal a poor economy and detracts from new businesses.

Many abandoned buildings are manufactured homes. Staff has researched creative solutions for several of those, as outlined in the attached memo.

One solution for abandoned buildings is to amend Title 10 (Zoning) of the City Code so that older manufactured homes could be replaced "like for like." For example, many existing lots are not large enough to meet the current City Code which requires a multi-sectional dwelling and a carport or garage. With a "like for like" provision, a property owner could replace an old or abandoned single wide mobile home with a new single wide.

CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Renew Enterprise Zone	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> CDD	<u>Director:</u> Tamra Mabbott	<u>Contact Person:</u> Tamra	<u>Phone Number:</u> 922-3226 X101
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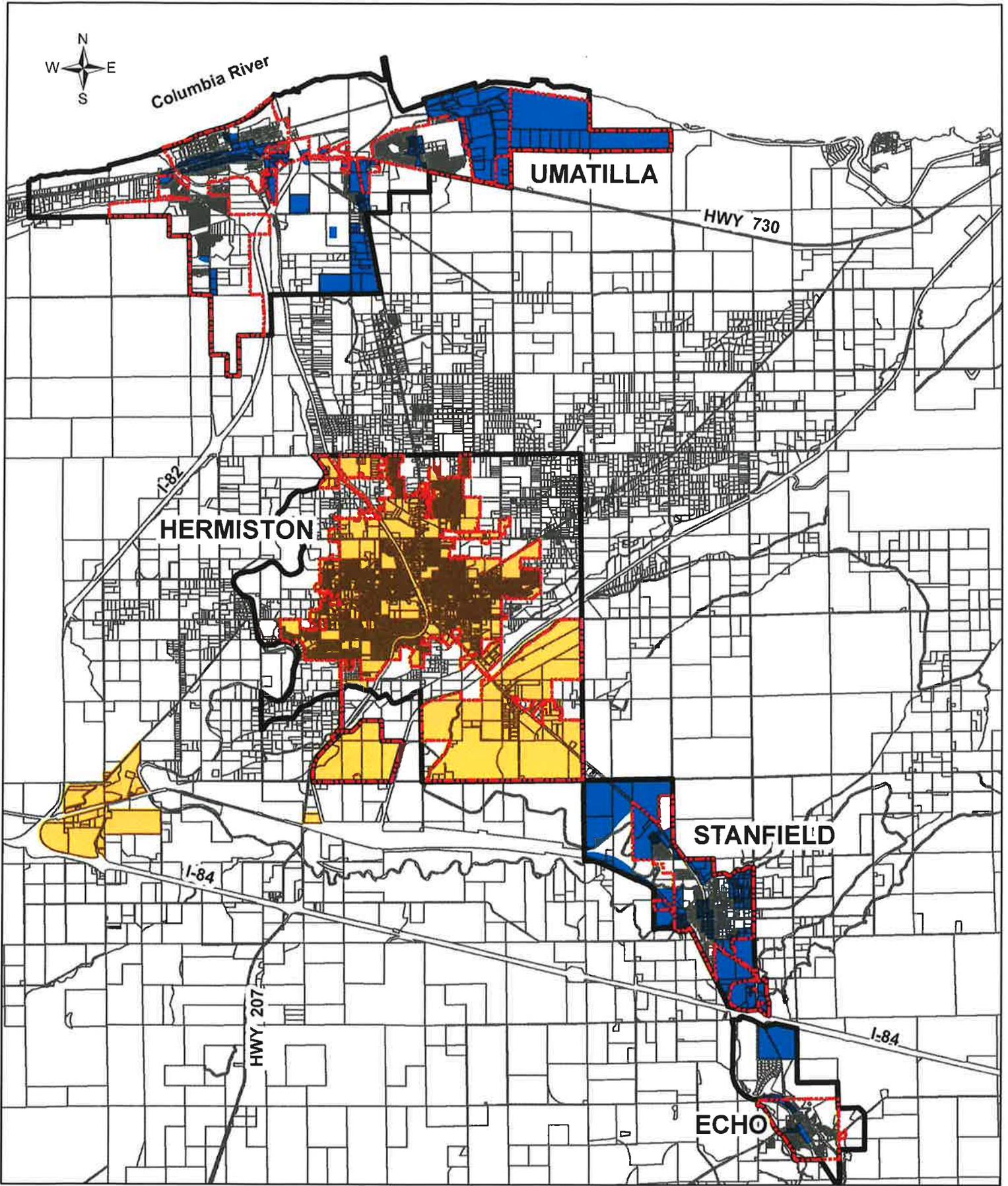
<u>Cost of Proposal:</u> None direct. Legal fees to review <u>Amount Budgeted:</u> N/A	<u>Fund(s) Name and Number(s):</u> N/A
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<u>Reviewed by Finance Department:</u> Yes	<u>Previously Presented:</u> No
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<u>Attachments to Agenda Packet Item:</u> 1) Map of Greater Umatilla Enterprise Zone 2) Map of West County Industrial Properties 3) "Oregon Enterprise Zones" January, 2019, Business Oregon

<u>Summary Statement:</u> City applied for and was granted an Enterprise Zone in 1997. It was reauthorized in 2008 and is due to be renewed. The current zone includes industrial lands in Stanfield and Echo. Previously, Business Oregon (State of Oregon) imposed a limit on the total number of Enterprise Zones in the state and City of Umatilla agreed at that time to include lands in Stanfield and Echo. Business Oregon has since removed the limitation so each city could qualify for an Enterprise Zone. There are merits to keeping the same zone area and merits to changing the boundaries which will be discussed. Enterprise Zones are a commonly used incentive for economic development. The attached summary provides more detailed information.

<u>Consistent with Council Goals:</u>

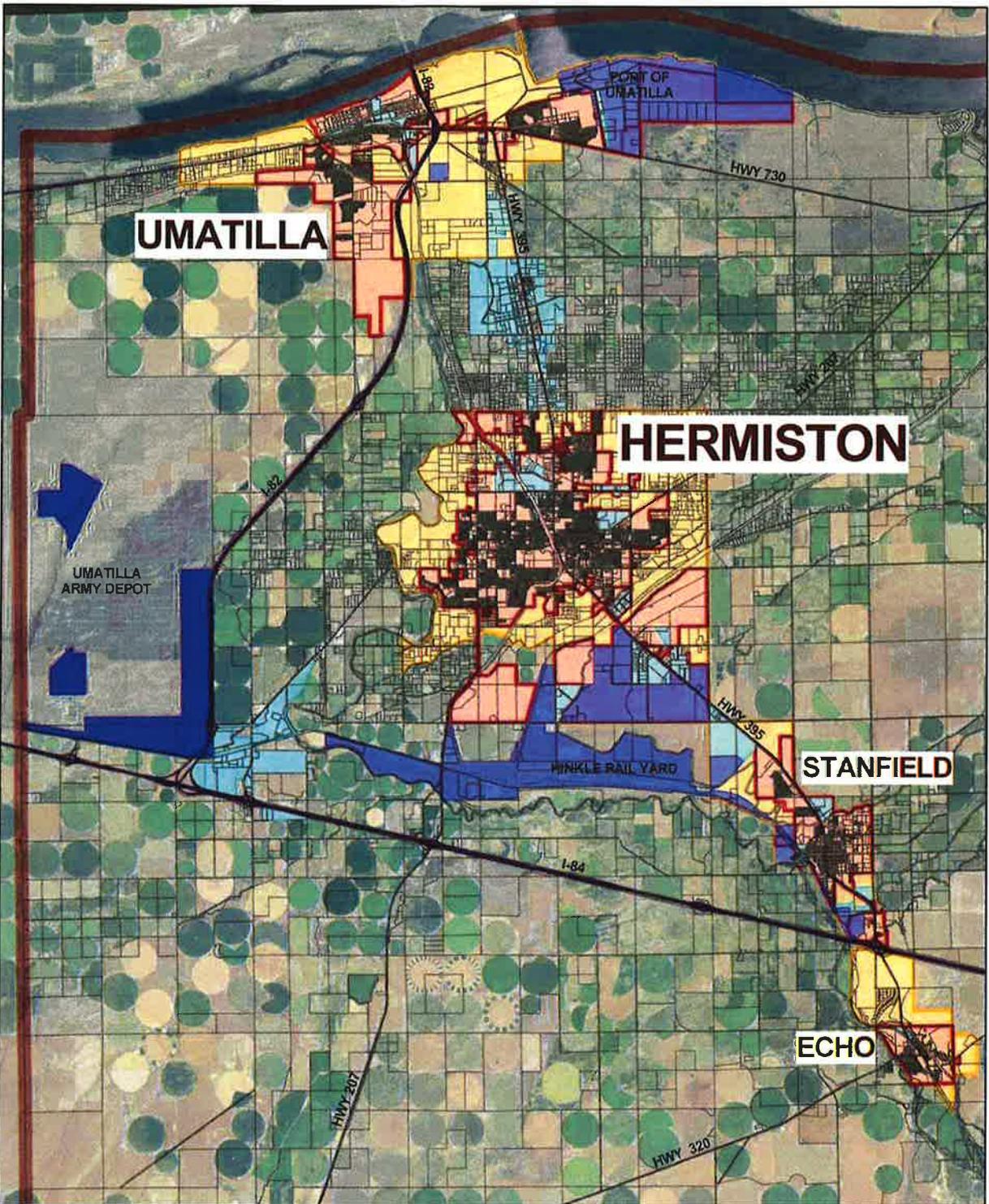


**West Umatilla County Oregon,
Enterprise Zones**

- City Limits
- Urban Growth Boundary
- Hermiston Enterprise Zone
- Greater Umatilla Enterprise Zone



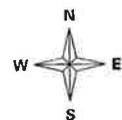
Map Disclaimer: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Created by J. Potter, Umatilla County Planning Department. Created 8/14/2018



West Umatilla County Industrial Zoned Areas

Legend

- | | | | |
|---|-----------------------|---|---------------------------------|
|  | City Limits |  | Light Industrial Zone |
|  | Urban Growth Boundary |  | Heavy & General Industrial Zone |
| | |  | Depot Industrial Zone |



2016 Aerial Photography

MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Not intended for legal use.

Created by Julie Alford, Umatilla County Planning Department
Date: 9/2/17

y:\workspace\planning\projects\IndustrialZones\WestCounty.gws

Oregon Enterprise Zones

January 2019

ORS 285C.055 (2017) sums up the general purpose for enterprise zone legislation, first enacted by the Oregon Legislature in 1985, as follows:

"... [T]he health, safety and welfare of the people of this state are dependent upon the continued encouragement, development, growth and expansion of employment, business, industry and commerce throughout all regions of the state, but especially in those communities at the center of or outside of major metropolitan areas for which geography may act as an economic hindrance. The Legislative Assembly further declares that there are areas in the state that need particular attention of government to help attract private business investment into those areas and to help resident businesses to reinvest and grow and that many local governments wish to have tax incentives and other assistance available to stimulate sound business investments that support and improve the quality of life."

Number and Size

Seventy-three enterprise zones are currently designated: 56 being rural, 17, urban. There is no cap on how many zones may be locally designated around the state. The boundary of a zone may be noncontiguous, but it must not encompass more than 15 or 12 square miles (above the high water mark) and must conform to restrictions on distances within the zone. Each zone terminates after 10 years, at which time local or tribal governments may re-designate.

How it Works

In exchange for locating or expanding into an enterprise zone, eligible (generally non-retail) business firms receive total exemption from the property taxes normally assessed on new plant and equipment for at least three years (but up to five years) in the standard program. Longer-term tax incentives are available in certain zones.

[<For more on tax incentives>](#)

Local Designation

Sponsored by local city/port/county governments or tribal governments, an enterprise zone typically serves as a focal point for local development efforts and incentives. Inside 35 counties, 142 cities and 22 ports currently use enterprise zones to create better economic opportunities.

Role of State Agency

Business Oregon is responsible for determining statutory compliance of enterprise zone designations and of changes to zone boundaries by local governments. In cooperation with the Department of Revenue and other state agencies, Business Oregon also provides administrative rules, information materials, training, technical assistance and marketing support to local governments and county assessors for implementing business tax incentives, as well as active promotion with eligible firms.

Local Area Economics

For cities, ports and counties seeking to create an enterprise zone anywhere in Oregon, the statutes specify the following two threshold criteria for local economic hardship: (1) Household median income is 80 percent or less of state median income, or (2) Unemployment rate is 2.0 percentage points or more above comparable state unemployment rate, based on the most recent annual figures. Business Oregon may and has defined alternative but equally severe threshold criteria.

Note: Oregon also has areas of tax-increment financing (TIF) known as "[urban renewal](#)" districts.

Statutory Tax Incentives in an Oregon Enterprise Zone

—Standard (Three-to-Five-Year) Property Tax Exemption

Through an exemption from taxation on new property, an Oregon enterprise zone induces eligible businesses of all sizes to make additional investments that will improve employment opportunities, spur economic growth and diversify business activity. Qualifying new plant & equipment in a zone receives a total exemption for at least three and—in some cases—up to five consecutive years from the local assessment of *ad valorem* property taxes, which can otherwise have a deterring effect on private investors seeking to start or enlarge operations with a substantial capital outlay. Enterprise zone property (except hotel/resorts and utilities) also is exempt for up to two years while it is being constructed or installed. *

Business Firm Eligibility

Prior to commencing construction/installations, an eligible business firm submits an application for local "authorization." Eligible firms include manufacturers, processors, shippers and other operations that serve other organizations, as well as headquarters and call centers. Also, hotels and resorts are eligible in some or all of 44 of the 73 zones. In the up to 15 specially designated electronic commerce enterprise zones any ecommerce-related operation is eligible and personal property items more comprehensively qualify. Otherwise, retail, construction, financial and certain other activities are explicitly ineligible by statute.

Qualified Property

New building/structure, structural modifications or additions, or newly installed machinery or equipment qualify for exemption, but not land, preexisting property value and minor personal property items.

Requirements

Basic, 3-year enterprise zone exemption ("as-of-right")

- Increase full-time, permanent employment of the firm inside the enterprise zone by the greater of one new job or 10 percent (or special-case local sponsor waivers)
- Generally no concurrent job losses outside/beyond the zone boundary
- Maintain minimum employment levels during exemption period
- Enter into first-source agreement with local job training providers
- Satisfy local additional conditions, potentially imposed under an *urban* zone policy.

Extended Abatement, 4 or 5 years of exemption in total—same as 3-year, plus ...

- "Compensation" of new workers at 130 or 150 percent of county average wage at authorization in all years, and that those worker's average wage in the 4th and 5th year at least equals the then most recently available county average wage †
- Local approval by written agreement with the local zone sponsor,
- Additional requirements that the local zone sponsor may reasonably request.

* Two other material benefits of the standard exemption program for authorized business firms:

(1) Local government incentives, such as fee waivers, reduced charges and administrative priority, and

(2) The right to acquire (state/local) publicly owned and available real estate for use in the zone.

† Other than in an urban enterprise zone within the Portland and Salem metro areas.

—Long-Term Rural Enterprise Zone Facilities

In most rural enterprise zones—those inside a qualified rural county or a county with chronically low income or chronic unemployment—an entire, locally certified facility is fully exempt from property taxes during construction and then for 7 to 15 years. Special criteria to qualify the facility limit this program to rather exceptional investments in terms of minimum investment cost and a minimum number of new hires, which depend on the facility's location and the county's size, in addition to payroll requirements for all facility jobs equivalent to those noted above for the 5-year exemption.

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:

Agreement and Permit with BOR

Meeting Date:

February 19, 2019

Department:

Community Dev
Public Works

Director:

Tamra Mabbott
Scott Coleman

Contact Person:

Tamra Mabbott
Scott Coleman

Phone Number:

X101

Cost of Proposal:

Legal fees to prepare.
None.

Amount Budgeted:

N/A

Fund(s) Name and Number(s):

N/A

Possibly maintenance costs

Reviewed by Finance Department:

Yes

Previously Presented:

N/A

Attachments to Agenda Packet Item:

- 1) Map of IWW alignment
- 2) Draft Consent to Use Agreement with BOR
- 3) Draft Permit with BOR

Summary Statement:

The City is moving forward with plans to divert waste water from Vadata campus (PDX 2) through an industrial waste water (IWW) pipeline and into the West Extension Irrigation District (WEID) canal. In order to do so, an agreement between the City and the Bureau of Reclamation (BOR) is required. This agreement will permit the pumping of industrial waste water into BOR-owned canal and provide permission to use the canal for this purpose. WEID would then use this diverted water for irrigation to WEID patrons. This project also additionally benefits the City by diverting waste water from city waste water

treatment plant that would otherwise be required to be treated, thus incurring associated costs and using existing system capacity. This project will reduce operational expenditure in the long run, free up system capacity, and may also create an opportunity for revenue in the future if the City were to create a method to sell the water before it enters the canal.

Consistent with Council Goals:

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PDX2



Contract No. 18-07-1U-L0268

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Umatilla Project, Oregon

CONSENT TO USE

THIS CONSENT TO USE, hereinafter referred to as "Consent," made the _____ day of _____, 2017⁹ (the "Effective Date"), pursuant to the Act of Congress June 17, 1902 (32 Stat. 388; 43 U.S.C. §391), and acts amendatory thereof or supplementary thereto, collectively referred to as the Federal Reclamation Laws, specifically, Section 10 of the Reclamation Project Act of 1939 (53 Stat. 1196), between the **United States of America**, hereinafter called the "**United States**," represented by the official executing this Consent, and the **City of Umatilla**, a political subdivision of the State of Oregon, hereinafter referred to as the "**City**."

WITNESSETH, THAT:

WHEREAS, in connection with the Umatilla Project, the United States, by and through the Bureau of Reclamation, Department of the Interior, hereinafter referred to as "Reclamation," has, pursuant to Federal Reclamation Laws, acquired certain easement rights in Umatilla County and constructed certain irrigation distribution facilities thereon, known as the Phase I Canal; hereinafter referred to as the "Canal;" and

WHEREAS, this Consent to Use is being issued in response to an "Application for Transportation and Utility Systems and Facilities on Federal Lands" submitted by the City on March 21, 2016 to construct on the Canal and related Reclamation facilities an outfall structure and appurtenant industrial wastewater piping for the discharge into and subsequent conveyance of treated industrial non-contact cooling wastewaters ("Industrial Wastewater") within the Canal; and

WHEREAS, prior to granting a pipeline easement to the City across their fee-owned lands, over a portion of which Reclamation has a permitted right-of-way for the Canal, the Corps of Engineers completed an Environmental Assessment and Finding of No Significant Impact, which Reclamation has accepted as complying with the National Environmental Policy Act for this action in addition to completing a Categorical Exclusion Checklist; and

WHEREAS, said Canal is operated and maintained by the West Extension Irrigation District, hereinafter referred to as the "District," under a repayment contract with the United States; and

WHEREAS, in consideration of the premises, the proposed use by the City has been reviewed and has been determined to be not incompatible with purposes for which said lands and/or facilities are administered by Reclamation on behalf of the United States.

NOW, THEREFORE, in consideration of the covenants and stipulations hereinafter stated, the parties hereto do mutually agree as follows:

1. CONSENT AND LEGAL

The United States does hereby consent to construction, installation, operation, and maintenance of an outfall structure and associated industrial wastewater piping for the City's discharge of Industrial non-contact cooling Wastewater into the facilities of the United States Canal at the following location hereinafter referred to as the "Permanent Use Area":

The Permanent Use Area shall be located in the NE¼SE¼SW¼ of Section 10, Township 5 North, Range 28 East, Willamette Meridian, Umatilla County, Oregon, and shall encompass an area lying ten (10) feet beyond the exterior boundary of all portions of the City's facilities once constructed.

A temporary use area, to be used only during the construction of the City's facilities, shall be located adjacent to the Permanent Use Area and shall extend a distance of twenty (20) feet from all outer boundaries of the Permanent Use Area.

The location of the City's proposed facilities is substantially as shown in red on **Exhibit "A"**, attached hereto and made a part hereof.

2. SUBJECT TO FEE OWNER APPROVAL

Unless the City is the underlying fee owner, this Consent is subject to the City securing approval of the underlying fee owner to cross or use the identified portion of Reclamation's pre-existing easement for location, operation, and maintenance of the Canal.

3. FEES

In accordance with Title 43 of the Code of Federal Regulations, Part 429.26, Reclamation has made a determination to waive the application fee and administrative costs for this Consent.

4. TERM

The term of this Consent is to **be twenty-five (25) years** from the Effective Date. This Consent may be renewable; provided however, that any renewal of the Consent shall be subject to then applicable policies, law and regulations, and shall require Reclamation and District approval.

5. SPECIAL STIPULATIONS

By acceptance of ~~this Agreement~~Consent~~this Consent~~, the City agrees to the following construction and/or installation related stipulations:

a. The City shall construct their facilities as shown on the plans dated _____, as submitted by the City and accepted by Reclamation. Said plans are attached hereto and made a part hereof as **Exhibit "B"**.

b. The City shall at all times takes steps to maintain compliance with (1) Reclamation Permit No 18-07-1U-L0269, a copy of which is attached hereto and made a part hereof as **Exhibit "C"**, which allows for the discharge of ~~Industrial non-contact cooling Wastewater~~ into the Canal, and (2) NPDES Permit No. _____ issued by the Oregon Department of Environmental Quality which governs the City's discharge of ~~Industrial non-contact cooling Wastewater~~ into the Canal.

c. The City shall notify Reclamation's Umatilla Field Office and the District five (5) business days prior to the commencement of any construction and/or installation activities within the subject easement or premises.

j. If during construction and/or installation any damage from such activities is inflicted upon the Canal, the related maintenance road, or any of the Reclamation premises, the entity performing the work agrees to immediately contact Reclamation's Umatilla Field Office and the District for instructions, and return the damaged area to pre-existing, or better, conditions.

k. The City shall provide Reclamation's Umatilla Field Office with final as-built drawings of the outfall structure and associated industrial wastewater piping within 60 days of completion of construction and/or installation. Said drawings shall be submitted in 11x17-inch drawings and on a CD/DVD in ACAD (preferable) or PDF format.

6. UNRESTRICTED ACCESS

The United States, its officers, agents, employees, shall at all times have unrestricted access and ingress to, passage over, and egress from, all of Reclamation's said rights-of-way and easement for the purposes of exercising, enforcing, and protecting the rights reserved herein.

7. HOLD HARMLESS

The City hereby agrees to indemnify the United States for, and hold the United States and all of its representatives harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or method of performing any construction, care,

operation, maintenance, supervision, examination, inspection, or other activities of the City related to the installation, operation and maintenance of the outfall structure and associated industrial wastewater piping.

8. PROTECTION OF UNITED STATES INTERESTS

The City shall construct, operate, and maintain its structures in a good workmanlike manner, as reasonably determined by the United States, to ensure that the authorized uses are compatible with the Reclamation purposes for which the land rights were acquired to protect the interests of the United States. The City shall insure compliance with all laws, regulations, and orders of the United States, and any other public authority affecting such works.

9. TERMINATION

This Consent, a use authorization, will terminate and all rights of the City hereunder will cease, and the City will quietly deliver to the United States possession of the premises in like condition as when taken, reasonable wear and damage by the elements excepted, upon:

- a. The end of the term of this Consent;
- b. Reclamation's reasonable determination at any time, and at no cost or liability to the United States, that the City has failed to comply with any of the terms and conditions hereof, or upon mutual agreement of all parties;
- c. The United States, acting through Reclamation reserving rights to construct, operate, and maintain public works now or hereafter authorized by the Congress without liability for termination of the use authorization or other damage to the City's activities or facilities;
- d. Reclamation's decision, at any time and at no cost or liability to the United States, to terminate any use authorization in the event of a natural disaster, a national emergency, a need arising from security requirements, or an immediate and overriding threat to public health and safety.
- e. Reclamation's decision, at any time and at no cost or liability to the United States, to terminate any use authorization, for activities other than existing authorized private exclusive recreational or residential use as defined under 43 CFR § 429.2 if Reclamation determines that any of the following apply:
 - i. The use has become incompatible with authorized project purposes, project operations, safety, and security;
 - ii. A higher public use is identified through a public process described at 43 CFR § 429.32(a)(1); or

iii. Termination is necessary for operational needs of the Umatilla Project.

f. Reclamation's decision, at any time and at no cost or liability to the United States, to terminate any use authorization if Reclamation determines that the City has failed to use the use authorization for its intended purpose. Further, failure to construct within the timeframe specified in the terms of the use authorization may constitute a presumption of abandonment of the requested use and cause termination of the use authorization.

g. Reclamation may, at any time and at no cost or liability to the United States, terminate any use authorization if the City fails to comply with all applicable Federal, State, and local laws, regulations, ordinances, or terms and conditions of any use authorization, or to obtain any required permits or authorizations.

10. NOTICES

All notices required or desired to be given under this Agreement shall be in writing and may be delivered by personal delivery; via recognized delivery services such as United Parcel Services (UPS) or Federal Express (FedEx); or by deposit in the United States Mail, postage prepaid, as certified mail, return receipt requested, and addressed as follows:

Manager, Umatilla Field Office	City of Umatilla
Bureau of Reclamation	700 6th Street
32871 Diagonal Rd	P.O. Box 130
Hermiston, OR 97838	Umatilla, OR 97882

Any notice delivered by personal delivery shall be deemed received by the addressee upon actual delivery. Any notice delivered by certified mail shall be deemed received by the addressee on the third business day after deposit. The addresses to which notices are to be delivered may be changed by giving notice of such change in accordance with this paragraph. This paragraph shall apply where notice is required under this Consent, and no specific requirements are set forth. Where this Consent provides for a specific notice in a different manner, the more specific requirements shall prevail.

The parties hereby designate the Manager, Umatilla Field Office, and the City Manager for the City as their authorized representatives for this Consent. These individuals shall have authority to take any action allowed or required under this Consent, on behalf of their employer. The parties may change their designated representatives at any time by giving notice of such change in accordance with this Article.

11. INCREASED COSTS

If the construction, operation, or maintenance of any or all of such structures and facilities of the United States across, over, under, or upon said right of way should be made more

expensive by reason of the existence of improvements or works of the City thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto. Within thirty (30) days after demand is made upon the City for payment of any such sums, the City will make payment thereof to the United States or any of its successors or assigns. As an alternative to payment, the City, at its sole cost and expense and within the time limits established by the United States, may remove or adapt facilities constructed and operated by it on said right-of-way to accommodate the aforementioned structures and facilities of the United States. The City shall bear any costs incurred by the United States occasioned by the failure of the City to remove or adapt its facilities within the time limits specified.

12. REMOVAL OF STRUCTURES

Upon expiration, termination, or revocation of the Consent, or wherein no renewal of the Consent or new consent is entered into among the United States and the City, the City shall remove all structures, equipment, or other improvements made by it from the premises at no cost to the United States, provided such removal can be accomplished without damaging the Canal. Subject to the preceding provisions, upon the City's failure to remove any such improvements within sixty (60) days of expiration, termination, or revocation, any remaining improvements shall, at the option of the United States, be removed or become the property of the United States. The City shall pay all the expenses of the United States, or its assigns, related to removal of such improvements.

13. DISCOVERY OF CULTURAL RESOURCES

The City shall immediately provide an oral notification to Reclamation of the discovery of any and all antiquities or other objects of archaeological, cultural, historic, or scientific interest. The City shall follow up with a written report of their finding(s) to Reclamation within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects, and artifacts discovered as a result of activities under this authorization. The City shall immediately cease the activity in the area of the discovery, make a reasonable effort to protect such discovery, and wait for written approval from Reclamation before resuming the activity. Protective and mitigative measures specified by Reclamation shall be the responsibility of the City.

14. HAZARDOUS MATERIALS

a. The City may not allow contamination or pollution of Federal lands, waters, or facilities. The City has the responsibility for care, operation, and maintenance by its employees or agents and shall take reasonable precautions to prevent such contamination or pollution by third parties. Substances causing contamination or pollution shall include, but are not limited to, hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste,

petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers, or any other pollutants.

b. The City shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and directives and standards, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored, or disposed of, on or, in Federal lands, waters, or facilities.

c. "Hazardous material" means any substance, pollutant, or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

d. Upon discovery of any event which may or does result in contamination or pollution of Federal lands, waters, or facilities, the City shall initiate any necessary emergency measures to protect health, safety, and the environment and shall report such discovery with full details of the actions taken to Reclamation. Reporting may be within a reasonable time period. A reasonable time period means within twenty-four (24) hours of the time of discovery if it is an emergency, or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment.

e. Violation of any of the provisions of this Article, as determined by Reclamation, may constitute grounds for termination of this Consent. Such violations require immediate corrective action by the City and shall make the City liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

f. The City agrees to include the provisions contained in paragraphs (a) through (e) of this Article in any subcontract or third-party contract it may enter into pursuant to this Consent.

g. Reclamation agrees to provide information necessary for the City using reasonable diligence, to comply with the provisions of this Article.

15. NON-DISCRIMINATION

The City, by acceptance of this Consent, is receiving a type of Federal assistance, and therefore agrees to comply with:

a. Nondiscrimination on the basis of Race, Color, or National Origin

i. Title VI (Section 601) of the Civil Rights Act of July 12, 1964 (78 Stat.

241 which provides that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance," and to be bound by the regulations of the Department of the Interior for the effectuation thereof, as set forth in 43 CFR 17.

ii. To obligate its subcontractors, subconsentees, transferees, successors in interest, or any other participants receiving Federal Financial assistance hereunder, to comply with the requirement of this provision.

b. Nondiscrimination on the Basis of Disability

i. To comply with Section 504 of the Rehabilitation Act of 1973, Public Law 93-112, as amended which is designed to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

ii. To obligate its subcontractors, subconsentees, transferees, successors in interest, or any other participants receiving Federal financial assistance hereunder, to comply with the requirements of this provision

c. Nondiscrimination on the Basis of Age

i. To comply with the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq.; and the general age discrimination regulations at 45 CFR § 90 which are designed to prohibit discrimination on the basis of age in programs and activities receiving Federal financial assistance, as set forth in 43 CFR § 17.

ii. To obligate its subcontractors, subconsentees, transferees, successors in interest, or any other participants receiving Federal financial assistance hereunder, to comply with the requirements of this provision.

16. THIRD PARTY RIGHTS

This Consent is granted subject to all rights in and to use of the Canal previously acquired by third parties.

17. SEVERABILITY

Each provision of this Consent shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this Consent shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of this Consent as a whole.

18. BINDING

The provisions of this Consent shall apply to, and bind, the heirs, successors and assigns of the parties hereto, but no assignment or transfer of this Consent or any part or interest therein shall be valid until approved in writing by Reclamation.

19. OFFICIALS NOT TO BENEFIT

No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

[Signatures and Acknowledgments on following pages]

IN WITNESS WHEREOF, the parties hereto have executed this Consent the day and year first above written.

THE UNITED STATES OF AMERICA

CAROLYN CHAD
Deputy Area Manager
Columbia-Cascades Area Office
Pacific Northwest Region
Bureau of Reclamation
Department of the Interior

ACKNOWLEDGMENT

STATE OF WASHINGTON

County of Yakima

On the ____ day of _____, 2018~~9~~, personally appeared before me, _____, to me known to be the official of the **UNITED STATES OF AMERICA** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said UNITED STATES for the uses and purposes therein mentioned, and on oath stated that s/he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

Notary Public in and for the
State of _____
Residing at _____
My commission expires _____

CONSENTEE:

CITY OF UMATILLA, OREGON

By:

Title:

ACKNOWLEDGMENT

STATE OF OREGON

County of Umatilla

On the _____ day of _____, 2018~~9~~, personally appeared before me, the undersigned notary, _____, known to me to be the party/parties who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the
State of _____

Residing at _____

My commission expires _____

(SEAL)

The **West Extension Irrigation District** hereby concurs, this _____ day of _____, 2018~~9~~, with Reclamation's intent to issue this Consent.

WEST EXTENSION IRRIGATION DISTRICT

By: _____

Title: _____

ATTESTED:

By: _____

Title: _____

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Umatilla Project, Oregon

PERMIT

THIS PERMIT ("the "Permit") is granted this ____ day of _____, 2018 (the "Effective Date"), pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388; 43 U.S.C. § 391), Reclamation Project Act of 1939, § 10 (43 U.S.C. 387), and Acts amendatory thereof or supplementary thereto, all of which Acts are commonly known and referred to as the Federal Reclamation Laws, and 43 CFR 429 by the UNITED STATES OF AMERICA, hereinafter referred to as the "United States," acting by and through the Department of the Interior, Bureau of Reclamation, hereinafter referred to as "Reclamation," to The City of Umatilla, hereinafter referred to as the "City," with the concurrence of the West Extension Irrigation District, hereinafter referred to as the "District."

WITNESSETH THAT:

WHEREAS, Reclamation is issuing this Permit in response to an "Application for Transportation and Utility Systems and Facilities on Federal Lands" dated May 21, 2016 to discharge ~~reated industrial non-contact cooling wastewater~~, hereinafter referred to as ~~i(the "Industrial wWastewater.")~~ into the Phase I Canal (~~hereinafter referred to as the "Canal"~~); and

WHEREAS, Reclamation, has complied with the National Environmental Policy Act by completing Categorical Exclusion No. PN-UFO-CE-2016-089 dated August 8, 2016; and

WHEREAS, the United States, through Reclamation and pursuant to Federal Reclamation Laws, was permitted certain easement lands, and constructed irrigation facilities and their appurtenant works, specifically the Canal, a feature of the Umatilla Project ("the Project"); and

WHEREAS, Reclamation administers said Canal and its associated lands, rights-of-way and/or facilities on behalf of the United States and the District reimburses Reclamation for associated pumping use costs per Contract No.4-07-10-W0983; and

WHEREAS, Reclamation has authorized the construction, operation and maintenance of an outfall structure and appurtenant piping ~~by the City~~ on Reclamation permitted lands under a separate agreement, Consent to Use No. 18-07-1U-L0268; and

WHEREAS, said outfall structure and appurtenant works of the City shall be paid for ~~and used~~ by the City ~~and shall be utilized by the City~~ to discharge ~~i~~Industrial ~~w~~Wastewater into the Canal ~~after which the City may then make such water available for~~ use by the District ~~or other authorized uses~~. Said discharge ~~of Industrial Wastewater~~ is also subject to regulation under

the Clean Water Act and for which National Pollutant Discharge Elimination System (NPDES) Permit Number 103196 (the "NPDES Permit") has been issued by the State of Oregon Department of Environmental Quality to the City;

WHEREAS, the United States facilitated the proposed discharge of ~~the~~ iIndustrial ~~w~~Wastewater into the facilities of the Project with the express understanding and commitment of the City that ~~the waters so such~~ discharges would meet or exceed established standards, and that all public disclosure and compliance documents were based on this commitment by the City.

NOW, THEREFORE, the City does hereby accept this Permit, and is thereby subject to comply with and be bound by the following terms and conditions:

1. Reclamation hereby permits the discharge of iIndustrial ~~w~~Wastewater that meets the requirements of the ~~aforementioned~~ NPDES Permit ~~No. 103196~~ to the Canal pursuant to the terms set forth herein.
2. ~~The Industrial Waste~~waters will be discharged, via facilities authorized by the Consent to Use No. 18-07-IU-L0268, into the Canal just downstream of where the ~~Phase I~~ Canal emerges from the siphon, on the south side of the Union Pacific Railroad tracks, in the NE¼SE¼SW¼ of Section 10, Township 5 North, Range 28 East, Willamette Meridian, Oregon.
3. This Permit shall remain in effect for a term of twenty-five (25) years, commencing upon the ~~day and year first above written~~ Effective Date, unless sooner terminated as hereinafter provided. After 20 years, Reclamation and the City shall initiate discussions as to whether the Permit will be renewed; provided, however, that any renewal of this Permit would be subject to the then applicable agreements, policies, laws and regulations, and would require Reclamation's written approval and the District's written concurrence.
4. This Permit is for the express purpose of ~~the dischargeing of i~~ iIndustrial ~~w~~Wastewater and is subject to the valid rights of the District, ~~and~~ Reclamation, and ~~to all existing other~~ valid rights of record previously acquired by third parties, which include any person or private or public entity of record not a party to this Permit.
5. The City shall abide by the following Industrial Wastewater discharge related stipulations:
 - a. Prior to any discharge, ~~and throughout the term of this Permit~~, the City shall ~~obtain and continue to maintain a its~~ NPDES permit, ~~as may be modified, for authorizing the~~ discharge of iIndustrial ~~w~~Wastewater from the City of Umatilla's wastewater infrastructure Umatilla Port industrial complex into the Canal and will ensure ~~it such discharges~~ meets or exceeds existing standards as ~~committed to by the City in the project development plans~~ set forth in the NPDES Permit. The City shall ensure that said discharges complies with the NPDES pPermit and this Permit, and that both permits remain in good standing at all times. The City may discharge no more than approximately 10 cubic feet per second of water to the Canal from

April 1st through October 31st of every year (up to 2,800 acre feet per year total), as specified by ~~said the~~ NPDES ~~p~~Permit as of the Effective Date or as ~~such permit may be specified in any~~ modified, amended, or renewed NPDES permit for the discharge. Any modification of ~~said the~~ NPDES ~~p~~Permit, ~~such as discharge volumes (2,800 acre feet per year) or timing,~~ shall require ~~advance notification by the City to, and with the~~ prior written approval of Reclamation and the District ~~with such approval not to be unreasonably withheld.~~

b. The City may only discharge Industrial Wastewater in to the Canal ~~at times~~ when Reclamation's pumps are in operation, and ~~only at times when the flows~~ in the Phase I Canal ~~is~~ are 4.6 cfs (3.0 MGD) or greater, as measured by the Phase I Pumping Plant. The City will ~~erect a flow gage upstream of the discharge outfall structure, which will utilize the flow meter at Phase I Pumping Plant~~ Reclamation's SCADA system to determine when Reclamation's ~~pumpings~~ facilities are in operation.

c. The City shall ensure that any Industrial Wastewater discharged into the Canal meets or exceeds all applicable ~~existing and future~~ Federal and State water quality standards, including standards for water applied to food crops. ~~If such discharges fail to meet applicable water quality standards or otherwise fail to comply with the NPDES Permit, the City shall immediately suspend further Industrial Wastewater discharges into the Canal and immediately notify Reclamation and the District.~~ Reclamation or the District can immediately suspend or terminate this Permit if a situation occurs that results in ~~i~~Industrial ~~w~~Wastewater being discharged ~~into~~ the Canal that does not meet or exceed the aforementioned standards. The City shall notify Reclamation and the District in writing prior to implementing new or changed water quality standards.

d. ~~Upon written request, the City will~~ shall also furnish to Reclamation and the District ~~upon request,~~ copies of records required to be kept by the City pursuant to the NPDES ~~p~~Permit, ~~such as discharge monitoring reports.~~ ~~In addition, the City shall immediately suspend discharge into the Canal if the City's industrial wastewater fails to meet applicable water quality standards or otherwise becomes noncompliant with the noted NPDES permit and immediately notify Reclamation and the District.~~ Reclamation and the District each reserve the right to sample ~~at any time on a monthly basis the discharged Industrial Wastewater at any time for quality assurance on a monthly basis,~~ at the point of discharge into the Canal, or more frequently following a non-compliant test result and re-initiation of discharges, to ensure that future discharges ~~is are~~ compliant with ~~said the~~ NPDES ~~p~~Permit or other applicable water quality standards. ~~The City is responsible for the reasonable labor costs and fees incurred by Reclamation and/or the District to conduct such tests.~~

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e. The City's discharge of Industrial Wastewater may be temporarily interrupted by either Reclamation or the District ~~to ensure due to proper operation, and maintenance, and needs or problems such as repair of the Canal repairs.~~ ~~This Any such temporary interruption will be kept to the shortest amount period of time possible but may last for days or weeks depending on given~~ the nature of the issuework to be completed on the Canal. During periods of interruption, the City, the District, and Reclamation agree to work in good faith to arrive at a

temporary solution which allows the City to continue to discharge Industrial Wastewater to the Canal, if feasible. In any event, the interests of Reclamation and the District in operating and maintaining the Canal and related facilities pursuant to their legal authorities and obligations shall remain paramount.

6. The City agrees to indemnify the United States and the District for, and hold the United States and all of its representatives and the District harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or method of performing any construction, discharge, care, operation, maintenance, supervision, examination, inspection, or other activities of the City, its agents or employees.

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7. In addition to the automatic termination of this Permit at the expiration of its term as set forth in Paragraph Section 3 of this Permit, Reclamation or the City may sooner suspend or terminate this Permit in the circumstances described in Paragraphs Subsections 7.a. through 7.g. below. In the case of a suspension by Reclamation, the City shall temporarily cease to-useing Project facilities and to-dischargeing Industrial Wastewater into the Canal during the suspension period as determined by Reclamation. In the case of termination by Reclamation, the City shall permanently cease to-useing Reclamation-Project facilities and to-dischargeing Industrial Wastewater into the Canal, unless the Permit is later reissued. In the case of either a suspension or a termination, the party deciding to suspend or terminate shall provide the other party with written notice of the decision and its reasons, and concurrently send the District a copy of said notice.

a. At the request of the City upon provision of at least 90 days written notice to Reclamation and the District; ~~or~~

b. Upon ~~the City's failure of the City to;~~ (i) comply with applicable Federal, State, and local laws, regulations and ordinances that govern the use of the Project facilities incorporated into the NPDES Permit; or upon failure to (ii) comply with any of the terms and conditions of this Permit other than Paragraph Subsection 5.c. the NPDES pPermit or Consent to Use; or upon failure to (iii) obtain any required permits or authorizations, provided the City has not cured any such failure within 10 days of the violation being discovered by the City, or if such violation necessarily takes a longer period of time to cure, within a reasonable period of time; ~~or~~

c. Upon failure of the City to comply with the terms and conditions of Paragraph Subsection 5.c of this Permit; ~~or~~

d. In the event of a natural disaster, a national emergency, a need arising from security requirements, or an immediate threat to public health or safety that is made worse by Industrial Wastewater discharges authorized by this Permit or that can be mitigated by suspending ~~the such discharges authorized by this Permit;~~ provided, however, that, depending on the circumstances, the City may be allowed to resume discharging Industrial Wastewater to

the Canal under this Permit if Reclamation provides the City written notification that it may do so; ~~or~~

e. Upon Reclamation's determination that the City failed to use the Permit for its intended purpose; ~~or~~

f. Upon Reclamation's determination that the City's participation in any activity on Federal lands is out of compliance with Federal statutes or Federal regulations; or

g. To protect the interests of Reclamation or the District from adverse affects caused by the City or its actions under this Permit in relation to the normal operation or maintenance of the Canal or related facilities; ~~or.~~

If the City or Reclamation questions whether any suspension or termination under Paragraph-Subsections 7.a through 7.g is proper under the terms of this Permit, either party ~~may~~ shall have the opportunity to meet and confer on the matter with the other party. Upon such request, the parties shall meet as soon as practicable, preferably within seven days of either the City's or Reclamation's request for such a meeting. The District shall be informed in writing reasonably in advance of the meeting, and may also attend the meeting at ~~their-its~~ discretion. The parties will endeavor to resolve their differences, and may (but shall not be required to) utilize the services of a mediator upon such terms as the parties may agree. While it is hoped that such efforts would be successful in resolving the dispute, nothing in this Paragraph-Section 7 of the Permit shall have the effect ~~either~~ of compelling alternative dispute resolution, ~~or (except the timeframes stated in sub-paragraphs 7.a and 7.b) of delaying the cessation of the discharge of the~~ industrial ~~w~~Wastewater, or ~~of preventing~~ the suspension or termination set forth in the original notice from Reclamation, unless Reclamation otherwise agrees, or, in the case of a suspension or termination notice issued by the City under Paragraph-Subsection 7.a, unless the City otherwise agrees. In considering any termination of ~~the~~ City's rights, Reclamation shall consider as an important factor in such a decision that as the extent to which the City has invested significant financial, human and material resources into this project, Reclamation will try to keep the project in operation where it is safe and feasible to do so.

8. By its ~~joinder signature~~ herein, the District has provided its concurrence to this Permit, and shall have the right to enforce this Permit according to its terms. It is a material condition to the District's joinder in the Permit that nothing in the Permit, in the City's discharge of ~~the~~ industrial ~~w~~Wastewater into the Canal pursuant to the Permit, or in the District's acceptance thereof, shall increase operational, administrative, or maintenance costs of the District, now or in the future, that the District would not have incurred but for the City's discharge into, and its subsequent intentions to make delivery of industrial ~~w~~Wastewater available from, the Canal for such lawful uses as the City and the District agree. Should the City's discharge of ~~the~~ industrial ~~w~~Wastewater into the Canal increase the District's operational, administrative, or maintenance costs of the ~~Canal~~ District ~~be increased,~~ the District may recoup those costs by separate agreement with the City.

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9. The City shall use Reclamation Project facilities only for the purposes stated herein and in the use of said Premises shall conduct their operations in a good and workmanlike manner, and in full compliance with all local and State laws and with all laws, regulations, and orders of the United States affecting such operations.

10. Notices shall be served by certified mail addressed to the respective addresses given, as set forth below, and the mailing of any such notice properly enclosed, addressed, and stamped, will be considered service.

Manager
Umatilla Field Office
32871 Diagonal Road
Hermiston, OR 97838

Manager
West Extension Irrigation
District
P.O. Box 100
Irrigon, OR 97844

Manager
City of Umatilla
P.O. Box 130
700 6th Street
Umatilla, OR 97882

11. Upon expiration, termination, or suspension of this Permit, the City shall cease dischargeing of ~~all Industrial Wastewaters~~ into the Canal at no cost to the United States. Upon failure of the City to cease dischargeing of ~~Industrial Wastewater~~ into the Canal, upon expiration, termination, or suspension of this Permit, the United States shall cause ~~this to happen~~ the cessation of any such discharges. The City shall pay all expenses of the United States related to the cessation of the discharge of ~~the Industrial Wastewater~~ into the Canal, ~~which shall to include any costs so incurred to removal~~ of any associated facilities of the City located within the boundaries identified in this Permit and the restoration of the Project facilities to a ~~like~~ condition similar to that existing as when taken immediately prior to the City's installation of its facilities, provided such removal can be accomplished without damaging the Canal.

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12. The City warrants that no person or agency has been employed or retained to solicit or secure this Permit upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established agencies maintained by the City for the purpose of securing business. For breach or violation of this warranty, the United States shall have the right to annul this Permit without liability or, in its discretion, to require the City to pay, in addition to the price or consideration, the full amount of such commission percentage, brokerage, or contingent fee.

13. No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

14. Each provision of this Permit shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this Permit shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of the Permit as a whole.

IN WITNESS WHEREOF, the undersigned have executed this Permit which shall become effective the day and year first above written.

UNITED STATES OF AMERICA

CAROLYN CHAD
Deputy Area Manager
Columbia-Cascades Area Manager
Pacific Northwest Region
Bureau of Reclamation
Department of the Interior

ACKNOWLEDGMENT

STATE OF WASHINGTON

County of Yakima

On this _____ day of _____, 2018, personally appeared before me, the undersigned Notary, _____, to me known to be the official of the **UNITED STATES OF AMERICA**, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public
in and for the State of Washington
Residing at: _____
My commission expires: _____

(SEAL)

PERMITTEE:

CITY OF UMATILLA

Signature

Title (Authorized Official)

ACKNOWLEDGMENT

STATE OF OREGON

County of Umatilla

On this _____ day of _____, 2018, personally appeared before me the undersigned Notary, _____, to me known to be the _____ of the **CITY OF UMATILLA**, the Permittee who executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said Permittee, for the purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public
in and for the State of Oregon

Residing at: _____

My commission expires: _____

(SEAL)

THIS PERMIT has been considered and the West Extension Irrigation District hereby concurs with in the issuance of this Permit this _____ day of _____, 2018.

WEST EXTENSION IRRIGATION DISTRICT

By: _____

Title: _____

ATTEST:

By: _____

Title: _____

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:

Immediate Opportunity Fund (IOF)

Meeting Date:

February 19, 2019

Department:

CDD

Director:

Tamra Mabbott

Contact Person:

Tamra

Phone Number:

922-3226 X101

Cost of Proposal:

Approximately \$472,000

Fund(s) Name and Number(s):

N/A

Amount Budgeted:

N/A will adopt supplemental budget if awarded grant

Reviewed by Finance Department:

Yes

Previously Before Council:

Several items regarding the Vadata property have been before Council in the past few years. This is the first time this specific item has come.

Attachments to Agenda Packet Item:

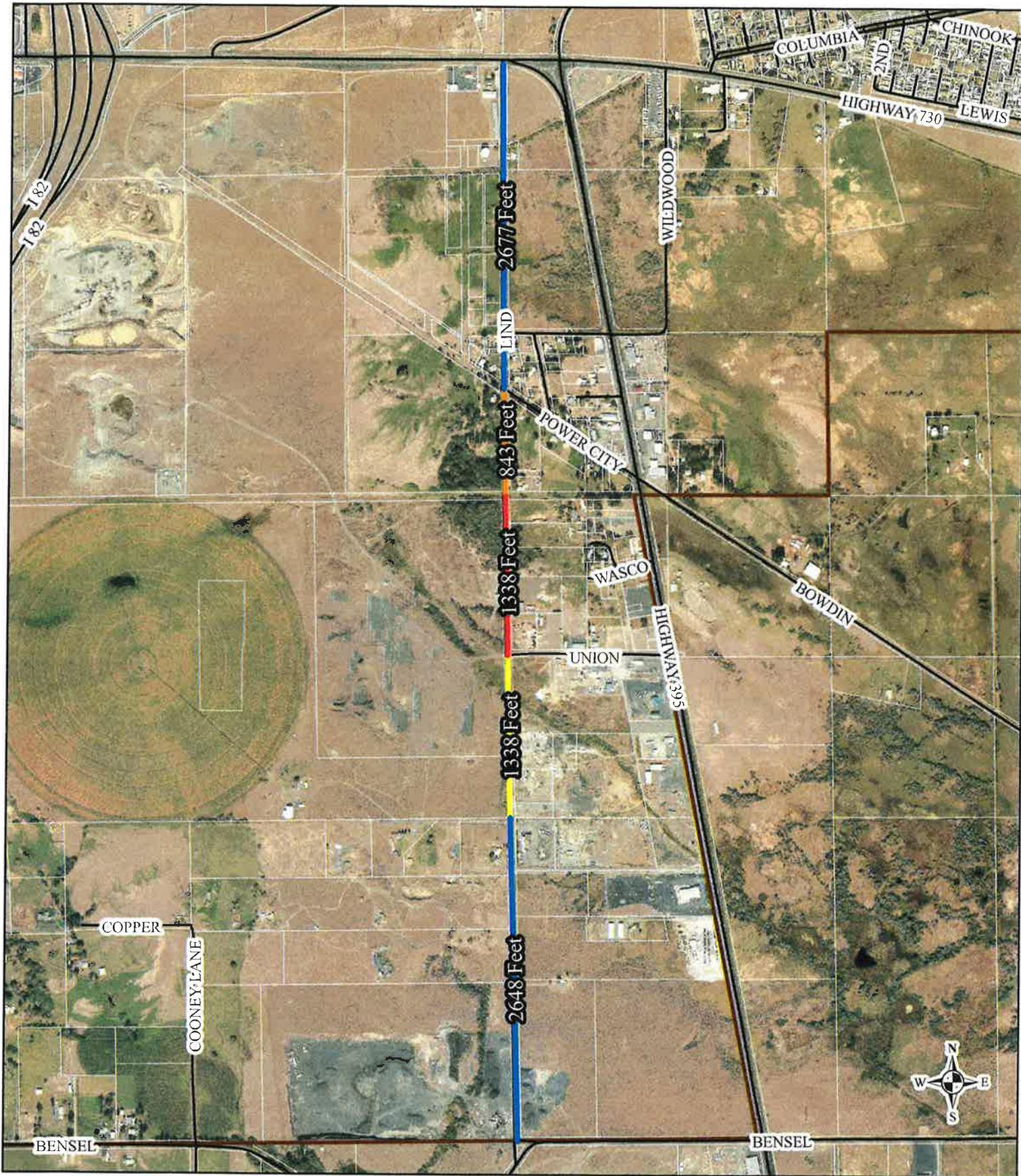
- 1) Map of Lind Road
- 2) Lind Road MOA
- 3) ODOT IOF Policy Guidelines

Summary Statement:

City acquired Lind Road in 2018. The road is in poor condition and is in need of improvement. The IOF program provides funds for construction and improvement of streets and roads to support "primary economic development," for which the Vadata project on Lind road likely qualifies.

As a condition of the development, Vadata agreed to make certain road improvements (specific amount not yet determined). The IOF program would award city funds in the amount that matched the Vadata investment. Those funds could then be used to make additional road/street improvements.

Consistent with Council Goals:

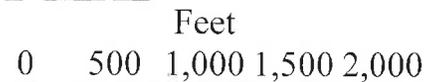


CITY OF UMATILLA TAX LOT MAP

Lind Road Total = 8,844 Ft (1.67 Miles)

Legend

- Tax Lots (10/1/18) — Not Part — IOF Section — City Section
- Umatilla UGB — Vadata Section — -48-



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Brandon Seitz, on 10/17/2018



MEMORANDUM OF AGREEMENT

This **MEMORANDUM OF AGREEMENT** (this "Memorandum"), dated as of this 25th day of January, 2019, is made by and between **VADATA, INC.**, a Delaware corporation ("Developer") and the **CITY OF UMATILLA, OREGON**, an Oregon municipal corporation ("City"), which are collectively referred to herein as the "Parties."

1. PURPOSE: The purpose of this Memorandum is to establish a schedule and parameters for completion of street improvements on Lind Road in order to satisfy Condition 2 of the City's approval of Developer's site plan review for development of a data center building and related facilities at 81712 Lind Road ("Property") (City File No. SP-3-18) ("Project") and to satisfy Condition 5 of the City's approval of the building permit for the Project (City File No. BP-45-18) sufficient to permit the City to issue a certificate of occupancy for the Project.

2. REQUIRED STREET IMPROVEMENTS: The currently known scope of improvements shall consist of full-street improvements for approximately 1,338 feet of Lind Road from the south side of the Property north to Union Street in accordance with the City's modified industrial arterial street standards applied to Beach Access Road immediately north of Highway 730 ("Street Improvements"), provided that the Parties understand the completion of additional improvements may be necessary, which may include, but not be limited to, the installation of further improvements at the Lind Rd./Union St. intersection, along the length of that portion of Union St. from Hwy 395 to Lind Rd., and along the transitional sections of road north of the Lind Rd./Union St. intersection and up to 200 feet south of the Property ("Additional Improvements").

3. DESIGN, PERMITTING, AND CONSTRUCTION: Developer will complete design, permitting, and construction of the Street Improvements, except as provided in Section 5 below. Before commencing the street design, the Parties will negotiate and agree upon which Party/Parties will be responsible for completing the design, permitting, and construction of the Additional Improvements.

4. EXPENSES: Developer will bear all design, permitting, and construction costs for the Street Improvements, except as provided in Section 5 below. Before commencing the street design, the Parties will negotiate and agree upon cost-sharing for the design, permitting, and construction costs for the Additional Improvements, provided that Developer will not be obligated to contribute more than its proportionate share for same.

5. WETLAND PERMITTING: If construction of the Street Improvements and/or Additional Improvements requires wetland delineations or permits affecting real

property owned by third parties, City will either obtain the written consent of all third-party landowners to such delineations and permits or acquire the properties/property rights from the third parties. Any reimbursement by Developer of expenses incurred by the City to secure such delineations, permits and/or properties/property rights will be negotiated by the Parties prior to City taking the steps to secure completion of the delineation, the issuance of applicable permits, or the acquisition of properties/property rights.

6. CONSTRUCTION COMPLETION DATE: Later of: (A) July 1, 2020; or (B) nine months after obtaining all required state and federal permits authorizing wetland impacts associated with the construction of the Street Improvements (and the Additional Improvements, as applicable).

7. CITY ACCEPTANCE AND MAINTENANCE: Upon final construction, City will accept dedication of the Street Improvements and all applicable Additional Improvements, and will, at City's expense, assume long term maintenance of the Street Improvements and such Additional Improvements according to City's standards.

8. IMMEDIATE OPPORTUNITY FUNDS: Developer will cooperate with City in pursuing State of Oregon Immediate Opportunity Fund grants for other street improvements in the surrounding area.

9. COMPLIANCE WITH CONDITIONS: City will find that mutual execution of this Memorandum satisfies Condition 5 of City File No. BP-45-18 sufficient to issue a certificate of occupancy for the Project.

10. LEGAL EFFECT: The Parties intend that neither shall have any contractual obligations to the other with respect to the matters referred to herein unless and until a definitive agreement has been fully executed and delivered by the Parties.

DEVELOPER:
VADATA, INC.,
a Delaware corporation

By: _____
Print Name: _____
Title: _____
Date: _____

CITY:
CITY OF UMATILLA, OREGON,
an Oregon municipal corporation

By:  _____
Print Name: David Stockdale
Title: City Manager
Date: 1/30/19

Oregon Department of Transportation

Immediate Opportunity Fund Policy Guidelines

Revised and Approved by the OTC on March 19, 2015

1. Purpose of the Immediate Opportunity Fund

The purpose of the "Immediate Opportunity Fund" (IOF) is to support primary economic development in Oregon through the construction and improvement of streets and roads. The 1987 Oregon Legislature created state funding for immediate economic opportunities with certain motor vehicle gas-tax increases.

Access to this fund is discretionary and the fund may only be used when other sources of financial support are unavailable or insufficient. The IOF is not a replacement or substitute for other funding sources.

The IOF is designed to meet the following objectives:

- A. Provide needed street or road improvements to influence the location, relocation or retention of a firm in Oregon.
- B. Provide procedures and funds for the Oregon Transportation Commission (OTC) to respond quickly to economic development opportunities.
- C. Provide criteria and procedures for Business Oregon, other agencies, local governments and the private sector to work with the Oregon Department of Transportation (ODOT) in providing road improvements needed to ensure specific job development opportunities for Oregon or to revitalize business or industrial centers.

2. Use of IOF and Funding Levels

The IOF will be financed at a level of \$7 million per biennium, with the following limits for each project type:

Project Type	Use	Limit per Biennium	Limit per Project
Type A	Specific economic development projects that affirm job retention and job creation opportunities	\$7,000,000	\$1,000,000
Type B	Revitalization of business or industrial centers to support economic development	\$1,000,000	\$250,000
Type C	Preparation of Oregon Certified Project Ready Industrial Sites	\$1,500,000	\$500,000
Type D	Preparation of Regionally Significant Industrial Areas	\$3,000,000	\$1,000,000

3. Program criteria

All projects must meet the following requirements:

- A. The results of an economic impact analysis must be acceptable to the Business Oregon Director, who will provide recommendations to the ODOT Director.
- B. The project requires an immediate commitment of funds to address an existing transportation problem or to prevent a future transportation problem. The problem must be demonstrated and the proposed project must demonstrate how it solves the problem.
- C. The improvements must be on a public right-of-way with the local government agency that will assume ownership identified (right-of-way must be acquired before project completion). The local government agency, or the future owner, must also demonstrate how it has adequate ability to fully maintain the improvements. Note: Unless a project is part of a jurisdictional transfer, the state will maintain sections of projects on state highways.
- D. The improvements must serve general transportation needs and must conform to access management policies.
- E. No more than 50% of the cost of the transportation improvement project will be covered by Immediate Opportunity Funds.

Public or private sources may provide the match. Donations of right-of-way will be considered to be part of the match. Normally, applicants for projects off the State Highway System will provide the right-of-way. (ODOT's Right-of-Way Section will verify right-of-way value estimates.)

- F. The local government sponsor must demonstrate that all other funds necessary for successful completion of the project have been secured.
- G. The project and, if applicable, the development must meet all necessary land use and environmental requirements and must have or be able to obtain all necessary permits.
- H. Arrangements for other infrastructure needed for successful development, such as water, sewer, police, fire, etc. are documented.
- I. The project and, if applicable, the development must be consistent with regional priorities for community and economic development developed by the relevant regional solutions advisory committee.

4. Program criteria specific to project type

In addition to the criteria in Paragraph 3 above, proposed projects must meet the following requirements:

Type A Projects:

- A. A business's decision to locate, relocate or expand hinges on an immediate

commitment of road construction resources to construct the road improvement project.

- B. The direct benefits in terms of "primary" jobs created or retained by the development through the construction of a road improvement have been demonstrated. The jobs created by the development must be "primary" jobs, such as manufacturing, production, warehousing, distribution, or others that create new wealth for the Oregon economy and support development of at least one of the state of Oregon's strategic key industries, which have been identified by the Oregon Business Development Commission as being key to the state's economic vitality, growth and diversification. Normally, retail and service jobs do not meet this definition.

Type B Projects:

- A. Benefits in terms of development in a revitalized central business district or industrial center through the construction of a road improvement must be identified.

Type C Projects:

- A. The site to be served by the road and street improvements must be appropriate for development of at least one of the state of Oregon's strategic key industries, which have been identified by the Oregon Business Development Commission as being key to the state's economic vitality, growth and diversification.
- B. The direct benefits in terms of certification of an industrial site through the construction of a road improvement have been demonstrated.
- C. The road and street improvements must be completed in order for the industrial site to meet, or continue to meet, the certification standards under the State of Oregon's Certified Industrial Site program.
- D. The road and street improvements must be the only remaining issue needing to be addressed before the industrial site meets, or is able to continue to meet, the certification standards under the State of Oregon's Certified Industrial Site program.
- E. The industrial site proposed to be served by the road and street improvements must meet Business Oregon's marketability criteria, adopted by Business Oregon in Policy #004-06 on November 7, 2006, as determined by its Business Development Officer, with the exception of "ease of access." If the industrial site does not meet the marketability criterion for "ease of access," the Business Development Officer must conclude that completion of the road and street improvements will result in the industrial site meeting the marketability criterion of "ease of access." The marketability criteria are:
 - i. Utilities are currently in place
 - ii. Buildability; configuration; soil; terrain; current usage/conditions

- iii. Ease of access
- iv. Attractiveness of site
- v. Attractiveness/compatibility of neighborhood
- vi. Local labor market conditions
- vii. Site economics; pricing/incentives/property taxes/site preparation costs
- viii. Site and community marketing/promotional materials
- ix. The competitive real estate marketplace

F. The owner of the industrial site must commit to obtaining certification of the site served by the road and street improvements under the State of Oregon's Certified Industrial Site program within three (3) months of completion of the road and street improvements.

Type D Projects:

The project must comprehensively address the transportation needs and issues of the Regionally Significant Industrial Area that has a current designation under and in accordance with ORS 197.722 to 197.728 ("RSIA"), or the project is a specifically defined phase (including phases for separate sites) in a comprehensive plan that fully addresses the transportation needs and issues of the RSIA; as defined by a transportation analysis (acceptable to ODOT) or documented conditions related to transportation. The project may include enhancements and safety improvements needed as a result of RSIA designation on nearby portions of the State Highway System.

5. Immediate Opportunity Fund request process

For projects to be eligible for Immediate Opportunity Funds, private businesses or their local government sponsors requesting assistance must involve Business Oregon and ODOT early in the process.

The OTC requires a rapid four-step procedure for project requests using the IOF. The steps to be undertaken in conjunction with Business Oregon are as follows:

- Business Oregon Business Development Officer receives request, evaluates for job impact and other economic merit as described above, provides the appropriate Regional Solutions Team an opportunity to review and comment on the proposed project, and forwards recommendation to ODOT Region IOF Coordinator.
- ODOT Region IOF Coordinator reviews project request for transportation eligibility and merit and, with Business Oregon, jointly recommends action to ODOT Region Manager for approval.
- Business Oregon Director receives ODOT Region Manager and Business Oregon Business Development Officer joint recommendation and makes a formal recommendation on the validity of the data and the project proposal to the ODOT

Director for OTC approval.

- Upon OTC action, the ODOT Director notifies the Business Oregon Director and the local government sponsor of the IOF award approval or denial.

6. OTC decision and implementation

The OTC's judgment on eligible projects will include consideration of the size of each project in relation to the availability of IOF funds, number of project requests, local community support, private participation, proportion of matching funds, scheduling of the development project and other factors such as employment generation, revitalization, improved industrial site access, certification of industrial sites, and regional priorities. Preference will be given to projects having a positive impact on safety, operation and/or capacity of the State Highway System.

The OTC will decide the commitment of funds within forty-five (45) days of a request received from the Business Oregon Director. If approved, a project agreement between ODOT and the local government sponsor (and other participants, if necessary) will then be developed. The agreement will cover factors such as, but not limited to, project engineering, contracting, land use and environmental approvals, funding, and future maintenance and use.

The agreement will also provide for reimbursement to ODOT by the local government sponsor if the promised number of jobs created or retained does not materialize or is not documented. This may occur on a pro-rated basis, and time extensions may be allowed. When the Business Oregon Director indicates, in writing, that business conditions for the firm(s) cited in an IOF agreement have changed significantly, ODOT may re-negotiate the required number of jobs with the local government sponsor, and amend the agreement to address the change. Re-negotiation must be approved, in writing, by the ODOT Director and referred to the OTC for approval.

For Type C projects:

- A. The agreement will require the local government sponsor to obtain certification of the site served by the road and street improvements under the State of Oregon's Certified Industrial Site program within three (3) months of completion of the road and street improvements or repayment of the Immediate Opportunity Fund award will be required. If certification of the industrial site is not obtained by the deadline due to a Business Oregon delay, an extension for the deadline may be approved through mutual agreement of the Director of Business Oregon and the Director of ODOT.
- B. In the event construction of the road and street improvements results in the discovery of previously unknown circumstances that require significant financial resources to address, the deadline for certification may be extended or the repayment requirement may be waived through a recommendation of the Business Development Officer which is mutually agreed upon by the Directors of

ODOT and Business Oregon, and referred to the OTC for approval.

Generally, the local government sponsor is expected to manage the development and construction of the project, and work directly with the private firm(s) involved.

7. Program administration

The OTC will review the status of the Immediate Opportunity Fund with each project proposal. An annual evaluation of the program will be conducted, including any recommendations for changes, and presented to the OTC.

It is the OTC's policy that no uncommitted balances accumulate in the Immediate Opportunity Fund. The highest balance available per biennium is \$7 million. The OTC reallocates uncommitted amounts to the Statewide Transportation Improvement Program (STIP). The Statewide Section of the STIP document will list the annual fund allocation in each document update.

For projects off the State Highway System, this program provides grants for project completion contingent upon job creation and other factors contained in this document. This is distinct from the usual focus on reimbursements for ODOT-sponsored construction activity.

CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Application to Use or Purchase Real Property from ODOT Tax lot 5500 of Assessor's Map 5N 2817AD	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> Community Dev Public Works	<u>Director:</u> <u>Tamra Mabbott</u> <u>Scott Coleman</u>	<u>Contact Person:</u> <u>Tamra Mabbott</u> <u>Scott Coleman</u>	<u>Phone Number:</u> <u>X101</u>
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<u>Cost of Proposal:</u> Cost of land or legal fees to prepare/review a lease or purchase. <u>Amount Budgeted:</u> N/A	<u>Fund(s) Name and Number(s):</u> <u>N/A</u> Possibly maintenance costs. If city must purchase land there is \$44,519 remaining in capital reserve – land acquisition. <u>Fund 0570491</u>
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<u>Reviewed by Finance Department:</u> Yes	<u>Previously Before Council:</u> July 3, 2018 – Resolution No. 03-2019
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<u>Attachments to Agenda Packet Item:</u> 1) Application 2) Map of right of way and ownership 3) July 5, 2018 letter to ODOT from Mayor 4) Resolution No. 03-2019

<u>Summary Statement:</u> This land is part of ODOT right of way, surplus after the intersection of River Road and Highway 730 (6 th Street) was realigned. The land could make a nice gateway area, where city could either landscape or construct signage. The land

also has value to city for the existing sewer manhole. Minor improvements would help revitalize the intersection. Longer term more significant improvements could be made, and, possibly city could acquire adjacent county r-o-w and combine to make a larger parcel. That larger parcel could become a wayside, park, gateway or used for development.

Consistent with Council Goals:



Oregon Department of Transportation

RIGHT OF WAY PROPERTY MANAGEMENT

APPLICATION TO USE OR PURCHASE REAL PROPERTY

Name:	Dave Stockdale		
Company Name:	City of Umatilla		
Address:	PO Box 130 Umatilla, OR 97882		
Daytime Phone:	541-922-3226 X 102	Evening Phone:	(509) 303-1051
Email Address:	david@umatilla-city.org		

Reason for applying:	Please indicate what you intend to do with the property. Use additional pages and attach to the application if you need more space.
<p>This parcel is remnant from a realignment project. Area is not used by ODOT. City sewer manhole is located within the parcel. City would like to acquire the land to secure access to the sewer manhole and to landscape as part of a city beautification effort. A "gateway" or signage is another consideration.</p>	

Please indicate your interest:
<input type="checkbox"/> Lease
<input checked="" type="checkbox"/> Buy
<input type="checkbox"/> Short term rental
<input checked="" type="checkbox"/> Permit (limited uses, landscaping, grazing, access etc.)

❖ With this application, please attach a tax lot map, assessment information, and a copy of the last vesting deed. You may obtain this at any local title company or the county assessor's office. Highlight the boundaries of the property you are interested in. Also include deeds, other maps or any documentation that may assist us in determining the property you are seeking to use or buy.

Signature

Date

**RETURN THIS SIGNED APPLICATION WITH ATTACHMENTS TO:
 ODOT Technical Leadership Center
 Attn Property Management Unit
 4040 Fairview Industrial Dr SE MS#2
 Salem, OR 97302**



Oregon

Kate Brown, Governor

Department of Transportation

Right of Way Section

4040 Fairview Industrial Drive SE, MS-2

Salem, OR 97302-1142

503-986-3600

Fax 503-986-3625

www.oregon.gov/odot/hwy/row

Thank you for your interest in ODOT property.

In order to assist you in your request it is important that you read through the accompanying material and submit your application with as much information completed as possible.

The information provided with this application is there to provide you with guidance on what is possible for ODOT to do for you and to help you understand how we process your request.

Although you are submitting your request to the Property Management Unit, depending on what your needs are, we may forward your application to others at ODOT who may be better able to assist you. We will strive to keep you informed of the status of your application.

Please understand, ODOT owns thousands of properties across the state and we receive many requests to buy or use our property. We strive to provide good service to the citizens of our great state but it is simply not possible to meet everyone's need. It is our goal to help you understand what we can do for you and let you know as soon as possible if we are able to move forward on your request.

The Property Management Staff



Oregon Department of Transportation

RIGHT OF WAY PROPERTY MANAGEMNT

About Requesting to Use or Buy ODOT Property

The following information is provided to help you understand what happens when you request to use or buy ODOT property. There is a brief explanation of how and why we acquire property and then a more detailed explanation of what occurs with your application depending on what you are asking ODOT to do.

How and Why ODOT Owns Property

It is important for you to understand that we are a public agency and we own property to support the development of transportation needs in the state. The key thing to remember is that when you request to use or buy our property, we need to ensure that the decision we make is in the best interest of the citizens of the state and does not adversely affect our transportation system.

How We Pay for Property

As a public agency, ODOT receives public money, mostly from the gas tax, but from other sources as well. All the money that ODOT receives is placed in the Highway Trust Fund. Because our funding comes from a trust fund, ODOT has very strict rules about what we can do with the property we buy using this money. One of the main responsibilities we have is to make sure that if we do not need property, our ownership of it returns fair value to the taxpayers and the Highway Trust Fund. So, when we let others use our property or when we sell it, we are required to do so in a way that is fair to the taxpayers of Oregon and the Highway Trust Fund.

Why We Own Property

ODOT owns property for the purpose of developing and maintaining the state highway system. We own properties for many reasons that support our mission. Among the reasons we may buy property are for roads, maintenance facilities to maintain those roads, stockpile sites to store road material, quarries to obtain rock or fill to build or maintain roads, and wetland mitigation sites to offset wetlands that may have been damaged while building roads. There are other reasons as well, but as you can see we use property for many reasons besides the actual roadway. Usually when we buy property we try to purchase only the amount of property actually needed for our use; however, sometimes that would leave the seller with a property that is not feasible for them to use. We have rules that guide us when a seller is damaged by our purchase of their property and there are times when we acquire more property than is actually needed. Also, we may move or change a road, or relocate ODOT facilities and as a result have property that is excess to our needs. It is also important to note that we may also own property that we intend to use in the future but are not currently using. Under certain circumstances we are able to allow the temporary use of portions of this property if it does not compromise the safety of our transportation system or the value of taxpayer assets.

What Happens When You Request to Use ODOT Property

When you submit your application to use or buy ODOT property several things may happen:

- We review what you are requesting of us.
- We figure out where the property is located.
- We verify whether we own it.
- We find out if there are plans to use it for transportation purposes.
- We determine if we have the manpower available to work on your request further.
- We log information about your request.

Once we understand the nature of the request and what options we have available, then we are in a position to respond to your request.

As you can see from the list of items above it is important for you to provide as much information as possible. If we cannot clearly identify the property and understand what you are requesting of us, then we will not be able to review your application effectively until we have complete information. This will only serve to delay getting you an answer to your request.

An important thing for you to understand is that the information is not always easily available. Most of the important information we need to address your request is in maps and files stored here in Salem. Researching your request requires a property agent to go to a file room, and/or a map room and physically locate information about the property.

Looking into these property requests is a time consuming process and can take from 30 minutes to 5 hours or more. The average research time needed to adequately identify a property and its current status is about 3 hours.

Our goal is to give you a timely response to your request.

Our turnaround time for requests for which we have complete information is a minimum of 60 days.

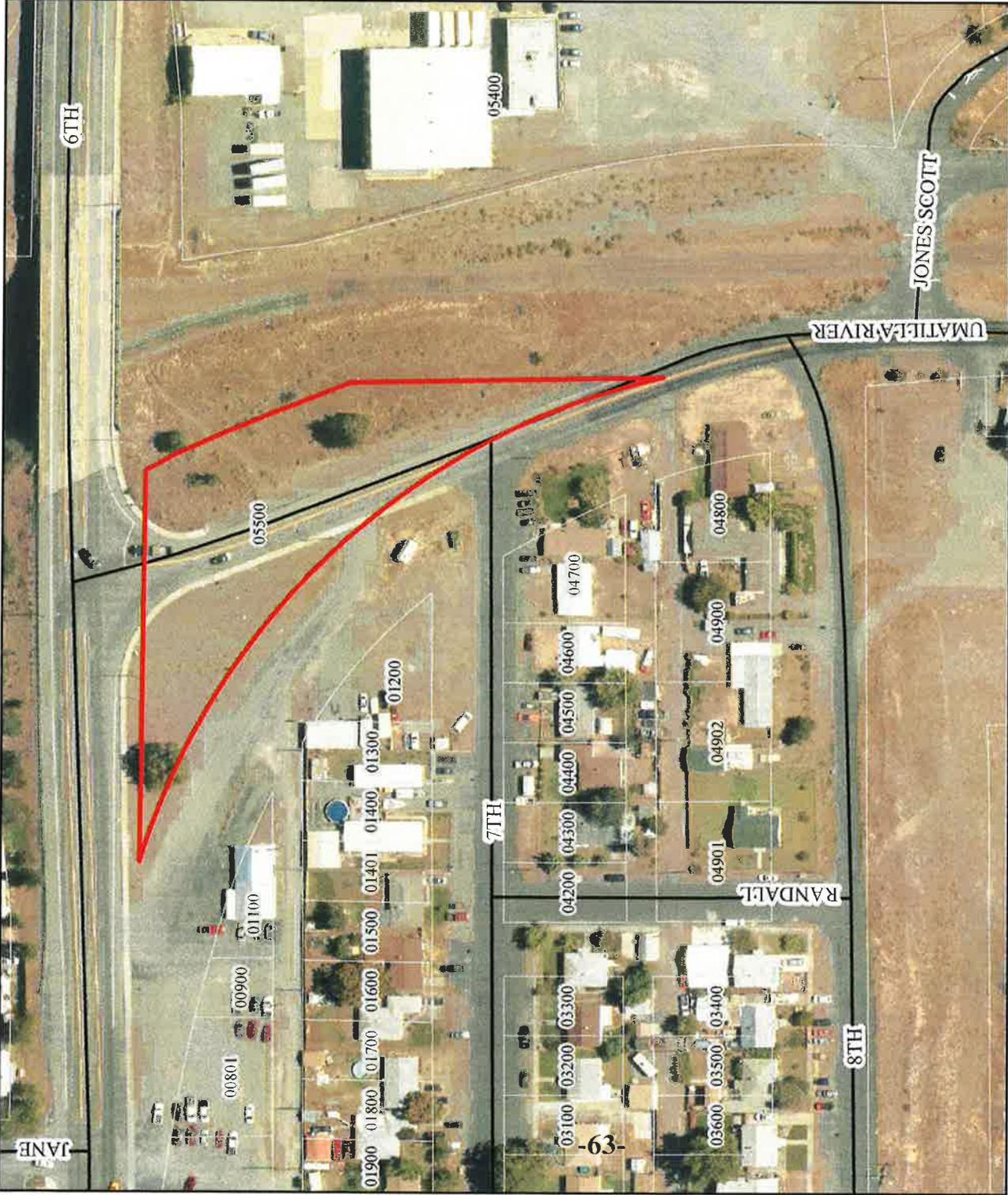
Once we have located the property you are interested in and obtained the property records, we periodically go through a review process to consider all of the requests we have received. Whether we will move forward on your request depends on many factors including how much it costs to sell or lease a property, if we have the manpower to work on your request, is the property needed by ODOT for other uses, etc.

After our review process is complete you will be notified of our decision. If your request is denied, our decision at this point is final, there is no appeal process. You are of course free to make the same request sometime in the future. Circumstances can change but our decision is usually made on projecting our workload and costs involved so you may want to wait before submitting your request again.

We hope this overview of our process has been helpful.

PROPERTY OWNERS

MAP	TAX LOT	OWNER
5N2817AD	00801	MCD LAND LLC
5N2817AD	00900	MCD LAND LLC
5N2817AD	01100	MCD LAND LLC
5N2817AD	01200	MCD LAND LLC
5N2817AD	01300	MCD LAND LLC
5N2817AD	01400	EVANS LINDSEY D
5N2817AD	01401	BASS DANNY EUGENE
5N2817AD	01500	DETWILER TERRY L
5N2817AD	01600	PRINDLE KENNETH RAY JR & DANETTE MARIE
5N2817AD	01700	LONGORIA ROBERTO JR & ROSIE
5N2817AD	01800	SAIRA & JIMMY LOERA TRUST ET AL
5N2817AD	01900	CASTRO ESTEBAN & ORTEGA MARTHA
5N2817AD	03100	WRENCHY KELLY D
5N2817AD	03200	DUNHAM CHERYL J
5N2817AD	03300	GRIFFIN RICHARD & REBECCA
5N2817AD	03400	MOORE MARK A & PATRICIA E
5N2817AD	03500	BAKER BRENT H & ELLA M
5N2817AD	03600	WOOD ROY L & LENA J
5N2817AD	04200	KURTZ MARION LESTER (TRS) ET AL
5N2817AD	04300	PEREZ JUAN M J & JAIREGIO MARIA G
5N2817AD	04400	AFFORDABLE PROPERTIES OF OREGON LLC
5N2817AD	04500	BIEGEL ROBERT M & SHEILA J
5N2817AD	04600	COVARRUBIAS ESPAIN MARIA FRANIA
5N2817AD	04700	C S CORPORATION
5N2817AD	04800	DAVISON GLEN W
5N2817AD	04900	BALL GEORGE W & JANICE R
5N2817AD	04901	CASTILLO GUILLERMO & MARIBEL
5N2817AD	04902	RAMIREZ JOAQUINA
5N2817AD	05400	R L R INVESTMENTS LLC
5N2817AD	05500	STATE OF OREGON



CITY OF UMATILLA TAX LOT MAP



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Brandon Seitz, on 2/12/2019



Legend

- Tax Lots (1/2/19) ——— Streets
- Subject Property



City of Umatilla

700 6th Street, PO Box 130, Umatilla, OR 97882
City Hall (541) 922-3226 Fax (541) 922-5758

July 5, 2018

Paul Howland, Assistant District Manager
ODOT District 12
1427 SE 3rd Street
Pendleton, OR 97801

RE: parcel at intersection of Highway 730 and River Road
Tax Lot 5500 of Assessor's Map 5N 28

Hello Mr. Howland:

On behalf of the City of Umatilla, I would like to request that ODOT transfer to city the above parcel of land, located at the intersection of State Highway 730 and Umatilla River Road. I understand you have researched this parcel and have advised our Community Development Department that ODOT is willing to transfer the property. Thank you for your support and time.

As you know, the parcel was previously used as right of way and since then has been a place for collecting weeds, grass and garbage. City would like to clean up the property and look at opportunities to landscape the area and possibility erect a gateway feature.

If an agreement to do that work is required in the interim we would welcome that support as well.

If you have any questions please contact City Public Works Director Jason Barron, or City Community Development Director, Tamra Mabbott.

Thank you again for your assistance. The city appreciates our positive and productive relationship we have with you and ODOT staff.

Sincerely,

Daren Dufloth, Mayor

RESOLUTION NO. 03-2019

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LETTER REQUESTING
TRANSFER OF TAX LOT 5500 OF ASSESSOR'S MAP 5N 28 17AD TO THE CITY OF
UMATILLA**

WHEREAS, the City has adopted a Vision and Framework Plan to revitalize downtown Umatilla; and

WHEREAS, the City desires to make landscaping and other improvements along Highway 730, and;

WHEREAS, a parcel of land owned by the Oregon Department of Transportation is surplus and was previously part of a road right-of-way; and

WHEREAS, the parcel is in need of maintenance to control weeds, tall grass, and garbage; and

WHEREAS, the City wishes to clean up the property and look for opportunities to beautify with landscaping; and

WHEREAS, the City is willing to accept ownership of the parcel.

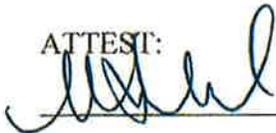
NOW, THEREFORE, the City of Umatilla does hereby authorize the Mayor to sign this letter requesting transfer of Tax Lot 5500 of Assessor's Map 5N 28 17AD.

PASSED by the Council and **SIGNED** by the Mayor this 3rd day of July, 2018.

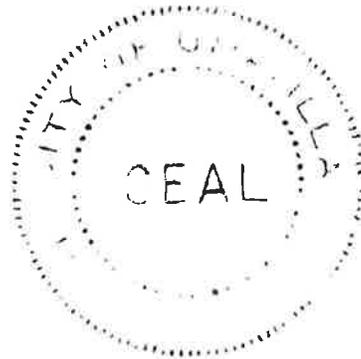


Daren Dufloth, Mayor

ATTEST:



Nanci Sandoval, City Recorder



CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Res XX-2019 A Resolution Amending the Compensation Plan for FY 2018-19 and Repealing Res 20-2018	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> Finance	<u>Director:</u> Melissa Ince	<u>Contact Person:</u> Melissa Ince	<u>Phone Number:</u> 541-922-3226 x 104
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<u>Cost of Proposal:</u> CY Impact \$56,000 <u>Amount Budgeted:</u> Included in Supplemental Budget	<u>Fund(s) Name and Number(s):</u> See Supplemental Budget
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<u>Reviewed by Finance Department:</u> Yes	<u>Previously Presented:</u> N/A
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<u>Attachments to Agenda Packet Item:</u> Res XX-2019, Schedule A Proposed Wage Scale
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Summary Statement:
City Manager Stockdale has completed his review of the City's organizational chart and has determined that it is in the City's best interests to hire a dedicated Building Inspector/Official and Administrative Services Manager to assist with daily accounting and administrative functions.

Additionally, staff was directed by City Manager Stockdale to review all other existing positions and perform a market analysis on current wages. City administration used the Milliman 2018 Oregon Public Employers Salary Survey to compare the results of all Cities, just Eastern Oregon, and the City's existing wage scale. In most cases, the results showed that the City is offering at least the mid-point salary and appears to be market competitive. The result of the analysis, however, also yielded that the major deficiency in the City's wage scale

is the compensation of the City's non-union police staff and most department heads. In response to this analysis, City Manager Stockdale is proposing that an additional Grade Level and an additional Step be added to the Wage Schedule for all non-bargained positions. Furthermore, most positions were provided an approximate 3% wage increase to continue to be market competitive.

If adopted, staff would settle into their most closely related current wage (with no wage reduction) on the updated grade and step and would move on to a higher step upon a successful evaluation on their anniversary hire date.

Additionally, in anticipation of continued growth, several positions were added to the proposed wage scale, but are not being proposed to be filled at this time (Human Resources Manager, multiple levels of City Planner, etc.)

Consistent with Council Goals:

RESOLUTION NO. XX-2019

**A RESOLUTION AMENDING THE COMPENSATION PLAN
FOR FISCAL YEAR 2018-2019
AND REPEALING PAY PLAN AND POSITION LEVELS OF
RESOLUTION NO. 20-2018**

WHEREAS, it is the intention of the City Council to review the employees' compensation on an annual basis; and

WHEREAS, the pay scale was last reviewed and amended on May 1, 2018 when non-union employees were granted a 2% cost of living adjustment effective July 1, 2018; and

WHEREAS, City Manager Stockdale has completed his review of the City's organizational chart and has determined it is in the best interests of the City to hire a dedicated Building Inspector/Official and Administrative Services Manager; and

WHEREAS, City administration used the Milliman 2018 Oregon Public Employers Salary Survey as a basis of comparing City wages to those of all Oregon Cities and Eastern Oregon; and

WHEREAS, this wage scale is designed to anticipate future City growth with the addition of several positions that will remain vacant until needed;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Umatilla, Oregon, that the pay plan adopted by Resolution 20-2018 and accompanying "position levels" of Resolution 20-2018 be repealed and superseded as follows:

Section 1: Schedule A attached sets forth the basic salary grade levels and increment steps for City of Umatilla employees, **EXCEPT** Police Bargaining Unit positions, to provide equitable pay for employees for fiscal years 2018-2019 and 2019-2020.

Section 2: Schedule B sets forth respective position titles which shall be assigned to the salary grade levels.

Section 3: Schedule C annualizes the pay schedule as required by our existing payroll program.

Section 4: This Resolution shall be effective, April 1, 2019.

PASSED by the Council and Signed by the Mayor this 5th day of March, 2019.

Mary Dedrick, Mayor

ATTEST:

DRAFT

**SCHEDULE A (Monthly)
Resolution #XX-2019**

GRADE LEVEL	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
A	2,571	2,650	2,732	2,817	2,904	2,994	3,086	3,182	3,280
B	3,104	3,200	3,299	3,401	3,507	3,615	3,727	3,842	3,961
C	3,459	3,565	3,676	3,789	3,907	4,027	4,152	4,280	4,413
D	3,660	3,773	3,889	4,010	4,134	4,262	4,393	4,529	4,669
E	4,290	4,423	4,559	4,700	4,846	4,996	5,150	5,310	5,474
F	5,193	5,326	5,462	5,602	5,746	5,893	6,044	6,196	6,352
G	6,024	6,147	6,272	6,400	6,531	6,664	6,800	6,939	7,081
H	5,972	6,157	6,347	6,544	6,746	6,955	7,170	7,391	7,620
I	7,593	7,748	7,906	8,068	8,232	8,400	8,572	8,747	8,880
J	7,637	7,832	8,033	8,239	8,451	8,667	8,889	9,117	9,351
K	7,735	7,974	8,221	8,475	8,737	9,007	9,286	9,573	9,819

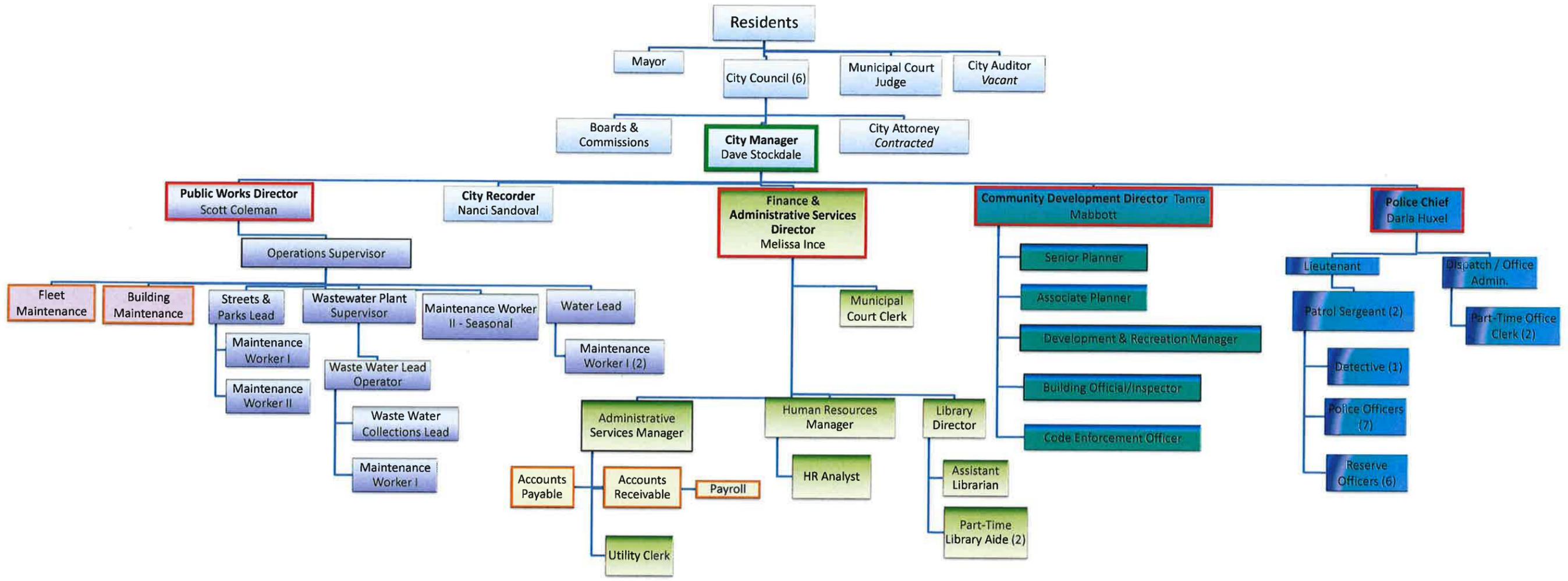
SEASONAL PART-TIME AND TEMPORARY POSITIONS	\$11.00 TO \$30.00/HR
ON CALL PAY	\$225/WEEKEND
BILINGUAL PAY INCENTIVE	\$75/PAY PERIOD

**SCHEDULE B
POSITIONS GROUPED BY SALARY GRADE LEVEL**

Grade Level	Position Title
A	Library Aide
B	Office Clerk
C	Maintenance Worker I, Senior Office Clerk, Utility Clerk
D	Accounting Tech, Court Clerk, Deputy City Recorder, Library Director, Maintenance Worker II, Municipal Judge
E	Public Works Lead, Community Development Coordinator, City Recorder
F	Associate Planner, Building Official/Inspector, Certified City Recorder
G	Administrative Services Manager, Development & Recreation Manager, Police Sergeant, Public Works Supervisor, Senior Planner
H	Certified & Licensed Building Official/Inspector, Human Resources Manager, Police Lieutenant, Public Works Superintendent, Principal Planner
I	Community Development Director
J	Public Works Director, Police Chief
K	Finance & Administrative Services Director
by Contract	City Manager

SCHEDULE C (Annual)

GRADE LEVEL	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9
A	30,849	31,803	32,787	33,801	34,846	35,924	37,035	38,180	39,361
B	37,252	38,404	39,592	40,816	42,079	43,380	44,722	46,105	47,531
C	41,502	42,786	44,109	45,473	46,880	48,330	49,824	51,365	52,954
D	43,915	45,274	46,674	48,117	49,606	51,140	52,721	54,352	56,033
E	51,480	53,072	54,714	56,406	58,150	59,949	61,803	63,714	65,685
F	62,312	63,909	65,548	67,229	68,953	70,721	72,534	74,356	76,223
G	72,287	73,762	75,267	76,803	78,371	79,970	81,602	83,268	84,967
H	71,665	73,882	76,167	78,523	80,951	83,455	86,036	88,697	91,440
I	91,117	92,977	94,874	96,811	98,786	100,802	102,859	104,959	106,557
J	91,640	93,990	96,399	98,871	101,406	104,007	106,673	109,409	112,214
K	92,820	95,691	98,651	101,702	104,847	108,090	111,433	114,879	117,825



CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> Supplemental Budget Discussion and Resolutions	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> Finance	<u>Director:</u> Melissa Ince	<u>Contact Person:</u> Melissa Ince	<u>Phone Number:</u> 541-922-3226 x 104
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<u>Cost of Proposal:</u> Supplemental Budget \$1,024,519 Transfer of Appropriations \$103,000 <u>Amount Budgeted:</u> N/A	<u>Fund(s) Name and Number(s):</u> See Attached Resolutions
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<u>Reviewed by Finance Department:</u> Yes	<u>Previously Presented:</u> N/A
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<u>Attachments to Agenda Packet Item:</u> Res AA-2019, Res BB-2019, Res CC-2019
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<u>Summary Statement:</u> Each fiscal year administration monitors budget performance to ensure that the City does not exceed its budget allocations. In the current fiscal year we have received quite a bit of unexpected revenue including: <ul style="list-style-type: none">• \$200,000 higher than budgeted property tax collections• \$52,500 higher than budgeted General Fund beginning balance• \$7,000 STF Disabled Taxi Program revenue• \$6,000 Kiwanis Park donation• \$10,122 Insurance claim proceeds on police vehicle• \$10,000 contribution from CTUIR for vegetation management plan• \$13,897 Oregon Energy Trust incentives• \$725,000 Loan proceeds 6th Street Waterline Project
--

The total of these receipts, \$1,024,519, is the proposed amount of the supplemental budget. The first resolution approves the entire supplemental budget amount. The second resolution appropriates the revenue to specific expenditure line items.

In addition to the supplemental budget, there is a third resolution transferring funds from operating contingencies to cover higher than anticipated legal fees relating to the SIP agreement and Vadata agreements, Building Fund expenditures resulting in the creation of a dedicated Building Inspector/Official, and transferring funds from Transient Room Tax materials and services into personnel as a result of increased tourism/event related job duties of the Community Development Department staff.

Consistent with Council Goals:

RESOLUTION NO. AA-2019

**A RESOLUTION ADOPTING SUPPLEMENTAL BUDGET
FOR FISCAL YEAR 2018-19**

BE IT RESOLVED, the City Council of the City of Umatilla hereby adopts the supplemental budget for fiscal year 2018-19, in the total sum of \$1,024,519.00, now on file at City Hall, 700 6th Street, Umatilla, Oregon 97882.

PASSED by the Council and **SIGNED** by the Mayor this 5th day of March, 2019.

Mary Dedrick, Mayor

ATTEST:

Nanci Sandoval, City Recorder

RESOLUTION NO. BB-2019

**A RESOLUTION MAKING APPROPRIATIONS FOR THE
2018-19 SUPPLEMENTAL BUDGET**

BE IT RESOLVED that the Umatilla City council hereby increases appropriations in the current 2018-19 fiscal year budget and that the 2018-19 supplemental budget totaling \$1,024,519.00 is appropriated as follows:

GENERAL FUND

Administration Regular Earnings	\$ 13,000
Administration Miscellaneous Expense	\$ 52,500
Planning Department Regular Earnings	\$ 7,000
Planning Department Training	\$ 7,500
Parks Department Regular Earnings	\$ 1,000
Parks Department Training	\$ 1,200
Code Enforcement Training	\$ 1,000
Taxi Program	\$ 6,000
Taxi Supplies	\$ 1,000
Operating Contingency	\$ 124,300

GENERAL FUND TOTAL **\$ 214,500**

CAPITAL RESERVE FUND

Park Expansion & Improvements	\$ 6,000
Police Vehicle	\$ 10,122
Computer Support	\$ 20,000
Water Dept Equipment	\$ 9,000
Sewer Dept Equipment	\$ 9,000
Street Dept Equipment	\$ 7,000

CAPITAL RESERVE FUND TOTAL **\$ 61,122**

TRANSIENT ROOM TAX FUND

River Front Development	\$ 10,000
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TRANSIENT ROOM TAX FUND TOTAL **\$ 10,000**

WATER RESERVE FUND

Engineering	\$ 70,000
Water System Improvements or Repairs	\$ 668,897

WATER RESERVE FUND TOTAL

\$ 738,897

PASSED by the City Council and **SIGNED** by the Mayor this 5th day of March, 2019.

Mary Dedrick, Mayor

ATTEST:

Nanci Sandoval, City Recorder

DRAFT

RESOLUTION NO. CC-2019

**A RESOLUTION TRANSFERRING FUNDS AND
APPROPRIATIONS WITHIN THE GENERAL, BUILDING DEPARTMENT AND TRANSIENT
ROOM TAX FUNDS
FOR FISCAL YEAR 2018-19**

WHEREAS, the Umatilla City Council must avoid overspending appropriations budgeted for a single fund or department; and,

WHEREAS, a resolution is required by ORS 294.450 to transfer appropriations; and,

WHEREAS, certain approved expenditures were higher than originally anticipated and mid-year personnel changes are anticipated.

NOW, THEREFORE BE IT RESOLVED that the Umatilla City Council does hereby authorize transfer of the following appropriation and budgeted funds:

GENERAL FUND

From:	01-99-5-21	Operating Contingency	\$ 60,000
To:	01-72-3-20	Attorney Fees	\$ 60,000

Reason: Adjustment necessary due to higher than anticipated legal fees related to SIP agreement and Vadata agreements.

BUILDING DEPARTMENT FUND

From:	09-70-5-21	Operating Contingency	\$ 38,000
To:	09-70-2-10	Regular Earnings	\$ 30,000
To:	09-70-3-57	Training	\$ 8,000

Reason: Adjustment necessary due to hiring dedicated Building Inspector/Official and providing required training.

TRANSIENT ROOM TAX FUND

From:	13-70-3-35	City Activities/Projects	\$ 5,000
To:	13-70-2-10	Regular Earnings	\$ 5,000

Reason: Adjustment necessary due to additional tourism/event related job duties of Community Development personnel.

PASSED by the City Council and **SIGNED** by the Mayor this 5th day of March, 2019.

Mary Dedrick, Mayor

ATTEST:

Nanci Sandoval, City Recorder

DRAFT

CITY OF UMATILLA, OREGON

AGENDA BILL

<u>Agenda Title:</u> STIF allocations involving Umatilla. City of Hermiston and Kayak	<u>Meeting Date:</u> February 19, 2019
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<u>Department:</u> Community Development	<u>Director:</u> Tamra Mabbott	<u>Contact Person:</u> Esmeralda Horn	<u>Phone Number:</u> 541-922-3226 X108
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<u>Cost of Proposal:</u> N/A	<u>Fund(s) Name and Number(s):</u> N/A
<u>Amount Budgeted:</u> N/A	

<u>Reviewed by Finance Department:</u> Yes – M. Ince	<u>Previously Presented:</u> N/A
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<u>Attachments to Agenda Packet Item:</u> 1. OnTheMap Employer Analysis 2. WORC Tickets: Incentive Price 3. Disbursement allocation from STIF to City of Hermiston and Kayak.
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<u>Summary Statement:</u> This is the first review of this topic. Section 122 of <u>Keep Oregon Moving</u> (Oregon House Bill 2017) established a new dedicated source of funding for expanding public transportation service in Oregon . This new funding source is called the Statewide Transportation Improvement Fund, or STIF. A new state payroll tax of one-tenth of 1 percent funds STIF transportation improvements in Oregon. The average employee will contribute less than \$1 per week to generate \$115 million per year for better public transportation.

City of Hermiston has submitted application to the STIF Committee of Umatilla County, to include Umatilla, for a 50% reduced taxi ride for employees to any employers located within four zip codes; Hermiston, Umatilla, Stanfield and Echo. This service will be available seven days a week, 18 hours per day.

Kayak also submitted application to extend their service bus to Boardman. This will offer residents extended rides to employers and services in Boardman from Umatilla-Hermiston.

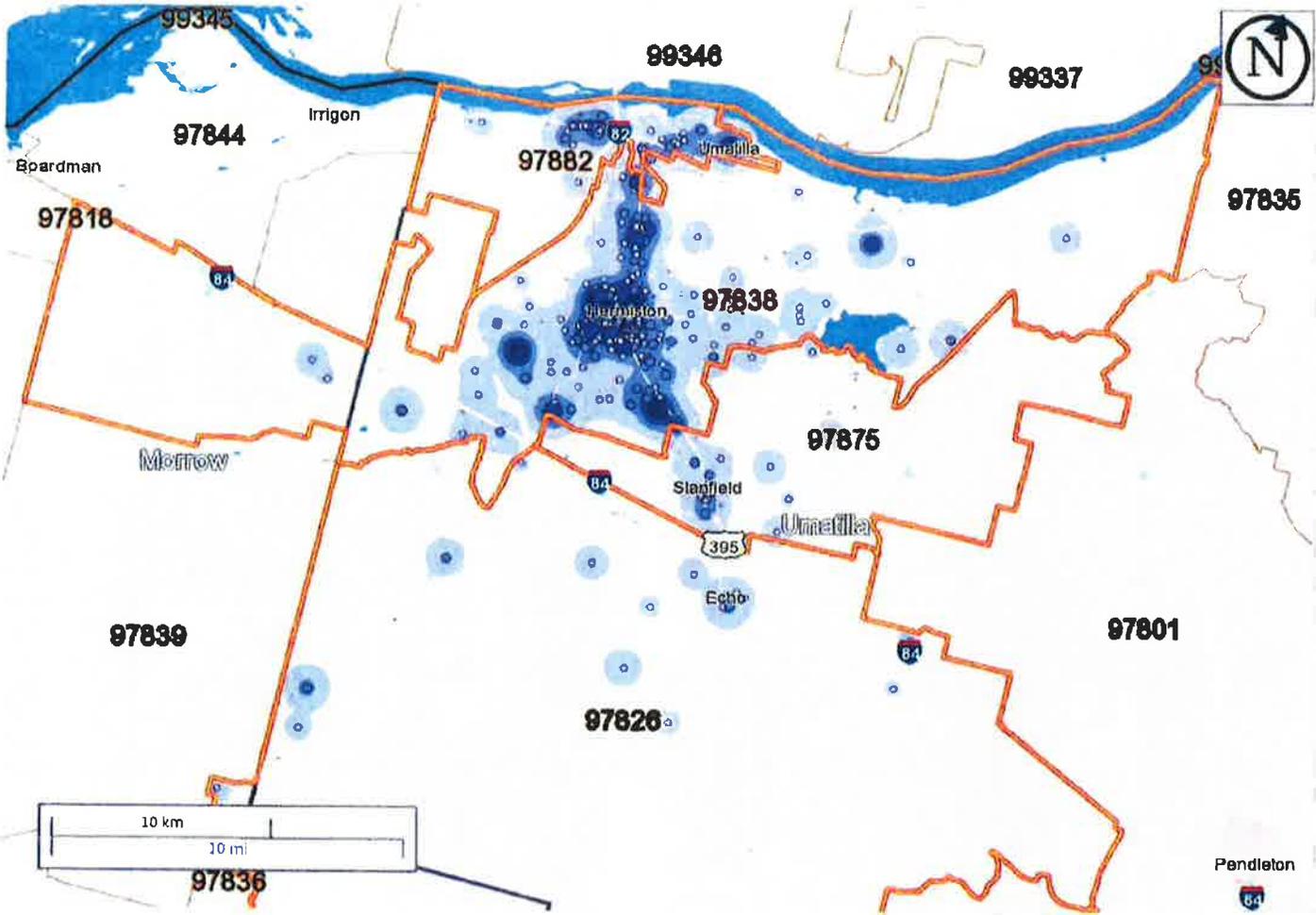
Consistent with Council Goals:

Employer Analysis 4-Zip West End

Created by the U.S. Census Bureau's OnTheMap <http://onthemap.ces.census.gov> on 11/20/2018

Counts and Density of All Jobs in Work Selection Area in 2015

All Workers



Map Legend

Job Density [Jobs/Sq. Mile]

- 5 - 139
- 140 - 544
- 545 - 1,219
- 1,220 - 2,163
- 2,164 - 3,378

Job Count [Jobs/Census Block]

- 1 - 2
- 3 - 27
- 28 - 133
- 134 - 419
- 420 - 1,022

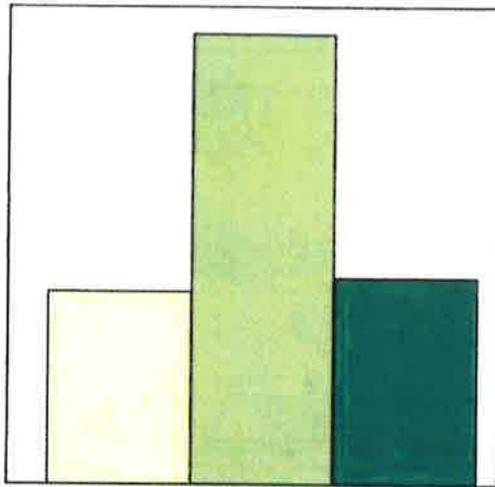
Selection Areas

- Analysis Selection

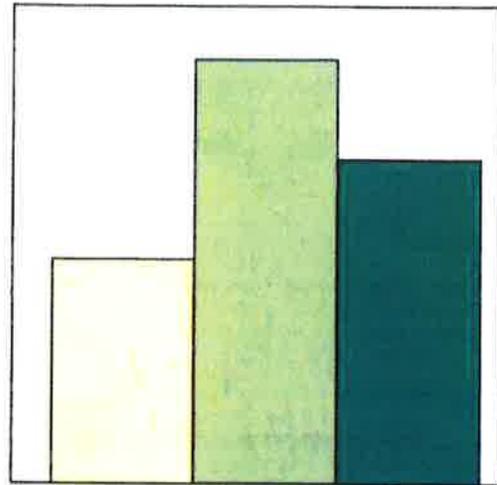


All Jobs for All Workers by Total in 2015

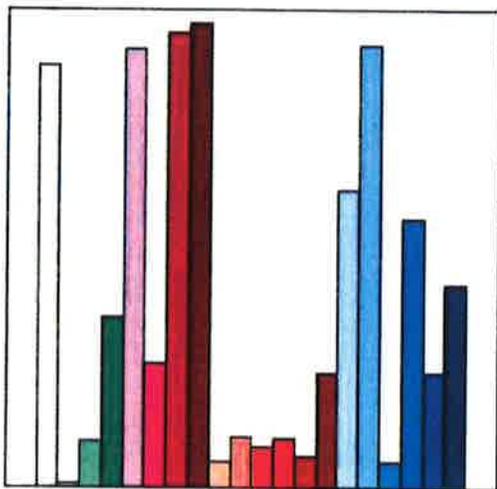
Employed in Selection Area



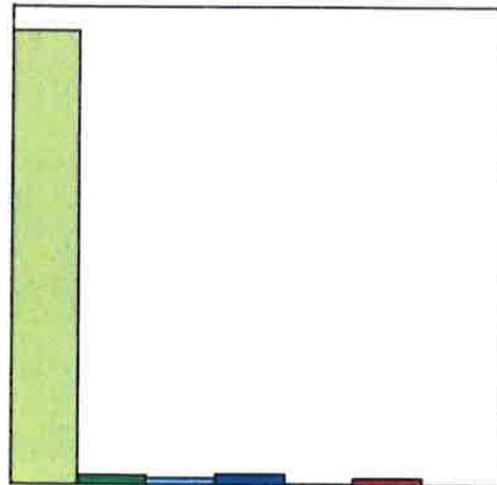
Age



Earnings



Industry Sector



Race

All Jobs for All Workers by Total in 2015

Employed in Selection Area

Total	2015	
	Count	Share
Total All Jobs	14,226	100.0

Additional Information

Analysis Settings

Analysis Type	Area Profile
Selection area as	Work
Year(s)	2015
Job Type	All Jobs
Labor Market Segment	All Workers
Selection Area	97826; 97838; 97875; 97882 from ZIP Codes (ZCTA)
Selected Census Blocks	1,904
Analysis Generation Date	11/20/2018 11:50 - OnTheMap 6.5
Code Revision	d6ec994dcb416ba9b4b1b8cb2b4d690f01609fc9
LODES Data Version	20160219

Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2015).

Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.

<u>Total</u>	2015	
	<u>Count</u>	<u>Share</u>
Total All Jobs	14,226	100.0

WORC Tickets: Incentive Price

Zip Code	Total 1-Way	Rider Share	Rider Cost	Subsidy	Jobs	Job %	Subs. Share*	Est. Rides**
Herriston(City)/Herriston(City)	\$ 7.00	36%	\$ 2.50	\$ 4.50	7,876	55%	\$ 55,363.42	12,303
Herriston(ZTA)/Herriston(ZTA)	\$ 9.00	36%	\$ 3.25	\$ 5.75	4,076	29%	\$ 28,651.76	4,983
Herriston(ZTA)/Umatilla(ZTA)	\$ 16.00	36%	\$ 5.75	\$ 10.25	1,627	11%	\$ 11,436.81	1,116
Herriston(ZTA)/Stanfield(ZTA)	\$ 16.00	36%	\$ 5.75	\$ 10.25	329	2%	\$ 2,312.67	226
Any Other/Any Other	\$ 20.00	36%	\$ 7.25	\$ 12.75	318	2%	\$ 2,235.34	175
					14,226	1.00	\$ 100,000	

*Amount allocated to be available for each ticket type as a percentage of jobs within the 4 Zip Codes

**Estimated number of tickets available based on available subsidy allocation divided by subsidy required per ticket.

WORC Tickets: 50% Cost Split

Zip Code	Total 1-Way	Rider Share	Rider Cost	Subsidy	Jobs	Job %	Subs. Share*	Est. Rides**
Herriston(City)/Herriston(City)	\$ 7.00	50%	\$ 3.50	\$ 3.50	7,876	55%	\$ 55,363.42	15,818
Herriston(ZTA)/Herriston(ZTA)	\$ 9.00	50%	\$ 4.50	\$ 4.50	4,076	29%	\$ 28,651.76	6,367
Herriston(ZTA)/Umatilla(ZTA)	\$ 16.00	50%	\$ 8.00	\$ 8.00	1,627	11%	\$ 11,436.81	1,430
Herriston(ZTA)/Stanfield(ZTA)	\$ 16.00	50%	\$ 8.00	\$ 8.00	329	2%	\$ 2,312.67	289
Any Other/Any Other	\$ 20.00	50%	\$ 10.00	\$ 10.00	318	2%	\$ 2,235.34	224
					14,226	1.00	\$ 100,000	

*Amount allocated to be available for each ticket type as a percentage of jobs within the 4 Zip Codes

**Estimated number of tickets available based on available subsidy allocation divided by subsidy required per ticket.

West-End Workforce Demand Ride Cooperative – 100%

West-End Workforce Demand Ride Cooperative – 80%

West-End Workforce Demand Ride Cooperative – 60%

Applicant: City of Hermiston

Project Summary: This program will provide 50% subsidized taxi rides for employees to any employer located within one of the four west-Umatilla County zip-codes (Hermiston, Umatilla, Stanfield, & Echo), and will be available seven days per week, 18 hours per day. This program will piggy-back off of the existing Senior/Disabled Taxi program operated within Hermiston. Adding additional rides/revenue to the system will help maintain the Senior/Disabled program by helping to spread the fixed overhead costs (i.e. office space, insurance, administration, etc.) across more service. This program will also help to improve the existing Hermiston HART fixed-route system by allowing it to continue to focus efforts toward the bulk of rider needs in Hermiston's core.

Note: This program consists of three scenarios scalable at 100%, 80%, and 60%.

STIF Funds Requested:

2019	2020	2021	
\$98,500	\$100,500	\$102,500	100%
\$78,800	\$80,400	\$82,000	80%
\$59,100	\$60,300	\$61,500	60%

Advisory Committee Recommendation: Fund the program at 80% for 2019 (\$78,800) and fully fund the program at 100% for 2020 (\$100,500) and 2021 (\$102,500)

Hermiston-Boardman Connector

Applicant: Kayak Public Transit

Project Summary: This project would add weekday fixed-route bus lines connecting the Cities of Hermiston, Stanfield, Echo, the Westland Road employment cluster, Port of Morrow, Boardman, Irrigon, Umatilla, and McNary. The project includes several phases - planning, start-up operations, administration, and capital purchases.

Note: This program consists of five tasks including planning (Task 1), Capital (Task 2), Operations (Task 3), Administration (Task 4) and Capital (Task 5).

STIF Funds Requested:

2019	2020	2021	
\$50,000	-	-	Task 1 - Planning
\$75,000	\$75,000	-	Task 2 - Capital (Bus Purchases)
-	\$50,000	\$175,000	Task 3 - Operations
-	-	-	Task 4 - Administration
-	\$25,000	\$25,000	Task 5 – Capital (Rolling Stock)

Advisory Committee Recommendation: Fully fund the all tasks associated with the project for 2019 (\$125,000), 2020 (\$150,000) and 2021 (\$200,000)

CITY OF UMATILLA, OREGON

AGENDA BILL

Agenda Title:

Social Media Policy

Meeting Date:

February 19, 2019

Department:

City Mgr

Director:

David Stockdale

Contact Person:

Stockdale,
Esmeralda Horn

Phone Number:

922-3226 X102
X108

Cost of Proposal:

Amount Budgeted:

Fund(s) Name and Number(s):

Reviewed by Finance Department:

Yes – M.Ince

Previously Presented:

No, except discussed generally by
Council as an goal/objective to
enhance communication.

Attachments to Agenda Packet Item:

- 1) Social Media Policy

Summary Statement:

Social Media is an important communication tool. City currently does not have a policy directing how city staff and officials utilize social media. The attached policy will provide that direction.

Consistent with Council Goals:

Social Media Policy

Purpose-

This social media policy establishes guidelines for the establishment and use of Social Media by the City as means of conveying information about the City and its' events and activities to its' residents.

The intended purpose behind establishing City of Umatilla Social Media sites is to disseminate information from the City, about the City, to its residents.

Nothing in this policy shall be applied to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor laws or other applicable laws.

General Policy-

The city shall notify users and visitors to the social media site that the purpose of the site is to facilitate communication between the city and the public. Each site shall contain the following message:

This site is created by the city of _____. This site is intended to serve as a mechanism for communication between the public and the city of _____ on all topics relevant to city business. The city of _____ reserves the right to remove comments or postings that violate any applicable laws. A list of content that will be removed may be viewed at: *[insert hyperlink to user guidelines]*. Postings to this site are public records of the city of _____ and may be subject to disclosure under the Oregon Public Records Law. The city of _____ does not endorse nor sponsor any advertising posted by the social media host, that the social media is a private site, or the privacy terms of the site apply. The city of _____ does not guarantee reliability and accuracy of any third-party links.

“Social Media” includes blogs, Facebook, Twitter, YouTube, and other similar accounts.

The City shall identify those employees authorized to use social media in behalf of the city. Only those employees who are authorize shall engage in social media activities on behalf of the city. The city manager shall maintain a list of authorized social media users.

All social media accounts shall be created with a city issued email address.¹

When possible, all social media sites will display city's logo for consistency and authenticity.

¹ Some social media sites, such as Facebook, prohibit creation of a government “page” without the use of a personal account. In those instances, the city should provide a process for transition of page management in the event the person holding the primary personal account associated with the page leaves the city.

Social media posts are considered public records if posts are made on an official city account; *or* on a city staff member or official's private account which makes or receives comments on city matters.

Social Media Policy may be revised at any time.

Comment Policy –

As a public entity the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.

The city and its employees and officials shall not discriminate against public speech based on content or viewpoint. The city, its staff and its officials may not engage in viewpoint discrimination. All persons who wish to “friend,” “follow,” “re-tweet,” etc. must be allowed to do so.

Comments or content containing any of the following inappropriate forms of content shall not be permitted and are subject to removal and/or restriction by the City:

1. Comments not related to the business of the City (or specific Department if Department-specific Site), or not relevant to the original topic;
2. Violent, profane, obscene or pornographic content and/or language;
3. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, or national origin;
4. Content that threatens or defames any person or organization;
5. Content that is hateful or incites violence;
6. Solicitation of commerce, including but not limited to, advertising of any non-government related event, or business or product for sale;
7. Conduct in violation of any federal, state or local law;
8. Encouragement of any illegal activity;
9. Information that may tend to compromise the safety or security of the public or public systems
10. Content that violates a legal ownership interest, such as a copyright, of any party

These guidelines shall be displayed to all users or made available by hyperlink. Any content removed must be retained, including the time, date and identity of the poster when available.

Record Retention-

The city must maintain and preserve social media records in compliance with the Oregon Public Records Law. The Public Records Law applies regardless of whether the social media site is hosted by the city or a third party.

Those engaged in social media activities must be familiar with the city's records retention schedule. Any posted original content that is not a copy of a preexisting city record must be captured and retained by saving a copy and providing it to the city's records custodian.

Social media content shall be retained by composing and retaining message in local software and noting the time and date posted, or by capturing screenshots of the post once it is on the page.

Non-Original Social Media Content Maintained Elsewhere Any posted content that is a copy of a city record that exists in another location does not need to be separately preserved, provided that the original content is being retained in compliance with the appropriate city retention schedule and media preservation requirements. Employees should use social media applications exclusively as a mechanism for providing the public with links or references to content that is maintained as an official city record elsewhere. Links or references posted to social media accounts are considered convenience copies which need to be retained only “as needed” or “until superseded.”

Original Social Media Content Any posted original content that constitutes a city record and that is not preserved and retained elsewhere in compliance with the appropriate city retention schedule, must be captured by the city and retained according to the appropriate schedule and preservation requirements. The person who posts the content is responsible for retaining and preserving the record.

- a. **Speeches/Statements/News Releases/Program Activity Records** Content that contains written or photographed accounts of a city event, or summary of such events posted to social media are considered statements and reports for retention purposes and should be retained generally for two years from the time they are “published.” If these posts contain policy or historically significant content, they must be retained permanently.
- b. **Correspondence** Incoming messages from the public that arrive via the city’s social media account should be treated as correspondence. Messages completely unrelated to the city’s activities does not need to be retained. If the message relates to the city’s activities or functions, it must be captured and retained per the retention category that most closely corresponds to the content of the message. Staff are advised to respond to correspondence via email or other “offline” messaging methods and if possible, communicate directly with the individual and maintain that correspondence.
- c. **Content Associated with a Specific Function or Activity** Information received from the public in response to social media posts used as a public entry point to solicit specific information—such as conducting a poll or to launch a process or placing an order—should be retained along with other records associated with that function or activity using the appropriate retention schedule.

Any staff member in violation of this social media policy is subject to disciplinary action pursuant to the city’s personnel manual, including but not necessarily limited to termination.