

AGENDA

REGULAR CITY COUNCIL MEETING

FEBURARY 13, 2023

5:30 p.m.

CITY HALL COUNCIL CHAMBER

313 COURT STREET

And

VIA ZOOM

<https://us06web.zoom.us/j/88147760127?pwd=bzF6UVBBS0EvaDIxTEVyRngrbExmQT09>

Meeting ID: 881 4776 0127

Passcode: 007612

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
 - A. Wastewater Treatment Plant Annual Report – Jacobs
 - B. Project Turnkey 2.0, Conversion of the Oregon Motor Motel to Transitional Shelter/Housing – Kenny LaPoint
 - C. No Smoking/Vaping at Lewis and Clark Park – Neita Cecil, North Central Public Health Department
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Up to five minutes per person will be allowed. Citizens are encouraged to ask questions with the understanding that the City can either answer the question tonight or refer that question to the appropriate staff member who will get back to you within a reasonable amount of time. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

7. CITY MANAGER REPORT
8. CITY COUNCIL REPORTS
9. CONSENT AGENDA

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles."

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be “pulled” from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the “Action Items” section.

- A. Approval of the January 17, 2023 Special City Council Meeting Minutes
- B. Approval of the January 23, 2023 Regular City Council Meeting Minutes

10. PUBLIC HEARINGS

- A. Resolution No. 23-007 Adopting a Supplemental Budget for Fiscal Year 2022-23, Making Appropriations and Authorizing Expenditures from and within Various Funds of the City of The Dalles Adopted Budget
- B. Close-out of Community Development Block Grant (CDBG) Project No. HA2101, providing Covid-19 Emergency Rental and Mortgage Assistance

11. CONTRACT REVIEW BOARD ACTIONS

- A. Contract for Annual ADA Sidewalk Upgrades Project
- B. Contract No. 23-004 1st Street Project contract with KPFF Engineering Consultants

12. ACTION ITEMS

- A. Local Contract Review Board Rules – Update
 - i. Resolution No. 23-006 Updating the City of The Dalles Local Contract Review Board Rules

13. DISCUSSION ITEMS

- A. Drone Policy Review

14. EXECUTIVE SESSION

In accordance with ORS 192.660(2)(d) to conduct deliberations with persons designated to carry on labor negotiations.

- A. Recess Open Session
- B. Reconvene Open Session
- C. Decision, if any

15. ADJOURNMENT

This meeting conducted VIA Zoom

Prepared by/ Izetta Grossman, CMC City Clerk

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles."



Operations Management and Facilities Services
2021-2022 Annual Report

The Dalles, Oregon

Jacobs

**Challenging today.
Reinventing tomorrow.**

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Letter from Project Manager Taylor Poynor


It is with pleasure we present to you, our valued client, a delivery performance summary for the 2021-2022 contract year. Since 1989, we have provided operations and maintenance (O&M) services to the City's wastewater treatment plant (WWTP). We are committed to safeguarding uninterrupted service delivery of this critical infrastructure that keeps The Dalles clean and safe.

In the last contract year, we continued to manage the daily challenges of living and working during the pandemic. I am proud of how our team responded and of how our strong partnership is weathering these challenging times. And while we experienced challenges, the last contract year came with accomplishments and positive outcomes.

Highlights of the last contract year include:

- Safely worked 21 years without a lost-time incident and 8 years without a recordable incident
- Consistently removed well above our National Pollutant Discharge Elimination System (NPDES) permitted levels of biochemical oxygen demand (BOD), total suspended solids (TSS) and E. coli
- Received 1,652 hours of assistance from Jacobs regional and nationwide experts for compliance, maintenance, safety and more
- Received 250 hours of training, keeping our team and the community safe
- Hauled more than 2.9 million gallons (mg) of biosolids

On behalf of our entire team, we are honored and privileged to serve this great community. We are excited to continue our partnership to bring the best operations, technical and economic benefits to the City, its stakeholders and residents. We appreciate your business and look forward to another successful year.



Taylor Poynor
Project Manager

Company overview and history of excellence

Jacobs, established in 1947 and headquartered in Dallas, Texas, is a Fortune 500 company. Jacobs currently employs 50,000+ staff worldwide, making us one of the largest and most diverse companies in our industry. Jacobs has a number of corporate subsidiaries, including Operations Management International Inc. (OMI), an addition to the Jacobs family as a result of our acquisition of its parent company CH2M HILL Companies Ltd. in 2017. OMI was established in 1980 and is a wholly owned subsidiary of Jacobs.

More than 90 percent of Jacobs' work is repeat business. Our commitment to client value and partnership produces consistent cost advantages, profits and growth, allowing us to attract and retain the industry's top talent. Our strict dedication to safety and uncompromising ethics and integrity create a work environment that promotes employee progress and helps grow our business. Jacobs is recognized among the 50 Best Companies to work for because we provide the opportunity for long-term employment. An overview of our fully integrated, award-winning water/wastewater firm is in Exhibit 1.

Exhibit 1

Fully integrated award-winning water/wastewater firm



Industry-leading O&M provider

Jacobs is one of the largest water/wastewater O&M services providers in North America, generating over \$1.5 billion per year in annual revenue. As a U.S.-based company, we have more staff in the Northwest region than any other O&M firm, more water and wastewater experts than any other O&M firm and we have performed more design-build/design-build-operate (DB/DBO) projects than any other O&M firm in the country. This base of collective experience and resources allows us to better serve the O&M needs of the City of The Dalles (Exhibit 2).

Having Jacobs as a partner and extension of the City has many advantages, including the access to thousands of professionals specializing in a wide range of areas. In the Northwest alone, Jacobs has 215 O&M professionals working at 22 projects. The city has access to these specialty resources that represent considerable cost savings to The Dalles.

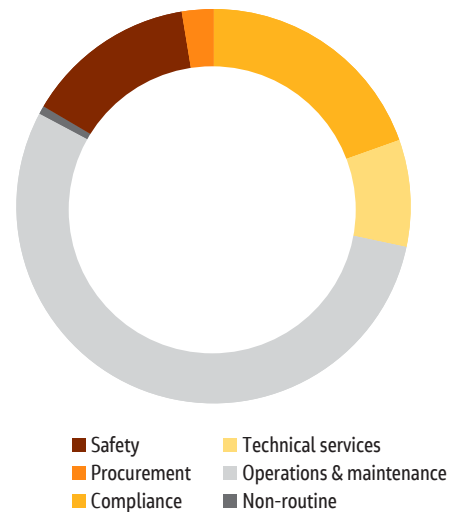
Exhibit 2

Jacobs unmatched resources in the Northwest



Exhibit 3

The Dalles regional support hours assistance



In the last contract year, our specialists recorded 1,652 hours (Exhibit 3 above) in the following areas of expertise:

- **Operations assessment and consulting.** Process troubleshooting, repairs, performance testing, quality management and system improvement
- **Asset management.** Condition assessments using proprietary software; determining facility asset operating longevity, lifecycle cost and risk and estimating repair and replacement costs and capital replacement costs
- **Optimization.** Optimization that lowers variable costs, benchmarking against a database of more than 100 similar facilities and providing a Web-enabled portal for data access and analysis
- **Software enhancement.** Installation, programming, operator training and monitoring of operations software and computerized maintenance management systems (CMMS)
- **Compliance.** Regulatory compliance specialists assess permits and help with permit renewal, assist with compliance plans and address compliance and regulatory challenges.

Industry-leading O&M provider

Jacobs experts assist with implementing projects focusing on optimization and efficiency

SUPERVISORY CONTROL AND DATA ACQUISITION EXPERT KEEP OPERATIONS FLOWING

Jacobs supervisory control and data acquisition (SCADA) expert Daryl Banaszek reprogrammed clarifier #2's pump and valves to cycle per their design specifications after it was discovered by onsite associates the scum box skimming line valves to the headworks were wired incorrectly in the programmable logic controller (PLC).

Daryl also assisted the project after a short in the connection strip on the gravity belt thickener (GBT) was discovered and level sensor programming was required. Daryl brought the system back online, allowing 24 hours per day/7 days a week wasting to resume.

MAINTENANCE EXPERT REBUILT MOTOR FOR PROJECT SPARE PARTS INVENTORY

After the bearings on the 1.5 horsepower Pista Grit motor wore through, the team replaced it with a new motor. Jacobs maintenance expert Bill Duchene rebuilt the motor and is now in our spare parts inventory.

ELECTRICIANS WORK TO IMPROVE OPERATIONS

Jacobs maintenance experts Bill Duchene and John Houchin assisted with the replacement of the variable frequency drive (VFD) on the Penn Valley Digester 1 and 2 recirculation pump. While onsite, they also replaced the ultraviolet (UV) low level sensors.

Bill and John also helped reinstall influent number 4 pump after the pump was not working properly and a cable was replaced by the manufacturer, Hidrostral Pumps.

Focus on our people

Our eight-member team is responsible for operating the City's WWTP and industrial pretreatment program (IPP). Jacobs delivery starts at the top of our The Dalles team with Project Manager Taylor Poynor. She brings new ideas to lead this dynamic team that brings almost 90 combined years of wastewater utilities experience. Jacobs is proud to attract and retain talented people working for The Dalles. Exhibit 4 highlights the team, their role at the project, skills they bring to the project and education/licenses/certifications.

Exhibit 4

Our experienced team

Name and title	Education/licenses/certifications	Skills
 Taylor Poynor Project Manager	BS Environmental Engineering from Colorado School of Mines (Graduated Magna Cum Laude) Colorado Water Operator A Colorado Wastewater Operator A Engineer-in-Training Co-Authored in Journal of Membrane Science: Bell, E.A. et al. (2017) 'Produced Water Treatment Using Forward Osmosis Membranes: Evaluation of Extended-time Performance and Fouling', Journal of Membrane Science	Organizational leadership skills and forward-thinking vision to partner with the city. Highly proficient and technical background provides the city with information to help improve, expand and upgrade facility operational efficiencies.
 Oscar Farris Operator	Oregon WW Treatment Grade 2 Pursuing Oregon Water Distribution 1	Astounding leader that moved from truck driver to biosolids leadership role, and now is in operations. He has expanded his process knowledge and was recently promoted to Operations Lead.
 Mitchell Riefel Operator	Oregon WW Treatment Grade 2 Oregon WW Collections Grade 1 Pursuing Capstone Microturbine C65 Technician Certification	Strong institutional and system knowledge which provides the City with innovative upgrades at the WWTP. Utilizes strong local connections and relationships to address issues, quickly, as they arise.
 Jason Knott Mechanic	Pursuing Oregon WW Treatment Grade 1	Jason joined the team recently as a mechanic with specialized experience in wind turbines and WWTP maintenance. He brings leadership skills to the table having been a manager in previous professional positions.
 John Wall Operator and Mechanic	Oregon WW Treatment Grade 3	Extensive institutional knowledge of the City's facilities and how to keep them operating effectively and efficiently.
 Michael Hoffman Laboratory Technician	Pursuing Oregon WW Treatment Grade 1 and Oregon Water Distribution 1	Extremely detail oriented and highly skilled in laboratory sampling and reporting, and a proven leader in assisting with process decision making.
 Brooke Henrickson Operator	Oregon WW Treatment Grade 2	Brooke brings energy and momentum to the project. Her 5 years with The Dalles WWTP has made her a great resource for training on daily responsibilities and what to look for in process and maintenance controls.
 Curtis Wilhelm Operator	Oregon WW Treatment Grade 1	Highly energetic and willing to put copious amounts of effort toward laborious tasks. Curtis has become an essential member of the operations team, providing countless hours behind the wheel hauling biosolids and filling in for operations team.

Focus on our people

Increased certifications and licenses

Our team of eight are experienced with advanced licenses, and we emphasize the importance of increasing licenses as employees develop in their roles. The increased licenses not only help our team advance in their careers; it also benefits the city by having experienced personnel operating their facilities. We reinforce the opportunity for our associates to advance in their careers with Jacobs and learn new skills. The following associates are pursuing licenses and certification:

- Taylor is in the process of obtaining reciprocity for an Oregon WW Treatment Grade 4 license
- Oscar is pursuing an Oregon Water Distribution 1 license
- Michael is pursuing an Oregon WW Treatment Grade 1 and Oregon Water Distribution 1 licenses
- Mitchell is pursuing a Capstone Microturbine C65 Technician Certification
- Jason is pursuing an Oregon WW Treatment Grade 1 license



O&M overview

Wastewater production

Jacobs operates and maintains the city's 4.4-million-gallons-per-day average (mgd) WWTP. Our team consistently operates the City's WWTP to produce effluent significantly better than contract and permit requirements as highlighted in Exhibits 5-8.

Exhibit 5

Monthly average flow

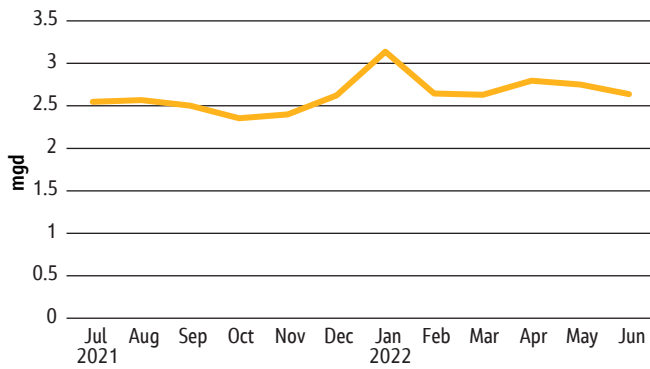


Exhibit 7

TSS monthly average versus permit

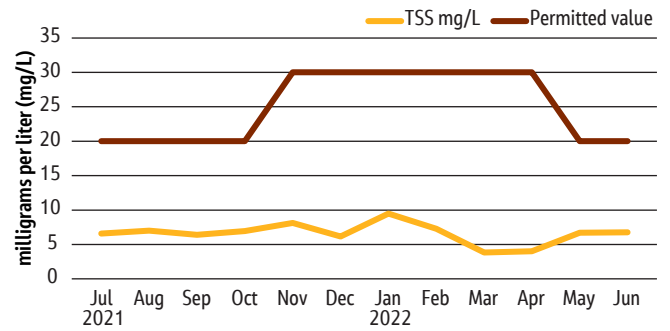


Exhibit 6

BOD monthly average versus permit

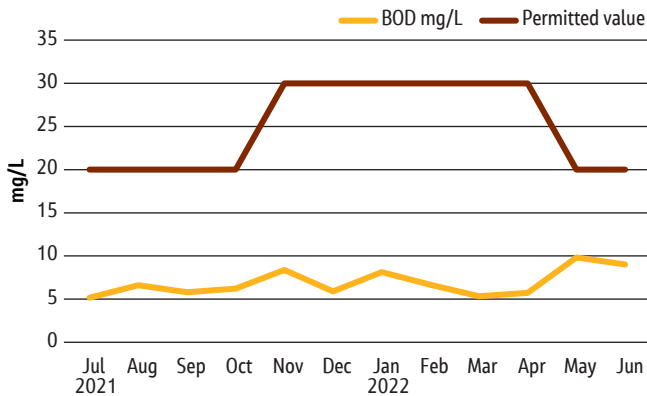
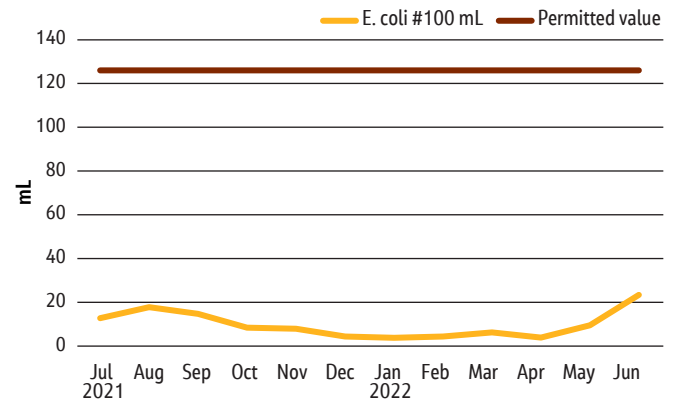


Exhibit 8

E. coli monthly total versus permit



O&M overview

Compliant operations

The WWTP experienced three non-compliance incidents in the last contract year. Exhibit 9 highlights the incident and actions taken to prevent the issue from occurring again.

Exhibit 9

Non-compliance incidents

Incident description	Cause	Action taken
In December, we experienced an excursion with the 2021 annual toxics monitoring for volatile organic compounds (VOC) due to an exceedance in sample holding time prior to analysis. The samples could not be re-collected within the required monitoring timeframe because we were not notified until January.	The selected contract laboratory failed to ship the samples for the VOC analysis to the correct sub-contracted laboratory's address. This led to a delay in the samples reaching the laboratory and resulted in the samples not meeting the time limit required for the samples to be analyzed.	The team changed laboratories and the site's sampling plan; providing the opportunity to re-sample if an issue occurs in the future.
In January, the in-stream effluent pH meter read below the permitted level of 6.0 standard units (SU).	The in-stream effluent pH meter probe was drifting over the course of weeks and needed recalibration.	The team has received additional training in operator rounds and how to use the in-stream and bench meter calibration comparison logbook. A low- and high-level pH alarm has also been installed in the call-out program.
In April, testing results for E. coli were not completed on time. The Department of Environmental Quality (DEQ) deemed there was no threat to public health or safety.	The laboratory operator was on vacation and the laboratory was being run by another team member for the day when E. coli results were supposed to be "read-out".	The daily rounds sheet has been modified to include a check on the E-coli incubator, ensuring all read-out events occur within the appropriate time frame.

O&M overview

Wastewater treatment activities

IMPLEMENTING THE NEW HACH WIMS OPERATIONAL DATA PROGRAM

Our team completed the last contract year utilizing the Hach WIMS database. It serves as a repository for all facility operational and compliance data. Information from the field and the laboratory are entered into the database and from this single data source, our team can make process calculations, generate regulatory reports and create graphs and tables revealing status trends in our operations. Data is then analyzed and measured how closely we are achieving plant-specific process performance targets. The objective is to have our team run the WWTP, not the WWTP run them.

This is the largest, and perhaps, the only companywide process control monitoring system in the U.S., according to Hach, who was instrumental in our development of this unique system. Once a week, CPCS calculates scores and measures how close each team is to achieving controllable process targets using the process and compliance data recorded in Hach WIMS. Rollup reports are automatically sent to project staff, Jacobs regional process and management teams and Jacobs O&M senior leadership. Direct access to the data management software allows the city to “mine” the database for specific data, as desired. Periodic reports will also provide the city with a quick summary of how the facilities are performing regarding the discharge permits and how individual processes are performing.

MICROTURBINE SYSTEM STATUS

Until the system is functioning up to expectations, our team is focused on efforts to improve the system and how it operates. Operator Mitchell Riefel is receiving microturbine training to help learn how to operate the equipment efficiently.

BIOSOLIDS HAULING AND LAND APPLICATION

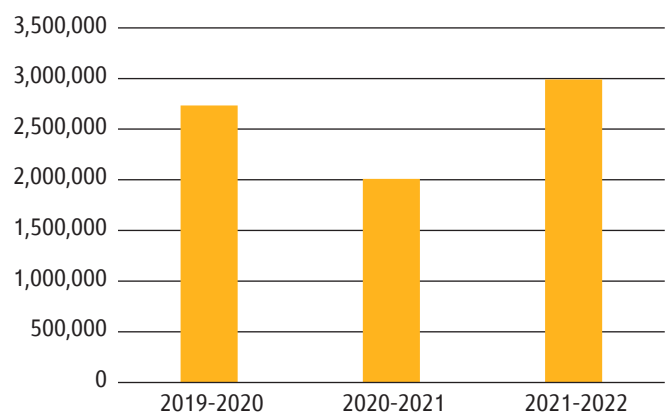
During the last contract year, we hauled more than 2.9 mg of liquid biosolids to farmland where it is land applied using a terragator tractor. Jacobs is now caught up with biosolids activities from the previous contract year, even while facing adversity. A large snowstorm in January prevented biosolids land application for four weeks, leading to significant hauling backups. For a temporary solution, our team acquired three Baker tanks that held 15,000 – 17,000 gallons of biosolids per tank. Even with the tanks, the facility was behind in wasting, but our team found a solution. After coordinating with the Public Works Department, the City of Hood River, and nearby Jacobs-operated project in Hood River, The Dalles WWTP team hauled 101,000 gallons of Class B treated biosolids to the Hood River WWTP for dewatering. The ability to lean on a nearby Jacobs-operated facility allowed The Dalles to return to normal operations.

Exhibit 10 highlights the total biosolids in million gallons hauled over the last three years.

As part of our land application program, Jacobs has developed relationships with local farmers, which means The Dalles biosolids are re-used, and these local farmers benefit via nitrogen and other nutrients for their soil. Jacobs prides ourselves on our partnerships with area farmers.

Exhibit 10

Total biosolids hauled the last three contract years



O&M overview

Industrial pretreatment program

IPP Coordinator Mitchell Riefel and Compliance and IPP Manager Rebekka Maier work with the city and The Dalles industries to help businesses comply with local ordinances and protect the City's assets. During the last contract year, the following activities occurred:

- Rebekka worked closely with The Dalles compliance coordinator on regulations and calculations associated with IPP
- Gathered and distributed data for the City's local limits study
- Assisted with the review of permit renewal review documents for significant industrial users (SIUs)
- Assisted in walk through inspections of SIUs and categorical industrial users (CIUs)
- Collected and audited IPP permittee's monthly and quarterly reports for the city
- Performed semi-annual sampling for all SIUs and CIUs
- Maintained historical documents for the city's IPP

INNOVATIVE TECHNOLOGY HELPS THE TEAM WORK EFFICIENTLY

Our team is utilizing the City's new asset management tool, Lucy, on inspections on fleet vehicles, lift stations, manholes and grease traps and for the IPP. After our team completes an inspection, a work order (WO) is created in the field and is electronically delivered to the city. The city can then prioritize and resolve WOs. This real-time sharing of information has improved communications between the city and Jacobs.

Lucy also helps with communicating with local businesses. Grease trap inspection reports are compiled and delivered to businesses informing them of required changes or upgrades. This is another example of how the tool streamlines processes and improves communications and efficiencies.



O&M overview

Maintenance program performance

Jacobs protects the City's equipment by practicing routine preventive maintenance (PM) and addressing small problems before they develop into major problems requiring corrective maintenance (CM). By performing and tracking daily, weekly, monthly and annual PM on all the facility's equipment we keep major equipment failures to a minimum. We initiated new predictive technology practices, while enhancing practices that were already utilized, including:

- Vibration analysis
- Infrared camera inspection of electrical systems
- Electrical analysis of motors and pumps
- Completed annual PM on equipment, ahead of schedule
- Participated in equipment oil sampling program to save on unnecessary oil changes and identify potential equipment failures before they occur

Utilizing these new practices, we fixed loose electrical connections, replaced bad bearings and fixed leaking oil seals on the bar screens. We also completed the following maintenance activities:

- Repaired the 12-inch air leak and replaced the air valves with all new valves with a cost-effective plan
- Attempted to optimize the use of cogeneration unit to maximize electrical savings
- Worked on the upgrades to the aeration basins, blowers and boiler systems
- Repaired the Siloxane skid compressor
- Repaired the boiler plate cartridge after a crack was discovered
- Removed and repaired influent pump 4
- Installed the upper exhaust cooling unit for the microturbine
- Replaced the brass scraper and adjusted the flush box on clarifier #1
- Replaced the starter on one of the Huber bar screens
- Replaced the spring and diaphragm on the polymer water line valve
- Replaced the GBT belt from our spare parts inventory and ordered a new back up belt
- Replaced the water pump belt and pulleys on the Quadtrack
- Repaired a weir in the south UV channel that had become detached
- Replaced lamps in both the North and South UV banks



O&M overview

Laboratory quality assurance and quality control

Quality control (QC) and quality assurance (QA) programs are extremely important at all levels of laboratory operations. All results must be valid, representative, comparable and of known precision and accuracy to be of value. The laboratory adheres to Jacobs' well-established and well-documented QA program which meets the requirements of the NPDES permit. This enables us to provide reliable, legally defensible results and to make decisions that will protect and enhance the environment.

In the last contract year, we completed the following activities:

- Collected 4,013 samples (not including the Department of Environmental Quality [DEQ] required sampling) in the last contract year, including process, daily and weekly, annual Tier, biosolids and more
- Completed annual and semi-annual samples ahead of schedule

Our Jacobs team is also assisting the city with the DEQ required sampling in preparation for WWTP's discharge permit renewal. Oregon DEQ has elevated the level of sampling required from Oregon municipalities before they issue a new permit; and The Dalles is no exception. Our Jacobs team is currently conducting 10 months of ambient pesticide, ultra-low-level mercury, low-level metals and base-neutral compounds sampling. Additionally, our team is collecting effluent samples for metals, VOCs and pesticides. These samples are sent to a contract laboratory for analysis. Laboratory results are returned and QC-ed by site staff, and then are entered into the proper spreadsheet format for DEQ review. The DEQ then considers the sampling results when evaluating the city's new permit requirements.



Focus on safety extends impressive safety record another year

The Dalles team has extended its impressive safety milestones: more than 22 years of work with zero lost-time incidents and 9.5 years with no reportable incidents. The team attributes these remarkable milestones to training and team buy-in. Our safety standards and practices include more than 250 hours of safety training by the entire team. The industry-specific training our team receives allows our team to come home in the same condition that we arrive onsite.

Our onsite Safety Champion, Oscar Farris along with Taylor Poynor, are responsible for creating a culture of safety onsite. Emphasizing the importance of completing each job safely and encouraging our team to stop work when something doesn't look or feel right. Every day, our goal is for all associates to return home in the condition they arrived.

It is this focus on safety that allowed associates to speak up when they noticed emergency lighting wasn't working properly. Jacobs maintenance experts Bill Duchene and John Houchin fixed the light. Our team also noticed the lack of safety paint near the access points of the digesters. They were painted so visitors and associates could be aware of the grade change.

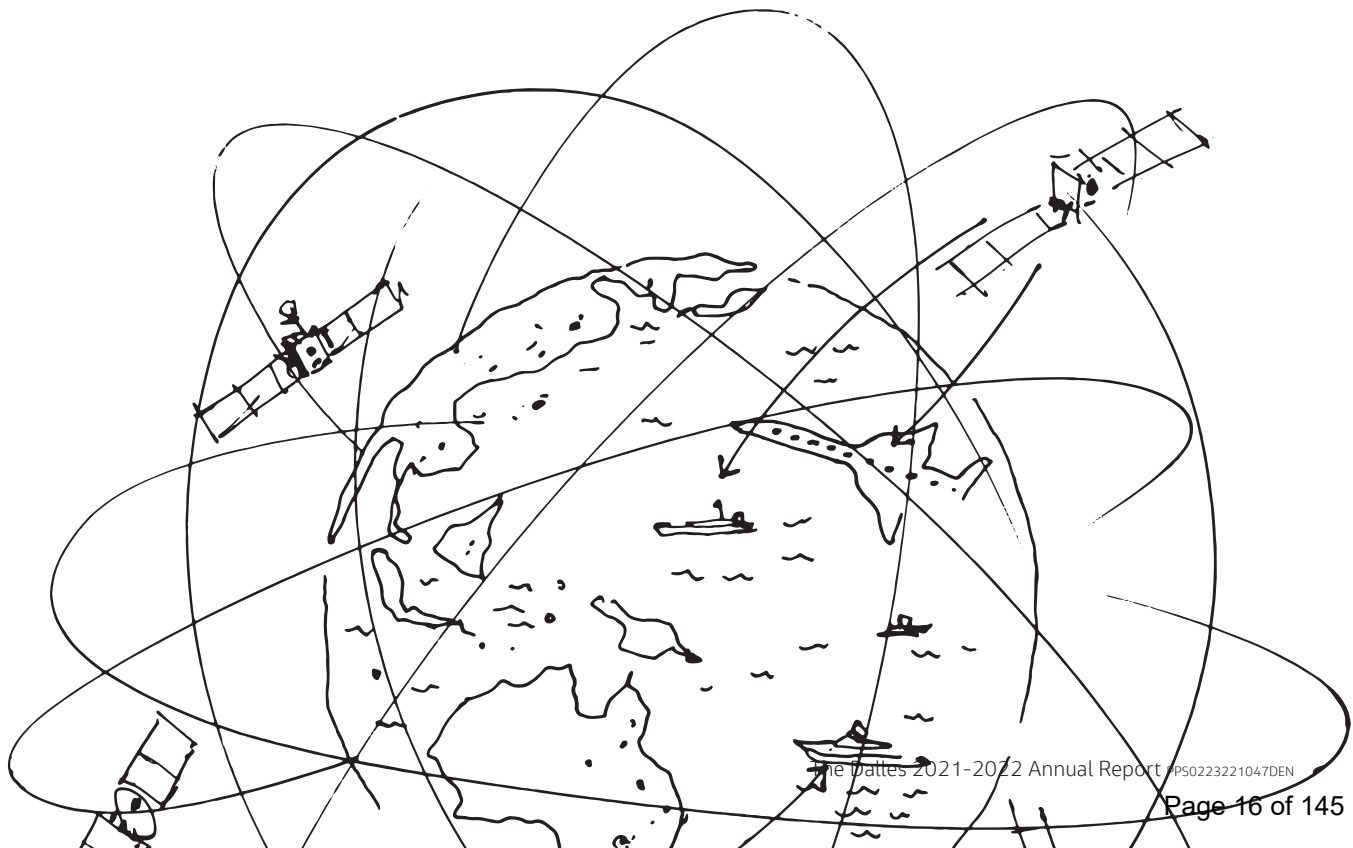
In the last year, our team received training on the following topics:

- Daily Safety Topics
- Occupational Safety and Health Administration (OSHA)-30
- Code of conduct
- Respect in the workplace
- Cyber security
- Accountability framework
- Conscious inclusion
- Active shooter
- Forklift safety
- Fire extinguisher
- Data integrity
- Accident prevention plan
- BeyondZero safety program
- American Red Cross Adult First Aid, cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED)
- Overhead crane
- Ethics and business conduct
- Anti-harassment and non-discrimination
- Workplace security
- Confined space entry
- Compliance and reporting
- Land application of biosolids
- Working alone standard
- Smith system driving
- Hand and power tools
- Machine guarding
- Hand safety
- Lock out/tag out
- Drum handling
- Electrical safety
- Ergonomic awareness

Making a lasting impact in our community

From teaching Oregon's future generations about the importance of preservation and conservation to discovering new ways to save money or increase efficiency, our team always has the best interests of the city and residents in mind. To continue to invest in our project and community, we dedicated ourselves to the following projects to create a lasting impact in our community:

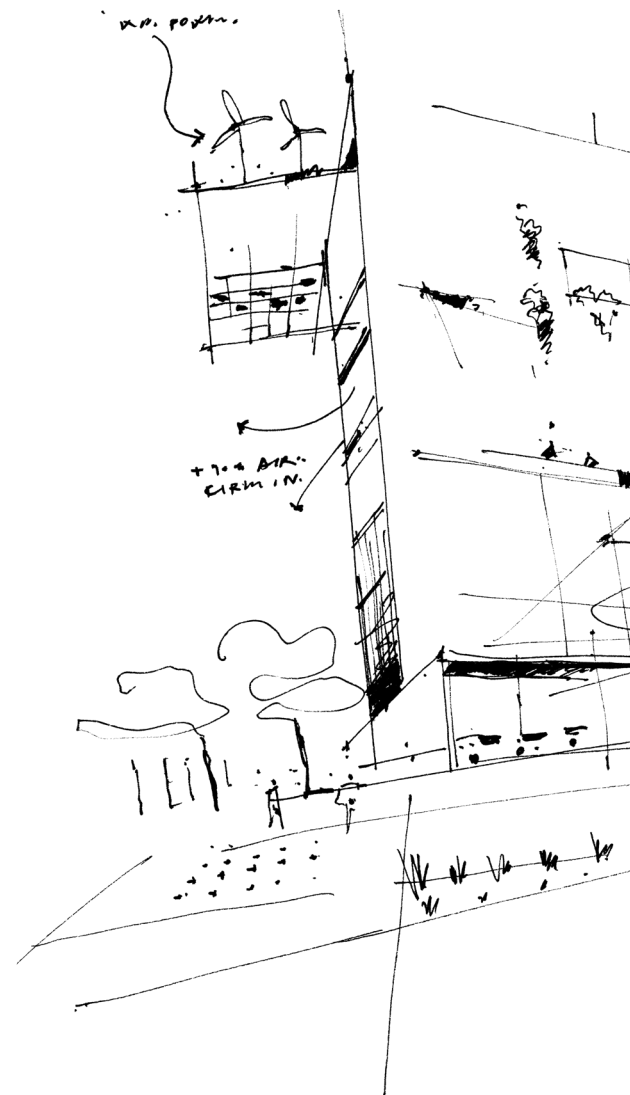
- Sponsored and set up the annual Easter Egg Scramble egg hunt
- Conducted testing every month for TSS at the Oak Springs Fish Hatchery for the US Fish and Wildlife to ensure water and quality and TSS levels are adequate to support rainbow trout, cutthroat trout and summer and winter steelhead
- Removed fish net debris and pollution from the stream near the facility
- Assisted the City with clean-up on facility grounds, identified decommissioned parts and recycled scrap metal
- Participated in an equipment oil analysis program and reduced the number of oil changes the team conducts, saving gallons of oil
- Recycled between 50-100 pounds monthly of paper, plastic and corrugated cardboard through The Dalles Disposal (Waste Connections) Recycle Program
- Participated in Waste Connections Quarterly Haz Recycle event recycling expended UV lamps and assorted expired hazardous chemicals
- Scrapped approximately 1,000 pounds of mixed metals through The Dalles Public Works Metals Recycling Program
- Composted coffee grounds, banana peels, orange peels, etc. in our portable rotating composter; using the compost as fertilizer on facility grounds
- Recycled 100 pounds of nitrile gloves to the Zero Waste Recycling Company and nearing capacity on our third recycling container
- Recycled broken laboratory glassware through Zero Waste Recycling Company
- Monitored and emptied the fishing line recycle receptacles along the Columbia River



What's next

In the next year, we are focused on keeping costs down, and in some cases, finding new ways to operate the facility to save the city money. We are focused on creating a conceptual plan to update the aeration basins and valves.

Jacobs is proud to operate the city's facility. We know you have a choice in providers, and we are extremely grateful for your trust and confidence. We look forward to working with the city for years to come.



www.jacobs.com



PPS0223221047DEN

Jacobs



Mid-Columbia Community Action Council

Serving Hood River, Wasco and Sherman Counties
312 E. Fourth St.
The Dalles, OR 97058
541-298-5131

Who is Mid-Columbia Community Action Council (MCCAC)?

MCCAC is the Community Action Agency serving Hood River, Wasco and Sherman Counties. We provide Housing, Shelter, Household Utility and Home Weatherization assistance to lower income and houseless community members. Our primary funding comes from state and federal sources.



Mission

Our mission is to build a better future for our community through partnership and equity-centered programs that prevent and eliminate poverty and homelessness.



Values

Equity, Compassion, Collaboration, Community, Respect



**Mid-Columbia
Community
Action Council**



Core Program Areas

- Housing
- Shelter
- Household Utilities
- Home Weatherization



Project Turnkey 2.0

The Oregon Motor Motel

“The Annex” (Navigation Center Annex)

The Dalles, OR

54 rooms





Project Partners

- Oregon Human Development Corporation (OHDC, culturally-specific)
- Mid-Columbia Center for Living (MCCFL, Behavioral Health)
- Nch'i Wana Housing (culturally-specific)
- The Next Door, Inc. (culturally-responsive)
- Columbia Gorge Health Council/Bridges to Health Pathways Program
- Mid-Columbia Medical Center (MCMC)
- One Community Health (OCH, Federally-Qualified Health Center)
- Providence Health Systems



Operations and Staffing

- 54 rooms with a total of approximately 100 transitional housing/shelter beds
 - Some rooms will be utilized as service provider offices
 - 13 dedicated family shelter rooms with approximately 50 beds (region does not currently have any family shelter beds)
- 24/7 on-site management
 - Supported by Regional Shelter Operations Manager
 - Two on call resident managers occupying the two on-site apartments
 - Stabilization Staff on site 8am-10pm daily
 - Updating current shelter staff model, including a focus on hiring staff who are or can become certified as Peer Support Workers
 - Current shelter staff will have the opportunity to apply
 - Overnight Security Guard from 10pm-8am, 365 days a year
 - Resident Managers utilized during client crisis situations



Operations and Staffing

- Operate from core components MCCAC's current Transitional Shelter and Housing Operations Plan
 - Housing First Philosophy
 - Behavior-based rules and guidelines for all guests
 - Regular room inspections
 - All clients working towards permanent housing placement
 - Regular coordination with community partners and agencies to provide on-site stabilization services to clients
 - Good neighbor agreements



Staff Training

- MCCAC utilizes Relias as its primary training system and all housing and shelter staff are trained in:
 - Trauma-Informed Care
 - Mental Health First Aid
 - De-escalation Techniques
 - Housing First Principles
 - CPR
 - Cultural competence in communication
- Peer Support Worker or Community Health Worker training/certification will also be priorities for at least half of on-site daytime staff to enhance case management and service navigation capacity



Services

- Four of the motel rooms will be dedicated for service provider offices
- On-site services provided by MCCAC + project partners: OHDC, Nch' i Wana, The Next Door, Bridges to Health, MCCFL, MCMC, One Community Health
 - Housing case management (to address housing barriers, identify needs)
 - Housing search support and rapid rehousing financial/rent assistance
 - Culturally-specific and responsive services
 - Behavioral and physical health
- Regular services provided by other partners (DHS, Worksource, Columbia Gorge Community College, MCEDD, etc.)
 - Mainstream benefits (SNAP, OHP, SSI) eligibility/enrollment
 - Education, Job Training, and Employment
 - Transportation



Funding

- MCCAC's existing shelter operations and hotel voucher funding
 - Approximately \$535K annually
- Oregon Human Development Corporation (OHDC, culturally specific)
 - Approximately \$100K annually
- Mid-Columbia Center for Living (MCCFL, Behavioral Health)
 - Approximately \$200K annually
- Department of Housing and Urban Development (HUD)
 - \$969,600.00 award received on 2/2/2023 for next 3 years
- Columbia Gorge Health Council
 - \$155,000 for first year of operations
- In progress: PacificSource Foundation and Columbia Gorge CCO
 - Letter of interest submitted, invitation received to apply for Foundation grant
 - In discussions about billing some Peer Support and Community Health Worker staff time to Medicaid longer-term



The Annex Site Renovations

- Approximately \$1.2 million in renovation being completed. Motel renovations funded by the Oregon Community Foundation.
 - Roof
 - Siding
 - Exterior Painting
 - Heat and AC in 39 rooms
 - Bathroom fans and ventilation
 - Six new commercial water heaters
 - Manager's Office #1 complete remodel
 - Parking lot
 - Add two ADA rooms
 - Resurface upper decking and walkways
 - New upper floor railing and posts



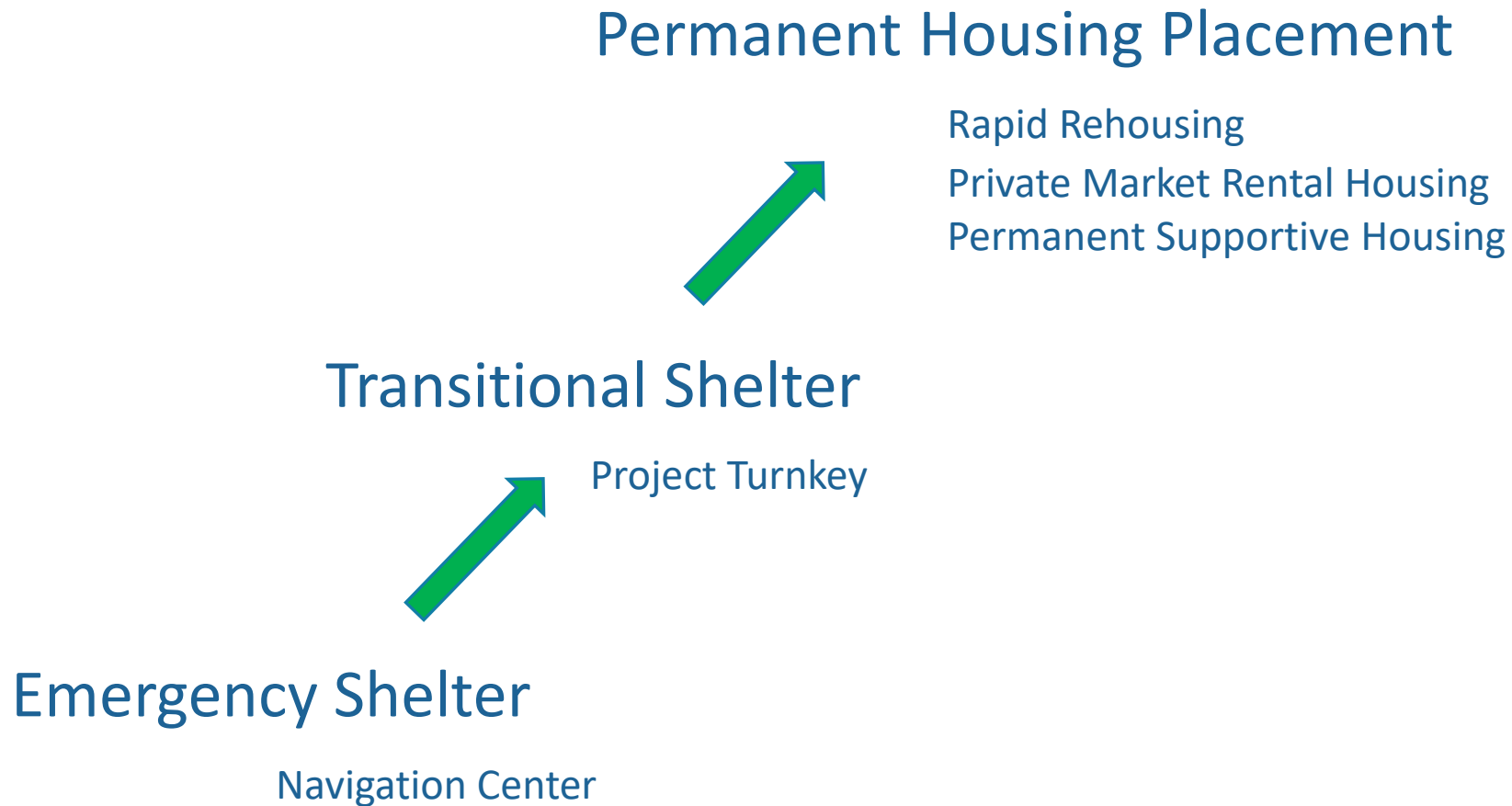
Project Turnkey/The Annex Webpage and FAQ's

- Details on Project Turnkey/The Annex Operating Plans and Frequently Asked Questions can be found at:

www.mccac.com/project-turnkey



Creating a Continuum



Navigation Center Groundbreaking Event



Ground Breaking and Project Name Announcement

When: March 24th, 2023; 11am-12noon

Where: 2505 W. 7th St., The Dalles, OR





**Mid-Columbia
Community
Action Council**

Contact us



Facebook

www.facebook.com/mccactd



Website

www.MCCAC.com



Email

klapoint@mccac.com



Phone

541.848.1667





LEWIS & CLARK FESTIVAL PARK

The Request

**An ordinance barring smoking & vaping
at Lewis & Clark Festival Park**

Backers of the Request

- YouthThink
- Northern Wasco County Parks & Recreation Dist.
- North Wasco County School District 21
- The Dalles Area Chamber of Commerce
- Dan & Michele Spatz
- Marilyn Wong

Why Make This Request?

- Tobacco is the #1 cause of preventable death, killing 480,000 a year
- Regionally in 2022, tobacco use cost \$36 million in medical care and lost productivity, 71 deaths, 2,600 ill
- 14.8% of adults use tobacco locally (and 44% tried to quit last year)

...Why?

- **In Wasco County, 25.3% of 11th graders have used e-cigarettes (2020 data)**
- **In 2019, 52.6% of 8th grade smokers and 54% of 11th grade smokers tried to quit**
- **Nicotine in vape and cigarettes can rewire the teenage brain to crave more nicotine, and affect attention, learning and memory**

What can we do?

Smoke-free policies are one of the proven effective strategies to help reduce smoking rates

Benefits of Going Tobacco-Free:

- Consistent rule for all local parks
- Protection from second-hand smoke
- Reduce litter and fire danger
- Sends a message to not smoke/vape
- Support those who have quit (or are trying)
- Protect those with compromised lungs

History of Requests

- **Smoke-Free Policy Requested in 2014**
- **Smoke-Free Policy Requested again in 2017**

Both times, since it was a policy only, and not an ordinance, it was seen as lacking a needed enforcement element to make it effective

What other cities say about their tobacco-free parks ordinances

(Spoke to La Grande, Pendleton, Lebanon, Roseburg police)

- “Not a heavy lift”
- “A great tool”
- Compliance is high with just warnings

What Does Enforcement Look Like?

- **Self-compliance**
- **Empowers others to speak up**
- **Police response on complaint basis or if observed by officer**

Exceptions

- **Other cities have an exception allowing ceremonial use of tobacco by Native Americans**
- **Other cities vary on having exceptions for concerts or private events**

What NCPHD Can Offer

- Prepare draft ordinance for consideration
- Signage
- Public awareness campaign
- Be a resource for questions
- Free tobacco cessation classes!



Thank you!

Questions?

**Neita Cecil
Tobacco Prevention & Education Program Coordinator
541-506-2609
neitac@ncphd.org**

January 8, 2023

Mayor Richard Mays
The Dalles City Council
313 Court Street
The Dalles, Oregon. 97058

Dear Mayor Mays and Councilors:

We write to encourage Council's consideration and support of an ordinance designating Lewis & Clark Park as a smoke-free zone. We lived in The Dalles for a quarter-century, and we continue to consider The Dalles as "our city" in the Columbia River Gorge. We visit to work, to shop, to meet friends, to attend events and participate as volunteers.

We make our request based, first, on the well-proven health risks posed by second-hand smoke. While we understand that smoking is a personal choice, that choice should not extend to placing others at risk from second-hand smoke. Given the popularity of Lewis & Clark Park as demonstrated by such well-attended events as Fort Dalles Fourth celebrations, and the park's proximity to the cruise ship dock ("maritime terminal"), there is a real and present health risk when smoking is allowed to occur within the park's confines.

The prevailing wind does not distinguish between smokers and non-smokers. As noted by the U.S. Surgeon General*, there is no risk-free level of exposure to second-hand smoke. There is a well-documented link to lung cancer, heart disease and acute respiratory effects. Indeed, the Surgeon General advises that "concentrations of many cancer-causing and toxic chemicals are potentially higher in second-hand smoke than in the smoke inhaled by smokers." (This is because cigarettes are filtered; second-hand smoke goes straight to the recipient.) Cigarette butts, often discarded, present another hazard for young children and pets who may put them in their mouth.

Beyond the health risk, there is also the challenge smoking presents to those who are trying to quit the habit. Tobacco is more addictive than heroin. It would doubtless be considered a regulated drug if it were introduced today. Those who have taken the courageous step of stopping tobacco use should not be subjected to the scent of airborne tobacco in a city park.

Finally, there is a compelling case for consistent public policy. Wasco County, Northern Wasco Parks & Recreation District, Columbia Gorge Community College and Mid-Columbia Medical Center along with other health and school entities either prohibit smoking or limit it to designated places, such as parking lots. The parks district bans smoking at Sorosis, Howe, City Park and Fireman's parks, all under Park District jurisdiction. Allowing smoking at Lewis & Clark Park is inconsistent, prompting confusion for people who are not aware of this separate, city jurisdiction.

City Council considered but did not resolve this issue in 2014. Smoking is just as dangerous now as it was then. Let's have one standard across jurisdictions, and let that standard be premised upon good public health. We appreciate your consideration.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'D' followed by 'an' and a plus sign, then 'Michele Spatz' written in a cursive script.

Dan and Michele Spatz
17 Sparrow Lane
White Salmon, WA. 98672

* https://www.cdc.gov/tobacco/data_statistics/sgr/2006/pdfs/no-risk-free.pdf



1/4/23

Dear Honorable Mayor and City Council Members of the City of The Dalles,

On behalf of YouthThink, I am submitting this letter of support in regards to the Lewis & Clark Festival Park becoming a Tobacco/Vape-Free property/park.

There are a number of advantages in taking this action. Many of these protect our citizens, especially our children and youth, as well as the environment. Below are a few that we would like to point out:

- Tobacco/Vape-Free areas support a unified message to youth that encourages healthy lifestyle choices. There is no better time to send such a message as now. The 2020 Youth Healthy Youth survey reported that 6th, 8th and 11th grade youth in our area (includes Wasco, Sherman and Gilliam Counties) have higher current and lifetime use of tobacco or vaping use rates than Oregon state averages.

	County 2020			State 2020		
	6th	8th	11th	6th	8th	11th
During the past 30 days, on how many days did you...						
Smoke cigarettes?	1.5	3.2	1.8	0.4	1.2	2.9
Use e-cigarettes or other vaping products, such as Juul?	3.6	7.2	25.3	1.7	5.1	11.9
I have never used any tobacco or vaping product		82.7	58.9		86.6	73.9

- All other parks and recreation areas within the city of The Dalles are already tobacco/vape-free (North Wasco Park and Recreation District and North Wasco School District). Including Lewis & Clark Festival Park provides consistency in messaging.
- Tobacco/vape-free areas help people who have quit, or are trying to quit, in continuing in their abstinence journey, since secondhand smoke can be a powerful trigger. A 2020 state study found that almost half of 11th grade youth who use some form of tobacco/nicotine have tried to quit. The percentage of adults is closer to 70%. Anything we can do, as a community to help them in their journey towards healthier choices is a win-win for us all.
- Tobacco/vape-free policies help reduce litter from cigarette butts and vape cartridges, and the fire danger from cigarette butts. The most common litter item in the world is cigarette butts.

We understand that one of the common concerns on enacting such an ordinance is how to enforce it. Often the inability to answer that question adequately stops lawmakers from considering important health promoting ordinances or policies. There is ample evidence and research that such ordinances with proper signage, empowers others to speak up, and remind and or ask people who are smoking or vaping



to stop if they are within the park boundaries. It can be an education first approach as opposed to focusing on enforcement.

YouthThink is in full support of a tobacco/vape free ordinance for Lewis & Clark Festival Park. We are willing to add our help and expertise in developing proper signage and helping getting the word out.

Thank you so much for your time and consideration of this matter. If you have, any questions please feel free to reach out to me directly at 541-506-2673 or by email at debbyj@co.wasco.or.us

Sincerely,

Debby Jones, YouthThink Director
Anna Jasso, YouthThink Assistant
Jensie Bryan, YouthThink WSWY Staff
Pat Ashmore, YouthThink Board Member
Maria Pena, YouthThink Board Member
Chelsea Perritt, YouthThink Board Member
Christy Hansen, YouthThink Board Member
Nicole Beamon, YouthThink Board Member
Evelyn Ancheta, YouthThink Board Member
Victor Veloz, YouthThink Board Member
Leah Ferguson, YouthThink Board Member

Dec. 10, 2022

Mayor Rich Mays and The Dalles City Council
313 Court St.
The Dalles, OR 97058

Dear Mayor Mays and City Council Members,

I am writing in support of efforts to make Lewis & Clark Festival Park a tobacco-vape/free property. In my work as a pharmacist I have seen the health costs of smoking, and through my years of work with the American Cancer Society, I know the huge role tobacco plays in causing cancer.

Tobacco use is the main cause of preventable deaths in the United States. About 80 percent of all lung cancer deaths are due to smoking, and I am in favor of any step we can take to reduce the effects of, and exposure to, tobacco smoke. Even when we're outside, secondhand smoke is harmful. According to the American Cancer Society, there is no safe level of exposure to secondhand smoke.

Parks that are tobacco/vape-free also send positive messages to children about what makes for a healthy lifestyle, and I would encourage the city to join in promoting that message. It can also help people who are either trying to quit or have already quit to not be exposed to secondhand smoke, which can be a powerful trigger to smoke.

Just from an appearance point of view, it would also improve the look of the park by reducing cigarette waste and vape waste. Secondhand vapor from e-cigarettes is also a concern. There's still a lot to be learned about secondhand vapor, but the US Surgeon General has concluded that e-cigarette aerosol is not harmless. It can expose others to nicotine and possibly other harmful chemicals.

In closing, I urge the city council to move forward with efforts to make Festival Park tobacco-vape-free, for everyone's health.

Sincerely,



Marilyn Wong



January 23, 2023

Mayor Rich Mays and The Dalles City Council
313 Court St.
The Dalles, OR 97058

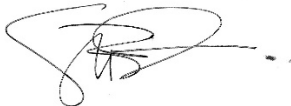
Dear Mayor Mays and City Council Members,

The Northern Wasco County Parks and Recreation Board unanimously supports efforts by North Central Public Health District to have Lewis & Clark Festival Park become a tobacco/vape-free park.

The Parks District adopted a similar policy in 2015 and, as we said at the time, we are committed to smoke and tobacco-free environments, which promote the long-term health and safety of the public. It also does so much more: it protects parks from the risk of fire and environmental degradation from litter. Tobacco-vape-free parks also support people who are trying to quit or have already quit. For ex-smokers or those just starting on that journey, seeing someone smoking, or just smelling it, can be a very powerful trigger to light up.

Again we stand in support of efforts by North Central Public Health District, and in turn by the City Council, to encourage healthy habits, reduce fire danger and litter, and reduce exposure of youth to a harmful habit.

Sincerely and on behalf of the entire Board of Directors,



Scott Baker
Executive Director



THE DALLES AREA
CHAMBER OF COMMERCE
"This Chamber Means Business"

January 4, 2023

Mayor Rich Mays and The Dalles City Council
313 Court St.
The Dalles, OR 97058

Dear Mayor Mays and City Council Members,

I am writing in support of making Lewis & Clark Festival Park a tobacco/vape-free area that everyone can enjoy. Not only do local residents regularly go to the park, but it is also one of the great local places visited by tourists who arrive in The Dalles by car, cruise ship, bus, and group travel.

Keeping in mind that Festival Park is both a community resource and something that represents The Dalles to our many visitors, it would be wonderful to create an even more welcoming environment there that encourages healthy living and is free from unsightly cigarette butt litter.

Also, any action the council can take to reduce the public's exposure to secondhand smoke is a positive step. Not only does it make the park a more pleasant place to visit for everyone but having smoke-free spaces is also a great way to urge kids to make healthy choices and avoid smoking or vaping.

Having Lewis & Clark Festival Park tobacco-free also means that people who have already quit smoking, or are trying to quit, do not need to worry about the trigger of smelling secondhand smoke. I support any effort that can help someone quit, or stay quit, and any effort that reduces exposure to secondhand smoke. I encourage the council to vote yes on making Lewis & Clark Festival Park tobacco-vape-free.

Please feel free to contact me if you have questions.

Sincerely,

Lisa Farquharson
President / CEO
The Dalles Area Chamber of Commerce

The Dalles Area Chamber of Commerce ♦ 404 West 2nd Street ♦ The Dalles, Oregon 97058

541-296-2231 . 800- 255-3385 . (fax) 541-296-1688



North Wasco County School District #21

Office of the Superintendent

December 8, 2022

To whom it may concern:

North Wasco County School District would like to offer this letter of support for the recommendation that the Lewis & Clark Festival Park become a tobacco/vape free park.

The following provides rationale for this letter of support:

- This would provide consistency, since all other parks in The Dalles city limits are tobacco-free, including Sorosis Park, City Park, Howe Park, Kiwanis Pocket Park, Firehouse Park, Riverfront Park, Kramer Field, Thompson Park, and The Dalles Skate Park. All those parks are owned and operated by Northern Wasco County Parks & Recreation District, which passed a tobacco-free policy for its parks in 2015.
- Tobacco-free rules for outdoor spaces, like indoor spaces, help prevent exposure to secondhand smoke, which is unsafe at any level.
- A tobacco/vape-free area sends a message to our youth that encourages healthy lifestyle choices. This is critical as youth are inundated with messages from tobacco and vape companies. In 2020, over 25 percent of 11th graders in Wasco, Sherman and Gilliam counties reported vaping, well above the state average of 11.9.
- Tobacco/vape-free policies help reduce litter from cigarette butts and vape cartridges, and the fire danger from butts. The most common litter item in the world is cigarette butts.
- The first line of approach to people who are violating the policy is education, not enforcement, with information provided on the Oregon Quit Line.
- Tobacco/vape-free areas help people who have quit, or are trying to quit, to remain committed, since secondhand smoke can be a powerful trigger. A 2020 state study found almost half of 11th graders who use tobacco have tried to quit.
- Tobacco-free outdoor areas empower others to speak up, if they choose, to ask people smoking or vaping to stop. That's not for everyone, but it does provide a tool.

North Wasco County School District is committed to ensuring its own facilities remain tobacco/vape free so we are highly in support of all of our parks also becoming tobacco/vape free as they are places our students frequently visit and see as places to gather with friends.

Sincerely,

Dr. Bernal
Superintendent

3632 West 10th Street, The Dalles, OR 97058
541-506-3420 Fax 541-298-6018

"The North Wasco County School District is an equal opportunity educator and employer."



AGENDA STAFF REPORT

AGENDA LOCATION: Item #9 A-B

MEETING DATE: February 13, 2023

TO: Honorable Mayor and City Council

FROM: Izetta Grossman, CMC, City Clerk

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

- A. **ITEM:** Approval of the January 17, 2023 Special City Council meeting minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the January 17, 2023 Special City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the January 17, 2023 Special City Council meeting minutes.

- B. **ITEM:** Approval of the January 23, 2023 Regular City Council meeting minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the January 23, 2023 Regular City Council meeting minutes have been prepared and are submitted for review and approval.

RECOMMENDATION: City Council review and approve the minutes of the January 23, 2023 Regular City Council meeting minutes.

MINUTES

SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBER, CITY HALL
JANUARY 17, 2023
5:30 p.m.

VIA ZOOM/ IN PERSON

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Darcy Long, Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Izetta Grossman,

CALL TO ORDER

The meeting was called to order by Mayor Mays at 5:30 p.m.

ROLL CALL OF COUNCIL

Roll Call was conducted by City Clerk Grossman. Long, McGlothlin, Runyon, Randall, Richardson present.

APPROVAL OF AGENDA

It was moved by Runyon and seconded by Long to approve the agenda as submitted. The motion carried 5 to 0; Runyon, Long, Randall, Richardson, McGlothlin voting in favor; none opposed.

ACTION ITEMS

Second Amendment to the Columbia Gorge Regional Airport Management Agreement

City Manager Matthew Klebes reviewed the staff report.

MINUTES
Regular City Council Meeting
January 17, 2023
Page 2

It was moved by Richardson and seconded by Runyon to authorize the City Manager to execute the Second Amendment to Airport Management Agreement with Klickitat County and Aviation Management Services, LLC, as presented. The motion carried 5 to 0; Richardson, Runyon, Long, McGlothlin, Randall voting in favor; none opposed.

ADJOURNMENT

Being no further business, the meeting adjourned at 5:40 p.m.

Submitted by/
Izetta Grossman, CMC
City Clerk

SIGNED: _____
Richard A. Mays, Mayor

ATTEST: _____
Izetta Grossman, CMC City Clerk

MINUTES

CITY COUNCIL MEETING
COUNCIL CHAMBER, CITY HALL
JANUARY 23, 2023
5:30 p.m.

VIA ZOOM/ IN PERSON

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Darcy Long, Rod Runyon, Scott Randall, Dan Richardson

COUNCIL ABSENT: Tim McGlothlin

STAFF PRESENT: City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Izetta Grossman, City Engineer Dale McCabe, Community Development Director Joshua Chandler, Police Chief Tom Worthy, Human Resources Director Daniel Hunter

CALL TO ORDER

The meeting was called to order by Mayor Mays at 5:32 p.m.

ROLL CALL OF COUNCIL

Roll Call was conducted by City Clerk Grossman. Runyon, Richardson, Randall, Long (via zoom) present; McGlothlin absent.

PLEDGE OF ALLEGIANCE

Mayor Mays invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

Mayor Mays noted Items 5A and 10B were removed from the agenda.

It was moved by Randall and seconded by Runyon to approve the agenda as amended. The

MINUTES

Regular City Council Meeting

January 23, 2023

Page 2

motion carried 4 to 0; Randall, Runyon, Long, Richardson voting in favor; McGlothlin absent none opposed.

PRESENTATIONS PROCLAMATIONS

The Dalles Area Chamber of Commerce Update – Lisa Farquharson

The Dalles Area Chamber of Commerce CEO/President Lisa Farquharson introduced the board president Jennifer Gonzales and reviewed the tourism report.

She reviewed the custom report from the new program Datafy (attached). She said as she learns the program she will be able to provide data on demographics of visitors visiting, length of stay, event attendance and more. In response to a question she said the data was gathered through cell phones.

Councilor McGlothlin arrived at 5:42 p.m. via Zoom.

Farquharson reviewed the value of the Fam Tours the Chamber provides for writers.

She announce the Chamber was awarded a \$50,000 grant in conjunction with the Small Business Development Center, and Next Door. Press Release attached.

AUDIENCE PARTICIPATION

Maggie Cornet, 1509 East 15th Street asked Council to start a food waste curbside pickup program. She said Hood River started a program in 2012. She said the program was good for the environment and could provide compost for residential gardeners.

CITY MANAGER REPORT

City Manager Matthew Klebes reported the budget process was underway. He said he would be developing a Gorge City Managers group.

CITY COUNCIL REPORTS

Selection of a Council President

Mayor Mays asked for nominations for Council President.

It was moved by Runyon and seconded by Randall to elect Tim McGlothlin as Council President.

MINUTES

Regular City Council Meeting

January 23, 2023

Page 3

The motion carried 5 to 0; Runyon, Randall, McGlothlin, Long, Richardson voting in favor, none opposed.

CITY COUNCIL REPORTS

Councilor Richardson reported:

- Climate Resiliency Committee
- Chamber of Commerce Gala Distinguished Citizen Awards Banquet;
- Congratulated Mayor Mays on receiving Man of the Year

Councilor Randall reported:

- Climate Resiliency Committee
- Meeting with Mayor
- Chamber Gala

Councilor McGlothlin reported:

- David Griffith’s term on Airport Board recognition (15 years on the board)
- Randy Anderson appointment to Airport Board
- Chamber Gala

Mayor Mays reported:

- Community Affairs
- Townhall Meeting – Merkley
- Airport Board recognizing David Griffith’s service to the community
- KODL

Assignment of City Councilors to Various Committees and Boards

Mayor Mays read the list of assignments of Council for the next two years.

It was moved by Richardson and seconded by Long to accept the assignments as stated. The motion carried 5 to 0; Richardson, Long, Randall, Runyon, McGlothlin in favor; none opposed.

Council Committee 2023 Assignments

Budget	All Councilors
Airport	Tim McGlothlin
Sister City varies	Darcy Long
Historic Landmarks	Scott Randall
Traffic Safety	Dan Richardson

MINUTES

Regular City Council Meeting

January 23, 2023

Page 4

Urban Renewal	Dan Richardson, Darcy Long, Tim McGlothlin
QLife Board	Scott Randall, Rod Runyon
Outreach Team	Rich Mays, Darcy Long
Local Public Safety Coordinating Committee	Rod Runyon
Household Hazardous Waste	Scott Randall

CONSENT AGENDA

It was moved by Randall and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried 5 to 0, Randall, McGlothlin, Richardson, Runyon, Long voting in favor; none opposed.

Items approved on the consent agenda were: 1) The minutes of the January 9, 2023 Regular City Council Meeting; 2) Resolution No. 23-002 Extending the Beautification Committee until June 30, 2027; 3) Resolution No. 23-005 Concurring with the Mayor’s Appointments to Various Committees and Commissions; 4) Resolution No. 23-004 Assessing the Real Property Located at 817 Floral Court West for the Costs of Nuisance Abatement.

Mayor Mays noted Randy Anderson, Airport Board appointment; and Ben Wring, City Budget and Urban Renewal appointment were in attendance.

PUBLIC HEARING

Mayor Mays read the procedure for the public hearing.

General Ordinance No. 23-1395 An Ordinance Approving Comprehensive Plan Amendment No. 54-22 Revising Prescribed Residential Density Ranges of The Dalles Comprehensive Plan and Zoning Ordinance Amendment No. 107-22 to Revise Residential Density Ranges and Density Regulation of The Dalles Municipal Code, Title 10 – Land Use and Development

Mayor Mays asked for the staff report.

Community Development Director Joshua Chandler reviewed the staff report.

Runyon asked if the City would be looking at past denied permits and talking to those applicants.

Chandler said he could look back; however, most were approved applications. He said applications expired after one year.

Richardson clarified the ordinance tipped the scales to maximum density, leaving the minimums

MINUTES

Regular City Council Meeting

January 23, 2023

Page 5

in place.

Mayor Mays said some regulations were State regulations. Chandler said those regulations were still in place.

Mayor Mays asked if anyone wanted to speak regarding the ordinance.

Hearing none he closed the Hearing, and asked for Council deliberation.

Mayor Mays asked if anyone wanted the ordinance read in full. No Councilor requested the ordinance be read in full.

Mayor Mays asked City Clerk Grossman to read the ordinance by title only.

It was moved by Runyon and seconded by McGlothlin to adopt General Ordinance No. 23-1395, an ordinance approving Comprehensive Plan Amendment No. 54-22 revising prescribed residential density ranges, and Zoning Ordinance Amendment No. 107-22 to revise residential density ranges and density regulations of The Dalles Municipal Code by title only. The motion carried 5 to 0; Runyon, McGlothlin, Long, Richardson, Randall voting in favor; none opposed.

CONTRACT REVIEW BOARD

Contract No. 2023-001 Sorosis Reservoir Structure Modifications & Spot Coating

City Engineer Dale McCabe reviewed the staff report.

McGlothlin asked if taking Sorosis Reservoir off line would affect water pressure in the surrounding homes.

McCabe said in 2020 the reservoir was taken off line for a number of months without affecting the water pressure.

Mayor Mays asked when there would be funds for the Garrison Street Reservoir. McCabe said they anticipated having funds in fiscal year 2023-24 or 2024-25.

It was moved by McGlothlin and seconded by Richardson to authorize the City Manager to enter into contract with T Bailey, Inc., for the Sorosis Reservoir Roof Structure Modifications and Spot Coating, Contract No. 2023-001, in an amount not to exceed \$985,000. The motion carried 5 to 0; McGlothlin, Richardson, Runyon, Randall, Long voting in favor; none opposed.

MINUTES
Regular City Council Meeting
January 23, 2023
Page 6

ACTION ITEMS

Resolution No. 23-003, a resolution amending the City Fee Schedule (effective January 24, 2023)

City Attorney Jonathan Kara reviewed the staff report.

Mayor Mays asked for comment from the audience. There was none.

It was moved by Richardson and seconded by Randall to adopt Resolution No. 23-003, a resolution amending the City Fee Schedule (effective January 24, 2023). The motion carried to 5 to 0; Richardson, Randall, Long, Runyon, McGlothlin voting in favor; none opposed.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:19 p.m.

Submitted by/
Izetta Grossman, CMC
City Clerk

SIGNED:

Richard A. Mays, Mayor

ATTEST:

Izetta Grossman, CMC City Clerk

The Dalles

Custom Report Title

Prepared by

DATAFY



Overview : 1/1/22 - 11/28/22

Total Trips

2,975,206

↓ -0.9% vs. 1/1/21 - 11/28/21



Average Length of Stay

2.5 Days

↑ 13.6% vs. 1/1/21 - 11/28/21



Visitor Days

7,532,826

↑ 12.6% vs. 1/1/21 - 11/28/21



Unique Visitors

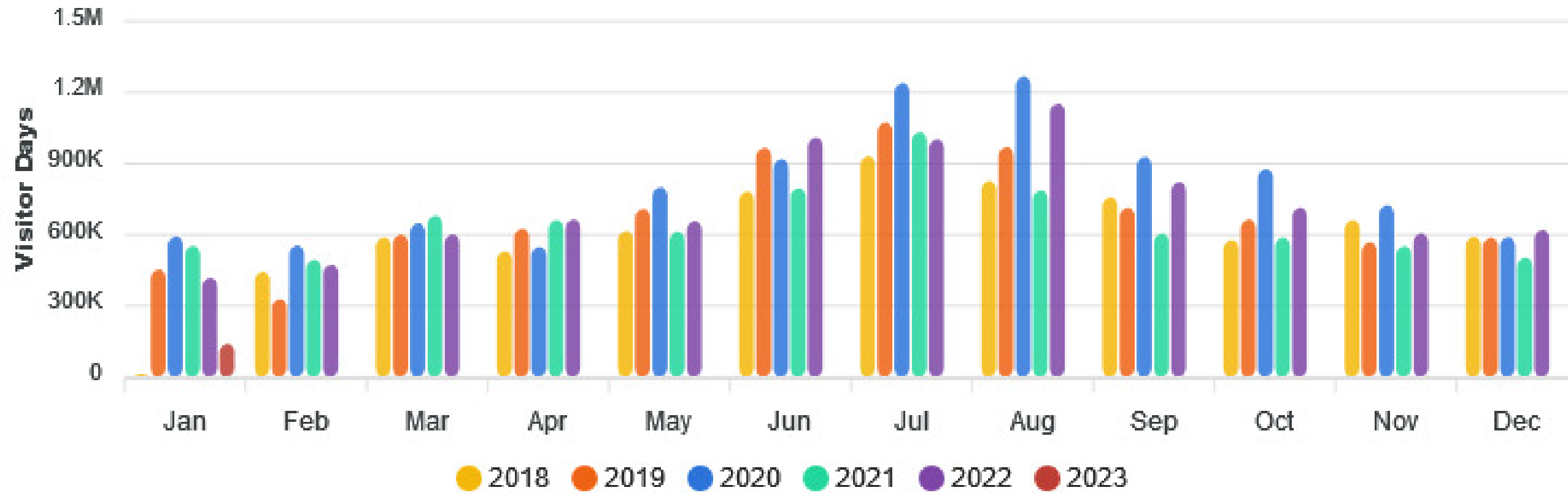
1,250,474

↑ 2.1% vs. 1/1/21 - 11/28/21



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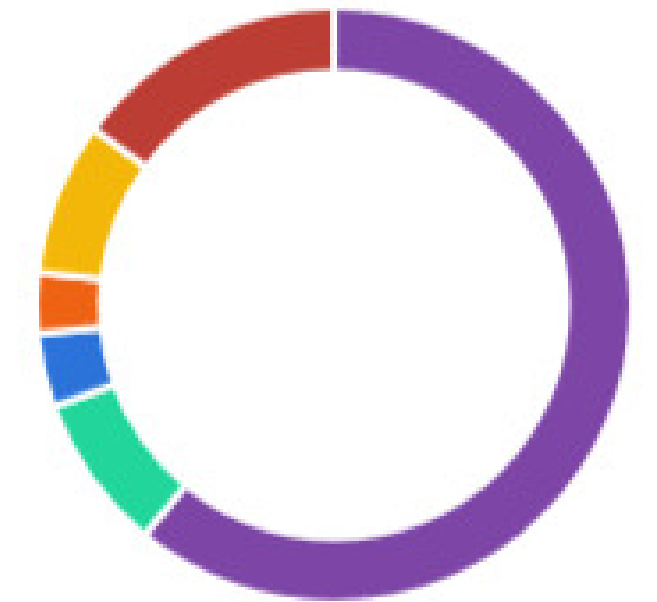
Annual Volume by Visitor Days



*Data available through 01/07/2023

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2018	14.8K	444.8K	588.5K	531.3K	616.1K	783.0K	931.5K	826.5K	757.5K	577.4K	661.5K	592.0K
2019	454.9K	329.0K	601.0K	626.0K	709.5K	966.9K	1.1M	970.7K	714.5K	664.7K	568.3K	587.6K
2020	593.4K	556.2K	649.0K	549.5K	800.8K	918.6K	1.2M	1.3M	928.7K	877.9K	724.6K	589.7K
2021	554.1K	495.3K	681.3K	661.8K	613.5K	797.0K	1.0M	787.8K	605.7K	588.3K	553.1K	504.0K
2022	418.4K	473.8K	602.0K	665.1K	657.9K	1.0M	1.0M	1.2M	822.2K	715.1K	606.5K	620.6K
2023	140.3K	0	0	0	0	0	0	0	0	0	0	0

Visitor Days by Length of Stay



- Day Trip 60.9%**
- 2 Days 8.5%**
- 3 Days 4%**
- 4 Days 3.3%**
- 5 Days 8.3%**
- 6+ Days 14.9%**

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Top Spending to Destination

State	% of Spend 1/23 - 1/23	% Change vs 1/21 - 11/21
Oregon	46.12%	↓ 2.0%
Washington	25.03%	↑ 0.9%
Idaho	5.72%	↑ 0.4%
California	5%	↓ 0.9%
Texas	2.21%	↑ 0.5%
Montana	1.78%	↑ 0.1%
Arizona	1.63%	↑ 0.4%
Colorado	1.02%	↑ 0.1%

State	% of Spend 1/23 - 1/23	% Change vs 1/21 - 11/21
Utah	1.01%	↑ 0.0%
Nevada	0.71%	↑ 0.0%
Hawaii	0.68%	↑ 0.1%
Illinois	0.62%	↑ 0.1%
Florida	0.62%	↑ 0.0%
Alaska	0.49%	↑ 0.2%
New Mexico	0.47%	↑ 0.1%
Missouri	0.42%	↑ 0.1%

Top Markets

State	% of Trips 1/22 - 11/22	% Change of Trips vs 1/21 - 11/21	Total Visit % Change vs 1/21 - 11/21
Oregon	45.4%	↑ 1.6%	↑ 6.3%
Washington	26.7%	↓ 0.6%	↑ 0.4%
California	5.1%	↑ 0.1%	↑ 4.2%
Idaho	4.3%	↓ 0.9%	↓ 14.2%
Texas	1.9%	↓ 0.2%	↓ 5.7%
Utah	1.4%	↓ 0.1%	↓ 4.5%
Montana	1.1%	↓ 0.2%	↓ 15.1%
Florida	1.1%	↓ 0.1%	↓ 11.6%

State	% of Trips 1/22 - 11/22	% Change of Trips vs 1/21 - 11/21	Total Visit % Change vs 1/21 - 11/21
Arizona	1.1%	↓ 0.1%	↓ 5.0%
Illinois	0.9%	— 0.0%	↑ 12.7%
Nevada	0.8%	↑ 0.2%	↑ 27.9%
Colorado	0.8%	— 0.0%	↑ 1.0%
Missouri	0.6%	— 0.0%	↓ 2.2%
Ohio	0.5%	— 0.0%	↑ 4.7%
New York	0.5%	↑ 0.1%	↑ 10.8%
Georgia	0.5%	— 0.0%	↑ 0.3%

Top POIs

POI	% of Trips 1/22 - 11/22	% Change vs 1/21 - 11/21
Wasco-OR	68.27%	↑ 5.2%
The Dalles	23.69%	↑ 0.1%
Downtown The Dalles	1.89%	↓ 1.1%
Riverfront Walking Trail	0.81%	↓ 0.6%
Eateries & Drinks	0.68%	↓ 0.5%
Cousins Country Inn	0.59%	↓ 0.3%
Heritage Landing	0.51%	↓ 0.2%
Shilo Inn The Dalles	0.44%	↓ 0.1%

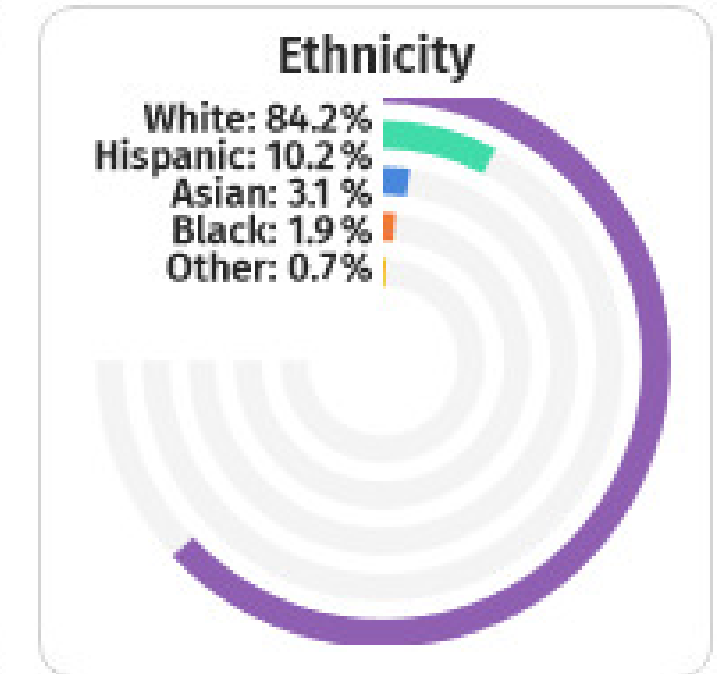
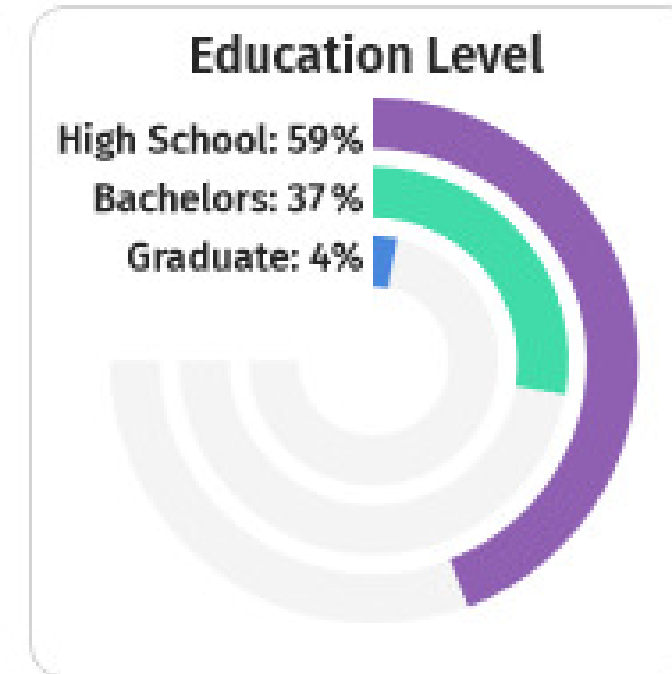
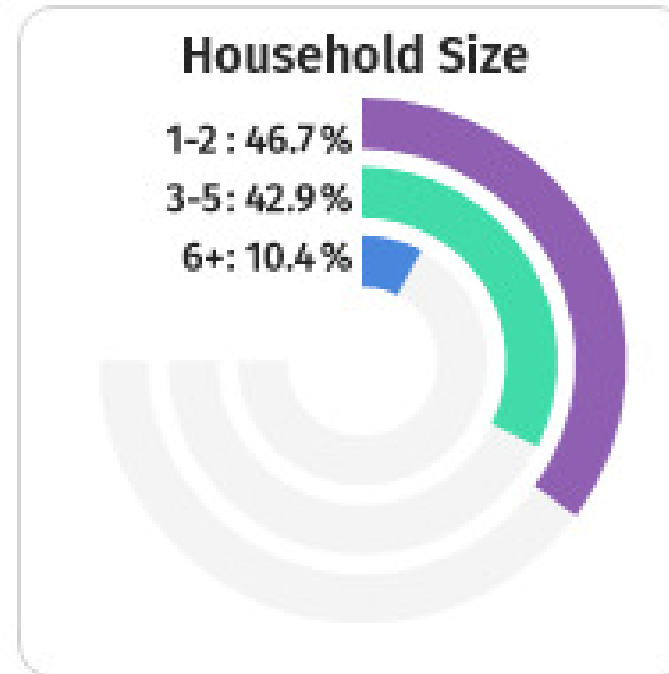
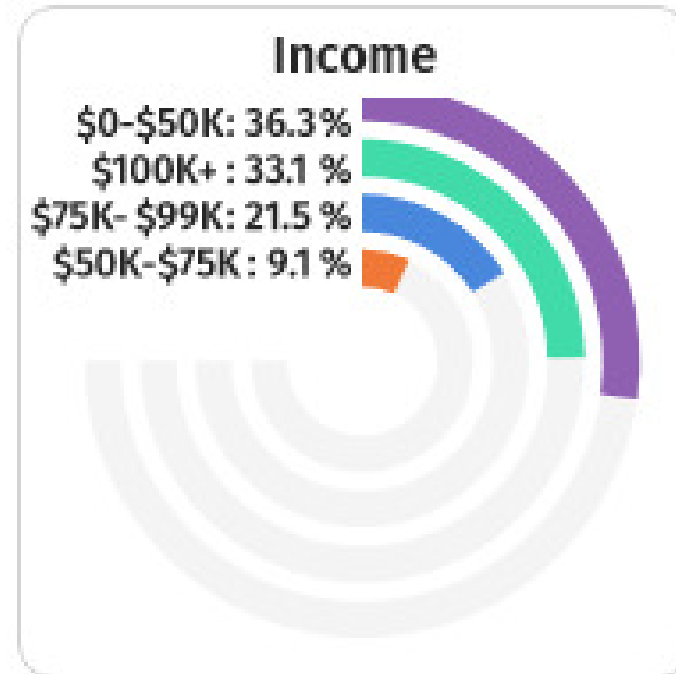
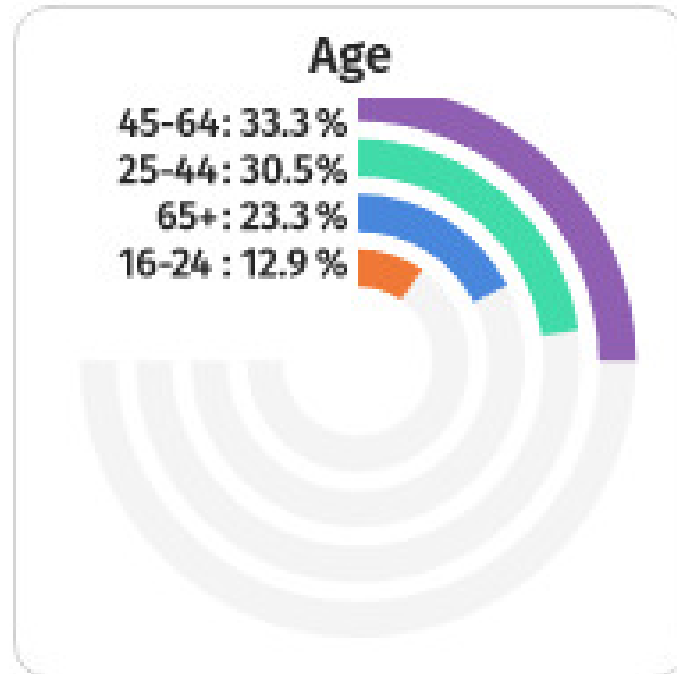
POI	% of Trips 1/22 - 11/22	% Change vs 1/21 - 11/21
Mayer State Park	0.36%	↓ 0.2%
Fairfield Inn & Suites The D	0.27%	— 0.0%
The Dalles Marina	0.24%	↓ 0.1%
Parks & Rec	0.22%	↓ 0.2%
Comfort Inn Columbia Gorg	0.21%	— 0.0%
Motel 6 The Dalles	0.2%	↓ 0.1%
Holiday Inn Express & Suite	0.19%	↓ 0.1%
Super 8 The Dalles	0.18%	— 0.0%

The Dalles - Custom Report Title

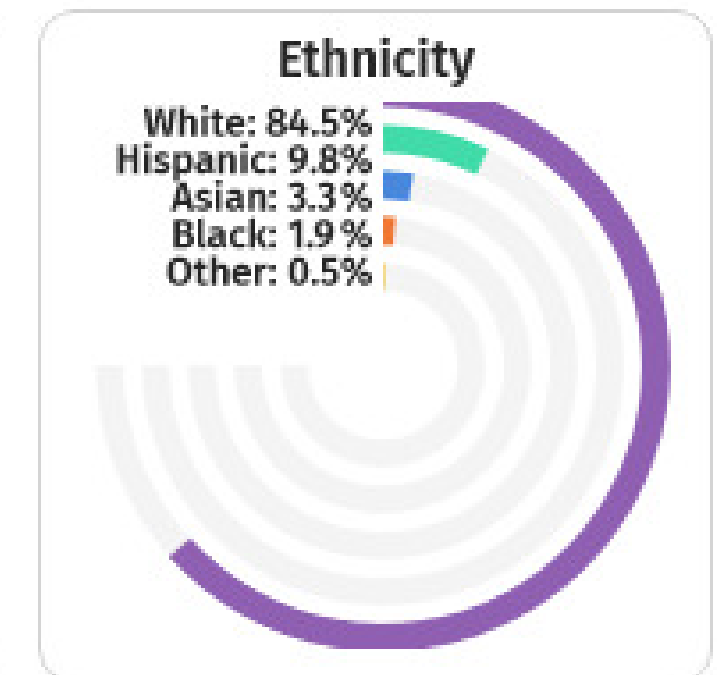
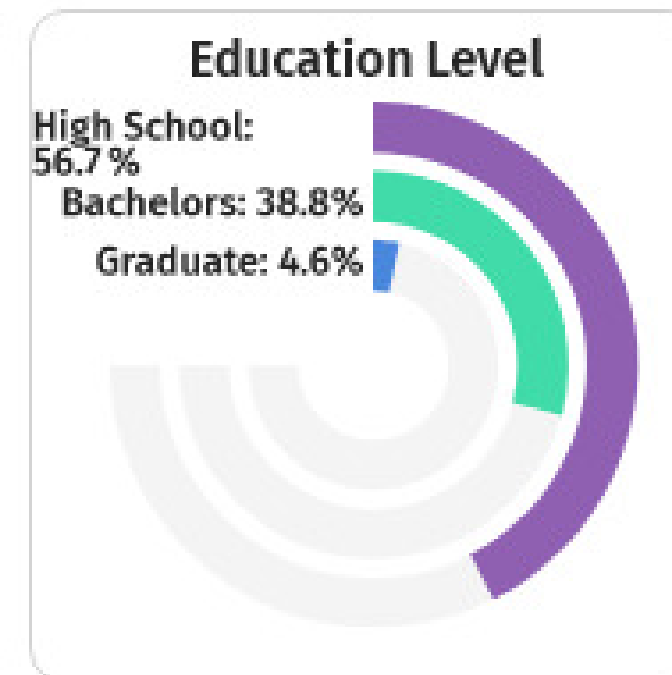
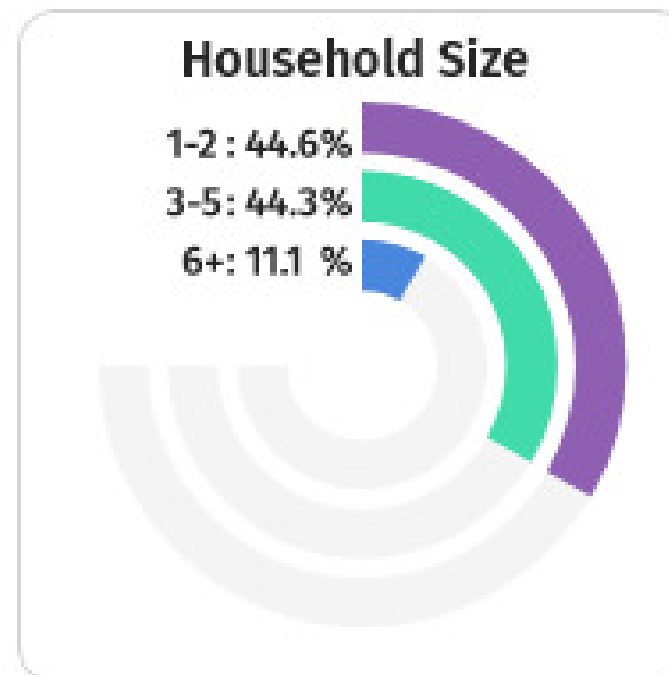
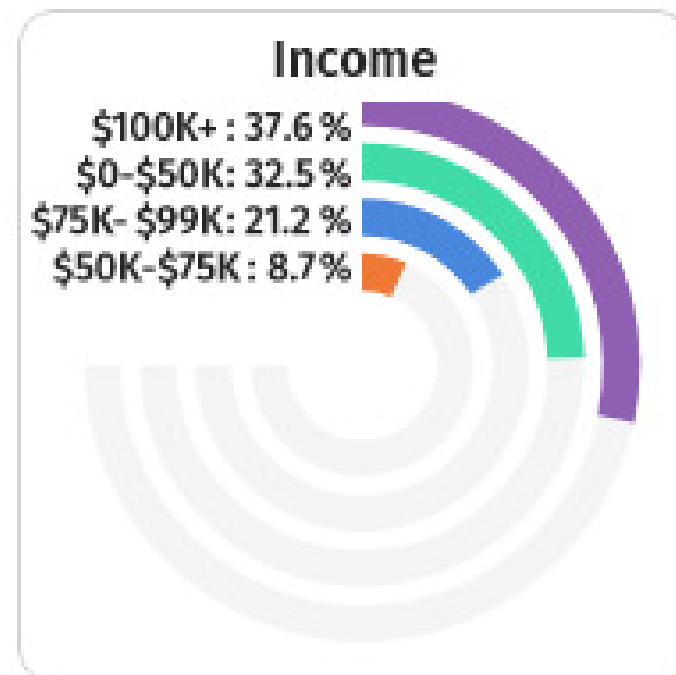
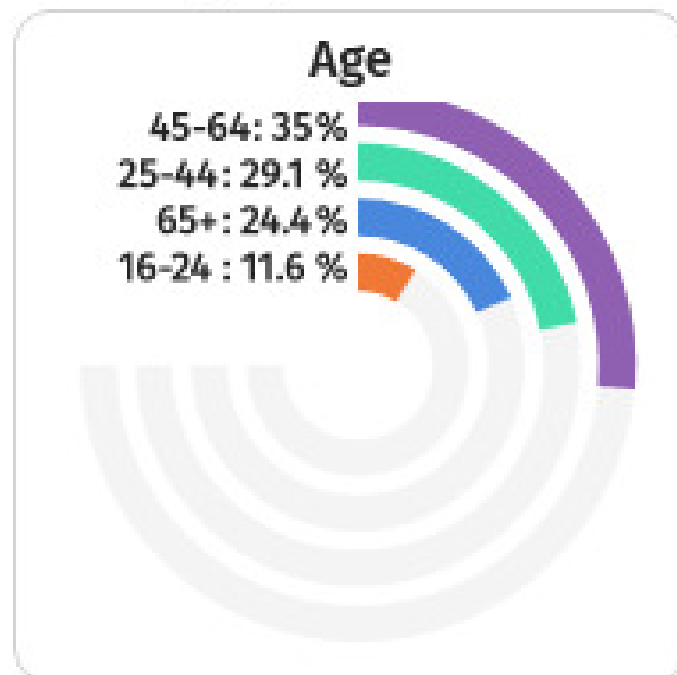
Main Date Range: 1/1/2022 - 11/28/2022

Comparison Date Range: 1/1/2021 - 11/28/2021

Demographics for 1/1/22 - 11/28/22

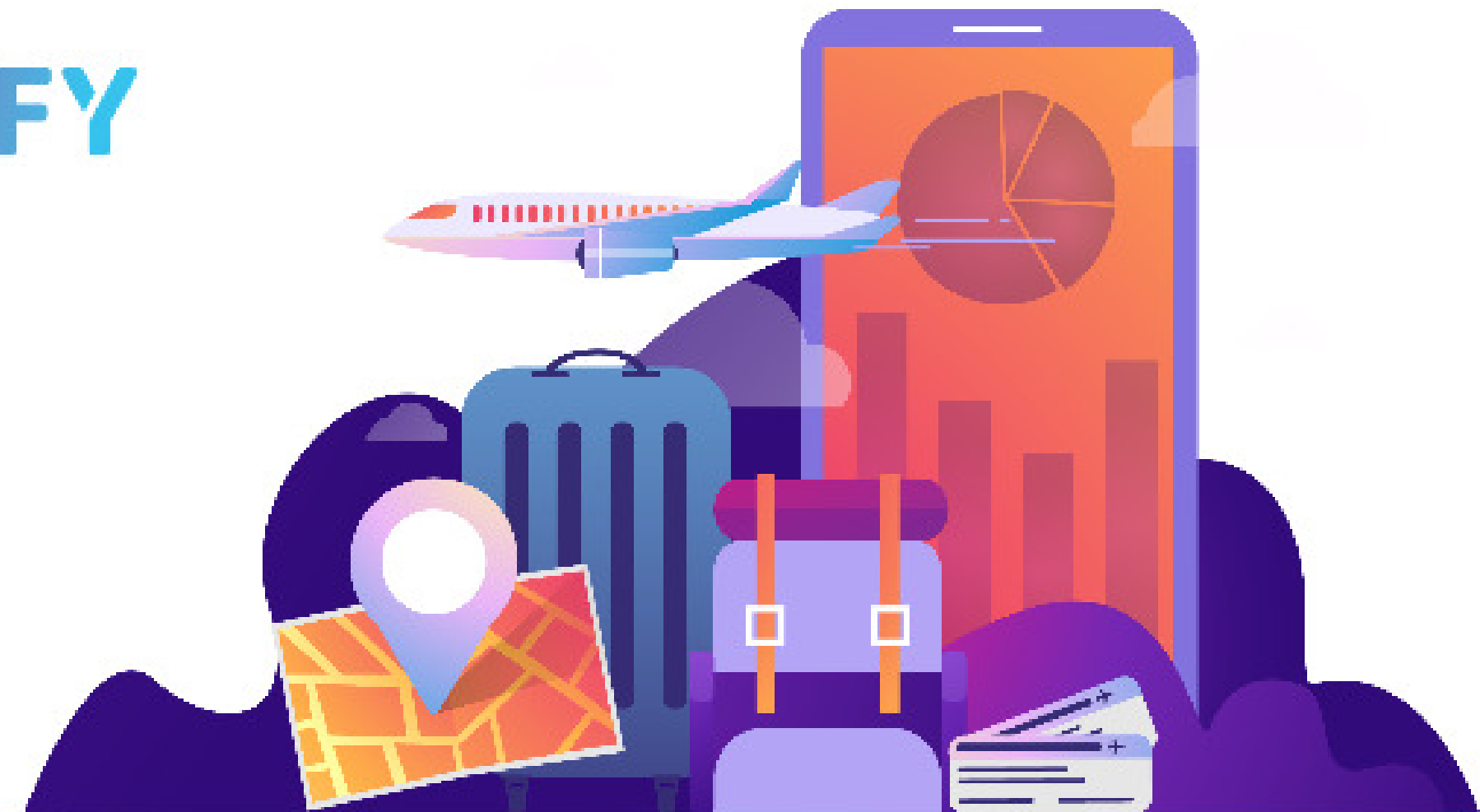


Demographics for 1/1/21 - 11/28/21



Thank You

DATAFY



Glossary

Census Demographics - Calculated using the Home Zip Code of the Unique Device, and then matching the zip code to the corresponding data from the US Census and American Community Survey (ACS).

Cluster - A grouping of POIs based on venue type, visit purpose, etc.

Home Zip Code - The inferred home zip code of observed devices. This is determined by a history of observations and patterns of behavior. Our database includes home zip codes for more than 200 million devices. Home Zip Codes are updated monthly based on the historical pattern of behavior, and our process is capable of determining when someone moves to a new zip code.

Household Level Demographics - Calculated based on a positive match between a device and a household with a demographic profile. For example, if a college student lives at home with a parent and visits an attraction, then the household profile would report the income, education levels, and age brackets of everyone in the household, including the parent. These are aggregated, weighted, and averaged across all the household members and all of the POIs visited and dates observed within the selected filters. Most of the values reported are at the household level, with a few exceptions that are device-level.

Number of Trips - The number of distinct trips to a destination by a distinct Visitor. Utilizes a combination of observation patterns, distance traveled, etc. For example, if a Visitor visits on Thursday through Sunday, that would be considered one single trip. If the visitor returns later that month, it would be counted as a second trip.

Point of Interest (POI) - A physical boundary drawn on a map and utilized to capture mobile device activity within the boundary.

Repeat vs One Time Visitors - A calculation of repeat Visitors based on observations of Unique Devices and Trips taken within the selected time frame. Once a Unique Device is observed a second time at any of the selected POIs across the date range in the filters, then that device is “flagged” as a repeat visitor. This analysis is dynamic and can span multiple years. For example, if a Visitor visits in March 2020, they would contribute to the yellow line in the chart if the date range covers March 2020. If that Visitor returns and visits again in September of 2021 and the date range in the filters spans March 2020 through September 2021, then that Visitor shifts from a one-time visitor, to a repeat visitor for all of the observations. Therefore, now this Visitor would contribute to the purple line in both March and September and any subsequent visits.

Glossary

Trips - The number of distinct trips to a destination by a Visitor or POI. Utilizes a combination of observation patterns, distance traveled, etc. For example, if a Visitor visits on Thursday through Sunday, that would be considered one single trip. If the visitor returns later that month, it would be counted as a second trip.

Unique Device - A unique mobile device determined by unique identifiers.

Visitors - An estimate of the number of visitors to a given POI or Cluster of POIs that factors in logic for Trips. For example, if one visitor visited the same attraction three days in a row, they would count as three Visitor Days, but only one Visitor. If that same visitor returned one month later and was observed at that same attraction for three more days in a row, then the cumulative results would be 6 Visitor Days, 2 Visitors, and 2 Trips.

Visitor Days - An estimate of the number of Visitors to a given POI or Cluster of POIs based on our proprietary volume estimate methodology. The Visitor Days calculation uses Unique Device identifiers as a baseline, and a daily estimate is generated factoring in many points of data including year-over-year changes in mobile device data availability, device behavior, local factors, unique POI characteristics, etc. The daily estimate is added up for whichever date range is selected by the filters.

Trip Length - The number of distinct trips to a destination by a Visitor or POI. Utilizes a combination of observation patterns, distance traveled, etc. For example, if a Visitor visits on Thursday through Sunday, that would be considered one single trip. If the visitor returns later that month, it would be counted as a second trip.

Our Zip Code vs Postal Zip Code- The inferred home zip code of observed devices. This is determined by a history of observations and patterns of behavior. Our database includes home zip codes for more than 200 million devices. Home Zip Codes are updated monthly based on the historical pattern of behavior, and our process is capable of determining when someone moves to a new zip code.



Media Contact:

Jane Wiley
503-901-7983
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Travel Oregon Bolsters Tourism Efforts in Local Communities Across the State Through \$1.4 Million in Capacity and Small Project Grants

45 organizations awarded grants for projects ranging from internal capacity building, increasing accessibility for travelers with disabilities to expanding diversity, equity and inclusion

Portland, Ore. (Jan. 23, 2023) - The Oregon Tourism Commission, dba [Travel Oregon](#), has awarded more than \$1.4 million through its Capacity and Small Project Grant Program to help destination marketing/management organizations and federally-recognized tribes with capacity building and targeted projects to enhance and expand economic impact through travel and tourism. Funds were awarded to develop and refine skills, systems, structures and strategies to help the awardee successfully fulfill its mission and achieve outcomes that are more impactful. All projects being funded by this program must be completed by December 31, 2023.

“These grants directly support destination marketing and management organizations and tribal entities who are working every day on a range of improvements from enhanced accessibility and inclusion for all travelers to fostering sustainable travel that can even enhance the geographical character of a place, from its environment and culture to its heritage and the well-being of residents,” said Todd Davidson, CEO of Travel Oregon. “We’re excited to see what our awardees are able to accomplish collectively to help inspire travel and uplift Oregon communities in the year ahead.”

Preference for Travel Oregon's Capacity and Small Project Grants was given to proposals that focused on capacity building as Travel Oregon believes capacity building funds provide an opportunity for awardees to set the organizational foundation to successfully move future projects forward.

The Capacity and Small Grant Project awardees are listed below in alphabetical order. For complete details on projects/awardees see below:

A Greater Applegate Community Development Corporation, dba A Greater Applegate (\$15,600) to hire a marketing consultant and part-time coordinator to provide expertise for the Destination Applegate Working Group in its efforts to promote the Applegate Valley.

Albany Visitors Association (\$27,950) for undertaking a strategic planning assessment to guide future decisions and areas of emphasis for best supporting the community and tourism industry.

Astoria-Warrenton Area Chamber of Commerce (\$35,000) to partner with Wheel the World to conduct an accessibility assessment of local tourism businesses, receive accessibility training through Wheel the World Academy and have viable tourism businesses listed on WheeltheWorld.com.

Burns Paiute Tribe (\$50,000) to hire a marketing consultant to create a strategic marketing plan around the destination's assets and to support staff capacity for the Tribe to focus on tourism efforts.

Cannon Beach Chamber of Commerce (\$50,000) to add technical expertise to the Chamber with the hiring of a full-time marketing manager.

Central Oregon Visitors Association (\$50,000) for workforce development by supporting the Sunriver Resort Culinary Apprenticeship Program.

City of Lincoln City (\$20,000) to partner with Wheel the World to conduct an accessibility assessment of local tourism businesses, receive accessibility training through Wheel the World Academy and have viable tourism businesses listed on WheeltheWorld.com.

City of Troutdale (\$43,500) to support destination management efforts by undertaking a destination strategic planning process and formulating a strategic roadmap to guide Troutdale's development, marketing and stewardship as a destination.

City of Woodburn (\$25,000) to hire a consultant to provide leadership development, board development and strategic planning guidance for the volunteer-based North Marion Tourism Collaborative.

Clackamas County Tourism and Cultural Affairs (\$24,000) to continue an additional year of staff capacity support through the RARE (Resource Assistance for Rural Environments) AmeriCorps Program.

Columbia County Economic Team (\$38,217) to conduct a professional branding exercise that will result in a branding strategy, style guide, artwork and toolkits/templates.

Coos Bay-North Bend-Charleston VCB/Oregon's Adventure Coast (\$25,000) to partner with Wheel the World to conduct an accessibility assessment of local tourism businesses, receive accessibility training through Wheel the World Academy and have viable tourism businesses listed on WheeltheWorld.com. In addition, professional development will continue through attendance at the 2023 TravelAbility Conference.

Depoe Bay Chamber of Commerce (\$20,000) to partner with Wheel the World to conduct an accessibility assessment of local tourism businesses, receive accessibility training through Wheel the World Academy and have viable tourism businesses listed on WheeltheWorld.com. In addition, professional development will continue through attendance at the 2023 TravelAbility Conference.

Discover Klamath VCB (\$50,000) for capacity to facilitate and lead a new branding strategy and to deliver a 3-5-year marketing strategy.

Eastern Oregon Visitors Association (\$48,406) for professional development to support staff participation in the Oregon Tourism Leadership Academy and in Cornell's Sustainable Tourism Development Management Online course. Additionally, technical assistance to improve organizational effectiveness by updating the organization's bylaws; hosting a Board retreat; and implementing a software platform to enhance management of its regional grant program.

Florence Area Chamber of Commerce (\$30,500) to partner with Wheel the World to conduct an accessibility assessment of local tourism businesses, receive accessibility training through Wheel the World Academy and have viable tourism businesses listed on WheeltheWorld.com. In addition, professional development will continue through attendance at the 2023 TravelAbility Conference.

Greater Newport Chamber of Commerce (\$33,190) to partner with Wheel the World to conduct an accessibility assessment of local tourism businesses, receive accessibility training through Wheel the World Academy and have viable tourism businesses listed on WheeltheWorld.com. In addition, professional development will continue through attendance at the 2023 TravelAbility Conference.

Harney County Chamber of Commerce (\$10,025) for tourism leadership professional development training and technical assistance support.

Hood River County Chamber of Commerce (\$50,000) for staff and board training in diversity, equity, inclusion and belonging to better incorporate the voices and perspectives of others in unique and impactful ways. In addition to equity and bias coaching, a language, culture and representation educator will support staff, board and member businesses to be inclusive of cultures of the community, specifically the primary Spanish language speaking population.

Illinois Valley Chamber of Commerce (\$2,788) to support capacity by increasing staff hours to work on tourism projects and in developing greater Chamber membership.

Josephine County Visitors Association, dba Visit Grants Pass (\$50,000) for capacity to support technical assistance on the creation of a Grants Pass Main Street organization and assistance in Cave Junction Main Street strategic planning.

Lake County Chamber of Commerce (\$13,234.80) for a new staff position at the Chamber to help work on Dark Sky tourism efforts.

Maupin Area Chamber of Commerce (\$3,150) to support staff professional development by attending a grant writing course.

Ontario Chamber of Commerce (\$17,000) for professional development of Malheur County tourism stakeholders to attend the Oregon Governor's Conference on Tourism and to convene county-wide tourism planning workshops to develop a shared understanding and vision for tourism in the region.

Oregon Coast Visitors Association (\$7,200) to ensure capacity needs are met and training is available upon the hiring of a new South Coast Agritourism Coordinator.

Pendleton Chamber of Commerce, dba Travel Pendleton (\$12,000) to support a shoulder season (winter) marketing campaign targeted at the Portland area.

Prineville-Crook County Chamber of Commerce (\$42,340) to provide staff development in sustainable tourism, increase organizational capacity with the addition of an intern position to support rural destination development and marketing. Additional capacity support would occur through hiring a part-time position devoted to the Prineville Downtown Association that is currently operated by volunteers.

Sutherlin Area Chamber of Commerce (\$12,000) for increased staff capacity with the hiring of a 12-month Project Coordinator to develop a membership benefit program to support small business development and tourism education.

The Dalles Area Chamber of Commerce (\$50,000) for systemic support with diversity, equity and inclusion training opportunities, translation and messaging and communications with an emphasis and focus upon the local Latinx business community.

The Museum at Warm Springs (\$35,000) to support the development of a marketing and community development plan as well as support staff capacity with the addition of a communications and marketing contractor.

Tillamook Area Chamber of Commerce (\$47,680) to support staff capacity to move forward fundraising efforts of the newly formed 501(c)3 Tillamook Chamber Community Foundation.

Tillamook Coast Visitors Association, dba Visit Tillamook Coast (\$20,000) to contract with Empowering Access to conduct an accessibility audit to identify gaps and shortcomings for accessibility for county recreation users with mobility challenges.

Travel Ashland/ Ashland Chamber of Commerce (\$35,000) for staff training to conduct Strategic Doing Workshops and other components to implement an economic diversification strategy of tourism as well as training and additional labor for the management of supporting social channels.

Travel Lane County (\$50,000) to better serve visitors experiencing hearing loss by expanding the number of Hearing Loops in Lane County lodging properties, performing arts venues and other attractions.

Travel Medford (\$50,000) to build operational capacity and bandwidth by hiring a full-time graphic designer.

Travel Salem (\$50,000) for continued work to occur on the Resilient Headwaters project to help communities throughout the Santiam Canyon recover from fire by producing a regional suite of recreational assets.

Travel Southern Oregon (\$40,000) for a project manager to lead efforts in creating a Dark Sky Place nomination application with the International Dark-Sky Association.

Visit Bend (\$50,000) to conduct a resident sentiment study in partnership with Oregon State University and provide the capacity and technical assistance to create a data collection process that can be used by Destination Management Organizations across Oregon.

Visit Corvallis (\$33,192) for professional development for their board and staff to more effectively implement their strategic plan and work in destination development as well as training for staff to achieve the Sports Tourism Strategist designation.

Visit McMinnville (\$10,000) for a trip generation and site access study that will assist with assessing parking, accessibility, and traffic flow for Quarry Park.

Waldport Chamber of Commerce (\$17,550) to partner with Wheel the World to conduct an accessibility assessment of local tourism businesses, receive accessibility training through Wheel the World Academy and have viable tourism businesses listed on WheeltheWorld.com. In addition, professional development will continue through attendance at the 2023 TravelAbility Conference.

Wallowa County Chamber of Commerce (\$3,600) for review of personnel and compliance policies and a final formatted updated employee handbook.

Warm Springs Community Action Team (\$37,500) to support grant writing/fundraising professionals as they work to raise \$2M in funds to continue the Warm Springs Commissary capital project to further small business growth.

Willamette Valley Visitors Association (\$50,000) for professional development including: Board training and the updating of organization bylaws; staff participation in the Oregon Tourism Leadership Academy and George Washington's Professional Certificate in Sustainable Tourism Development. In addition, adding technical assistance support with a grant writer, retaining contractors to work on sports and regenerative travel and expanding diversity, equity and inclusion efforts as an organization.

Yachats Chamber of Commerce (\$20,000) to partner with Wheel the World to conduct an accessibility assessment of local tourism businesses, receive accessibility training through Wheel the World Academy and have viable tourism businesses listed on WheeltheWorld.com. In addition, professional development will continue through attendance at the 2023 TravelAbility Conference and a trail wheelchair will be purchased for free rentals.

For media images, see [here](#).

About Travel Oregon

The Oregon Tourism Commission, dba [Travel Oregon](#), is a semi-independent state agency whose mission is to inspire travel that uplifts Oregon communities. Collaborating with stakeholders to align as stewards of Oregon, we work to optimize economic opportunity, advance equity and respect the ecosystems, cultures and places that make Oregon... Oregon. Travel Oregon aims to improve Oregonians' quality of life by strengthening the economic impacts of the state's \$10.9 billion tourism industry, which employs more than 100,000 Oregonians.

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AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing Item #10A

MEETING DATE: February 13, 2023

TO: Honorable Mayor and City Council

FROM: Angie Wilson, Finance Director

ISSUE: Resolution No. 23-007 Adopting a Supplemental Budget for Fiscal Year 2022/2023, Making Appropriations and Authorizing Expenditures from and within Various Funds of the City of The Dalles Adopted Budget.

BACKGROUND: Oregon Budget Law recognizes that after the beginning of the fiscal year, changes in appropriations in the budget sometimes become necessary, and so allows for those changes via supplemental budgets and budget amendments. Supplemental budgets add funds to existing budgets, while budget amendments move already budgeted funds between categories of the same fund without adding to the fund's total budget.

A Public Hearing is required for any supplemental budget that changes a fund by more than 10%. The proposed supplemental budget is more than 10% of the operating budget of either of the affected funds, so a Public Hearing is required.

A notice of the Supplemental Budget is required to be published, and that notice is scheduled to be printed in The Columbia Gorge News on Wednesday, February 8, 2023.

Resolution No. 23-007 is for a Supplemental Budget for various Public Works Funds.

- 1) The City's Street Fund (005) has realized an additional \$895,232 in Beginning Fund Balance, with \$150,000 to be allocated to ADA upgrades. \$350,000 to be allocated to contracted chip seal. \$395,232 for maintenance projects; and,
- 2) Public Works Reserve Fund (009) has realized an additional \$97,901 in Beginning Fund Balance, with a proposed allocation for a 5-yr or 10-yr dump truck purchase; and,
- 3) City's Water Capital Reserve Fund (053) has realized additional revenue in Beginning Fund Balance of \$1,695,908, proposed to be allocations of \$200,000 for the Wicks Plant Roof, \$220,000 for the E. 9th St. water main, \$350,000 for

SCADA phase 1 and \$925,908 for replace funding for Garrison Reservoir painting; and,

4) City's Wastewater Fund (055) has realized an additional \$315,900 in Beginning Fund Balance, with proposed allocations \$200,000 for WWTP plant repairs and \$115,900 for E. 9th St storm construction; and,

5) City's Wastewater Fund (055) has realized an additional \$234,268 in Beginning Fund Balance, with proposed allocations \$30,000 for WWTP Maintenance Parts and \$75,000 for Air Piping Replacement. \$129,268 for W 9th St. Sewer Line; and

6) City's Sewer Special Reserve Fund (056) has realized an additional \$1,467,186 in Beginning Fund Balance, with proposed allocations of \$430,000 for the 2022 Slipline contract, \$350,000 for SCADA, \$200,000 for Trevitt St. Storm/sanitary and \$219,233 for 2nd St. sewer. \$267,953 for 2nd St. storm.

BUDGET IMPLICATIONS: The Supplemental Budget Resolution No. 23-007 increases the Street Fund budget by \$895,232; the Public Works Reserve Fund by \$97,901; the Sewer Plant Construction Fund by \$90,934; the Water Capital Reserve Fund by \$1,695,908; the Wastewater Fund by \$315,900; the Sewer Special Reserve Fund by \$1,467,186.

COUNCIL ALTERNATIVES:

- A. ***Staff Recommendation: Move to Adopt Resolution No. 23-007 Adopting a Supplemental Budget for Fiscal Year 2022/2023, Making Appropriations and Authorizing Expenditures within Various Funds of The Dalles Adopted Budget.***
- B. Decline to make any changes to the adopted budget at this time.

RESOLUTION NO. 23-007

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2022/2023, MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FROM AND WITHIN VARIOUS FUNDS OF THE CITY OF THE DALLES ADOPTED BUDGET.

WHEREAS, the City’s Street Fund (005) has realized an additional \$895,232 in Beginning Fund Balance, with \$150,000 to be allocated to ADA upgrades. \$350,000 to be allocated to contracted chip seal. \$395,232 for maintenance projects; and,

WHEREAS, Public Works Reserve Fund (009) has realized an additional \$97,901 in Beginning Fund Balance, with a proposed allocation for a 5-yr or 10-yr dump truck purchase; and,

WHEREAS, City’s Water Capital Reserve Fund (053) has realized additional revenue in Beginning Fund Balance of \$1,695,908, proposed to be allocations of \$200,000 for the Wicks Plant Roof, \$220,000 for the E. 9th St. water main, \$350,000 for SCADA phase 1 and \$925,908 for replace funding for Garrison Reservoir painting; and,

WHEREAS, City’s Wastewater Fund (055) has realized an additional \$315,900 in Beginning Fund Balance, with proposed allocations \$200,000 for WWTP plant repairs and \$115,900 for E. 9th St storm construction; and,

WHEREAS, the City’s Sewer Special Reserve Fund (56) has realized an additional \$1,467,186 in Beginning Fund Balance, with proposed allocations of \$430,000 for the 2022 Slipline contract, \$350,000 for SCADA, \$200,000 for Trevitt St. Storm/sanitary and \$219,233 for 2nd St. sewer. \$267,953 for 2nd St. storm; and,

WHEREAS, the Sewer Plant Construction Fund (57) has realized an additional \$90,934 in Beginning Fund Balance, with proposed allocation \$90,934 for the Waste Water Treatment Plant outfall pipe repair.

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Summary of Supplemental Budget-Line Item Detail				
Fund	Resource	Amount	Requirement	Amount
Street Fund (005)	Additional Beginning Fund Balance	895,232	Public works Dept Program	895,232
	Total New Resources	895,232	Total New Requirements	895,232
	Total New Street Public Works Program Requirements			4,061,329
	New Total all Fund 005 Resources	4,494,753	New Total All Fund 005 Expenditures	4,494,753
Fund	Resource	Amount	Requirement	Amount
Public Works Reserve Fund (009)	Additional Beginning Fund Balance	97,901	Public Works Dept Program	97,901
	Total New Resources	97,901	Total New Requirements	97,901
	Total Public Works Department			741,418
	New Total all Fund 009 Resources	741,418	New Total All Fund 009 Expenditures	741,418
Fund	Resource	Amount	Requirement	Amount
Water Capital Reserve Fund (053)	Additional Beginning Fund Balance	1,695,908	Public Works Dept Program	1,695,908
	Total New Resources	1,695,908	Total New Requirements	1,695,908
	New Total Public Works Department			17,111,311
	New Total all Fund 053 Resources	17,886,602	New Total All Fund 053 Expenditures	17,886,602

Fund	Resource	Amount	Requirement	Amount
Waste Water Fund (055)	Additional Beginning Fund Balance	315,900	Public Works Dept Program	315,900
	Total New Resources	315,900	Total New Requirements	315,900
Total Public Works Department				4,495,820
	New Total all Fund 055 Resources	6,819,012	New Total All Fund 055 Expenditures	6,819,012
Fund	Resource	Amount	Requirement	Amount
Sewer Special Reserve Fund (056)	Additional Beginning Fund Balance	1,467,186	Public Works Dept Program	1,467,186
	Total New Resources	1,467,186	Total New Requirements	1,467,186
Total Public Works Department				4,614,037
	New Total all Fund 056 Resources	4,621,200	New Total All Fund 056 Expenditures	4,621,200
Fund	Resource	Amount	Requirement	Amount
Sewer Plant Construction Fund (057)	Additional Beginning Fund Balance	90,934	Public Works Dept Program	90,934
	Total New Resources	90,934	Total New Requirements	90,934
Total Public Works Department				2,844,994
	New Total all Fund 057 Resources	3,246,047	New Total All Fund 057 Expenditures	3,246,047

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS PRESENTED ABOVE:

Section 1. The City Council hereby adopts the Supplemental Budget for FY 22/23, increasing revenues and making appropriations as follows.

Section 2. This Resolution shall become effective upon adoption by the City Council and shall remain in effect until receipt and acceptance of the FY 22/23 audit report.

PASSED AND ADOPTED THIS 13TH DAY OF FEBRUARY, 2023.

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 13TH DAY OF FEBRUARY, 2023.

SIGNED:

ATTEST:

Richard A. Mays, Mayor

Izetta Grossman, CMC, City Clerk



AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing Item #10B

MEETING DATE: February 13, 2023

TO: Honorable Mayor and City Council

FROM: Joshua Chandler
Community Development Director

ISSUE: Public hearing to receive public comment on the close-out of Community Development Block Grant Project No. HA2101, providing rental, mortgage, and utility payment assistance to qualified households.

BACKGROUND: In response to the Coronavirus (Covid-19) pandemic, the United State Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March 2020 to provide economic aid to American citizens negatively impacted by the pandemic. A portion of these funds were allocated to the Oregon State Community Development Block Grant (CDBG) program, administered by the Oregon Business Development Department (Business Oregon), for the creation and implementation of the Covid-19 Emergency Housing Assistance grant program. This program was created to provide emergency housing assistance to low- and moderate-income (LMI) household earning at or below 80% average median income (AMI) including assistance for past due rent, mortgage payments, and utility payments.

The City, along with the Mid-Columbia Housing Authority as a sub-recipient, was awarded the grant (HA2101) on August 3, 2021 for a total not to exceed \$400,000. Unlike many other CBDG grants, the Covid-19 Emergency Housing Assistance grant was valid for one calendar year (2022), with all unused funds during the grant period forfeited.

Staff has provided a summary of the program below:

- Grant duration: January 1, 2022 – December 31, 2022
- Counties assisted: Hood River, Sherman, and Wasco Counties
Communities: Cascade Locks, Hood River, Mosier, The Dalles, Wasco

- Total number of households assisted: 158
65% - female head of household
- Total number of residents assisted: 370
90% of people assisted lived in The Dalles
- Total amount of funding awarded: \$315,000 (*pending final draw*)
Grant Administration and Program Management: \$85,000 (*paid to Mid-Columbia Housing Authority*)

The purpose of this public hearing is to receive public testimony concerning the administration of the program. The City and Mid-Columbia Housing Authority are currently in the process of finalizing all program closeout material.

BUDGET IMPLICATIONS: None. The City is not authorized to receive funding for program administrative costs; however, the City is responsible for the processing disbursement of funds between the State and Housing Corporation. Funding for the program is effectively passed through Fund 18 of the City's general fund, thus revenue and expenditure for the program is equal.



AGENDA STAFF REPORT

AGENDA LOCATION: Contract Review Board Item #11A

MEETING DATE: February 13, 2023

TO: Honorable Mayor and City Council

FROM: Dale McCabe, PE, City Engineer

ISSUE: Recommendation for award of 2023 ADA Improvement Project
Contract No. 2023-003

BACKGROUND: The City of The Dalles Public Works Department advertised for bids for the 2023 ADA Improvement Project, Contract No. 2023-003. The scope of work for the project was stated as follows: “The work to be performed shall consist of furnishing all materials, labor and equipment necessary to complete the concrete work for 40 curb ramps including concrete curb and gutter, concrete curb, and concrete sidewalk. All work will be conducted in accordance with the contract documents.”

At the June 10, 2019 City Council meeting, the Council adopted Resolution No. 19-016, the City of The Dalles 2019 Americans With Disabilities Act (ADA) Transition Plan to comply with federal regulations. Those same regulations require the City to update certain curb ramps because of specific street maintenance activities that have been performed in the recent past across the community which triggered ADA requirements.

This contract, which utilizes funding from both the 2021/2022 and 2022/2023 budgets, will consist of performing concrete work that will address installing new ADA ramps along Union Street between 4th Street and 7th Street, therefore completing the ADA corridor along Union Street between the Downtown The Dalles and the High School. The other locations of new ADA ramps to be installed for this project are associated with paving projects to be completed by City crews later this spring. Those locations include:

- Bridge Street between 9th and 10th Streets
- 11th Street between Dry Hollow Road and Oregon Street
- 13th Place between View Court and Dry Hollow Road
- 18th Street, east of 16th Place and Dry Hollow Road

A new ADA ramp will also be installed at the 9th Street/Cherry Heights Road intersection as a result of a complaint raised to the Traffic Safety Committee by a near by retirement home resident that frequents the area when walking to and from the local shopping facilities and grocery stores.

The bid opening for this contract was held on January 26, 2023 at 2:00 pm, for which we received five responsive bids. The bids received was as follows:

1. Van Nevel Concrete and Curb, in the amount of \$309,859.04
2. Brown Contracting, in the amount of \$369,423.00
3. D&D Concrete and Utilities, in the amount of \$500,610.00
4. Wildish Standard Paving, in the amount of \$639,560.01
5. Granite Construction Co., in the amount of \$837,837.00

The Engineer's Estimate for this project was \$379,948.00.

The bids were reviewed by City staff to make sure that the proper material was submitted and the bids were deemed complete.

BUDGET IMPLICATIONS: A total of \$300,000 was budgeted for this project in the Street Department budget, Line Code 005-0500-000.75-10 of the 2022/2023 budget. Also, a 2022 ADA Improvement Project did not occur last year so the funds that were budgeted for that potential project were not expended and rolled to be included in the 2022/2023 budget. Therefore, there are sufficient funds available for this project.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** *Authorize the City Manager to enter into contract with Van Nevel Concrete and Curb for the 2023 ADA Improvement Project, Contract No. 2023-003, in an amount not to exceed \$309,859.04.*
2. Request that staff provide additional information in response to questions raised by City Council.
3. Deny authorization to proceed with the contract.



AGENDA STAFF REPORT

AGENDA LOCATION: Contract Review Board Item #11B

MEETING DATE: February 13, 2023

TO: Honorable Mayor and City Council

FROM: Joshua Chandler, Community Development Director

ISSUE: Contract No. 23-004 to KPFF Consulting Engineers, an Engineering Services Agreement for the 1st Street Project between Union and Madison Streets

BACKGROUND: In 2008, the City and KPFF Consulting Engineers (**KPFF**) entered Contract No. 2007-08-004 for design of the Downtown/Riverfront Connection Project, now more commonly known as the First Street Project. Since then, the City and KPFF have amended the contract sixteen (16) times, nearly always to adjust the scope of work and schedule for performance. Instead of entering the 17th amendment, especially in light of some changed funding circumstances, Staff proposes entering a new contract with KPFF to better address the City's current needs.

The most significant change to the previous agreements was the mutual termination of the City's partnership and involvement with the Oregon Department of Transportation (**ODOT**), as well as discontinuance of federal grant funding awarded for the project in 2007. This termination, approved by City Council on October 24, 2022 and acknowledged by ODOT on November 2, 2022, resulted in a cost savings of approximately \$940,000, excluding project construction costs. In addition, ODOT's Statewide Program and Funding Services approved an exception of repayment request on November 17, 2022, which removed the City's requirement to repay previously expended grant funding, a total of \$320,000 since 2007.

The 1st Street Project's design is at 95% completion. This revised scope incorporates previous incomplete tasks outlined in the original contract, assumes responsibilities of all previous ODOT tasks as well as new tasks, which reflect changes in funding, project understanding, and additional tasks requested by the City not outlined in the previous scope. This new contract assumes a 24-month schedule from notice to proceed to project bid.

This award to KPFF is authorized by the City's Local Contract Review Board Rule 03-0200(1)(d), which authorizes new contracts for the direct appointment of engineering services supporting continuing projects with estimated fees expected to exceed \$250,000. Award to KPFF promotes the efficient use of public funds and resources due to KPFF's long-term familiarity with this Project and the City's needs – far more public funds would be spent trying to bring a different engineering consultant up to speed on this 15-year Project. Award to KPFF also protects the integrity of the public contracting process and the competitive nature of the City's procurement by not substantially diminishing competition. The original Contract No. 2007-08-004 was competitively awarded to KPFF as the most qualified proposer in response to competitive sealed proposals.

BUDGET IMPLICATIONS: The estimated contract fees under this contract are expected not to exceed \$495,162.16. The City allocated \$4,371,677.00 in Line 018-2900-000.75-10 for this Project. The City has sufficient budget for this award.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to award Contract No. 23-004 to KPFF Consulting Engineers and authorize the City Manager to execute the Engineering Services Agreement in an amount not to exceed \$495,162.12, as presented.*
2. Move to award Contract No. 23-004 to KPFF Consulting Engineers and authorize the City Manager to execute the modified Engineering Services Agreement, as amended.
3. Decline formal action and provide Staff additional direction.



AGENDA STAFF REPORT

AGENDA LOCATION: Action Item #12-A

MEETING DATE: February 13, 2023

TO: Honorable Mayor and City Council

FROM: Jonathan Kara, City Attorney

ISSUE: Adopting Resolution No. 23-006, a Resolution Updating the City of The Dalles Local Contract Review Board Rules (effective February 14, 2023)

BACKGROUND: All Oregon cities are required to establish, implement, and follow standardized procurement rules pursuant to the Oregon Public Contracting Code. Oregon law authorizes the City to have its own procurement rules, which can include portions of the Model Rules adopted by the Oregon Attorney General.

The Dalles Municipal Code Chapter 1.24 (Contract Review Board) establishes the City Council as the City's Local Contract Review Board (**LCRB**) and authorizes it to adopt rules necessary to carry out the provisions of the Oregon Public Contracting Code by resolution. The City's current LCRB Rules have not been updated since 2011 and best practices to ensure legal sufficiency would be to update them about twice per decade.

The City Manager organized an ad-hoc team comprising himself, the Finance Director, the Public Works Director, and City Attorney to strategize on developing a more functional and modern public contracting and purchasing policy consistent with changes to Oregon law since 2011 and based on the City's procurement needs. A copy of the team's proposed *City of The Dalles Local Contract Review Board Rules (Effective February 14, 2023)* is attached to and made part of Resolution No. 23-06 as Exhibit "A". The team's primary objective in developing this proposal was maximizing the City's legal and fiscal flexibility while preserving the integrity of the City's public contracting.

Some specific changes to spending/award authorizations and competitive requirements include:

Spending/Award Authorizations

CURRENT:

- *General Spending/Award Authorizations*

Up to \$1,000	Authorized City employees
\$1,000 to \$15,000	Department Managers
\$15,000 to \$50,000	City Manager
Over \$50,000	City Council

- *Emergency Spending/Award Authorizations*

Up to \$100,000	City Manager
Over \$100,000	City Council

PROPOSED:

- *General Spending/Award Authorizations*

Up to \$5,000	All City employees
\$5,000 to \$25,000	Department Managers
\$25,000 to \$100,000	City Manager
Over \$100,000	City Council

- *Emergency Spending/Award Authorizations*

Up to \$500,000	City Manager
Over \$500,000	If extreme necessity, City Manager (otherwise City Council)

Competitive Requirements

CURRENT:

- *Goods/Services Contracts*

Small Procurements (under \$50,000)	
Up to \$1,000	Direct
\$1,000 to \$5,000	3 Verbal Quotes
\$5,000 to \$15,000	3 Written Quotes
\$15,000 to \$50,000	3 Written Quotes
Intermediate/Large Procurements (over \$50,000)	
Formal Competitive Bids (ITB)	
Formal Competitive Quotes (RFP)	

- *Professional Services Contracts (architects, engineers, photogrammetrists, land surveyors, and related services)*

Small Estimated Fee (\$100,000 or less)	Direct
Informal Selection (\$250,000 or less)	Informal RFP
Formal Selection (over \$250,000)	RFP/Alternative

- *Construction Services/Public Improvements/Public Works Contracts*

Intermediate Procurements (\$100,000 or less)	3 Written Quotes
All Other Procurements (over \$100,000)	ITB/RFP/Alternative

- *Personal Services Contracts (other than Professional Services)*

Up to \$50,000	Small Procurements (above)
Up to \$100,000	Direct
Over \$100,00	ITB/RFP

- *Emergency Contracts*

Up to \$100,000	Any practicable method encouraging competition
Over \$100,000	Any practicable method encouraging competition

PROPOSED:

- *Goods/Services Contracts*

Small Procurements	
Up to \$5,000	Direct
\$5,000 to \$25,000	Competitive Verbal Quotes/Informal Written Solicitation
Intermediate Procurements	
\$25,000 to \$100,000	Informal Written Solicitation
Large Procurements	
Over \$100,000	ITB/RFP

- *Professional Services Contracts (architects, engineers, photogrammetrists, land surveyors, and related services)*

Oregon law/Model Rules

- *Construction Services/Public Improvements/Public Works Contracts*

Oregon law/Model Rules

- *Personal Services Contracts (other than Professional Services)*

Direct Award	
Less than \$200,000 and in approved budget	Direct
Legal Matters	Direct
Ongoing Relationship of Knowledge/Trust	Direct
Competitive Award	
Less than \$200,000	Informal Written Solicitation
\$200,000 or more	RFP

- *Emergency Contracts*

All Emergency Contracts	Competitive price/quality evaluation preferred (Direct allowed)
Emergency Construction Contracts	Oregon law

The proposed LCRB Rules comprehensively update the City's purchasing and procurement by optimizing the efficient use of City resources and the purchasing power of City funds, all while promoting impartial and open competition and taking full advantage of evolving procurement methods to fulfill the City's purchasing needs as they emerge within various industries.

The team condensed the currently *172-page* 2011 LCRB Rules down to *37 pages* in the proposed LCRB Rules. The breadth and number of process-based changes proposed here exceeds the scope of this Staff Report, but other improved highlights include legal sufficiency updates (e.g., feasibility determinations for service contracts exceeding \$250,000 are now required since the City's population exceeds 15,000) and the robust implementation of qualified pools (to further enhance flexibility in personal services/public improvement contracts). If Council approves this proposal, Staff will begin implementing these new streamlined rules effective tomorrow, **February 14, 2023**.

BUDGET IMPLICATIONS: Staff time and financial resources should be more optimized under the proposed Rules, which should indirectly improve the City's budget by enhancing its efficiency.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to adopt Resolution No. 23-006, a resolution updating the City of The Dalles Local Contract Review Board Rules (effective February 14, 2023).*
2. Move to adopt an amended Resolution No. 23-006 and provide Staff direction on any modifications.
3. Decline formal action and provide Staff additional direction.

RESOLUTION NO. 23-006

**A RESOLUTION UPDATING THE CITY OF THE DALLES
LOCAL CONTRACT REVIEW BOARD RULES
(EFFECTIVE FEBRUARY 14, 2023)**

WHEREAS, the Oregon Legislative Assembly requires all cities to establish, implement, and follow standardized procurement rules pursuant to the Oregon Public Contracting Code;

WHEREAS, ORS 279A.065 authorizes the City to prescribe its own rules which include portions of the model rules adopted by the Oregon Attorney General;

WHEREAS, The Dalles Municipal Code Chapter 1.24 (Contract Review Board) establishes the City Council as the City’s Local Contract Review Board pursuant to ORS 279A.060 and authorizes it to adopt rules necessary to carry out the provisions of the Oregon Public Contracting Code;

WHEREAS, the City Council believes it to be in the City’s best interest to update the City’s 2011 Local Contract Review Board Rules to ensure legal sufficiency and satisfy the City’s modern contracting needs.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF THE DALLES
RESOLVES AS FOLLOWS:**

1. Updated Rules Adopted. The *City of The Dalles Local Contract Review Board Rules (Effective February 14, 2023) (Rules)* attached to and made part of this Resolution as Exhibit “A” are hereby approved and adopted as the rules for and regulations of the City’s Local Contract Review Authority. All City contracting shall be subject to the Rules.
2. Previous Regulations Repealed. All previous and inconsistent City public contracting rules or regulations, including the *City of The Dalles Local Contract Review Board Rules (2011)*, are hereby repealed.
3. Future Effective Date. This Resolution shall be effective February 14, 2023.

PASSED AND ADOPTED THIS 13TH DAY OF FEBRUARY, 2023,

Voting Yes	Councilors:	_____
Voting No	Councilors:	_____
Abstaining	Councilors:	_____
Absent	Councilors:	_____

AND APPROVED BY THE MAYOR THIS 13TH DAY OF FEBRUARY, 2023.

Richard A. Mays, Mayor

ATTEST:

Izetta Grossman, CMC, City Clerk

Exhibit "A"



CITY OF THE DALLES

Local Contract Review Board Rules **Public Contracting and Purchasing Policy**

Effective February 14, 2023

CITY OF THE DALLES
Local Contract Review Board Rules
Effective February 14, 2023

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City of The Dalles

Local Contract Review Board Rules

I. Introduction.

A. Purpose of Purchasing Policy. These Rules are adopted by the City Council as the governing body of the City to establish the rules and procedures for contracts entered into and purchases made by the City. The City's policy in adopting these Rules is to utilize public contracting and purchasing practices and methods maximizing the efficient use of City resources and the purchasing power of City funds by:

1. promoting impartial and open competition;
2. using complete solicitation materials containing a clear statement of contract specifications and requirements; and
3. taking full advantage of evolving procurement methods fulfilling the City's purchasing needs as they emerge within various industries.

B. Interpretation of Purchasing Policy. Except as specifically provided in these Rules, public contracts and purchases shall be awarded, administered, and governed according to [ORS Chapters 279A, 279B, and 279C \(Public Contracting Code\)](#) and the Attorney General's Model Public Contract Rules (**Model Rules**), as they now exist. Any ambiguities, uncertainties, or conflicts found in these Rules shall be resolved by the City Attorney in writing.

1. In furtherance of the purposes of the objective set forth in *Section I(A)*, the City's intent is these Rules be interpreted to authorize the full use of all contracting and purchasing powers described in [ORS Chapters 279A, 279B, and 279C](#).
2. The Model Rules adopted under [ORS 279A.065](#) shall apply to the contracts and purchases of the City to the extent they do not conflict with these Rules and other rules and regulations adopted by the City.
3. In the event of a conflict between any provisions of these Rules and the Model Rules, the provisions of these Rules shall prevail.

C. Specific Provisions' Precedence over General Provisions. In the event of a conflict between the provisions of these Rules, the more specific provision shall take precedence over the more general provision.

D. Conflicts with Federal Statutes and Regulations. Except as otherwise expressly provided in [ORS Chapters 279A, 279B, or 279C](#), applicable federal statutes and regulations govern when federal funds are involved.

II. Definitions.

A. Specific Definitions. Unless a different definition is specifically provided elsewhere in these Rules, or the City Attorney determines specific context clearly requires otherwise, the following terms have the following specified meanings and any term defined in the singular includes the meaning of the plural, and vice versa:

1. **Administering agency.** The contracting agency that solicited and established the original contract in a cooperative procurement for goods, services, personal services, professional services, or public improvements.
2. **Affected person/offeror.** A person whose ability to participate in a procurement is adversely impaired by a City decision.
3. **Award.** The decision to enter into a contract or purchase order with a specific offeror.
4. **Bid.** A response to an invitation to bid.
5. **Bidder.** A person who submits a bid in response to an invitation to bid.
6. **Business with which a City employee is associated.** Any business in which a City employee is a director, officer, owner, or employee, or any corporation in which a City employee owns or has owned ten percent (10%) or more of any class of stock at any point in the preceding calendar year.
7. **City.** The City of The Dalles, an Oregon municipal corporation and a contracting and purchasing agency.
8. **City Manager.** The person appointed by the City Council to the position of City Manager or their written designee.
9. **Closing.** The date and time announced in a solicitation document as the deadline for submitting bids or offers.
10. **Contract.** See *Public Contract*.
11. **Contractor.** The person who enters into a contract with the City.
12. **Contract price.** As the context requires, either:
 - a. the maximum payment the City will make under a contract if the contractor fully performs under the contract, including bonuses, incentives, and contingency amounts;
 - b. the maximum not-to-exceed payment specified in the contract; or

- c. the unit prices set forth in the contract.
- 13. *Contracting agency.*** A public body authorized by law to conduct a procurement.
- 14. *Cooperative procurement.*** A procurement conducted by, or on behalf of, one or more contracting agencies.
- 15. *Days.*** Calendar days.
- 16. *Emergency.*** Involves circumstances that:
- a. could not have been reasonably foreseen;
 - b. create a substantial risk of loss, damage, or interruption of services or a substantial threat to property, public health, welfare, or safety; and
 - c. require prompt execution of a contract or amendment in order to remedy the condition.
- 17. *Emergency construction contract.*** A contract for emergency work, minor alteration, ordinary repair or maintenance of public improvements, and any other construction contract not defined as a public improvement under these Rules or [ORS 279A.010](#).
- 18. *Findings.*** The justification for a conclusion. If the justification relates to a public improvement contract, findings may be based on information including, without limitation:
- a. operational, budget and financial data;
 - b. public benefits;
 - c. value engineering;
 - d. specialized expertise;
 - e. market conditions;
 - f. technical complexity; and
 - g. funding sources.
- 19. *Goods and/or services.*** *Goods* are supplies, equipment, materials, and personal property (including intangible and intellectual property rights and

licenses). *Services* are all other services not designated as personal services under these Rules, but generally comprise non-profession-based services (i.e., services for office maintenance). The term *goods and/or services* includes combinations of any of the items identified in the definition for each.

20. *Grant.* An agreement under which, either:

- a. the City (as grantee) receives moneys, property, or other assistance (including but not limited to federal assistance characterized as a grant by federal law or regulation), loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets; the assistance received by the City is from a grantor for the purpose of supporting or stimulating a program or activity of the City; and no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with grant conditions; or
- b. the City (as grantor) provides moneys, property, or other assistance (including but not limited to federal assistance characterized as a grant by federal law or regulation), loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets; the assistance is given to the recipient for the purpose of supporting or stimulating a program or activity of the recipient; and no substantial involvement by the City is anticipated in the program or activity other than involvement associated with monitoring compliance with grant conditions.

21. *Immediate family member.* An employee's: spouse, domestic partner, parent or in loco parentis, children, siblings, parents-in-law, siblings-in-law, grandparents, grandchildren, step-parents, and step-children.

22. *Offer.* A bid, proposal, quote, or other response to a solicitation document.

23. *Offeror.* A person who submits an offer.

24. *Opening.* The date, time, and place announced in the solicitation document for the public opening of written sealed offers.

25. *Original contract.* The initial contract or price agreement solicited and awarded during a cooperative procurement by an administering agency.

26. *Purchasing agency.* An agency that procures goods or services, personal services, or public improvements from a contractor based on the original contract established by an administering agency in a cooperative procurement.

27. *Person.* An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency,

public body, public corporation, or other legal or commercial entity, and any other person or entity with legal capacity to contract.

28. **Price agreement.** A contract for the procurement of goods or services at a set price which has:
 - a. no guarantee of a minimum or maximum purchase; or
 - b. an initial order or minimum purchase combined with a continuing contractor obligation to provide goods or services with no guarantee of any minimum or maximum additional purchase.
29. **Procurement.** The act of purchasing, leasing, renting, or otherwise acquiring goods or services, personal services, or professional services. It includes each function and procedure undertaken or required to be undertaken to enter into a contract, administer a contract, and obtain the performance of a contract for goods or services, personal services, or professional services.
30. **Proposal.** A response to a request for proposals.
31. **Proposer.** A person that submits a proposal in response to a request for proposals.
32. **Provider.** As the context requires, a supplier of goods or services, personal services, or professional services.
33. **Public contract.** A sale or other disposal, or a purchase, lease, rental, or other acquisition, by the City of personal property, goods or services, including personal services, professional services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement. It does not include grants.
34. **Public contracting.** Procurement activities relating to obtaining, modifying, or administering contracts or price agreements.
35. **Public improvement.** A project for construction, reconstruction, or major renovation on real property, by or for the City. It neither includes projects for which no funds of the City are directly or indirectly used (except for participation incidental or related primarily to project design or inspection) nor emergency work, minor alteration, or ordinary repair or maintenance necessary to preserve a public improvement.
36. **Public improvement contract.** A contract for a public improvement. This does not include a contract for emergency work, minor alterations, or ordinary repair or maintenance necessary to maintain a public improvement.

- 37. *Qualified pool.*** A pool of contractors who are prequalified to compete for the award of certain contracts or to provide certain types of goods or services.
- 38. *Recycled product.*** All materials, goods and supplies, not less than fifty percent (50%) of the total weight of which consists of secondary and post-consumer waste with not less than ten percent (10%) of its total weight consisting of post-consumer waste. It includes any product potentially disposable as solid waste after completing its life cycle as a consumer item but otherwise is refurbished for reuse without substantial alteration of the product's form.
- 39. *Request for proposals (RFP).*** A solicitation document used for soliciting proposals.
- 40. *Request for qualifications (RFQ).*** A written document issued by the City describing particular services to which potential contractors respond with a description of their experience and qualifications that results in a list of potential contractors who are qualified to perform those services, but which is not intended to create a contract between a potential contractor on the list and the City.
- 41. *Revenue-generating agreements.*** Contracts or agreements for revenue-generating services typically awarded to the offeror proposing the most advantageous or highest monetary return to the City.
- 42. *Scope.*** The range and attributes of the goods or services described in a procurement document.
- 43. *Services.*** See *goods and/or services*. The following specific definitions apply to the following types of services:
- a. ***Personal services.*** Services, other than professional services, requiring specialized skill, knowledge and resources in the application of technical or scientific expertise or in the exercise of professional, artistic, or management discretion or judgment.
 - (i) Qualifications and performance history, expertise and creativity, and the ability to exercise sound professional judgment are typically the primary considerations when selecting a personal services contractor, with price being secondary.
 - (ii) Personal services contracts include but are not limited to the following classes of contracts:
 - (a) Contracts for services performed in a professional capacity, including but not limited to, services of an accountant, attorney,

auditor, court reporter, information technology consultant, land use and planning consultant, physician, or broadcaster;

(b) Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the City is or may become interested;

(c) Contracts for services as an artist in the performing or fine arts, including any person identified as a photographer, film maker, actor, director, painter, weaver, or sculptor;

(d) Contracts for services that are specialized, creative or research-oriented; and/or

(e) Contracts for services as a consultant.

b. **Professional services.** Architectural, engineering, photogrammetric mapping, transportation planning, and land surveying (A&E) or related services, or any combination of these services, provided by a consultant.

(i) **A&E services.** Professional services performed by an architect, engineer, photogrammetrist, transportation planner, or land surveyor and includes architectural, engineering, photogrammetric, transportation planning, or land surveying services, separately or any combination thereof, as appropriate within the context of a section of these Rules.

(ii) **Related services.** Personal services, other than A&E services, related to the administration, design, engineering, or oversight of public improvement projects or components thereof, including but not limited to:

(a) landscape architectural services;

(b) facilities planning services;

(c) energy planning services;

(d) space planning services;

(e) environmental impact studies;

(f) hazardous substances or hazardous waste or toxic substances testing services;

- (g) wetland delineation studies;
- (h) wetland mitigation services;
- (i) Native American studies;
- (j) historical research services;
- (k) endangered species studies;
- (l) rare plant studies;
- (m) biological services;
- (n) archaeological services;
- (o) cost estimating services;
- (p) appraising services;
- (q) material testing services;
- (r) mechanical system balancing services;
- (s) commissioning services;
- (t) project management services; and
- (u) construction management services and owner's representatives' service.

44. *Signed or signature.* Any mark, word or symbol attached to or logically associated with a document and executed or adopted by a person with the authority and intent to be bound.

45. *Solicitation.* As the context requires, either:

- a. a request for the purpose of soliciting offers, including an invitation for bid, a request for proposals, a quote request, a request for qualifications, or other similar documents;
- b. the process of notifying prospective offerors of a request for offers; and/or
- c. the solicitation document.

- 46. *Work.*** The furnishing of all materials, equipment, labor and incidentals necessary to successfully complete any individual item in a contract and successful completion of all duties and obligations imposed by the contract.
- 47. *Written or in writing.*** Conventional paper documents, whether handwritten, typewritten or printed, in contrast to spoken words, including electronic transmissions or facsimile documents when required by applicable law or permitted by a solicitation document or contract.

III. Authority.

A. City Council as Local Contract Review Board. The City Council is designated as the local contract review board of the City and has all the rights, powers, and authority necessary to carry out the provisions of these Rules, the Public Contracting Code, and/or the Model Rules.

B. Application of Attorney General's Model Rules of Procedure. Pursuant to [ORS 279A.065\(6\)](#), the City has elected to establish its own policy for public contracting and purchasing. Except as provided herein, the Model Rules do not apply to the City.

C. Inapplicability of Rules. These Rules do not apply to:

1. all contracts or agreements to which the Public Contracting Code does not apply;
2. contracts, intergovernmental, and interstate agreements entered into pursuant to [ORS Chapter 190](#);
3. grants;
4. acquisitions or disposals of real property or interests in real property, including permits and lease, license, easement, franchise, and other agreements for the temporary use of City-owned property and encroachments upon City-regulated public rights-of-way;
5. procurements from an Oregon Corrections Enterprise program;
6. contracts, agreements, or other documents entered into, issued, or established in connection with:
 - a. the incurring of debt, including any associated contracts, agreements, or other documents, regardless of whether the obligations they establish are general, special, or limited;
 - b. the making of program loans and similar extensions or advance of funds, aid, or assistance by the City to a public or private person for the purpose of carrying out, promoting, or sustaining activities or programs authorized by law other than for the construction of public works or public improvements;
 - c. the investment of funds by the City as authorized by law; and
 - d. banking, money management, or other predominantly financial transactions that, by their character, cannot practically be established

under the competitive contractor selection procedures, based upon the findings of the City Manager.

7. contracts for employee benefit plans;
8. contracts with newspapers and other publications for the placement of advertisements or public notices;
9. contracts for items where the price is regulated and available from a single source or limited number of sources;
10. insurance contracts;
11. revenue-generating agreements;
12. federal agreements where applicable federal statutes and regulations govern when federal funds are involved and the federal statutes or regulations conflict with any provision of the Oregon Public Contracting Code or these Rules, or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or these Rules; and
13. contracts for the management of timber removal pursuant to a management program within the City of The Dalles Watershed.

D. Authority of City Manager. For contracts and purchases covered by these Rules, and when sufficient budgetary resources are either available in the current fiscal year budget for the proposed expenditure or become available after specific City Council authorization, the City Manager is authorized to:

1. award contracts and amendments without specific authorization by the City Council whenever the contract amount is **\$100,000 or less**;
2. execute contracts and amendments with specific authorization by the City Council whenever the contract or amendment amount **exceeds \$100,000**;
3. as the purchasing agent for the City, the City Manager is specifically authorized to:
 - a. purchase goods, services, and/or property without specific authorization by the City Council whenever the amount is **\$100,000 or less**; and
 - b. purchase goods, services, and/or property with specific authorization by the City Council whenever the amount **exceeds \$100,000**.
4. approve in writing all purchases of any goods or services valued **between \$25,000 and \$100,000** requested by City Department Managers;

5. delegate in writing the signature authority described in the above *Subsection (2)* and the purchasing powers described in the above *Subsection (3)*; and
6. adopt forms, procedures, computer software, and administrative rules for all City purchases regardless of the amount, and:
 - a. when adopting the forms, procedures, computer software, or administrative rules, the City Manager shall establish practices and policies that:
 - (i) do not encourage favoritism or substantially diminish competition; and
 - (ii) allow the City to take advantage of the cost-saving benefits of alternative contracting methods and practices.
 - b. the City shall use these forms, procedures, computer software, or administrative rules unless they conflict with these Rules.

E. Authority of City Department Managers. For contracts and purchases covered by these Rules, City Department Managers are authorized with the same signature authority described in *Subsection D(2)* and purchasing powers described in *Subsection D(3)* to the extent the contract price is **\$25,000 or less**.

F. Authority of All Other City Employees. For contracts and purchases covered by these Rules, all other City employees are authorized with the same signature authority described in *Subsection D(2)* and purchasing powers described in *Subsection D(3)* to the extent the contract price is **\$5,000 or less**.

G. Favorable Terms. Contracts and purchases shall be negotiated on the most favorable terms to the City in accordance with these Rules, other adopted ordinances, and Oregon and federal laws, policies, and procedures.

H. Unauthorized Contracts or Purchases. Public contracts entered into or purchases made as authorized herein shall be voidable at the sole discretion of the City.

1. The City may take appropriate action in response to execution of contracts or purchases made contrary to this provision.
2. Such actions include, but are not limited to, providing educational guidance, imposing disciplinary measures, and holding individuals personally liable for such contracts or purchases.

I. Purchasing from City Employees or Employees' Immediate Family Prohibited. No contract shall be knowingly entered with or purchase knowingly made from any City employee or employee's immediate family member, or any business with which the employee is associated, unless:

1. the contract or purchase is expressly authorized and approved by the City Council after it receives counsel from the City Attorney; or
2. the need for the contract or purchase occurs during a state of emergency, and the City Manager finds in writing the acquisition from the employee, employee's immediate family member, or business with which the employee is associated is the most expeditious means to eliminate the threat to public health, safety, and welfare.

IV. Preferences.

- A. Mandatory Tie Breaker Preference.** If offers are identical in price, fitness, availability, and quality, and the City desires to award the contract, the preferences provided in [ORS 279A.120](#) shall be applied prior to the contract award.
- B. Reciprocal Preference.** Reciprocal preferences must be given when evaluating bids, if applicable under [ORS 279A.120](#).
- C. Preference for Recycled Materials and Supplies.** Preferences for recycled goods shall be given when comparing goods, if applicable under [ORS 279A.125](#). The City Manager may adopt alternative standards to determine if goods are manufactured from recycled materials.

V. General Provisions.

- A. Public Notice.** Unless otherwise specifically provided by these Rules or required by applicable law, any notice required to be published by these Rules may be published using any method the City Manager deems appropriate, including but not limited to mailing notice to persons that have requested notice in writing, placing notice on the City's website, or publishing an advertisement in statewide trade or local publications. With specific respect to public improvement contracts, the Local Contract Review Board hereby determines electronic advertisements are likely to be cost-effective and authorizes electronic advertisements for all public improvement contracts having an estimated contract price of **\$125,000 or less** pursuant to [ORS 279C.360](#).
- B. Procedure for Competitive Verbal Quotes and Proposals.** Where allowed by these Rules and authorized by the City Manager, solicitations by competitive verbal quotes and proposals shall be based on a description of the quantity of goods or services to be provided and may be solicited and received by means including phone, facsimile, or email.
1. The City shall make a good faith effort to contact at least three (3) potential providers.
 2. If three (3) potential providers are not reasonably available, fewer will suffice, provided the reasons three (3) potential providers are not reasonably available is documented as part of the procurement file.
- C. Procedure for Informal Written Solicitation.** Where allowed by these Rules, informal written solicitations shall be made by a solicitation document sent by means including mail, facsimile, or email to not less than three (3) prospective providers.
1. The solicitation document shall request competitive price quotes or competitive proposals and include:
 - a. the date, time, and place price quotes or proposals are due;
 - b. a description or quantity of the good or service required;
 - c. any statement of period for which price quotes or proposals must remain firm, irrevocable, valid, or binding on the offeror. If no time is stated in the solicitation document, the period shall be thirty (30) days;
 - d. any required contract terms or conditions; and
 - e. any required bid form or proposed format.

2. Price quotes or proposals shall be received by the City Manager or City Department Manager at the date, time, and place established in the solicitation document.
 - a. The City shall keep a written record of the sources of the quotes or proposals.
 - b. If three (3) quotes or proposals are not reasonably available, fewer shall suffice, but the City Manager or City Department Manager shall make a written record of the effort made to obtain quotes or proposals as part of the procurement file.

D. Procurement Methods for Professional Services and Public Improvements. Subject only to any conflicting provision of these Rules as determined by the City Attorney, the City shall apply the Public Contracting Code and the Model Rules when procuring professional services and public improvements and processing protests thereof.

E. Feasibility Determinations for Service Contracts over \$250,000. Prior to beginning a procurement or entering into a service contract (other than contracts for professional services or those services to which [ORS Chapter 279B](#) does not apply) when the estimated contract price **exceeds \$250,000**, the City Manager shall demonstrate either:

1. a written cost analysis developed pursuant to [ORS 279B.033](#) and finding the City would incur less cost in *conducting the procurement* than in *performing the services with the City's own personnel and resources*; or
2. a written determination developed pursuant to [ORS 279B.036](#) and finding performing the services with the City's own personnel would *not* be feasible, and the findings may include, for example, the existence of special circumstances or City personnel lack specialized capabilities, experience, or technical or other expertise necessary to perform the services when compared to a potential contractor's capabilities, experience, or expertise in the same or a similar field.

The cost comparison analysis and feasibility determinations, along with their supporting records, are public records subject to disclosure pursuant to the Oregon Public Records Law. The City Manager's decision described in this subsection is exempt from [ORS Chapter 279B](#)'s judicial review process and its review is instead limited to writ of review by the Circuit Court of the State of Oregon for the County of Wasco pursuant to [ORS Chapter 34](#).

F. Qualified Pools. The City may solicit a pool of contractors who are prequalified to compete for the award of certain contracts or to provide certain types of goods or services.

1. **General.** To create a qualified pool, the City Manager or City Department Manager may invite prospective contractors to submit their qualifications to the City for inclusion as participants in a pool of contractors qualified to provide certain types of goods, services, or projects, including personal services, professional services, and public improvements.
2. **Public Notice.** The invitation to participate in a qualified pool shall be publicly noticed. If qualification will be for a term exceeding two (2) years or allowing open entry on a continuous basis, the invitation to participate in the pool must be noticed at least once every two (2) years and shall be posted on the City's website.
3. **Solicitation Content.** Requests for participation in a qualified pool shall describe the scope of goods, services, or projects for which the pool will be maintained and the minimum qualifications for participation in the pool, which may include qualifications relating to financial stability, contracts with manufacturers or distributors, insurance, licensure, education, training, experience and demonstrated skills of key personnel (including familiarity with the City or the proposed project), access to equipment, and other relevant qualifications important to the contracting needs of the City.
4. **Contract.** The operation of each qualified pool may be governed by the provisions of a pool contract to which the City and all pool participants are parties. The contract shall contain all terms required by the City, including terms relating to price, performance, business registration or licensure, continuing education, insurance, and requirements for the submission of evidence of continuing qualification on an annual or other periodic basis. The qualified pool contract shall describe the selection procedures the City may use to issue contract job orders. The selection procedures shall be objective and open to all pool participants and afford all participants the opportunity to compete for or receive job awards. Unless expressly provided in the contract, participation in a qualified pool will not entitle a participant to the award of any City contract.
5. **Use of Qualified Pools.** Subject to the provisions of these Rules concerning contract sourcing methods, the City shall award all contracts for goods or services of the type for which a qualified pool is created from among the pool's participants unless the City Manager determines the best interests of the City in the particular instance would be best served with an alternative procurement method, in which case the pool participants shall be notified and invited to submit competitive offers.

6. *Amendment and Termination.* The City Manager or City Council may discontinue a qualified pool at any time or may change the requirements for eligibility as a pool participant at any time by delivering written notice to all pool participants.
7. *Protest of Failure to Qualify.* The City Manager shall notify any applicant who fails to qualify for pool participation it may appeal a qualified pool decision to the City Council pursuant to *Section X(A)*.

G. Retroactive Approval. Retroactive approval of a contract means award or execution of a contract where work was commenced without final award or execution. The City Manager may make retroactive approval of a contract only if the responsible employee submits a copy of the proposed contract to the City Manager along with a written request for contract retroactive approval containing:

1. an explanation of the reason work was commenced before the contract was finally awarded or executed;
2. a description of steps taken to prevent similar occurrences in the future;
3. evidence that, but for the failure to finally award or execute the contract, the employee substantially complied with all other steps required to properly select a contractor and negotiate the contract; and
4. a proposed form of contract.

VI. Source Selection Methods for Goods or Services, Other Than Personal or Professional Services.

A. Small Procurements. Contracts for or purchases of goods or services with a contract price of **\$25,000 or less** are small procurements.

1. *Purchases \$5,000 or less.* The City may use any procurement method the City Manager deems practical or convenient, including direct negotiation or award, for small procurements of goods or services with a contract price of **\$5,000 or less**.
2. *Purchases between \$5,000 and \$25,000.* The City may use competitive verbal quotes or proposals and informal written solicitations (pursuant to the procedures listed in *Sections V(B) and V(C)*, respectively) for small procurements of goods or services with a contract price **between \$5,000 and \$25,000**.
3. *Negotiations.* The City may negotiate with an offeror to clarify competitive verbal quotes or proposals or informal written proposals or to make modifications making the quote or proposal acceptable or more advantageous to the City.
4. *Award.* If a contract is awarded, the award shall be made to the offeror whose verbal quote or proposal the City Manager or City Department Manager determines will best serve the interests of the City, taking into account price as well as any other relevant considerations, including but not limited to experience, expertise, product functionality, suitability for a particular purpose, delivery, and contractor responsibility.
5. *Amendments.* Small procurement contracts may be amended if the cumulative amendments do not increase the total contract price to more than twenty-five percent (25%) of the original contract price.
6. *Public Notice.* No public notice of small procurements is required.

B. Intermediate Procurements. Contracts for goods or services with a contract price **greater than \$25,000 but less than or equal to \$100,000** are intermediate procurements.

1. *Solicitation.* Intermediate procurements shall be by informal written solicitation pursuant to the procedures listed in *Section V(C)*.
2. *Negotiations.* The City Manager may negotiate with an offeror to clarify an informal written solicitation, or to make modifications making the quote, proposal, or solicitation acceptable or more advantageous to the City.

3. **Award.** If a contract is awarded, the award shall be made to the offeror whose informal written solicitation the City Manager determines will best serve the interests of the City, taking into account price or any other relevant considerations, including but not limited to experience, expertise, product functionality, suitability for a particular purpose, delivery, and contractor responsibility.
4. **Amendments.** Intermediate procurement contracts may be amended if the cumulative amendments do not increase the total contract price by more than twenty-five percent (25%) of the original contract price.
5. **Public Notice.** No public notice of intermediate procurements is required.

C. Large Procurements. Contracts for goods or services with a contract price **exceeding \$100,000** are large procurements.

1. Large procurements shall be by competitive sealed bidding pursuant to [ORS 279B.055](#) or competitive sealed proposals pursuant to [ORS 279B.060](#).
2. When using either competitive sealed bidding or competitive sealed proposals, the City shall follow the applicable procedures set out in the Model Rules.
3. The City shall apply the applicable procedure set out in the Model Rules for processing protests of large procurements.

VII. Personal Services Contracts.

A. Classification of Services as Personal Services. In addition to the classes of personal services contracts identified in the definition of personal services contracts, the City Manager may classify additional specific types of services as personal services. In determining whether a service is a personal service, the City Manager shall consider:

1. whether the work requires specialized skills, knowledge, and resources in the application of technical or scientific expertise, or the exercise of professional, artistic, or management discretion or judgment;
2. whether the City intends to rely on the contractor's specialized skills, knowledge, and expertise to accomplish the work; and
3. whether selecting a contractor primarily on the basis of qualifications, rather than price, would most likely meet the City's needs and result in obtaining satisfactory contract performance and optimal value.
4. *Exception:* A service shall not be classified as personal services for the purposes of these Rules if:
 - a. the work has traditionally been performed by contractors selected primarily on the basis of price; or
 - b. the services do not require specialized skills, knowledge, and resources in the application of highly technical or scientific expertise, or the exercise of professional, artistic, or management discretion or judgment.

B. Requests for Qualifications. At the City Manager's discretion, a request for qualifications may be used to determine whether competition exists to perform the needed personal services or to establish a non-binding list of qualified contractors for individual negotiation, informal written solicitations, or requests for proposals.

1. A request for qualifications shall describe the particular type of personal services sought, the qualifications the contractor must have to be considered, and the evaluation factors and their relative importance. A request for qualifications may require information including but not limited to:
 - a. the contractor's particular capability to perform the required personal services;
 - b. the number of experienced personnel available to perform the required personal services;

- c. the specific qualifications and experience of personnel;
 - d. a list of similar personal services the contractor has completed;
 - e. references concerning past performance; and
 - f. any other information necessary or convenient to evaluate the contractor's qualifications.
2. A voluntary or mandatory qualifications pre-submission meeting may be held for all interested contractors to discuss the proposed personal services. The request for qualifications shall include the date, time, and location of the meeting.
3. At the City's discretion as described in the request for qualifications, unless the responses to a request for qualifications reasonably establish competition does not exist, the request for qualifications is canceled, or all responses to the request for qualifications are rejected, the City shall either:
 - a. notice all respondents who meet the qualifications set forth in the request for qualifications of any required personal services and provide them an opportunity to submit a proposal in response to the request for proposals; or
 - b. notice all respondents who meet the qualifications set forth in the request for qualifications of their relative ranking after the City evaluates their qualifications, in which case the City will select at least the two (2) top-scoring respondents as exclusively eligible to receive and submit responses to the request for proposals.

C. Direct Negotiations.

1. Personal services may be procured through direct negotiations if:
 - a. the contract price **does not exceed \$200,000** (without including amendments) and the work is within a budgetary appropriation or approved by the City Council;
 - b. the confidential personal services (including special counsel) or professional or expert witnesses or consultants are necessary to assist with pending or threatened litigation or other legal matters in which the City may have an interest; or
 - c. the nature of the personal service is not project-driven but requires an ongoing, long-term relationship of knowledge and trust.

2. **Amendments.** Personal services contracts procured by direct negotiation pursuant to this section may be amended, provided the amendment relates to the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty-five percent (25%) over the original contract price, or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.
3. **Public Notice.** No public notice of personal services contracts procured by direct negotiations is required.

D. Informal Written Solicitations. An informal written solicitation process may be used for personal services when the contract price is **less than \$200,000**.

1. An informal written solicitation shall solicit proposals from at least three (3) qualified providers. If the City Manager determines three (3) qualified providers are not reasonably available, fewer shall suffice if the reasons three (3) providers are not reasonably available are documented in the procurement file.
2. The solicitation document shall include:
 - a. the date, time and place proposals are due;
 - b. a description of personal services sought or the project to be undertaken;
 - c. any statement of the time period for which proposals must remain firm, irrevocable, valid, and binding on the offeror. If no time is stated in the solicitation document, the period shall be thirty (30) days;
 - d. any required contract terms or conditions; and
 - e. any required bid form or proposal format.
3. Selection and ranking of proposals may be based on the following criteria:
 - a. Particular capability to perform the personal services required;
 - b. Experienced staff available to perform the personal services required, including the proposer's recent, current, or projected workloads;
 - c. Performance history;
 - d. Approach and philosophy used in providing personal services;

- e. Fees or costs;
 - f. Geographic proximity to the project or the area where the services are to be performed; or
 - g. Such other factors deemed appropriate by the City Manager, including a desire to ensure an equitable distribution of work among highly qualified contractors.
4. The City Manager shall maintain written documentation of the solicitation, including solicitation attempts, responses, and provider names and addresses in the procurement file.
 5. **Amendments.** Personal services contracts procured by informal written solicitations pursuant to this section may be amended if the amendment relates to the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty-five percent (25%) over the original contract price, or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.
 6. **Public Notice.** No public notice of personal services contracts procured by informal written solicitations pursuant to this section is required.

E. Requests for Proposals. A request for proposals shall be used to procure personal services when the contract price **exceeds \$200,000** or the City Manager determines the complexity of the project requires a formal competitive process to determine whether a particular proposal is most advantageous to the City.

1. **Request for Proposal.** The request for proposal shall include:
 - a. notice of any pre-offer conference, including:
 - (i) the time, date and location;
 - (ii) whether attendance at the pre-offer conference is mandatory or voluntary; and
 - (iii) a provision statements made by representatives of the City at the pre-offer conference are not binding unless confirmed by written addendum.
 - b. the form and instructions for submission of proposals, including the location where proposals must be submitted, the date and time by which

proposals must be received, and any other special information (e.g., whether proposals may be submitted by electronic means);

- c. the name and title of the person designated for the receipt of proposals and the person designated as the contact person for the procurement, if different;
- d. a date, time, and place pre-qualification applications (if any) must be filed and the classes of work (if any) for which proposers must be pre-qualified;
- e. a statement the City may cancel the procurement or reject any or all proposals;
- f. the date, time, and place of opening;
- g. the office where the request for proposals may be reviewed;
- h. a description of the personal services to be procured;
- i. the evaluation criteria;
- j. the anticipated schedule, deadlines, evaluation process, and protest process;
- k. the form and amount of any proposal security deemed reasonable and prudent by the City Manager to protect the City's interests;
- l. a description of the manner in which proposals will be evaluated, including the relative importance of price and other evaluation factors used to rate the proposals;
- m. if more than one tier of competitive evaluation will be used, a description of the process under which the proposals will be evaluated in the subsequent tiers;
- n. if contracts will be awarded to more than one personal services contractor, an identification of the manner in which the City will determine the number of contracts to be awarded or a statement indicating the manner will be left to the City's discretion at time of award;
- o. if contracts will be awarded to more than one personal services contractor, an identification of the criteria to be used to choose from the multiple contracts when acquiring personal services;
- p. all required contract terms and conditions, including the statutorily required provisions in [ORS 279B.220](#), [279B.230](#), and [279B.235](#); and

- q. any terms and conditions authorized for negotiation.
2. **Public Notice.** The City Manager shall provide public notice of a request for proposals for personal services.
 - a. Public notice shall be given not less than twenty-one (21) days prior to closing for the request for proposals, unless the City Manager determines a shorter interval is in the public's interest or will not substantially impact competition.
 - b. The City Manager shall document the specific reasons for any shorter public notice period in the procurement file.
 3. **Amendments.** Personal services contracts procured by requests for proposals pursuant to this section may be amended if the amendment relates to the scope of the original contract and the cumulative amount of the amendments does not increase the total contract price by more than twenty-five percent (25%) over the original contract price, or the amendment is necessary to complete the work being performed and it would be unreasonable or impracticable to seek another provider within the time frames needed to complete the work.

VIII. Alternative Source Selection Methods for Goods or Services & Personal Services.

A. Sole-Source Procurements. A contract may be awarded as a sole-source procurement without competition pursuant to this section.

1. **Determination of Sole-Source.** Before a sole-source contract may be awarded, the City Manager shall make written findings the goods or services, personal services, or professional services are available from only one source based on one or more of the following criteria:
 - a. The efficient use of existing goods or services, personal services, or professional services requires the acquisition of compatible goods or services, personal services, or professional services available from only one source;
 - b. The goods or services, personal services, or professional services are available from only one source and required for the exchange of software or data with other public or private agencies;
 - c. The goods or services, personal services, or professional services are available from only one source and are needed for use in a pilot or an experimental project; or
 - d. Other facts or circumstances exist supporting the conclusion the goods or services, personal services, or professional services are available from only one source.
2. **Negotiations.** To the extent reasonably practical, contract terms advantageous to the City shall be negotiated with the sole-source provider.
3. **Notice.** The City Clerk shall post notice of any determination the sole source selection method will be used on the City's website not less than ten (10) days prior to the date a sole-source contract will be awarded. The notice shall describe the goods or services, personal services, or professional services to be procured, identify the prospective contractor, and include the date and time when and place where protests of the use of a sole source selection method must be filed.

B. Special Procurements. In its capacity as the Local Contract Review Board, the City Council, upon its own initiative or upon request of the City Manager, may create special selection, evaluation, and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section.

1. *Basis for Approval.* The approval of a special solicitation method or exemption from competition must be based upon a record before the City Council containing:
 - a. the nature of the contract or class of contracts for which the special solicitation or exemption is requested;
 - b. the estimated contract price or cost of the project (if relevant);
 - c. findings to support the substantial cost savings, enhancement in quality or performance, or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;
 - d. findings to support the reason approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner not practicably realized by complying with the solicitation requirements otherwise applicable under these Rules;
 - e. a description of the proposed alternative contracting methods to be employed; and
 - f. the estimated date when it would be necessary to let the contract(s).
2. In making a determination regarding a special selection method, the City Council may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.
3. *Hearing.* The City shall approve the special solicitation or exemption after a public hearing before the City Council.
 - a. At the public hearing, the City shall offer an opportunity for any interested party to appear and present comment.
 - b. The City Council shall consider the findings and may approve the exemption as proposed or as modified by the City Council after providing an opportunity for public comment.

C. Contracts Subject to Award at the City Manager’s Discretion. The following classes of contracts may be awarded in any manner the City Manager deems appropriate to the City’s needs, including by direct appointment or purchase. Except where otherwise provided, the City Manager shall make a record of the method of award.

1. *Amendments.* Contract amendments shall not be considered to be separate contracts if made in accordance with these Rules.
2. *Copyrighted Materials and Library Materials.* Contracts for the acquisition of materials entitled to copyright, including but not limited to, works of art and design, literature and music, or materials even if not entitled to copyright if purchased for use as library lending materials.
3. *Personal Property Repair.* Contracts for personal property repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.
4. *Government-Regulated Items.* Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.
5. *Non-Owned Property.* Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the City.
6. *Specialty Goods for Resale.* Contracts for the purchase of specialty goods by the City for resale to consumers.
7. *Sponsorship Agreements.* Sponsorship agreements, under which the City receives a gift or donation in exchange for recognition of the donor.
8. *Structures.* Contracts for the disposal of City-owned structures.
9. *Renewals.* Contracts renewed in accordance with their terms are not considered to be newly issued contracts and are not subject to competitive procurement procedures.
10. *Temporary Extensions or Renewals.* Contracts for a single period of one (1) year or less for the temporary extension or renewal of an expiring and non-renewable (or recently expired) contract, other than a contract for public improvements.
11. *Used Property.* The City Manager may contract for the purchase of used property by negotiation if such property is suitable for the City’s needs and can be purchased for a lower cost than substantially similar new property.

- a. For this purpose, the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the City.
 - b. The City Manager shall record the findings supporting the purchase.
12. **Utilities.** Contracts for the purchase of steam, power, heat, water, telecommunications services, and other utilities.
13. **Conference/Meeting Room Contracts.** Contracts entered into for meeting room rental, hotel rooms, food and beverage, and incidental costs related to conferences and City-sponsored workshops and trainings.

D. Emergency Procurements. When the City Manager determines the City's immediate execution of a contract is necessary in response to an emergency, the City Manager may execute an emergency contract without competitive selection and award or City Council approval as provided in this Section and consistent with [ORS 279B.080](#).

- 1. **Emergency Competition.** Where time permits, the City Manager shall attempt to use competitive price and quality evaluation before selecting an emergency contractor; otherwise, the City Manager may proceed with a direct appointment without competition.
- 2. **Emergency Reporting.** As soon as possible in light of the emergency circumstances, the City Manager shall notify the City Council and City Attorney in writing of the nature of and facts and circumstances surrounding the emergency, the method used for the selection of the particular contractor, and the reasons why the selection method was deemed in the best interest of the City and public.
- 3. **Emergency Construction Contracts.** For emergency construction contracts (as defined in *Section II(A)*) the City Manager:
 - a. shall ensure reasonably appropriate competition and set a reasonable solicitation schedule under the emergency circumstances; and
 - b. if the emergency construction services are a matter of extreme necessity, may:
 - (i) proceed with a written or verbal request for quotes or make a direct appointment without competition; and
 - (ii) waive the requirement for all or a portion of any payment or performance bond if the time delay needed to obtain the required security interest could result in injury or substantial property damage;

provided, however, the City Manager may not waive the separate public works bond requirement for the benefit of the Oregon Bureau of Labor and Industries in enforcing prevailing wage rate and overtime payment requirements consistent with [ORS 279C.836](#).

4. *Emergency Signature Authority and Purchasing Power.* For all emergency procurements, the City Manager is specifically authorized to award contracts and amendments without specific authorization by the City Council whenever the contract price is **less than \$500,000**. If the emergency procurement is a matter of extreme necessity, the City Manager is specifically authorized to award contracts and amendments having **any contract price** without specific authorization by the City Council.

- E. **Cooperative Procurements.** Cooperative procurements may be made without competitive solicitation as provided in the Public Contracting Code.

IX. Surplus Property.

- A. General Methods.** Surplus personal property may be disposed of by any of the following methods upon a determination by the City Manager the method of disposal is in the best interest of the City. Factors potentially considered by the City Manager include costs of sale, administrative costs, and public benefits to the City.
1. *Intergovernmental Transfer.* Without competition, by transfer or sale to another government department or public agency.
 2. *Auction.* By publicly noticed auction to the highest bidder.
 3. *Bids.* By publicly noticed invitation to bid.
 4. *Liquidation Sale.* By liquidation sale using a commercially recognized third-party liquidator selected in accordance with these Rules for the award of personal services contracts.
 5. *Fixed-Price Sale.* The City Manager may establish a selling price based upon an independent appraisal or published schedule of values generally accepted by the insurance industry, schedule and publicly notice a sale date, and sell to the first buyer meeting the sales terms.
 6. *Trade-In.* By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.
 7. *Donation.* By donation to any organization operating within or providing a service to Oregon residents, which is recognized by the Internal Revenue Service as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- B. Disposal of Property with Minimal Value.** Surplus personal property which has a value of **less than \$500**, or for which the costs of sale are likely to exceed sale proceeds, may be disposed of by any means determined to be cost-effective, including by disposal as waste. The employee making the disposal shall make a record of the value of the item and the manner of disposal.
- C. Personal-Use Items.** An item (or indivisible set) of specialized and personal use with a current value of **less than \$100** may be sold to the employee or retired or terminated employee for whose use it was purchased. These items may be sold for fair market value without bid and by a process deemed most efficient by the City Manager.

D. Conveyance to Purchaser. Upon the consummation of a sale of surplus personal property, the City shall make, execute, and deliver a bill of sale or similar instrument signed on behalf of the City conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.

X. Protest and Appeal Procedures.

A. Appeal of Debarment or Prequalification Decision.

1. *Debarment and Disqualification.* The City Manager or City Department Manager responsible for a solicitation may debar prospective offerors pursuant to [ORS 279A.110](#) or after providing notice and the opportunity for a hearing pursuant to [ORS 279B.130](#). Notwithstanding [ORS 279B.130\(1\)\(b\)](#)'s limitation on debarment terms, the City may determine a previously debarred offeror is not responsible prior to award. The City may attribute the improper conduct of any person having a contract with a prospective offeror to the prospective offeror for debarment purposes if the impropriety occurred in connection with the person's duty for or on behalf of, or with the knowledge, approval, or acquiescence of, the prospective offeror. The City Manager or City Department Manager may disqualify or deny prequalification to any person pursuant to [ORS 279C.440](#) and other Oregon or federal law.
2. *Right to Hearing.* Any person who has been debarred from competing for the City's contracts or for whom prequalification has been denied, revoked, or revised may appeal the City's decision to the City Council as provided in this section.
3. *Filing of Appeal.* The person shall file a written notice of appeal with the City Manager within five (5) business days after the prospective contractor's receipt of notice of the determination of debarment or denial of prequalification.
4. *Notification of City Council.* The City Manager shall notify the City Council of the notice of appeal immediately upon the City's receipt.
5. *Hearing.* The procedure for appeal from a debarment or denial, revocation, or revision of prequalification shall be as follows:
 - a. Promptly upon receipt of notice of appeal, the City shall notify the appellant of the date, time, and place of the hearing;
 - b. The City Council shall conduct the hearing and decide the appeal within thirty (30) days after receiving notice of the appeal from the City Manager; and
 - c. At the hearing, the City Council shall reconsider (without regard to the underlying decision giving rise to the appeal) the notice of debarment, or the notice of denial, revocation, or revision of prequalification, the standards of responsibility upon which the decision on prequalification was based, or the reasons listed for debarment, and any evidence provided by the parties.

6. **Decision.** The City Council shall set forth in writing the reasons for the decision.
7. **Costs.** The City Council may allocate its costs for the hearing between the appellant and the City.
 - a. The allocation shall be based upon facts found by the City Council and stated in the City Council's decision that, in the City Council's opinion, warrant such allocation of costs.
 - b. If the City Council does not allocate costs, the costs shall be paid by the appellant if the decision is upheld or by the City if the decision is overturned.
8. **Judicial Review.** The decision of the City Council may be reviewed only upon a petition filed in the Circuit Court of the State of Oregon for the County of Wasco within fifteen (15) days after the date of the City Council's decision. The appeal must be filed in accordance with all applicable Oregon law and trial court procedures.

B. Protests and Judicial Review of Special Procurements. An affected person may protest the request for approval of a special procurement as provided in this section.

1. **Delivery and Late Protests.** An affected person shall deliver a written protest to the City Manager within seven (7) days after the first date of public notice of a proposed special procurement, unless a different period is provided in the public notice.
 - a. The written protest shall include a fee in an amount established in a schedule adopted by the City Manager to cover the costs of processing the protest.
 - b. A protest submitted after the timeframe established under this subsection is untimely and shall not be considered.
2. **Content of Protest.** The written protest shall include:
 - a. identification of the requested special procurement;
 - b. a detailed statement of the legal and factual grounds for the protest;
 - c. evidence or documentation supporting the grounds on which the protest is based;

- d. a description of the resulting harm to the affected person; and
 - e. the relief requested.
3. **Additional Information.** The City Manager may allow any person to respond to the protest in any manner the City Manager deems appropriate by giving such persons written notice of the time and manner whereby any response shall be delivered.
 4. **City Response.** The City Manager shall issue a written disposition of the protest in a timely manner.
 - a. If the City Manager upholds the protest in whole or in part, the City Manager may, in the City Manager's sole discretion, implement the protest in the approval of the special procurement, deny the request for approval of the special procurement, or revoke any approval of the special procurement.
 - b. If the City Manager upholds the protest in whole or in part, the City shall refund the fee required to be delivered with the protest.
 5. **Judicial Review.** An affected person may not seek judicial review of a denial of a request for a special procurement.
 - a. Before seeking judicial review of the approval of a special procurement, an affected person shall exhaust all administrative remedies.
 - b. Judicial review shall be in accordance with [ORS 279B.400](#).
- C. Protests and Judicial Review of Sole-Source Procurements.** An affected person may protest the determination goods or services or a class of goods or services are available from only one source as provided in this section.
1. **Delivery and Late Protests.** An affected person shall deliver a written protest to the City Manager within seven (7) days after the first date of public notice of a proposed sole-source procurement is placed on the City's website, unless a different period is provided in the public notice.
 - a. The written protest shall include a fee in an amount established in a schedule adopted by the City Council to cover the costs of processing the protest.
 - b. A protest submitted after the timeframe established under this subsection is untimely and shall not be considered.

2. *Content of Protest.* The written protest shall include:
 - a. a detailed statement of the legal and factual grounds for the protest;
 - b. evidence or documentation supporting the grounds on which the protest is based;
 - c. a description of the resulting harm to the affected person; and
 - d. the relief requested.
3. *Additional Information.* The City Manager may allow any person to respond to the protest in any manner the City Manager deems appropriate by giving such person written notice of the time and manner whereby any response shall be delivered.
4. *City Manager Response.* The City Manager shall issue a written disposition of the protest in a timely manner.
 - a. If the City Manager upholds the protest in whole or in part, the proposed sole-source contract shall not be awarded.
 - b. If the City Manager upholds the protest in whole or in part, the City shall refund the fee required to be delivered with the protest.
5. *Judicial Review.* An affected person may not seek judicial review of an election not to make a sole-source procurement.
 - a. Before seeking judicial review of the approval of a sole-source procurement, an affected person shall exhaust all administrative remedies.
 - b. Judicial review shall be in accordance with [ORS 279B.400](#).

D. Protests and Judicial Review of Personal Services Procurements. An affected person may protest the procurement of a personal services contract as provided in this section.

1. *Delivery.* Unless otherwise specified in the solicitation document, the protest shall be in writing and delivered to the City Manager.
 - a. The written protest shall include a fee in an amount established in a schedule adopted by the City Council to cover the costs of processing the protest.
 - b. Protests of the procurement of a specific contract as a personal services contract shall be made prior to closing.

- c. Protests to the award or an intent to award a personal services contract shall be made within seven (7) days after issuance of the intent to award, or if no notice of intent to award is given, within forty-eight (48) hours after award.
 - d. Protests submitted after the timeframe established under this subsection are untimely and shall not be considered.
2. *Contents of Protest.* The written protest shall specify all legal or factual grounds for the protest as follows:
- a. A person may protest:
 - (i) the solicitation itself on the grounds the contract is not a personal services contract or was otherwise in violation of these Rules or applicable law; or
 - (ii) the award or intent to award on the grounds:
 - (a) all proposals ranked higher than the affected persons are nonresponsive;
 - (b) the City failed to conduct the evaluation of proposals in accordance with the criteria or processes described in the solicitation document;
 - (c) the City abused its discretion in rejecting the affected person's proposal as nonresponsive; or
 - (d) the evaluation of proposals or the subsequent determination of award is otherwise in violation of these Rules or applicable law.
 - b. The protest shall identify and include:
 - (i) the specific provision of these Rules or applicable law alleged to have been violated;
 - (ii) all evidence or supporting documentation supporting its grounds;
 - (iii) a description of the resulting harm to the affected person; and
 - (iv) the relief requested.

3. *Additional Information.* The City Manager may allow any person to respond to the protest in any manner the City Manager deems appropriate by giving such person written notice of the time and manner whereby any response shall be delivered.
4. *City Manager Response.* The City Manager shall issue a written disposition of the protest in a timely manner.
 - a. If the City Manager upholds the protest in whole or in part, the proposed personal services contract procurement shall be cancelled or the contract shall not be awarded, as the case may be.
 - b. If the City Manager upholds the protest in whole or in part, the City shall refund the fee required to be delivered with the protest.
5. *Judicial Review.* Before seeking judicial review, an affected person shall exhaust all administrative remedies. Judicial review shall be in accordance with [ORS 279B.420](#).

E. Protests of Cooperative Procurements. Protests of a cooperative procurement process, contents of a solicitation document, or award may be filed with the City only if the City is the administering agency and under the applicable procedure described herein.



AGENDA STAFF REPORT

AGENDA LOCATION: Discussion Item #13A

MEETING DATE: February 13, 2023

TO: Honorable Mayor and City Council

FROM: Tom M. Worthy, Chief of Police

ISSUE: Drone Policy Adoption

BACKGROUND: The City of The Dalles Police Department is working towards the adoption of an Uncrewed Ariel Vehicle (Commonly known as a Drone) policy. For the purpose of this report, and the draft policy, we will use the term Drone.

The draft policy is attached to this report. The policy was drafted by reviewing police drone policies from Bend and Eugene as well as review by the City Attorney. The draft policy includes consideration for privacy, when and how the drone may be used, safety considerations and what are prohibited uses. The policy also addresses pilot certification and training, equipment types and markings, how the use of the drone will be reported and what data can be captured and how it will be retained.

BUDGET IMPLICATIONS: \$10,000 in funds have been budgeted in the FY 22/23 Budget for the purchase of a drone (see line 001-1300.74-90). TDPD is collaborating with the Columbia Gorge Community College for training and equipment and TDPD is currently in possession of a CGCC drone as a loan.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to endorse policy and return for public comment and City Council finalization.*
2. Give specific input on recommended language with rationale.
3. Reject the policy entirely and propose a new course of action.



THE DALLES POLICE DEPARTMENT

EFFECTIVE
DATE
TBD 2023

Drone Operations

PURPOSE AND SCOPE

This Policy establishes the guidelines for Officer use of Small Uncrewed Aerial Systems and should be used in conjunction with all other applicable policies and procedures.

POLICY

Drones, also referred to as Small Uncrewed Aerial Systems may be utilized to enhance the Department's mission of protecting lives and property when other means and resources are not available or may be less effective, or when the use of the drone protects the safety of citizens or officers. All drone operations will be in accordance with Constitutional and privacy rights, Federal Aviation Administration (**FAA**) regulations, and Oregon law.

DEFINITIONS

Small Uncrewed Aerial System (sUAS/Drone) – An uncrewed aircraft of any type weighing less than 55 pounds) that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (often referred to as an uncrewed (or unmanned) aerial vehicle (**UAV**), and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means. For purposes of this Policy, a sUAS includes a drone as defined by ORS 837.300. This policy uses the moniker Drone, and is inclusive of all terms referring to this type of vehicle.

Remote Pilot in Command (PIC) – The PIC is a The Dalles Police Employee who has obtained and maintains a valid remote pilot airman certificate in compliance with all federal aviation regulations. The PIC is responsible for the complete and overall operation of any drone flight they command.

Visual Observer (VO) – A The Dalles Police Employee who conducts flight operations to support police drone missions. The VO will be trained by Police Employees (PIC) who have obtained and maintain valid remote pilot airman certificates in compliance with all federal aviation regulations. All The Dalles Police Department sworn employees will be trained on the duties and responsibilities of a VO.

PRIVACY

The use of Drones involves privacy considerations.

- a. Drone operations will be conducted in accordance with all laws and regulations, including federal, Oregon law, and City Code.
- b. The PIC shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during drone operations.
- c. Use of facial recognition technology during drone operations is prohibited.

REQUIREMENTS FOR USE

- a. Only authorized operators who have completed the required training (including FAA Part 107 Remote Pilot Certification) shall be permitted to operate Department drones. Non-certified team members may operate drones for training purposes under the supervision of a certified team member.
- b. The drones shall only be operated in accordance with Part 107 regulations.
- c. Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protected privacy interest or when in compliance with a search warrant, court order, or exigent circumstances. In all other instances, the City Attorney shall be consulted before the use of vision enhancement technology.
- d. Drones shall be flown in accordance with the following Oregon Revised Statutes:
 1. ORS 837.300 – *Definitions*
 2. ORS 837.310 – *Restrictions*
 3. ORS 837.320 – *Authorized Use Upon Issuance of Warrant*
 4. ORS 837.330 – *Written Consent*
 5. ORS 837.335 – *Search and Rescue*
 6. ORS 837.340 – *Criminal Investigations*
 7. ORS 837.345 – *Training*
 8. ORS 837.360 – *Restrictions*
 9. ORS 837.365 – *Weaponized Unmanned Aircraft Systems (Prohibited)*

Drones shall only be operated by The Dalles Police Department:

- a. Pursuant to a valid warrant authorizing its use (ORS 837.320).
- b. When there is probable cause to believe a person has committed a crime, is committing a crime, or about to commit a crime, and exigent circumstances exist making it unreasonable to obtain a warrant authorizing the use (ORS 837.320).

- c. With written consent of an individual for the purpose of acquiring information about the individual or the individual's property (ORS 837.330).
- d. As part of search and rescue activities (ORS 837.335, 404.200).
- e. When assisting an individual in an emergency if there is a reasonable belief there is an imminent threat to the life and safety of the individual (ORS 837.335).
 - 1. A report shall be prepared documenting the factual basis for the belief; and
 - 2. Within 48 hours of the emergency, a sworn statement shall be filed with the Circuit Court describing the nature of the emergency and the need for the use of the drone.
- f. During a state of emergency declared by the Governor, if:
 - 1. The drone is used for preserving public safety, protecting property, or conducting surveillance intended to be used to assess and evaluate environmental or weather-related damage, erosion, or contamination; and
 - 2. The drone is operated only in the geographical area specified in the Governor's proclamation.
- g. For purposes of reconstructing a crime scene, or a similar physical assessment related to a specific criminal investigation, as provided by ORS 837.340. Under this statute, the operations may not exceed 5 days unless specifically authorized by court order.
- h. For purposes of training in the use and acquisition of information, as provided in ORS 837.345.

OPERATIONS

The Dalles Police Drone Team shall adopt, and utilize the finalized Uncrewed Aerial System Operations Manual.

SAFETY

Safety of drone operations is of utmost concern. The safety of all operations should be considered during every flight. Part 107 requirements must be followed at all times, as well as the safety requirements as outlined in the Unmanned Aerial System Operations Manual.

PROHIBITED USE

Drone video surveillance equipment shall not be used to:

- a. Conduct random surveillance activities;
- b. Target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender, or sexual orientation, housing status, or source of income;
- c. Harass, intimidate, or discriminate against any individual or group; or
- d. Conduct personal business of any type.

Drones shall not be weaponized (ORS 837.365).

REMOTE PILOT CERTIFICATION

All members of The Dalles Police Department Drone team shall obtain and maintain a Part 107 Remote Pilot Certificate through the FAA. Each member will be required to obtain certification prior to admission onto the team. Each member must also successfully pass a practical exercise (flight exam) as outlined in the UAS NIST (National Institute of Standards and Technology) Standards by a certified NIST examiner prior to admission to the team.

A recurring training regimen will be established.

DRONE TEAM CONFIGURATION

Due to the vast array of operational uses, and to avoid overwhelming one work unit with requests from many other units, the drone team may consist of a variety of individuals with specialized skills.

The program coordinator will be the Captain of The Dalles Police Department.

EQUIPMENT

In order to maintain transparency, all drones will be clearly marked to maximize visibility with:

- a. City of The Dalles Police Department name and logo;
- b. Red and blue anti-collision lights. Red and Blue lights should be used in addition to FAA required lighting, depending on the circumstances. Lights may not be used in rare circumstances where covert operations are necessary to preserve the integrity of an investigation or when required for officer safety related concerns; and
- c. Equipment will be maintained according to the manufacturers specifications as outlined in the operations manual.

OPERATIONAL REPORTING

Each mission will be documented with a flight log.

DATA RECORDING

Video recordings and photos will only be taken during missions where there is a reasonable expectation the data will contain evidentiary value, or in situations where it may provide transparency of Police Department operations.

Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner digital content captured by drone operations without prior written authorization from the Chief of Police or designee. Cropping videos for length is not editing for the purposes of this policy.

RETENTION AND RELEASE OF UAS DATA

All evidentiary data will be maintained in accordance with established The Dalles Police Department audio and video evidence handling and retention standards. Any data collected during a flight mission not of evidentiary value will be deleted as soon as practical. Data collected during training may be retained for training purposes only.