



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, April 17, 2024 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION:

The Executive Session will begin after the adjournment of the City Commission Regular Meeting.

- Pursuant to ORS 192.660(2)(e): to conduct deliberations with persons designated by the governing body to negotiate real property transactions.*
- Pursuant to ORS 192.660(2)(f): To consider information or records that are exempt by law from public inspection.*

REGULAR MEETING OF THE CITY COMMISSION

Ways to participate in this public meeting:

- Attend in person, location listed above*
- Register to provide electronic testimony (email recorderteam@orc.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)*
- Email recorderteam@orc.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

[3a.](#) Oath of Office for Oregon City Police Officers: Paul Thie and Amanda Trejo

[3b.](#) Sexual Assault Awareness Month (SAAM) Proclamation

[3c.](#) Oregon Heritage Tree Hero Award - Dr. Nancy Broshot

[3d.](#) Municipal Clerks Week Proclamation

4. CITIZEN COMMENTS

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

5. PRESENTATIONS**6. ADOPTION OF THE AGENDA****7. CONSENT AGENDA**

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

[7a.](#) Resolution No. 24-11, Establishing Immunity from Certain Personal Injury or Property Damage Claims Described in ORS 105.668, as Amended by Senate Bill 1576 (2024)

[7b.](#) Authorization to Apply for the Energy Efficiency and Conservation Block Grant (EECBG)

[7c.](#) Minutes of the January 17, 2024 City Commission Meeting

[7d.](#) Minutes of the April 03, 2024 City Commission Special Meeting

8. PUBLIC HEARINGS**9. GENERAL BUSINESS**

[9a.](#) Second Reading of Ordinance No. 24-1003, Proposed Amendments to Oregon City Municipal Code Chapter 2.40.020 and 2.40.030, Public Contracting and Purchasing

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

11. ADJOURNMENT

ORDINANCE NOTICE

If an ordinance is noticed above in this agenda, the text of the ordinance is available online with the posted agenda packet. In addition, three copies are provided for public review in the Office of the City Recorder upon request.

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments.

Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.

OATH OF OFFICE

Sworn Police Officer
Oregon City Police Department

*I, **Paul Thie**, do solemnly swear that I will uphold the law, and support the Constitution of the United States and the State of Oregon. I will abide by the Law Enforcement Code of Ethics, and the department's rules and regulations, while faithfully performing my duties as a Police Officer for Oregon City, Oregon.*

GIVEN THIS 17TH DAY OF APRIL 2024

Denyse C. McGriff, Mayor

SUBSCRIBED AND SWORN to before me this 17th day of April 2024.

Notary Public
State of Oregon
My commission expires: _____

OATH OF OFFICE

Sworn Police Officer
Oregon City Police Department

*I, **Amanda Trejo**, do solemnly swear that I will uphold the law, and support the Constitution of the United States and the State of Oregon. I will abide by the Law Enforcement Code of Ethics, and the department's rules and regulations, while faithfully performing my duties as a Police Officer for Oregon City, Oregon.*

GIVEN THIS 17TH DAY OF APRIL 2024

Denyse C. McGriff, Mayor

SUBSCRIBED AND SWORN to before me this 17th day of April 2024.

Notary Public
State of Oregon
My commission expires: _____

PROCLAMATION

SEXUAL ASSAULT AWARENESS MONTH (SAAM) 2024

- Whereas,** Sexual Assault Awareness Month (SAAM) calls attention to the fact that sexual violence is widespread and impacts every person in the community. SAAM aims to raise public awareness about sexual violence and educate communities about how to prevent it; and
- Whereas,** systems of oppression such as racism, sexism, classism, heterosexism, ageism, ableism, etc. contribute to higher rates of sexual harassment, assault, and abuse. Unfortunately, those same groups are also the most impacted by inequitable systems of oppression in our society; and
- Whereas,** we recognize that it will take ending all forms of oppression to end sexual violence worldwide. Making a connection between various forms of oppression and the underlying causes of sexual assault is crucial to making holistic and lasting change. However, we cannot do this without recognizing historical injustice and realizing how privilege and complacency reinforce oppression; and
- Whereas,** we can trace a line from sexual violence to systems of oppression. The theme of this year's Sexual Assault Awareness Month campaign is "Building Connected Communities," a campaign that helps us reduce the likelihood of sexual abuse, assault, and harassment in our communities; and
- Whereas,** SAAM calls attention to the misconceptions and misinformation about sexual assault, and it is important that we rededicate ourselves to creating a society where sexual assault is not tolerated, survivors are supported, and all persons in our community can live without fear; and
- Whereas,** with proper education we can be successful in reducing this alarming physically and psychologically damaging crime and help survivors heal.

Now, Therefore, I, Mayor Denyse C. McGriff, hereby proclaim:

April 2024

as

Sexual Assault Awareness Month

And, that the Commission encourages all citizens to show support for survivors by wearing teal every Tuesday in April to demonstrate that there is no place for assault.

In Witness Whereof, I have hereunto set my hand this 17th day of April 2024.

Denyse C. McGriff, Mayor



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Pete Walter, Planning Manager

Agenda Date: 4/17/2024

SUBJECT:

Oregon Heritage Tree Hero Award - Dr. Nancy Broshot

BACKGROUND:

Dr. Nancy Broshot, former Chair of the Natural Resources Committee, is a 2024 Recipient of the Oregon Heritage Tree Hero Award. Samantha Wolf, current NRC Chair and Oregon Heritage Tree Committee member, will present the award to Dr. Broshot with Mayor McGriff.

Dr. Broshot is being honored by the Oregon Heritage Tree Program for her work leading revisions of the City's street tree and heritage tree codes while serving on the Natural Resources Committee. In 2022 and 2023 the NRC reviewed and recommended changes to Oregon City's public tree code Chapter 12.08 to improve tree replacement requirements and oversee a revised recommended street tree list. Additionally, Nancy brought her expertise in forest research and thoughtful collaboration to assist Oregon City with revisions to the heritage tree code, Chapter 12.32, to make the program more accessible to community members.

The Oregon Heritage Tree Program is the first state-sponsored heritage tree program in the country. It was established in 1995 to increase public awareness of the important contribution of trees to Oregon's history and the significant role trees play in the quality of daily life. The program is administered by the Oregon Travel Information Council.

For further information about the State program please visit: <https://oregontic.com/oregon-heritage-trees/>.

More information about Oregon City's local heritage tree nomination process is available at the following website: <https://www.oregoncity.org/1130/Nominate-Heritage-Trees-Stands>.

PROCLAMATION

55th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

May 5 - 11, 2024

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants; and

Whereas, Oregon City's Office of the City Recorder is the oldest continuous municipal clerk's office in the State of Oregon, starting when Thomas A. Brown swore his oath of office on January 6, 1845; and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community; and

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, Mayor Denyse C. McGriff, hereby proclaim:

May 5 through 11, 2024

as

Professional Municipal Clerks Week

In Witness Whereof, I have hereunto set my hand this 17th day of April 2024.

Denyse C. McGriff, Mayor

917
Oath of Office
A. T. Brown
Recorder

Item 3d.

Green G. Jan 14/42

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John

Record

1847

Order 95 Jan 1922

Page 9

I do solemnly swear that I will to the best of
my ability support the Laws of Oregon
and faithfully discharge the duties of
Recorder of Oregon City, in all the
business appertaining to said office.
Oregon 6th Jan, 1845 - So help ~~me~~ ^{me} God -
J. T. Brown

I hereby certify that Thos. A. Brown
this day personally appeared before me
and took and subscribed the above
Oath.

J. Stony
Clerk

Oregon City, Jan, 6th 1845.



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Assistant City Manager Alexandra Rains

Agenda Date: 04/17/2024

SUBJECT:

Resolution No. 24-11, a resolution establishing immunity from certain personal injury or property damage claims described in ORS 105.668, as amended by Senate Bill 1576

STAFF RECOMMENDATION:

Approve Resolution No. 24-11 as presented.

EXECUTIVE SUMMARY:

ORS 105.668 provides immunity against negligence claims arising from personal injury or property damage from the use of a trail or structures in an unimproved right of way or public easement. However, the immunity offered by ORS 105.668 does not automatically apply to cities with populations of 500,000 or less, so the Commission must choose to opt in to receive those legal protections. Resolution No. 24-11, if approved, will provide Oregon City said immunity as described in ORS 105.668.

BACKGROUND:

ORS 105.668 provides immunity against negligence claims arising from personal injury or property damage from the use of a trail or structures in an unimproved right of way or public easement.

ORS 105.668 immunity extends automatically to:

- Cities with populations of 500,000 or more;
- those cities' agents, officers, and employees, to the extent they are covered by ORS 30.285;
- owners of the land abutting the public unimproved right of way or public easement; and
- nonprofits and their volunteers that construct or maintain the trail or structure in the right of way or public easement.

Cities with populations fewer than 500,000 residents may choose to opt into ORS 105.668 and the immunity will cover the same entities as listed above. Because Oregon City has fewer than 500,000 residents, the Commission must choose to opt into ORS 105.668 immunity.

Opting into ORS 105.668 immunity is recommended because ORS 105.668 immunity is broader than the recreational immunity already extended to the City through ORS 105.682. ORS 105.668 will provide immunity for negligence claims arising out of personal injuries or property damage resulting from any use, so long as the use is of a trail or structure in an unimproved right of way or easement.

ORS 105.668's language also explicitly extends immunity to a city's officers, employees, and agents, whereas the Oregon Supreme Court has held that ORS 105.682 recreational immunity only applies to the "owner" of the land, which may not include officers, employees, and agents of a city. Therefore, ORS 105.688 fills a gap left open by the "recreational" limitation of ORS 105.682.

Additionally, ORS 105.668 offers landowners an incentive to grant public easements and rights of way by providing increased protections from liability in the same manner as it does cities and their officers, employees, and agents.

OPTIONS:

1. Approve Resolution No. 24-11 as presented
2. Approve Resolution No. 24-11 with amendments
3. Decline to approve Resolution No. 24-11

BUDGET IMPACT:

None.

RESOLUTION NO. 24-11

A RESOLUTION ESTABLISHING IMMUNITY FROM CERTAIN PERSONAL INJURY OR PROPERTY DAMAGE CLAIMS DESCRIBED IN ORS 105.668, AS AMENDED BY SENATE BILL 1576

WHEREAS, the Oregon City Commission finds that the Oregon Legislature enacted Senate Bill (SB) 1576 in its 2024 Regular Session; and

WHEREAS, SB 1576 (2024) amended ORS 105.668, which limits private claims or rights of action based on negligence for personal injury or property damage resulting from “use of a trail that is in a public easement or in an unimproved right of way, or from use of structures in the public easement or unimproved right of way, by a user on foot, on a horse or on a bicycle or other non-motorized vehicle or conveyance” (ORS 105.668); and

WHEREAS, the Commission finds that ORS 105.668 applies automatically to cities with a population of 500,000 or more and allows cities with a lesser population to opt to limit liability in the manner established by the law; and

WHEREAS, the Commission finds that the City of Oregon City will limit its liability from certain claims by opting in to the immunity provided for in ORS 105.668.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. Immunity. Pursuant to ORS 105.668(3)(a) and (b), the City of Oregon City, on behalf of itself and its officers, employees and agents, hereby opts to limit liability in the manner established by ORS 105.668(2) with respect to personal injury or property damage resulting from use of a trail in a public easement or an unimproved right of way, or from use of structures in the public easement or unimproved right of way, with respect to claimants who may be a user on foot, on a horse or on a bicycle, or other non-motorized vehicle or conveyance.

Section 2. Extended Immunity. Pursuant to ORS 105.668(3)(c) and (d), the City of Oregon City further opts to extend the immunity adopted in Section 1 of this Resolution to:

- a. The owner of land abutting public easements and unimproved right of ways located within the City; and
- b. Any nonprofit corporation and its volunteers for the construction and maintenance of trails or structures in a public easement or unimproved right of way located within the City.

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption. This resolution shall take effect immediately upon its adoption by the City Commission

Item 7a.

Approved and adopted at a regular meeting of the City Commission held on the 17th day of April 2024.

Denyse McGriff, Mayor

Attested to this 17th day of April 2024

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Finance Director Matt Zook

Agenda Date: 4/17/2024

SUBJECT:

Authorization to apply for the Energy Efficiency and Conservation Block Grant (EECBG)

STAFF RECOMMENDATION:

Staff recommends that the Commission authorize staff to apply for the EECBG grant.

EXECUTIVE SUMMARY:

In July 2023, the City was notified that it had been allocated \$76,260 from the U.S. Department of Energy (DOE) in a formula-based (non-competitive) grant for energy efficiency. The DOE received funding from the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) to create or expand key agency programs. One of those programs is the Energy Efficiency and Conservation Block Grant (EECBG) Program that received \$550M through BIL and is administered by DOE's Office of State and Energy Community Programs (SCEP).

One of the statutory requirements of the grant application is the submission of a proposed Energy Efficiency and Conservation Strategy (EECS). If an entity does not have an EECS at the time of application, the grant funding may be used to create an EECS. Since the City of Oregon City does not have an EECS, staff intends to use this grant for this purpose.

During the 2021-23 Biennial Budget goal setting session, the City Commission set a goal to "Protect and preserve our environmental health and natural resources". More specifically, the strategy was to develop a climate action plan. The stated approach was for staff to work with a consultant to create a Climate Action Plan focusing on actions the City can take to decrease the environmental footprint of City facilities and operations. The Climate Action Plan will include engagement with PGE and other potential partners to identify opportunities to reduce the impacts created by City facilities and operations, as well as recommendations for the City Commission to consider and potentially adopt via Resolution.

This grant would be an opportunity for the City to create an Energy Efficiency and Conservation Strategy, potentially providing additional future funding opportunities as

well as identifying energy reducing measures and strategies that could be implemented that will reduce future costs.

BACKGROUND:

A strategic energy plan is a long-term roadmap to focus and guide efforts and actions toward a defined energy vision. Plans catalog existing energy consumption, sources, users, articulates goals, develops strategies and actions to meet the goals, and identifies resources needed to ensure effective completion of these strategies. Thoughtful goals and thorough planning paired with intentional stakeholder engagement will foster buy-in and can guide public investments towards high value and popular projects. Funds from the grant can be used to prepare an EECS, as well as technical assistance and access to a consultant. Since the City does not have an EECS, we believe this is the first step to responsible and meaningful stewardship of City resources toward energy efficiency and climate responsibility.

The application deadline is April 30, 2024. Staff will continue to engage the Commission during the process over the next year. Staff is hopeful this plan can be accomplished in time to potentially influence the 2025-27 biennial budget process. There is no match required by the City for this grant. Staff do anticipate taking advantage of other funding opportunities in the future toward the implementation of the plan.

Included with this staff report is the amount of funding from U.S. DOE and the

OPTIONS:

1. Authorize staff to apply for the grant; or
2. Not authorize staff to apply for the grant.

BUDGET IMPACT:

Amount: \$76,240

FY(s): 2024-2025

Funding Source(s): 100% federally funded with no matching requirements from the City.



FINAL ALLOCATION OF FUNDS

Office of State and Community Energy Programs (SCEP) U.S. Department of Energy (DOE)

ATTACHMENT 1A: DOE FORMULA GRANT FUNDING ALLOCATIONS TO LOCAL GOVERNMENTS FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) PROGRAM

This document presents the final formula grant funding allocations by Local Government (Table 1a) for the EECBG Program - Sec. 40552(b) of the [Infrastructure Investment and Jobs Act \(IIJA\)](#) of 2021.

**Table 1a. FINAL EECBG Program Formula Grant Funding Allocations to Local Governments
Listed Alphabetically by State and Local Government**

#	State/Territory	Entity Name	Level of Government	Allocation
Total (Local Governments)				\$299,200,000
1	AK	Aleutians East	County	\$75,120
2	AK	Fairbanks North Star	County	\$77,080
3	AK	Haines	County	\$75,080
4	AK	Kenai Peninsula	County	\$76,770
5	AK	Ketchikan Gateway	County	\$75,180
6	AK	Kodiak Island	County	\$75,250
7	AK	Matanuska-Susitna	County	\$77,960
8	AK	North Slope	County	\$75,430
9	AK	Northwest Arctic	County	\$75,270
10	AK	Petersburg	County	\$75,120
11	AK	Anchorage	City	\$300,250
12	AK	Bethel	City	\$75,220
13	AK	Fairbanks	City	\$76,260
14	AK	Juneau, City and Borough of	City	\$76,130
15	AK	Kenai	City	\$75,270
16	AK	Ketchikan	City	\$75,300
17	AK	Kodiak	City	\$75,210
18	AK	Palmer	City	\$75,250
19	AK	Sitka	City	\$75,300
20	AK	Wasilla	City	\$75,390
21	AL	Baldwin	County	\$246,150
22	AL	Calhoun	County	\$79,030
23	AL	Etowah	County	\$78,540
24	AL	Jefferson	County	\$348,100
25	AL	Lee	County	\$78,040



#	State/Territory	Entity Name	Level of Government	Allocation
1393	OR	Bend	City	\$152,740
1394	OR	Corvallis	City	\$122,590
1395	OR	Eugene	City	\$212,520
1396	OR	Grants Pass	City	\$76,430
1397	OR	Gresham	City	\$158,600
1398	OR	Hillsboro	City	\$163,840
1399	OR	Keizer	City	\$76,270
1400	OR	Lake Oswego	City	\$76,440
1401	OR	Medford	City	\$143,430
1402	OR	Oregon City	City	\$76,260
1403	OR	Portland	City	\$602,650
1404	OR	Salem	City	\$214,750
1405	OR	Springfield	City	\$123,250
1406	OR	Tigard	City	\$118,610
1407	PA	Allegheny	County	\$751,200
1408	PA	Berks	County	\$324,850
1409	PA	Bucks	County	\$404,580
1410	PA	Chester	County	\$479,860
1411	PA	Cumberland	County	\$274,270
1412	PA	Delaware	County	\$406,930
1413	PA	Lancaster	County	\$411,780
1414	PA	Lehigh	County	\$252,780
1415	PA	Luzerne	County	\$287,780
1416	PA	Montgomery	County	\$594,260
1417	PA	Northampton	County	\$264,030
1418	PA	Washington	County	\$233,750
1419	PA	Westmoreland	County	\$308,180
1420	PA	York	County	\$377,890
1421	PA	Abington, Township of (Montgomery County)	City	\$118,250
1422	PA	Allentown	City	\$170,070
1423	PA	Altoona	City	\$76,540
1424	PA	Bensalem, Township of	City	\$122,290
1425	PA	Bethlehem	City	\$135,180
1426	PA	Bristol, Township of	City	\$114,490
1427	PA	Cheltenham, Township of	City	\$76,230
1428	PA	Erie	City	\$151,020
1429	PA	Harrisburg	City	\$120,600
1430	PA	Haverford, Township of	City	\$110,660



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - VIRTUAL ONLY

DRAFT MINUTES

VIRTUAL ONLY via Zoom
Wednesday, January 17, 2024 at 7:00 PM

REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor McGriff convened the meeting at 7:01 PM.

PRESENT: 5 - Commissioner Rocky Smith, Commissioner Mike Mitchell, Commissioner Frank O'Donnell, Commissioner Adam Marl, and Mayor Denyse McGriff

STAFFERS: 12 - City Manager Tony Konkol, City Recorder Jakob Wiley, Community Development Director Aquilla Hurd-Ravich, Police Chief Shaun Davis, Library Director Greg Williams, Public Works Director John Lewis, Code Enforcement Manager Ryan Kersey, Senior Planner Christina Robertson-Gardiner, Assistant City Engineer Josh Wheeler, Youth Services Librarian Barratt Miller

Mayor McGriff noted due to the inclement weather, the meeting was being held virtually.

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Oath of Office for New Oregon City Police Officer

This item was postponed.

3b. School Board Appreciation Month - January 2024

Mayor McGriff read the proclamation declaring January 2024 as School Board Appreciation Month.

4. CITIZEN COMMENTS

None.

5. PRESENTATIONS

5a. Presentation by the Homeless Solutions Coalition of Clackamas County

This item was postponed.

6. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

7. CONSENT AGENDA

Motion made by Commissioner Mitchell, seconded by Commissioner Marl, to approve the consent agenda. The motion carried by the following vote:

Voting Yea: Commissioner Smith, Commissioner Marl, Commissioner Mitchell, Commissioner O'Donnell, and Mayor McGriff

- 7a. Resolution No. 23-06, Establishing Oregon City Street Design Standards
- 7b. Resolution No. 24-02, Temporarily Exempting Construction Activities at 701 Molalla Avenue From the Prohibition Against Unlawful Noises
- 7c. Resolution 24-04, appointing Municipal Court Judge Amy Lindgren as code hearings officer
- 7d. OLCC: Liquor License Application – Off-Premises, 7-Eleven #20349D (dba Zara Enterprises, Inc.), 705 Washington Street, Oregon City
- 7e. Personal Services Agreement with 3J Consulting for the Barclay Hills Storm Pond and Drainage Improvements Project (CI 23-014)

8. PUBLIC HEARINGS

- 8a. First Reading of Ordinance Number 23-1010, Adopting the Oregon City Loop Trail Refinement Plan into the Oregon City Transportation System Plan, an ancillary document to the Comprehensive Plan (GLUA 23-000033/LEG-23-00002)

Mayor McGriff opened the public hearing. She asked if the Commission had any conflicts of interest to declare. There were none.

Christina Robertson-Gardiner, Senior Planner, presented the staff report. This was a refinement plan to the Oregon City Loop Trail, which would be adopted into the Transportation System Plan, an ancillary document to the Comprehensive Plan. She discussed the Comprehensive Plan amendment process, proposal, what adoption of the plan provided, criteria for approval, and options for Commission action.

Josh Wheeler, City Engineer, reviewed the project background and purpose, overview of the trail segments, opportunities and constraints, community outreach, and final comments.

There was discussion regarding areas of concern on the trail segments.

There was no public testimony.

Mayor McGriff closed the public hearing.

Motion made by Commissioner Smith, seconded by Mayor McGriff, to approve the first reading of Ordinance Number 23-1010, adopting the Oregon City Loop Trail Refinement Plan into the Oregon City Transportation System Plan, an ancillary document to the Comprehensive Plan (GLUA 23-000033/LEG-23-00002). The motion carried by the following vote:

Voting Yea: Commissioner Smith, Commissioner Marl, Commissioner Mitchell, Commissioner O'Donnell, and Mayor McGriff

9. GENERAL BUSINESS**9a. Memorandum of Agreement (MOA) with Oregon City School District and Clackamas County for the Implementation of a Student Library Card Program**

Greg Williams, Library Director, and Barratt Miller, Youth Services Librarian, explained this agreement would initiate a program where students would get a library card tied to their school ID numbers. This was the first partnership of its kind in Clackamas County. Mr. Williams recognized everyone who had worked on the project.

There was discussion regarding why it took so long to create the program, concerns from the School District, and how these would be customizable cards.

Motion made by Commissioner Mitchell, seconded by Commissioner Marl, to approve the Memorandum of Agreement (MOA) with Oregon City School District and Clackamas County for the implementation of a Student Library Card Program. The motion carried by the following vote:

Voting Yea: Commissioner Smith, Commissioner Marl, Commissioner Mitchell, Commissioner O'Donnell, and Mayor McGriff

9b. Climate Friendly and Equitable Communities (CFEC) Parking Reforms

Aquila Hurd-Ravich, Community Development Director, discussed the timeline for the project, what climate friendly and equitable communities meant, implementation requirements, code amendments, reform 1—parking minimums, transit corridor and what was left, reform 2—electric vehicle charging, reform 3—parking maximums, what other cities were doing, policy considerations and direction, and next steps.

There was discussion regarding the pros and cons of eliminating all parking minimums, mandates from the state, lack of a transit system in the City, too much electric vehicle parking proposed, using a half mile ratio for transit, pursuing grant funding for options that would follow the intent of the code but make it work for Oregon City, and discretion for implementation.

There was not support for eliminating all parking minimums. There was support for pursuing a grant if it could be used to find a way to make it work for Oregon City.

Motion made by Commissioner Mitchell, seconded by Mayor McGriff, to approve Resolution 24-03. The motion carried by the following vote:

Voting Yea: Commissioner Smith, Commissioner Marl, Commissioner Mitchell, and Mayor McGriff

Voting Nay: Commissioner O'Donnell

9c. First Reading of Ordinance 24-1001, Adopting City Code Amendments for Regulation of Rubbish, Construction Hours, Garage Sales, Graffiti, and Parking

Shaun Davis, Police Chief, and Ryan Kersey, Code Enforcement Manager, presented. At a Work Session in November the Commission had directed staff to update the code to address a number of code enforcement issues. Chief Davis explained the code sections that had been changed.

There was discussion regarding what the "shall not stop, stand, or park a vehicle" meant, including fire lanes for vehicles not to stop, stand or park, scrivener's errors— delete "parking of any vehicle" and add in Saturdays, rewording paragraphs that started with "except," preventing items like PODS or boats in

**City Commission Regular Meeting - VIRTUAL
ONLY**

Minutes

January 17, 2024

planter strips, using the word “momentarily,” discretion of the enforcement officer in the situation, no parking within 20 feet of a crosswalk at an intersection—remove “of a crosswalk,” paint the curbs back 20 feet, resources to be able to paint the curbs, asking the Transportation Advisory Committee to look at a limited scope of high impact areas to paint, how state law considered every intersection had a crosswalk whether it was marked or unmarked, construction hours should be different for homeowners doing projects vs. commercial projects, use of decibel meters to measure noise, and how tenants were in charge of the property for garage sales.

There was consensus to make the scrivener’s error changes and removing the words “of a crosswalk.”

Motion made by Commissioner Smith, seconded by Commissioner Mitchell, to approve the first reading of Ordinance 24-1001, adopting City Code Amendments for Regulation of Rubbish, Construction Hours, Garage Sales, Graffiti, and Parking as amended. The motion carried by the following vote:

Voting Yea: Commissioner Smith, Commissioner Marl, Commissioner Mitchell, and Mayor McGriff

Voting Nay: Commissioner O’Donnell

11. City Manager

11a. McLoughlin Boulevard Enhancements Project Update (CI 22-002)

This item was postponed.

12. Commissioners

13. Mayor

Mayor McGriff stated that she is now the vice chair of the WES Advisory Committee.

14. ADJOURNMENT

Mayor McGriff adjourned the meeting at 9:09 PM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

CITY COMMISSION SPECIAL MEETING - CITY SPONSORED EVENT GRANT AWARDS - REVISED

DRAFT MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, April 03, 2024 at 6:00 PM

CONVENE SPECIAL MEETING AND ROLL CALL

Mayor McGriff convened the meeting at 6:03 PM.

PRESENT: 5 - Commissioner Mike Mitchell, Commissioner Rocky Smith, Commissioner Frank O'Donnell, Commissioner Adam Marl, Mayor Denyse McGriff

STAFFERS: 5 - City Manager Tony Konkol, City Recorder Jakob Wiley, Assistant City Recorder Evan Lee, Assistant City Manager Alex Rains, Economic Development Manager James Graham

DISCUSSION ITEMS

1. City-Sponsored Public Event Program

Downtown Oregon City Association

Juliana Allen, Executive Director of the Downtown Oregon City Association (DOCA), discussed DOCA's application for the First City Celebration, which DOCA has run for 13 years.

Three Rivers Artist Guild

Linda Orzen, Founder of the Three Rivers Artist Guild, discussed the Oregon City Festival of the Arts, which is in its 8th year.

Parks and Recreation

Taylor Miller, Rental and Events Coordinator, and Melissa Sebastian, Aquatics and Recreation Manager, presented the Parks and Recreation Department's plans for the 4th of July celebration.

Oregon City Brewing Co.

Bryce Morrow of the Oregon City Brewing Co. discussed the application for the Oregon Trial Brewfest. Mr. Morrow said that every brewery in Clackamas County and most in the neighboring counties will participate. There should also be a number of breweries from elsewhere in Oregon participating, but the event will not be featuring vendors located out of state, due to the difficulty of securing licensing.

Oregon City Car Show, LLC

Cyrus Zamani, the Oregon City Car Show event organizer, discussed the application. The Oregon City Car Show is an event that used to exist in Oregon City, and Mr. Zamani is working to bring it back. The

**City Commission Special Meeting - City Sponsored Event Grant Awards -
REVISED Minutes****April 03, 2024**

event will have various awards that can be voted on by attendees, but as this is the first year bringing this event back, the event will be fairly simple.

Commissioner Marl noted that the staff report advised that the City Commission not approve this application unless the applicant met the following criteria: 1) that the event organizers have invested their own funds into the event, 2) the City has authorized a permit for use of the space, 3) letters from private property owners allowing the event to utilize their property, 4) use of the Travel Oregon City logo and Oregon City's branding tag line in advertising, and 5) securing commercial liability insurance.

Mr. Zamani said that the event has applied for a permit with the city, but the application is still pending. Likewise, the event has insurance offers, but they are seeking competing bids. Mr. Zamani said he will likely spend about \$10,500 of his own money on this event. He also stated that the event is looking to make agreements with neighboring businesses to use their parking lots, but the primary event is all on the city owned parking lot and can move forward with or without the additional lots.

Motion by Commissioner Marl, seconded by Mayor McGriff, to fully approve grant funding for each application with the conditions recommended by staff on each application. The motion carried by the following vote:

Yea: Commissioner Mitchell, Commissioner Smith, Commissioner O'Donnell, Commissioner Marl, Mayor McGriff

ADJOURNMENT

Mayor McGriff adjourned the meeting at 6:40 PM.

Respectfully submitted,

Jakob S. Wiley, City Recorder



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: City Commission
From: Assistant City Manager Alexandra Rains

Agenda Date: 04/03/2024

SUBJECT:

Second Reading of Ordinance No. 24-1003, Proposed Amendments to Oregon City Municipal Code Chapter 2.40, Public Contracting and Purchasing, subsections 2.40.020 and 2.40.030.

STAFF RECOMMENDATION:

Staff recommends the Commission adopt amendments to the City's Public Contracting and Purchasing Municipal Code, specifically subsections 2.40.020 and 2.40.030, as presented.

EXECUTIVE SUMMARY:

Staff recommends the Commission adopt amendments to the City's Public Contracting and Purchasing Municipal code, specifically subsections 2.40.020 and 2.40.030, as presented. These changes will add clarity for staff, remove references to Oregon Revised Statutes that have been repealed and replaced, add the current contracting limits for engineering and architectural services and remove other outdated language.

These amendments will not change the City Manager's signing authority of \$50,000. Therefore, it will not impact the number of contracts currently being approved by the Commission, only (potentially) the type of procurement process that was conducted by staff.

Additional changes were requested during the City Commission meeting on March 20th, 2024. Those changes are double underlined in the redlined version included below with this staff report.

The First Reading of Ordinance No. 24-1003 was completed at the Commission Meeting on April 3rd, 2024, no additional changes were requested.

BACKGROUND:

The City's Public Contracting and Purchasing municipal code was last updated in 2004 and contains subsections in need of amendments to align with current contracting rules. This is not needed for all subsections as some automatically default to Oregon's current Attorney General Model Public Contracting Rules Manual (AG Model Rules) or detail internal City processes that are still current practice.

Subsection 2.40.020, Professional Services, has several proposed updates. First, there is a new definition of professional personal services that will provide greater clarity to staff when using this document. Second, a reference to ORS 279.051 has been removed, as it was repealed and replaced, and language added to reference the AG model rules for engineering and architectural services. Third, references to applicable Oregon Administrative Rules (OARs) have been added to provide guidance on procurement procedures for both informal and formal processes. The final change of note is the increased financial thresholds for the procurement method prescribed to engineering and architectural services by the state (as the City's current code reflects the use of these limits for professional personal services, the proposed updates continue with this framework). The current thresholds for these services allow for direct appointments up to \$100,000, require an informal selection procedure above \$100,000 up to \$250,000 and a formal qualifications based selection process above \$250,000.

Subsection 2.40.030, City Manager Authority, contains only one minor update, eliminating the use of gender specific language for the City Manager position.

The proposed amendments in their entirety are included in Ordinance No. 24-1003.

OPTIONS:

1. Adopt amendments to OCMC 2.40.020 and 2.30.020 as presented
2. Adopt amendments to OCMC 2.40.020 and 2.30.020 with additional changes
3. Decline to amend OCMC 2.40.020 and 2.30.020

BUDGET IMPACT:

No direct fiscal impact, although it does increase efficiency and clarity for staff.

2.40.020 – Professional services.

A. This section provides the procedures for the award of contracts for professional personal services contracts including but not limited to services such as financial, accounting, personnel, risk management, insurance, real estate, and economics.

1. For professional services contracts with an anticipated fee of over fifty thousand dollars, the services shall be procured consistent with ORS 279.051 and the AG Model Rules for engineering and architecture services.

2. For professional service contracts involving an anticipated fee of more than ten thousand dollars and less than fifty thousand dollars, the city manager or designee shall solicit at least three prospective contractors, each of whom shall appear to have at least the minimum qualifications for the proposed assignment. The city manager or designee shall notify each prospective contractor in reasonable detail of the proposed assignment, and determine the prospective contractor's interest and ability to perform the proposed assignment.

a. The city manager or designee may arrange an interview with any or all of the interested prospective contractors for the assignment by an appropriate city employee or by an interview committee.

b. Following a review of the qualifications and interview, where conducted, of the interested prospective contractors, the city manager or designee shall select the prospective contractor.

3. For contracts with an anticipated fee of ten thousand dollars or less, the city manager or designee may negotiate a contract for such with any qualified contractor.

4. For any professional personal services with anticipated fees of less than fifty thousand dollars, the following criteria shall be considered in the evaluation and selection of contractor to perform the required services:

a. Demonstrated specialized experience in the type of work to be performed;

b. Capacity and capability to perform the work, including any specialized services within the time limitations for the work;

c. Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable;

d. Availability to and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable; and

e. Any other factors relevant to the particular contract.

5. The selection procedures described in subsections 2 and 3 may be waived by the city manager for either of the following reasons:

a. An emergency exists that could not have been reasonably foreseen and that requires such prompt execution of a contract to remedy the situation and there is not sufficient time to permit utilization of the selection procedures; or

b. The contractor is the only person within a reasonable area who performs the services or work.

c. If the city manager waives the selection procedures in subsection 2 or 3 the city manager shall submit a written report to the city commission advising the commission of the circumstances involved in the decision to waive the procedures.

2.40.020 - Professional personal services.

A. This section provides the procedures for the award of contracts for professional personal services contracts. Professional Personal Services shall be defined to include those services that require specialized technical, creative, professional or communication skills or talents, unique specialized knowledge, or the exercise of discretionary judgement, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include but are not limited to: architects; engineers; land surveyors; photogrammetrists; transportation planners; attorneys; accountants; auditors; computer programmers; artists; designers; performers; and consultants. The City Manager or designee shall have the authority to determine when a particular service is a professional personal service under this definition. The services shall be procured consistent with the AG Model Rules for engineering and architectural services and approved in accordance with section 2.40.030.

1. For any professional personal services contracts with an anticipated fee of less than one hundred thousand dollars, the City Manager or designee City may make an award a selection by direct appointment. The following criteria shall be considered when the selection of the consultant is made:

a. Demonstrated specialized experience in the type of work to be performed;

b. Capacity and capability to perform the work, including any specialized services within the time limitations for the work;

c. Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable;

d. Availability to and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable; and

e. Any other factors relevant to the particular contract.

2. For professional personal service contracts involving an anticipated fee of more than one hundred thousand dollars and less than two hundred and fifty thousand dollars, the City Manager or designee City shall use the informal selection procedure described in OAR 137-048-0210.

3. For professional personal service contracts involving an anticipated fee of more than two hundred and fifty thousand, the City Manager or designee City shall use the formal selection procedure described in OAR 137-048-0220.

4. The selection procedures described in subsections 1, 2 and 3 may be waived by the City Manager for either of the following reasons:

a. An emergency exists that could not have been reasonably foreseen and that requires such prompt execution of a contract to remedy the situation and there is not sufficient time to permit utilization of the selection procedures; or

b. The contractor is the only person within a reasonable area who performs the services or work.

c. If the City Manager waives the selection procedures in subsection 1, 2 or 3 the City Manager shall submit a written report to the city commission advising the commission of the circumstances involved in the decision to waive the procedures.

2.40.030 - City manager authority.

A. The city manager, or their ~~his~~ designee shall have the authority to take the following actions without specific authorization from the commission:

1. Advertise bids or proposals when the proposed goods, items and/or services are included in the adopted budget and or approved capital improvement programs.

2. Award and execute contracts not exceeding fifty thousand dollars or change orders to contracts up to but not to exceed fifty thousand dollars.

3. Recommend to the city commission whether to approve or not approve contract awards or change orders in excess of fifty thousand dollars.

B. The city manager may delegate the authority to advertise bids or proposals, award and execute contracts, or change orders that do not exceed twenty-five thousand dollars. The delegation may be made either to the finance director on a city-wide basis or to other department heads for purchases for which they have direct budget responsibility and accountability.

ORDINANCE NO. 24-1003

AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING MUNICIPAL CODE CHAPTER 2.40, PUBLIC CONTRACTING AND PURCHASING, SUBSECTIONS 2.40.020 AND 2.40.030

WHEREAS, Oregon City's contracting and purchasing rules were last updated in 2004; and

WHEREAS, the State of Oregon has since changed the financial thresholds for the procurement method prescribed to engineering and architectural services; and

WHEREAS, in order for Oregon City to utilize the updated financial thresholds for increased efficiency in the execution of performing procurement services the code must be updated.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Oregon City Municipal Code 2.40.020 is repealed and replaced and 2.40.030 is amended as described in both Exhibit A and Exhibit B.

Section 2. The changes become effective 30 days after enactment.

Read for the first time at a regular meeting of the City Commission held on the 3rd day of April, 2024 and the City Commission finally enacted the foregoing ordinance this 17th day of April, 2024.

DENYSE C. MCGRUFF
Mayor

Attested to this 17th day of April, 2024.

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

EXHIBIT A

2.40.020 - Professional personal services.

A. This section provides the procedures for the award of contracts for professional personal services contracts. Professional Personal Services shall be defined to include those services that require specialized technical, creative, professional or communication skills or talents, unique specialized knowledge, or the exercise of discretionary judgement, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include but are not limited to: architects; engineers; land surveyors; photogrammetrists; transportation planners; attorneys; accountants; auditors; computer programmers; artists; designers; performers; and consultants. The City Manager or designee shall have the authority to determine when a particular service is a professional personal service under this definition. The services shall be procured consistent with the AG Model Rules for engineering and architectural services and approved in accordance with section 2.40.030.

1. For any professional personal services contracts with an anticipated fee of less than one hundred thousand dollars, the City may make a selection by direct appointment. The following criteria shall be considered when the selection of the consultant is made:

- a. Demonstrated specialized experience in the type of work to be performed;
- b. Capacity and capability to perform the work, including any specialized services within the time limitations for the work;
- c. Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable;
- d. Availability to and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable; and
- e. Any other factors relevant to the particular contract.

2. For professional personal service contracts involving an anticipated fee of more than one hundred thousand dollars and less than two hundred and fifty thousand dollars, the City shall use the informal selection procedure described in OAR 137-048-0210.

3. For professional personal service contracts involving an anticipated fee of more than two hundred and fifty thousand, the City shall use the formal selection procedure described in OAR 137-048-0220.

4. The selection procedures described in subsections 1, 2 and 3 may be waived by the City Manager for either of the following reasons:

- a. An emergency exists that could not have been reasonably foreseen and that requires such prompt execution of a contract to remedy the situation and there is not sufficient time to permit utilization of the selection procedures; or
- b. The contractor is the only person within a reasonable area who performs the services or work.
- c. If the City Manager waives the selection procedures in subsection 1, 2 or 3 the City Manager shall submit a written report to the city commission advising the commission of the circumstances involved in the decision to waive the procedures.

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- 2. Award and execute contracts not exceeding fifty thousand dollars or change orders to contracts up to but not to exceed fifty thousand dollars.
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B. The city manager may delegate the authority to advertise bids or proposals, award and execute contracts, or change orders that do not exceed twenty-five thousand dollars. The delegation may be made either to the finance director on a city-wide basis or to other department heads for purchases for which they have direct budget responsibility and accountability.

EXHIBIT B

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