



CITY OF OREGON CITY CITY COMMISSION WORK SESSION AGENDA

Hanlon Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, June 9, 2026 at 6:00 PM

Typically there are no public comments at work sessions, but written comments are accepted by:

- Email recorderteam@orc.city.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
- You may also attend this meeting by watching the livestream on the City's YouTube Channel:

<https://www.youtube.com/user/CityofOregonCity>

1. CONVENE MEETING AND ROLL CALL

2. GENERAL BUSINESS

- a. Library Overdue Fines
- b. Nicotine Ban and Limitation Regulation Options

3. FUTURE AGENDA ITEMS

- a. List of Future Work Session Agenda Items

4. CITY MANAGER'S REPORT

- a. Update on City Projects

COMMITTEE REPORTS

a. Commissioner Wilson

- Citizen Involvement Committee Liaison
- Homeless Solutions Coalition

b. Commissioner Smith

- Clackamas Heritage Partners
- Destination Management Marketing Organization
- South Fork Water Board

c. Commissioner Marl

- Citizen Involvement Committee Liaison
- Clackamas County Coordinating Committee (C4)
- Clackamas County Coordinating Committee (C4) – Metro Subcommittee (alternate)
- Metro Policy Advisory Committee (MPAC) (alternate)
- Youth Advisory Commission

d. Commissioner Mitchell

- Clackamas County Coordinating Committee (C4) (alternate)
- Clackamas County Coordinating Committee (C4) – Metro Subcommittee
- Downtown Oregon City Association Board (alternate)
- South Fork Water Board

e. Mayor McGriff

- Clackamas Heritage Partners (alternate)
- Clackamas Water Environment Services Policy Committee
- Destination Management Marketing Organization (alternate)
- Downtown Oregon City Association Board
- Metro Policy Advisory Committee (MPAC)
- South Fork Water Board
- Willamette Falls and Landings Heritage Area

- Willamette Falls Locks Authority

6. **ADJOURNMENT**

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](#) 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.



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** June 9, 2026
From: Greg Williams, Library Director

SUBJECT:

Library Overdue Fines

STAFF RECOMMENDATION:

Provide feedback to the Library Board and Library staff on the Library Board's recommendation to eliminate overdue fines on library materials.

EXECUTIVE SUMMARY:

The Oregon City Library Board will present a recommendation to the City Commission to 1) stop charging fines on overdue library materials, and 2) waive outstanding overdue fine balances on Oregon City patron accounts. The Library Director and Library staff strongly support both of the Library Board's recommendations. The Library Director and Library Board are seeking the Commission's feedback on the proposal and the Commission's preferences on next steps.

BACKGROUND:

Note: the following recommendations and discussion pertain only to overdue fines, namely the daily charges (typically \$0.10/day) assessed when borrowed library materials are not returned or renewed by the due date; no changes in the assessment or collection of any other library fees, including those pertaining to lost, damaged, or stolen materials, are desired or recommended.

LIBRARY OVERDUE FINES - INTENT VS. IMPACT

Historically, public libraries have imposed fines on patrons when borrowed materials are not returned or renewed by their due date. The justifications most frequently cited for charging overdue fines include: 1) incentivizing the timely return or renewal of borrowed items, 2) providing a supplementary source of revenue, and 3) teaching patrons (especially children) responsibility.

Over the last decade, however, many (if not most) public libraries have come to recognize that the use of overdue fines does not necessarily accomplish these goals, nor do these goals and practices necessarily align with the mission and purpose of the public library. In fact, overdue fines are now generally recognized as having numerous negative and harmful impacts on individual patrons, communities, library staff, and the reputation of the library itself:

- Overdue fines discourage or prevent community members from using a vital public resource.
- Overdue fines create barriers to access that disproportionately impact vulnerable populations, especially children and individuals/families experiencing economic hardship.
- Overdue fines undermine the library's role in the community as a welcoming civic institution and reduce community goodwill and support.
- The collection of overdue fines is an inefficient and uneconomical use of limited staff resources ("spending dollars to collect dimes") which could instead be allocated towards serving and supporting patron and community needs.

The attached 2021 report, "Library Late Fees" provides an excellent summary of many of the detrimental impacts overdue fines have on libraries, library staff, individual library patrons, and the communities libraries serve.

OVERDUE FINES AND PUBLIC LIBRARIES - NATION, STATE, AND REGION

In January, 2019, the American Library Association (ALA) adopted the "Resolution on Monetary Library Fines as a Form of Social Inequity" (included with this staff report) which identified monetary fines (including overdue fines) as an economic barrier to accessing library materials and services and urged libraries (and their governing bodies) to move towards their elimination. While there were some libraries who had eliminated overdue fines prior to this date, the resolution reflected a growing trend of public libraries eliminating overdue fines in order to reduce barriers to access and to make more efficient, supportive, and impactful use of limited staff resources.

The Oregon City Public Library is a member of the Libraries in Clackamas County (LINCC) cooperative. All of LINCC's regional peer libraries and systems have eliminated overdue fines: Fort Vancouver Regional Libraries eliminated overdue fines in 1970, Multnomah County Libraries eliminated overdue fines in 2020, Washington County Cooperative Library Services (WCCLS) and Hood River County Library District eliminated overdue fines in 2021, and both the City of Camas Public Library and the City of Salem Public Library eliminated overdue fines in 2022.

Statewide, the situation is very similar, with the majority of Oregon libraries no longer charging overdue fines. Based on data collected annually by the State Library of Oregon, 80% of public library locations in the State of Oregon no longer charge overdue fines. These overdue fine-free libraries serve 87% of Oregonians.

Of the minority of public libraries in the State of Oregon which still charge overdue fines, 8 are members of LINCC. Historically, when LINCC libraries have explored the idea of eliminating overdue fines, it had been with the hope of doing it simultaneously across the entire LINCC cooperative to minimize patron confusion and maintain consistency across all LINCC locations. For a variety of reasons, however, it has not been possible for all LINCC libraries (which are operated by individual, autonomous local governments) to commit to the LINCC-wide elimination of overdue fines. In FY 25/26 several individual LINCC libraries

decided to move forward with eliminating overdue fines for their patrons rather than waiting until all LINCC libraries were ready/able to do so. To date, within LINCC, the Ledding Library of Milwaukie, Molalla Public Library, Lake Oswego Public Library, West Linn Public Library, and Wilsonville Public Library have eliminated overdue fines.

LIBRARY BOARD RECOMMENDATION TO ELIMINATE OVERDUE FINES

At their February 25, 2026 meeting, the Oregon City Library Board unanimously voted to recommend to the City Commission that the Oregon City Public Library 1) eliminate overdue fines on library materials, and 2) waive outstanding overdue fine balances on Oregon City library patron accounts.

The estimated financial impact of these proposals is relatively minor:

RECOMMENDATION	FINANCIAL IMPACT	FREQUENCY
1) Eliminate overdue fines on library materials.	Approx. \$6,500 (anticipated to decline in future years)	Annual
2) Waive outstanding overdue fine balances on OC patron accounts	Approx. \$24,000	One-time

By comparison, the Library's FY24/25 operating expenditures (per the FY 24/25 Annual Comprehensive Financial Report) were approximately \$3.2 million.

The elimination of overdue fine revenue would have no negative patron service reductions or impacts; beginning in FY 23/24, overdue fine revenue has not been included in the Library Fund budget, and the reduction in overdue fine collection would not result in any reduction to library materials, staff, programs, or services. In addition, the actual financial impact of waiving outstanding fine balances would likely be less than \$24,000. Public libraries (OCPL included) do not routinely collect 100% of outstanding overdue fine receivables, and (per LINCC policy and County record retention schedules) after 3 years with no activity on a patron account, many unpaid bills are purged from the shared Integrated Library System (ILS).

The Library Board believes that the continued collection of overdue fines is inconsistent with the City Commission priorities, inconsistent with existing City policy, and inconsistent with the purpose and goals of the Oregon City Public Library. In addition, the Library Board also believes that eliminating fines will better align the Oregon City Public Library with national, state, and regional library practices, and will improve the overall library experience for both patrons and staff. Of particular note, an analysis of the data shows that the impact of overdue fines on Oregon City patrons disproportionately impacts our young patrons. 62% of

overdue fines collected in FY 24/25 were either on a youth's library card or assessed on youth materials (likely checked out on a parent's or caregiver's card). Similarly, 63% of current outstanding overdue fine balances are on a youth's library card or have been assessed on youth materials (likely checked out on a parent's or caregiver's card).

If the City Commission were supportive of these recommendations, Library staff would target August 1, 2026 as the implementation date for eliminating overdue fines and waiving overdue fine balances. This would provide sufficient time to work with the County's LINCC Library Support Services office to make necessary configuration changes to the shared Integrated Library System (ILS) and for the Library and the City to publicize the change to our patrons.

CITY COMMISSION FEEDBACK

Should the City Commission be supportive of the recommendation, the City Commission's current Goals and Priorities as well as existing City policy may already be sufficient to permit staff to move forward with eliminating overdue fines and waiving existing overdue fine balances. If, however, the City Commission prefers to have a formal deliberation and vote on the Library Board's recommendations, we would be happy to present the proposal at the June 17th City Commission Regular Meeting.

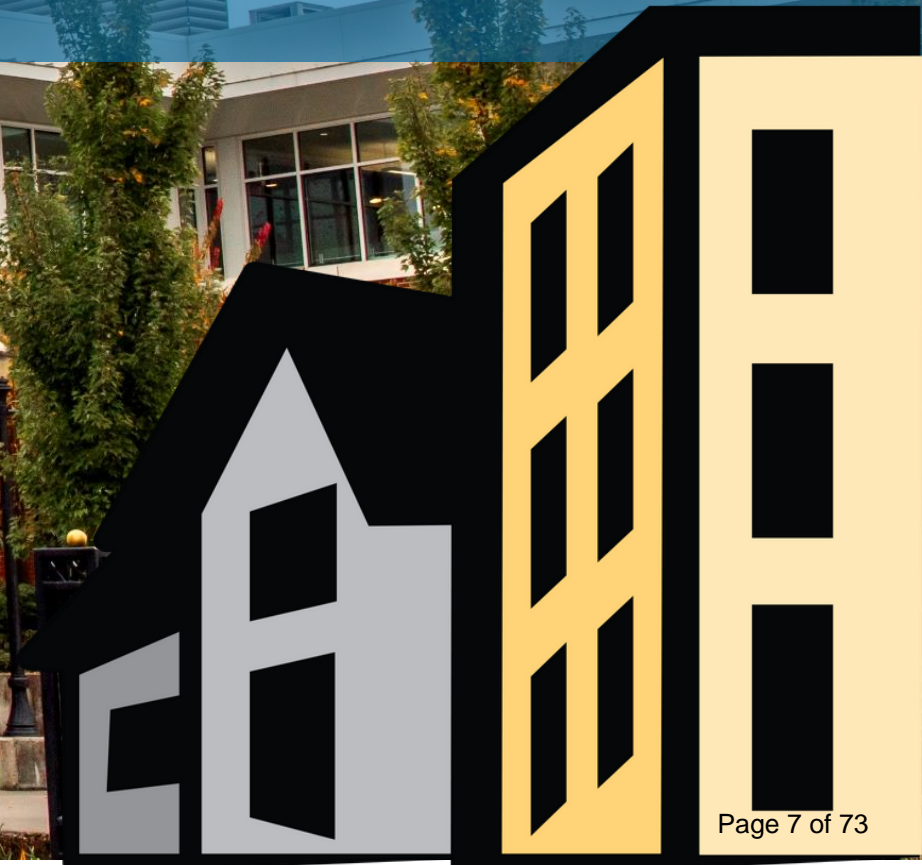
OPTIONS:

N/A - Discussion only



LIBRARY OVERDUE FINES

Recommendation by the Oregon City
Library Board to the City Commission
June 9, 2026



Presentation Overview

- 1) Definition of Overdue Fines
- 2) Recommendation to Eliminate Overdue Fines at the Oregon City Public Library
- 3) City Commission Discussion and Direction



Definitions

- **Overdue fines** only refer to fines assessed when materials are not renewed or returned by the due date (typically \$0.10/day).



Definitions

- Overdue fines do not include charges for materials that are:

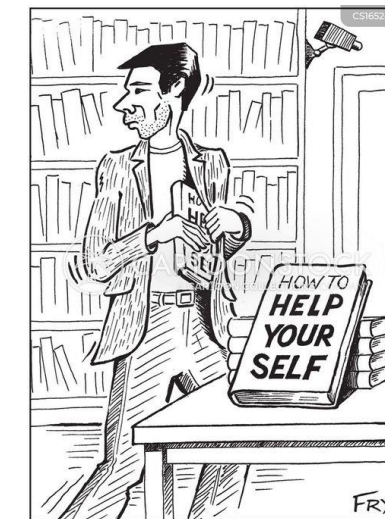
Damaged



Lost



*Stolen **



**The Library works with OCPD to investigate and press charges in cases of theft.*

No changes to any of these charges are being proposed.



Library Board Recommendations

RECOMMENDATION	FINANCIAL IMPACT (amount/frequency)
#1) Eliminate overdue fines on Library materials.	Approx. \$6,500 / year (declining in future)
#2) Waive outstanding overdue fine balances on OC patron accounts.	Approx. \$24,000 / one-time

If approved, anticipated implementation date for both recommendations is August 1, 2026



Library Board Recommendations

Why is the Library Board recommending eliminating overdue fines?

1. Directly supports City Commission access and equity goals.
2. Improves consistency with existing City policy.
3. Better alignment with statewide public library practices.
4. Minimal financial impact.
5. Better overall Library experience for our community.



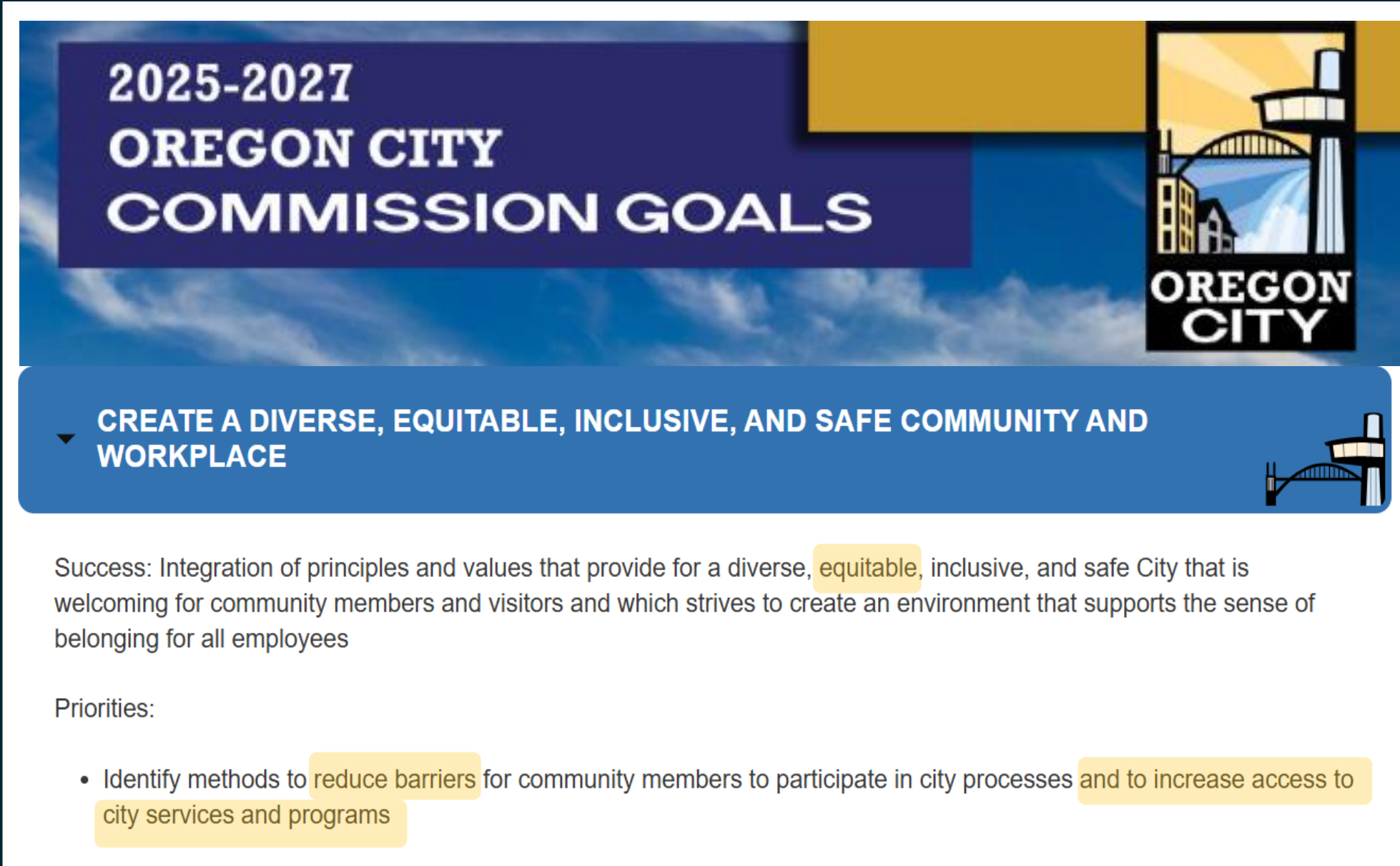
Library Board Recommendations

1. Directly supports Commission access and equity goals.

2. Improves consistency with existing City policy.
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#1) Supports Commission Access and Equity Goals



The graphic features a blue sky background with white clouds. A dark blue banner at the top left contains the text '2025-2027 OREGON CITY COMMISSION GOALS' in white. To the right is the Oregon City logo, which includes a stylized bridge and a tower, with the words 'OREGON CITY' below it. A smaller version of the logo is in the bottom right corner of the graphic.

▼ **CREATE A DIVERSE, EQUITABLE, INCLUSIVE, AND SAFE COMMUNITY AND WORKPLACE**

Success: Integration of principles and values that provide for a diverse, equitable, inclusive, and safe City that is welcoming for community members and visitors and which strives to create an environment that supports the sense of belonging for all employees

Priorities:

- Identify methods to reduce barriers for community members to participate in city processes and to increase access to city services and programs



#1) Supports Commission Access and Equity Goals



Resolution on Monetary Library Fines as a Form of Social Inequity

Adopted by the Council of the American Library Association
Monday, January 28, 2019, in Seattle, WA



Whereas monetary fines present an economic barrier to access of library materials and services;

Whereas there is mounting evidence that indicates eliminating fines increases library card adoption and library usage;

Whereas monetary fines create a barrier in public relations, and absorb valuable staff time applying, collecting, and managing dues;

Whereas the first policy objective listed in ALA Policy B.8.10 (Library Services to the Poor) as approved by ALA Council on January 28, 2019, states that the American Library Association shall implement these objectives by "Promoting the removal of barriers to library and information services, particularly fees, and overdue charges";

Whereas ALA Policy B.4.2 (Free Access to Information) "asserts that the charging of fees and levies for information services, including those services utilizing the latest information technology, is discriminatory in publicly supported institutions providing library and information services";

Whereas in Economic Barriers to Information Access, An Interpretation of the Library Bill of Rights, ALA states "All library policies and procedures, particularly those involving fines, fees, or other user charges, should be scrutinized for potential barriers to access;

Whereas libraries will need to take determined and pragmatic action to dismantle practices of collecting monetary fines

Whereas libraries of all types are responsive to bodies, be they school districts, boards of trustees, college and university administration, or government entities and therefore need to be able to make the case to those bodies about eliminating fines; and

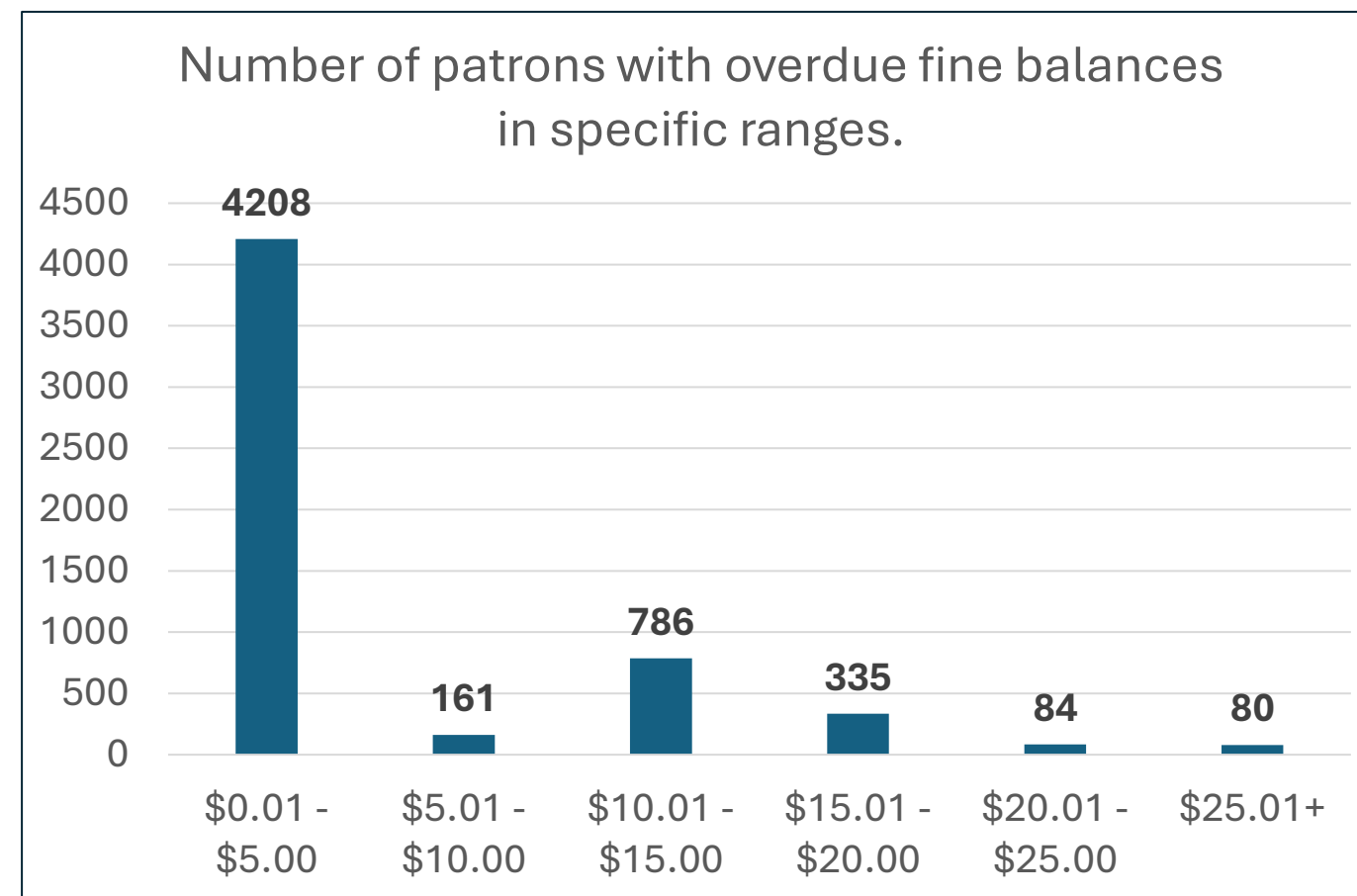
Whereas monetary fines ultimately do not serve the core mission of the modern library; now, therefore, be it

Resolved, that the American Library Association (ALA), on behalf of its members

1. adds a statement to the Policy Manual that establishes that "The American Library Association asserts that imposition of monetary library fines creates a barrier to the provision of library and information services.";
2. urges libraries to scrutinize their practices of imposing fines on library patrons and actively move towards eliminating them; and
3. urges governing bodies of libraries to strengthen funding support for libraries so they are not dependent on monetary fines as a necessary source of revenue.
4. establish a working group to develop information resources, including strategies and tips, for libraries interested in abolishing fines, with a report due to Council at the 2019 Annual Conference

#1) Supports Commission Access and Equity Goals

- Currently, **21%** of OC cardholders (5,654 out of 26,407) have overdue fines on their account.
- Overdue fines create a disincentive and financial barrier to access for a significant number of OC cardholders.



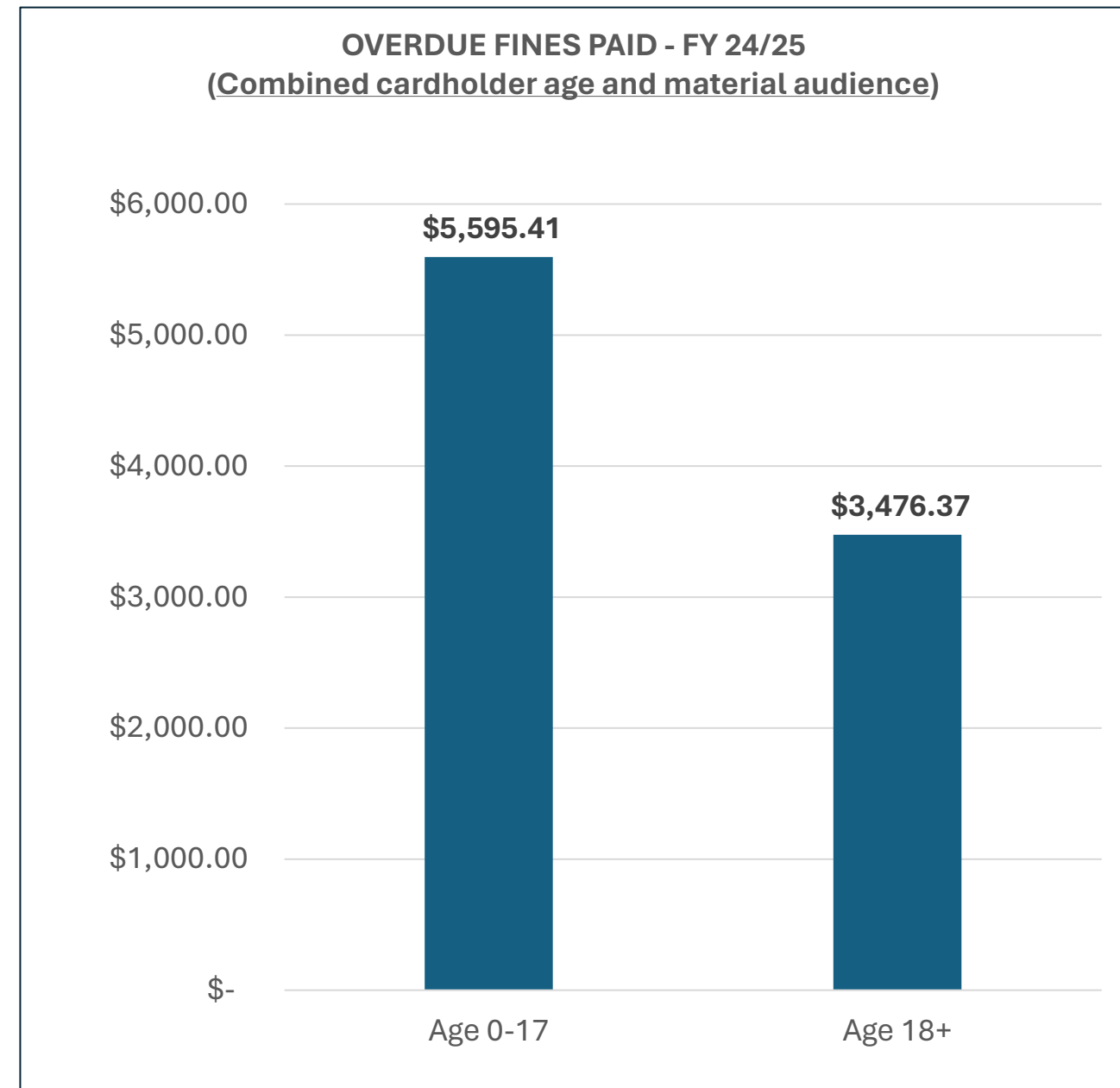
#1) Supports Commission Access and Equity Goals

- One of the Library's main areas of focus (per its Strategic Plan) is **Create and Support Young Readers.**
- For OCPL, overdue fines also disproportionately impact the young patrons we prioritize supporting.



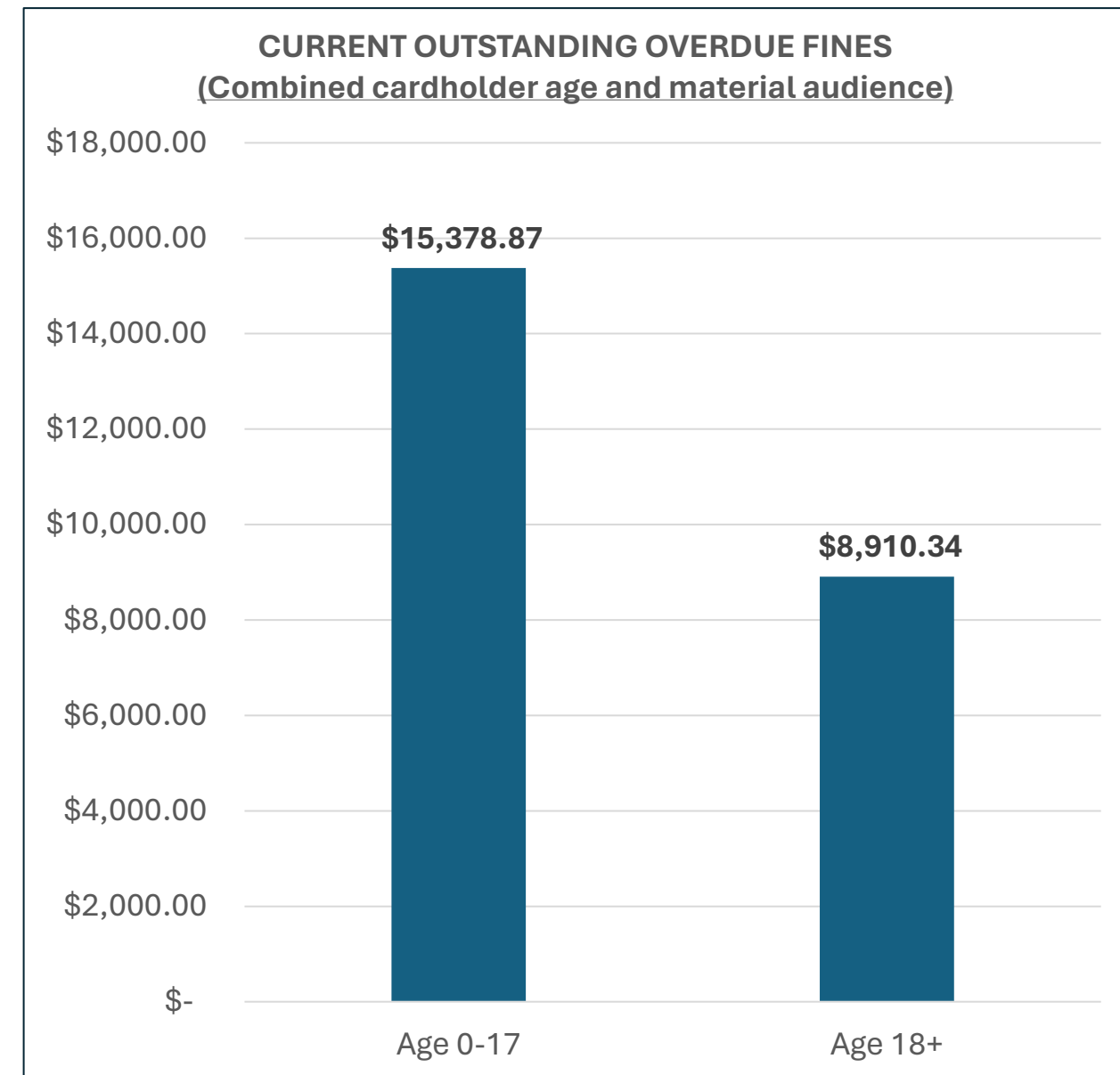
#1) Supports Commission Access and Equity Goals

- Of the \$9,075 in overdue fines collected in FY 24/25, **62%** was either on a youth library card or associated with youth materials (likely checked out by parents).



#1) Supports Commission Access and Equity Goals

- Similarly, of the approximately \$24,289 in outstanding overdue fine balances, **63%** is either on a youth library card or associated with youth materials (likely checked out by parents).



Library Board Recommendations

1. Directly supports City Commission access and equity goals.
- 2. Improves consistency with existing City policy.**
3. Better alignment with statewide public library practices.
4. Minimal financial impact.
5. Better overall Library experience for our community.



#2) Improves consistency with existing City policy

- Per City Policy, departmental fees are intended to reimburse the City for costs incurred in providing specific services.
- Overdue fines are not related to any Library expenditure or cost (Historically, their purpose has been to incentivize specific behavior).

Management Policy 3-29
July 1, 2025

REIMBURSABLE COSTS FOR MISCELLANEOUS CITY SERVICES

PURPOSE

The purpose of this policy is to provide for a biennial examination of miscellaneous City services offered, requested or required by specific individuals, organizations, businesses, etc., and to establish a uniform schedule of fees for the reimbursement of the costs of those services.

APPLICABILITY

This policy is applicable to all persons requesting or requiring these miscellaneous City services and to all City departments providing the requested or required services.

IN GENERAL

This policy requires each department to set fees for certain miscellaneous City services not specifically regulated by Oregon State Statutes, City Charter, City Code, City Ordinance or City Resolution, at a rate that covers the actual cost to the City, and to review those costs at least on a biennial basis.



#2) Improves consistency with existing City policy

- Existing fee schedule utilizes “up to” language, which would permit reducing overdue fines on all items to \$0.00 with no updates to existing policy/schedule.

LIBRARY

LATE/DAMAGED/LOST ITEM COSTS:	
General materials (daily late fee)	Up to \$0.10 / day
General materials (maximum late fee)	Up to \$5.00
General materials (damaged/lost charge)	Up to retail cost of item



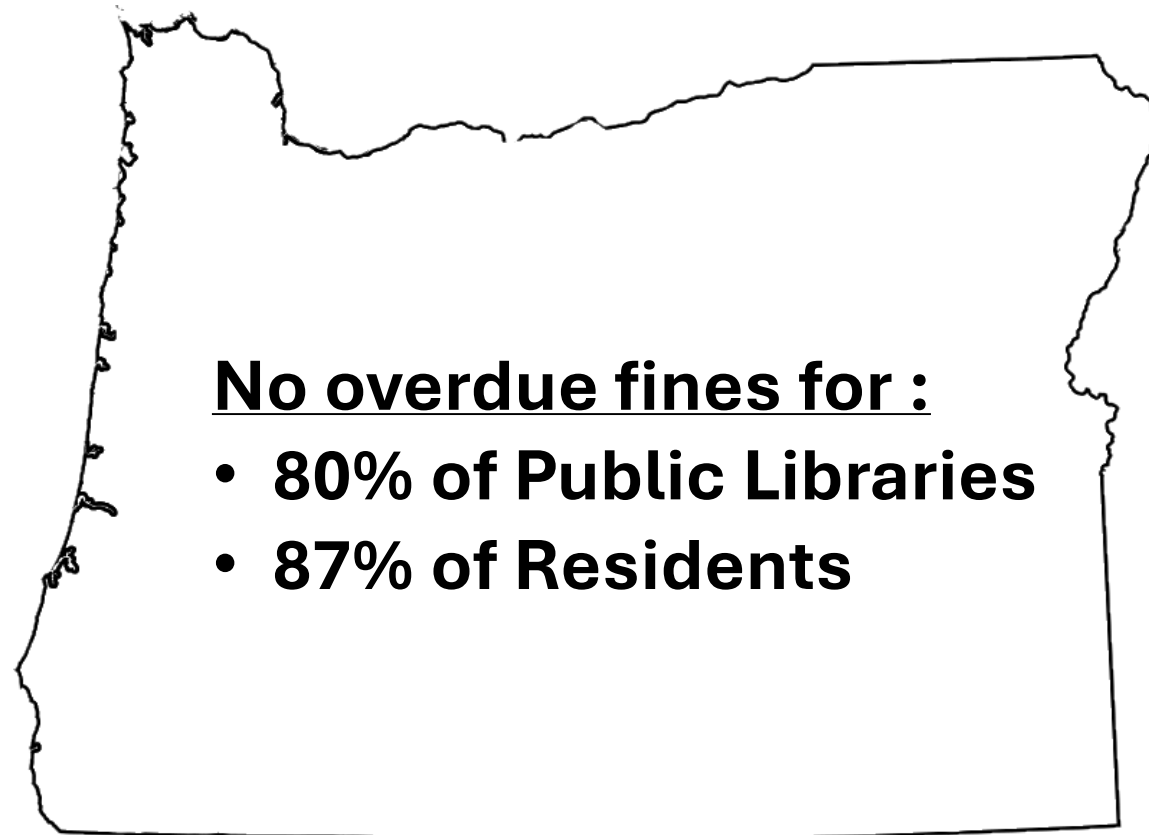
Library Board Recommendations

1. Directly supports City Commission access and equity goals.
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- 3. Better alignment with statewide public library practices.**
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#3) Better alignment with statewide public library practices

- Most public libraries in Oregon no longer charge overdue fines



No overdue fines for :

- 80% of Public Libraries
- 87% of Residents

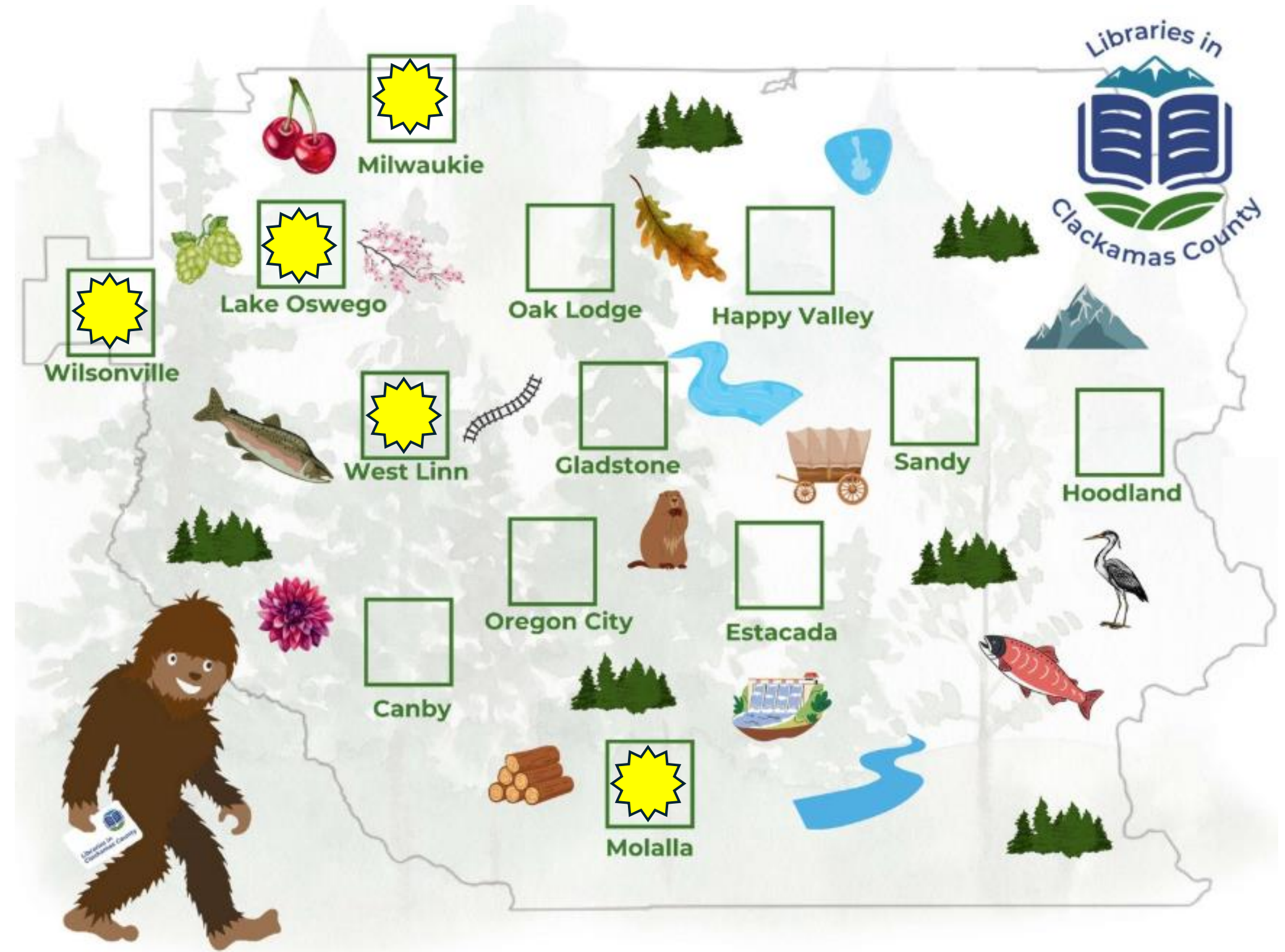
OR Libraries still charging overdue fines

Library Name	Population	City	District or cooperative membership
Happy Valley Public Library	62,066	Happy Valley	LINCC
Oregon City Public Library	61,065	Oregon City	LINCC
Sandy Public Library	33,928	Sandy	LINCC
Clackamas County - Oak Lodge Public Library	31,871	Oak Grove	LINCC
Hermiston Public Library	28,129	Hermiston	UCSLD
Ontario Library District	26,259	Ontario	
Canby Public Library	25,462	Canby	LINCC
Pendleton Public Library	22,164	Pendleton	UCSLD
Gladstone Public Library	21,543	Gladstone	LINCC
Silver Falls Library District	20,628	Silverton	CCRLS
The Dalles-Wasco County Library	20,599	The Dalles	WCLSD
Lebanon Public Library	19,936	Lebanon	
Estacada Public Library	19,880	Estacada	LINCC
Baker County Library District	16,746	Baker City	
Cottage Grove Public Library	10,879	Cottage Grove	
Astoria Public Library	10,131	Astoria	
C. Giles Hunt Memorial Library	8,679	Sutherlin	
Lake County Library District	8,221	Lakeview	
Junction City Public Library	7,410	Junction City	
Seaside Public Library	7,268	Seaside	
Lower Umpqua Library District	6,371	Reedsport	
Winston Public Library	5,666	Winston	
Union Carnegie Public Library	4,316	Union	
Amity Public Library	4,077	Amity	CCRLS
Nyssa Public Library	3,290	Nyssa	
Oakridge Public Library	3,167	Oakridge	
Stanfield Public Library	2,839	Stanfield	UCSLD
Vernonia Public Library	2,433	Vernonia	
Emma Humphrey Library	1,870	Vale	
Brownsville Community Library	1,830	Brownsville	
Yoncalla Public Library	1,086	Yoncalla	
North Powder City Library	812	North Powder	
Helix Public Library	418	Helix	UCSLD



#3) Better alignment with statewide public library practices

- **5 out of 13 LINCC** libraries have recently eliminated overdue fines.



Library Board Recommendations

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- 4. Minimal financial impact.**
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#4) Minimal Financial Impact

FISCAL YEAR	OVERDUE FINES COLLECTED
FY 22-23	\$15,104
FY 23-24	\$12,326
FY 24-25	\$9,075
<i>FY 25-26</i>	<i>\$6,500 (est)</i>

- Overdue fine revenue will likely continue to decline in the future due to various factors (more usage of eBooks, planned LINCC-wide automatic renewals, better patron due date communications, empowering staff to reduce barriers, etc...).
- Since BY 23/25, overdue fine revenue has not been included in Library operating budget (overdue fine elimination will have no negative service impacts).
 - For the proposed one-time \$24,000 waiver, it is unlikely that the full amount would be collected before historical records are purged (after 3 years of no activity, per LINCC policy and County retention schedule)



Library Board Recommendations

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3. Better alignment with statewide public library practices.
4. Minimal financial impact.
- 5. Better overall Library experience for our community.**



#6) Better overall Library experience for our community.

“Some of our patrons will think that one simple transgression such as returning materials a few days late leaves you embarrassed and financially culpable. Who would want to return to such a place?”
(Kohn, 2015)



- The Library’s reputation as a welcoming, accessible community space is harmed by the association with late fees.
- Staff time and energy expended in dealing with overdue fines and negative interactions could be better spent on supporting patrons and addressing their needs.
- The community goodwill lost through negative interactions over overdue fines is far more valuable than the small amount of revenue received.



Other Common Concerns



Concern #1

“Overdue fines teach responsibility.”

- Overdue fines do not distinguish between people who are responsible or not. More often, they distinguish between:
 - People who have or do not have the technological ability and access to self-renew materials.
 - People who do or do not have reliable or convenient transportation to the Library.
 - People who can and cannot afford to use money to address a common oversight.



Concern #2

“Overdue fines incentivize people to return materials on time”

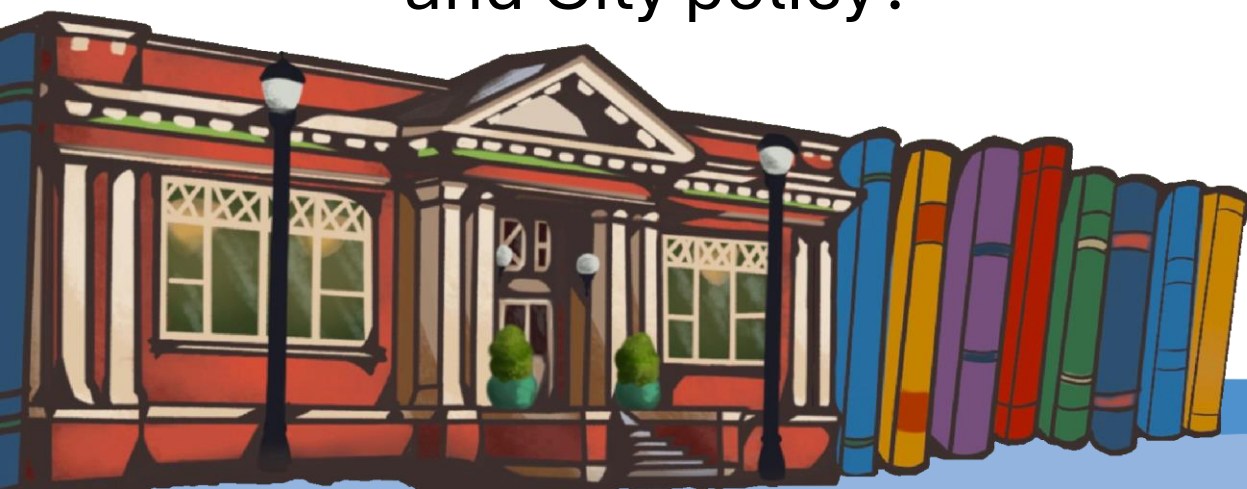
- Multiple studies have shown there is no strong correlation between overdue fines and timely returns.
- In fact, overdue fines can have the opposite effect. A person faced with unaffordable late fees may simply choose to stay away from the library and never return late materials.

“It became clear to us that there were families that couldn’t afford to pay the fines and therefore couldn’t return the materials, so then we just lost them as patrons altogether..we wanted our materials back, and more importantly, we wanted our patrons back.”
(Bowman, 2019)



Questions for Commission

1. Is the City Commission supportive of the Library Board's recommendation to eliminate overdue fines starting August 1, 2026?
2. Is the City Commission supportive of the Library Board's recommendation to waive approximately \$24,000 in existing overdue fines on OC patron accounts as of August 1, 2026?
3. Presuming there is City Commission support, does the Commission wish to have a formal vote at the June 17, 2026 regular meeting, or is the Commission comfortable with Library Staff proceeding based on existing Commission goals/priorities and City policy?





Library late fees

NOT JUST INEFFECTIVE, BUT HARMFUL

February 16, 2021
prepared by Lori Bown Ayre, THE GALECIA GROUP

About the author

Lori Bowen Ayre is a nationally recognized expert in library technology. Since forming The Galecia Group in 2000, she has worked with city and county libraries and consortia throughout North America especially in the areas of material handling, RFID, and technology planning and assessment. She also guides the work of The Galecia Group in a variety of activities including offering software development, open data, and civic technology services. The Galecia Group also developed and supports two software-as-a-service offerings: Bookpoints and LibraryCall.

Broad experience with libraries, a deep understanding of technology and commitment to the mission of public libraries informs all of Lori's work. She believes in the transformational power of libraries and works to help libraries leverage technology to streamline back office functions, reduce operating costs, and improve and expand customer services.

Lori and her team believe that libraries are critical institutions for our democratic society and that these institutions must change as society changes. Recognizing that technology is a catalyst of change, they work to help libraries harness the power of technology as libraries navigate the changing needs of their communities.

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Increasing numbers of libraries have ELIMINATED LATE FEES

because they are ineffective at promoting the timely return of materials, and argue that they undermine the mission of the library to provide equitable access to library services and resources.

In eliminating late fees, many libraries have discovered that the use of the library increases without the rate of overdue returns rising, and in some cases even reducing the number of late returns. These libraries also report improved relationships between their library staff and the community.

JUSTIFICATIONS FOR CHARGING LATE FEES

There are four commonly cited justifications for charging late fees, but in each case, the desired outcome is often not the result.

1

Charging late fees for material teaches children responsibility

This is one of the oldest cited reasons that libraries charge late fees.

The problem with this explanation for charging late fees is that most would argue that the library's primary job is to provide access to information, support literacy, and promote reading and it is the parent's job to teach responsibility.

About teaching responsibility, one librarian says, "I don't think it's our task, or that it's mission-centric, any more than teaching people manners is. Our role is to provide access to information" (Poon, 2019).

Another problem with the responsibility argument is that kids have virtually no control over when their library materials get returned. Late material has more to do with the working schedules of the parents than any sense of responsibility a child might feel about returning their books on time.

2

Late fees incentivize people to return material on time

Another reason for charging late fees is to ensure material comes back on time to prevent longer wait times for people with holds on the material. However, "libraries who have implemented fine-free programs have proven that these fears are unfounded" (Kohn, 2015).

Studies show that late fees do not increase the rate of on-time returns unless the fines are very high (Burgin and Hansel, 1984), but most libraries don't charge high fees because it would reduce library use (which we explore later).

Many studies have documented the fallacy that late fees increase the rates of on-time returns (Burgin and Hansel, 1984; Kohn, 2015). In most cases, the imposition of late fees has no effect (Hixon, 2019). In at least one case, the return rate has improved after late fees were dropped (Carter, 2019).

Late material has more to do with the **working schedules of the parents** than any sense of responsibility a child might feel about returning their books on time.

3

Late fees ensure people return material rather than just keep it

Similar to the idea that late fees incentivize people to return material on time, the idea is that people would just keep library material if there were no consequences. The fact is that most libraries do have consequences for not returning items and it is a more effective approach than using late fees. A replacement fee is charged to patrons who fail to return an item. The replacement cost is limited to the actual cost of replacing an item, unlike late fees that can just keep adding up indefinitely.

The truth is that most libraries have a cap on late fees or convert a long overdue item to a lost item so it no longer accrues a late fee but the mythology is firmly attached to libraries nonetheless (Ailworth and Kesling, 2019). How many “funny” stories have we heard about the person who found the library book under the bed and was supposedly facing hundreds of dollars in late fees (Sifton, 2009; Vitra, 2018; Mancini, 2019).

Ironically, late fees have been shown to increase the number of items that don’t come back to the library. A person faced with excessive late fees may choose to stay away from the library rather than facing the shame of trying to arrange payment (EBSCO, 2010). “It became clear to us that there were families that couldn’t afford to pay the fines and therefore couldn’t return the materials, so then we just lost them as patrons altogether...we wanted our materials back, and more importantly, we wanted our patrons back.” (Bowman, 2019).

4

Late fees provide an important revenue stream for the library

The amount of fine money “on-the-books” can look like a large number but in most cases, the amount collected represents less than 1% of the total library budget (Graham, 2017; Fallon, 2015; Kohn, 2015; Pyatetsky, 2015; Wenger, 2018; Bowman, 2019, Morehart, 2018) and it costs a lot to recover it. Some libraries have reported that it costs more to collect the fees than the amount of fees collected (Poon, 2019).

Handling the money, updating the patron account, and providing a receipt can take up a “nice chunk of staff time” (Burgess, 2017). One library estimated they spent \$1.2 million (including staff time) to collect \$600,000 in library fees (Hoffman, 2019).

One library eliminated overdue fines and found the move to be cost neutral because they were “able to eliminate costly credit card technology on their self-check machines and save a great deal of staff time” (Hixon, 2019; Graham, 2017).

(Bowman, 2019)

It became clear that there were families that couldn’t afford to pay the fines and therefore couldn’t return the materials, so then we just lost them as patrons altogether.

Many images associated with libraries are positive,
**but the shushing librarian stereotype
and the fear of incurring late fees**
are probably the two most damaging.

FINES CAUSE HARM

Fines go beyond being ineffective, they are harmful. They disproportionately hurt low-income patrons and prevent people from being able to use the library. Late fees create a stressful work environment for staff. Library fees also hurt the library brand.

LATE FEES DISPROPORTIONATELY HURT LOW-INCOME PATRONS

As more and more libraries have explored the idea of eliminating late fees, they have looked at the underlying patron data. What they have found is that people in well-to-do communities are not negatively affected by fines, but for low-income patrons, fees are more than just a nuisance.

“Library fines in most places remain quaintly low, sometimes just 10 cents per day. But one user’s nominal is another’s exorbitant. If a child checks out 10 picture books, the kind of haul librarians love to encourage, and then his mother’s work schedule prevents her from returning them for a week past the due date, that’s \$7. For middle-class patrons, that may feel like a slap on the wrist, or even a feel-good donation. For low-income users, however, it can be a prohibitively expensive penalty.” (Graham, 2017).

Libraries have consistently found that the number of people with library fines that have blocked a patron’s ability to use the library tend to be in poor neighborhoods (Wenger, 2018). One city found that 40% of the patrons in the city’s poorest neighborhoods had fines they couldn’t pay (Bowman, 2019).

Two large, urban cities discovered that people living in poverty and communities of color had higher rates of “blocked patrons” due to library fines. “Overdue fines are not distinguishing between people who are responsible and who are not. They’re distinguishing between people who can and cannot use money to overcome a common oversight” (Poon, 2019).

LATE FEES PREVENT PEOPLE FROM BEING ABLE TO USE THE LIBRARY

When a person has unpaid late fees, they often feel ashamed – feeling that they are perceived as irresponsible. They are also often blocked from checking out additional material. The result can be that libraries not only lose valuable library materials, but they lose their valued patrons.

“For many, it is more palatable to discontinue using the library than to pay up or to face the shame of being “irresponsible” (Sawyer, 2017).

“Library users with limited income tend to stay away from libraries because they may be afraid of incurring debt,” said Ramiro Salazar, president of the association’s public library division. “It stands to reason these same users will also stay away if they have already incurred a fine simply because they don’t have the money to pay the fine.” (Bowman, 2019)

“Parents struggling to get by won’t allow their children to use the library for fear of the fines. ‘I try to explain to [my daughter], don’t take books out. It’s so expensive.’” (Graham, 2017).

“We know the heartbreaking truth: that there are families who refuse to even use the library for fear of accumulating fines.” (Marx, 2017).

Overdue fines are not distinguishing between people who are responsible and who are not.

They're distinguishing between people who can and cannot use money to overcome a common oversight.

(Poon, 2019)

FINES CAUSE HARM

COLLECTION OF LATE FEES IS STRESSFUL FOR STAFF

As more libraries have moved to self-check machines, the ratio of uncomfortable encounters that circulation staff have to address has increased because most transactions can be done at the self-checks leaving only the awkward and stressful transactions for staff to negotiate.

“We’ve probably all experienced the feeling of dread of having to tell a patron that they owe overdue fines on their account. Especially a problem patron, who will argue that they returned the materials on time, they put them in the book drop while we were closed, how dare we charge him when he returned them on time... all while the line at the circulation desk grows longer and longer.” (Burgess, 2017).

“In the library, arguing about fines is the single most negative experience for customers and staff.” (Wenger, 2018).

THE LIBRARY BRAND IS HARMED BY ITS ASSOCIATION WITH LATE FEES

Many images associated with libraries are positive, the shushing librarian stereotype and the fear of incurring late fees are probably the two most damaging.

There’s a Seinfeld episode (Seinfeld, 2009) in which the local policeman threatens Jerry Seinfeld because he has not returned his book on time. It is a funny scene but is it good for libraries? “Some of our patrons will think exactly that: one simple transgression such as returning materials a few days late leaves you embarrassed and financially culpable. Who would want to return to such a place?” (Kohn, 2015).

The cost of undoing the harm associated with late fees and the related embarrassment and shame is the cost of a family of library users. “If the library does not charge for the damaged book, it loses about \$25.00. ... [But] it will cost the library more than \$25.00 to convince this mother to return to the library. It will cost the library more than \$25.00 to persuade this mother that the library is a welcoming community place willing to mount literacy programs aimed at her children, who will not benefit from regular library visits and programs. And when these children are adults, it will cost the library more than \$25.00 to convince them that the library is a welcoming and supportive place for their children.” (Graham, 2017).

ELIMINATING FINES OFFERS BENEFITS

The libraries that have stopped charging late fees have identified several positive outcomes including increasing the number of people using the library, increasing circulation, improving relationships between staff and patrons, freeing up staff time to engage in positive activities, and reinforcing the image of the library as an empowering and shame-free environment.

INCREASED NUMBER OF ACTIVE PATRONS

Once the threat of fines is lifted, the library becomes a community resource that is safe for everyone to use regardless of their financial situation. When fines are eliminated, libraries see old patrons return and lapsed patrons come in to renew their library card.

“Lifting fines has had a surprising dual effect: More patrons are returning to the library, with their late materials in hand. Chicago saw a 240% increase in return of materials within three weeks of implementing its fine-free policy last month. The library system also had 400 more card renewals compared with that time last year.” (Bowman, 2019).

People who never had a library card may sign up for the first time, allowing libraries to expand outreach to their communities.

“Without fines, more community members are stepping into the Library, and this allows us to better fulfill our mission. The number of items checked out during the 17–18 fiscal year increased 16% from the previous year. We also signed up nearly 26,000 new cardholders.” (The City Library, 2018).

(The City Library, 2018)

Without fines, more community members are stepping into the Library, and this allows us to better fulfill our mission.

The number of items checked out during the 17–18 fiscal year increased 16% from the previous year.

We also signed up nearly 26,000 new cardholders.

INCREASED CIRCULATION

While circulation rates have levelled or gone down in recent years, eliminating fines is one of the best ways to increase circulation. Libraries have seen circulation increases of 2-16% following the elimination of late fees (Graham, 2017; City Library, 2018, Marx, 2017).

“Since St. Paul, Minnesota killed overdue fines, some branches have seen a double-digit percentage increase in circulation. Citywide, circulation is up nearly 2 percent – which may not sound like much, but it is the first increase the city has seen in 10 years.” (PYMNTS).

The reason circulation goes up is because people keep using the library even when they’ve returned material late. For some, the cost – or even the threat -- of late fees becomes a bar too high so they discontinue using the library as soon as late fees become an issue (The City Library, 2018; Marx, 2017).

ELIMINATING FINES OFFERS BENEFITS

LONG OVERDUE MATERIAL RETURNED

Depending on how the library goes about eliminating fines, it can result in a wave of returned material that has been long gone from the library. Combining the elimination of new fines and offering to forgive all existing fines opens the door for patrons to come back to use the library and return their long overdue material.

One large, urban library system held a one month amnesty program in which \$329,797 in fines was forgiven. In exchange, they got 700,000 books back that were valued at \$236,490 and 5,067 patrons had their borrowing privileges restored (Sawyer, 2017).

IMPROVED RELATIONSHIPS BETWEEN STAFF AND PATRONS

Eliminating late fees transforms the experience of staff working with customers. Rather than having 90% of one's interactions with patrons being related to fees, staff can spend more time helping patrons find answers to questions, get help using library resources and generally enjoy a positive interaction.

“Staff members are happy, because they no longer spend time locked in awkward exchanges with patrons who are angry, distraught, or indignant about their overdue fines.” (Graham, 2017).

“It's been smooth sailing since the new policy went into effect. Interactions between staff and patrons have been friendlier, and libraries in low-income neighborhoods have been busier.” (Carter, 2019).

SUGGESTIONS FOR MORE EFFECTIVE APPROACHES

CHARGE FOR LOST ITEMS BUT NOT LATE FEES

Many libraries have offered alternatives to charging late fees that have fewer of the drawbacks associated with the traditional approach.

- 1 Do not charge late fees, but if not returned after 45 days, the item is billed. If not paid by 61 days, the item goes to debt collection. (Crist et al, 2017)
- 2 Bill for replacement cost in lieu of fines once the item is two weeks overdue, plus a processing fee and blocked from further checkouts. If and when the items are eventually returned, the bill and processing fees are waived and no fines assessed. (Kohn, 2015)
- 3 Revoke patron's library privileges until they return the overdue item. After three weeks have lapsed, they'll be charged for the cost of the material. After 81 days, their account will be transferred to a collection agency, which will impose a nominal fee." (Carter, 2019).
- 4 Renew material automatically up to 15 times as long as there are no holds on it. Afterwards, the item will be marked lost, and the library will charge the borrower its market value, though charges will be cleared as long as the borrower returns it." (Poon, 2019).

USE REMINDERS TO ENCOURAGE ON-TIME RETURNS

Many libraries are finding that simply sending out more frequent reminders is the best way to get more material returned on time. Reminders are a way to help people be responsible without using the punitive approach of a fee.

With most patrons using email, it is virtually free to send out multiple, timely reminders that will increase the chance of material being returned on time (Morehart, 2018).

If the goal is to get library material back (even if it's late), then late fees can actually have the opposite effect. However, timely and persistent reminders - without the threat of punitive fees - provides positive encouragement to find and return library material.

CONCLUSION

Charging late fees for overdue library material stopped being an effective way to increase on-time returns long ago. The practice is a remnant from a more paternalistic time in public library history. It has eroded the image of the library being a welcoming place where everyone belongs by imposing a punitive and, for many, unaffordable, financial cost.

Today there are much more effective ways to encourage the timely return of library material including email reminders before the due date and after items are overdue.

Continuing to charge for damaged and lost items and eliminating late fees ensures the investment in library resources is protected without causing embarrassment to patrons who incur fees, and guards against patrons discontinuing their use of the library resulting from the real and imagined cost of borrowing material intended to be free for all.

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Resolution on Monetary Library Fines as a Form of Social Inequity

Whereas monetary fines present an economic barrier to access of library materials and services;

Whereas there is mounting evidence that indicates eliminating fines increases library card adoption and library usage;

Whereas monetary fines create a barrier in public relations, and absorb valuable staff time applying, collecting, and managing dues;

Whereas the first policy objective listed in ALA Policy B.8.10 (Library Services to the Poor) as approved by ALA Council on January 28, 2019, states that the American Library Association shall implement these objectives by "Promoting the removal of barriers to library and information services, particularly fees, and overdue charges";

Whereas ALA Policy B.4.2 (Free Access to Information) "asserts that the charging of fees and levies for information services, including those services utilizing the latest information technology, is discriminatory in publicly supported institutions providing library and information services";

Whereas in Economic Barriers to Information Access, An Interpretation of the Library Bill of Rights, ALA states "All library policies and procedures, particularly those involving fines, fees, or other user charges, should be scrutinized for potential barriers to access;

Whereas libraries will need to take determined and pragmatic action to dismantle practices of collecting monetary fines

Whereas libraries of all types are responsive to bodies, be they school districts, boards of trustees, college and university administration, or government entities and therefore need to be able to make the case to those bodies about eliminating fines; and

Whereas monetary fines ultimately do not serve the core mission of the modern library; now, therefore, be it



Resolved, that the American Library Association (ALA), on behalf of its members

1. adds a statement to the Policy Manual that establishes that "The American Library Association asserts that imposition of monetary library fines creates a barrier to the provision of library and information services.";
2. urges libraries to scrutinize their practices of imposing fines on library patrons and actively move towards eliminating them; and
3. urges governing bodies of libraries to strengthen funding support for libraries so they are not dependent on monetary fines as a necessary source of revenue.
4. establish a working group to develop information resources, including strategies and tips, for libraries interested in abolishing fines, with a report due to Council at the 2019 Annual Conference

Adopted by the Council of the American Library Association
Monday, January 28, 2019, in Seattle, WA

A handwritten signature in black ink, appearing to read "Mary W. Ghikas".

Mary W. Ghikas, Executive Director
and Secretary of the ALA Council



CITY OF OREGON CITY

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Staff Report

To: City Commission **Agenda Date:** June 9, 2026
From: Tony Konkol, City Manager

SUBJECT:

Nicotine Ban and Limitation Regulation Options

STAFF RECOMMENDATION:

Staff recommends the City Commission discuss the nicotine ban and limitation memorandum and provide direction to staff

EXECUTIVE SUMMARY:

The City Commission has asked this office to provide some options for banning flavored tobacco and synthetic nicotine products. This inquiry follows the City’s adoption of Resolution 25-04 encouraging the State Legislature and Clackamas County to engage in this effort. During the 2025 legislative session, SB 702 banning flavored tobacco was introduced. Although the bill made it out of the Senate Early Childhood and Behavioral Health Committee, the bill died in the Finance Committee and never had a full Senate vote.

Given the analysis provided in the attached memorandum, dated June 4, 2026, the options that the City Commission might consider for further action include:

1. Lobbying Clackamas County to proceed with a ban either independently or in coordination with other interested cities or interest groups.
2. Await further efforts on the state level during the longer 2027 legislative session.
3. Proceeding with adoption of an ordinance amending the OCMC banning flavored tobacco with an workable enforcement structure that presumably would track closely with the text from Washington County’s Ordinance 599.

BACKGROUND:

OPTIONS:

1. Approve Nicotine Ban and Limitation Regulation Options.
2. Approve Nicotine Ban and Limitation Regulation Options with Amendments.
3. Deny Nicotine Ban and Limitation Regulation Options and provide further direction.

MEMORANDUM

TO: Mayor McGriff and City Commission
FROM: Carrie Richter, City Attorney
DATE: June 4, 2026
RE: Nicotine Ban and Limitation Regulation Options

I. INTRODUCTION AND SUMMARY

The City Commission has asked this office to provide some options for banning flavored tobacco and synthetic nicotine products. This inquiry follows the City’s adoption of Resolution 25-04 encouraging the State Legislature and Clackamas County to engage in this effort. During the 2025 legislative session, SB 702 banning flavored tobacco was introduced. Although the bill made it out of the Senate Early Childhood and Behavioral Health Committee, the bill died in the Finance Committee and never had a full Senate vote.

In May, 2026, the Oregon Supreme Court issued a decision upholding a Washington County ordinance banning flavored tobacco against a challenge by retailers. As discussed in greater detail below, this decision provides clear authorization for regulation by a county, as a “local public health authority” but does not provide express authority for such action by a city, although much of the reasoning from this decision suggests that courts would rule in favor of cities. Given that tobacco retailers have similarly challenged the ban in Multnomah County, it would be reasonable to think that a local prohibition would be challenged if pursued by Oregon City and it would be a case of first impression for the court. For this reason, the City might want to exhaust all avenues encouraging action by Clackamas County before deciding whether to move forward. Based on a quick informal inquiry by the city attorney, a member of the County Counsel’s office indicated that they have not heard that the Board of County Commissioners of Clackamas County has any immediate plans to move forward with any additional regulation in this area. It is not known to what degree any concerted lobbying effort has been pursued.

If the City does decide to move forward, code amendments, using the Washington County ordinance as a model, could easily be drafted for Commission consideration.

II. ANALYSIS

The Scope of a Prohibition Ordinance

Washington County was the first jurisdiction in Oregon to ban flavored tobacco and synthetic nicotine. Washington County Ordinance 599 includes the following prohibitions:

- 1) The sale of any tobacco product to persons under the age of 21.
- 2) The sale or distribution of any flavored tobacco or synthetic nicotine product.
- 3) The acceptance of coupons or price promotion for any tobacco product.
- 4) The distribution of cigarettes in a container of less than 20.
- 5) The sale through a self-service display or vending machine.
- 6) Sale through a moveable place of business without a fixed store front.

In 2024, Multnomah County followed suit amending its existing more limited tobacco-related regulation prohibiting the sale of flavored tobacco. The fine in Washington and Multnomah Counties is \$440 for each violation and each day is treated as a new violation. Both of these ordinances were challenged by tobacco retailers and the culmination was a recent decision from the Oregon Supreme Court, known as *Schwartz v. Washington County*, where the court upheld Washington County’s ordinance.

The Schwartz Decision

In early 2021, the Oregon Legislature adopted SB 587 making the sale of tobacco without a license unlawful. This licensing requirement allowed the state to track sellers for purposes of oversight and compliance with the age-restriction sales requirements. The law allows “a city or local public health authority” to retain any ordinance imposing more strict standards adopted before January 1, 2021 to remain in place. In addition, this law authorizes a “local health authority” to “enforce” “standards for regulating the retail sale of tobacco products and inhalant delivery systems for purposes related to public health and safety.” ORS 431A.218(2).¹

¹ A “local public health authority” is defined in ORS 431.003(7) to include:

- (a) A county government;
- (b) A health district formed under ORS 431.443; or
- (c) An intergovernmental entity that provides public health services pursuant to an agreement entered into under ORS 190.010 (5).

In the fall of 2021, after the adoption of SB 587, Washington County adopted Ordinance 599. Retailers sued the County seeking to enjoin enforcement of the ordinance on the ground that it was expressly pre-empted by the state licensing structure. In July 2022, the trial court agreed with the retailers concluding that state law allows only regulatory schemes existing before January 2021 to remain but not to impose any post-deadline ban. The County appealed arguing that “it has home rule authority to protect public health by banning the sale of flavored tobacco products within its jurisdiction” and that this exercise of home rule authority is authorized by state law. Washington County explained that its local public health authority can simultaneously enforce the state licensure requirements and ban flavored tobacco. The Court of Appeals agreed with Washington County that the two sets of regulations can operate concurrently and there was no indication that the legislature intended state law to be exclusive.

The retailers appealed seeking review by the Oregon Supreme Court. The court’s analysis opens by explaining that local government independent right to self-governance or “home rule” is enshrined in the Oregon Constitution Article XI, section 2. From there the decision talks about counties having similar authority including Washington County, in particular. The parties agreed that the County’s ordinance was “a valid exercise of home rule authority.” The Court went on to explain:

“Washington County’s charter permits the county to exercise its authority of matters of county concern, and there can be no question that one such matter is the health and welfare of its citizens.”

This is important because this authority comes from home rule and not from the ORS 431A licensure scheme, which by its terms, is limited only to a “local public health authority,” and would include cities.

Like the Court of Appeals, the Supreme Court reiterated the preemption question turns on whether state law and local law could logically co-exist and whether there is an “unambiguously expressed intention to preclude local governments from regulating” in this area. Regarding the first point, the court rejected the retailers’ argument that state law allows them the right to sell “all types of tobacco products” pursuant to the licensing standards. The Court declined to weigh in on whether the County could ban all nicotine products subject to licensure. Simply because the scope of what can be sold under a license in Washington County is different than what might be sold elsewhere does not mean that the license is valueless.

On the second inquiry for evaluating preemption, the court found that the state law does not “unambiguously express” an intent to preempt a local ordinance. More specifically:

“[t]he critical point is that nothing in ORS 431A.218(2) suggests-much less unambiguously expresses- a legislative intent to limit local ordinance to those that regulate ‘how or the manner in which tobacco sales are made.’”

What the state law provides is the authority for local public health authorities to enforce the state licensure requirements consistently and the court talks at length about the state law authorization to revoke a license for a retailer that fails to comply with “local public health authority ordinance...that governs the retail sale of tobacco products or inhalant delivery systems.” Throughout this analysis the court draws a direct line between state law and local regulation showing that the legislature empowered “local public health authorities” to regulate for the health and welfare of its citizens.

This same direct statutory authority does not exist for non-health authority cities. Although this distinction may create an additional hurdle for a city-directed ban, the court’s repeated statement that pre-emption requires an “unambiguous statement” of intention. If there is no prohibition for counties in state law and the state law is silent with respect to cities, there can be no such preemption with respect to cities. This reasoning suggests that a city could proceed with a ban with a similar scope and such a prohibition would survive legal challenge.

III. CONCLUSION

Taken together, there is no question that under *Schwartz*, Clackamas County – as the local public health authority – could proceed with banning flavored tobacco, similar to the other two Metro-area counties. The case is less on all-fours with respect to city regulation but the areas where the decision could lend support include:

- Acknowledging that banning flavored tobacco as a means to protect children is a valid public policy that would fall within a city’s home rule authority.
- The state laws regulating licensure of tobacco retailers do not prohibit local government ordinances banning the sale of some types of tobacco products.

Section 4 of the Oregon City charter reserves to Oregon City all powers enumerated in the constitutions, statutes and under common law which would include regulating for the health, safety and welfare of its citizens.

Given this analysis the options that the City Commission might consider for further action include:

- 1) Lobbying Clackamas County to proceed with a ban either independently or in coordination with other interested cities or interest groups.
- 2) Await further efforts on the state level during the longer 2027 legislative session.
- 3) Proceeding with adoption of an ordinance amending the OCMC banning flavored tobacco with an workable enforcement structure that presumably would track closely with the text from Washington County's Ordinance 599.

I look forward to discussing this memo in further detail at an upcoming work session.

Jakob Wiley

From: Myles Kinney <[REDACTED]>
Sent: Tuesday, June 9, 2026 9:30 AM
To: City Recorder Team
Subject: Youth Advisory Commission Public Comment: Nicotine
Attachments: Public comment YAC (1).pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

I am writing this email to submit a public comment for the Youth Advisory Commission's response to a Nicotine Ban. Attached is the public comment.

Thank you,
Myles Kinney
Youth Advisory Commissioner

Dear Mayor McGriff and Members of the City Commission,

The Oregon City Youth Advisory Commission submits this written comment in strong support of moving forward with a local ordinance banning flavored tobacco and synthetic nicotine products in Oregon City.

Oregon Health Authority data show that more than one in four Oregon 11th graders reported vaping a nicotine product, and nearly 90% of high school students who vape use flavored products exclusively. Tobacco use remains the number one cause of preventable death and disease in Oregon. Nearly 9 out of 10 adults who smoke started before the age of 18, and tobacco companies have deliberately targeted young people through candy and fruit flavored products. Removing them from retail shelves in Oregon City is one of the most direct steps this Commission can take to protect young people in our community.

Sections 4 and 5 in Oregon City's charter grants the city all powers that state and federal law allow municipalities to exercise, and directs that the charter be liberally construed so Oregon City may have all powers necessary to conduct its municipal affairs and protect the health and welfare of its residents. Protecting the community, particularly youth, from the documented harms of flavored tobacco falls squarely within that authority. The Oregon Supreme Court's recent decision in *Schwartz v. Washington County* upheld Washington County's flavored tobacco ban against a preemption challenge. As the City Attorney's memorandum notes, while that decision addressed county authority specifically, the court's reasoning strongly suggests that cities acting under home rule authority would survive a similar challenge.

We recognize that Clackamas County has the clearest statutory authority to act as the local public health authority for this region, and we encourage the Commission to pursue lobbying of the County Board of Commissioners as well. However, we do not believe Oregon City should wait. Oregon City should not leave its young residents unprotected while waiting on others to move. Passing a local ordinance modeled on Washington County's Ordinance 599 and simultaneously pressing Clackamas County to follow would send a clear signal that this community takes youth health seriously; and doing so in coordination with a push on Clackamas County maximizes the impact for the entire region.

We respectfully urge the Commission to approve an ordinance for consideration without delay.

Respectfully submitted,

A handwritten signature in black ink that reads "Myles Kinney". The signature is fluid and cursive, with a long horizontal stroke at the end.

Myles Kinney
Youth Advisory Commissioner
Oregon City Youth Advisory Commission
Submitted on behalf of the Oregon City Youth Advisory Commission



CITY OF OREGON CITY
Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 6/09/2026

SUBJECT:

List of Future Work Session Agenda Items

BACKGROUND:

July 7, 2026

ADA Transition Plan within the ROW

Geologic Hazards Code Amendment discussion/clarification

August 5, 2026

Legislative affairs preparation

August 11, 2026

City Commission Goals Update Retreat at the Museum of the Oregon Territory

TBD

Tentative meeting with Confederated Tribes of Grand Ronde

Additional Upcoming Items (These items are in no particular order)

Discussion about a City Commission liaison for city boards and committees

Canemah Area - Encroachments in the Right-of-Way Policy Discussion

Clackamas County Water Environmental Services (WES) Rate Differential

Climate Action Plan Presentation (City of Milwaukie)

Frog Ferry Informational Update

Inclusionary Zoning, Vertical Housing Tax credit, and Opportunity Zone options

South Fork Water Board - Mountain Line Easements Vacation
Urban Growth Management Agreement

CITY OF OREGON CITY

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

Staff Report

To: City Commission

Agenda Date: 6/09/2026

From: City Manager Tony Konkol

SUBJECT:

Update on City Projects

BACKGROUND:

The City Commission has requested that an update on the status of the following projects be provided at a work session monthly. The most current update for each project is in bold.

1. Public Works relocation from Center Street
6/9/26: The draft Phase 1 Environmental Assessment of the 4 properties is in review and a contract amendment to move forward with a Phase 2 Environmental Assessment for 2 of the properties is being negotiated. Staff is preparing to come to the Commission to begin the comprehensive plan amendment and zone changes process for the 2 vacant parking lots.

5/12/26: The environmental consulting firm is completing the work on the Phase 1 Environmental Assessment of the 4 properties within the Old Center Street Public Works site. The construction of the winter response material storage is in process as Fir Street to accommodate the relocation of the materials from Center Street to Fir Street.

4/7/25: There is no update related to this project.

On February 18, 2026 the City Commission approved a contract with Tikka Masonry to complete the Bulk Bin and Magnesium Chloride project at Fir Street. The City was successful in receiving a 50/50 grant from Business Oregon, up to \$33,000, for the phase 1 environmental review on the Center Street property. A scope of work for the environmental review has been created.

The City Commission will be reviewing a contract for the winter response material construction project at Fir Street, which will allow the material located at Center Street to be relocated.

Staff is submitting a Business Oregon Grant request for funding to complete a phase 1 environmental assessment of the properties.

Staff is contacting environmental consulting firms to understand the process to complete an environmental assessment of the property and the best approach to address the existing buildings.

Staff has started the permitting process for the relocation of the winter response material to Fir Street and started developing an IGA with WES for the long term use of their facility for sewage decanting.

Staff will be preparing the bid package for the Magnesium Chloride & Sanding Rock being relocated to Fir Street and continue working with WES staff to develop an IGA for long-term use of their facility for decanting raw sewage.

Design is underway for the relocation of the Magnesium Chloride (De-Icer) and Sanding Rock from Center Street to Fir Street. The scope and cost of this project is currently projected to require sealed bids to be submitted. Staff are working to confirm final locations on site and preparing the bid package. Winter weather work will continue out of the Old Center Street property this winter, with relocation of the facilities anticipated to be complete by Summer 2026.

City staff have met with Water Environment Services staff and WES has verbally agreed they can accept our raw sewage materials for decant. City staff have visited the WES decant site and been trained on using their facility.

Staff is finalizing design and location for the winter response tanks at Fir Street and has entered into discussions with Water Environmental Services to receive sewage materials at the treatment plant to be processed.

Staff is in the process of ordering new tanks for the winter response materials, which will be moved from Center Street to Fir Street. Locating the decant facility at the Mt. View yard has been challenging. Staff is investigating alternative locations and/or trucking the sewage materials to an off site location.

Staff continues to work with the consultant on the location and space planning for the relocation of the remaining assets at Center Street. Staff continues to work to final design for relocation of services from Center Street to other sites. The proposed 25-27 budget includes funding for the decant facility and magnesium chloride and sanding rock facility to be relocated.

Staff have hired a consultant that has prepared preliminary yard layouts and cost estimates to design and construct a decant facility at the Mountain View Reservoir site. The construction of the decant facility and relocation of existing winter response materials from the Center Street facility to the Mountain View and Fir Street facilities will allow for the Center Street facility to be vacated and a

potential new use for the site to occur, which will be determined by the City Commission.

2. Quiet Zone

6/9/26: The project is scheduled to go out to bid in the fall of 2026 with construction starting in January/February 2027. This schedule is tentative pending final approval of a Maintenance Agreement with the Union Pacific Railroad.

5/12/26: Staff continue to negotiate with Union Pacific Railroad on the Quiet Zone crossing improvements final design and maintenance. The project is anticipated to go out to bid in the fall of this year.

4/7/26: The City continues to work with the railroad to finalize the design of the quiet zone. The railroad has requested additional changes to the design to accommodate maintenance of the crossing arms at the base of Singer Hill.

On February 18, 2026 the Urban Renewal Commission approved the dedication of a portion of property (10th and Main Street) for the construction of the project. The City Commission received an update on the same day indicating that the project is scheduled to go to bid in October 2026, construction is anticipated to begin in early 2027, and that there is currently a \$1.69 million dollar funding gap due to railroad related work, state delivery requirements, federal reviews, and higher anticipated construction costs.

The Urban Renewal Commission will be providing directions to staff concerning the property acquisition process for a portion of Urban Renewal property necessary for the project. Additional property acquisition to complete the process of other properties is currently under way.

The design process continues and is nearing a point to provide updated acquisition and construction costs. Property acquisition will include Urban Renewal Property and a discussion will occur to determine if the necessary property should be donated or acquired.

Mailers outlining the property acquisition process has been sent to the three impacted property owners and the right-of-way agent will work directly with the property owners to complete the property acquisition process.

The project team continues to refine design and right-of-way impacts. Once right-of-way impacts are finalized, staff will bring the list of questions to City Commission, requesting authorization to acquire property and property interested through Eminent Domain (if necessary) related to the Downtown Quiet Zone Project.

Staff continues to work with ODOT, the railroad and the consultant on revised cost estimates, design work and any necessary exceptions to standards.

Geotechnical explorations were completed on December 12. The consultant team is preparing to submit the Design Acceptance Phase (DAP) documents to the City and Oregon Department of Transportation. DAP is similar to 30% concept plans, where all parties buy into the concept and documentation of areas where the project will request exceptions to standards are identified. At the completion of DAP, the project team and move forward with Preparing Preliminary Plans and confirming impacts to private property. We've executed the IGA with ODOT for Right of Way Services. OC will still need to do a Resolution authorizing Eminent Domain if necessary, once we have a better understanding of the private property impacts.

The consultant team, in coordination with ODOT and the City, are preparing property acquisition documents that will be brought before the City Commission at the December 18, 2024 meeting. Survey crews have been performing field work and surveying the project area. Staff has been meeting with property owners, including Dutch Brothers to try and address the concerns they have about potential driveway closures and access to increase safety near the railroad crossing.

The ODOT consultant team is acquiring right of entry agreements from property owners to complete the survey work and will be preparing 30% plans for the project which will include an updated and more accurate cost estimate to complete the work. The selection committee identified a preferred consultant for the Quiet Zone project and ODOT is in the process of negotiating the consultant contract.

ODOT received 2 responses to the Quiet Zone request for proposals. The proposals are being reviewed and scored by staff and a team selection meeting is scheduled for March 8, 2024. ODOT has released the consultant solicitation request for proposals and a date has been set to review the proposals once they have been submitted.

The City has received ODOT's approximately 250-page scope of work and consultant procurement documents which will be reviewed and commented on. ODOT, which is the project manager for the project, has suggested approximately 6 months for the consultant procurement and up to 2 years for the design work, which will include coordination with the railroad, operation and maintenance agreements and review by the railroad. Staff is pushing to expedite the design work timeline.

On December 6, 2023 the City Commission received an update on the estimated cost of the Oregon City quiet zone project with updated inflationary construction escalations added to the original 2019 cost estimate, which was \$2.6 million.

The new estimate increases the estimated construction cost by \$650,000. Based on the additional information, the City Commission approved an IGA with ODOT to begin the Oregon City quiet zone project.

3. Charter Parks

6/9/26: The boundary survey is nearly complete, and the implementing ordinance is being drafted.

5/12/26: The survey to create the boundary survey of Promenade Park is in process. The finalized boundary survey will be adopted as the legal description identifying Promenade Park as a Charter Park. Survey crews have been onsite performing the survey work and completing the title research. Letters have been sent to the property owners with an update about the closure of vehicle access through the park. Public Works staff are preparing cost estimates and plans for the public parking restriping and installation of bollards.

4/7/26: The Commission provided directions on the remaining properties and to limit vehicular access into Promenade Park. Staff is preparing letters to the property owners and working with a surveyor for the property description to be adopted as a Charter Park.

This item is scheduled to be brought back to the City Commission for review at the April 1, 2026 meeting.

The City Commission review the last remaining properties at the January 21, 2026 work session and provided staff direction. Staff is reaching out to Clackamas County Fire District #1 and Oregon City Garbage to understand any impacts associated with installing bollards to restrict vehicular access in the park at several existing locations.

The first reading of the ordinance vacating Promenade property to the Yates properties has been approved. The parking options available in the Promenade and High Street area is scheduled for a work session on January 21, 2026.

Staff is working to complete the on-street parking design alternatives as requested by the Commission.

The City Commission reviewed this item at the September 3, 2025 meeting and requested that staff review potential on-street parking options on the public rights-of-way on the street stubs adjacent to the Promenade.

The City Commission approved several letter to properties owners addressing the existing encroachments. There are 7 properties remaining to be addressed, all of which including parking on the Promenade. It is anticipated that this item will be brought back to the City Commission for review at the September 3, 2025 meeting.

The City Commission has reviewed the properties and has directed staff to prepare letters to each property owner addressing the encroachments. Staff is preparing the letters and will be bringing them to the City Commission for review and approval at the August 6, 2025 meeting.

The City Commission completed a site visit of the McLoughlin Promenade to review the outstanding encroachments. Staff is anticipating bringing the topic back to the Commission discussion on June 4th.

Based on the January 15th meeting, this item will be brought back for a work session on March 11th. An updated on the status of the properties encroaching into McLoughlin Promenade will be brought to the City Commission at the January 15, 2025 meeting for an update and direction on how to proceed.

Staff continues to contact and meet with property owners that have encroachments into the McLoughlin Promenade to review and explain the license agreement. Staff anticipate bringing an update to the Commission for direction in January/February of 2025. The City Commission reviewing the draft license agreement at the June 11, 2024 meeting.

Staff is working with the City Attorney to finalize draft license agreements to address encroachments that have been identified with the McLoughlin Promenade. A site tour of the McLoughlin Promenade is scheduled for January 8th. Staff is preparing additional options, such as temporary easements, to address existing structural encroachments onto the Promenade property.

Staff has categorized encroachments by type, with associated pictures of the encroachment, and is working to determine options to address the encroachments for the Commission to consider. The McLoughlin Promenade survey has been completed. The survey identified several potential existing encroachments into the Promenade property which will be discussed during a work session. Ermatinger House was approved as a Charter Park by the City Commission. The City Commission voted to not designate Dement Park as a Charter Park.

4. Cayuse 5 Memorial

4/7/26: There is no update related to this project.

Staff continues to work with representatives from the Confederated Tribes of the Umatilla Indian Reservation and allowing time for internal discussions to occur.

Staff continues to meet monthly with representatives from the Confederated Tribes of the Umatilla Indian Reservation. The city is awaiting feedback from CTUIR before any additional steps are taken.

Staff met with representatives from the Confederated Tribes of the Umatilla Indian Reservation and have continued discussions of phase 2 of the Cayuse 5 memorial. Additional discussions between CTUIR and the Confederated Tribes of Grand Ronde will be occurring to discuss the project.

There are no new updates on this project. A meeting is scheduled for the week of October 7th with representatives from the Confederated Tribes of the Umatilla Indian Reservation to discuss potential next steps.

The dedication of the Cayuse 5 Memorial took place on June 3, 2024. The first phase of this project is complete. A second phase has been discussed but there are no specifics related to the design at this time.

Construction of the Cayuse 5 Memorial has begun, and hand dug ground disturbing work is scheduled to begin the week of May 6th. This work will be completed in coordination with the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Grand Ronde.

The Cayuse 5 Memorial construction contract has been approved by the City Commission and was awarded to Pioneer Waterproofing Company. Staff has scheduled a pre-construction meeting with Pioneer Waterproofing.

Staff is working with a potential contractor to review the scope of work and estimated costs to perform the work as identified in the bid notice. The City completed the bid advertisement for the project and did not receive any responses. Staff is currently contacting contractors to determine the concerns with the bid advertisement and/or project.

The final construction bid documents for the Cayuse Five Tribute have been completed. Below is the schedule for bidding, awarding, and (weather permitting) construction. The Confederated Tribes of the Umatilla Indian Reservation staff will be invited to the pre-construction meeting to coordinate all activities once the project has been awarded.

The land use application for the proposed memorial has been approved. There are no additional land use approvals necessary to move forward with the project. The memorial bid documents are being reviewed internally and staff is working with Confederated Tribes of the Umatilla Indian Reservation staff on the creation of an inadvertent discovery plan that will be included in the bid/contract information. The proposed memorial has been approved by the Historic Review Board and the information was presented to the Parks and Recreation Advisory Committee.

5. Courthouse

6/9/26: It appears that the Liberty Plaza improvements would be System Development Charge eligible since the addition of the Liberty Plaza would

be new to and expand the parks system for the City of Oregon City. Staff will continue to work to finalize the next steps for using SDC's for any Liberty Plaza redevelopment.

5/12/26: Staff is meeting with the system development charge consultant to review the applicability and methodology to add Liberty Plaza to the City's Parks and Recreation capital improvement plan and to determine the project eligibility to use SDC's.

4/7/26: There is no update related to the project.

The developer of the Courthouse project provided an update to the Commission at the March 4, 2026 meeting. Staff has been asked to bring an update to the Commission concerning the potential design and applicability/availability of Parks System Development Charges for the Liberty Plaza construction.

Staff have met with the developer to discuss the design, transfer, and potential funding for Liberty Plaza and any improvements that may be made. A presentation was provided to the Parks and Recreation Advisory Committee by the developer on January 22, 2026 outlining the proposed design and improvements.

The developer of the Courthouse project will be providing an update to the City Commission at the November 19th meeting.

The County Commission received one proposal for the downtown courthouse redevelopment and will be moving forward with drafting an agreement for the sale and disposition of the property.

The County Commission is reviewing the proposal for the reuse of the courthouse and is currently accepting public comment. The County has provided the following information: *The Clackamas County Board of Commissioners will hear public testimony on Thursday, May 15 regarding a selection advisory committee's recommendation on a proposal to redevelop the old county courthouse in Oregon City.*

Level Development NW's proposal was the only one received during an extensive Request for Expressions of Interest process. The proposal to replace the 87-year-old courthouse with a mixed-use commercial building, which includes approximately 80 residential units, won the committee's approval.

The county expects the current courthouse on Main Street to be fully vacated by September 2025. The [replacement county courthouse](#) on the County's Red Soils Campus is set to open the public on May 19.

To learn about the submission and the advisory committee's recommendation, please visit [Main Street Courthouse RFEI | Clackamas County](#).

Public comment on the recommendation will begin shortly after the Board's Business Meeting begins on Thursday, May 15 at 10:00 a.m.

A joint Board of County Commissioner / City Commission meeting to discuss the courthouse is tentatively scheduled for the April 8th City Commission work session night. Oregon City will host the joint meeting. Staff will be contacting County staff to schedule a joint Board of County Commissioner / City Commission meeting and to discuss securing the courthouse once it is vacated.

The Courthouse committee has met multiple times to discuss the disposition of the Courthouse. The Mayor will provide an update on the committee meetings and next steps. A Courthouse committee has been created by the County and a site visit of the Courthouse has occurred. The first meeting of the committee is scheduled for October 15th.

The Mayor and City Manager met with the Assistant County Administrator to discuss the creation of a joint working group. It is anticipated that the working group will be comprised of 6 to 8 members, including the Mayor and County Chair, with the City and County selecting an equal number of members.

The Mayor and the City Manager met with the County Administrator to discuss the planning and future disposition of the County Courthouse and other buildings associated with the Courthouse on Main Street. The County Administrator proposed a working group led by County Chair Tootie Smith and Mayor McGriff, which would include a small group of interested parties to discuss the Courthouse and make a recommendation to the County Board of Commissioners for their consideration on how to proceed. City and County staff will be meeting to discuss the details of the working group as proposed.

City staff worked to support efforts by the Downtown Oregon City Association to apply for a Main Street grant to focus on the Courthouse located in downtown Oregon City. The grant required the property owner, which is Clackamas County, to sign the grant application, which unfortunately they did not agree to do. At this time there is no specific work being performed related to the future of the existing courthouse.

6. tumwata village

6/9/26: The Confederated Tribes of Grand Ronde signed the IGA with the City of Oregon City on May 12, 2026. On May 28th, CTGR held a groundbreaking event at tumwata village for the infrastructure improvements on the first block of the site, which includes McLoughlin Boulevard, Eel Road, Heron Place, and ikanum Road.

5/12/26: The City Commission approved the proposed IGA with the Confederated Tribes of Grand Ronde. The CTGR Tribal Council is reviewing the proposed IGA for approval. Staff from the City and CTGR have finalized the RFP

for the phase 2 riverwalk project. Once the IGA is signed by both parties the RFP will be released.

4/7/26: The proposed IGA between the Confederated Tribes of Grand Ronde and the City is scheduled to be before the Commission for consideration on May 20, 2026.

The Confederated Tribes of Grand Ronde are preparing revised language to the proposed IGA. The next meeting is scheduled for February 11, 2026.

The next meeting with Confederated Tribes of Grand Ronde is scheduled for January 23, 2026.

A draft agreement and easement language has been provided to the Confederated Tribes of Grand Ronde. Staff is awaiting additional comments from Grand Ronde.

Staff met with Confederated Tribes of Grand Ronde staff to begin the process of formalizing an agreement to determine how to move forward with a project on the property.

The City Commission approved a grant agreement with the State of Oregon for the city to receive the \$12.5 million dollars. Staff is working to complete the transfer of the funds to the City and will begin discussions with the Confederated Tribes of the Grand Ronde on a potential project.

Staff is currently in discussion with the State to receive the \$12.5 million dollars that were allocated for public access/viewing along the Willamette River several years and has been returned to the State by Metro. It is anticipated that a formal agreement with the State will be brought to the Commission for consideration in August or September.

In discussions with the staff from the Confederated Tribe of the Grand Ronde, it was recommended that the joint meeting with the elected representatives from each organization occur in September/October to accommodate the elections that occur in September.

The Police Department worked with the Confederated Tribe of the Grand Ronde to remove the homeless camp located on the property. Demolition of the buildings damaged by the fire is on-going.

The Police Department has been in contact with the Confederated Tribes of the Grand Ronde to address a homeless camp that appears to be located on the property. Staff continues to work with staff from the Confederated Tribes of the Grand Ronde to address the impacts from the fire that occurred on the site and the demolition that is occurring.

The Planning Commission approved the Confederated Tribes of Grand Ronde land use application. The Confederated Tribes of Grand Ronde have submitted a land use application to amend the adopted framework plan for the property. The Planning Commission hearing of the application is scheduled for January 27, 2025.

The Confederated Tribes of Grand Ronde provided the City Commission an update at the May 7th work session and the demolition of the office building is nearly complete. A permit has been issued for the demolition of the office building located at the corner of 99E and Main Street. The Confederated Tribes of the Grand Ronde are scheduled to provide an update to the City Commission at the May 7th work session.

Staff continue to meet regularly with Staff from the Confederated Tribes of the Grand Ronde to discuss building demolition, site improvements, and land use planning requirements. The Confederated Tribes of the Grand Ronde are working on site remediation and the demolition of additional buildings on the property.

Willamette Falls Trust and Portland General Electric have signed a Feasibility and Cooperation Agreement enabling the Trust to assess a portion of PGE property on the island on the west side of the Willamette Falls for a project intended to return public access to the area.

In May staff completed a 4-hour site visit with the CTGR staff and consultant team to discuss the demolition that is occurring on the site and begin to discuss the proposed amendments proposed to implement the Tumwata Village Plan for the property. The site visit and discussion focused on infrastructure, design details, development phasing, and an introduction to the goals and objectives of CTGR for the redevelopment of the property. CTGR staff and their consultants have been meeting with City staff to understand specific technical infrastructure issues.

Staff have been meeting monthly with representatives from the Confederated Tribes of Grand Ronde (CTGR) to discuss on-going site work as well as future land use and development plans for the Tumwata Village Plan. CTGR staff has been working with the CTGR Tribal Council and Tribal members to finalize the Tumwata Village Plan. Once approved, the Tumwata Village Plan will be presented to the city and the public.

7. Canemah ROW issues

4/7/26: There has been no change in the project since the May 2023 update. The Canemah ROW issues will be brought before the City Commission at a future work session to discuss how to move forward with this project.

