



# City of Warrenton City Commission

## Agenda

City Hall, 225 S. Main Warrenton, OR 97146

Tuesday, October 22, 2024

\*\*\*The meeting will be broadcast via Zoom at the following link\*\*\*

<https://us02web.zoom.us/j/5332386326?pwd=VHNVVXU5blkxbDZ2YmxlSWpha0dhUT09#success>

Meeting ID: 533 238 6326 | Passcode: 12345 | Dial-in Number: 253-215-8782

**Public Comment:** To provide public comment, participants should register prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter. Once your public comment is submitted it becomes part of permanent public record.

You may provide public comment using the following methods:

1. In-person: Complete a public comment card and submit to the City Recorder prior to the start of the meeting.
2. Via Zoom: Register with the City Recorder, at [cityrecorder@warrentonoregon.us](mailto:cityrecorder@warrentonoregon.us) no later than 3pm the day of the meeting. Please ensure that your zoom name matches the name registered to comment.
3. Written comments: Submit via e-mail to the City Recorder, at [cityrecorder@warrentonoregon.us](mailto:cityrecorder@warrentonoregon.us), no later than 3:00 p.m. the day of the meeting.

## City Commission Regular Meeting 6:00 PM

### 1. Call to order

### 2. Pledge of Allegiance

### 3. Consent Calendar

- A. City Commission Meeting Minutes 9.24.2024
- B. Warrenton Employee Handbook – 2024 Updates
- C. Public Works Quarterly Report
- D. Monthly Finance Report – June 2024
- E. Police Department Monthly Report – September 2024

### 4. Commissioner Reports

### 5. Public Comment

### 6. Public Hearings

- A. Consideration of Amendment to Development Code – Mini Storage; Ordinance No. 1267; Second Reading & Adoption
- B. Consideration of Amendment to Wetland Conservation Plan Inventory & Locally Significant Wetland Map; Ordinance No. 1280
- C. Consideration of Warrenton Zoning Map Amendment; Ordinance No. 1282

### 7. Business Items

- A. Consideration of Wastewater Treatment Plant UV Disinfection System Control Panel Upgrade
- B. Consideration of Nuisance Cost Abatement; Resolution No. 2691

- C. Consideration of Ordinance No. 1281; Updating and Replacing WMC Chapter 3.28; Public Contracting; Second Reading & Adoption

**8. Discussion Items**

- A. 11<sup>th</sup> Street Sewer Line – Orenco/3PO Temporary Ownership

**9. Good of the Order**

**10. Executive Session**

**11. Adjournment**





**City of Warrenton City Commission**  
**Meeting Minutes**  
**City Hall, 225 S. Main Warrenton, OR 97146**  
**Tuesday, September 24, 2024**

1. City Commission meeting called to order at 6:00 pm.
2. Pledge of Allegiance

Commission Members	Present	Excused
Gerald Poe	X	
Jessica Sollaccio	X	
Tom Dyer	X	
Paul Mitchell		X
Henry Balensifer, Mayor	X	

Staff Members Present	
City Manager Esther Moberg	Police Officer Joshua Holloway
Planning Director Matthew Ellis	Harbormaster Jessica McDonald
City Recorder Dawne Shaw	Fire Chief Brian Alsbury
Public Works Director Greg Shafer	

**3. Consent Calendar**

\*Items on the Consent Calendar have previously been discussed and/or are considered routine. Approval of the Consent Calendar requires a motion, a second, and no discussion, unless requested by a member of the City Commission.

Mayor Balensifer pulled item 3B and moved it to item 7E and noted it will be the first item of business.

- A. City Commission Meeting Minutes – 9.10.2024
- B. City Manager’s Contract Amendment
- C. Police Department Monthly Report – August 2024

<b>Motion:</b>	Move to approve the consent calendar as presented with the amendment.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Poe	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Balensifer	X			
<b>Passed:</b>	4/0				

**4. Commissioner Reports**

Commissioner Sollaccio discussed the CEDR (Clatsop Economic Development Resources) meeting she attended and provided an update on the Fall Festival.

City Manager Esther Moberg noted city hall will be getting painted.

Mayor Balensifer read a proclamation declaring October as Domestic Violence Awareness month.

**5. Public Comment**

Tony Faletti asked about the date for the repairs to Seafarer’s Park, and gave a “hats off” to the police and fire chief regarding safety fair.

**6. Public Hearing - None**

**7. Business Items**

E. City Manager’s contract amendment:

There was brief discussion on the contract amendment. It was noted the amendment is to correct language that was missing in the City Managers’ contract.

<b>Motion:</b>	Move to adopt the City Manager contact amendment				
<b>Moved:</b>	Poe				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Balensifer	X			
<b>Passed:</b>	4/0				

A. Consideration of Ordinance No. 1279; Correcting Urban Growth Boundary – Second Reading and Adoption:

Planning Director Mathew Ellis presented Ordinance No. 1279 for its second reading and adoption. He provided a brief history on the ordinance. He noted the ordinance will go into effect once the county records it.

<b>Motion:</b>	Move to conduct the second reading, by title only, of Ordinance No. 1279.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Sollaccio	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Balensifer	X			
<b>Passed:</b>	4/0				

Mayor Balensifer conducted the second reading, by title only, of Ordinance No. 1279; an Ordinance Amending the City of Warrenton Comprehensive Plan Correcting the Urban Growth Boundary Map, Adding Related Text, and Recommending Zoning Districts.

<b>Motion:</b>	Move to adopt Ordinance No. 1279.				
<b>Moved:</b>	Poe				
<b>Seconded:</b>	Sollaccio	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Balensifer	X			
<b>Passed:</b>	4/0				

B. Consideration of Mini Storage Lease Agreement – NW Smart Storage:

City Manager Esther Moberg discussed the lease agreement for the city’s mini storage facility on NE Iredale. Lessee, Mr. Kinney thanked the city for letting them enter into this lease. Discussion followed on security and improvements of the property. Mayor Balensifer asked for the record if there is criminal activity suspected on the property they would be fully cooperating with releasing security camera tapes; Mr. Kinney confirmed.

<b>Motion:</b>	Move to approve the lease as presented for NW Smart Storage to run the City of Warrenton Mini Storage property at 69 NE Iredale.				
<b>Moved:</b>	Poe				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Balensifer	X			
<b>Passed:</b>	4/0				

C. Ordinance No. 1281, Updating and Replacing WMC Chapter 3.28; Public Contracting:

Ms. Moberg presented her staff report and discussed the amendments to the Warrenton Municipal Code (WMC) to update the Public Contracting language.

<b>Motion:</b>	Move to conduct the first reading, by title only, of Ordinance No. 1281.				
<b>Moved:</b>	Dyer				
<b>Seconded:</b>	Poe	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Balensifer	X			
<b>Passed:</b>	4/0				

Mayor Balensifer conducted the first reading, by title only, of Ordinance No. 1281; An Ordinance Amending in its Entirety, Chapter 3.28 of the Warrenton Municipal Code; Public Contracting, and Repealing All Ordinances in Conflict.

D. Consideration of October 8<sup>th</sup> City Commission Meeting Cancellation:

Mayor Balensifer noted he will be on vacation and City Manager Mober will be absent from the first meeting in October. He noted that there are very few items that would be on the agenda and there is nothing pressing.

<b>Motion:</b>	Move to cancel the first meeting in October.				
<b>Moved:</b>	Poe				
<b>Seconded:</b>	Dyer	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Recused</b>
<b>Vote:</b>	Poe	X			
	Sollaccio	X			
	Dyer	X			
	Balensifer	X			
<b>Passed:</b>	4/0				

8. Discussion Items – None

**9. Good of the Order**

Mayor Balensifer asked a follow up question to Mr. Faletti’s public comment regarding repairs to Seafarer’s Park; Ms. Moberg noted the repairs are on the schedule. The project will go out to bid and she hopes to have the repairs done in late fall or early spring. Brief discussion continued.

**10. Executive Session**

At 6:21 pm., Mayor Balensifer recessed the regular meeting and announced the Urban Renewal Agency will now meet.

At 6:32pm, Mayor Balensifer reconvened and stated the Commission will now meet in executive session under authority of ORS 192.660(2)(h); *to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

**11. Adjournment**

There being no further business, Mayor Balensifer adjourned the meeting at 7:30 pm.

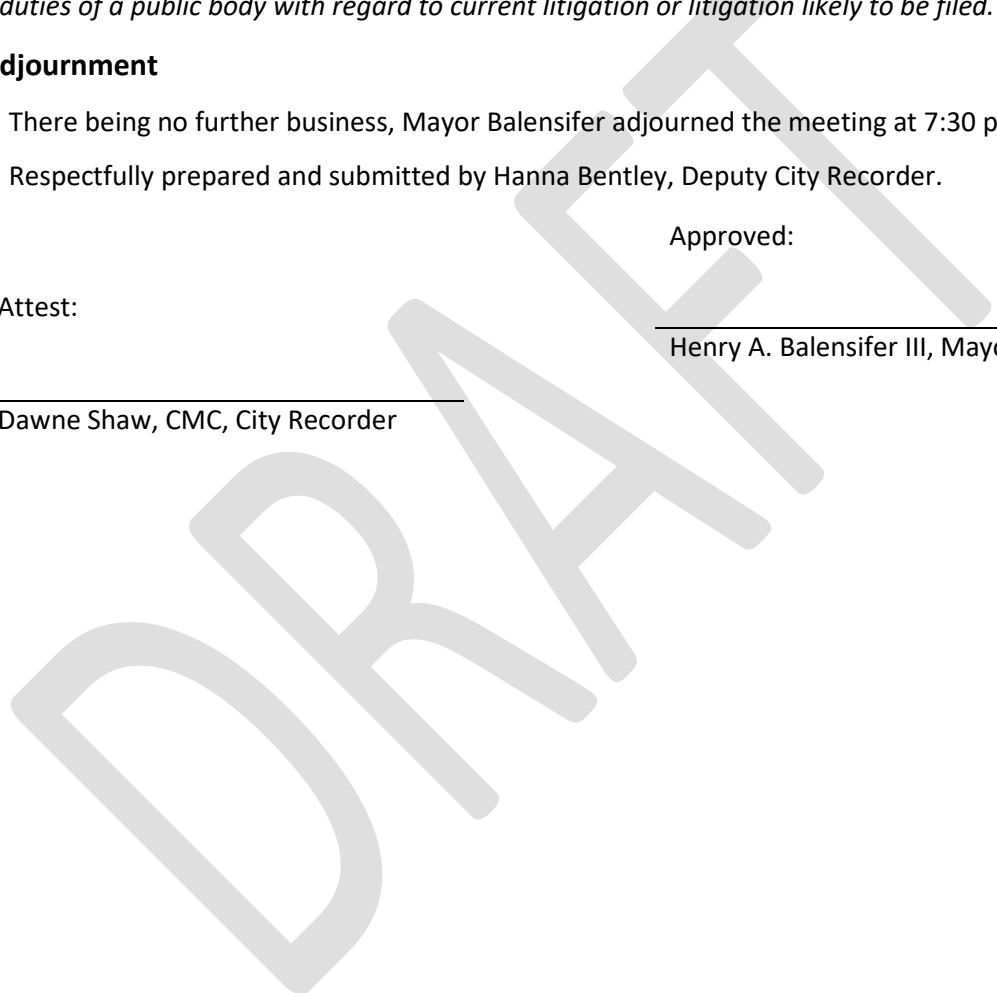
Respectfully prepared and submitted by Hanna Bentley, Deputy City Recorder.

Approved:

Attest:

\_\_\_\_\_  
Henry A. Balensifer III, Mayor

\_\_\_\_\_  
Dawne Shaw, CMC, City Recorder





# **CITY OF WARRENTON EMPLOYEE HANDBOOK**

Adopted November 8, 2022

**EFFECTIVE NOVEMBER 9, 2022**

Amended July 1, 2023; August 15, 2023; and October 22, 2024

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**I. USING THIS HANDBOOK**

The City of Warrenton has developed this Employee Handbook to provide answers to questions that frequently arise regarding its general administrative employment policies and rules and to help employees (you) understand more fully what is expected of them and what can be expected from the City.

This Handbook becomes effective November 9, 2022 and covers all Departments and employees of the City. The policies in this handbook supersede all prior personnel policies, procedures, and practices, written or verbal. However, the policies in this Handbook may be supplemented by additional rules and procedures established by individual departments, (such as Police Department Policies) provided those rules or procedures do not conflict with the policies outlined in this Handbook.

*Note for Union Employees: In the event of a conflict between an applicable Collective Bargaining Agreement (CBA) and the City’s policies and procedures (including this Handbook and any supplemental policies), the CBA is the controlling document and the provisions of the Handbook (or supplemental policies, if applicable) do not apply on that issue.*

Also, while it is the City’s hope that every employee’s association with it is successful and rewarding, this Handbook is not a guarantee or contract for continued employment or benefits at any level. **Rather, except as otherwise provided in an applicable CBA or written individual employment agreement signed and dated by the City Manager (or City Council if applicable to the City Manager’s position), all employment with the City is “at will.”** This means that either you or the City may terminate this relationship at any time, for any reason, with or without cause or notice, and without appeal rights or due process procedures other than those expressly provided for in this Handbook or required by law.



The City reserves the right to change or discontinue any policy, procedure, practice, or benefit plan, at any time as it determines appropriate for efficient operations (*subject to applicable collective bargaining obligations, if any*). In order to avoid misunderstandings, any written or verbal promises or statements different from or in addition to the policies and practices outlined in this Handbook (including but not limited to any supplemental departmental rules and individual employment agreements) must be approved in writing by the City Manager (or the City Commission if applicable to the City Manager's position) in order to be valid. Likewise, changes to this Handbook can only be made by the City Manager, with the approval of the City Commission.

As an employee of the City, you are expected to familiarize yourself with the information provided in this Handbook as well as any supplemental policies applicable to your department. If you have any questions, please contact your Department Head or the City Manager.

## **II. EQUAL EMPLOYMENT OPPORTUNITY POLICIES**

The following EEO Policies apply to all employees. Members of management, elected officials, and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with the City Manager at any time if they have questions relating to the issues of harassment, discrimination, or bullying, or what it means to work in a respectful workplace.

### **A. NO-DISCRIMINATION, NO-RETALIATION POLICY**

The City of Warrenton provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City of Warrenton also recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

For purposes of this and all other City of Warrenton policies, "race" is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hair styles. Further, "protective hairstyles" is defined as "hairstyle, hair color or manner of wearing hair, including braids (regardless of whether the braids are created with extensions or styled with adornments, locs and twists)."

The City of Warrenton's commitment to equal opportunity applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

### **B. PAY EQUITY**

The City of Warrenton supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class (as defined by Oregon law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which the City of Warrenton pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with the HR Assistant.

### **C. NO-HARASSMENT POLICY**

The City of Warrenton prohibits harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees', volunteers', and interns' right to work in a harassment-free workplace and all are entitled to a respectful and productive work environment free from behavior, action, or language that constitutes workplace harassment or discrimination. Sexual assault is unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

Specifically, the City of Warrenton prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, marital status, gender identity, national origin, age, disability, genetic information, performance of duty in a uniformed service, veteran status,

domestic violence victim status, expunged juvenile record, or any other protected status or activity recognized under Oregon, federal or local law.

The City of Warrenton prohibits discriminatory and harassing conduct that a reasonable person in the individual's circumstances would consider unwelcome, intimidating, hostile, threatening, violent, abusive, or offensive.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with the City Manager, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Warrenton–related or –sponsored trips (such as conferences or work-related travel), while traveling on behalf of the City of Warrenton, and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of City of Warrenton's employees. ***Such harassment is prohibited whether committed by City of Warrenton employees or by non-employees (including elected officials, members of the community, volunteers, interns, contractors, visitors, and vendors).*** This policy applies to all matters related to hiring, firing, transfer, promotion, benefits, compensation, and other terms and conditions of employment.

Individuals found to have engaged in discriminatory conduct, harassment, or sexual assault may face disciplinary action up to and including dismissal. The City may also subject supervisors and managers who fail to report known harassment - or fail to take prompt, appropriate corrective action – to disciplinary action, up to and including termination.

### Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is “welcome”), when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

## Other Forms of Prohibited Harassment

City of Warrenton policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, marital status, national origin, age, disability, genetic information, performance of duty in a uniformed service, veteran status, domestic violence victim status, expunged juvenile records, or any other protected status or activity recognized under Oregon, federal or local law.

Such harassment may include:

- Physical harassment, including but not limited to unwelcome physical contact such as touching, impeding, or blocking movement, or any physical interference with work;
- Verbal harassment including but not limited to disparaging or disrespectful comments, jokes, slurs, innuendoes, teasing, and other sexual talk such as jokes, personal inquiries, persistent unwanted courting, and derogatory insults;
- Nonverbal harassment, including but not limited to suggestive or insulting sounds, obscene gestures, leering or whistling;
- Visual harassment including but not limited to displays of explicit or offensive calendars, circulation of derogatory content, posters, pictures, drawings or cartoons that reflect disparagingly upon a class of persons or a particular person;
- Sexual harassment as described above.
- Negative stereotyping;
- Displaying racist symbols anywhere on City of Warrenton property;
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of conduct.

## Complaint Procedure

Employees, volunteers, or interns who have experienced a sexual assault, harassment, or discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should report that information immediately. Specifically, an employee may make the report verbally or in writing to the employee's immediate supervisor or higher management, if the employee prefers. As an alternative, an employee may report the harassment to the HR Assistant.

Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call) as soon as possible after it occurs. An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that he/she wants it to stop.

## Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City of Warrenton's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Warrenton will take prompt, appropriate corrective action, and any employee found to have

violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City of Warrenton's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Nothing in this policy precludes a person from filing a formal grievance in accordance with a collective bargaining agreement (if applicable), with the Oregon Bureau of Labor and Industries (BOLI), or with the Equal Employment Opportunity Commission. Note that Oregon law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082, or ORS 659A.112) must be commenced **no later than five years** after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.

#### Protection Against Retaliation

City of Warrenton prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing, or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to the HR Assistant or City Manager, or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See *also* the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

#### Other Resources Available to Employees

The City of Warrenton provides an Employee Assistance Program (EAP) to employees and dependents who are enrolled in City of Warrenton's medical coverage. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City of Warrenton cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information:  
<https://www.osbar.org/public/>.

#### Other Employee Rights

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

The City will not require an employee to enter into any agreement if the purpose or effect of the agreement prevents the employee from disclosing or discussing conduct constituting discrimination, harassment, or sexual assault.

An employee claiming to be aggrieved by discrimination, harassment, or sexual assault may, however, voluntarily request to enter into a settlement, separation, or severance agreement which contains a nondisclosure, nondisparagement, or no-rehire provision and will have at least seven days to revoke any such agreement.

For the purposes of this policy:

- a “nondisclosure agreement” is an any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint or work-related harassment, discrimination, or sexual assault.
- a “nondisparagement agreement” is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or the City.
- a “no-rehire provision” is an agreement that prohibits an employee from seeking reemployment with the company and allows a company to not rehire that individual in the future.

#### **D. NO-BULLYING POLICY**

City of Warrenton strives to promote a positive, professional work environment free of physical or verbal harassment, “bullying,” or discriminatory conduct of any kind. City of Warrenton, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, “bullying” refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks; shouting or raising one’s voice at an individual in public or private; public reprimands, unless it falls under the immediate need for safety and wellbeing of staff; disclosure of private or personal information with the intent to insult or embarrass; psychologically manipulating someone so as to make them question their perception of reality; and or making false accusations or errors that are otherwise undocumented or without witness.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying. Persistent singling out of one person; manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberate ambiguous instructions).
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred City of Warrenton will take

prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

## **E. DISABILITY ACCOMODATION POLICY**

City of Warrenton is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon's disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

### **Accommodations**

City of Warrenton will make reasonable efforts to accommodate a qualified applicant or employee with a known disability, unless such accommodation creates an undue hardship on the operations of City of Warrenton.

### **Requesting an Accommodation**

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, City of Warrenton) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by the City of Warrenton, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made with the City Manager and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his/her need for a reasonable accommodation. Both the City of Warrenton and employee must monitor the employee's accommodation situation and make adjustments as needed.

## **F. PREGNANCY ACCOMODATION POLICY**

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the employee's supervisor or HR Assistant to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Warrenton will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City of Warrenton's operations.

Although this policy refers to "employees," the City of Warrenton will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth, or a related medical condition.

### **Requesting a Pregnancy-Related Accommodation**

Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with the employee's supervisory or the HR Assistant and should specify which essential functions of the employee's job cannot be performed

without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City of Warrenton and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Warrenton and employee must monitor the employee's accommodation situation and make adjustments as needed.

### No Discrimination, No Retaliation

The City of Warrenton prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City of Warrenton; or (3) needed an accommodation.

Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave or family medical leave if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City of Warrenton. Also, no employee will be denied employment opportunities if the denial is based on the need of the City of Warrenton to make reasonable accommodations under this policy.

### Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon's sick leave law, and the Family Medical Leave Act. See policies on page 8, or speak with the HR Assistant.

## **G. REPORTING IMPROPER or UNLAWFUL CONDUCT – NO RETALIATION**

Employees may report reasonable concerns about the City of Warrenton's compliance with any law, regulation, or policy, using one of the methods identified in this policy. The City of Warrenton will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules or regulations by the City of Warrenton;
- Mismanagement, gross waste of funds, abuse of authority;
- A substantial and specific danger to public health and safety resulting from actions of the City of Warrenton; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City of Warrenton will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

### Employee Reporting Options

In addition to the City of Warrenton's Open Door Policy (see section 12.A), employees who wish to report improper or unlawful conduct should first talk to his/her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Manager. Supervisors and managers are required to inform the City Manager about reports of improper or unlawful conduct they receive from employees.



Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City of Warrenton were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with BOLI or bring a civil action in court to secure all remedies provided for under Oregon law.

#### Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City of Warrenton's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Warrenton; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

#### Policy Against Retaliation

The City of Warrenton will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City of Warrenton policy) .

In addition, the City of Warrenton prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City of Warrenton employee will be adversely affected because he/she refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City of Warrenton may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of his/her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City of Warrenton determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

### III. EMPLOYEE CLASSIFICATIONS

All employees are classified as Trial Service, Regular (full-time or part-time), Casual Part-time, or temporary as explained below. All employees are also classified as exempt or non-exempt for overtime and other purposes. Employee classifications are used to determine wages, benefit eligibility, and other employment conditions but do not change any employee's at-will employment status. If you have any questions about your position or classification, please contact your supervisor or HR Assistant.

***Please Note: Employees covered by a CBA should refer to their CBA for information on the trial service/probationary period, classifications, and benefits applicable to their employment, which may vary from the policies outlined in this Handbook. For such employees, the CBA (& not this policy) outlines the trial service/probationary period and benefits applicable to your position.***

#### A. TRIAL SERVICE EMPLOYEES (Employment or Promotion)

All employees who are hired or promoted into a position for ongoing employment are subject to a trial service period during which the City evaluates all areas of the employee's performance in the new position (such as behavior, aptitude, job skills, work habits, efficiency, ability to learn, ability to get along with people, attendance, etc.). This trial service period also provides the employee with an opportunity to evaluate whether the work for which they were hired, the people with whom they work, and the general conditions of the position meet their expectations.

Except as otherwise provided by an applicable CBA, the trial service period for newly hired employees is six (6) months from the most recent date of hire. The City may extend the length of any trial period as it determines appropriate based on its evaluation of employee performance, and generally notifies employees in writing if their trial service period is extended. All employees should understand the City has no obligation to continue their employment for the entire trial service period. *Rather, except as otherwise provided by the terms of an applicable CBA, all employees in their trial period of employment are employed on an **at-will basis** and may be terminated with or without cause at any time as the City determines appropriate, and without appeal rights or due process procedures.*

For employees who have obtained regular status in another position but who are transferred or promoted to another position, the promotional trial service period is three (3) months from the date of transfer/promotion. Such employees may be removed from the new position during the trial service period for that position at the City's discretion without cause or appeal/due process procedures. Likewise, you are free to resign if you feel your new job is not meeting your expectations.

Except as otherwise provided by the terms of an applicable CBA, an applicable written individual employment agreement, expressly outlined in this Handbook, or otherwise required by the terms of an applicable formal benefit plan document or applicable law, employees in their initial trial service period are eligible for all employment benefits, except use of vacation. Employees in their trial service period for a promoted position continue to be eligible for any benefits they were already earning at the time of promotion provided they are also applicable to their new position and the employee continues to meet all eligibility criteria for that benefit.

## **B. REGULAR EMPLOYEES**

Regular employees are employees who have been hired by the City for an ongoing employment position and have successfully completed the trial service period.

1. **REGULAR FULL-TIME**: A regular full-time employee is a regular employee whose position is budgeted at 1.0 FTE (to work a regular schedule of at least 40 hours per week). Regular full-time employees are eligible for all City employee benefits provided they meet the specific eligibility requirements for that benefit outlined in these policies or applicable insurance/other formal plan documents, which are controlling.
2. **REGULAR PART-TIME**: A regular part-time employee is one whose position is budgeted for 0.80 FTE or less (to work a regular schedule of 32 hours per week or less). Regular part-time employees are eligible for pro-rated employee benefits only as provided in this Handbook (provided they meet any requirements in applicable insurance policies and other formal plan documents, which are controlling) and as required by law.

## **C. CASUAL PART-TIME EMPLOYEES**

A casual part-time employee is one whose position is budgeted for ongoing employment on an intermittent, on-call, or other as needed, basis. Casual part-time employees may be scheduled to work varying hours and schedules depending on City needs. Casual part-time employees are not eligible for employee benefits except as provided in this Handbook (provided they meet any requirements in applicable insurance policies and other formal plan documents, which are controlling) and as required by law.

## **D. TEMPORARY EMPLOYEES**

Temporary employees are those who have been hired directly by the City or through a temporary employment agency to work on an interim relief basis or as needed for a limited period of time such as to complete specific projects or assignments that are not anticipated to be required on an ongoing basis (for example, Internships and other seasonal work). Temporary assignments are generally limited to a period of six (6) months or less.

Temporary employees hired directly by the City are not eligible for any City employment benefits except as outlined in this Handbook (provided eligibility is consistent with the terms of any formal benefit plan documents, which control) and as required by law. Temporary employees hired through a temporary employment agency are subject to the City's performance expectations for the services they perform as well as the City's conduct policies in our workplace. Temporary employment agency employees are not, however, eligible for City wage rates/incentives or any other employment benefits through the City. Rather, the City reports your hours of service and other information to your employing agency, which controls your pay and benefits. As a result, all questions regarding your pay and benefits should be directed to the employment agency.

## **E. CHANGES IN CLASSIFICATION STATUS**

A temporary assignment of a part-time employee to additional hours of work (such as for special projects and/or during busy periods), or the extension of a temporary employee's assignment does not change the employee's classification status for benefit eligibility purposes except when

otherwise required by an applicable CBA. To avoid misunderstandings, all changes in employment status from one classification to another must be confirmed in writing (Personnel Action Form) by the supervisor and City Manager in order to be valid.

## **F. EXEMPT AND NON-EXEMPT STATUS**

In addition to the above classifications, the City also classifies all employees as exempt or non-exempt from overtime pay. Non-exempt employees, including but not limited to all hourly employees, are eligible to earn overtime pay or compensatory time off as outlined in the City's Compensation policies and to the extent otherwise required by applicable law.

Employees who hold supervisory/managerial, professional, and certain high level administrative positions are generally classified as exempt based upon their job duties and level of responsibility. Employees who the City has classified as exempt are paid a salary that covers all of their hours worked (regardless of how many), and are not legally entitled to additional pay or benefits for overtime. For more information, see the Compensation policies in this handbook.

## **G. VOLUNTEERS**

As a public entity, the City may use the service of volunteers. Volunteers are individuals who donate their services to the City for civic or humanitarian reasons without contemplation or expectation of compensation in accordance with applicable law. Individuals who have been hired into paid employment positions with the City (employees) are strictly prohibited from volunteering to perform the same or similar work to the work they perform in their paid positions and from performing any volunteer work during their normal working hours. In order to avoid misunderstandings, City employees must obtain approval in writing from the City Manager before performing any volunteer services for the City. If you are a City employee and also want to volunteer with the City, please contact your supervisor.

Although the City expects volunteers to meet our conduct and behavior standards (as well as any performance needs related to the nature of their volunteer services), volunteers are not considered employees of the City and are not paid for their services or eligible for benefits. Volunteers may choose to discontinue their volunteer services at any time. The City may also discontinue volunteer services at-will at any time for any reason without appeal rights or due process procedures.

## **IV. WAGE AND COMPENSATION POLICIES**

### **A. PAYDAYS AND PAYCHECKS**

The City maintains a Semi-monthly pay period, which runs from the 1<sup>st</sup> through the 15<sup>th</sup> and the 16<sup>th</sup> through the last day of each month. Paychecks are issued on the 7<sup>th</sup> and the 22<sup>nd</sup> of each month, following the close of the prior pay period. When a regularly scheduled payday falls on a holiday, paychecks are issued on the last business day before the holiday. If a payday falls on a Saturday, paychecks are issued on the Friday before. If payday falls on a Sunday, paychecks are issued the following Monday.

1. **DEDUCTIONS FROM PAY:** The City takes deductions from employee paychecks as required by law for FICA, federal and state taxes, garnishments, etc. Other items, (e.g. benefit contributions) are only deducted as outlined in an applicable CBA or otherwise as permitted by law and/or upon written authorization from you.
  
2. **CORRECTIONS TO PAY:** If you have questions or feel your paycheck is not accurate, promptly notify the Accountant. The City's goal is to pay employees correctly every pay period. By bringing mistakes in payment of your wages to the City's attention as soon as possible, you help it make sure you are properly paid for all the work you perform. In the event that an error results in an underpayment of 5% or more, pay is corrected within three (3) business days from when the error is realized. Any other underpayments are generally corrected on the next regular payday.
  
3. **DIRECT DEPOSIT:** It is the City's policy to provide employee paychecks through direct deposit into their bank accounts. Direct deposit is a convenient way to have your paycheck immediately available on payday. For more information, please see the Accountant. Employees who do not have direct deposit and want to have their paycheck released to any other person must provide the City with a signed authorization for the release.

### **B. OVERTIME AND COMPENSATORY TIME PAY**

***For employees covered by a CBA, overtime rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.***

The City strives to limit unnecessary overtime for employees and may adjust employee work schedules as needed to minimize the need for overtime. However, on occasion it may be necessary for an employee to work overtime to meet City needs. Non-exempt employees are paid at the rate of one and one-half times their regular rate of pay for:

- All hours worked in excess of 8 hours in a workday (shift) if you are assigned an eight (8) hour per day, five (5)-day per week work schedule
- All hours worked in excess of 10 hours in a workday (shift) if you are assigned a 10 hour per day, 4 day per week work schedule.
- All hours worked in excess of their regularly scheduled work shift for employees who have a regularly and consistently assigned work schedule or approved flex schedule.
- All hours worked over 40 hours in a workweek. The City's workweek for overtime purposes begins at 12:01 a.m. (midnight) on Monday and continues through 12:00 a.m. Sunday.

*Note: Casual part-time and temporary employees (including Interns, temporary seasonal employees and others who work on an on-call/intermittent basis with no regularly and consistently assigned work schedule, etc.) are not eligible for daily overtime and should not work overtime hours. Likewise, employees who are approved to flex time within the same workweek (e.g., to make up hours taken off for doctor, dental appointments, etc.) are not eligible for daily overtime on the day on which the hours are made up.*

Finally, regardless of the circumstances, all employees should be aware that overtime is not pyramided or otherwise paid more than once for the same hours worked and only actual hours worked are counted for overtime purposes.

In lieu of overtime pay as outlined above, non-exempt employees may elect to receive compensatory time off at the rate of 1½ hours of compensatory time per hour of overtime worked, up to a maximum of forty (40) hours of compensatory time. A non-exempt employee may carry over into the next fiscal year up to twenty (20) hours of compensatory time with any remainder paid in the last pay period of the ending fiscal year. *Note:* Non-exempt employees are paid for overtime hours worked unless they designate the hours as compensatory time on their time sheet. For information on using accrued compensatory time, see the OT and Compensatory Time Pay Policy in the Employee Benefits section in this Handbook.

Although employees are expected to perform overtime when required, all overtime must be authorized by your supervisor before it is worked, unless emergency or other circumstances beyond your control prevent prior approval. Regardless of whether it has been pre-approved, the City pays non-exempt employees for all overtime worked when required by law. Therefore, non-exempt employees are expected to accurately record their time worked, including overtime, on their time records. If there are questions about whether any unauthorized overtime was necessary and appropriate to conduct City business or should have been approved, the City may meet with you to evaluate whether you are meeting City standards and expectations, and you may be subject to disciplinary action for unauthorized overtime.

While the City strives to minimize unnecessary overtime, employees are expected to perform overtime work when it is required. If the assignment of overtime work presents a hardship for you, discuss your concern with your supervisor. The City considers particular employee needs and desires to the extent we feel it is practical and fair to your coworkers. Failure to work required overtime may result in disciplinary action.

### **C. WAGE RATES AND POSITION CLASSIFICATION PLANS**

It is the City's policy to pay wages and salaries that it determines fairly takes into account its geographic location, comparable rates being paid for similar work in the community and other similarly sized communities, as well as the City's budgetary constraints and fiscal responsibilities. To facilitate these efforts, the City has established position classification plans, including designated steps for wage and salary advancement. If you have questions about the wage range for your position, contact the City Manager.

- 1. POSITION CLASSIFICATION PLANS:** The City has established pay classification plans designed to provide consistency in our pay scales and similar pay for similar responsibilities and job functions. Positions are generally grouped by 'class' and a pay scale is established

for each 'class' of position based on the duties and responsibilities of the positions in the class. A "class specification" for each class of jobs provides a general outline of the characteristic duties, responsibilities, qualification requirements, etc. that are applicable to that 'class' of positions and that distinguish a given class from other classes of jobs. More detailed information about a particular position may be found in the job description for that position. *However, nothing in this policy, the City's class specifications, or job descriptions restricts the City from assigning additional or different duties to employees as it determines appropriate.*

The City periodically reviews its pay scales and class specifications and may make changes to its pay scales or class specifications as it determines appropriate. However, no City employee is authorized to change a class specification or pay scale, create new positions, or allocate positions to any class except the City Manager or his/her designee, subject to any applicable collective bargaining obligations.

- 2. RECLASSIFICATIONS:** When the City determines that the duties and responsibilities of a position have changed significantly, the City may elect to reclassify the position and assign a new pay scale if the change is also consistent with the City's determination of budgetary needs. Reclassifications may be to a higher or lower pay scale as appropriate to the nature of the position, and an employee's wages may be adjusted as appropriate to the reclassification. Wage adjustments to a lower pay rate/scale as a result of a reclassification of the position are not considered disciplinary in nature and are not subject to appeal or other due process procedures. *For bargaining unit positions, it is the City's policy and practice to bargain with the applicable union in accordance with its public employee collective bargaining obligations.*

If you believe your position duties have changes sufficiently to warrant a reclassification, you may submit a request for reclassification to your Department Head. All requests should include a copy of the current job description and other appropriate documentation showing how the position has changed. Department Heads review such requests with the City Manager, and a decision is generally issued within sixty (60) days of the request. However, in order to avoid misunderstandings, all employees should recognize that no supervisor or manager, other than the City Manager, has the authority to reclassify a position.

- 3. APPOINTMENT RATE:** Except as otherwise approved in writing by the City Manager, it is the City's policy to hire/appoint all employees at the first step of the wage/salary range established for their position.

#### **D. WAGE INCREASES**

***For employees covered by a CBA, your wage rates and pay increases are established and governed by the terms of that CBA, and not this policy.***

- 1. MERIT STEP INCREASES:** Employees should recognize that wage increases at the City are not automatic or guaranteed. Rather, all wage/step increases are based on individual performance and merit and must be consistent with the City's budgetary needs and the wage scale applicable to the position. Merit step increases may be recommended by the employee's supervisor or manager. However, all recommended merit step increases are subject to authorization by the City Manager, which must be in writing to be valid.

The City conducts a review of employee performance at the end of the trial service period. Thereafter, annual reviews precede any step increases which fall on either the anniversary date of hire or subsequent anniversary due to change of classification or promotion. In addition to the above considerations, employees are generally only considered for merit pay increases in connection with an overall satisfactory rating on their formal performance review. Employees who have reached the top step within the pay range for their position are not eligible for merit increases while they remain in that position unless the pay range for their position is modified to include higher wages than they are currently earning. An annual performance review is continued, even when an employee reaches the top step of their salary range. An employee who does not receive a performance evaluation during a year may request a performance evaluation. Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Settling of performance goals for the employee for the following year

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response must be filed not later than thirty days following the date the performance evaluation was received.

2. **COST OF LIVING ADJUSTMENTS (COLA) INCREASES:** The City periodically reviews its pay scales and employee wages for consistency with current costs of living and may provide COLA wage increases to employee wages as it determines appropriate and consistent with fiscal responsibility and budgetary constraints. The City generally provides COLA increases for non-represented employees, and exempt staff at a rate consistent with the COLA increases provided to AFSCME represented employees.

## **E. OTHER PAY**

### **1. OUT OF CLASS PAY:**

***For employees covered by a CBA, your wage rates (including eligibility for out-of-class and other premium pay, etc.) are established and governed by the terms of that CBA, and not this policy.***

In order to provide opportunities for employee growth and to meet temporary City needs, the City currently provides out-of-class pay to employees who are assigned substantially all of the duties and responsibilities of a higher paid classification for five consecutive working days. In order to be eligible for out-of-class pay, the assignment must be approved in writing by the Department Head and City Manager.

In such cases, the City pays the employee either the first step in the higher paid range or five percent (5%) above their current rate of pay (up to a maximum of the top step of the higher paid classification), whichever is greater. Out-of-class pay is generally paid retroactively to the first day of the assignment and continues for the duration of the assignment. Out-of-class assignments are generally not approved for a period in excess of six (6) months.

Employees who are acting out of class may be eligible for merit reviews in the higher range, but should understand that their pay rate will be reduced to the applicable rate



under their original pay range (including any merit reviews for which he or she may be eligible) at the end of the acting assignment.

**2. LONGEVITY PAY:**

Employees' longevity pay shall be based on wage of the employee as follows:

- 1% after 10 years of continuous service (120 months)
- 2% after 15 years of continuous service (180 months)
- 3% after 20 years of continuous service (240 months)
- 4% after 25 years of continuous service (300 months)

Longevity steps are not cumulative.

**3. INCENTIVE PAY:**

Under discretion of the City Manager, exempt staff may occasionally receive incentive pay. For example, when Public Works non-exempt staff pool has fulfilled their quota of on-call shifts per the CBA, and exempt staff are required to fill the on-call shifts. Another example is when Fire Department exempt staff are required to take EMS Duty shifts that are not picked up by fire department volunteers or other fire department paid staff.

**F. TRAVEL EXPENSES**

In order to best utilize our public funds, all City business related travel must be conducted in the most efficient and cost-effective manner. Prior to incurring any costs and/or traveling on City business, employees must obtain approval from their supervisor or Department Head. Management evaluates all requests and determines the necessity, available resources, and justification for the need for and the method of travel and related expenses. Refer to Collective Bargaining Agreements for travel-related policies for all non-exempt employees. Exempt employees follow the general collective

**1. MEALS, GRATUITIES, AND TRAVEL EXPENSES:**

Meal allowances, while on overnight travel, shall be paid on a per diem basis at published GSA rates. Rates can be located at [www.gsa.gov](http://www.gsa.gov). The standard published rate shall be paid unless travelling to a listed City/County with a higher published specified rate. Rates are published for each State. Rates are updated annually and are effective for the 12-month period beginning October 1. The published rates are broken out by breakfast, lunch, dinner, and incidentals.

On the day of departure and the day of return, the rate shall be paid at 75%. The time that departure and return take place will not factor into the reduction of the rate paid. Meals included with the conference or function will be reduced by the allotted amount for the applicable meal. Meals included with the conference or function on the day of departure and return shall be reduced at the 75% rate per meal.

No receipts from the employee are required. Required documentation include the date(s) of travel, the city, county, and state where travel takes place, and the business purpose. Travel that takes place in the same day (non-overnight travel), where a meal has been

allowed by the supervisor to be reimbursed at the GSA Standard Rate only for the particular meal type. Receipts are required and the payments (reimbursements) are taxable compensation added to the employee's payroll check.

## **2. TRANSPORTATION AND MILEAGE:**

Employees who travel outside the City, on City business are expected to utilize City owned vehicles whenever possible. If a City vehicle is not available, or the employee is otherwise approved to use a personal vehicle, the City's reimburses employee mileage for business travel at the established IRS rate at the time of travel, which covers all vehicle related expenses except parking, which may be separately reimbursed with approved itemized receipts. Employees are required to comply with all applicable laws while driving on City business. Costs associated with traffic violations (e.g., traffic citations, parking tickets, court costs and fees) are not paid by or reimbursed by the City.

Employees who choose to use a personal vehicle when a City vehicle is available or when the City has determined that another method of transportation is more efficient for the circumstances are not eligible for mileage reimbursement. Mileage and parking reimbursements are made only for pre-approved travel for City business and are not provided for travel to and from work.

Travel by common carrier such as a plane, train, etc., must be booked and paid in advance by the City.

## **3. LODGING:**

Lodging is allowed only for travel on official City-approved business that involves an overnight stay. Lodging expenses are allowed at the actual cost for single room rate and must be booked at government or commercial rates, unless unavailable, and should be paid in advance with a City credit card or check.

- 4. OTHER INFORMATION:** Time spent in approved business travel is paid as hours worked when required by applicable law. For additional information on how travel time should be recorded on your time records, see your supervisor prior to your travel date.

*Employees who are accompanied or joined by personal companion(s) during approved City business travel are responsible for all meal, additional lodging, and all other added travel costs for their companion(s). The City does not pay or reimburse any travel companion expenses.*

- 5. Bilingual Incentive Pay:** The City may, at its discretion, grant a 3% bilingual incentive pay to employees who demonstrate fluency in Spanish and whose positions regularly require them to speak Spanish. The 3% bilingual incentive pay shall be calculated from the employee's base salary, exclusive of longevity pay or other incentives. An employee's fluency shall be based on standards established by the City. No more than one employee per department may receive this bilingual incentive pay at one time. This section is not subject to the grievance process.

## V. EMPLOYMENT BENEFITS

***The following policies outline the City of Warrenton’s employment benefits for non-represented employees only. For employees covered by a CBA, employee benefits information applicable to your employment is established and governed by the terms of that CBA and applicable law, and not these policies. Such employees should consult their current CBA or the City Manager for information about benefits applicable to their employment.***

These policies are intended to provide a general description of the current benefits that non-represented employees may be eligible to receive. This Handbook does not change or otherwise interpret the terms of the official plan documents. To the extent that any of the information contained in this Handbook is inconsistent with applicable official plan documents, the provisions of the official plan documents control. Also, nothing contained in the benefit plans described in this handbook creates any promise of employment or future benefits at any level, or a binding contract between the City and its employees, retirees, or their dependents, for benefits or for any other purpose. Rather, this is a summary of the currently available benefits. In order to avoid misunderstandings, employees should understand that the City reserves the right, in its sole and absolute discretion, to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefits and benefit plans described in this Handbook, including any health benefits that may be extended to retirees and their dependents, as well as to what extent, if any, employees may be required to share in the costs of such plans.

For more complete information regarding any of our current benefit programs, please refer to the Summary Plan Descriptions or contact the Accountant.

### A. HOLIDAY BENEFITS

The City of Warrenton recognizes the following paid holidays for eligible employees:

New Year’s Day	Veteran’s Day
Martin Luther King Day	Thanksgiving Day
President’s Day	Day after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	Three “personal holidays”
Juneteenth	

If a holiday falls on a Saturday, the preceding Friday is generally observed as the holiday; and, if the holiday falls on a Sunday, the following Monday is generally observed as the holiday. The personal holiday must be used as a full day increment, scheduled with your supervisor’s approval (consistent with the vacation benefit scheduling policy, below), and must be used in the fiscal year in which it is granted, or it is forfeited.

The City respects the right of each employee to worship as his/her faith dictates. Time off to observe a holiday other than those listed may be arranged with advance notice and approval from your manager. Employees are not, however, granted more **paid** holidays than those recognized by the City.

1. **ELIGIBILITY FOR HOLIDAY PAY:** All trial service period, regular status and part-time employees who have been hired directly by the City and are on active status are eligible to receive paid holiday benefits as outlined below. Employees on unpaid approved leaves of absence for any reason and temporary/casual employees are not eligible for paid holiday benefits.
2. **AMOUNT OF HOLIDAY PAY:** Eligible employees receive holiday as follows:
  - a. Full-time hourly employees who do not work on a holiday receive eight (8) hours of pay at their regular hourly rate of pay. If a non-exempt employee's regular work schedule is a 4 day per week/10-hour per day schedule and the holiday falls on a day the employee would otherwise be scheduled to work, the employee will receive eight (8) hours of pay at their regularly hourly rate of pay for that day and the employee may use accrued time for the additional 2 hours or make up the time during the same work week.
  - b. Part-time hourly employees who do not work on a holiday receive a pro-rated number of hours of holiday pay based on the budgeted FTE for their position. Generally, benefits are provided to FTEs who work 20 hours or more.
  - c. Non-exempt employees who are required to work on a recognized holiday are paid at time and one-half for all hours worked plus holiday pay as outlined above.
  - d. Exempt employees receive a continuation of salary without deduction for recognized holidays.
3. **VETEREAN'S DAY HOLIDAY:** The City respects the service of our Veterans. Qualified Veterans are generally not required to work on Veteran's Day regardless of their position. However, in rare cases, where granting a particular employee Veteran's Day off creates a significant operational disruption or other undue hardship, the employee is given the option to select (with management approval) and alternative, unpaid day off within the year following Veteran's Day as a replacement day. For more information, contact the City Manager.

## **B. PAID VACATION BENEFITS**

1. **ELIGIBILITY:** All regular status (regular full-time and regular part-time) employees who have successfully completed the trial service period of employment (even if they are now in a promotion/transfer trial service period) are eligible to earn paid vacation benefits as outlined below.

Newly hired trial service employees are not eligible for and do not earn any paid vacation benefits during the trial service period (generally 9 months). After successful completion of the trial service period, otherwise eligible employees are credited with a lump sum amount of paid vacation benefits equivalent to what they would have earned during the trial service period (at the rate of 6.67 hours per month) if they had been eligible. Thereafter, vacation benefits are earned as outlined below for regular status employees.

Casual part-time, temporary, and other on-call/substitute employees are not eligible to earn any paid vacation time off benefits.

2. **AMOUNT OF PAID VACATION BENEFITS:** Paid vacation benefits are earned after the successful completion of the probationary period and then accrued proportionately each pay period. The amount of benefits an eligible employee earns depends on the employee's position and length of service with the City as outlined below.

The following chart shows the amount of paid vacation benefits earned by regular full-time employees:

<b>NUMBER OF CONTINUOUS, COMPLETED MONTHS OF EMPLOYMENT</b>	<b>AMOUNT OF PAID VACATION BENEFITS EARNED EACH MONTH</b>
0 months through 71 months	<b>8 hours per month</b> (approx. 96 hours per year)
72 months through 119 months	<b>10 hours per month</b> (approx. 120 hours per year)
120 months through 179 months	<b>12 hours per month</b> (approx. 144 hours per year)
180 months through 239 months	<b>13.34 hours per month</b> (approx. 160 hours per year)
240 or more months	<b>16.66 hours per month</b> (approx. 200 hours per year)

For hourly employees, vacation benefit pay is based on the employee's regular rate of pay at the time the vacation benefits are used. Exempt employees receive no deduction if they work any part of a workday.

Part-time Employees: Regular part-time employees whose positions are budgeted to work at least 20 hours per week (at least 0.5 FTE) are eligible to earn pro-rated vacation benefits based on the percentage of full time (40 hours) budgeted for their position.

3. **SCHEDULING AND USE OF BENEFITS:** Vacations must be scheduled in such a way that the City can best serve the public by maintaining sufficient staffing to meet their needs. Therefore, time off for vacations must be approved by management in advance. Generally, employees who wish to take one or more weeks off should submit a request at least ten (10) working days before the planned starting date of your vacation. While the City strives to

satisfy employee requests, all approvals are subject to the City's operational needs, except as required by law. Because of the nature of our work, or to fairly allocate vacation time off between employees, it may be necessary to limit the number of employees using paid vacation benefits at the same time, to prohibit an employee from taking time off during a particular period of time, or to cancel or reschedule employee vacations during a particular period of time. Please give as much advance notice as possible.

Paid vacation benefits are typically used in increments of one hour. Also, please remember that all earned and unused paid vacation benefits must be used before unpaid time off is taken (except when otherwise provided by applicable law, such as during periods of military leave, jury duty leave, and domestic violence leaves, when employees may elect to save such benefits.)

The City does not provide employees with advances on paid vacation benefits. Employees will not be paid for vacation benefits that have not been earned.

4. **ACCUMULATION AND CARRYOVER OF BENEFITS**: The City believes that both our employees and the public benefit when employees take time away from work to rest and relax. As a result, employees are permitted to accumulate a maximum of four hundred and eighty (480) paid vacation benefit hours. Thereafter, no vacation benefits are earned until the balance has been reduced below this maximum. You are encouraged to plan ahead to make the best use of your time off benefit.
5. **CASH OUT DURING EMPLOYMENT**: The City provides employees with paid vacation benefits to facilitate adequate time off during employment. Employees may cash out up to forty (40) hours of vacation leave once per fiscal year. To be eligible, at the time of cash out, the employee must have forty (40) hours scheduled for vacation leave and have a balance of at least eighty (80) hours vacation remaining after cashing out.

As a limited exception, employees who will reach their maximum vacation benefit cap (480 hours) at the end of that month are permitted to make a request for immediate time off to avoid reaching the cap. The City may elect to grant the time off as requested or, for exempt and police union employees may elect to cash out the benefits up to a maximum of 40 hours.

6. **PAYMENT OF BENEFITS ON TERMINATION OF EMPLOYMENT**: The City pays out all unused vacation benefits earned through the employee's last full day of employment that have not been used or cashed out, with the final paycheck. As a reminder, trial service employees do not earn and therefore will not be paid any vacation benefits on termination of employment.

## **C. PAID SICK LEAVE BENEFITS**

The City provides paid Sick Leave benefits to employees as outlined in this policy, in accordance with applicable law.

1. **ELIGIBILITY FOR PAID SICK LEAVE BENEFITS**: All employees hired directly by the City of Warrenton (including trial service, regular full-time, regular part-time, casual part-time and temporary employees) are eligible to earn paid sick leave benefits with the City. *Temporary employees hired through an employment agency are not eligible to receive paid sick leave benefits from the City of Warrenton and should consult their employing agency for*

information on benefits applicable to their employment. The City does, however, comply with time off and reinstatement obligations for all employees, including agency employees to the extent required by applicable law.

2. **AMOUNT OF PAID SICK LEAVE BENEFITS:** Regular full-time employees are provided with eight (8) hours of paid sick leave benefits for each full calendar month of employment, credited at 4 hours for each pay period. Regular part-time employees whose positions are budgeted to work at least 20 hours per week (at least 0.5 FTE) are eligible to earn pro-rated sick leave benefits based on the percentage of full time (40 hours) budgeted for their position. All other employees earn paid sick leave benefits only as required by law (at the rate of 1 hour of paid sick leave benefits for every 30 hours worked, up to a maximum of 40 hours per year)

In all cases, benefits are accrued and available for use in accordance with applicable law, including Oregon's paid sick time rules, which provides that benefits are earned as time is worked and generally protects the first 40 hours of use per year from attendance and other disciplinary action. Once an employee has earned at least 40 hours of paid sick leave benefits in the calendar year, benefits are earned only at the rates and under the conditions provided above, without any minimum guarantees.

3. **USE OF PAID SICK LEAVE BENEFITS:** Employees may begin using accrued Paid Sick Leave benefits as soon as they are earned. Paid sick leave benefits may be used for the following purposes:
- An employee's own illness, injury, or health condition, including time off for medical diagnosis, care, treatment, and preventive care. This includes using such benefits to make up the difference between workers' compensation benefits and an employee's regular wages, if applicable.
  - To care for a family member with an illness, injury, or health condition, including time off for medical diagnosis, care, treatment, and preventive care. "Family member" means the employee's spouse, same-gender domestic partner, parent, child (custodial, non-custodial, adoptive, foster, biological, step-parent/child, in loco parentis, etc.), parent-in-law, grandparent, or grandchild.
  - For qualifying FMLA and OFLA absences/leaves.
  - For any purposes allowed under the Oregon Family Leave Act (OFLA) even if the employee has not met the eligibility requirements under OFLA.
  - For any purpose allowed under Oregon's domestic violence, criminal harassment, sexual assault, or stalking law.
  - In the event of a public health emergency, including upon an order of a general or specific public health emergency, or when the employer excludes the employee from the workplace by law or rule for health reasons.
  - As otherwise required by applicable law.

The City prides itself on providing our employees with generous benefits. To do this while still meeting our operational and efficiency needs, all employees should understand that a maximum of 40 hours per calendar year of Paid Sick Leave benefits will be treated as protected time off (not subject to the attendance policy) for reasons covered by Oregon's paid sick time rules.

Following the exhaustion of protected Oregon paid sick time, Paid Sick Leave benefits may only be used for:

- Bona fide employee injuries or illnesses, including to make up the difference between workers' compensation benefits and an employee's regular wages, if applicable;
- For qualifying FMLA and OFLA leaves for eligible employees;
- For approved bereavement time off; and
- For other time off when required by applicable law.

Paid Sick Leave benefits are typically used in increments of 1 hour unless otherwise required by applicable law. Employees who need time off for qualifying purposes under this policy must follow the City's attendance reporting procedures as outlined in this Employee Handbook.

If the need for the absence is covered by Oregon sick time rules and is known in advance, you must notify your supervisor at least 10 days in advance, or as soon as possible if you learn of the need for the absence with less than 10 days' notice. If it is not known in advance, you must provide notice within the first fifteen minutes of shift, unless you are prevented from doing so. In that event, you must provide notice as soon as practicable.

**4. PAYMENT OF SICK LEAVE BENEFITS:** Paid Sick Leave benefits are paid out at the employee's regular straight time hourly rate of pay (or base salary rate for salaried employees) for the hours the employee would otherwise be required to work on the day the benefits are used. Employees are not permitted to use or be paid for Paid Sick Leave benefits that have not yet been earned. Also, please note that employees are required to use any earned and unused Paid Sick Leave benefits for all absences covered by this policy rather than taking the time off as unpaid.

**5. VERIFICATION OF ABSENCES:** All employees are expected to be honest and accurate in reporting the circumstances surrounding absences. Abusing Paid Sick Leave benefits is a serious policy violation that results in discipline up to and including termination of employment. We generally require verification of the need for leave in the following circumstances:

- When we have reason to suspect that an employee has abused Paid Sick Leave benefits, such as taking patterned absences, use when time off has otherwise been denied, etc.;
- When an employee has been absent for more than three (3) consecutive workdays for their own illness or injury that required medical treatment;
- When we deem it necessary to comply with our obligations under applicable laws, such as verification/certification of OFLA or FMLA, as needed to make reasonable accommodations, etc.

The City also generally requires a "fit for duty" release from an employee's healthcare provider for absences of more than three (3) consecutive workdays due to the employee's illness or injury that required medical treatment, or when we have good faith concerns about the safety of the employee or others in the workplace due to the nature of the employee's illness or injury.

**6. CARRYOVER AND ACCUMULATION OF PAID SICK LEAVE BENEFITS:** Trial service period employees hired for ongoing employment and regular status (regular full-time and regular part-time) employees may accumulate up to a maximum of 1,260 hours of paid sick leave benefits. For those employees hired before November 1, 2022 date, the



maximum number hours that may be accrued is 1,920. Thereafter no additional benefits are earned until the benefits are reduced below this cap.

All other eligible employees (Casual part-time, temporary, and on-call/substitute employees, etc.) are permitted to carry over up to a maximum 40 hours of earned and unused Paid Sick Leave Benefits from one calendar year to the next and the total accumulation of Paid Sick Leave benefits is capped at 80 hours for these employees.

7. **DONATION OF SICK LEAVE BENEFITS:** The City permits employees to donate up to 80 hours of earned and unused paid sick leave benefits to another employee as outlined in this policy. In order to be eligible to donate, the donating employee must have sufficient benefits to ensure at least 120 hours of paid sick leave benefits remain after the donation. Employees who donate leave should understand that they are surrendering those benefits and that the donation is irrevocable.

To be eligible to receive donated sick leave benefits, an employee must:

- have a serious illness or medical condition or be caring for a family member with a serious illness or medical condition that requires a prolonged absence from work;
- have exhausted all paid vacation, sick leave, compensatory time, and other paid time off benefits;
- not be eligible for disability benefits (under PERS, Worker's Comp, or City LTD benefits); and
- be anticipated to be absent from work at least one week beyond exhaustion of all leave banks.

Employees are not permitted to receive more donated leave than necessary to cover the approved period of absence. Donated time cannot be used to extend the employment of an employee who will not be returning to work and does not guarantee that extended leaves of absence will be approved.

Applications for donated leave must be made to the City Manager, in writing, and must describe the serious illness or medical condition necessitating the leave. The City Manager will determine whether the illness or medical condition satisfies eligibility requirements. It is important to note that donated sick leave benefits are provided only in emergency and serious circumstances and are not to be considered a back-up general sick leave bank. Likewise, all donations of leave are voluntary, and the availability of donated leave is not guaranteed. If you have questions about whether your situation would qualify, please contact the HR Assistant to discuss your situation.

All applications for donated leave must be approved by the City Manager in advance. Donated sick leave benefits are transferred on an hour for hour basis, which may result in fewer or greater number of paid time off hours for the recipient depending on comparative pay rates. If more than one employee applies to donate leave to the same individual, donations are credited on a first-donated, first-used basis.

8. **PAYOUT ON TERMINATION OF EMPLOYMENT:** Paid Sick Leave benefits are not vested and are not paid out on termination of employment. The City does, however, report unused paid Sick Leave Benefits to the Public Employees Retirement System (PERS) in accordance with applicable law. Also, employees who are eligible to earn benefits under this Paid Sick Leave policy and leave City employment and are rehired within 180 days have up to 80

hours of previously earned and unused Paid Sick Leave Benefits restored, which may be used immediately in accordance with applicable policy requirements.

#### **D. PAID BEREAVEMENT BENEFITS**

Trial service period and regular status employees are eligible for up to five (5) days of paid time off (at your regular straight time hourly or base salary rate of pay for the hours you would otherwise be scheduled to work on the dates of absence) due to a death in their present immediate family member. Time off for bereavement leave under this policy runs concurrently with OFLA bereavement leave for eligible employees.

“Present immediate family” includes the employee’s present spouse or registered domestic partner, children (including biological, adopted, step, foster children), parents, stepparents, brothers, sisters, grandparents (including grandparent in-laws), grandchildren, present in-laws (mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, and son-in-law), nieces, nephews, or any permanent member of the employee’s household. Verification of family relationship and death may be required, except as otherwise prohibited by applicable law. Whenever possible, employees should give at least 24 hours’ advance notice of their need for such leave.

Employees who wish to further extend any period of bereavement time off may use any earned and unused sick leave, (up to OFLA allowed time-off) or other paid time off benefits, or, if no such benefits are available, employee may request unpaid time off which must be approved by the City Manager. Employee must follow applicable procedures for reporting absences and requesting time off (OFLA or other attendance policy as applicable). Such bereavement time off extensions are subject to the City’s policies and operating needs except when otherwise required by applicable law.

#### **E. HEALTH INSURANCE BENEFITS**

The City currently provides medical, dental, and vision health insurance benefits to eligible employees (who meet the eligibility requirements in the applicable plan documents) beginning on the first day of the month, following 30 days after employment begins, provided the employee has timely enrolled.

- 1. CONTRIBUTIONS TO PREMIUMS:** The City currently shares the cost of health insurance premiums with employees. Employees who participate in the City’s health insurance plan will have their share of the cost of premiums deducted from the employee’s paycheck for the first pay period of the month (second paycheck). For additional information on current cost sharing rates, please see the Accountant.
- 2. HEALTH SAVINGS ACCOUNT (HSA):** The City contributes to a Health Savings Account for eligible employees. For more information, please see the Collective Bargaining Agreement for non-exempt employees or contact the Accountant. Exempt employee benefits are the same as described in the general unit’s CBA.
- 3. TERMINATION OF COVERAGE:** Coverage through City paid contributions ends on the last day of the month in which an employee resigns, is terminated, laid off, or otherwise stops working as an eligible employee pursuant to applicable plan terms. The City does, however, continue to pay its portion of the premium for employees who are on Family Leaves, jury

duty leave etc. as required by law. Employees who lose their coverage may elect to self-pay the premium for continued coverage in accordance with applicable law.

4. **CHANGES IN COVERAGE AND BENEFITS:** The City reserves the right to change plans, providers, or to otherwise modify or discontinue any insurance plan(s) for non-represented employees as it deems necessary. The City provides employees advance notice of such changes before they become effective.

## **F. LONG TERM DISABILITY & LIFE INSURANCE BENEFITS**

The City provides eligible employees with a Long-Term Disability (LTD) benefit plan and also makes life insurance benefits available to eligible employees. In all cases, eligibility and benefits are determined and paid only in accordance with the terms of the applicable plan documents. For more information on our LTD and/or life insurance benefit plans, please contact the Accountant.

## **G. RETIREMENT BENEFITS**

The City of Warrenton participates in the Oregon Public Employees Retirement System (PERS) for eligible employees. As an additional benefit to our employees, the City currently pays the employee contributions for eligible employees. The payment of the employee contribution may be discontinued by the City at its discretion. If you have questions regarding the PERS benefit, please contact the Accountant.

## VI. WORK SCHEDULES AND HOURS

The City's business hours are generally 8:00 a.m. to 5:00 p.m., Monday through Friday. However, the hours during which the City offices and departments are open for business are determined by the City Manager. Also, individual employee schedules vary by department and position as the City determines necessary to provide maximum efficiency and public service. The hours you are required to work are established by your Department Director and supervisor.

*Except as otherwise provided in an applicable collective bargaining agreement, the City also reserves the right to change the schedules and/or hours of all or any employee(s), to provide for efficient public services. Although the City strives to provide employees with stable work schedules, its ability to do so depends on management's assessment of work needs and budgetary considerations. Nothing in this Handbook creates any guarantee of any specific work schedule or of employment on certain days of the week or for a specified number of hours per day or week. Employee schedules and hours may be changed, reduced, or they may be laid off as the City determines appropriate for efficient provision of City services, budgetary, workload or other reasons.*

### A. ATTENDANCE AND TARDINESS

All employees are expected to be on time and prepared to begin work at the scheduled starting time. Likewise, all employees are expected to work until their scheduled quitting time and to limit their lunch and break periods to the designated times. If you need to leave work during your scheduled working time, you are expected to clear it with your supervisor in advance. Punctual, reliable, and predictable attendance of City employees is necessary for efficient operations. Therefore, while some allowances may be made for occurrences beyond the employee's control, unauthorized, habitual, patterned, or excessive countable absenteeism or tardiness, as determined by the City, is subject to disciplinary action up to and including discharge. *Countable absences and tardies include all absences and tardies that are not scheduled and approved in advance or otherwise protected by applicable law.*

1. **REPORTING PLANNED ABSENCES:** If you know in advance that you need to be late or absent on a particular day, you must obtain approval as far in advance as possible so that substitute arrangements can be made to cover your work.
2. **REPORTING UNPLANNED ABSENCES:** Unplanned absences and tardiness also must be reported to your supervisor within 15 minutes of your scheduled shift. If your supervisor is unavailable, you must leave a message or contact the HR Assistant. Reporting to a coworker is insufficient.
3. **KEEP US INFORMED:** When you are off work due to an illness, injury, or any other reason, you must keep your supervisor informed of your ability to return to work on a daily basis, unless you receive approval to be absent until a specific date. The reporting policy for employees on extended leaves of absence, including employees off work on family leaves and workers' compensation leaves, is addressed under the Leaves of Absence section of this Handbook.
4. **NO-CALL/NO-SHOW:** Employees who fail to report to work or call in within two (2) hours after their scheduled starting time are considered to be a No-Call/No-Show. Employees who No-

Call/No-Show for two (2) consecutive workdays are considered to have voluntarily resigned their employment, unless the City determines special circumstances beyond your control excuse the lack of notice.

5. **VERIFICATION OF ABSENCES**: The City may require employees to provide verification of the nature and need for absences from work to properly designate employee leaves and administer benefits as well as when management has a suspicion that an employee has falsified the reasons for an absence or otherwise abused its leave policies and benefits. For additional information on verification, please see the Sick Leave Benefits Policy.

## **B. MEAL AND REST BREAKS**

1. **MEAL BREAKS**: Non-exempt City employees who work six (6) continuous hours or more are scheduled for an *unpaid* meal break of at least thirty (30) minutes (or otherwise as outlined in an applicable collective bargaining agreement). Meal breaks are generally provided near the middle of the scheduled workday, consistent with applicable law. However, meal breaks are also scheduled to meet the particular needs of your department. Meal breaks for non-exempt City employees are mandatory and required by law. Refusal to comply with this policy could subject employees to discipline.
2. **REST BREAKS**: The City also provides non-exempt employees with a paid 15-minute rest break for every four (4) hours worked (or otherwise as outlined in an applicable collective bargaining agreement). Rest breaks are scheduled to avoid disruption of work or interference with the needs of your department. However, rest breaks are usually provided between the 2nd and 3rd hours worked (or as nearly as practicable to the middle of each four (4) hours of work). *Rest periods cannot be combined with lunch breaks or used to shorten your workday or add to your vacation, and are to be limited to the time allotted in this policy.* Rest breaks for non-exempt City employees are mandatory and required by law. Refusal to comply with this policy could subject employees to discipline.
3. **BREASTFEEDING MOTHER BREAKS**: The City provides employees (exempt and non-exempt) who are breastfeeding a child aged eighteen (18) months or younger with reasonable rest breaks as needed to express breast milk in accordance with applicable law. Generally, employees who need to express breast milk are expected to do so during their regularly scheduled meal and rest breaks. However, if it is not feasible to utilize your regularly scheduled meal and rest breaks, additional time (unpaid for non-exempt employees) may be available. The City also provides employees with a private location (other than a bathroom) to express milk. If you need breastfeeding breaks or locations, please contact the HR Assistant.

## **C. TIME SHEETS**

In order to properly administer employees' pay and benefits, the City requires all employees to accurately record all hours worked. You must also review and sign your timecard to verify that it is accurate and your manager or supervisor must approve all time records. Misrepresenting hours worked/falsification of time records, including assisting any other employee to do so, is considered a serious violation of City policy, and is subject to discipline up to and including discharge.

## VII. GENERAL WORKPLACE POLICIES AND EXPECTATIONS

The City of Warrenton expects all employees to use common sense, sound judgment, and to conscientiously perform their work duties while abiding by the City's policies and management directives in the performance of their jobs. All employees are expected to become familiar with and keep informed of changes in our safety rules, operational policies, etc. In the event you have questions about your position, your employment status, your job requirements, or any other matter, please discuss your questions with your Supervisor, Department Head, or contact the City Manager.

### A. COMPLIANCE WITH LAWS AND ETHICS

The public trust and proper operation of the City require that all employees and representatives of the City demonstrate the highest degree of ethical conduct. Employees should conduct themselves so as not to impair their working relationship with other employees, volunteers, officials, or the public.

1. **PUBLIC EMPLOYEE ETHICS & GIFTS:** All City employees must comply with the public employee ethics rules. This includes but is not limited to refraining from using or attempting to use their position for improper financial gain or to avoid any financial detriment (for example: use of City time, equipment, services, or influence). Employees are also strictly prohibited from using any confidential information they obtained because of their employment with the City to advance the financial or other private interest of themselves or others.

Also, employees should be aware that the public employee ethics rules restrict employees from accepting gifts in many situations. For example, City employees must not accept favors or solicit or receive gifts (in aggregate of more than \$50 per year) from any source that could reasonably be known to have an interest in City matters over which the employee has or may have decision-making authority. For more information on your ethical obligations as a public employee, contact the HR Assistant or the Oregon Government Ethics Commission.

2. **CONFLICTS OF INTEREST:** Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the City of Warrenton wishes to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. The City follows all state and federal laws that apply to public employees and/or officials. Contact the City Manager for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the executive level of the City of Warrenton. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval.

An actual or potential conflict of interest occurs when an employee participates in an

official action for the City which could or would result in a financial benefit or avoidance of financial detriment for the employee or a relative.

If employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose that potential or actual conflict to their supervisor and the City Manager as soon as possible so that safeguards can be established to protect all parties and in the event of an actual conflict of interest, the employee is removed from taking any action related to that transaction.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City of Warrenton does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City of Warrenton. As with other ethics issues listed herein, please contact the City Manager if you have questions about this policy or believe you might have an actual or potential conflict of interest.

3. **POLITICAL ACTIVITY AT WORK**: Employees may engage in political activity except to the extent prohibited by Oregon law when on the job, during working hours. This means that employees cannot:
  - Be required to give money or services to aid any political committee or any political campaign;
  - Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of City of Warrenton employees to express their personal political views.); or
  - Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.
  
4. **USE OF CITY PROPERTY AND EQUIPMENT**: All City owned property and equipment (including City vehicles, office equipment and supplies) are for City business purposes only. Accordingly, employees are prohibited from using City property or equipment for personal or other private use. In addition, all City employees are expected to practice reasonable economy in the performance of their duties to preserve City resources. Employees who have ideas that they believe will result in cost savings and improved service to the public are encouraged to share their ideas with City management.
  
5. **VIOLATIONS**: Violation of the City's ethics policies, including but not limited to the public employee ethics rules is grounds for discipline up to and including discharge from employment. Because compliance with the ethical rules is also required by Oregon law, employees may also be subjected to individual civil fines and penalties if they are found to have violated these rules. For more information on the public employee code of ethics or if you have any questions about your obligations as a City employee, please contact the City Manager or the Oregon Government Ethics Commission.

## **B. COOPERATION AND TEAMWORK**

In addition to performing job functions in a manner that meets our standards, all employees are required to be professional in their relations with other City employees, officials, members of the public and others they come into contact within the performance of their responsibilities with the City. Teamwork and cooperation are independent job requirements for all positions.

## **C. CUSTOMER SERVICE AND PUBLIC RELATIONS**

All employees should remember that they are part of a team of public employees, and public satisfaction with the City depends upon good service. Citizens, customers, suppliers, and outside agency representatives who contact the City are always to be treated in a polite, professional, and respectful manner, including but not limited to being prompt and responsive to citizen/customer questions, concerns, complaints, etc. If a citizen/customer or workplace visitor becomes abusive or argumentative, you are expected to remain calm and professional, and to refer the person to your Department Head or the City Manager.

In addition, all employees are expected to assist in maintaining a professional public image on behalf of the City. For employees, whose workspaces are visible to the public, this means that your workspace must be kept neat and tidy at all times. Personal pictures, postings and mementos, plants, etc. that are visible to the public must be discrete and professional in appearance. Personal postings are not permitted on the outside/public facing walls of any cubicle or workspace. Also, personal pictures, postings, mementos, plants, etc. must not damage any City property.

## **D. CONFIDENTIALITY**

Although the City is a public entity, some information obtained in the course of your employment is confidential and may not be subject to public disclosure. Certain information about members of the public (individual citizens, businesses, etc.) obtained through the performance of your job duties as well as employee medical information obtained as a result of your job duties are typical examples of information that is considered confidential. *Note:* information about employee wages is not confidential. All employees are prohibited from discussing confidential information with persons outside the City and persons in the City who do not have a legitimate business need to know unless you have been expressly authorized to release the information. If you have a question about whether information should be disclosed, contact the City Recorder before making the disclosure. All public records requests must be directed to the City Recorder.

## **E. DATING AND WORKPLACE RELATIONSHIPS**

The City considers employee personal relationships to be their personal business. However, when personal relationships develop between employees, they have the potential to impact working relationships and City operations. Therefore, the City has developed this policy to avoid conflicts of interest, favoritism, special treatment, harassment, and retaliation, and to help ensure continued excellent services to our community.

Romantic/sexual relationships between management employees and subordinate employees are strictly prohibited. This includes but is not limited to employees who are married and/or living together. Subordinate employee means an employee in the same chain of supervisory authority even if there is not a direct reporting relationship. If such a situation develops, both individuals are



required to notify the City Manager at the earliest opportunity (including at the application process if one of the involved parties is applying for City employment). In such cases, the City makes personnel decisions as it determines appropriate to the management and protection of the City, which may include declining to hire, or the transfer, reassignment, request for resignation, or termination of one or both individuals.

Other consensual romantic/sexual relationships between individuals who work for the City, as well as romantic personal relationships between an employee and an individual employed by a customer, vendor, supplier, etc. are not prohibited. However, all employees are expected to act professionally in the workplace and during the course of their employment. Sexual/romantic conversations, text, or instant messaging; inappropriate touching (kissing, hugging, massaging, sitting on laps); etc. is strictly prohibited in the workplace, even when it is consensual.

All employees are expected to comply with the City's policies against harassment and retaliation and to maintain appropriate professional working relationships. In the event a consensual romantic relationship between two employees is discontinued, both parties must respect that decision. Employees who continue to pursue romantic relationships in the workplace, or retaliate in violation of City policies after they have been advised that the other employee wishes to end the relationship should be reported pursuant to the City's policy against harassment.

Lastly, even where there is no romantic involvement, employees are expected to behave in a manner that does not raise claims of favoritism or create a negative or unprofessional work environment. If you have any questions about your obligations under this policy, contact the City Manager.

## **F. DRESS CODE/UNIFORMS**

Public relations are an integral part of each employee's job. All employees are expected to present themselves in a way that helps generate trust, confidence, and respect from the public they serve. As a result, all employees are required to be neatly groomed and wear clothing that is clean, in good repair, fits properly (including properly covering chest, stomach, back and other intimate areas), and is professional and appropriate for their position and job duties, whether in the office, a City vehicle, or other worksite.

Some positions with the City may be required to wear a uniform or other job specific attire. Your supervisor will inform you of any specific uniform or dress code requirements for your position. For positions that are required to wear a uniform, the City provides employees with uniforms at City expense. City uniforms may not be worn off-duty except in the normal course of travel to and from work. All City uniforms must be returned on separation from employment.

In the event a concern arises regarding employee compliance with this policy, the City will make the final determination regarding what is appropriate dress for our workplace in its discretion. In addition to discipline, employees arriving for work with an appearance that significantly disregards City standards or creates a safety hazard may be asked to return home for immediate correction. If you have any questions regarding the specific standards for your job, please contact your Supervisor.

## **G. DRIVING AND USE OF CITY VEHICLES**

Some positions with the City require employees to operate vehicles as part of their jobs. The following rules are applicable to all employees who drive on City business:

- 1. DRIVER'S LICENSE AND INSURABILITY:** Employees whose job requires the use of a City vehicle or their own vehicle on City business must maintain insurability with the City's insurer [including a driving record acceptable to the City and our insurer(s)] at all times, and a current valid driver's license. If your position requires you to drive and you have any driving restrictions or your license status changes in any way, you must inform your supervisor immediately. Only employees who are properly licensed, insured and have been authorized by the Department Head are permitted to drive City vehicles. In order to ensure compliance with this policy, and the safety of other employees, passengers and the public, the City may receive reporting from the DMV and may check the driving records of employees who drive for the City at any time as permitted by applicable law.
- 2. COMPLIANCE WITH THE LAW, TRAFFIC VIOLATIONS, AND GOOD JUDGMENT:** All employees who drive on behalf of the City are expected to use good judgment and caution in the operation of the vehicle at all times. All employees who drive on behalf of the City are also required to be aware of and comply with all applicable traffic laws and regulations at all times. This includes using safety belts for drivers and passengers at all times. The City does not pay for employee traffic violations. If you receive a traffic or parking citation, etc. while using any automobile on City business, you are responsible for all fines, court costs, etc.
- 3. CELL PHONES WHILE DRIVING:** For employees who drive any vehicle on behalf of the City, your first responsibility is to drive safely at all times. All employees are expected to be aware of weather, traffic, pedestrians, and other driving conditions and to use caution and good judgment at all times. Employees are prohibited from using hand-held cell phones for any purpose while driving on City of Warrenton authorized or City of Warrenton related business. Employees who must take a call while driving are required to use a hands-free device at all times, including voice dialing. If you do not have an appropriate hands-free device available, or if weather or other driving conditions warrant extra caution even with a hands-free device, you must safely pull off the road and have the vehicle in park before engaging in any call. This policy also prohibits employees from using a cell phone or other device to read, send or receive text or "instant" messages while driving or engaging in any other reading, browsing of social media, internet, etc. while driving on City of Warrenton business. Taking notes (including writing down phone numbers or other information) is also strictly prohibited while driving. All employees who drive must also be aware of and adhere to all state and local laws regarding cell phone use while driving. Violation of this policy will subject the employee to discipline, up to and including termination.
- 4. REPORTING ACCIDENTS AND TRAFFIC CITATIONS:** All accidents, traffic citations and damage, however small, must be reported immediately to the supervisor and an incident report must be completed. This applies to all types of accidents and damage, including damage to the property of others as well as City property and equipment. Employees are required to cooperate fully with City accident and damage investigations.
- 5. USE OF CITY VEHICLES:** Employees are prohibited from transporting any unauthorized passengers in City vehicles or while on City business, unless specifically authorized by the supervisor. This includes friends, family members, etc. Personal use of City vehicles is

prohibited unless authorized by the City Manager or his/her designee and in accordance with IRS regulations.

## **H. FAMILY MEMBERS AT WORK / EMPLOYMENT OF RELATIVES**

The City's policy is to utilize fair and equitable hiring practices to hire the best-qualified candidate for each job. Although the City permits hiring of immediate relatives, it also recognizes that the employment of relatives in the same area of an organization has the potential to cause serious conflicts and problems with favoritism and employee morale. As a result, immediate relatives are not allowed to hold positions of supervisory, appointment or grievance adjustment authority over the other. Immediate relatives are also not hired when the employment would cause the City to violate public employee ethics rules or any other applicable law, including violating public funding rules, etc.

It is the City's policy to decline applications where employment would conflict with this policy. Likewise, it is the City's current policy to remove employees from their position if a relationship is established that would violate this policy or if they are mistakenly hired or appointed to a position that violates this policy. Immediate relatives include spouse, registered domestic partners, children, children-in-law, siblings, siblings-in-law, parents, parents-in-law, niece/nephew, aunt/uncle, stepparents/children and grandparent/grandchildren.

With regard to other relatives or any other similar situation that we determine to be damaging to morale or operations, the City retains discretion in placement of those individuals.

## **I. INCLEMENT WEATHER**

The City of Warrenton generally does not close for inclement weather and all employees are expected to report to work as scheduled when the City remains open. Employees who believe that they cannot safely travel to/from work on an inclement weather day when the City is open must follow the City's normal attendance reporting procedures and may utilize accrued compensatory time, vacation pay or personal holiday to cover the time missed from work.

## **J. OUTSIDE EMPLOYMENT**

Employees are not permitted to engage in off-duty work activities that create conflicts of interest with their City employment or public employee ethical responsibilities. Employees who engage in outside employment continue to be expected to meet all City performance, attendance, overtime and other requirements of their City employment. All employees are judged by the same performance standards and are subject to the City's scheduling demands, regardless of any outside work requirements. If the City determines that an employee's outside work activities interfere with performance or the ability to meet the other job requirements of the City, the City may require the employee to resign from their outside employment as a condition of their continued employment with the City.

## **K. PERSONAL PROPERTY**

The City does not provide protection or payment for lost, damaged or stolen personal items (including vehicles and their contents) brought onto City premises (including parking lots) or other work locations. You are strongly encouraged not to bring valuables to work. Employees are,

however, expected to show concern and respect for the rights and property of others. Employees who find lost items are required to immediately report the items to the supervisor.

## **L. PERSONNEL RECORDS**

1. **UPDATING RECORDS**: In order to comply with government regulations and to ensure that employees receive all available benefits, it is important that personnel records be kept up to date. Employees should notify the Accountant in writing of any change in their address or phone number, person to be notified in case of accident, legal name, marital status or dependents for benefits purposes, number of income tax exemptions, number of insurance beneficiaries, changes in visa or work authorization status, etc., when such changes occur.

Likewise, if your job requires licensure and/or certifications, you must document compliance with these minimum qualification requirements by keeping your personnel records up to date. Provide a copy to your supervisor and the HR Assistant each time they are renewed. If there will be any delay in obtaining a required license or certification (or renewal), you must also notify your supervisor and the HR Assistant of the reason in advance.

2. **ACCESS AND PRIVACY**: The City considers employee personnel files to be private and access to personnel files is restricted. Employees who wish to review their own personnel file may contact the HR Assistant to arrange for an appointment. No files may be removed from the office but may be reviewed there with a management/human resources representative. Requests for copies of your own personnel file must be submitted in writing to the HR Assistant. The City's policy is to provide copies within 45 days from the time the request is submitted. Employees may be charged for copies in accordance with applicable law. If you have any questions, please contact the HR Assistant.

In addition, the City does not permit any employee's social security number or other protected personal information to be posted, displayed, transmitted over the Internet without encryption, or otherwise made available to coworkers, etc. Information containing employee social security numbers and other personal information must be kept in locked files with limited access at all times. The City has also implemented safeguards to ensure continued security of any information that is disposed. If you have any questions, please contact the HR Assistant.

## **M. PUBLIC RECORDS REQUESTS**

As a public entity, the City of Warrenton is obligated to comply with public records inspection requests. Although the City is committed to public transparency and compliance, not all records are subject to public review. In order to ensure that the City consistently maintains the confidentiality of exempt records and complies with applicable requirements for public records disclosures, all employees who receive a request for public records must forward such requests to the City Recorder. No employee, other than the City Recorder or the City Manager (or his/her designee) is authorized to respond to public records requests on behalf of the City. Employees are not exempt from public record requirements when requesting information.

## **N. RESIDENCY RULES**

Residency in the City of Warrenton is not a condition of initial appointment or continued employment. However, employees whose positions require designated on-call or other response times (generally 30-60 minutes) must establish any necessary living arrangements to meet such on-call or response time within sixty (60) days of hire. Employees who do not do so are subject to termination prior to the end of the probationary service period.

## **O. SMOKING/TOBACCO USE**

The City of Warrenton provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and vapor or e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. All City buildings and vehicles are tobacco-free. If you wish to smoke or use tobacco products, you must do so outside of the City's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances, exits, windows and air intakes; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows.

Also, all smoking/tobacco use areas must be kept clean and all trash (including cigarette butts and smokeless tobacco waste) must be properly disposed of in appropriate trash receptacles.

## **P. TRAINING AND EDUCATION**

The City of Warrenton provides employees with ongoing training throughout employment. Generally, new employees are provided with orientation training. In addition to mandatory trainings, which may be assigned by the City at its discretion, all employees are encouraged to participate in identifying his or her training needs. If you believe you need additional training, please contact your Supervisor or Department Head.

The City of Warrenton recognizes that the skills and knowledge of its employees are critical to the success of the City. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the City of Warrenton.

The City of Warrenton may provide educational assistance to regular full-time employees who have completed 365 calendar days of service. To maintain eligibility, employees must remain on the active payroll and be performing their job satisfactorily through completion of each course.

- Temporary employees are not eligible to receive educational assistance.

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable future position in the City in order to be eligible for educational assistance. The City of Warrenton has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position. Employees should contact the City Manager or the Human Resource Department or their immediate supervisor for more information or questions about educational assistance.

Employee must achieve a B or higher in graded class, a passing grade in a pass-fail class, or

the minimum passing grade as stipulated by the educator or testing agency. If a sufficient grade is not achieved no educational assistance reimbursement will be issued. Upon submission of grades achieved of a B or higher for the designated term, the employee will be reimbursed for both tuition and books at the end of the term. There is a limit of no more than 6 credit hours per any given school quarter or 9 per semester. Employee will not qualify for mileage reimbursement or use a City vehicle for attending class. Any request to change terms of educational assistance is subject to approval by the City Manager.

While educational assistance is expected to enhance employees' performance and professional abilities, the City of Warrenton cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

The City of Warrenton invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if employment is terminated from the City of Warrenton within one year of the last educational assistance payment, or within one year of completion of the last class, the amount of the payment will be considered only a loan. Accordingly, the employee will be required to repay up to 100 percent of the original educational assistance payment.

#### **Q. WORK PERFORMANCE**

Employees are responsible to perform their duties with care and attention to citizen/public needs and the City's quality and performance standards and requirements. Carelessness or negligence that leads to mistakes, physical injury or property damage, and other failures to meet the City's quality or performance standards or requirements is cause for disciplinary action, up to and including discharge.

## VIII. ELECTRONIC EQUIPMENT AND COMMUNICATIONS

### A. OWNERSHIP & ACCESS

All electronic and telephonic communication systems and equipment, and all communications and information transmitted by, received from, or stored in these systems, including electronic mail (e-mail) and voicemail, are the property of the City of Warrenton. These systems are provided to employees at City expense to assist them in carrying out business activities. Consequently, all information transmitted through or stored in the system, including e-mail messages, is considered business information and public record.

The City's systems routinely gather logs for most electronic activities. To ensure that the use of our electronic communication systems is consistent with the City's policies and business interests, we reserve the right to monitor the use of such equipment and to access, review, copy, modify, delete, or disclose information transmitted through or stored in the system, including e-mail messages, at any time as we deem appropriate. Consequently, employees using the City's electronic communication systems and equipment should have no expectation of privacy in connection with the use of this equipment or with transmission, use, or storage of information in the equipment, including stored e-mail or voice-mail messages.

Employees should also be aware that all information on electronic office equipment, network storage devices, or personal computers or cell phones is a public record if the content of the information would be a public record in any other format. As such, it is subject to disclosure under the public records law.

### B. USE OF EQUIPMENT & SYSTEMS

A computer, workstation, or other computer-related equipment may be assigned to an employee for the City's business purposes. An employee's use of our electronic communication systems should be restricted to business activities and should never interfere with employees' duties. It is important to remember that transmitting, retrieving, downloading, or storing messages or images that are offensive, derogatory, or sexual in content, or otherwise in violation of the City's policies (e.g. Non-Discrimination, Anti-Harassment, Anti-Retaliation, Workplace Violence, Etc.) is inappropriate and is not tolerated in a business environment. Likewise, conveying or knowingly receiving messages that are threatening, disruptive, disparaging, or otherwise unlawful or illicit is strictly prohibited.

Employee use of our Internet for personal use must be limited to necessary, occasional communication conducted only during meal and break periods. Also, regardless of whether the material is intended to be personal or is viewed, downloaded, and/or forwarded, our internet account is not to be used to access sexually explicit, indecent, or illegal materials or any other sites we consider contrary to the expectations set forth in our policies prohibiting discrimination and harassment, etc. Individuals who use the City's Internet for personal use are reminded that this policy does not change the City's right to monitor the use of such equipment and to access, review, copy, modify, delete, or disclose information transmitted through or stored in the system, to ensure compliance with our policies as we deem appropriate. Therefore, you should not conduct any personal business using our systems, which you would not want others to see or disclose. Please conduct yourself accordingly.

### **C. SOFTWARE & UPGRADES**

Employees are not permitted to perform any unauthorized upgrades, modification, or repairs to any computer, workstation, or other electronic equipment assigned to them, unless authorized to do so by the City. All upgrades or additional equipment or support for problems that may result in troubleshooting or repairs must be requested through your supervisor. Similarly, employees should not perform any action in the use of any computer workstation or other electronic equipment that is in violation of copyright laws. To avoid violations, employees are prohibited from removing or making copies of City computer software under any circumstances. As noted above, the City may audit, change, or remove any software on any computer or workstation at any time as it deems appropriate.

Likewise, employees are prohibited from loading or using, without prior approval from the City, any software that is not licensed to the City. Such software includes copies licensed personally to the employee, “shareware,” “freeware,” product demonstration copies (demos), or software obtained from electronic bulletin boards. Employees are not permitted to install any illegal copies of software on City computers or other electronic equipment.

### **D. SECURITY**

If you are assigned a computer or other electronic communication device, you may be issued a log-on and/or password, which you must keep confidential. Employees are prohibited from creating unauthorized usernames and passwords and from using any other person’s username or log-on. Passwords help protect the City’s communication and computer systems against misuse by restricting access to only authorized users. Each user is responsible for the security granted them and all activity logged under their access identification. If you believe that your log-in information has been compromised, you must immediately notify your supervisor as to the nature of the compromise.

Use or access of another person’s log-on, e-mail account, or other account or computer without their knowledge, including but not limited to intercepting communications intended for another person, is also prohibited. Likewise, bypassing or disabling any firewall or security systems (including accessing blocked sites) is strictly prohibited.

To eliminate unwanted “spam” e-mail, employees are not permitted to use their City e-mail address or City computers to register for personal use on commercial websites. Because of the risk of viruses and other harmful programs transmitted through e-mail, employees should avoid opening up e-mail attachments if they do not know the sender, as these can disrupt or slow the network and cause harm to our electronic resources. If unsure, discuss with your immediate supervisor.

### **E. SOCIAL NETWORKING & PERSONAL ONLINE ACTIVITY**

As a general rule, the City of Warrenton regards the off-duty activities of employees to be their own personal matter. However, there are certain types of off-duty activities that are of concern because of the potential negative impact on the City’s’ reputation within the communities we serve. For that reason, employees who either engage in, or are associated with, criminal acts, or other conduct, the nature of which adversely affects the City of Warrenton or their own ability or credibility to carry out their employment responsibilities, may be subject to disciplinary action including discharge. Certain types of off-duty activities, in particular certain online and social



networking conduct by our employees, have the potential to affect our working environment and ability to serve the public. As a result, we have developed this policy to provide employees with information about what is expected of them when they engage in personal social networking and other online activity.

In general, employees should remember that they may be subject to personal liability in addition to employment discipline for their online conduct. Therefore, always use good judgment in posting content in any online forum. Additionally, all employees are expected to comply with the following:

1. **COMPLY WITH CITY POLICIES**: Access to and use of personal online social networking, blogs, and other online social media while at work must be done only on your break or lunch time and must comply with all other provisions of the City's Electronic Equipment and Communications Policies. Use of City email addresses for personal online social networking, blogging or other personal online activity is prohibited.
2. **BE RESPECTFUL**: Employees who "friend" or otherwise engage in online social networking, blogging, etc., with co-workers or other City business associates, or who post comments or information in online public forums, should remember that their personal online activity, even off duty, can impact our business and the work environment. Online activity that violates City policies (e.g., equal employment opportunity policies (including our policy against harassment and retaliation), workplace violence policies or other conduct policies) may result in discipline up to and including discharge, regardless of whether the conduct occurs on or off-duty or in a personal online forum.
3. **BE AWARE OF CONFIDENTIALITY OBLIGATIONS**: Remember that the City takes the confidentiality of its non-public information seriously. Employees are prohibited from posting non-public/confidential information on any website, blog, social networking site, etc.
4. **RESPECT THE RIGHTS OF OTHERS**: Respect all copyright and other intellectual property laws. It is important that you show proper respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks, and other intellectual property, including the City's own logos, brand names, taglines, slogans, or other trademarks.
5. **IDENTIFY YOURSELF**: In order to avoid misunderstandings when making personal postings related to the City's services, consider identifying your role at the City and the City's lack of involvement in your posting. Note: The City operates its own website and has an official presence on some social networking sites. Except for authorized members of management assigned to maintain such sites, employees are not allowed to make postings on behalf of/in the name of the City or to create social networking accounts or websites that represent to be on behalf of or in the name of the City.

Note: This policy is not intended to prevent employees from engaging in activity protected by applicable law.

## **F. VIOLATIONS**

The use of a computer, the internet, or other electronic communication system to engage in any communications that are in violation of this or other City policies (or federal, state, or local law), including but not limited to the transmission of defamatory, obscene, offensive, or harassing messages, is prohibited. We consider misuse of our electronic communication systems and equipment to be a serious matter.

## **IX. WORKPLACE SAFETY**

The City of Warrenton takes the safety of our employees very seriously and believes that safety is the mutual obligation and responsibility of the City and its employees. The City relies on employees to work in a manner that does not produce injury to them, persons working with them, customers, or the public. Employees are expected to demonstrate a positive attitude toward safety and to show responsibility for their own well-being. This includes familiarizing yourself with the safety rules below as well as additional safety rules specific to your position or found in the City's Safety Program policies and forming the habit of being safety-minded for yourself and your coworkers. The best safety measure is a thoughtful, safety-minded employee.

### **A. REPORTING WORKPLACE INJURIES & ACCIDENTS**

Work related injuries and accidents must be reported to your supervisor immediately after they become known to you (generally no later than 24 hours after you become aware that you may have been injured or ill on-the-job). Even though a work-related injury may appear to be minor, it is important that it be reported to verify the incident in case of complications. Please see your supervisor for the necessary forms and instructions.

All employees are also required to report any accident involving other persons or their property, or injuries to the public immediately and complete an accident report. All accidents and injuries to other persons or their property should be reported in sufficient detail to allow the City to respond. Employees are required to cooperate fully with all accident investigations.

### **B. REPORTING UNSAFE WORKING CONDITIONS AND PRACTICES**

It is the responsibility of all employees to report any unsafe working condition promptly. Reports should be made to your supervisor, Safety Committee, or the City Manager. The City encourages employees to work with us to maintain safety by alerting us to potentially unsafe conditions. If you see an unsafe or dangerous working condition that you can easily correct within the scope of your authority (such as a cord lying across a walkway), you should fix the problem immediately. We also encourage employees to bring general concerns and recommendations for improving workplace safety to our attention. General concerns and recommendations can be made to the Safety Committee or your supervisor. Your concerns and recommendations are welcomed and carefully considered. Safety suggestion boxes are available in each department throughout the city.

### **C. ANTI-RETALIATION POLICY**

It is important for all employees to understand that the City expects its employees to report all workplace accidents, injuries, and unsafe working conditions and to participate in investigations. The City does not allow supervisors, managers, or other employees to retaliate against employees who comply with our safety reporting policies. Employees should bring complaints of retaliation to the City Manager or HR Assistant. These types of complaints are promptly investigated, and violators are subject to appropriate disciplinary action, up to and including termination of employment.

## **D. OPERATION OF EQUIPMENT**

Employees are strictly prohibited from driving or operating any equipment unless they have been authorized by management to do so. Also, employees should not, under any circumstances, operate equipment or vehicles that they reasonably feel are not in safe operating condition. If you feel that equipment is not in safe operating condition, you must comply with the City's lock-out/tag-out procedures and promptly notify your Supervisor.

## **E. USE OF SAFETY EQUIPMENT**

The City provides employees with a variety of protective safety equipment such as gloves, eye protection, protective clothing, and other necessary safety equipment to do their jobs. Employees are required to use good judgment and follow City rules and safety regulations for wearing proper safety gear. Failure to wear assigned safety gear as required or instructed results in disciplinary action. Any item furnished by the City must be turned in upon termination or reduction in force.

## **F. PRANKS, HORSEPLAY AND HOUSEKEEPING**

Pranks, practical jokes, and/or horseplay that violate the City's safety rules and procedures or may otherwise result in injury or damage to property are strictly prohibited and subject to disciplinary action. Also, all employees are responsible for maintaining a safe, clean, and well-kept work area. Please keep the lunch facilities, work surfaces, floors, passageways, parking lots, and common areas clear of refuse, debris, spills, or other obstacles which could cause an accident.

## **G. WORKPLACE VIOLENCE**

The City is committed to preventing workplace violence and to maintaining a safe work environment. As a result, the City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

- 1. PROHIBITED CONDUCT:** This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:
  - Provoking, participating in or encouraging fights or other physical altercations.
  - Threatening the safety or well-being of another employee, citizen/public, vendor (or others you come into contact with through your job) whether directly or indirectly.
  - Vandalizing City property, citizen/public property, or the property of other employees.
  - Screaming, or other violent, vulgar, abusive, or harassing outbursts of temper, particularly when directed at another employee.
  - Advocating or encouraging acts of violence toward others.
  - Being in possession of guns, weapons, explosives, or any other object that could reasonably be perceived as a weapon on City property, including parking lots or in City vehicles without the City's written authorization.
  - Distributing "hate" literature or engaging in other communications that advocate violence.
  - Engaging in any other conduct the City considers menacing, intimidating, threatening or violent.

2. **REPORTING:** Employees should immediately report incidents that involve violations of this policy to their Supervisor, Department Head, or the City Manager. *If you are in immediate fear for your safety or the safety of another person, call 911.* Likewise, all suspicious individuals or activities should also be reported as soon as possible to a Supervisor, Department Head, or the City Manager. The City promptly investigates all reports of violations of this policy. Investigations, including the identity of the person reporting, are kept confidential to the extent we determine confidentiality can be maintained while allowing us to comply with our investigation obligations.
3. **VIOLATIONS:** Violators are subject to discipline, up to and including discharge. Retaliation against those who report incidents or provide information in connection with an investigation will not be tolerated. Employees who engage in retaliation are subject to discharge.

## **H. SAFETY COMMITTEE**

The City maintains a safety committee in accordance with applicable law. The Committee is responsible for making recommendations on improving safety and health in the workplace. In particular, the Committee has been charged with the responsibility to identify problems and obstacles to loss prevention; identify hazards and suggest corrective actions; and help identify employee safety training needs and develop accident investigation procedures. The Safety Committee consists of management and employee representatives who have an interest in the general promotion of safety and health for the City. Employee members may be elected or volunteer from each work group. Management members are appointed. Each member is generally a member of the Committee for at least one year. If you are interested in participating in our Safety Committee, contact your supervisor for more information. The Safety Committee meets regularly and keeps written records of meetings. Copies of meeting records are provided to all employees monthly, as an insert in their payroll vouchers and are available on the shared drive. Employees who have general suggestions for improving workplace safety should write out their suggestion(s), sign and submit them to any member of the Safety Committee or place in a safety suggestion box (located in every department) for review at an upcoming meeting.

## **I. OTHER SAFETY RULES**

The public trust and proper operation of the City require that all employees and representatives of the City demonstrate the highest degree of ethical conduct. Employees should conduct themselves so as not to impair their working relationship with other employees, volunteers, officials, or the public.

## X. DRUG AND ALCOHOL POLICY

***For employees covered by a CBA, Drug and Alcohol policy rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.***

The City of Warrenton has a strong commitment to provide a safe workplace for its employees and to establish programs promoting high standards of employee health, performance and productivity. Consistent with the spirit and intent of this commitment, we have established this Drug and Alcohol Policy. Our goal is to establish and maintain a work environment that is free from the many adverse effects of alcohol and drug abuse.

### A. PROHIBITED CONDUCT

The following conduct is strictly prohibited:

- Working, reporting to work, or returning to work following breaks or meal periods with any amount of drugs or alcohol in your system, and/or testing positive under this policy. "Testing positive" means a confirmed test result of a 0.02% or higher blood alcohol content, or any detectable level of drugs.
- Consuming, manufacturing, buying, selling, distributing or possessing drugs or alcohol on City premises, or while off the premises doing City work or operating a motor vehicle on behalf of the City. This rule applies regardless of whether you are on paid time. "City premises" includes all property rented, leased, owned or controlled by City, including parking lots, etc. It also includes City equipment and vehicles on or off our property.
- Failing to fully cooperate with any aspect of the City's enforcement of this policy, including but not limited to refusing to promptly submit to required testing; giving false, diluted, or altered samples, obstructing the testing process, and failure to comply with rehabilitation conditions imposed by the City or rehabilitation counselors.
- Failing to promptly report arrests, convictions and/or plea-bargains for an alcohol or drug related criminal offense. Employees must promptly and fully disclose to their supervisor on the next working day.

**"Drugs"** refers to marijuana and all other controlled substances under the federal Controlled Substances Act, "designer drugs" and other mind-altering or function-altering substances that are not approved for human consumption by the U.S. Food and Drug Administration. **Employees must comply at all times with all federal and state statutes and regulations regarding alcohol and the illegal use of drugs.** It is not the intent of this policy to prohibit or test for medications (other than marijuana) that are lawfully prescribed and used in accordance with the prescription. Note: The City does test for marijuana, which is unlawful under federal law and is prohibited by this policy. For more detailed information the requirements that apply to employees using prescribed or non-prescribed medication, please refer to the "Medications" and "Safeguards" sections of this policy.

## **B. CONDUCT REPORTING**

Employees must promptly and fully disclose to their supervisor on the next working day:

1. All drug or alcohol related arrests, citations, convictions, guilty pleas, no contest pleas, or diversions that result from conduct which occurred while on duty, on City of Warrenton property, or in a City of Warrenton vehicle.
2. All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving the theft or misappropriation of property, including money, or misappropriation of property, including money, or
3. If you are arrested, cited, or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis. Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or vacation time to cover the absence, and may be subject to disciplinary action, including termination.

## **C. MANDATORY TESTING**

1. **PRE-EMPLOYMENT TESTING**: Job offers for any safety-sensitive positions (including full-time, part-time, and temporary status, as well as transfer/promotion to any safety sensitive position) are conditioned on satisfactorily passing a drug test. All applicants who are required to undergo testing must report to the collection site and submit to such testing within the specified time period after they are notified of their obligation to be tested. Applicants testing positive for drugs, who provide a false, adulterated, or diluted sample, etc., or who test positive for any type of masking substance are disqualified from employment.
2. **REASONABLE SUSPICION TESTING**: Employees are required to immediately submit to drug testing whenever the City reasonably suspects that the employee has reported to work, returned to duty, or is working with drugs in his/her system or has otherwise violated this policy. Likewise, employees are required to immediately submit to testing for alcohol whenever the City has reasonable suspicion to believe that the employee has reported to work, returned to duty, or is working with alcohol in his/her system.

“Reasonable suspicion” is determined based on specific identifiable criteria, which may include observed behavior (e.g., unusual appearance, behavior, speech, breath/odor, body movements, abrupt changes in patterns of conduct, etc.), witness statements, and/or employee admissions.

Employees who are required to submit to reasonable suspicion testing are prohibited from transporting themselves to the collection site. A management employee arranges for/provides transportation to/from testing unless the employee’s test results have been confirmed as negative.

3. **POST-ACCIDENT TESTING**: Employees are subject to testing for drugs if they are involved in an accident that results in property damages estimated by the City to be \$500 or more, a fatality, or an injury that is treated away from the scene while they are involved in a safety sensitive activity. The City may waive testing if it determines that the employee’s actions or inactions were not a factor in causing the accident or it determines that

employee drug use is unlikely to have contributed to the incident (or if drug testing is unlikely to accurately identify impairment caused by drug use, etc.)

Employees who are involved in such accidents may also be tested for alcohol if there is reasonable suspicion to believe they had prohibited levels of alcohol present in their system at the time of the accident. Employees are prohibited from consuming alcohol or taking drugs (excluding prescribed drugs consistent with the prescribing provider's instructions) between the time of the accident and testing. In the event an employee is injured and is therefore unable to promptly consent to testing, the employee is required to authorize a release of medical records to reveal whether drugs and/or alcohol were in his/her system at the time of the accident.

4. **RANDOM**: It is not the City's practice to conduct routine random testing of employees except when required by law (e.g., DOT testing). The City does, however, reserve the right to conduct random testing of employees in safety-sensitive positions for illegal drugs. Individual safety-sensitive employees, all safety sensitive employees as a group, a percentage of all safety-sensitive employees, and/or all safety sensitive employees in particular job positions, departments or locations may be required to submit to random testing at the discretion of the City. For individualized testing, the City utilizes a random selection process based on a pool of safety sensitive employees. All employees in the designated group have an equal chance of being selected for testing. Employees selected for random testing are required to immediately submit to such testing as instructed, and without any delay or detour. There will be no advance notice of testing.
5. **LAST CHANCE/FOLLOW-UP TESTING**: Employees may be required to submit to testing for drugs and/or alcohol as required pursuant to a Last Chance Agreement (and as recommended by rehabilitation counselors and approved by the City Manager in accordance with applicable law). The terms of the testing will be as outlined in the Last Chance Agreement for each employee.
6. **DOT AND OTHER REQUIRED TESTING**: Employees are subject to drug and alcohol testing when otherwise required based on the nature of their job duties with the City (such as DOT drug and alcohol testing). Such tests are conducted independently. However, failure of a legally required test is considered a violation of this policy.

#### **D. SEARCHES**

When we believe there is reasonable suspicion that an employee is in possession of drugs or alcohol on City property or during working time, as described in this Policy, personal items such as packages, bags, and lunch boxes that the City reasonably believes may contain drugs or alcohol are subject to search. If an employee refuses to permit such a limited search, the City does not force the search. The employee is, however, subject to discipline for insubordination. Likewise, all City property including, but not limited to desks, equipment, vehicles, lockers, etc. remain the property of the City at all times and are likewise subject to search if there is reasonable suspicion that the desk, vehicle, item, etc. being searched contains drugs or alcohol. In addition, all employees should be aware that all City property is subject to general access by coworkers, supervisors, and managers at any time. *This policy is not intended to restrict such access and employees do not have any expectation of privacy in City property such as desks, vehicles, etc.*



When feasible, searches of employee property are conducted by two supervisory or management employees. The City Manager must approve all such searches of employee property in advance. Otherwise, supervisors and managers are not authorized to conduct such searches. No employee will be forcibly searched or detained. Efforts are made to respect reasonable integrity and privacy. All illegal drugs or drug paraphernalia found in or on City property may be released to a law enforcement agency.

## **E. SAFEGUARDS**

The City recognizes the sensitivity of enforcement of this policy. We use qualified supervisory personnel and make arrangements with a certified laboratory to administer this policy. If applicable, medication use and other medical information is screened by a qualified Medical Review Officer (MRO). Lawful medication used consistently with a prescription is treated as a negative test under this policy and employee medical information is not disclosed to the City by the testing organization. As stated above, the detectable presence of any drug or alcohol in the system will constitute a "positive" test result. All positive test results are confirmed using a testing method with a high degree of accuracy, or another confirmatory testing method approved by law.

Test results and other information concerning drug and alcohol investigations are treated confidentially and released only when there is a legitimate business need to know, or as required by law. The time spent by an employee in traveling to and from the collection site as well as time spent in testing is treated as hours worked for pay purposes.

## **F. MEDICATIONS**

If you have been prescribed medication or take over-the-counter medication, you are responsible for consulting with your healthcare provider and/or pharmacist to determine whether there are any side effects that may be affecting your ability to safely and competently perform your job duties. This specifically includes asking about potential drug interactions if you are taking more than one kind of medication. If you or your healthcare provider feels that you are experiencing any of these side effects, you must promptly notify your supervisor before performing or continuing to perform your job duties. The employee need not disclose the medical condition for which the medication is being taken unless the City determines that this is necessary to comply with its legal obligations (e.g. properly designating leaves or evaluating reasonable accommodations). In the event the City has a reasonable basis to believe the employee cannot safely or completely perform their job duties, including such employee reports, medical verification of the ability to safely perform job duties may be required before you are allowed to continue your work assignment.

All employees should also be aware that the use of marijuana under state law (including medical and/or recreational marijuana laws) is unlawful under federal law and is considered to be a violation of this policy. You are expected to comply with state and federal laws regarding drugs and alcohol. The City does not excuse or accommodate marijuana use. Employees who believe they need some other accommodation for a disability should contact the HR Assistant to discuss available options. Although the lawful use of medication (other than marijuana) that has been prescribed to you or over-the-counter medications is not grounds for disciplinary action by itself, failure to follow the reporting procedure discussed above may subject an employee to disciplinary action. Employees may also be disciplined for using medication that is unlawfully obtained, or for use that is inconsistent with the prescription or label (including but not limited to using medication prescribed to another person). Note, however, that if an employee tests positive for alcohol, it will

not be an acceptable excuse that the employee used an over-the counter cough/cold medication (such as Nyquil) containing alcohol.

## **G. REHABILITATION AND RETURN TO WORK**

The City of Warrenton encourages employees who have drug and/or alcohol use problems or think they may have such problems to seek assistance voluntarily. When an employee voluntarily reports a drug or alcohol dependency and seeks assistance before violating this policy, that employee is placed on a leave of absence or adjusted working hours to allow for inpatient or outpatient rehabilitation treatment. The employee will not be permitted to work until the employee provides written verification from a qualified healthcare provider that he/she can safely return to work. In addition, employees who are covered by DOT regulations will not be permitted to return to work until they have complied with all return to work conditions required by applicable law.

The time an employee is off work undergoing rehabilitation is not work time and is not paid. However, employees may draw their unused, accumulated sick leave, compensatory time, vacation pay and/or floating holiday pay. Also, employees who are receiving health insurance coverage are eligible for continuation of health insurance benefits with City contributions in accordance with the provisions of the City's plan, health insurance and leave policies. Such time off may also qualify for family leave or other leaves in accordance with City policy and applicable law. Being engaged in treatment for a substance abuse problem does not relieve an employee from normal performance, safety, or attendance standards when they are not otherwise scheduled to be off work for treatment. It also does not relieve an employee from the obligation to comply with this Policy.

## **H. VIOLATIONS**

Violation of this Drug and Alcohol Policy is a major infraction of the City's standards and results in discipline up to and including discharge, even for a first offense. Employees who claim drug or alcohol use problems after being selected for testing or otherwise violating this Policy or other City standards may be subject to discharge, irrespective of such problems.

## XI. EMPLOYMENT DISCIPLINE AND DISCHARGE

***Except as specifically provided otherwise in a current collective bargaining agreement covering your employment or a current written employment agreement covering your employment, all employees are employed on an “at-will” basis regardless of their employment status or classification.*** Aside from the City’s right and your right to terminate our employment relationship at any time, the City may issue verbal or written warnings, suspend, demote, or take other disciplinary action against employees as it determines appropriate to the circumstances.

To avoid misunderstandings, the City has grouped examples of unacceptable conduct into two (2) basic categories: Minor and Major infractions. When the City believes that a regular employee has committed a *first* minor infraction of our policies/standards, the employee is generally issued a verbal and/or written warning prior to discipline or discharge. Employees on probation and temporary/seasonal employees are not generally given a written warning prior to discharge. When we feel an employee has committed a major infraction, that employee is subject to immediate suspension or discharge.

*However, all employees should understand that progressive discipline is not guaranteed.* Rather, each situation is evaluated according to the circumstances involved, and the type of discipline administered may vary from that listed in each group based upon the City’s determination of the seriousness of the offense. Also, warnings for different minor infractions may be combined to determine the type and severity of discipline administered. An employee’s overall record is generally considered in determining the appropriate degree of discipline to be imposed in a particular case. The City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate.

### A. MINOR INFRACTIONS

These types of infractions include, but are not limited to, the following:

- Unsatisfactory attendance, including unauthorized or excessive absenteeism, tardiness, and failure to notify us of intended absence or tardiness or failure to comply with other reporting policies. (Other than No-Call/No-Show) Note, even single instances of No-Call/No-Show are considered to be serious violations of the City’s standards and will result in more serious disciplinary action, up to and including discharge, regardless of an employee’s prior disciplinary record)
- Careless, inaccurate, unreliable, or otherwise unsatisfactory work performance or productivity.
- Violation of the City’s Teamwork and Cooperation or Customer Service and Public Relations policies.
- Failure to follow safe working practices and rules. (Note: When we feel an employee has committed a serious safety violation, that employee is subject to immediate discharge).
- Use of City property for personal use, or other minor violations of the City’s ethical practices expectations that the City determines are not serious enough to warrant discharge.

- Violation of the Equal Employment Opportunity policies, which, in the City's view, is not considered serious enough to warrant discharge.
- *Violating any City policy that is presently in effect or subsequently issued or any other conduct that the City determines warrants disciplinary action, but not discharge.*

## **B. MAJOR INFRACTIONS**

These types of infractions include, but are not limited to, the following:

- Insubordination, including failure to follow any legal verbal or written job instructions issued by a person in the position of authority as determined by the City.
- Threatening, intimidating, coercing, or assaulting another employee, volunteer, supervisor, member of the public, or business associate.
- Provoking or instigating arguments, dissension, or fights during working hours or on City premises or engaging in horseplay which results in injury or property damage.
- Other violations of the workplace violence policy, including but not limited to possession of weapons, firearms, or explosives on City premises.
- Dishonesty of any kind, including but not limited to theft, falsifying any reports or records, such as applications, absence and sickness reports, time records, accident reports, or medical records.
- Deliberately delaying or limiting work tasks, or inciting others to delay or limit work tasks.
- Any careless or deliberate act of destroying, or damaging City property, tools or equipment, or the property of others on City premises or while on City business.
- Committing violations of safety rules or safe working habits that the City determines to be repeated or serious.
- Violations of the City's Equal Employment Opportunity Policies (e.g., discriminatory behavior, harassment, retaliation) that the City determines to be repeated or serious enough to warrant immediate discharge.
- Violation of the Drug and Alcohol Policy.
- Violation of our ethical practices policies that the City determines to be repeated or serious.
- Criminal activity that interferes with the employee's ability to perform their duties or the City's ability to maintain the public trust.
- *Violating any other City policy presently in effect or subsequently issued that the City determines is serious enough to warrant immediate discharge.*

- *Any other conduct that is, in the view of the City, serious enough to warrant discharge or suspension.*

### **C. OTHER CONDUCT**

The City believes its rules are clear and require little explanation. However, if you have any questions concerning the application or intent of these rules, please consult your Department Head or City Manager. Obviously, rules cannot be listed to cover every situation. The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its termination options. Conduct not specifically mentioned is disciplined according to the standards followed for what City Management determines to be the most equivalent type of conduct listed.

### **D. DISCIPLINE PROCEDURES**

**For employees covered by a CBA, Discipline Procedure rules applicable to your employment are established, governed, and superseded by the terms of that CBA.**

An employee's overall record may be considered in determining the appropriate degree of discipline to be imposed in a particular case. As noted above, the City will determine what the facts are, whether discipline is warranted, how serious the violation is, and what level of discipline is appropriate in all cases. If you feel you have been unfairly disciplined or discharged, we encourage you to utilize the Complaint Procedures in Section XII of this Handbook.

For Minor Infractions by regular employees, the City generally applies the following steps of discipline:

1. Documented oral reprimand
2. Written reprimand
3. Final Written Warning, Last Chance Agreement, Demotion, or Suspension Without Pay, as solely determined by the City;
4. Discharge.

To progress through the above steps of discipline, the infraction(s) need not be for the same or similar offense. Also, the level of discipline, up to and including discharge, may vary from these steps at the City's sole discretion based on City Management's evaluation of the circumstances and the employee's overall work record.

All employees should understand that, *except as otherwise provided by an applicable collective bargaining agreement or written employment contract signed and dated by the City Manager (or City Commission if applicable to the City Manager's position), employment with the City is on an at-will employment basis and employees do not hold any property rights in, or ownership of, their job.* The above lists are intended to give you examples of some of the types of conduct that will lead the City to exercise its employment "at will" termination options.

## XII. COMPLAINT PROCEDURES

The City recognizes that in any workplace relationship, disagreements and problems may develop. However, the City can only deal effectively with problems or complaints of which it is made aware. As a result, it is the City's policy to provide its employees with an orderly process through which they may have their workplace problems and complaints considered fairly and rapidly.

### **A. OPEN DOOR POLICY**

City management, including Department Heads, and City Manager maintain an Open-Door policy and encourage employees to contact them at any time if they have any workplace questions or concerns. The City cannot guarantee that an employee's point of view will prevail. However, City management is committed to listening and making every effort to ensure that problems are resolved fairly and in the public interest.

### **B. COMPLAINT / APPEAL PROCEDURES**

In addition to maintaining an open-door policy, the City has also established the following complaint procedures, which may be used by employees who have workplace concerns. Except as provided below, this policy may be used for general non-disciplinary workplace concerns as well as to appeal disciplinary decisions.

***Please note:*** *Bargaining Unit employees who have concerns regarding disciplinary action or other potential violations of the collective bargaining agreement must use the grievance procedure found in the collective bargaining agreement and not this Complaint Procedure.*

Also, any employee who has a concern about discrimination, harassment, or retaliation should follow the reporting methods described on page 11 of this Handbook and need not comply with the time limits and requirements found in this Complaint Procedure. Likewise, employees who have concerns regarding retaliation for raising ethical concerns, safety concerns or reporting workplace injuries and accidents should follow the reporting methods outlined in those sections of this Handbook and not this Complaint Procedure.

1. **STEP 1: SUPERVISOR:** Discuss the matter with your immediate supervisor as soon as possible after the event prompting the complaint. Your supervisor reviews your problem and attempts to resolve the complaint as quickly as possible, generally within ten (10) workdays of the complaint. If your concern involves your supervisor, and you are uncomfortable speaking with your supervisor, you can proceed directly to step 2.
2. **STEP 2: DEPARTMENT Head:** Employees who are not satisfied after receiving their supervisor's decision may appeal that decision to their Department Manager/Director. Appeals should be made as soon as possible but no later than three (3) workdays after your supervisor's response. Appeals must be made in writing and must include a statement outlining your complaint, all relevant documents and other information you want the Department Head to consider, the results of the discussion with your supervisor and your proposed resolution to the problem. The Department Head reviews the complaint and available information and may meet with the employee and/or the supervisor, to

attempt to resolve the matter. The Department Head generally responds within ten (10) workdays unless he/she determines additional investigation and review time is necessary.

3. **STEP 3: CITY MANAGER:** Employees who have been suspended without pay, issued a disciplinary pay reduction, or discharged from employment and are not satisfied with the results of the Step 2 appeal may file an appeal in writing to the City Manager. Appeals to the City Manager must be made within five (5) workdays of receipt of the Step 2 decision. Appeals to City Manager must be in writing and must set forth the grounds upon which the complaint is based and the reasons why the employee considered the decision rendered at Step 2 to be unacceptable. Copies of the decision (if written) and statement of reasons from Step 2 above must be filed with the appeal. The City Manager (or his/her designee) may meet with the employee, the supervisor, and/or the Department Head, or conduct any other investigation as the City Manager determines appropriate. The City Manager's decision is final.

## XIV. LEAVES OF ABSENCE

The City recognizes that personal circumstances occasionally require employees to take temporary periods of absence from employment. During any unpaid leave of absence, no wages or benefits are accrued or paid, *unless specifically stated in this handbook or required by an applicable CBA or applicable law*. Employees must, however, use all applicable earned and unused paid leave benefits prior to taking unpaid leave, except when provided otherwise by applicable law. Employees who wish to continue their medical insurance benefits during an unpaid leave of absence should consult the Accountant and review the Health Insurance section of this Handbook for an explanation of how long the City continues to pay its portion of the insurance contribution. Employees on medical leaves of absence are also prohibited from entering into new outside employment or engaging in any outside employment or activities that conflict with their work restrictions and limitations with the City.

Leaves of absence must be requested by the employee in writing and approved by the Department Head in order to allow the department to make arrangements for proper staffing during the employee's absence. Employees who do not notify the City and obtain approval for leaves of absence are generally considered absent without authorization, and subject to discipline or discharge. Any leave without pay must be approved in advance by the City Manager.

### A. FMLA/OFLA POLICY

The following is a summary of Family and Medical Leave policy and procedures under the federal Family Medical Leave Act (FMLA) and the Oregon Family Leave Act (OFLA). Generally, and as will be discussed, eligible employees are entitled to 12 weeks of unpaid leave for the reasons identified below. Federal and state law prohibit retaliation against an employee with respect to hiring or any other term or condition of employment because the employee asked about, requested, or used Family and Medical Leave. In all cases, applicable Oregon and federal laws, rules, policies, and collective bargaining agreements govern the employee's and the City's rights and obligations, not this policy.

Employees seeking further information should contact the HR Assistant. Please also refer to the "Employee Rights and Responsibilities Under the Family Medical Leave Act" and "Oregon Family Leave Act" notices posted in the break rooms and other common areas in each Department, which are incorporated here by reference.

- Definitions

#### *Child/Son or Daughter*

For purposes of OFLA, "child" includes a biological, adopted, foster or stepchild, the child of a registered same-sex domestic partner or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of OFLA Serious Health Condition Leave, the "child" can be any age; for all other types of leave under OFLA, the "child" must be under the age of 18 or over 18 if incapable of self-care.

A "son or daughter" is defined by FMLA as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under 18 years of age or is 18 years of age or older and "incapable of self-care because of a mental or physical disability" at the time FMLA leave is to commence. FMLA also provides separate definitions of "son or daughter" for FMLA military family leave that are not restricted by age — see below.



### *Eligible Employee*

OFLA - To qualify for OFLA leave for a Serious Health Condition or Sick Child Leave, an employee must have been employed for at least 180 days and worked an average of at least 25 hours per week.

Parental Leave - To qualify for Parental Leave under OFLA, an employee must have been employed for at least 180 days (no per-week hourly minimum is required).

OMFLA - For purposes of Oregon Military Family Leave Act leave, the employee need have only worked 20 hours per week (no minimum length of employment required). A different calculation method applies for reemployed service members under USERRA who seek OMFLA leave; see [Contact] for more information.

FMLA - Employees are eligible for FMLA leave if they have worked for a covered employer for at least one year (which may be based on separate stints of employment) and for 1,250 hours during the 12 months preceding the date leave is to begin. They must also be employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Public Health Emergency Leave - Employees are eligible to take any OFLA leave during a Public Health Emergency if they have worked: (a) more than 30 days immediately before the date on which the leave would begin; or (b) an average of 25 hours per week in the 30 days immediately before the date on which the leave would begin. This is available to employees who are eligible for OFLA only. See the definition of “public health emergency” below.

Leave under Oregon and federal law will run concurrently when permitted.

### *Family Medical Leave*

This includes all of the types of leave identified in the section below, entitled “Reasons for Taking Leave,” unless otherwise specified.

### *Family Member*

- For purposes of FMLA, “family member” is defined as a spouse, parent or a “son” or “daughter” (defined above).
- For purposes of OFLA, “family member” includes the definitions found under FMLA and also includes adult children (for “serious health condition” leave only), a parent-in-law, grandparent, grandchild, registered same-sex domestic partner, and parent or child of a registered same-sex domestic partner.

### *Serious Health Condition*

“Serious health condition” is defined under FMLA and OFLA as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities. Under OFLA only, “serious health condition” includes any period of absence for the donation of a body part, organ, or tissue, including preoperative or diagnostic services, surgery, post-operative treatment, and recovery.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

Other conditions may meet the definition of a “serious health condition;” see [Contact] for more information. The common cold, flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, and cosmetic treatments (without complications), are examples of conditions that are not generally defined as serious health conditions.

### *Public Health Emergency*

For purposes of OFLA only, a “public health emergency” is a public health emergency declared under ORS 433.441 or an emergency declaration declared under ORS 401.165. Examples of this include when the State of Oregon declared a COVID-19 state of emergency in March 2020 and the wildfire state of emergency in June 2021.

- **Reasons for Taking Leave**

Family Medical Leave may be taken under any of the following circumstances:

1. **Call to Active-Duty Leave:** Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain “qualifying exigencies.” “Qualifying exigencies” may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. This type of leave is available under FMLA only; however, under OFLA, specifically under the Oregon Military Family Leave Act, during a period of military conflict, as defined by the statute, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces of the U.S. and who has been notified of an impending call or order to active duty, or who has been deployed, is entitled to a total of 14 days of unpaid leave per deployment after the military spouse or registered same-sex domestic partner has been notified of an impending call or order to active duty and before deployment and when the military person is on leave from deployment.
2. **Employee’s Serious Health Condition Leave:** To recover from or seek treatment for an employee’s serious health condition, including pregnancy-related conditions and prenatal care.
3. **Family Member’s Serious Health Condition Leave:** To care for a family member with a serious health condition.
4. **Parental Leave:** For the birth of a child or for the placement of a child under 18 years of age for adoption or foster care. Parental leave must be completed within 12 months of the birth of a newborn or placement of an adopted or foster child.
5. **Pregnancy Disability Leave:** For incapacity due to pregnancy, prenatal medical care, or birth.
6. **Servicemember Family Leave:** Eligible employees may take up to 26 weeks of leave to care for a “covered servicemember” during a single 12-month period. A “covered servicemember” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Under some circumstances, a veteran will be considered a “covered servicemember.” This type of leave is available under FMLA only.
7. **Sick Child Leave:** To care for a child who suffers from an illness or injury that does not qualify as a serious health condition but that requires home care. This type of leave does

not provide for routine medical and dental appointments or issues surrounding the availability of childcare when the child is not ill or injured. Sick child leave is not available if another family member is able and willing to care for the child. This type of leave is available only to employees who are eligible under OFLA.

8. Bereavement Leave. This type of leave is addressed under OFLA; see the Bereavement Leave Policy on pg. 25 for more information.

- Length of Leave

In any One-Year Calculation Period, eligible employees may take:

- Up to 12 weeks of Parental Leave, Serious Health Condition Leave (employee’s own or family member), Sick Child Leave, or Call to Active-Duty Leave;
- An additional 12) weeks of leave may be available to an eligible employee for an illness, injury or condition related to pregnancy or childbirth that disables the employee; and
- Employees who take the entire 12 weeks of OFLA Parental Leave may be entitled to an additional 12 weeks of Sick Child Leave.

When leave is taken for Servicemember Family Leave, an eligible employee may take up to 26 weeks of leave during the One-Year Calculation Period to care for the servicemember. During the One-Year Calculation Period in which Servicemember Family Leave is taken, an eligible employee is entitled to a combined total of 26 weeks of FMLA Leave (some of which may include other types of FMLA-specific leaves of absence).

Spouses employed by the City, taking leave for Servicemember Family Leave are jointly entitled to a combined total of 26 weeks of leave during the One Year Calculation Period.

- One-Year Calculation Period

The “12-month period” during which leave is available (also referred to as the “One-Year Calculation Period”) is a 12-month Fiscal Year (July 1-June 30).

- Intermittent Leave

Intermittent or reduced schedule leave may be taken during a period of Family Member or Employee Serious Health Condition Leave or Servicemember Family Leave. Additionally, Call to Active-Duty Leave may be taken on an intermittent or reduced leave schedule basis. An employee may be temporarily reassigned to a position that better accommodates an intermittent or reduced schedule; employees covered by OFLA will not be reassigned without his/her expressed consent and agreement. Employees must make reasonable efforts to schedule planned medical treatments to minimize disruption of City operations, including consulting management prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both City and the employee. Intermittent leave for Parental Leave is not available.

- Employee Responsibilities — Notice

Employees must provide at least 30 days’ notice before Family Medical Leave is to begin if the reason for leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member, or the planned treatment for a serious injury or illness of a covered servicemember (Servicemember Family Leave). If 30 days’ notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. If the situation giving rise to

a Sick Child Leave is unforeseeable, an employee must give verbal or written notice to City within 24 hours of commencement of the leave.

For Call to Active-Duty Leave, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

Whether leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee must let the HR Assistant know as soon as practicable if dates of scheduled leave change or are extended or were initially unknown.

If circumstances change during the leave and the leave period differs from the original request, the employee must notify HR Assistant within three business days, or as soon as possible. Further, employees must provide written notice within three days of returning to work.

Regardless of the reason for leave, or whether the need for leave is foreseeable, employees will be expected to comply with City's normal call-in procedures. Employees who fail to comply with City's leave procedures may be denied leave, subject to discipline, or the start date of the employee's Family Medical Leave may be delayed.

- Certification

Generally speaking, employees must provide sufficient information for City to determine if the leave may qualify for FMLA or OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for either Call to Active Duty or Servicemember Family Leave.

Employees also must inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. Additionally:

1. Employees requesting serious health condition leave for themselves or to care for a covered family member will be required to provide certification from the health care provider of the employee or the covered family member to support the request.
2. Employees requesting sick child leave under OFLA may be required to submit, at a minimum, a note from a doctor if the employee has requested to use more than three days (i.e., one three-day occurrence or three separate instances) of sick child leave within a one-year period.

Employees must furnish City's requested medical certification information within 15 calendar days after such information is requested by City. In some cases (except for leave to care for a sick child), City may require a second or third opinion, at City's expense. Employees also may be required to submit subsequent medical verification.

Employees will not be asked for, and they should not provide, any genetic information about themselves or a family member in connection with a FMLA/OFLA medical certification.

- Medical Certification Prior to Returning to Work

If Family Medical Leave is for the employee's own serious health condition, the employee must furnish, prior to returning to work, medical certification from their health care provider stating that the employee is able to resume work.

- Substitution of Paid Leave for Unpaid Leave

Generally, employees are required to use accrued paid sick leave first and then may use other forms of paid leave, including compensatory time off, personal holiday time, and then any earned and unused vacation leave. Use of accrued paid leaves will run concurrently with Family Medical Leave. If the employee has no accrued paid leave, personal holiday, vacation, compensatory time, or sick leave available to use during a Family Medical Leave, the leave will be unpaid.

- **Holiday Pay While on Leave**

Employees receiving short or long-term disability may qualify for holiday pay. Employees using vacation pay or sick pay during a portion of approved Family Medical Leave in which a holiday occurs will qualify to receive holiday pay. Employees who are on unpaid leave during a holiday will not qualify to receive holiday pay.

- **On-the-Job Injury or Illness**

Periods of employee disability resulting from a compensable on-the-job injury or illness will qualify for FMLA Leave if the injury or illness is a “serious health condition” as defined by applicable law.

OFLA leave will not be reduced by and will not run concurrently with any period the employee is unable to work because of a disabling compensable on-the-job injury; however, if the injury or illness is a “serious health condition” as defined by Oregon law and the employee has refused a bona fide offer of light-duty or modified employment, OFLA leave will commence.

If the employee’s serious health condition is the result of an on-the-job injury or illness, the employee may qualify for workers’ compensation time-loss benefits.

- **Benefits While on Leave**

If an employee is on approved FMLA or OFLA Leave, City will continue the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved FMLA or OFLA leave will be responsible for bearing the cost of his/her share of group health plan premiums which had been paid by the employee prior to the OFLA/FMLA leave. Employees will accrue vacation and sick leave while the employee is on a paid FMLA or OFLA leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in City benefit plans.

- **Job Protection**

Employees returning to work from Family Medical Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring Family Medical Leave have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated Family Medical Leave period, reinstatement may not be available unless the law requires otherwise.

The use of Family Medical Leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Employees who work for other employers during a “serious health condition” leave may be subject to discipline up to and including termination. Additionally, all employees who use Family Medical Leave for reasons other than the reason for which leave had been granted may be subject to discipline up to and including termination.

- Restoration of Leave Bank at Time of Re-Employment

An employee who leaves employment with City for any reason may be eligible for OFLA leave if they are re-employed by City within 180 days of the separation and if the employee was eligible for OFLA leave at the time of the separation. Special rules apply to employees who temporarily stop working for City for 180 days or less; please speak with HR Assistant for more information.

## **B. WORKER'S COMPENSATION LEAVES**

***For employees covered by a CBA, the City complies with its legal obligations regarding worker's compensation absences, benefits, etc. For additional information on worker's compensation rules and benefits applicable to your employment, please see the CBA, and not this policy.***

The City grants employees leaves of absence for illnesses and injuries incurred on-the-job, in accordance with applicable law. If you are injured on-the-job, please contact your supervisor immediately for a workers' compensation form. Employees who are absent from work due to work-related illnesses or injuries are eligible to receive workers' compensation benefits. Employees on a workers' compensation leave of absence are required to report to their supervisor on their status, progress, and anticipated date of return to work at least once a week, unless you have received written approval to be absent until a specific date or report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement.

All employees who are released to return to work from on-the-job injuries or illnesses must request return to work as soon as possible but no later than seven (7) days after receipt of notice by certified mail from our workers' compensation insurer that you have been released to return to work by your doctor. The City complies with applicable reinstatement and reemployment laws for employees who are absent due to work related illnesses or injuries.

NOTE: Workers' compensation and OFLA absences do not run concurrently. Therefore, you may be eligible for OFLA leave following the conclusion of a workers' compensation leave. Eligible employees who are released to light duty after a workers' compensation illness or injury, and remain off work are automatically placed on an OFLA leave of absence consistent with applicable law. For more information, please contact your supervisor or the Accountant.

## **C. OTHER MEDICAL LEAVES**

Occasionally, employees are required to be absent from work for periods of time due to serious on or off-the-job injuries or illnesses that are not covered by FMLA or OFLA, or for periods of time which extend beyond FMLA/OFLA leaves, such as to accommodate disabilities. In such circumstances, employees should contact their supervisor regarding an extended medical leave of absence.

Employees on a medical leave of absence are required to report to their supervisor on their status, progress, and anticipated date of return to work at least once a week, unless you have received written approval to be absent until a specific date or to report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement. The re-employment of persons returning from medical leave is subject to the availability of suitable work. The City does, however, comply with applicable laws. All employees who are released to return to work from a medical leave for extended off-the-job injuries or illnesses must promptly contact

the City to discuss all available options for return to work and other accommodations after receipt of a full or light duty release from your doctor.

#### **D. JURY AND WITNESS DUTY**

1. **JURY DUTY LEAVE**: Any employee who is called to serve on a jury is granted time off for the time necessary. City of Warrenton grants regular status employees time off with pay for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's supervisor to verify the need for such leave. The employee may keep the mileage reimbursement pay he or she receives from the court for jury duty. If the employee receives any other compensation for jury duty, the employee must transfer that compensation to the City. Except as outlined above, all other jury duty service is unpaid, though you may elect to use any earned and unused vacation benefits that you have available. The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his or her supervisor informed about the amount of time required for jury duty. Verification of the dates and times of service may be required.
2. **WITNESS DUTY LEAVE**: Any employee who is called to serve as a subpoenaed witness in a court of law before a judge, or before a legislative committee, administrative proceeding, or any official board or body authorized to conduct a hearing or inquiry, is granted time off for the time necessary. Time spent serving as a witness in a work-related, legal proceeding is treated as time worked for pay purposes (less any witness fees received). Except as provided above, all witness duty is unpaid. Employees may, however, use any available paid vacation, compensatory time, like time, or floating holiday time off for such absences from work. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

#### **E. DOMESTIC VIOLENCE LEAVE AND ACCOMMODATION POLICY**

If you are the victim of domestic violence, sexual assault, harassment, or stalking, or are the parent of a minor child or dependent who is the victim of domestic violence, harassment (as defined by applicable law), sexual assault or stalking, you are eligible for reasonable unpaid leaves of absence for the following purposes:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of you or your minor child or dependent (including preparing for and participating in protective order proceedings or other criminal or civil proceedings) related to domestic violence, sexual assault, harassment, or stalking of the employee or his/her minor child or dependent;
- To seek medical treatment or recover from injuries caused by domestic violence or sexual assault, harassment, or stalking of the employee or his/her minor child or dependent;
- To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, sexual assault, harassment, or stalking;
- To obtain services from a prosecutor provided or non-profit victim services provider for the employee or his/her minor child or dependent; or

- To relocate or take steps to secure an existing home to ensure the health and safety of the employee or his/her minor child or dependent.

Eligible employees who need domestic violence leave should contact the HR Assistant or their supervisor. Certification of the need for leave is generally required. Domestic violence leaves are unpaid. However, employees may elect to use any earned and unused sick leave and/or other paid benefits for periods of domestic violence leave. Requests for domestic violence leave and all supporting documentation are treated confidentially.

The City also makes other reasonable accommodations for victims of domestic violence, sexual assault, harassment, or stalking as required by law. Employees who need workplace accommodations should promptly contact the HR Assistant or supervisor to discuss reasonable alternatives and options. Verification of the need for accommodation is generally required. Requests and all supporting documentation are treated confidentially.

## **F. OTHER CRIME VICTIM LEAVE**

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault. "Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild, or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave, compensatory time, like-time, and floating holiday during the leave period;
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit copies of any notices of scheduled criminal proceedings that the employee receives from law enforcement agencies.

## **G. MILITARY LEAVES**

Employees who serve in the U.S. Armed Forces, National Guard or Reserves, commissioned corps of the public health service, or other qualifying military/services branches are granted leaves of absence for the period of their military service, including training and other duties, as well as reinstatement of employment in accordance with applicable law. Except as provided below, military leaves are unpaid. Employees may, however, elect to use any earned and unused paid vacation, compensatory time, like-time, and/or floating holiday benefits during military leaves. Employees who need a military leave of absence should notify the City as far in advance as reasonably possible under the circumstances. For more information, please contact your supervisor or HR Assistant. The City appreciates the contributions of those who serve in the military and encourage anyone who serves to exercise their reinstatement rights.

An employee who has completed six continuous months of service with the City and who is absent from work for periods of initial active duty for training or annual active duty for training as a member of the National Guard, National Guard Reserve, or any reserve component of the Armed Forces of the United States or of the United States Public Health Service, is provided with a paid leave of absence for such training as required by law. Each training year (the federal fiscal year for any



particular unit of the National Guard or reserve component), eligible employees are provided paid time off for up to the number of days the employee would normally be scheduled to work within a 15 calendar day period, in accordance with applicable state law.

## **H. MILITARY FAMILY LEAVES**

Employees who work an average of at least 20 hours per week are eligible to take time off to spend time with a spouse or registered domestic partner who is a member of the Armed Forces of the United States, the National Guard or the military reserve forces of the United States and has been notified of an impending call or order to active duty or who is on leave from active duty during a period of military conflict. Eligible employees may take up to 14 workdays of Family Military leave per deployment, which may be taken intermittently. Periods of Family Military Leave are counted against an employee's entitlement to OFLA when the employee is also eligible for OLFA, and are unpaid. Employees may, however, elect (but are not required) to use any earned paid leave benefits during periods of Family Military Leave. Employees who need Family Military Leave must request leave within 5 business days of receipt of the official notice of a call to duty or leave. If official notice is provided less than five business days in advance, you must request the leave as soon as practicable. A copy of the call or leave orders is required.

## **I. PERSONAL LEAVES WITHOUT PAY**

Regular employees may be granted unpaid personal leaves of absence upon a showing of good cause, and provided the City determines the leave can be scheduled without adversely affecting its operations and service to the public. Please note that while personal leaves of absence are unpaid, employees are required to exhaust any applicable earned and unused paid leave benefits (e.g., vacation, sick leave (if applicable), compensatory time, etc.) during a personal leave before unpaid personal leave time may be taken. Requests for personal leaves of absence must be made in writing to the City Manager as far in advance as possible and must specify a starting and ending date as well as the reason for the requested leave. The City Manager will determine whether there is a compelling personal reason for the leave at his/her discretion. A leave will not be granted to work another job or seek employment or career opportunities elsewhere.

Employees returning from a personal leave of absence are not guaranteed reemployment. Reemployment is generally subject to the availability of a position that the City determines is suited to an employee's skills, qualifications, and experience, subject to any applicable collective bargaining rights and obligations.

## **J. OTHER LEAVES**

Bargaining unit employees may also be eligible for additional leaves as set forth in an applicable collective bargaining agreement.

Further, it is the City's policy to comply with all applicable laws regarding leaves of absence. If you need time off for a reason not covered by these policies, please contact the HR Assistant.

## **XV. LEAVING CITY EMPLOYMENT**

### **A. VOLUNTARY RESIGNATION**

The City recognizes that employees may choose to resign their employment at any time. In order to maintain quality and consistent service, two weeks (10 work days') notice prior to the effective date of your resignation, as well as the reason for your resignation, is requested in writing. All City equipment/property must be returned to your Department Head.

### **B. LAYOFF**

***For employees covered by a CBA, layoff, bumping and recall rules applicable to your employment are established and governed by the terms of that CBA, and not this policy.***

City employment needs vary based on organizational changes, workload, budgetary and other business, and operational considerations. If the City determines it is necessary to eliminate or consolidate jobs or otherwise curtail operation, layoffs may be necessary. The decision of individuals to be laid off is made based on the City's evaluation of the comparative work performance and skills of the employees in the positions affected, and the skills and abilities of those employees to perform the work remaining. When the City determines that the performance, skills and abilities of the employees being considered for layoff are relatively equal, preference is given to the employee with the longest length of service with the City. The City's policy is to provide advance notice of layoff when it determines budgetary and operational considerations allow. Laid off employees do not have any bumping or automatic recall rights.

### **C. DISCHARGE**

*Except as provided otherwise in a current CBA covering your employment or a valid individual written employment agreement applicable to your employment, employment can be terminated by the City or the employee at any time for any reason not prohibited by law.*

### **D. FINAL PAYCHECKS**

When the City ends the employment relationship for any reason it makes the final paycheck available by the end of the next business day following termination. When employees voluntarily resign with at least 48-hours advance notice, the City makes the final paycheck available on the last day of work or on the next business day if the last day falls on a weekend or holiday. When employees resign with less than 48-hours' notice, the final paycheck is made available within five (5) days of termination or on the next payday, whichever comes first.

### **E. REFERENCES**

Employees who leave the City's employment have the option of authorizing the City to release information regarding work performance, attendance, eligibility for rehire, and other factors relevant to their employment with the City. For employees who do not provide such authorization, it is the City's policy to limit reference information to dates of employment, positions held, and wages earned. All other employment references should be directed to the City Manager on behalf of the City.

**XVI. EMPLOYEE HANDBOOK ACKNOWLEDGEMENT OF RECEIPT**

I acknowledge that I have received a copy of the City of Warrenton’s Employee Handbook, which becomes effective November 9, 2022 and covers my employment.

I understand that the City of Warrenton reserves all rights necessary for the efficient management of its operations and that the City has adopted this Handbook only as a general guide to its current policies, work rules, and the work environment. I acknowledge that this Handbook is not a contract for continued employment or benefits at any level. Rather, I understand that it may become necessary for the City to change this Handbook, its policies and practices, and/or to change, reduce or discontinue any benefits from time to time (*subject to applicable collective bargaining obligations, if any*) as it determines appropriate to the management of the City.

**During my employment with the City of Warrenton, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new polices are issued, and to ask questions about any interpretation of any of the policies.**

I further understand that, except as otherwise provided in an applicable collective bargaining agreement covering my employment or an individual written employment agreement signed by the City Manager (or City Commission if applicable to the City Manager), either the City of Warrenton or I may terminate my employment relationship at any time, for any or no reason, with or without cause, and with or without advance notice or due process procedures, and that I do not have any property interests/rights or ownership in my employment with the City.

I also understand that no one other than the City Manager (or the City Commission if applicable to the City Manager) has any authority to enter into any agreement for employment for any specified period of time, to assure me of any future position, benefits or other terms or conditions or employment, or to make any promises contrary to, or in addition to, this Handbook. I understand and acknowledge that any such representation and promises must be in writing and signed and dated by the City Manager (or City Commission if applicable to the City Manager) in order to be valid.

I have read this acknowledgement carefully before signing.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name [print]

*The original of this document is kept in the Employee’s personnel file. A copy is made available to the Employee upon request.*



## AGENDA MEMORANDUM

TO: The Warrenton City Commission  
FROM: Greg Shafer, Public Works Director  
DATE: October 22, 2024  
SUBJ: Public Works Quarterly Update

### SUMMARY

Public Works continued to make progress in our organization/staffing, projects, and maintenance programs, as follows:

#### Staffing/Training Updates:

- Victor Veenstra – Utility Worker
- Matt Smith – Refuse Driver
- Max Chase - Analyst

#### Project Updates:

- Safe Routes to School 1 (SRTS-1)/SW 9<sup>th</sup> & Main to SW 10<sup>th</sup>: constructed; project ribbon cutting.
- Hammond Transmission Waterline: 95% design; in permitting.
- Raw Waterline-2 Replacement Project: 95% design; in permitting.
- Tide-gate #9: completion of project scoping report, per grant.
- 2024 Pavement Overlays – substantially complete (10 streets); Lake Dr outstanding due to Buoy 10 fishing season.
- Safe Routes to School II (SRST II)/SW 10<sup>th</sup> to HS – project scoping/initiate design.
- SE Dolphin Ave Culvert Replacement – replaced failed culvert, for traffic safety (especially daily school buses).

- WTP Reservoir – issued RFP for alternative analysis/preliminary design services.
- Seismic Study (for Water Master Plan)- issued RFP for engineering study services.
- Provided project, engineering, and inspection services for a variety of Developments.

Maintenance Updates:

General equipment, maintenance, repair, servicing, engineering as follows:

- Refuse clean-up at city storage units, pump stations, generators, water meters, storm and sanitary sewer lines, culverts, ditches, tide-gates, Parks, potholes, WWTP blowers, sanitation routes, mowing, brushing, and street sweeping.



# CITY OF WARRENTON

## FINANCE DEPARTMENT

**Volume 17, Issue 12**

**Monthly Finance Report  
June 2024**

**October 22, 2024**

### Economic Indicators

	Current	1 year ago
◆ Interest Rates:		
LGIP :	5.2%	4.05%
Prime Rate:	8.5%	8.25%
◆ CPI-U change:	3.0%	3.0%
◆ Unemployment Rates:		
Clatsop County:	3.9%	3.5%
Oregon:	4.1%	3.5%
U.S.:	4.1%	3.6%

### Department Statistics

◆ Utility Bills mailed	3,203
◆ New Service Connections	4
◆ Reminder Letters	244
◆ Door Hangers	56
◆ Water Service Discontinued	14
◆ Counter payments	352
◆ Mail payments	877
◆ Auto Pay Customers/pmts	636
◆ Online payments	1,536
◆ Checks issued	340

### Current and Pending Projects

- ◆ Business License Renewals
- ◆ Audit Preparation and Reporting — Field work scheduled for week of October 7th

## Financial Narrative as of June 30, 2024

**Note:** Revenues and expenses should track at 12/12 or 100% of the budget.

**General Fund:** Year to date revenues amount to \$6,330,957, which is 100.61% of the budget, compared to the prior year amount of \$5,450,528, which was 95.8% of the budget and are up by \$880,429.

Expenses year to date amount to \$5,983,030, which is 88.93% of the budget, compared to the prior year amount of \$5,144,004, which was 81.8% of the budget and are up by \$839,027. Fund balance is \$2,540,311 compared to \$2,192,384 last year; an increase of \$347,927.

**WBL:** Business license revenue amounts to \$84,408, compared to \$84,578 at this time last year, a decrease of \$170. Year to date licenses issued is 760 compared to 785 at this time last year. Year to date revenues exceeded expenses by \$36,218 and increased fund balance by the same.

**Building Department:** Year to date permit revenues amount to \$142,695, which is 53.24% of the budgeted amount. Last year to date permit revenue was \$244,909, 80.1% of the budget. Year to date expenses exceeded revenues by \$96,510 and reduced fund balance by the same.

**State Tax Street:** Year to date state gas taxes received amount to \$504,805, 98.94% of the budgeted amount. City fuels are \$372,115 year to date, 101.08% of the budget. Total gas taxes received year to date are \$876,920 compared to \$871,144

last year. Expenses exceeded revenues and decreased fund balance by \$360,837.

**Warrenton Marina:** Total revenues to date are \$820,597, 109.7% of the budgeted amount, compared to the prior year amount of \$746,127, which was 104.1% of the budgeted amount. Revenues exceeded expenses by \$97,465 and increased fund balance by the same.

**Hammond Marina:** Total revenues to date are \$485,427, 115.8% of the budgeted amount, compared to the prior year amount of \$435,315, which was 113.2% of the budgeted amount. Revenues exceeded expenses by \$52,590 and increased fund balance by the same.

**Water Fund:** Utility fees are \$2,623,319 and \$1,556,916 year to date for in-city and out-city respectively and totals \$4,180,235 and is 100.25% of the budget. Last year to date fees were \$2,612,314 and \$1,609,953, for in-city and out-city, respectively and totaled \$4,222,267 and are down by \$42,032. Revenues exceeded expenses by \$493,107 and reduced fund balance by the same.

**Sewer Fund:** Utility fees \$3,014,705 year to date, which is 109.96% of the budget. Last year at this time, year to date fees were \$2,732,238. Shoreline Sanitary fees year to date are \$146,527. Total revenues year to date are \$3,709,400 compared to \$3,134,265 at

this time last year. Expenses exceeded revenues by \$74,883 and decreased fund balance by the same.

**Storm Sewer:** Utility fees (20% of sewer fees) are \$901,931 year to date and is 109.8% of the budget. Total expenses exceeded revenues by \$174,929 and decreased fund balance by the same.

**Sanitation Fund:** Service fees charged for garbage and recycling were \$1,128,262 and \$244,103, year to date, and are 106.4% and 98.75% of the budget respectively. Total revenues exceeded expenses by \$24,368 and increased fund balance by the same amount.

**Community Center Fund:** Year to date rental revenue is \$49,864 and is 249.3% of the budget. Last year to date rental revenue was \$29,774, which was 212.7% of the budget. Total revenues exceeded expenses by \$27,486 and increased fund balance by the same.

**Library Fund:** Total current year property taxes collected amount to \$253,826. Total revenues exceeded expenses by \$19,008 and increased fund balance by the same.



**Financial data as of June 30, 2024**

	General Fund				
	Current Month	Year to Date	Budget	% of Budget	
Beginning Fund Balance	2,356,924	2,192,384	1,400,000	156.60	
Plus: Revenues	647,000	6,330,957	6,292,794	100.61	(see details of revenue, page 4)
Less: Expenditures					
Municipal Court	12,503	153,699	195,278	78.71	
Admin/Comm/Fin(ACF)	102,805	1,433,481	1,496,499	95.79	
Planning	21,426	274,408	445,507	61.59	
Police	223,826	2,170,870	2,331,713	93.10	
Fire	81,545	955,714	1,149,355	83.15	
Parks	21,508	177,889	237,467	74.91	
Transfers	-	816,969	871,641	93.73	
Total Expenditures	463,613	5,983,030	6,727,460	88.93	
Ending Fund Balance	2,540,311	2,540,311	965,334	263.15	

	WBL				Building Department			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	152,859	114,568	109,000	105.11	496,066	579,592	620,000	93.48
Plus: Revenues	685	91,688	87,800	104.43	8,254	174,974	282,998	61.83
Less: Expenditures	2,758	55,470	67,981	81.60	21,238	271,484	521,845	52.02
Ending Fund Balance	150,786	150,786	128,819	117.05	483,082	483,082	381,153	126.74

	State Tax Street				Warrenton Marina			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	2,859,141	3,222,554	3,000,000	107.42	501,658	353,642	330,000	107.16
Plus: Revenues	200,815	1,416,366	4,793,347	29.55	22,263	820,597	747,995	109.71
Less: Expenditures	198,239	1,777,203	6,829,022	26.02	72,814	723,132	866,310	83.47
Ending Fund Balance	2,861,717	2,861,717	964,325	296.76	451,107	451,107	211,685	213.10



**Financial data as of June 30 2024, continued**

	Hammond Marina				Water Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	344,745	269,706	240,000	112.38	1,956,012	1,608,654	1,400,000	114.90
Plus: Revenues	11,263	485,427	419,161	115.81	376,409	4,716,947	7,075,602	66.66
Less: Expenditures	33,712	432,837	545,445	79.35	230,660	4,223,840	7,330,014	57.62
Ending Fund Balance	<u>322,296</u>	<u>322,296</u>	<u>113,716</u>	<u>283.42</u>	<u>2,101,761</u>	<u>2,101,761</u>	<u>1,145,588</u>	<u>183.47</u>

	Sewer Fund				Storm Sewer			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	3,292,977	3,430,433	2,900,000	118.29	2,260,922	2,012,233	1,680,000	119.78
Plus: Revenues	294,241	3,709,400	3,065,029	121.02	57,921	706,850	883,340	80.02
Less: Expenditures	231,668	3,784,283	4,410,805	85.80	481,539	881,779	2,003,002	44.02
Ending Fund Balance	<u>3,355,550</u>	<u>3,355,550</u>	<u>1,554,224</u>	<u>215.90</u>	<u>1,837,304</u>	<u>1,837,304</u>	<u>560,338</u>	<u>327.89</u>

	Sanitation Fund				Community Center			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	598,347	568,673	445,000	127.79	70,332	35,232	30,000	117.44
Plus: Revenues	119,510	1,418,224	1,322,595	107.23	(4,870)	59,922	25,950	230.91
Less: Expenditures	124,816	1,393,856	1,503,237	92.72	2,744	32,436	34,532	93.93
Ending Fund Balance	<u>593,041</u>	<u>593,041</u>	<u>264,358</u>	<u>224.33</u>	<u>62,718</u>	<u>62,718</u>	<u>21,418</u>	<u>292.83</u>

	Library				Warrenton Urban Renewal Agency Capital Projects Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	237,379	210,291	185,000	113.67	6,466	7,970	6,100	130.66
Plus: Revenues	12,025	288,530	276,280	104.43	23,043	986,535	5,184,828	19.03
Less: Expenditures	20,105	269,522	313,323	86.02	23,022	988,018	4,371,000	22.60
Ending Fund Balance	<u>229,299</u>	<u>229,299</u>	<u>147,957</u>	<u>154.98</u>	<u>6,487</u>	<u>6,487</u>	<u>819,928</u>	<u>0.79</u>



**Financial data as of June 30, 2024, continued**

(\$) Cash Balances as of June 30, 2024

General Fund		Warrenton Marina	Storm Sewer		
General Fund	2,572,194	439,402	Storm Sewer	2,272,605	
WBL	152,865	Hammond Marina	334,661	Sanitation Fund	546,509
Building Department	488,844	Water Fund	2,113,526	Community Center	71,844
State Tax Street	3,217,398	Sewer Fund	3,167,107	Library	228,482

Warrenton Urban Renewal Agency						
Capital Projects	8,538					
Debt Service	1,977,446					

General Fund Revenues	Collection Frequency	Actual as a % of		Collections/Accruals		(over) under budget
		2023-2024 Budget	Current Budget	Year to date	Year to date	
				June 2024	June 2023	
Property taxes-current	AP	1,347,187	100.07	1,348,148	1,304,029	(961)
Property taxes-prior	AP	30,000	120.91	36,273	44,809	(6,273)
County land sales	A	-	0.00	-	-	-
Franchise fees	MAQ	628,000	120.40	756,141	674,655	(128,141)
COW - franchise fees	M	331,911	101.53	336,974	319,607	(5,063)
Transient room tax	Q	648,269	102.52	664,633	647,261	(16,364)
Liquor licenses	A	625	96.00	600	675	25
State revenue sharing	MQ	209,754	98.76	207,143	213,503	2,611
Municipal court	M	103,200	70.36	72,609	86,952	30,591
Planning Fees	I	107,000	50.03	53,527	45,695	53,473
Police charges	I	25,000	112.03	28,008	26,763	(3,008)
Fire charges	SM, I	115,624	107.43	124,212	143,021	(8,588)
Park charges	I	-	0.00	1,360	1,470	-
Housing rehab loan payments	I	-	0.00	-	9,032	-
Miscellaneous	I	3,000	1681.30	50,439	17,193	(47,439)
Interest	M	50,000	275.73	137,867	86,082	(87,867)
Lease receipts	M	221,913	113.10	250,990	241,779	(29,077)
Food pod receipts	M	-	0.00	28,770	-	(28,770)
Proceeds from sale of assets	I	-	0.00	3,761	4,036	(3,761)
Donations	I	-	0.00	871	-	(871)
Grants	I	-	0.00	-	-	-
<b>Sub-total</b>		<b>3,821,483</b>	<b>107.35</b>	<b>4,102,326</b>	<b>3,866,562</b>	<b>(280,843)</b>
Transfers from other funds	I	974,812	0.00	795,150	423,876	179,662
Overhead	M	1,496,499	95.79	1,433,481	1,160,090	63,018
<b>Total revenues</b>		<b>6,292,794</b>	<b>100.61</b>	<b>6,330,957</b>	<b>5,450,528</b>	<b>(38,163)</b>

M - monthly  
 Q - quarterly  
 SM - Semi-annual in January then monthly  
 AP - As paid by taxpayer beginning in November  
 MAQ - Century Link, NW Nat & Charter-quarterly, all others monthly  
 S - semi-annual  
 I - intermittently  
 MQ - Monthly, cigarette and liquor and Quarterly, revenue sharing  
 A - annual

Note: Budget columns do not include contingencies as a separate line item but are included in the ending fund balance. Unless the Commission authorizes the use of contingency, these amounts should roll over to the following year beginning fund balance. For budget details, please refer to the City of Warrenton Adopted Budget for fiscal year ending June 30, 2024. Budget amounts reflect budget adjustments approved by the Commission during the fiscal year. Information and data presented in this report is unaudited.





# WARRENTON POLICE DEPARTMENT MONTHLY REPORT



TO: The Warrenton City Commission  
 FROM: Chief Mathew Workman  
 DATE: October 22, 2024  
 RE: September 2024 Stats Report

**Upcoming Dates:**

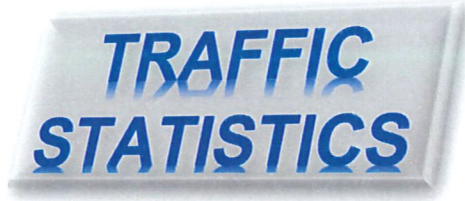
- 10/23 – 911 Subscriber Meeting
- 10/24 – ODOT Pre-Winter Meeting
- 11/07 – WPD Training Day
- 11/16 – Cub Scout Tour of WPD
- 11/21 – LEA Meeting
- 11/27 – 911 Subscriber Meeting

**Highlights Since the Last Report:**

- 09/25 – 911 Subscriber Meeting
- 09/25 to 09/26 – OACP/OSSA Fall Meetings
- 10/07 – Police Officer Interviews
- 10/10 – WPD Training Day
- 10/17 – WHS Tsunami Drill
- 10/17 – LEA Meeting
- 10/18 – Annual DA Training
- 10/18 to 10/23 – Chief at IACP Conf. Boston, MA

**Traffic Statistic Highlights:**

- Four (4) DUII Arrests (4-Alcohol, 0-Drugs)
- Seven (7) Driving While Suspended Citations/Arrests
- One (1) Hit and Run Citation/Arrest
- Two (2) Reckless/Careless Driving Citations/Arrest
- Three (3) Speeding Citations
- One (1) Failure to Yield Citation
- Three (3) Following Too Close Citations
- Nine (9) Insurance Citations
- One (1) Failure to Install Interlock Device Citation
- Three (3) Driver's License Citations
- One (1) License/Registration Citations
- One Hundred Twenty-two (122) other Citations and Warnings
- Twenty-Three (23) Traffic Crash Investigations
- **Citation vs Warning: 153** Traffic Stops: **39** Citations, **114** Warnings; *Warning 75% of the time.*



**Overall Statistics:**

September Statistics (% changes are compared to 2024)							
Category	2024	2023	% Chg	2022	% Chg	2021	% Chg
Calls for Service	742	768	-3%	727	2%	695	7%
Incident Reports	225	238	-5%	228	-1%	188	20%
Arrests/Citations	90	107	-16%	174	-48%	149	-40%
Traffic Stops/ Events	193	157	23%	159	21%	106	82%
DUII's	4	2	100%	5	-20%	2	100%
Traffic Crashes	23	25	-8%	9	156%	7	229%
Property Crimes	80	131	-39%	104	-23%	110	-27%
Person Crimes	73	75	-3%	85	-14%	88	-17%
Drug/Narcotics Calls	2	5	-60%	5	-60%	2	0%
Animal Calls	27	42	-36%	31	-13%	25	8%
Officer O.T.	109.5	197.8	-45%	125.3	-13%	152	-28%
Reserve Hours	0	0	0%	0	0%	0	0%



Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
<b>Calls for Service</b>	666	742	721	696	749	801	780	795	742
<b>Incident Reports</b>	206	222	234	200	232	228	221	212	225
<b>Arrests/Citations</b>	123	154	123	97	196	110	81	78	90
<b>Traffic Stops/ Events</b>	188	248	188	216	152	239	211	163	193
<b>DUII's</b>	3	3	1	2	3	4	2	3	4
<b>Traffic Crashes</b>	13	10	19	12	15	15	21	20	23
<b>Property Crimes</b>	79	109	104	99	111	120	104	92	80
<b>Person Crimes</b>	60	57	63	53	73	76	78	79	73
<b>Drug/Narcotics Calls</b>	8	5	3	4	11	7	5	0	2
<b>Animal Calls</b>	19	18	23	15	24	36	37	45	27
<b>Officer O.T.</b>	82.25	103.75	61.5	167.5	88.75	181.25	205.5	192.5	109.5
<b>Reserve Hours</b>	0	0	0	0	0	0	0	0	0

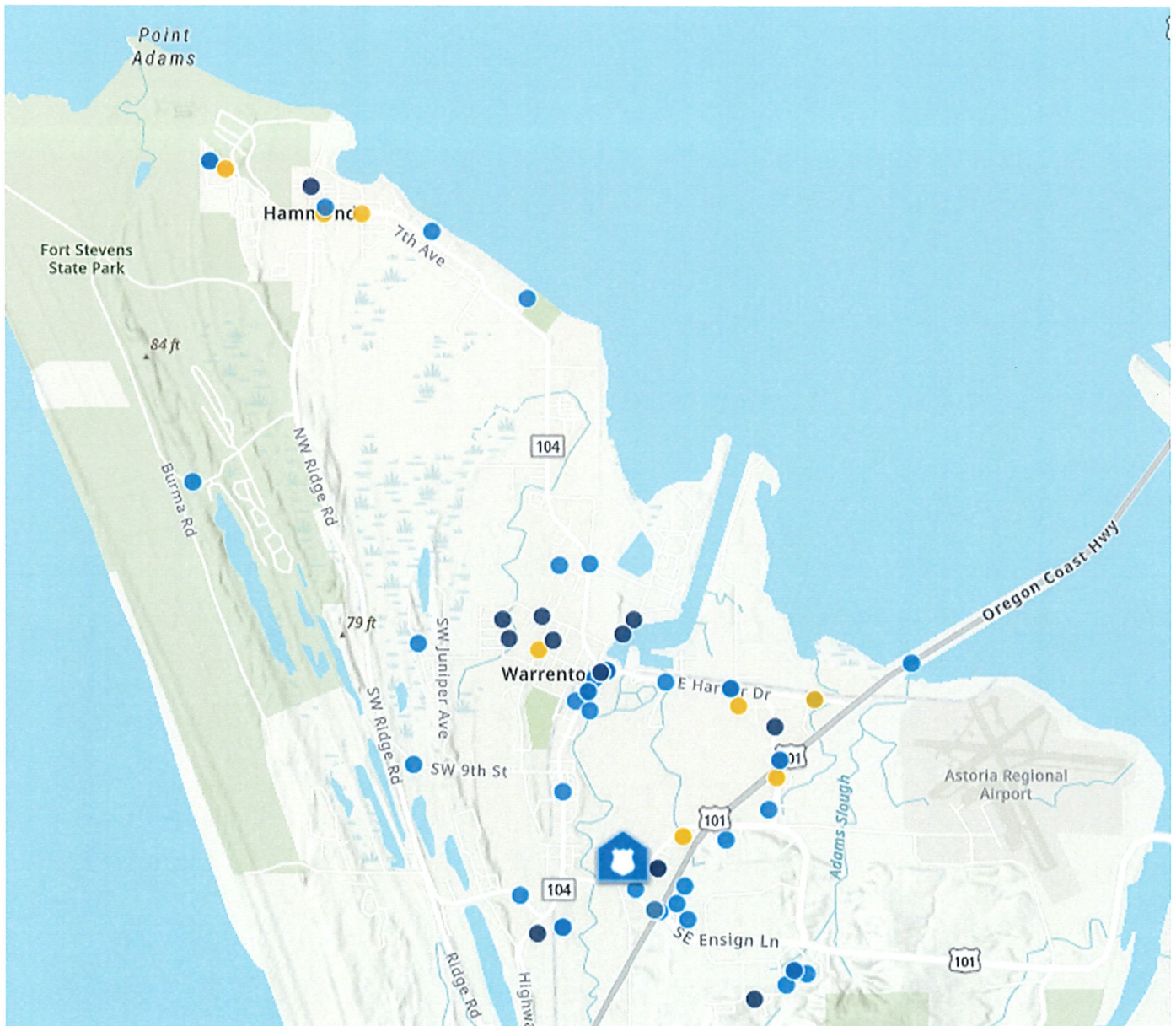
Oct	Nov	Dec	2024 YTD	2024 Estimate	2023	2024 v 2023	2022	2024 v. 2022	2021	2024 v. 2021
			6692	8923	9084	-2%	8050	11%	8669	3%
			1980	2640	2529	4%	2484	6%	3160	-16%
			1052	1403	1335	5%	1602	-12%	2020	-31%
			1798	2397	2369	1%	1848	30%	2088	15%
			25	33	30	11%	34	-2%	30	11%
			148	197	217	-9%	168	17%	182	8%
			898	1197	1127	6%	1204	-1%	1267	-5%
			612	816	825	-1%	811	1%	1013	-19%
			45	60	60	0%	40	50%	36	67%
			244	325	335	-3%	273	19%	253	29%
			1192.5	1590	1572	1%	2212.8	-28%	1503.1	6%
			0	0	0	0%	0	0%	0	0%

<b>Homeless Incidents</b>	<b>2024</b>	2023	2022	2021
Code 40 (Normal)	24	50	30	26
Code 41 (Aggressive)	2	2	5	1
<b>Elk Incidents</b>	<b>2024</b>	2023	2022	2021
Interaction:	3	2	4	1
Traffic Accidents:	3	2	4	0
Traffic Complaints:	1	2	0	0
<b>Total:</b>	<b>7</b>	6	8	1



The following is a graphic representation of statistics for **September 2024** using our **CityProtect** membership (formerly [CrimeReports.com](https://www.cityprotect.com)). The "Dots" represent a location of a call and if you zoom in on the map you would see an icon for the type of call and some basic time/date details. Some dots represent multiple calls at one location. If you go to the website ([www.cityprotect.com](https://www.cityprotect.com)), you can zoom in on each incident for more details.

- |  |  |  |  |
|--|--|--|--|
| <input checked="" type="checkbox"/> Assault                    | <input checked="" type="checkbox"/> Property & Theft           | <input checked="" type="checkbox"/> Disorder/Disturbance | <input checked="" type="checkbox"/> 911 or Other       |
| <input checked="" type="checkbox"/> Assault                    | <input checked="" type="checkbox"/> Property Crime             | <input checked="" type="checkbox"/> Disorder             | <input checked="" type="checkbox"/> Community Events   |
| <input checked="" type="checkbox"/> Assault with Deadly Weapon | <input checked="" type="checkbox"/> Breaking & Entering        | <input checked="" type="checkbox"/> Disorder             | <input checked="" type="checkbox"/> Community Policing |
| <input checked="" type="checkbox"/> Sexual Offense             | <input checked="" type="checkbox"/> Property Crime Commercial  | <input checked="" type="checkbox"/> Drugs                | <input checked="" type="checkbox"/> Proactive Policing |
| <input checked="" type="checkbox"/> Sexual Assault             | <input checked="" type="checkbox"/> Property Crime Residential | <input checked="" type="checkbox"/> Drugs                | <input checked="" type="checkbox"/> Emergency          |
| <input checked="" type="checkbox"/> Sexual Offense             | <input checked="" type="checkbox"/> Other Property Crime       | <input checked="" type="checkbox"/> Liquor               | <input checked="" type="checkbox"/> Emergency          |
| <input checked="" type="checkbox"/> Other Sexual Offense       | <input checked="" type="checkbox"/> Theft                      | <input checked="" type="checkbox"/> Liquor               | <input checked="" type="checkbox"/> Fire               |
| <input checked="" type="checkbox"/> Other Violent Offense      | <input checked="" type="checkbox"/> Theft from Vehicle         | <input checked="" type="checkbox"/> Quality of Life      | <input checked="" type="checkbox"/> Fire               |
| <input checked="" type="checkbox"/> Homicide                   | <input checked="" type="checkbox"/> Theft of Vehicle           | <input checked="" type="checkbox"/> Quality of Life      | <input checked="" type="checkbox"/> Police Calls       |
| <input checked="" type="checkbox"/> Kidnapping                 | <input checked="" type="checkbox"/> Other Theft                |  |  |
| <input checked="" type="checkbox"/> Robbery                    |  |  |  |





# City Commission Agenda Memo

Meeting Date: October 22, 2024  
From: Matthew Ellis, AICP, CFM, Planning Director  
Subject: Public Hearing and Adoption of Ordinance No. 1267

## Summary:

The City of Warrenton Planning Commission was advised by City staff regarding the adoption of Ordinance No. 1267 to establish a cap on mini-storage units in Warrenton. A hearing was held by the Planning Commission on November 9, 2023, to discuss this proposed ordinance and allow for public testimony. The Planning Commission unanimously recommended Ordinance No. 1267 in a 6-0 vote. At the August 27 City Commission meeting, the City Commission conducted the first reading of Ordinance No. 1267.

The proposed code revision would establish a cap of one storage unit per 10 people in Warrenton and clarify the definition of mini-warehouses.

## Recommendation/Suggested Motion:

*"I move to conduct the second reading, by title only, of Ordinance No 1267, AN ORDINANCE ESTABLISHING A CAP ON THE NUMBER OF MINI-WAREHOUSE SITES WITHIN THE CITY OF WARRENTON AND AMENDING THE WARRENTON DEVELOPMENT CODE."*

*"I move to adopt Ordinance No 1267, AN ORDINANCE ESTABLISHING A CAP ON THE NUMBER OF MINI-WAREHOUSE SITES WITHIN THE CITY OF WARRENTON AND AMENDING THE WARRENTON DEVELOPMENT CODE."*

## Alternative:

Other action as deemed appropriate by the City Commission

## Fiscal Impact:

N/A

## Attachments:

- Ordinance No. 1267

Approved by City Manager: \_\_\_\_\_

ORDINANCE NO. 1267  
INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE ESTABLISHING A CAP ON THE NUMBER OF MINI-  
WAREHOUSE SITES WITHIN THE CITY OF WARRENTON AND AMENDING  
THE WARRENTON DEVELOPMENT CODE**

**WHEREAS**, the City of Warrenton has allowed mini-warehouse or mini-storage sites to be developed within the community; and

**WHEREAS**, there are currently ten (10) approved mini-warehouse or mini-storage sites within the city limits (See attachment A); and

**WHEREAS**, the per capita number of mini-warehouse sites is higher in the City of Warrenton than any other community in Clatsop County at one site per 640 people. This ratio is nearly double other areas within the County; and

**WHEREAS**, the number of actual rental units based on Clatsop County Tax records is 1,764 with an additional 489 in development review; and

**WHEREAS**, mini-warehouse units do not create significant numbers of jobs; and

**WHEREAS**, recent tax analysis by the City indicates that the mini-storage properties pay a lower property tax per acre than other commercial or industrial uses within Warrenton; and

**WHEREAS**, Section 3.330 of the Warrenton Comprehensive Plan states,

“It is the City’s policy to support the establishment of a variety of well-designed industrial facilities in appropriate locations in order to expand employment opportunities, make use of land best suited for industry, increase local tax base and insure a stable economy.”; and

**WHEREAS**, the City finds that mini-warehouse units do not need municipal sanitary sewer or water service and could be developed in areas outside of the Urban Growth Boundaries; and

**WHEREAS**, the 2023 data for the number of mini-storage units per resident indicates that the City of Warrenton has one (1) storage unit per 2.85 residents, compared to the rest of Clatsop County which has one (1) storage unit per 41.6 residents; and

**WHEREAS**, the number of jobs created per site with mini-warehouse units is significantly lower than other commercial and industrial uses. A 2023 survey of jobs indicates that only eight (8) full-time equivalent jobs are created by the ten (10) existing mini-warehouse sites in Warrenton. Other commercial or industrial uses have significantly higher employment rates;

**NOW THEREFORE**, the City of Warrenton ordains as follows:

**Section 1.** The City of Warrenton hereby places a cap on the development of new mini-warehouse units within the city limits. The list of pre-existing mini-storage units is indicated on Attachment A.

**Section 2.** Section 16.12.010 of the Warrenton Municipal Code is hereby amended to add the following definition between “Ministerial” and “Minor Navigation Improvements”:

**Mini-warehouses.** Buildings or portions of buildings that are available for rental for the purpose of storing goods and where the average floor area rented to an individual customer does not exceed 600 square feet.

**Section 3.** Section 16.40.030(B)(9) of the Warrenton Municipal Code is hereby amended as follows:

Mini-warehouses or similar storage uses, subject to the requirements in Section 16.116.030 (G). In addition to the conditional use permit criteria in 16.220.030, for new mini-warehouses, the applicant shall be required to demonstrate that there is a deficit of mini-warehouses in the City. For purposes of this section, a deficit of mini-warehouses in the City shall mean that the total number of existing mini-storage units within the City as compared to the City's current population, as estimated by Portland State University or another governmental source, does not exceed 1 mini-storage unit per 10 people. A mini-storage unit shall be defined as each space within a mini-warehouse that is designed to be made available to rent.

**Section 4.** Section 16.60.030(E) of the Warrenton Municipal Code is hereby amended as follows:

Mini-warehouses or similar storage uses, subject to the requirements in Section 16.116.030 (G). In addition to the conditional use permit criteria in 16.220.030, for new mini-warehouses, the applicant shall be required to demonstrate that there is a deficit of



mini-warehouses in the City. For purposes of this section, a deficit of mini-warehouses in the City shall mean that the total number of existing mini-storage units within the City as compared to the City's current population, as estimated by Portland State University or another governmental source, does not exceed 1 mini-storage unit per 10 people. A mini-storage unit shall be defined as each space within a mini-warehouse that is designed to be made available to rent.

**Section 5.** Section 16.116.030(G) of the Warrenton Municipal Code is hereby amended as follows:

- G. Mini-Warehouses. Where and when allowed, mini-warehouses shall be subject to the following design, siting, and location standards:
1. Setbacks. New facilities shall be constructed no closer than 100 feet from the East Harbor Drive right-of-way line. This setback area shall be used for landscaping, open space, public or private amenities, off-street parking, other businesses allowed in the zone; or a combination thereof.
  2. Design Standards. New facilities shall be subject to the following design standards:
    - a. Building material requirements in Section 16.116.030(C)(3);
    - b. Building color standards in Section 16.116.030(C)(5);
    - c. Mechanical equipment, outdoor storage and service area standards in Section 16.116.030(C)(6);
    - d. Building mass requirements in Section 16.116.030(C)(7);
    - e. Outdoor lighting standards in Section 16.116.030(E); and
    - f. Other applicable design requirements of this section.
  3. Location Requirements. New facilities may be constructed and operated where allowed by the zoning district, but not in the following areas:
    - a. Along the South Main Avenue commercial corridor,
    - b. Along the Pacific Drive commercial corridor.
  4. Size and Configuration. Nothing in this section will prevent a mini-warehouse owner from reconfiguring the sizes of existing mini-storage rental units, although no additions to the structures nor creation of additional units will be allowed.

**Section 6.** This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

**First Reading:** August 27, 2024

**Second Reading:** October 22, 2024



ADOPTED by the City Commission of the City of Warrenton, Oregon this \_\_\_\_ day of  
\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Henry A. Balensifer III, Mayor

ATTEST:

\_\_\_\_\_  
Dawne Shaw, CMC, City Recorder

Ordinance No. 1267  
Attachment A

Warrenton Mini-warehouse Units

Site	Parcel Number	Number of Units
1983 SE Dolphin Avenue	81028D001600	498
605 SE Alt 101	81027BC02000, 81027BC02701	133
1805 South Main	81028CA03300	155
1240 SE Jetty Avenue	81027BA02001, 81027AB04900	30
51 NE Harbor Ct	81021AD02000, 81021AD02003, 81021AD08605, 81021AD08607	300
60 Iredale Street (Lease)	81022BD02780A01, 81022BD02680A01	100
1377 SE 11th St.	81027AA02200, 81027AA02700. 81027AA02900, 81027AA03100, 81027AA03200, 81027AA03400, 81027AA03600	340
120-150 NE 5th Street	81015C000601, 81015C000602	36
1211 Pacific Drive	81005CD05401	14
2395 SE Dolphin	81033A000600	120
1100 NW 11th Street	81016A000105	38
SE Warrior Way (In Development Review)	810340002301	489
	Total	2,253



## City Commission Agenda Memo

Meeting Date: October 22, 2024  
 From: Matthew Ellis, AICP, CFM, Planning Director  
 Subject: Public Hearing for Ordinance No. 1280

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### Summary:

Mike Balensifer has applied for a comprehensive plan amendment to modify the wetland significance determination made on his property at Tax Lot 81021DC06400. The applicant has provided supporting information from Turnstone Environmental, which the City has verified with CREST. A public hearing was held by the Planning Commission on September 12, 2024, to discuss this proposed modification and allow for public testimony. The Planning Commission unanimously recommended Ordinance No. 1280 in a 5-0 vote.

On October 3, 2024, the Oregon Department of State Lands delivered comments to City staff and the applicant regarding the Oregon Freshwater Wetland Assessment Method (OFWAM) criteria addressed by Turnstone Environmental. Their conclusion was that Turnstone Environmental's report has some inconsistencies with the OFWAM results concerning the LSW criterion 141-086-0350(2)(a)(D) hydrologic control. Without a DSL concurrence, changes to the Local Wetland Inventory will not be effective.

The proposed amendment would change wetland O-21-8 from Locally Significant to Non-Locally Significant and remove wetland O-21-8 from the City of Warrenton Locally Significant Wetland Map.

### Recommendation/Suggested Motion:

*"I move to table the first reading of Ordinance No 1280."*

### Alternative:

*"I move to conduct the first reading, by title only, of Ordinance No 1280, AN ORDINANCE AMENDING THE CITY OF WARRENTON WETLAND CONSERVATION PLAN INVENTORY AND LOCALLY SIGNIFICANT WETLAND MAP CORRECTING THE WETLAND SIGNIFICANCE DETERMINATION FOR WETLAND O-21-8."*

### Fiscal Impact:

N/A

### Attachments:

- Ordinance No. 1280
- Staff Report
- Application

- Supplement
- Locally Significant Wetland Assessment for Tax Lot 81021DC06400
- Locally Significant Wetland Concurrence Letter
- Department of State Lands Comments

Approved by City Manager: \_\_\_\_\_

*Esther M. Moberg*

ORDINANCE NO. 1280  
INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE AMENDING THE CITY OF WARRENTON WETLAND  
CONSERVATION PLAN INVENTORY AND LOCALLY SIGNIFICANT WETLAND  
MAP CORRECTING THE WETLAND SIGNIFICANCE DETERMINATION FOR  
WETLAND O-21-8**

**WHEREAS**, the City of Warrenton adopted the Wetland Conservation Plan Inventory and Locally Significant Wetland Map and added them to the City of Warrenton Comprehensive Plan when it adopted Ordinance No. 1065-A; and

**WHEREAS**, Mike Balensifer has applied to amend the wetland significance determination at Tax Lot 81021DC06400.; and

**WHEREAS**, the application meets the criteria outlined in the City of Warrenton Comprehensive Plan and Municipal Code and is eligible for a wetland significance amendment; and

**WHEREAS**, modifications to addenda of the City of Warrenton Comprehensive Plan require Comprehensive Plan map amendments; and

**NOW THEREFORE**, the City of Warrenton ordains as follows:

**Section 1.** The City of Warrenton Wetland Conservation Plan Inventory is amended to modify wetland O-21-8 from Locally Significant to Non-Locally Significant.

**Section 2.** The City of Warrenton Locally Significant Wetland Map is amended to remove wetland O-21-8.

**Section 3.** This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

**First Reading:** October 22, 2024

**Second Reading:**

ADOPTED by the City Commission of the City of Warrenton, Oregon this \_\_\_\_ day of \_\_\_\_\_, 2024.

APPROVED:

\_\_\_\_\_  
Henry A. Balensifer III, Mayor

ATTEST:

\_\_\_\_\_  
Dawne Shaw, CMC, City Recorder



# City of Warrenton

## Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146  
Phone: 503.861.0920 Fax: 503.861.2351

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## STAFF REPORT

TO: The Warrenton Planning Commission  
FROM: Matthew Ellis, AICP, CFM, Planning Director  
DATE: September 12, 2024  
SUBJ: Comprehensive Plan Amendment CP-24-1

### BACKGROUND

Mike Balensifer has applied for a comprehensive plan amendment to modify the wetland significance determination made on his property at Tax Lot 81021DC06400. The applicant has provided supporting information from Turnstone Environmental, which the City has verified with CREST.

### PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

Notice was provided to DLCD on August 20, 2024. Public hearing notice was published in The Astorian on August 29, 2024. One public comment was received as of the date of this report.

### CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.156 WETLAND AND RIPARIAN CORRIDOR DEVELOPMENT STANDARDS  
16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES  
16.232 AMENDMENTS TO COMPREHENSIVE PLAN TEXT AND MAP, REZONE,  
AND DEVELOPMENT CODE

Only the applicable standards are addressed below. Portions that do not apply have been omitted.



**Chapter 16.156 WETLAND AND RIPARIAN CORRIDOR DEVELOPMENT  
STANDARDS**

**16.156.100 Wetland Significance Determination Amendment Procedure.**

- C. Approval of a quasi-judicial amendment to the LSW Map shall be based on the following criteria:
1. Determination by the City that a functional assessment for a particular wetland inventory unit supports revision of that unit's significance determination.
    - a. The assessment must be completed by a qualified wetland scientist; and
    - b. The assessment must include the entire wetland inventory unit; and
    - c. The assessment must follow the principles of OFWAM (Oregon Freshwater Wetland Assessment Methodology); and
    - d. The assessment must include analyses of those specific criteria in question (i.e., hydrologic control, intact water quality, distance to a Water Quality Limited (WQL) stream [WQL stream determinations are made by the Oregon Department of Environmental Quality (DEQ)], wildlife habitat, etc.).

**APPLICANT RESPONSE:** See Locally Significant Wetland Assessment for Tax Lot 81021DC06400.

**STAFF FINDING:** The applicant submitted the required assessment based on the principles of OFWAM. This assessment was then independently reviewed and concurred with by a third-party reviewer. **This criterion is met.**

2. In addition to the notice requirements of Section 16.208.050, the City shall provide notice of the initial evidentiary hearing to DLCD pursuant to ORS 197.610. The City shall provide notice of the initial evidentiary hearing to DSL at the same time.

**APPLICANT RESPONSE:** None.

**STAFF FINDING:** The notice of the first evidentiary hearing was provided to DLCD on August 20. **This criterion is met.**

3. The City shall mail a copy of the official staff report, together with the entire application packet, to DLCD and DSL not less than seven days in advance of the initial evidentiary hearing date for the matter.

**APPLICANT RESPONSE:** None.

**STAFF FINDING:** The staff report was emailed to DLCD and DSL representatives on September 5. **This criterion is met.**



**Chapter 16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES**  
**16.208.060 Type IV Procedure (Legislative and Map Amendments).**

**APPLICANT RESPONSE:** None.

**STAFF FINDING:** The application was submitted with the required materials. Additional permitting fees are due to the City pending the invoice from CREST. See Condition of Approval #1. **This criterion is met.**

**Chapter 16.232 AMENDMENTS TO COMPREHENSIVE PLAN TEXT AND MAP, REZONE, AND DEVELOPMENT CODE**  
**16.232.030 Quasi-Judicial Amendments.**

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable Comprehensive Plan policies and map designations. Where this criterion cannot be met, a Comprehensive Plan amendment shall be a pre-requisite to approval.

**APPLICANT RESPONSE:** See Locally Significant Wetland Assessment for Tax Lot 81021DC06400.

**STAFF FINDING:** The application is compliant with the Warrenton Comprehensive Plan. **This criterion is met.**

2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.

**APPLICANT RESPONSE:** See Locally Significant Wetland Assessment for Tax Lot 81021DC06400.

**STAFF FINDING:** The application is compliant with the Warrenton Municipal Code. **This criterion is met.**

3. Evidence of change in the neighborhood, or community, or a mistake or inconsistency in the Comprehensive Plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 16.232.060, as applicable.

**APPLICANT RESPONSE:** None.

**STAFF FINDING:** The wetland assessment indicates there is an error in the wetland significance determination made on this property. The provisions of WMC Section 16.232.060 do not apply to this application. **This criterion is met.**

## **CONCLUSIONS AND RECOMMENDATION**

Based on the information provided in the application and supporting materials, staff recommend the Planning Commission recommend approval of Ordinance No. 1280 to the City Commission for final adoption.

**RECOMMENDED MOTION**

*“Based on the findings and conclusions of the September 12, 2024 staff report, I move to recommend and forward to the City Commission the changes to the Comprehensive Plan as described in Ordinance No. 1280.”*

**ALTERNATIVE MOTION**

*“I move to continue the hearing to a date certain to allow additional public testimony and reconsider Ordinance No. 1280.”*

**ATTACHMENTS**

- 1. Ordinance No. 1280
- 2. Application
- 3. Supplement
- 4. Locally Significant Wetland Assessment for Tax Lot 81021DC06400
- 5. Locally Significant Wetland Concurrence Letter

**CITY OF WARRENTON  
PLANNING AND BUILDING DEPARTMENT**

1. **REZONE** (To be accompanied by a map showing the subject property, a copy of property deed and Letter of Authorization, if applicable)
2. **COMPREHENSIVE PLAN TEXT OR MAP AMENDMENT**
3. **DEVELOPMENT CODE TEXT AMENDMENT**

OFFICE USE ONLY	
FILE # _____	
FEE <b>\$2,000</b>	
RECEIPT # _____	
DATE RECEIVED _____	

Legal Description of the Subject Property (if applicable):

Township <u>8N</u>	Range <u>10W</u>	Section <u>21</u>	Tax Lot <u>81021DC06400</u>
-----------------------	---------------------	----------------------	--------------------------------

Street address of the property (if applicable): \_\_\_\_\_

**I/WE, THE UNDERSIGNED APPLICANT OR AUTHORIZED AGENT, AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THE FOREGOING APPLICATION AND ASSOCIATED SUBMISSIONS IS/ARE TRUE AND CORRECT.**

**APPLICANT:**

Printed Name: Mike Balensifer

Signature: *Mike Balensifer* Date: \_\_\_\_\_

Address: 947 SE Anchor Ave Phone: 5037410230

City/State/Zip: Warrenton, OR 97146 Fax: \_\_\_\_\_

**PROPERTY OWNER (if different from Applicant)**

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

\*\*\*\*\*

**Place an "x" on applicable request(s):**

<input type="checkbox"/> Rezone	<input type="checkbox"/> Comprehensive Plan Text amendment
<input checked="" type="checkbox"/> Comprehensive Plan Map amendment	<input type="checkbox"/> Development Code text amendment

\*\*\*\*\*  
**REZONE**  
\*\*\*\*\*

1. Existing use of site: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Existing zoning of the subject property: \_\_\_\_\_

3. Proposed zoning designation of the subject property: \_\_\_\_\_

4. Zoning designation of surrounding properties:

North: \_\_\_\_\_

South: \_\_\_\_\_

West: \_\_\_\_\_

East: \_\_\_\_\_

5. Does the proposal conform to the applicable Oregon State Statutes? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please explain \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please describe why the proposal does not or will not conform to the Oregon State Statutes.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Does the proposal conform to Statewide Planning Goals? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please list the applicable Statewide Planning Goals and how the proposal conforms to the goals. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please describe why the proposal does not or will not conform to the Statewide Planning Goals.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Does the proposal conform to Warrenton Comprehensive Plan, and Development Code? Yes \_\_\_\_\_  
No \_\_\_\_\_

If yes, please explain how this proposal conforms to the Warrenton Comprehensive Plan, and Development Code. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Is there a change of circumstances or further studies justifying the amendment or mistake in the original zoning. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*  
COMPREHENSIVE PLAN TEXT AMENDMENT  
\*\*\*\*\*

1. Which chapter and section of the Warrenton Comprehensive Plan is this request for?  
16.156.100, amendments to the Locally Significant Wetland (LSW) designation (Warrenton Local Wetland Inventory

4  
5

O-8)

Also Chapter 3 section 3.340

2. Does the proposal conform to the applicable Oregon Revised Statutes? Yes  No \_\_\_\_\_

If yes, please explain Change to Locally Significant Wetland designation constitutes amendment to wetland conservation plan intended to conform to standards outlined in 196.684.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please explain:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does the proposal conform to the Statewide Planning Goals? Yes  No

If yes, please list the applicable Statewide Planning Goals and how this proposal conforms to the Goals.

*Please see Attached State wide Planning Goals*

If no, please describe:

4. Does the proposal conform to Warrenton Comprehensive Plan and Development Code? Yes  No

If yes, please explain. Amendments to LSW determinations are outlined in City of Warrenton Code Chapter 16.156.100. The attached document includes sections outlining adherence to the code.

If no, please explain.

5. Is there a change of circumstances or further studies justifying the amendment or mistake in the original zoning. The Warrenton LWI lacks supporting data for the designation of wetlands on tax lot 4600 as LSW features.

*Please see Attached Locally Significant Wetland Assessment determination*

\*\*\*\*\*

DEVELOPMENT CODE TEXT AMENDMENT

\*\*\*\*\*

1. Which chapter and section of the Warrenton Development Code is this request for?

2. Does the proposal conform to the applicable Oregon State Statutes? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please explain.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does the proposal conform to the Statewide Planning Goals? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please list the applicable Statewide Planning Goals and how this proposal conforms to the goals. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please describe why the proposal does not or will not conform to the Statewide Planning Goals.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Does the proposal conform to the Comprehensive Plan and Development Code? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If no, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Is there a change of circumstances, or further studies justifying the amendment or mistake in the original zoning. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Return Application To: City of Warrenton  
Planning and Building Department  
PO Box 250  
225 S. Main Street  
Warrenton, Oregon 97146

Phone: 503-861-0920  
Fax: 503-861-2351



# Introduction

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Oregon's rapid population growth and development during the 1960s and 1970s prompted concern about the effect growth might have on the environment, natural resources, and the livability of communities. In a state where agriculture and timber are two of the largest industries, there was concern that conversion of farm and resource lands for development presented a threat to the state's economy. Sprawling development was also thought to increase the cost of public services, as unplanned cities require more streets, longer sewers, and more police and fire fighters.

These concerns led to the passage of the Land Conservation and Development Act (Senate Bills 100 and 101) in 1973. The legislation established the Land Conservation and Development Commission (LCDC), which was charged with adopting state land use goals, and the Department of Land Conservation and Development (DLCD), charged with assisting the commission and local governments in the implementation of those goals and with coordinating state agencies in land use matters. SB 100 directed local governments to adopt and implement comprehensive plans and revise them periodically in accordance with statewide goals and with the needs and desires of the public.

## Statewide Planning Goals

The foundation of Oregon's statewide land use planning program is a set of 19 statewide planning goals. The goals express the state's policies on land use and related topics, such as citizen involvement, housing, and natural resources.

Most of the goals are accompanied by "guidelines," which are suggestions about how a goal may be applied. As noted in Goal 2, guidelines are not mandatory. The goals and guidelines are, however, adopted as administrative rules (Oregon Administrative Rules chapter 660, division 15).

## City and County Planning

The statewide planning program does not mandate the adoption of a state plan. Instead, the state's cities and counties are responsible for adopting local comprehensive plans, zoning land to implement the plan, administering land use regulations, and handling land use permits for Oregon's non-federal land. City and county comprehensive plans include statements of issues and problems to be addressed, various inventories and other technical information, the goals and policies for addressing the issues and problems, and implementation measures. Plans must be done in accordance with state standards outlined in statute, statewide planning goals, and administrative rules.

The local comprehensive plans must be consistent with the statewide planning goals. LCDC reviewed plans for goal compliance, and when LCDC approved a local government's plan, the plan was "acknowledged" as consistent with the goals. Upon

Sec 3



acknowledgment, the comprehensive plan becomes the controlling document for land use in the area covered by that plan.

Today, every city and county has a comprehensive land use plan that has been acknowledged by the state as being consistent with the statewide planning goals. Each plan represents years of effort and a consensus by citizens and officials about the future of their community. Oregon's planning laws apply not only to local governments, but also to special districts and state agencies. The laws strongly emphasize coordination—keeping plans and programs consistent with each other, with the goals, and with acknowledged local plans.

While local comprehensive plans must conform with the statewide planning goals, they are not limited to goal compliance – local plans address a variety of other land use issues that are not the subject of state goals. Comprehensive plans are the vehicle for defining land use issues and problems and establishing solutions through local goals and policies. Plans across the state address many similar issues, but there are many problems unique to a locality and there is wide variation in how issues are addressed. The goals provide a framework and obligations for local government planning, but no two plans are alike.

### **A Partnership**

Oregon's planning program is a partnership between the state, local governments, and special districts. State law requires cities and counties to plan, and it sets the standards for such planning. On the other hand, plans and programs carried out by state agencies must comply with local comprehensive plans and zoning. For example, a state agency cannot issue a permit for land use in a location where local zoning prohibits the use.

The state does not write comprehensive plans. It does not zone land or administer permits for local planning actions such as variances and conditional uses. Unlike some other states, Oregon does not generally require environmental assessments or impact statements.

### **Land Conservation and Development Commission**

LCDC establishes the goals and policies for Oregon's statewide planning program. The commission's seven members are unsalaried volunteers, appointed by the governor and confirmed by the state senate. The term of appointment is four years. The commission must have members from various geographic regions around the state, and it must include a sitting elected county official and a current or former elected city official.

The commission sets land use policy for the state through adoption and amendment of the statewide planning goals and administrative rules to implement the goals. LCDC decides whether a local government's comprehensive plan complies with the statewide planning goals through "acknowledgment" of the plan. The commission does not generally review subsequent plan amendments, but certain local land use decisions are review by LCDC to determine whether they comply with the goals.





**Prepared for:**  
**Mike Balensifer**  
 947 SE Anchor Avenue  
 Warrenton, OR 97146

**Prepared by:**  
**Turnstone Environmental**  
 8638 N. Lombard St. #5  
 Portland, OR 97203

**July 25, 2024**



# Locally Significant Wetland Assessment

for  
**Tax Lot**  
**81021DC06400**  
 Warrenton, Clatsop  
 County, Oregon

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Appendix A: Figures DSL Concurrence Letter WD # 2023-0526



## A. INTRODUCTION

This memorandum was prepared by Joe Bettis of Turnstone Environmental Consultants, Inc (Turnstone). at the request of Mike Balensifer of Warrenton, Oregon. Mr. Balensifer is the owner of tax lot 6400 on tax map 81021DC in Warrenton. Tax lot 6400 contains a wetland included in the City of Warrenton Local Wetland Inventory (LWI)<sup>1</sup>. The wetland, named within the LWI as "O-8," is mapped across much of tax lot 6400, as well as adjoining portions of tax lot 5600 and overlapping a length of South Main Avenue (State Route 104, Fort Stevens Highway). The total size of the LWI wetland feature, include areas beyond tax lot 6400 is under ½ acre.

During Turnstone's review of the LWI and communication with the City of Warrenton, it was revealed that wetland O-8 is designated as a Locally Significant Wetland (LSW), although assessment sheets or other supporting information justifying the LSW designation are absent from the LWI and were not available upon request from the City of Warrenton. In order to inform potential future uses of the property, Mr. Balensifer has contracted Turnstone to assess wetlands on tax lot 6400 to determine if the wetlands met LSW criteria.

Image 1-Looking northeast towards wetlands in the eastern portion of tax lot 6400.



## B. SITE DETAILS & WETLAND DELINEATION

Tax lot 6400 is bound by public roads on two sides: to the west is South Main Ave and to the east is Southeast Main Court. North of tax lot 6400 is the currently vacant tax lot 6100, where structures were recently demolished in May of 2024<sup>2</sup>. South of tax lot 6400 is tax lot 5600 which includes a gravel fill pad utilized as a materials storage area.

<sup>1</sup> SRI/Shapiro, Inc.1998 Local Wetland Inventory for Warrenton. Report, maps and GIS data.

<sup>2</sup> [https://apps.clatsopcounty.gov/property/photos/81021DC06100\\_22.jpg.jpg](https://apps.clatsopcounty.gov/property/photos/81021DC06100_22.jpg.jpg)  
Tax Lot 81021DC06400 Locally Significant Wetland Assessment



Tax lot 6400 itself is currently vacant and without improvements. The western portion of the parcel includes an area of old fill now vegetated with grasses. Wetlands on the parcel were delineated by Turnstone during October of 2023. The delineation report was approved by Oregon Department of State Lands (DSL) in February of 2024. Wetland maps and the DSL approval letter<sup>3</sup> are attached in Appendix A. The wetland delineation determined that 0.19 acres (8,087 sq. ft.) of wetland are present on tax lot 6400. Much of the wetland boundary is formed along areas of historic fill, including structural fill likely to have supported a building or road, as well as old, buried garbage and masonry fragments. While minor portions of wetland extend onto adjoining lots, the overwhelming majority of the wetland is located on tax lot 6400.

The results of the wetland delineation differ from the alignment of Warrenton LWI feature O-8; the delineation determined that wetlands extend further to the east than shown in the LWI, but do not extend as far west as shown in the LWI. As mentioned in Section A, the LWI Report for Warrenton and associated maps do not appear to identify LSW features. The Warrenton LWI Geographic Information System (GIS) data available from Oregon DSL<sup>4</sup> also does not identify LSWs; the data includes polygons for 254 separate LWI wetlands, all of which are categorized as "unknown" in the LSW column.

Image 2-Looking northeast towards wetlands in the northwest corner of tax lot 6400.



<sup>3</sup> DSL File WD # 2023-0526

<sup>4</sup> <https://www.oregon.gov/dsl/wetlands-waters/pages/inventories-maps.aspx>  
Tax Lot 81021DC06400 Locally Significant Wetland Assessment



## C. LSW AMENDMENT CRITERIA

Consultation with the City of Warrenton Planning Department revealed that any revision of a LSW determination would constitute an amendment to the Warrenton Comprehensive Plan and subject to review by the Warrenton Planning Commission and City Commission. Amendments to LSW determinations are outlined in City of Warrenton Code Chapter 16.156.100<sup>5</sup>. The Code outlines that approval of amendments is predicated on the following criteria:

- 16.156.100 C. Approval of a quasi-judicial amendment to the LSW Map shall be based on the following criteria:
- 1. Determination by the City that a functional assessment for a particular wetland inventory unit supports revision of that unit's significance determination.
  - a. The assessment must be completed by a qualified wetland scientist; and
  - b. The assessment must include the entire wetland inventory unit; and
  - c. The assessment must follow the principles of OFWAM (Oregon Freshwater Wetland Assessment Methodology); and
  - d. The assessment must include analyses of those specific criteria in question (i.e., hydrologic control, intact water quality, distance to a Water Quality Limited (WQL) stream [WQL stream determinations are made by the Oregon Department of Environmental Quality (DEQ)], wildlife habitat, etc.).

## D. EVALUATION OF LSW AMENDMENT CRITERIA

LSW amendment criteria from City of Warrenton Code 16.156.100C.1 are evaluated below:

- 16.156.100 C.1.a: The assessment was performed by Joe Bettis, a wetland scientist with over 13 years of experience delineating and assessing wetlands in the Pacific Northwest, including projects in Clatsop County.
- 16.156.100 C.1.b: The entirety of the wetland, including those portions offsite of tax lot 6400 were evaluated.
- 16.156.100 C.1.c: Following approval of the wetland delineation report, Turnstone conducted a functional assessment of wetlands on tax lot 6400 using the Oregon Freshwater Wetland Assessment Methodology<sup>6</sup> (OFWAM), the current assessment method used in the determination of locally significant wetlands.
- 16.156.100 C.1.d: Each criteria enumerated is addressed in the findings in Section E below.

(SECTION CONTINUES ON NEXT PAGE)

<sup>5</sup> <https://ecode360.com/44199085#44199213>

<sup>6</sup> Oregon Freshwater Assessment Methodology. 1996 (Revised Edition). Roth, E.M., R.D. Olsen, P.L. Snow, and R.R. Sumner. Edited by S.G. McCannell. Oregon Division of State Lands. Salem, Oregon.



## E. OFWAM RESULTS

OFWAM assessment answer sheets and functional summary sheets are shown in Tables 1 & 2.

Table 1-OFWAM Assessment Answer Summary

Category	Question	Answer	Category	Question	Answer	Category	Question	Answer
<b>Wildlife Habitat</b>	1	A	<b>Sensitivity to Future Impacts</b>	1	A	<b>Aesthetic Quality</b>	1	B
	2	C		2	A		2	C
	3	B		3	B		3	N/A
	4	C		4	A		4	C
	5	B		5	A		5	B
	6	B		6	B		6	B
	7	C						
	8	C						
	9	B						
<b>Assessment Descriptor</b>			<b>Assessment Descriptor</b>			<b>Assessment Descriptor</b>		
Provides habitat for some wildlife species.			Potentially sensitive to future impacts.			Wetland is considered to be moderately pleasing.		
Category	Question	Answer	Category	Question	Answer			
<b>Fish Habitat</b>	1	N/A	<b>Enhancement Potential</b>	1	B			
	2	N/A		2	C			
	3	N/A		3	N/A			
	4	N/A		4	C			
	5	N/A		5	B			
	6	N/A		6	B			
<b>Assessment Descriptor</b>			<b>Assessment Descriptor</b>					
Not present; no aquatic habitat present.			Wetland has little enhancement potential.					
Category	Question	Answer	Category	Question	Answer			
<b>Water Quality</b>	1	B	<b>Education</b>	1	C			
	2	C		2	B			
	3	B		3	B			
	4	C		4	B			
	5	A		5	C			
	6	B		6	B			
<b>Assessment Descriptor</b>			<b>Assessment Descriptor</b>					
Water quality function is impacted/degraded.			Wetland is not appropriate for educational use.					
Category	Question	Answer	Category	Question	Answer			
<b>Hydrologic Control</b>	1	B	<b>Recreation</b>	1	C			
	2	C		2	C (N/A)			
	3	C		3	C			
	4	C		4	B			
	5	B		5	B (N/A)			
	6	A		6	B			
	7	C						
<b>Assessment Descriptor</b>			<b>Assessment Descriptor</b>					
Hydrologic control is lost/not present.			Wetland is not appropriate for recreational use.					

Tax Lot 81021DC06400 Locally Significant Wetland Assessment





Table 2-Wetland Function and Condition Summary Sheet

Function	Assessment Descriptor	Function	Assessment Descriptor
<b>Wildlife Habitat</b>	Provides habitat for some wildlife species.	<b>Fish Habitat</b>	Not present; no aquatic habitat present.
<b>Water Quality</b>	Water quality function is impacted/degraded.	<b>Hydrologic Control</b>	Hydrologic control is lost/not present.
<b>Sensitivity to Future Impacts</b>	Potentially sensitive to future impacts.	<b>Enhancement Potential</b>	Wetland has little enhancement potential.
<b>Education</b>	Wetland is not appropriate for educational use.	<b>Recreation</b>	Wetland is not appropriate for recreational use.
<b>Aesthetic Quality</b>	Wetland is considered to be moderately pleasing.		

**Narrative description of overall wetland functions and condition.**

Wetland is small (~0.2 ac.), isolated wetland surrounded by developed properties. Wildlife habitat is limited by lack of complexity of cover, lack of dense cover and lack of native plant diversity. Small size of wetland exhibits high "edge effect" being surrounded by roads and developed properties. Site is open and dominated by grasses, with areas of red alder canopy. Habitats are limited to emergent wetlands (saturated early in growing season) and no open water or other aquatic habitats are present. Water quality function is limited by small catchment size and lack of connection to offsite waters. Hydrologic control function is limited by isolation of wetland and lack of offsite hydrologic inputs; dominant hydrology source is direct precipitation on concave surface. In runoff events, waters from wetland are conveyed into a ditch that runs along the east and north sides of tax lot 6100 until apparently entering a stormwater pipe at the intersection of SE 9th Street and S Main Avenue (State Route 104). Wetland condition appears vulnerable to impacts given relatively small size, zoning and development pressures and ongoing stressors including traffic, pollution from adjoining uses (including roads), and loss of tree cover as red alder canopy appears to be diminishing. Future enhancement options are limited by small size, isolation from other upland or wetland habitats, and cost of mitigating past impacts to the site (historic fill including buried waste present). Educational uses limited by private ownership and limited aesthetic qualities and lack of habitat diversity. The site does not contain imperiled or locally rare habitats (e.g. mature forested wetland, coastal prairie, interdunal wetlands, organic soil wetlands), nor does it harbor habitat for rare or sensitive species.



## F. LSW CRITERIA & EVALUATION

LSW Criteria are drawn from Oregon Administrative Rule (OAR) 141-086-0350<sup>7</sup>. For the purposes for determining whether tax lot 6400 wetlands meet LSW criteria, OAR sections 141-086-0350(2) and 141-086-0350(3) are listed and evaluated below:

### **LSW Criteria (Text from OAR 141-086-0350(2 & 3))**

*(2) Mandatory LSW Criteria. A local government shall identify a wetland as locally significant if it meets one or more of the following criteria:*

*(a) The wetland performs any of the following functions at the levels indicated below using the Oregon Freshwater Wetland Assessment Methodology:*

*(A) "Diverse" wildlife habitat; or*

*(B) "Intact" fish habitat; or*

*(C) "Intact" water quality function; or*

*(D) "Intact" hydrologic control function.*

*(b) The wetland or a portion of the wetland occurs within a horizontal distance less than one-fourth mile from a water body listed by the Department of Environmental Quality as a water quality limited water body (303(d) list), and the wetland's water quality function is described as "intact" or "impacted or degraded" using OFWAM. The 303(d) list specifies which parameters (e.g., temperature, pH) do not meet state water quality standards for each water body. A local government may determine that a wetland is not significant under this subsection upon documentation that the wetland does not provide water quality improvements for the specified parameter(s).*

*(c) The wetland contains one or more rare plant communities, as defined in this rule.*

*(d) The wetland is inhabited by any species listed by the federal government as threatened or endangered, or listed by the state as sensitive, threatened or endangered, unless the appropriate state or federal agency indicates that the wetland is not important for the maintenance of the species.*

*(A) The use of the site by listed species must be documented, not anecdotal. Acceptable sources of documentation may include but are not limited to: field observations at the wetland sites during the local wetlands inventory and functional assessments, and existing information on rare species occurrences at agencies such as the Oregon Natural Heritage Program, Oregon Department of Fish and Wildlife, Oregon Department of Agriculture and the U.S. Fish and Wildlife Service.*

*(B) Input originating from other locally knowledgeable sources constitutes "documentation" if verified by one of the above agencies or a university or college reference collection.*

*(e) The wetland has a direct surface water connection to a stream segment mapped by the Oregon Department of Fish and Wildlife as habitat for indigenous anadromous salmonids, and the wetland is determined to have "intact" or "impacted or degraded" fish habitat function using OFWAM.*

<sup>7</sup> 141-086-0350 Locally Significant Wetland Criteria <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=15905>  
Tax Lot 81021DC06400 Locally Significant Wetland Assessment



(3) *Optional LSW Criteria. At the discretion of the local government, wetlands that meet one or more of the following criteria may be identified as locally significant wetlands:*

(a) *The wetland represents a locally unique native plant community: wetland is or contains the only representative of a particular native wetland plant community in the UGB/UUC, which is only applicable if the entire UGB/UUC is inventoried. To be identified as a LSW, such a wetland must also have been assessed to perform at least one of the following functions at the levels indicated below using OFWAM:*

(A) *Its wildlife habitat descriptor is either "provides diverse habitat," or "provides habitat for some wildlife species"; or*

(B) *Its fish habitat descriptor is either "intact," or "impacted or degraded"; or*

(C) *Its water quality function descriptor is either "intact," or "impacted or degraded"; or*

(D) *Its hydrologic control function descriptor is either "intact," or "impacted or degraded."*

(b) *The wetland is publicly owned and determined to "have educational uses" using OFWAM, and such use by a school or organization is documented for that site.*

## **LSW Evaluation**

Each relevant LSW criteria and evaluation of those criteria pertaining to tax lot 6400 wetlands are listed in Table 3 below. Wetlands on tax lot 6400 do not meet criteria for LSW designation, save for 141-086-0350(2)(b), which is conditionally met. 141-086-0350(2)(b) refers to the distance of evaluated wetlands relevant to the location of a water listed as impaired on the Oregon Department of Environmental Quality (DEQ) (303(d) list. Wetlands are located less than ¼ mile from the Skipanon River, a 303(d) water, which is impaired for low dissolved oxygen, and concentrations of chemicals toxic to aquatic life. The OAR includes a provision that "a local government can determine that wetland is not significant under this subsection upon documentation that the wetland does not provide water quality improvements for the specified parameter(s)".

*(SECTION CONTINUES ON NEXT PAGE)*



Table 3-Evaluation OAR 141-086-0350(2 &amp; 3) Criteria as Pertaining to Tax Lot 6400 Wetlands

LSW Criteria (*Mandatory Criteria) (**Optional Criteria)	Tax Lot 6400 OFWAM Result (or OAR Qualifier if applicable)	LSW Criteria Met: Yes, No or Conditional
141-086-0350(2)(a)(A) *	Provides habitat for some wildlife species.	No.
141-086-0350(2)(a)(B) *	Fish habitat is not present.	No.
141-086-0350(2)(a)(C) *	Water quality function is impacted/degraded.	No.
141-086-0350(2)(a)(D) *	Hydrologic control is lost/not present.	No.
141-086-0350(2)(b) *	Wetland is located < ¼ mile from Skipanon River <sup>b</sup> & Water quality function is impacted/degraded.	Conditional <sup>9</sup>
141-086-0350(2)(c) *	Wetland does not contain one or more rare plant communities.	No
141-086-0350(2)(d) *	Wetland is not inhabited by any species listed by the federal government as threatened or endangered, or listed by the state as sensitive, threatened, or endangered.	No
141-086-0350(2)(e) *	Wetland does not have a direct surface water connection to a stream segment mapped by the Oregon Department of Fish and Wildlife as habitat for indigenous anadromous salmonids	No
141-086-0350(3)(a)(A) **	Wetland does not represent a locally unique native plant community.	No
141-086-0350(3)(b) **	Wetland is not publicly owned and is not appropriate for educational use.	No

## H. RECOMMENDATIONS

Turnstone recommends that the LSW designation for tax lots 6400 be removed. Per OAR 141-086-0350(2)(b), local governments such as the City of Warrenton can determine that a wetland does not provide water quality improvements for specific water quality impairments. Impairments for the nearby 303(d)-listed Skipanon River are shown in Table 4, along with a narrative rationale for the capacity of tax lot 6400 wetlands to improve impaired water quality in the Skipanon River. Given the isolation of wetlands, it is not likely that tax lot 6400 wetlands have any water quality improvements to address impairment criteria for the nearby Skipanon River. Any capacity to do so would be severely limited by the small size of wetland. Any final determination

(SECTION CONTINUES ON NEXT PAGE)

<sup>8</sup> Oregon DEQ "Impaired for Fecal Coliform, Dissolved Oxygen- year-round, Dissolved Oxygen- spawn, Alkalinity- Aquatic Life Toxics, Chloride- Aquatic Life Toxics, Iron (total)- Aquatic Life Toxics."

[https://www.deq.state.or.us/psc/pdf/AssessmentSummaries/2022\\_IR\\_Assessment\\_Unit\\_report-OR\\_SR\\_1708000602\\_05\\_103678.html](https://www.deq.state.or.us/psc/pdf/AssessmentSummaries/2022_IR_Assessment_Unit_report-OR_SR_1708000602_05_103678.html)

<sup>9</sup> A local government may determine that a wetland is not significant under this subsection upon documentation that the wetland does not provide water quality improvements for the specified parameter(s).

Tax Lot 81021DC06400 Locally Significant Wetland Assessment



Table 4-Evaluation of Wetland Function as Related to Skipanon River Water Quality Impairments

Impairment <sup>10</sup>	Data Source <sup>11</sup>	Discussion <sup>12</sup>
Alkalinity- Aquatic Life Toxics	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	Occasional low pH (<6) is shown in monitoring samples, stemming from runoff from wetland soils or from excessive respiration from an overabundance of aquatic vegetation. Both factors are observable within the basin given the ubiquity of wetlands locally and abundance of aquatic bed vegetation that proliferate in lakes, ponds and low-gradient waterways in the vicinity. Lack of surface and evident groundwater exchange with the Skipanon River limits the ability of wetlands to impact pH impairment.
Fecal Coliform	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	Likely sources for fecal coliform bacteria are livestock operations and septic systems upstream of Warrenton. Pets and the density of elk in the Warrenton area may also contribute to fecal coliform pollution. Lack of connectivity to the Skipanon through surface or groundwater interaction, along with local sources of animal waste limit the ability of wetlands to reduce fecal coliform pollution.
Dissolved Oxygen (year- round)	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	Dissolved oxygen depletions impact cold water species including migratory salmonids. Local causes of oxygen depletion in the Skipanon include nutrient inputs from livestock and fertilizer application and high water temperatures, particularly during summer and early fall low-water periods. Dissolved oxygen concentrations are inversely correlated with temperature, meaning as water temperatures increase, the amount of dissolved oxygen in the water decreases. Given the isolation from the Skipanon River, it is presumed that the wetland does not possess functions that could contribute to an improvement in dissolved oxygen depletions, such as shading the river that might reduce stream temperatures, or ground water exchange that might attenuate nutrient inputs.
Dissolved Oxygen (spawn)	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	
Chloride- Aquatic Life Toxics	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	Likely inputs for chloride locally include septic systems and feed lots. Sources for these inputs are concentrated locally upstream from tax lot 6400. Lack of connection to the impaired water limits functional capacity of tax lot 6400 to attenuate chloride pollution.
Iron (total)- Aquatic Life Toxics	Impairment data from Oregon DEQ monitoring station at US 101, Skipanon River mile 1.7, upstream of wetland.	Iron is naturally occurring in basin and since wetlands are not connected to impaired water, it is presumed attenuation of iron concentrations are not part of wetland function on tax lot 6400.

<sup>10</sup> 2022 Integrated Report Assessment Summary for the Skipanon River. Oregon DEQ.

[https://www.deq.state.or.us/psc/pdf/AssessmentSummaries/2022\\_IR\\_Assessment\\_Unit\\_report-OR\\_SR\\_1708000602\\_05\\_103678.html](https://www.deq.state.or.us/psc/pdf/AssessmentSummaries/2022_IR_Assessment_Unit_report-OR_SR_1708000602_05_103678.html)

<sup>11</sup> Oregon DEQ Monitoring Station 10812-ORDEQ.

<sup>12</sup> Select information from Skipanon Watershed Assessment, E&S Environmental Chemistry, Inc. and Skipanon Watershed Council. August 2000.

Tax Lot 81021DC06400 Locally Significant Wetland Assessment

## I. DISCLAIMER

This report documents the investigation, best professional judgment, and conclusions of the investigator. This report is correct and complete to the best of our knowledge. Findings should be considered preliminary and used at your own risk unless they have been reviewed and approved in writing by the appropriate agencies.



# Appendix A

## DSL Concurrence Letter WD # 2023-0526





# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

February 8, 2024

### State Land Board

Mike Balensifer  
947 SE Anchor Avenue  
Warrenton, OR 97146

Tina Kotek  
Governor

LaVonne Griffin-Valade  
Secretary of State

Re: WD # 2023-0526 **Approved**  
Wetland Delineation Report for Tax Lot 81021DC06400  
Clatsop County; T8N R10W S21DC TL6400

Tobias Read  
State Treasurer

Dear Mike Balensifer:

The Department of State Lands has reviewed the wetland delineation report prepared by Turnstone Environmental Consultants, Inc. for the site referenced above. Based upon the information presented in the report, we concur with the wetland boundary as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland, totaling approximately 0.19 acres was identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.



This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Chris Stevenson, PWS, the Jurisdiction Coordinator for Clatsop County at (503) 798-7622.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Ryan".

Peter Ryan, SPWS  
Aquatic Resource Specialist

Enclosures

ec: Joe Bettis, Turnstone Environmental Consultants, Inc.  
City of Warrenton Planning Department (Maps enclosed for refining LWI)  
Megan Biljan, Corps of Engineers  
Katie Blauvelt, DSL  
Oregon Coastal Management Program

## WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

**Ways to submit report:**

- ❖ Under 50MB - A single unlocked PDF can be emailed to: [welland.delineation@dsl.oregon.gov](mailto:welland.delineation@dsl.oregon.gov).
- ❖ 50MB or larger - A single unlocked PDF can be uploaded to the Jurisdiction Box.com folder. Email [welland.delineation@dsl.oregon.gov](mailto:welland.delineation@dsl.oregon.gov) of the new upload.
- ❖ Unbound paper report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

**Ways to pay review fee:**

- ❖ By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound paper report OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information	
<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: Mike Balensifer 947 SE Anchor Ave Warrenton, OR 97146	Business phone # (503) 741-0230 Mobile phone # (optional) E-mail: nonfinn@gmail.com
<input type="checkbox"/> Authorized Legal Agent, Name and Address (if different):	Business phone # Mobile phone # (optional) E-mail:
I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.	
Typed/Printed Name: <u>Mike Balensifer</u> Signature: <u><i>Mike Balensifer</i></u> Date: <u>11/09/2023</u> Special Instructions regarding site access: <u>Please call prior</u>	
Project and Site Information	
Project Name: Tax Lot 81021DC06400 Warrenton	Latitude: 46.157126°      Longitude: -123.927744° decimal degree - centroid of site or start & end points of linear project
Proposed Use: None at present	Tax Map # 81021DC Tax Lot(s) 6400 Tax Map # _____ Tax Lot(s) _____
Project Street Address (or other descriptive location): between S Main Avenue (Highway 104) and SE Main Court between SE 9th St & SE 10th Pl	Township 8 N      Range 10 W      Section 21      QQ Use separate sheet for additional tax and location information
City: Warrenton      County: Clatsop	Waterway: _____      River Mile: _____
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: Joe Bettis, Turnstone Environmental Consultants, Inc. 8638 N. Lombard. St #5 Portland, OR 97203	Phone # (503) 283-5338 Mobile phone # (if applicable) E-mail: joe@turnstoneenvironmental.com
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature: <u><i>Joe Bettis</i></u> Date: <u>11/09/2023</u>	
Primary Contact for report review and site access is <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No      Study Area size: 0.38      Total Wetland Acreage: 0.1900	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted	<input type="checkbox"/> Fee payment submitted \$ _____
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Resubmittal of rejected report (\$100)
<input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____	<input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee) DSL # _____      Expiration date _____
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	<input checked="" type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code <u>O-8</u>
<input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	
For Office Use Only	
DSL Reviewer: <u>DE</u> Fee Paid Date: ____/____/____	DSL WD # <u>2023-0526</u>
Date Delineation Received: <u>11/13/2023</u>	DSL App.# _____







Figure 2:  
Tax Lot  
Map

# Tax Lot 81021DC06400

## Mike Balensifer

### Wetland Delineation



11/3/2023

Warrenton, Clatsop County, Oregon



**Notes:**

1. Tax map and tax lot boundaries provided by Clatsop County, assumed accurate to within 1-meter.
2. Native size of map layout is 11"x17".

**Legend**

- Road
- Tax Lot
- Study Area
- Tax Map Boundaries



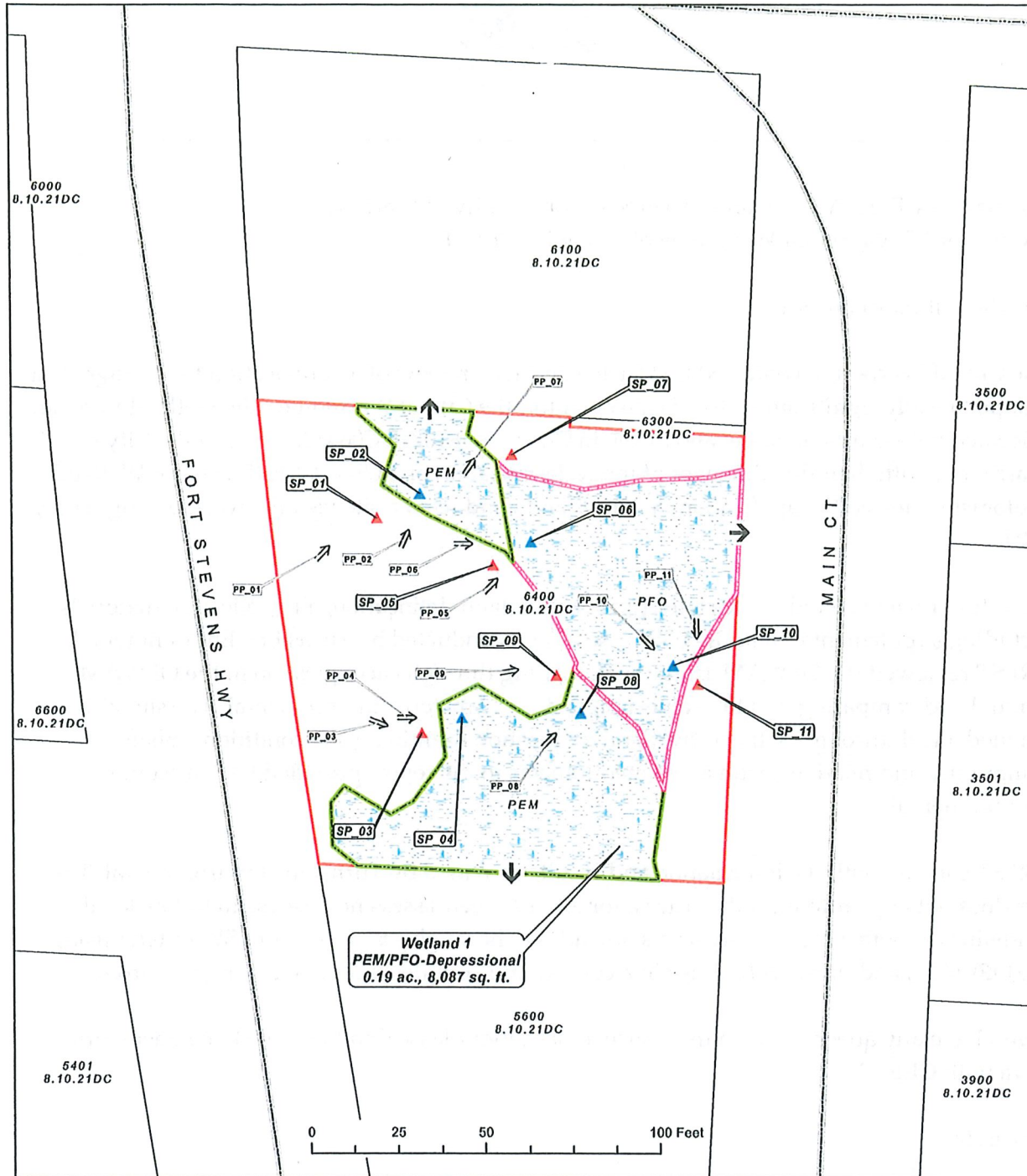
1:1,500

Figure 6:  
Wetland  
Delineation  
Map (1:350)  
11/9/2023

# Tax Lot 81021DC06400

## Mike Balensifer Wetland Delineation

Warrenton, Clatsop County, Oregon



**Wetland 1**  
PEM/PFO-Depressional  
0.19 ac., 8,087 sq. ft.

**Legend**

- Road
- Tax Lot
- ▭ Study Area
- ☁ Wetland
- Cowardin Zone**
- ☁ PFO
- ☁ PEM
- Sample Plot**
- ▲ Upland
- ▲ Wetland
- ↑ Photo Point

**Notes:**

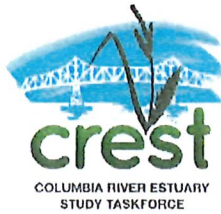
1. All wetland points and boundary features were collected with a resource grade GPS and have an horizontal accuracy of 0.5 meter or less.
2. Tax Lot boundaries provided by Clatsop County, spatial accuracy unknown.
3. Native size of map layout is 11"x17".

DSL WD # 2023-0526  
Approval Issued 2/8/2024  
Approval Expires 2/8/2029



1:350





---

**To:** Matthew Ellis, AICP. Planning Director for the City of Warrenton  
**From:** April Silva, Senior Wetland Ecologist with CREST

To whom it may concern,

The City of Warrenton contacted CREST to conduct a review of an application to redesignate a mapped locally significant wetland (LSW) within the City of Warrenton. The wetland in review is located between Main Street and SE Main Ct; tax lot 81021DC06400. To assist the City of Warrenton with their due diligence of the reclassification of a LSW, CREST's Senior Wetland Ecologist reviewed the application materials and conducted a site visit the week of August 5<sup>th</sup>, 2024.

Literature review included the state approved wetland delineation, all application materials including supplementals and the LSW assessment conducted by Turnstone Environmental. CREST reviewed the OFWAM assessment, reading through each question in the OFWAM manual and comparing it to the value assigned by Turnstone Environmental. The site visit entailed a walkthrough of the lot/wetland in question examining site conditions, plant community and relative health and stated impacts in the report provided by Turnstone Environmental.

CREST concurs with the information and results provided by Turnstone Environmental. The site does not appear to meet the criteria for a LSW. Their assessment seems to follow legal guidelines at both state and city levels, includes a thorough assessment of LSW criteria using the OFWAM, and presents findings in a concise and complete set of tables and narrative.

If you have any questions with this concurrence letter please don't hesitate to contact April Silva with CREST.

Sincerely,

Signature 

Date: 8/6/2024

April Silva, Senior Wetland Ecologist  
503.325.0435 x 215  
asilva@columbiaestuary.org





# Oregon

Tina Kotek, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

October 2, 2024

State Land Board

Matthew Ellis, Planning Director  
225 S Main Avenue  
Warrenton, OR 97146

Tina Kotek  
Governor

Joe Bettis  
Turnstone Environmental Consultants  
8638 N. Lombard St. #5  
Portland, OR 97203

LaVonne Griffin-Valade  
Secretary of State

Tobias Read  
State Treasurer

Via email: [mellis@warrentonoregon.us](mailto:mellis@warrentonoregon.us) & [joe@turnstoneenvironmental.com](mailto:joe@turnstoneenvironmental.com)

Re: Review of request for reconsideration of Locally Significant Wetland determination for wetland O-8 (or O-21-8), on 08N10W21DC #6400, Warrenton, Clatsop Co., Oregon

Dear Matt and Joe,

DSL received a report titled "Locally Significant Wetland Assessment" for wetland O-8 from Turnstone Environmental via the City of Warrenton on 9/4/2024. Additionally, DSL received the City of Warrenton Staff Report from the City on 9/4/2024 and the Oregon Freshwater Wetland Assessment Method (OFWAM) characterization question answers from Turnstone Environmental on 9/5/2024. These documents are the result of the request from the applicant, Mike Balensifer, to remove locally significant wetland (LSW) designation from wetland O-8 in the Local Wetlands Inventory for Warrenton, Oregon.

The wetland was originally determined to be an LSW in 2002 for LSW criterion 141-086-0350(2)(a)(D) intact hydrologic control and (2)(b) water quality function. DSL is reviewing all mandatory (141-086-0350(2)) LSW criteria to determine if this designation should be removed or not based on the OFWAM results provided by Turnstone Environmental and the original LSW determination by Columbia River Estuary Study Taskforce (CREST, 2002). DSL did not review the OFWAM functions not related to the mandatory (2) LSW criteria. The CREST (2002) LSW determination is the otherwise binding document for the LWI OFWAM results.

The report by Turnstone Environmental has some inconsistencies with the OFWAM results that are discussed in attachment A for Joe's review and response with regard to the LSW criterion 141-086-0350(2)(a)(D) hydrologic control.

Based on our review, wetland O-8 still meets the mandatory LSW criterion 141-086-0350(2)(a)(D) and remains LSW. This is regardless of the findings of LSW criterion 141-086-0350(2)(b), however, please find attached to this same email a letter to York Johnson of DEQ requesting a parameter-by-

parameter review of the Turnstone report's assessment of this wetland's possible contributions to support water quality of each parameter for which the Skipanon River is 303(d) listed.

Sincerely,



Jevra Brown  
Aquatic Resource Planner  
[Jevra.brown@dsl.oregon.gov](mailto:Jevra.brown@dsl.oregon.gov)

Ec: Amanda Punton, Natural Resource Specialist, DLCDC  
Brett Estes, North Coast Regional Representative, N. Coast RS Team, DLCDC  
York Johnson, North Coast Basin Coordinator, DEQ

**Attachment A**

Evaluation for 141-086-0350(2)(a)

The Turnstone report OFWAM assessment results are presented on page 6 of their report, and are clipped here with my notes in blue. Additionally, the answers from the CREST (2002) report for hydrologic control are provided. The assessment questions depend upon “watershed and wetland characterization question” answers. These were provided separately from Turnstone, thank you Joe. The review explanatory comments are below the clips.

Category	Question	Answer
Q23 = A  Wildlife Habitat  medium	1	A
	2	C
	3	B
	4	C
	5	B
	6	B
	7	C
	8	C
	9	B
<b>Assessment Descriptor</b>		
Provides habitat for some wildlife species.		

Category	Question	Answer
Q3 = A	1	B
Q6 = A	2	C
Water Quality  medium	3	B
	4	C
	5	A
	6	B
<b>Assessment Descriptor</b>		
Water quality function is impacted/degraded.		

Category	Question	Answer
Q4 = A	1	B
Q5 = A	2	C
Q7 = A	3	C
Hydrologic Control  high	4	C
	5	B
	6	A
	7	C
<b>Assessment Descriptor</b>		
Hydrologic control is lost/not present.		

2002-HC-OFWAM-Answers
1. B
2. C
3. C
4. A
5. A
6. A
7. A

“Fish Habitat” function is not shown. Agreed as presented in Turnstone report; FH is not present. The CREST (2002) report walks through the OFWAM questions and answers more fully. This report is now posted on the DSL inventories webpage, <https://www.oregon.gov/dsl/wetlands-waters/Pages/inventories-maps.aspx> . The OFWAM manual is also available <https://www.oregon.gov/dsl/wetlands-waters/Pages/local-gov-planning.aspx> .

Wildlife Habitat function assessment question (AQ) #2 asks the dominant wetland vegetation cover type and directs the practitioner to look at characterization question (CQ) #23, that asks the same question. Both the CREST (2002) and the Turnstone reports answered CQ #23 as “A. *Woody vegetation (forested and scrub shrub)*.” Therefore, the answer to AQ #2 is also A, rather than B as shown above. This change does not change the outcome of the OFWAM assessment for this function for wetland O-8. O-8 does not meet LSW criterion (2)(a)(A).

Water Quality function AQ#3 asks (paraphrased) for the percent of vegetation cover within the wetland and directs the practitioner to refer to CQ #21 and provides directions to convert those answers to the categories for AQ #3. CQ #21 in the Turnstone report yields 70% cover meeting the AQ #3 category of “A. *High (greater than 60%)*” rather than “B” as shown above.

Water Quality function AQ #6 asks about the water quality condition of stream reaches in the watershed upstream of or adjacent to the wetland, and refers the practitioner to CQs #7 & 8, and gives directions to apply the CQ answers to the AQ answers. This appears to yield AQ answer A rather than “B” as shown above.

Even with the additional “A” answers the OFWAM assessment for water quality is still “impacted or degraded” (medium). See discussions of LSW criterion 141-086-0350(2)(b) within the attached letter to York Johnson of DEQ.

Hydrologic Control Function AQ #4 asks about the outflow of the wetland. The correct answer is “A. *Yes, the outlet is restricted or the wetland has no outlet*” rather than C shown above.

HC AQ #5 (similar to WH AQ #2 above) asks the dominant wetland vegetation cover type and directs the practitioner to look at CQ #23, that asks the same question. Both the CREST (2002) and the

Turnstone reports answered CQ #23 as “A. *Woody vegetation (forested and scrub shrub).*” Therefore, the answer to HC AQ #5 is also A, rather than B.

HC AQ #7 asks for the dominant land use in the watershed upstream from the assessment area (wetland) and directs the practitioner to see CQ #6, which Turnstone answered, and we concur, is “B. *urbanizing.*” In HC AQ #7 CQ answers “urban” and “urbanizing” are combined into AQ answer “A”, therefore the answer to HC AQ #7 is also A, rather than C. This yields the same answers as were given for wetland O-8 in the CREST (2002) report for the hydrologic control function. The assessment determines the hydrologic control function to be “intact” (high) if four or more questions are answered “A” as is the case.

Based on my review, wetland O-8 still meets the mandatory LSW criterion 141-086-0350(2)(a)(D) and remains LSW.





## City Commission Agenda Memo

Meeting Date: October 22, 2024  
 From: Matthew Ellis, AICP, CFM, Planning Director  
 Subject: Public Hearing for Ordinance No. 1282

### Summary:

City staff has applied for rezoning the North Coast Business Park from I-1 General Industrial to CI Commercial Industrial to enable commercial and industrial development along Ensign Drive. The subject properties are owned by Clatsop County, Big Beams LLC, and Columbia Memorial Hospital and are identified as Tax Lots 810270000205, 810270000209, 810270000210, 810270000212, and 810270000213.

A public hearing was held by the Planning Commission on October 10, 2024, to discuss this proposed rezoning and allow for public testimony. The Planning Commission unanimously recommended Ordinance No. 1282 in a 4-0 vote.

### Recommendation/Suggested Motion:

*"I move to conduct the first reading, by title only, of Ordinance No 1282, AN ORDINANCE AMENDING THE CITY OF WARRENTON ZONING MAP TO RECLASSIFY THE ZONING OF MULTIPLE PROPERTIES FROM GENERAL INDUSTRIAL TO COMMERCIAL INDUSTRIAL."*

### Alternative:

Other action as deemed appropriate by the City Commission

### Fiscal Impact:

N/A

### Attachments:

- Ordinance No. 1282
- Staff Report
- Application
- Map
- City of Warrenton Economic Opportunities Analysis

Approved by City Manager: \_\_\_\_\_

ORDINANCE NO. 1282  
INTRODUCED BY ALL COMMISSIONERS

**AN ORDINANCE AMENDING THE CITY OF WARRENTON ZONING MAP TO  
RECLASSIFY THE ZONING OF MULTIPLE PROPERTIES FROM GENERAL  
INDUSTRIAL TO COMMERCIAL INDUSTRIAL**

**WHEREAS**, the City of Warrenton applied to rezone five properties along Ensign Drive to allow for both commercial and industrial uses and enable development opportunities that are not currently available; and

**WHEREAS**, the Warrenton Planning Commission conducted a public hearing on the proposal on October 10, 2024, and forwarded a recommendation of approval to the City Commission based on the findings and conclusions of the October 10, 2024, staff report and public testimony; and

**WHEREAS**, the Warrenton City Commission conducted a public hearing on the proposal on October 22, 2024, and has determined that the proposal is consistent with the Comprehensive Plan and meets the applicable criteria in the Warrenton Municipal Code based on the findings and conclusions of the October 10, 2024, staff report, public testimony, and the Planning Commission findings;

**NOW THEREFORE**, the City of Warrenton ordains as follows:

**Section 1.** The City of Warrenton Zoning Map is amended to reflect the rezone herein described as Exhibit 1 based on the findings and conclusions referenced above.

**Section 2.** This ordinance shall take full force and effect 30 days after its adoption by the Commission of the City of Warrenton.

**First Reading:** October 22, 2024

**Second Reading:**



ADOPTED by the City Commission of the City of Warrenton, Oregon this \_\_\_\_ day of  
\_\_\_\_, 2024.

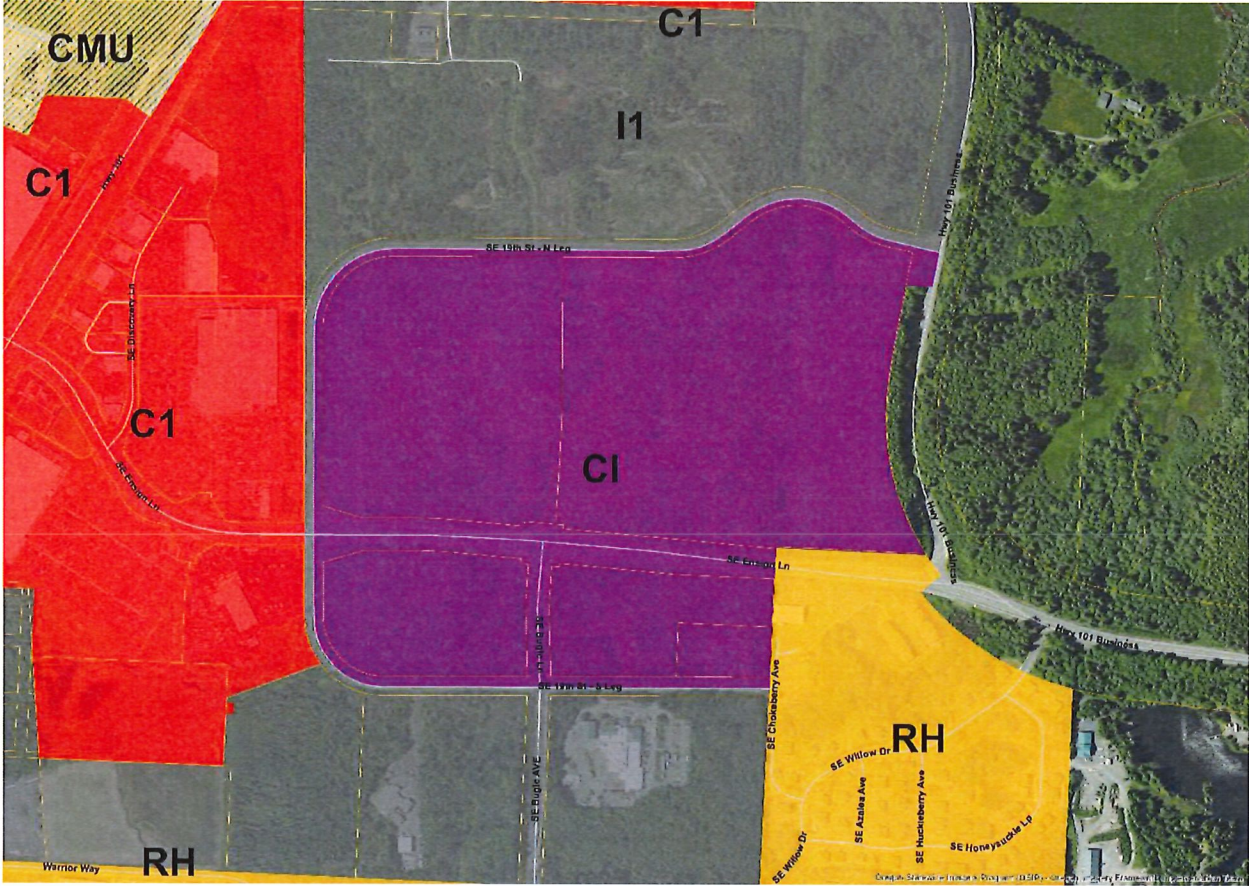
APPROVED:

\_\_\_\_\_  
Henry A. Balensifer III, Mayor

ATTEST:

\_\_\_\_\_  
Dawne Shaw, CMC, City Recorder

Ordinance 1282  
Exhibit 1





# City of Warrenton

## Planning Department

225 S Main Avenue ■ P.O. Box 250 ■ Warrenton, OR 97146

Phone: 503.861.0920 Fax: 503.861.2351

## STAFF REPORT

TO: The Warrenton Planning Commission  
FROM: Matthew Ellis, AICP, CFM, Planning Director  
DATE: October 10, 2024  
SUBJ: RZ-24-1 North Coast Business Park

### BACKGROUND

City staff has applied for a rezoning of the North Coast Business Park from I-1 General Industrial to CI Commercial Industrial to enable commercial and industrial development along Ensign Drive. The subject properties are owned by Clatsop County, Big Beams LLC, and Columbia Memorial Hospital and are identified as Tax Lots 810270000205, 810270000209, 810270000210, 810270000212, and 810270000213.

### PUBLIC PROCESS, PROCEDURES & PUBLIC NOTICE

The application was submitted on August 9 and was deemed complete on August 9, 2024. We sent notice of the public hearing to adjacent property owners on September 19 and published notice in The Astorian on September 26, 2024.

### CODE PROVISIONS, APPLICANT RESPONSES, AND FINDINGS

Applicable Warrenton Municipal Code (WMC) chapters for this application include:

16.208 TYPES OF APPLICATIONS AND REVIEW PROCEDURES  
16.232 AMENDMENTS TO COMPREHENSIVE PLAN TEXT AND MAP, REZONE,  
AND DEVELOPMENT CODE

**Chapter 16.208 Administration of Land Use and Development Permits**  
**16.208.060 Type IV Procedure (Legislative and Map Amendments).**

**APPLICANT RESPONSE:** None provided.

**STAFF FINDING:** The applicant did not hold a pre-application conference, which is required for all Type IV applications, but as City staff was the applicant, a pre-application conference would not have changed the application substantially. All other criteria of the section have been met.

**Chapter 16.232 Amendments To Comprehensive Plan Text And Map, Rezone, And Development Code**

**16.232.030 Quasi-Judicial Amendments.**

- B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:
1. Demonstration of compliance with all applicable Comprehensive Plan policies and map designations. Where this criterion cannot be met, a Comprehensive Plan amendment shall be a pre-requisite to approval.

**APPLICANT RESPONSE:** None provided.

**STAFF FINDING:** Section 3.320 Commercial Lands of the 2011 Comprehensive Plan says, "A new regional shopping center or large regional stores are a permitted use in the General Commercial district near U.S. Highway 101 ...if the development will enhance market choices available to consumers and improve the local economy through retail diversity and attraction of new businesses." This development has since been built and provides significant benefits to the local and regional economy. The rezoning and development of the subject properties will expand those benefits and provide additional commercial and industrial opportunities locally and regionally.

The 2021 Economic Opportunities Analysis shows the difference in needs between commercial and industrial development. In Exhibit 32, the C-1 General Commercial zone needed 21 new sites based on 2019 employment figures to support 554 new jobs, while the I-1 General Industrial zone needed 2 sites to support 2 new jobs. The CI Commercial Industrial zone is a mix between the two and rezoning to CI enables the market to place successful development on the property. Additionally, Exhibit 30 compares the available land area for commercial and industrial zoning classifications, estimating 517.2 surplus acres of industrially zoned land compared to only 125.9 surplus acres of commercially zoned land. While both are surpluses, approving this rezoning enables the market to decide on the best use of the land while not preventing either commercial or industrial development. The proposed rezoning aligns both with the adopted Comprehensive Plan and the 2021 Economic Opportunities Analysis. **This criterion is met.**

2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.

**APPLICANT RESPONSE:** None provided.

**STAFF FINDING:** Section 16.68.010 of the Warrenton Municipal Code provides the purpose behind the CI Commercial Industrial zoning district:

The purpose of the Commercial Industrial Zone is to provide sites for employment-related uses to provide and manufacture products and services in the City of Warrenton. These areas are suitable for larger retail/ light manufacturing, fabrication/processing/ and bulk storage.

This rezoning permits commercial and industrial development to provide and manufacture products in the City of Warrenton for our residents and those who visit our community. Given the context of the above criteria where the City has an excess of vacant industrial land, this corridor makes sense to allow both commercial and industrial development. This development is compliant with the Warrenton Municipal Code and aligns the Zoning Map better with the outcomes described in the Comprehensive Plan. **This criterion is met.**

3. Evidence of change in the neighborhood, or community, or a mistake or inconsistency in the Comprehensive Plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 16.232.060, as applicable.

**APPLICANT RESPONSE:** Requests made by Clatsop County Board of Commissioners and Columbia Memorial Hospital indicating the right mix of land uses may not be present in the existing zoning of the area.

**STAFF FINDING:** The CI Commercial Industrial zoning district was adopted by the City Commission on September 10, 2024. The Comprehensive Plan was most recently amended in 2018, and the Land Use Plan as a whole was most recently amended in 2011. The Comprehensive Plan could not have considered the existence of the CI Commercial Industrial zoning district. Additionally, the existing zoning of the property is I-1 General Industrial. The new CI Commercial Industrial zoning district allows for the same intensity of development – contextual with its surroundings – and allows additional commercial uses appropriate for larger-scale development. Given the additional zoning option and the extensive commercial development that has thrived west and southwest of this site, there is sufficient evidence of change to warrant this rezoning application. **This criterion is met.**

## CONCLUSIONS AND RECOMMENDATION

The application meets the criteria of the Warrenton Comprehensive Plan and the Warrenton Municipal Code. Accordingly, City staff recommends approval of the request.

## RECOMMENDED MOTION

*“Based on the findings and conclusions of the October 10, 2024 staff report, I move to recommend the rezoning of the North Coast Business Park as described in RZ-24-1 and forward to the City Commission for a proposed public hearing with a recommendation to adopt.”*

## ATTACHMENTS

1. Ordinance No. 1282
2. Application
3. Map
4. City of Warrenton Economic Opportunities Analysis





**City Of Warrenton**  
**Planning Department**  
**Rezone (Zoning Map Amendment)**  
**WMC 16.232**

<b>OFFICE USE</b>	FEE \$2,000
	File# RZ - <u>24</u> - <u>1</u>
	Date Received <u>8/8/2024</u>
	Receipt# _____

Amendments to the Warrenton Zoning Map may be necessary from time to time to reflect changing community conditions, needs, and desires, to correct mistakes, or to address changes in state law (i.e., ORS, OAR, and Statewide Planning Goals). A property owner or designated representative may initiate a request to amend the Warrenton Zoning Map by filing an application with the Planning Department in accordance with the requirements of WMC 16.208.060. In addition, the applicant shall provide any related plans, drawings, and/or information needed to provide background for the request.

**Property**

Address: N/A

Tax Lot (s): 810270000205, 00209, 00210, 00212, and 00213

Zone: I-1 Flood Zone: X Wetlands: Present

**Applicant**

Name (s): Matthew Ellis, AICP

Phone: 971-286-2022 E-Mail Address: mellis@warrentonoregon.us

Mailing Address: PO Box 250 Warrenton, Oregon 97146

Applicant Signature(s): *Matthew Ellis* Date: 8/8/2024

**Property Owner (if different from applicant)**

Name (s): \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*I am a record owner of property (person(s) whose name is on the most recently-recorded deed), or contract purchaser with written permission from the record owner and am providing my signature as written authorization for the applicant to submit this application.*



## Description of Existing Conditions

1. Existing use of site: Vacant
2. Existing zoning of the subject property: I-1
3. Proposed zoning of the subject property: C1
4. Existing zoning of the surrounding properties:  
North: I-1  
East: RH  
South: I-1  
West: C-1

## Rezone (Zoning Map Amendment) Review Criteria

Please provide written responses to each of the criteria below that clearly explain how your proposal meets each item. Attach a separate piece of paper if needed. Be as specific as possible. "Yes" and "No" responses are not sufficient.

1. Does the proposal conform to the applicable Oregon Revised Statutes? Yes  No

Please explain: ORS 227.175 (4)(a) says: "A city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions."  
This application is in conformity with the Comprehensive Plan and local land use regulations.

2. Does the proposal conform to the Statewide Planning Goals? Yes  No

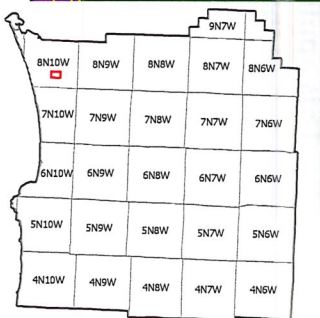
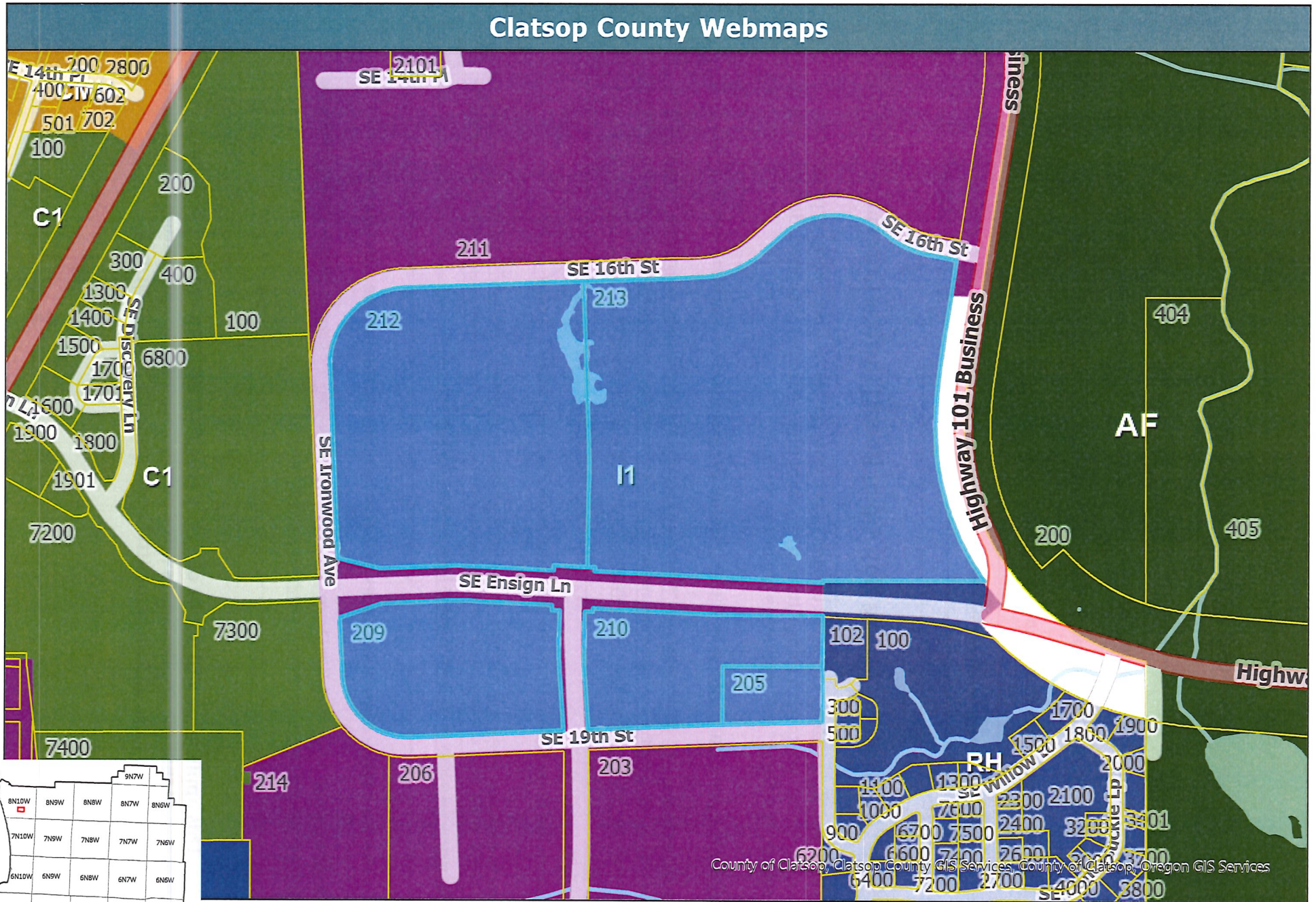
Please explain: Goal 9 of the Statewide Planning Goals indicates the importance of emphasizing expansion of and increased productivity from industry to strengthen local and regional economic growth. This rezoning will remove obstacles to expanding the City's commercial corridor further down SE Ensign Lane, achieving that objective.

3. Is there a change of circumstances or further studies justifying the amendment?

Please explain: Requests made by Clatsop County Board of Commissioners and Columbia Memorial Hospital indicating the right mix of land uses may not be present in the existing zoning of the area.

**This application will not be officially accepted until department staff have determined that the application is filled out and signed, the application fee has been paid, and the submittal requirements have been met.**

# Clatsop County Webmaps



8/9/2024 11:57 AM



## Clatsop County

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This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any misuse, or misinterpretation.



# All-In Warrenton

## DISCUSSION DRAFT Economic Opportunities Analysis

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## BACKGROUND AND PURPOSE

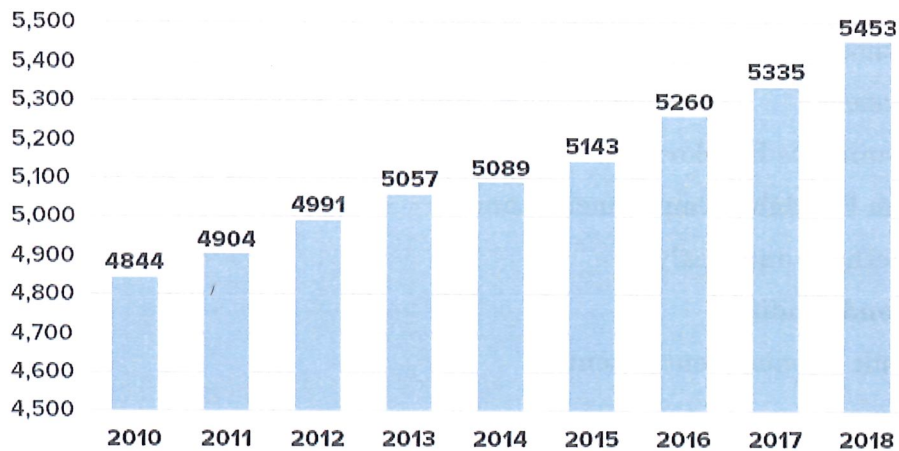
This Economic Opportunities Analysis (EOA) for the City of Warrenton evaluates global, national and regional economic trends to inform a forecast-based estimate of the demand for developable and redevelopable employment land. This estimate of demand is compared with an estimate of the supply based on the City of Warrenton's inventory of parcels. In synthesizing economic trends and reconciling the supply and demand of employment land, this document helps to prepare Warrenton to seize critical economic development opportunities as they arise in the future.

### About Warrenton

Warrenton is a town of about 5,400 people (**Exhibit 1**) in northwest Oregon, situated at the confluence of the Skipanon and Columbia Rivers, near where the Columbia enters the Pacific Ocean. U.S. Highway 101 runs through Warrenton and connects it, across Youngs Bay, to Astoria (population: 10,000). The area boasts historic resources, such as Fort Stevens State Park and the Lewis and Clark National Historical Park, as well as natural amenities, including vast ocean beaches, that draw tourists to the region.

Warrenton's population has been growing steadily, along with Clatsop County's population as a whole.

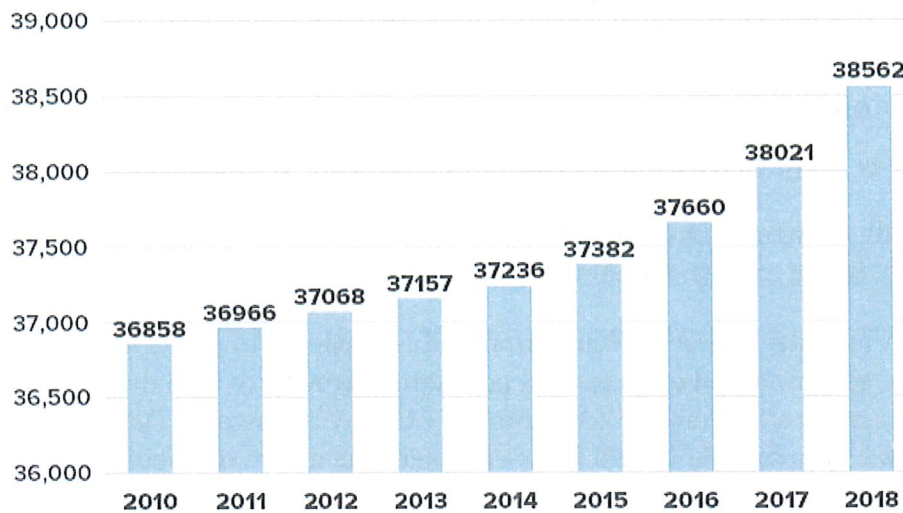
**Exhibit 1. Population, City of Warrenton, 2010-2018**



*Source: US Census Bureau, 2020*

The town has grown slightly every decade since 1970, and its average annual growth rate since 2010 (1.49%) is higher than Clatsop County's average annual growth rate (.57%) over that period.

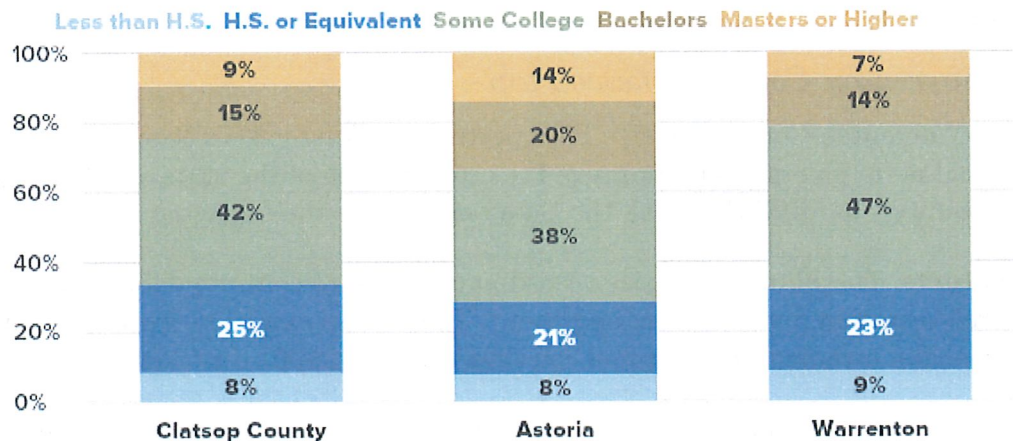
### Exhibit 2. Population, Clatsop County, 2010-2018



Source: US Census Bureau, 2020

A larger portion of Warrenton’s residents have taken some college courses than in Clatsop County or Astoria. However, Warrenton has a lower percentage of residents with a bachelors or higher than the County and Astoria. Though Warrenton lags behind Astoria in the portion of residents with higher levels of educational attainment, this may not be a critical economic development constraint given that Warrenton employers can easily access labor in either city.

### Exhibit 3. Educational Attainment, Cities of Astoria and Warrenton and Clatsop County, 2018



Source: US Census Bureau, 2020

Warrenton has generated momentum in economic development through recent efforts by groups like the Warrenton Urban Renewal Authority, Spruce Up Warrenton, and City staff. The City now seeks a strategic assessment of new economic



opportunities and an action plan for economic development. This document meets the State of Oregon's requirements in Statewide Planning Goal 9, while also informing this broader strategic planning effort.

## Summary of Findings

The following are key findings from the analysis.

Warrenton is a small, growing community that has grown, and is expected to continue growing, faster than the broader Clatsop County and Northwest Oregon rates.

Retail is the largest industry sector in Warrenton and is expected to grow faster than most industry sectors based on projected population growth (which drives consumer spending and retail demand). Warrenton's Urban Renewable District covers its downtown area and its Urban Renewal Agency is active in business and economic development.

Extractive and resource-related industries, including forestry, commercial fishing, seafood processing and boat building, are legacy industries that, while not expected to grow rapidly, are culturally significant for Warrenton and the region and may offer opportunities for innovation.

Warrenton's supply of land is heavily impacted by wetlands, making development challenging in certain locations due to additional costs associated with mitigation and the complexity of the regulatory arena. Nonetheless, the available land to meet the needs of growing employment is sufficient; the City has significantly more industrial, commercial and mixed-use land than is likely to be needed based on forecasted employment growth.

## Existing Plans and Policies

### *Warrenton Comprehensive Plan*

Goal 9 of the Warrenton Comprehensive Plan pertains to Warrenton's economy. The stated goal is "to diversify and improve the economy and of the state and Clatsop County." To fulfill this goal, the Plan emphasizes the following:

**Forest Products.** The Plan Emphasizes coordination toward continued forestation, reforestation and forest management. There is an extensive focus on small woodlot owners and identified roles for local, regional, state and federal actors.

**Marine Resources.** The Plan identifies the maritime sector as broadly significant, with a focus on commercial fishing, expansion of fisheries, and on-shore facilities like cold storage, land and moorage, and boat building.

**Travel Industry.** The Plan recognizes the importance of tourism for the local economy and intends to concentrate tourism-related development in the existing Urban Growth

Boundary (UGB). It emphasizes the need to improve seasonal balance and develop new, indoor offseason activities and to provide technical assistance to small businesses in the travel and hospitality sector.

**Human and Community Resources.** The Plan contains a variety of policies and potential actions related to coordination amongst regional stakeholders and potential partners. These include workforce development partnerships with Clatsop Community College (CCC) and coordination for industrial development with the Port of Astoria.

### *Warrenton Urban Renewal District*

Warrenton has an urban renewal district that encompasses 875 acres in downtown Warrenton. The district is managed by the Warrenton Urban Renewal Agency (WURA), which was created in 2007 with a mission to revitalize downtown. In 2019, the City approved a new urban renewal plan and increased WURA's maximum indebtedness from \$1.7M to \$4.8M. Also in 2019, the WURA revamped an existing façade improvement program, resulting in four façade improvement grants given to downtown businesses. Other initiatives potentially within the purview of the WURA include:

- Downtown branding and marketing
- Gateway improvements
- Physical upkeep and street and building improvements
- Property acquisition for redevelopment
- Signage and wayfinding
- Planning and coordination

To the extent that downtown Warrenton is and will continue to be an economic anchor for the town, the WURA will be a critical economic development partner.



*Above: a building renovation in downtown Warrenton, funded in part by funds from the WURA.  
Source: City of Warrenton*

### *Clatsop County Comprehensive Plan*

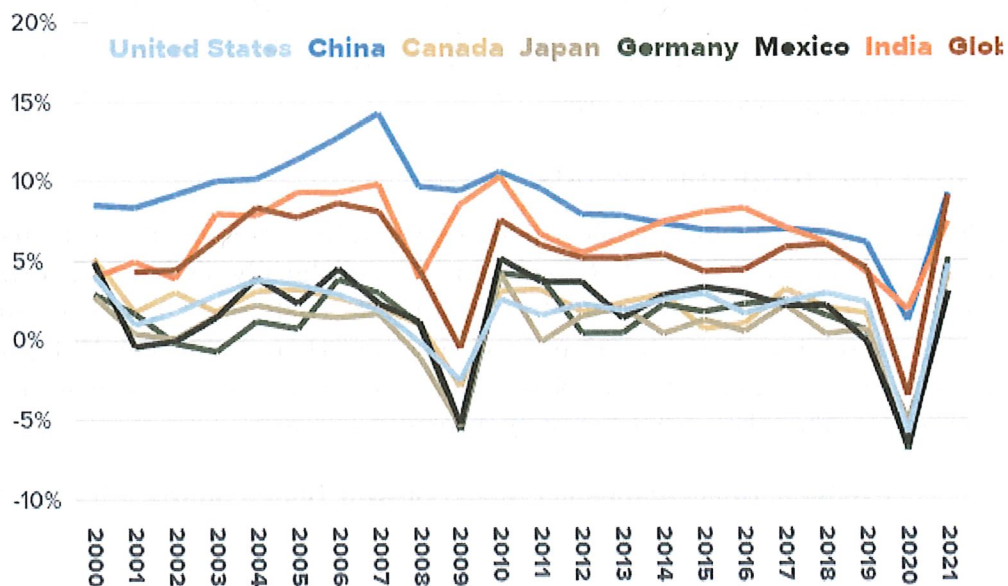
The Clatsop County Comprehensive Plan guides growth and development in the unincorporated areas of Clatsop County. Goal 9 of the Comprehensive Plan pertains to the economy, but the goal has not been updated since the Plan was adopted in the early 1980s. A full update of the Plan is currently underway.

## ECONOMIC TRENDS

### The Global Economy

Global gross domestic product (GDP) growth held steady around 5% per year following the Great Recession before contracting by 3.5% in 2020 (**Exhibit 4**). The International Monetary Fund (IMF) projects global GDP will bounce back with 9% growth in 2021. This level of economic growth is partially dependent on the course of the COVID-19 pandemic and government policies aimed at controlling it, making predictions difficult. In general, countries that were poorer per capita grew faster than the U.S. and most other Organization for Economic Co-operation and Development (OECD) economies. The United States' GDP grew slower than the global rate at 2.3% annually from 2010 to 2019 before contracting an expected 5.9% this year. China and India averaged 7.7% and 7% growth, respectively, over that span, and did not enter recession in 2020.

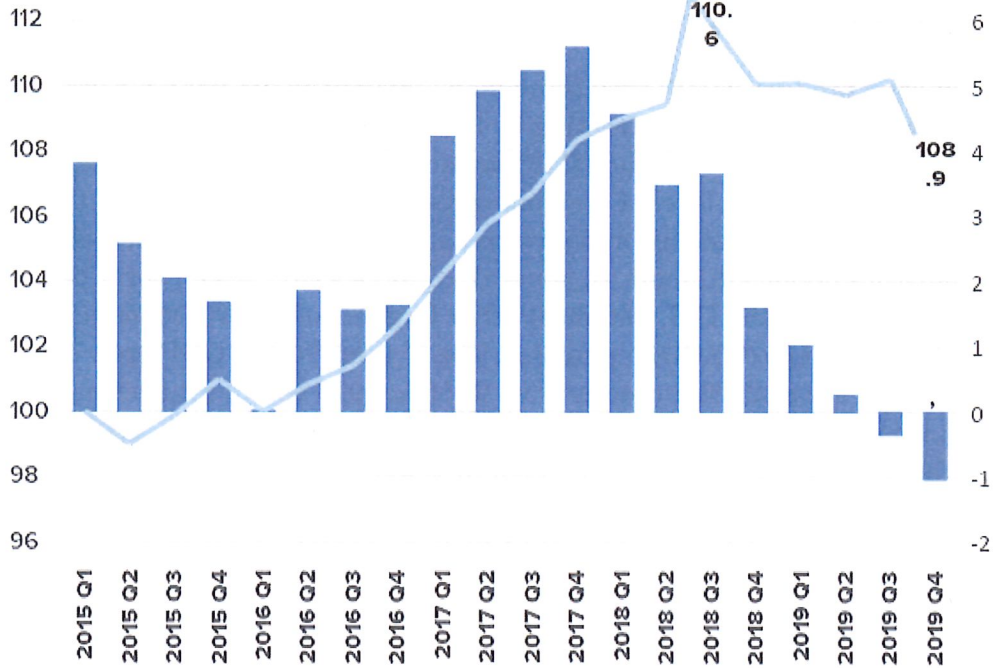
**Exhibit 4. GDP Growth, Select Large Economies**



Source: International Monetary Fund, 2020

Global trade growth has fallen since the end of 2017. **Exhibit 5** shows that growth turned negative midway through 2019. This contraction preceded the pandemic's onset, and negative growth has likely continued in 2020 given the pandemic's impact.

**Exhibit 5. Global Merchandise Trade Volume**

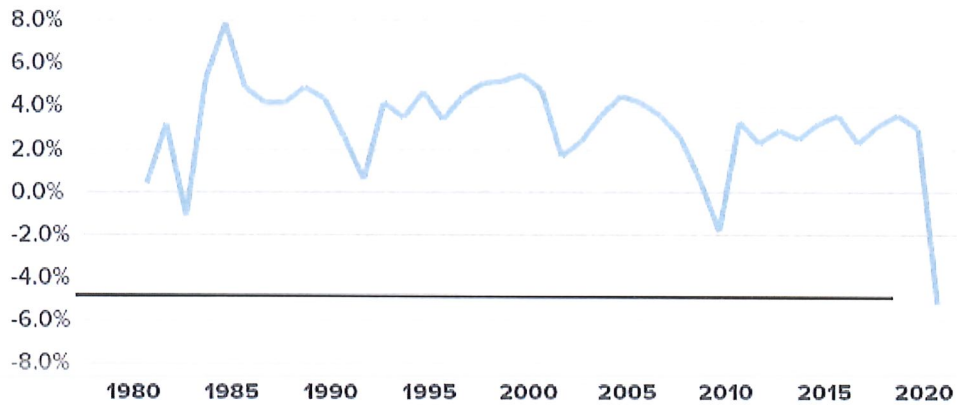


Source: World Trade Organization, 2020

### National and Regional Trends

The United States’ economy’s long run of consistent growth has been significantly disrupted by the impacts of COVID-19. Growth has turned sharply negative. **Exhibit 6** shows the IMF has projected a 5.9% drop in U.S. GDP in 2020, which would represent the largest contraction since the Great Depression. The IMF predicts some recovery in 2021 with 4.7% growth, but the exogenous nature of the recession makes the pace of recovery difficult to predict.

**Exhibit 6. Gross Domestic Product Growth, United States, 1980-2020**

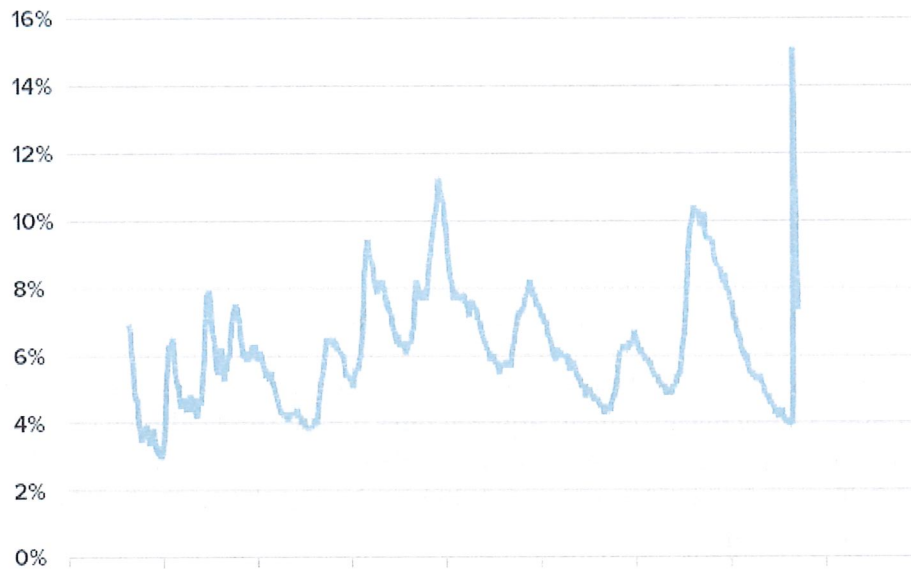


Source: International Monetary Fund, 2020



The pandemic-induced recession has also caused a sharp rise in unemployment this year. Furthermore, varying shutdown and opening strategies around the country as well as other pandemic response policies have caused unemployment to become extremely erratic in 2020. The U.S. unemployment rate spiked from a 50 year low of 3.5% at the year's outset to 14.7% in April (**Exhibit 7**), and the rate has since fallen to 6.9% as of October. The pace of both job loss and re-hiring is unprecedented in the postwar era, and the timetable for a return to full employment is difficult to predict.

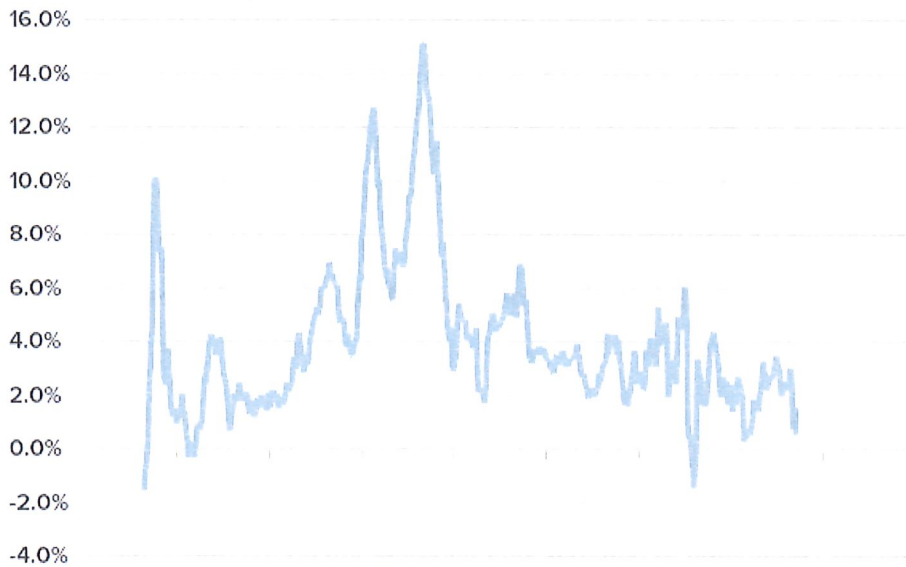
**Exhibit 7. Unemployment Rate, United States, 1950-2020**



*Source: Federal Reserve Economic Data (FRED), 2020*

**Exhibit 8** shows that inflation has fallen below 2% and is currently near zero despite the Federal Reserve maintaining interest rates at .25%, near its historic low.

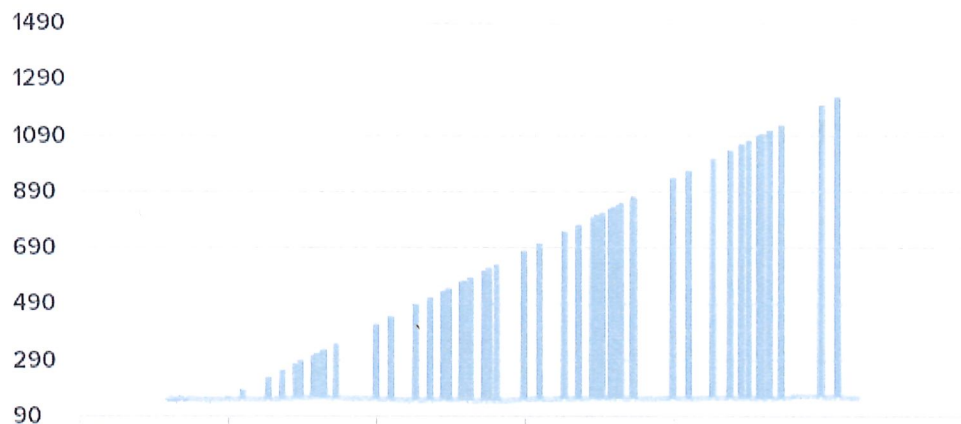
### Exhibit 8. Inflation Rate, United States, 1950-2020



Source: Federal Reserve Economic Data (FRED), 2020

Through the recession, the U.S. Dollar has largely maintained its strength against a basket of major currencies. This is in large part due to the Dollar's status as a reserve currency. The 2020 spike seen in **Exhibit 9** shows that investors have invested in U.S. Treasury securities as a safe haven during the recession, keeping the currency strong.

### Exhibit 9. US Dollar Strength Index, 2016-2020

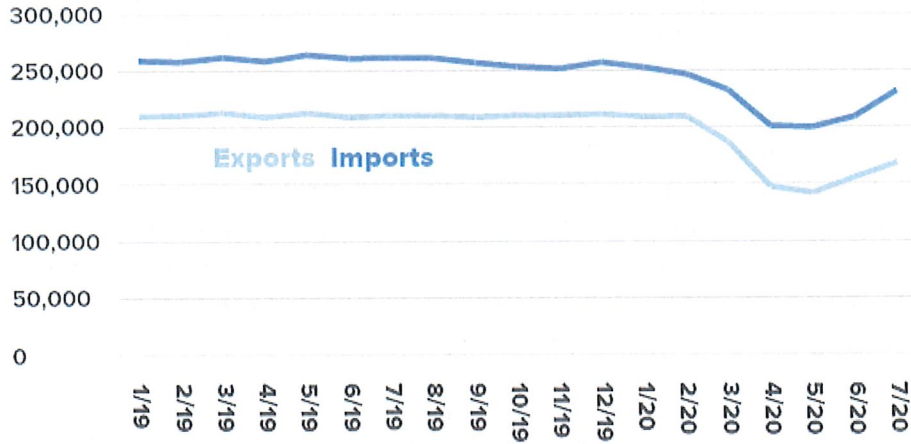


Source: Federal Reserve Economic Data (FRED), 2020

Overall trade volumes are down since the pandemic began, with exports of goods and services having fallen by 33% from their 2019 peak to their April low and imports down 24% over the same span. **Exhibit 10** shows that like unemployment, trade

volume has partially reverted to pre-pandemic levels since their April floor. Exports and Imports are still 21% and 12% below their 2019 peaks, respectively.

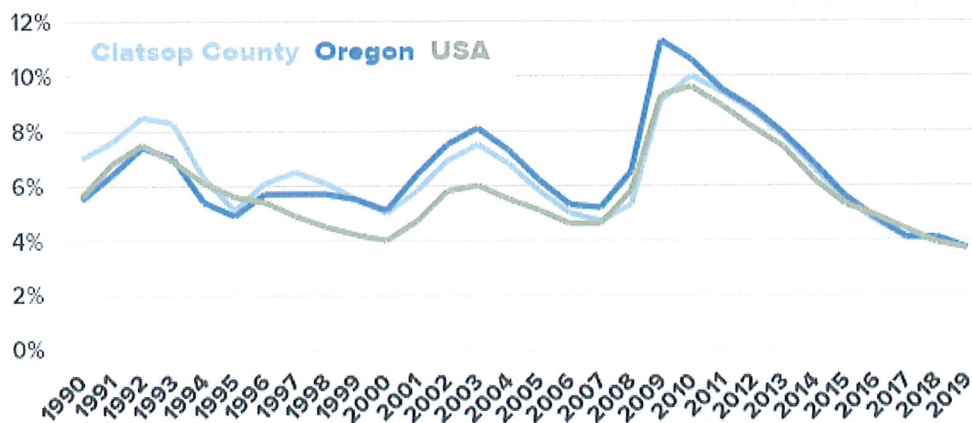
**Exhibit 10. Trade Volume, United States, 2019-2020**



Source: Bureau of Economic Analysis, 2020

**Exhibit 11** shows that the national unemployment rate was consistently lower than in Clatsop County and Oregon as a whole from the mid-1990s until the Great Recession, when Clatsop started to track very closely to the national rate. The Oregon unemployment rate spiked above the national and Clatsop County rates in 2009, and then all three unemployment rates declined steadily through the 2010s and converged at about 4% in 2019. Rates have increased since then, but annual 2020 data is not yet available.

**Exhibit 11. Clatsop, Oregon, and National Unemployment Rate, 1990-2019**



Source: Bureau of Labor Statistics, 2020

State, regional, and local unemployment rates have risen in 2020 because of the COVID-19 pandemic and the multiple measures taken against it at the state and county

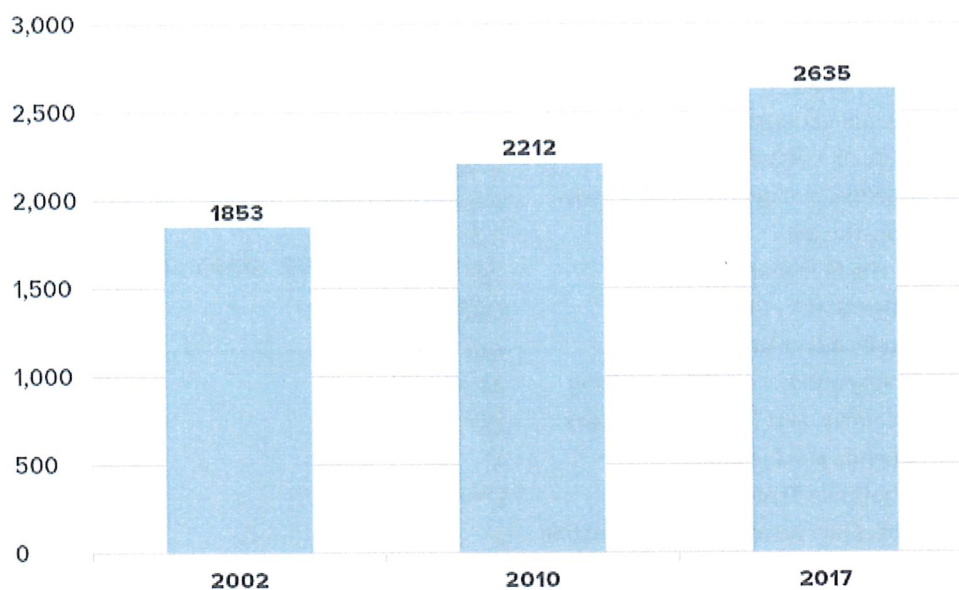
levels. On March 23, Governor Kate Brown declared a statewide stay at home order, which Clatsop County remained under until entering Phase 1 reopening on May 15<sup>th</sup>. Phase 1 allowed for restaurants and bars, barber shops, salons, spas, tattoo parlors, and gyms to reopen provided mask wearing and social distancing were enforced. Clatsop County entered Phase 2 reopening on June 6<sup>th</sup>, which allowed for sports facilities, theaters, and churches to reopen and removed the remote office work requirement. Phase 2 also allowed hotels, campgrounds, and short-term vacation rentals to reopen at 60% capacity. It permitted gatherings of up to 50 people indoors and 100 people outdoors. Travel Astoria created a page on its website with a video promoting area outdoor attractions and instructions on businesses' operating status and what to expect through the summer. Travel Astoria still sought visitors but also tried to educate people coming to the County on local safety rules. They also reported that all lodging in Astoria and Warrenton was operating at 100% capacity as of July 23<sup>rd</sup>.

After a spring and summer of relatively low case numbers, cases began rising in late October and November. Oregon entered a "Two-Week Statewide Freeze" on November 18<sup>th</sup>. This limits social gatherings to six people and caps faith-based organization gatherings at 25 people indoors and 50 people outdoors. It requires offices to close, restaurants to operate take-out and delivery only, and limits grocery stores and retail to 75% capacity. Gyms, indoor recreational facilities, zoos, venues that host events, and other similar businesses have been forced to close. Further restrictions are possible in the coming weeks and months.

## Local Economic Trends

Employment has been steadily increasing in Warrenton, and the City added nearly as many jobs (423) as it added residents (609) between 2010 and 2017. Job growth from 2010 to 2017 also outpaced job growth in the previous eight years (total new jobs) while nearly equaling it in percentage terms (**Exhibit 12**).

**Exhibit 12. Total Employment, City of Warrenton, 2002-2017**

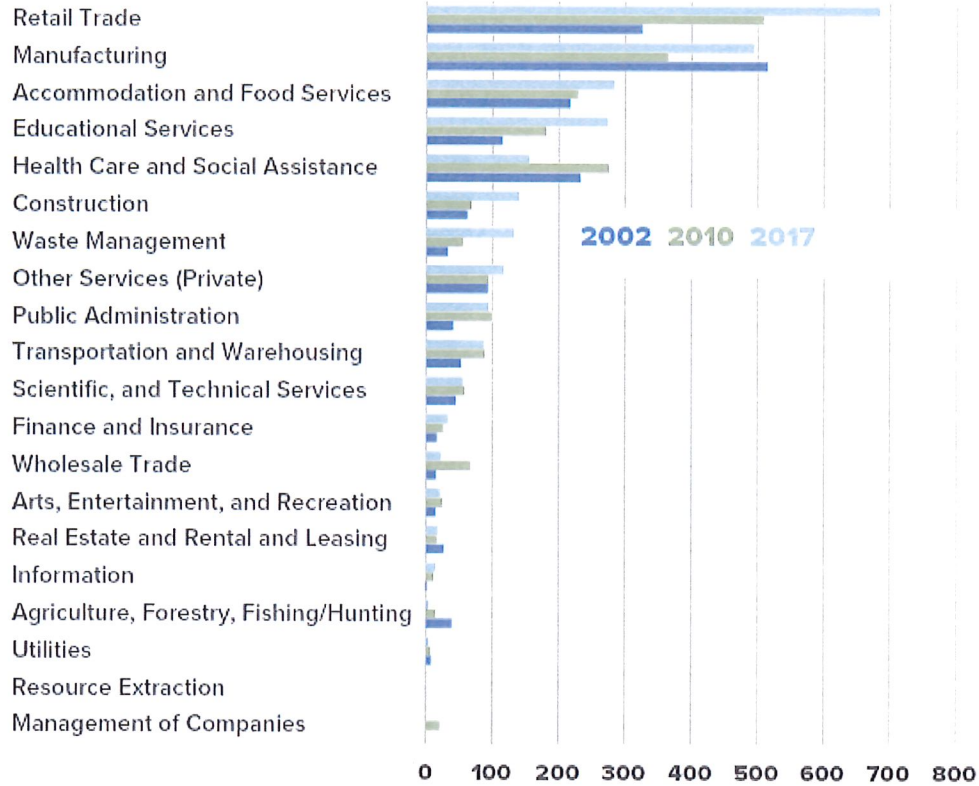


*Source: LEHD OnTheMap, 2017 (accessed 2020)*

The City's top industries are Retail and Manufacturing. Accommodation and Food Services and Educational Services are also major drivers of employment, as shown in **Exhibit 13**. Educational Services and Retail have grown rapidly, with the two sectors combined accounting for about 64% of the decade's new jobs.



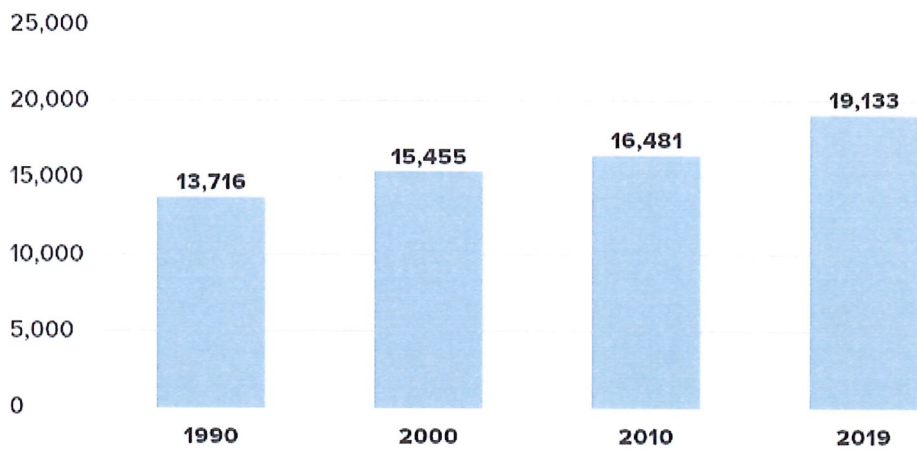
**Exhibit 13. Employment by Industry, City of Warrenton, 2002-2017**



Source: LEHD OnTheMap, 2020

Clatsop County’s job base has also grown steadily over time, but Warrenton’s employment growth has outpaced Clatsop County’s in the past decade.

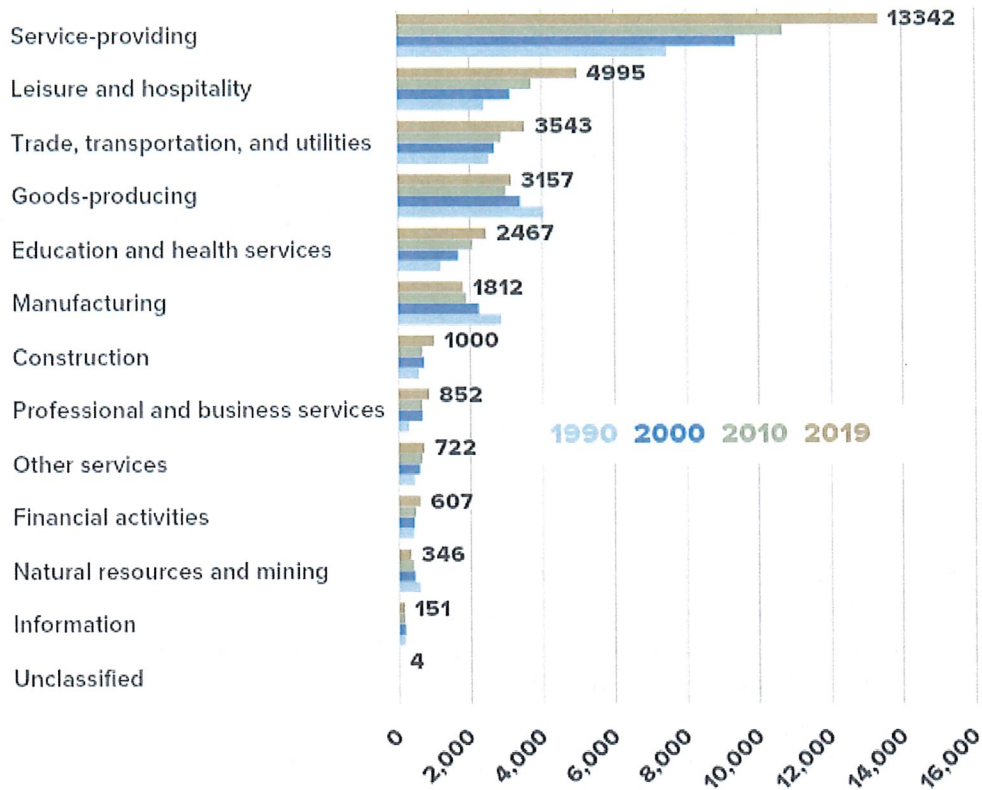
**Exhibit 14. Total Employment, Clatsop County, 1990-2019**



Source: Bureau of Labor Statistics, 2020

Employment growth in Clatsop County bears some significant differences with Warrenton. As seen in **Exhibit 15**, Services and Leisure and Hospitality are the two largest growth-drivers. Conversely, employment in Goods-Producing, Manufacturing and Natural Resources-related sectors have been steadily declining since 1990.

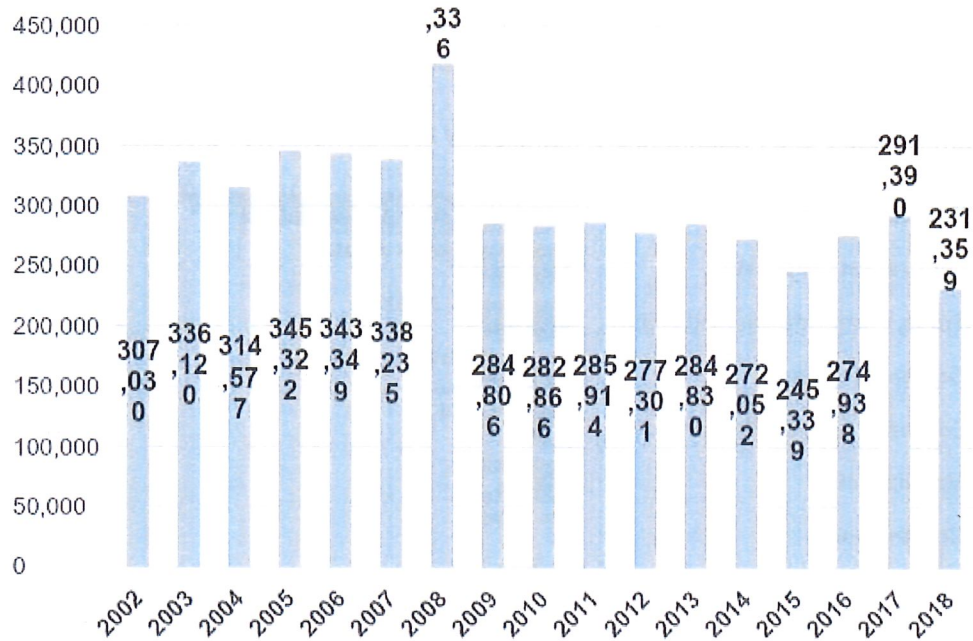
**Exhibit 15. Private Employment by Sector, Clatsop County, 1990-2019**



Source: Bureau of Labor Statistics, 2020

Resource-related industries, including in forestry and commercial fishing, have traditionally been important industry sectors for northwest Oregon. The Clatsop County timber harvest has been slowly declining since its peak of 417,336 thousand board feet in 2008 as seen in **Exhibit 16**. The latest reported harvest was 231,359. The harvest will likely decline to some extent in 2020 due to the COVID-19 pandemic, but timber may have been less impacted than other industries due to the relative persistence of construction activity through the year.

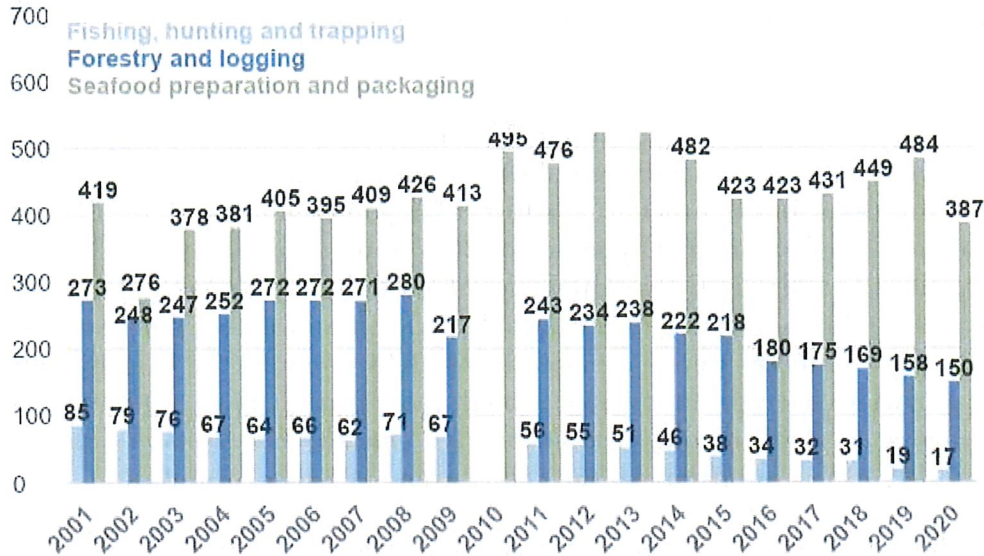
Exhibit 16. Timber Harvest, Clatsop County, 2002-2018



Source: University of Montana, 2020

Employment levels in Oregon’s resource related industries appear to be diverging, with **Exhibit 17** showing seafood preparation oscillating but generally higher in the past decade than the 2000s while forestry and logging and fishing, hunting and trapping both declining steadily. Overall resource related employment has fallen nearly 25% from 877 in 2013 to 661 in 2019. Only 554 jobs were recorded in 2020, but it should be noted that the data only covers the first two quarters of 2020 and is in the midst of the pandemic.

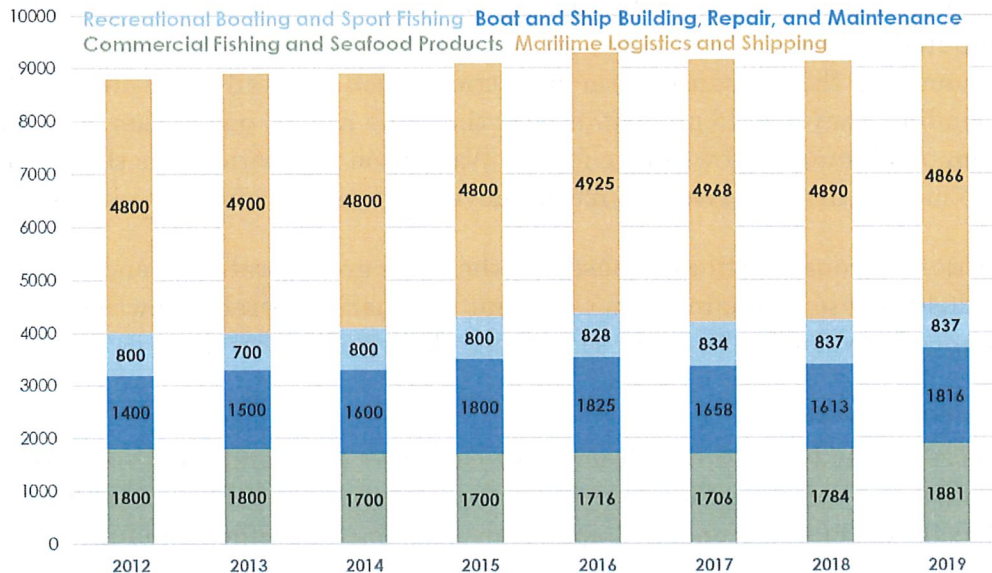
**Exhibit 17. Historical Employment in Resource Related Industries, Oregon, 2001-2020**



Source: Bureau of Labor Statistics, 2020

Maritime related employment has been slowly growing since 2012. All four major sub-industries grew slightly, with boat and ship building, repair, and maintenance growing the fastest at 30% over the 8-year period as seen in **Exhibit 18**. The industry overall grew from 8,800 to 9,400 jobs or 7%.

**Exhibit 18. Maritime Related Employment by Sector, 2015-2019**



Source: Bureau of Labor Statistics, 2020



## *Local Employment Forecast*

A local employment forecast is a required component of an Economic Opportunities Analysis. This section summarizes the forecast methodology and outputs.

### **Methodology**

Employment forecasts for Warrenton through 2040 involved a multistage approach, leveraging updated baseline employment data by industry, population projections, and forecasts for the broader Northwest Oregon region. The latest data by industry for Warrenton, Oregon is for 2017 and published by the U.S. Census Bureau's *Longitudinal Employer-Household Dynamics (LEHD)* data series, available through the Census Bureau's OnTheMap webtool. These employment figures by industry were estimated for 2019 by applying the Clatsop County countywide covered employment growth rates from 2017 to 2019 by matching industry available through the *Quarterly Census of Employment and Wages (QCEW)* series, published by the U.S. Bureau of Labor Statistics.

Forecast growth rates through 2029 were determined from existing employment forecasts by matching each industry to the same or nearest industry in the baseline. These growth rates came from two sources: 1) State of Oregon Employment Department's *Northwest Oregon Industry Employment Projections 2019-2029*; and 2) population projections for Warrenton included in the most recent Warrenton comprehensive plan, for 2027. Regional employment growth rates were applied to the non-consumer-based industries, such manufacturing, the belief being that industry growth among these industries in Warrenton should not meaningfully diverge from industry growth rates in the region overall. For so-called "non-basic" industries, i.e., industries that depend on local consumer spending, instead the imputed Warrenton population growth rate was applied. This was based on the assumption that, because these industries—such as retail—rely on household spending, they should grow at or near the same rate as population. The imputed compound annual growth rate for the Warrenton population was then applied for two more years to arrive at 2029 employment estimates for these industries.

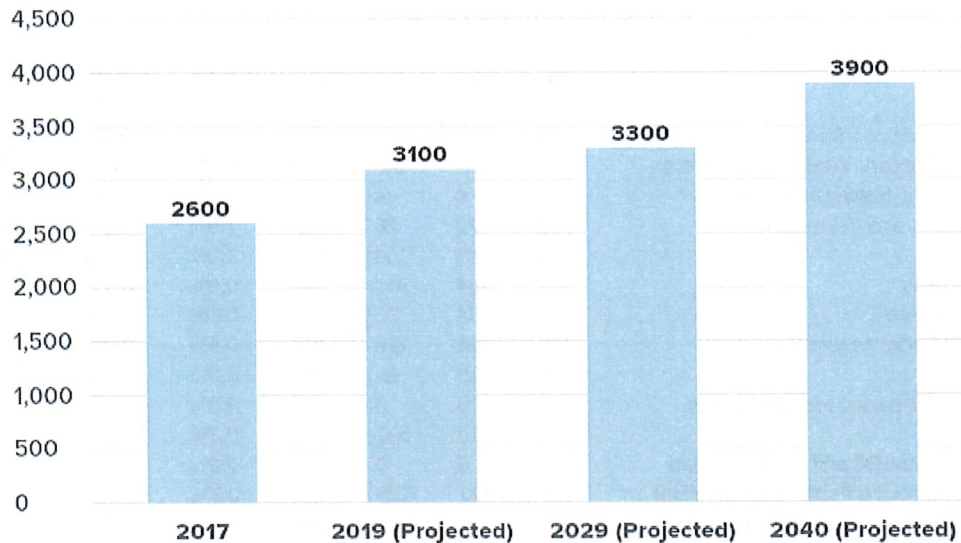
Further projections through 2040 were based on the same growth rates extended from 2029 to 2040. These estimates thus represent a scenario whereby growth does not change between the first and second decade into the future.

### **Forecast Details**

Warrenton has seen steady job growth from a low base over time, and **Exhibit 16** points toward this trend continuing over the long term. It should be noted that COVID-19 related economic impacts are ongoing and difficult to fully assess as they occur. Whatever the full extent of the damage, the region's economy will eventually return to growth, and pre-COVID trends may reassert themselves.



### Exhibit 16. Warrenton Projected Employment Through 2040



Source: LEHD OnTheMap, 2020; Oregon Employment Department, 2020; Community Attributes, Inc., 2020

Warrenton’s location near Astoria and recent planning initiatives such as at Chelsea Gardens are likely to affect how the community grows going forward. With Astoria becoming supply-limited, second home buyers from outside the region may increasingly look to Warrenton.<sup>1</sup> They could become a significant demand driver for local businesses, but housing prices could rise faster than wages if large numbers of second home buyers begin looking to Warrenton. The Chelsea Gardens neighborhood’s use of varying housing typologies and sizes in a relatively dense, mixed use setting may allow housing that meets the price requirements of both second home and local buyers.<sup>2</sup> It will likely also support retail growth downtown and in the neighborhood itself.

Warrenton’s population growth will likely support concomitant growth in retail, and **Exhibit 17** demonstrates how that reality should allow retail to outperform its projected regional growth rate. Warrenton’s other industries are more dependent on regional conditions than local ones, and so they will probably grow similarly to the rest of northwest Oregon. This may cause retail trade to expand its position as the City’s leading employer by 2040.

<sup>1</sup> The Daily Astorian, “Population Growth Slows with Economy: Jobs, Housing Costs are Factors.” December 24, 2019. [Population growth slows with economy: Jobs, Housing Costs are Factors](#)

<sup>2</sup> The Daily Astorian, “Warrenton Approves Chelsea Gardens Neighborhood: Project Rebranded from Spur 104.” February 12, 2020. [Warrenton Approves Chelsea Gardens Neighborhood: Project Rebranded from Spur 104](#)

**Exhibit 17. Projected Periodic and Cumulative Employment Growth by Industry Sector, City of Warrenton, 2019-2040**

<b>Industry Sector</b>	<b>2017</b>	<b>2019</b>	<b>2029</b>	<b>2040</b>	<b>CAGR, '19-'29</b>	<b>CAGR, '29-'40</b>	<b>Net New Jobs '19-'40</b>
Accommodation and Food Services	284	294	318	345	0.8%	0.8%	51
Administration & Support, Waste Management...	132	137	140	143	0.2%	0.2%	6
Agriculture, Forestry, Fishing and Hunting	4	4	4	5	0.4%	0.4%	0
Arts, Entertainment, and Recreation	21	22	26	32	1.8%	1.8%	10
Construction	140	145	164	187	1.2%	1.2%	42
Educational Services	274	284	310	342	0.9%	0.9%	58
Finance and Insurance	33	34	36	38	0.5%	0.5%	4
Health Care and Social Assistance	155	161	176	193	0.9%	0.9%	33
Information	14	15	15	15	0.0%	0.0%	0
Management of Companies and Enterprises	0	0	0	0	0.0%	0.0%	0
Manufacturing	495	513	521	530	0.2%	0.2%	17
Mining, Quarrying, and Oil and Gas Extraction	0	0	0	0	0.0%	0.0%	0
Other Services (excluding Public Administration)	117	121	125	129	0.3%	0.3%	8
Professional, Scientific, and Technical Services	56	58	64	72	1.0%	1.0%	14
Public Administration	94	97	102	107	0.4%	0.4%	10
Real Estate and Rental and Leasing	18	19	21	23	1.0%	1.0%	4
Retail Trade	1,035	1,073	1,283	1,561	1.8%	1.8%	488
Transportation and Warehousing	87	90	92	94	0.2%	0.2%	4
Utilities	4	4	4	4	0.2%	0.2%	0
Wholesale Trade	22	23	23	24	0.3%	0.3%	1
<b>Total</b>	<b>2,990</b>	<b>3,100</b>	<b>3,420</b>	<b>3,840</b>	<b>1.0%</b>	<b>1.1%</b>	<b>740</b>

Source: LEHD OnTheMap, 2020; Oregon Employment Department, 2020; Community Attributes Inc., 2020

**Key Trends and Forecasts Findings**

The data points to several trends going forward, but it is important to first note that the COVID-19 pandemic will likely have significant impacts in the short and perhaps medium term. Some of Warrenton’s top industries like Retail, Accommodation and Food Services, and Educational Services have been significantly impacted nationally by shutdowns and lost business. While Oregon has weathered the pandemic better than many states, those industries are still likely to contract this year, and it will take some time for them to recover.

Beyond the pandemic, the regional economy is projected to grow, but at a modest rate, while Warrenton’s population is projected to grow at a steady clip. This divergence between local population growth and regional economic performance means that local industries that are population dependent, such as Retail, are likely to outperform industries tied more closely to the regional economy, such as manufacturing. Retail is therefore likely to extend its lead in jobs significantly and possibly become the predominant source of local employment.

Even though retail is likely to add more jobs than other sectors, current major jobs providers like manufacturing and construction are expected to remain viable and grow slowly. Warrenton’s economy should continue to see some diversity in its job base going forward.



## SUPPLY AND DEMAND OF EMPLOYMENT LAND

Employment lands in Warrenton consist of parcels located within six different commercial, industrial and mixed-use zoning categories, and impacted by various constraints such as wetlands, flood zones, and steep slopes. This section of the report surveys these lands to quantify the supply of vacant, partially vacant, and redevelopable parcels (or portions of parcels) that could reasonably accommodate future economic and spatial growth in the City of Warrenton for the 20-year planning time horizon and attempts to quantify the impact of various constraints.

### Land Supply Methods and Analysis

Any analysis of buildable lands requires an estimate of the supply of land to meet expected growth. This EOA focuses only on employment lands, and therefore provides an estimate of the supply of land available to house employment-generating uses. To prepare this estimate, CAI assessed the City of Warrenton's zoning code to identify the subset of zones that allow for commercial and industrial enterprises and other employment-generating uses. Of the City's 16 zoning categories (**Exhibits 18 and 19**), six were selected based on their allowable uses and other factors as those that could accommodate "employment" uses. Non-employment zones, such as residential or conservation and habitat zones, were excluded. This selection process is summarized in **Exhibit 18**.

**Exhibit 18. Warrenton Employment Zone Selection, 2020**

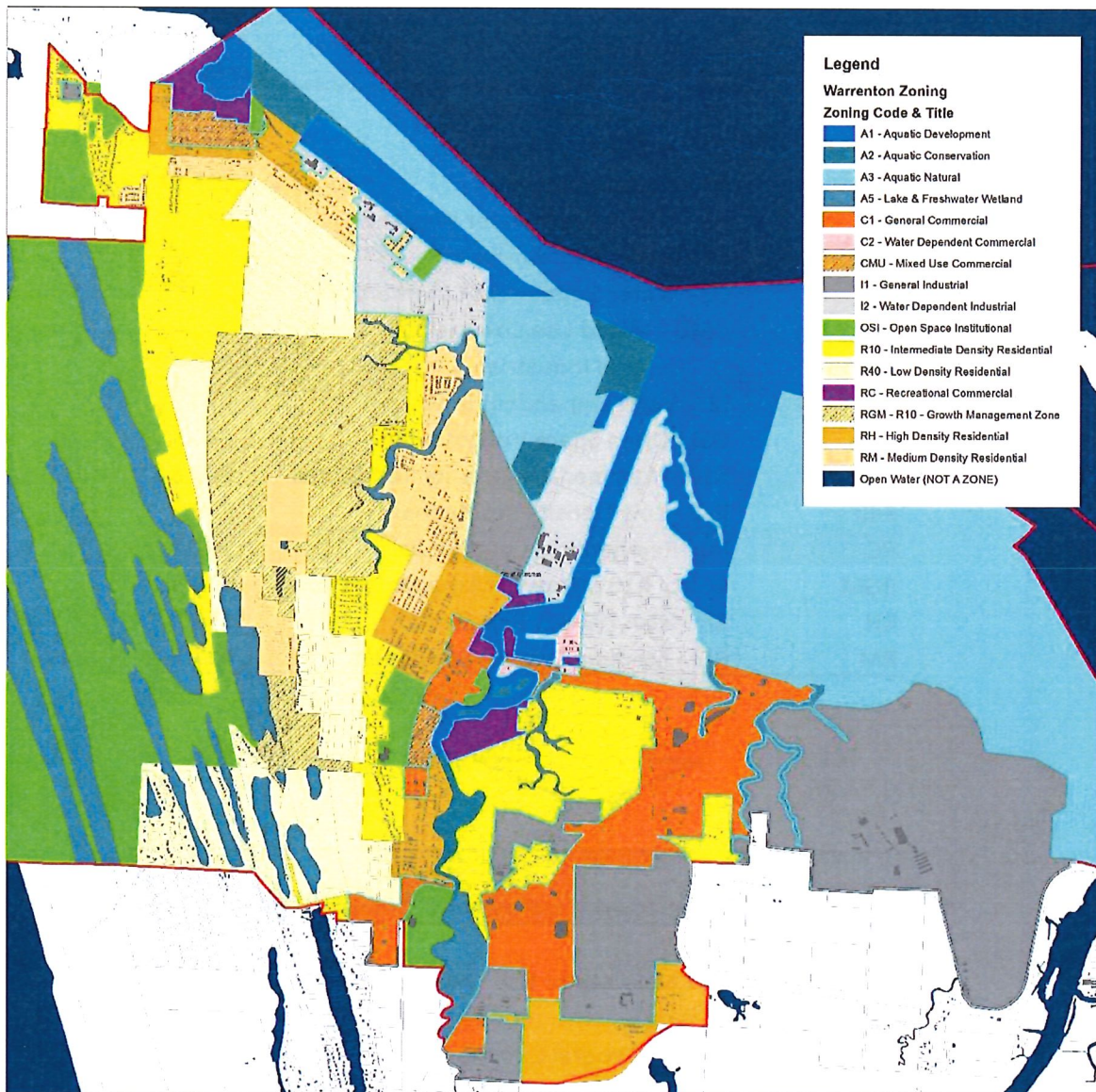
<b>Zone Code</b>	<b>Zoning Category</b>	<b>Acres</b>
A1	A1 - Aquatic Development	987.2
A2	A2 - Aquatic Conservation	160.6
A3	A3 - Aquatic Natural	1,725.6
A5	A5 - Lake & Freshwater Wetland	1,031.6
C1	C1 - General Commercial	552.2
C2	C2 - Water Dependent Commercial	20.6
CMU	CMU - Mixed Use Commercial	55.4
I1	I1 - General Industrial	1,275.1
I2	I2 - Water Dependent Industrial	570.2
OSI	OSI - Open Space Institutional	1,746.3
R10	R10 - Intermediate Density Residential	960.8
R40	R40 - Low Density Residential	709.5
RC	RC - Recreational Commercial	102.2
RGM	RGM - R10 - Growth Management Zone	614.9
RH	RH - High Density Residential	376.8
RM	RM - Medium Density Residential	417.5



<b>Type</b>	<b>Selected "Employment" Zones</b>	<b>Zoned Acres</b>
<b>Mixed Use Zones</b>		
	CMU - Mixed Use Commercial	55.4
<b>Commercial Zones</b>		
	C1 - General Commercial	552.2
	C2 - Water Dependent Commercial	20.6
	RC - Recreational Commercial	102.2
<b>Industrial Zones</b>		
	I1 - General Industrial	1,275.1
	I2 - Water Dependent Industrial	570.2
		<b>2,575.6</b>



## Exhibit 19. Map of City of Warrenton Zoning Districts, 2020



Source: Clatsop County, 2020; Community Attributes, Inc., 2020

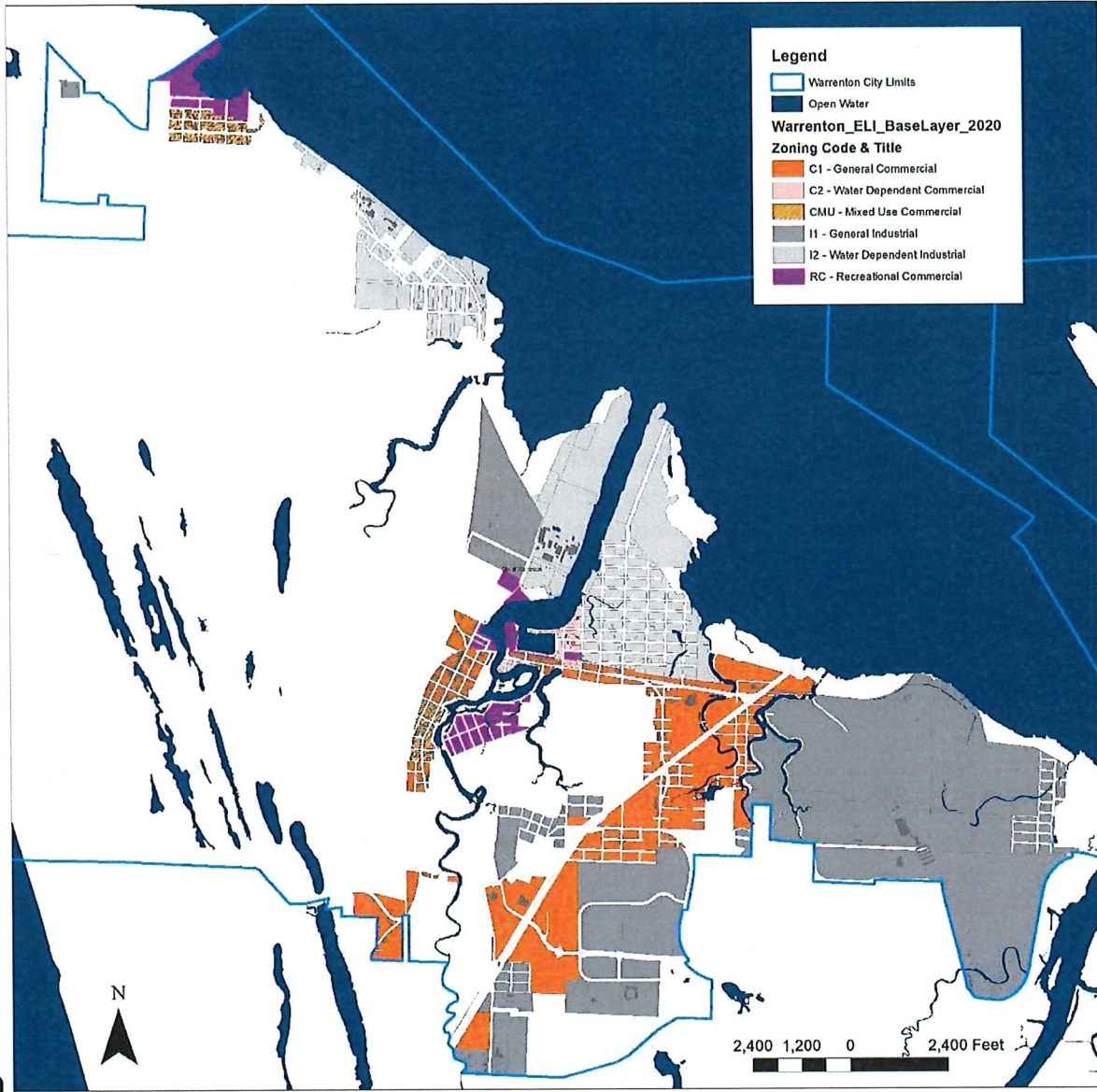
### *Employment Zones*

The six selected “employment” zones include the: General Commercial, Water Dependent Commercial, and Recreational Commercial zones; the General Industrial and Water Dependent Industrial zones; and the Mixed-Use Commercial Zone.

Industrial employment lands are located predominantly along the Columbia riverfront, and along the southern border of the City; while commercial and mixed-use commercial zones are found in central Warrenton along the Skipanon River waterway, and in Hammond. The map and table in **Exhibits 20 and 21**,

respectively, illustrate and summarize all parcels comprising these employment lands, including both built and unbuilt or potentially redevelopable parcels.

**Exhibit 20. Map of All (Built and Unbuilt) Employment Land Parcels by Zone, City of Warrenton,**



Source: Clatsop County, 2020; Community Attributes, Inc., 2020



**Exhibit 21. Summary of All Employment Land Parcels by Zone, City of Warrenton, 2020**

<b>Warrenton Zoning Category</b>	<b>Square Feet</b>	<b>Acres</b>	<b>Number of Parcels / Portions</b>
I1 - General Industrial	51,439,015	1,180.9	180
I2 - Water Dependent Industrial	19,891,931	456.7	217
C1 - General Commercial	18,155,211	416.8	671
RC - Recreational Commercial	4,406,478	101.2	110
CMU - Mixed Use Commercial	1,485,464	34.1	211
C2 - Water Dependent Commercial	581,907	13.4	44
<b>All Employment Zones</b>	<b>95,960,005</b>	<b>2,202.9</b>	<b>1,433</b>

*Source: Clatsop County, 2020; Community Attributes, Inc., 2020*

*Gross Buildable Land Supply*

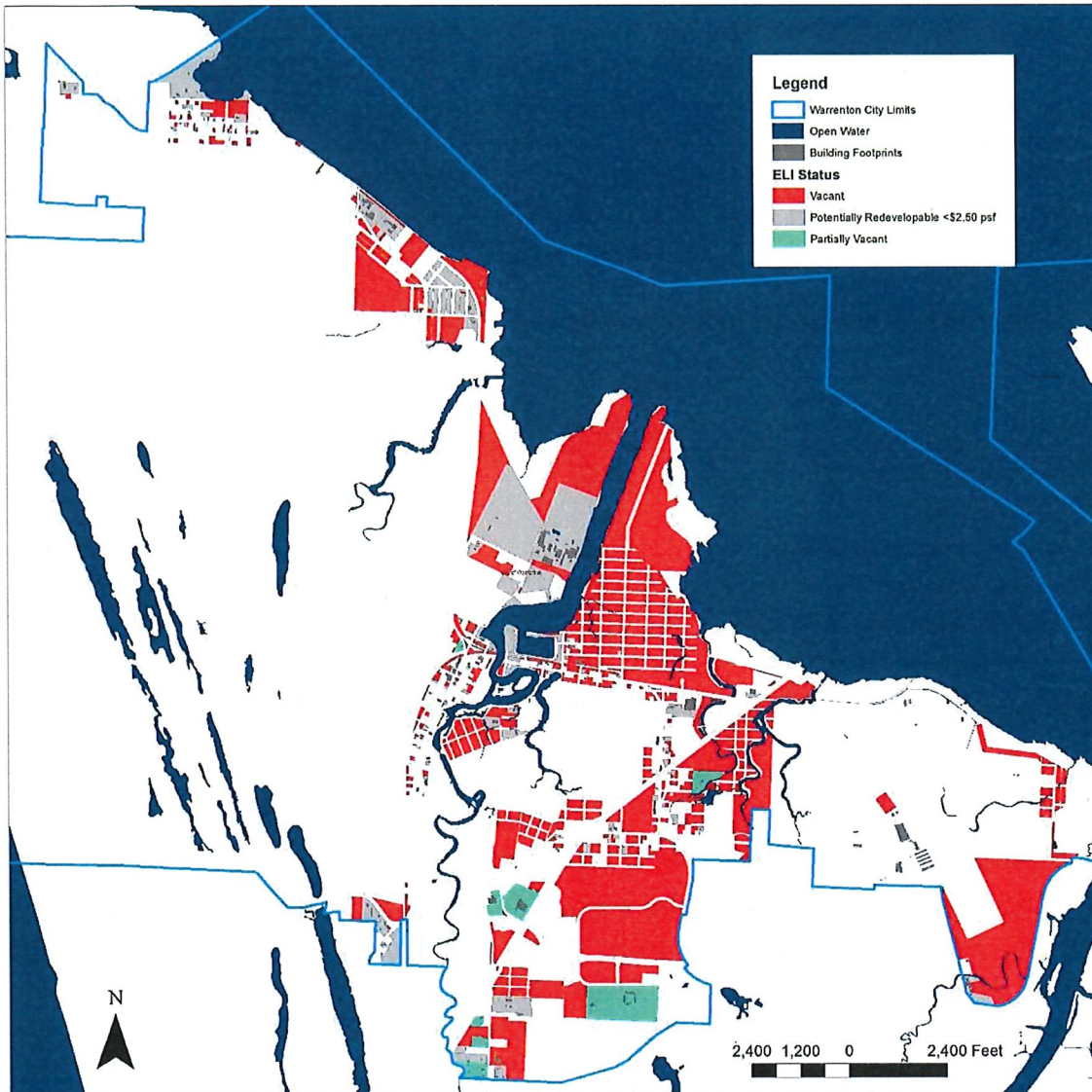
Of the employment lands identified in **Exhibit 20**, many parcels have already been developed, or are otherwise encumbered by critical areas, such that they cannot support additional employment. Other parcels are either vacant, partially vacant, or potentially redevelopable.

Using parcel-based data from the Clatsop County Assessor, CAI identified these vacant, partially vacant, and redevelopable employment lands from the six zones selected for the employment land inventory. The different categories were defined as such:

- **Vacant** lands are completely or almost completely unbuilt. Vacant lands were defined as parcels with very little or no improvement value per the Clatsop County assessor and are identified within the data by selecting parcels with \$.001 or less Real Market Improvement Value per square foot of land.
- **Partially Vacant** lands are identified on parcels that, while built, still contain significant unbuilt portions of land that could be further developed or subdivided and developed. These were manually identified parcels using a current building footprints layer, and checking against satellite imagery.
- **Potentially Redevelopable** lands are defined as parcels with limited improvements in terms of building value per square foot of land and are identified within the data by selecting parcels with \$.001 to \$2.50 Real Market Improvement Value per square foot of land.

Rights-of-way, parks, condominiums, and parcel remnants were removed the employment lands inventory, as were lands comprising the active use areas of the Astoria Regional Airport. The parcels resulting from this tiering and analysis are summarized and mapped in **Exhibits 22 and 23**.

**Exhibit 22. Buildable Employment Lands Inventory by Type, City of Warrenton, 2020**



Source: Clatsop County, 2020; Community Attributes, Inc., 2021

**Exhibit 23 Buildable Employment Lands Inventory by Zoning Category, City of Warrenton, 2020**

Source: Clatsop County, 2020; Community Attributes, Inc., 2021



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The resulting parcels, in aggregate, were additionally segmented by size to further characterize the supply of buildable employment lands in Warrenton. **Exhibit 24** illustrates the total number of vacant, partially vacant, and potentially redevelopable parcels segmented by size and current City of Warrenton zoning designation. Most of the City’s medium-large and large buildable employment land sites are found in the industrial zones. While sub-one-acre sites can be found in every commercial and industrial zone in the City, and 1-5 acre sites can be found in all zones but CMU, Warrenton has only 11 large (20 acre +) sites and these are located in the I1, I2, and RC zones.

**Exhibit 24 Buildable Employment Lands by Parcel Size, City of Warrenton, 2020**

	Parcel Size				Total
	<1 Acre	1-5 Acres	5-20 Acres	>20 Acres	
C1 - General Commercial	310	40	12		362
C2 - Water Dependent	26	5			31
CMU - Mixed Use Commercial	63				63
I1 - General Industrial	68	36	15	6	125
I2 - Water Dependent Industrial	93	72	12	3	180
RC - Recreational Commercial	58	18	1	2	79
<b>Total</b>	<b>618</b>	<b>171</b>	<b>40</b>	<b>11</b>	<b>840</b>

Source: Clatsop County, 2020; Community Attributes, Inc., 2021

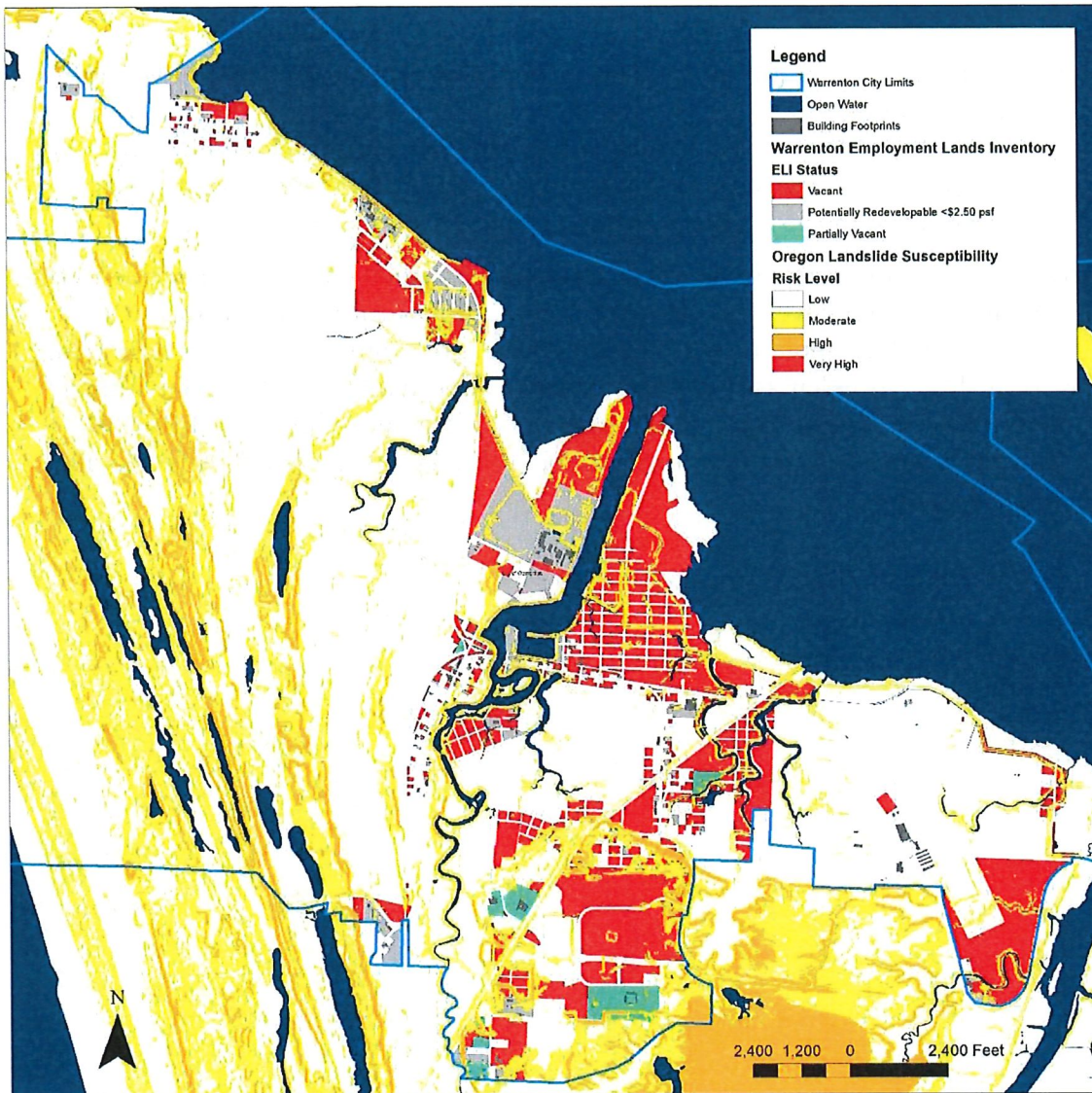
*Deductions from Buildable Employment Lands*

Using geographic information systems (GIS) a calculated “gross supply” figure (in terms of number of parcels, and parcel acres) of Vacant, Partially Vacant, and Potentially Redevelopable employment lands was converted to a “net supply” figure by deducting all or portions of land area that may not be buildable.

Deductions were made for critical areas including wetlands, steep slopes, and landslide prone areas. As it happened, the City of Warrenton contained no significant steep slope or landslide susceptibility encumbrances of the inventoried buildable employment lands (**Exhibit 25**), so only wetland deductions were made.



**Exhibit 25. Buildable Employment Lands Inventory and Landslide Susceptibility, City of Warrenton, 2020**



Source: Clatsop County, 2020; Community Attributes, Inc., 2020

In the City of Warrenton, inventoried wetlands are categorized as either locally significant, or non-locally significant wetlands. While for the most part new development is not permitted on locally significant wetlands (exceptions are possible with a City of Warrenton Hardship Variance (see Section 16.156.080)), development is permitted, with conditions, on non-locally significant wetlands. To develop such areas, the following are required:

1. A State of Oregon Wetland Removal-Fill Authorization.
2. Written verification from the Warrenton Community Development Director, or designee, that the affected wetland area is classified as “non-significant”

per the City of Warrenton Locally Significant Wetland Map dated October 17, 1997.

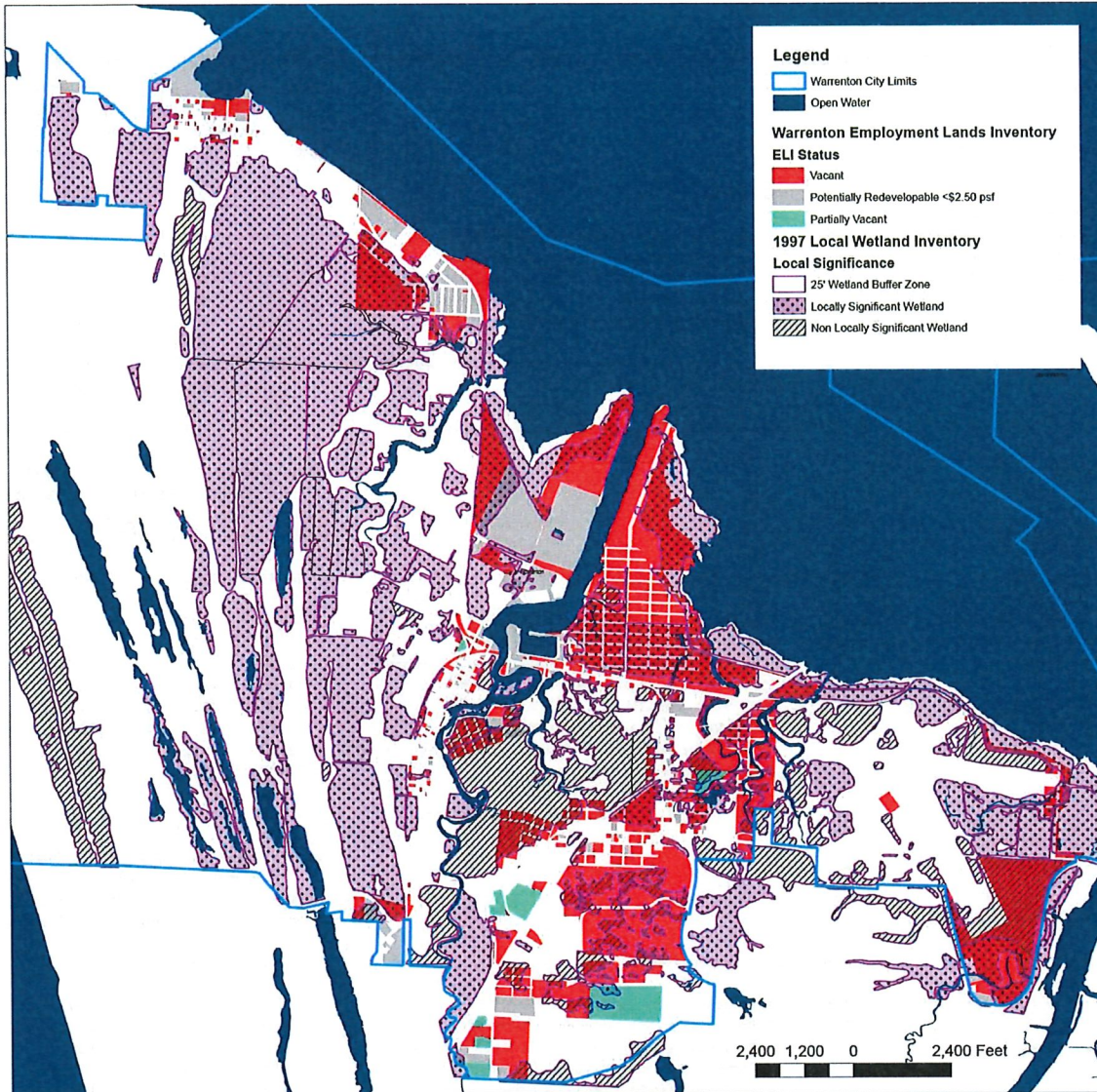
In addition, development within a 25' buffer around any wetland is also subject to:

1. A delineation of the wetland boundary, approved by the Oregon Division of State Lands.
2. A to-scale drawing that clearly delineates the wetland boundary, the proposed setback to the wetland area (if any), and existing trees and vegetation in the mapped wetland area.

For the purposes of this analysis, the additional expense imposed on a developer due to the encumbrances on development within non-locally significant wetlands was approximated by applying a 25% reduction to gross buildable parcel area lying within them, as calculated using GIS-based spatial analysis. Wetland buffers, developable with a wetland delineation only, were not reduced. **Exhibit 26** illustrates where the buildable employment lands overlap with wetlands and wetland buffers.



**Exhibit 26. Buildable Employment Lands Inventory and Wetland Status, City of Warrenton, 2020**



Source: Clatsop County, 2020; Community Attributes, Inc., 2020

Once all applicable wetlands-related deductions were made, an additional deduction of 17.5% (in line with County averages of 15%-20%) of the remaining parcel area was applied to account for the development of future public facilities and rights-of-way that would be required for new development.

*Net Land Supply by Zone*

After deductions, a net land supply is expressed in acres and represents an estimate of the amount of land within each set of zones that can accommodate additional employment through new, greenfield development or redevelopment of lower-intensity or lower-value uses. A summary of net land supply for each zone,

including an overview of the deductions applied to gross land supply to arrive at the final figure, is provided in **Exhibit 27**.

**Exhibit 27. Gross & Net Buildable Employment Lands by Employment Zone, City of Warrenton,**

1 Zoning Category		Tier 1	Tier 2	Tier 3	Total	
		Vacant	Partially	Potentially	Vacant + Partially	
		Lands***	Vacant	Redevelopable	Vacant + Potentially	
			Lands***	Lands***	Redevelopable Lands	
<b>CMU - Mixed Use Commercial</b>						
Total Zone Area (Acres)	55.39	Total Parcel Area (Acres)	6.89	0.00	2.45	9.34
Rights-of-Way / Parks /						
Condos / Slivers (Acres)**	21.29	a. Portion in Locally-Significant Wetlands****	2.09	0.00	0.00	2.09
Total Parcel Area, Exclusive of R.O.W.,	34.10	b. Portion in Non Locally-Significant Wetlands	0.00	0.00	0.00	0.00
Parks, Condos, Slivers (Acres)		c. Portion in Wetland Buffer Areas (25' around all wetlands)	0.23	0.00	0.00	0.23
		d. Portion Unencumbered / No Wetland or Buffer	4.57	0.00	2.45	7.02
		e. Portion in Steep Slopes and Slide Areas	0.00	0.00	0.00	0.00
		Total Gross Developable Area (d. + (b.-25%) + c.)	4.80	0.00	2.45	7.25
		Less Future Public Facilities & Infrastructure Set-Aside (17.5%)	0.84	0.00	0.43	1.27
		Total Net Buildable Parcel Area (Acres)	3.96	0.00	2.02	5.98
		Percent of Total Net Parcel Area in Zone (Acres)	12%	0%	6%	18%
		Number of Net Buildable Parcels (or portions if split-zone d)	47	0	16	63
<b>2 Zoning Category</b>						
		Tier 1	Tier 2	Tier 3	Total	
		Vacant	Partially	Potentially	Vacant + Partially	
		Lands***	Vacant	Redevelopable	Vacant + Potentially	
			Lands***	Lands***	Redevelopable Lands	
<b>C1 - General Commercial</b>						
Total Zone Area (Acres)	552.16	Total Parcel Area (Acres)	202.48	20.01	29.98	252.48
Rights-of-Way / Parks /						
Condos / Slivers (Acres)**	135.37	a. Portion in Locally-Significant Wetlands****	63.74	0.47	0.36	64.57
Total Parcel Area, Exclusive of R.O.W.,	416.79	b. Portion in Non Locally-Significant Wetlands	22.30	2.57	3.50	28.37
Parks, Condos, Slivers (Acres)		c. Portion in Wetland Buffer Areas (25' around all wetlands)	13.06	0.51	0.10	13.67
		d. Portion Unencumbered / No Wetland or Buffer	103.98	16.46	26.02	145.87
		e. Portion in Steep Slopes and Slide Areas	0.00	0.00	0.00	0.00
		Total Gross Developable Area (d. + (b.-25%) + c.)	133.17	18.90	28.75	180.81
		Less Future Public Facilities & Infrastructure Set-Aside (17.5%)	23.30	3.31	5.03	31.64
		Total Net Buildable Parcel Area (Acres)	109.86	15.59	23.72	149.17
		Percent of Total Net Parcel Area in Zone (Acres)	26%	4%	6%	36%
		Number of Net Buildable Parcels (or portions if split-zone d)	309	6	47	362
<b>3 Zoning Category</b>						
		Tier 1	Tier 2	Tier 3	Total	
		Vacant	Partially	Potentially	Vacant + Partially	
		Lands***	Vacant	Redevelopable	Vacant + Potentially	
			Lands***	Lands***	Redevelopable Lands	
<b>C2 - Water Dependent Commercial</b>						
Total Zone Area (Acres)	20.56	Total Parcel Area (Acres)	8.71	0.00	3.99	12.70
Rights-of-Way / Parks /						
Condos / Slivers (Acres)**	7.20	a. Portion in Locally-Significant Wetlands****	2.70	0.00	0.00	2.70
Total Parcel Area, Exclusive of R.O.W.,	13.36	b. Portion in Non Locally-Significant Wetlands	0.00	0.00	0.00	0.00
Parks, Condos, Slivers (Acres)		c. Portion in Wetland Buffer Areas (25' around all wetlands)	0.50	0.00	0.01	0.51
		d. Portion Unencumbered / No Wetland or Buffer	5.51	0.00	3.98	9.49
		e. Portion in Steep Slopes and Slide Areas	0.00	0.00	0.00	0.00
		Total Gross Developable Area (d. + (b.-25%) + c.)	6.01	0.00	3.99	10.00
		Less Future Public Facilities & Infrastructure Set-Aside (17.5%)	1.05	0.00	0.70	1.75
		Total Net Buildable Parcel Area (Acres)	4.96	0.00	3.30	8.25
		Percent of Total Net Parcel Area in Zone (Acres)	37%	0%	25%	62%
		Number of Net Buildable Parcels (or portions if split-zone d)	24	0	7	31

2020

**4 Zoning Category**

**RC - Recreational Commercial**

			Tier 1 Vacant Land****	Tier 2 Partially Vacant Lands****	Tier 3 Potentially Redevelopable Lands****	Total Vacant + Partially Vacant + Potentially Redevelopable Lands
Total Zone Area (Acres)	102.24	Total Parcel Area (Acres)	33.40	0.00	62.52	95.93
Rights-of-Way / Parks / Condos / Slivers (Acres)**	1.08	a. Portion in Locally-Significant Wetlands****	1.12	0.00	2.50	3.62
Total Parcel Area, Exclusive of R.O.W., Parks, Condos, Slivers (Acres)	101.16	b. Portion in Non Locally-Significant Wetlands	16.56	0.00	5.20	21.76
		c. Portion in Wetland Buffer Areas (25' around all wetlands)	1.65	0.00	1.06	2.71
		d. Portion Unencumbered / No Wetland or Buffer	14.07	0.00	53.76	67.84
		e. Portion in Steep Slopes and Slide Areas	0.00	0.00	0.00	0.00
		Total Gross Developable Area (d. + (b.-25%) + c.)	28.14	0.00	58.72	86.87
		Less Future Public Facilities & Infrastructure Set-Aside (17.5%)	4.93	0.00	10.28	15.20
		Total Net Buildable Parcel Area (Acres)	23.22	0.00	48.45	71.66
		Percent of Total Net Parcel Area in Zone (Acres)	23%	0%	48%	71%
		Number of Net Buildable Parcels (or portions if split-zoned)	64	0	15	79
				11%		

**5 Zoning Category**

**I1 - General Industrial**

			Tier 1 Vacant Land****	Tier 2 Partially Vacant Lands****	Tier 3 Potentially Redevelopable Lands****	Total Vacant + Partially Vacant + Potentially Redevelopable Lands
Total Zone Area (Acres)(See NOTE)	683.05	Total Parcel Area (Acres)	432.02	34.37	76.53	542.92
Rights-of-Way / Parks / Condos / Slivers (Acres)**	94.17	a. Portion in Locally-Significant Wetlands****	89.74	2.25	21.26	113.25
Total Parcel Area, Exclusive of R.O.W., Parks, Condos, Slivers (Acres)	588.88	b. Portion in Non Locally-Significant Wetlands	154.82	1.15	18.84	174.81
		c. Portion in Wetland Buffer Areas (25' around all wetlands)	47.17	1.15	3.37	51.69
		d. Portion Unencumbered / No Wetland or Buffer	140.29	29.82	33.06	203.17
		e. Portion in Steep Slopes and Slide Areas	0.00	0.00	0.00	0.00
		Total Gross Developable Area (d. + (b.-25%) + c.)	303.57	31.83	50.56	385.96
		Less Future Public Facilities & Infrastructure Set-Aside (17.5%)	53.13	5.57	8.85	67.54
		Total Net Buildable Parcel Area (Acres)	250.45	26.26	41.71	318.42
		Percent of Total Net Parcel Area in Zone (Acres)	43%	4%	7%	54%
		Number of Net Buildable Parcels (or portions if split-zoned)	111	3	11	125

NOTE: The area zoned General Industrial comprising the Astoria Regional Airport has been removed from this figure.

**6 Zoning Category**

**I2 - Water Dependent Industrial**

			Tier 1 Vacant Land****	Tier 2 Partially Vacant Lands****	Tier 3 Potentially Redevelopable Lands****	Total Vacant + Partially Vacant + Potentially Redevelopable Lands
Total Zone Area (Acres)	570.21	Total Parcel Area (Acres)	355.54	0.00	90.99	446.53
Rights-of-Way / Parks / Condos / Slivers (Acres)**	113.55	a. Portion in Locally-Significant Wetlands****	185.25	0.00	1.90	187.15
Total Parcel Area, Exclusive of R.O.W., Parks, Condos, Slivers (Acres)	456.66	b. Portion in Non Locally-Significant Wetlands	3.39	0.00	0.00	3.39
		c. Portion in Wetland Buffer Areas (25' around all wetlands)	11.27	0.00	1.37	12.64
		d. Portion Unencumbered / No Wetland or Buffer	155.63	0.00	87.72	243.35
		e. Portion in Steep Slopes and Slide Areas	0.00	0.00	0.00	0.00
		Total Gross Developable Area (d. + (b.-25%) + c.)	169.44	0.00	89.09	258.53
		Less Future Public Facilities & Infrastructure Set-Aside (17.5%)	29.65	0.00	15.59	45.24
		Total Net Buildable Parcel Area (Acres)	139.79	0.00	73.50	213.29
		Percent of Total Net Parcel Area in Zone (Acres)	31%	0%	16%	47%
		Number of Net Buildable Parcels (or portions if split-zoned)	167	0	13	180

**Total Parcel Area Exclusive of R.O.W,  
Parks, Condos, Slivers & Airport (Acres)** 1,610.94

**Total Net Supply  
Total Net Supply as Percentage of Total Parcel Area**

**766.77  
48%**

\* See Methodology for Collapsed Zone definitions.

\*\* Rights-of-Way include roads, highways, etc. as delineated in the source data.

\*\*\* See Methodology for definitions of "Vacant", "Partially Vacant", and "Potentially Redevelopable" lands.

\*\*\*\* Not Developable. See Methodology for detailed explanation of Critical Deductions.

Source: Clatsop County, 2020; Community Attributes, Inc., 2020



## Land Demand Methods and Analysis

Translating a growth forecast into demand for employment land requires an understanding of how much square footage can be built on any given parcel and an understanding of how many square feet are required to house each employee. These variables are expressed below in a series of equations, each of which is explained to clarify the process of calculating demand for employment land.

$$(new\ employment\ by\ zone) \times (square\ feet\ per\ employee) = (built\ square\ feet\ demanded\ by\ zone)$$

New employment is given in the forecast. **Exhibit 28** illustrates the allocation of new jobs from each industry sector to an aggregate zone category used in the land supply analysis. Because mixed-use zones are designed to capture a broad array of uses, and because the City does not have a significant amount of developable mixed-use-zoned land, it is assumed that the majority of all jobs will be accommodated on either commercial or industrial lands.

**Exhibit 28. Allocation of Forecasted Jobs to Zone Categories**

Industry Sector	2019	2040	Net New Jobs '19-'40	Zone Category
Accommodation and Food Services	294	345	51	Commercial
Administration & Support, Waste Management...	137	143	6	Commercial
Agriculture, Forestry, Fishing and Hunting	4	5	0	Industrial
Arts, Entertainment, and Recreation	22	32	10	Commercial
Construction	145	187	42	Industrial
Educational Services	284	342	58	Commercial
Finance and Insurance	34	38	4	Commercial
Health Care and Social Assistance	161	193	33	Commercial
Information	15	15	0	Commercial
Management of Companies and Enterprises	0	0	0	Commercial
Manufacturing	513	530	17	Industrial
Mining, Quarrying, and Oil and Gas Extraction	0	0	0	Industrial
Other Services (excluding Public Administration)	121	129	8	Commercial
Professional, Scientific, and Technical Services	58	72	14	Commercial
Public Administration	97	107	10	Commercial
Real Estate and Rental and Leasing	19	23	4	Commercial
Retail Trade	1,073	1,561	488	Commercial
Transportation and Warehousing	90	94	4	Industrial
Utilities	4	4	0	Industrial
Wholesale Trade	23	24	1	Commercial
<b>Total</b>	<b>3,100</b>	<b>3,840</b>	<b>740</b>	

Source: U.S. Census Bureau's Longitudinal Employer-Household Dynamics (LEHD), 2020; Community Attributes, Inc., 2020

The number of built square feet per employee varies greatly across industry sectors and geographies. For example, office uses in major metropolitan areas are seeing

reductions in the number of square feet needed per employee due to changes in office design and employee preference; an assumption for the square footage needed per office employee in downtown Portland may range from 200-300 square feet, while smaller or rural communities, where high-rise, technology-centered offices and tenants are less common, may require a higher and more traditional number of square feet. Other commercial uses, such as retail, generally require a more moderate 500-700 square feet per employee, while some industries, like wholesale trade, may need more than 1,000 square feet per employee. Because of this broad range, and because Warrenton's employment forecast shows significant increases in retail jobs, the assumption used in this study is 500 square feet per employee as an average across all commercial uses.

Multiplying new employment in each industry by the square footage required to house an average employee across the industries in each zone category yields the number of building square feet needed to accommodate the forecasted employment growth.

$$(built\ square\ feet\ demanded\ by\ zone) / (FAR) = (land\ square\ feet\ demanded\ by\ zone)$$

To obtain an estimate of how much square footage can be built on any given parcel, a representative floor-to-area ratio (FAR) is applied to each zone category. FAR is the ratio of total built square footage to total land square footage, and is expressed as a decimal. For the purposes of this analysis, broadly representative assumptions are used for FAR, informed by a literature review and past buildable lands experience. This study estimates commercial FAR at .25, with a lower FAR for industrial development, and a higher FAR for mixed-use (which, if present, may be more likely to feature two- or three-story buildings as a means to integrate the different uses).

Dividing the built square feet demanded by the FAR yields the number of land square feet needed to accommodate the forecasted employment growth.

$$(land\ square\ feet\ demanded\ by\ zone) / 43,560 = (acres\ demanded\ by\ zone)$$

There are 43,560 square feet in each acre. Dividing the land square feet demanded by zone by 43,560 converts the land demand estimate into acres needed to accommodate the forecasted employment growth in each zone category. **Exhibit 29** provides a summary of land demand, based on forecasted employment growth, by the general commercial and industrial zone categories used in the land supply analysis.

### Exhibit 29. Employment Land Demand Summary

Zone Category	Net New Jobs '19-'40	Assumed SF per Job	Assumed FAR	Land Demand (acres)
Commercial	686	500	0.25	31.5
Industrial	63	1,500	0.15	14.5
Mixed-Use	0	500	0.35	0

Source: U.S. Census Bureau's Longitudinal Employer-Household Dynamics (LEHD), 2020; Community Attributes, Inc., 2020

### Reconciling Land Supply With Demand

In total, the foregoing analyses indicates indicate a supply of **767 acres** of vacant, partially vacant, or redevelopable employment land spread across 840 parcels in Warrenton to accommodate future employment growth for the 20-year planning time horizon. This represents about 48% of the total current land area in Warrenton's six employment-supporting zones.

The total projected demand for all types of employment land for the same period totals only **46 acres**. These analyses indicate that the City of Warrenton has more than enough land – a total surplus of **649 acres** – to meet its forecast growth and would have enough even if growth were to significantly outpace current forecasts. **Exhibit 30** compares this demand with supply by commercial and industrial zone categories, indicating the surpluses for each.

### Exhibit 30. Comparison of Employment Land Demand with Supply

Zone Category	Net New Jobs '19-'40	Assumed SF per Job	Assumed FAR	Land Demand (acres)	Land Supply (acres)	Surplus (Shortage)
Commercial	686	500	0.25	31.5	157.4	125.9
Industrial	63	1,500	0.15	14.5	531.7	517.2
Mixed-Use	0	500	0.35	0	6.0	6.0

Source: U.S. Census Bureau's Longitudinal Employer-Household Dynamics (LEHD), 2020; Community Attributes, Inc., 2020

While it would appear that Warrenton has more than sufficient supply in terms of raw land acreage to accommodate forecasted growth, wetlands and infrastructure provision represent significant challenges to real-world development of these lands. Given the additional regulatory complexity around development in non-significant wetland areas and wetland buffers (including oversight by multiple federal and state agencies such as the Army Corps of Engineers and the Oregon Department of State Lands (DSL)), the City of Warrenton would do well to consider specific policies or regulatory changes in the future to address these constraints and other barriers to development.

### Site Size Considerations

In addition to wetlands, infrastructure and other constraints, site size and configuration are also important factors to consider when assessing the suitability of Warrenton’s employment land supply for projected demand for the 20-year planning period.

In order to model the segmentation of demand for Warrenton’s employment land by site size, a job density figure was first calculated for each zone category (commercial and industrial) based on existing employment and developed parcel statistics for Warrenton as of 2019 (Exhibit 31).

**Exhibit 31. Job Density by Zone Category, City of Warrenton, 2019**

Zone Category	Total Jobs (2019)	Total Developed Parcel Area per Category, 2019 (Ac)*	2019 Job Density (Jobs per Developed Acre)
Commercial (& CMU)	8,275	195.0	42.4
Industrial	94	56.1	1.7

\* Total developed parcel area is exclusive of rights-of-way, parks, condominiums, and parcel remnants.

Source: U.S. Census Bureau’s Longitudinal Employer-Household Dynamics (LEHD), 2020; Clatsop County Assessor, 2019; Community Attributes, Inc., 2020

In Exhibit 32, this job density figure by category was combined with a measure of the average size of developed sites by zone to estimate the number of new sites needed at that average size for each zone. Forecast employment was apportioned by zone based on land supply available for each. As an example, the average size of developed sites in Warrenton’s C1 General Commercial Zone was .61 acres in 2019. To accommodate a growth of 554 jobs in that zone at an average commercial job density of 42.4 jobs per acre, Warrenton would need around 21 sites of that size.

**Exhibit 32. Existing Average Site Size & Projected New Sites Needed**

Existing Zone	Average Size of Developed Sites (Ac)	Net Employment Land Supply (%)*	New Employment by Zone*	2019 Job Density (Jobs per Developed Ac)	Number of New Sites Needed
<b>Commercial</b>					
C1 - General Commercial	0.61	63%	554	42.4	21
C2 - Water Dependent Commercial	0.22	4%	31		3
CMU - Mixed Use Commercial	0.18	3%	22		3
RC - Recreational Commercial	0.51	30%	266		12
<b>Industrial</b>					
I1 - General Industrial	0.77	60%	2	1.7	2
I2 - Water Dependent Industrial	1.66	40%	2		1

\* Percent figure refers to percent of total commercial or industrial net employment land inventory acreage for each zone. See Exhibit 27.

\*\* Apportioned by zone according to proportions of net employment land inventory supply available to accommodate remaining growth for the period 2019-2040.

Source: U.S. Census Bureau's Longitudinal Employer-Household Dynamics (LEHD), 2020; Clatsop County Assessor, 2019; Community Attributes, Inc., 2020

The average size of developed sites ranges from .18 acres for the CMU Commercial Mixed-Use zone up to .61 for the General Commercial zone, and from .77 acres for I1 General Industrial sites up to 1.66 acres for I2 Water Dependent sites. In total, the exercise estimates a demand of almost 40 parcels under one acre in size for Warrenton's commercial zones, compared with a supply of almost 457 (see **Exhibit 24** in the Land Supply section) commercially-zoned parcels of that size. For industrial lands, two three-quarter acre sites and one 1.66 acre site could be easily accommodated given the supply of 68 and 72 sites of those sizes in Warrenton's land supply, respectively (**Exhibit 24**).

Average parcel sizes are, of course, based on a range of developed parcel sizes and this too can be illustrative in considering the size of sites likely to be needed for future growth. **Exhibit 33** illustrates demand by a range of sizes based on the actual distribution (histogram) of currently developed site sizes. For commercially-zoned (including CMU) lands in Warrenton in 2019, developed site sizes ranged from .04 to 17.3 acres. For industrially-zoned lands, developed site sizes ranged from .03 to 4.7 acres. If the aggregate demand of 39 commercial sites and 3 industrial sites were mapped to the current distribution of site sizes, the results would approximate those in **Exhibit 33** – again with a significant surplus of each site size in supply.

**Exhibit 33. Land Demand by Current Developed Site Distribution, City of Warrenton, 2019**

Zone Category	Range of Site Sizes				Total
	<1 Acre	1-5 Acres	5-20 Acres	>20 Acres	
Commercial Demand	36	2	1	0	39
Commercial Supply	457	63	13	2	535
<b>Surplus (Shortage)</b>	421	61	12	2	496
Industrial Demand	2	1	0	0	3
Industrial Supply	161	108	27	9	305
<b>Surplus (Shortage)</b>	159	107	27	9	302

Source: U.S. Census Bureau's Longitudinal Employer-Household Dynamics (LEHD), 2020; Clatsop County Assessor, 2019; Community Attributes, Inc., 2020

*Commercial Zones Discussion*

Demand for commercial land is forecast to total 31.5 acres through 2040. That is a small percentage of all vacant and redevelopable commercial land in Warrenton and



suggests that Warrenton has more than 204 acres of surplus potentially buildable commercial land available (plus some mixed-use land that could accommodate commercial uses) should commercial employment increase faster than the forecast suggests. One consideration is the availability of water-dependent commercial land; if a significant portion of the commercial demand requires water access, then it may exceed the number of water-dependent acres available, even if there are other non-water-dependent commercial lands available.

- **Commercial Mixed-Use Zone** includes about 55 acres of parcel area. Of that sum, 21 acres are excluded from gross land supply due to rights of way, parks and other parcel limitations, resulting in 34 acres of total parcel area. After deductions for critical areas and future public facilities (described in Methods section, above), a net supply of 63 parcels totaling approximately 6 acres is buildable – either vacant, partially vacant, or potentially redevelopable.
- **General Commercial Zone** includes about 552 acres of parcel area. Of that sum, 135 acres are excluded from gross land supply due to rights of way, parks and other parcel limitations, resulting in 417 acres of total parcel area. After deductions for critical areas and future public facilities (described in Methods section, above), a net supply of 362 parcels totaling approximately 149 acres is buildable – either vacant, partially vacant, or potentially redevelopable.
- **Water Dependent Commercial Zone** includes about 21 acres of parcel area. Of that sum, 7 acres are excluded from gross land supply due to rights of way, parks and other parcel limitations, resulting in 13 acres of total parcel area. After deductions for critical areas and future public facilities (described in Methods section, above), a net supply of 31 parcels totaling approximately 8.25 acres is buildable – either vacant, partially vacant, or potentially redevelopable.
- **Recreational Commercial Zone** includes about 102 acres of parcel area. Of that sum, 1 acre is excluded from gross land supply due to rights of way, parks and other parcel limitations, resulting in 101 acres of total parcel area. After deductions for critical areas and future public facilities (described in Methods section, above), a net supply of 79 parcels totaling approximately 72 acres is buildable – either vacant, partially vacant, or potentially redevelopable.

### *Industrial Zones Discussion*

Demand for industrial land is anticipated to total 14.5 acres through 2040. That is a small percentage of all vacant and redevelopable industrial land in Warrenton and suggests that Warrenton has more than 532 acres of surplus potentially buildable industrial land available should industrial employment increase faster than the forecast suggests. As with the commercial categories, a consideration is the availability of water-dependent industrial land; if a significant portion of the industrial demand requires water access, then it may exceed the number of water-dependent acres available, even if there are other non-water-dependent industrial lands available.

- **General Industrial Zone** includes about 1683 acres of parcel area. Of that sum, 94 acres are excluded from gross land supply due to rights of way, parks and other parcel limitations, resulting in 589 acres of total parcel area (the presently active Astoria Regional Airport parcels were also removed from this analysis). After deductions for critical areas and future public facilities (described in Methods section, above), a net supply of 125 parcels totaling approximately 318 acres is buildable – either vacant, partially vacant, or potentially redevelopable.
- **Water Dependent Industrial Zone** includes about 570 acres of parcel area. Of that sum, 114 acres are excluded from gross land supply due to rights of way, parks and other parcel limitations, resulting in 456 acres of total parcel area. After deductions for critical areas and future public facilities (described in Methods section, above), a net supply of 180 parcels totaling approximately 213 acres is buildable – either vacant, partially vacant, or potentially redevelopable.

### *Land Supply and Demand Summary*

**Warrenton’s available lands span a range of site sizes.** For commercial uses, most of the employment forecasted is in retail or accommodation and food services. Warrenton has expressed a desire to focus growth in these sectors on smaller-footprint, non-big box retail in downtown. To that end, there are no fewer than 19 parcels of less than one acre and zoned for commercial use in downtown Warrenton alone. Larger retail development can be accommodated as well, as Warrenton has several contiguous redevelopable commercial parcels of three to five acres, which could be assembled for larger projects. Only 14.5 acres of commercial land are projected to be needed to meet demand, and Warrenton has multiple industrial sites of less than five acres, five to 10 acres, and more than 10 acres, many of which are contiguous and could be assembled to accommodate larger projects.

## COMMUNITY ECONOMIC DEVELOPMENT POTENTIAL

Initial stakeholder engagement – including advisory committee meetings, stakeholder interviews, and four industry focus group meetings – conducted in the first months of 2021 generated a broad array of insights and ideas around the direction and types of economic growth that may be possible for the City of Warrenton.

The following major themes derive from a synthesis of the foregoing data-driven analysis of economic opportunities, as well as from these rich discussions with area stakeholders, residents, officials, and businesses.

### Infrastructure is both a challenge and an opportunity.

Water, water, everywhere. Parts of Warrenton are undevelopable or present challenges due to the extensive presence of wetlands and flood zones and related cost burdens associated with mitigation and / or new infrastructure provision. At the same time, wetlands confer incalculable benefits to the city and its economy via the provision of valuable ecosystem services and as eco-tourism and recreation assets. In addition, proximity to maritime industry infrastructure, access to supplies of pristine freshwater, and related economic assets and anchors in the shipping, fishing, tourism and other industries represent tremendous, underutilized potential for sustainable economic growth in legacy and emerging industries.

### Creative solutions to revenue can drive unique growth.

Tax revenues for the City of Warrenton are not sustainable. Significant growth may be difficult to achieve through new development alone. Warrenton cannot build its way out of a fiscally constrained tax structure (1.6 tax rate) However, creative development solutions such as licensing, payment in lieu of taxes, and public-private partnerships could yield both new sources of revenue, as well as result in unique, creative economic assets to further differentiate the City's offerings from those of its neighbors in Clatsop County.

### Development should provide for visitors while remaining focused on residents.

We heard time and again that while tourism, hospitality, and entertainment are key and valued pieces of the local economy and represent important avenues of growth, it is imperative that economic development in Warrenton also remain focused on local residents and businesses and what they value most about their communities. This may also include a shift away from big-box retail growth in favor of opportunities in other industries with broader benefits to local residents.

## Local workforce development and retention is key.

Local industries, including commercial fishing and processing, logging and timber, retail, and tourism / hospitality all speak of the need to better transition and retain increasingly skilled workers from local educational institutions into needed roles in their sectors – and to find ways to retain them. Strengthening partnerships among Career Technical Education programs and Clatsop Community College is a key opportunity for the region to be economically competitive.

Apart from strengthening the linkages between schools or training and industry, housing is a key part of the puzzle for greater Warrenton.

## Local natural resources provide quality of life *and* economic sustenance.

While half of Warrenton's economy is still "fish and trees," these same resources are also at the source of the region's tremendous and unique quality of life. As such, they must be both closely managed for sustainability, and effectively leveraged to attract and retain new and expanded economic opportunities in the form of skilled workers, residents, new companies, entrepreneurs, and private investment.



## City Commission Agenda Memo

Meeting Date: October 22, 2024  
From: Greg Shafer, Public Works Director  
Subject: WWTP UV Disinfection System Control Panel Upgrade

### Summary:

A final treatment process of the Wastewater Treatment Plant is for the effluent to experience UV lighting to disinfect fecal and bacteria matter. The UV lighting is still in operation; however, the control panel has failed and needs to be replaced. The control panel is necessary for the full/complete operation of the UV lighting system, and to provide UV intensity readings required in the monthly discharge monitoring report (DMR). Applicable UV lighting upgrades were anticipated and approved in the 2024-2025 budget.

### Recommendation/Suggested Motion:

Move to approve a contract with Veolia Water Technologies Treatment Solutions for the UV Disinfection System PDDC Control Panel Upgrade in the amount of \$81,500; including 10% contingency.

### Alternative:

Other action as deemed appropriate by the City Commission

### Fiscal Impact:

The current/approved 2024-2025 budget has \$100,000 allotted for this UV system upgrade.

### Attachments:

- Veolia proposal and contract

Approved by City Manager: \_\_\_\_\_





Veolia Water Technologies Treatment Solutions  
600 Willow Tree Road  
Leonia, NJ 07605, USA  
Tel: +1 201 676 2525

October 7, 2024

To: City of Warrenton, OR  
Attn: Mr. James McCarthy  
Operations Manager  
45 SW 2<sup>nd</sup> Street  
Warrenton, OR 97146

**Re: City of Warrenton, OR, WWTP, UV Disinfection System PDDC Control Panel Upgrade**

Dear Mr. McCarthy:

We are pleased to submit this proposal for the controls upgrade to the exiting Aquaray 40 UV system at Warrenton, OR. We strive to provide complete information, but if you have any questions or require additional information, please do not hesitate to contact me on my cell at 201-835-9239. We look forward to answering any questions that may arise and providing the below solution for your utility.

Veolia Water Technnologies & Solutions (formerly SUEZ Treatment Solutions) has over 600 Aquaray® Vertical Lamp UV installations in North America and is the original manufacturer and only approved sources of spare parts and service for the Aquaray 40 disinfection system currently installed at Warrenton, OR, .

Sincerely,  
**For Veolia Water Technologies Treatment Solutions USA Inc**

A handwritten signature in black ink that reads 'Daniel A Pence'.

Daniel A Pence  
Aftermarket & Field Service Manager  
Phone: 201-835-9239  
Email: daniel.pence@veolia.com



## Proposal and Contract

TO: Warrenton, OR WWTP

**Proposal No.:** Controls Upgrade

**Date:** October 7, 2024

**For:** City of Warrenton, OR

(hereinafter referred to as "Purchaser")

Veolia Water Technologies (hereinafter referred to as VWTTS) offers to furnish the following described materials and equipment ("Products") and/or services at the prices ("Purchase Price") stated herein and in accordance with the Conditions of Sale and other provisions contained or referenced herein. This Proposal shall remain in effect for 90 days and shall expire at that time unless extended in writing by VWTTS. The Purchase Price is based upon only the Conditions of Sale and other provisions specifically contained or referenced herein. Purchaser's acceptance of this Purchase Price, whether by issuance of a purchase order or otherwise, or acceptance of delivery of the Products and/or services furnished hereunder, shall be considered acceptance by the Purchaser of all the Conditions of Sale and other provisions contained or referenced herein, notwithstanding any statement in Purchaser's acceptance or order to the contrary. VWTTS hereby objects to and rejects any proposal by Purchaser to modify, amend, limit, add to or delete any of the Conditions of Sale or other provisions contained or referenced herein unless expressly accepted in writing by VWTTS.

This Proposal and any resulting contract shall be referred to hereinafter as "this Contract".



### UV DISINFECTION SYSTEM CONTROLS UPGRADE

Based on photos and file review of the existing system at Warrenton, OR we propose the following:

Scope of Supply	Quantity
<p>PDDC replacement back panel assembly: Mounted and wired on new back panel which will be installed in existing PDDC enclosure including the following:</p> <ul style="list-style-type: none"> <li>- Allen Bradley Compact Logix PLC</li> <li>- Four Channel Analog Input Module</li> <li>- Multi-Vendor Communication Module</li> <li>- 5 Port Ethernet Switch</li> <li>- Code Operated Master Smart Switches, 8 Port</li> <li>- Din Rail Mounted Receptacles for Smart Switch</li> <li>- Din Rail Mounted GFCI Receptacle for Laptop Computer</li> <li>- Terminal Block Assembly with Circuit Breakers</li> <li>- A/R Cables and mounting hardware as required</li> </ul>	1
<p>Replacement enclosure door components: Installed on new enclosure door to include the following:</p> <ul style="list-style-type: none"> <li>- Panelview Plus 7 10" Touch Screen HMI</li> <li>- Nema 4X Enclosure Window Kit</li> <li>- Replacement Enclosure Door</li> </ul>	1
<p>Interconnect communication wiring between DCC &amp; UV modules:</p> <ul style="list-style-type: none"> <li>- Data Cables 70 ft</li> </ul>	3
<p>Services:</p> <ul style="list-style-type: none"> <li>- Engineering &amp; drafting</li> <li>- PLC &amp; HMI programming</li> <li>- Updated pages for O&amp;M manual</li> <li>- Freight to job site via common carrier</li> </ul>	1
<p>Field Service:</p> <ul style="list-style-type: none"> <li>- One Field Service Engineer for 5 days, 3-on site and 2 for travel, to install, conduct start-up &amp; training (8 hours per day)</li> </ul>	1
<p>1 Year warranty on all new parts/components provided</p>	1



## **Summary of Work Required for Installation of Upgrade (By Veolia)**

1. Installation of PLC Sub Panel Assembly:
  - a) Removal of existing PDDC back panel and associated Eason components
  - b) Install and wire new PDDC back panel assembly
  
2. Installation of Replacement Components on Enclosure Door Assembly:
  - a) Disconnect and remove existing Eason enclosure door assembly
  - b) Install and wire new enclosure door assembly
  
3. Upgrading Interconnect Wiring Between DCC & Modules:
  - a) Remove existing data cables
  - b) Install and wire new data cables (by others)
  
4. Startup and training of operators

## **NOTES AND CLARIFICATIONS:**

1) Any other items not specifically listed in this proposal or noted in the following are to be provided by others.

These items to be provided by others include:

- Unloading and Storage of New PDDC Back Panel, Enclosure Door and Associated Parts.
- 4-20 mA Signals from Flow Meter (existing.)
- SCADA integration. It is likely that the existing SCADA will have to be reprogrammed for the new Compactlogix PLC. Veolia will supply a SCADA tag list for Warrenton's integrator.
- Pulling of new data cables to modules.
- Power cables are assumed to be in good order. Any power modifications or terminations must be completed by a licensed electrician and are not part of this scope.
- Disposal of existing PDDC Back Panel, enclosure door and associated Eason components.
- Before installation/startup can be scheduled, existing UV system must be in good working order including modules. It is recommended that some spare parts be on-hand.
- Additional parts needed to bring the system into good working order are not included in this scope and will require an additional purchase by the customer.
- One man available from Warrenton for labor assist.





**CONDITIONS OF FIELD SERVICE**

If this Contract does not include Field Service or if Purchaser requires such service in addition to that included in this Contract, Purchaser may purchase from VWTTS such Field Service or technical advice during installation or start-up of the Products, in which case Purchaser agrees to pay VWTTS for Work Time, Travel Time and Standby Time based on (1) VWTTS's "per diem" rates in effect at the time the service is performed; (2) the expenses of each VWTTS employee so furnished; and (3) the terms and conditions under which such service is performed.

**"PER DIEM" CHARGES FOR SERVICE**

The following rates are currently in effect. They are subject to change by VWTTS and are based on the definitions below. These rates are for domestic service only. Rates for service outside the Continental United States will be quoted upon request.

Classification of Serviceman	Straight Time Rate
STANDARD SERVICE	\$ 1,390.00 Per day
	\$ Per
	\$ Per

**TIME DEFINITIONS**

(a) Work Time - shall include all hours that VWTTS service personnel are on Purchaser's job site, either working or ready for work, and shall be payable at the applicable specified rates.

(b) Travel Time - shall include the time spent by VWTTS service personnel in traveling between their customary headquarters and Purchaser's job site and in returning (including travel occurring on Saturdays, Sundays and holidays) up to a maximum of eight (8) hours chargeable time for any given one-way trip. Travel Time shall be paid for at the applicable Straight Time Rate and shall not be cumulative with Work Time in determining Overtime.

(c) Standby Time - shall include all time (excluding Work Time) that VWTTS service personnel are available for work at Purchaser's job site, whether on the job site or not, up to a maximum of eight (8) hours per day, between the hours of 7:00 a.m. and 6:00 p.m., Sunday through Saturday, including holidays if availability has been requested by Purchaser. Standby Time shall be paid for at the applicable Straight Time Rate; however, Standby Time preceded and/or followed by Work Time is cumulative in determining Overtime.

**RATE DEFINITIONS**

(a) Straight Time Rate - This rate shall be paid for Work Time, Standby Time or Travel Time on a regular schedule of eight (8) hours per day, Monday through Friday.

(b) Time and One-Half Rate - The rate of one and half (1-1/2) times the Straight Time Rate shall be paid for any Work Time or Standby Time in excess of eight (8) hours, but not exceeding sixteen (16) hours, per day, Monday through Friday, and for any Work Time or Standby Time on Saturdays, not to exceed sixteen (16) hours.

(c) Double Time Rate - The rate of twice the Straight Time rates shall be paid for time worked in excess of sixteen (16) hours per day, without a six (6) hour break, Monday through Saturday, and for all time worked on Sundays and holidays. Holidays shall be those observed in the locality where the work is to be performed.

**CHARGES FOR EXPENSES**

In addition to the "Per Diem" charges above, Purchaser shall pay VWTTS for all the traveling and living expenses and all other expenses of each VWTTS employee incidental to the work.

**TERMS AND CONDITIONS**

(1) Notification - Purchaser shall give VWTTS at least two (2) weeks advance notice when ordering Field Service.

(2) Terms of Payment - Purchaser shall pay VWTTS immediately upon receipt of invoices covering the time and expenses of VWTTS's employees furnished for such services. OVERDUE PAYMENTS NOT RECEIVED BY VWTTS WITHIN THIRTY (30) DAYS FROM DATE OF INVOICE SHALL BE SUBJECT TO FINANCE CHARGES AT THE RATE OF ONE AND ONE-HALF PERCENT (1-1/2%) PER MONTH.

(3) Time Sheets - VWTTS employees shall present Purchaser at the end of each week or at the completion of the job if less than one (1) week, appropriate documents on which shall be indicated the number of hours spent and the estimated expense incurred on this work. Purchaser shall sign these documents in the place indicated, thus signifying approval of the time spent and estimated expense incurred on this work.

(4) Delays - If the work of an VWTTS employee is postponed or suspended by Purchaser, or is delayed or does not proceed with reasonable dispatch, due to no fault of VWTTS, VWTTS may withdraw such employee and return a serviceman to the job when needed and available; and any additional costs (including Travel Time and expenses) incurred by VWTTS because of this shall be an additional charge to Purchaser.

(5) Limitation of Liability - VWTTS in providing any Field Service hereunder, shall do so in an advisory capacity only and shall not be held responsible in any way for the acts, workmanship or omissions of the employees, contractors, sub-contractors or agents of Purchaser. VWTTS SHALL NOT BE LIABLE IN ANY EVENT FOR SPECIAL, INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGE.





#### WVTTTS. TERMS AND CONDITIONS OF SALE

1. **ENTIRE AGREEMENT.** The Terms and Conditions of Sale set forth herein, and any supplements which may be attached hereto, constitute the full and final expression of the contract (the "Contract") for the sale of equipment or services (hereinafter referred to as "Equipment") Purchaser, and supersedes the terms and conditions of any request for proposal or request for quotations, specifications, quotations, purchase orders, correspondence or communications whether written or oral between the Purchaser and WVTTTS. . No amendment or modification hereto nor any statement, representation or warranty not contained herein shall be binding on WVTTTS unless made in writing and signed by an authorized representative of WVTTTS Prior dealings, usage of the trade or a course of performance shall not be relevant to determine the meaning of this Contract.
2. **TAXES.** The Purchase Price does not include any state or local sales or use taxes.
3. **PAYMENT.** Payment shall be net thirty (30) days in accordance with the milestone payment schedule set forth in WVTTTS's proposal.
4. **RISK OF LOSS.** Risk of loss or damage to the Equipment, or any part thereof, shall pass to Purchaser upon delivery of the Equipment or part to Purchaser at the delivery point stated in WVTTTS's proposal.
5. **EXCUSABLE DELAY.** WVTTTS shall not be liable for any delay in performance or failure to perform due to any cause beyond WVTTTS's reasonable control including, fire, flood, or any other act of God, strike or other labor difficulty, any act, instructions, directions or omission to act of any civil or military authority or of the Purchaser, Owner, or Engineer, change in laws, any insurrection, riot, embargo, unavailability or delays in transportation or car shortages. In the event WVTTTS 's performance is delayed by any of the foregoing causes, WVTTTS 's schedule for performance shall be extended accordingly without penalty. If Purchaser's, Owner's, or Engineer's actions delay WVTTTS 's performance, Purchaser shall pay WVTTTS any additional costs incurred by WVTTTS resulting from such delay and shall also pay WVTTTS's invoice for any stored Equipment, or any part thereof, as if they had been delivered in accordance with the milestone schedule.
6. **PROPRIETARY INFORMATION.** All information, plans, drawings, tracings, specifications, programs, reports, models, mock-ups, designs, calculations, schedules, technical information, data, manuals, proposals, CADD documents and other materials, including those in electronic form (collectively the "Instruments of Service") prepared and furnished by WVTTTS for use solely with respect to this Project. WVTTTS shall be deemed the author and owner of these Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights. The Purchaser, Engineer, or Owner shall not use these Instruments of Service for future additions or alterations to this Project or for other projects, without the prior written agreement by WVTTTS. The Instruments of Service furnished by WVTTTS are proprietary to WVTTTS, submitted in strict confidence and shall not be reproduced, transmitted, disclosed or used in any other manner without WVTTTS 's written authorization.
7. **INSPECTION BY PURCHASER.** Purchaser may inspect the Equipment at the point of manufacture, provided that such inspection is arranged and conducted so as not to unreasonably interfere with WVTTTS 's or the manufacturer's operations.
8. **WARRANTY OF TITLE.** WVTTTS warrants and guarantees that upon payment title to all Equipment covered by any invoice submitted to Purchaser will pass to Purchaser free and clear of all liens.
9. **WARRANTY.** WVTTTS warrants that its Equipment shall conform to the description contained in WVTTTS's proposal and be free from defects in material and workmanship for a period of eighteen (18) months from date its Equipment is initially placed in operation or two (2) years from date its Equipment is shipped, whichever occurs first. Upon WVTTTS's receipt of written notice within thirty (30) days of discovery of any defect, and a determination by WVTTTS that such defect is covered under the foregoing warranty, WVTTTS shall, at its option, repair or replace the defective part or parts, f.o.b. factory. This warranty does not cover failure or damage due to storage, installation, operation or maintenance not in conformance with WVTTTS's written instructions and requirements or due to accident, misuse, abuse, neglect or corrosion. This warranty does not cover reimbursement for labor, gaining access, removal, installation, temporary power or any other expenses that may be incurred with repair or replacement. WVTTTS shall have no responsibility for the condition of primed or finish painted surfaces after the Equipment leaves its point of manufacture. Field touch-up of shop primed or painted surfaces are normal and shall be at Purchaser's or Owner's expense. Unless otherwise specifically provided for herein, WVTTTS provides no other of product performance or process results. Correction of non-conformities in the manner and for the period of time provided above shall constitute WVTTTS's sole liability and purchaser's exclusive remedy for failure of WVTTTS to meet its warranty obligations, whether claims of purchaser are based in contract, tort (including negligence or strict liability), or otherwise. **THE FOREGOING WARRANTIES ARE EXCLUSIVE, AND IN LIEU OF ALL OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.**
10. **BACKCHARGES.** WVTTTS shall not be liable for any charges incurred by Purchaser for work, repairs, replacements or alterations to the Equipment, without WVTTTS 's prior written authorization, and any adverse consequences resulting from such unauthorized work shall be Purchaser's full responsibility.
11. **LIQUIDATED DAMAGES.** Any liquidated damages clauses for failure to meet shipping or job completion promises are not acceptable or binding upon WVTTTS, unless such clauses are specifically accepted in writing by an authorized representative of WVTTTS at its headquarters office.
12. **LIMITATION OF LIABILITY.** Neither party shall be liable to the other party for any special, indirect, incidental, consequential or punitive damages arising from their obligations under this Contract, whether such damages are based upon breach of contract, breach of warranty, tort, strict liability or otherwise. In no event shall WVTTTS's liability exceed the purchase price of the Equipment or parts of the Equipment on which such liability is based.





13. CANCELLATION BY PURCHASER. If Purchaser cancels this Contract or refuses to accept delivery of the Equipment, Purchaser shall be liable to VWTTS for reasonable costs incurred by VWTTS including, cancellation charges, administrative costs, and commissions to sales representatives for all work performed or in process up to the time of cancellation or refusal to accept delivery.

14. DEFAULT BY PURCHASER. In the event Purchaser should breach its obligations under this Contract or if the Project is suspended or delayed for more than 120 cumulative days, then VWTTS may, without prejudice to any other right or remedy it may have at law or equity, terminate this Contract or suspend performance if Purchaser fails to cure such breach within thirty (30) days of written notice. In such event, VWTTS shall be paid for all work performed prior to termination/suspension, including all costs related to the termination/suspension. If payments are not made in accordance with the terms contained herein, a service charge may, without prejudice to the right of VWTTS to immediate payment, be added in an amount equal to the lower of 1.5% per month or fraction thereof or the highest legal rate on the unpaid balance. Purchaser shall reimburse VWTTS for all attorney's fees and costs related to collection of past due amounts.

15. DEFAULT BY SELLER. In the event of any default by VWTTS and prior to Purchaser terminating the work for default, Purchaser shall give written notice of default to VWTTS. VWTTS shall remedy the default to the reasonable satisfaction of the Purchaser within thirty (30) days of receipt of such written notice or, if such default cannot reasonably be remedied within such thirty (30) day period, VWTTS shall promptly begin to remedy the default within the thirty (30) day period and thereafter diligently prosecute to conclusion all acts necessary to remedy the default, in which event such default shall be deemed to be remedied.

16. PATENT AND COPYRIGHT INFRINGEMENT. VWTTS shall defend any action or proceeding brought against Purchaser based on any claim that the Equipment infringes any United States patent or copyright, provided the Equipment is used in the manner specified and is not modified, altered, or combined with any other equipment without VWTTS's prior written permission. Purchaser shall give prompt written notice to VWTTS of any such action or proceeding and will reasonably provide authority, information and assistance (at Purchaser's expense) in the defense of same. If Purchaser is enjoined from the operation or use of the Equipment, VWTTS shall take reasonable steps to procure the right to operate or use the Equipment. If VWTTS cannot so procure such right within a reasonable time, VWTTS shall promptly, at VWTTS's option and expense, (i) modify the Equipment so as to avoid infringement of any such patent or copyright, (ii) replace said Equipment with equipment that does not infringe or violate any such patent or copyright, or (iii) as a last resort, remove the Equipment and refund the purchase price.

17. INDEMNITY. To the extent and proportion of its negligence, VWTTS will indemnify and hold Purchaser harmless for any claims, damages, suits, or losses by third parties for death or bodily injury or damage to tangible property (other than to the Equipment itself) directly caused by VWTTS's performance under this Contract.

18. GOVERNING LAW/JURISDICTION. This Contract shall be governed by, interpreted and enforced in accordance with the laws applicable in the state where the jobsite is located, without regard to any conflicts of law principles thereof. Any dispute that cannot be resolved amicably by the Parties shall be referred to the federal or state courts having jurisdiction over the jobsite. The Parties irrevocably waive the right to request trial by jury.

19. NOTICES. Unless otherwise provided, any notices to be given hereunder shall be given in writing at the address and to the representatives mentioned in the Contract Documents and shall be deemed effectively given (i) upon personal delivery to the party to be notified, (ii) on confirmation of receipt by fax by the party to be notified, (iii) one business day after deposit with a reputable overnight courier, prepaid for overnight delivery and addressed as set forth herein, or (iv) three days after deposit with the U.S Post Office, postage prepaid, registered or certified, with return receipt requested.

20. ASSIGNMENT/SUCCESSORSHIP. Neither VWTTS, nor Purchaser may assign this Contract without the prior written consent of the other party, which consent shall not be unreasonably withheld or delayed. Any prohibited assignment shall be null and void. VWTTS and Purchaser intend that the provisions of this Contract are binding upon the parties, their employees, agents, heirs, successors and assigns.

21. SEVERABILITY. If any term, condition or provision of this Contract or the application thereof to any party or circumstance shall at any time or to any extent be invalid or unenforceable, then the remainder of this Contract, or the application of such term, condition or provision to parties or circumstances other than those which it is held invalid or unenforceable, shall not be affected thereby, and each term, condition and provision of this Contract shall be valid and enforceable to the fullest extent permitted by law.

22. NO WAIVER. The failure of either party to insist upon or enforce strict performance by the other party of any provision of this Contract or to exercise any right under this Contract shall not be construed as a waiver or relinquishment to any extent of such party's right to assert or rely upon any such provision or right in that or any other instance; rather, the same shall be and remain in full force and effect.



**PURCHASE PRICE:** Eighty-One Thousand Five Hundred Dollars (\$81,500)

**FREIGHT:** INCOTERMS DAP

**TERMS OF PAYMENT**

- 90% Net Cash, Payable thirty (30) days from dates of respective shipments of the Products;
- 10% Net Cash, Payable in thirty (30) days from start-up of UV System
- or One Hundred Eighty Days (180) days after date of Product delivery, whichever occurs first.

**SERVICE:** Field Service included in this Contract shall be provided for a period not to exceed 3 eight-hour man-days provided in not more than 1 trips to check the completed installation by Purchaser, to place the Products in operation and to instruct Purchaser in their operation. Purchaser agrees to pay VWTTS for any additional service days and/or trips in accordance with VWTTS's standard service rates and conditions in effect at the time the service is performed.

- ◆ A minimum of one (1) full day of service will be charged to each trip.
- \* See proposal details

**SCHEDULE:** Approval drawings and data shall be submitted approximately N/A weeks after agreement to all terms, as evidenced by VWTTS ' receipt of this proposal, fully executed; or, in the event that Purchaser issues a Purchase Order, VWTTS ' receipt of fully executed letter agreement. VWTTS estimates that shipment of the Products can be made in approximately 10-12 weeks after VWTTS has received from Purchaser final approval of all submittal drawings and data.

**PURCHASER'S ACCEPTANCE:** BY ITS SIGNATURE BELOW OR ISSUANCE OF ANY PURCHASE ORDER OR OTHER DOCUMENT, NOTWITHSTANDING ANY STATEMENT OR PROVISION CONTAINED THEREIN TO THE CONTRARY, PURCHASER AGREES TO ALL THE CONDITIONS AND PROVISIONS OF THIS PROPOSAL AND CONTRACT. NO OFFER BY PURCHASER TO ALTER, AMEND, LIMIT OR DELETE ANY CONDITION OR PROVISION OF THIS PROPOSAL AND CONTRACT SHALL BE BINDING UPON VWTTS UNLESS EXPRESSLY ACCEPTED IN WRITING BY VWTTS .

**PURCHASER'S ACCEPTANCE:**

Company Name

By: Veolia Water Technologies Treatment Solutions USA Inc. Daniel A Pence

By: Name/Title

Date:

Date: October 7, 2024





## City Commission Agenda Memo

Meeting Date: October 22, 2024  
 From: Greg Shafer, Public Works Director  
 Subject: Resolution 2691

### Summary:

Nuisance abatement costs have been incurred by the City of Warrenton at the property located at 115 SW 1<sup>st</sup> Street. City Municipal Code section 8.16.200 allows for the costs to be assessed to the property owner upon written notice of such costs. A letter, to the property owner, regarding the notice of assessment was mailed on September 10, 2024. The property owner has 30 days to pay the costs associated with the abatement plus administrative costs of 5%. This totals \$525.00.

The owner, or person in charge has the right to object within 10 days of receiving notice of the assessment. No objection has been received by the City as of October 10, 2024.

The costs of the abatement were not paid within 30 days. The due date was October 10, 2024.

Therefore, the City Commission may assess the costs and record a lien on the property, as stated or as decided by the Commission, by resolution and enter said cost in the docket of City liens.

### Recommendation/Suggested Motion:

"I move to approve Resolution No. 2691, as stated or amended, "A resolution of the City Commission of the City of Warrenton, Oregon, assessing the costs of abatement of the nuisance located at 115 SW 1<sup>st</sup> Street and entering the same on the docket of city liens pursuant to Warrenton Municipal Code Section 8.16.200".

### Alternative:

Other action as deemed appropriate by the City Commission

### Fiscal Impact:

Costs of \$525.00 were charged to the Streets Fund in August 2024. Recording a lien has some potential of cost recovery to that fund if the property should ever sell.

### Attachments:

- Resolution 2691

Approved by City Manager: \_\_\_\_\_

**RESOLUTION NO. 2691**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WARRENTON, OREGON,  
ASSESSING THE COSTS OF ABATEMENT OF THE NUISANCE LOCATED AT 115 SW 1<sup>ST</sup>  
STREET AND ENTERING THE SAME ON THE DOCKET OF CITY LIENS PURSUANT TO  
WARRENTON MUNICIPAL CODE SECTION 8.16.200**

**WHEREAS**, on June 12<sup>th</sup>, 2024, notice of a nuisance was issued and posted on the property located at 115 SW 1<sup>st</sup> Street, Warrenton, Oregon; and

**WHEREAS**, the property owner or person in charge of the property did not abate the property or file a protest to the notice of a nuisance within ten (10) days of the posting; and

**WHEREAS**, the City has maintained accurate accounting of the costs of abatement;

**WHEREAS**, on September 10<sup>th</sup>, 2024, the City forwarded to the owner, or person in charge, by registered or certified mail, postage prepaid, a notice of the abatement costs in compliance with Warrenton Municipal Code Section 8.16.200 et seq; and

**WHEREAS**, there has been no objection filed to the abatement costs within ten (10) days after the notice nor have the costs of the abatement been paid within thirty (30) days from the date of the notice; and

**WHEREAS**, Warrenton Municipal Code Section 8.16.200 provides that if the cost of the abatement is not paid within thirty days from the date of notice, an assessment of the costs as determined by the City Commission shall be made by resolution and shall thereupon be entered in the dockets of city liens, and upon such entry being made shall constitute a lien upon the property from which the nuisance was abated.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION, CITY OF  
WARRENTON, STATE OF OREGON, THAT, PURSUANT TO WARRENTON MUNICIPAL  
SECTION 8.16.200:**

Section 1. The assessment of the costs for the abatement of the said nuisance, including administrative costs, equal to 5% of the expense, is in the amount of \$525.00, plus accrued interest.



Section 2. The above assessment of the costs shall be entered in the docket of city liens.

Section 3. This resolution is effective immediately upon adoption.

Adopted by the City Commission of the City of Warrenton this 22<sup>nd</sup> day of October 2024.

Approved:

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Henry Balensifer III, Mayor

ATTEST:

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Dawne Shaw, City Recorder



## City Commission Agenda Memo

Meeting Date: October 22nd, 2024  
 From: Esther Moberg, City Manager  
 Subject: Ordinance Updating and Replacing Public Contracting Code

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### Summary:

The City of Warrenton Public Contracting Code was not current with State Standards regarding Public Contracts. We have done a significant update with the assistance of legal to update our public contracting language to reflect current state standards including prevailing wage and public contract minimum thresholds. We also reflect a slight change to personal and surplus values. The City Manager's authority remains the same per City Bylaws.

### Recommendation/Suggested Motion:

*"I move to conduct the second reading, by title only, of Ordinance No. 1281; An Ordinance amending in its Entirety, Chapter 3.28 of the Warrenton Municipal Code; Public Contracting and Repealing all Ordinances in Conflict"*

*"I move to adopt Ordinance No. 1281."*

### Alternative:

Other action as deemed appropriate by the City Commission OR None recommended

### Fiscal Impact:

This will lessen the burden on the city for prevailing wage contracts, and burden on staff for onerous requirements that are better suited for higher threshold contracts (less staff time and city money will be spent on contracts that are not required to have these thresholds by state law.

### Attachments:

- Ordinance
- Public Contracting Code

Approved by City Manager: \_\_\_\_\_

**ORDINANCE NO. 1281  
INTRODUCED BY ALL COMMISSIONERS**

**AN ORDINANCE AMENDING IN ITS ENTIRETY, CHAPTER 3.28 OF THE WARRENTON MUNICIPAL  
CODE; PUBLIC CONTRACTING, AND REPEALING ALL ORDINANCES IN CONFLICT**

**WHEREAS**, State standards regarding public contracting law thresholds have increased; and

**WHEREAS**, current Warrenton Municipal Code language is outdated and not current with State standards, including prevailing wage and public contract minimum thresholds; and

**WHEREAS**, Warrenton Municipal Code Chapter 3.28 has been reviewed and significantly updated with the assistance of legal counsel.

**NOW, THEREFORE, THE CITY OF WARRENTON ORDAINS AS FOLLOWS:**

**Section 1.** Warrenton Municipal Code Chapter 3.28 Public Contracting is hereby amended in its entirety to read as follows:

**Title 3. Revenue and Finance**

**Chapter 3.28. PUBLIC CONTRACTING**

**3.28.010 Public contracts – City of Warrenton policy.**

A. **Short Title.** The provisions of this chapter and all rules adopted under this chapter may be cited as the “Public Contracting Regulations.”

B. **Purpose of the Public Contracting Regulations.** It is the policy of the City of Warrenton in adopting the Public Contracting Regulations to utilize public contracting practices and methods that maximize the efficient use of public resources and the purchasing power of public funds by:

1. Promoting impartial and open competition;
2. Using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
3. Taking full advantage of evolving procurement methods that suit the contracting needs of the City of Warrenton as they emerge within various industries.

C. **Interpretation of Public Contracting Regulations.** In furtherance of the purpose of the objectives set forth in subsection B of this section, and except as provided within these regulations, City public contracting is governed by the Oregon Public Contracting Code (ORS

Chapters 279, 279A, 279B and 279C) (the “State Statutes”) and the Oregon Attorney General’s Model Public Contract Rules (OAR Chapter 137, divisions 46, 47 and 49) (the “Model Rules”).

For purposes of these Public Contracting Regulations, “emergency” means circumstances that create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare, or safety; and require prompt execution of a contract to remedy the condition.

### **3.28.020 Application of public contracting regulations.**

In accordance with ORS 279A.025, the City of Warrenton’s public contracting regulations and the State Statutes do not apply to the following classes of contracts:

- A. **Between Governments.** Contracts between the City of Warrenton (A) Another contracting agency; (B) The Oregon Health and Science University; (C) A public university listed in ORS 352.002; (D) The Oregon State Bar; (E) A governmental body of another state; (F) The federal government; (G) An American Indian tribe or an agency of an American Indian tribe; (H) A nation, or a governmental body in a nation, other than the United States; or (I) An intergovernmental entity formed between or among: (i) Governmental bodies of this or another state; (ii) The federal government; (iii) An American Indian tribe or an agency of an American Indian tribe; (iv) A nation other than the United States; or (v) A governmental body in a nation other than the United States.
- B. **Insurance and service contracts** as provided for under ORS 414.115, 414.125, 414.135 and 414.145, for purposes of source selection.
- C. **Grants.** A grant contract is an agreement under which the City of Warrenton is either a grantee or a grantor of moneys, property or other assistance, including loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets, for the purpose of supporting or stimulating a program or activity of the grantee and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions. The making or receiving of a grant is not a public contract subject to the State Statutes; however, any grant made by City of Warrenton for the purpose of constructing a public improvement or public works project shall impose conditions on the grantee that ensure that expenditures of the grant to design or construct the public improvement or public works project are made in accordance with the State Statutes and these regulations.
- D. **Legal Witnesses and Consultants.** Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the City of Warrenton is or may become interested.
- E. **Real Property.** Acquisitions or disposal of real property or interests in real property.

- F. **Textbooks.** Contracts for the procurement or distribution of textbooks.
- G. **Oregon Corrections Enterprises.** Procurements from an Oregon corrections enterprises program.
- H. **Finance Contracts,** agreements or other documents entered into, issued or established in connection with:
  1. The issuance of obligations, as defined in ORS 286A.100 and 287A.310, of the City;
  2. Program loans and similar extensions or advances of funds, aid, or assistance that a public body makes to a public or private body for the purpose of carrying out, promoting or sustaining activities or programs authorized by law; or
  3. The investment of funds by a public body as authorized by law, and other financial transactions of a public body that by their character cannot practically be established under the competitive contractor selection procedures of ORS 279B.050 to 279B.085.
- I. **Employee Benefits.** Contracts for employee benefit plans as provided in ORS 243.105(1), 243.125(4), 243.221, 243.275, 243.291, 243.303 and 243.565, or contracts for employee benefit plans as provided in ORS 243.860 to 243.886.
- J. **Exempt Under State Laws.** Any other public contracting specifically exempted from the State Statutes by another provision of law.
- K. **Federal Law.** Except as otherwise expressly provided in ORS 279C.800 to 279C.870, applicable federal statutes and regulations govern when federal funds are involved and the federal statutes or regulations conflict with any provision of the State Statutes or these regulations, or require additional conditions in public contracts not authorized by the State Statutes or these regulations.

### 3.28.030 Public Contracts – Regulation and Authority.

- A. **City Commission General Authority.** Except as expressly delegated under these regulations, the Warrenton City Commission reserves to itself the exercise of all of the duties and authority of a contract review board and a contracting agency under state law, including, but not limited to, the power and authority to:
- B. **Solicitation Methods Applicable to Contracts.** Approve the use of contracting methods and exemptions from contracting methods for a specific contract or certain classes of contracts;
  1. Approve the use of contracting methods and exemptions from contracting methods for a specific contract or certain classes of contracts;



2. Exempt the use of brand name specifications for public improvement contracts;
3. Approve the partial or complete waiver of the requirement for the delivery of a performance or payment bond for construction of a public improvement, other than in cases of emergencies;
4. Authorize the use of electronic advertisements for public improvement contracts in lieu of publication in a newspaper of general circulation, subject to the requirements of the State Statutes and the Public Contracting Regulations;
5. Hear properly filed and timely appeals of the Purchasing Manager's determination of debarment, or concerning prequalification;
6. Adopt contracting rules under ORS 279A.065 and ORS 279A.070 including, without limitation, rules for the procurement, management, disposal and control of goods, services, personal services, Construction-Related Personal Services, and public improvements; and
7. Award all contracts that exceed the authority of the Purchasing Manager.

C. **City Manager General Authority.** For the purposes of these Public Contracting Regulations, "City Manager" means the City Manager for the City of Warrenton, or the City Manager's designee. The City Manager shall be the purchasing manager for the City of Warrenton and is hereby authorized to issue all solicitations and to award all City of Warrenton contracts for which the contract price does not exceed \$50,000.00. Subject to the provisions of these Public Contracting Regulations, the purchasing manager may adopt and amend all solicitation materials, contracts and forms required or permitted to be adopted by contracting agencies under the State Statutes or otherwise convenient for the City of Warrenton's contracting needs. Notwithstanding the foregoing, as required by City Charter section 39, the City Commission shall approve the plans and specifications of any public improvement in excess of \$10,000.00 to be made by a private contractor. The purchasing manager shall hear all properly filed and timely solicitations and award protests.

D. **Solicitation Preferences.** When practical, the Warrenton City Commission and Purchasing Manager shall use solicitation documents and evaluation criteria that:

1. Give preference to goods and services that have been manufactured or produced in the State of Oregon if price, fitness, availability, and quality are otherwise equal;
2. Give preference to goods that are certified to be made from recycled products when such goods are available, can be substituted for non-recycled products without a loss in quality, and the cost of goods made from recycled products is not significantly more than the cost of goods made from non-recycled products; and

3. Give a preference to goods, services, and public improvements available from qualified nonprofit agencies for disabled individuals in accordance with the provisions of ORS 279.835 through 279.850.
- E. **Delegation of Purchasing Manager’s Authority.** Any of the responsibilities or authorities of the Purchasing Manager under these Public Contracting Regulations may be delegated and sub-delegated by written directive.
- F. **Mandatory Review of Rules.** Whenever the Oregon State Legislative Assembly enacts laws that cause the attorney general to modify its Model Rules, the Purchasing Manager shall review the public contracting regulations, other than the Model Rules, and recommend to the City Commission any modifications required to ensure compliance with statutory changes.

### **3.28.040 Public Contracts – Direct Appointment Contracts; Pre-Authorized Contracts.**

A. **Direct Appointment Contracts.** Notwithstanding anything contained within these Public Contracting Regulations, the following classes of contracts may be awarded in any manner which the Solicitation Agent deems appropriate to the City of Warrenton’s needs, including by direct appointment or purchase. Except where otherwise provided the Solicitation Agent shall make a record of the method of award.

1. **Advertising.** Contracts for the placing of notices or advertisements in any medium.
2. **Amendments.** Contract amendments shall not be considered to be separate contracts if made in accordance with the Public Contracting Regulations.
3. **Animals.** Contracts for the purchase of animals.
4. **Copyrighted Materials—Library Materials.** Contracts for the acquisition of materials entitled to copyright, including, but not limited to works of art and design, literature and music, or materials even if not entitled to copyright, purchased for use as library lending materials.
5. **Equipment Repair.** Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.
6. **Government Regulated Items.** Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.
7. **Insurance.** Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145.

8. **Non-Owned Property.** Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the City of Warrenton.
9. **Specialty Goods for Resale.** Contracts for the purchase of specialty goods by City of Warrenton for resale to consumers.
10. **Sponsor Agreements.** Sponsorship agreements, under which the City of Warrenton receives a gift or donation in exchange for recognition of the donor.
11. **Structures.** Contracts for the disposal of structures located on City of Warrenton owned property.
12. **Renewals.** Contracts that are being renewed in accordance with their terms are not considered to be newly issued Contracts and are not subject to competitive procurement procedures.
13. **Temporary Extensions or Renewals.** Contracts for a single period of one year or less, for the temporary extension or renewal of an expiring and nonrenewable, or recently expired, contract, other than a contract for public improvements.
14. **Temporary Use of City of Warrenton Owned Property.** The City may negotiate and enter into a license, permit or other contract for the temporary use of City-owned property without using a competitive selection process if:
  - a. The contract results from an unsolicited proposal to the City based on the unique attributes of the property or the unique needs of the proposer;
  - b. The proposed use of the property is consistent with the City's use of the property and the public interest; and
  - c. The City of Warrenton reserves the right to terminate the contract without penalty, in the event that the City determines that the contract is no longer consistent with the City's present or planned use of the property or the public interest.
15. **Utilities.** Contracts for the purchase of steam, power, heat, water, telecommunications services, and other utilities.

**B. Contracts Required by Emergency Circumstances.**

1. **In General.** When the City Manager determines that immediate execution of a contract is necessary to address an emergency, the City Manager may execute a contract not to exceed \$50,000.00 without competitive selection and award or City of Warrenton approval, but, where time permits, the City Manager shall attempt to use competitive price and quality evaluation before selecting an emergency contractor.

2. **Reporting.** An official who enters into an emergency contract shall, as soon as possible, in light of the emergency circumstances, (a) document the nature of the emergency; the method used for selection of the particular contractor and the reason why the selection method was deemed in the best interest of the City of Warrenton and the public, and (b) notify the Warrenton City Commission of the facts and circumstances surrounding the emergency execution of the contract.
  
3. **Emergency Public Improvement Contracts.** A public improvement contract may only be awarded under emergency circumstances if the Warrenton City Commission has made a written declaration of emergency. Any public improvement contract award under emergency conditions must be awarded within 60 days following the declaration of an emergency unless the Warrenton City Commission grants an extension of the emergency period. Where the time delay needed to obtain a payment or performance bond for the contract could result in injury or substantial property damage, the Warrenton City Commission may waive the requirement for all or a portion of required performance and payment bonds.

C. **Federal Purchasing Programs.** Goods and services may be purchased without competitive procedures under a local government purchasing program administered by the United States General Services Administration (“GSA”) as provided in this subsection.

1. The procurement must be made in accordance with procedures established by GSA for procurements by local governments, and under purchase orders or contracts submitted to and approved by the Purchasing Manager. The Solicitation Agent shall provide the Purchasing Manager with a copy of the letter, memorandum, or other documentation from GSA establishing permission to the City of Warrenton to purchase under the federal program.
  
2. The price of the goods or services must be established under price agreements between the federally approved vendor and GSA.
  
3. The price of the goods or services must be less than the price at which such goods or services are available under state or local cooperative purchasing programs that are available to the City.
  
4. If a single purchase of goods or services exceeds \$250,000.00, the Solicitation Agent must obtain informal written quotes or proposals from at least two additional vendors (if reasonably available) and find, in writing, that the goods or services offered by GSA represent the best value for the City. This paragraph does not apply to the purchase of equipment manufactured or sold solely for military or law enforcement purposes.

D. **Cooperative Procurement Contracts.** Cooperative procurements may be made without competitive solicitation as provided in the State Statutes.

## E. Concession Agreements.

1. **General.** No part of a concession agreement shall contain or constitute a waiver of any generally applicable rules, code provisions or requirements of the City of Warrenton concerning regulation, registration, licensing, inspection, or permit requirements for any construction, rental or business activity.
2. **Classes of Contracts Eligible for Award Without Competition.** The following concession agreements may be awarded by any method deemed appropriate by the Solicitation Agent, including without limitation by direct appointment, private negotiation, from a qualified pool, or using a competitive process.
  - a. **Contracts Under \$5,000.00.** Contracts under which the Solicitation Agent estimates that receipts by the City of Warrenton will not exceed \$5,000.00 in any fiscal year and \$50,000.00 in the aggregate.
  - b. **Single Event Concessions.** Concessions to sell or promote food, beverages, merchandise or services at a single public event shall be awarded based on any method determined by the Purchasing Manager to provide a fair opportunity to all persons desiring to operate a concession, but in which the promotion of the public interest and success of the event shall be of predominant importance.
3. **Competitive Award.** Concession agreements solicited by the City of Warrenton for the use of designated public premises for a term greater than a single event shall be awarded as follows:
  - a. **Small Concessions.** For concession agreements for which the concessionaire's projected annual gross revenues are estimated to be \$500,000.00 or less, the Purchasing Manager has discretion to use either an informal solicitation or formal request for proposals process applicable to contracts for personal services. If the proposals received indicate a probability that the concessionaire's annual gross revenues will exceed \$500,000.00, the Solicitation Agent may, but shall not be required to, reissue the solicitation as a request for proposals.
  - b. **Major Concessions.** Concession agreements for which the concessionaire's projected annual gross revenues under the contract are estimated to exceed \$500,000.00 annually shall be awarded using a request for proposals.

### 3.28.050 Public contracts – Process for approval of special solicitation methods and exemptions.

A. **Authority of City of Warrenton.** In its capacity as contract review board for the City, the City Commission, upon its own initiative, or upon request of the Purchasing Manager, may



create or approve special selection, evaluation, and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section.

**B. Sole Source Procurements.** Pursuant to ORS 279B.075(1), the Purchasing Manager is authorized to declare in writing certain goods and services to be available from only one source. The determination of a sole source must be based on findings required by ORS 279B.075(2), and otherwise be processed in accordance with OAR 137-047-0275. To the extent reasonably practical, the City shall negotiate with the sole source to obtain contract terms that are advantageous to the City.

**C. Special Procurements.**

1. Pursuant to ORS 279B.085, to seek approval of a special procurement, the Purchasing Manager shall submit a written request to the City Commission that describes the contracting procedure, the goods or services or the class of goods or services that are the subject of the special procurement and the circumstances that justify the use of a special procurement.
2. The written findings must demonstrate that the use of the special procurement:
  - a. Is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and;
  - b. Is reasonably expected to result in substantial cost savings to the contracting agency or to the public; or;
  - c. Otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder.
3. City shall provide public notice of the special procurement approval in the same manner as provided in ORS 279B.055(4).

**D. Procurement Exemptions.** Pursuant to ORS 279C.335(2), the Purchasing Manager is authorized to seek the procurement of Construction-Related Personal Services or public improvements via procurement or contracting methods, or both, that deviate from those set forth in these Public Contracting Regulations, the State Statutes, and the Model Rules. In order to qualify for an exemption under this section, the Purchasing Manager must produce written findings that demonstrate all applicable elements of ORS 279C.335(2)(a) and (b), present such findings to the City Commission, and follow the notice and hearing requirements of ORS 279C.335(5). For clarity's sake, this exemption process shall be used if the City seeks to use any alternate contracting method, including a design-build contract, construction-manager/general-contractor contract, or energy-saving performance contract, each as defined by state law.

#### E. Hearing.

1. The City of Warrenton shall approve the sole source procurement, special solicitation, or exemption after a public hearing before the Warrenton City Commission following notice by publication in at least one newspaper of general circulation in the City of Warrenton area in accordance with the requirements set forth in this section.
2. At the public hearing, the City shall offer an opportunity for any interested party to appear and present comment.
3. The Warrenton City Commission will consider the findings and may approve the exemption as proposed or as modified by the Warrenton City Commission after providing an opportunity for public comment.

F. **Commencement of Solicitation Prior to Approval.** A solicitation may be issued prior to the approval of a special exemption under this section, provided that the closing of the solicitation may not be earlier than five days after the date of the hearing at which the Warrenton City Commission approves the exemption. If the Warrenton City Commission fails to approve a requested exemption or requires the use of a solicitation procedure other than the procedures described in the issued solicitation documents, the issued solicitation may either be modified by addendum, or cancelled.

### 3.28.060 Public Contracts – Surplus Property; City Funded Private Construction Projects.

#### A. Surplus Property.

1. **Definition.** “Surplus property” means personal property owned by the City of Warrenton which is no longer needed for use by the department to which such property has been assigned.
2. **General Methods.** Surplus property may be disposed of by any of the following methods upon a determination by the City Commission that the method of disposal is in the best interest of the City of Warrenton. Factors that may be considered by the Solicitation Agent include costs of sale, administrative costs, and public benefits to the City of Warrenton. The Solicitation Agent shall maintain a record of the reason for the disposal method selected, and the manner of disposal, including the name of the person to whom the surplus property was transferred.
  - a. Governments. Without competition, by transfer or sale to another City of Warrenton department or public agency.
  - b. Auction. By publicly advertised auction to the highest bidder.
  - c. Bids. By public advertised invitation to bid.

- d. Liquidation Sale. By liquidation sale using a commercially recognized third-party liquidator selected in accordance with Public Contracting Regulations for the award of personal services contracts.
  - e. Fixed Price Sale. The Solicitation Agent may establish a selling price based upon an independent appraisal or published schedule of values generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.
  - f. Trade-In. By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.
  - g. Donation. By donation to any organization operating which is recognized by the Internal Revenue Service as an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
3. **Disposal of Property with Minimal Value.** Surplus property which has a value of less than \$1000.00, or for which the costs of sale are likely to exceed sale proceeds may be disposed of by any means determined to be cost effective, including by disposal as waste, upon such determination by the Solicitation Agent. The official making the disposal shall make a record of the value of the item and the manner of disposal.
4. **Personal-Use Items.** An item (or indivisible set) of specialized and personal use, other than police officer's handguns, with a current value of less than \$300.00 may be sold to the employee or retired or terminated employee for whose use it was purchased. These items may be sold for fair market value without bid and by a process deemed most efficient by the Purchasing Manager.
5. **Police Officers' Handguns.** Upon honorable retirement from service with the City of Warrenton, a police officer may purchase the handgun that she or he was using at the time of retirement. The purchase price shall be the fair market value of the handgun as determined by an independent appraisal performed by a qualified weapons appraiser. An officer electing to exercise this option shall notify the City at least 30 days prior to his or her expected retirement date and request an appraisal of the handgun. Upon receipt of the appraisal fee from the officer, the City shall arrange for the appraisal. A copy of the completed appraisal shall be provided to the officer, who shall have up to 30 days from the date of retirement to purchase the handgun for the appraised fair market value.
6. **Restriction on Sale to City of Warrenton Employees.** City of Warrenton employees shall not be restricted from competing, as members of the public, for the purchase of publicly sold surplus property, but shall not be permitted to offer to purchase property to be sold to the first qualifying bidder until at least three days after the first date on which notice of the sale is first publicly advertised.

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

B. **City of Warrenton Funded Privately Constructed Public Improvements.** The City of Warrenton may contribute funding to a privately constructed public improvement project without subjecting the project to competitive solicitation requirements if all of the following conditions are met with respect to the entire public improvement project:

1. The City's contribution to the project may not exceed 25% of the total cost of the project;
2. The City must comply with all applicable laws, if any, concerning the reporting of the project to the Bureau of Labor and Industries as a public works project;
3. The general contractor for the project must agree in writing to comply with all applicable laws, if any, concerning reporting and payment of prevailing wages for the project;
4. The funds contributed to the project may not provide a pecuniary benefit to the owner of the development for which the project is being constructed, other than benefits that are shared by all members of the community;
5. The performance of the general contractor and the payment of labor for the project must be secured by performance and payment bonds or other cash-equivalent security that is acceptable to the Purchasing Manager to protect the City of Warrenton against defective performance and claims for payment; and
6. The contract for construction of the project must be amended, as necessary, to require the general contractor to maintain adequate workers compensation and liability insurance and to protect and provide indemnification to the City of Warrenton for all claims for payment, injury or property damage arising from or related to the construction of the project.

### **3.28.070 Public Contracts – Personal Service Contracts.**

A. **“Personal services contract”** means a contract with an independent contractor predominantly for services that require special training or certification, skill, technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of architects, engineers, land surveyors, attorneys, auditors, health care professionals, land use consultants, urban renewal consultants, landscape architects and other licensed professionals, artists, designers, computer programmers, performers, consultants, appraisers, realtors,

geologists, hydrologists, and property managers. The Warrenton City Commission shall have discretion to determine whether additional types of services not specifically mentioned in this paragraph fit within the definition of personal services.

B. **Large Procurements.** The following formal selection procedure will be used when the estimated payment to the contractor for a personal service contract exceeds \$250,000.

1. **Announcement.** The City will give notice of its intent to procure personal services through the League of Oregon Cities, and/or any other means the City deems appropriate, including contacting prospective contractors directly. Announcements will include:
  - a. A description of the proposed project;
  - b. The scope of the services required;
  - c. The project completion dates;
  - d. A description of special requirements;
  - e. When and where the application may be obtained and to whom it must be returned;
  - f. The closing date; and
  - g. Other necessary information, as determined by City in its sole discretion.
2. **Application.** Applications will include a statement that describes the prospective contractor's credentials, performance data, examples of previous work product or other information sufficient to establish contractor's qualification for the project, references, and other information identified by the City as necessary to make its selection. Applications shall include, at minimum:
  - a. Specialized experiences in the type of work to be performed;
  - b. Capacity and capability to perform the work, including any specialized services within the time limitations for the work;
  - c. Education and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable; and
  - d. Availability to perform the assignment and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable.



- e. Any other factors relevant to the particular contract.
3. **Initial screening.** The Purchasing Manager will evaluate the qualifications of all applications and select a prospective contractor or prospective contractors whose application demonstrates that the contractor is the best qualified to meet the City's needs.
4. **Final Selection.**
- a. The Purchasing Manager will interview the finalists selected from the initial screening. At the Purchasing Manager's discretion, the interviews may be conducted before the City Commission.
  - b. After the interview process concludes, the Purchasing Manager will make the final selection. If the interviews are conducted before the City Commission, the City Commission will make the final selection.
  - c. The final selection will be based upon applicant capability, experience, project approach, compensation requirements, references and any other criteria identified by the City as necessary for the City to select a contractor.

C. **Intermediate Procurements.** The following informal selection procedure may be used when the estimated payment to the contractor for a personal service contract is equal to or less than \$250,000 and above \$25,000, or when the Purchasing Manager determines that the informal procedure will not interfere with competition among prospective contractors, reduce the quality of services, or increase costs. The Purchasing Manager will contact a minimum of three (3) prospective contractors qualified to offer the services sought. The Purchasing Manager will request an estimated fee, and make the selection consistent with the City's best interests. If three (3) quotes are not received, the Purchasing Manager will make a written record of efforts to obtain the quotes.

D. **Small Procurements.** Contracts for which the Solicitation Agent estimates that payments will not exceed \$25,000.00, including optional renewals, may be awarded under any method deemed in the City of Warrenton's best interest by the Solicitation Agent, including by direct appointment. However, the Purchasing Manager must make reasonable efforts to choose the most qualified contractor to meet the City's needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures.

E. **\$50,000.00 Award from Qualified Pool.** Contracts for personal services for which the estimated contract price does not exceed \$50,000.00 may be awarded by direct appointment without competition from a qualified pool.

F. **Personal Service Contracts for Continuation of Work.** Contracts of not more than \$250,000.00 for the continuation of work by a contractor who performed preliminary studies, analysis or planning for the work under a prior contract may be awarded without competition if

the prior contract was awarded under a competitive process and the City Commission determines that use of the original contractor will significantly reduce the costs of, or risks associated with, the work.

**G. Sole Source.** The Purchasing Manager may negotiate with a single source for personal services if the services are available from only one contractor, or the prospective contractor has special skills uniquely required for the performance of the services. The City must make written finds to demonstrate why the proposed contractor is the only contractor who can perform the services desired, in general compliance with ORS 279B.075.

**H. Emergency.** The Purchasing Manager may select a contractor without following any procedures when an emergency is determined to exist. In such instances, the Purchasing Manager must make written declarations of the circumstances that justify the emergency appointments.

### **3.28.080 Public contracts – Construction-Related Personal Service Contracts.**

**A. Purpose.** This section implements ORS 279C.100 to 279C.125. The City will rely on these Public Contracting Regulations, not the Model Rules, for a contract with an architect, engineer, photogrammetrist, land surveyor, as each is defined in ORS 279C.100, and (in very narrow instances) a transportation planner (collectively referred to herein as “Construction-Related Personal Services”).

**B. Applicability.** This section applies only to a Construction-Related Personal Service contract that meets the following criteria:

1. The estimated payment to the contractor exceeds \$100,000; and
2. The contract is for a personal service that is *legally required* to be provided or performed by an architect, engineer, photogrammetrist, transportation planner or land surveyor. For example: hiring an architect to design a building or hiring an engineer to design a wastewater system. Because the law requires licensed professionals to design buildings and infrastructure, the City may rely on this subsection to hire someone to perform those services. However, if the City is hiring an architect or engineer to perform project management services (for example), it may solicit and award such services under Section 3.28.070 of these Public Contracting Regulations. *See* definition of “Related Services” below.
3. If either (1) or (2) above is not satisfied (i.e. the contract is for a personal service that is legally required to be provided by a licensed architect, etc. *but* is estimated to not exceed \$100,000; *or* the contract will require an engineer, etc. to perform a Related Service) then the City may rely on Section 3.28.070 of these Public Contracting Regulations to solicit and award the contract.

C. **Mixed contracts.** Some contracts will contain a mixture of services covered by this section (i.e., services that only the particular consultant may legally perform) and Related Services. Whether the City uses this section or Section 3.28.070 to solicit and award a mixed contract will depend upon the predominate purpose of the contract. The City will determine the predominate purpose based upon either the amount of money it estimates it will spend for covered services versus Related Services or the amount of time it estimates it the consultant will spend working on covered services versus Related Services. If covered services predominate, City will solicit the contract under this section. If Related Services predominate, City will solicit the contract under Section 3.28.070.

D. **Small Procurements.** For clarity's sake, the Purchasing Manager may enter Construction-Related Personal Service contracts when the estimated payment is less than \$100,000 in any manner the Purchasing Manager finds practical or convenient, including direct selection or award. However, the Purchasing Manager must make reasonable efforts to choose the most qualified contractor to meet the City's needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures.

E. **Exception for Previous Work.** Pursuant to ORS 279C.115, the City may procure a Construction-Related Personal Service contract pursuant to Section 3.28.070 if the project described in the procurement document:

1. Involves work that was described, planned, or rendered in an earlier contract with the Construction-Related Personal Services consultant;
2. The earlier contract was awarded in accordance with the City's contracting rules in effect at the time of the earlier contract; and
3. The contemplated new contract is a continuation of the project described in the earlier contract.

F. **Exception for Emergencies.** Pursuant to ORS 279C.110(9), the City may directly appoint a Construction-Related Personal Service contract in an emergency.

G. **Definitions.** The following definitions apply to this section:

1. "Price Agreement" means an agreement related to the procurement of Construction-Related Personal Services or Related Services, under agreed-upon terms and conditions and possibly at a set price with:
  - a. No guarantee of a minimum or maximum purchase; or
  - b. An initial order or minimum purchase, combined with a continuing obligation to provide Construction-Related Personal Services or Related Services where the City does not guarantee a minimum or maximum additional purchase.

2. "Transportation Planning Services" only includes project-specific transportation planning required for compliance with the National Environmental Policy Act, 42 USC 4321 et seq. and no other types of transportation planning services. By way of example only, Transportation Planning Services do not include transportation planning for corridor plans, transportation system plans, interchange area management plans, refinement plans and other transportation plans not associated with an individual Project required to comply with the National Environmental Policy Act, 42 USC 4321 et. seq.
3. "Related Services" means personal services, other than architectural, engineering, photogrammetric, mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvements, including, but not limited to, landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraising services, material testing services, mechanical system balancing services, commissioning services, project management services, construction management services, and owner's representation services or land-use planning services. In other words, personal services that are *not required by law* to be performed by an architect, engineer, photogrammetrist, transportation planner or land surveyor.

H. **Intermediate Procurements.** The following informal selection procedure may be used when the estimated payment to the consultant for Construction-Related Personal Services is equal to or less than \$250,000 and above \$100,000. The Purchasing Manager will contact a minimum of three (3) prospective consultants qualified to offer the services sought. The Purchasing Manager will request an estimated fee and make the selection consistent with the City's best interests, to the most qualified consultant. If three (3) quotes are not received, the Purchasing Manager will make a written record of efforts to obtain the quotes.

I. **Large Procurements.** The following formal selection procedure will be used when the estimated payment for Construction-Related Personal Services exceeds \$250,000.

1. When selecting a consultant to perform Construction-Related Personal Services under this section, the City must award a contract to the most qualified consultant.
2. Unless the City follows the process set forth in subsection (3) of this Section, when determining which consultant is most qualified, the City may only solicit or use pricing policies and pricing proposals, or other price information, including the number of hours proposed for the services required, expenses, hourly rates and overhead, to determine a consultant's compensation *after* the City has selected the most qualified consultant.
3. Notwithstanding subsection (2) of this section, if the solicitation documents include the information described in ORS 279C.110(5)(a), City may request pricing policies or

pricing proposals from prospective consultants, including an estimate of the number of hours that will be needed to perform the work described in the solicitation, and a schedule of hourly rates. A pricing policy or pricing proposal also may include a description of the tasks included in the proposal, a list of persons or labor classifications who will perform the tasks, and a list of expenses. A proposer that does not wish to provide pricing information may withdraw its bid. City may use the pricing policies or pricing proposals to select a consultant, provided City does not assign more than 15 percent of weight in its evaluation to the pricing policies or information.

4. When soliciting a Construction-Related Personal Service under this section, City will use a Request for Proposals (“RFP”) or a Request for Qualifications (“RFQ”) followed by a RFP, as described below. City may advertise RFQs and RFPs in any manner it deems appropriate, including electronically.
5. **RFQ.** City may in its sole discretion issue an RFQ to evaluate potential Construction-Related Personal Service consultants and establish a short list of qualified Construction-Related Personal Service consultants to whom it may issue an RFP for some, or all of the Construction-Related Personal Services or Related Services described in the RFQ. RFQs shall follow the process set forth in section 3.28.120.
6. **RFP.** City will issue an RFP to select the most qualified Construction-Related Personal Service consultant, regardless of whether an RFQ precedes an RFP. RFPs will include:
  - a. A description of the project and the specific Construction-Related Personal Services or Related Services sought for the project, the estimated project cost (if deemed necessary and appropriate to provide, in the discretion of the Purchasing Manager), the estimated time period during which the project is to be completed, and the estimated time period in which the specific Construction-Related Personal Services or Related Services sought will be performed;
  - b. The RFP evaluation process and the criteria that the City will use to select the most qualified Construction-Related Personal Service consultant, including the weight, points, or other classifications applicable to each criterion. Without limitation, the criteria may include:
    - 1) Proposers' availability and capability to perform the services described in the RFP;
    - 2) Experience of proposers' key staff persons in providing similar services on similar projects within the last three years;
    - 3) The amount and type of resources, and number of experienced staff persons proposers will commit to the project;



- 4) Proposers' demonstrated ability to successfully complete similar projects on time and within budget, including the hourly rates for key personnel and related cost data for similar projects in the previous 12 months;
  - 5) References and recommendations from past clients;
  - 6) Conditions or limitations, if any, that may constrain or prohibit the selected Construction-Related Personal Service consultant's ability to provide additional services related to the project, including but not limited to construction services;
  - 7) Whether interviews will or may occur and, if so, how the interview will factor into City's selection;
  - 8) A proposal deadline and a description of how or where to submit a proposal;
  - 9) A statement whether City will accept proposals in electronic format;
  - 10) A statement that interested consultants respond solely at their own expense;
  - 11) A statement reserving City's right to reject any or all proposals and its right to cancel the RFP at any time if doing either would be in the public interest;
  - 12) A statement directing proposers to the protest procedures set forth in the RFP;
  - 13) A statement whether City will hold a pre-proposal meeting for all interested Construction-Related Personal Service consultants to discuss the project and if a pre-proposal meeting will be held, the location of the meeting and whether or not attendance is mandatory; and
  - 14) Any other elements the Purchasing Manager deems appropriate.
- c. After selecting the most qualified Construction-Related Personal Service consultant in accordance with an RFP, Purchasing Manager will notify each proposer accordingly and state that it will begin negotiating a contract with the most qualified consultant. A resulting contract will at least include:
- 1) The consultant's performance obligations and performance schedule;
  - 2) Payment methodology and a maximum amount payable to the consultant for the services required under the contract;

- 3) Insurance and indemnification provisions;
  - 4) Legally required terms; and
  - 5) Any other provisions City believes are in its best interest to negotiate.
- d. City will formally terminate negotiations in writing with the most qualified consultant if it is unable for any reason to negotiate a contract within a reasonable amount of time, as City may determine in its sole discretion. City may thereafter negotiate with the second ranked consultant, and if necessary, with the third ranked consultant, and so on, until negotiations result in a contract. If negotiations with any consultant do not result in a contract within a reasonable amount of time, City may end the particular solicitation. Nothing in this section precludes City from re-entering negotiations, in its own discretion, with a consultant if negotiations were previously terminated for the same contract.

J. **Price agreements.** Solicitation materials and the terms and conditions for a Price Agreement for Construction-Related Personal Services or Related Services must:

1. Include a scope of services, menu of services, a specification for services or a similar description of the nature, general scope, complexity, and purpose of the procurement that will reasonably enable a consultant to decide whether to submit a proposal;
2. Specify whether the City intends to award a Price Agreement to one consultant or to multiple consultants. If City will award a Price Agreement to more than one consultant, the solicitation document and Price Agreement will describe the criteria and procedures City will use to select a consultant for each individual work order or task order. Subject to the requirements of ORS 279C.110, the criteria and procedures to assign work orders or task orders that only involve or predominantly involve Construction-Related Personal Services are at City's sole discretion; and
3. Specify the maximum term for assigning services under the Price Agreement.

### **3.28.090 Public Contracts – Small Procurements of Goods and Services.**

A. Any procurement of goods or services estimated by the City Manager to not exceed \$25,000 may be awarded in any manner the City Manager finds practical or convenient, including direct selection or award.

B. A procurement may not be artificially divided or fragmented to qualify for this section.

### **3.28.100 Public Contracts – Intermediate Procurements of Goods and Services.**

A. The following informal selection procedure may be used when the estimated payment to the contractor for goods or services is equal to or less than \$250,000 and above \$25,000. The City Manager will contact a minimum of three (3) prospective contractors qualified to offer the goods or services or public improvement sought. The City Manager will request an estimated fee and make the selection consistent with the City's best interests. If three (3) quotes are not received, the City Manager will make a written record of efforts to obtain the quotes.

B. An intermediate procurement contract may be amended in accordance with OAR 137-047-0800.

C. A procurement may not be artificially divided or fragmented to qualify for this section.

### **3.28.110 Large Procurements of Goods and Services, and Public Improvements.**

A. When the estimated payment to the contractor for goods or services is above \$250,000, the City shall either seek competitive sealed bidding in accordance with OAR 137-047-0255 or competitive sealed proposals in accordance with OAR 137-047-0260.

B. When estimated payment to the contractor for a public improvement is above \$5,000, the City shall follow the solicitation procedures set forth in OAR 137-049-0200.

C. A procurement may not be artificially divided or fragmented to avoid this section.

### **3.28.120 Public contracts – Qualified Pools.**

A. **General.** To create a qualified pool, the Purchasing Manager may invite prospective contractors to submit their qualifications to the City of Warrenton for inclusion as participants in a pool of contractors qualified to provide certain types of goods, services, or projects, including personal services, Construction-Related Personal Services, and public improvements. The City Commission shall approve the use of a qualified pool appointment and will approve the qualified pool membership on an annual basis.

B. **Advertisement.** The invitation to participate in a qualified pool shall be advertised in the manner provided for advertisements of invitations to bid and requests for proposals by publication in at least one newspaper of general statewide circulation. If qualification will be for a term that exceeds one year or allows open entry on a continuous basis, the invitation to participate in the pool must be republished at least once per year and shall be posted at the City of Warrenton's main office and on its website.

C. **Contents of Solicitation.** Requests for participation in a qualified pool shall describe the scope of goods or services or projects for which the pool will be maintained, and the minimum qualifications for participation in the pool, which may include, but shall not be limited to

qualifications related to financial stability, contracts with manufacturers or distributors, certification as an emerging small business, insurance, licensure, education, training, experience and demonstrated skills of key personnel, access to equipment, and other relevant qualifications that are important to the contracting needs of the City of Warrenton.

D. **Contract.** The operation of each qualified pool may be governed by the provisions of a pool contract to which the City of Warrenton and all pool participants are parties. The contract shall contain all terms required by the City, including, without limitation, terms related to price, performance, business registration or licensure, continuing education, insurance, and requirements for the submission, on an annual or other periodic basis, of evidence of continuing qualification. The qualified pool contract shall describe the selection procedures that the City may use to issue contract job orders. The selection procedures shall be objective and open to all pool participants and afford all participants the opportunity to compete for or receive job awards. Unless expressly provided in the contract, participation in a qualified pool will not entitle a participant to the award of any City of Warrenton contract.

E. **Use of Qualified Pools.** Subject to the provisions of these regulations concerning methods of solicitation for classes of contracts, the Warrenton City Commission shall award all contracts of the type for which a qualified pool is created from among the pool’s participants, unless the Solicitation Agent determines that best interests of the City of Warrenton require solicitation by public advertisement, in which case, pool participants shall be notified of the solicitation and invited to submit competitive proposals.

F. **Amendment and Termination.** The Purchasing Manager may discontinue a qualified pool at any time or may change the requirements for eligibility as a participant in the pool at any time, by giving notice to all participants in the qualified pool.

G. **Protest of Failure to Qualify.** The Purchasing Manager shall notify any applicant who fails to qualify for participation in a pool that he or she may appeal a qualified pool decision to the Warrenton City Commission in accordance with these rules.

**3.28.120 Public contracts – Electronic advertisement of public improvement contracts.**

A. In lieu of publication in a newspaper of general circulation in the City of Warrenton metropolitan area, the advertisement for an invitation to bid or request for proposals for a contract involving a public improvement with an estimated cost not exceeding \$125,000 may be published electronically by posting on the City of Warrenton’s website, provided that the following conditions are met:

B. The placement of the advertisement is on a location within the website that is maintained on a regular basis for the posting of information concerning solicitations for projects of the type for which the invitation to bid or request for proposals is issued; and

C. The Solicitation Agent determines that the use of electronic publication will be at least as effective in encouraging meaningful competition as publication in a newspaper of general circulation the City of Warrenton metropolitan area and will provide costs savings for the City, or that the use of electronic publication will be more effective than publication in a newspaper of general circulation in the City of Warrenton metropolitan area in encouraging meaningful competition.

Any advertisement for a public improvement contract with an estimated cost over \$125,000 must be published at least once in a trade newspaper of general statewide circulation, such as the Daily Journal of Commerce.

### **3.28.130 Authority to electronically advertise solicitation for goods and services.**

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

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

### **3.28.140 Appeal of debarment or prequalification decision.**

A. Right to Hearing. Any person who has been debarred from competing for City of Warrenton contracts or for whom prequalification has been denied, revoked, or revised may appeal the City’s decision to the Warrenton City Commission as provided in this section.

B. Filing of Appeal. The person must file a written notice of appeal with the City’s Purchasing Manager within three business days after the prospective contractor’s receipt of notice of the determination of debarment, or denial of prequalification.

C. Notification of Warrenton City Commission. Immediately upon receipt of such notice of appeal, the Purchasing Manager shall notify the Warrenton City Commission of the appeal.

D. Hearing. The procedure for appeal from a debarment or denial, revocation or revision of prequalification shall be as follows:

1. Promptly upon receipt of notice of appeal, the City of Warrenton shall notify the appellant of the time and place of the hearing;
2. The Warrenton City Commission shall conduct the hearing and decide the appeal within 30 days after receiving notice of the appeal from the Purchasing Manager; and



3. At the hearing, the Warrenton City Commission shall consider de novo the notice of debarment, or the notice of denial, revocation or revision of prequalification, the standards of responsibility upon which the decision on prequalification was based, or the reasons listed for debarment, and any evidence provided by the parties.

E. Decision. The Warrenton City Commission shall set forth in writing the reasons for the decision.

F. Costs. The Warrenton City Commission may allocate the Commission's costs for the hearing between the appellant and the City of Warrenton. The allocation shall be based upon facts found by the City Commission and stated in the Warrenton City Commission's decision that, in the Commission's opinion, such allocation of costs. If the City of Warrenton does not allocate costs, the costs shall be paid as by the appellant, if the decision is upheld, or by the City, if the decision is overturned.

G. Judicial Review. The decision of the Warrenton City Commission may be reviewed only upon a petition in the circuit court of Clatsop County filed within 15 days after the date of the Warrenton City Commission's decision. (Ord. 1076-A § 13, 2005)

### **3.28.150 Notice of Intent to award certain contracts.**

A. At least seven days before the award of a public contract solicited under any invitation to bid or request for proposals, the City will post or provide to each bidder or proposer notice of the City's intent to award a contract.

B. If stated in the solicitation document, the City may post this notice electronically or through non-electronic means and require the bidder or proposer to determine the status of the City's intent.

C. As an alternative, the City may provide written notice to each bidder or proposer of the City's intent to award a contract. This written notice may be provided electronically or through non-electronic means.

D. The City may give less than seven days' notice of its intent to award a contract if the City determines in writing that seven days is impracticable.

E. This section does not apply to any goods or service contract, public improvement contract or class of public improvement or goods or services contracts exempted from competitive bidding requirements.

F. A protest of the City's intent to award a contract may only be filed in accordance with OAR 137-047-0740, OAR 137-048-0240, or OAR 137-049-0450, as applicable. Protests to the City's intent to award a personal service contract under Section 3.28.070 may only be filed in accordance with OAR 137-047-0740.

**Section 2.** Effective Date. This Ordinance shall be effective on the 30th day following its passage.

First Reading:  
Second Reading:

ADOPTED by the City Commission of the City of Warrenton, Oregon this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Henry A. Balensifer III, Mayor

Attest: \_\_\_\_\_  
Dawne Shaw, CMC, City Recorder



# City Commission Agenda Memo

Meeting Date: October 22, 2024  
 From: Esther Moberg, City Manager  
 Subject: 11<sup>th</sup> Street Sewer Line Orenco/3PO Temporary Ownership

## Summary:

Orenco/3PO systems has requested the possibility of keeping the 11<sup>th</sup> street sewer line as a private for 3-4 years after completion. They would like to use the infrastructure as part of their capital investments.

Typically, upon completion of a public improvement by a private entity, once it has been tested and approved it becomes public infrastructure. The City may want to consider this if it benefits the City to keep a “warranty” or standard of care that at the end of the 3-4 years the sewer line is tested and any issues or needed improvements must be completed before the sewer line is turned over to the City as public infrastructure. If the commission chooses this option, the commission may want to put a moratorium during that time on any new connections to the sewer line other than those for the Fort Point development since any development fees may be collected by Orenco. The assumption is that Orenco would use this infrastructure as capital against the costs for the new homes built in the Fort Point Development should the City Commission choose to go this route.

Approved by City Manager: \_\_\_\_\_