

CITY COUNCIL MEETING AGENDA

June 27, 2024

7:00 PM

Central Point City Hall, Council Chambers

140 S 3rd St, Central Point, OR

www.centralpointoregon.gov



10. Meeting Called to Order

20. Pledge of Allegiance

30. Roll Call

40. Public Comments

The City Council sets aside 20 minutes for in-person public comments on non-agenda items. Comments are limited to two minutes per individual, 5 minutes per group or organization. Please complete a public comment form before speaking.

The City Council encourages written comments. Please submit your comments by regular mail to City Council, 140 S Third St, or by email to meetings@centralpointoregon.gov. Comments must be received by noon on the date of the meeting to be noted in the record. Please include the date of the Council meeting with your comments.

50. Consent Agenda

- A. Approval of June 13, 2024, Meeting Minutes.
- B. Planning Commission Appointment

60. Items Removed from the Consent Agenda

70. Public Hearing

Public comments will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

For land use matters and other quasi-judicial appeals: Comments are limited to a total of 30 minutes for applicants and/or their representatives. They may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All other participants are limited to 4 minutes.

For matters that are legislative or administrative and are not quasi-judicial: Comments are limited to 4 minutes per individual, group or organization.

Please complete a public comment form before speaking.

- A. Resolution Receiving State Revenue Sharing Funds for Fiscal Year July 1, 2024 through June 30, 2025
Steve Weber, Finance Director

80. Ordinances and Resolutions

- A. Ordinance Changing Council Meeting Times
Chris Clayton, City Manager
- B. Ordinance Adding Chapter 4.02 - Limited Liability for Use of Trails and Unimproved Right-of-Way
Sydney Dreyer, City Attorney
- C. Resolution Certifying the Provision of Municipal Services
Steve Weber, Finance Director
- D. Resolution to levy taxes for the fiscal year July 1, 2024 through June 30, 2025
Steve Weber, Finance Director
- E. Resolution Approving Appointments and Adopting General Procedures for Fiscal Year 2024-2025
Steve Weber, Finance Director

90. Business

- A. Signs in Public Spaces for Pet Heat Warnings
Matt Samitore, Parks and Public Works Director

100. Mayor's Report

110. City Manager's Report

120. Council Reports

130. Department Reports

140. Executive Session - ORS 192.660(2) (f) to consider information or records that are exempt from disclosure by law, including written advice from your attorney.

The City Council will adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

150. Adjournment

CITY COUNCIL MEETING MINUTES

June 13, 2024

7:00 PM

Central Point City Hall, Council Chambers

140 S 3rd St, Central Point, OR

www.centralpointoregon.gov



1 Meeting Called to Order

The meeting was called to order at 7:00 PM by Mayor Hank Williams

2 Pledge of Allegiance

3 Roll Call

The following members were present: Ward IV Tanea Browning, Mayor Hank Williams, At Large Michael Parsons, Ward I Neil Olsen, Ward II Kelley Johnson, Ward III Melody Thueson, At Large Rob Hernandez

The following staff were also present: City Manager Chris Clayton, City Attorney Sydnee Dreyer, Parks and Public Works Director Matt Samitore, Police Chief Scott Logue and City Recorder Rachel Neuenschwander

4 Public Comments

5 Consent Agenda

Motion: Approve

Moved By: Tanea Browning

Seconded by: Rob Hernandez

Roll Call: Members Tanea Browning, Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Melody Thueson voted yes. None voted no.

A. Approval of May 9, 2024, Meeting Minutes

B. Arts Commission Appointment

C. Juneteenth Proclamation

Motion: Approve

Moved By: Taneea Browning **Seconded by:** Rob Hernandez

Roll Call: Members Taneea Browning, Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Melody Thueson voted yes. None voted no.

6 Items Removed from the Consent Agenda

7 Ordinances and Resolutions

A. Ordinance Adding Chapter 4.02 - Limited Liability for Use of Trails and Unimproved Right-of-Way

City Attorney Sydnee Dreyer presented to the Council the first reading of an Ordinance Adding Chapter 4.02 Limited Liability for Use of Trails and Unimproved Right-of-Way. Adoption of the Ordinance would extend the liability protection of ORS 105.668 to the use of city-owned public trails and easements for non-motorized activities such as walking, biking, and hiking.

Michael Parsons moved to forward the Ordinance Amending Title 4 of the Central Point Municipal Code to Create a New Chapter 4.02 Limited Liability Arising from Use of Trails and /or Structures in Public Easements and Unimproved Right-of-Way under ORS 105.668 to a second reading.

Motion: Approve

Moved By: Michael Parsons **Seconded by:** Rob Hernandez

Roll Call: Members Taneea Browning, Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Melody Thueson voted yes. None voted no.

B. Ordinance Changing Council Meeting Times

City Attorney Sydnee Dreyer presented to the Council an Ordinance

changing council meeting times from 7:00 PM to 6:00 PM. If the Council approves, the change would take place at the first meeting in August.

Melody Thueson moved to forward the Ordinance Amending in Part CPMC Chapter 2.04.010 Regarding Time of Council Meetings to a second reading.

Motion: Approve

Moved By: Melody Thueson **Seconded by:** Tanea Browning

Roll Call: Members Tanea Browning, Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Melody Thueson voted yes. None voted no.

C. Resolution Updating Public Records Policy

City Attorney Sydnee Dreyer presented to the council a Resolution Updating Public Records Policy. The City last updated the procedures in 2022. However, the purpose of the proposed policy is to provide a more detailed policy on how to request and process public records requests, update fees for such work and update the public records request form which contained outdated references to the Oregon statutes, and outdated fees.

Tanea Browning moved to approve Resolution No. 1786 a Resolution Approving and Adopting Public Records Request Policy Effective June 13, 2024.

Motion: Approve

Moved By: Tanea Browning **Seconded by:** Michael Parsons

Roll Call: Members Tanea Browning, Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Melody Thueson voted yes. None voted no.

D. Resolution Approving Community Center Lease

City Manager Chris Clayton presented to the Council the Community Center Lease agreement. The City and County have been involved in ongoing negotiations for a long-term intergovernmental lease of the future Multi-Use Pandemic Response Center located at 1 Peninger Drive for the City's use as a community center. Under the negotiated terms, the City's share of the cost to design, engineer and construct

the multi-use building would be amortized over a 35-year term, paid at 4.5% interest, with such payments constituting base rent.

Mr. Clayton spoke to council regarding what was presented at the Urban Renewal Budget Meeting: the projected revenues that would be received from property taxes with the development of two larger pieces of property in the UR District being developed. The city has since learned that the Cowcreek Property is in the process of being put into a trust, which would mean they would not be paying property taxes. The city will be working with a third party attorney that specializes in working with tribal law in coming up with a solution.

City Attorney Sydnee Dreyer spoke to the council regarding the presented lease agreement. The version of the lease that was in the packet has had a few minor changes and the updated copy was distributed at the meeting. If the council approves the lease tonight, the county will take it to the board on June 26. If council does not pass this tonight, then it won't go to the board of commissioners until July 11th.

Council and staff discussed the pros and cons of the agreement and how this will benefit the citizens of the City of Central Point, and agreed that moving forward was the best option.

Michael Parsons moved to approve Resolution No. 1787 a Resolution Approving that Intergovernmental Lease Agreement with Jackson County for Community Center and Authorizing City Manager to Execute Same giving staff permission to continue negotiating section 5.1 determining the timing of the rent payments.

Motion: Approved

Moved By: Michael Parsons **Seconded by:** Tanea Browning

Roll Call: Members Tanea Browning, Hank Williams, Rob Hernandez, Michael Parsons, Kelley Johnson, Neil Olsen, Melody Thueson voted yes. None voted no.

8 Business

9 Mayor's Report

Mayor Williams reported that:

- He attended the DARE Graduation Ceremony's
- He purchased a My Hero My Tree.
- He attended the Rodeo.
- He has save the date cards for the Mayor's United with Access.

10 City Manager's Report

City Manager Chris Clayton reported that:

- Little League field work is well on the way.
- Monday he will be here for the study session, but he will spend most of the day participating in interviews for an IT Director for Jackson County.
- The Employee Safety Fair was this week. It was well attended.
- The City received the new worker comp bill from SAIF with an increase of approximately \$3000.
- At the next City Council meeting there will be a supplemental budget as we are nearing the ending of the fiscal year.

11 Council Reports

Council Member Melody Thueson reported that:

- She attended the Rodeo.
- Her class had just finished with their pen pals at the Central Point Retirement community and Twin Creeks Retirement.
- She has taken a position at Hanby Middle School teaching 8th Grade Science.
- She will be on vacation and will miss the next two meetings.
- She attended the Made In Southern Oregon Event.

Council Member Mike Parsons reported that:

- He attended the Made in Southern Oregon Event.
- He attended the Rogue Valley Sewer Service Board of Directors meeting.
- He attended the Central Point Parks and Recreation Foundation meeting.
- He attended the DARE Graduations at Central Point Elementary, Jewett, and Mae Richardson.

- He attended the Jackson County Public Safety Coordinating Council meeting.
- He attended the Jackson County Fire District 3 Civil Service Commission meeting where they certified the Promotion Roster.
- He attended and assisted at the DARE days event at Bohert Park.
- He attended the study session.

Council Member Rob Hernandez reported that:

- He attended the dedication of the Scenic Park to Harvey Tonn.
- He attended the District 6 bond oversight meeting.
- He attended the council study session on the community center.

Council Member Kelley Johnson reported that:

- She attended the RVCOG Meeting.
- She attended the study session on June 3rd.

Council Member Tanea Browning reported that:

- She attended the Scenic Park dedication.
- She attended the Medford Chamber Forum.
- She attended the Made in Southern Oregon.
- She attended an Downtown Medford event, something in the streets.
- She attended the Jackson County Ride with Leaders. The route was from Twin Creeks to Hwy 99, Dean Creek to Bear Creek, Scenic and back to Twin Creeks.
- She attended the RVTD Charrette about additional route options.
- She attended the Bear Creek Master Plan meeting to discuss updated plan proposals.
- She attended DARE Graduation at Jewett, and Central Point Elementary. She was traveling during Mae Richardson's event.
- She attended DARE Days with all three schools and agreed to be "featured" in the dunk tank next year.
- She attended the study session.
- She attended a bird watch walk last weekend with Jackson County Library on the Greenway.
- She attended the Medford Chamber Forum.

- She attended a BCRI project priority setting workshop.

Council Member Neil Olsen reported that he attended the Jackson County ride with the leaders bike ride.

12 Department Reports

Police Chief Scott Logue reported that:

- The Detectives have been busy detectives there was a homicide last Saturday. There has not been an arrest made at this time.
- There was an armed robbery at Walgreens on Sunday night. The detectives have been busy working on leads.
- The department has a full staff, one is attending training, and two have put in their notices relocating to be closer to family.

Parks and Public Works Director Matt Samitore reported that:

- Little League demo has been completed on the field that was on the wrong property. Things are moving rapidly.
- They will be swapping funds for North 10th Street project.
- He attended two meetings today at RVCOCG.
- The safe routes to school project will be kicking off in August.
- They will be applying for a joint grant for fire prevention on the Greenway focusing on a section at the Expo that has not been cleaned out between Upton and Pine St.
- They have also been asked to apply for the Pedestrian Bridge.
- They had a Pre-Application meeting with Par Lumber, and a Pre-Application with Grocery Outlet.
- The medical center in Central Point East will most likely start construction this fall.
- The Amazon facility is planning on opening July 15th.

13 Executive Session

14 Adjournment

Neil Olsen moved to adjourn, all said aye and the meeting was adjourned at 8:22 PM.

The foregoing minutes of the June 13, 2024, Council meeting were approved by the City Council at its meeting of _____, 2024.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Administration

MEETING DATE: June 27, 2024

STAFF CONTACT: Rachel Neuenschwander, City Recorder

SUBJECT: Planning Commission Appointment

SUMMARY AND BACKGROUND:

Recently, the Planning Commission had a resignation submitted leaving one vacant to be filled. Planning Director Stephanie Powers reached out to Citizens Advisory Committee (CAC) member Royce Chambers regarding filling the vacancy due to his interest in serving on the Planning Commission and commitment to attending Planning Commission meetings since his appointment to CAC. Ms. Powers would like the council to appoint Mr. Chambers to the Planning Commission to fill the vacancy.

ATTACHMENTS/EXHIBITS:

1. Chambers, Royce

City of Central Point, Oregon
140 S 3rd Street, Central Point, OR 97502
541.664.3321 Fax 541.664.6384
www.centralpointoregon.gov



Administration Department
Chris Clayton, City Manager
Rachel Neuenschwander, City Recorder
Elizabeth Simas, Human Resource Director

**APPLICATION FOR APPOINTMENT TO
CITY OF CENTRAL POINT COMMITTEE**

Name: Royce Chambers Date: June 13 2024

Address: [Redacted]

Home Phone: [Redacted] Business Phone: [Redacted] Cell Phone: [Redacted]

Fax: [Redacted] E-mail: [Redacted]

Are you a registered voter with the State of Oregon? Yes ☒ No ☐

Are you a city resident? Yes ☒ No ☐ If Yes, How long: 5 years

Which committee(s) would you like to be appointed to: *(Please make sure the dates below work with your schedule before applying. Council and Planning Commission members are required to file an Annual Statement of Economic Interest to the State of Oregon.)*

Meeting Dates (All meeting dates are subject to change or additions, times vary for each committee):

- ☐ Budget Committee: Meetings vary in April Bi-Annually
- ☐ Citizens Advisory Committee: 2nd Tuesday of quarterly
- ☒ Planning Commission: 1st Tuesday of each month
- ☐ Parks and Recreation Committee/Foundation: Meeting dates vary

Employment, professional, and volunteer background:

Retired San Jose Fire Department
Royce Chambers Realty

Community affiliations and activities:

HOA Board of Directors - Sunnyvale, CA
HOA Board of Directors - Central Point - SONA

Previous City appointments, offices, or activities:

Citizens Advisory Commission

To provide additional background for the Mayor and City Council, please answer the following questions.

1. Please explain why you are interested in the appointment and what you would offer to the community.

I want to live in a safe and well-planned community and I'm willing to work to achieve those goals. My fire department and HOA Board experiences have contributed to my heightened awareness of safety and regulatory parameters.

2. Please describe what you believe are the major concerns of the City residents and businesses that this committee should be concerned about.

1. Schools
2. Police protection
3. Housing and homelessness
4. Expansion/annexation
5. Streets and congestion

3. Please provide any additional information or comments which you believe will assist the City Council in considering your application.

Beside being on the CAC, I try to attend all Planning Commission meetings and City Council meetings.

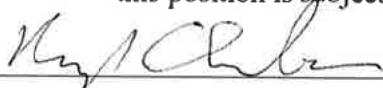
4. Do you anticipate that any conflicts of interest will arise if you are appointed; and if so, how would you handle them?

NO

Please feel free to use additional sheet if you have more information to help the Council make a final decision.

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any council, advisory committee, board or commission I may be appointed to. All information/documentation related to service for this position is subject to public record disclosure.

Signature: _____



Date: June 14, 2024



DEPARTMENT: Finance

MEETING DATE: June 27, 2024

STAFF CONTACT: Steve Weber, Finance Director

SUBJECT: Resolution Receiving State Revenue Sharing Funds for Fiscal Year July 1, 2024 through June 30, 2025

SUMMARY AND BACKGROUND:

Although the City adopted a biennial budget at the June 8, 2023 certain Oregon statutes and Local Budget Law require annual certifications.

- ORS 221.770 requires cities to annually pass an ordinance or resolution requesting state revenue sharing money. The law mandates public hearings be held by the city, certification of these hearings is required;

FINANCIAL ANALYSIS:

For the 2024-25 fiscal year the corresponding revenues for each of the resolutions are budgeted as follows:

- \$243,210 in state revenue sharing funds

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

ATTACHMENTS/EXHIBITS:

1. Resolution 2024 State Revenue Sharing (1)

STAFF RECOMMENDATION:

Hold a public hearing to receive public comments and/or questions for the use of state revenue sharing funds. Approve resolution as presented.

RECOMMENDED MOTION:

- I move to approve Resolution No. _____ a resolution electing to receive state revenue sharing funds for the fiscal year July 1, 2024 through June 30, 2025.

RESOLUTION NO. _____

A RESOLUTION ELECTING TO RECEIVE STATE REVENUE SHARING FUNDS FOR FISCAL YEAR JULY 1, 2024 THROUGH JUNE 30, 2025

Recitals:

The State of Oregon sets forth requirements for eligibility of State Revenue Sharing funds. The City of Central Point has qualified and desires to receive such funds.

Therefore, the City of Central Point resolves as follows:

Section 1. The City hereby elects to receive distribution under ORS 221.770 of the State Revenue Sharing funds.

Section 2. The City hereby certifies as follows:

- A. The City held a public hearing before the Budget Committee on April 24, 2023 at which time citizens had the opportunity to provide written and oral comment to the Budget Committee on the possible uses of State Revenue Sharing funds.
- B. The City held a second public hearing before the City Council on June 27, 2024, at which time citizens had the opportunity to provide written and oral comment and ask questions of the City Council on the proposed use of State Revenue Sharing funds for the biennial budget period of July 1, 2024 through June 30, 2025.
- C. The City levied a property tax for the year proceeding the year in which State Revenue Sharing funds are sought hereunder and pursuant to ORS 471.810.

Section 3. A copy of this resolution shall be filed with the executive department of the State of Oregon prior to July 31, 2024.

Passed by the Council and signed by me in authentication of its passage this 27th day of June 2024.

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Administration

MEETING DATE: June 27, 2024

STAFF CONTACT: Chris Clayton, City Manager

SUBJECT: Ordinance Changing Council Meeting Times

SUMMARY AND BACKGROUND:

Staff proposed modifying the start time for Council meetings from 7:00p.m. to 6:00p.m. which Council indicated it would support. The proposed change would allow the Council and staff to complete regular meetings at an earlier time, and in the event of lengthy agendas, provide additional time to consider the matters before the Council. Additionally, this enables the community to view the meetings in person or virtually at a time that is potentially more convenient, particularly for those with young children. Such a change requires a revision to the Central Point Municipal Code as the code specifies the time, day and place for Council meetings.

The Council considered the Ordinance on June 13, 2027 and made a motion to forward the Ordinance to a second reading.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

If approved, The change would go into effect 30-days following the second reading. The first meeting that would be subject to the new start time would be the first meeting in August.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

GOAL 2 - Promote community and city government through volunteerism.

STRATEGY 2 – Utilize practical communication approaches to reach and engage as many community members as possible. Adapt approaches as preferences in the community change.

STRATEGY 2 – Promote volunteer opportunities regularly. Maintain a database of volunteers and their interests to further this objective.

STRATEGY 4 – Continue to embrace volunteerism, including the Central Point Police VIPS Program.

GOAL 3 - Keep the community informed about growth and what officials are doing to manage it.

STRATEGY 1 – Regularly post-growth statistics, planning boundary adjustments, public works project information on-line, and in newsletters.

STRATEGY 2 – Invite residents and businesses to participate in city planning processes.

ATTACHMENTS/EXHIBITS:

1. ORD - Amending Ch 2.04.010 Council Meetings

STAFF RECOMMENDATION:

No recommendation.

RECOMMENDED MOTION:

I move to approve Ordinance No. _____ an Ordinance Amending in Part CPMC Chapter 2.04.010 Regarding Time of Council Meetings.

ORDINANCE NO. _____

AN ORDINANCE AMENDING IN PART CPMC CHAPTER 2.04.010 REGARDING TIME OF COUNCIL MEETINGS

FINDINGS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. CPMC Chapter 2.04.010 states that Council meetings shall regularly begin at seven p.m. Council desires to amend the provisions to begin such meetings at six p.m. in lieu thereof.
- C. The proposed amendment would change the regular start time for Council meetings.
- D. Words ~~lined through~~ are to be deleted and words **in bold** are added.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. CPMC 2.04.010 is amended in part as follows:

2.04.010 Time, day and place held.

The city council shall regularly meet beginning at ~~seven~~ **six** p.m. on the second and fourth Thursdays of each month at the Central Point City Hall, except on holidays prescribed by the laws of the state of Oregon, in which event the council shall meet on the next Thursday following the holiday. Council meetings shall conclude prior to ten p.m. unless:

- A. Extended for one additional hour by a two-thirds vote of council members present, but in no event shall a regular meeting extend beyond eleven p.m.; however, a majority of council members may, at a meeting called to review and render a decision on a significant land use public hearing, make a motion to extend the meeting past the eleven p.m. adjournment.
- B. Adjourned to a later time, date and place certain by majority vote of the council, in which event the adjourned meeting shall be considered to be the concluding portion of the regularly scheduled council meeting.

Special meetings may be held as prescribed or permitted by Charter, law, ordinance, rule or resolution.

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C)

need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____ 2024.

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Administration

MEETING DATE: June 27, 2024

STAFF CONTACT: Sydnee Dreyer, City Attorney

SUBJECT: Ordinance Adding Chapter 4.02 - Limited Liability for Use of Trails and Unimproved Right-of-Way

SUMMARY AND BACKGROUND:

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

ORS 105.668 immunity extends automatically to:

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

Cities with populations fewer than 500,000 residents may choose to opt into ORS 105.668 and the same immunity will apply. Because Central Point has fewer than 500,000 residents, Council must choose to opt into ORS 105.668 immunity. This can be done by resolution or ordinance. Staff recommends that Council opt into ORS 105.668 via ordinance so that the Council's action becomes part of the Central Point Municipal Code.

The City owns and maintains a system of public trails and easements for public non-motorized activities such as walking, biking and hiking. Adoption of the Ordinance would extend the liability protection of ORS 105.668 to the use of these trails and easements.

The Council considered this Ordinance on June 13, 2024 and made a motion to forward the ordinance to a second reading.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

Opting into ORS 105.668 immunity is recommended because the immunity provided by ORS 105.668 is broader than the recreational immunity already extended to the City through ORS 105.682. ORS 105.668 provides immunity for negligence claims arising out of personal injuries or property damage resulting from any use, so long as the use is of a trail or structure located on or in an unimproved right of way or easement. Whereas, the protection for landowners under ORS 105.682 is limited to recreational use of that land.

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

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

ORS 105.668 only grants immunity for personal injuries or property damage arising from negligence, not from all causes of action. Therefore, the City and the other entities could still be held liable for some personal injury or property damage claims, such as claims arising from intentional acts or activities for which a person is strictly liable.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

GOAL 2 - Create opportunities for all segments of the population to enjoy Central Point places and events.

STRATEGY 1 – Continue to provide high-quality events that are historically recognized in the City of Central Point. When considering the addition of new events, staff and council should be thoughtful of existing partnerships, and prioritize quality over quantity.

STRATEGY 2 – Community events should be planned to enhance the family-friendly, safe, and small-town quality of life that is valued in Central Point. These events should also celebrate the unique cultural elements of our community.

STRATEGY 3 – Event programming should target a truly generational and varied audience that provides a welcoming atmosphere to all segments of the Central Point population.

STRATEGY 1 – Plan events to accommodate and welcome people of all socio-economic status and ability levels. (In other words, disabilities and hardship should not prevent our citizens from enjoying these events. All are welcome).

STRATEGY 2 – Plan park designs with forethought for accommodating all populations and needs. Ensure equitable access to safe and attractive parks and facilities that meet community needs. Offer high-quality recreation programs to all age groups, varied interests, and neighborhoods. Culture is defined in the dictionary as the customs, arts, social institutions, and achievements of a particular social group or people, in this case, the Central Point Community.

ATTACHMENTS/EXHIBITS:

1. ORD - Adding Ch 4 Recreational Immunity

STAFF RECOMMENDATION:

Make a motion to approve the Ordinance.

RECOMMENDED MOTION:

I move to approve Ordinance No. _____ an Ordinance Amending Title 4 of the Central Point Municipal Code to Create a New Chapter 4.02 Limited Liability Arising from Use of Trails and /or Structures in Public Easements and Unimproved Right-of-Way under ORS 105.668.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 4 OF THE CENTRAL POINT MUNICIPAL CODE TO
CREATE A NEW CHAPTER 4.02, LIMITED LIABILITY ARISING FROM USE OF TRAILS
AND/OR STRUCTURES IN PUBLIC EASEMENTS AND UNIMPROVED RIGHT-OF-WAY
UNDER ORS 105.668**

FINDINGS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. ORS 105.668(2) limits certain claims and causes of action against a city, adjacent property owner(s) and certain nonprofit groups and their volunteers that arise from recreational use of trails or structures in public easements and/or unimproved right-of-way.
- C. ORS 105.668(3) authorizes cities with populations less than 500,000 to adopt such limitation of liability by ordinance or resolution.
- D. The City owns, operates and maintains a system of public trails and easements for public non-motorized activities such as walking, biking and hiking.
- E. The City Council finds that the City's trails and structures are an important public amenity, and that the public's use of such trails or structures is important for the health and enjoyment of the community, and that such use should be encouraged.
- F. The City finds that adopting the limitation of liability in ORS 105.668(2) will provide the City, adjacent property owners, and nonprofit groups with such protection and will encourage the public's continued use of trails and structures in Central Point's public easements and unimproved rights of way.
- G. Words ~~lined through~~ are to be deleted and words **in bold** are added.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Title 4 of the Central Point Municipal Code is hereby amended to add Chapter 4.02 entitled "Immunity from Liability Limited from Private Claims Resulting from Use of Trails in Public Easements or Unimproved Right-of-Way" as provided in the attached Exhibit A.

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C)

need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this 27th day of June 2024.

Mayor Hank Williams

ATTEST:

City Recorder

EXHIBIT A

4.02 Immunity from Liability Limited from Private Claims Resulting from Use of Trails in Public Easements or Unimproved Right-of-Way

4.02.010 Purpose

The city council has determined it is in the public interest to opt into the immunities from liability for public use of trails or structures in public easements/right-of-way that is available to cities under ORS 105.668.

4.02.020 Definitions.

As used in this chapter, the following definitions apply:

A. Public easement means a platted or dedicated easement for public access that is accessible by a user on foot, horseback, bicycle or other similar conveyance, but does not include a platted or dedicated public access easement over private streets.

B. Structures means improvements in a trail, including, but not limited to, stairs and bridges, that are accessible by a user on foot, horseback, bicycle or other nonmotorized vehicle or conveyance.

C. Trail means a travel way for pedestrians and bicycles that is separate from automobiles, and includes a multi-use path or multi-use trail, and includes the Greenway, but does not include a bike lane, shoulder bikeway, or shared roadway.

D. Unimproved right-of-way means a platted or dedicated public right-of-way over which a street, road or highway has not been constructed to the standards and specifications of the City with jurisdiction over the public right-of-way and for which the City has not expressly accepted responsibility for maintenance.

4.02.030. Liability Limited.

A. A personal injury or property damage resulting from use of a trail that is in a public easement or an unimproved right-of-way, or from use of structures in a public easement or unimproved right-of-way, by a user on foot, on a horse, on a bicycle or other nonmotorized vehicle or conveyance does not give rise to a private claim or right of action based on negligence against:

1. The City of Central Point;

2. The City of Central Point's officers, employees or agents to the extent the officers, employees or agents are entitled to defense and indemnification under ORS [30.285](#);

3. The owner of land abutting the public easement or unimproved right-of-way; or

4. A nonprofit corporation and its volunteers for the construction and maintenance of the trail or the structures in a public easement or unimproved right-of-way.

B. The immunity granted by this section from a private claim or right of action based on negligence does not grant immunity from liability:

1. Except as provided in subsection A(2) of this section, to a person that receives compensation for providing assistance, services or advice in relation to conduct that leads to a personal injury or property damage;

2. For personal injury or property damage resulting from gross negligence or from reckless, wanton or intentional misconduct; or

3. For an activity for which a person is strictly liable without regard to fault.



DEPARTMENT: Finance

MEETING DATE: June 27, 2024

STAFF CONTACT: Steve Weber, Finance Director

SUBJECT: Resolution Certifying the Provision of Municipal Services

SUMMARY AND BACKGROUND:

Although the City adopted a biennial budget at the June 8, 2023, certain Oregon statutes and Local Budget Law require annual certifications.

- ORS 221.760 provides that cities located within a county having more than 100,000 inhabitants must provide four or more municipal services to be eligible to receive state shared revenues (cigarette, liquor and highway taxes);

FINANCIAL ANALYSIS:

For the 2024-25 fiscal year the corresponding revenues for each of the resolutions are budgeted as follows:

- \$1.96 million in cigarette, liquor and highway taxes

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

ATTACHMENTS/EXHIBITS:

1. Resolution 2024 Certifying Services (1)

STAFF RECOMMENDATION:

Make a motion to approve resolution as presented.

RECOMMENDED MOTION:

- I move to approve Resolution No. _____ a resolution certifying the provision of municipal services by the City of Central Point, Oregon.

RESOLUTION NO. _____

**A RESOLUTION CERTIFYING THE PROVISION OF MUNICIPAL
SERVICES BY THE CITY OF CENTRAL POINT, OREGON**

Recitals:

ORS 221.760 provides that for cities located within counties having population over 100,000 to receive state revenues from cigarette, gas and liquor taxes, the State of Oregon must be satisfied that the City provides certain municipal services.

Therefore, the City of Central Point resolves as follows:

Section 1. That the citizens of Central Point are provided the following services;

- Police protection
- Street construction, maintenance and lighting
- Storm sewers
- Planning, zoning and subdivision control
- Water utilities

*Passed by the Council and signed by me in authentication of its passage this 27th
Day of June 2024.*

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Finance

MEETING DATE: June 27, 2024

STAFF CONTACT: Steve Weber, Finance Director

SUBJECT: Resolution to levy taxes for the fiscal year July 1, 2024 through June 30, 2025

SUMMARY AND BACKGROUND:

Although the City adopted a biennial budget at the June 8, 2023 certain Oregon statutes and Local Budget Law require annual certifications.

- ORS 294.456 requires cities, in part, to declare the ad valorem property tax amount or rate to be certified to the assessor for either the ensuing year or each of the years of the ensuing budget period and to itemize and categorize the ad valorem property tax amount or rate as required under ORS 310.060.

FINANCIAL ANALYSIS:

For the 2024-25 fiscal year the corresponding revenues for each of the resolutions are budgeted as follows:

- \$7.034 million in property taxes

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

ATTACHMENTS/EXHIBITS:

1. 2024 Levy Taxes

STAFF RECOMMENDATION:

Approve resolution as presented.

RECOMMENDED MOTION:

I move to approve Resolution No. _____ a resolution to levy taxes for the fiscal year July 1, 2024 through June 30, 2025.

RESOLUTION NO. _____

**A RESOLUTION TO LEVY TAXES FOR THE FISCAL YEAR
JULY 1, 2024 THROUGH JUNE 30, 2025**

RECITALS:

- A. Oregon statute (ORS 294.326) requires municipalities to prepare and adopt a financial plan (budget) containing estimates of revenues and expenditures in compliance with Oregon budget laws prior to making expenditures or tax certification.
- B. The City of Central Point changed from an annual to a biennial budget cycle in June, 2015; therefore this coming fiscal year 2024/25 is the second period of the 2023/25 biennial budget.
- C. A public hearing was duly held by the City Council of Central Point, Oregon on June 8, 2023 and the biennial budget was adopted in the amount of \$58,278,075.

The City of Central Point resolves as follows:

To levy taxes for the second period of the biennial budget beginning fiscal year July 1, 2024 and ending June 30, 2025.

Section 1.

As authorized by law and the Charter of the City of Central Point, Oregon, there is hereby levied upon the taxable property of said city as shown on the tax rolls of Jackson County, Oregon, for the fiscal period July 1, 2024 through June 30, 2025, the rate of \$4.47 per \$1,000 of assessed valuation for general government purposes, as follows:

<u>General Government</u>	<u>Subject to</u>	<u>Not Subject to</u>	
<u>ASSESSED LEVY</u>	<u>Measure 5 Limits</u>	<u>Measure 5 Limits</u>	<u>Total</u>
	\$4.47		\$4.47

Section 2.

The Finance Director is hereby directed to certify to the Assessor of Jackson County, Oregon, the levy of taxes of the City of Central Point, Oregon, and to take all other steps with regard to said budget and levy as required by law.

***Passed by the Council and signed by me in authentication of its passage this 27th
Day of June, 2024.***

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Finance

MEETING DATE: June 27, 2024

STAFF CONTACT: Steve Weber, Finance Director

SUBJECT: Resolution Approving Appointments and Adopting General Procedures for Fiscal Year 2024-2025

SUMMARY AND BACKGROUND:

Each fiscal year, the City Council considers a general procedures resolution which appoints specific individuals or firms to represent the City in the capacity of: City Engineer, City Surveyor, Municipal Judge and Insurance Agent of Record. Furthermore, the general procedures resolution establishes and regulates procedures regarding the following: council expenses; designation of depository; authority to keep, invest, transfer and expend funds; accounting principles; Interfund and overhead fees; outstanding checks; capital acquisition; summons, complaints, and tort claims.

The only changes in the attached general procedures resolution over the previous fiscal year is Municipal Judge Joe Charter who was re-appointed as Justice of the Peace by Governor Tina Kotek effective January 5, 2024 and the listing of Neathamer Surveying, Inc. as the City Surveyor.

FINANCIAL ANALYSIS:

Budgetary appropriations for the contracted services referenced in the 2024-25 general procedures resolution are included in the 2023-25 City of Central Point biennial budget. More specifically, these costs are generally contained in individual department line items for contracted and professional services. The only exception would be the budget appropriation for insurance premiums, which has an individual line item in the interdepartmental portion of the General Fund budget.

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

ATTACHMENTS/EXHIBITS:

1. General Procedures Resolution 2024-2025 (1)

STAFF RECOMMENDATION:

Approve resolution as presented.

RECOMMENDED MOTION:

I move to approve resolution ____ a Resolution approving appointments and adopting general procedures for fiscal year 2024-25.

RESOLUTION NO. _____

**A RESOLUTION APPROVING APPOINTMENTS AND ADOPTING GENERAL
PROCEDURES
FOR FISCAL YEAR 2024-2025**

RECITALS:

- A. The Central Point City Council deems it appropriate to authorize certain appointments and procedures relating to City administration, budget, and fiscal management for fiscal year 2024-2025.

The City of Central Point resolves as follows:

For the fiscal year 2024-2025, the following appointments are hereby made; the following policies and procedures are imposed, and the same are hereby adopted:

Section 1. Appointments.

- A. Insurance Agent of Record. Brown & Brown Northwest is hereby appointed to continue as Insurance Agent of Record for the City for property, general liability, vehicle liability, workers compensation and bond insurance through June of 2025.
- B. Municipal Judge. Jackson County Justice of the Peace, Joe Charter, is hereby appointed as Municipal Court Judge under the terms of the intergovernmental agreement between the City of Central Point and Jackson County through June 2025.
- C. City Engineer. Jeff Ballard with RH2 Engineering Inc. is hereby appointed as City Engineer of the City of Central Point under the terms of the contract through June 2025.
- D. City Surveyor. Bob Neathamer with Neathamer Surveying, Inc. is hereby appointed as City Surveyor of the City of Central Point under the terms of the contract through June 2025.

Section 2. Council Expenses.

City Council members may elect to receive compensation of \$150 per month, and the Mayor may elect to receive compensation of \$250 per month. In addition to said compensation, reimbursement may also be made to the Mayor or Council members for actual expenses incurred while on official City business.

Section 3. Designation of Depository.

Any Central Point branch of an FDIC insured bank, the State of Oregon Local Government Investment Pool, and all successors in interest to those institutions are each hereby designated as depositories for City funds, and the Finance Director or designee may deposit monies belonging to the City in any or all of said institutions in accordance with applicable law until further order of the City Council.

Section 4. Authority to Keep, Invest, Transfer and Expend Funds

- A. The Finance Director or designee is hereby authorized to invest any surplus funds in accordance with ORS 294.035 and ORS 294.810, in such investments as are authorized by said statutes, and to transfer funds from one account to another.
- B. The Finance Director or designee is hereby authorized to establish a petty cash fund with a balance not to exceed \$2,000. The fund may be used to maintain cash drawer change funds and provide for miscellaneous expenditures not to exceed \$100 per transaction; except that upon approval of the City Manager or the Finance Director a maximum expenditure of \$200 per transaction may be made.
- C. The City Manager or designee is authorized to expend funds in accordance with budget appropriations. All revenues received and expenditures incurred by the City in implementing the budget appropriations shall be reported to the Council. Such reports will normally be made on a quarterly basis.

Section 5. Accounting Principles.

The City shall maintain its financial records in accordance with current generally accepted accounting principles, and all applicable laws and regulations.

Section 6. Interfund and Overhead Fees.

Expenditures incurred by one fund for the benefit of another fund may be reimbursed in accordance with acceptable accounting procedures as determined by the Finance Director.

Section 7. Outstanding Checks.

Outstanding checks stale dated will be handled in accordance with the abandoned property provisions under ORS 98.352.

Section 8. Capital Acquisition.

Assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of two years shall be capitalized.

Passed by the Council and signed by me in authentication of its passage this 27th day of June, 2024.

Mayor Hank Williams

ATTEST:

City Recorder



DEPARTMENT: Public Works **MEETING DATE:** June 27, 2024

STAFF CONTACT: Matt Samitore, Parks and Public Works Director

SUBJECT: Signs in Public Spaces for Pet Heat Warnings

SUMMARY AND BACKGROUND:

During the summer, pavement temperatures can rise significantly, posing a risk to pets' paws. To mitigate this risk, a Community Member, Debbie Saxbury, would like to deploy "Hot Pavement" signs, which provide temperature comparisons and warnings to pet owners. The signs are informational in nature, and they inform owners about how hot the asphalt gets during the warmer parts of the year. The signs would be displayed within private parking lots, which are allowed under a temporary special event provision. Debbie has also asked that these be allowed within the downtown district and a few public parks, specifically Twin Creeks and Don Jones.

Public Works has a few concerns. Per the sign code, these signs are not allowed for everyday use within the public right-of-way and limited in terms of the number of signs and location on private property based on the zoning district. Public Works does not support having these signs within the Bulb Out areas as requested. They can be used as part of special events, such as the 4th of July and Made in Southern Oregon. If signs were to be placed in Public Parks, City staff would prefer that the signage be located in those areas of a park in which all signage/notices are posted, be of a consistent type of signage as other city park notices/signs, and that City staff place the signs. Additionally staff has concerns that the City should not be liable to purchase the signs, replace the signs, and/or repair any damage to a sign.

Here is the requested information from Debbie Saxbury:

"COUNCIL MEMBERS,

Along with the Lions club and the Central Point community we received enough funds to purchase (12) 24x36" 2 sided A Frame metal framed signage. WE would appreciate the support of the city in helping us find locations in the Central Point area and downtown Central Point in locations that will be highly visible and keeping them safe from tripping hazards. I am thinking most likely in some of the bulb out areas that receive the most visibility and pedestrian use. We are hoping for at least 3 if at all possible on Pine Street. We have some private locations off Pine that have given their ok and placement. The Lions Club will be distributing them and picking them up at the end of the summer months so we can use the following year.. WE also have volunteers who are hanging up on approved business locations 11x17 posters that mimic our A Frame signage. I will be notifying the media and hoping to get coverage on this CENTRAL POINT COMMUNITY PROJECT and hope other Communities will

follow. If you could get back to Debbie Saxbury ASAP so we can get these up as soon as you give us the OK in our downtown Area would be appreciative.

Locations that are approved by private business so far.

- . Grange is doing their own campaign on the same subject
- . The Pilot Center
- . Rays Food Place
- . Marys Barbecue "

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

If the Council determines that it would be in the public interest to warn pet owners of the dangers of heat to pets, the City should consider making its own signs for posting on public property in order to avoid potential first amendment issues as to why one group's request for a sign is granted, and another group's request is not, as the city's determination on these issues must be content-neutral.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

GOAL 2 - Be a place city filled with happy, healthy people who are thriving.

STRATEGY 1 – Develop and maintain positive partnerships with public and private entities

and the community to understand community needs, and leverage resources to develop and

deliver opportunities for personal, professional, and/or vocational development.

(Recreation

Programs, Maker Space, Artisan Corridor, Volunteerism, Community Events, etc.)

(Nurturing

individuals skills and personal growth is an essential element to Central Point's future.

While this

is an organic process that must be desired by individuals in the population, the City can make

investments that consider and further the goal of providing an environment that is supportive of this objective).

ATTACHMENTS/EXHIBITS:

1. hot pavement

STAFF RECOMMENDATION:

Staff Recommends placement of the signs during special events only and does not recommend having them within the bulb-out areas.

RECOMMENDED MOTION:

A motion to approve heat signs for use in the public parks and for City Events such as Made in Southern Oregon and 4th of July.



HOT PAVEMENT

AIR TEMP

77°

86°

87°

ASPHALT TEMP

125°

135°

143°

If it's too hot for YOUR bare feet,
then it's too hot for THEIR paws!



CONDITIONS CAN CHANGE QUICKLY
(Do not leave your pet in the car!)