

Agenda

Shady Cove Regular City Council Meeting

Shady Cove City Council Chamber
22451 Highway 62, Shady Cove, Oregon
Thursday, August 21, 2014
6:00 p.m.

I. Call to Order

- A. Roll call
- B. Pledge of Allegiance
- C. Announcements by Presiding Officer

- 1. This meeting is being digitally recorded.
- 2. The next Planning Commission meeting will be held on August 28 at 6:30 p.m. in the City Council Chamber.
- 3. The next meeting of the City Council will be on September 4 at 6:00 p.m. in the City Council Chamber.

II. Public Comment

The public may comment on agenda items as they come up for discussion, but before deliberation by the Council.

III. Presentation

None

IV. Consent Calendar

- A. Accounts Payable, \$42,663.18 (pg. 4)
- B. Regular Meeting Minutes of August 4, 2014 (pg. 5-7)

V. Written Communications

None

VI. Staff Reports

City Administrator – Budget Summary

Floodplain Manager – Annual FEMA Report

VII. Unfinished Business

- A. Mayor Anderson's Response to Charges Leveled by Councilor Hughes at the August 7 Council Meeting, at Which Mayor Anderson Was Not Present

VIII. Public Hearing

- A. Public Hearing to Consider Proposed Amendments to the City of Shady Cove Code of Ordinances Sign Regulations.

Open Public Hearing.

A Public Hearing to accept public testimony regarding proposed amendments to Sections 154.350 through 154.362 of the Shady Cove Code of Ordinances to resolve internal inconsistencies in the text and address court decisions regarding content neutrality.

Applicant: The City of Shady Cove. Planning File Number: SR 14-01.

1. Read Public Hearing Opening Statement.
2. If you would like to speak before the Commission, please sign the sheet on the table.
3. Jurisdiction Question.
4. Conflict of Interest.
5. Staff Comments. (Converse)
6. Proponent's Testimony/Commission Questions.
7. Opponent's Testimony/Commission Questions.
8. Final Staff Comments.
9. Close/Continue Hearing.
10. Deliberations/Discussion/Decision

IX. New Business

- A. First Reading of Ordinance 268 – Establishing Shady Cove Municipal Code Chapter 116 – Marijuana and Marijuana-Infused Product Tax (pg. 8-16)
- B. Resolution 14-19 – Ratifying the General Services Collective Bargaining Agreement and Authorizing the Mayor to Sign the Agreement (pg. 17)
- C. FEMA Region X – Debby Jermain Training (pg. 18-19)

X. Public Comment on Non-Agenda Items

Public must state name and address and standing to discuss issue. Issues must have city-wide impact and not be personal issues.

XI. Council Comments

XII. Adjournment

**City of Shady Cove
Unpaid Bills Report
August 8, 2014 to August 18, 2014**

<u>Payee</u>	<u>Amount</u>	<u>Description</u>
AmericanWest Bank Cardmember Svcs.	\$3,203.05	Radio Station/Training/Recording
Anderson, Tom	\$440.16	Expense Reimbursement
Brewster, Richard	\$275.00	2nd Quarter
Canon Solutions	\$151.19	Copies
Christian, David	\$180.00	Radio Programming
DEQ	\$37,220.00	SRF Loan & Water Quality Annual Permit
FCSG	\$542.50	SDC Study
ICMA	\$480.00	Dues
Napa	\$79.00	Vehicle Maintenance
URI	\$92.28	Public Hearing Notice
Total:	\$42,663.18	

City of Shady Cove
City Council Regular Meeting Minutes
Thursday, August 7, 2014

CALL TO ORDER

Council President Hughes called the Regular City Council Meeting to order at 6:02 p.m. in the City Council Chamber.

Council Present: Council President Hughes, Councilor Hayes, Councilor Ulrich and Councilor Sanderson. Absent: Mayor Anderson

Staff Present: Aaron Prunty, City Administrator and Debby Jermain, Planning Secretary

ANNOUNCEMENTS

Council President Hughes led the audience in the flag salute and made the announcements on the agenda.

PUBLIC COMMENT

None.

CONSENT CALENDAR

Revised Accounts Payable, \$26,873.76
Regular Meeting Minutes of July 17, 2014

Councilors requested and received answers on various expenses.

Motion to Approve the Consent Calendar.

Motion: Councilor Sanderson Second: Councilor Ulrich
All ayes. Motion carried 4-0

WRITTEN COMMUNICATIONS

Council President Hughes mentioned two letters in opposition of Vacation Rentals not read into the record at last council meeting.

STAFF REPORTS

City Administrator Prunty advised the council that staff is gearing up for the annual audit, scheduled for August 18, and has been interviewing for the administrative assistant position whose hire date to be September 2 after the audit.

UNFINISHED BUSINESS

A. Discussion – Ordinance Imposing a Tax on Marijuana Sales

Staff advised council that there is a proposed measure that will be on the ballot this November regarding recreational marijuana. In that proposed language is a prohibition for cities to set a tax on marijuana sales. What other cities are doing to preempt this is to get something on the record by proposing and passing an ordinance to create a tax.

Aaron Mitchell, from the audience, addressed the council and supports a tax and encouraged the Council to reconsider the Medical Marijuana Moratorium sooner than the moratorium date of May 1, 2015.

Council directed staff to draft a marijuana tax ordinance.

NEW BUSINESS

A. OLCC Special Event Permit – Miguel’s

OLCC request is in conjunction with Shady Kate’s Tie Days Special event on August 23 and 24 to serve beer. Staff advised the council that a designated area would be provided and anyone purchasing alcohol would wear a wrist band.

Motion to Grant the OLCC Application for Temporary Use of an Annual License Submitted by Miguel Castro for August 23rd and 24th.

Motion: Councilor Ulrich Second: Councilor Sanderson
All ayes. Motion carried 4-0

B. OLCC Special Event Permit – La Brasseur.

OLCC request is in conjunction with Shady Kate’s Tie Days Special event on August 23 and 24 to serve wine.

Motion to Grant the OLCC Special Event Winery License Application Submitted by Fred La Brasseur for August 23rd and 24th.

Motion: Councilor Sanderson Second: Councilor Hayes
All ayes. Motion carried 4-0

C. OLCC License Renewals.

Staff advised OLCC license renewals may not have come before Council in the past and could have been an administrative decision.

Motion to Recommend Renewal of the OLCC Licenses as Provided by OLCC.

Motion: Councilor Sanderson Second: Councilor Ulrich
All ayes. Motion carried 4-0

D. Letter of Intent

The council met on July 31, 2014 for an executive session related to real property transactions. A letter of intent was presented and reviewed. Although an executive session is not a public meeting, a formal acceptance or declination of that letter was made.

Motion to Decline the Letter of Intent Reviewed in Executive Session on July 31, 2014.

Motion: Councilor Hayes Second: Councilor Ulrich
All ayes. Motion carried 4-0

PUBLIC COMMENT ON NON-AGENDA ITEMS

None.

COUNCIL COMMENTS

Council President Hughes read into the record a memo stating his concern with the discussion and priority of what dirt streets need to be paved in the city. Council discussed revisiting the issue of the priority of streets to be paved, specifically taking another look at Hudspeth.

ADJOURNMENT

There being no further business before the council, Council President Hughes adjourned the regular meeting at 6:37 p.m.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Ulrich _____
Councilor Hayes _____
Councilor Hughes _____
Councilor Sanderson _____

City of Shady Cove

Ordinance No. 268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE,
OREGON ESTABLISHING SHADY COVE MUNICIPAL CODE CHAPTER
116 – MARIJUANA AND MARIJUANA-INFUSED PRODUCT TAX

Recitals:

A. Section 4 of the City of Shady Cove Charter provides:

Powers of the City. The city has all powers that the constitutions, statutes, and common law of the United States and of the state now or hereafter expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

B. The City desires to tax the sale or transfer of marijuana and marijuana-infused products within the City.

The council of the City of Shady Cove ordains as follows:

SECTION 1. The following language is hereby designated as a new Chapter 116, and added to Title XI: Business Regulations of the Shady Cove Municipal Code:

CHAPTER 116 MARIJUANA AND MARIJUANA INFUSED PRODUCT TAX

Sections:

- 116.010 Purpose
- 116.020 Definitions
- 116.030 Levy of Tax
- 116.040 Deductions
- 116.050 Seller Responsible for Payment of Tax
- 116.060 Penalties and Interest
- 116.070 Failure to Report and Remit Tax – Determination of Tax
- 116.080 Appeal
- 116.090 Refunds
- 116.100 Actions to Collect
- 116.110 Confidentiality
- 116.120 Audit of Books, Records or Persons
- 116.130 Penalties
- 116.140 Forms and Regulations

116.010 Purpose.

For the purposes of this Chapter, every person who sells marijuana, medical marijuana or marijuana-infused products in the City of Shady Cove is exercising a taxable privilege. The purpose of this Chapter is to impose a tax upon the retail sale of marijuana, medical marijuana, and marijuana-infused products.

116.020 Definitions.

When not clearly otherwise indicated by the context, the following words and phrases as used in this chapter shall have the following meanings:

1. "City Administrator" means the City Administrator of the City of Shady Cove or his/her designee.
2. "Gross Taxable Sales" means the total amount received in money, credits, property or other consideration from sales of marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this chapter.
3. "Marijuana" means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
4. "Marijuana Infused Products" means products infused with usable marijuana that is intended for use, ingestion or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.
5. "Medical use of marijuana" means the production, possession, delivery, distribution or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of the person's debilitating medical condition.
6. "Oregon Medical Marijuana Program" means the office within the Oregon Health Authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, ORS 475.300 through 475.346, and all policies and procedures pertaining thereto.
7. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.
8. "Purchase or Sale" means the acquisition or furnishing for consideration by any person of marijuana or marijuana infused products within the City.
9. "Purchaser" means any person who acquires marijuana from a seller for any valuable consideration.
10. "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

11. “Retail sale” means the transfer of goods or services in exchange for any valuable consideration.

12. “Seller” means any person who is required to be licensed or registered or has been licensed or registered by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.

13. “Tax” means either the tax payable by the purchaser or the aggregate amount of taxes a seller is required to remit during the period for which the seller is required to report collections under this chapter.

14. “Taxpayer” means any person obligated to account to the City Administrator for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

116.030 Levy of Tax.

A. There is hereby levied and shall be paid a tax by every purchaser exercising the taxable privilege of purchasing marijuana and marijuana-infused products as defined in this chapter.

B. The amount of tax levied is as follows:

1) Five percent (5%) of the gross sale amount paid to the seller by a registry identification cardholder.

2) Ten percent (10%) of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not purchasing marijuana under the Oregon Medical Marijuana Program.

C. The purchaser shall pay the tax to the seller at the time of the purchase or sale of marijuana.

116.040 Deductions.

The following deductions shall be allowed against sales received by the seller providing marijuana:

A. Refunds of sales actually returned to any purchaser;

B. Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller.

116.050 Seller Responsible For Payment Of Tax.

A. Every seller shall, on or before the fifteenth (15th) day of each month make a report to the City Administrator, on forms provided by the City, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. A report shall not be considered filed until it is actually received by the City Administrator.

B. At the time the report is filed, the full amount of the tax collected by the seller shall be remitted to the City Administrator.

C. Payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the

payment is exhausted. If the City Administrator, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the City Administrator may order such a change. The City Administrator may establish shorter reporting periods for any seller if the City Administrator deems it necessary in order to ensure collection of the tax. The City Administrator also may require additional information in the report relevant to payment of the liability. When a shorter reporting period is required, penalties and interest shall be computed according to the shorter reporting period. Reports and payments are due immediately upon cessation of business for any reason. All taxes collected by sellers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the City Administrator. A separate trust bank account is not required in order to comply with this provision.

D. For good cause, the City Administrator may extend the time for filing a report or paying the tax for not more than one month. Further extension may be granted only by the city council. A seller to whom an extension is granted shall pay interest at the rate of one percent per month on the amount of tax due, without proration for a fraction of a month. If a report is not filed and if the tax and interest due are not paid by the end of the extension granted, the interest shall become a part of the tax for computation of penalties prescribed in Section 116.060.

E. Every seller required to remit the tax imposed in this chapter shall be entitled to retain five percent (5%) of all taxes due to defray the costs of bookkeeping and remittance.

F. Every seller must keep and preserve in an accounting format established by the City Administrator records of all sales made by the seller and such other books or accounts as may be required by the City Administrator. Every seller must keep and preserve for a period of three (3) years all such books, invoices and other records. The City Administrator shall have the right to inspect all such records upon request.

116.060 Penalties And Interest.

A. Any seller who fails to remit any portion of any tax imposed by this chapter within the time required shall pay a penalty of ten percent (10%) of the amount of the tax.

B. Any seller who fails to remit any delinquent remittance on or before a period of 60 days following the date on which the remittance first became delinquent, shall pay an additional delinquency penalty of fifteen percent (15%) of the amount of the tax in addition to the amount of the tax and the penalty first imposed.

C. If the City Administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs A and B of this section.

D. In addition to the penalties imposed, any seller who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first

became delinquent until paid.

E. Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.

F. A seller who fails to remit the tax within the required time may petition the city council for waiver and refund of the penalty or a portion of it. The council may, if good cause is shown, direct a refund of the penalty or a portion of it. Any such hearing will be conducted under the procedures described in section 116.080.

116.070 Failure To Report and Remit Tax –Determination of Tax by City Administrator.

If any seller should fail to make, within the time provided in this chapter, any report of the tax required by this chapter or if the City Administrator questions the accuracy of a report, the City Administrator shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the City Administrator shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any seller, the City Administrator shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this chapter. In case such determination is made, the City Administrator shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may appeal such determination as provided in section 116.080. If no appeal is filed, the City Administrator's determination is final and the amount thereby is immediately due and payable.

116.080 Appeal.

A. Any seller aggrieved by any decision of the City Administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing a notice of appeal with the City Administrator within fifteen (15) days of mailing of the notice of the City Administrator's decision. The City Administrator shall fix a time and place for hearing the appeal, as prescribed by the city council, and shall give the appellant fifteen days written notice of the time and place of the hearing before the city council.

B. The appellant shall pay a nonrefundable appeal fee to facilitate the appeal. Appeal fees shall be set at \$150 for each decision appealed, and may be adjusted by Resolution of the city council.

C. The parties shall be entitled to appear personally and by counsel and to present such facts, evidence and arguments as may tend to support the respective positions on appeal.

D. The city council shall afford the parties an opportunity to be heard at an appeal hearing after reasonable notice. The city council shall take such action upon the appeal it sees fit.

1) The city council shall hear and consider any records and evidence presented bearing upon the City Administrator's determination of amount due, and make findings affirming, reversing or modifying the determination.

2) Informal disposition may be made of any appeal by stipulation, agreed settlement, consent order or default.

E. The action of the City Administrator shall be stayed pending the outcome of an appeal properly filed pursuant to this section.

F. Failure to strictly comply with the applicable appeal requirements, including but not limited to the required elements for the written notice of appeal, time for filing of the notice of appeal, and payment of the applicable appeal fee, shall constitute jurisdictional defects resulting in the summary dismissal of the appeal.

G. The findings of the city council shall be final and conclusive, and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due by the City Council shall be immediately due and payable upon the service of notice.

116.090. Refunds.

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded as provided in subparagraph B of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the City Administrator within one year of the date of payment. The claim shall be on forms furnished by the City Administrator.

1. The City Administrator shall have 20 calendar days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The City Administrator shall notify the claimant in writing of the City Administrator's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the City Administrator to be a valid claim, in a manner prescribed by the City Administrator a seller may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The claimant shall notify the City Administrator of claimant's choice no later than 15 days following the date City Administrator mailed the determination. In the event claimant has not notified the City Administrator of claimant's choice within the 15 day period and the seller is still in business, a credit will be granted against claimant's tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to the seller at the address provided in the claim form.

2. No refund shall be paid under the provisions of this section unless the claimant established the right to a refund by written records showing entitlement to such refund and the City Administrator has acknowledged the validity of the claim.

116.100 Actions to Collect.

Any tax required to be paid by any seller under the provisions of this chapter shall be deemed a debt owed by the seller to the City. Any such tax collected by a seller which has not been

paid to the City shall be deemed a debt owed by the seller to the City. Within three years after the tax becomes payable or within three years after a determination becomes final, the City may bring an action in the name of the city in the courts of this state, another state or the United States to collect the tax owing as well as penalties and interest. In lieu of filing an action for the recovery, the City, when taxes due are more than 30 days delinquent, may submit any outstanding tax to a collection agency. So long as the City has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees.

116.110 Confidentiality.

Except as otherwise required by law, the City shall endeavor not to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall prohibit:

- A. The disclosure of general statistics in a form which would not reveal an individual seller's financial information; or
- B. Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City Administrator or an appeal from the City Administrator for amount due the City under this chapter; or
- C. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or
- D. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six months or the tax exceeds five thousand dollars (\$5,000). The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

116.120 Audit of Books, Records or Persons.

A. It shall be the duty of every seller liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years and six months, all records, books, reports, income tax reports and other matters required by this chapter as may be necessary to determine the amount of such tax as the seller may have been liable for the collection of and payment to the City, which records the City Administrator shall have the right to inspect at all reasonable times as set forth below. Every seller shall maintain records of marijuana purchase and sales, accounting books and records of income. Sellers must, at a minimum, maintain a cash receipt and deposit journal, and a cash disbursements journal/check register for all authorized deductions. These records and books shall reconcile to the tax reports and be auditable. If the City Administrator finds the books and records of the seller are deficient in that they do not provide adequate support for tax reports filed, or the seller's accounting system is not auditable, it shall be the responsibility of the seller to improve its accounting system to the satisfaction of the City Administrator.

B. The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax reports. All books, invoices, accounts and other records shall be made available within the City limits and be available at any time during regular business hours for examination by the City Administrator or an authorized agent of the City Administrator. If any seller refuses to voluntarily furnish any of the foregoing information when requested, the City Administrator may immediately seek a subpoena from the Jackson County Circuit Court to require that the seller or a representative of the seller attend a hearing or produce any such books, accounts and records for examination.

116.130 Penalties.

A. It is unlawful for any seller or any other person so required to fail or refuse to furnish any report required to be made, or fail or refuse to furnish a supplementary report or other data required by the City Administrator or to enter a false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this chapter.

B. Violation of any provision of this chapter of this code shall be punishable by the general penalty. Every day in which the violation is caused or permitted to exist constitutes a separate infraction, and the punishment therefor shall be in addition to any other penalty, interest, sum or charge imposed by this code or this chapter. Delinquent taxes and fees, penalty and interest imposed by this chapter and this code may be collected in a civil action.

C. The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

116.140 Forms And Regulations.

A. The City Administrator is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of reports, the ascertainment, assessment and collection of said marijuana sales tax and in particular and without limiting the general language of this chapter, to provide for:

- 1) A form of report on sales and purchases to be supplied to all sellers;
- 2) The records which sellers providing marijuana and marijuana-infused products are to keep concerning the tax imposed by this chapter.

SECTION 2. Severability. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3. Savings. Notwithstanding any amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain

valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

SECTION 4. 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. Sections 2-4) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

Passed by the Council and signed by me in authentication of its passage this ___ day of September, 2014.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council vote:

Mayor Anderson _____
Councilor Hughes _____
Councilor Hayes _____
Councilor Ulrich _____
Councilor Sanderson _____

Resolution No. 14-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHADY COVE, OREGON
RATIFYING THE 2014-2015 COLLECTIVE BARGAINING AGREEMENT AND
AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT

Whereas, the City recognizes the right of public employees to organize; and

Whereas, ORS 243 "Collective Bargaining" defines and outlines the policies involved in collective bargaining between public entities and public employees; and

Whereas, the collective bargaining agreement expired June 30, 2014;

Now, therefore, be it resolved by the City Council of the City of Shady Cove, Oregon, as follows:

The 2014-2015 Collective Bargaining Agreement between the City of Shady Cove and Teamsters 223, as attached, is hereby ratified and adopted, and the Mayor is authorized to sign the agreement.

Adopted by the Shady Cove City Council this 21st day of August, 2014.

Approved:

Attest:

Tom Anderson
Mayor

Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson _____
Councilor Hughes _____
Councilor Hayes _____
Councilor Ulrich _____
Councilor Sanderson _____



City Council Agenda Item Summary City of Shady Cove, Oregon

Meeting Date: August 21, 2014

Prepared By: Aaron Prunty, City Administrator

Agenda Title: Approval to Attend the FEMA L273: Managing Floodplain Development through the National Flood Insurance Program

Attachment List: Course Description

Issue Before the Council: Shall the City Council approve Debby Jermain to attend the FEMA L273 Course in Eugene, Oregon?

Key Facts and Information Summary: Article 26 of the Union contract requires Council approval prior to attending classes, lectures, conferences or conventions.

Other Alternatives Considered: The Council may choose not to approve the training request.

Fiscal Notes: FEMA Region X has offered to provide this training free of charge; however, there are additional expenses including lodging, meals and travel costs. It is expected this training will be approximately \$630.00. The training budget for fiscal year 2014/2015 is \$16,000 in the General Fund.

Goals/Policies: N/A.

Staff Recommendation: Staff recommends approval of this request.

Proposed Motion: **"I MOVE TO APPROVE THE REQUEST FOR DEBBY JERMAIN TO ATTEND THE FEMA L273 COURSE IN EUGENE, OREGON."**



MEMO

To: Aaron Prunty, City Administrator
From: Debby Jermain
Date: 08/08/14
Subject: FEMA Training September 8-11, 2014

Costs to attend FEMA Course L273 in Eugene, Oregon:

Lodging at Best Western four nights:
(92.12 + 10.5% tax) X 4 \$407.16

Per Diem for meals:
Continental breakfast provided at hotel
Lunch 8th – 11th / 4 X \$13.00 \$ 52.00
Dinner 8th – 11th / 4 X \$21.00 \$ 84.00

Total meals: \$136.00

Fuel (approx.): \$85.00

TOTAL COST \$628.16