



TOLEDO CITY COUNCIL  
**Work Session**  
June 24, 2020

**Virtual Meeting:** The City Council will hold the meeting through the Zoom video meeting platform. The public is invited to attend the meeting electronically. E-mail [lisa.figueroa@cityoftoledo.org](mailto:lisa.figueroa@cityoftoledo.org) to receive the meeting login information.

**Public Comments:** The City Council may take limited verbal comments during the meeting. Written comments may be submitted by email to [lisa.figueroa@cityoftoledo.org](mailto:lisa.figueroa@cityoftoledo.org) 3:00 p.m. the day of the meeting to be included in the record. Comments received will be shared with the City Council and included in the record.

1. **Call to Order and ascertain quorum**
2. **Presentations**  
Oregon Film Trail – Toledo Chamber of Commerce  
Payne West Insurance –
3. **Visitors/Public Comment**
4. **Consent Agenda**  
Minutes from the meeting held August 7, 2019
5. **Discussion and Decision Items**
  - Chamber of Commerce request to extend the use of Memorial Field through the end of August for the Waterfront Market
  - Resolution No. 1442, authorizing the expenditure of funds from the City Council Strategic Reserve Fund to make small business loans available to businesses in Toledo
  - Approve purchase of a Street Sweeper as included in CIP budget for fiscal 2020-2021
  - Wholesale Utility Rates discussion
  - Annual consideration of the Street Lighting Utility Fee
  - Agent of Record for general insurance and workers compensation insurance for the City of Toledo
  - Accept Lincoln County Board of Commissioners Order #6-20-168; limiting the size of social gatherings
  - **\*Resolution No. 1448; A resolution determining a dangerous condition exists at 109-115 SE 1st ST. Toledo, or 97391 and orders an abatement of the property**
6. **Reports and Comments**
7. **Adjournment**

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**TOLEDO CITY COUNCIL  
EXECUTIVE SESSION**

August 7, 2019

6:00 p.m.

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**1. EXECUTIVE SESSION**

12 Mayor Cross called the Executive Session to order at 6:02 p.m. and read the declaration of  
13 Executive Session under the provisions of ORS 192.660(2)(d) To conduct deliberations with  
14 persons designated by the governing body to carry on labor negotiations.

15 Representatives of the news media and designated staff shall be allowed to attend the executive  
16 session. All other members of the audience are asked to leave the room. Representatives of the  
news media are specifically directed not to report on any of the deliberations except to state the  
general subject of the session as previously announced. No final decisions may be made in  
Executive Session.

Present	Absent	
<u>  X  </u>	<u>      </u>	<u>Mayor Rod Cross</u>
<u>  X  </u>	<u>      </u>	<u>Council President Joshua Smith</u>
<u>  X  </u>	<u>      </u>	<u>Councilor Jackie Kauffman</u>
<u>  X  </u>	<u>      </u>	<u>Councilor Heather Jukich</u>
<u>  X  </u>	<u>      </u>	<u>Councilor Bill Dalbey</u>
<u>  X  </u>	<u>      </u>	<u>Councilor Stu Strom</u>
<u>  X  </u>	<u>      </u>	<u>Councilor Betty Kamikawa</u>

17  
18 Staff Present: City Attorney (CA) Robinson and City Recorder Figueroa

19  
20 No decisions were made in Executive Session.

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**2. ADJOURNMENT**

23 The Executive Session recessed at 6:53 p.m. and would continue at the appropriate time during  
24 the regular meeting.

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**TOLEDO CITY COUNCIL  
REGULAR MEETING**

August 7, 2019  
7:00 p.m.

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1. **CALL TO ORDER**

Mayor Rod Cross called the meeting to order at 7:00 p.m.

Present	Absent	
<u>X</u>	<u>          </u>	<u>Mayor Rod Cross</u>
<u>X</u>	<u>          </u>	<u>Council President Joshua Smith</u>
<u>X</u>	<u>          </u>	<u>Councilor Jackie Kauffman</u>
<u>X</u>	<u>          </u>	<u>Councilor Heather Jukich</u>
<u>X</u>	<u>          </u>	<u>Councilor Bill Dalbey</u>
<u>X</u>	<u>          </u>	<u>Councilor Stu Strom</u>
<u>X</u>	<u>          </u>	<u>Councilor Betty Kamikawa</u>

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10 Staff present: Finance Director (FD) Judy Richter, City Recorder (CR) Lisa Figueroa, City  
11 Attorney (CA) David Robinson, Police Chief (PC) Mike Pace

12  
13 Visitors present: Jamie Lamb, Faire Holliday, Nicole Fields, Brenda Brown, Polly Chavarria,  
14 Wes Hare, Nancy Bryant

15  
16 2. **VISITORS/PUBLIC COMMENT**

17 There were no comments.

18  
19 3. **CONSENT AGENDA**

20 There were no items for consideration.

21  
22 4. **DISCUSSION AND INFORMATION ITEMS**

23 **Liquor License application, Holy Toledo**

24 CA Robinson provided the Council report. New owner, Jamie Lamb addressed the Council and  
25 indicated she would like to continue the operations of the business.

26  
27 **Motion** - It was moved and seconded (Smith/Jukich) to recommend approval of the Liquor License  
28 application for Holy Toledo Tavern & Spirits and the motion carried unanimously.

29  
30 **Tobacco Retail Licensing presentation**

31 Public Health Lincoln County Deputy Director Nicole Fields and Lincoln County Health  
32 Education Specialist Faire Holliday provided a presentation to the Council in regards to Tobacco  
33 Retail Licensing. Ms. Holliday said tobacco is widely available in Lincoln County with  
34 approximately 48 known retailers. She said the tobacco industry spends more than \$100 million  
35 dollars a year in Oregon. She said an effective way to enforce tobacco laws and reduce youth  
36 access is to require businesses to have a license to sell tobacco products. She indicated Tobacco  
37 Retail Licensing (TRL) would include an annual application and fee, educational resources and  
38 trainings for retailers, site visits [one to two per year] and penalties. She said it may include

1 proximity restrictions to schools, limited number of licenses per capita, and other possible  
2 restrictions. She said it would improve enforcement of tobacco laws and the cost of the license  
3 would equate to \$.12 or less per pack. She said more than 40 states have TRL including four  
4 Oregon Counties; Benton, Klamath, Lane and Multnomah. Ms. Fields explained the process to  
5 implement the TRL in Lincoln County. She said the County would be responsible for enforcement,  
6 not the cities. Mayor Cross noted non-smoking tobacco is a problem as well and commented it  
7 should be included in the licensing as well. The Council asked clarification questions and indicated  
8 they would like to see specific information from the County in regards to the TRL before making  
9 a decision.

## 10 11 **5. DECISION ITEMS**

### 12 **Recruitment process to fill the City Manager position**

13 CA Robinson provided the Council report and indicated staff contacted four recruitment consulting  
14 services in anticipation of recruiting for the City Manager position and noted the proposals staff  
15 received are included in the packet. The Council reviewed the proposals.

16  
17 **Motion** - It was moved and seconded (Smith/Kauffman) to proceed with the City Manager  
18 recruitment process immediately and that it be conducted by a Prothman Consultants and the  
19 motion carried unanimously.

### 20 21 **Municipal Court Judge interviews**

22 CA Robinson reviewed the Council report and indicated the City posted a Request for Proposals  
23 (RFP) for Municipal Court Judge services following the resignation of former Judge Demarest. He  
24 said two proposals were submitted by the interim Judges who have been assisting the City. He  
25 reviewed the process, which includes interviews at this meeting by the City Council. The Council  
26 interviewed both candidates and then deliberated.

27  
28 **Motion** – It was moved and seconded to authorize City Attorney Robinson to negotiate a personal  
29 services contract for Municipal Court Judge services with Heidi Sternhagen and bring back a final  
30 contract and resolution on August 21, 2019 for Council approval and the motion carried five to  
31 two with Council President Smith and Councilor Dalbey opposed.

### 32 33 **Resolution No. 1422, a Resolution calling for an end to the humanitarian crisis at the U.S. 34 Border With Mexico**

35 Councilor Dalbey indicated he requested this item to go before the Council. He said over a year  
36 ago, migrant children were being separated from their parents and the response was dramatic. He  
37 said the government has continued the practice and the situation needs to be resolved. The Council  
38 debated on whether the action should be in the form of a proclamation or resolution and whether  
39 they should get more public feedback.

40  
41 Nancy Bryant, resident, stated the Council should take a vote at this meeting.

42  
43 **Motion** - It was moved and seconded (Smith/Dalbey) to adopt Resolution No. 1422, a resolution  
44 calling for an end to the humanitarian crisis at the U.S. Border with Mexico and it carried five to  
45 one with Councilor Strom opposed and Councilor Jukich abstained.

1 **Resolution No. 1423, a Resolution adopting a salary schedule for Non-Represented Positions**  
2 **for Fiscal Year 2019 – 2020**

3 CA Robinson provided the Council report. He said The City has tried to reflect a provision in Cost  
4 of Living Adjustment for the non-represented City employee wages similar to the represented  
5 employees. He said the 2019-2020 Budget was based upon an estimated 3.0% increase for non-  
6 represented employees.  
7

8 **Motion** – It was moved and seconded (Smith/Jukich) to adopt Resolution No. 1423 adopting  
9 Salary schedules for non-represented positions for fiscal year 2019 – 2020 and it carried  
10 unanimously.  
11

12 The Council recessed for a short break at 9:00 p.m. and reconvened at 9:05 p.m.  
13

14 **Discussion of Council Budgetary Guidelines**

15 Mayor Cross indicated he requested to include this item on the agenda. He wanted Council to  
16 consider budget expectations of staff so they can plan and prepare for the upcoming budget  
17 accordingly. He requested the Council have more discussion about guidelines at a future work  
18 session.  
19

20 **Discussion of potential uses for acreage along East Slope Road**

21 Mayor Cross referenced a map of the area along East Slope Road and indicated in the past, the  
22 City considered developing the area for recreation, walking paths, etc. He said at that time the  
23 Department of State Lands indicated the City could not develop it. He indicated depending on how  
24 it is developed, the area could be used maybe six months out of the year and asked for consideration  
25 to explore the idea again. He said it could be a three to four year process. A consensus of the  
26 Council supported his request.  
27

28 Polly Chavarria, resident, suggested this discussion be considered during the goal setting so that  
29 all projects can be prioritized.  
30

31 There was a consensus of the Council to allow Mayor Cross to see if the City could develop that  
32 area for recreational use.  
33

34 **6. REPORTS AND COMMENTS**

35 FD Richter said staff has moved forward with the 2018-2019 audit even though the 2017-2018  
36 audit is not complete. She said she will update the State on the status of the audit.  
37

38 Councilor Kamikawa provided an update on the community gardens and said she donated more  
39 vegetables to the Toledo Food Pantry.  
40

41 Councilor Kauffman reported on National Night Out and said it was nice to have it at Memorial  
42 Field with more space to spread out.  
43

44 Councilor Jukich requested to include a discussion item in regards to a Town Hall on the next work  
45 session.  
46

1 Mayor Cross said he had an initial discussion with Wes Hare, who expressed interest in serving as  
2 a City Manager Pro Tem. He said he invited him to this meeting to speak with the Council, which  
3 is scheduled for an Executive Session.

4  
5 Officer Dean provided the Police department report. He said there were 28 vendors at National  
6 Night Out, they fed approximately 300 people and had over 20 community volunteers.

7  
8 The Council recessed the Meeting at 9:50 p.m. to enter into Executive Session under ORS  
9 192.660(2)(a) To consider the employment of a public officer, employee, staff member or  
10 individual agent.

11  
12 **RECESS INTO EXECUTIVE SESSION**

13 Mayor Cross called the Executive Session to order at 9:55 p.m. and read the declaration of  
14 Executive Session under the provisions of ORS 192.660(2)(a) To consider the employment of a  
15 public officer, employee, staff member or individual agent. Representatives of the news media and  
16 designated staff shall be allowed to attend the executive session. All other members of the audience  
17 are asked to leave the room.

18  
19 Representatives of the news media are specifically directed not to report on any of the deliberations  
20 except to state the general subject of the session as previously announced. No final decisions may  
21 be made in Executive Session. At the end of the Executive Session, the City Council will reconvene  
22 the Regular Meeting and welcome the audience into the room.

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Present	Absent	
<u>    X    </u>	<u>          </u>	<u>Mayor Rod Cross</u>
<u>    X    </u>	<u>          </u>	<u>Council President Joshua Smith</u>
<u>    X    </u>	<u>          </u>	<u>Councilor Jackie Kauffman</u>
<u>    X    </u>	<u>          </u>	<u>Councilor Heather Jukich</u>
<u>    X    </u>	<u>          </u>	<u>Councilor Bill Dalbey</u>
<u>    X    </u>	<u>          </u>	<u>Councilor Stu Strom</u>
<u>    X    </u>	<u>          </u>	<u>Councilor Betty Kamikawa</u>

25  
26 Staff Present: City Attorney (CA) Robinson, City Recorder Figueroa, Finance Director (FD) Judy  
27 Richter

28  
29 Others Present: Wes Hare

30  
31 No decisions were made in Executive Session.

32  
33 The Executive Session adjourned at 10:38 p.m.

1 **7. RECONVENE REGULAR MEETING**

2 Mayor Cross reconvened the Regular Meeting at 10:38 p.m.

3

4 **Consideration and appointment of a Manager Pro Tem**

5 **Motion** - It was moved and seconded to (Smith/Jukich) to appoint Wes Hare as City Manager Pro  
6 Tem and authorize Mayor Cross to sign the contract and the motion carried unanimously.

7

8 **Resolution No. 1424 Appointing the Finance Director to serve a Purchasing Manager**  
9 **temporarily until a City Manager or Manager Pro Tem is appointed**

10 CA Robinson summarized the Council report. He said staff is making the request in anticipation of  
11 any significant and/or emergency purchases that may be required on a temporary basis until the  
12 position of City Manager has been filled.

13

14 **Motion** – It was moved and seconded (Smith/Dalbey) to serve as the Purchasing Manager  
15 temporarily until a City Manager or Manager Pro Tem is appointed.

16

17 **8. ADJOURNMENT**

18 The meeting adjourned at 10:43 p.m.

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20 ATTEST:

APPROVE:

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24 \_\_\_\_\_  
City Recorder Lisa Figueroa

\_\_\_\_\_   
Mayor Rod Cross

25

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	June 24, 2020	Chamber of Commerce request to extend the use of Memorial Field through the end of August for the Waterfront Market
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Collaborate with existing and potential partners and promote civic participation.	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Recorder L. Figueroa	City Manager Judy Richter	City Manager Judy Richter

**Recommendation:**

Motion to approve the Chamber of Commerce’s request to extend the use of Memorial Field through the end of August for the Waterfront Market.

**Background:**

The City Council considered and authorized a request from the Toledo Chamber of Commerce to use Memorial Field for the Waterfront Market through June. The Chamber has submitted a request to extend the facility use request through the end of August.

The Chamber of Commerce is following COVID-19 guidelines provided by the state and the Oregon Farmers Market Association to ensure the safety of vendors and customers.

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	June 24, 2020	Resolution No. 1442, authorizing the expenditure of funds from the City Council Strategic Reserve Fund to make small business loans available to businesses in Toledo
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Maintain and enhance characteristics that assure Toledo is a good place to be.	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

**Recommendation:**

Motion to approve Resolution 1442 which transfers \$43,430.00 from Capital Outlay within the City Council Strategic Reserve fund to Materials & Services and authorizes payment to Community Lending Works for loans to Toledo Businesses

**Background:**

To help local businesses trying to recover from the effects of the Coronavirus shutdown, several cities within Lincoln County have set up funds for low interest loans. They are working with Community Lending Works to distribute/administer the funds as loans. The terms of the loans are very affordable. Interest is 2%, no payments for six months, interest only months 7-12 and up to 60 months to repay. Part of the program is “right-sizing” the loan amounts to help businesses be successful and monthly check-ins with the business to provide on-going support.

The Council initially discussed this on June 3, 2020. Below are answers to questions that were raised:

1) We actually have \$43,430.00 – if that correction can be made

Yes, we can make that correction.

2) There is language about grants and also loans. I’m guessing the grants language does not apply to us and that our \$\$\$ would be for loans?

Your funding can be made as grants or as loans. Which is the city's preference?

CLW can accommodate both grants and loans, in general, but the current funding from Business Oregon is restricted to grants, and I understand that the match provided by each of the jurisdictions (those with ‘new money’ that hasn’t already been distributed, and other than Toledo) are also intended as grants. So the current launch (outreach, application, and eligibility) is entirely focused around grants. If Toledo prefers your funding to be used for loans, we’d need to have a separate conversation about that.

3) Does CLW keep the interest collected and the principal come back to the City – or how does that work? Especially if we pay the admin fee up front

This is a CLW question--Emily? If we go with loans, we can structure it one of two ways:

1. We do everything start-to-finish, including origination and servicing; in that case, yes, we keep the interest to cover costs of servicing.

2. We only screen/originate on behalf of the City, but the City actually cuts the checks to each business and services the loan long term. In that case, the up-front admin fee covers our origination costs, and the interest goes back to Toledo.

But again, for the current program prepping for launch, it's all grant funds...no servicing and no interest...just one time payments out the door.

4) Does the “two week application window” apply to only the grants?

Emily? We are using the application window and lottery process for both grants and loans – to make sure that all businesses have a fair shot at applying, and not just those who hear first or have the fastest internet. Our general experience right now is that the loans aren't moving as fast, so generally the lottery hasn't been necessary – but it varies a bit by location. As we get further into the crisis, owners are more and more hesitant to take on loans, unless they are actually preparing to reopen.

5) It is my understanding the CLW keeps Toledo's emergency loan “bank” separate and only for Toledo businesses? Am I correct?

Emily? Yes – for both grant funds and loan funds, we isolate each City/County, and run separate application/lottery cycles for each. And we look to the collaboration of jurisdictions to give us instructions on the division of any shared dollars.

Some changes have been made to the Agreement which was originally presented. We have not seen the updated agreement as of the date this report was prepared.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
<b>\$43,430.00</b>	<b>2019-2020</b>	<b>020-200-608100</b>

**Attachment:**

1. Information from Community Lending Works
2. Resolution No. 1442
3. Financial Statement City Council Strategic Reserve Fund



## EMERGENCY BUSINESS LOAN

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*Community LendingWorks is working in partnership with local, state and federal officials to respond to the adverse economic & market conditions created by COVID-19 and the necessary public health measures to combat the virus.*

*This emergency loan is only one small part of the massive social and economic response needed for this crisis. While we recognize the vast additional need, we have to be realistic about the role we can play.*

*The Emergency Business Loan Is Intended To:*

- *Help businesses remain solvent through the crisis and be ready/able to rebuild;*
- *Fill specific cash flow gaps in businesses' larger efforts to scale down, reduce expenses, and take any additional defensive measures to survive the crisis;*
- *Be paired with additional state and federal resources; please explore every option that might help you.*

*The Emergency Business Loan is NOT:*

- *Intended to replace lost business income (we don't have even 0.01% of the money needed for that);*
- *Intended to fund pre-crisis-level operations;*
- *A mechanism to pay wages of staff that the business can no longer financially support;*
- *For use to pay personal expenses such as rent/mortgage on your residence or personal credit cards;*
- *A low cost business loan for industries relatively un-impacted by the crisis.*

*Eligible Businesses:*

- *Those immediately impacted by public health restrictions;*
- *Meet the maximum employee threshold and other criteria defined by the City/County fund to which you are applying (check the CLW website for your local eligibility criteria);*
- *Were generally stable/strong prior to the crisis.*

*Acceptance of this loan includes a commitment to monthly reporting and ongoing technical assistance.*

### Proposed Loan Terms

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- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Loan Amounts Vary by City/County</li> <li>• Interest Rate 2%</li> <li>• Loan Term 60 months</li> <li>• Loan Fee: None</li> <li>• <u>Mandatory</u> monthly business check-in &amp; financial reporting during zero payment period.</li> </ul> | <ul style="list-style-type: none"> <li>• Repayment Schedule:<br/>Months 1-6, payments deferred<br/>Months 7-12, interest-only payments<br/>Months 13-60 principal &amp; interest payments</li> </ul> |
|---|--|

## Initial Required Documents

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- Completed Application
- 2019 Interim Financial Statements
- January 2020 30-Day Interim Financials
- Emergency Plan:
  - Summary of Changes to Business Plan/Model (including how long it's sustainable)
  - Relaunch Plan (if temporarily closing or scaled down)
  - Emergency Operating Budget (include other state/federal grants of loans you plan to apply for)
  - Itemized list of proposed uses of loan funds (including whether 1-time or recurring)
  - Emergency Staffing Plan
  - Marketing Plan (if still operating)
  - How your supply chain is / could be effected by the crisis and your contingency plan

Within a single email, please send initial required documents to: **[emergencycapital@communitylendingworks.org](mailto:emergencycapital@communitylendingworks.org)**

## FAQs - Frequently Asked Questions

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1. Q: Is my business eligible for this loan if our business is operating as usual?  
A: No. This loan is designed to help businesses combat short-term crisis-related adverse conditions.
2. Q: Am I eligible if my business is completely closed due to public health restrictions?  
A: Yes. We understand that businesses may have zero income during this time. We ask that you also explore every possible other measure of support (e.g. forbearance on existing loans, reduction in rent, etc.)
3. Q: What can the loan be used for?  
A: It depends. Each business will have unique needs, so you will need to clearly explain in your emergency plan how the funds will be used and how that will help you through the crisis. It might be covering rent/insurance while your restaurant is closed. It might pay off net 30 invoices from pre-crisis. There are no specific limitations, except that it cannot be used to pay personal expenses. Your application will also be stronger if you are seeking other state/federal aid for which you may be eligible.
4. Q: Are borrowers required to personally guarantee this loan?  
A: Yes.
5. Q: What happens if this crisis extends longer than expected, my contingency plan doesn't work, and I have to close the business permanently?  
A: None of us can predict the duration of extent of this crisis. If your business closes permanently within the next 12 months, we will do our best to work with you on a solution.
6. Q: If I already have a CLW business loan, does this loan release me from my existing loan payments or other financial obligations?  
A: No. Any desire to modify existing loan payments must be requested separately.
7. Q: Do I need collateral for the loan?  
A: No.
8. Q: What happens when/if the loan fund runs out of money?  
A: We expect that this will happen. When it does, we will place applications on a waiting list in date/time order of submission. We are constantly trying to raise more capital, and will contact businesses from the waiting list as funds become available. It helps us to gauge the need and advocate for funds if we have a waiting list, so please submit an application even if you hear that we're temporarily out of funds.
9. Q: Will this loan impact my eligibility for other government assistance?  
A: Not that we know of, and we will follow other assistance programs closely, to monitor the impact of these loans on other programs. Neither CLW nor our City/County funding partners want anything about this product to block other resources, and can adjust this program accordingly.
10. Q: Can I apply for this loan if I don't have a Social Security Number?  
A: Yes. Please provide your Tax Identification Number in the appropriate application field.

**CITY OF TOLEDO  
RESOLUTION NO. 1442**

**A RESOLUTION OF THE TOLEDO CITY COUNCIL AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE CITY COUNCIL STRATEGIC RESERVE FUND TO MAKE SMALL BUSINESS LOANS AVAILABLE TO BUSINESSES IN TOLEDO STRUGGLING TO RECOVER FROM EFFECTS OF COVID-19 PANDEMIC BUSINESS SHUTDOWNS**

**WHEREAS**, the Coronavirus has caused an international pandemic and the State of Oregon, Lincoln County and the City of Toledo have declared a state of emergency. To encourage citizens to “Stay Home, Stay Safe” the Governor put restrictions in place closing many businesses and limited operations of many others. The businesses have suffered severe financial losses as a result; and

**WHEREAS**, the City of Toledo wishes to aid small businesses in having access to loans to help them reopen and recover from this financial loss through the use of \$43,430.00 from the City Council Strategic Reserve Fund ; and

**WHEREAS**, the City of Toledo has joined with Lincoln County and other cities within Lincoln County to make funds available through Community Lending Works.

**NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:**

Section 1.        Make a budget transfer in the City Council Strategic Reserve Fund:  
From: 020-200-628200 Public Improvements        (\$43,430.00)  
To:    020-200-608100 Contract & Other Services    \$43,430.00

Section 2.        To enter into an Intergovernmental Agreement with Lincoln County and other cities within Lincoln County to provides \$43,430.00 to Community Lending Works to establish the Emergency Loan program for the City of Toledo.

Section 3.        This Resolution shall be effective upon passage by the City Council this 24<sup>th</sup> day of June, 2020.

APPROVED:

\_\_\_\_\_  
Mayor Rod Cross

ATTEST:

\_\_\_\_\_  
City Recorder Lisa Figueroa

## AGREEMENT

### Small Business Emergency Loan Fund

This Agreement is made and entered into effective on the date described in paragraph 4. by and between Lincoln County ("County"), City of Toledo ("Toledo"), City of Yachats ("Yachats"), City of Newport ("Newport") and Community LendingWorks ("CLW"), referred to collectively in this Agreement as the "Parties".

### RECITALS

- A. The World Health Organization has declared COVID-19 pandemic a global pandemic. The President of the United States has declared COVID-19 to be a national emergency. The Governor of the State of Oregon had declared COVID-19 a public health emergency.
- B. The orders resulting from these various declarations, the recommended hygiene protocols and limits on the number of individuals that can gather at a single location has had a severe economic impact on small businesses and their employees.
- C. The current restrictions are expected to remain in place for at least the next several weeks.
- D. The Parties believe that relying solely on State and Federal loan programs will not be as impactful as many people assume. Many small businesses across industries will not be around to apply for those programs in the 3-4 weeks it will take to set those up.
- E. Small businesses and their employees need immediate financial assistance to mitigate the effect of the COVID-19 pandemic.
- F. The Parties wish to establish a Small Business Emergency Loan Fund ("Fund") to assist impacted local small businesses in Lincoln County.
- G. This agreement is funded in part (\$120,000) with a grant (forgivable loan) from State of Oregon general funds and lottery funds administered by the Oregon Business Development Department (OBDD) that Lincoln County approved of in a separate document on June 15, 2020. Of this amount, \$40,000 shall be dedicated each to the original applicants to the grant who are parties to this agreement for use within their jurisdictions. Those original applicants are Lincoln County, the City of Newport, and the City of Yachats. Money dedicated to Lincoln County may be allocated anywhere within the county, both in incorporated and unincorporated areas. The parties to this agreement are providing the match money required for the grant.

The Parties therefore agree as follows:

#### **1 Small Business Emergency Loan Fund Structure.**

**1.1** The Fund will be initially capitalized by: the aforementioned \$120,000.00 forgivable loan from the State of Oregon, a \$100,000 grant from Lincoln County, a \$100,000 grant from Newport, a \$100,000 loan fund from Yachats, and a \$43,430.00 grant from Toledo to Community Lending Works. One-hundred percent (100%) of the initial or grants provided by the State of Oregon, Lincoln County, Toledo, Newport and Yachats will be made available to eligible applicants in the form of loans/grants; additional rounds of funding may be invested in CLW as a 0% interest loan; and may be distributed to businesses as Emergency Business Loans.

**1.2** CLW will charge administrative fees as follows:

- 1.2.1 For funds contributed to the Fund as a grant capital and distributed as Emergency Grant to businesses, CLW will charge a 6% administrative fee.
- 1.2.2 For funds contributed to the Fund as either grant or 0% loan capital and distributed as Emergency Loans to businesses, CLW will charge a 4% admin fee and will retain the 2% interest charged on loans as they are repaid.
- 1.2.3 For any Emergency Grants or Emergency Loans originated by CLW on behalf of the County or other Partner, from funds that remain with the County or Partner and are not administered by the Fund, CLW will charge a 6% admin fee.

**1.3** The Parties acknowledge that CLW is the subject matter expert and will own and administer the Fund. Also, CLW will hold both the local funds and the State funds. CLW will provide the County and any additional investors into the Fund with a monthly report on the status of the Fund and its use, as well as a close out report.

**1.4 Eligibility.** Employers with less than 25 Full Time Employees as of the end of the calendar year 2019 are eligible to apply for a loan.

**1.5 Allocation of Funds.** For the first 2 weeks after the funds are made available for businesses, funds will be allocated as follows:

\$140,000 to City of Yachats  
\$140,000 to City of Newport  
\$43,430 to City of Toledo

\$140,000 to the entirety of Lincoln County (including both incorporated and unincorporated areas)

- 1.6 Funds granted from all partners will be allocated for the first two weeks after becoming available to businesses within that City.
- 1.7 The pool or jurisdiction of any business will be determined by the physical address of the business. Businesses with physical locations in more than one location will be considered in more than one pool and funded by 1) a split from both pools or 2) by the pool/jurisdiction with funds remaining.
- 1.8 **Unused Funds.** After 2 weeks of being available according to the allocation outlined in 1.4, remaining capital may be open to all businesses within Lincoln County, regardless of pool or jurisdiction, subject to mutual agreement by the parties. Subsequent investments from any partner will follow the allocation outlined in section 1.4 for a two-week period following release of the new funding, after which they will be available to all Lincoln County businesses, regardless of pool.

## 2 Application Requirements.

- 2.1 The application process will be streamlined and limited to no more than two pages in length.
- 2.2 The applicant must provide 2019 financials and 2020 year to date financials to ensure that funds do not go to businesses that were failing pre-COVID-19. CLW has sole discretion in determining the pre-COVID-19 health of each business. The term “Financials” includes, but is not limited to, profit and loss statements, balance sheet or any other documents that CLW determines is relevant to the loan application process.
- 2.3 The applicant must provide an Emergency Action Plan outlining and explaining, at a minimum, how the applicant would use the emergency funds; other measures already taken to appropriately downsize operations and reduce expenses; and how long the business currently expects to remain ‘in operation’ (even if closed to the public) with the help of the Emergency Grant. CLW has sole discretion to determine the reasonableness of the Emergency Action Plan.
- 2.4 CLW has sole discretion on the final approval or denial of all grants and loans.

2.5 CLW has sole discretion in ongoing loan servicing for all loans originated from the Fund.

### 3 Grant Terms.

#### Eligible Applicants:

Businesses that have been adversely affected economically in one of the following two categories:

1. Those for-profit and non-profit (limited to 501(c)(3) corporations) businesses that were prohibited from operation as directed by Executive Order 20-12.
  - a. Those eligible for-profit businesses that can demonstrate a one month decline in revenue greater than 50% in the month of March 2020 or April 2020 as compared against sales in the month of January 2020 or February 2020.
  - b. Those non-profit businesses (limited to 501(c)(3) corporations) that can demonstrate a decline in revenue greater than 50% across the months of March 2020 and April 2020 as compared against the same period of time in 2019.
2. Businesses with 25 or fewer employees.
3. Businesses that have been unable to access federal CARES Act funds including:
  - a. Small Business Administration's Paycheck Protection Program (PPP);
  - b. Economic Injury Disaster Loan Emergency Advance program (EIDL); or
  - b. Other federal programs to date for emergency pandemic funding.

**Types of Awards Made:** one-time grants

**Award Ranges:** \$2,500-\$25,000

**Number of Awards:** Until funds are depleted

3.1 The applicant will be required to report monthly to CLW so that CLW can provide technical assistance.

- 4 **Duration.** The agreement term shall take effect on the Effective Date and shall continue in place until December 31, 2020, or until earlier terminated pursuant to Paragraph 6. of this agreement. The effective date is the date of the last necessary signature to the Agreement.
- 5 **Termination.** Upon thirty days' prior written notice delivered to the persons designated in Paragraph 8 to receive notice, either party, without cause, may terminate its participation in this agreement. Upon termination, the parties will mutually agree upon disposition of any unspent funds.

- 6 **Amendments.** This Agreement may be modified or extended by written amendment signed by a majority of the parties. Additional Parties may be added to the agreement with agreement of a majority of the then existing Parties.
- 7 **Administration.** Each party designates the following person as its representative for purposes of administering this agreement.

CLW:  
 Emily Reiman  
 212 Main Street  
 Springfield, OR 97477  
 541-345-7106  
[Emily.reiman@devnw.org](mailto:Emily.reiman@devnw.org)

Lincoln County:  
 Wayne Belmont  
 225 West Olive Street, Room 110  
 Newport, OR 97365  
 541-265-4100  
[wbelmont@co.lincoln.or.us](mailto:wbelmont@co.lincoln.or.us)

City of Newport  
 Contact: Spencer Nebel  
 Newport City Hall  
 169 SW Coast Hwy  
 Newport, OR 97365  
 Phone  
 Email

City of Toledo  
 Contact: Judy Richter  
 Toledo City Hall  
 PO Box 220  
 Toledo, OR 97391  
 Phone  
 Email

City of Yachats  
 Contact: Shannon Beaucaire  
 Yachats City Hall  
 441 Hwy 101 North  
 Yachats, OR 97498  
 Phone  
 Email

- 8 **Indemnification.** To the extent allowed by the Oregon Constitution and the Oregon Revised Statutes, each of the parties hereto agrees to indemnify, defend, and save the other harmless from any claims, liability or damages including attorney fees, at trial and on appeal, arising out of any error, omission or act of negligence on the part of the indemnifying party, its officers, agents, or employees in the performance of this agreement.
- 9 **Dispute Resolution.** The parties shall exert every effort to cooperatively resolve any disagreements they may have under this Agreement. In the event that the parties alone are unable to resolve any conflict under this Agreement, they agree to present their disagreements to a mutually agreeable mediator for mediation. Each party shall bear its own costs for mediation and the parties shall share the cost of the mediator. This mediation procedure shall

be followed to its conclusion prior to either party seeking relief from the court, except in the case of an emergency.

- 10 **Insurance.** Each party working under this agreement is either a subject employer under the Oregon Worker’s Compensation Law and shall comply with ORS 656.017, which requires each to provide Worker’s Compensation coverage for all its subject workers, or is an employer that is exempt under ORS 656.126.
- 11 **Assignment.** Neither party shall assign this agreement in whole or in part, or any right or obligation hereunder, without the other party’s written approval.
- 12 **Compliance with Laws.** CLW shall comply with all applicable federal, state, and local laws, rules, ordinances, and regulations, at all times and in their performance under this Agreement. CLW specifically agrees that it will comply with all applicable requirements of Federal and State civil rights and anti-discrimination statutes, rules and regulations.
- 13 **No Third-Party Beneficiaries.** Nothing in this agreement is intended to confer any rights to any person, firm, group, corporation or entity who is not a named party to this agreement.
- 14 **Interpretation.** This agreement shall be governed by and interpreted in accordance with the laws of the State of Oregon.
- 15 **Counterparts.** This Agreement, and any amendment thereof, may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document.

Community Lending Works:

Lincoln County:

By: \_\_\_\_\_  
Emily Reiman, CEO

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Newport:

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated:

Toledo:

Yachats:

By: \_\_\_\_\_

By: \_\_\_\_\_

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

General Ledger  
 Monthly Financial Report

User: jrichter  
 Printed: 05/29/20 16:38:07  
 Period 01 - 11  
 Fiscal Year 2020

Fund	Dept	Account Number	Description	Budget	Beg Bal	Period Amt	End Bal	% Of Budget
020	000	400100	Beginning Fund Balance	\$ (47,730.00)	\$ (47,989.88)	\$ -	\$ (47,989.88)	100.54%
020	000	400400	Interest	\$ (700.00)	\$ -	\$ -	\$ (883.73)	126.25%
020	000	405400	Loan Repayment	\$ (10,000.00)	\$ -	\$ -	\$ -	0.00%
<b>020</b>	<b>000</b>		<b>REVENUES</b>	<b>\$ (58,430.00)</b>	<b>\$ (47,989.88)</b>	<b>\$ -</b>	<b>\$ (48,873.61)</b>	<b>83.64%</b>
020	200	628200	Public Improvements	\$ 43,430.00	\$ -	\$ -	\$ -	0.00%
<b>020</b>	<b>200</b>		<b>CAPITAL OUTLAY</b>	<b>\$ 43,430.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>
020	200	608100	Contract & Other Services	\$ 15,000.00	\$ -	\$ 7,000.00	\$ 7,000.00	46.67%
<b>020</b>	<b>200</b>		<b>MATERIALS &amp; SERVICES</b>	<b>\$ 15,000.00</b>	<b>\$ -</b>	<b>\$ 7,000.00</b>	<b>\$ 7,000.00</b>	<b>46.67%</b>
			<b>Total Expenses</b>	<b>\$ 58,430.00</b>	<b>\$ -</b>	<b>\$ 7,000.00</b>	<b>\$ 7,000.00</b>	<b>11.98%</b>
<b>Grand Total</b>				<b>\$ -</b>	<b>\$ 47,989.88</b>	<b>\$ (7,000.00)</b>	<b>\$ 41,873.61</b>	<b>0.00%</b>

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	June 24, 2020	Approve purchase of a Street Sweeper as included in CIP budget for fiscal 2020-2021
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Maintain and enhance characteristics that assure Toledo is a good place to be.	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

**Recommendation:**

Approve expenditure of up to \$85,000 on used Street Sweeper as per CIP budget for fiscal 2020-2021

**Background:**

Previously street sweeping services have been provided through a contract with Allen’s Lot Maintenance. Their services have not been satisfactory (with many complaints from citizens) in spite of frequent staff requests for improvement.

Owning the equipment and employing the operator gives the City much better control over the services being provided. Not only would the sweeper be used for routine tasks but would also be available to respond to chip spills (which clog the storm drains) and other incidents that could generate additional revenue through billings.

Detailed analysis has been done. Current services come to about \$40/curb mile. On the high end of the estimates for internal operations, the cost is about \$41.07/curb mile. However, this is assuming a full time operator for wages and benefits (current expectation is 1/2 time operator) and expenses for dumping sweepings that will not be necessary.

The Streets budget included continuing the contract sweeper for a short period of time. Staff would like to begin the process of locating an appropriate machine as quickly as possible given that we are proposing buying used equipment.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
\$85,000	2020-2021	011-110-620500

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	June 24, 2020	Wholesale Utility Rates discussion
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Be fiscally responsible and maximize available revenue.	Discussion and Information	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

**Recommendation:**

Discussion regarding Wholesale water rates effective November 1, 2020 and forward.

**Background:**

In October, 2017, Seal Rock Water District (SRWD) hand delivered a letter/resolution indicating their 3 year notice terminating the 2012 Water Purchase Agreement between the City of Toledo and SRWD. This agreement ends on October 31, 2020.

See letter from Water Board Interim president, Rob Mills dated April 20, 2020. An email was sent in response to the letter suggesting a joint meeting of the Water Board and the City Council on July 1, 2020.

See memo dated May 18, 2020 accepting the invitation for the joint meeting and putting forward some items for consideration.

Mr. Mills called on June 12 to again request some preliminary discussion about an agreement. It was suggested that the starting place for any discussion would be at the joint meeting on July 1, 2020.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
N/A	2020-2021	N/A

**Attachment:**

1. Letter/Resolution SRWD October 20, 2017
2. Letter SRWD April 20, 2020
3. Memo SRWD May 18, 2020



PO Box 190 – 1037 NW Grebe Street – Seal Rock, Oregon 97376  
 Phone: 541.563.3529 – Fax 541.563.4246 – Email: [info@srwd.org](mailto:info@srwd.org)

## Seal Rock Water District

Date: October 20, 2017

To: Craig Martin, City Manager  
 City of Toledo

HAND-DELIVERED

From: Adam Denlinger, General Manager  
 Seal Rock Water District

Re: Termination of December 2012 Water Purchase Agreement – Section 3.2.4

Dear Craig,

Pursuant to Section 3.2.4 of the 2012 Water Purchase Agreement, the Seal Rock Water District Board of Commissioners has adopted the enclosed resolution terminating the 2012 Water Purchase Agreement effective October 31, 2020. Pursuant to Sections 6.2.1.1.2, and Section 6.2.2.3, the District will not be obligated to fund future major or minor capital improvements related to the delivery of water effective on the date this letter is received.

Because the District has supported City of Toledo capital improvements totaling more than \$2.4M in the past 3-years, and because there exists a delivery system between the District and the City, the District would propose to enter into negotiations for future provision of water to and from the City. The potential exists that long-term benefits for the City and the District could be recognized through collaboration, and the District would be happy to explore those opportunities with the city.

Please feel free to contact me if you have any questions or would like to discuss further.

Sincerely,

Adam Denlinger, GM

cc: SRWD Board of Commissioners  
 Joy King, Office Manager  
 Jeff Hollen, Ouderkirk & Hollen  
 Paul Berg, PE ch2m hill Engineers Inc.  
 Holly Halligan, Community Programs Specialist, USDA-Rural Development  
 Melissa Murphy, Regional Coordinator, Business Oregon IFA  
 James MacPherson, Oregon DHS, Drinking Water Program  
 David Ulbricht, Director, SDAO Advisory Services  
 Hawkins Delafield and Wood LLP  
 SRWD/Toledo file

Enc. SRWD Resolution # 1017-01

RESOLUTION NO. 1017-01

A RESOLUTION TERMINATING THE DECEMBER 27, 2012 WATER PURCHASE AGREEMENT BETWEEN SEAL ROCK WATER DISTRICT AND THE CITY OF TOLEDO

WHEREAS, Due to the increasing threat of natural hazards affecting the Oregon Coast and the District's existing source water supply line recognized in the 2011 Lincoln County, Multi-Jurisdictional Natural Hazard Mitigation Plan; and

WHEREAS, The SRWD Board of Commissioners desires to develop a reliable, affordable and resilient primary water supply capable of rapid recovery; and

WHEREAS, SRWD authorized several studies addressing the viability of developing a primary source of water, to include; 2015 Reconnaissance Level Source Water Study, 2016 Phase-IV Conceptual Design Report for the Beaver Creek Water Supply Project, and the 2017 Preliminary Engineering Report and Environmental Report for the Beaver Creek Water Supply Project; and

WHEREAS, The District has initiated active development of the Beaver Creek water supply source, with an anticipated completion date before October 31, 2020; and

WHEREAS, Section 3.2.4 of the 2012 Water Purchase Agreement requires not less than three years advance written notice to the City of Toledo of termination of the Water Purchase Agreement dated December 27, 2012; and

WHEREAS, The District has financially supported minor and major capital improvements to the City of Toledo water system and desires to work collaboratively with the City of Toledo to develop an emergency and continued source water use agreement for future source water supply from the City;

NOW, THEREFORE, THE SEAL ROCK WATER DISTRICT BOARD OF COMMISSIONERS HEREBY RESOLVES AS FOLLOWS:

1. The 2012 Water Purchase Agreement with the City of Toledo is terminated as of October 31, 2020.
2. A copy of this resolution is to be both delivered to the Toledo City Manager and mailed by certified mail, return receipt requested, to the City of Toledo at the address listed in paragraph 13.2 of the Water Purchase Agreement.
3. District representatives are authorized to enter into negotiations with the City of Toledo to develop an emergency water source agreement.

PASSED by the SRWD Board on this  
19th day of October 2017.

APPROVED by the SRWD Board President on this  
19th day of October 2017.

ATTEST:

APPROVED:

Sandra Mies Grantham  
Board Secretary, Sandra Mies Grantham  
Board Member, Robert Mills

John Garcia  
Board President, John Garcia

Resolution No. 1017-01  
October 19, 2017 - Page 1 of 1



PO Box 190 – 1037 NW Grebe Street – Seal Rock, Oregon 97376  
Phone: 541.563.3529 – Fax 541.563.4246 Website: [www.srwd.org](http://www.srwd.org)  
My Water Usage Customer Portal: [bit.ly/mywaterusage](http://bit.ly/mywaterusage)



# Seal Rock Water District

Date: April 20, 2020  
To: Judy Richter, City Manager  
City of Toledo  
206 N. Main Street  
PO Box 220  
Toledo OR. 97391  
From: Rob Mills, Board President  
Seal Rock Water District  
RE: Water Purchase Agreement

Attachment 2

Dear Ms. Richter,

As you may know, our long time president John Garcia retired recently from the Seal Rock Water District (SRWD) board. My board colleagues have asked me to serve as interim president to move forward with our projects and business priorities, one of which is our water purchase agreement with the City of Toledo.

Our current agreement with the City terminates on November 1, 2020. Construction of our new water supply system will begin this summer and we anticipate it will be delivering water to our customers by late 2021. As has been previously discussed with the City, SRWD will need a temporary water supply until our new system is up and running.

It is likely that SRWD and the City will be significantly impacted by the coronavirus shutdown of the economy. We are already having to change our projections for the next budget cycle to reflect uncertain revenues from customers who are out of work or whose businesses are suffering. We presume the City is facing a similar situation. Given this context it would be mutually beneficial to move forward with a water purchase agreement that ensures a revenue stream for the City and a reliable water supply for SRWD through the year 2021.

Under our current agreement, SRWD purchases about 50% of the water produced by the City and historically has paid about one-half of the City's water delivery costs. The City's charge for delivering water to SRWD has increased on average 7.5% annually. A future rate increase of 10% (\$4.05 per 1,000 gallons) was proposed in earlier discussions to ensure that the City receives more than the cost of treating and delivering water. With these figures as a reference point, would you and Mayor Rod Cross be willing to join Adam Denlinger and me in taking a fresh look at a framework for a water purchase agreement that would serve the interests of all parties through the year 2021?

I will follow up this letter with a phone call to you in a few days for your thoughts on the proposed meeting and how we might make that happen. Or, if you would prefer to respond by email my address is shown below. In the meantime, thank you for considering this proposal.

Sincerely,

Rob Mills  
[rmills@srwd.org](mailto:rmills@srwd.org)  
SRWD Office 541.563.3529

**Date:** May 18, 2020  
**To:** Judy Richter, City Manager  
**From:** Rob Mills, SRWD Board President  
**RE:** Water Purchase Agreement

At our May 14 meeting, SRWD board members welcomed your invitation to meet with the City of Toledo on July 01. Our board recommended that Adam Denlinger and I work with you and Mayor Rod Cross prior to that meeting to develop the framework of a water purchase agreement that could then be presented jointly to your city council.

Going into the July 01 meeting with a mutually-developed framework based on current information and perspectives from you and SRWD would allow your city council to fully consider the elements they may need for finalizing a new purchase agreement. In anticipation of meeting with you and Mayor Cross, Adam and I propose to include the following elements as starting points for discussion:

- SRWD would like to propose a 7.5% rate increase beginning November 01, 2020 through December 31, 2021.
- SRWD could agree to pay the inside monthly base rate for a 6-inch commercial meter.
- Additionally, SRWD would like the opportunity to negotiate an emergency water supply agreement for the use of water from Toledo beyond 2021.

I look forward to hearing from you on this proposed meeting with you and Mayor Cross. We should try to make that happen within the next two or three weeks and plan it as a virtual meeting. If for some reason you feel this proposal is not feasible, we will look forward to the joint meeting on July 01.

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	June 24, 2020	Annual consideration of the Street Lighting Utility Fee
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Be fiscally responsible and maximize available revenue.	Discussion and Information	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

**Recommendation:**

Discussion regarding the Street Lighting Utility Fee and direction to staff.

**Background:**

Last year (as recommended by the budget committee) the Street Lighting Utility Fee was reduced from \$7.50 to \$2.50 with the \$5.00 difference being directed to the Sewer Fund.

Street Lights are part of the General Fund. For Fiscal Year 2019-2020, the revenue generated by the Street Lighting Fee is estimated to be \$38,000. The cost of the street lights is about \$139,000. Central Lincoln is not expected to increase their rates this year so the costs should stay about the same.

Increasing the Street Lighting Utility Fee by \$.50/month to \$3.00/month would generate an additional (estimated) \$7500/year.

Based on Council action, a resolution could be drafted for adoption at the July 1, 2020 meeting.

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	June 24, 2020	Agent of Record for general insurance and workers compensation insurance for the City of Toledo
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Be fiscally responsible and maximize available revenue.	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Manager J. Richter	City Manager Judy Richter	City Manager Judy Richter

**Recommendation:**

Direct staff to facilitate change of Agent of Record from Hagan Hamilton to PayneWest Insurance for general insurance and workers compensation insurance.

**Background:**

The City of Toledo has experienced losses this past year that are not the fault of the City of any of the employees. These losses have caused a rather drastic increases in premiums.

Gary Eastland of Hagan Hamilton is currently the Agent of Record for the City of Toledo. Gary serves the city from his office in McMinnville, OR as he has for several years.

PayneWest offers a local agent, John Russell, in Newport as well as a full complement of staff to provide specialized support for loss prevention and claims processing. PayneWest has been recommended by the City of Newport.

It is advisable to have coverages reviewed periodically for duplicated coverage, overlaps and gaps. PayneWest offers a new set of eyes for this review.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
N/A	2020-2021	N/A

**Attachment:**

1. Agent of Record – CIS
2. Agent of Record – Workers Compensation
3. PayneWest – Who We Are
4. PayneWest – Safety Management Partnership
5. PayneWest – Risk Control
6. PayneWest- Claims Services

**BROKER OF RECORD / AUTHORIZATION FORM**

I hereby appoint, **John H Russell** of PayneWest Insurance as my appointed Agent of Record. This Agent will act as my exclusive representative on the following insurance policy/policies and/or will represent me regarding new business quotes with PayneWest Insurance:

**Named Insured:** City of Toledo

**Insurance Company:** CIS  
**Policy Number:**

**I HEREBY REAFFIRM MY UNDERSTANDING THAT THIS LETTER REMOVES THE CURRENT OR OTHER QUOTING AGENT AS MY REPRESENTATIVE ON THIS ACCOUNT AND REPLACES THAT AGENT WITH "PAYNEWEST INSURANCE". I CERTIFY THAT *PAYNEWEST INSURANCE* HAS DISCUSSED THE IMPLICATIONS WITH ME AND I CLEARLY UNDERSTAND THAT THE NET EFFECT IS THAT MY CURRENT AGENT WILL NO LONGER RECEIVE COMMISSIONS ON MY ACCOUNT OR HAVE ANY OFFICIAL CAPACITY TO MAKE CHANGES OR ADVISE ME IN ANY WAY. PAYNEWEST INSURANCE INC. IS NOT RESPONSIBLE FOR ERRORS OR COMMISSIONS OF COVERAGE THAT MAY HAVE BEEN COMMITTED BY THE FORMER AGENT.**

\_\_\_\_\_  
**Insured Signature**  
City of Toledo  
City Manager

\_\_\_\_\_  
**Effective Date**

**CITY OF TOLEDO**

PO BOX 220 • Toledo, OR 97391 • 541-336-2247

SAIF Corporation  
Attention: Marilyn Cyphers  
1500 SW 1<sup>st</sup> Ave. Ste. 200  
Portland, OR 97201  
[marcyp@saif.com](mailto:marcyp@saif.com)  
Fax 503-584-9053

***AGENT OF RECORD / AUTHORIZATION FORM***

I hereby appoint, **C.J. Shipley** of PayneWest Insurance as my appointed Agent of Record. This Agent will act as my exclusive representative on the following insurance policy/policies and/or will represent me regarding new business quotes with PayneWest Insurance:

**Insurance Company**

**Policy Number**

SAIF Corporation

A451711174

**Named Insured:      City of Toledo**

\_\_\_\_\_  
**Insured Signature**

\_\_\_\_\_  
**Effective Date**

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Signer Title**

**Please send a copy of the declarations pages and the application on file to:**  
**606 NW Arizona Ave Suite 200, Bend, OR 97703**

I HEREBY REAFFIRM MY UNDERSTANDING THAT THIS LETTER REMOVES THE CURRENT OR OTHER QUOTING AGENT AS MY REPRESENTATIVE ON THIS ACCOUNT AND REPLACES THAT AGENT WITH "PAYNEWEST INSURANCE". I CERTIFY THAT *PAYNEWEST INSURANCE* HAS DISCUSSED THE IMPLICATIONS WITH ME AND I CLEARLY UNDERSTAND THAT THE NET EFFECT IS THAT MY CURRENT AGENT WILL NO LONGER RECEIVE COMMISSIONS ON MY ACCOUNT OR HAVE ANY OFFICIAL CAPACITY TO MAKE CHANGES OR ADVISE ME IN ANY WAY.

\_\_\_\_\_  
**Insured Signature**

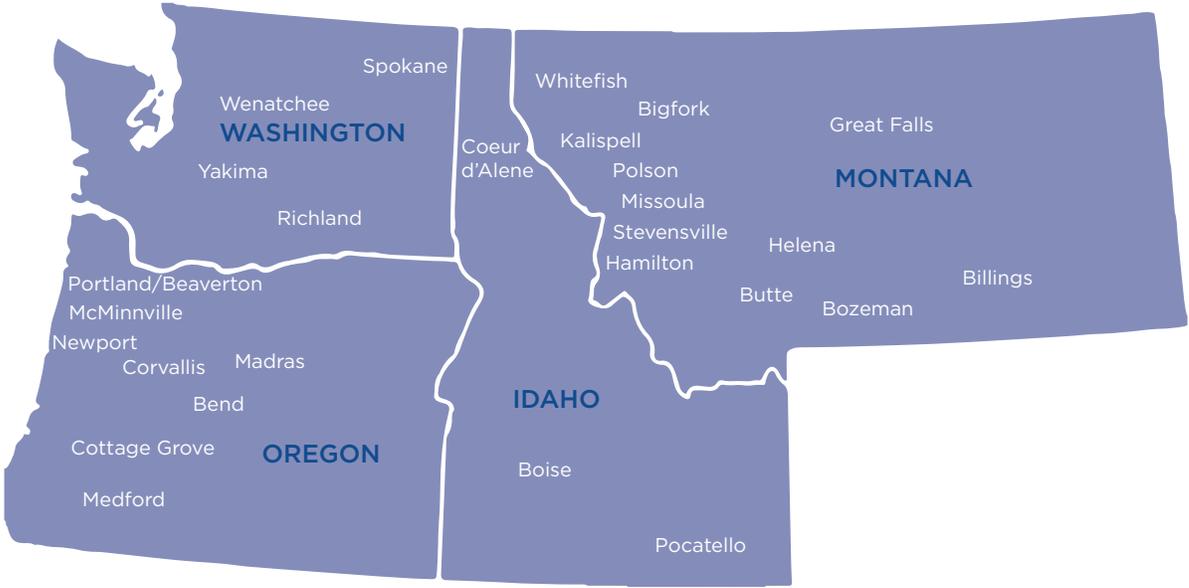
\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signer Name**

\_\_\_\_\_  
**Title**

# PAYNEWEST INSURANCE

PayneWest Insurance is the Northwest’s premier insurance agency. Operating independently since 1972, our agency provides business and personal insurance, employee benefits and surety. Today, we remain steadfastly committed to maintaining local offices in Idaho, Montana, Oregon and Washington. The company employs more than 750 insurance professionals, including teams that specialize in highly-complex market niches such as health care, construction, transportation, education, agriculture, hospitality and banking. PayneWest offers important, cost-saving services including risk mitigation and claim management. In addition, PayneWest partners with the best and most diverse insurance providers in the country.



**AT PAYNEWEST INSURANCE WE ARE:**

- **Fiercely independent**—we have no ownership or stake in any insurance carrier or vendor. Our client is truly our top priority.
- **Transparent**—we disclose all sources of revenue generated by our clients’ business.
- **Specialized**—includes employee benefits, business insurance, personal insurance, bonds and retirement funding.
- **100% employee owned**—our colleagues are engaged in the success of our clients.
- **Value driven**—our services are developed based on the needs of our clients.
- **Business focused**—specialized risk management tools and programs.
- **Long-term strategic planners**—meet the needs of clients today and well into the future.
- **Financially strong**—our financial strength provides a firm foundation for the long term.

## SAFETY MANAGEMENT PARTNERSHIP

PayneWest has had a partnership with SAIF for over 20 years. This relationship enables our two organizations to provide high-quality safety, health and risk control services to our clients on a well-coordinated basis for maximum effectiveness.

**SAIF** and PayneWest teams provide high-quality safety and health services to our mutual clients. SAIF has 50+ safety management consultants throughout Oregon. They work together with PayneWest's Risk Control consultants in a complementary manner to best meet the needs of our clients. Some of the common areas of service provided by SAIF include:

- » Underwriting assessments
- » Loss trend analysis
- » Hazard identification and control
- » Safety and health programs
- » Safety committees
- » Oregon OSHA compliance
- » Industrial hygiene
- » Ergonomics
- » Behavior-based safety
- » Safety culture
- » Transportation safety
- » Hiring practices
- » Training
- » Online resources

**PayneWest Risk Control** also provides these services to our clients, often working together with SAIF jointly or on a supplemental basis in the best interest of our clients. PayneWest Risk Control also provides additional risk control services in areas that are not directly related to workers' compensation insurance such as:

- » Regulatory compliance
- » Risk assessment and control
- » Public safety and health
- » Fire and property protection
- » Transportation safety
- » Environmental protection
- » Product safety
- » Emergency response
- » Accident/incident investigation
- » Business continuity

Visit [www.SAIF.com](http://www.SAIF.com) as an additional resource.



# RISK CONTROL SERVICES

## SAFETY

**PayneWest Insurance believes most accidents and incidents are preventable and those that do occur can be managed to minimize the costs and effects to an organization.**

As a result, we have one of the largest and most experienced team of risk control professionals in the region. Our highly-qualified staff can assist our clients with protecting people, assets and the environment in which they operate:

- Regulatory Compliance
- Consensus Standards
- Program Development
- Training
- Hazard Identification and Control
- Management Systems
- Risk Assessment and Control
- Accident/Incident Investigation

**Our risk control services can be applied to a variety of our clients' operational exposures in any business or industry.**

We know controlling your operational risks is one of the best ways of minimizing your cost of insurance and risk. It also helps our clients be more confident and certain about the success of their operations. Examples of areas where we can assist our clients with risk control include the following:

- Employee Safety and Health
- Public Safety and Health
- Fire and Property Protection
- Transportation Safety
- Environmental Protection
- Product Safety
- Emergency Response
- Business Continuity

**Contact your PayneWest representative for Risk Control services.**



**T**here is never a good time to experience an insurance claim, but as a PayneWest client you have a high-performing team of claim advocates on your side. The combined industry experience of the PayneWest Claim Services team exceeds 125 years. Our diverse talent and experience are dedicated to making sure our clients have the best possible experience on any claim. Our team is dedicated to helping our clients navigate the sometimes complex insurance claims process and receive the service and coverage they deserve.

**SERVICES**

- » Claim review and advocacy
- » Coverage analysis
- » Liability review
- » Dispute resolution
- » Facilitate client/insurance carrier communications
- » Litigation support

**\$14 MILLION**

We put our experience and carrier relationships to work, to the benefit of our clients. Since June 2013, the PayneWest Claim team's involvement has resulted in these increased settlements for our clients:



Claims originally denied



Defenses originally denied



Increased first-party damage settlements



Other recoveries



**Jeff Wallace, cpcu**  
Spokane



**Greg Beery, cpcu**  
Portland



**Cory Campbell, JD**  
Spokane



**Patti Harcharik**  
Billings



**Jim Mickelson, JD**  
Missoula



	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	June 24, 2020	Accept Lincoln County Board of Commissioners Order #6-20-168; limiting the size of social gatherings
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Assure and provide services that protect the public.	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Recorder L. Figueroa	City Manager Judy Richter	City Manager Judy Richter

**Recommendation:**

Staff makes no recommendation.

**Background:**

The City Council was invited to participate in a Joint Meeting with the Lincoln County Board of Commissioners (BOC) and the City Councils of the cities of Lincoln County on Friday, June 19, 2020 where the BOC presented Order 6-20-168; restricting private social gatherings to no more than ten (10) persons in accordance with stateside requirements, effective June 24, 2020.

During the joint meeting it was indicated that the Toledo City Council would consider the order and take formal action at the June 24, 2020 Work Session. A copy of BOC Order 6-20-168 is included as Attachment 1 for review.

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
N/A	2019-2020	N/A

**Attachment:**

1. Lincoln County Board of Commissioners Order 6-20-168

**BEFORE THE BOARD OF COMMISSIONERS  
FOR LINCOLN COUNTY, OREGON**

1  
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In the Matter of )  
 ) **ORDER NO. 6-20-168**  
*Exercising Authority to Act to Protect Lincoln County* )  
*Citizens and Minimize the Effects of the COVID-19* )  
*Emergency : Gathering Sizes* )

10 WHEREAS Lincoln County, by Resolution dated March 13, 2020 and ratified and  
11 extended by the Board of Commissioners on March 18, 2020<sup>1</sup>, declared an emergency in  
12 Lincoln County created by the COVID -19 pandemic crisis which is threatening citizens  
13 of Lincoln County<sup>2</sup>; and

14 WHEREAS the Cities of Lincoln City<sup>3</sup>, and Newport<sup>4</sup>, have also declared  
15 emergencies and the Cities of Toledo, Depoe Bay, Yachats and Waldport adopted  
16 declarations and/or have taken precautionary actions including closing public facilities to  
17 address the crisis<sup>5</sup>; and

18 WHEREAS the Governor of the State of Oregon declared a state of emergency for  
19 the entire state on March 8, 2020 finding that COVID-19 has created a threat to public

<sup>1</sup> Resolution # 20-18-3A, signed by Chair Jacobson on March 13, 2020, ratified by the full Board on March 18, 2020. It has now been extended by Resolutions # 20-20-3B, 20-20-4B, 20-20-5A, 20-20-5B and 20-15-6B through July 8, 2020.

<sup>2</sup> The Declaration of an Emergency applies throughout Lincoln County since this health issue is not confined to specific geographic portions of the County but threatens county residents across the entire County. On March 11, 2020 the US Center for Disease Control (CDC) declared the threat pandemic in the US and cases have been reported in all 50 states.

<sup>3</sup> Resolution No. 2020-06 dated March 16, 2020. Note this has been extended.

<sup>4</sup> Affirmed by the City Council on March 16, 2020. Note this has been extended.

<sup>5</sup> The County is unaware of any Lincoln County City not currently operating under a continuing local emergency declaration.

1 health and safety and constitutes a statewide emergency under ORS 401.025(1).<sup>6</sup> That  
2 emergency declaration is currently extended through July 6, 2020; and

3 WHEREAS the President of the United States signed a proclamation declaring a  
4 national emergency concerning the novel coronavirus disease (COVID -19) outbreak on  
5 March 13, 2020; and

6 WHEREAS local, state and national public health agencies<sup>7</sup> have instituted  
7 guidelines, recommendations and actions to curb the spread of the disease in an attempt to  
8 “flatten the curve” of the disease’s progression in the United States. Many of those  
9 recommendations have been adopted by States and local governments across the country.  
10 In Oregon, the Governor has issued Executive Orders 20-3 through 20-28 to slow the  
11 spread of the virus through phased reopening plans for counties, schools, requirements for  
12 restaurants and bars services, and continued limitations on public and private gatherings,  
13 among many other requirements; and

14 WHEREAS the implementation of the Governor’s social distancing order and public  
15 education campaign has not proven completely effective on the Central Oregon Coast in  
16 Lincoln County as significant outbreaks of the disease has occurred in the County.<sup>8</sup>

17 WHEREAS numerous public health officials in Lincoln County and the state of  
18 Oregon have examined the epidemiology of the disease nationally, within the state and  
19 the County and have determined that larger sized social gatherings are a potentially risky  
20 source of triggering larger scale outbreaks of the disease. Lincoln County continues in  
21 phase 1 requirements which are substantially more restrictive than what is allowed under

<sup>6</sup> Executive Order No. 20-3

<sup>7</sup> Including but not limited to Lincoln County Public Health, a division of the Lincoln County Health and Human Services Department (County Public Health), the Oregon Health Authority (OHA), and the federal Center for Disease Control (CDC).

<sup>8</sup> Confirmed cases in Lincoln County were at 10 persons on May 31, 2020. As of June 18, 2020 at 1:15 pm the number of confirmed cases is 230.

1 phase 2. In all phases voluntary social distancing actions are not being followed in many  
2 areas including the Central Oregon Coast which exacerbates the risk to the community;  
3 and

4 WHEREAS the Lincoln County Public Health Administrator and Local Health  
5 Officer both confirm that limiting the size of social gatherings, especially those where  
6 specific guidance is not available, will assist in slowing the spread of the disease during  
7 the current outbreaks in our County. They also confirm that acting in anticipation of larger  
8 gatherings over the summer months including upcoming holidays will likely decrease the  
9 chances of wider spread of the disease; and

10 WHEREAS state baseline guidance for gatherings now in place allows local, cultural,  
11 civic and faith gatherings for up to 25 people provided physical distancing can be in place  
12 and prohibits local social gatherings over 10 people.<sup>9</sup> By comparison Lincoln County is  
13 in phase 1 which differs from baseline by also allowing for any purpose, including any  
14 social and recreation, gatherings of up to 25 people provided physical distancing is in  
15 place and other OHA guidance (such as for restaurants) is followed<sup>10</sup>; and

16 WHEREAS the County desires to return to baseline guidance for private social  
17 gatherings only as a further means to prevent spread of the disease; and

18 WHEREAS it is necessary that a coordinated and collaborative action be taken by  
19 all impacted jurisdictions in Lincoln County and therefore concurrence of the city councils  
20 of all County coastal cities (Lincoln City, Depoe Bay, Newport, Waldport, Siletz, Toledo  
21 and Yachats) is necessary to full implement the action authorized by this Order; and

22 WHEREAS pursuant to the authority granted the Lincoln County Board of  
23 Commissioners under ORS Chapter 401, ORS Chapters 431, 431A and 433 as the Local

<sup>9</sup> Governor's Executive Order # 20-25, paragraph 3. Those gatherings under 10 people must use physical distancing.

<sup>10</sup> Governor's Executive Order # 20-25, paragraph 17.

1 Public Health Authority, Lincoln County Ordinance # 502<sup>11</sup> (Emergency Services) and the  
2 Lincoln County Emergency Operations Plan<sup>12</sup>, the Board of Commissioners deems it  
3 necessary to institute further restrictions in addition to statewide regulations and guidance.

4 NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

5 1. This Order shall apply in Lincoln County<sup>13</sup> until the County moves into Phase 2 of  
6 the Governor's Reopening Plan for Oregon, or the Governor changes statewide baseline  
7 requirements concerning gatherings, or the Board otherwise acts to expand, modify, and  
8 remove the restrictions.

9 2. Beginning June 24, 2020, the County will restrict private social gatherings only to  
10 no more than 10 persons in accordance with statewide baseline requirements as currently set  
11 by the Governor's Executive Order.<sup>14</sup> All other gatherings and activities authorized under  
12 statewide guidelines, and under phase 1 including business and activities with specific OHA  
13 guidance, shall be allowed to operate at the gathering size set by the state.

14 3. This Order takes effect on June 24, 2020.

15 4. This Order may be modified, rescinded or extended by authority of the Board of  
16 Commissioners in consultation with the Cities and Local Public Health Administrator. If so  
17 modified, a copy shall be provided to the Cities of Lincoln City, Depoe Bay, Newport,  
18 Toledo, Siletz, Waldport and Yachats.

19 5. This Order was presented and concurred to by either authorized city personnel or  
20 the direct action of the City Councils of the City of Lincoln City, Depoe Bay, Newport,  
21 Siletz, Toledo, [Waldport] and Yachats on June 19, 2020 at a joint public meeting with the

<sup>11</sup> Not yet codified in the Lincoln County Code.

<sup>12</sup> Adopted by Order # 8-18-206.

<sup>13</sup> Except for within the Boundaries of any city that does not concur with the Order. See Paragraph 5 of the Order and footnote 15 below.

<sup>14</sup> As noted in paragraph 1 of this Order, if the Governor changes the statewide baseline requirements for gatherings, that will automatically change the County's requirements without need of further action.

1 Board of Commissioners and therefore applies within the incorporated boundaries of those  
2 cities.<sup>15</sup> At any time, the City Council of any of these cities may opt by Council Action to  
3 rescind that concurrence, at which time the Order will have no effect within the boundaries  
4 of that city without necessity of any further action.

5 6. Copies of this Order shall be provided to Jenny Demaris, Emergency Manager,  
6 Wayne Belmont, County Counsel, and representatives of each of the cities listed above.

DATED: June 19, 2020

LINCOLN COUNTY BOARD OF COMMISSIONERS

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Kaety Jacobson, Chair

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Doug Hunt, Commissioner

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Claire Hall, Commissioner

<sup>15</sup> If a city does not concur, this Order shall not apply within the corporate boundaries of that city.

	<b>Meeting Date:</b>	<b>Agenda Topic:</b>
	June 24, 2020	*Resolution No. 1448; A resolution determining a dangerous condition exists at 109-115 SE 1st ST. Toledo, or 97391 and orders an abatement of the property
<b>Council Goal:</b>	<b>Agenda Type:</b>	
Assure and provide services that protect the public.	Decision Items	
<b>Prepared by:</b>	<b>Reviewed by:</b>	<b>Approved by:</b>
City Recorder L. Figueroa	City Manager Judy Richter	City Manager Judy Richter

**Recommendation:**

Motion to adopt Resolution No. 1448, a resolution of the Toledo City Council determining a dangerous condition exists at 109-115 SE 1st St. Toledo, OR 97391 and orders an abatement of the property.

**Background:**

Following a public hearing held on June 3 and June 17, 2020; the City Council determined that the stairwell at 109-1115 SE 1<sup>st</sup> Street, Toledo is a dangerous condition and ordered the property be abated by the property owner.

Toledo Municipal Code Chapter 15.12 – Abatement of Dangerous Buildings requires the City Council to adopt the order by Resolution. The proposed Resolution No. 1448 summarizes the order from June 17, 2020. Staff requests clarification on Section 4; which addresses the penalty. Will the City Council impose the \$1,000 fine as a one-time penalty or assess it as a continuing violation per day?

<b>Fiscal Impact:</b>	<b>Fiscal Year:</b>	<b>GL Number:</b>
N/A	2019-2020	N/A

**Attachment:**

1. Resolution No. 1448

**CITY OF TOLEDO  
RESOLUTION NO. 1448**

**A RESOLUTION OF THE TOLEDO CITY COUNCIL DETERMINING A DANGEROUS CONDITION EXISTS AT 109-115 SE 1st St. TOLEDO, OR 97391 AND ORDERS AN ABATEMENT OF THE PROPERTY**

**WHEREAS**, The fire chief determined that the stairwell located at 109-115 SE 1st Street meets the definition for “dangerous building” TMC 15.12.010(5) that the stairwell is “in such weak or weakened condition, or dilapidated or deteriorated condition, as to endanger any person or property by reason of probability of partial or entire collapse.”; and

**WHEREAS**, City staff presented a report to the Council on May 6, 2020 of the condition of the property and Toledo City Council called for a Public Hearing on June 3, 2020; and

**WHEREAS**, The Toledo City Council held a duly noticed public hearing on June 3, 2020, and June 17, 2020; and

**WHEREAS**, The City Council determined a dangerous condition exists and ordered an abatement of the dangerous condition located at 109-115 SE 1st St. Toledo, OR 97391; by property Owner, Wayne Burkland.

**NOW, THEREFORE, THE CITY OF TOLEDO RESOLVES AS FOLLOWS:**

- Section 1. That a dangerous condition exists located at 109-115 SE 1st St. Toledo, OR 97391.
- Section 2. That the stairs must be rendered safe within 42 days and must meet inspection by the engineer on or before August 1, 2020.
- Section 3. The property owner will incur the costs of the initial inspection and the second inspection. If the stairwell passes the third inspection, the City will pay for the third inspection. Otherwise all costs belong to the property owner.
- Section 4. Violation of this order constitutes a class A infraction punishable by a fine of \$1,000 and will be deemed as a continuing violation pursuant to Toledo Municipal Code 1.20.150 if the stairs are not rendered safe within 42 days, the Council will impose this fine. [to be determined by the Council as a onetime penalty or an on-going penalty]
- Section 5. If the property owner, Wayne Burkland fails to do any remediation then the City Council may order an Abatement and Assessment by the City pursuant to Toledo Municipal Code Chapters 15.12.070 – Abatement by City and 15.12.080 – Assessment to determine the total cost of the work performed, including an administrative cost of twenty (20) percent if the city performs the work, and assess that cost against the property on which the building is situated. The assessment shall be declared by resolution, entered in the docket of city liens, and shall then become a lien against the property.

This Resolution shall be effective upon passage by the City Council this 24<sup>th</sup> day of June, 2020.

APPROVED:

\_\_\_\_\_  
Mayor Rod Cross

ATTEST:

\_\_\_\_\_  
City Recorder Lisa Figueroa

DRAFT