



City Hall – Council Chambers
206 N. Main Street
Toledo, Oregon 97391
6:00 p.m.

TOLEDO CITY COUNCIL
Regular Meeting – also via Zoom Meeting Platform
February 21, 2024

Virtual Meeting: The City Council will hold the meeting for the City Council and staff in person as well as through the Zoom video meeting platform. The public is encouraged to attend the meeting electronically. Visit the meetings page on the city website for details including 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 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, Pledge of Allegiance and roll call**
- 2. Proclamations/Presentations**
Presentation – Veterans of Foreign Wars recognition
Presentation – Swearing in of new police officer
Interview Committee applicants for Committee vacancies
- 3. Visitors/Public Comment**
(The public comment period provides the public with an opportunity to address the City Council regarding items not on the agenda. Please limit your comments to three (3) minutes).
- 4. Consent Agenda**
 - Minutes from the meeting held January 3, 2024, the executive session held on January 17, 2024 and the goal setting held on January 24, 2024
- 5. Discussion Items**
There are no items for discussion
- 6. Decision Items**
 - Interviews and consideration to appoint individuals to the Budget Committee
 - Consideration to approve an expenditure of up to \$55,000 to extend the water line on Highway Business 20
 - Resolution No. 1543, a resolution establishing an email and social media policy
 - Resolution No. 1544, a resolution accepting and distributing unanticipated SAIF dividend monies
- 7. Reports and Comments**
 - Committee updates
 - **Adjournment**

Comments submitted in advance are preferable. Comments may be submitted by e-mail at lisa.figueroa@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247.

**TOLEDO CITY COUNCIL
REGULAR MEETING
January 3, 2024**

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:00 p.m. also via Zoom in Toledo, Oregon.

Present	Absent	
X		Mayor Rod Cross
X		Council President Kim Bush
	X	Councilor Jackie Kauffman
	X	Councilor Tracy Mix
X		Councilor Frank Silvia
X		Councilor Jackie Burns
X		Councilor Stu Strom

Staff present: City Manager (CM) Doug Wiggins, City Recorder (CR) Lisa Figueroa, Finance Director/Assistant City Manager (ACM) Amanda Carey, City Attorney (CA) Mike Adams, Police Chief (PC) Michael Pace, Fire Chief (FC) Larry Robeson, Interim Library Director (LD) Harrison Baker

2. VISITORS/PUBLIC COMMENT

There were no comments.

3. CONSENT AGENDA

Minutes from the meeting held September 6, 2023 and the work session held September 27, 2023

Motion – It was moved and seconded (Bush/Burns) to approve the consent agenda as presented and the motion carried unanimously.

4. DISCUSSION ITEMS

Discussion to consider whether to draft an ordinance prohibiting Fireworks sales in Toledo as requested by Lincoln County

Mayor Cross noted Lincoln County requested all cities within Lincoln County to ban fireworks and the sale of fireworks.

FC Robeson noted the Fire Defense Board, which includes Fire Chiefs within the County met to discuss the issue. He said typically, the Board has a unified view on issues and follows the view of the Oregon State Fire Marshall. He said he understands the perspective of why the request to ban fireworks is an issue, however he implied the ban will not stop the illegal activities that already occur. It was commented banning fireworks will not prevent the citizens who travel to other states to purchase illegal fireworks and set them off in the city limits and the citizens who comply with the law should not be reprimanded. The Council expressed concern for the nonprofit organizations in Toledo who rely on the fundraising sales of fireworks for their organization and how it would be enforced.

1 Shannon Hermann, citizen said the sale of fireworks is the second largest fundraiser for their
2 organization.

3
4 After further deliberation, there was a consensus of the Council who do not agree with the request
5 from Lincoln County and would not support a ban of fireworks or the sale of them.

6
7 **5. DECISION ITEMS**

8 **Approve Fire Health and Safety Officer position and salary range**

9 FC Robeson provided the council report. He said he would like to replace the Maintenance position
10 with a new title and additional responsibilities. He noted the position would be in charge of all
11 personal protective equipment and it would assist with all city employees that need safety training.
12 The Council inquired about the future of the maintenance position. FC Robeson replied Daniel
13 Morford, who was in the Fire Maintenance position will continue to serve Toledo while he is in
14 Siletz.

15
16 **Motion** – It was moved and seconded (Bush/Silvia) to approve the position and salary range for
17 the Fire Health and Safety Officer and the motion carried unanimously.

18
19 ***Bond Measure (topic added)***

20 CM Wiggins provided a summary of the ballot measure that failed in the November 2023 special
21 election. He indicated if Council plans to consider a new ballot measure in the primary election,
22 then Council needs to provide direction to staff in regards to preparing a resolution for the ballot
23 measure. The Council considered whether they should ask the electors to fund both the Ammon
24 Reservoir tank replacement and the public safety building or split them into two separate measures.
25 There was consideration to have both measures go to the ballot at the same time and it was
26 suggested to forward the Ammon Reservoir Tank replacement first and then submit the public
27 safety building at a future election. The Council requested this item be brought back for further
28 discussion and possible decision item to include Councilors Mix and Kauffman.

29
30 **6. REPORTS AND COMMENTS**

31 FC Robeson provided a department report and said they are reviewing the data for 2023.

32
33 CR Figueroa reminded the Council of upcoming trainings and events in January and February.

34
35 ACM Carey updated the Council on activities in the Finance Department. She noted she plans to
36 implement an IVR system, which is a module to take credit card payments over the phone securely.
37 She said it can be integrated with the current financial software, which would allow them to input
38 their information and not staff.

39
40 CM Wiggins reported budget season will begin soon and he will work with the Department
41 Directors to prepare the City Budget. He encouraged the Council to attend the goal setting as that
42 provides direction to the staff in preparing the budget.

43
44 Mayor Cross provided an update to the Council on the progress in regards to the recreation center
45 with the Greater Toledo Pool District. He said the organizations plan to enter into
46 intergovernmental agreements so they can place a request for proposals on the building concept.

1 Councilor Strom said he attended the Solid Waste Advisory Committee meeting and noted the
2 program to remove recreational vehicles (RV) is underway and the City still has funds available
3 to remove another RV.
4

5 Mayor Cross commented on his vacation to California. He said other cities have the same struggles
6 as Toledo, but he appreciates how much the citizens in Toledo handle the challenges they face.
7

8 **7. ADJOURNMENT**

9 The meeting adjourned at 7:03 p.m.
10

11 Approve:

Attest:

12
13
14 _____
15 Mayor Rod Cross

City Recorder Lisa Figueroa

TOLEDO CITY COUNCIL
EXECUTIVE SESSION
 January 17, 2024

1. EXECUTIVE SESSION

Mayor Rod Cross called the Executive Session to order at 5:02 p.m. electronically via Zoom in Toledo, Oregon. He read the declaration of meeting in Executive Session under the provisions of ORS 192.660(2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations and ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection.

Representatives of the news media and designated staff were allowed to attend the Executive Session. All other members of the audience were prohibited. Representatives of the news media were specifically directed not to report on any of the deliberations except to state the general subject of the session as previously announced.

Present	Absent	
X	_____	Mayor Rod Cross
X	_____	Council President Kim Bush
X	_____	Councilor Jackie Kauffman
X	_____	Councilor Tracy Mix
X	_____	Councilor Frank Silvia
X	_____	Councilor Jackie Burns
X	_____	Councilor Stu Strom
X	_____	City Manager (CM) Doug Wiggins
X	_____	City Recorder Lisa Figueroa
X	_____	City Attorney Mike Adams
X	_____	Finance Director/Assistant CM Amanda Carey
	_____	Fire Chief Larry Robeson
	_____	Police Chief Mike Pace
	_____	Interim Library Director Harrison Baker
	_____	Public Works Director Brian Lorimor

Others Present:

Lane County Council of Governments Local Government Personnel Services Principal Attorney Pierre Robert

No decisions were made in Executive Session.

2. ADJOURNMENT

The Executive Session adjourned at 5:40 p.m.

APPROVE:

ATTEST:

 Mayor Rod Cross

 City Recorder Lisa Figueroa

TOLEDO CITY COUNCIL
GOAL SETTING
January 24, 2024

1. CALL TO ORDER

The Council and staff ate lunch and then Mayor Rod Cross called the meeting to order at 12:17 p.m. also via Zoom in Toledo, Oregon.

Present	Absent	
X		Mayor Rod Cross
	X	Council President Kim Bush
X		Councilor Jackie Kauffman
X		Councilor Tracy Mix
X		Councilor Frank Silvia
X		Councilor Jackie Burns
X		Councilor Stu Strom

Staff present: City Manager (CM) Doug Wiggins, City Recorder (CR) Lisa Figueroa, City Attorney (CA) Mike Adams, Finance Director/Assistant CM Amanda Carey, Public Works Director (PWD) Brian Lorimor, Police Chief (PC) Michael Pace, Fire Chief (FC) Larry Robeson, Library Director (LD), Deborah Trusty, Assistant LD Harrison Baker

2. WORKING LUNCH/GOAL SETTING WORKSHOP

CM Wiggins provided an introduction to goal setting, an overview on how to develop goals and issues to consider when preparing goals for the next fiscal year. He reviewed the goals from 2023-2024, including accomplishments and completed projects.

The Council recessed at 1:25 p.m. and reconvened at 1:35 p.m.

3. DEPARTMENT DIRECTOR PRESENTATIONS

The Department Directors provided presentations in regards to their department goals and requests for fiscal year 2024-2025.

Council President Bush arrived at 1:50 p.m.

- Library presentation
- Information Technology presentation
- Fire presentation

The Council recessed at 3:08 p.m. and reconvened at 3:20 p.m.

- Police presentation
- Public Works presentation

The Council recessed at 4:54 p.m. and reconvened at 5:10 p.m.

- Finance presentation
- Recorder presentation

The Council recessed at 6:30 p.m. for dinner and reconvened at 6:45 p.m.

1 **Summary of Department Goals**

2 Following the break CM Wiggins provided a summary of the department goals and worked with
3 the Council to develop goals for the next fiscal year.

4 The proposed goals were drafted and would be presented to the Council at a future meeting for
5 adoption:

- 6 • City Council's goal is to enhance and sustain public infrastructure and facilities. This
7 includes implementing plans for parks, stormwater, and street improvements, upgrading
8 water lines, improving fire infrastructure, and evaluating leased vehicles. The overall
9 objective is to create a safe, efficient, and sustainable environment for residents and
10 visitors.
- 11 • Keep tech moving forward & implementing measures to insure security and redundancy
- 12 • Maintain and grow an inclusive/welcoming work environment and foster greater retention.
- 13 • Improve civic engagement and transparency through a comprehensive community
14 outreach program, fostering open communication, educating residents about government
15 initiatives, and actively involving diverse community members in decision-making
16 processes for effective local governance.
- 17 • Improve Emergency Preparedness (update the Emergency Operations Plan) by the end of
18 the fiscal year.
- 19 • Promote economic development by fostering business investment, securing grants for
20 projects like commercial rehabilitation, and supporting the development of housing
21 resources through initiatives such as rehabilitation loans, non-profit projects, and reducing
22 barriers for private development.

23
24 **2. ADJOURNMENT**

25 The meeting adjourned at 8:05 p.m.

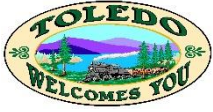
26
27 Approve:

Attest:

28
29
30 _____
31 Mayor Rod Cross

City Recorder Lisa Figueroa

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	February 21, 2024	Interviews and consideration to appoint individuals to the Budget Committee
Council Goal:	Agenda Type:	
Not Applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Recorder L. Figueroa	City Manager Doug Wiggins	City Manager Doug Wiggins

Recommendation:

Staff makes no recommendation but has provided a motion for reference:

1. Motion to appoint Andrew Keating to the Budget Committee term that will expire in December of 2025; appoint Barry Bruster to the Budget Committee term that will expire in December of 2025 and appoint Stacie Keating to the Budget Committee to a term that will expire in December of 2025.

Background:

There are several vacancies on the Budget Committee with staggered expirations. One term expired in December of 2024, two will expire in 2025 and two will expire in 2026.

Three applications have been submitted and are attached, one from incumbent Barry Bruster. Interview questions are also included The Council may decide on whether they decide to interview Mr. Bruster. Please note, Mr. Keating indicated interest in the Library Committee and the Planning Commission, however the Planning Commission vacancy was filled by the time staff received his application. Staff spoke with him and confirmed he would be interested in serving on the Budget Committee as well.

Fiscal Impact:	Fiscal Year:	GL Number:
N/A	N/A	N/A

Attachment:

1. Applications
2. Budget Committee interview questions

City of Toledo
Committee Volunteer Application Form

Please indicate which Board or Committee you are applying for:

- Budget Committee
 Library Board
 Planning Commission

Name: Barry Bruster

Home Address: [REDACTED]

Mailing Address: (if different) [REDACTED]

Home Phone: [REDACTED]

E-mail address: [REDACTED]

Residency and Eligibility

Do you reside within the City limits? Yes 13 years

Do you reside within the Urban Growth Boundary? Yes

Are you a registered voter in Lincoln County? Yes

Are you a Toledo business owner or Manager? Yes

If yes, please indicate which business you own/manage: Bruster Enterprise LLC

Have you worked for or previously been a volunteer for the City of Toledo? Yes

If yes, what was your position and when? Budget Committee 2022-2023

Comments of Interest

Please explain why you are interested in this position:

Assist the City in it's fiscal responsibility to its citizens

Experience & Background

General Background

Please list any qualifications you feel would be of benefit in this position.

I care about Toledo and the direction the city is going.

List previous experience and/or current employment.

Self-Employed, property investment and management, retail sales, game café, confidential mediation services. Retired Lincoln County Sheriff's Office Patrol Deputy

Please list any current or previous community involvement.

Toledo Budget committee, past board chair PAADA (Partners against the abuse of Drugs and Alcohol), past board member and direction steering committee CEDARR (Community's effort demonstrating the ability to rebuild and restore Confederated tribes of Siletz), past Director of LCDR Lincoln County Dispute Resolution, Current member Toledo Activities Group, Chamber of Commerce, The Toledo Elks Lodge 1664,

Certification and Signature

Please initial:

_BJB I understand that I may be subject to a criminal background check pursuant to Toledo Municipal Code Chapter 2.44 and if selected to complete one, I will be required to provide personal information to conduct the criminal background check.

By signing below, I certify that the information on the application is true and accurate and that I meet the necessary eligibility and/or residency requirements in accordance with Oregon State Law and/or the Toledo Municipal Code to serve on a Committee for the City of Toledo.

Barry Bruster
Signature

2-15-2024
Date

**City of Toledo
Committee Volunteer Application Form**

Please indicate which Board or Committee you are applying for:

- Budget Committee
- Library Board
- Planning Commission

Name: Stacie Keating

Home Address: [REDACTED]
Toledo, Oregon 97391

	City	State	Zip
Mailing Address: (if different)	_____	_____	_____

	City	State	Zip
--	------	-------	-----

Home Phone: _____ Cell Phone: [REDACTED]

E-mail address: [REDACTED]

Residency and Eligibility

Do you reside within the City limits? Yes No Length of Time _____

Do you reside within the Urban Growth Boundary? Yes No Length of Time _____

Are you a registered voter in Lincoln County? Yes No

Are you a Toledo business owner or Manager? Yes No

If yes, please indicate which business you own/manage:

Have you worked for or previously been a volunteer for the City of Toledo? Yes No

If yes, what was your position and when? _____

Comments of Interest

Please explain why you are interested in this position:

I'm eager to learn more about the inner workings of my new community and want to contribute in the process. At a recent volunteering opportunity, City Council President Bush encouraged me to join this committee.

Experience & Background

General Background

Please list any qualifications you feel would be of benefit in this position.

I'm inquisitive by nature and a project manager by profession. I believe that my ability to work with others to find equitable solutions would make me an asset to this committee.

List previous experience and/or current employment.

Coursedog - Implementation Project Manager
2U - Senior Faculty Relationship Manager
14West - Various Positions

Please list any current or previous community involvement.

During our five years in Denver, I participated in volunteering and community giving programs through United Way and other local nonprofits. My first volunteering experience in Toledo was joining Mayor Cross, City Council President Bush, and others at the warming shelter following the January ice storm.

Certification and Signature

Please initial:

SK I understand that I may be subject to a criminal background check pursuant to Toledo Municipal Code Chapter 2.44 and if selected to complete one, I will be required to provide personal information to conduct the criminal background check.

By signing below, I certify that the information on the application is true and accurate and that I meet the necessary eligibility and/or residency requirements in accordance with Oregon State Law and/or the Toledo Municipal Code to serve on a Committee for the City of Toledo.

Stacie Nicole Keating

1/22/2024

Signature

Date

**City of Toledo
Committee Volunteer Application Form**

Please indicate which Board or Committee you are applying for:

- Budget Committee
- Library Board
- Planning Commission

Name: Andrew keating

Home Address: [REDACTED]
Toledo, Oregon 97391

	City	State	Zip
Mailing Address: (if different)			

	City	State	Zip
--	------	-------	-----

Home Phone: _____ Cell Phone: [REDACTED]

E-mail address: [REDACTED]

Residency and Eligibility

Do you reside within the City limits? Yes No Length of Time 3 months

Do you reside within the Urban Growth Boundary? Yes No Length of Time _____

Are you a registered voter in Lincoln County? Yes No

Are you a Toledo business owner or Manager? Yes No

If yes, please indicate which business you own/manage:

Have you worked for or previously been a volunteer for the City of Toledo? Yes No

If yes, what was your position and when? _____

Comments of Interest

Please explain why you are interested in this position:
My wife and I moved to Toledo in the fall and are eager to contribute to our new community. We volunteered with Mayor Cross and other members of the community at the warming shelter during recent power outages following the ice storm, where Mayor Cross and Council President Bush encouraged us to join city committees. I have personally been a member of a few boards, prior to moving to Oregon, and I believe my wide range of knowledge and expertise would be a benefit to the planning committee, the library board, or both.

Experience & Background

General Background

Please list any qualifications you feel would be of benefit in this position.

The beginning of my career saw me as a writing and literature professor. I have also operated a small publishing company for over a decade. As my career evolved, I became a communications director in higher education and later state government. For the last 5 years, I have been a leader in systems-building for early childhood. I served on the Denver Curling Club board of directors and was appointed as chair of the Colorado Early Childhood Leadership Commission's Communications Committee. I now provide consulting services for local and state governments, nonprofits, and institutes of higher education. I am most proud of my work to create information hubs for families, child care providers, community organizations, and educators very early during the COVID-19 Public Health Emergency.

List previous experience and/or current employment.

Founder/Creative Director - Cobalt Creative (communications consulting - present)
Marketing and Communications Director - Mile High United Way
Sr. Communications Manager - Early Milestones Colorado
Sr. Writer and Communications Manager - State of Colorado/Community College System
Communications Director/Creative Writing Faculty - Rocky Mountain College
Faculty - Creative Writing, Literature, Professional Writing - University of Maryland System

Please list any current or previous community involvement.

We are new to the Toledo community and eager to find ways to contribute. Prior to moving here, I led volunteer projects to support environmental conservation in Boulder, Colorado, and to provide food, clothing, and other essential needs to children and families in need across the Metro Denver area.

Certification and Signature

Please initial:

AK I understand that I may be subject to a criminal background check pursuant to Toledo Municipal Code Chapter 2.44 and if selected to complete one, I will be required to provide personal information to conduct the criminal background check.

By signing below, I certify that the information on the application is true and accurate and that I meet the necessary eligibility and/or residency requirements in accordance with Oregon State Law and/or the Toledo Municipal Code to serve on a Committee for the City of Toledo.

Andrew Michael Keating
Signature


1/22/2024
Date



CITY OF TOLEDO
Budget Committee Interview Questions

1. What do you feel is the role of a Budget Committee member?
2. Have you ever managed, administered, or been responsible for a budget? If so, what size was the budget and for what purpose?
3. What are the basic services any city should provide?
4. In your opinion, what is the most important service Toledo provides to the residents? Why? (e.g., fire, police, library, planning, etc.)
5. If you had a dollar to spend, how would you appropriate it for city services?
6. Any additional questions posed by Council.

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	February 21, 2024	Consideration to approve an expenditure of up to \$55,000 to extend the water line on Highway Business 20
Council Goal:	Agenda Type:	
Maintain and improve public infrastructure and facilities	Decision Items	
Prepared by:	Reviewed by:	Approved by:
Public Works Director B.Lorimor	City Manager Doug Wiggins	City Manager Doug Wiggins

Recommendation:

Motion to approve an expenditure of up to \$55,000 for a water line extension project.

Background:

The City of Toledo would like to extend 940 feet of water line to provide new services, allow for future expansion and also install three new fire hydrants for improved fire response.

The extension would go from roughly Lincoln Way to the Highway 229 Junction on the inbound shoulder of Business Highway 20.

Fiscal Impact:	Fiscal Year:	GL Number:
\$55,000	2023-2024	060-600-620600

Attachment:

1. Powerpoint


Proposed Water line extension on Business Highway 20

This project adds 940 feet of 6” High density polyethylene (HDPE) from the end of the existing water line to the HWY 229 Junction, would allow new service connections to city water. It would also add three new fire hydrants to increase availability of water in the event of a fire in this area. Win-Win for the City of Toledo.

Staff requests Council approve the estimated cost of \$55,000 to move forward with this project and continue to make Toledo a better, safer place for the residents and visitors alike.



**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	February 21, 2024	Resolution No. 1543, establishing an email and social media policy
Council Goal:	Agenda Type:	
Not Applicable	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Attorney M. Adams	City Manager Doug Wiggins	City Manager Doug Wiggins

Recommendation:

Motion to approve Resolution No. 1543, a resolution of the Toledo City Council establishing an email and social media policy.

Background:

As social media has evolved from a technological fad to a potentially long-term, effective communication option for cities, it is important to clarify expectations for officials, staff and volunteers of the City of Toledo.

This email and social media policy is important because: 1) it provides a framework with which decisions can be made to manage legal risks regarding emails and social media and 2) provides a point of reference for the decisions related to emails and social media, to comply with public records law, protections on free speech, and reduce the likelihood of challenges under the First Amendment.

Fiscal Impact:	Fiscal Year:	GL Number:
Unknown	2023-2024	N/A

Attachments

1. Resolution No. 1543

**CITY OF TOLEDO
RESOLUTION NO. 1543**

A RESOLUTION OF THE TOLEDO CITY COUNCIL ESTABLISHING AN EMAIL AND SOCIAL MEDIA POLICY

WHEREAS, That technology has become an everyday part of the workplace, and computers and the internet are now standard workplace tools; and

WHEREAS, That in a very short span of time, social media has evolved from a technological fad to a potentially long-term, effective communication option for cities; and

WHEREAS, That the Toledo City Council understands that it is important to clarify expectations for officials, staff and volunteers of the City of Toledo; and

WHEREAS, That the City having a policy in place is important because: 1) it provides a framework with which decisions can be made to manage legal risks regarding emails and social media and 2) provides a point of reference for the decisions related to emails and social media, to comply with public records law, protections on free speech, and reduce the likelihood of challenges under the First Amendment; and

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

Section 1. **Purpose and Applicability.**

The Toledo City Council establishes that the purpose of this email and social media policy is to establish guidelines to manage legal risks such as violations of public records law and protections on free speech. The policy is applicable to the staff and officials of the City of Toledo. In addition, this policy is also applicable to volunteers of the city to the extent that they are conducting city business on email or social media from a private account. This policy does not address the off-duty private use of email and social media accounts that does not relate to public business. However, emails and social media posts are considered public records if they relate to the city's business regardless if the email is sent from, or if the social media is posted from a private account. Thus, these public records must be properly retained pursuant to the city's records retention policy. Additionally, the city may not restrict an individual's First Amendment free speech rights by regulating the content of their social media posts. The City may, however, regulate the time, place, and manner in which free speech is permitted and thus, manage public comments on the city's social media accounts accordingly.

Section 2. **Email.** That the City Council adopts the following policy governing emails:

Use.

1. "City staff" or "Staff" includes full-time and part-time employees of the City. "Official" means a member of the City Council or Municipal Court Judge appointed

by the City Council. The phrase “Send or otherwise communicate” includes sending, replying, replying all, forwarding, and being aware of or giving permission to receiving, the electronic communication.

2. Each staff member and official will be assigned a unique email address that is to be used while conducting city business via email. The unique email address assigned to an employee is the property of the city. An individual may only use their assigned email address while employed by the city. Each staff member and official is responsible for the content of emails sent by another staff member, official or any other person if they have willingly or negligently allowed access by that individual to utilize their personal email address.

3. The city retains the right to intercept, monitor, review and disclose any and all messages composed, sent or received.

4. All email systems are city property. All messages stored on city systems or composed, sent or received by any staff or official are the property of the city. Furthermore, all messages composed, sent or received by any person using city-provided equipment are property of the city. Emails are not the property of any employee or official.

5. Email systems are intended to be used primarily for business purposes. Any personal use must not interfere with normal business activities, must not involve solicitation, and must not be associated with any for-profit business activity. All messages sent by email are city records.

6. The use of privately owned email accounts for sending and receiving work related email messages is highly discouraged. If these resources are used for work-related purposes, the user (staff, official or volunteer) must transfer all work-related messages to a city-owned system or network and must realize that these private accounts may be subject to public disclosure and retention requirements. The City Recorder and IT director will oversee the transfer of such records to protect the system and make sure no viruses or other malware is transferred in the process nor that the person has removed something from the city’s system. The City needs to be able to maintain an accurate inventory of records that are being moved in or out.

7. All communications via email in connection with the transaction of public business constitute public records except under certain circumstances. Electronic communications, like other public records, must be available upon request to any individual, agency or others outside the organization, unless the information is legally exempt from disclosure under the Oregon Public Records Law.

8. Except as specifically designated below, city staff and officials are prohibited from using City email accounts to send or otherwise communicate about the following subjects:

- a. Information about actual or potential claims and litigation involving the city;
- b. The intellectual property of others, without written permission;
- c. Photographs of employees or members of the public, without written permission, excluding your own personal photograph and those photographs sent in the course of your official duties;
- d. Any personal, sensitive or confidential information unless part of your official duties;
- e. Computer viruses or other harmful programs;
- f. “Chain letters” or junk mail;
- g. Material or comments that are derogatory to any individual or group, or of a defamatory, threatening or harassing nature;
- h. Racist, sexist and other disparaging language about a group of people;
- i. Obscene, pornographic, offensive or illegal materials or links;
- j. Sexual comments about, or directed to, anyone; or
- k. Any communication for any other purpose which is illegal, against city policy, or contrary to the city’s interest.

This prohibition does not apply to attorney-client communications between city staff and officials and the City Attorney or other city staff and officials designated to assist with legal matters. This prohibition does also not apply to sending or communication about the above-described subjects if directed by the City Manager or their designee after the unsolicited receipt of an email.

Records Retention.

1. The city must maintain and preserve records in compliance with the Oregon Public Records Law. The Public Records Law applies regardless of whether the email communication is sent from a public or private email address. Emails have to be retained based on content/its relevance. Emails will be retained in accordance with Oregon Public Records Law and the City’s policy; if there are any questions, please contact the City Attorney and/or City Recorder.
2. The retention of records stored in electronic systems, including email, is governed by the city’s retention schedule and OAR Chapter 166, Division 200. If you have a question regarding the retention of a record, please contact the City Recorder.

3. Ideally, once the project is completed or the issue resolved, the user will print all relevant email and place it in the appropriate physical file and then delete the email from their inbox. There is also an option to save it in an electronic file on your computer or mailbox within Outlook. If the email has not been backed up, an email in an inbox should not be deleted, unless the user has transferred it to the appropriate file and then it may be deleted from their inbox. Due to the City's server settings, an email inbox may be used for storage. The City's server will be set to retain emails for the periods in the records retention schedule based on type of record and position of the user.

4.

Security Precautions.

1. Viruses and other malicious code can spread quickly if appropriate precautions are not taken:
 - a. Be suspicious of messages sent by people not known by you.
 - b. Do not open attachments unless they were anticipated by you.
 - c. Disable features in emails that automatically preview messages before opening them.
 - d. Do not forward chain letters; simply delete them.

Section 3.

Social Media.

That the City Council adopts the following policy governing social media:

Use.

1. "Social media" includes blogs, Facebook, X (Formerly Twitter), YouTube, Snapchat, Instagram, and other similar platforms. "Post on social media" includes to like, comment, or share a post, which can include images, videos, and links.
2. The City Manager or their designee shall identify those employees authorized to use social media on behalf of the city. Only those employees who are authorized shall engage in social media activities on behalf of the city. Volunteers are not authorized to engage on social media platforms on behalf of the city. The City Manager or their designee shall maintain a list of authorized social media users.
3. Unless part of your official job duties, city staff will not post on social media during work hours, including paid breaks. City staff will not post on social media pictures of city business or city facilities, regardless of whether it is posted during or after work hours, if it is a picture taken while performing work for the city, even if the picture was taken on a personal phone, or unless pre-approved by an authorized social media user designated by the city manager.

4. All social media accounts should submit a request to the City Manager’s office and be created from that office with the requested department staff given permissions to access that account. The City Manager’s office will also determine whether or not a City account can be linked to other platforms. All social media accounts shall be created using a city-issued email address, whenever possible. However, some social media platforms, such as Facebook, prohibit creation of a government “page” without the use of a personal email account. In those instances, the City Manager will be provided the account login information for such personal account, when the site is setup or later updated, for transition of page management in the event the person holding the primary personal account associated with the page leaves the city.
5. This will ensure that:
 - a. Personal and professional communications are separated;
 - b. The city can back up public conversations because the city owns and controls the email address;
 - c. The city can access the site/platform at its discretion or as needed, for example, without limitation, when the employee is out on vacation or otherwise away from the office or leaves employment with the city;
 - d. The city can determine that the site is legitimately the city’s and not a rogue site generated from a private email address.
6. The city shall notify users and visitors to the social media site that the purpose of the site is to facilitate communication between the city and the public. Each site shall contain the following message:

This site is created by the City of Toledo. This site is intended to serve as a mechanism for communication between the public and the City of Toledo on all topics relevant to city business. The City of Toledo reserves the right to remove comments or postings that violate any applicable laws. A list of content that will be removed may be viewed at: [insert hyperlink to social media user guidelines in Exhibit A]. Postings to this site are public records of the City of Toledo and may be subject to disclosure under the Oregon Public Records Law.

The City of Toledo does not endorse nor sponsor any advertising posted by the social media host, the user acknowledges that the social media host operates a private site, and the privacy terms of the site apply. The City of Toledo does not guarantee reliability and accuracy of any third-party links.

7. Where possible, all social media sites will display the city’s logo for consistency and authenticity.

8. Social media posts are considered public records if posts are made on an official city site; *or* on a city staff member or volunteer or official's private account which makes or receives comments on city matters.
9. The city and its employees, volunteers and officials shall not discriminate against public speech based on content or viewpoint. The city, its staff, volunteers and its officials may not engage in viewpoint discrimination. All persons who wish to "friend," "follow," "re-tweet," "share," etc. must be allowed to do so.
10. The city staff responsible for social media sites should either utilize social media settings that prevent public posts from all social media users (one-way communication to the public) or not delete any public posts, even if offensive, unless clearly in violation of subsection 11 below and the social media user guidelines in Exhibit A. The decision whether or not a public post violates the social media user guidelines shall rest with the City Manager or their designee in consultation with the City Attorney. The City Council delegates to the City Attorney that ability to modify, add or delete the social media user guidelines in Exhibit A, with the approval of the City Manager, without coming back to the City Council for approval.
11. The following content posted by the public may be removed, unless explicit consent from the City Manager or their designee:
 - a. Comments not topically related to the particular article being commented upon;
 - b. Comments in support of or opposition to political campaigns or ballot measures;
 - c. Profane language or content;
 - d. Content that promotes, fosters or perpetuates discrimination upon the basis on race, religion, gender, gender identity, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, source of income, or other protected status under applicable law;
 - e. Inappropriate sexual content or links to inappropriate sexual content;
 - f. Solicitations of commerce, *e.g.*, ads, except when in the scope of your official duties or to promote organizations such as the Chamber of Commerce or other non-profits or local fundraising;
 - g. Conduct or encouragement of illegal activity;

- h. Private and confidential information;
- i. Information that may tend to compromise the safety or security of the public or public systems; or
- j. Content that violates a legal ownership interest of any other party.

These guidelines shall be displayed to all users or made available by hyperlink. Any content removed must be retained, including the time, date and identity of the poster when available.

Records Retention.

1. The city must maintain and preserve social media records in compliance with the Oregon Public Records Law. The Public Records Law applies regardless of whether the social media site is hosted by the city or a third party.
2. Those engaged in social media activities must be familiar with the city’s records retention schedule. Any posted original content that is not a copy of a preexisting city record must be captured and retained by saving a copy and providing it to the City Recorder as the city’s records custodian.
3. Social media content shall be retained by composing and retaining message in local software and noting the time and date posted, or by capturing screenshots of the post once it is on the page. The City of Toledo may also utilize third party software that can coordinate multiple social media accounts and capture social medial content automatically for the city.
4. Non-Original Social Media Content Maintained Elsewhere
Any posted content that is a copy of a city record that exists in another location does not need to be separately preserved, provided that the original content is being retained in compliance with the appropriate city retention schedule and media preservation requirements. Employees should use social media applications exclusively as a mechanism for providing the public with links or references to content that is maintained as an official city record elsewhere. Links or references posted to social media accounts are considered convenience copies which need to be retained only “as needed” or “until superseded.”
5. Original Social Media Content
Any posted original content that constitutes a city record and that is not preserved and retained elsewhere in compliance with the appropriate city retention schedule, must be captured by the city and retained according to the appropriate schedule and preservation requirements. The person who posts the content is responsible for retaining and preserving the record.

- a. Speeches/Statements/News Releases/Program Activity Records
Content that contains written or photographed accounts of a city event, or summary of such events posted to social media are considered statements and reports for retention purposes and should be retained in accordance with the public records law as managed by the City Recorder. If these posts contain policy or historically significant content, they must be retained permanently.
- b. Correspondence
Incoming messages from the public that arrive via the city’s social media account should be treated as correspondence. Messages completely unrelated to the city’s activities does not need to be retained. If the message relates to the city’s activities or functions, it must be captured and retained per the retention category that most closely corresponds to the content of the message. Staff are advised to respond to correspondence via email or other “offline” messaging methods and if possible, communicate directly with the individual and maintain that correspondence.
- c. Content Associated with a Specific Function or Activity
Information received from the public in response to social media posts used as a public entry point to solicit specific information—such as conducting a poll or to launch a process or placing an order—should be retained along with other records associated with that function or activity using the appropriate retention schedule.

Section 4. **Delegation.**

The City Council delegates to the City Attorney that ability to modify, add or delete the social media user guidelines in Exhibit A, with the approval of the City Manager, without coming back to the City Council for approval.

Section 5. **Violations.**

Any staff member in violation of this email and social media policy is subject to disciplinary action, up to and including termination of employment or volunteer status, pursuant to the city’s personnel manual.

Section 6. That this Resolution shall be effective immediately upon passage by the Toledo City Council.

That this resolution is hereby adopted by the Toledo City Council on this 21st day of February, 2024.

APPROVED

ATTEST

Mayor Rod Cross

City Recorder Lisa Figueroa

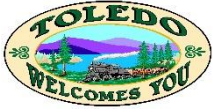
Exhibit A – Resolution No. 1543
SOCIAL MEDIA USER GUIDELINES

The City of Toledo encourages the public to share thoughts as they relate to the topics being discussed on the city's social media sites. The views expressed in visitor comments reflect those of the comment's author and do not necessarily reflect the official positions of the City of Toledo. Public comments are considered public information and may be subject to monitoring, moderation and disclosure to third parties. Users shall refrain from posting and the City of Toledo reserves the discretion to remove:

- a. Comments not topically related to the particular article being commented upon;
- b. Comments in support of or opposition to political campaigns or ballot measures;
- c. Profane language or content;
- d. Content that promotes, fosters, or perpetuates discrimination upon the basis on race, religion, gender, gender identity, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, source of income, or other protected status under applicable law;
- e. Inappropriate sexual content or links to inappropriate sexual content;
- f. Solicitations of commerce;
- g. Conduct or encouragement of illegal activity;
- h. Private and confidential information;
- i. Information that may tend to compromise the safety or security of the public or public systems or facilities; or
- j. Content that violates a legal ownership interest of any other party, including the city.

These user guidelines may be subject to modification at any time.

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	December 6, 2023	Resolution No. 1544, a resolution accepting and distributing unanticipated SAIF dividend monies
Council Goal:	Agenda Type:	
Choose an item.	Decision Items	
Prepared by:	Reviewed by:	Approved by:
City Manager Doug Wiggins	City Manager Doug Wiggins	City Manager Doug Wiggins

Recommendation:

A motion to approve Resolution No. 1544, a resolution of the Toledo City Council accepting and allocating unanticipated monies from SAIF Corporation.

Background:

Every year the SAIF Corporation issues dividend checks based on safety and workers compensation rates. This past year SAIF allocated 135 million in dividend checks to its customers. The City earned and received its share of \$22,325 given our low rate of claims and improved safety rating.

After discussing with Staff, it was determined the unanticipated money should be allocated to those that earned the safety rating, the employees. The Resolution distributes the funds in the following manner:

2.5% of \$22,325 to each full-time non-exempt employee, employed at the time of this resolution passage. All part-time employees will receive same at their pro-rata rate.

2.0% of \$22,325 to each exempt full-time employee, employed at the time of this resolution passage.

Left over monies will be placed in an employee appreciation account for use this summer for a celebration on their behalf.

Fiscal Impact:	Fiscal Year:	GL Number:
\$22,325	2023-2024	Salaries/Multiple

Attachment:

1. Resolution No. 1544
2. Memorandum of Understanding (MOU) with the Toledo Public Safety Association
3. MOU with the Toledo Employees' Association

**CITY OF TOLEDO
RESOLUTION NO. 1544**

**A RESOLUTION OF THE TOLEDO CITY COUNCIL ACCEPTING AND ALLOCATING
UNANTICIPATED MONIES FROM SAIF CORPORATION**

WHEREAS, the City of Toledo uses the SAIF Corporation as its workers compensation insurer; and

WHEREAS, SAIF issues dividend checks based on safety performance and policy premiums; and

WHEREAS, SAIF declared a \$135 million dividend to be distributed in October 2023 to policyholders based on their premium for policies whose term ended in 2023; and

WHEREAS, the City of Toledo received a dividend check in the amount of \$22,325 as its share.

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

Section 1. The Toledo City Council hereby supports rewarding the employees who keep our working environment safe and workers compensation rates low.

Section 2. The City of Toledo accepts the \$22,325 dividend check and grants authority to the City Manager to distribute the funds as follows:

- a. 2.5% for every non-exempt full-time employee of the City of Toledo, employed on the date of resolution passage. Part-Time employees will be prorated as such.
- b. 2% for exempt employees with the City of Toledo, employed at the time of the date of resolution passage.
- c. Left over funds shall be placed into the employee appreciation line item in the stabilization fund for a future summer family appreciation celebration.
- d. Payment shall be distributed with their February paycheck.

Section 3. This Resolution shall be effective immediately upon passage by the Toledo City Council.

That this resolution is hereby adopted by the Toledo City Council on this 21st day of February, 2024.

APPROVED

ATTEST

Mayor Rod Cross

City Recorder Lisa Figueroa

MEMORANDUM OF UNDERSTANDING

To reward your continued employment with the City of Toledo and to thank you for your continued adherence to safety performance, the City Council has made the decision to pay all of the City's employees, currently employed by the City, a bonus out of unanticipated monies returned from the SAIF corporation.

The bonus is two and a half (2.5) percent of the amount being returned to the City, payable in the February pay check. It is pro-rated, if not full-time, and management will receive two (2) percent.

By signing below, I agree, on behalf of the Toledo Public Safety Association (TPSA), as follows:

1. Whether to pay a bonus, and the amount of any bonus, are entirely in the City Council's absolute discretion.
2. It is expressly agreed that the fact that you may have received a bonus does not give rise to any expectation or entitlement to receive any bonus in the future, or as to the size of any future bonus. In other words, this is a "one time" event.
3. That I have authority on behalf of the TPSA to enter this MOU.

TOLEDO PUBLIC SAFETY ASSOCIATION

By: _____

Its: _____

Dated this ___ of _____, 2024.

MEMORANDUM OF UNDERSTANDING

To reward your continued employment with the City of Toledo and to thank you for your continued adherence to safety performance, the City Council has made the decision to pay all of the City's employees, currently employed by the City, a bonus out of unanticipated monies returned from the SAIF corporation.

The bonus is two and a half (2.5) percent of the amount being returned to the City, payable in the February pay check. It is pro-rated, if not full-time, and management will receive two (2) percent.

By signing below, I agree, on behalf of the Toledo Employees' Association (TEA), as follows:

1. Whether to pay a bonus, and the amount of any bonus, are entirely in the City Council's absolute discretion.
2. It is expressly agreed that the fact that you may have received a bonus does not give rise to any expectation or entitlement to receive any bonus in the future, or as to the size of any future bonus. In other words, this is a "one time" event.
3. That I have authority on behalf of the TEA to enter this MOU.

TOLEDO EMPLOYEES' ASSOCIATION

By: _____

Its: _____

Dated this ____ of _____, 2024.