

1. 2:00 P.M. Agenda

Documents:

[2021-12-15 Council Agenda.pdf](#)

2. Meeting Materials

[2021-10-Financial-Report-Council](#)

[2021-10-Financial-Report-Debt-Services](#)

[2021-10-Financial-Report-FUNDS-100-150-660-670](#)

[2021-10-Financial-Report-General-Fund](#)

[2021-10-Financial-Report-Urban-Renewal](#)

[2021-10-Fund-Balances-And-Contract-Exp](#)

Documents:

[December 15 Kindness Proclamation .Pdf](#)

[IIIa 2021-11-04 Draft Summary.pdf](#)

[2021-11-17 CC Meeting Summary.pdf](#)

[2021-11-04 CC Meeting Summary.pdf](#)

[IIIb Estimate_1244_From_Searose_Yard__Home_LLC Interior.pdf](#)

[IIIb Memo - Commons Paint.pdf](#)

[IIIbEstimate_1243_From_Searose_Yard__Home_LLC Exterior.pdf](#)

[IIIcRequest By The SNF To Amend The Intergovernmental Agreement_Bob_Edit_11-23.Pdf](#)

[IIIdYachats- Project Subapplication 5.8.2021.Pdf](#)

[IIIdFEMA Resolution.pdf](#)

[Employee Handbook - 1-16-2021.Pdf](#)

[IVb City Of Yachats Employment Agreement Latest .Docx](#)

[IVb Exhibit A Latest.docx](#)



**CITY OF YACHATS
REGULAR CITY COUNCIL MEETING**

**Yachats OR
Wednesday, December 15, 2021 at 2:00 pm
To Be Held Via Zoom**

Join Zoom Meeting

<https://us02web.zoom.us/j/83380335391>

Meeting ID: 833 8033 5391

One tap mobile

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+(Tacoma)

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Meeting ID: 833 8033 5391

Find your local number: <https://us02web.zoom.us/j/83380335391>

REGULAR COUNCIL MEETING

- I. Announcements, Correspondence, and Proclamations
- II. Public Comment:
Topics not listed on the agenda 5 Minute limitation per person
- III. New Business
 - a. Council meeting summaries and review of November 4 example
 - b. Painting of the Commons
 - c. Proposed amendment to IGA with Siuslaw National Forest
 - d. Fema grant application for earthquake
- IV. Ongoing
 - a. Finance Committee
 - b. City Manager recruitment
- V. Reports
 - a. Financial
 - b. Council
 - c. City Manager
- VI. Other Business
 - a. Mayor
 - b. Council Staff
 - c. Staff

The Yachats City Council meetings are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. Public meeting minutes are available for review at City Hall. The meeting place is accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

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Posted 12/10/2021



YACHATS
OREGON

December 15th, 2021

WHEREAS, the City of Yachats seeks to honor those that make a positive difference in our community and our world; and

WHEREAS, simple acts of kindness make our community stronger and can contribute to meaningful change; and

WHEREAS, any day, week, or month is a good time to remind all of us of the need to remember that compassion, empathy, humility and respect are essential ingredients in the creation and maintenance of a kind and civilized society; and

WHEREAS, kindness is a fundamental part of the human condition which bridges the divides of race, religion, politics, and gender; and

WHEREAS, during these difficult times, performing acts of kindness and service has become more essential, literally saving lives, protecting our shared well-being, and advancing our return to normalcy, and

WHEREAS, acts of kindness and service reward the doer as much as the receiver and therefore produce a multiplication of social and personal benefit; and

WHEREAS, a universal commitment to perform acts of kindness everyday would change the world, and services provided by others everyday actually do uphold and strengthen our community and social institutions; and

WHEREAS, we seek to cultivate kindness, caring, and compassion within our community;

NOW, THEREFORE, we, the City Council of the City of Yachats, do hereby proclaim January, 2022 as Kindness Month, and we encourage our citizens to participate in kindness activities, including those sponsored by organizations within our city, and to engage in intentional acts of kindness throughout the month of January and beyond.

Signed this 15th day of December, 2021

Leslie Vaaler, Mayor

City of Yachats
CITY COUNCIL MEETING
November 4, 2021

WORK SESSION

Present: Mayor Leslie Vaaler, Mary Ellen O'Shaughnessey, Greg Scott, Ann Stott; guests: Pro tem City Manager, Katherine Guenther and Deputy Recorder, Kimmie Jackson, Linn West, Don Groth, Chris Brugata, Westech Engineering, Dave Buckwald, Rick McClung

Meeting called to order at 9:30 am

Consideration of public involvement in land use planning – Oregon Goal 1 and Goal K.

Scott indicated this topic is cyclical. Last time predates his arrival in active participation city affairs. Main issue was participation of community. Felt between commissioners and public attending meetings Yachats has good participation. It is worthy of discussion. Requires staff time but concerned with lack of staff.

Guenther advised not sure when it happened, the planning commission absorbed the responsibility of the citizens involvement committee (CIC). There is more participation now and technology is better.

Councilor Anthony Muirhead joined meeting at 9:40.

Mayor Vaaler advised during Arthur Roberts' tenure a decision was made to disband the citizens involvement committee. Shared concern for participation and staff time being used. Also concerned that the public is not getting enough education of land use.

Scott indicated in the materials provided referenced availability of 2021 technology and think of it as an option available that makes potential tools available to make information more readily available to the public.

O'Shaughnessey shared information from her time on the planning commission and discussed the need for citizen feedback.

Discussion continued, O'Shaughnessey suggested people that are interested might come up with a proposal considering the constraints mentioned. Vaaler raised the question of how to go about getting people together for a proposal.

Planning Commission Chair Block discussed issues of making a CIC a function of the planning commission. Need to determine interest and scope of CIC.

Community member Connor indicated the CIC is a type of community outreach it can be scaled to size of community. Need to have a framework to follow for each project. Need to consider how to engage with public, not necessarily how public responds.

Vaaler suggested Bloch, Conner, Danos and someone from council to carry this forward.

Bloch is agreeable and advised putting a CIC on the agenda for Planning and proceed from there.

Scott requested a recommendation to the Council as to how the mechanics of the CIC would work and who would take responsibility for a CIC.

REGULAR MEETING 10:07 am

I. New Business

Item 3A

Community members (Deriberprey, Banks & Barrett) presented a packet/proposal concerning the issue of the homeless and inclement weather.

-Proposal that during extreme weather the pavilion be unlocked so homeless can take shelter. Indicated there are volunteers to make sure it is kept clean and locked and unlocked in a timely fashion.

Scott made the **motion to accept the proposal submitted to Council to open the picnic shelter during severe inclement weather and authorize the City to provide keys to make this possible.**

Vaaler did raise OHA regulations re: Covid. Guenther advised there are signs and the City is OK with that. Insurance is no different than people sleeping in the doorway of the Log Church.

Discussion was had regarding the shelter not being open while there are children in the Commons.

Vote: O'Shaughnessey, Yes, Scott, Yes, Stott, Yes, Muirhead, Yes. Mayor Vaaler, Yes.
Motion carried unanimously.

II. Announcements, Correspondence and Proclamations

O'Shaughnessey thanked those involved in planning the Halloween event – it was Yachats at its finest.

III. Public Comment

None

IV. Reports

A. Public Works

Chris Brugata of Westech Engineering presented overview of Wastewater Facility Plan

- o Purpose of Facilities Plan

- 1 o Reflection of City's needs
- 2 o Overview of existing system – collection and treatment
- 3 o History of System
- 4 o Key Planning Criteria
- 5 o Collection System Analysis
- 6 o Recommended Collection System Improvements
- 7 o Treatment System Analysis
- 8 o Recommended Treatment System Improvements
- 9 o Prioritization Groups
- 10 o Capital Improvement Plan (CIP)
- 11 o Next Steps
- 12 Discussion
- 13 Vaaler raised questions –
- 14 If experiencing growth, how much above of what is listed indicates this is not what is
- 15 needed. Brugata indicated that there would be need to be a considerable increase in
- 16 population. The Plans do take into growth into consideration.
- 17 Page 5-12 BOD and TSS are the same; is that correct? Brugata advised it is intentional.
- 18 BOD and TSS go hand-in-hand.
- 19 Smoke testing system – is there evidence that there is a problem and what is the
- 20 expense? Brugata gave instances for smoke testing, pipe breakage, etc. It is not a huge
- 21 cost and would probably reveal some problems that could be fixed.
- 22 Cost of spreader is that for new? Brugata advised it was for new, but no reason a good,
- 23 used piece of machinery would not suffice.
- 24 Sludge storage tank; is it within the no more than 35% or is the risk greater. Brugata
- 25 indicated it could go above it but not much greater.
- 26 Are we adding significantly to staff at Public Works? Brugata indicated there really
- 27 would not be a higher work load and possibly the work load would decrease.
- 28 Priority 1 projects if choices are made to go forward with water or waste water items,
- 29 which are most important? Brugata advised the water system needs work sooner than
- 30 the waste water system.
- 31 Which items? Brugata indicated replacing the tractor, bio-solid items, building rehab.
- 32 Buckwald the “smaller stuff” is getting dealt with and the larger things will be further out.
- 33 Guenther asked about the \$50K for bio-solid disposal site. Brugata indicated finding a
- 34 new site privately owned and getting approval for the site. Administrative cost, not
- 35 purchasing property.

1 \$6,820,000, June 2021 index has increased 4.4% which is a \$301K increase need to
2 keep an eye on this yearly. Check expiration dates. Fire Station is zoned C-1. Check
3 levels of NDP.

4 Buckwald advised that DEQ has made several mistakes on their paperwork but they do
5 good work for what they do.

6 Scott advised when the current waste water plant was designed, plumbing was
7 specifically included for the third SBR anticipating that at some point the possibility of a
8 state mandated health annexation immediately north of Yachats.

9 Discussion ensued as to need of third SBR and cost.

10 Buckwald advised that the City purchased a great system and he will brag about it all
11 the time.

12 Brugata indicated that the third SBR was put in just for cost purposes. Probably won't
13 need another one for about 20 years.

14 Scott asked if these projections with bio solids will improve process and have a
15 reduction in work hours with technology, etc. Brugata advised there was not a cost
16 analysis done; there will be some streamlining, but not much. It would be better to look
17 at it as risk management.

18 Scott raised the question to Buckwald regarding waste from the local brewery as there
19 had been concern. Buckwald advised he had come to an agreement with the brewery to
20 discharge during the evening and by doing that feeds the micro-organisms so it is
21 actually working out well. Scott praised Buckwald for working that out and finding a
22 solution that worked for both parties.

23 Lauritzen raised the question of having no section for elimination of septic systems in
24 the Waste Water Master Plan. There are 12 systems grandfathered in. It is believed
25 they are leaking into one of the creeks on the north side of Horizon Hill and there is
26 fecal bacteria. Brugata advised he was unaware of these and that they can add a plan
27 to connect them to the system; Buckwald advised there is no sewer line access. It will
28 require quite a bit of piping.

29 Discussion on need and LID. Guenther advised there is a map at City Hall showing all
30 the properties with septic systems.

31 Linn West suggested that the septic system issue be left out of the report on the Master
32 Plan and that Public Works do research on how to investigate and document so that
33 costs and options are available sometime in the future.

34 Further discussion was held about creek contamination and the safety and use of septic
35 systems.

1 Scott agreed with West's suggestion and felt that Public Works tackle this issue
2 independently.

3 Mayor Vaaler made the **motion to move the Master Plan onto DEQ with the**
4 **corrections made.**

5 Scott voiced his concern that the public has not had much time to review this and asked
6 what the downside would be to wait a little longer. Mayor Vaaler indicated that there
7 was a time constraint and one extension had already been granted. She further advised
8 that this has been in the works for quite some time and the public has been able to
9 review it. West advised that the plan has been mentioned at the last three meetings of
10 Public Works.

11 Discussion was held as to public awareness of the plan being worked on and available
12 for review by the public.

13 Vote: O'Shaughnessey, Yes, Scott, Yes, Stott, Yes, Muirhead, Yes. Mayor Vaaler, Yes.
14 **Motion carried unanimously.**

15 **B. Parks and Commons**

16 Application from Adam Altman included in packet. Altman advised he takes advantage
17 of the many activities and parks that Yachats has available and volunteers on the trails
18 crew. He loves the town and would like to work on the many projects taking place.

19 Stott made the **motion to accept the application from Adam Altman to the Parks**
20 **and Commons Commission.**

21 Vote: O'Shaughnessey, Yes, Scott, Yes, Stott, Yes, Muirhead, Yes. Mayor Vaaler, Yes.
22 **Motion carried unanimously.**

23 **V. City Manager Recruitment**

24 Mayor Vaaler summarized the meetings and interviews that have taken place in the
25 search of a City Manager. Council and Guenther has spent much time and effort and
26 there has also been community involvement. Staff has also given great feedback.

27 Mayor Vaaler inquired of the Council if they had everything they needed to make a
28 decision or if they required something more.

29 Mayor Vaaler presented three (3) options to the council regarding proceeding in hiring a
30 City Manager and asked the council members to vote for one option:

- 31 1. Do not engage in talks with either of our finalists at this time.
- 32 2. Enter into talks with Helen Anderson in hopes of reaching an agreement that
- 33 would allow her to become the Yachats City Manager. Contract would need to
- 34 be approved by the City Council.

3. Enter into talks with Gretchen Dubie in hopes of reaching an agreement that would allow her to become the Yachats City Manager. Contract would need to be approved by the City Council.

Scott suggested a binary choice and Muirhead agreed. Stott and O'Shaughnessey chose the above. Scott and Muirhead agreed to follow the majority.

Discussion on how to vote. It was suggested to do so via private chat. Public chat has been disabled and a chat vote will only be seen by Guenther and Jackson. Guenther will read the results when the vote is complete and there will be a written record of the vote via the chat.

Jackson supplied the results of the vote.

Stott, Option 3, Muirhead, Option 3, O'Shaughnessey, Option 1, Vaaler, Option 3, Scott, Option 3.

Mayor Vaaler advised the four votes for Option 3 indicated the Council would enter into talks with Gretchen Dubie in hopes of reaching an agreement becoming City Manager. Vaaler asked if there were any councilors who wished to comment on their vote.

Muirhead thanked Helen Anderson for her time and desire to serve the community in the capacity of City Manager.

O'Shaughnessey, Mayor Vaaler, Scott and Stott shared their views on the process and their thought processes in making their vote.

Discussion held regarding who should be "at the table" in the talks with Dubie, going over the contract, discussion of transition, description of duties, discussion of term of the contract, terms of dissolving the contract, terms regarding renewal of contract, salary and benefits, starting salary, reviews.

Scott advised that he felt who is "at the table" should be decided today. He suggested two (2) members of the Council and current City Manager and one council member should be Mayor Vaaler and Councilor Stott. Discussion was held regarding Scott's recommendation.

Discussion was held on transition and all councilors and Guenther agreed that the process will be a natural progression and that it will be evident when the City Manager can proceed on their own. Everyone indicated they would do what was necessary to make the transition as seamless as possible.

Discussion was held on salary and benefits.

VI. City Manager Report

Guenther advised there was nothing she had no report.

VII. Other Business

Scott advised he and the chairs from Parks and Commons and Public Works would be attending a “whiteboard exercise” at Oregon State working with the design group working on the data base.

Muirhead shared that his and another car were broken into and suggested that we need to be vigilant and advise our community to lock their doors.

Mayor Vaaler indicated that the hard work of the staff has been mentioned several times and it isn't enough. They are very appreciated.

O'Shaughnessey thanked the community members for their input.

Guenther gave a shout out to wish Kimmie and happy birthday. 🎂

Mayor Vaaler adjourned the meeting at 12:37 pm.

Leslie Vaaler, Mayor

Date

ATTEST:

Katherine Guenther, Pro-Tem City Manager

Date

Transcribed by Contractor, L.F. Barrett

**City of Yachats
REGULAR CITY COUNCIL MEETING
November 17, 2021**

Present: Mayor Leslie Vaaler, Council President Anthony Muirhead, Mary Ellen O'Shaughnessey, Greg Scott, Ann Stott; guests: Pro tem City Manager, Katherine Guenther, Facilities Manager, Neil Morphis and Deputy Recorder, Kimmie Jackson

Meeting called to order by Mayor Vaaler at 2:04 pm.

I. ANNOUNCEMENTS, CORRESPONDENCE, AND PROCLAMATIONS

- A.** Notice from Cape Perpetua re: fall speaker series – talks are via zoom and found on their website.
- B.** Email and letter from Lincoln Fire Defense Board Chair re: highlighting July 4th.

II. PUBLIC COMMENT – None

III. NEW BUSINESS

- A.** Petition submitted by Andreea Ghetie of Gerdemann Gardens - would like to engage in conversation re: importance of large trees:
Discussed attributes of trees and negative repercussions of removal and creative ways to protect trees.
Stott advised that this needed to be sent to the Planning Commission to determine what needs to be done re: Tree Protection Ordinance.
Bloch advised trees were protected under the Comprehensive Plan but suggested that the wording of that be put into an ordinance to back up the Comprehensive Plan.
Stott made the motion to move forward to the Planning Commission the task of aligning the Comprehensive Plan with the existing code and bringing recommendations back to City Council. Vaaler added the amendment to proceed in as timely a manner as possible and while looking at the Plan to consider any ways in which it could be strengthened.
Stott read aloud the language in the Plan and felt it couldn't be made stronger. Scott felt that there are many items the Planning Commission is currently dealing with and felt that the City Planner should determine the timeline for dealing with this issue.
O'Shaughnessey suggested to Ghetie that she forward as much info as possible re: a tree ordinance to the Planning Commission to make their jobs easier.
Motion to move forward to the Planning Commission the task of looking at the Comprehensive Plan, Goal A and looking to align the existing code with the proposed actions with a possibility of proposing an ordinance.

City Council Meeting Summary

November 17, 2021

Amendment language: *to proceed in as timely a manner as possible given other pressing items.*

Amendment vote: O'Shaughnessey, Yes; Muirhead, Yes; Scott, No, Stott, No; Vaaler, Yes. **Amendment passed by a majority.**

Original Motion: O'Shaughnessey, Yes; Muirhead, Yes; Scott, No, Stott, Yes; Vaaler, Yes. **Motion as amended passed by majority.**

Muirhead indicated that while he supported the protection of trees, he didn't want to see the City getting revenue via permits for tree removal. Guenther advised there are permits regarding trees, but there are no fees attached to them.

B. Parks and Commons Commission Greenspace Survey and Request

Craig Berdie made a presentation with attachments regarding the use of the open space behind City Hall, adjacent to The Commons. A survey was sent out and received 334 returns.

The plan is to leave some of the open space but to also build a significantly sized berm used for events and woods with paths and plants and gathering areas.

Parks and Commons is asking for permission to solicit engineering and landscape design for the next budget cycle.

Vaaler asked if the original \$60k was for engineering and design. Berdie confirmed that it was and that included looking at what would need to be done with the boardwalk and the pond.

Scott asked who would be the project manager. Berdie felt the City would be and has met with Rick McClung.

Further discussion was held regarding the project. Using some monies from Visitor Amenities was suggested.

Vaaler advised that there would definitely need to be a project manager appointed and there would also need to be a supplemental budget approved.

Muirhead commented that perhaps waiting a month or two would be a good idea and felt that caution was needed when using Visitor Amenities for City projects.

Berdie advised it is the intent of Parks and Commons to move forward with the project and this is the next step. The Commission has put time and effort into this and the survey shows the "citizens have spoken".

Stott asked for clarification of the \$60K in the Capital Outlay and discussion was held on how that money was to be spent.

McClung advised he has been working on the RFP with Berdie for this project and this process will take a month or two and really no monies will

be spent except for his time. This will certainly allow time to have staff and the new City Manager in place.

Discussion held on budget revision and release of funds for this project.

Stott suggested that a motion could be: allocate requested funds with the

intent of issuing an RFP due in mid-January. Discussion was held

regarding the funds; Muirhead felt that using Visitor Amenities Fund to

subsidize the project could end up with legal ramifications if all aspects of

the project are not properly spelled out. Scott advised he has vast

experience in using the Visitor Amenities Fund and he is quite comfortable

with the proposal and that the Commons space is clearly eligible for Visitor

Amenities use. He felt the Commission did good work, the community was

involved in the decision and the finances are there. His only concern was

who would be the project manager and the timing.

Summation: Proceed with the RFP, upon its completion assure monies

are in the appropriate funds and then proceed.

Muirhead wanted to clarify that he had no issue with using Visitor

Amenities just that it was done so there was no issue in the future.

IV. ONGOING

A. Inclement Weather Nighttime Use of Pavilion Updates

Received email expressing concern about the use of the pavilion. Vaaler

forwarded the full proposal and somewhat allayed concerns. George

Mazeika of Parks and Commons expressed confusion and dismay that the

Commission wasn't approached first. Vaaler advised she took

responsibility for that as it was an issue that came up after the agenda

came out and it would have been a courtesy on her part to advise the

Commission members that this was an item coming up. She just wanted

to apologize publically.

Scott commented that he felt this was a policy issue with no staff being

used as opposed to an operational issue.

Berdie advised that Parks and Commons felt there was an operational

component and supplied a list of issues:

1. What constitutes inclement weather;
2. Length of program, when does it end;
3. Standard of cleanliness;
4. Who is responsible for damages;
5. Liability for harm to others
6. How people gather for admission;
7. Procedure if someone refuses to leave;
8. Dates program is in effect.

Vaaler addressed some of the questions via the original proposal, advised

she would send the proposal to Parks and Commons and further stated

1 that via email, Mary Deriberprey advised Pastor Bob would be the
2 spokesman for the group.

3 Sandy Dunn of Polly Plumb advised they have the pavilion reserved for
4 the Winter Solstice event 12/21 4 – to approximately 8 pm and asked how
5 that will work.

6 **B. Council Goals and December Agendas**

7 Vaaler drew council's attention to the attachment Excerpt from Council
8 Rules 3.1 – Annual Goal Setting
9 Goals:

- 10 1. Financial resolution – Vaaler advised she needs to get together with
11 Don Groth and Tom Lauritzen and apologized she has not done so.
- 12 2. Housing (O'Shaughnessey and Muirhead) Did a survey to business
13 owners but did not get a good response. Search for City Manager took
14 over time and nothing further has taken place. Jacqueline Danos
15 applied for a housing grant and it was funded. Muirhead felt the City
16 was not really going to be able to solve the housing issue, but having a
17 "voice at the table" with state representatives and bringing the reality of
18 the situation.
19 Discussion held regarding Accessory Dwelling Units (ADUs).
- 20 3. Goals – Stott commented that the current list of goals should be
21 retained as they are good goals to have but have not been
22 accomplished. Each year perhaps continue on with the current list.
23 Discussion held on how to move forward.
- 24 4. Stott brought forward that in January the council discussed putting
25 forth a procedure to follow for communication between council, staff
26 and commissions. She felt that should be formalized. Scott concurred
27 but felt City Manager should be included.
28 Muirhead suggested that there be a rotating session before City
29 Council meetings where commission heads can meet with council and
30 just give updates on things they have in the works and what might be
31 coming to council.
32 Vaaler will reach out to commission heads and staff for input on goals
33 for the January session and advise the community through the
34 December newsletter.

35 **C. City Manager Recruitment and expectations of City Manager**

36 Council requested this add on to the agenda. Vaaler advised she and Stott
37 are currently in negotiations and drafting a general framework of a
38 contract, feel the existing contract is one they were comfortable with and
39 are working on the job description.

40 Stott advised that once they found a format that they liked, it mentioned a
41 job description which has not been well formed for Yachats. She indicated
42

1 there was also a sample city manager job description that she felt was
2 well formulated with the exception of it being for a larger city. Offered to
3 listen to items and use the form as a checklist.

4 Scott asked for clarification if at this time they wanted to include council
5 expectations. Stott indicated she can take the information provided and
6 determine if it fits into the job description or if it is considered an
7 expectation.

8 Scott indicated that he and O'Shaughnessey met for about two hours and
9 have a draft to present.

- 10 1. Honesty in all matters;
11 2. decisions guided by council's goals;
12 3. transparency in actions and decisions
13 4. a collaborative approach in relationships; and
14 5. a balanced view on recommendations (no bias).

15 Scott further indicated he drafted on his own and appended a note:
16 knowledge and understanding of these expectations is not just for the City
17 Manager. To be successful all staff should share the knowledge and
18 importance of these objectives. It is only through team work and support
19 from the entire organization that a manager shall be judged successful.

20 Further discussion held re: City Manager contract and job description.
21 Muirhead also mentioned organizations have employee manuals. He felt
22 there should be a Standard Operating Procedure (SOP) for all employees
23 not only to protect the City but also the employee.

24 Vaaler indicated that there is an old employee manual but Shannon told
25 her it needed updating but that was not accomplished.

26 Scott asked if there was going to be a six-month evaluation and then
27 suggested that there be a "snapshot" evaluation" at three months.

28 Vaaler requested a definition of what a six-month and snapshot evaluation
29 would entail.

30 Scott indicated that a "snapshot evaluation would be nothing in-depth but
31 felt that after three months the council members are going to have
32 perceptions of performance; perhaps areas that need improvement,
33 reinforcement of those things working well.

34 At six months something more formal and detailed.

35 Vaaler asked who should be involved in the evaluations and Scott felt that
36 the council should be involved, seeking input from staff members and
37 commission heads. Discussion continued.

O'Shaughnessey commented that she felt the City Manager should also be approached to determine what she wants to accomplish the first three months, the first six months, etc. There are many small things that need to be learned, changed, etc. that are very important. Guenther advised that many things have been streamlined and made many things more generic. She also indicated the audit is fast approaching and the manager will have to learn many things very quickly.

Stott asked if Guenther might be able to help council come up with a task list of where a brand new manager should be a three months and six months. Guenther advised Shannon had left a "transition memo" indicating items that needed to be accomplished and she found that very helpful.

Scott brought to council's attention that the list he provided was more how the job is done whereas current discussion addresses what is being done.

Further discussion was held and O'Shaughnessey stated that what really needs to be done is set the City Manager up to succeed and how can that be accomplished.

Muirhead felt that at three months whether she has a work ethic and is coming in and wanting to learn. No one on council has experience at being a city manager, Guenther has learned "on the job" via staff support so what resources can be used to help the new manager. Council should find and utilize programs that would assist the new manager.

Discussion held re: how to help a city manager with resources, Guenther advised she felt having resources available, mainly staff, is the most helpful thing.

Muirhead raised the issue that no one on council knows the job of City Manager so how can expectations be evaluated?

Guenther indicated that often her job is doing a job when it needs doing and that comes from staff, community members, emails, phone calls, council, etc. things that council has no idea about nor should it be their concern.

Scott indicated that the City Manager job is a relationships job; good relationships with the staff, the commissions and the community.

V. REPORTS

A. Financial - none

B. Council

-O'Shaughnessey commented that the winterization of the Little Log Church is being done.

1 -Scott questioned when the background check would be available and
2 Vaaler advised they are in the process of getting that accomplished.
3 O'Shaughnessey stated she is getting all the information for the various
4 background checks that can be done, Gretchen has to sign off on it; the
5 check should be completed fairly quickly.

6 **C. City Manager**

7 Guenther introduced Neal Morphis as a new staff member. He has no title
8 as of yet as he is doing a little bit of everything. He has a tech background
9 and has been helpful already.

10
11 **VI. OTHER BUSINESS**

12 **A. Mayor - none**

13 **B. Council Staff - none**

14 **C. Staff – none**

15 Vaaler adjourned the meeting at 4:45 pm.

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17 Transcribed by Contractor, L.F. Barrett, 12/10/21
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City of Yachats
CITY COUNCIL MEETING
November 4, 2021

WORK SESSION

Present: Mayor Leslie Vaaler, Mary Ellen O'Shaughnessey, Greg Scott, Ann Stott; guests: Pro tem City Manager, Katherine Guenther and Deputy Recorder, Kimmie Jackson, Linn West, Don Groth, Chris Brugata, Westech Engineering, Dave Buckwald, Rick McClung

Meeting called to order at 9:30 am

Consideration of public involvement in land use planning – Oregon Goal 1 and Goal K.

Scott indicated this topic is cyclical. Last time predates his arrival in active participation city affairs. Main issue was participation of community. Felt between commissioners and public attending meetings Yachats has good participation. It is worthy of discussion. Requires staff time but concerned with lack of staff.

Guenther advised not sure when it happened, the planning commission absorbed the responsibility of the citizens involvement committee (CIC). There is more participation now and technology is better.

Councilor Anthony Muirhead joined meeting at 9:40.

Mayor Vaaler advised during Arthur Roberts' tenure a decision was made to disband the citizens involvement committee. Shared concern for participation and staff time being used. Also concerned that the public is not getting enough education of land use.

Scott indicated in the materials provided referenced availability of 2021 technology and think of it as an option available that makes potential tools available to make information more readily available to the public.

O'Shaughnessey shared information from her time on the planning commission and discussed the need for citizen feedback.

Discussion continued, O'Shaughnessey suggested people that are interested might come up with a proposal considering the constraints mentioned. Vaaler raised the question of how to go about getting people together for a proposal.

Planning Commission Chair Block discussed issues of making a CIC a function of the planning commission. Need to determine interest and scope of CIC.

Community member Connor indicated the CIC is a type of community outreach it can be scaled to size of community. Need to have a framework to follow for each project. Need to consider how to engage with public, not necessarily how public responds.

Vaaler suggested Bloch, Conner, Danos and someone from council to carry this forward.

Bloch is agreeable and advised putting a CIC on the agenda for Planning and proceed from there.

Scott requested a recommendation to the Council as to how the mechanics of the CIC would work and who would take responsibility for a CIC.

REGULAR MEETING 10:07 am

I. New Business

Item 3A

Community members (Deriberprey, Banks & Barrett) presented a packet/proposal concerning the issue of the homeless and inclement weather.

-Proposal that during extreme weather the pavilion be unlocked so homeless can take shelter. Indicated there are volunteers to make sure it is kept clean and locked and unlocked in a timely fashion.

Scott made the **motion to accept the proposal submitted to Council to open the picnic shelter during severe inclement weather and authorize the City to provide keys to make this possible.**

Vaaler did raise OHA regulations re: Covid. Guenther advised there are signs and the City is OK with that. Insurance is no different than people sleeping in the doorway of the Log Church.

Discussion was had regarding the shelter not being open while there are children in the Commons.

Vote: O'Shaughnessey, Yes, Scott, Yes, Stott, Yes, Muirhead, Yes. Mayor Vaaler, Yes. **Motion carried unanimously.**

II. Announcements, Correspondence and Proclamations

O'Shaughnessey thanked those involved in planning the Halloween event – it was Yachats at its finest.

III. Public Comment

None

IV. Reports

A. Public Works

Chris Brugata of Westech Engineering presented overview of Wastewater Facility Plan

- o Purpose of Facilities Plan

- 1 o Reflection of City's needs
- 2 o Overview of existing system – collection and treatment
- 3 o History of System
- 4 o Key Planning Criteria
- 5 o Collection System Analysis
- 6 o Recommended Collection System Improvements
- 7 o Treatment System Analysis
- 8 o Recommended Treatment System Improvements
- 9 o Prioritization Groups
- 10 o Capital Improvement Plan (CIP)
- 11 o Next Steps
- 12 Discussion
- 13 Vaaler raised questions –
- 14 If experiencing growth, how much above of what is listed indicates this is not what is
- 15 needed. Brugata indicated that there would be need to be a considerable increase in
- 16 population. The Plans do take into growth into consideration.
- 17 Page 5-12 BOD and TSS are the same; is that correct? Brugata advised it is intentional.
- 18 BOD and TSS go hand-in-hand.
- 19 Smoke testing system – is there evidence that there is a problem and what is the
- 20 expense? Brugata gave instances for smoke testing, pipe breakage, etc. It is not a huge
- 21 cost and would probably reveal some problems that could be fixed.
- 22 Cost of spreader is that for new? Brugata advised it was for new, but no reason a good,
- 23 used piece of machinery would not suffice.
- 24 Sludge storage tank; is it within the no more than 35% or is the risk greater. Brugata
- 25 indicated it could go above it but not much greater.
- 26 Are we adding significantly to staff at Public Works? Brugata indicated there really
- 27 would not be a higher work load and possibly the work load would decrease.
- 28 Priority 1 projects if choices are made to go forward with water or waste water items,
- 29 which are most important? Brugata advised the water system needs work sooner than
- 30 the waste water system.
- 31 Which items? Brugata indicated replacing the tractor, bio-solid items, building rehab.
- 32 Buckwald the “smaller stuff” is getting dealt with and the larger things will be further out.
- 33 Guenther asked about the \$50K for bio-solid disposal site. Brugata indicated finding a
- 34 new site privately owned and getting approval for the site. Administrative cost, not
- 35 purchasing property.

1 \$6,820,000, June 2021 index has increased 4.4% which is a \$301K increase need to
2 keep an eye on this yearly. Check expiration dates. Fire Station is zoned C-1. Check
3 levels of NDP.

4 Buckwald advised that DEQ has made several mistakes on their paperwork but they do
5 good work for what they do.

6 Scott advised when the current waste water plant was designed, plumbing was
7 specifically included for the third SBR anticipating that at some point the possibility of a
8 state mandated health annexation immediately north of Yachats.

9 Discussion ensued as to need of third SBR and cost.

10 Buckwald advised that the City purchased a great system and he will brag about it all
11 the time.

12 Brugata indicated that the third SBR was put in just for cost purposes. Probably won't
13 need another one for about 20 years.

14 Scott asked if these projections with bio solids will improve process and have a
15 reduction in work hours with technology, etc. Brugata advised there was not a cost
16 analysis done; there will be some streamlining, but not much. It would be better to look
17 at it as risk management.

18 Scott raised the question to Buckwald regarding waste from the local brewery as there
19 had been concern. Buckwald advised he had come to an agreement with the brewery to
20 discharge during the evening and by doing that feeds the micro-organisms so it is
21 actually working out well. Scott praised Buckwald for working that out and finding a
22 solution that worked for both parties.

23 Lauritzen raised the question of having no section for elimination of septic systems in
24 the Waste Water Master Plan. There are 12 systems grandfathered in. It is believed
25 they are leaking into one of the creeks on the north side of Horizon Hill and there is
26 fecal bacteria. Brugata advised he was unaware of these and that they can add a plan
27 to connect them to the system; Buckwald advised there is no sewer line access. It will
28 require quite a bit of piping.

29 Discussion on need and LID. Guenther advised there is a map at City Hall showing all
30 the properties with septic systems.

31 Linn West suggested that the septic system issue be left out of the report on the Master
32 Plan and that Public Works do research on how to investigate and document so that
33 costs and options are available sometime in the future.

34 Further discussion was held about creek contamination and the safety and use of septic
35 systems.

1 Scott agreed with West's suggestion and felt that Public Works tackle this issue
2 independently.

3 Mayor Vaaler made the **motion to move the Master Plan onto DEQ with the**
4 **corrections made.**

5 Scott voiced his concern that the public has not had much time to review this and asked
6 what the downside would be to wait a little longer. Mayor Vaaler indicated that there
7 was a time constraint and one extension had already been granted. She further advised
8 that this has been in the works for quite some time and the public has been able to
9 review it. West advised that the plan has been mentioned at the last three meetings of
10 Public Works.

11 Discussion was held as to public awareness of the plan being worked on and available
12 for review by the public.

13 Vote: O'Shaughnessey, Yes, Scott, Yes, Stott, Yes, Muirhead, Yes. Mayor Vaaler, Yes.
14 **Motion carried unanimously.**

15 **B. Parks and Commons**

16 Application from Adam Altman included in packet. Altman advised he takes advantage
17 of the many activities and parks that Yachats has available and volunteers on the trails
18 crew. He loves the town and would like to work on the many projects taking place.

19 Stott made the **motion to accept the application from Adam Altman to the Parks**
20 **and Commons Commission.**

21 Vote: O'Shaughnessey, Yes, Scott, Yes, Stott, Yes, Muirhead, Yes. Mayor Vaaler, Yes.
22 **Motion carried unanimously.**

23 **V. City Manager Recruitment**

24 Mayor Vaaler summarized the meetings and interviews that have taken place in the
25 search of a City Manager. Council and Guenther has spent much time and effort and
26 there has also been community involvement. Staff has also given great feedback.

27 Mayor Vaaler inquired of the Council if they had everything they needed to make a
28 decision or if they required something more.

29 Mayor Vaaler presented three (3) options to the council regarding proceeding in hiring a
30 City Manager and asked the council members to vote for one option:

- 31 1. Do not engage in talks with either of our finalists at this time.
- 32 2. Enter into talks with Helen Anderson in hopes of reaching an agreement that
- 33 would allow her to become the Yachats City Manager. Contract would need to
- 34 be approved by the City Council.

3. Enter into talks with Gretchen Dubie in hopes of reaching an agreement that would allow her to become the Yachats City Manager. Contract would need to be approved by the City Council.

Scott suggested a binary choice and Muirhead agreed. Stott and O'Shaughnessey chose the above. Scott and Muirhead agreed to follow the majority.

Discussion on how to vote. It was suggested to do so via private chat. Public chat has been disabled and a chat vote will only be seen by Guenther and Jackson. Guenther will read the results when the vote is complete and there will be a written record of the vote via the chat.

Jackson supplied the results of the vote.

Stott, Option 3, Muirhead, Option 3, O'Shaughnessey, Option 1, Vaaler, Option 3, Scott, Option 3.

Mayor Vaaler advised the four votes for Option 3 indicated the Council would enter into talks with Gretchen Dubie in hopes of reaching an agreement becoming City Manager. Vaaler asked if there were any councilors who wished to comment on their vote.

Muirhead thanked Helen Anderson for her time and desire to serve the community in the capacity of City Manager.

O'Shaughnessey, Mayor Vaaler, Scott and Stott shared their views on the process and their thought processes in making their vote.

Discussion held regarding who should be "at the table" in the talks with Dubie, going over the contract, discussion of transition, description of duties, discussion of term of the contract, terms of dissolving the contract, terms regarding renewal of contract, salary and benefits, starting salary, reviews.

Scott advised that he felt who is "at the table" should be decided today. He suggested two (2) members of the Council and current City Manager and one council member should be Mayor Vaaler and Councilor Stott. Discussion was held regarding Scott's recommendation.

Discussion was held on transition and all councilors and Guenther agreed that the process will be a natural progression and that it will be evident when the City Manager can proceed on their own. Everyone indicated they would do what was necessary to make the transition as seamless as possible.

Discussion was held on salary and benefits.

VI. City Manager Report

Guenther advised there was nothing she had no report.

VII. Other Business

Scott advised he and the chairs from Parks and Commons and Public Works would be attending a “whiteboard exercise” at Oregon State working with the design group working on the data base.

Muirhead shared that his and another car were broken into and suggested that we need to be vigilant and advise our community to lock their doors.

Mayor Vaaler indicated that the hard work of the staff has been mentioned several times and it isn't enough. They are very appreciated.

O'Shaughnessey thanked the community members for their input.

Guenther gave a shout out to wish Kimmie and happy birthday. 🎂

Mayor Vaaler adjourned the meeting at 12:37 pm.

Leslie Vaaler, Mayor

Date

ATTEST:

Katherine Guenther, Pro-Tem City Manager

Date

Transcribed by Contractor, L.F. Barrett

Searose Yard & Home LLC

PO Box 40

Yachats, OR 97498 US

+1 5415472430

sea@searosehome.com

**ADDRESS**

Yachats Commons

City of Yachats

441 Hwy 101

Yachats, OR 97498

Estimate 1244**DATE 11/16/2021****DESCRIPTION****QTY****RATE****AMOUNT**

Interior Painting: prep and paint walls, ceiling, trim and built in shelving units in all common area rooms at the Yachats Commons including gym, hallways, kitchen, Rm# 1, 3, 7, 8 & YYFAP stairwell. This estimate excludes: 1st office by front entry door, backstage and hall to stage area, gym and cleaning storage rooms and closets, old city offices (YYFAP) and pre-school ceiling as well as basement). Detach and reset pictures and artwork back on walls. Clean up and haul away debris

1 38,400.00

38,400.00

TOTAL**\$38,400.00**

Accepted By

Accepted Date

NOTE: THIS ESTIMATE IS GOOD FOR 14 DAYS AND IS SUBJECT TO CHANGE DUE TO MATERIAL AVAILABILITY AND PRICE FLUCTUATION .

Memo

To: City Council

From: Neal Morphis, City Coordinator

cc: Kimmie Jackson

Date: 2021/12/08

Re: Commons paint

Yesterday on 12/7 the Parks and Commons Commission passed two motions to make improvements to the Commons building.

The Commission passed two separate motions for painting the Commons. One for the interior, and a separate one for the exterior. One of the reasons for the separation of the motions is the winter weather. It would be impossible to paint the exterior when it is raining. It may also make it easier on the budget, as the city would not have to pay for everything at once.

Neal Morphis

City Coordinator

Facilities / Community Service Support

citycoordinator@yachatsmail.org

541-547-3565 x110

541-272-4213

Searose Yard & Home LLC
PO Box 40
Yachats, OR 97498 US
+1 5415472430
sea@searosehome.com



ADDRESS

Yachats Commons
City of Yachats
441 Hwy 101
Yachats, OR 97498

Estimate 1243

DATE 11/15/2021

DESCRIPTION

QTY

RATE

AMOUNT

Exterior Painting: properly prep and paint siding, soffits, fascia, trim and masonry at the Yachats Commons. Replace missing hardiplank siding on the south west side of building. Caulk exposed nail heads on the west side of building with polyurethane caulking. Prep and paint 12 exterior door metal doors (inside and out). Remove and haul away old gutters. Includes lead paint containment (lead paint found in peeling paint of eaves and fascia). Clean up and haul away debris.

1 28,500.00 28,500.00

TOTAL

\$28,500.00

Accepted By

Accepted Date

NOTE: THIS ESTIMATE IS GOOD FOR 14 DAYS AND IS SUBJECT TO CHANGE DUE TO MATERIAL AVAILABILITY AND PRICE FLUCTUATION .

Resolution: Parks and Commons Commission supports the amendment to the IGA between the Siuslaw National Forest (SNF) and City of Yachats to extend the City's responsibility for the Ya'Xaik Trail 100 yards north and for the Trails Committee to help build and maintain that extension.

Michele Holman, SNF Waldport Ranger District, is working to solve a long-standing set of issues involving public use of the road that serves as Andreea Ghetie's driveway and also links the Starr Creek trail to the Ya'Xaik Trail and town. This road is easement on SNF property and has been used by the public for over 50 years. Ghetie has had issues with loose dogs and the unfamiliar public leaving the SNF property and trespassing on her private property.

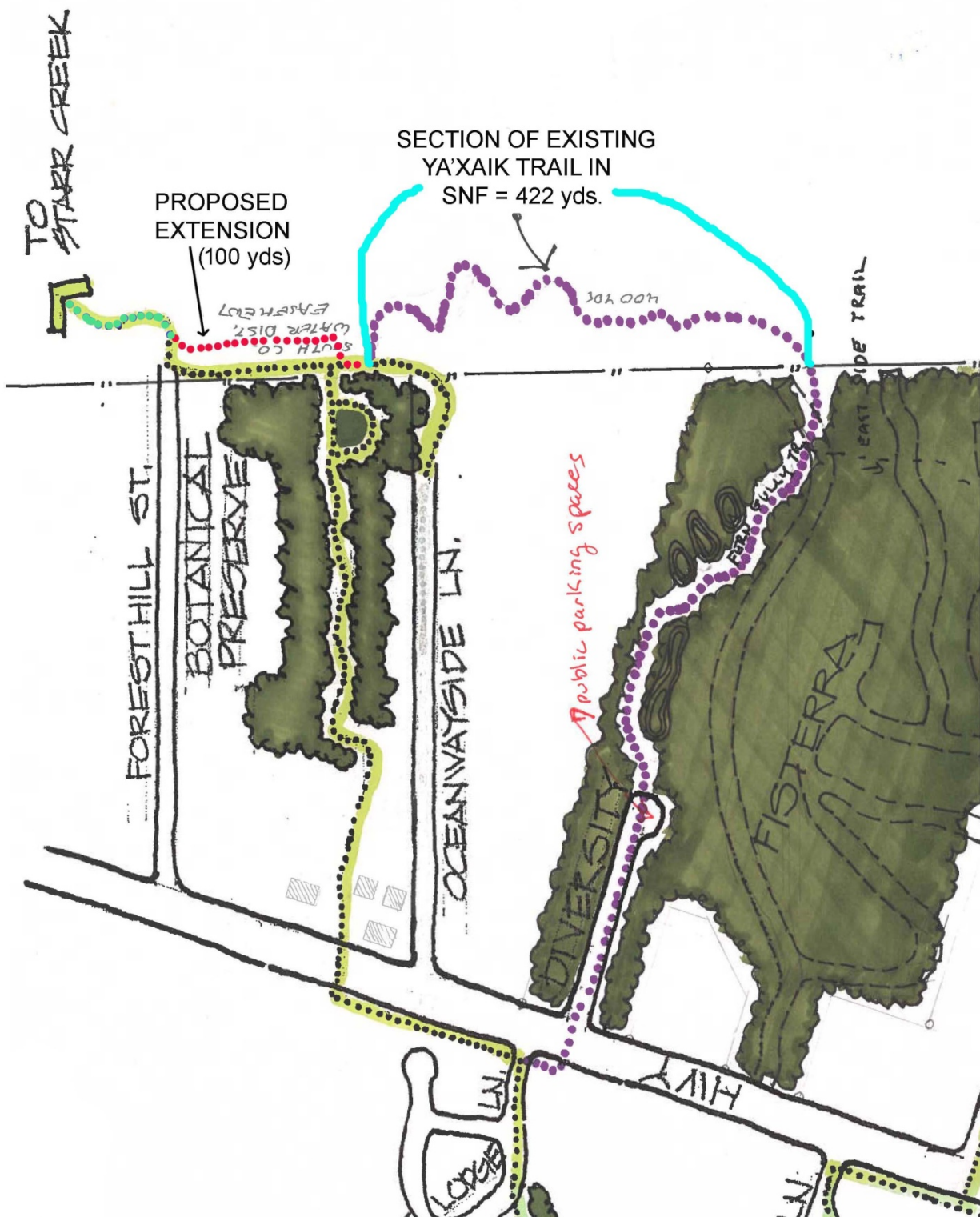
SNF is proposing to build approximately 100 yards of new trail to the east of the existing easement/driveway and requests help from the Yachats Trails crew to build it and to maintain it in the future. The City would also accept liability for that 100 yards as it has for the existing 422 yards of the Ya'Xaik Trail that are in the SNF. Katherine Guenther, City Manager ad-hoc and Planner, who is very familiar with the city's liability insurance, said the increase will be minimal.

If this is approved by the Commission and City Council, SNF is willing to pay for surveying, building the trail, making changes to the IGA, and covering all NEPA-related expenses.

Trails leadership supports helping to build and maintain this new section. This effort by Michele is unprecedented; City support for this amendment to the existing IGA will be a goodwill gesture that will further enhance its relationship with SNF. (Please see map.)

Resolution: Parks and Commons Commission encourages the Trails Committee to ask Michele Holman for permission to survey and build approximately 100 feet of new trail through the portion of SNF between the Ya'Xaik Trail and nearby Fire District Property.

In case of an emergency that closes Highway 101, pedestrian access to and from the Fire Department from both the north and the south will be critical. The Ya'Xaik Trail is the only developed route that goes near the Fire Department on its east side. Since the Ya'Xaik Trail and the Fire Department property are not contiguous, the proposed short section of trail will complete a safe route.



HMGP-DR-####-OR

Hazard Mitigation Grant Program (HMGP)

☒ Project or ☐ 5% Initiative

Subapplication

Due to SHMO by 11:59 pm PST on Month DD, YYYY

City of Yachats:

Earthquake Valve:

Date Submitted to SHMO:

Commented [A1]: Insert disaster related information (i.e. HMGP-DR-4562-OR). If this is for a post fire grant, you'll want to add the PF-FM as well (i.e. HMGP-PF-FM-5327-OR).

Commented [A2]: Adjust/update if this is for a post fire grant to read: Hazard Mitigation Grant Program Post Fire (HMGP-PF).

Commented [A3]: Select one or the other; should have been annotated in your notification email which one to pursue for your proposal.

Commented [A4]: Pulled from the NOFO for whichever grant round you are pursuing.

Commented [A5]: Type in name of your entity applying for the funding.

Commented [A6]: Type in title of your proposal (you can create a basic title; this will be used throughout the duration of the proposal).

Commented [A7]: Will be one of the last items you data enter into subapplication as it will be the date you submit the subapplication along with supporting documents to the SHMO.

SUBAPPLICATION GUIDELINES

Please ensure that you include all required documents for a complete subapplication package. Highly recommend printing out Attachment 1 and work through it as you work through the subapplication. Note that if your project falls into any of the categories, additional documentation is required in addition to the items listed on the first page of Attachment 1 (and as reflected throughout the subapplication as those notes were pulled from the main requirement list):

- Acquisition Projects
- Equipment Purchases
- Elevation Projects
- Flood Control Projects
- Seismic Retrofit Projects
- Wildfire Projects

Recommend printing out **the entire Attachment 1** in order to ensure all required documents are included in the subapplication packet. If you select yes to any items under Section 7: Environmental Review, you will need to print out **Attachment 2** and ensure you've included the required documents for Environmental and Historic Preservation (EHP). If you run into any issues finding specific documents and/or the hyperlink is no longer valid, please reach out to the SHMO at shmo@mil.state.or.us for further assistance.

As long as the completed documents are in a readable format, you may submit them in any file type(s). If the original is an Excel file, please include it as such; do not turn it into a pdf. You may submit your subapplication and supporting documents via email to shmo@mil.state.or.us, via cd or thumb drive (by mail to P.O. Box 14370 Salem, Oregon 97309-5062), or via ftp/file sharing site (OEM does not currently have an ftp site, however the SHMO can access an external site if needed or utilize Google Drive).

If you use acronyms, please spell it out when first mentioned in the subapplication as I've done with EHP.

Complete all elements of the subapplication and answer all questions.

- Enter N/A when not applicable.
- Avoid "See Attachment" response in lieu of a solid narrative. Provide a narrative and then refer to the specific attachment for additional information.
- When referring to an attachment with several pages, refer to the specific page number(s) or section(s).

For additional guidance, visit the following:

[Hazard Mitigation Assistance Guidance Addendum – Hazard Mitigation Assistance Guidance](#)
[Required Federal Forms](#)
[HMA Cost Share Webinar](#)
[HMA Interim Management Cost Policy](#)
[Management Cost FAQs](#)

Commented [A8]: Attachment 1 has a list of required documents (embedded in the file). Recommend using that checklist as you work through the subapplication.

Commented [A9]: If you run into any issues or have questions on the best way to submit your subapplication packet, please contact the SHMO.

Commented [A10]: Note the federal forms site has additional instructions to assist you with filling out the federal forms.

SECTION 1: SUBAPPLICANT SUMMARY

Note: This section of the subapplication reviews basic eligibility requirements. For more information on eligibility, please see [Hazard Mitigation Assistance Guidance](#).

A. Subapplicant Information

1. Subapplicant: [City of Yachats](#)
2. Type of Organization: Select one...
If Private Nonprofit, describe legal status and function:
[City](#)
3. County Name **and** Federal Information Processing Standard (FIPS) Code ([41041](#)):
[Lincoln County, Oregon](#)
4. Congressional District: [5th](#)
5. Community Identification (CID) Number (410135): [410135](#)
6. Data Universal Numbering System (DUNS) (120670455): [120670455](#)
7. Federal Tax Identification Number (EIN): [93-0556954](#)
8. State Legislative District: [5th](#)

B. Point of Contact (the individual directly involved with overseeing the grant)

Name: [Rick McClung](#)

Title: [Project Manager](#)

Phone: [541-819-2279](#)

Email: Rick@YachatsMail.org

Mailing Address: [Po Box 345](#)

City: [Yachats](#)

State: [Oregon](#)

Zip: [97498](#)

Commented [A11]: This is who should be on your Designation of Agent form/document. This will be who will sign documents and have signature authority for your entity.

C. Subapplication Preparer (the individual filling out the subapplication if different than the point of contact; if same, just write "same")

Name: [Same](#)

Title: [Same](#)

Phone: [Same](#)

Email: [Same](#)

D. Mitigation Plan

1. Does the subapplicant have a current FEMA-approved Hazard Mitigation Plan (HMP)?

☒ Yes ☐ No

If yes, what is the title of the plan? [Lincoln County Multi-jurisdiction Hazard Mitigation](#)

Plan

FEMA Approval Date: [11/4/2020](#)

Expiration Date: [11/4/2023](#)

2. If the plan is pending approval, please explain the current status and be sure to include an extraordinary circumstances exception (ECE) request letter with your subapplication packet:

[Enter text here](#)

E. Community Profile

Please describe your community profile of the jurisdiction(s) this planning initiative will cover including population, location, any geographic areas of interest, etc. (The [United States Census Bureau](#) website or Wikipedia may provide helpful information.):

Yachats (Ya:ha:ts/ YAH-hats) is a small coastal city in the southernmost area of Lincoln County, Oregon, United States. According to *Oregon Geographic Names*, the name comes from the Siletz language and means "dark water at the foot of the mountain". There is a range of differing etymologies, however. William Bright says the name comes from the Alsea placename *yáxayk*. At the 2010 census, the city's population was 690. In 2007, *Budget Travel* magazine named Yachats one of the "Ten Coolest Small Towns of the U.S.A.", and Yachats was chosen among the top 10 U.S. up-and-coming vacation destinations by Virtual tourist. In 2011, Arthur Frommer, founder of Frommer's Travel Guides, listed Yachats number seven among his ten favorite vacation destinations in the world

Commented [A12]: If you do not have a current HMP you will need to have to submit and ECE request on official letter head (signed) stating the reasons for not having a current plan and timeline for when the plan will be FEMA-approved. Note that you must have a FEMA-approved HMP within 12-months of being awarded. Further information can be found in HMA Guidance beginning on page 45.

SECTION 2: PROJECT SUMMARY

A. **Project Title:** Earthquake Valve

Commented [A13]: Should be the same as annotated on page 1.

B. **Project Type:** Seismic Retrofit

Commented [A14]: Should be the same as annotated on page 1.

C. **Project Cost Estimate (100% amount):** \$70,000

D. **Benefit-Cost Ratio (download and use FEMA's Benefit Cost Analysis Tool v6.0 [here](#)):**
Enter text here

E. Was [Sea Level Rise pursuant to 2011-OPPA-01](#) included in the development of the BCA for this project? ☐ No
If yes, what was the depth in feet of Sea Level Rise that was added to the flood profiles:
Enter text here

Commented [A15]: Control f the HMA Guidance pdf for sea level rise information (page 67 is most of the information you'll need)

F. **The BCA was performed by:** ☐ Subapplicant

G. **Hazard type(s) that you are trying to mitigate (select all applicable):**

- | | |
|---|---|
| ☐ Coastal Storm | ☐ Severe Ice Storm |
| ☐ Crop Losses | ☐ Snow |
| ☐ Dam/Levee Break | ☐ Special Events |
| ☐ Drought | ☐ Tornado |
| ☐ Fishing Losses | ☐ Tornado |
| ☐ Flood | ☒ Tsunami |
| ☐ Freezing | ☐ Typhoon |
| ☐ Hurricane | ☐ Volcano |
| ☐ Mudslide | ☐ Wildfire |
| ☒ Seismic Event | ☐ Other (specify): |

H. **Latitude and Longitude of Project Site(s):** 1,44.31518954805087, 2,44.30127911863862
44.30131 degrees north, 123.10341 degrees W

Project Summary (750 words or less):

The project includes the installation of a seismic sensor and control system to monitor seismic activity and automatically close a diaphragm valve on the outlet pipe of the City's South Water Tank. The diaphragm valve is located in a concrete vault next to the tank. The seismic sensor and control system will be installed in a control cabinet next to the concrete vault.

SECTION 3: SCOPE OF WORK

- A. Is this a phased project? Meaning will there be a Phase I study that provides FEMA with a technical body of information mutually concurred on by the subapplicant, the Applicant, and FEMA to determine project eligibility and if the results of the Phase I review indicate that the project meets HMGP requirements, the project would then be eligible for funding for construction under a Phase II approval.**

☐ Yes ☒ No

If yes, please contact the SHMO immediately.

- B. Has the proposed project's construction or implementation phase already started?**

☐ Yes ☒ No

If yes, please contact the SHMO immediately.

- C. What hazard(s) will be mitigated and what are the current conditions and/or history of the hazard(s)?**

An earthquake from the Cascadia fault line is a major concern for Yachats because it is located on the central Oregon coast.

The **Cascadia subduction zone** is a convergent plate boundary that stretches from northern Vancouver Island in Canada to Northern California in the United States. It is a very long, sloping subduction zone that can create 9.0+ seismic events and Yachats is in the middle.

During an earthquake it is predicted that the Cities waterline infrastructure would be disrupted and broken allowing water to leak and the water reservoirs to empty and the city without any water.

15 to 20 minutes after the earthquake a 50 to 75 foot tsunami is expected to wash on to the lower half of the city.

Yachats will be devastated, but there will be a lot of survivors that will need potable drinking water while the recovery begins

The addition of an earthquake valve for the water reservoir tank that is above the tsunami zone could potentially save lives

- D. What specific work activities or components are involved in the proposed project, how will each one be implemented, and who will be responsible for completing them?**

Planning, Engineer design and Oregon Health Authority approval, has been completed. **This is a shovel ready project.** Once the city receives this grant, a Request For Bids (RFP) will be published, and the city selects a contractor to perform the construction.

The city has hired Westech Engineering to be our project manager and this project will be administered by them.

E. Describe your proposed project's intended outcomes. How will it reduce or eliminate the long-term risk of future damage, hardship, loss, or suffering resulting from natural hazards?

The intended outcome for this project is to save potable water in the reservoir with the use of a valve that automatically closes in the event of an earthquake.

This would help mitigate major water loss in stored water when the city's waterline infrastructure is disrupted and broken by the earthquake. Without the valve the reservoir would empty quickly leaving a devastated community without safe drinking water.

F. Will your project require long-term maintenance? ☐ Yes ☒ No

If **yes**, describe your maintenance plan.

Enter text here

Reminder: Maintenance of completed HMGP Projects is not an eligible grant cost.

G. What studies, designs, and/or engineering work has already been completed, if any?

The City of Yachats has an Emergency Preparedness Committee. This committee helps interface the City with FEMA. This committee is a very active forward-thinking group that maintains such things as the city's Emergency Operations Plan, Tsunami/Storm Ready certification, Tabletop exercises and FEMA certifications that are needed.

One of the end results of a Cascadia event tabletop exercise was the need for earthquake valves on water reservoirs.

In addition, the city recently updated the 20yr water master plan and seismic retro fit's and earthquake valves are identified as high priority capital improvement projects. The city has identified this earthquake valve as a capital project with budget approval.

Planning and Engineering is complete. The project will proceed once we receive this grant

H. Is the proposed project identified in your Hazard Mitigation Plan (HMP)?

☐ Yes ☒ No

If **yes**, please cite sections and provide excerpts.

Enter text here

If **no**, how does the proposed project support or further your plan's goals and objectives and what is your revision plan and timeline?

Enter text here

I. Is the proposed project fit within the objectives and goals of the [State Mitigation Plan \(SMP\)](#)?

☒ Yes ☐ No

If **yes**, please cite sections and provide excerpts.

[Enter text here](#)

- J. Will the proposed project use unproven technology?** ☐ Yes ☒ No

If **yes**, please explain:

[Enter text here](#)

- K. How will the proposed project be coordinated with neighboring entities, including counties, cities, states, tribal nations, fire, police, public works, utilities, etc.?**

[This project builds continuity with surrounding entities in the Hazardous mitigation in a multi-jurisdiction](#)

- L. Are there any challenges that may delay the project, such as homeowner buy-in, public concerns, environmental impacts, etc.?** ☐ Yes ☒ No

If **yes**, please explain:

[Enter text here](#)

SECTION 4: BUDGET

A. Proposed Total Project Development Cost: \$ \$70,000

Double click on tables in this section to edit numbers for this project specifically. For an acquisition, elevation, or multi-site mitigation project, please complete a spreadsheet for each property.

Source of Funds ▾	Amount ▾
Federal Share (75%)	\$52,500
Local Share (25%)	\$17,500
Project Total Cost	\$70,000

B. Estimated Total Cost

Fill out the table below with what you are projecting to be the cost estimates for this project:

For Construction Projects:

Budget Category ▾	Estimated Co ▾
1p. Administrative and legal expenses	\$0
2p. Land, structures, rights-of-way, appraisals, etc.	\$0
4p. Architectural and engineering fees	\$0
5p. Other architectural and engineering fees	\$0
6p. Project inspection fees	\$0
11p. Miscellaneous	\$0
1. Administrative and legal expenses	\$2,000
2. Land, structures, rights-of-way, appraisals, etc.	\$0
3. Relocation expenses and payments	\$0
4. Architectural and engineering fees	\$6,000
5. Other architectural and engineering fees	\$0
6. Project inspection fees	\$0
7. Site work	\$0
8. Demolition and removal	\$0
9. Construction	\$62,000
10. Equipment	\$0
11. Miscellaneous	\$0
Total	\$70,000

**Pre-award costs are costs incurred after the opening of the application period and prior to the date of the federal award. Find more information regarding eligible pre-award costs in the [HMA Guidance](#), page 55. For non-construction projects, when you double click the above table, scroll down and ensure you fill out the applicable budget that is listed below the construction project budget.*

C. Budget Narrative

Describe the expenses included in each of the above budget categories.

The design drawings and specifications have already been completed and approved by the Oregon Drinking Water Program. The next steps in the project are the bidding process, contractor selection, contract execution, and construction. The City anticipates some

administration costs associated with the bidding process, contract execution, and prevailing wage paperwork. The estimated costs for these items are included under item 1. The City will retain the services of a profession engineer to assist with the bidding process, review product submittals, respond to issues during construction, and perform periodic and final inspections of the contractor's work. The estimated costs for these items is included under item 4. The City will hire a contractor through a public procurement process to install the earthquake valve and associated improvements. The estimated costs for this work are included under item 9.

D. Backup Documentation

Attach backup documentation to explain how the cost estimates were determined (spreadsheets, vendor quotes, in-house worksheets, correspondence, etc.).

E. Include any comments or clarifications to the cost estimates in the above budget summary, including identification of budget categories and dollar amounts for in-kind contributions.

Enter text here

F. Which tasks/activities will a contractor be performing? Include detailed cost estimates.

A contractor will perform the construction work under item 9. The attached engineer's estimate of probable cost includes a breakdown of these costs.

G. Which tasks/activities will your staff be performing? Include detailed cost estimates.

City staff will pay project advertising fees, state prevailing wage management fees, and will process other miscellaneous project paperwork associated with the funding process.

H. Funding Sources

The state hazard mitigation grant program (HMGP) offers cost-share grants payable on a reimbursement basis. Jurisdictions must have sufficient resources to provide the required non-federal match and cover any cost overruns related to completing the proposed Scope of Work.

The maximum federal share is 75% of the total eligible costs. The minimum non-federal cost share is 25%.

I. Local/Sub applicant Cost Share/Match

Fill out the table below (adjust or add local match subcategories as needed):

Local/Subapplicant Cost Share/Match Detail	Amount
Subapplicant Cash Match	\$17,500
Subapplicant Equipment Use	\$0
Subapplicant Materials and/or Supplies	\$0
Subapplicant Staff Time	\$0
Third Party In-Kind Donations	\$0
Volunteer Staff Time	\$0
Other Eligible Non-federal Match Sources	\$0
Total Local/Subapplicant Cost Share/Match	\$17,500

Note that the above should equal 25% of the 100% amount of your proposed estimated total cost of the project. The sub applicant cost share/match can include in-kind contributions (i.e. donations) of staff time and/or volunteers, equipment use or rental, donated materials, etc. Any

portion of the non-federal share to be met through Third Party In-Kind Contributions must be identified in the table below and will be considered when processing reimbursement request following the grant award. If you need further information regard cost share, the [HMA Cost Share Webinar](#).

J. Required Local/Sub applicant Cost Share/Match Document

Ensure you complete the FEMA Cost Match Assurances Form **OR** a Local Funds Commitment Letter (must state the exact projected date funding will be available for each cost share listed in the narrative on the form or in the letter; see notes in form itself for further guidance). The numbers on that form should match the above chart for the 25% and ensure your 75% and 100% totals match your previously stated budget and applicable required documents. Add or take off any categories that apply/don't apply to your project.

Additional comments pertaining to non-federal share:

[Enter text here](#)

K. Management Costs

Section 324 B of the Disaster Recovery Reform Act (DRRA) establishes management cost rates under HMGP at the following percentage rates. A recipient (state) may be reimbursed not more than 15% of the total amount of the grant award, of which not more than 10% may be used by the recipient (state) and 5% by the subrecipient (local) for such costs. The state shall apply for management costs as soon as possible after the disaster declaration, preferably within 90 days but in no case after 120 days. The state can request an initial management cost allocation equal to no more than 25% of the total estimated amount early in the disaster upon approval of this Administrative Plan. The type of documentation needed to support costs and activities for management cost funding will be used will follow requirements in 2 CFR Part 200 Subpart E, applicable program regulations, and HMA guidance (2015).

Management costs are in addition to the overall project cost. A subapplicant may request up to 5% of the overall project total in management costs.

L. Are you planning on applying for/utilizing Management Costs for this project?

☐ Yes ☐ No

If yes, do you intend on applying for the entire 5% or another percentage? Please identify what percentage you are asking for here: [Enter text here](#)

M. Management Cost Amount Requested

Complete the table below (note that formulas are set-up with 5% of MC; if different, please adjust the MC Requested % in the formula field once you double click on the table):

Source of Funds	Amount
Total Project Cost (75% + 25%)	\$0
Management Cost Amount Requested	\$0
Total amount requested for this project	\$0

N. Management Cost Estimated Budget Breakdown

Complete the table below for projected management cost categories (how you foresee spending the management funds); again, these costs are in addition to the overall project budget and these estimates are completely separate than the overall project budget you put together under the previous areas in this section and should not be included in your budget roll-up/estimate or required forms):

Item	Total Cost
1. Personnel	\$0
2. Fringe	\$0
3. Travel	\$0
4. Other	\$0
5. Indirect Charges	\$0
Total	\$0

Note that if you are unsure of what items can be covered under management costs, please review the Management Cost FAQs: https://www.fema.gov/sites/default/files/2020-09/fema_closeout_toolkit_hazard_mitigation_grant_program_management_costs_closeout_faqs_02-19-15.pdf. Additionally, note that indirect costs can only be used in/under management costs; they cannot be applied to any other part of the budget. Guidance can also be found in the policy: https://www.fema.gov/sites/default/files/2020-04/HMGP_11142018.pdf.

O. Management Cost Narrative

Describe the expenses included in each of the above management cost categories.

[Enter text here](#)

Commented [A16]: Management Costs should be costs affiliated with managing the GRANT specifically (i.e. putting together RFRs, quarterly reports, etc.), not project (project costs should be included in the main budget breakdown).

SECTION 5: SCHEDULE OF WORK

List the major milestones in the proposed project and provide an estimated timeframe for each. Projects must be completed within the established Period of Performance (POP).

Milestones can run concurrently; however, the POP must not exceed 36 months. Please double click the table below to enter information (add more lines if needed).

Milestone & Description	# of Months to Complete
Obtain Bids from Contractors	2
Excecute Construction Contract with Successful Bidder	2
Procure Materials and Complete Construction	6
Total Time Required to Complete this Project (in months)	10

SECTION 6: ALTERNATIVE PROJECTS

This section is intended to help demonstrate that project alternatives were seriously considered and that the proposed project is the most beneficial, cost-effective mitigation project reasonably available.

A. Confirm Alternative Projects

Do you have any alternative project(s) to your proposed project? ☐ Yes ☒ No

If **yes**, please go to B. Alternative Projects below.

If **no**, skip to C. No Alternative Action.

B. Alternative Projects

The questions below ask for information regarding the next best mitigation project that was considered during the process of developing the proposed mitigation project. If two alternative projects were considered, please answer 1-5 for both alternatives (copy all 5 and paste immediately following #5 of the first alternative to separate the first and second proposed alternatives).

1. Scope of Work

Summarize an alternative project considered by your organization that would mitigate the same hazard. Include any appropriate diagrams, sketches, maps, materials, equipment, scale of the project, amount of time required to complete, etc.

[Enter text here](#)

2. Hazard Mitigation

How would the alternative project reduce or eliminate the hazard's effects and risks and the need for future state or federal disaster assistance?

[Enter text here](#)

3. Environmental Considerations

How would the alternative project positively and/or negatively affect the surrounding environment? Include information regarding both natural (fish, wildlife, streams, wetlands, soils, plant life) and social (public services, utilities, land/shoreline use, population density) environments.

[Enter text here](#)

4. Total Estimated Cost for Alternative Project:

[Enter cost here](#)

5. Please describe the decision-making process for selecting the mitigation project for which you are applying.

[Enter text here](#)

C. No Action Alternative (regardless if you have an alternative project(s) under A. or not, please answer both questions):

1. What are the potential impacts if no action is taken?

Without the proposed valve, the risk of a waterline rupture downstream of the tank is high after a large seismic event. Such a rupture will result in the complete loss of all drinking water in the City.

2. Is there a potential for degradation of already-poor environmental conditions?

☐ Yes ☒ No

If **yes**, please describe.

[Enter text here](#)

SECTION 7: ENVIRONMENTAL DATA REVIEW

A. *Clean Water Act, Rivers and Harbors Act*

Will the project involve dredging or disposal of dredged material, excavation, adding fill material, or result in any modification to water bodies or wetlands designated as "waters of the U.S." as identified by the U.S. Army Corps of Engineers (USACE) or on the [National Wetland Inventory](#)? ☐ Yes ☒ No

If **yes**, please explain.

[Enter text here](#)

B. *Coastal Zone Management Act*

Is the project located in a [coastal county](#)? ☐ Yes ☒ No

If **yes**, ensure to include a copy of coastal zone consistency determination letter for the project.

C. *Endangered Species Act and Fish and Wildlife Coordination Act*

1. Are federally listed threatened or endangered species or their critical habitat present in the area affected by the project? ☐ Yes ☒ No

If **yes**, please explain.

[Enter text here](#)

2. Does your project remove or affect vegetation? ☐ Yes ☒ No

If **yes**, describe the amount, area, and type of vegetation to be removed or affected.

[Enter text here](#)

3. Is your project within 200 feet or likely to affect any type of waterway or body of water?

☐ Yes ☒ No

If **yes**, describe the body of water, including dimensions, proximity to the project, and the expected and possible changes.

[Enter text here](#)

D. *Executive Order 11988: Floodplain Management and 11990: Wetlands Protection*

Is the project in a wetland, the 100-year floodplain, the 500-year floodplain (if a critical action), an identified regulatory floodway, and/or an area prone to flooding or will it have the potential to affect a wetland or floodplain (attach map)? ☐ Yes ☒ No

Additional FEMA evaluation may be required, see 44 CFR Part 9.16 and 9.17 Guidance and Instructions for Applicants.

E. *Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*

Are there low income or minority populations in the project's area of effect or adjacent to the project area? ☐ Yes ☒ No

If **yes**, describe the affected population and the portion of the population that would be disproportionately and adversely affected.

[Enter text here](#)

If **yes**, describe any disproportionately high and adverse human health or environmental effects on these populations. Please include specific efforts to address the adverse impacts.

[Enter text here](#)

F. National Flood Insurance Program (NFIP)

1. Property Address (if more than one, list each separately):

Street Address: [219 Crestview Drive](#)

City: [Yachats](#) State: [Oregon](#) Zip: [97498](#)

2. What type of property is it? (*select one*)

☒ **Publicly Owned** ☐ **Privately Owned**

3. Does the property have NFIP flood insurance? (*select one*)

☐ **Yes** ☒ **No**

4. Is the property a Repetitive Loss (RL) or Severe Repetitive Loss (SRL) property?

☐ **Yes** ☒ **No**

5. Is the project located in a [Special Flood Hazard Area \(SFHA\)](#) as defined by the NFIP?

☐ **Yes** ☒ **No**

6. Do you participate in the NFIP? ☒ **Yes** ☐ **No**

If **yes**, indicate your [community status](#).

[Lincoln County active](#)

If **yes**, indicate the date of your most recent NFIP Community Assistance Visit (CAV):

[Select date...](#)

7. Did your community have any CAV/NFIP issues or violations from this visit?

☐ **Yes** ☒ **No**

If **yes**, please explain:

[Enter text here](#)

If **yes**, are all [NFIP floodplain management requirements](#) currently complied with?

☒ **Yes** ☐ **No**

If **no**, please explain what requirements are not in compliance.

[Enter text here](#)

G. National Historic Preservation Act

1. Does your project affect or is it near any buildings or structures 45 years or more in age?

☐ **Yes** ☒ **No**

If **yes**, explain how the project design will minimize adverse effects on known or potential historic buildings or structures. Include any alternatives considered to avoid or minimize effects on historic structures and photos that clearly show all sides building/structure.

[Enter text here](#)

2. Does your project involve disturbance of ground? ☐ **Yes** ☒ **No**

If **yes**, describe the ground disturbance by giving the dimensions (area, volume, depth, etc.) and location (clearly show on a map, plans, or sketch).

[Enter text here](#)

3. Describe the past use of the area to be disturbed, noting the extent of previously disturbed ground.

[Enter text here](#)

4. Are there any potential archeological sites in the project area? ☐ Yes ☒ No

H. Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

1. Is there a reason to suspect there are contaminants from a current or past use on the property associated with the proposed project? ☐ Yes ☒ No
2. Are there any studies, investigations, or enforcement actions related to hazardous and toxic materials for the property associated with the proposed project? ☐ Yes ☒ No
3. Do any project, construction, or operation activities involve the use of hazardous or toxic materials? ☐ Yes ☒ No
4. Are any of the current or past land uses of the property or adjacent properties affected by the proposed project associated with hazardous or toxic materials? ☐ Yes ☒ No

If you entered "Yes" to any of the above questions, please explain.

[Enter text here](#)

I. Other Environmental/Historic Preservation Laws or Issues

1. Are there other environmental/historic preservation requirements that are associated with this project that you are aware of? ☐ Yes ☒ No

If **yes**, please explain:

[Enter text here](#)

2. Are there controversial issues associated with this project? ☐ Yes ☒ No

If **yes**, please explain:

[Enter text here](#)

3. Have you conducted any public meetings or solicited public input or comments on your specific proposed hazard mitigation project? ☒ Yes ☐ No

If **yes**, please explain:

[The project has been discussed a multiple Public Works and Street Committee meeting and at City council meeting. The project has also been described in the City's monthly news letter.](#)

4. Are the location(s) of this project and the nature of the project type such that the risk to the project is exacerbated by Sea Level Rise? ☐ Yes ☒ No

5. Was Sea Level Rise considered and included in the mitigation measures implemented in this project? ☐ Yes ☒ No

If you answered “yes” to any of the above questions, in the environmental data review, additional documentation will be required as listed in the correspondences section of Attachment 2: Environmental Review Checklist.

End of Subapplication. Continue to attachments.

ATTACHMENT 1: REQUIRED ATTACHMENTS CHECKLIST

Review the list of required forms below. If your project is a construction project, you will be filling out all construction-specific forms. If your project is not a construction project, you will be filling out all non-construction forms. For most current OMB forms and instructions, go to <https://www.grants.gov/web/grants/forms/sf-424-family.html#sortBy=1>.

Please insert an "X" in each box as you complete each item.

GENERAL – ALL SUBAPPLICATIONS	
	Completed subapplication (<i>this Word document</i>)
	BCA Report (exported PDF from FEMA's BCA program) X
	BCA .zip file- includes full access to the project's BCA inputs and assumptions
	SF-424C, Budget Information for <u>Construction</u> Programs (OMB #4040-0008)  SF424C_2.0-V2.0 (1).pdf
	SF-424A, Excel Budget Document for <u>Non-construction</u>  SF-424A non-construction with or
	SF-424C, Excel Budget Document for <u>Construction</u>  SF-424C with pre-award with notes
	SF-424B, <u>Non-construction</u> Programs (OMB #4040-0007)  SF424B-V1.1.pdf or
	SF-424D, Assurances for <u>Construction</u> Programs (OMB #4040-0009)  SF424D-V1.1 (1).pdf
	FEMA Cost Match Assurances Form  Cost_Match_Assurance_BLANK_ALL HMA SL or Local Funds Commitment Letter

	FF 112-0-3C Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (OMB #1660-0025)  FEMA Certifications FF 112-0-3C_BLANK_A
	 SFLLL_1_2-V1.2_BLANK_ONLY IF LOBBYING SF-LLL, Disclosure of Lobbying Activities Form (<i>only if actually lobbying</i>)
	 HMA Designation of Agent_Signature Authority Resolution Designating Applicant Agent Form or similar if your entity has their own document capturing the same information (ensure it captures the position/title, name, and signature of the designated agent)
	 Maintenance_Assurances Form.pdf Maintenance Assurances Form
	Back-up documentation supporting your cost estimates in Section 4
	Map of project area with site limits clearly identified
	Pictures of existing conditions at project site(s) - All sides and from all cardinal directions
	Recent aerial image of the project site via Google Earth, MapQuest, ArcGIS, or similar program
	Provide GPS coordinates of the project site (can be found at U.S. Geological Survey)
	Copy of FEMA Approval Letter for the referenced local Hazard Mitigation Plan
	Project-relevant excerpts from the local Hazard Mitigation Plan and State Mitigation Plan
	FIRM and/or FIRMETTE of project site(s)
	Required Environmental Forms (if applicable) see Section 7 to determine if these are required (any "yes" response will guide you to the required forms listed in Attachment 2)
	Any additional supporting documentation (please specify):

Additional Required Documents *(if Applicable)*

ACQUISITION PROJECTS ONLY	
	List of properties, including address, description, total square footage, GPS coordinates (can be found at U.S. Geological Survey), and parcel number (available from your local assessor's office)
	Documentation of the estimated pre-event value of the property
	Documentation of voluntary interest signed by each property owner using either the individual Notice of Voluntary Interest or the Town Hall Format Notice of Voluntary Interest
	FEMA Declaration and Release
	FEMA Model Statement of Assurances for Property Acquisition Projects
	Copies of any relevant letters/emails concerning consultation with USACE regarding consideration of levee systems, berms, floodwalls, dikes, etc.
	Copies of any relevant letters/emails concerning consultation with WSDOT regarding planned improvements of Federal-aid systems or state transportation projects
	Each property owner's NFIP policy number
	For each property, a copy of the sample deed restriction that will be recorded at closing (the sample must be consistent with FEMA's Model Deed Restriction) (per 44 CFR Part 80, Property Acquisition and Relocation for Open Space)

EQUIPMENT PURCHASES – ALL SUBAPPLICATIONS <i>(IF APPLICABLE)</i>	
	Vendor Quotes
	Manufacturer's Product Data

ELEVATION PROJECTS ONLY	
	List of properties, including address, GPS coordinates (can be found at U.S. Geological Survey), structure type, construction type, foundation type, original date of construction, elevation of lowest finished floor, description, and total square footage
	NFIP Elevation Certificate or equivalent information/data used to determine the first floor elevation

	List the first-floor elevation of the proposed elevation, proposed foundation type, proposed elevation methodology and standard, and Base Flood Elevation (BFE) or Advisory BFE (ABFE)
	Building Replacement Value (BRV) and supporting documentation
	Signed statement from the appropriate local official or qualified professional that the structure appears to be capable of elevation
	For retrofit projects: An assessment of the vulnerabilities of the existing building conditions
	Model Acknowledgement of Conditions for Mitigation of Property in a Special Flood Hazard Area (if applicable)
	Documentation of voluntary interest signed by each property owner using either the individual Notice of Voluntary Interest or the Town Hall Format Notice of Voluntary Interest
	Each property owner's NFIP policy number
	National Flood Insurance Program (NFIP) Community Assistance Visit (CAV) letter confirming community is in good standing per Community Rating System (CRS)

FLOOD CONTROL PROJECTS ONLY

	Flood studies and hydrology reports
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SEISMIC RETROFIT PROJECTS ONLY

	Seismic studies, assessments, and/or reports establishing existing conditions, vulnerabilities, needed retrofits, and post-mitigation seismic performance goal (target seismic code level)
	List of properties, including address, GPS coordinates (can be found at U.S. Geological Survey), description, soil type, construction type, original date of construction, building type, number of stories, use, occupancy, and total square footage
	Proposed schematic drawings or designs
	Model Acknowledgement of Conditions for Mitigation of Property in a Special Flood Hazard Area (if applicable)
	Building Replacement Value (BRV) and supporting documentation
	Interior photographs (if applicable)

WILDFIRE MITIGATION PROJECTS ONLY

	List of targeted or benefitting properties, including address, GPS coordinates (can be found at U.S. Geological Survey), parcel number (available from your local assessor's office), and cost estimate information
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	Map clearly showing that the wildfire project falls within a Wildland Urban Interface (WUI) area
	Ignition Resistant Material (IRM) projects: Document showing that the project complies with local engineering fire-related codes and standards
	Defensible space projects: Maps or aerial imagery clearly showing targeted properties (include acreage) and an approximation of the total vegetation to be removed

ATTACHMENT 2: ENVIRONMENTAL REVIEW CHECKLIST

Please insert an "X" in each box as you complete each item.

ARCHEOLOGICAL RESOURCES	
x	A U.S. Geological Survey 1:24,000 scale (if available) or other site map showing the location and extent of ground disturbance

CLEAN WATER ACT, RIVERS AND HARBORS ACT, AND EXECUTIVE ORDER: 11990	
x	Documentation of the project location on a U.S. Geological Survey 1:24,000 scale (if available) or other site map
x	A copy of the National Wetlands Inventory map including the project site
	Request for information and response letter from the USACE and/or state resource agencies regarding the potential for wetlands and applicability of permitting requirements or permit application.

ENDANGERED SPECIES ACT AND FISH AND WILDLIFE COORDINATION ACT	
	Any request for information and associated response from the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Services (NMFS) (for affected ocean-going fish), or state wildlife agencies (including the OR Department of Fish and Wildlife (ODFW), regarding potential listed species present and the potential of the project to impact those species
	A photograph or digital image of the site showing both the body of water and the project area
	A site map showing the project area and the extent of vegetation affected
	Photographs or digital images that show both the vegetation affected and the vegetation in the context of its surroundings
	Evidence of any discussions with the USFWS/NMFS and/or state wildlife agencies concerning any potential impacts to any body of water

EXECUTIVE ORDER 11988: FLOODPLAIN MANAGEMENT	
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	Hydrologic/hydraulic engineering report demonstrating how drainage, watercourse, and flood flow patterns will be changed by the project and identifying downstream and upstream effects
	Evidence of any consultation with the USACE, if not previously provided
	Documentation from the Oregon NFIP State Coordinator showing current compliance

NATIONAL HISTORIC PRESERVATION ACT

	Letter from State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) <i>Optional</i>
	For acquisition/demolition projects affecting historic buildings or structures, any data regarding the consideration and feasibility of elevation, relocation, or flood-proofing as alternatives to demolition

RCRA AND CERCLA

	Results of any consultations with state or local agencies to obtain permits with requirements for handling, disposing of, or addressing the effects of hazardous or toxic materials related to project implementation
	Documents from any studies, investigations, or enforcement actions related to hazardous or toxic materials for the properties associated with the project

OTHER ENVIRONMENTAL/HISTORIC PRESERVATIONS LAWS OR ISSUES

	Any available Environmental Assessments or Biological Opinions related to the project
	Documentation of public notices and/or public meetings related to the proposed project
	Any available agency consultations and correspondence not previously provided
	Coastal Zone Management Act (if in an Oregon DLCD designated coastal zone , provide a copy of coastal zone consistency determination letter for project)

DESIGNATION OF AGENT

RESOLUTION

BE IT RESOLVED _____ OF _____
(Governing Body) (Public Entity)

THAT _____,
(Name) (Title)

is hereby authorized to execute for and in behalf of

a public entity established under the laws of the Oregon, all required forms and documents for the purpose of obtaining financial assistance for the Hazard Mitigation Grant Program (HMGP), or Hazard Mitigation Grant Program Post Fire (HMGP-PF), or the Building Resilient Infrastructure and Communities (BRIC) program under the Disaster Recovery Reform Act of 2018 (DRRA) or the Flood Mitigation Assistance (FMA) program, as pertains to federal mitigation grant programs indicated below (check all that apply):

☒ HMGP ☐ HMGP-PF ☐ BRIC ☐ FMA

Passed and approved this _____ day of _____, 20_____.

CERTIFICATION

I, _____, duly appointed and _____
(Name) (Title)

of _____, do hereby certify that the above is a true and correct copy of
(Public Entity)

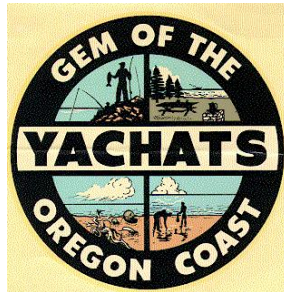
a resolution passed and approved by the _____
(Governing Body)

of _____ on the _____ day of _____ 19____.

(Signature) (Official Position) (Date)

EMPLOYEE HANDBOOK

City of Yachats



Adopted by City Council January 14, 2016

Welcome!

Welcome to the City of Yachats (The City) we are glad to have you on our team. At the City of Yachats, we believe that our employees are our most valuable asset. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with Yachats, you will become a productive and successful member of the City team.

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City of Yachats and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Yachats with or without prior notice. This handbook supersedes any prior handbooks or written policies of Organization that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please ask the City Administrator.

This handbook does not create a contract of employment between the City of Yachats and its employees. With the exception of employees subject to a collective bargaining agreement, all employment at the City of Yachats is "at will." That means that either you or the City may terminate this relationship at any time, for any reason, with or without cause or notice (unless you are subject to a collective bargaining agreement or written contract of employment). No supervisor, manager, or representative of the City other than the City Administrator has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by the City Administrator (or that is included in a collective bargaining agreement).

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I. Equal Employment Opportunity (EEO) Policies

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

All employees are encouraged to discuss these EEO Policies with the City Administrator at any time if they have questions relating to the issues of harassment, discrimination or bullying.

A. No-Discrimination Policy

The City of Yachats provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran's status, or any other status protected by applicable federal, Oregon, or local law. This EEO policy applies to all aspects of the employment relationship – including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

B. No-Harassment Policy

The City of Yachats prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City-related or –sponsored trips (such as conferences or work-related travel), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any of Yachats' employees. ***Such harassment is prohibited whether committed by Yachats' employees or by non-employees, such as elected officials, members of the community, and vendors.***

Sexual Harassment

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

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

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual

prowess, or deficiency; leering, whistling, touching, assault, sexually suggestive, insulting, or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; or discriminatory treatment based on sex. This is not a complete list.

Other Forms of Prohibited Harassment

Other forms of prohibited harassment under the City's policy and Federal and Oregon law include harassment against an individual based on the individual's race, color, religion, national origin, age, sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law.

Such harassment may include verbal, written or physical conduct that denigrates or shows hostility towards an individual because of any protected status, and can include:

- jokes, pictures (including drawings), epithets, or slurs;
- negative stereotyping;
- threatening, intimidating, or hostile acts that relate to a protected class; or
- written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

Bullying

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

1. Verbal Bullying: slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on web sites for co-workers, managers or supervisors or elected officials.

Complaint Procedure

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and bullying. Further, all employees are responsible for respecting the rights of other employees and strictly adhering to the letter and spirit of this policy. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or the City Administrator, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

Employees are strongly encouraged to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop. Employees who have experienced any harassment, discrimination, or bullying, are expected and required to bring the matter to the attention of Human Resources or a supervisor or member of management as soon as possible.

In addition, any employee who observes any conduct that he or she believes constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents that may have occurred, must immediately report the matter to the City Administrator.

Investigation and Confidentiality

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

Protection Against Retaliation

The City prohibits retaliation in any way against any employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) harassing, discriminatory, or bullying conduct, or has participated in an investigation of such conduct. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See *also* the Policy on Non-Retaliation, below.

C. Disability Accommodation Policy

Accommodations

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

Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, the City) and which permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or

to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations, modifying training materials or policies, providing readers and interpreters or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position or participate in the employment process. All requests for accommodation should be made with the City Administrator, and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his or her need for a reasonable accommodation.

D. Policy on Non-Retaliation

The City's policy prohibits the taking of any retaliatory action for reporting or inquiring about alleged improper or wrongful activity. All City employees, managers/supervisors and elected officials are encouraged to report in good faith all information regarding alleged improper or wrongful activity that may constitute:

- Discrimination or harassment;
- Fraud;
- Unethical or unprofessional business conduct;
- Noncompliance with City policies/procedures;
- Circumstances of substantial, specific or imminent danger to an employee, manager/supervisor, elected official or the public's health and/or safety;
- Violations of local, Oregon or federal laws and regulations; or
- Other illegal or improper practices or policies.

The City encourages timely disclosure of such concerns and prohibits retribution or retaliation against any employee (or member of the public) who, in good faith, reports such concerns. No employee, manager or supervisor will be exempt from the consequences of misconduct or inadequate performance by reporting his or her own misconduct or inadequate performance.

Protection from Retaliation

Any City employee, manager/supervisor or elected official who, in good faith, reports such incidents as described above will be protected from retaliation (defined as an adverse action taken because an individual has engaged in protected activities), threats of retaliation, discharge, or other discrimination including but not limited to discrimination in compensation or terms and conditions of employment that are directly related to the disclosure of such information. In addition, no City employee may be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations.

Reporting Process

Employees should timely report evidence of alleged improper activity as described above by contacting their immediate supervisor, department head or the City Administrator. Any instances of alleged retaliation or retribution should be reported in the same manner.

All reports will be handled as promptly and discreetly as possible, with facts made available only to those who need to know to investigate and resolve the matter.

II. Employment Status

A. Probationary Period of Employment

All new employees, including current employees who are promoted or transferred within the City, are hired into an probationary period that generally lasts no less than six (6) months. The probationary period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City meets your expectations of an employer.

At or before the end of the probationary period, a decision about your employment status will be made. The City will decide whether to: (1) Move you to regular, full-time or regular, part-time status; or (2) Terminate your employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and the City may terminate the employment relationship during the probationary period for any or no reason. Further, completion of the probationary period does not entitle you to remain employed by the City for any definite period of time. Both you and the City are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

B. Promotional Probation

Every promoted employee shall serve a probationary period of six (6) months. The promoted employee shall be compensated at the permanent rate of the higher job classification. If, before the end of the probationary period, the promoted employee fails to meet the required work standard, or at the employee's option, the promoted employee shall return to his/her previously held position and wage rate. No promoted employee shall be terminated from employment without just cause.

C. Employee Classification

The City classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week.
2. Regular Part-time: Employment requiring less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time.
3. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Participation in benefits programs for temporary employees is limited to eligibility for workers' compensation. Temporary employment can either be full-time or part-time.

Additionally, all employees are defined as either “exempt” or “nonexempt,” which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all the City’s rules and procedures.

D. Reinstatement

Employees who resign from the City of Yachats in good standing may be eligible for re-employment consideration. To determine eligibility, former employees must re-file an employment application with the City of Yachats. Applications received from former employees will be considered and processed using the same procedures and standards that govern all other applicants. When a position becomes available, the hiring supervisor will review the former employee's performance record and the circumstances surrounding his/her departure from the City of Yachats. We are not obligated to rehire former employees.

E. Prior Service Credit

Employees who are rehired by the City of Yachats will receive credit for prior time worked as follows:

Employees who were terminated because of a reduction in workforce will receive credit for prior time worked for the purposes of benefit eligibility if they are re-employed within 12 months after the termination date.

Employees who voluntarily terminate their employment with the City of Yachats will receive credit for prior time worked for the purposes of benefit eligibility, subject to management approval, if re-employed within 12 months after the termination date. However, a new anniversary date will be established based on the date of reinstatement.

Rehired employees may be subject to a six-month probationary period and may be asked to attend all medical assessments required of employees otherwise hired.

F. Timekeeping Requirements

All non-exempt employees must accurately record time worked on a time card for payroll purposes. Employees are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any reason other than City business. Filling out another employee’s time card, allowing another employee to fill out your time card, or altering any time card will be grounds for discipline up to and including termination. An employee who fails to record his or her time may be subjected to discipline as well.

Salaried exempt employees also may be required to record their time on either a time card or time sheet. These employees will be instructed separately on this process.

E. Employee-Incurred Expenses and Reimbursements

The City will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor/manager before they are incurred. The City will not pay for or reimburse the costs incurred by a spouse, registered domestic partner or travel companion who accompanies the employee on City - approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting their payment or reimbursement.

Some examples of actual and reasonable business-related expenses that the City will reimburse/pay for are:

- *Conferences or Workshops:*
- *Education:*
- *Meals:*
- *Mileage and Parking:* Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City.

F. Payroll Policies

The City of Yachats issues payroll checks twice a month: the 15th and the last day of the month. If either of those days falls on a weekend or Monday Holiday, the payroll checks will be released on the Friday before. Payroll is calculated including the last day of the payroll period. In order to provide adequate time for personnel to process payroll, the time sheets will be submitted at least one day prior to the end of the period, using estimated hours for the final day. Adjustments will be made on the timesheet for the next payroll period if needed to accurately reflect time worked. Supervisors review and approve time sheets. Processed and signed checks may be released the day before payday. However they are not be deposited until the date shown on the check.

G. Reporting Changes to an Employee's Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current can be important to you with regard to pay, deductions, benefits and other matters. If you have changes in any of the following items, please notify the City Administrator to assure that the proper updates/paperwork are completed as quickly as possible:

- Name;
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents;
- Person to be notified in case of emergency;
- Other information having a bearing on your employment; and
- Tax withholding.

Employees may not intentionally withhold information from the City about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, the City may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

H. Performance Reviews

All City employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention and termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action.

It is the City's goal is to provide an employee with his/her first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

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

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

Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis.

III. Time Off and Leaves of Absence

A. Attendance, Punctuality and Reporting Absences Policy

Employees are expected to report to work as scheduled, on time and be prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for unpaid break periods or when required to leave on authorized City business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via a telephone call. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.

B. Vacation

It is the policy of the City to provide each full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's contract.

Employees shall be eligible for paid vacation after six (6) months of continuous service with the City. Vacation benefits shall be computed from the date of hire.

Employees will accrue vacation hours on a monthly basis.

Vacations will be granted at the time requested by the employee, subject to supervisory approval and reasonable operational requirements. If the City is compelled by operational requirements to limit vacations, the employee with the greatest seniority shall be given preference of choice for vacation dates. This seniority right shall be exercised only once per fiscal year.

Any employee who resigns, is laid off, discharged, or retires from the service of the City for any reason prior to taking his/her vacation shall be compensated by check for all earned but unused vacation she/he accumulated at the time of separation.

In case of death, compensation for accrued vacation leave shall be paid in the same manner that salary due the decedent is paid.

Employees are not entitled to pay in lieu of taking time off for vacation.

C. Sick Leave

The City recognizes that an employee's inability to work because of illness or injury may cause economic hardship. For this reason, the City provides paid sick days employees. The days are provided only for the employee's own illness or injury.

Employees shall accrue sick leave at the rate of eight (8) hours for each calendar month of active employment.

Employees shall be allowed sick leave compensation when an employee is unable to work because of illness or injury or communicable disease. Sick leave may be used for attending to illness, injury or disease in the employee's immediate family.

Abuse of sick leave is cause for disciplinary action up to and including discharge.

An employee who returns following a layoff or a leave without pay shall have reinstated sick leave credits previously accrued.

In the event of any employee's death or retirement, the beneficiary or employee shall receive fifty (50) percent cash value of all accrued sick leave. All lump sum payment or credits for accumulated sick leave in these instances will be calculated at the same pay rate as existed at the time of the employee's death or retirement. Only employees who have worked for the City for ten (10) years shall be eligible for the retirement cash-out.

Any City employee may donate a portion of their own accumulated sick leave to another City employee who is off work and who has exhausted their sick leave. Employees may donate up to eighty (80) hours of sick leave, as long as they retain a balance of at least forty (40) hours of their own account.

A medical leave of absence without pay for a period of six (6) months may be granted any regular employee with at least one (1) year continuous service prior to the medical leave. The City shall maintain the employee's insurance benefits during their absence and the employee shall continue to accrue seniority. The employee shall be returned to his/her same position upon completion of such leave. The leave period may be extended with the approval of the City.

D. Holidays

The following days shall be recognized and observed as paid holidays:

New Year's Day

Martin Luther King's Birthday

President's Day

Memorial Day

Independence Day

Labor Day

Veteran's Day

Thanksgiving Day

Day after Thanksgiving Day

Christmas

Whenever a holiday shall fall on a Sunday, the succeeding Monday shall be observed as the holiday. Whenever the holiday shall fall on a Saturday, the preceding Friday shall be observed as the holiday.

An employee on an authorized sick leave or vacation when a holiday occurs shall not have such holiday charged against the leave or vacation.

The rate an employee shall be compensated for working a holiday shall not exceed the rate of two (2) times the normal rate of pay in addition to holiday pay.

Regarding covering holidays for state-mandated tests, the Public Works supervisor shall solicit volunteers previous to each holiday. Holiday overtime assignments shall be assigned on the basis of seniority if there is more than one volunteer. If all employees refuse then the supervisor may assign the overtime to the least senior employee.

If the holiday falls on the employee's scheduled day off, the employee shall receive hour-for-hour compensated time off.

E. Family Medical Leave

Statement of No FMLA/OFLA Coverage

City employees are not eligible for leaves of absence under the Oregon Family Leave Act (OFLA) or the federal Family Medical Leave Act (FMLA) due to the entity's small size.

One exception is that the City will honor requests from eligible employees to take a leave of absence under the Oregon Military Family Leave Act. Thus, during a period of military conflict, as defined by law, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment. To be an eligible employee and entitled to this leave, the employee must have worked an average of 20 hours per week prior to beginning the requested leave.

F. Bereavement Leave

A leave of absence with pay for up to three (3) days if in-state and five (5) days if out-of-state shall be granted an employee when a death in the employee's family requires the employee's absence. Should circumstances require an employee to be absent longer than the three (3) or five (5) days, the days in excess shall be charged against accumulated sick leave and vacation leave.

G. Jury and Witness Duty

When an employee is called for jury duty or subpoenaed to appear in court as a witness related to his/her employment with the City, he/she will not suffer any loss of pay. She/he shall transfer any and all compensation less mileage allowance received to the City and receive his/her regular compensation for the time covered by the absence. Time not worked because of such service will not affect vacation or sick leave accrual.

H. Religious Observances Leave and Accommodation Policy

The City respects the religious beliefs and practices of all employees. The City will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with the City Administrator.

I. Crime Victim Leave Policy

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his or her immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period;
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to the City Administrator as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, the City may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

J. Domestic Violence Leave and Accommodation Policy

All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his or her minor dependents.

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation or similar paid time off while on this type of leave.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his or her intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to the City Administrator as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The City will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give the City notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any other person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on the City. Please contact the City Administrator immediately with requests for reasonable safety accommodations.

K. Military Leave

Employees who wish to serve in the military and take military leave should contact the City Administrator for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

IV. Employee Benefits

A. Healthcare Benefits

Employees who meet the definition of “benefit eligible” under both City policy and that of its health insurance provider are entitled to the benefit options offered by the City. Generally speaking, that means the City offers medical/vision and dental insurance for all of its regular, full-time employees and their dependents. The City and the employee split the increase in premium 50/50 each year over the base rate that was established to be paid by the City.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by the City. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by the City, employees will be advised and provided with copies of relevant plan documents. Copies are available from the City Administrator.

B. Employee Assistance Program (EAP)

This free, confidential service is provided to all employees covered by our medical insurance benefits, and their covered dependents who may be experiencing life problems. Information regarding this service can be obtained by contacting the City Administrator..

C. Workers' Compensation and Safety On the Job

You are protected by Workers' Compensation Insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

Steps to Take if You are Injured on the Job

To ensure that you receive any workers' compensation benefits to which you may be entitled, you must do all of the following:

1. Immediately report any work-related injury to your supervisor. You must report the injury at the time it happens, and no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to City Administrator.

Failure to timely follow these steps may negatively affect your ability to receive benefits.

Return to Work

If you require workers' compensation leave, the City will strive to reemploy you to the most suitable vacant position available. However, you must first submit documentation from a health care provider who is familiar with your condition demonstrating your ability to return to work and perform the essential functions of the position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position

is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. The City does not discriminate against employees who suffer a workplace injury or illness.

Early Return-to-Work Program

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by the City, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines that you are able to perform modified work, the City will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with the City. While you are on modified or transitional work, you are still subject to all other City rules and procedures.

Overlap with Other Laws

The City will account for other leave and disability laws that might also apply to your situation, such as the ADA and FMLA or OFLA. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the Americans with Disabilities Act and/or applicable Oregon laws covering disabilities in the workplace.

I. PERS (Public Employees' Retirement System) Benefits

The City participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at www.oregon.gov/PERS. For information about the City's contributions to employee PERS or OPSRP plans, please see the City Administrator.

V. Miscellaneous Policies

A. Alcohol/Drug Use, Abuse and Testing

Alcohol/Drug Use, Abuse and Testing Policy

Prohibited Conduct

The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

- a. Possession, sale and/or use of drugs on City premises, while in City provided clothes, while on City or work-related travel, or while on City business;
- b. Failure to notify the City of an arrest or conviction under any criminal drug or alcohol statute within two days of the arrest or conviction;
- c. Possession and/or consumption of alcoholic beverages or being under the influence of alcohol during work hours, while in City provided clothes or on City premises, while operating a City vehicle (or while operating a personal vehicle in connection with the performance of City business), or while performing job functions other than at the employee's home; or.
- d. Being under the influence of drugs while on duty, on City premises, on City work time, while in City provided clothes, while on City business, or while operating an City vehicle (or while operating a personal vehicle in connection with the performance of City business).

As used in this policy, "drug" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.

Prescription Medication and Medical Marijuana

An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify the City Administrator of such use immediately before starting or resuming work. This includes, without limitation, medical marijuana. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as City will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

Testing

The City reserves the right to:

- a. subject applicants who are given a conditional offer of employment in a safety-sensitive position to a drug and/or alcohol test;
- b. test employees reasonably suspected of using drugs or alcohol in violation of this policy;

- c. discipline or discharge employees who test positive or otherwise violate this policy; and
- d. test employees after an on-the-job accident.

The phrase “reasonable suspicion” (or in any variation) used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining “reasonable cause” may include, but are not limited to:

- a pattern of abnormal or erratic behavior;
- information provided by a reliable and credible source;
- a work-related accident;
- direct observation of drug or alcohol use;
- presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- unexplained significant deterioration in individual job performance;
- unexplained or suspicious absenteeism or tardiness;
- employee admissions regarding drug or alcohol use; and
- unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to the City Administrator. Whenever possible, supervisors should locate a second employee or witness to corroborate his/her “reasonable cause” findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the City Administrator. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, the City may search the employee's possessions located on City property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to City property, or in property, equipment or supplies provided by City to employee.

Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any and all tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

Crimes Involving Drugs and/or Alcohol

Employees shall report:

- any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- entry into a drug court or diversion program; or
loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

Drug and Alcohol Treatment

The City recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The City is willing to help such employees obtain appropriate treatment.

An employee who believes that he or she has a problem involving the use of alcohol or drugs should ask a supervisor or the City Administrator for assistance.

The City will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and the City to the extent its existing benefits package covers some or all of the program costs.

Although the City recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of the City's policy is discovered, the employee's willingness to seek the City's or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such

information to any other person, agency, or the City is prohibited unless written authorization is obtained from the employee.

B. Cellular Devices Policy

This policy applies to employee use of cell phones, smart phones (including iPhones, Androids, and similar devices), tablets and similar devices, all of which are referred to as “Cellular Devices” in the Cellular Devices Policy.

Cell Phones and Cellular Devices in General (both City provided and personal cell phones/cellular devices)

Employees are allowed to bring personal cell phones and Cellular Devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or City provided cell phones/Cellular Devices may not violate the City’s policies against harassment and discrimination. Thus, employees who use a personal or City provided cell phone/Cellular Device to send a text or instant message to another employee (or to a citizen or someone not employed by the City) that is harassing or otherwise in violation of the City’s no-harassment and no-discrimination policies will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or City provided cell phone/Cellular Device for work purposes outside of their normal work schedule without written authorization in advance from the City Administrator. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

Employee Use of City Provided Cell Phones/Cellular Devices

Cell phones/Cellular Devices are made available to City employees on a limited basis to conduct City business. Determinations as to which employees receive City provided cell phones will be made on a case-by-case basis; employees are not guaranteed a cell phone or Cellular Device. In some cases, the City may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City away from the office (see City Administrator for more information).

Employees who receive a cell phone or Cellular Device from the City must agree to not use the cell phone/Cellular Device for personal use except in emergency situations and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or Cellular Device from the City must acknowledge and understand that because the cell phone/Cellular Device is paid for and provided by the City, or subsidized by the City, any communications (including text messages) received by or sent from the cell phone/Cellular Device may be subject to inspection and review if the City has reasonable grounds to believe that the employee’s use of the cell phone violates any aspect of the Cellular Device Policy or any other City policy. An employee who refuses to provide the City access to his/her personal cell phone/Cellular Device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Employees may not use City provided cell phones or Cellular Devices to call 1-900, 1-976 or similar “pay per minute” services. Further, family and friends may not use an employee’s City provided cell phone/Cellular Device.

Employee Use of Cell Phones/Cellular Devices with Cameras

Cameras of any type, including cell phones with built-in cameras and video photography devices, may not be used during working hours, or at any City sponsored function unless authorized to do so by the City Administrator.

Cell Phones/Cellular Devices and Public Records

City related business conducted on City provided or personal cell phones/Cellular Devices, may be subject to disclosure under Oregon’s Public Records laws.

Cell Phone/Cellular Device Use While Driving

The use of a cell phone or Cellular Device while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of hand-held cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of City vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by the City.

Employees are prohibited from using hand-held cell phones for any purpose while driving on City authorized or City related business. This policy also prohibits employees from using a cell phone or other device to send or receive text or “instant” messages while driving on City business. Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call, unless the employee uses a hands-free cell phone or Cellular Device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

C. Use of City Email and Electronic Equipment, Facilities and Services

The City uses multiple types of electronic equipment, facilities and services for producing documents, research and communication including, but not limited to, computers, software, e-mail, copiers, telephones, voicemail, fax machines, online services, cell phones (including text messaging), the Internet and any new technologies used in the future. This policy governs the use of such City property.

Ownership

All information and communications in any format, stored by any means on or received via the City’s electronic equipment, facilities or services is the sole property of the City.

Use

All of the City’s electronic equipment, facilities and services are provided and intended for City business purposes only and not for personal matters, communications or

entertainment. Access to the Internet, web sites and other electronic services paid for by the City are to be used for City business only. This means, for example, that employees may not use the City provided Internet, or City electronic equipment, facilities and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate the City's no-harassment, no-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind ;
- Engage in any activity that violates the rights of any person or company protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the rights to privacy of protected healthcare information or other City specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, and movies and TV shows. Streaming audio is allowed, providing it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use City provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

Inspection and Monitoring

Employee communications, both business and personal, made using City electronic equipment, facilities, and services are not private. Any data created, received or transmitted using City equipment, facilities or services are the property of the City and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on the City's electronic equipment, facilities or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the City's ownership of the electronic information, electronic equipment, facilities, or services, or the City's right to inspect such information. The City reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of the City's electronic equipment, facilities and services, including all communications and internet usage and resources visited. The City will override all personal passwords if it becomes necessary to do so for any reason.

Personal Hardware and Software

Employees may not install personal hardware or software on the City's computer systems without approval from the City Administrator. All software installed on the City's computer systems must be licensed. Copying or transferring of City owned software may be done only with the written authorization of the City Administrator.

Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City management. No employee can examine, change or use another person's files, output or user name unless they have explicit authorization from the City Administrator to do so.

Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception and these methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

Inappropriate Web Sites

The City's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate the City's policies on harassment and discrimination.

D. Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of the City or the City's legitimate business interests may result in disciplinary action up to and including termination.

Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate the City's no-harassment and no-discrimination policies and that include discriminatory remarks, harassment, or threats of violence or similar inappropriate or unlawful conduct.

Do not create a link from your blog, website or other social networking site to a City owned or City maintained website without identifying yourself as a City employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are a City employee, and make it clear that your views do not represent those of the City or its employees or elected officials.

Encouraged Conduct

Always be fair and courteous to co-workers, the citizens we serve, the City's employees and elected officials, and suppliers or other third parties who do business with the City. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, City employees or elected officials, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.

Maintain the confidentiality of the City's confidential information. Do not post internal reports, policies, procedures or other internal, City related confidential communications or information. (See "Confidential City Information" policy, below.)

Request for Employee Social Media Passwords

The City's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's user name and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a user name and password that would otherwise allow a supervisor/manager to access a private email account not provided by the City.

Nothing in this policy prohibits the City from requiring an employee to produce content from his or her social media or internet account in connection with a City sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

E. Confidential City Information

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with City policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of the City) may be removed from our premises without permission from the City. Likewise, any materials developed by the City's employees in the performance of their jobs is the property of City and may not be used

for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to the City's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

F. Ethics

At the City, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of the City or the City's citizens.

We at the City are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

If you have questions about whether an activity meets the City's or Oregon's ethical standards, please talk with your manager. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

G. Open-Door Policy

The City's Open Door Policy is based on our belief that employee suggestions for improving the City are welcome at any time. If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the City, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the City Administrator.

H. Outside Employment

Generally, employees may obtain employment with an employer other than the City or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of City time (including the employee's work time), facilities, equipment and supplies, or the prestige or influence of the employee's position with City. In other words, the employee may not engage in private business interests or other employment activities on the City's time or using the City's property;

- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works; or
- Receipt of money or other consideration for performance of duties that the employee is required to perform for the City.

The City requires employees to report outside employment to their City Administrator on an annual basis, or sooner if any changes in outside employment occurs.

I. Criminal Arrests and Convictions

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

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City property, or in an City vehicle (see “Alcohol/Drug Use, Abuse and Testing” policy above);
2. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
3. If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or vacation time to cover the absence, and may be subject to disciplinary action, including termination.

J. Political Activity

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign;
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of City employees to express their personal political views.); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City (see “Holidays” section, above), the City is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Administrator (or his/her designee) will decide whether to and to what extent the City will close. Employees will be reached via phone or text message.

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve the City from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides.

L. Driving While on Business

Employees using a private vehicle to conduct the City's business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized City business use should make any necessary arrangements with their insurance carriers.

The City may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with the City, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify the City when there are transactions on your driving record such as speeding tickets and citations.

While on City business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Cell Phone Use While Driving" policy, above.

M. Workplace Violence

The City recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee or member of the public against another person's life, health, well-being, family, or property will be dealt with in a zero tolerance manner by the City.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City, or that threaten the safety, security or financial interests of the City. Employees should make such reports directly to the City Administrator.

The City also may conduct an investigation of a current employee where the employee's behavior raises concerns about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."

N. Workplace Inspections – No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by the City pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voice mail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voice mail and computer systems assigned to them by the City; these areas are not private.*

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

O. Smoke-Free Workplace

The City provides a tobacco-free environment for all employees and visitors. For purposes of this policy, “tobacco” includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and e-cigarettes), and the use of oral tobacco products or “chew/spit” tobacco. This policy applies to employees, volunteers, and any visitors to City property, vehicles or facilities/buildings.

The City buildings and vehicles are tobacco-free areas. Tobacco use is prohibited during working hours. Further, the City prohibits tobacco use in or around City vehicles and equipment or machinery.

If you wish to smoke, you must do so outside of the City’s facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. The City has established employee smoking areas that your supervisor can show you.

VI. Termination of Employment

A. Workplace Rules and Prohibited Conduct

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and the City's operations, some of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

- Falsification of employment or other City records.
- Recording of work time of another employee or allowing any other employee to record your work time, or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any City property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City property.
- Carrying firearms or any other dangerous weapon on City premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on City property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City employee, customer or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City.
- Misrepresentation of City policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City. Employees may not use the City's name, logo, likeness, facilities, assets or other resources of the City for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or City policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City or outside regulatory or legislative bodies.
- Failing to timely pay water/sewer/tax accounts with the City on time, and/or whose City provided services are disconnected. This includes, without limitation,

situations where the employee writes a check to the City that is refused for payment due to non-sufficient funds.

- Harassment or discrimination that violates City policy.

This statement of prohibited conduct does not alter the City's policy of at-will employment. With the exception of employees subject to a collective bargaining agreement or contract of employment, the City remains free to terminate the employment relationship at any time, with or without cause or notice.

B. Corrective Action/Discipline Policy

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet City standards, the City will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating employment of an employee for serious violations of City policies, procedures and rules and for other inappropriate behavior or conduct, the City may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. The City may also choose to send the employee to training or an education opportunity.

In all cases, the City retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, the City reserves the right to proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the City deems such action appropriate. The City retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

B. Retirement or Resignation From Employment

If you choose to resign or retire, it is anticipated that you will give the City as much notice as possible – preferably a minimum of two weeks. When giving your two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two-weeks' notice of your intent to leave the City, you will not be eligible for re-employment at a later date.

Employees who miss three or more consecutive work days without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with the City Administrator before making a final decision.

Employees must return all City property, including phones, computers, identification cards, credit cards, keys, and manuals, to the City Administrator on or before their last day of work.

C. References

All requests for references or recommendations must be directed to the City Administrator. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn “recommendations” or using a website on the internet to discuss a current or former employee’s performance.

By policy, the City discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

Employee Acknowledgement

Acknowledgment of Receipt of 2016 Personnel Policies

I acknowledge that I have received and will read a copy of City of Yachats 2015 Personnel Policies. I also understand that a copy of the Personnel Policies] is available to me at any time to review in the Document Library and in the City Administrator's Office.

I understand that the City of Yachats has adopted the Personnel Policies only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in the City's sole discretion. I also understand that the Personnel Policies control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the Personnel Policies are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either the City or I may terminate my employment relationship at any time, for any or no reason, with or without cause, and with or without advance notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed or will review the City's policies regarding equal employment opportunity and provides a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to my supervisor, the City Administrator, or any trusted manager or supervisor.

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

I have read this acknowledgement carefully before signing.

Employee Signature

Date

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.

City of Yachats Employment Agreement City Manager

This written agreement is entered into by and between the City of Yachats, a municipal corporation of the State of Oregon, ("City"), and Gretchen Dubie ("Appointee").

Recitals

- A. City desires to employ the services of Appointee as the City Manager of the City of Yachats; and,
- B. It is the desire of the City to establish certain conditions of employment for Appointee; and,
- C. It is the desire of the City to (1) secure and retain the services of Appointee and to provide inducement for Appointee to remain in such employment, (2) to make possible full work productivity by assuring Appointee's morale and peace of mind with respect to future security; and (3) to provide a just means for terminating Appointee's services at such time as Appointee may be unable to fully discharge Appointee's duties or when City may otherwise desire to terminate Appointee's services; and
- D. Appointee desires to accept employment as City Manager of Yachats, and to begin employment on January 10, 2022.

NOW THEREFORE, the City and Appointee agree as follows:

Section 1. Duties and Authority

- 1.1** The duties and authority of Appointee shall be consistent with state law, the City of Yachats Charter, Yachats Municipal Code, the job description for the position, ordinances and resolutions. The Appointee shall perform such other legally and ethically permissible and proper duties and functions as the Mayor and/or City Council shall from time to time assign, which may include, but are not limited to the following:
 - 1.1.1** Implementing policy as directed by City Council;
 - 1.1.2** Serving as the chief administrative officer of the City;
 - 1.1.3** Overseeing the overall management, administration, financial administration, and direction of City operations;
 - 1.1.4** Exercising direct or delegated supervision over all City employees;
 - 1.1.5** Hiring, disciplining and dismissal of City employees;
 - 1.1.6** Administering City contracts pursuant to City policy, ordinance, resolutions and state law;
 - 1.1.7** Purchasing of services, equipment, and supplies within budget appropriations and in compliance with state law;
 - 1.1.8** Advising elected officials concerning policy matters and municipal affairs;
 - 1.1.9** Properly attending to all legal requirements including meeting deadlines; and
 - 1.1.10** Performing such other legally permissible and proper duties and functions as the City periodically may require and assign to Appointee, including but

not limited to those set forth in the City of Yachats job description for City Manager, a copy of which is marked as Exhibit A and by this reference incorporated herein.

- 1.2 The Appointee shall not be responsible for the supervision or direction of other officers directly employed by City Council such as the City Attorney and the Municipal Judge.
- 1.3 The City Council expects the Appointee to adhere to the highest professional standards. Her actions will always comply with those standards. She agrees to follow the Code of Ethics and Guidelines of the International City/County Management Association and the ethics rules, regulations, and laws of the State of Oregon.

Section 2. Term

- 2.1 **At Will.** Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Council from terminating the services of the Appointee at any time, subject only to the provisions set forth in Section 3 of this Agreement. Except as specifically provided in this Agreement, Appointee shall serve at the pleasure of the City without any requirement to demonstrate cause for dismissal. Appointee's employment status is "at will," subject to the terms set forth in this Agreement.
- 2.2 **Resignation.** Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Appointee to resign at any time from their position with the City, subject only to the provisions of this Agreement.
- 2.3 **Initial Term.** The appointment to City Manager is a two-year term unless this contract is terminated by City Council or Appointee resigns from employment with the City.
- 2.4 **Renewal.** In the event written notice is not given by either party to terminate this Agreement at least sixty (60) days prior to the termination date, this Agreement shall be extended for successive two-year periods on the same terms and conditions provided herein. Non-renewal by the City will be treated as a termination without cause for purposes of section 3.2; non-renewal by Appointee will be treated as a resignation.
- 2.5 **Notice.** In the event Appointee wishes to voluntarily resign the position during the term of this Agreement, Appointee shall be required to give the City sixty (60) days written notice of such intention. Appointee shall cooperate in every way with the smooth and orderly transfer to the newly appointed city manager/city manager pro tem. Although the transfer of duties may occur prior to the end of 60 days, the Appointee will be paid for the full 60 days.

Section 3. Probation, Termination and Severance

- 3.1 **No Probation.** No probationary period is required.
- 3.2 **Severance.** In the event of the involuntary termination of Appointee's employment by action of the City, Appointee shall be entitled to three (3) months salary at Appointee's highest rate of pay for the current contract year, less the value of any vacation that has been taken beyond the amount that the Appointee

would have been entitled to had vacation days been credited by the accrual method. Termination of Appointee's employment by the City as used in this section 3 means Appointee's dismissal by a majority vote of the City Council, with or without cause; or following a formal request by the Mayor and a majority of the City Council that she resign, with or without cause; or action by the Council or the voters which results in a material change of Appointee's duties and authority such as elimination of Council/Manager form of city government.

3.3 The severance amount to which Appointee is entitled shall be paid to Appointee within thirty (30) days of notification of termination. The severance amount and payment thereof does not diminish the City's obligation to pay Appointee all wages to which Appointee is entitled as a final wage payment within the time required by Oregon law.

3.4 In the event Appointee's employment is terminated due to the occurrence of any of the following, City shall have no obligation to pay the aggregate severance sum designated in Section 3.2 of this Agreement:

3.4.1 Willful and continuous failure or refusal to comply with policies, standards or regulations legally adopted by the City Council. Appointee shall be provided with written notice of such violations and an opportunity to correct them, prior to any action terminating employment.

3.4.2 Findings based on a reasonable belief by the City Council of fraud, misappropriation of funds, dishonesty, breach of trust, insubordination, neglect of duty, failure to perform duties in a manner that is consistent with applicable law, failure to correct performance deficiencies identified in writing by the City Council, after a reasonable opportunity, as determined by the City, to correct the deficiencies, embezzlement, or other acts of misconduct which could be characterized as criminal in rendering of services on behalf of the City. Such finding shall be made only after the Council holds, in executive session unless requested otherwise by the Appointee, a pre-decision meeting with the Appointee and, at a minimum, provides the Appointee notice of the charges and a copy of reports and documentation upon which the charges are based, notice that the Council is considering termination of employment under this paragraph of the Agreement, and an opportunity to present to the Council the facts, correct errors, and offer any explanation or defense.

3.4.3 Conviction of a felony or misdemeanor involving suitability and fitness to continue as City Manager, or other behavior that the City views as impairing the Appointee's ability to effectively perform the Appointee's duties or jeopardizes the reputation of the City.

3.4.4 The City reserves the right to take immediate action to place the employee on administrative leave while it follows the proper processes.

Section 4. Performance Evaluation

4.1 Initial Evaluations. The City Council shall meet with the Appointee in April, 2022 for a review of the Appointee's performance towards meeting expectations. A second review shall occur in October, 2022 to assess the continuing performance of the Appointee towards meeting expectations. Said reviews and evaluations shall be in accordance with specific criteria and process developed

jointly by City and Appointee. Appointee may, at their discretion, choose to receive a written copy of the findings of the evaluation process, if any, and be provided an adequate opportunity for the Appointee to discuss the details of the evaluations. Following the nine-month evaluation, the Mayor and City Council shall consider a raise of up to five thousand dollars (\$5,000), with the decision based on the evaluation.

4.2 Annual Evaluation. The City Council shall review and evaluate the performance of the Appointee at least once annually. Said review and evaluation shall be in accordance with specific criteria and process developed jointly by City and Appointee. Appointee may, at their discretion, choose to receive a written copy of the findings of the evaluation process, if any, and be provided an adequate opportunity for the Appointee to discuss the details of the evaluation. At the time of the annual evaluation the Mayor and City Council shall review Appointee's salary and other benefits; provided, however, that this review is not intended to imply any obligation by the Council to increase the pay of Appointee in addition to, or in excess of, the cost of living adjustment otherwise provided herein.

Section 5. Salary, Hours of Work, Vacation and Sick Leave

5.1 Salary. City agrees to pay Appointee an annual base compensation of ninety thousand dollars (\$90,000) payable in the same installments and in the same manner as other employees are paid. Starting in July, 2023, Appointee will receive any cost of living increase granted to all classified employees. Bonuses, if any, may be granted by the City Council based on the results of annual performance, goal setting evaluations, and continuing education credits earned by the Appointee. Salary payments shall be subject to withholding, applicable taxes, FICA, and other deductions allowed or required by applicable law, and shall not be subject to reduction by the City.

5.2 PERS Retirement. The Appointee shall self-pay the required 6% contribution to PERS and the City will pay its contribution into the system as per Oregon State law.

5.3 Insurance. The Appointee shall receive all insurance benefits accorded full-time employees within the City.

5.4 Hours of Work. Appointee shall maintain regular work hours at City Hall and be available to fully perform all job duties, provided however, it is anticipated that the Appointee's work schedule will allow for flexibility to accommodate the nature of the job duties and the professional status of the position. Appointee understands and agrees that this flexibility shall not interfere or conflict with any duties or responsibilities required under this agreement. Work in excess of forty (40) hours per week is deemed part of the professional responsibility for which the Appointee shall not be paid overtime.

5.5 Paid Time Off. Appointee shall receive 20 days of vacation to be used in that year of employment, with year running from January 10 through the following January 9. Any unused balance shall expire at the end of the year.

5.6 Sick Leave. The appointee shall accrue sick leave at the rate of eight (8) hours for each month of active employment. A maximum of 720 hours of sick leave may be accrued by the Appointee. The appointee shall be allowed sick leave

compensation when appointee is unable to work because of illness or injury or communicable disease. Sick leave may be used for attending to illness, injury, or disease to the employee's immediate family. Any unused balance shall expire with the end of active employment.

- 5.7 Other Benefits.** Appointee shall receive the following additional benefits: Holidays which fall on days normally worked; Bereavement leave up to five (5) days. (Should circumstances require the Appointee to be absent for longer than five days, the days in excess shall be deemed as vacation days.); Jury and witness duty as allowed to classified employees; Crime Victim leave as allowed to classified employees.
- 5.8 General Expenses.** The City recognizes that certain expenses are incurred for official and job affiliated functions such as dues, subscriptions, and professional development and within budgetary discretion of the City Council, hereby agrees to reimburse Appointee or pay such general expenses upon submission of related receipts, vouchers or statements.

Section 6. General Provisions

- 6.1 Professional Liability.** The City agrees to defend, hold harmless, and indemnify Appointee from any and all demands, claims, suits, actions, and legal proceedings brought against Appointee in their individual capacity or in their official capacity as provided for in and subject to the limitation of the Oregon Tort Claims Act, provided the incident arose while the Appointee was acting within the scope of their employment. If in the good faith opinion of the Appointee conflict exists in regards to the defense of any such claim between the legal position of the City and the Appointee, they may engage counsel in which event, the City shall indemnify the Appointee for the cost of legal counsel.
- 6.2 City Personnel Policies.** The terms of this agreement prevail over any inconsistent provision of the City's personnel policies. The City's personnel policies shall apply to the extent not inconsistent with this agreement, with the understanding that when the personnel policy states an obligation to report to the supervisor or to the City Administrator, the Appointee will report to the Mayor or to the City Council.
- 6.3 Other Terms and Conditions.** The City may, by amendments to this Agreement, fix such other terms and conditions of employment, from time to time, as it may determine, relating to the performance by the Appointee, provided such terms and conditions are not inconsistent or in conflict with the provisions of this Agreement. Appointee reserves the right to discuss the terms of this Agreement. Appointee reserves the right to discuss the terms or termination of this Agreement with City Council as a whole in either closed executive session or regular session as State law allows and as Appointee deems appropriate.
- 6.4 Integration; Amendments; Binding Effect.** The text herein shall constitute the entire agreement between the City and Appointee and any oral or other understandings are not binding upon the parties unless specifically amended in writing by mutual agreement. Nothing shall restrict the ability of City and Appointee to mutually and in writing amend or adjust the terms of this Agreement. This agreement shall be binding and inure to the benefit of the heirs at law and executors of Appointee.

- 6.5 Severability.** If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this agreement or a portion thereof, shall be deemed severable and shall not be affected, and shall remain in full force and effect.
- 6.6 Attorney Fees.** In the event of any suit or action herein, the prevailing party in such suit or action shall be entitled to reasonable attorney's fees to be fixed by the trial court, and if an appeal is taken from the decision of the trial court, such further sum as may be fixed by the appellate court as reasonable attorney's fees in the appellate court, together with prevailing party costs and disbursements incurred therein.
- 6.7 Time of Essence.** Time is of the essence with respect to all dates and time periods set forth or referred to in this Agreement.
- 6.8 Counterparts.** This Agreement may be executed in counterparts, each of which will be considered an original and all of which together will constitute one and the same agreement.

IN WITNESS WHEREOF, the City of Yachats, Lincoln County, Oregon, has caused this agreement to be signed and executed.

Leslie Vaaler, Mayor

Date

Gretchen Dubie

Date

Exhibit A
City of Yachats
City Manager

GENERAL STATEMENT OF DUTIES:

Serves as chief administrative officer of the City. Directs and coordinates the activities of all City operations and implements policy as established by the City Council.

SUPERVISION RECEIVED:

Works under the general direction of the Yachats City Council, which establishes policies and ordinances which the City Manager implements and administers.

SUPERVISION EXERCISED:

Responsible for supervision over all employees of the City.

TYPICAL EXAMPLES OF WORK:

An employee in this classification may be called upon to do any of the following, however, these examples do not include all the tasks which the employee may be expected to perform.

- A. Meets with the public to provide information and assistance regarding City ordinances, policies, planning and zoning matters. Receives private citizen questions and complaints on a wide variety of issues and attempts to resolve problems to the satisfaction of all parties.
- B. Supervises the preparation of the annual budget with input from the Finance Committee. Reviews and approves Commission and Public Works needs and estimates, and transmits budget to Budget Committee for review and final action.
- C. Plans, gives general direction on, and reviews the services rendered by the employees.
- D. Meets with the City Council at Council meetings. Gives information on and transmits reports covering issues or concerns of municipal operations, and may be asked to advise councilors in their deliberation on policy or legislative matters.
- E. Confers with Public Works leads and others on varied operating and administrative problems. Reviews plans, programs, and procedures to improve the services rendered by the City.
- F. Serves as purchasing agent for City and is responsible for the efficient expenditure of City funds. Approves grant applications.
- G. Meets with vendors, contractors, sales people, and consultants, negotiates contracts, and serves as contracting agent for the City.

- H. Conducts correspondence on contract problems and prepares or supervises the preparation of informative material for publication.
- I. Meets with representatives of other governmental agencies on varied problems involved in the coordination of City services and in agreements with other governmental units.
- J. As requested by the Council, Commission Chairs, or staff, attends Commission meetings and provides staff assistance.
- K. Maintains authority for the appointment and dismissal of all City employees. The City Council, CIS (City/ County Insurance Services) pre-loss attorney and City Attorney must be made aware of any disciplinary process that may culminate in the dismissal of an employee or contract service provider. Dismissal of an employee may be appealed by the employee to the City Council.
- L. Hires and confers with consultants, e.g. engineers, etc., concerning matters affecting the City's operation where their expertise is necessary.
- M. Attends meetings as a representative of the City.
- N. Responds to emergency situations as needed.