

1. 2:00 P.M. Agenda

Documents:

[2023-03-15 City Council Regular Meeting Agenda.pdf](#)

2. Meeting Material

[2023-01-Financial-Report-Council](#)

[CM-Report-To-Council-March-2023](#)

Documents:

[Yachats PW Report Feb 2023.Pdf](#)

[Water Report 3.1.23.Pdf](#)

[2023-02-02 Council WS Meeting Summary.pdf](#)

[2023-02-15 Council Reg Meeting Summary.pdf](#)

[2023-02-13 Meeting Summary.pdf](#)

[2023-02-03 Finance Meeting Summary.pdf](#)

[2023-02-07 Parks And Commons Meeting Summary.pdf](#)

[2023-02-21 Planning Summary .Pdf](#)

[2023-02-14 Meeting Summary Public Works.pdf](#)

[Bread And Roses Liquor License Application.pdf](#)

[Budget Committee Application - Sant.pdf](#)

[Dahl Letter HB 3220.Pdf](#)

[Fw Support For HB 3220.Pdf](#)

[HB 3220 -2 Amendment 2-22-2023.Pdf](#)

[ORRA Feedback To DEQ On E-Cycles Proposed LC 477 1-18-2023.Pdf](#)

[TM - VC Quarterly Report March 2023.Pdf](#)

[CC Report 23-03-13.Pdf](#)



**CITY OF YACHATS
CITY COUNCIL REGULAR MEETING
441 N. Hwy 101, Yachats OR
Wednesday, March 15, 2023, at 2:00 pm
To Be Held Via Zoom**

REVISED

City of Yachats is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

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

Meeting ID: 833 8033 5391

One tap mobile

+17193594580,,83380335391# US

+12532158782,,83380335391# US (Tacoma)

AGENDA

- I. Announcements, Proclamations, and Correspondence
- II. Public Comment - limited to items not on the agenda
(5-minute limitation per person)
- III. Consent Agenda
 - a. Financial Reports
 - b. City Manager Report
 - c. Public Works Report
 - d. Commission/Committee Meeting Summaries from February 2023
- IV. New Business
 - a. Ethics reporting due – Council & Planning Commission
 - b. OLCC Permit Approval
- V. Ongoing Business
 - a. Appoint Budget Member
 - b. Dahl HB 3220 & Update on Recycling
- VI. Reports
 - a. Don's Place – Pastor Bob
 - b. Yachats Chamber Report
 - c. CIP Report FY22/23
- VII. Other Business
 - a. From the Mayor
 - b. From Council
 - c. From Staff

CITY COUNCIL EXECUTIVE SESSION

- I. **ORS 192.660(2)(e)** To Conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- II. **ORS 192.660(2)(a)** To consider the employment of a public officer, employee, staff member or individual agent.

The Yachats City Council meetings are open to the public and interested citizens are invited to attend via Zoom. 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. The meeting are 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. Sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance. POSTED March 8, 2023. By Kimmie Jackson



Date: March 2, 2023
To: Heide Lambert, City Manager
From: Public Works Department
Re: February 2023 Public Works Report

Rainfall at Yachats Public Works:

	2023	2022	2021	2020
		<u>Inches</u>		
February	5.71	4.05	8.66	7.29
Rain year to date:	15.07	9.91	19.97	21.81

Total water produced: **3,488,800 gallons**

Total water accounted for: **3,268,137 gallons** Water loss efficiency: **93%**

Total wastewater treated: **4,276,000 gallons**

The following is a list of what was done by Public Works staff in February 2023.

Streets:

- Potholes filled.

Storm Drainage:

- Culvert repair on Pacific Drive.

Water Treatment Plant:

- Water systems operations.
- Plant Maintc.
- Cleaned Reedy Creek screen.
- Samples to Newport.
- Lagoon spray field inspected.

Distribution Sys:

- Meter reading.
- Meter maintc.
- 27 radio reads installed.
- Water main repairs on Village Lane and Yachats Ocean Road.

Wastewater Treatment Plant:

- Wastewater systems operations.
- Plant maintc. & clean-up.
- Biosolids operations.

Collection Sys:

- Lift station inspections.

Public Works:

- Shop maintc. and clean up.
- Fleet maintc. & repair.
- Equipment maintc. and repair.
- Multiple locates.
- Brush box handling.
- PW administration.
- 5-yard dump truck repaired.
- Piles picked up for Trails crew.
- Christmas lights and banners removed.
- Cold weather prep.
- Commons trash cans emptied.
- Cleaned Commons gutters.
- Removed public Christmas tree.
- Fueled equipment.
- Power outage response.
- Failing bench removed from park.
- Assisted SLWD with water main repair.



	7.2022	8.2022	9.2022	10.2022	11.2022	12.2022	1.2023	2.2023
Gallons of Water Produced								
Water Plant	4,981,200	5,983,000	5,468,700	4,517,000	4,198,200	3,829,500	4,462,900	3,488,800
Total	4,981,200	5,983,000	5,468,700	4,517,000	4,198,200	3,829,500	4,462,900	3,488,800
Gallons of Accounted for Water								
Reservoir Level Feet	31.5	26.5	28.2	27.8	29.7	29	24.3	30
Reservoir +/- Gallons 41,666 per Foot	579,157	208,330	70,832	16,666	83,332	29,166	195,830	237,496
Waterline Flushing Gallons	610,000	0	0	0	0	0	0	0
Gallons Sold	3,502,419	5,267,797	4,206,601	4,327,576	2,554,239	3,103,279	3,671,984	3,030,641
Total Water Accounted for	4,691,576	5,059,467	4,277,433	4,310,910	2,637,571	3,132,445	3,867,814	3,268,137
Final Water Report								
Water Loss Efficiency	94%	85%	78%	95%	63%	81%	87%	93%
Unaccounted Gallons per Month	289,624	923,533	1,191,267	206,090	1,560,629	697,045	595,086	220,663
Unaccounted Gallons per Minute	6.7	21.3	27.6	4.7	36	16	13	5.1



**CITY OF YACHATS
CITY COUNCIL SPECIAL WORK SESSION
FEBRUARY 2, 2023
Zoom Meeting Summary**

Guests/Audience: 15

1. Mayor Craig Berdie called meeting to order on this February 2, 2023, at 1:00pm via hybrid (In-Person & Zoom). Members present: Mary Ellen O'Shaughnessy, Council President, Greg Scott, Ann Stott, and Catherine Whitten-Carey. A Quorum was present. Staff: Heide Lamber, City Manager, Katherine Guenther, Asst. City Manager/Planner, and Kimmie Jackson, Deputy City Recorder, Holly Hamilton, CIP Coordinator.

WORK SESSION

2. (0:00:20) GOALS: Council Members discussed the process of the Goal Setting agree on the list of goals and rank them; discussed items that may be administrative versus policy, and what is an actual goal.

(0:15:50) Environmental Stewardship: Commission consensus of items on the list are acquiring additional land, greenspace, wetlands, codes, and ordinances. Discussion continued having goal number one being the Wetlands Inventory. The inventory was done but may not have been completed and would like to have this be part of the Parks Master Plan and Storm Water Master Plan. The consultant is updating the report, just need to sign the final statement of work for Pacific Habitat and will forward to the Department of State Lands. This should be done in the next couple of weeks and could be a goal. Would like to have the completion of the Storm Water and Parks Master Plan; and to use the codes and ordinances that provide guidance that encourages incentivizes uses of sustainability practices and other sustainable initiatives including Dark Sky within our jurisdiction.

3. (0:32:26) Second item is Water and Sanitary – After Council discussion, the goals are to insure adequate water supply through the development of water conservation ordinances and incentives, water rates and/or other recommendation from Public Works; explore options and chose the best options under adequate water supply.
4. (0:39:34) Improve City Services – Council gave their opinions of the list of these goals and settled on provide training that minimized litigation and to protect the City, improve city services; complete 2022-23 approved CIP projects. A question to be answered is why the City was unable to complete the projects, Also added to the list will be to budget appropriate training for Public Works, Staff, Council, Commissions and Volunteers.
5. (0:55:50) Housing – After Council opinions were heard, this issue with the City is having limited abilities for Work Force Housing and will continue with the efforts that



are already being explored with other organizations. The housing study was done, need to review, come up with some recommendations, and decide if we're going to implement those recommendation, but will continue to receive community input on these issues. Planning Commission will receive the housing study to review before it comes to Council. The Adobe Hotel is possibly building some work force housing. Continuing to support cooperative engagements.

6. (1:06:21) Visual Report of City Data Sharing – Discussed the Visual Dashboard and the items that would possibly include three key performance items, Finance, City Services and Projects. Finances would include Transient Rental Tax, Food & Beverage Tax, wages, salaries, materials, and services, it give the citizens a quick overview of how the city is doing financially. Other cities are currently providing these types of reports. Would like to get feedback from the Community and Council in another meeting on how we might proceed.
7. (1:10:50) End Work Session at 10:42am.

Regular Meeting

Guests/Audience: 12

1. (1:11:29) Mayor Berdie called regular meeting to order, all members are still in attendance.
2. (1:11:42) Black History Month Proclamation was read into the record.
3. (1:14:29) Correspondence: The City received information by telephone from Larry Nixon that there may be a 3,000-gallon buried diesel tank under the Commons and is concerned that it was off a list to handle. Contacted Public Works and they thought it had been remedied and filled with sand, but had not, it was filled with diesel. The city reached out to have it remedied, BB & A Environmental out of Eugene have given a bid for \$13,000. The tank should be safe and possibly not leaking, will not know for sure until further research is done, and will notify YYFAP. It has been there since the 1050's.
- (1:17:30) Correspondence from Gerald Stanley – The gathering area by the boardwalk where it is being remedied, a Memorial was there for a person in that area and wanted to know what happened to it. City Manager will reach out to former Mayor Stanley for further information.
- (1:18:30) Loren & Sherry Dickerson, sent in a letter of support of Mayor Berdie's plans for ensuring the City's water supply this includes the purposed research and encourages the City to be more transparent on information to its citizens.



1 (1:22:26) Carl Miller, Chief Albert - asked about the shell collection that was placed
2 at the back of the Commons building by the stairs, and it has been moved to the
3 front of the Commons.

4
5 (1:23:58) John Theilacker, Planning Commission Chair and a member of the
6 Steering Committee that was formed as part of the City's Housing Needs
7 Implementation Plan. Regarding the need for information to the Council and wanted
8 to give an update. The City did received a grant from the State which was done by
9 the consultant, and it has been completed. Regulatory and non-regulatory
10 information has been established with possible solutions. The Housing
11 Implementation Plan is the next step, using the same consultant and it is funded by
12 DCLD; have expanded the steering committee to include Drew Roslund and Layne
13 Morrill, Pastor Bob, Mary Ellen O'Shaughnessey, Jacqueline Danos, Katherine
14 Guenther and John Theilacker. At the end of June, the Housing Implementation Plan
15 should be complete. Zoning issues should be address as they arise. Suggested that
16 the steering committee could contact Linda Hetzler of the Drift Inn who is working on
17 workforce housing for her staff.

- 18
19 4. (1:30:55) Travel plans of the Council on the following dates mentioned are April 19th
20 and May 4th (O'Shaughnessey), May 17th (Stott). As for changing to one monthly
21 meeting, indicated the city should receive community input and will put on an
22 agenda for discussion to possibly meet once a month by the summer. Scott will send
23 his travel dates to the City Manager.

- 24
25 5. (1:37:02) CIP Reports – All of the financial reporting will be on the second Council
26 meeting moving forward. The Little Log Church Museum and Library are completing
27 their due diligence. The Library Commission is asking for a letter of support to
28 submit to the Ford Foundation and \$265,000 that the City has already allocated out
29 of the general fund for this project.

30
31 (1:55:32) A Motion was made to authorize the City to create a supplemental budget
32 item for fiscal year 2022-23 of \$265,000 for library expansion: After comments the
33 vote is as follows:

34 Aye: Whitten-Carey, Stott, O'Shaughnessey, Scott and Mayor

35 Nay:

36
37 (1:58:54) Sandy Dunn, President of the Friends of the Library, Driftwood Lane,
38 thanked the Council for the support of the Library.

- 39
40 6. (1:59: 32) Carl Miller and CIP Coordinator withdrew their request of The Little Log
41 Church Museum to further work on the proposal and bring back to Council.



- 1 7. (2:05:18) CIP Process – A grant opportunity brought forth a year ago from
2 Jacqueline Danos, Planning Commission Member which is due February 15th and is
3 asking Council approve staff time and \$5,000 that will pay for the consultants to do
4 the DOE grant for Yachats Resiliency Master Plan and further will be looking to in a
5 whole Master Plan for the City. If \$100,000 worth of planning is done, then they will
6 submit to DOE for a grant for one million dollars to implement that plan, and because
7 of our geological location and being so close to the ocean we are a perfect
8 candidate. This will include how the City will recover from a disaster.

9
10 A motion was made for Council to direct City staff to move forward with the Yachats
11 Community Engagement Master Plan Development Project and to authorize an
12 expenditure of \$5,000 toward this from the general fund. After council comments, a
13 vote was called and all were in favor and passed unanimously.

- 14
15 8. (2:12:40) Comments regarding City Staff spending time regarding reports, why these
16 reports and not for example the engineering for the walkway on the ocean. There is
17 some questions regarding the engineering being completed, Civil West reported that
18 they had completed the report, but it was a preliminary study. It cannot be completed
19 until we know who the funders are going to be, State Parks or ODOT. Whoever we
20 get the funding from will have specifications that will be added to that plan. Tim
21 Gross can come to Council and speak. Discussion continued regarding the transfer
22 of ownership of Ocean View Drive and the work that can be done, is done. Should
23 be asking for MOUs from the County, the State Department are necessary to move
24 these projects forward but may not be ready to write the MOUs yet.

- 25
26 9. (2:19:42) HB4123 – The city attorney did review and approve this agreement which
27 is attached to the Council packet online. The draft IGA between all eight counties are
28 listed on page 7 of 9. The City agreed to support this one-million-dollar grant to
29 support and address issues of homelessness. The IGA is the first step. After
30 Council discussion, it was indicated to see an appendage of the work that has
31 already been done.

32
33 A motion was made to approve the IGA:

34 Aye: Scott, Stott, and O'Shaughnessey

35 Nay: Whitten-Carrey and Berdie voted due to the document being in draft form
36 and is requesting an appendix that would include deliverables and time frame.
37 The motion carried.

- 38
39 10. (2:38:57) Alternate for CSACT – Motion was made to appoint Catherine Whitten-
40 Carey as the alternate, and all were in favor unanimously and the motion carried.

- 41
42 11. (2:40:46) Mayor updated Council on the meetings attended, City Day at the Capitol,
43 Elected Officials Training, Mayors Workshop and covered a number of topics,
44



1 Emergency Procedures for Council, Onboarding Members, Media Sample Motions
2 and Ethics Filing is from 2/15 to 3/15.

3 12.(2:46:31) Recycling – If Council has a desire to improve our recycling opportunities
4 we can fill out a questionnaire by April 14th. Some Council members should get
5 together with our provider to discuss. City Manager will contact Dahl to get their
6 understanding of this program and to come and meet with Council at the March
7 Work Session and Councilor Whitten-Carey will check with the Regional Specialist,
8 Cat Rhodes to see if she will attend as well via zoom.

9
10 13.(2:54:47) There will be an in person meeting about the Commons at the Commons
11 on February 9, 2023 at 5:30pm, all stakeholders are invited; and at the Presbyterian
12 Church they invited Trauma Informed Oregon February 25th for a full day for the
13 community to help the City become more resilient.

14
15 14. Mayor Berdie adjourned the meeting at 12:39pm

16
17 15. Prepared by Kimmie Jackson on February 8, 2023



CITY OF YACHATS
CITY COUNCIL REGULAR MEETING
FEBRUARY 15, 2023
In-Person & Zoom Meeting Summary

Guests: 21

Mayor Craig Berdie called meeting to order on this February 15, 2023, at 2:00pm via Zoom and in person meeting. Members present: Mary Ellen O'Shaughnessy, Council President, Greg Scott, Ann Stott, and Catherine Whitten-Carey. A Quorum was present. Staff: Heide Lambert, City Manager, Kimmie Jackson, Recorder, and Katherine Guenther, Asst. City Manager/Planner.

1. (00:56) Announcements, Correspondence: Announced the Presbyterian Church opened Don's Place Shelter, had six visitors and several volunteered. The City Manager is approved to leave the Council Meeting at 4:30pm to turn in the DOE Grant that's due at 5:00pm. In attendance the County Commissioner Katie Jacobson, and Lincoln County Public Works Director, Roy Kennan. They are in attendance in place of a joint meeting.
2. (0:03:50) Announcement for Budget Committee Member. One seat is open at this this time, meetings will start in the Spring and will be done by the first of July.
3. (0:05:01) Public Comment: Mayor read a statement of rules into the record for Public Comment (will be read into the record every meeting). No public Comment at this time.
4. (0:06:06) Motion was made to approve the Consent Agenda, the vote was called for, all are in favor and the Ayes have it.
5. (0:07:38) CIS Representative Katie Durfee and Margaret Ryan - The visit was to inspect two pocket parks know as North Sunset Park (6th Street), aka Ocean View Walkway, and South Sunset Park, aka Wetland Park along the coastline located closest to Ocean View Drive for safety and liability issues. The area is rough terrain and is not ADA accessible. After the report was given, it was suggested how the area should be advertised, and that it would need signage. It was also stated CIS would not insure any park areas extending past city limits, where ocean access enters State boundaries. CIS may reserve the right to charge additionally for the exposure, and up to potentially not insuring these areas.

A Council member believes that the liability clause may be in question and would like to have this reviewed. After Council discussed and agreed they would like to have CIS return for another visit, to include additional members from Parks &



1 Commons Commission to attend the walk around and make some modifications
2 the assessment. It was also suggested that the area could be considered one
3 whole park instead of two separate park areas.
4

- 5 6. (0:28:19) County Abatement - Paul Seitz, Solid Waste District Manager
6 presented a new Piolet Project for abatement of abandoned RV's and trailers in
7 the county. This will provide Yachats with a \$20,000 credit to be used for the
8 removal of unidentified abandoned RV's and/or trailers over the next year.
9 Yachats will need to perform the identification of the vehicle(s) and subsequent
10 code enforcement actions needed to remove it. A representative will need to be
11 assigned to attend the meetings quarterly.
12

13 (0:35:35) Motion was made to enter into an MOU to participate in the Abandoned
14 RV Abatement Pilot Program. The vote was called and passed unanimously.
15

- 16 7. (0:37:15) Cat Rhoades, DEQ – Oregon Senate Bill 582 – Plastic Pollution and
17 Recycling Modernization Act of 2021. This requires producers and manufactures
18 of packaging, paper products and food service to support, pay for and expand
19 recycling services for their products in Oregon. If Yachats wants to participate
20 and receive funding the Mayor or City Manager must complete the survey-
21 questionnaire by April 14, 2023 (voluntary), and after collaborative sessions with
22 current recycling providers and others. After Council discussion, the Council is
23 receptive and would like to schedule a meeting with Dahl Disposal to discuss.
24

- 25 8. (1:03:24) Solicit membership in an article for the newsletter for the open seats on
26 all the Commissions. Discussion continued as to how to advertise and approach
27 individuals they may know to participate.
28

- 29 9. (1:08:26) Budget Schedule was discussed and are ahead of schedule from last
30 year. Two budget meetings, two Council meeting and one CIP meeting will be
31 needed. The CIP meeting informs the Budget Committee and then report to
32 Council. Commissions were asked to have their proposed budgets in by
33 February 24th.
34

- 35 10. (1:10:55) Resolution 2022-198 Outdoor Seating – after Council discussion, the
36 consensus of the Council it to let the resolution expire. The Planning Commission
37 is currently working on a Parking Study and will report back to Council.
38

39 (1:39:11) Motion was made to let Resolution 2022-198 expire on said date of
40 February 28, 2023.

41 Aye: Scott, O'Shaughnessey, Stott, Whitten-Carey and Berdie

42 Nay: None
43



- 1 11.(1:43:58) After Council discussion how to move forward regarding the Goals. It
2 was decided to work on the Council Goals at the Work Session on March 2nd with
3 the goal to have them completed.
4
- 5 12.(1:59:47) City Manager Report – The comment was made that the name for the
6 Little Log Church Museum suggested name change to the Culture Center to
7 advance the chances to get grants . As for the Wetlands Boardwalk is in
8 progress to be repaired/replaced weather permitting.
9
- 10 13.(2:05:21) No comment from the Mayor.
11
- 12 14.(2:05:28) It was mentions that the Fire Department did not have any
13 advertisement in the newsletter and was advised that the Emergency
14 Preparedness would be putting together an article for the newsletter.
15
- 16 15.(2:09:06) As for the Parks & Commons Commission temporary hold on the
17 Commons and Greenspace area needs to be address and would like Council to
18 put back on the agenda for discussion. Two members agreed and will move
19 forward to add to the agenda, date not indicated.
20
- 21 16.(2:09:59) The Council Meeting viewing from zoom is difficult to see for the
22 commission members, and inquired to have lap tops available at the council
23 chamber seats for use (volume off) to see the audience on zoom and for the
24 audience to see the members clearly. Staff will look into the cost for purchase
25 and report back to Council.
26
- 27 17.(2:12:52) Councilor Scott informed the Council he spoke to Public Works &
28 Streets as a resident regarding water sustainability, rate structure and funding
29 opportunities they may not be aware of.
30
- 31 18. (2:15:00) Question for discussion regarding the handover to Ocean View Drive
32 and wanting to have some oversite to the progress from staff. After discussion, a
33 motion was made to have one or two elected officials have access to the written
34 communications regarding easements for Ocean View Drive.
35 Aye: Whitten-Carey and Mayor Berdie
36 Nay: Scott, Stott and O'Shaughnessey
37
- 38 19.(2:20:30) The draft document from the last meeting regarding Exhibit A, was in
39 fact a draft document per the Mayor's meeting that he attended and will sign the
40 document as soon as an original is received with Exhibit A.
41

42 Mayor Berdie adjourned the meeting at 4:35pm
43 Prepared by Kimmie Jackson on March 1, 2023

CITY OF YACHATS
EMERGENCY PLANNING COMMITTEE
FEBRUARY 13, 2023, at 2:00pm
In-Person & Zoom Meeting Summary

Guests: 7

1. Chair Alex Cox called the meeting to order at 2:00 pm. Attendance: Alex Cox, Mary Beth Selby, Drew Roslund, Don Groth, and Jill Asch. Absent: James Sanders, Staff: Kimmie Jackson, Recorder.
 2. (00:27) Completed the inventory of the Conex's (North & South). Laid mouse traps; will divide the items evenly throughout the Conex's. Committee will request from Public Works & Streets Commission to purchase additional items for the Conex's.
 3. (04:55) The City received a grant for \$2,500 and is to match that per the grant language totaling \$5,000. Will need to spend the money and report back to close out documentation to be able to apply for another grant annually.
 4. (08:22) Committee did not decide on a Co-Chair at this time.
 5. (10:08) After Committee discussion, they have decided to stay a Committee.
 6. (21:37) Goals for 2023: To spend the money that has been allocated; update the EOP & Sign; schedule a Table-Top, possibly a landslide event to be held at the Conex's; test the radios, and to include the Fire Department; set up No-Mad Water Purifier training with Public Works Department; possibly purchase HAM Radios and extenders. The City is encouraged to purchase a satellite radio (there is a monthly fee). Will forward an official list of items to purchase to Public Works & Streets Commission.
 7. (37:17) Fire Department CPR Training is ongoing and is a \$20.00 fee. Will be included information in the March newsletter.
 8. (39:53) The City is setting up emails for Commission Members and will have them soon and there are Inboxes in Council Chambers to put your notes. Commissioner West encouraged and would the City to have an event regarding meeting laws for Commissions.
 9. (45:24) Bonnie Henderson, author of The Next Tsunami, has been invited to the Emergency Preparedness Fair in August to give a presentation and the main person she wrote about discovered the Cascadia Subduction Zone and will reach out to him to come as well. Will contact the parties in May to confirm.
- Chair Cox adjourned the meeting at 2:50pm.



CITY OF YACHATS

Finance Committee

February 2, 2023

In Person Meeting Summary

REGULAR MEETING

Audience/Guests: 6

John Moore Called this meeting to order, after being elected to act as Co-Chair in the absence of the City Manager Heidi Lambert on this February 3, 2023, at 3:00pm. Members present: W. John Moore, Charlie Bame-Aldred, Tom Lauritzen, Viki West. Staff: Kimmie Jackson, Deputy Recorder, Holly Hamilton, CIP Coordinator. Audience: Mayor Berdie

At the January Council meeting Lauritzen spoke to John Purcell and John Theilacker regarding the Water Committee at the previous Council meeting and indicated that John Purcell was very upset and frustrated that the issue was stymie. They were told to come before Council in July but had not heard any feedback from the City and was then encouraged to come to the Finance Committee.

(3:06p) Viki West, regarding transient rental tax did not have much to report but is cautious about Food & Beverage numbers because the City is still understaffed. Lauritzen will transition documents to West when they meet with the City Manager. Nine restaurants have still not paid their taxes.

(3:14p) John Moore presented the 2022-23 URD projections - completed and made projections for fiscal year 23/24, had new construction and seen increases. 2020-21 was up 10.5%, 22/23 was up 10.7%, and 8% increase for next year. There is a surplus of \$238,000; and do we want to make adjustments? The Adobe is in the URD and is considering building 40 homes and retail; the CIP is in progress; what will be the steps to recommend which project from what money; set dates to review the projects.

Hamilton passed out spreadsheets to the members (I do not have a copy).

(3:21p) CIP Projects – Bame-Aldred indicated to Hamilton, he would like to see other columns for spending to date; what has been encumbered; the needs should be reviewed first and then the wants; operation budget and change the Public Works sheet #8 it should show the impact on the operations budget. Need to structure the process as a City process, so every commission gets a fair shot at the available funds; would like to know what the long-term projects are as well.



1 (3:35p) Enterprise Funds by Lauritzen - projects are identified, In 2021, started to figure
2 out how to pay for 21 million over 20-year Master Plan - the money could come from the
3 reserve; Food & Beverage after 2029; after the DEQ loan is paid off, will generate 2.5
4 million; pursue legislative and Yachats specific solutions; pursue grants, federal money,
5 engaging with the County.

6 The plan with South Tank was 50% loan forgiveness. There is \$184,000 in the General
7 Fund Report due to ARPA of 2023; should pick a project to fund with the \$187,000,
8 possibly the recycling system, recirculate water at the Water Plant. It does require the
9 City to approve the funds for that purpose and that will be complete before April 2024.
10 Could be used for something that would come out of the general fund and it is on the
11 CIP list.

12 The water study was done, discussed the water uses for the last ten years; twenty-five
13 users are using more than ten units out of nine hundred meters; discuss the water
14 consumption and the changes over the last ten years; one hundred forty-nine meters
15 used less than one unit. Three hundred ninety users are using less than two units;

16 Public Works & Streets is having recurring issues regarding the revenue, in that it is soft
17 and not billing properly on the revenue history tab, it shows it is increased from last year
18 and they thought they may need to reengage. Would like to contact Tim Tice regarding
19 the rate study, but this group may not see any reason to have him do that and not
20 spend the money.

21 (4:22p) Hamilton stated the CIP is showing the balances and the changes that were
22 reviewed. Create budget to manage easier if they were consolidated into one, reclassify
23 some of the 2.57 million to Street Enterprise. (Do) we need a separate fund for Streets
24 per the Auditor.

25 (4:30p) Scheduled meetings will be March 31st to have this done; with 2 meetings
26 before presenting to Council in April; first meeting March 3rd 10a and the 2nd meeting
27 March 17th 20a, 31st 10am.

28 (4:35) John – read resignation letter into the record, and Hamilton spoke in response.

29 Moore adjourned the meeting at 4:40pm.

30
31 Prepared by Kimmie Jackson on February 6, 2023



CITY OF YACHATS
PARKS AND COMMONS COMMISSION
February 7, 2023

Meeting Summary

Guests/Audience: 12

1. Michael Hempen called this meeting to order on this February 7, 2023, of the Parks and Commons Commission at 2:00 pm via Zoom Meeting. Members present: Michael Hempen, Adam Altson, Meg Simans, and Ron Simans. Absent: Dean Shrock. Trails - Joanne Kittel and Bob Langley. Staff: Kimmie Jackson, Recorder, Holly Hamilton (CIP Coordinator)
2. (0:01:09) No Correspondence.
3. (0:01:34) Report from the City Manager & Chairs meeting, there is a new reimbursement form to use, see city staff to get new form; the Commission should be monitoring their own budget and Trails; discussed meeting in Civic Meeting Room; will have places to store your commission notebooks in the Civic Meeting Room. The City will provide that along with city emails corresponding with your Seat Letter. This Commission should be working on goals for 2023; there is a meeting on February 9th at the Commons, about the Commons. A goal of the City Manager is think of Yachats as a City Campus, so when renting space can be around town. The summaries are for information only.
4. (0:09:14) Welcome new members Meg and Ron Simans to the Commission.
5. (0:09:35) Citizen Concerns: None
6. (0:09:52) Bike Racks and Wetlands Boardwalk is on hold PER City Manager. The insurance company CIS is coming out to discuss the pocket parks but are not aware of what else they would be covering. Regarding the southern park, the Mayor sent a project description to the City Manager to create an MOU but does not believe it has been done yet. The Skate Park is being rehabilitated; meetings are supposed to happen and the company doing the work will be raising money to pay for this project.
7. (0:14:30) The Delineators are in the hands of ODOT and still in pending status. The City Manager did meet with Katy Jacobson, County Commissioner and should have an update soon.
8. (0:15:54) The CIP process is in the beginning stages and will be meeting with all the Commissions to make sure all projects are listed to be reviewed for the next fiscal year. Public Works will keep track of the delineator project along with



1 McClung, Water Lead. Chair West of Public Works & Streets did a walk-around
2 to measure the area in question on Hwy 101 and a drawing will be submitted to
3 Public Works.
4

- 5 9. (0:19:11) The Commission discussed and nominated a Chair and Co-Chair,
6 Adam Altson as Chair and Meg Simans as Co-Chair, all are in favor and passed
7 unanimously. Could possibly rotate members every three months and solicit for
8 two more members.
9

- 10 10. (0:23:47) Trails report is attached to the online packet. Trails is working on
11 qualifications for Trails Leadership Succession Plan. Also added a new
12 procedure regarding the development of future fiscal budget for Trails. Chair
13 Altson, Bob Langley and CIP Coordinator will ask for a meeting with Accounting
14 for budget categories and direction. Possible date February 16th, at 4:00pm via
15 zoom and at City Hall to be confirmed by CIP Coordinator.
16

- 17 11. (0:36:01) Meeting Summary is attached to the online packet. No discussion.
18

- 19 12. (0:37:12) Ocean View & Ownership: there are two agreements the City is still
20 waiting on an MOU. The City Manager is speaking with the County
21 Commissioner, but no further update yet.
22

23 Chair Altson adjourned the meeting at 2:47pm.
24

25 Prepared by Kimmie Jackson on February 9, 2023
26

**CITY OF YACHATS
PLANNING COMMISSION REGULAR MEETING
SUMMARY MEETING INUTES
February 21, 2023**

Guests/Audience: Unknown

1. Chair John Theilacker called the Planning Commission to order February 21, 2023, at 2:00pm in attendance: Chair, John Theilacker, Jacqueline Danos, Co-Chair, Loren Dickinson, and Tod Davies. Absent Lance Bloch. STAFF: Katherine Guenther, City Planner and Dayna Capron, Office Manager.
2. (0:01:20) Announcement/Correspondence: None
3. (0:01:48) Citizens Concerns: None
4. (0:2:00) Local Wetland Inventory Status - The Wetland Inventory was prepared and reviewed by the State; comments were received for the City to make some changes. Planning reengaged the consultants to update and as of last week, have not received an update from Pacific Habitat to report to Planning or Council. When the time comes, will see if Pacific Habitat or DCLD will review the final inventory when completed, and to plan a community engagement event to explain the document and how it will be used by the City.
5. (0:14:17) Housing Implantation Plan Update – Project Management Team met and covered the recommendations, put together information from different areas from discussions with Cascadia. The next meeting will be a joint webinar meeting presentation of the ideas presented on March 2nd from 2:00pm-3:00pm via zoom to the City Council and Planning Commission. There will another community engagement in March, date not determined yet.
6. (0:19:05) City Center Parking Management Plan Recommendations are to identify if the City has a parking problem, and what might the consultants recommend to Planning at the Work Session. Planning reviewed the matrix of items and prioritized them for implementation by the City. Today's meeting will be the last review before it is forwarded with recommendations to Public Works & Streets Commission.
7. (0:24:31) Motion to forward the matrix chart that details the Parking Study to Public Works & Streets Commission for their review at their March 14th Meeting. The vote was called for and all were in favor, and the Ayes have it.
8. (0:29:45) Outdoor seating expansion recommendations to Council – Council decided to let the resolution expire. Council is looking for recommendations from the Planning Commission for outdoor seating and required parking needs.

1
2 9. (0:36:58) 2023 Planning Commission Goals and Projects – Members covered
3 proposed goals, and will continue to work on Fences, Walls, Hedges Amendment
4 to Title 9, the Local Wetlands Inventory completion and adoption, City Center
5 Parking Management Plan final report with recommendations, the Housing
6 Studies, minor amendments to Title 9. Some of the upcoming work projects
7 Planning recommends to City Council are a Comprehensive Plan Audit,
8 Demolition and Grading Amendment to Title 9, Structure and project
9 Development, and other projects of interest to Council. The Planning
10 Commission are aware of the budgetary implications.

11
12 10.(1:29:33) Reports – The Planner will be providing a monthly report starting in
13 March to the Planning Commission and City Council on how her time is spent
14 and will continue to provide the Planning Commission with the building permit
15 information.

16
17 11.(1:44:37) Meeting Summary (Informational) No discussion

18
19 12.(1:45:30) Other Business: Two Public Hearings will be coming up, they are
20 straight forward, a bed and breakfast, and a mixed-use application. Also
21 mentioned that there are two opening on the Planning Commission at this time.

22
23 Chair Theilacker adjourned the Regular Commission meeting adjourned at 3:48pm.

24
25 March 14, 2023, is the next Planning Commission Work Session.

26
27 Prepared by Kimmie Jackson February 27, 2023

**City of Yachats
Public Works and Streets Commission
Summary Minutes
February 14, 2023**

Audience/Guests: 7

1. Chair West called the meeting to order at 2:01pm. Present: Kevin Erdahl, Alex Cox, Linn West, Bob Bennett, Don Groth and Don Phipps. Staff: Kimmie Jackson, Recorder, David Buckwald, Wastewater Lead, Rick McClung, Water Lead.

2. (00:33) Announcements/Correspondence: The Planning Commission would like to have a meeting in conjunction on the Parking Study, implementing requirements, and then will submit to the City Council for recommendation.

Announced that there is a need for one Commission member at this time. There is some interest if the person is a resident. Will need to see where they are registered to vote and that will determine if they meet one of the qualification.

3. (05:02) Public Comment: None

4. (05:40) Public Work Report is attached to the online packet. After reviewing the information, it was mentions that Public Works treated ten million gallons; repaired a 2" water main break on Greenhill, replaced a 2" water meter and worked on storm cleanup around town.

5. (08:00) McClung, Water Lead sent out a report to the Commission members this morning that Southwest Lincoln Water District (SWLWD) is ready to start talking to Council regarding becoming a permanent customer. SWLWD did an amendment to their Water Master Plan to demonstrate how much water that they can continuously give to Yachats forever. It was reported that they can give up to three hundred gallon per minute. They will need help with their infrastructure to provide that water; their plant will need to add a third module to their system and costs approximately a million and a half dollars. Discussion continued regarding the City's options and to keep in mind that the City will not need the Mid-Coast Water Partnership. The ultimate cost for this to happen could be several million dollars. One concern for the City are the droughts it has experienced in the past, and the possibility for the need to get water in these times.

Discussion continued around the financing of this project, the benefits for SWLWD and the City, and the objective is for Public Works & Streets to pass this item on to the City Manager and City Council.

(27:00) Motion was made to recommend to the City Manager and City Council that Public Works & Streets approve of this approach that has been outlined in this Water Report and begin negotiations to hook up to their water system. The vote was called, all are in favor and passed unanimously.

6. (28:05) E. 2nd Street is out to bid and will be opening bids on March 21st.
7. (33:27) The Seismic Valve and Back Wash: Installed the new valve and the earthquake controls are on order. Will be starting the Backwash in March and should finish just when the 2nd Street starts.
8. (35:07) The Finance Report is attached to the online packet and was reviewed by this Commission.
9. (56:47) Emergency Preparedness Committee reported that they have decided to remain a Committee; Inventoried both Conex's; laid mouse traps; will be requesting funds to equal out the Conex's contents, add to them and to proceed with the third Conex at the fire department; CPR classes are being offered by contacting Will at Fire Department directly, the cost is \$20.00, you will received a certificate and this is a two-and-a-half-hour class.
10. (58:55) Water Conservation Study is done and will present that at the next meeting.
11. (59:20) Sustainable Water Plan and Water Rates presentation was given by Greg Scott, Resident of Quiet Water. Mr. Scott presented a plan in his opinion for a sustainable water system and a new water supply and is attached to the online packet. In his opinion the water is gradually drying out; there are funding options from the State of Oregon; has been meeting with SWLWD and with City Staff and is basically in line with Public Works Lead McClung input. The City is not in crisis, but developing a relationship and putting finances in place, possible Levy options; this is in addition and not to replace our system. The billing system and structure will also be a factor and how much the City will have to pay for these changes. Public Works will continue discussions moving forward.
12. (1:34:59) Hwy 101 Delineators, no update at this time. Commission members went out and walked the dangerous curved area on Hwy 101 and measured, made a diagram with measurements in the critical areas, are asking for an alternate delineator, taking into account in a short span about 140 feet. ADA regulations by cutting down their 4-foot requirement to 3.6 feet. ADA Code require 3 feet, ODOT increased that dimension for their own use. We are asking for consideration and is taking it to their engineer in hopes to pursue the project.

1 13.(1:40:25) Public Works Standards: Budgeting for 2023-24 to work on the
2 standards; include Planning Commission in terms of standards for parking, using
3 gravel or other surfaces to create areas for parking. The standards are different
4 for the West side of 101 and East side of Hwy 101 for street development.
5

6 14.(1:42:00) CIP: Public Works staff is working with the CIP Coordinator and is in
7 progress and almost completed and should be ready for a presentation at the
8 next meeting.
9

10 15.(1:42:55) Street Lighting: Chair West did have a conversation with Central
11 Lincoln PUD and received limited information and will continue to research. City
12 has document that identifies where the streetlights are and the types. The
13 streetlights are owned by the City, but there is no documentation as to why they
14 were placed where they are. The City does not have a policy and research will
15 need to be done before any altering of the lights. PUD tare putting in LED's when
16 they go out, and it has been reported that is seems it's creating more light, At this
17 point the Commission will not be pursuing this issue at this time until more
18 research is done.
19

20 16.(1:50:06) Goals were not on this agenda. The Chair encouraged the members to
21 come up with goals that will support the projects and forward to Chair to compile
22 for the next meeting.
23

24 17.(1:53:24) Speed Limit Enforcement: Member Phipps is in touch with the Sheriff
25 that patrols our City. The City Manager of Waldport suggested that Yachats
26 consider a budget for policing this area. It was suggested to Member Phipps to
27 attend the Community Engagement Meetings that the City Manager has each
28 month and bring up the topic.

29 No further business to discuss, meeting adjourned by West at 4:02pm.
30

31 Next Meeting: Tuesday, March 14, 2023, at 4:00pm

32 Prepared by Kimmie Jackson Deputy Recorder on February 17, 2023.

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

☒ New Outlet | ☐ Change of Ownership | ☐ Greater Privilege | ☐ Lesser Privilege | ☐ Additional Privilege

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- ☐ Commercial
- ☐ Caterer
- ☐ Public Passenger Carrier
- ☐ Other Public Location
- ☐ For Profit Private Club
- ☐ Nonprofit Private Club

Winery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th

Brewery

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Brewery-Public House

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Grower Sales Privilege

- ☐ Primary location
- Additional locations: ☐ 2nd ☐ 3rd

Distillery

- ☐ Primary location
- Additional tasting locations: ☐ 2nd ☐ 3rd ☐ 4th ☐ 5th ☐ 6th

☐ Limited On-Premises

☒ Off Premises

☐ Warehouse

☐ Wholesale Malt Beverage and Wine

INTERNAL USE ONLY

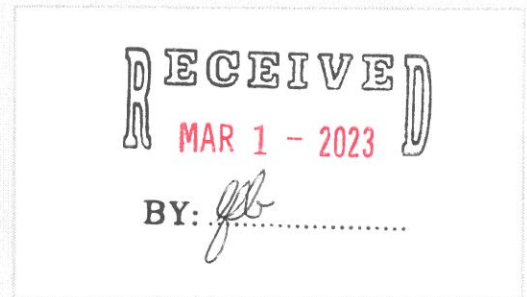
Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

City/County name:

Date application received:

Optional: Date Stamp



- ☐ Recommend this license be granted
- ☐ Recommend this license be denied

Printed Name

Date



OREGON LIQUOR & CANNABIS COMMISSION LIQUOR LICENSE APPLICATION

Instructions

1. **Complete and sign** this application.
2. Prior to submitting this application to the OLCC, send the completed application to **the local government for the premises address** to obtain a recommendation.
 - If the premises street address is within a city's limits, the local government is the city.
 - If the premises street address is not within a city's limits, the local government is the county.
3. Collect the application from the local government **after** the recommendation has been provided.
4. **Email the application that contains the local government recommendation to**
OLCC.LiquorLicenseApplication@Oregon.Gov.
5. **Do not** include any license fees with your application packet (fees will be collected at a later time). *When it's time to pay the license fee you must pay the full yearly fee for the current license year (the license fee will not be prorated). If you pay in the last quarter of your license year you must also pay the yearly fee for the next license year.*

License Request Options - Please see the general definitions of the license request options below:

- **New Outlet:** The licensing of a business that does not currently hold an active liquor license.
- **Change of Ownership:** The request to completely change the licensee of record at a licensed business.
- **Greater Privilege:** The request to replace a Limited On-Premises sales license with a Full On-Premises sales license.
- **Lesser Privilege:** The request to replace a Full On-Premises sales license with a Limited On-Premises sales license.
- **Additional Privilege:** The licensee currently holds an active liquor license at the premises and that same licensee would like to request to add an **additional** different liquor license type at that same premises location.

Additional Information

Applicant Identification: Please review [OAR 845-006-0301](#) for the definitions of "applicant" and "licensee" and [OAR 845-005-0311](#) to confirm that all individuals or entities with an ownership interest (other than a waivable ownership interest, per OAR 845-005-0311[6]) in the business have been identified as license applicants on this document. If you have a question about whether an individual or entity needs to be listed as an applicant for the license, discuss this with the OLCC staff person assigned to your application.

Premises Address: This is the physical location of the business and where the liquor license will be posted.

Applicant Signature(s): Each individual listed in the [applicant information box](#) on page 2 (entity or individuals applying for the license) must sign the application.

If an applicant listed in the applicant information box on page 2 is an entity (such as a corporation or limited liability company), at least one individual who is authorized to sign for the entity must sign the application.

Applicant/Licensee Representative(s): In order to make changes to a license or application or to receive information about a license or application by someone other than the applicant/licensee you must:

- Complete the below [Authorized Representative](#) area on page 2 as the applicant/licensee and/or
- Provide a Power of Attorney document showing the permissions allowable on the behalf of the applicant/licensee with this submission

Please note that applicants/licensees are responsible for all information provided on this form, even if an authorized representative or individual with authority signs on behalf of the applicant.

For help with this application or any related documents or processes, email olcc.alcohollicensing@oregon.gov.

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:

Blythe Collins-Niskanen

Name of entity or individual applicant #2:

Heather Hoen

Name of entity or individual applicant #3:

Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Bread + Roses Bakery and Cafe

Premises street address (The physical location of the business and where the liquor license will be posted):

238 4th st

City:

Yachats

Zip Code:

97498

County:

Lincoln

Business phone number:

541-547-4454

Business email:

info@brrbakery.com

Business mailing address (where we will send any items by mail as described in OAR 845-004-0065[1]):

Po Box 162

City:

Yachats

State:

OR

Zip Code:

97498

Does the business address currently have an OLCC liquor license? ☐ Yes ☒ No

Does the business address currently have an OLCC marijuana license? ☐ Yes ☒ No

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

- ☒ Make changes regarding this license/application on my behalf.
☒ Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name:

Heather Hoen

Phone number:

541-270-4847

Email:

Hoenheather@gmail.com

Mailing address:

Po Box 52

City:

Yachats

State:

OR

Zip Code:

97498

LIQUOR LICENSE APPLICATION

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:

Heather How

Phone number:

541-270-4847
541-547-4454

Email:

Howheather@gmail.com

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands OAR 845-005-0311 and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Page 4 of 4

- Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

Blythe Collins-Niskanen	Blythe Collins-Niskanen	2/28/23	
Print name	Signature	Date	Atty. Bar Info (if applicable)

Heather Hoen	Heather Hoen	2/28/23	
Print name	Signature	Date	Atty. Bar Info (if applicable)

Print name	Signature	Date	Atty. Bar Info (if applicable)
------------	-----------	------	--------------------------------

Print name	Signature	Date	Atty. Bar Info (if applicable)
------------	-----------	------	--------------------------------

City Recorder

From: noreply@civicplus.com
Sent: Monday, March 6, 2023 1:05 PM
To: City Hall; City Recorder
Subject: Online Form Submission #189 for City of Yachats Volunteer Agreement

Follow Up Flag: Follow up
Flag Status: Flagged

City of Yachats Volunteer Agreement

City of Yachats

501 Highway 101 N

PO Box 345

Yachats, OR 97498

Phone: 541-547-3565

Fax: 541-547-3063

Thank you for your interest in volunteering for City of Yachats. We look forward to partnerships with volunteers to enable us to effectively serve the citizens of our community. In order to ensure the safety of our volunteers and protect the interests of City of Yachats, we require potential volunteers to complete this questionnaire form and participate in a background check. Thank you for volunteering.

First Name Rick

Last Name Sant

Address 

City Yachats

State Oregon

Zip Code 97498

Daytime Phone 

Evening Phone *Field not completed.*

Email 

(Section Break)

Volunteer Activity

Please describe the type of volunteer work you are interested in performing or activity/event you wish to volunteer for.

Budget Committee

Please list the date(s) or range of dates for which you would like to volunteer

Any time

Statement of Interest or Related Experience for Commissions & Committees

My experience in budgetary processes include responsibility as Vice President and GM for a major newspaper in Southern California. This included responsibility for Production, Packaging, Transportation, Distribution, IT, and Facilities. My responsibilities included about 45 million in cost along with another 50 million in consumables.

Upload document, if needed

Field not completed.

(Section Break)

References

Please list two references that are **not related to you** and that have knowledge of your relevant experience for the type of volunteer activity you are interested in.

Reference 1

First Name

Rich

Last Name

Mirman

Address

Field not completed.

City

Field not completed.

State

Field not completed.

Zip Code

Field not completed.

Phone Number



Relationship

As President, he was my direct manager

Years Known

Appx 9 years

Reference 2

First Name	Riff
Last Name	Matre
Address	Field not completed.
City	Field not completed.
State	Field not completed.
Zip Code	Field not completed.
Phone Number	[REDACTED]
Relationship	My direct report in Spokane
Years Known	5 years

Emergency Information

Name and contact information for the person(s) to reach in the event of an emergency.

Name	Brooke Sant
Phone Number	[REDACTED]
Relationship	Wife
Name	Rick Sant
Phone Number	[REDACTED]
Relationship	Field not completed.

I understand and agree to the following:

- I will keep all issues pertaining to city business confidential
- I may be subject to background and motor vehicle record checks.
- I will adhere by Oregon Occupational Safety and Health Division (OR-OSHA) safety standards and training I am provided.
- I have read and understand the Volunteer Policy.

I hereby certify that the facts set forth in this volunteer registration are true to the best of my knowledge. I agree that if the information given in my registration, resume, or any other materials, or during any interview, is found to be false in any way, it shall be considered sufficient cause for denial of volunteer status.

I understand that City of Yachats is not obligated to appoint me to a volunteer position and that nothing contained in the volunteer registration form is intended to create a contract between City of Yachats and me. In addition to the above items, I

agree to comply with the policies, rules, regulations, and procedures of City of Yachats, which I understand may change at any time and I understand that my volunteer status can be terminated with or without cause or notice, at any time, at the option of either me or City of Yachats.

Signature	Richard Sant
-----------	--------------

Date	3/6/2023
------	----------

Required for all Minors: Parent or Guardian's Authorization for Medical Care & Consent to Agreement

I PARENT/GUARDIAN as parent or legal guardian, hereby grant permission for MINOR to do volunteer work for City of Yachats. In the event of an emergency, accident, or illness, I authorize City of Yachats and its employees to administer emergency medical care to my child and/or, if deemed necessary, to secure emergency medical services and incur expenses for which I will be responsible for payment. My signature in the following hereby represents that I have read, understand, and to this agreement.

Parent/Guardian	Field not completed.
-----------------	----------------------

Minor	Field not completed.
-------	----------------------

Signature	Field not completed.
-----------	----------------------

Date	Field not completed.
------	----------------------

Version 2022-10-01

Email not displaying correctly? [View it in your browser.](#)



East County Transfer Center
5441 W. Hwy 20
PO Box 357

Toledo, OR 97391
Office: 541.336.2932
Fax: 541.336.4817

South County Transfer Center
235 SW Dahl Ave.
PO Box 1059

Waldport, OR 97394
Phone: 541.563.3888
Fax: 541.563.7373

Chair Marsh
House Climate, Energy and Environment Committee
RE: Support for HB 3220 with -2 Amendment

March 3, 2023

Chair Marsh, Vice Chairs Levy, Members of the House Climate, Energy and Environment Committee, I urge your support for the -2 amendment to HB 3220.

As you know, Oregon's E-Cycles program is an important part of dealing with electronic wastes. E-Waste is the fastest growing sector of solid waste. If not handled properly, this waste can be hazardous to public and the environment.

Until the fall of 2021, the program worked well. However, at that time we learned that the producers were projecting to over-collect in calendar year 2022. Their response was to drop several sites from the program. Many of these sites were in rural locations, where alternatives are scarce. For our service area in East and South Lincoln County, we were scheduled to go from two drop-off locations to zero locations. That would have meant losing over 57,700 pounds of electronic waste into the garbage, as most residents would not have driven out of the area to dispose of their waste properly.

Fortunately, through a tremendous effort from many parties, a compromise was worked out that restored most of the sites, along with a promise to fix the problem in the 2023 Session of the State Legislature. HB 3220 (with the -2 Amendment) is that fix. Establishing a more robust set of guidelines for the producers to follow will help to ensure that this kind of disruption won't happen again. This bill will create a more equitable, convenient and stable program throughout Oregon.

The key changes to the E-Cycles program called for in HB 3220 (with the -2 Amendment) include:

- Stabilize the program by raising the minimum number of collection sites based on population and allowing permitted solid waste facilities to join the program.
- Permitted solid waste collection facilities will have priority in the program. These established collection sites already provide safe, convenient, and accessible locations for customers to access the E-Cycles Program. The operators work closely with cities and counties to provide this public service to their local residents.



East County Transfer Center
5441 W. Hwy 20
PO Box 357

Toledo, OR 97391
Office: 541.336.2932
Fax: 541.336.4817

South County Transfer Center
235 SW Dahl Ave.
PO Box 1059

Waldport, OR 97394
Phone: 541.563.3888
Fax: 541.563.7373

- Existing collection sites will not be dropped from the program without first providing a plan for how the service will be provided to residents in the affected areas.
- Collection sites will be paid fairly to cover their operational costs, which include collection, storage, management and transport of covered items.

Our company is family-owned, and we employ fifty hard-working folks in Lincoln County. We are committed to providing high quality, reliable, and affordable collection services to our customers. HB 3220 (with the -2 Amendment) makes the changes this program needs to better serve all Oregonians.

Respectfully Submitted,

Zack Dahl

Dahl Disposal Service

From: Heide Lambert
Sent: Monday, March 6, 2023 3:09 PM
To: City Recorder
Subject: Fw: Support for HB 3220
Attachments: ORRA Feedback to DEQ on E-Cycles Proposed LC 477 1-18-2023.pdf; Dahl letter HB 3220.pdf; HB 3220 -2 Amendment 2-22-2023.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Kimmie,
please add to agenda and packet.
As agenda item, Dave Larmouth representative from Dahl Disposal, Recycling
update

Thank you,
Heide

From: Dave Larmouth <dlarmouth@dahlidisposableservice.com>
Sent: Friday, March 3, 2023 3:13 PM
To: Heide Lambert <citymanager@YachatsMail.org>
Cc: Zack Dahl <z.dahl@dahlidisposableservice.com>
Subject: Support for HB 3220

Dear Heide -

My name is Dave Larmouth, and I am new here at Dahl Disposal Service.
We are looking for your support for HB 3220 ? the bill that is supposed to fix the problems with the state's electronic waste (e-waste) program. As you may know, in late 2021 we came close to losing both of our collection points. There was a monumental effort to change this, and most of the rural sites scheduled to be dropped were reinstated. This program required several fixes, and HB 3220 is the bill that includes these changes.
I have attached the draft letter Dahl is planning to send in support of HB 3220 (with the -2 Amendment). I also attached a copy of the bill as introduced, and another file that shows the changes included in the - 2 Amendment.

We are asking you to consider submitting a letter of your own as written testimony.
Your letter should be on City/County letterhead and saved as a pdf file.
To send in your letter, visit this page of the OLIS website:
<https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/HB3220>
Click on the ?Submit Testimony? link, and fill in the information fields.
Then click on the circle that says ?Upload a PDF? and more instructions will appear.
For Document Title, select ?Testimony?
Click on the ?Select a File? button to attach your pdf letter.
Once the letter is attached, click on the ?Submit Testimony? button.
Please let me know if you run into any issues with this process.
Also, please send me a copy of the letter after you have submitted it in OLIS.

Thank you,
Dave

Dave Larmouth
(he/him/his)
Dahl Disposal Service
Cell: 971-241-8807

www.dahlidisposableservice.com

HB 3220-2
(LC 1053)
2/22/23 (STN/ps)

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 3220**

On page 1 of the printed bill, delete lines 3 and 4 and insert “459A.310, 459A.315, 459A.320, 459A.330, 459A.335, 459A.340, 459A.355 and 459A.360; repealing ORS 459A.322 and 459A.325; and prescribing an effective date.”.

Delete lines 7 through 27.

Delete pages 2 through 16 and insert:

**“ELECTRONICS PRODUCER RESPONSIBILITY
(Changes to Oregon E-Cycles Program)**

“SECTION 1. ORS 459A.305 is amended to read:

“459A.305. As used in ORS 459A.305 to 459A.355:

“(1) ‘Brand’ means a name, symbols, words or marks that identify a covered electronic device, rather than any of its components, and attribute the device to the owner of the brand as the manufacturer.

“(2) ‘Collector’ means an entity that collects covered electronic devices as part of [*a manufacturer program or the state contractor program*] **an electronics producer responsibility program.**

“[(3) ‘Computer peripheral’ means:]

“[(a) *A keyboard or mouse sold exclusively for external use with a computer as a wireless or corded device that provides input into, or output from, a computer; or*]

1 “[*(b) Cords used with a keyboard or mouse described in paragraph (a) of*
2 *this subsection.*]

3 **“(3) ‘Coordinating body’ means an entity designated by multiple**
4 **electronics producer responsibility organizations, or the Department**
5 **of Environmental Quality, to coordinate activities between the elec-**
6 **tronics producer responsibility organizations to meet the requirements**
7 **of ORS 459A.305 to 459A.355.**

8 “[*(4)(a)*] **(4)(a) ‘Covered electronic device’ means:**

9 **“(A) A computer monitor of any type having a viewable area greater than**
10 **four inches measured diagonally;**

11 **“(B) A desktop computer or portable computer;**

12 **“(C) A television;**

13 **“(D) A [*computer*] peripheral; [*or*]**

14 **“(E) A printer[.];**

15 **“(F) A facsimile machine;**

16 **“(G) A videocassette recorder;**

17 **“(H) A portable digital music player that has memory capability and**
18 **is battery powered;**

19 **“(I) A digital video disc player;**

20 **“(J) A digital video disc recorder;**

21 **“(K) A video game console;**

22 **“(L) A digital converter box;**

23 **“(M) A cable receiver;**

24 **“(N) A satellite receiver;**

25 **“(O) A scanner;**

26 **“(P) A small-scale server;**

27 **“(Q) A router; or**

28 **“(R) A modem.**

29 **“(b) ‘Covered electronic device’ does not include:**

30 **“(A) Any part of a motor vehicle;**

1 “(B) Any part of a larger piece of equipment designed and intended for
2 use in an industrial, commercial or medical setting, such as diagnostic,
3 monitoring or control equipment;

4 “(C) Telephones [*or personal digital assistants*] of any type [*unless the*
5 *telephone or personal digital assistant contains a viewable area greater than*
6 *four inches measured diagonally*]; or

7 “(D) Any part of a clothes washer, clothes dryer, refrigerator, freezer,
8 microwave oven, conventional oven or range, dishwasher, room air condi-
9 tioner, dehumidifier or air purifier.

10 “[5] (5) ‘Covered entity’ means any Oregon household, a business that
11 employs 10 or fewer individuals, a [*not-for-profit*] **nonprofit** organization
12 [*exempt from taxation under section 501(c)(3) of the Internal Revenue Code*]
13 that employs 10 or fewer individuals, or any person giving seven or fewer
14 covered electronic devices to a collector at any one time.

15 “(6) **‘Electronics producer responsibility organization’ means an or-**
16 **ganization that represents at least five percent of all manufacturer**
17 **obligations, designated by a manufacturer or group of manufacturers**
18 **to act as an agent of the manufacturer or group of manufacturers for**
19 **the purpose of developing and implementing an electronics producer**
20 **responsibility program on behalf of the manufacturer or group of**
21 **manufacturers, as required by ORS 459A.305 to 459A.355.**

22 “(7) **‘Electronics producer responsibility program’ means a state-**
23 **wide program for collecting, transporting and recycling covered elec-**
24 **tronic devices that is implemented by an electronics producer**
25 **responsibility organization pursuant to a plan approved by the de-**
26 **partment under section 6 of this 2023 Act.**

27 “[6] (8) ‘Environmentally sound management practices’ means practices
28 that comply with all applicable laws, including but not limited to adequate
29 record keeping, tracking the fate of recycled materials, performance audits
30 and inspections, provisions for reuse and refurbishment, compliance with

1 worker health and safety requirements, maintaining liability insurance and
2 financial assurances and practices that may be adopted by rule by the En-
3 vironmental Quality Commission.

4 “[~~(7)(a)~~] **(9)(a)** ‘Manufacturer’ means any person, irrespective of the sell-
5 ing technique used, including by means of remote sale:

6 “(A) That manufactures covered electronic devices under a brand that it
7 owns or is licensed to use;

8 “(B) That sells covered electronic devices manufactured by others under
9 a brand that the seller owns;

10 “(C) That manufactures covered electronic devices without affixing a
11 brand;

12 “(D) That manufactures covered electronic devices to which it affixes a
13 brand that it does not own; or

14 “(E) On whose account covered electronic devices manufactured outside
15 the United States are imported into the United States. This subparagraph
16 does not apply if, at the time the covered electronic devices are imported into
17 the United States, another person is registered as the manufacturer of the
18 brand of the covered electronic devices.

19 “(b) ‘Manufacturer’ does not include a person:

20 “(A) With a license to manufacture covered electronic devices for delivery
21 exclusively to or at the order of the licensor.

22 “(B) That manufactures only *[computer]* peripherals and no other covered
23 electronic devices.

24 “[~~(8)~~ *‘Manufacturer program’ means a statewide plan for collecting, trans-*
25 *porting and recycling covered electronic devices that is provided by a single*
26 *manufacturer or group of manufacturers pursuant to ORS 459A.320.]*

27 **“(10) ‘Manufacturer obligation’ means a manufacturer’s percentage**
28 **of the total obligation of all manufacturers of covered electronic de-**
29 **vices, as calculated under section 7 of this 2023 Act.**

30 **“(11) ‘Market share’ means a manufacturer’s percentage of all reg-**

1 **istered covered electronic devices by weight sold within a product**
2 **category during a specified time period.**

3 **“(12) ‘Nonprofit organization’ means an organization or group of**
4 **organizations described in section 501(c)(3) of the Internal Revenue**
5 **Code that is exempt from income tax under section 501(a) of the**
6 **Internal Revenue Code.**

7 *“[(9) ‘Nontelevision device’ means a device described in subsection (4)(a)(A),*
8 *(B), (D) or (E) of this section.]*

9 *“[(10) ‘Nontelevision market share’ means a manufacturer’s percentage of*
10 *all registered covered electronic devices except those described in subsection*
11 *(4)(a)(C) of this section that are sold in this state during a specified time pe-*
12 *riod.]*

13 *“[(11) ‘Orphan device’ means a covered electronic device for which no*
14 *manufacturer can be identified.]*

15 **“(13) ‘Peripheral’ means:**

16 **“(a) A keyboard, mouse or other device sold exclusively for external**
17 **use with a covered electronic device as a wireless or corded device that**
18 **provides input into, or output from, a covered electronic device;**

19 **“(b) Cords used with a keyboard, mouse or other device described**
20 **in paragraph (a) of this subsection; or**

21 **“(c) Other devices or equipment sold for use with a covered elec-**
22 **tronic device, as further defined by the commission by rule.**

23 *“[(12)] (14) ‘Person’ means the United States, the state or a public or*
24 *private corporation, local government unit, public agency, individual, part-*
25 *nership, association, firm, trust, estate or other legal entity.*

26 *“[(13)] (15) ‘Portable computer’ means any of the following that has a*
27 *viewable area greater than four inches measured diagonally and that can be*
28 *carried as one unit by an individual:*

29 *“(a) A laptop computer;*

30 *“(b) A notebook computer; or*

1 “(c) A notepad computer.

2 “[(14)] (16) ‘Premium service’ means services such as at-location system
3 upgrade services and at-home pickup services, including curbside pickup
4 service.

5 “[(15)(a)] (17)(a) ‘Printer’ means a device that:

6 “(A) Is used to make reproductions, or is multifunctional and performs
7 one or more operations such as scanning or faxing in addition to making
8 reproductions;

9 “(B) Is designed to be placed on a desk or other work surface and may
10 include an optional floor stand; and

11 “(C) Uses print technology such as laser, electrographic, ink jet, dot ma-
12 trix, thermal or digital sublimation.

13 “(b) ‘Printer’ does not include a device used to make reproductions that:

14 “(A) Is floor-standing;

15 “(B) Is a point of sale receipt printer;

16 “(C) Is also a calculator;

17 “(D) Can also make labels; or

18 “(E) Is embedded in something other than a covered electronic device.

19 **“(18) ‘Product category’ means a grouping of covered electronic**
20 **devices, as further described by the commission by rule, for purposes**
21 **of sorting covered electronic devices at collection and calculating**
22 **market share.**

23 “[(16)(a)] (19)(a) ‘Recycling’ means:

24 “(A) Processing through disassembling, dismantling, shredding, trans-
25 forming or remanufacturing covered electronic devices, components and by-
26 products into usable or marketable raw materials or products in a manner
27 such that the original products may lose their identity; or

28 “(B) Smelting materials from components removed from covered electronic
29 devices to recover metals for reuse in conformance with applicable laws and
30 rules.

1 “(b) ‘Recycling’ does not include:

2 “(A) Landfill disposal or incineration of covered electronic devices; or

3 “(B) Energy recovery or energy generation by means of combusting cov-
4 ered electronic devices, components and by-products with or without other
5 waste.

6 “[(17) ‘Recycling credit’ means a credit granted to a manufacturer program
7 or a state contractor program for the collection, transport and recycling of
8 covered electronic devices in an amount that exceeds the program’s return
9 share by weight for a calendar year.]

10 “[(18)] **(20)** ‘Retailer’ means a person that offers new covered electronic
11 devices for sale at retail through any means, including but not limited to
12 remote offerings such as sales outlets, catalogs or the Internet.

13 “[(19) ‘Return share’ means the minimum percentage of covered electronic
14 devices that an individual manufacturer is responsible for collecting, trans-
15 porting and recycling.]

16 “[(20) ‘Return share by weight’ means the minimum total weight of covered
17 electronic devices that an individual manufacturer is responsible for collecting,
18 transporting and recycling.]

19 “[(21)(a)] **(21)(a)** ‘Sell’ or ‘sale’ means any transfer of title for consider-
20 ation, including but not limited to remote sales conducted through sales
21 outlets, catalogs or the Internet, or any other similar electronic means.

22 “(b) ‘Sell’ or ‘sale’ does not include leases.

23 “[(22) ‘State contractor program’ means a statewide program for collecting,
24 transporting and recycling covered electronic devices that is provided by the
25 Department of Environmental Quality for manufacturers who pay a recycling
26 fee to the department pursuant to ORS 459A.325.]

27 “[(23)] **(22)** ‘Television’ means a television of any type having a viewable
28 area greater than four inches measured diagonally.

29 “[(24) ‘Television market share’ means a manufacturer’s percentage of the
30 registered covered electronic devices described in subsection (4)(a)(C) of this

1 *section that are sold in this state during a specified time period.]*

2 **“SECTION 2.** ORS 459A.310 is amended to read:

3 “459A.310. (1) ORS 459A.305 to 459A.355 apply to all manufacturers en-
4 gaging in the activities set forth in ORS 459A.305 [(7)] **(9)** before, on or after
5 June 7, 2007.

6 “(2) ORS 459A.305 to 459A.355 do not apply to reused or refurbished cov-
7 ered electronic devices.

8 “(3) A manufacturer may not sell or offer for sale any covered electronic
9 device, except for [computer] peripherals, in or for delivery in this state un-
10 less:

11 **“(a) Except as provided in subsection (4) of this section, the man-
12 ufacturer participates in an electronics producer responsibility pro-
13 gram that complies with the requirements of ORS 459A.305 to 459A.355;**

14 “[a)] **(b)** The covered electronic device is labeled with a brand and the
15 label is permanently affixed and readily visible; and

16 “[b)] **(c)** The brand is included in [the] a plan that is [filed with] **ap-
17 proved by** the Department of Environmental Quality pursuant to [ORS
18 459A.320] **section 6 of this 2023 Act.**

19 **“(4) A manufacturer is not required to participate in an electronics
20 producer responsibility program for a given year if the manufacturer
21 provides proof to the department’s satisfaction that the manufacturer
22 sold fewer than 50 covered electronic devices in this state during the
23 previous year.**

24 **“(5) The failure of an electronics producer responsibility organiza-
25 tion to satisfy any of the responsibilities delegated to it by a man-
26 ufacturer for developing and implementing an electronics producer
27 responsibility program does not relieve the manufacturer of the
28 manufacturer’s responsibility to satisfy the requirements of ORS
29 459A.305 to 459A.355.**

30 **“SECTION 3.** ORS 459A.315 is amended to read:

1 “459A.315. [(1)] Before January 1 of each year, a manufacturer of covered
2 electronic devices sold or offered for sale in this state shall register with the
3 Department of Environmental Quality, for a period to cover the upcoming
4 calendar year, on a form provided by the department. The registration shall
5 include:

6 “[*(a)*] (1) A list of all the brands **of covered electronic devices, not**
7 **including peripherals**, manufactured, sold or imported by the manufacturer,
8 including:

9 “[*(A)*] (a) Those brands being offered for sale in this state by the man-
10 ufacturer; and

11 “[*(B)*] (b) Those brands that were offered for sale in this state by the
12 manufacturer during the previous calendar year.

13 “[*(b)*] (2) [*A statement of whether the manufacturer will be implementing*
14 *a manufacturer program or utilizing the state contractor program for recycling*
15 *covered electronic devices.*] **The name of the manufacturer’s designated**
16 **electronics producer responsibility organization.**

17 “[*(c)*] (3) Any other information required by the department to implement
18 ORS 459A.305 to 459A.355.

19 “[*(2)(a)*] *Not later than July 1 of each year, a manufacturer of covered elec-*
20 *tronic devices sold or offered for sale in this state shall pay an annual regis-*
21 *tration fee to the department.*]

22 “[*(b)*] *For calendar years 2008 through 2011, the manufacturer registration*
23 *fee shall be:*]

24 “[*(A)*] *\$15,000 for manufacturers selling more than one percent of the total*
25 *number of units of covered electronic devices sold in this state the previous*
26 *calendar year.*]

27 “[*(B)*] *\$5,000 for manufacturers selling at least 0.1 percent but not more than*
28 *one percent of the total number of units of covered electronic devices sold in*
29 *this state the previous calendar year.*]

30 “[*(C)*] *\$200 for manufacturers selling at least 0.01 percent but less than 0.1*

1 percent of the total number of units of covered electronic devices sold in this
2 state the previous calendar year.]

3 “[D) \$40 for manufacturers selling less than 0.01 percent of the total
4 number of units of covered electronic devices sold in this state the previous
5 calendar year.]

6 “[c) For calendar years 2012 and beyond, the Environmental Quality
7 Commission may modify the registration fees under this section so that the
8 total of registration fees collected approximately matches the department’s costs
9 in implementing ORS 459A.305 to 459A.355, excluding costs incurred under
10 ORS 459A.340 (4).]

11 “[3) If a manufacturer that ceases to manufacture, sell or import a covered
12 electronic device:]

13 “[a) Has not registered the device with the department and the department
14 determines that the device was sold in this state during the previous calendar
15 year, the manufacturer shall register the device with the department and pay
16 a registration fee of \$250.]

17 “[b) Has not registered with the department and receives notification from
18 the department of a return share and a return share by weight, or a
19 nontelevision market share or a television market share, the manufacturer shall
20 register with the department within 30 days of receiving the notification and
21 pay a registration fee of \$250.]

22 **“SECTION 4.** ORS 459A.320 is amended to read:

23 “459A.320. [(1) A manufacturer choosing to implement a manufacturer pro-
24 gram shall submit a plan to the Department of Environmental Quality at the
25 time of payment of the annual registration fee required under ORS
26 459A.315.]

27 **“(1) In the form and manner prescribed by the Department of En-
28 vironmental Quality, an electronics producer responsibility organiza-
29 tion must annually submit to the department a plan for implementing
30 an electronics producer responsibility program.**

1 “(2) The [*manufacturer’s*] **electronics producer responsibility**
2 **organization’s** plan must describe how the [*manufacturer*] **electronics pro-**
3 **ducer responsibility organization will implement an electronics pro-**
4 **ducer responsibility program that complies with ORS 459A.305 to**
5 **459A.355, including how the electronics producer responsibility organ-**
6 **ization will:**

7 “(a) Finance, manage and conduct a statewide program to collect covered
8 electronic devices from covered entities in this state.

9 “(b) Provide for environmentally sound management practices to collect,
10 transport and recycle covered electronic devices.

11 “(c) Provide for advertising and promotion of collection opportunities
12 statewide and on a regular basis, **as described in section 9 of this 2023**
13 **Act.**

14 “(d)(A) [*Include convenient service in every county in this state and at least*
15 *one collection site for any city with a population of at least 10,000.*] **Provide**
16 **convenient and equitable service throughout the state, including to**
17 **rural areas and minority, lower-income and other historically under-**
18 **served populations.**

19 “(B) **At a minimum, convenient service must include a network of**
20 **collection sites distributed to ensure that 95 percent of the residents**
21 **of this state are within 15 miles of a collection site, and must also in-**
22 **clude:**

23 “(i) **At least one collection site in each county;**

24 “(ii) **In each city with a population of at least 10,000 but less than**
25 **200,000, at least one collection site, plus one additional collection site**
26 **for every additional 20,000 residents of the city over 10,000; and**

27 “(iii) **In each city with a population of 200,000 or greater, at least**
28 **10 collection sites, plus one additional collection site for every addi-**
29 **tional 50,000 residents of the city over 200,000.**

30 “(C) **A collection site for a county may be the same as a collection site**

1 for a city in the county. Collection sites shall be staffed and open to the
2 public at a frequency adequate to meet the needs of the area being served.

3 *[A program]* **An electronics producer responsibility organization** may
4 provide collection service jointly with another *[program]* **electronics pro-**
5 **ducer responsibility organization.**

6 **“(D) The department may waive the requirements of subparagraphs**
7 **(B) and (C) of this paragraph with respect to a county or city if the**
8 **proposed plan demonstrates to the department’s satisfaction that al-**
9 **ternative services or collection sites would provide substantially**
10 **equivalent collection convenience.**

11 **“(e) Ensure continuous improvement of the electronics producer**
12 **responsibility program by:**

13 **“(A) Establishing and working to achieve measurable program goals**
14 **for:**

15 **“(i) Collection, such as amount collected or usage rates of collection**
16 **services; and**

17 **“(ii) Maintaining high public awareness of the program.**

18 **“(B) Evaluating every four years whether additional electronic de-**
19 **vices should be included in, or existing devices be removed from, the**
20 **program.**

21 **“(C) For any year for which a program goal was not met, describ-**
22 **ing, with supporting data, what changes or steps the program will**
23 **undertake that can ensure the program achieves its goals in the up-**
24 **coming year.**

25 **“(f) Coordinate with all other electronics producer responsibility**
26 **organizations through a coordinating body in accordance with section**
27 **7 of this 2023 Act, if applicable.**

28 **“(g) Coordinate activities with recycling and reuse programs, in-**
29 **cluding nonprofit organizations that refurbish technology, to further**
30 **the environmentally sound management of recycling of electronics.**

1 “(3) In addition to the information required under subsection (2) of
2 this section, an electronics producer responsibility program plan must
3 include:

4 “(a) A list of all processors that will be used by the electronics
5 producer responsibility program;

6 “(b) The contact information for the electronics producer responsi-
7 bility organization;

8 “(c) A list of all manufacturers participating in the electronics
9 producer responsibility program; and

10 “(d) A list of all brands of covered electronic devices manufactured,
11 sold or imported by each participating manufacturer, including:

12 “(A) Those brands being offered for sale in this state by each man-
13 ufacturer; and

14 “(B) Those brands that were offered for sale in this state by each
15 manufacturer during the previous year.

16 “[(3) A manufacturer choosing to implement a manufacturer program
17 shall:]

18 “[(a) Meet or exceed the requirements for collection sites described in sub-
19 section (2) of this section.]

20 “(4) An electronics producer responsibility organization must:

21 “[(b)] (a) Provide for collection, transportation and recycling of covered
22 electronic devices for covered entities free of charge, except that [a man-
23 ufacturer] an electronics producer responsibility program that provides
24 premium service for a covered entity may charge for the additional cost of
25 that premium service.

26 “[(c)] (b) Implement the plan required under this section.

27 “(c) Provide fair financial compensation to collection sites calcu-
28 lated to cover the costs of collecting, storing, managing and trans-
29 porting covered electronic devices.

30 “(d) Enter into agreements with all willing transfer stations, land-

fills and material recovery facilities, that are covered under a solid waste disposal permit issued by the department, to collect covered electronic devices in accordance with all applicable laws and the approved electronics producer responsibility program plan.

“(d) Conduct a statistically significant sampling or actual count of the covered electronic devices, except for computer peripherals, collected and recycled by the manufacturer each calendar year using a methodology approved by the department. The manufacturer shall report the results of the sampling or count to the department at least annually or as required by the department. The sampling or count methodology must take into account information including but not limited to the device type, weight and brand of each unit sampled.]

“(e) [In addition to the report required by paragraph (d) of this subsection and no later than March 1 of each year, the manufacturer shall provide a report] **In the form and manner prescribed by the department, provide an annual report** to the department that:

“(A) Includes the total weight of covered electronic devices, including [orphan devices and computer] peripherals, collected from covered entities in this state by the [manufacturer] **electronics producer responsibility program** during the previous [calendar] year;

“(B) Includes the total weight of each type of covered electronic device, including [orphan devices and computer] peripherals, collected from covered entities in this state by the [manufacturer] **electronics producer responsibility program** during the previous [calendar] year; [and]

“(C) Details how the plan required under this section was implemented during the previous calendar year.]

“(C) Includes a list of all collection sites and processors used by the electronics producer responsibility program;

“(D) Includes the total amount, by weight, of each type of covered electronic device collected at each collection site, or if approved by the

1 department, a grouping of collection sites, presented in a manner that
2 assists the department in determining the rate of use of each col-
3 lection site;

4 “(E) Includes the results of any approved alternative methods of
5 service in adequately meeting the needs of the applicable jurisdiction,
6 including the date of each alternative service event and the total
7 weight of each type of covered electronic device, including peripherals,
8 collected at each alternative service event;

9 “(F) Details how the plan required under this section was imple-
10 mented during the previous year, including:

11 “(i) A description of how the electronics producer responsibility
12 organization complied with subsection (2)(e) of this section that in-
13 cludes whether goals have been met, a summary of public awareness
14 activities and copies of public awareness materials developed by the
15 electronics producer responsibility organization; and

16 “(ii) A summary of any safety or security problems that occurred
17 during the collection, transportation or disposal of covered electronic
18 devices and the actual or potential future resolutions of those prob-
19 lems; and

20 “(G) Includes an attestation that all covered electronic devices col-
21 lected under the electronics producer responsibility program were
22 collected and disposed of in compliance with all applicable laws, rules
23 and regulations and in accordance with environmentally sound man-
24 agement standards.

25 “(f) Retain all records related to the implementation and adminis-
26 tration of the electronics producer responsibility program for not less
27 than three years from the time the record was created and make the
28 records available for inspection and audit by the department upon re-
29 quest.

30 “(g) Provide, upon the request of the department, the contact in-

1 formation and a point of contact for each manufacturer participating
2 in the electronics producer responsibility program.

3 “(h)(A) Allow a collection site to recover collected covered elec-
4 tronic devices for refurbishment and resale at retail.

5 “(B) An electronics producer responsibility organization may re-
6 quire a collection site to exclude the weight of covered electronic de-
7 vices recovered for refurbishment or resale from the weight of covered
8 electronic devices collected by the collection site for the purposes of
9 annual reporting and determining compensation for the collection and
10 management of covered electronic devices unless:

11 “(i) The collection site is a nonprofit organization that refurbishes
12 technologies for resale and recovers the collected covered electronic
13 device for resale at retail, which may include online retail; or

14 “(ii) The collection site recovers the collected covered electronic
15 device for donation to an organization that refurbishes technologies
16 for resale at retail, which may include online retail.

17 “(i)(A) Prior to removing a collection site from an electronics pro-
18 ducer responsibility program, work with other electronics producer
19 responsibility organizations or the coordinating body, if applicable, to
20 determine if the collection site can be added to another electronics
21 producer responsibility program.

22 “(B) If the collection site will not be added to another electronics
23 producer responsibility program, the electronics producer responsibil-
24 ity organization must, 90 days prior to removing the collection site
25 from the electronics producer responsibility program:

26 “(i) Provide notice to covered entities by posting notice of the re-
27 moval on the program website; and

28 “(ii) Provide written notice to the department and all other col-
29 lection sites in the same wasteshed.

30 “(C) The department may require the electronics producer respon-

1 **sibility organization to retain a collection site if the electronics pro-**
2 **ducer responsibility organization does not provide notice as required**
3 **under subparagraph (B) of this paragraph, unless the electronics pro-**
4 **ducer responsibility organization demonstrates good cause for being**
5 **unable to provide notice.**

6 **“(5) The department shall review reports submitted under sub-**
7 **section (4)(e) of this section, and approve those reports that the de-**
8 **partment determines satisfy the requirements of subsection (4)(e) of**
9 **this section. If the department does not approve a report, the depart-**
10 **ment shall provide the electronics producer responsibility organization**
11 **with written notice of revisions necessary for approval and the**
12 **timeline for resubmittal.**

13 **“(6) Rules adopted by the Environmental Quality Commission to**
14 **implement this section may include standards for environmentally**
15 **sound management practices and standards for participating collection**
16 **sites.**

17 *“[(4) A group of manufacturers may choose to implement a manufacturer*
18 *program as one entity, if in doing so the manufacturers meet the sum of their*
19 *individual return shares by weight under ORS 459A.340 (3) and that sum is*
20 *at least five percent.]*

21 *“[(5) By July 1 of each year, a manufacturer that does not meet its return*
22 *share by weight for the previous calendar year shall pay the department for*
23 *the amount not achieved at a rate determined by the department to be equiv-*
24 *alent to the amount the manufacturer would have paid, plus 10 percent, to be*
25 *part of the state contractor program under ORS 459A.340.]*

26 *“[(6) A manufacturer participating in the state contractor program under*
27 *ORS 459A.340 shall notify the department at the time of its registration each*
28 *year.]*

29 *“[(7) Except as provided in subsection (4) of this section, a manufacturer*
30 *with less than a five percent return share is required to participate in the state*

1 *contractor program under ORS 459A.340.]*

2 **“SECTION 5. Sections 6 to 10 of this 2023 Act are added to and made**
3 **a part of ORS 459A.310 to 459A.335.**

4 **“SECTION 6. (1) The Department of Environmental Quality shall**
5 **approve an electronics producer responsibility program plan as pro-**
6 **vided in this section if the department determines that the plan sat-**
7 **isfies the requirements of ORS 459A.320.**

8 **“(2) Not later than 60 days after receiving a plan under ORS**
9 **359A.320, the department shall either approve, approve with conditions**
10 **or reject the plan. If the department rejects the plan, the department**
11 **shall provide the reason or reasons for the rejection. An electronics**
12 **producer responsibility organization must submit a revised plan to the**
13 **department no later than 45 days after the date of the rejection.**

14 **“(3) No later than 45 days after receiving a revised plan under sub-**
15 **section (2) of this section, the department shall either approve, ap-**
16 **prove with conditions or reject the revised plan.**

17 **“(4) If the department rejects a revised plan, the department may:**

18 **“(a) Require the electronics producer responsibility organization to**
19 **further revise the plan in accordance with a timeline set forth by the**
20 **department;**

21 **“(b) Direct changes to the revised plan; or**

22 **“(c) Direct the manufacturer or manufacturers on whose behalf the**
23 **revised plan was submitted to register with an electronics producer**
24 **responsibility organization with an approved plan.**

25 **“(5) If the department directs changes to a revised plan under sub-**
26 **section (4) of this section, the electronics producer responsibility or-**
27 **ganization must implement the changes or request a hearing under**
28 **ORS chapter 183.**

29 **“SECTION 7. (1) If the Department of Environmental Quality ap-**
30 **proves more than one electronics producer responsibility program plan**

1 to be implemented:

2 “(a) The department shall set a timeline for all electronics producer
3 responsibility organizations to designate a coordinating body. If all
4 electronics producer responsibility organizations are unable to desig-
5 nate a coordinating body in accordance with the timeline set by the
6 department, the department may either designate a coordinating body
7 or extend the timeline for all electronics producer responsibility or-
8 ganizations to designate a coordinating body.

9 “(b) The department may require changes to an approved plan to
10 ensure that all approved plans provide for a consistent means of ena-
11 bling coordination between electronics producer responsibility organ-
12 izations.

13 “(2) The coordinating body, or an electronics producer responsibility
14 organization if a coordinating body is not designated under this sec-
15 tion, shall annually calculate each manufacturer’s manufacturer obli-
16 gation by:

17 “(a) Multiplying the manufacturer’s market share for each product
18 category by the product category’s percentage of the total weight of
19 all covered electronic devices recycled during the previous year; and

20 “(b) Adding the percentages calculated under paragraph (a) of this
21 subsection.

22 “(3) The coordinating body must:

23 “(a) Annually reconcile the financial obligations between all elec-
24 tronics producer responsibility organizations based on the manufac-
25 turer obligations of the manufacturers participating in each
26 electronics producer responsibility program; and

27 “(b) Conduct any other coordination between electronics producer
28 responsibility organizations required by ORS 459A.305 to 459A.355 or
29 as directed by the department.

30 “(4)(a) Each electronics producer responsibility organization must

1 work with the coordinating body and with all other electronics pro-
2 ducer responsibility organizations to ensure the reconciliation of fi-
3 nancial obligations for the electronics producer responsibility
4 programs in accordance with the manufacturer obligations calculated
5 by the coordinating body under this section and to ensure that all co-
6 ordination required under ORS 459A.305 to 459A.355 is conducted.

7 “(b) An electronics producer responsibility organization or a coor-
8 dinating body may, after notice to the manufacturer, refer to the de-
9 partment any potential violations of the requirements of ORS 459A.305
10 to 459A.355 by the manufacturer.

11 “SECTION 8. (1) The Environmental Quality Commission shall es-
12 tablish by rule an annual fee, which must be reasonably calculated to
13 cover the costs to the Department of Environmental Quality of im-
14 plementing, administering and enforcing ORS 459A.305 to 459A.355.

15 “(2) The commission shall establish by rule a one-time plan review
16 fee reasonably calculated to cover the costs to the department of re-
17 viewing the initial electronics producer responsibility program plan
18 submitted to the department for approval under section 6 of this 2023
19 Act by each electronics producer responsibility organization. The de-
20 partment may not approve an initial plan under section 6 of this 2023
21 Act if the electronics producer responsibility organization has not paid
22 the fee required by this subsection.

23 “SECTION 9. (1) An electronics producer responsibility organiza-
24 tion, or the coordinating body if one is designated under section 7 of
25 this 2023 Act, shall consult with the department to develop educational
26 resources and public awareness activities to advertise and promote,
27 on a regular basis, recycling of covered electronic devices and col-
28 lection opportunities statewide. At a minimum, an electronics pro-
29 ducer responsibility organization must:

30 “(a) Promote recycling of covered electronic devices through the

1 **electronics producer responsibility program;**

2 **“(b) Establish a toll-free telephone number and a website address**
3 **that a covered entity may use to contact the electronics producer re-**
4 **sponsibility organization about the electronics producer responsibility**
5 **program;**

6 **“(c) Publicize information on the location of collection sites and all**
7 **other collections services offered by the electronics producer respon-**
8 **sibility program; and**

9 **“(d) Engage with and work to sustain high awareness of the pro-**
10 **gram in minority, lower-income, rural and other historically under-**
11 **served communities.**

12 **“(2) If the Department of Environmental Quality approves more**
13 **than one electronics producer responsibility program plan, each elec-**
14 **tronics producer responsibility organization must, in conjunction with**
15 **the coordinating body designated under section 7 of this 2023 Act and**
16 **in consultation with the department, coordinate with all other elec-**
17 **tronics producer responsibility organizations to implement ongoing**
18 **public awareness activities to ensure that covered entities can easily**
19 **identify, understand and access the services provided by all electronics**
20 **producer responsibility programs that are operational in this state.**
21 **The public awareness activities must:**

22 **“(a) Utilize a statewide system of promotion that allows covered**
23 **entities to easily understand that all electronics producer responsibil-**
24 **ity organizations are providing services under ORS 459A.305 to ORS**
25 **459A.355; and**

26 **“(b) Satisfy the requirements of subsection (1) of this section, in-**
27 **cluding providing a single website and toll-free telephone number**
28 **listing the collection services of all electronics producer responsibility**
29 **programs.**

30 **“SECTION 10. (1) The Department of Environmental Quality may**

1 require a manufacturer or an electronics producer responsibility or-
2 ganization to submit information to the department to evaluate com-
3 pliance with ORS 459A.305 to 459A.355. A manufacturer or electronics
4 producer responsibility organization must submit any data or infor-
5 mation required by the department under this subsection in the for-
6 mat requested by the department.

7 “(2) Trade secrets, as defined in ORS 646.461, and information pro-
8 tected by trademark or patent that the department receives from an
9 electronics producer responsibility organization or manufacturer pur-
10 suant to ORS 459A.305 to 459A.355 are confidential and not subject to
11 public disclosure under ORS 192.311 to 192.478, except that the depart-
12 ment may disclose summarized information or aggregated data if the
13 information or data does not directly or indirectly identify the infor-
14 mation of a specific electronics producer responsibility organization
15 or manufacturer. For purposes of this subsection, compilations of
16 publicly available information, which may have economic value, are
17 not considered to be confidential information.

18 “SECTION 11. Section 12 of this 2023 Act is added to and made a
19 part of ORS 459A.305 to 459A.355.

20 “SECTION 12. The Legislative Assembly declares that electronics
21 producer responsibility organizations providing covered entities with
22 program services for covered electronic devices, including the use of
23 environmentally sound management practices to collect, transport and
24 recycle covered electronic devices, is in the best interests of the public.
25 Therefore, the Legislative Assembly declares its intent that partic-
26 ipation in electronics producer responsibility programs as required by
27 ORS 459A.305 to 459A.355 shall be exempt from state antitrust laws.
28 The Legislative Assembly further declares its intent to provide immu-
29 nity for participating in electronics producer responsibility programs
30 as required by ORS 459A.305 to 459A.355 from federal antitrust laws.

1 **This section does not authorize any person to engage in activities or**
2 **to conspire to engage in activities that constitute per se violations of**
3 **state or federal antitrust laws that are not authorized under ORS**
4 **459A.305 to 459A.355.**

5 **“SECTION 13.** ORS 459A.335 is amended to read:

6 “459A.335. (1) A retailer may not sell or offer for sale any covered elec-
7 tronic device, except for [*computer*] peripherals, in or for delivery into this
8 state unless:

9 “(a) The covered electronic device is labeled with a brand and the label
10 is permanently affixed and readily visible;

11 “(b) The brand is included on the list [*posted*] **made publicly available**
12 by the Department of Environmental Quality pursuant to ORS 459A.340 (1);
13 and

14 “(c) The list [*posted*] **made publicly available** by the department pursu-
15 ant to ORS 459A.340 (1) specifies that the manufacturer is in compliance
16 with the requirements of ORS 459A.305 to 459A.355.

17 “(2) A retailer shall provide to a consumer at the time of the sale of a
18 covered electronic device information from the department’s website that
19 provides details about where and how a consumer can recycle covered elec-
20 tronic devices in Oregon. The information shall be provided in printed form
21 for in-store sales and in printable form for Internet sales and other sales
22 where the Internet is involved.

23 **“SECTION 14.** ORS 459A.340 is amended to read:

24 “459A.340. The Department of Environmental Quality shall:

25 “(1) Maintain and make **publicly** available [*on its website the following*
26 *lists, which must be updated by the first day of each month*]:

27 “(a) A list of registered manufacturers and their brands;

28 “(b) A list of brands for which no manufacturer has registered; [*and*]

29 “(c) A list that identifies which manufacturers are in compliance with
30 ORS 459A.305 to 459A.355[.];

1 “(d) Electronics producer responsibility program plans submitted to
2 the department under ORS 459A.320;

3 “(e) Revised plans submitted to the department under section 6 of
4 this 2023 Act; and

5 “(f) Reports submitted to the department under ORS 459A.320.

6 “(2)(a) For each program year, determine each manufacturer’s
7 market share for each product category by dividing the total weight
8 in pounds of covered electronic devices in a product category sold in
9 this state under brands manufactured, sold or imported by the man-
10 ufacturer during the previous calendar year by the total weight in
11 pounds of covered electronic devices in the product category sold in
12 this state under all brands manufactured, sold or imported by all reg-
13 istered manufacturers during the previous calendar year.

14 “(b) The department may use national market data prorated for
15 Oregon, retail or manufacturer data, consumer research or any other
16 data from the previous calendar year, as determined by the depart-
17 ment, to make the determinations described in this subsection. The
18 department may require a manufacturer to submit sales or other data
19 regarding the number and weight of covered electronic devices sold in
20 this state by the manufacturer. A manufacturer must submit any data
21 required by the department under this paragraph in the format re-
22 quested by the department.

23 “(3) For each calendar year, provide each manufacturer’s market
24 share to the manufacturer’s electronics producer responsibility or-
25 ganization or to the coordinating body, if a coordinating body has been
26 designated under section 7 of this 2023 Act.

27 “[(2) Review and approve manufacturer plans that comply with ORS
28 459A.320 and are submitted annually by manufacturers choosing to implement
29 a manufacturer program for recycling covered electronic devices.]

30 “[(3)(a) For each calendar year, determine:]

1 “(A) The total weight in pounds of covered electronic devices, including
2 orphan devices and computer peripherals, to be collected; and]

3 “(B) Of the total weight determined under subparagraph (A) of this para-
4 graph, the proportion that is equal to the total weight of televisions and the
5 proportion that is equal to the total weight of nontelevision devices.]

6 “(b) For each calendar year, determine each manufacturer’s television
7 market share and nontelevision market share as follows:]

8 “(A) A manufacturer’s television market share shall be determined by di-
9 viding the total weight in pounds of televisions sold in this state under brands
10 manufactured, sold or imported by the manufacturer during the previous cal-
11 endar year by the total weight in pounds of televisions sold in this state under
12 all brands manufactured, sold or imported by all registered manufacturers
13 during the previous calendar year.]

14 “(B) A manufacturer’s nontelevision market share shall be determined by
15 dividing the total weight in pounds of nontelevision devices sold in this state
16 under brands manufactured, sold or imported by the manufacturer during the
17 previous calendar year by the total weight in pounds of nontelevision devices
18 sold in this state under all brands manufactured, sold or imported by all
19 registered manufacturers during the previous calendar year.]

20 “(C) The department may use national market data prorated for Oregon,
21 retail or manufacturer data, consumer research or any other data from the
22 previous calendar year, as determined by the department, to make the deter-
23 minations described in this paragraph. The department may require a man-
24 ufacturer to submit sales or other data regarding the number and weight of
25 covered electronic devices sold in this state by the manufacturer. A manufac-
26 turer must submit any data required by the department under this subpara-
27 graph in the format requested by the department.]

28 “(c) Determine the return share and return share by weight each calendar
29 year for each manufacturer as follows:]

30 “(A) A manufacturer’s return share by weight shall be equal to the sum

1 *of the manufacturer's return share by weight for televisions as calculated un-*
2 *der subparagraph (B) of this paragraph and the manufacturer's return share*
3 *by weight for nontelevision devices as calculated under subparagraph (C) of*
4 *this paragraph.]*

5 *"[(B) A manufacturer's return share by weight for televisions shall be equal*
6 *to the product of the manufacturer's television market share as determined*
7 *under paragraph (b)(A) of this subsection multiplied by the total weight of*
8 *television devices to be collected as determined under paragraph (a)(B) of this*
9 *subsection.]*

10 *"[(C) A manufacturer's return share by weight for nontelevision devices*
11 *shall be equal to the product of the manufacturer's nontelevision market share*
12 *as determined under paragraph (b)(B) of this subsection multiplied by the total*
13 *weight of nontelevision devices to be collected as determined under paragraph*
14 *(a)(B) of this subsection.]*

15 *"[(D) A manufacturer's return share shall be equal to the quotient of the*
16 *manufacturer's return share by weight divided by the sum total of the return*
17 *shares by weight for all manufacturers.]*

18 *"[(d) By May 1 of each year, provide to each manufacturer that had a re-*
19 *turn share determined under this section its return share and its return share*
20 *by weight for the following year.]*

21 *"[(4) Establish a state contractor program for the collection, transportation*
22 *and recycling of covered electronic devices from covered entities in this state.*
23 *The state contractor program shall:]*

24 *"[(a) To the extent practicable, use existing local collection, transportation*
25 *and recycling infrastructure.]*

26 *"[(b) Utilize environmentally sound management practices to collect, trans-*
27 *port and recycle covered electronic devices.]*

28 *"[(c) Provide for covered entities, free of charge, convenient and available*
29 *collection services and sites for covered electronic devices in both rural and*
30 *urban areas.]*

1 “(d) Advertise and promote collection opportunities statewide and on a
2 regular basis.]

3 “(e) Conduct a statistically significant sampling or actual count of the
4 covered electronic devices, except for computer peripherals, collected and recy-
5 cled by the state contractor program during each calendar year using a meth-
6 odology approved by the department. The state contractor shall report the
7 results of the sampling or count to the department at least annually or as re-
8 quired by the department. The methodology must take into account information
9 including but not limited to the device type, weight and brand of each unit
10 sampled.]

11 “(f) No later than March 1 of the following calendar year, report, for the
12 previous calendar year:]

13 “(A) The total weight of covered electronic devices, including orphan de-
14 vices and computer peripherals, collected from covered entities in this state by
15 the state contractor program; and]

16 “(B) The total weight of each type of covered electronic device, including
17 orphan devices and computer peripherals, collected from covered entities in this
18 state by the state contractor program during the previous calendar year.]

19 “(5) Determine a manufacturer’s annual registration fee for purposes of
20 ORS 459A.315 (2). In determining a manufacturer’s annual registration fee, the
21 department may use national market data prorated for Oregon, retail or man-
22 ufacturer data, consumer research or any other data from the previous calendar
23 year, as determined by the department. The department may require a man-
24 ufacturer to submit sales or other data regarding the number of covered elec-
25 tronic devices sold in this state by the manufacturer. A manufacturer must
26 submit any data required by the department under this subsection in the for-
27 mat requested by the department.]

28 “(6) Determine the recycling fee to be paid under ORS 459A.325 by each
29 manufacturer that participates in the state contractor program established
30 pursuant to subsection (4) of this section. The department shall determine the

1 *recycling fees based on the manufacturer's annual return share and return*
2 *share by weight as determined under subsection (3) of this section.]*

3 “[~~(7)~~] **(4)** Maintain on its website information on collection opportunities
4 for covered electronic devices, including collection site locations and hours.
5 The information must be made available in a printable format for retailers.

6 “[~~(8)~~ *Report biennially to the Legislative Assembly on the operation of the*
7 *statewide system for collection, transportation and recycling of covered elec-*
8 *tronic devices.*]

9 **“SECTION 15. ORS 459A.322 and 459A.325 are repealed.**

10
11 **“(Conforming Amendments)”**
12

13 **“SECTION 16. ORS 459.247 is amended to read:**

14 **“459.247. (1) No person shall dispose of and no disposal site operator shall**
15 **knowingly accept for disposal the following types of solid waste at a solid**
16 **waste disposal site:**

17 **“(a) Discarded or abandoned vehicles;**

18 **“(b) Discarded large home or industrial appliances;**

19 **“(c) Used oil;**

20 **“(d) Tires;**

21 **“(e) Lead-acid batteries; or**

22 **“(f) Covered electronic devices.**

23 **“(2) As used in this section:**

24 **“(a) ‘Covered electronic device’** *[has the meaning given that term in ORS*
25 *459A.305, except that ‘covered electronic device’ does not include a computer*
26 *peripheral or a printer as those items are defined in ORS 459A.305; and]*

27 **means:**

28 **“(A) A computer monitor of any type having a viewable area**
29 **greater than four inches measured diagonally;**

30 **“(B) A desktop computer or a portable computer as defined in ORS**

1 **459A.305; or**

2 **“(C) A television as defined in ORS 459A.305.**

3 **“(b) ‘Used oil’ has the meaning given that term in ORS 459A.555.**

4 **“(3) Nothing in this section shall prohibit a disposal site operator from**
5 **accepting and storing, for purposes of recycling or recovering, any of the**
6 **types of solid waste listed in subsection (1) of this section.**

7 **“(4) The Environmental Quality Commission may postpone the prohibition**
8 **under subsection (1)(f) of this section in any area of this state where the**
9 **commission determines there is an inadequate system for the collection,**
10 **transportation and recycling of covered electronic devices.**

11 **“(5)(a) Each disposal site operator shall establish and implement, in ac-**
12 **cordance with any permit requirements established by the Department of**
13 **Environmental Quality, a program reasonably designed to prevent acceptance**
14 **of covered electronic devices for disposal. If an operator operates the dis-**
15 **posal site in conformity with the program, the operator is presumed to have**
16 **complied with the provisions of this section that prohibit knowingly accept-**
17 **ing covered electronic devices for disposal.**

18 **“(b) This section does not prevent the disposal site operator from accept-**
19 **ing and storing, for purposes of recycling, reusing or refurbishing, covered**
20 **electronic devices.**

21 **“SECTION 17. ORS 459A.330 is amended to read:**

22 **“459A.330. (1) Except as authorized in subsection (2) of this section, [*a***
23 ***manufacturer program, the state contractor program*] **an electronics pro-****
24 ****ducer responsibility program** or a collector participating in [*a manufac-***
25 ***turer program or the state contractor program*] **an electronics producer****
26 ****responsibility program** may not charge a fee to covered entities for the**
27 **collection, transportation or recycling of covered electronic devices.**

28 **“(2) A collector that provides a premium service to a covered entity may**
29 **charge for the additional cost of providing the premium service.**

30 **“SECTION 18. ORS 459A.355 is amended to read:**

1 “459A.355. The Covered Electronic Devices Account is established sepa-
2 rate and distinct from the General Fund. Interest earned by the account shall
3 be credited to the account. Moneys in the account are continuously appro-
4 priated to the Department of Environmental Quality and may be used only
5 to pay the costs of **administering**, implementing **and enforcing** ORS
6 459A.305 to 459A.355 and enforcing the prohibition in ORS 459.247 relating
7 to disposal of covered electronic devices.

8 **“SECTION 19.** ORS 459A.360 is amended to read:

9 “459A.360. (1) The Department of Environmental Quality shall evaluate
10 any federal law that establishes a national program for the collection and
11 recycling of electronic devices.

12 “(2) If the department determines that the federal law substantially meets
13 or exceeds the requirements and intent of ORS 459A.305 to 459A.355, the
14 department shall include information on the federal law in [*the next biennial*
15 *report to the Legislative Assembly pursuant to ORS 459A.340.*] **a report to**
16 **the Legislative Assembly in the manner provided by ORS 192.245.**

17 18 “TRANSITIONAL PROVISIONS 19

20 **“SECTION 20.** (1) Sections 6 to 10 and 12 of this 2023 Act, the
21 amendments to ORS 459.247, 459A.305, 459A.310, 459A.315, 459A.320,
22 459A.330, 459A.335, 459A.340, 459A.355 and 459A.360 by sections 1 to 4,
23 13, 14 and 16 to 19 of this 2023 Act and the repeal of ORS 459A.322 and
24 459A.325 by section 15 of this 2023 Act become operative on January 1,
25 2026.

26 **“(2) The Department of Environmental Quality and the Environ-**
27 **mental Quality Commission may take any action before the operative**
28 **date specified in subsection (1) of this section that is necessary to en-**
29 **able the department and the commission to exercise, on and after the**
30 **operative date specified in subsection (1) of this section, all the duties,**

1 functions and powers conferred on the department and the commission
2 by sections 6 to 10 and 12 of this 2023 Act, the amendments to ORS
3 459.247, 459A.305, 459A.310, 459A.315, 459A.320, 459A.330, 459A.335,
4 459A.340, 459A.355 and 459A.360 by sections 1 to 4, 13, 14 and 16 to 19
5 of this 2023 Act and the repeal of ORS 459A.322 and 459A.325 by section
6 15 of this 2023 Act.

7 **“SECTION 21.** (1) Notwithstanding the operative date specified in
8 section 20 of this 2023 Act, sections 6 to 10 and 12 of this 2023 Act and
9 the amendments to ORS 459A.305 and 459A.320 by sections 1 and 4 of
10 this 2023 Act apply to electronics producer responsibility program
11 plans submitted to the Department of Environmental Quality pursuant
12 to subsection (2) of this section.

13 **“(2)** An electronics producer responsibility organization that plans
14 to implement an electronics producer responsibility program beginning
15 January 1, 2026, must submit an electronics producer responsibility
16 program plan to the department no later than July 1, 2025.

17 **“SECTION 22.** (1) Notwithstanding ORS 459A.340 (3), for the period
18 beginning January 1, 2025, and ending December 31, 2025, the total
19 weight of covered electronic devices to be collected shall be equal to
20 the total weight of covered electronic devices to be collected for the
21 2024 calendar year determined by the Department of Environmental
22 Quality under ORS 459A.340 (3).

23 **“(2)** Notwithstanding ORS 459A.320 and 459A.322, the amendments
24 to ORS 459A.320 by section 4 of this 2033 Act or the repeal of ORS
25 459A.322 by section 15 of this 2023 Act, a manufacturer program with
26 a plan approved by the Department of Environmental Quality for the
27 2025 calendar year shall enter into an agreement with the state con-
28 tractor program to settle, by December 31, 2026, all recycling credits.

29 **“SECTION 23.** (1) Notwithstanding the amendments to ORS 459A.320
30 by section 4 of this 2023 Act:

1 “(a) No later than March 1, 2026, a manufacturer that implements
2 a manufacturer program for January 1, 2025, to December 31, 2025,
3 shall provide a report to the Department of Environmental Quality
4 that:

5 “(A) Includes the total weight of covered electronic devices, in-
6 cluding orphan devices and computer peripherals, collected from cov-
7 ered entities in this state by the manufacturer from January 1, 2025,
8 to December 31, 2025;

9 “(B) Includes the total weight of each type of covered electronic
10 device, including orphan devices and computer peripherals, collected
11 from covered entities in this state by the manufacturer from January
12 1, 2025, to December 31, 2025; and

13 “(C) Details how the manufacturer plan was implemented from
14 January 1, 2025, to December 1, 2025.

15 “(b) By July 1, 2026, a manufacturer that does not meet its return
16 share by weight for the period beginning January 1, 2025, and ending
17 December 31, 2025, shall pay the department for the amount not
18 achieved at a rate determined by the department to be equivalent to
19 the amount the manufacturer would have paid, plus 10 percent, to be
20 part of the state contractor program under ORS 459A.340.

21 “(2) Notwithstanding the amendments to ORS 459A.340 by section
22 14 of this 2023 Act, no later than March 1, 2026, the state contractor
23 program shall provide a report to the department that:

24 “(a) Includes the total weight of covered electronic devices, includ-
25 ing orphan devices and computer peripherals, collected from covered
26 entities in this state by the state contractor program from January 1,
27 2025, to December 31, 2025; and

28 “(b) Includes the total weight of each type of covered electronic
29 device, including orphan devices and computer peripherals, collected
30 from covered entities in this state by the state contractor program

1 from January 1, 2025, to December 31, 2025.

2
3 **“CAPTIONS**

4
5 **“SECTION 24. The unit captions used in this 2023 Act are provided**
6 **only for the convenience of the reader and do not become part of the**
7 **statutory law of this state or express any legislative intent in the**
8 **enactment of this 2023 Act.**

9
10 **“EFFECTIVE DATE**

11
12 **“SECTION 25. This 2023 Act takes effect on the 91st day after the**
13 **date on which the 2023 regular session of the Eighty-second Legislative**
14 **Assembly adjourns sine die.”.**



OREGON REFUSE & RECYCLING ASSOCIATION

January 18, 2023

To: Michael Lee, Oregon DEQ

From: Andrea Fogue, Governmental Affairs Director, ORRA

Re: ORRA E-Cycles Comments to DEQ on Proposed Legislative Concept 477

ORRA appreciated the small group conversation with DEQ and PSI on the proposed E-Cycles Program legislation and work that has gone into convening stakeholders on this critical issue. As we have stated in the 2022 Legislative Session and stakeholder conversations, our shared goal with the proposed legislation is to ensure a stable program that provides convenient, accessible collection of e-waste where these materials are safely handled and disposed of. An essential part of the solution is ensuring that collection sites are not dropped from the program without adequate consideration and notice to citizens who depend on this program.

ORRA offers the following comments and proposed changes for inclusion in the amendment to Legislative Concept 477. These are the areas we initially prioritized. We may have additional comments and suggestions based on the outcome of the amendment language and additional stakeholder conversations.

Landfill Ban Provision

ORRA does not support a landfill ban for newly added materials unless there is evidence of harm to the environment if the material is disposed of in a landfill.

Financial Compensation Provision (Section 3(4)(c))

ORRA proposes the following changes in bold text:

(c) Provide financial compensation to collection sites for their reasonable actual costs **including but not limited to transportation from a collection site to the processor, trained labor, equipment and supplies, appropriate signage, storage appropriate to protect human health and the environment and meet all local, state, and federal requirements, and any other reasonable costs to collect, store, manage and transport covered electronic devices** ~~to collect and manage covered electronic devices.~~

As discussed with DEQ, ORRA would expect additional details of what is covered within each category to be promulgated in administrative rules.

Opt-In Provision (Section 3(4)(d))

ORRA proposes the following changes in strike through and bold text:

(d) Enter into agreements with all willing ~~permitted transfer~~

~~stations, as defined in ORS 459.005,~~ **willing facilities covered under a DEQ Solid Waste Disposal Site Permit** to collect covered electronic devices in accordance with all applicable laws and the approved electronics producer responsibility program plan.

Permitted solid waste facilities meet all local, state, and federal regulations and provide the most convenient and cost-effective locations for the Oregon E-Cycles Program. While transfer stations are essential collection points, there are other permitted solid waste facilities such as landfills and material recovery facilities that have depots that can enhance the accessibility and convenience of the program.

ORRA agrees with DEQ that permitted collection sites who voluntarily opt-into the program should be eligible to receive the same cost reimbursement as those the PROs seek out and contract with to provide collection services to meet their convenience standards requirements. We look forward to the follow-up from DEQ as to how this will be ensured with the proposed changes to the program.

Additional Notice Provision

To aid in ensuring a similar situation to December 2021 does not happen again where collection sites were dropped from the program without adequate notice, ORRA proposes including the language identified in Rule Concept: Convenience Standards, Collection Targets and Performance Standards for PRO Recycling Services (Dec. 28, 2022, pg. 9, Notification of changes and continuity of services, .9) in the amendment to LC 477 as a basis with the addition of the bold text:

A PRO choosing to discontinue service at a collection point must provide the collection point operator and DEQ with at least three months advance notice. The PRO must also provide concurrent notice to the users of the collection point by means of prominently placed signage at the site, and via whatever Internet-based content the PRO uses to promote the site to the public **and provide notice to all other collection sites within the wasteshed**. All required notices shall include the date at which service will be discontinued and the location of other nearby collection points or information about the alternative collection service that will substitute for it.

While we understand that with the proposed legislation permitted solid waste service providers that voluntarily opt-in to the Oregon E-Cycles Program could not be dropped by a PRO, closing other sites (e.g. Goodwill) could impact alternative collection sites.

ORRA and our members look forward to continued conversation on the proposed legislation and amendment that is being drafted. Please do not hesitate to let me know if questions or you would like to convene an additional conversation to discuss our comments and proposed changes.

Yachats Chamber of Commerce

241 Hwy 101 N; Box 728, Yachats, OR 97498

[\(541\) 547-2345](tel:5415472345)

Tourism Promotion & Visitor Center

January- March 2023

Quarterly Report

Off Season Events	Spring Art & Craft Fair- The return of the Spring Art & Craft Fair is set for March 25th & 26th, 2023, at the Yachats Commons. We have a complete vendor lineup and expect good attendance. The vendor is listed on www.yachats.org Yachats Sip n Stroll- On April 15th, the Chamber is set to host the first Yachats Sip n Stroll, featuring wineries and brews in local businesses, providing tastes for tickets they will have pre-purchased and picked up along with a map from the Commons. This wine walk-type event will draw people into Yachats and the shops to enjoy tastes of Pacific Northwest wines and shopping. We are looking at 15 businesses to participate that are being matched with boutique wineries and breweries. The Chamber has arranged to utilize the Sea-Aire bus to help transport people from the North end of town to the South. La De Da & 4th of July- Not off-season, but an event the Chamber is integral in. We have signed the Fireworks contract and made the first payment. The Fireworks are set for July 4th. We will also start accepting La De Da Parade applications this month. We are also considering the feasibility of hosting an event in the commons green space between the parade and fireworks. 2023 Mushroom Festival- Brainstorming and preparations are starting for the Mushroom Festival slated for October 20-22, 2023, Christmas Tree Lighting & Cocoa Stroll- Brainstorming and planning are underway to connect a small business season and buying local while getting in the Holiday spirit in Yachats surrounding the tradition of the Christmas Tree Lighting.
Chamber Update	Chamber membership baseline assessment- We took an assessment to find out how many paid memberships there were. In 2021 & 2022, only a few businesses renewed. We started the rebuild with five current members. Now we have 42 and growing. Redesign of membership benefits package- We designed new membership benefits and a brochure for interested businesses and individuals.

	Website- The Chamber website officially went live the first week of February. The final integration of our Chamber Member database & the website has been integrated. It now lists members; members can log in to a member info hub, edit their descriptions, add a photo gallery, google map links, and add events to the community calendar. Chamber Mixers- The first Chamber mixer was held on January 24th at the Adobe Resort. There were over 90 people that attended; we shared information about the direction of the Chamber and the new website. The Adobe shared their upcoming changes. Our next Chamber Mixer will be on March 21st at the Overleaf Resort. The Oregon Coast Community College will present about their Small Business Development Center programs and how they can help Yachats Area small businesses. OCCC will give our businesses four topics they want to learn more about. We will send a survey to hear the most critical topic to our small businesses. On May 15th, they will return and give a more detailed workshop to businesses on the subject they voted on.
Outreach/Networking	Business Networking- We are reaching out to the small shops, galleries, and businesses to meet and talk about how the Chamber can support them. Cape Perpetua Collaborative- They are building their first Board of Directors group; Bobbi was asked to be a Cape Perpetua Collaborative board member. Their first board meeting is going to be on March 22nd.
Partnerships/ Collaboration	View of the Future- As we build our new website, we must share our complete and accurate history, including the history of our first people. We will share the information that View of the Future has gathered as the Siletz Confederate Tribe supports it. <i>*This is a continued effort</i> Cape Perpetua Collaborative- We are discussing collaboration with the Cape Perpetua Collaborative on our tourism messaging. We must be sharing a message of stewardship and education to potential visitors on how to respectfully and safely enjoy our beautiful home and home to millions of species. Cape Perpetua Forest Service- The Chamber has collaborated with the Forest Service to have permission to print their official trail guide to give out at the Visitors Center. The Forest Service has stopped providing printed material to anyone but visitors to their visitors center. As information about Cape Perpetua is one of the most popular inquiries at the Visitors Center, this is very important to provide. <i>*We printed these in January at the cost of the VC and have been giving them out in the Visitor Center</i>

Regional & State Activities	Travel Oregon Grant- Yachats and six other coastal communities were awarded grants from Travel Oregon to have Wheel the World come and do accessibility audits for hotels, restaurants, and trails. They will then be listed on the Wheel the World website, sharing what level of accessibility they are. Any level is good to share; this is meant to be a positive experience and outcome, sharing Yachats as a caring community. Veronica from Wheel the World is on the Oregon Coast this week; we have connected business owners with Veronica to start the process. State of Oregon Governors Conference on Tourism -Travel Oregon invited me to be a panel moderator at the 2023 Conference; the topic is called "Growing Accessible Destinations" my panel is Kelcie Miller-Anderson, @TheChronicExplorer, Will Cortez (he/him/siya), Accessibility Project Manager, Metro Parks & Nature and Syren Nagakyrie (they/them), Disabled Hikers The Conference takes place in Portland on April 2-5, 2023
Advertising Negotiation	OC Waves- We featured the Arts & Crafts event in the March OC Waves. It is distributed from Cannon Beach to Crescent City in stores, Visitor Centers, hotels, and restaurants, as well as Portland to Cottage grove in Market of Choice and New Seasons. Here & Now- We are contracted to have six pages in the 2023 Here and Now guide, with 60,000 copies printed and distributed in 180 locations, including over 86 hotel properties from Astoria to Yachats. This will be released and distributed at the end of March. Oregon Coast Visitors Association Inspiration Guide- Our 1/2 page Ad has been submitted. We also have a banner Ad in their e-Newsletter. Travel Oregon- We have submitted art for our 1/3 page Ad. Willamette Living- We have signed up for quarterly Ads. Yachats News- We have a contract to highlight upcoming events throughout the year with Advertising. Oregon Coast Today- In the first week of March, their Spring quarterly magazine featured Yachats on the Cover page. And a two-page centerfold article on a day in Yachats. Outdoor activity, walking the 804 trail, enjoying local fare, and staying with an Oceanfront view.

Promotional Material	2023 Tide Books- Printed the first week of January. Walking Guides- Looking to create this in May Cape Perpetua Maps printed 1,000 copies for the Visitors Center Brought in regional travel pieces, Travel Oregon, Oregon Coast, Lane County, Bend Oregon, Newport, OC Waves, Here & Now, and more.
Visitor Center	January 2023: The total count was 558 February 2023: The total count was 431 visitors, with the highest day being Saturday, February 18th, with 64 people, and the lowest being Monday, February 13th, with 4 people.
Social Media	January 1 - March 8th Facebook reach was 14,495 Instagram reach was 7,348 Facebook page visits 838 Instagram page visits 453 Facebook new likes 101 Instagram new follows 100 Overall social activity was down a little in February; January was tracking well and picking back up in March.
Conference group reach out and start-up	Ideas: Electric Vehicle Conference/Car show, Native Plants event, Homesteaders conference, Arts & Crafts events, OSU meetings



PROJECTS REPORT

DATE:	March 16, 2023
TO:	City Council
SUBJECT:	Current CIP Update
BY:	Holly G. Hamilton

Please find attached the **CIP Project Status** Summary Spreadsheet and **CIP Project Application** for review.

1. CIP Project Status

- Springbrook reporting enables **Actual Spend to Date** to be added to the tracking spreadsheet.
- Appropriations are in review with the Finance Committee to ensure expenses are tracked to coded / budgeted projects. As reporting queries are refined, this information will more accurately project spend down amounts.
- Variance** reflects **Spent to Date less Appropriated** funds to show remaining spending - % of project dollars spent is forthcoming.

2. Project Flagging Updated

PHASE / STATUS									
ENTERPRISE				GENERAL					
FOR REVIEW	APPROVED	IN PROCESS	COMPLETE	CC REPORT	DISCOVERY	HOLD	IN CONST	COMPLETE	
CRITICAL PATH				CRITICAL PATH					

The graphic provided reflects the status of projects that are in process for both Public Works and City Administration (Enterprise and General Ledger spending). A **HOLD** flag identifies projects that are waiting for legal review, adjudication, external approvals or agreements, reports, financing etc. Critical Path items are projects being expedited.

3. CIP Project Application

The Project Application Form has been simplified for all projects (both Proposed and Existing). The application is a single page (front and back) and ranking is reduced to checkmarked criteria. The revision is a response to comments that the process was too complicated.

Applications for all current CIP Projects are underway and will be reviewed with the Finance Committee through early April in preparation for the City's Budget draft in June. A summary report will be provided to City Council for Projects under review.

	A	E	I	N	O	P	Q	Z	AA	AB	AC	AD	AE	AF	AG	AH
1	CITY OF YACHATS		3/14/2023													
2	CAPITAL IMPROVEMENT PROJECTS								PHASE / STATUS							
3	(N) = New (U) = Update (A) Additional		CIPC BUDGET					ENTERPRISE				GENERAL				
4	BILLING	PROJECTS	ADOPTED APPROP	PROPOSED PROJECTS RECLASS 5	APPROPS AFTER RECLASS	ACTUAL SPEND TO DATE	VARIANCE (*K-L)	FOR REVIEW	APPROVED	IN PROCESS	COMPLETE	CC REPORT	DISCOVERY	HOLD	IN CONST	COMPLETE
5	FUND DEPARTMENT / DETAIL		2022-23	3/16/2023	3/2/2023	2/28/2023	2022-23	CRITICAL PATH				CRITICAL PATH				
6	ENTERPRISE	WATER (WTP)														
7		Water Master Plan & WMCP														
8	SOURCEWR	#1. Water Source Plan	0													
9	SWTRPPN2	#2. Water Source Plan	17,269		17,269	17,881	(612)									
10		Radar Booster Station Electric	0													
11		Streaming Current Monitor	0													
12	STSEIMC	South Tank Earthquake Valve	63,920		98,880	12,971	85,909									
13	WTPBKWWSH	Plant Backwash Recycle System	138,739		286,440	3,214	283,226									
14	WTPSCADA	SCADA Upgrade	49,044		49,044	0	49,044									
15	WTPUPGRD	WTP Upgrade CIP Annually	30,000		30,000	5,022	24,978	ONGOING								
16		Annual Hydrant Replacements	6,000		8,000	931	7,069	ONGOING								
17	WTPTRUCK	Service Truck	50,000		0											
18	PWRLUPDR	Roll-up Doors for Shop Replacement	0		0		0									
19	WELECGT	Public Works Slide Gate	15,000		15,000											
20		Property Acquisition, Surveys, Geotech	250,000		250,000		250,000									
21		Seismic Retrofit Engineering	60,000													
22	INTGREC	Integrator of Record (RFP) - System Controls		5,000	5,000	1,174	3,826									
23	E2PHS2WL	Prospect-Loma Waterline Construction	141,000													
24	E2PHS2WL	Prospect-Loma Waterline Engineering	0	1,500	1,500	585	915									
25	E2PHS2WL	Loma to River Rd Waterline Construction	0													
33																
34		PREV TOTAL WTP	820,972	6,500	761,133	41,778	704,355									
35		(N) TOTAL WTP	0	0	0	0	0									
36		TOTAL WTP	820,972	6,500	761,133	41,778	704,355									
37																
38	ENTERPRISE	WASTEWATER (WWTP)														
39		Wastewater Master Plan	0													
40		Solids Pole Building to Cover Truck	0													
41	PUMPPPLGS	Submersible Pump Plug Engineering	44,525		44,525	1,450	43,076									
42		Submersible Pump Plug Installation	0		25,000		25,000									
43		SEWER I&I Camera	0													
44	WWPRTGEN	125kw Portable generator	0	(2,269)	60,462	60,231	230									
45	MLSPUMP4	Main Pump Station Improve (redund. Pump 4)	0		23,000	22,664	336									
46	BYPASCON	ByPass Connections for 3 Lift Stations	0		8,000	4,170	3,830									
47		Bypass Pump WWTP (Portable) Upgrade CP	0													
48		Multi-VFD Upgrades	0													
49		Annual Inflow and Infiltration (I&I) Rehabilitation	40,000		40,000		40,000	ONGOING								
50	AIRVALVE	Air Valve Sequence Batch Reactor #2	0	8,000	8,000	7,957	43									
51	INTOFREC	Integrator of Record (RFP) - System Controls	0	5,000	5,000	1,722	3,278									
52																
53	WWTRACTR	WW Tractor	60,000	(2,000)	58,000	58,000	0									
54	PWRLUPDR	Roll-up Doors for Shop Replacement	0	0	0		0									
55	WELECGT	Public Works Slide Gate	15,000	0	15,000											
56	PLTFMLFT	Platform Lift	50,000	(5,000)	45,000	45,000	0									
57		AEDs - Shop/City Hall (x5) TBD	0	6,000	6,000											
58																
59	E2PHS2WW	Prospect-Loma Wasteline Construction	60,000		0											
60	E2PHS2WW	Prospect-Loma Wasteline Engineering	0		0											
61	E2PHS2WW	Loma to River Rd Wasteline Construction	0		0											
74																
75		PREV TOTAL WWTP	269,525	9,731	337,987	201,194	115,793									
76		(N) TOTAL WWTP	0	(8,000)	0	0	0									
77		TOTAL WWTP	269,525	1,731	337,987	201,194	115,793									

	A	E	I	N	O	P	Q	Z	AA	AB	AC	AD	AE	AF	AG	AH
1	CITY OF YACHATS		3/14/2023													
2	CAPITAL IMPROVEMENT PROJECTS															
3	(N) = New (U) = Update (A) Additional		CIPC BUDGET													
4	BILLING	PROJECTS	ADOPTED APPROP	PROPOSED PROJECTS RECLASS 5	APPROPS AFTER RECLASS	ACTUAL SPEND TO DATE	VARIANCE (*K-L)	FOR REVIEW	APPROVED	IN PROCESS	COMPLETE	CC REPORT	DISCOVERY	HOLD	IN CONST	COMPLETE
5	FUND DEPARTMENT / DETAIL		2022-23	3/16/2023	3/2/2023	2/28/2023	2022-23	CRITICAL PATH		CRITICAL PATH						
78																
79		PREV ENTERPRISE TOTAL	1,090,497	16,231	1,099,120	242,972	820,148									
80		(N) ENTERPRISE FUNDS TOTAL	0	(8,000)	0	0	0									
81		TOTAL ENTERPRISE Before Capitalized Labor	1,090,497	8,231	1,099,120	242,972	820,148									
82																
83	GENERAL FUND	STREETS														
84		EAST 2nd St. Prospect to Loma - 540'														
85		Prospect-Loma General Engineering	0	15,000	15,000	7,646	7,354									
86	E2PHS2ST	Prospect-Loma Sitework	0		0											
87	E2PHS2ST	Prospect-Loma General Construction	152,000	(55,000)	97,000	0	97,000									
88	E2PHS2ST	Prospect-Loma Paving/Gutter	0		0											
89	E2PHS2ST	Prospect-Loma General Construction - Stormdrain	0		40,000		40,000									
90																
91		EAST 2nd St. Loma to River Rd -287.40'														
92		Prospect-Loma General Engineering	13,000		13,000											
93	E2PHS2ST	Loma to River Rd Sitework	0		0											
94	E2PHS2ST	Loma to River Rd General Construction	0		0											
95	E2PHS2ST	Loma to River Rd Paving/Gutter	0		0											
96	E2PHS2DR	Loma to River Rd Storm Drains	0		0											
97																
98		General Street Construction														
99	GIMLETGT	Gimlet Gates	35,000		35,000											
100	OCEANVIE	Oceanview Drive (Scope?)	0		0											
101		Hwy 101 Curve Delineators**	0	40,000	40,000											
102	MARINESDR	Marine/101 Storm Drain	0		0											
103																
104		TOTAL GENERAL STREETS Before Capitalized Labor	200,000	0	240,000	7,646	144,354									
105							250,618									
106	GENERAL FUND	STORM DRAINS														
107	E2PHS2DR	Prospect-Loma Storm Drains	40,000		0	0	0									
108	GENDRDRN	Storm Drain - Gender Drive (Converted to Stormwater Study)	50,000	(50,000)	0	0	0									
109	STDRMPLN	Stormwater Masterplan	0	50,000	50,000	78	49,922									
110		TOTAL GENERAL STREETS Before Capitalized Labor	90,000	0	50,000	78	49,922									
111																
112	GENERAL FUND	CITY HALL														
113	EMRGMNGT	Conex installation	20,000		20,000	0	20,000									
114		501 Gutters and Fascia	20,000	(20,000)	0	0	0									
115		Security Upgrade	0	20,000	20,000	0	20,000									
116		TOTAL BEFORE CAPITALIZED LABOR	40,000	0	40,000	0	40,000									
117																
118	GENERAL FUND	PARKS & TRAILS														
119	BOARDWLK	Boardwalk Engineering	110,000		110,000	0	110,000									
120		Boardwalk Construction	150,000		150,000	0	150,000									
121		Underground Utilities	200,000		200,000	0	200,000									
122		Skate Park Improvements	15,000		15,000	0	15,000									
123	POCKETPK	Oceanview Dr Pocket Parks	19,000	(4,000)	15,000	0	15,000									
124		Archeological Testing	0	4,900	4,900	4,900	0									
125		TOTAL BEFORE CAPITALIZED LABOR	494,000	900	494,900	4,900	490,000									
126																

	A	E	I	N	O	P	Q	Z	AA	AB	AC	AD	AE	AF	AG	AH
1	CITY OF YACHATS		3/14/2023													
2	CAPITAL IMPROVEMENT PROJECTS								PHASE / STATUS							
3	(N) = New (U) = Update (A) Additional		CIPC BUDGET						ENTERPRISE				GENERAL			
4	BILLING	PROJECTS	ADOPTED APPROP	PROPOSED PROJECTS RECLASS 5	APPROPS AFTER RECLASS	ACTUAL SPEND TO DATE	VARIANCE (*K-L)	FOR REVIEW	APPROVED	IN PROCESS	COMPLETE	CC REPORT	DISCOVERY	HOLD	IN CONST	COMPLETE
5	FUND DEPARTMENT / DETAIL		2022-23	3/16/2023	3/2/2023	2/28/2023	2022-23	CRITICAL PATH				CRITICAL PATH				
127	GENERAL FUND	COMMONS														
128		Gutters and Fascia; Outside Paint after remodel	35,000		35,000	0	35,000									
129		Exterior Rehabilitation														
130		Interior Rehabilitation				0										
131		M/E/P Updates														
132		Fire & Safety Updates														
133		Security Updates														
134		Sound / Lighting Updates														
135		COMMONS Interior Remodel Scope Pending Eng.														
136		COMMONS Exterior Remodel Scope Pending Eng.														
137	COMMONSE	COMMONS Engineering Building Analysis		20,000	20,000	1,287	18,713									
138																
139		Inside Painting	0		0	0										
140		Bike Racks	0		0	0										
141		Wetlands Viewing Platform		6,000	6,000	1,268	4,732									
142																
143		Park Plan - Greenspace and Commons	55,000		55,000	0	55,000									
144		Park Development	50,000	(26,000)	24,000	0	24,000									
145																
146		TOTAL BEFORE CAPITALIZED LABOR	140,000	0	140,000	2,555	137,445									
147																
148	GENERAL FUND	LIBRARY														
149		Library Interior Design (Pellitier & Pellitier)	0	4,000	4,000	3,246	754									
150		Grant Writer (Rachael Cristine)	6,000		6,000	3,000	3,000									
151		Library Architectural Design (M D Arch)	32,000		32,000	10,983	21,017									
152	LIBRYEXP	Library Expansion (TBD)	300,000	(4,000)	296,000	0	296,000									
153																
154		TOTAL BEFORE CAPITALIZED LABOR	338,000	0	338,000	17,229	320,771									
155																
156	GENERAL FUND	LLCM														
157		LLCM Engineering Study	0	13,000	13,000	12,848	152									
158		LLCM Hardening	0	0	0	0	0									
159	LLCMRENO	LLCM Rehabilitation	187,000	(13,000)	174,000	0	174,000									
160		TOTAL BEFORE CAPITALIZED LABOR	187,000	0	187,000	12,848	174,152									
161																
162		ENTERPRISE FUNDS TOTAL	1,090,497	8,231	1,099,120	242,972	820,148									
163		GENERAL FUNDS TOTAL	1,489,000	900	1,489,900	45,256	1,356,644									
164		GRAND TOTAL	2,579,497	9,131	2,589,020	288,228	2,176,791									
165		CHANGE			9,523											
166																

DISCOVERY and PROJECT UPDATE

APPLICATION REVIEW for PROJECTS



COMPLETE FOR DISCOVERY PROJECT REVIEW

PROJECT TITLE:	PROJECT #:	
DATE SUBMITTED:	BILLING CODE:	
DEPARTMENT:		
TOTAL PROJECT COST:	SUBMISSION CYCLE: CIP: ☐ GRANT: ☐ OTHER: ☐	
COMMISSION/COMMITTEE:	PUBLIC WORKS: ☐ PLANNING: ☐ PARKS: ☐ LIBRARY: ☐ LLCM: ☐ CITY HALL: ☐	
	PRIORITY: LOW ☐ LOW-MED ☐ MED ☐ MED-HIGH ☐ HIGH ☐	
PRIMARY CONTACT:	PREPARED BY:	

RANKING CRITERIA:

COUNCIL GOALS	☐	OUTSIDE FUNDING / PARTNERSHIP	☐	UPGRADE SERVICEABILITY	☐
MASTER PLAN	☐	TIMING AND LOCATION	☐	REPLACEMENT	☐
QUALITY OF LIFE/SAFETY	☐	MANAGED GROWTH	☐	MAINTENANCE	☐
INFRASTRUCTURE	☐	OPERATIONAL IMPACT	☐	NEW / EXPANSION	☐
REGULATORY REQUIREMENT	☐	PERFORMANCE REQUIREMENT	☐	INNOVATION	☐

PROJECT DESCRIPTION:

PROJECTED SCHEDULE:		APPROXIMATED START:	
		APPROXIMATED END:	
DURATION OF PROJECT:	ONE YEAR: ☐	ON-GOING: ☐	MULTI-YEARS: ☐ #OF YEARS: _____ ☐
FISCAL NOTES: (COST ESTIMATE DERIVED FROM)	FORMAL ESTIMATE:	☐	
	PRELIMINARY BID:	☐	
	APPROXIMATED COST:	☐	
	BASED ON SIMILAR PROJECTS:	☐	
	NOT SUPPORTED:	☐	

% of PROJECT BUDGET ASSIGNED to FUNDING SOURCE

FISCAL YEAR	FUNDING AMOUNT	FUNDING SOURCE and NOTES	FUNDING %

PROJECT COSTS

ITEM	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL

OPERATING COSTS

ITEM	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	TOTAL



PROJECT IMAGE

PROJECT NAME and DESCRIPTION:



PROJECT COMMENTS:

CITY MANAGER:

CIP COORDINATOR:

COMMENTS:

COMMENTS: