



**CITY OF JACKSONVILLE
CITY COUNCIL AGENDA
OLD CITY HALL, 205 W Main St**

**CITY COUNCIL
REGULAR SESSION**

**January 17, 2012
6:00 pm**

- 1) CALL TO ORDER (includes Pledge of Allegiance)
- 2)
 - a. MINUTES (January 3, 2011)
 - b. BILLS LIST
- 3) **PUBLIC COMMENT (items not on the agenda)**
- 4) ACTION / DISCUSSION ITEMS
(The public will be allowed to speak, one time, to any item during the action/discussion items. In order to speak you must sign in with the Recorder under the item for which you wish to speak)
 - a. Intergovernmental agreement with 549C regarding Imposition of Construction Excise Tax (CET) by the District.
 - b. OLCC application – New application for full on-premises and off-premises sales for Boom Town Saloon (old Lodestar location on the corner of California and Third). Applicant – Scott and Amy Dunn.
 - c. Chinese New Year Parade request for street closures – Terry Gieg
 - d. Cell phone policy changes – changes to be incorporated into the Personnel and Policy Manual
 - e. Request to use grant funds from CIS for back-up cameras on public works vehicles
- 5) ORDINANCES AND RESOLUTIONS
 - a. RES 1082 A RESOLUTION AUTHORIZING THE BUDGET ALLOCATION FOR THE HISTORIC PRESERVATION FUND GRANT PROGRAM FOR THE CITY OF JACKSONVILLE
 - b. RES 1083 A RESOLUTION TO IMPLEMENT THE MEDFORD SCHOOL DISTRICT 549C (DISTRICT) IMPOSITION OF CONSTRUCTION EXCISE TAX
 - c. RES 1084 A RESOLUTION AUTHORIZING APPLICATION AND USE OF FUNDS FROM CITYCOUNTY INSURANCE (CIS) GRANT FOR BACK-UP CAMERAS ON CITY VEHICLES
- 6) COUNCIL DISCUSSION
 - a. Mayor and council committee reports
 - b. Staff reports
Jeff Alvis - Devin Hull - Jan Garcia
- 7) ADJOURN

Please let the City offices know if you will need any special accommodations to attend or participate in the meeting by calling (541) 899-8910.

This Final Action Agenda/Minutes is supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. A written copy of the City Council Meeting Minutes can be reviewed on-line at <http://www.jacksonvilleor.us>

REGULAR CITY COUNCIL MEETING

January 3, 2012 at Old City Hall, 205 W Main St, Jacksonville

1. CALL TO ORDER (includes call to order, pledge of allegiance)

6:00 pm

Present are Councilors Duane, Hayes, Schatz, Jesser, Winterburn and Lewis and Mayor Becker. Staff members present are City Administrator Jeff Alvis, Treasurer Stacey McNichols, Planning Director Amy Stevenson and Fire Chief Devin Hull.

2. MINUTES / BILLS

a. Minutes – December 6, 2011

Move to: Approve the minutes as corrected

Motion by: Councilor Jesser was seconded

Ayes – Unanimous

b. Bills

December 20, 2011

Councilor Hayes wants to know if any non-budgeted items for large dollar amounts could be noted on the bills list. Administrator Alvis states that it could be red-flagged. Hayes asks for amounts over \$1000 be flagged. Councilor Jesser asks if there have been any items over budget in the past year. Stacey McNichols, Treasurer, states that the only items are pass-through items on grants that have been approved by the council.

Move to: Approve the bills as submitted

Motion by: Councilor Lewis was seconded

Roll Call Vote

Ayes – unanimous

January 3, 2011

Councilor Jesser asks about the Laurelwood Pump which was rebuilt. Alvis states it was replaced and the rebuild is now a spare pump. Councilor Duane asks about the water billing upgrade. McNichols states it is a computer upgrade and the handheld meter needed to be upgraded. She also indicates that the fire truck appears to be paid off. McNichols confirms that it was.

Move to: Approve the bills as submitted

Motion by: Councilor Schatz was seconded

Roll Call Vote

Ayes – unanimous

3. PUBLIC COMMENT (items not on the agenda)

Clara Wendt, 570 "G" St, states that there is an invasion of raccoons and asks if the city can recommend anyone who can trap the animals and remove them. Jeff Alvis will get a list of names for Wendt.

Councilor Duane asks that they would be humanely trapped.

Katie Haugse, 635 E “D” St, invites the council to attend the second annual Rogue Valley Health Fair on January 14 at the Medford Armory. She states there are approximately 80 health care related vendors. It supports the Sparrow Club and Access. It is a \$1 admission fee or a can of food.

4. ACTION / DISCUSSION ITEMS

a. Annual Council business

Election of Council President – The floor was opened to nominations. Ballots were handed out. Councilor Jesser nominates Jim Lewis, Councilor Winterburn nominates Donna Schatz.

Jim Lewis is elected Council President by a vote of 5-2.

Appointments to Committees and Commissions and City Council Liaison appointments. Mayor Becker refers to RES 1081 and reads the terms as listed for reappointments.

Council assignments are as attached to these minutes.

Applications for Parking Commission – Jo Parker and Fred Zurell have applied for the commission.

Move to: Approve the nomination of Fred Zurell

Motion by: Councilor Lewis was seconded

Ayes – unanimous

Move to: Approve the nomination of Jo Parker

Motion by: Councilor Jesser was seconded

Ayes – unanimous

b. Administrator Alvis introduces the request by HARC for the \$35,000 allotted in the supplemental budget for the Historic Preservation Grant cycle.

Move to: Approve the funds

Motion by: Councilor Schatz was seconded

Roll Call Vote

Ayes – unanimous

c. OLCC application for a new permit for the Vintage Corporation

Clara Wendt 570 “G” St, wants to know exactly what the Vintage Corporation is. Alvis states that this is strictly for off premises sales for the Wine Country Inn. Councilor Jesser clarifies that there are two permits; on and off premises sales that are allowed to sit outside and drink the purchased beverage. It is pointed out by staff the Police Chief, David Towe has already approved the application from his stand point. Councilor Hayes states that ‘we are all over the place with this and are losing sight of what we are doing.’ Mayor Becker questions who controls the hours of sales for liquor. Hayes states he has a problem with this as this is not part of their original function. Alvis reminds him that there is no policy in place by council to limit the numbers of establishments. Councilor Duane discusses non-compete issues. Councilor Schatz questions whether they can sell to others other than registered guests. Councilor Jesser states that people come here for the experience. He states that this is not competition it is more like being in a pond with a rising tide. He states that Chief Towe has stated how quiet the town is.

Move to: Approve the application

Motion by: Councilor Lewis was seconded

Ayes – Schatz, Lewis, Duane, Jesser, Winterburn, Becker

Nays – Hayes

Motion passes 6-1

d. Adoption or revisions by Council of email policy for City Council, Budget Committee, Planning Commission and HARC for city-owned email addresses.

Mayor Becker introduces the policy and the reasons for it. McNichols explains the policy and the requested changes. She explains that she sets and controls the passwords and that they are kept locked up. She explains that the change she would like to have added is that the email addresses and passwords will be set and maintained by the IT person for the city. Councilor Jesser asks for clarity about forwarding non-answered emails.

Move to: Adopt the email policy with the corrections

Motion by: Councilor Duane was seconded

Ayes – unanimous

5. RES 1081 – A RESOLUTION APPOINTING MEMBERS TO COMMITTEES OR COMMISSIONS AND ESTABLISHING TERMS OF THE APPOINTMENT

Mayor Becker read by title only

Move to: Approve the resolution

Motion by: Councilor Lewis was seconded

Ayes – unanimous

6. Council Discussion

Councilor Lewis – nothing to report

Councilor Schatz – nothing to report

Councilor Winterburn – upcoming Historic Preservation League on March 16 in Jacksonville. Also February 20th Laurel and Hardy night.

Councilor Jesser – discusses the joint study session of the Planning Commission and HARC and SHPO. He states that there was some information that came out of the meeting that needed to be passed on. He stated that ‘no city has ever been removed from the National Historic Registry’ and that even if a building were removed it would not affect the city’s status. Secondly he said that we could do a better job of protecting our town by tightening up our period of significance as we are making mistakes by not doing so. He also said that lastly there was grant money for them to help us clarify this period of significance.

Councilor Duane states that SHPO wanted to focus on a smaller geographic area that could be monitored better and to re-write code in Section 18. She states also that HARC looked at an application from Britt to decide about a fence at the Britt grounds. It came down to repair vs replacement and that it was actually a planning issue after all as it was pointed out that the fence was approximately 10’ further out than it should be. Someone from the audience stepped to the microphone (not identified) and stated that it was important to know that HARC recommended that the Planning Commission give them a variance. HARC to approve the material but can’t approve the location. Duane confirms this. Alvis states that he was reminded by Planner Stevenson that the original amount asked for by HARC for the Historic Preservation funds was \$50,000 but that only \$35,000 was budgeted and therefore that was all that was approved.

Councilor Duane states that she will not be at the next meeting.

Fire Chief Hull states that he would like the Council to read the Chief's message and the future of the department. They also collected over 2500 pounds of food over the holidays. He stated that 439 calls for service were answered in 2011. It is an increase of approximately 10% over the last year.

6. ADJOURN
6:48 pm

Mayor, Paul Becker

Jan Garcia, City Recorder

Date approved: _____

CITY OF JACKSONVILLE Bills Against the City - City Council January 17, 2012		
GENERAL FUND - ADMINISTRATION DEPARTMENT		
Vendor Name	Description	Amount
A ONE EXTERMINATORS	FIRE DEPT. 4TH QUAR BILLING	99.00
A ONE EXTERMINATORS	PUBLIC WORKS 4TH QTR BILLING	99.00
A ONE EXTERMINATORS	CITY HALL 4TH QTR BILLING	90.00
A ONE EXTERMINATORS	POLICE DEPT 4TH QTR BILLING	110.00
DATA CENTER WEST	OFFSITE BACKUP & OCH DSL	181.22
DAVID FORREST	CLEANUP ON ALICE'S COMPUTER	110.00
DAVID FORREST	PC FOR JAN AND COMP SETUP	1,207.83
DCBS	BUILDING SURCHARGE FEES-DEC	457.93
DONNA MCNURLEN	CLEANING SERVICES JAN 2012	660.00
GROUNDED ELECTRIC	BREAKROOM IMPROVEMENTS	766.00
JACKSON COUNTY DEPT OF FINANCE	TRAFFIC FINE ASSMTS DEC 2011	135.00
JACKSONVILLE LUMBER COMPANY	SUPPLIES FOR BUILDINGS	41.85
MODERN RENOVATIONS	BREAKROOM IMPROVEMENTS	125.00
OREGON DEPARTMENT OF REVENUE	TRAFFIC FINE ASSMTS DEC 2011	193.00
OREGON JUDICIAL DEPARTMENT	TRAFFIC FINE ASSMTS DEC 2011	27.00
RANDY'S PLUMBING INC	BREAKROOM IMPROVEMENTS	545.00
STACEY McNICHOLS	PER DIEM REIMBURSEMENT	50.00
SUPERIOR STAMP AND SIGN	NAME PLATES FOR PLANNING COMM.	35.50
		4,933.33
PARKS & FACILITIES MANAGEMENT DEPARTMENT FUNDS		
Vendor Name	Description	Amount
ALSCO	JANITORIAL SUPPLIES	57.33
ALSCO	JANITORIAL SUPPLIES	57.33
ALSCO	JANITORIAL SUPPLIES	114.67
BATTERY SYSTEMS, INC	BATTERY FOR STREET VEHICLE	38.26
BI MART	SUPPLIES FOR WATER OFFICE	29.95
BI MART	SUPPLIES FOR WTR DEPT	37.61
BI MART	BATTERY CABLE	14.99
BLACKBIRD SHOPPING CENTER	SUPPLIES FOR WATER DEPT	141.80
BRADLEY'S EXCAVATION, INC	WATER MAIN REPAIR	3,300.05
BUDGE-MCHUGH SUPPLY CO	SUPPLIES FOR WATER DEPT	159.36
CONNECTING POINT COMPUTER CENTERS	SWITCH FOR WATER TELEMTRY	69.98
CRATER CHAIN SAW CO.	TUNE UP KITS	201.70
DAVID FORREST	WTR DEPT NEW COMP SYSTEM	915.36
GRANGE CO-OP	WORK BOOTS	118.99
HILTON FUEL & SUPPLY CO.	GRAVEL FOR SANDING	125.00
JACKSONVILLE CHAMBER OF COMMERCE	VISITORS CENTER DECEMBER 2011	3,437.04
JACKSONVILLE HERITAGE SOCIETY	REIMB. FOR TRANSIENT LODG. GRNT	2,000.00
JACKSONVILLE LUMBER COMPANY	SUPPLIES FOR CEMETERY	22.45
JACKSONVILLE LUMBER COMPANY	SUPPLIES FOR WATER DEPT	8.45
JACKSONVILLE LUMBER COMPANY	SUPPLIES FOR PARKS	120.70
KNIFE RIVER	ROCK FOR STREETS	57.75
LES SCHWAB	CHANGEOVER OF 2 TIRES	32.75
NEILSON RESEARCH CORPORATION	ROUTINE WATER TESTING	73.50
ONE CALL CONCEPTS, INC	WATER LOCATE REQUESTS	15.84
PACIFIC ELECTRICAL CONTRACTORS	ELECTRICAL WORK FOR BRITT	200.00
PARAMOUNT SUPPLY COMPANY	SUPPLIES FOR WATER DEPT	102.66
ROGUE VALLEY SEWER SERVICES	PASS THRU-SEWER USER-NOV 2011	22,359.78
ROGUE VALLEY SEWER SERVICES	PASS THRU-SEWER USER-DEC 2011	23,822.53
SELECTEMP	LABOR FOR LOCAL GOV GRNT	1,209.90
SELECTEMP	LABOR FOR LOCAL GOV GRNT	1,154.40
SOUTHERN OREGON PRINTING	SUPPLIES FOR WTR BILLING DEPT	295.00
SPRINGBROOK	TRAINING FOR WTR SFTWR UPGRD	991.69
THORNTON ENGINEERING, INC	ENG SITE VISIT/ LOCAL GOV GRANT	1,268.75
UNITED PIPE & SUPPLY	WATER METERS	1,000.00
		63,555.57

Vendor Name	Description	Amount
GENERAL FUND - POLICE		
Vendor Name	Description	Amount
CENTRAL POINT CLEANERS	UNIFORM CLEANING	118.80
ECSO	POLICE DEPT 911 SERVICES	12,245.23
STAPLES BUSINESS ADVANTAGE	SUPPLIES FOR POLICE DEPT	11.78
		12,375.81
FIRE PROTECTION FUND		
Vendor Name	Description	Amount
BI MART	SUPPLIES FOR FIRE DEPT	72.42
BI MART	SUPPLIES FOR EOC	11.28
CASCADE SUBSCRIPTION SERVICE, INC	ANNUAL SUBSCRIPTION - FD	76.00
DAVID FORREST	SETUP FIRE CHIEF EMAIL	86.50
ECSO	FIRE DEPT 911 SERVICES	5,440.80
EMERGENCY MEDICAL PRODUCTS, INC	MEDICAL SUPPLIES FOR FD	50.40
FIRE RESCUE EQUIPMENT NW, LLC	FIRE VEHICLE MAINTENANCE	226.00
GROVER ELECTRIC AND PLUMBING SUPPLY	REFLECTOR FLOOD LIGHT FOR FIRE	13.50
INDUSTRIAL SOURCE	SUPPLIES FOR FIRE DEPT	50.61
JACKSONVILLE ENGINE COMPANY 1	DRILL REIMBURSEMENT DEC 2011	992.00
JACKSONVILLE LUMBER COMPANY	SUPPLIES FOR FIRE DEPT	40.60
SASCO	SUPPLIES FOR FIRE DEPT	58.73
ZEP	CLEANING SUPPLIES FOR FIRE TRK	174.44
		7,293.28
	TOTAL:	88,157.99
APPROVED BY:	DATE:	

SB 1036: CONSTRUCTION EXCISE TAX

Purpose and Implementation Process

Medford School District 549C
October 13, 2011

Construction Excise Tax (CET)

► Purpose

- With rising costs and stagnant revenue growth projected, many Districts across Oregon are finding it increasingly difficult to provide safe and fully functioning facilities. The CET provides local taxing authority for school districts to be used for capital improvements.

► Revenue Source

- The tax applies to construction permits issued on property located within the Medford School District 549C jurisdiction.
- The tax is imposed on new construction with the rate based on square feet.
- Many public and private developments are exempt.

► Use

- The tax funds capital improvements including land acquisition, new construction, reconstruction or facility improvements, acquisition or installation of equipment, furnishings or other tangible property, architectural, engineering, legal or similar costs related to capital improvements.
- The tax cannot be used to cover operating costs or routine maintenance.

Construction Excise Tax (CET)

► CET Specifics

- Legislation enacted in 2007 intended to help Oregon school districts fund a portion of the cost of new or renovated school facilities.
- The bill allows school boards, in cooperation with cities and counties, to tax new residential and non-residential development.
- School CET may be imposed only on improvements to real property that result in a new structure or additional square footage in an existing structure.
- The tax may be assessed (*increased 8/11*) at up to \$1.07 per square foot on structures or portions of structures intended for residential use and up to \$.54 per square foot on structures or portions of structures intended for non-residential use. The tax is added to the building permit when the permit is issued at the local Building and Planning departments.
- The county or city can keep up to four percent (4%) of the gross proceeds. On April 7, 2010, the Jackson County Board of Commissioners authorized CET Intergovernmental Agreements with Jackson County School Districts.
- Non-residential CET may not exceed \$26,800 per building permit or \$26,800 per structure, whichever is less.
- Rates are adjusted by the Department of Revenue based on the Construction Cost Index.

Construction Excise Tax (CET)

► Exemptions

- Private School Improvements
- Public Improvements as defined in ORS 279A.010. (SOU, RCC, City, District)
- Affordable Housing (USDA – HUD)
- Hospitals
- Religious facilities used for education or worship
- Agriculture buildings as defined by ORS 455.315
- Facilities that are operated by a not-for-profit corporation and that are:
 - Long term care facilities, as defined in ORS 442.015
 - Residential care facilities, as defined in ORS 443.400
 - Continuing care retirement communities, as defined in ORS 101.020

**INTERGOVERNMENTAL AGREEMENT BETWEEN
MEDFORD SCHOOL DISTRICT 549C AND CITY OF JACKSONVILLE TO
COLLECT AND REMIT CONSTRUCTION EXCISE TAX**

This Construction Excise Tax Intergovernmental Agreement to collect and remit Tax ("CET Collection IGA") is effective on the last date of signature below, and is by and between Medford School District 549C, a school district organized under the laws of the state of Oregon ("District"), and the City of Jacksonville ("City of Jacksonville"), collectively referred to as "Parties."

RECITALS:

A. ORS Chapter 190 authorizes governmental entities such as a city and a school district to enter into written agreements for the performance of any or all functions and activities that either entity has the authority to perform on its own.

B. ORS 320.170 to 320.189 authorizes school districts, as defined in ORS 330.005, to impose a Construction Excise Tax ("CET") to fund capital improvements to school facilities.

C. Pursuant to ORS 320.170 to 320.189, District will adopt a resolution establishing a Construction Excise Tax ("CET") throughout its regional jurisdiction. The resolution will provide that a CET be collected by City of Jacksonville and remitted to District pursuant to an Intergovernmental Agreement. Pursuant to ORS 320.179(2), the Parties desire to agree upon certain procedures needed to collect the CET and remit the tax to District.

AGREEMENT:

In consideration of the mutual covenants of District and City of Jacksonville, given each to the other, District and City of Jacksonville do hereby agree as follows:

1. Information and Forms. District shall provide to City of Jacksonville all of the forms, information and assistance necessary for the City of Jacksonville to collect the CET. District shall provide City of Jacksonville forms and information for CET exemptions.

2. Staffing. City of Jacksonville shall provide sufficient staff to calculate and collect the CET. District shall provide sufficient staff to implement the CET program.

3. Facilities Plan. District has adopted or is currently in the process of developing a long-term facilities plan as required by ORS 320.183(2). District agrees not to adopt the CET until such plan has been completed and adopted by resolution of District's School Board.

4. Collection: Start Date. City of Jacksonville agrees to assess and collect the CET on behalf of District for those properties within District's boundaries that are under City of Jacksonville's jurisdiction. City of Jacksonville shall begin collecting the CET within ten (10) business days of the effective date of this Intergovernmental Agreement. City of Jacksonville shall continue collection until the CET expires, the underlying statutory authority is repealed, or this CET Collection IGA is terminated by either District or City of Jacksonville. City of Jacksonville agrees to collect the CET in conjunction with the collection of other building permit fees.

5. Collection: Rate Changes. In the event District increases or otherwise modifies the tax, it

shall send written notice to City of Jacksonville of the increase or other modification, including a copy of District's resolution adopting the change. Thereafter, City of Jacksonville shall collect the tax at the new rate within ten (10) business days after notice is received by City of Jacksonville, or upon the effective date of the changes stated in District Resolution, whichever is later.

6. Collection: Methodology. The methodology for calculating the CET shall be governed by ORS 320.176 and the parties' Memorandum of Understanding attached hereto as Exhibit A.

7. Refunds. District agrees to process and issue any required refunds of CET.

8. Exemptions. District shall provide City of Jacksonville with all forms necessary for CET collections, exemptions, rebates, refunds, appeals and any other forms or information necessary for implementation of the CET. If a person or entity asserts that it is exempt from the CET pursuant to ORS 320.173, and files a District CET Exemption Form at the time the CET would otherwise be due, City of Jacksonville shall grant the exemption. It shall be District's responsibility to determine the validity of the exemption and to institute collection procedures to obtain payment of the CET, as well as any other remedy District may have under law, if the person or entity was not entitled to the exemption. Statutory exemptions to the CET are described in ORS 320.173.

9. Remittance. City of Jacksonville shall remit the collected CET to District. Remittance shall be quarterly by the 30th of the month following the end of each quarter. Quarters end on March 31, June 30, September 30, and December 31 of each year. City of Jacksonville may choose at its option to remit more frequently.

10. CET Reports. Along with the CET remittance, City of Jacksonville shall prepare and submit to District a report that includes: 1) the number of building permits issued that quarter, 2) the aggregate square footage of residential construction, 3) the aggregate square footage of non-residential construction, 4) the number of building permits for which the CET exemptions were given along with a list or copy of forms for all persons that were given an exemption from paying the CET, 5) the aggregate square footage of construction for exempted construction, 6) the aggregate amount of CET paid, and 7) the amount of CET administrative fee retained by City of Jacksonville pursuant to this CET IGA.

11. Failure to Pay CET. In accordance with ORS 320.189, the CET shall be paid by the person or entity undertaking construction at the time that the permit authorizing the construction was issued. Upon a person's or entity's refusal to or failure to pay the CET when due, City of Jacksonville will not issue the permit. In no event shall City of Jacksonville be liable for failure to collect the CET when due. In the event a person or entity fails to pay the CET when due, City of Jacksonville shall notify District in writing within five (5) business days of such failure to pay, with information adequate for District to begin collection proceedings against that person or entity including the person or entity's name, address, phone numbers, construction project, square footage of new construction and building permit number. Upon a person or entity's refusal or failure to pay the CET, it shall be District's responsibility to institute collection procedures to obtain payment of the CET as well as any other remedy District may have under law.

12. Records. City of Jacksonville shall make all records related to building permit activity, CET collections, CET exemptions and retained administration fees available to District, or its designated auditors, as necessary for District to audit Construction Excise Tax collections.

13. Administrative Fee. As consideration for the above described services, City of Jacksonville shall retain four percent (4%) of the CET collected by City of Jacksonville as authorized by House Bill 2014 which became effective October 1, 2009 or such other greater amount as may be authorized by future law. Prior to submitting the CET to District, City of Jacksonville shall deduct this administrative

fee directly from the CET collected, and the amounts deducted and retained shall be reported to District. The Administrative Fee is based on gross CET collected and shall not be reduced by CET refunds or any checks returned for nonsufficient funds. Any fees or charges levied against City of Jacksonville for such items, including but not limited to, returned checks shall be paid to City of Jacksonville from collected CET in addition to the above Administrative fee.

14. Amendment. This CET Collection IGA may be amended by mutual written agreement of the Parties. The parties further agree to negotiate in good faith to amend this Agreement should ORS 320.170 et. seq. be amended by subsequent legislation or judicial proceedings so that this Agreement is consistent with the most current law relating thereto. Refusal to negotiate an amendment to this Agreement is grounds for immediate termination of this CET Collection IGA.

15. Other Agreements.

- a. This CET Collection IGA does not affect or alter any other agreements between District and City of Jacksonville;
- b. This CET Collection IGA is a full and complete integration of the parties' agreement on the topics covered and expressly supersedes and replaces any prior agreements on such topics, whether written or oral.

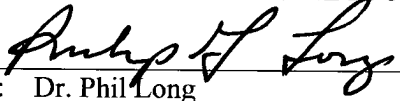
16. Defense and Indemnification. District agrees to defend, indemnify and hold harmless City of Jacksonville, and its officers, agents and employees, against all claims and actions, and all damages and expenses related thereto, arising from City of Jacksonville's performance of this Agreement, except for those claims, actions and damages caused by the sole negligence of City of Jacksonville or its officers, agents and employees. The obligations of this paragraph shall include, but not be limited to:

- a. A challenge to City of Jacksonville's collection or calculation of the CET on behalf of District;
- b. For any and all injury to any and all persons or property caused directly or indirectly by reason of any and all acts or omissions of District in performance of this Agreement or adoption of the CET;
- c. Decisions of City of Jacksonville staff concerning the amount of any CET, including calculation of such tax and/or any exemption(s); or
- d. Refusal or denial of any permit for failure to pay the CET.

17. Termination. In the event that City of Jacksonville ceases to be the issuer of permits for structural improvements regulated by the state building code, this CET Collection IGA will be terminated. Either party may also terminate this agreement for any reason upon 90 days written notice to the other party.

18. Execution. This CET Collection IGA may be executed in two or more counterparts, each of which shall be considered an original, but together they shall constitute but one agreement.

MEDFORD SCHOOL DISTRICT 549C



By: Dr. Phil Long
Title: Superintendent

Date: 12/28/2011

CITY OF JACKSONVILLE

By: Paul Becker
Title: Mayor, City of Jacksonville

Date: _____

**MEMORANDUM OF UNDERSTANDING (EXHIBIT “A”)
RELATING TO THE METHODOLOGY FOR CALCULATING
THE SCHOOL DISTRICT CONSTRUCTION EXCISE TAX**

1. Purpose. This document is intended to set the methodology by which the Construction Excise Tax (CET) is calculated and is to be made a part of the Intergovernmental Agreement (IGA) between Medford School District 549C (“District”) and City of Jacksonville (“City of Jacksonville”) as agreed upon within the text of the IGA.
2. Agreement. District and City of Jacksonville agree to the following as the methodology to be used in determining how the CET will be calculated consistent with ORS 320.176.
 - a. Square footage of residential use shall include single-unit and multiple-unit dwelling units including adult foster care homes, and congregate living facilities as defined in the State Building Code where the occupants are primarily permanent in nature. The square footage calculations shall include the gross floor area of the building or addition, measured from the outside of the wall to the outside of the wall and shall include the square footage of finished and unfinished basements and bonus rooms and living area above a garage whether attached or detached, but shall not include the gross floor area of a garage, carport covered walkways, covered balconies, decks, porches, patio covers (screened or open), sunrooms (unless open into the residential structure without doors or windows), and accessory structures such as sheds, shops and similar non-habitable structures.
 - b. Square footage of residential use shall include the gross floor area of a manufactured dwelling or an addition thereto, measured from the outside of the wall to the outside of the wall and shall include the area of cabanas and living areas above a garage whether attached or detached, but shall not include gross floor area of a garage, carport, covered walkways, covered balconies, decks, porches, patio covers (screened or open), sunrooms, (unless open into the residential structure without doors or windows), and accessory structures such as sheds, shops and similar non-habitable structures. Square footage of residential use shall not include a manufactured home that replaces an existing manufactured home located in a manufactured home park.
 - c. Square footage of residential use shall include the gross floor area of a relocated residential building (unless such a building is moved to a different location on the same property) measured from the outside of the wall to the outside of the wall and shall include the square footage of both finished and unfinished basements and bonus rooms and living areas above a garage whether attached or detached, but shall not include the gross floor area of a garage, carport covered walkways, covered balconies, decks, porches, patio covers (screened or open), sunrooms (unless open into the residential structure without doors or windows), and accessory structures such as sheds, shops and similar non-habitable structures.

- d. Square footage of hotel, motel, transient and non-transient boarding houses, convents, college dormitories, fraternity, and sorority uses as defined in the State Building Code shall be considered non-residential uses. Non-residential use will include all uses not specifically identified in this document as a residential use or those that do not fall within an R-3 classification as defined by the State Building Code.
- e. Square footage of non-residential use shall include the gross floor area of the building or addition measured from the outside of the wall to the outside of the wall or, where no wall exists, it shall include the useable area under the horizontal projection of the roof or floor above.
- f. Where an existing residential or non-residential use is removed from a property (in part or in total) or is a change in the occupancy classification, a credit towards the CET for the new use shall be applied based on the square footage and use of the existing building. No CET credit shall be applied if there is no record of the square footage of the existing use. Unless authorized by District, credits are non-transferable to other properties.
- g. The CET shall be applicable to building permit applications received on or after the effective date of the IGA. Should an increase (or decrease) in the CET be legally authorized, the new rate shall be applicable to all building permit applications received on or after the effective date of the increase (or decrease). Any building permit application received prior to the effective date of the IGA or CET increase/decrease shall be subject to the CET or CET increase/decrease if the fee has not been paid or the building permit issued within six months of the effective date of the IGA or CET increase/decrease.
- h. The CET shall not apply to structures that do not require a building permit, cell towers, wind turbines, water tanks, storage tanks, membrane structures, storage racking, retaining walls, swimming pools, private bridges, covered play structures, vault toilets, interior paint booths, or to a temporary medical hardship dwelling. The CET shall also not apply to utility classed structures that do not have a definitive or discernable method with which to calculate square footage of the structure. The CET shall not apply to private school improvements, public improvements as defined on ORS 279A.010, residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing, public or private hospital improvements, improvements to religious facilities primarily used for worship or education associated with worship, and agricultural buildings as defined in ORS 455.315 (2)(a).
- i. CET Fees may be refunded if they are collected in error or the CET is paid for a development that will not be constructed. Requests for refund must be in writing and submitted to District not more than 12 months from the date the CET was paid. It shall be the District's responsibility to issue any requested refund.

The applicability of the CET to any item not identified by this Exhibit shall be determined by City of Jacksonville. Should the District disagree with City of Jacksonville's decision, it will be the District's responsibility to collect the CET.

MEDFORD SCHOOL DISTRICT 549C

BOARD OF DIRECTORS

Ron Andersen
Paulie Brading
Sally Killen
Tricia Prendergast
Jeff Thomas
Kim Wallen
Marlene Yesquen



DR. PHIL LONG
Superintendent

BRAD EARL
Chief Financial Officer

DR. TODD BLOOMQUIST
Director of Human Resources

Successful Students Today ~ Successful Citizens Tomorrow

Construction Excise Tax Exemption Application

Exemption Description (check applicable exemption):

- _____ Private School Improvements.
- _____ Public Improvements as defined in ORS 279A.010.
- _____ Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80% of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.
- _____ Public or Private hospital improvements.
- _____ Improvements to religious facilities primarily used for worship or education associated with worship.
- _____ Agricultural buildings as defined in ORS 455.315(2)(a).
- _____ Facilities that are operated by a not-for-profit corporation and that are:
 - (a) Long term care facilities, as defined by ORS 442.015;
 - (b) Residential care facilities, as defined by ORS 443.400; or
 - (c) Continuing care retirement communities, as defined in ORS 101.020. [2007 c.829 §3; 2009 c.534 §2]

Application for any of the above exemptions provides consent for the District to audit the applicant's records to verify their legal status and compliance with the exemption prerequisites.

I do hereby certify that, by signing, I am verifying eligibility for the above Exemption to the Construction Excise Tax.

Date _____ Applicant _____

Jurisdiction Issuing Permit _____

Address of Construction for which Exemption is Claimed _____

Permit Holder _____

Permit Holder Address _____

Permit Holder Phone _____ Permit Holder E-Mail _____

ORS

320.110 Rules. The Department of Revenue may adopt rules necessary for the administration and enforcement of ORS 320.005 to 320.150. [Amended by 1991 c.459 §272b; 2005 c.94 §94]

320.120 Employment of agents. (1) The Department of Revenue may employ the agents necessary for the administration and enforcement of ORS 320.005 to 320.150. Agents of the department charged with the enforcement of ORS 320.005 to 320.150 have all the power and authority of police officers in the performance of such duties.

(2) The Oregon State Lottery and the agents and employees of the Oregon State Lottery may not be considered agents of the department charged with the enforcement of ORS 320.005 to 320.150. [Amended by 1999 c.501 §8; 2005 c.94 §95]

320.130 Law enforcement officers to enforce tax and assist department. The state police, sheriffs, constables, police and other law enforcement officers within the State of Oregon shall enforce all provisions of ORS 320.005 to 320.150 and shall assist the Department of Revenue. [Amended by 2005 c.94 §96]

320.140 Tax does not legalize ownership, display or operation in violation of law. Nothing in ORS 320.005 to 320.150 shall be construed as licensing, authorizing or legalizing the ownership, possession, display or operation, in violation of any law of this state, of any amusement device. [Amended by 1993 c.270 §64; 1993 c.803 §14; 2005 c.94 §97]

320.150 Oregon State Lottery assistance in tax collection responsibilities. The Department of Revenue and the Oregon State Lottery Commission shall enter into an agreement pursuant to which the Oregon State Lottery shall assist the department in the collection of excise taxes imposed under ORS 320.005 to 320.150 on amusement devices operated under the authority of the Oregon State Lottery Commission pursuant to ORS 461.215 and 461.217 and any other functions of the department under ORS 320.005 to 320.150 as may be provided under the agreement. The agreement is not intended to preclude performance by the department of collection functions as from time to time may be required, nor is the agreement intended to preclude the performance of functions by the Oregon State Lottery, under less formal arrangements made with the department, with respect to the tax imposed under ORS 320.005 to 320.150 if the functions are not specifically mentioned in the agreement. The collection of taxes under ORS 320.005 to 320.150 by the Oregon State Lottery does not render the Oregon State Lottery or the agents and employees of the Oregon State Lottery responsible for collection of the tax. [1993 c.803 §13; 1999 c.501 §9; 2005 c.94 §98]

LOCAL CONSTRUCTION TAXES

320.170 Construction taxes imposed by school district. (1) Construction taxes may be imposed by a school district, as defined in ORS 330.005, in accordance with ORS 320.170 to 320.189.

(2) Construction taxes imposed by a school district must be collected, subject to ORS 320.179, by a local government, local service district, special government body, state agency or state official that issues a permit for structural improvements regulated by the state building code. [2007 c.829 §2; 2009 c.534 §1]

Note: Sections 1 and 9, chapter 829, Oregon Laws 2007, provide:

Sec. 1. (1) A local government or local service district, as defined in ORS 174.116, or a special government body, as defined in ORS 174.117, may not impose a tax on the privilege of constructing improvements to real property except as provided in sections 2 to 8 of this 2007 Act [320.170 to 320.189].

(2) Subsection (1) of this section does not apply to:

- (a) A tax that is in effect as of May 1, 2007, or to the extension or continuation of such a tax, provided that the rate of tax does not increase from the rate in effect as of May 1, 2007;
 - (b) A tax on which a public hearing was held before May 1, 2007; or
 - (c) The amendment or increase of a tax adopted by a county for transportation purposes prior to May 1, 2007, provided that the proceeds of such a tax continue to be used for those purposes.
- (3) For purposes of this section and sections 2 to 8 of this 2007 Act, construction taxes are limited to privilege taxes imposed under sections 2 to 8 of this 2007 Act and do not include any other financial obligations such as building permit fees, financial obligations that qualify as system development charges under ORS 223.297 to 223.314 or financial obligations imposed on the basis of factors such as income. [2007 c.829 §1]

Sec. 9. Section 1 of this 2007 Act is repealed on January 2, 2018. [2007 c.829 §9]

320.173 Exemptions. Construction taxes may not be imposed on the following:

- (1) Private school improvements.
- (2) Public improvements as defined in ORS 279A.010.
- (3) Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80 percent of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.
- (4) Public or private hospital improvements.
- (5) Improvements to religious facilities primarily used for worship or education associated with worship.
- (6) Agricultural buildings, as defined in ORS 455.315 (2)(a).
- (7) Facilities that are operated by a not-for-profit corporation and that are:
 - (a) Long term care facilities, as defined in ORS 442.015;
 - (b) Residential care facilities, as defined in ORS 443.400; or
 - (c) Continuing care retirement communities, as defined in ORS 101.020. [2007 c.829 §3; 2009 c.534 §2]

Note: See note under 320.170.

320.176 Rates; limitations; adjustment by Department of Revenue. (1) Construction taxes imposed under ORS 320.170 to 320.189 may be imposed only on improvements to real property that result in a new structure or additional square footage in an existing structure and may not exceed:

- (a) \$1 per square foot on structures or portions of structures intended for residential use, including but not limited to single-unit or multiple-unit housing; and
- (b) \$0.50 per square foot on structures or portions of structures intended for nonresidential use, not including multiple-unit housing of any kind.

(2) In addition to the limitations under subsection (1) of this section, a construction tax imposed on structures intended for nonresidential use may not exceed \$25,000 per building permit or \$25,000 per structure, whichever is less.

(3)(a) For years beginning on or after June 30, 2009, the limitations under subsections (1) and (2) of this section shall be adjusted for changes in construction costs by multiplying the limitations set forth in subsections (1) and (2) of this section by the ratio of the averaged monthly construction cost index for the 12-month period ending June 30 of the preceding calendar year over the averaged monthly construction cost index for the 12-month period ending June 30, 2008.

(b) The Department of Revenue shall determine the adjusted limitations under this section and shall report those limitations to entities imposing construction taxes. The department shall round the adjusted limitation under subsection (2) of this section to the nearest multiple of \$100.

(c) As used in this subsection, "construction cost index" means the Engineering News-Record Construction Cost Index, or a similar nationally recognized index of construction costs as identified by

the department by rule. [2007 c.829 §4]

Note: See note under 320.170.

320.179 School district resolutions; collections; requirements; rules. (1) A school district imposing a construction tax shall impose the tax by a resolution adopted by the district board of the school district. The resolution shall state the rates of tax, subject to ORS 320.176.

(2) Prior to collecting a construction tax, a school district shall enter into an intergovernmental agreement with each local government, local service district, special government body, state agency or state official collecting the tax that includes:

(a) Collection duties and responsibilities;

(b) The specific school district accounts into which construction tax revenues are to be deposited and the frequency of such deposits; and

(c) The amount of the administrative fee that the entity or official collecting the tax may use to recoup expenses incurred in collecting the construction tax, either through retention or reimbursement. An administrative fee under this paragraph may not exceed four percent of tax revenues and shall be reduced by the amount of the administrative fee, if any, established under subsection (3) of this section.

(3) The Department of Consumer and Business Services may establish by rule an administrative fee of 0.25 percent of tax revenues. The administrative fee shall be collected and remitted to the department by the entity or official collecting the construction tax. [2007 c.829 §5; 2009 c.534 §3]

Note: The amendments to 320.179 by section 4, chapter 534, Oregon Laws 2009, apply to collection of construction taxes on or after June 30, 2011. See section 7, chapter 534, Oregon Laws 2009. The text that applies to collection of construction taxes on or after June 30, 2011, is set forth for the user's convenience.

320.179. (1) A school district imposing a construction tax shall impose the tax by a resolution adopted by the district board of the school district. The resolution shall state the rates of tax, subject to ORS 320.176.

(2) Prior to collecting a construction tax, a school district shall enter into an intergovernmental agreement with each local government, local service district, special government body, state agency or state official collecting the tax that includes:

(a) Collection duties and responsibilities;

(b) The specific school district accounts into which construction tax revenues are to be deposited and the frequency of such deposits; and

(c) The amount of the administrative fee that the entity or official collecting the tax may use to recoup expenses incurred in collecting the construction tax, either through retention or reimbursement. An administrative fee under this paragraph may not exceed four percent of tax revenues.

Note: See note under 320.170.

320.183 Long-term facilities plan for capital improvements. (1) After deducting the costs of administering a construction tax and payment of refunds of such taxes, a school district shall use net revenues only for capital improvements.

(2) A construction tax may not be imposed under ORS 320.170 to 320.189 unless the school district imposing the tax develops a long-term facilities plan for making capital improvements. The plan shall be adopted by resolution of the district board of the school district.

(3) As used in this section, "capital improvements":

(a) Means:

(A) The acquisition of land;

(B) The construction, reconstruction or improvement of school facilities;

(C) The acquisition or installation of equipment, furnishings or other tangible property;

(D) The expenditure of funds for architectural, engineering, legal or similar costs related to capital improvements and any other expenditures for assets that have a useful life of more than one year; or

(E) The payment of obligations and related costs of issuance that are issued to finance or refinance capital improvements.

(b) Does not include operating costs or costs of routine maintenance. [2007 c.829 §6]

Note: See note under 320.170.

320.186 Payment of obligations. A school district may pledge construction taxes to the payment of obligations issued to finance or refinance capital improvements as defined in ORS 320.183. [2007 c.829 §7]

Note: See note under 320.170.

320.189 Payment of taxes. Construction taxes must be paid by the person undertaking the construction at the time that a permit authorizing the construction or the expansion of square footage of a facility or building is issued. [2007 c.829 §8; 2009 c.534 §5]

Note: See note under 320.170.

TRANSIENT LODGING TAXES

(Definitions)

320.300 Definitions for ORS 320.300 to 320.350. As used in ORS 320.300 to 320.350:

(1) "Collection reimbursement charge" means the amount a transient lodging provider may retain as reimbursement for the costs incurred by the provider in collecting and reporting a transient lodging tax and in maintaining transient lodging tax records.

(2) "Conference center" means a facility that:

(a) Is owned or partially owned by a unit of local government, a governmental agency or a nonprofit organization; and

(b) Meets the current membership criteria of the International Association of Conference Centers.

(3) "Convention center" means a new or improved facility that:

(a) Is capable of attracting and accommodating conventions and trade shows from international, national and regional markets requiring exhibition space, ballroom space, meeting rooms and any other associated space, including but not limited to banquet facilities, loading areas and lobby and registration areas;

(b) Has a total meeting room and ballroom space between one-third and one-half of the total size of the center's exhibition space;

(c) Generates a majority of its business income from tourists;

(d) Has a room-block relationship with the local lodging industry; and

(e) Is owned by a unit of local government, a governmental agency or a nonprofit organization.

(4) "Local transient lodging tax" means a tax imposed by a unit of local government on the sale, service or furnishing of transient lodging.

(5) "State transient lodging tax" means the tax imposed under ORS 320.305.

(6) "Tourism" means economic activity resulting from tourists.

(7) "Tourism promotion" means any of the following activities:

(a) Advertising, publicizing or distributing information for the purpose of attracting and welcoming tourists;

(b) Conducting strategic planning and research necessary to stimulate future tourism development;

(c) Operating tourism promotion agencies; and

MEMO

CITY OF JACKSONVILLE

To: City Council
From: Stacey McNichols
Date: January 11, 2012
Subject: Mobile Communication Devices Policy

We have put together a comprehensive Mobile Communication Devices Policy as the existing policy in the Personnel Policies & Procedure Manual was very non-specific and we have also addressed personal use by way of a stipend structure. There are three different tiers of cell phone use with the city as outlined in the policy and the stipend amount for each of them is outlined below.

Tier One – City supplied phone. This tier does not include personal use, therefore no stipend is involved.

Tier Two - Business and Personal use for Sexton and Public Works Division Leader. Stipend amount will be \$55 per month, which is anticipated to cover 900 airtime minutes and text messaging. The actual cost for this will be approximately \$80 per month, therefore be a cost to the employee of approximately \$25 per month.

Tier Three – Business and Personal use for City Administrator and Department Heads. Stipend amount will be \$85 per month, which is anticipated to cover a smart phone data package with text messaging and 900 airtime minutes. The actual cost for this will be approximately \$110 per month, therefore will be a cost to the employee of approximately \$25 per month.

Going to a stipend structure will increase the cost to the City by approximately \$1200 per year as we will no longer be able to utilize the family plan type of structure for those phones under the stipend structure. However keep in mind that we have been able to decrease the overall cost to the City by eliminating pagers with text messaging on cell phones.

City of Jacksonville

Jacksonville City Policy

regarding the Use of Mobile Communication Devices

Mobile communication devices are a tool to enhance employee productivity and provide a higher level of service to our customers. Use of such devices must be balanced with safety, which is the primary responsibility of the City's employees who operate motor vehicles during the course and scope of their employment.

Effective January 1, 2012, Oregon law made it unlawful to operate a motor vehicle while using a mobile communication device such as a cell phone. An exception to this prohibition is that a person may use a mobile communication device if the person is an Emergency First Responder or is required to use a mobile communication device for employment purposes.

This policy establishes which positions in the City are required to use a mobile communication device for employment purposes. This is intended to provide a legal defense to those employees if issued a citation for using a mobile communication device while driving in the course and scope of employment.

DEFINITION:

References to mobile communication devices include cell phones or wireless Personal Digital Assistants (PDA) such as a Blackberry, Treo, iPhone, etc. that have a cell phone feature, or any other type of mobile communication device.

PURPOSE:

The purpose of the **Mobile Communication Devices Policy** is:

- To provide standards and clarification for mobile communication device use.
- To establish an allowance plan for personal use by key personnel who are required to maintain a mobile communication device as an essential part of their job duties for the benefit of the City.
- To minimize the need for tracking of business and personal mobile communication device usage.
- To eliminate potential liability problems for the City or its employees regarding motor vehicles citations and collisions that involve employee use of mobile communication devices while driving.

SCOPE:

This policy applies to all City positions, which use mobile communication devices for City business. The City has established three types of key personnel that are required

to maintain a mobile communication device as an essential part of their job and has set the level of mobile communication device allowances.

POLICY #1:

There are three types of mobile communication device users at the City. These three “classes” are described below in A through C.

A. Tier One - City supplied phones: Business use only

The following positions with a business need for a mobile communication device (with texting in order to minimize the need for pagers) will be assigned a City owned mobile communication device: Duty Fire Captain; Duty Police Officer; and full-time general Public Works employees.

Mobile communication device usage on mobile communication devices supplied by the City is restricted to City business. Employees who have access to a desk phone should use that alternative for personal calls; personal mobile communication device calls (outgoing or incoming) will only be allowed in a limited and infrequent (maximum 2-3 times per month) for instances of family emergencies if these calls cannot be made from a land line phone in a reasonable period of time. These calls should be of short duration. NO OTHER PERSONAL USE IS ALLOWED, EVEN IF REIMBURSED. The above emergency calls do not need to be reimbursed.

Personal telephone calls made during work hours from public employer's land line telephones should be brief and infrequent. Personal long distance calls, even if the employee reimburses the City for the cost of such calls, may not be made on City telephones.

If the City chooses a mobile communication device plan that includes long distance telephone calls at no extra charge the employees would be prohibited from using this service for personal calls.

Employees should follow the guidelines below to help keep costs to a minimum.

1. Do not use your mobile communication device to make a call if regular phone service is available. There is no charge for a local call made from a regular phone while local calls made or received on a mobile communication device may incur charges.
2. Avoid lengthy conversations on mobile communication devices. If you anticipate a call lasting more than a few minutes try to arrange to call the person back from a regular phone
3. Minimize use of your mobile communication device outside the home service area. Roaming charges add significantly to the cost of mobile communication device.

B. Tier Two – Employee-paid mobile communication devices: Business and Personal use

The City recognizes that due to the nature of some positions, which require long-term, continuous, availability, certain employees may have an allowance for the specific purpose of personal use on an employee paid mobile communication device. The following positions with a business need for a mobile communication device (with texting in order to minimize the need for pagers) will be authorized an allowance for an employee paid mobile communication device: Sexton and Public Works Division Leader.

The allowance plan for this tier will offer employees the option of receiving a monthly amount for business use of their personal mobile communication device. The employee may choose the service provider. This amount will be \$55 per month for mobile communication devices with text messaging (anticipated to cover 900 airtime minutes per month of business use for these positions). These mobile communication devices would be used for business, but would not have the same restrictions on personal use outlined in Tier One since the employee is paying for personal use.

C. Tier Three – Employee-paid PDA: Business and Personal use

In addition to the availability required of Tier Two, the following positions also have a business need for the data services provided by a wireless PDA and therefore will be authorized an allowance for an employee paid PDA: City Administrator and all Department Heads.

The allowance plan for this tier will offer employees the option of receiving a monthly amount for business use of their personal PDA. The employee may choose the service provider. This amount will be \$85 per month for airtime and a data package (anticipated to cover 900 airtime minutes per month of business use for these positions). These devices would be used for business, but would not have the same restrictions on personal use since the employee is paying for personal use.

Employee Responsibility

Tier Two and Tier Three personnel receiving a Mobile Communication Device allowance shall submit a copy of their bill to the City Treasurer on a yearly basis (by January 31st) as documentation of meeting the eligibility designation and verification of the contact information. The employee must notify their immediate supervisor and the City Treasurer when making a change in contact information.

All equipment purchases are the responsibility of the employee. If the equipment is damaged during the scope of normal work hours and responsibilities the City may elect to assist the employee in the cost of repairs and/or replacement.

City Responsibility

The City shall add the designated mobile communication device allowance to the employee's base salary and pay said allowance as part of the semi-monthly payroll. The allowance will be accounted for as taxable wages and will appear on the payroll stub as regular wages. The employee's base salary, (excluding the allowance) will be used to calculate other benefits calculated from base salary such as, but not limited to vacation.

The contact information for these key personnel will appear on the City's contact list and other emergency response lists, and will be distributed at the City's discretion.

POLICY #2:

During the course and scope of City employment, and subject to reasonable constraints under the circumstances, employees shall use mobile communication devices while operating a vehicle in only one of the following manners:

1. Using a hands-free device that allows the operator to keep eyes on the road and both hands on the wheel while using the mobile communication device if the operator is driving;
2. Pulling over to the side of the road or other safe area to stop and use the device;
3. Turning the device off while driving; or
4. Use the device either before or after driving the motor vehicle.
5. In an extreme condition, this policy does not prevent an Emergency First Responder or an employee who is required to use a mobile communication device for employment purposes from utilizing the communication device in accordance with House Bill 3186

House Bill 3186 amending ORS 811.507 is attached as Exhibit "A".

Paul Becker, Mayor

Date

House Bill 3186

Sponsored by Representative BERGER, Senator PROZANSKI; Representatives BEYER, BOONE, BUCKLEY, CANNON, CONGER, COWAN, ESQUIVEL, KOMP, MATTHEWS, PARRISH, THOMPSON, TOMEI, Senators BOQUIST, WINTERS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Removes exception for person operating motor vehicle in scope of person's employment from offense of operating motor vehicle while using mobile communication device.

A BILL FOR AN ACT

Relating to operating a motor vehicle while using a mobile communication device; creating new provisions; and amending ORS 811.507.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 811.507 is amended to read:

811.507. (1) As used in this section:

(a) "Hands-free accessory" means an attachment or built-in feature for or an addition to a mobile communication device, whether or not permanently installed in a motor vehicle, that when used allows a person to maintain both hands on the steering wheel.

(b) "Mobile communication device" means a text messaging device or a wireless, two-way communication device designed to receive and transmit voice or text communication.

(2) A person commits the offense of operating a motor vehicle while using a mobile communication device if the person, while operating a motor vehicle on a highway, uses a mobile communication device.

(3) This section does not apply:

(a) To a person who is summoning medical or other emergency help if no other person in the vehicle is capable of summoning help;

(b) To a person using a mobile communication device for the purpose of farming or agricultural operations;

(c) To a person operating an ambulance or emergency vehicle;

(d) To a person 18 years of age or older who is using a hands-free accessory;

(e) To a person operating a motor vehicle while providing public safety services or emergency services as a volunteer;

(f) To a person operating a motor vehicle while acting in the scope of the person's employment as a public safety officer, as defined in ORS 348.270;

[(g) To a person operating a motor vehicle in the scope of the person's employment if operation of the motor vehicle is necessary for the person's job;]

[(h)] **(g)** To a person activating or deactivating the mobile communication device or a function of the device;

[(i)] **(h)** To a person who holds a valid amateur radio operator license issued or any other li-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 cense issued by the Federal Communications Commission and is operating an amateur radio;
 2 [(j)] (i) To a person who operates a two-way radio device that transmits radio communication
 3 transmitted by a station operating on an authorized frequency within the citizens' or family radio
 4 service bands in accordance with rules of the Federal Communications Commission; or

5 [(k)] (j) To a person using a function of the mobile communication device that allows for only
 6 one-way voice communication while the person is:

7 (A) Operating a motor vehicle in the scope of the person's employment;

8 (B) Providing transit services to persons with disabilities or to senior citizens; or

9 (C) Participating in public safety or emergency service activities.

10 (4) The offense described in this section, operating a motor vehicle while using a mobile com-
 11 munication device, is a Class D traffic violation.

12 **SECTION 2.** The amendments to ORS 811.507 by section 1 of this 2011 Act apply to of-
 13 fenses that occur on or after the effective date of this 2011 Act.

14

MEMO

CITY OF JACKSONVILLE

Date January 12, 2012
To: City Council
From: Jan Garcia, Recorder on behalf of the Employee Safety Committee
Subject: Request to use grant funds for back up cameras on vehicles

Approximately a year ago the Employee Safety Committee was re-formed and began tracking incidents of accidents to both people and property within the city staff and volunteers. It became apparent that knowing one's surroundings is a major cause of accidents.

After contacting CIS about grant money available to us we were able to determine that there was approximately \$8893.00 that we could use for defensive driving equipment for the City. Chief Hull researched the back-up cameras and installation and for ten cameras and installation it will be just under \$7000.

We asked each department if they had need for the cameras. It was determined that the largest number of incidents came from the Public Works department based on the many different vehicles that they use and that they often work alone. The Fire Department stated that a back-up camera went against their own safety protocol where one firefighter must be outside the truck before checking the surroundings before they back up. The Police Department did not feel the need for the camera.

Public Works will have cameras installed on all the pickups, the backhoe, the sweeper will have an additional camera installed and the dump truck and the large mower. This will allow the employee to see behind them when they are working alone before backing up.

The employee safety committee has worked diligently over the past year to limit risk to the City through education and training within the City. We believe that the addition of back-up cameras will add to safety.

RESOLUTION NO. 1082

A RESOLUTION AUTHORIZING THE BUDGET ALLOCATION FOR THE HISTORIC PRESERVATION FUND GRANT PROGRAM FOR THE CITY OF JACKSONVILLE

WHEREAS, Resolution No. 946, passed on December 5, 2006, adopted the Historic Preservation Grant Program; and

WHEREAS, the Historical and Architectural Review Commission has successfully managed the grant program since its inception; and

WHEREAS, the Historical and Architectural Review Commission felt that given the current economic times the need for funds may be greater than in past years; and

WHEREAS, the Historical and Architectural Review Commission is requesting that the Grant amount for 2012 should be a total of \$35,000.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF JACKSONVILLE, OREGON:

Hereby adopts by resolution to delegate authority to the Historical and Architectural Review Commission to allocate \$35,000 for the 2012 Historic Preservation Grant Cycle for the City of Jacksonville.

Signed by me in open session in authentication of its passage this _____ day

_____ 2012.

Paul Becker, Mayor

ATTEST:

City Recorder or Designee

RESOLUTION No. 1083

A RESOLUTION TO IMPLEMENT THE MEDFORD SCHOOL DISTRICT 549C (DISTRICT) IMPOSITION OF CONSTRUCTION EXCISE TAX

WHEREAS, the District has established and annually updates a long-term facilities plan that outlines the ongoing need to improve existing facilities; and,

WHEREAS, the Oregon Legislative Assembly passed Senate Bill 1036, authorizing school districts to impose construction excise taxes to fund capital improvements to school facilities; and

WHEREAS, pursuant to Section 5 of Senate Bill 1036 (2007), the District will enter into intergovernmental agreements with the required local government agencies; and

WHEREAS, pursuant to Section 5 of Senate Bill 1036 (2007), these intergovernmental agreements establish: (a) collection duties and responsibilities; (b) the Medford School District 549C account into which construction tax revenues are to be deposited and the frequency of such deposits; and (c) the amount of the administration fee (not to exceed 4% of gross proceeds) that the entity collecting the tax may retain to recoup its expenses in collecting the tax.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The rates of tax, imposed only on improvements to real property that result in a new structure or additional square footage in an existing structure, with the exemptions outlined in Senate Bill 1036, are:
 - a. Amount not exceeding \$1.07 per square foot on structures or portions of structures intended for residential use, including but not limited to single-unit or multiple-unit housing; and
 - b. Amount not exceeding \$.54 per square foot on structures or portions of structures intended for nonresidential use, not including multiple-unit housing of any kind.
2. In addition, a construction tax imposed on structures intended for nonresidential use will not exceed \$26,800 per building permit or \$26,800 per structure, whichever is less.
3. For years beginning on or after June 30, 2012, the tax rates stated in this resolution shall be adjusted for changes in construction costs. The Oregon Department of Revenue will determine the adjusted rate limitations and report to the District.
4. The construction excise tax shall be assessed and collected pursuant to the provisions of Senate Bill 1036 (2007).
5. This resolution takes effect on February 1, 2012.

Signed by me in open session in authentication of its passage this _____ day of _____, 2012.

Paul Becker, Mayor

ATTEST:

City Recorder or Designee

RESOLUTION NO. 1084

A RESOLUTION AUTHORIZING APPLICATION AND USE OF FUNDS FROM CITYCOUNTY INSURANCE (CIS) GRANT FOR BACK-UP CAMERAS ON CITY VEHICLES

WHEREAS, the City insurer, CIS, has grant funds available for a maximum of \$8891.31 for use in driver safety applications; and

WHEREAS, the Employee Safety Committee for the City of Jacksonville after reviewing incident records for the City believe that back-up cameras will lessen the number of incidents within the city thereby reducing City liability and risk; and

WHEREAS, funds are available at no cost to the City until March 2012; and

WHEREAS, research shows that all Public Works vehicles can be outfitted with a back-up camera within this grant amount;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville, Oregon that the City of Jacksonville and the City Council will apply for this grant and delegates authority to the City Administrator to sign the grant application.

Signed by me in open session in authentication of its passage this_____day of

_____2012

Paul Becker, Mayor

ATTEST:

Jan Garcia, Recorder