



CITY COUNCIL Agenda

520 E. Cascade Avenue - PO Box 39 - Sisters, Or 97759 | ph.: (541) 549-6022 | www.ci.sisters.or.us

Wednesday, December 13, 2023

This City Council meeting is accessible to the public in person in the Council Chambers at 520 E. Cascade Avenue, Sisters, OR 97759

This meeting is open to the public and can be accessed and attended in person or remotely. Members of the public may view the meeting via Zoom at the link below:

<https://us02web.zoom.us/j/81687552711>

Visitor Communication: To offer written comments, send an email to kprosser@ci.sisters.or.us no later than 3:00 p.m. on the day of the meeting. If attending the meeting via Zoom and wish to speak, submit your name, address, phone number, and the topic you intend to address to kprosser@ci.sisters.or.us by 3:00 p.m. on the meeting day. For those attending the meeting in person, you may complete a request to speak form on-site.

5:30 PM WORKSHOP

1. Age Friendly Sisters Country Presentation
2. Republic Services Presentation
3. 2023-24 City Council Goals Mid-Year Update and Goal Setting Process
4. Other Business

6:30 PM CITY COUNCIL REGULAR MEETING

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **VISITOR COMMUNICATION**
5. **CONSENT AGENDA**
 - A. Minutes
 1. November 08, 2023 – Workshop
6. **COUNCIL BUSINESS**
 - A. **Public Hearing and Consideration of Ordinance 535: AN ORDINANCE OF CITY OF SISTERS ADOPTING PUBLIC CONTRACTING RULES AND PROCEDURES AND REPLACING AND SUPERSEDING CITY OF SISTERS ORDINANCE NO. 493.**

This agenda is also available via the Internet at www.ci.sisters.or.us

- B. Discussion and Consideration of a Motion** to Approve Amendment No. 3 of Intergovernmental Agreement No. 73000-0012958 with the Oregon Department of Transportation for Improvements at US20@Locust.

 - C. Discussion and Consideration of a Motion** to approve an agreement with Portland State University for \$50,000 for a two-year Civic Leadership Academy and Authorize the City Manager to Execute the Agreement with Minor Legal Revisions.
- 7. OTHER BUSINESS**
- A. Board Appointments
 - 1. Appoint one person to the Planning Commission
 - 2. Appoint four people to the Public Works Advisory Board
 - 3. Appoint one person to the City Parks Advisory Board
 - 4. Appoint four people to the Urban Forestry Board
 - 5. Appoint two people to the Budget Committee

 - B. Quarterly Financial Review

 - C. Staff Comments
- 8. MAYOR/COUNCILOR BUSINESS**
- 9. ADJOURN**

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above-referenced meeting; however, the agenda does not limit the ability of the Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice.

This meeting is open to the public, and interested citizens are invited to attend. This is an open meeting under Oregon Revised Statutes, not a community forum; audience participation is at the discretion of the Council. The meeting may be recorded. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made to the City Recorder at least forty-eight (48) hours in advance of the meeting.

Executive Sessions are not open to the public; however, members of the press are invited to attend.

The City of Sisters is an Equal Opportunity Provider



MAKING A DIFFERENCE MADE EASY

What is an Age Friendly City?

- A city that has structures and services accessible and inclusive to people of all ages with varying needs and capabilities
- A city that emphasises enablement rather than disablement
- A city that is friendly for people of all ages and abilities

The availability and quality of these community features impact the well-being of older adults – and help make our community more livable for people of all ages and abilities

Outdoor Spaces and Buildings: People need public spaces to gather. Green Spaces, seating and accessible buildings can be used and enjoyed by people of all ages

Transportation: Driving should be an option, not a necessity. Safe sidewalks, crossable streets, and bike lanes provide transportation options. Public transit and ride sharing provide important alternatives for people who don't drive.

Housing: Designing homes that incorporate simple features such as wide doorways, accessible light switches and outlets, and no threshold walk-in showers help people live in their homes longer. Housing options should be suitable for differing incomes, ages and life stages.

Social Participation: Opportunities to socialize and participate in a range of community activities can alleviate sadness and loneliness. This often results in better health and a feeling of wellbeing.

Respect and Social Inclusion: Everyone wants to feel valued. Intergenerational gatherings and activities help young and old alike.

Work and Civic Engagement: Active engagement in community life benefits everyone. Opportunities to volunteer or work for wages should be encouraged by an age friendly community.

Communication and Information: Information needs to be shared through a variety of methods since not everyone is tech-savvy or able to access the newest technology devices. Communication at all levels is vital to a healthy community.

Community and Health Services: We never know when an accident might happen. Residents must be able to access and afford quality health services in the event of injury or illness. Ongoing care and wellness services enhance the quality of life for everyone.

AFSC is committed to improving services in each of these areas.

Please join us if you have an idea that inspires you to ACTION.

Agefriendlysisters.com



City of Sisters and AFSC Collaborations:

2019 - Sisters joined the WHO/AARP Network of Age-Friendly/Livable Cities. First city east of the Cascades

2020 – AFSC’s first Action Team, STARS, began its medical transportation services – launched in March, when COVID began.

2021 – STARS continues its work, providing medical rides during COVID

2022 – AFSC works with City staff and community volunteers to update 2040 Comprehensive Plan – Age Friendly Goals are highlighted in the Livability section. This was accepted as Sisters ‘Action Plan’ and its membership in the AF Network was renewed until Dec 2023.

2023 – Sisters and AFSC were recognized at the AARP 2023 Age-Friendly Oregon Summit. AFSC received the 2023 Age-Friendly Oregon Community Champion Award and \$1500 from AARP to continue its work.

RECAP of City Community Grant funding for AFSC

2019 - \$500 for Spedsta Software for STARS

2020 - \$650 for Personal Protection Equipment (PPE) for STARS drivers (Asked for \$750)

2021 - \$900 for STARS dispatch/phone services, driver communication upgrades (Asked for \$1,000)

2022 - \$2,160 for STARS Latino outreach publicity, translation. Spedsta software upgrades for Spanish language messaging/direction modifications. (Asked for \$2,600)

2023 - \$3,110 for AFSC admin services and STARS mileage reimbursement (Asked for \$1600 for AFSC admin and \$4000 for STARS mileage; funds were prorated)



AARP Network of Age-Friendly States and Communities

An age-friendly community is livable for people of *all* ages

America's Population Is Rapidly Aging

According to the U.S. Census Bureau, by 2034 the nation will have more people age 65 or older than under 18. By 2060, nearly 1 in 4 people in the United States will be at least 65 years old.

This demographic shift presents an opportunity for communities that are prepared. Well-designed, age-friendly communities foster economic growth and make for happier, healthier residents of all ages.

The **AARP Network of Age-Friendly States and Communities** supports the work of local, regional and state governments as they prepare for the nation's changing demographics. Established in 2012, the network includes towns, cities, counties and states that have made a commitment to being more livable for people of all ages, and especially older adults.

The program's framework equips local leaders and residents with resources for assessing the needs of older adults related to housing and transportation options, access to key services, and opportunities to participate in community activities. Once identified, those needs can be incorporated into an action plan.



Age-Friendly Communities
Are Livable for
People of All Ages
aarp.org/livable

Membership in the network:

- Serves as an organizing structure for making community improvements
- Fosters partnerships among community groups and local stakeholders
- Provides resources for identifying and assessing community needs
- Enables community improvements that benefit people of all ages

Membership provides local leaders with:

- Access to expert-led webinars and technical assistance from livability professionals
- Connections to a national network of more than 700 enrolled communities
- A private group forum for discussions, asking questions and finding answers
- Support, guidance and best-practice resources from AARP about creating an action plan and documenting progress

Membership in the AARP Network of Age-Friendly States and Communities is *free!*

Membership matters:

- 68% of communities successfully advanced policy changes
- 86% of communities overcame barriers
- More than 100 million people in the United States live in a community that is committed to being age-friendly.

DEMOGRAPHIC DATA: "Demographic Turning Points for the United States: Population Projections for 2020 to 2060," *Current Population Reports*, P25-1144, U.S. Census Bureau, Washington, D.C., 2020

AARP NETWORK OF AGE-FRIENDLY STATES AND COMMUNITIES DATA: 2022 Member List and Survey

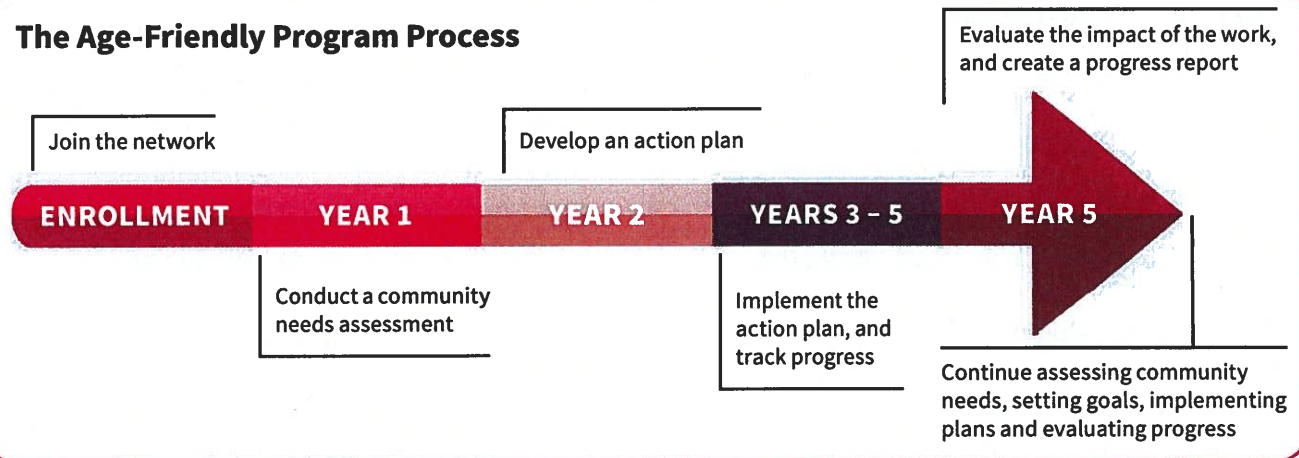


Enrolling in the Network

Communities enroll individually or as part of a region. A governor can choose to enroll an entire state. All towns, villages, townships, boroughs, cities, counties and states seeking to enroll in the AARP Network of Age-Friendly States and Communities are required to submit a membership application. The community must also provide a letter of commitment signed by the jurisdiction's highest elected official (e.g., a governor, mayor, county executive) or a legislative body can pass and provide a resolution in support of membership.

Learn more and find the membership application via [AARP.org/AgeFriendly](https://www.aarp.org/agefriendly).

The Age-Friendly Program Process

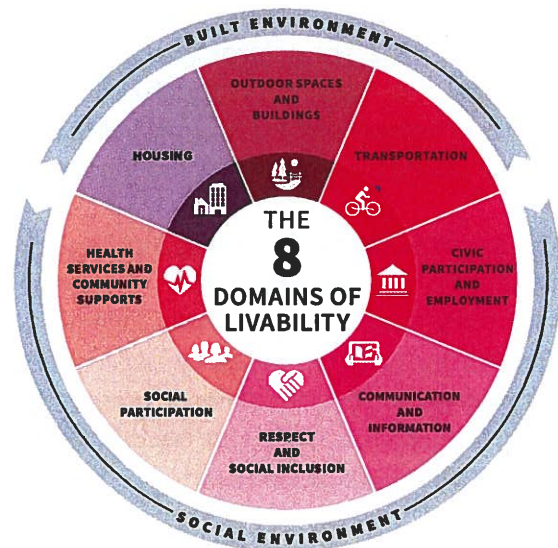


The Program Steps

Members of the **AARP Network of Age-Friendly States and Communities** commit to an assessment process and cycle of continuous improvement, the steps of which typically require the member community to:

1. Establish a way to include older residents in all stages of the age-friendly process
2. Conduct a community needs assessment (*AARP provides survey examples and access to an online tool*)
3. Develop an action and evaluation plan based on the assessment results and submit to AARP for review
4. Implement the plan and work toward its goals
5. Assess the impact of implementing the plan and submit progress reports
6. Share solutions, successes and best practices across the age-friendly network
7. Repeat!

The **8 Domains of Livability** is the framework used by states and communities enrolled in the network to organize and prioritize their work. The availability and quality of these community features impact the well-being of older adults and people of all ages.



LEARN MORE, GET IN TOUCH

- **Website:** [AARP.org/AgeFriendly](https://www.aarp.org/agefriendly) or [AARP.org/Livable](https://www.aarp.org/livable)
- **Twitter:** @AARPLivable
- **Email:** AARPAge-FriendlyNetwork@AARP.org
- **Free Newsletter:** [AARP.org/LivableSubscribe](https://www.aarp.org/livable/subscribe)
- **Facebook:** /AARPLivableCommunities
- **Locate Your AARP State Office:** [AARP.org/States](https://www.aarp.org/states) or call 1-888-687-2277

OR SCAN THIS CODE



D19860



Mid-Year Update 2023

Prepared for the City of Sisters Oregon



SPRING 2023 TAKE AWAYS

Spring Takeaways:

- Develop better data related to customer experience (MPUs vs Rollover; customer survey)
- Clarity of financial reporting
- Strengthen customer communication
- Evaluate impact of commodities
- Improve outcomes at Sisters Recycle Center

OPERATIONS: Service Stats Sept-Oct 2023

Sept and Oct 2023	Services Offered	Customer Reported Missed Services	Carryover stops	Total Service Impacts	Service Failure Rate	Service Success Rate
Residential	338,554	671	310	981	.29%	99.71%
Trash	175,446	318	60	378	.22%	99.77%
Recycle	130,177	216	172	388	.29%	99.71%
Yard Debris	32,931	137	78	315	.95%	99.05%
Commercial	39,653	454	907	1,361	3.4%	96.6%
Trash	17,181	600	313	881	5.3%	94.7%
Recycle	22,472	307	141	437	2.0%	98.0%

Service Offered = On Route; driver serviced

Customer Reported Miss= Customer reported miss of service (actual and perceived)

Carryover Stops = Republic Services reported stops not serviced on scheduled day and transferred to a future date

CRC: CALL CENTER STATS

Calls Offered

6,222

Service Level %

80.5%

ASA

00:00:38

Calls Handled

5,635

ABN %

3.5%

AHT

00:04:52

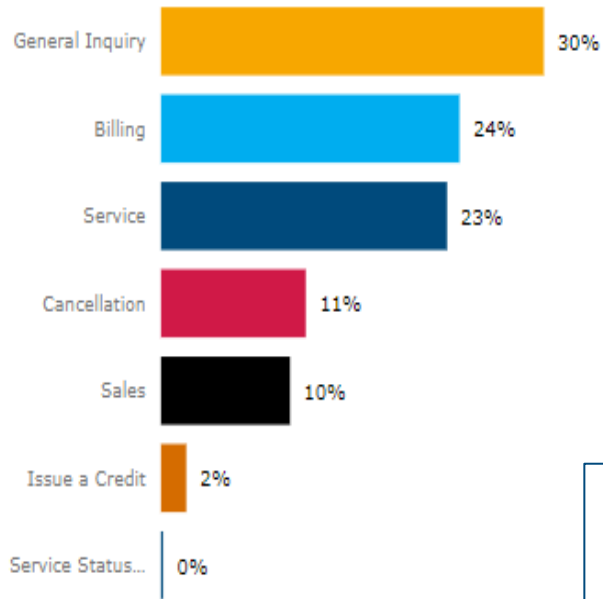
Offered and Handled by Month



Data for period between September 1, 2023 to October 31, 2023

CRC: CALL CENTER STATS

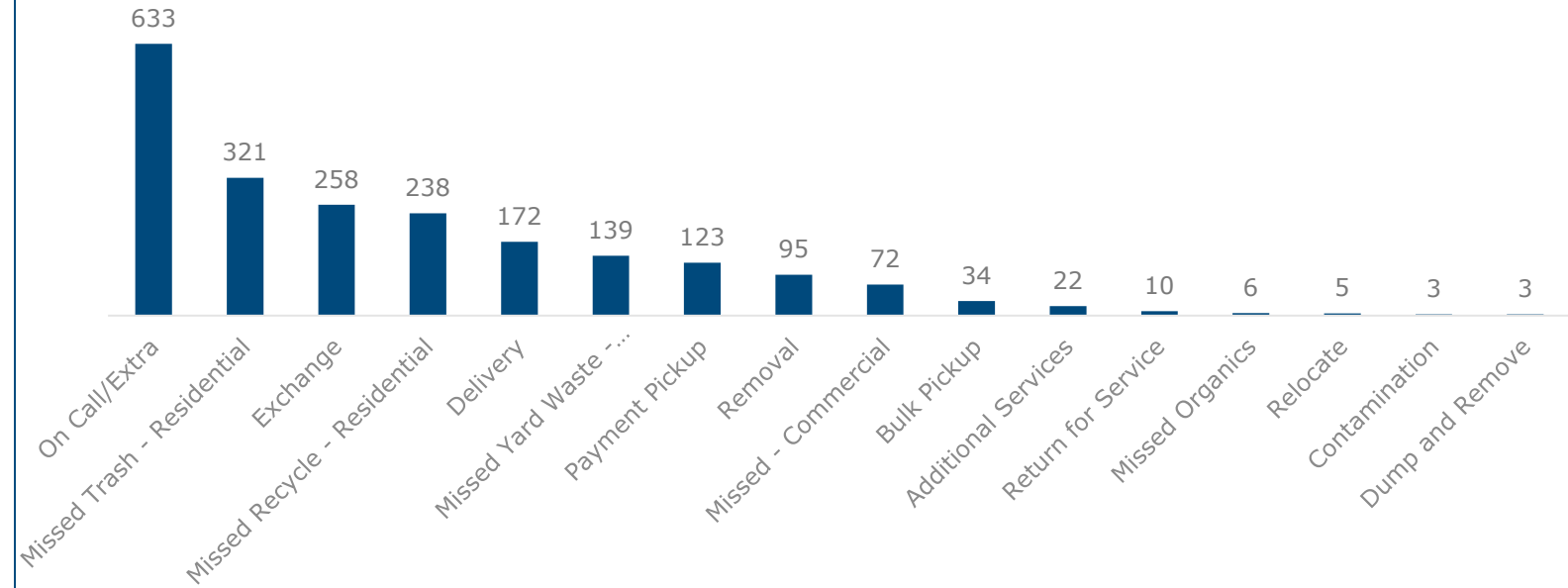
Cases Created by Case Type



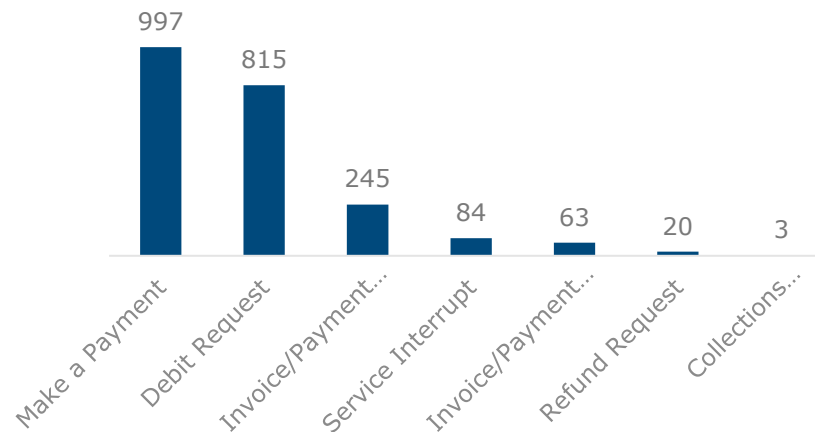
Cases Created

9,470

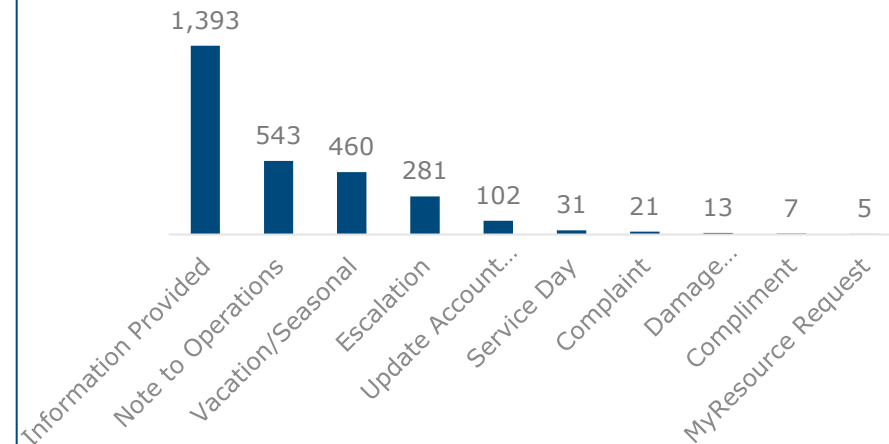
Service Case Count



Billing Case Count

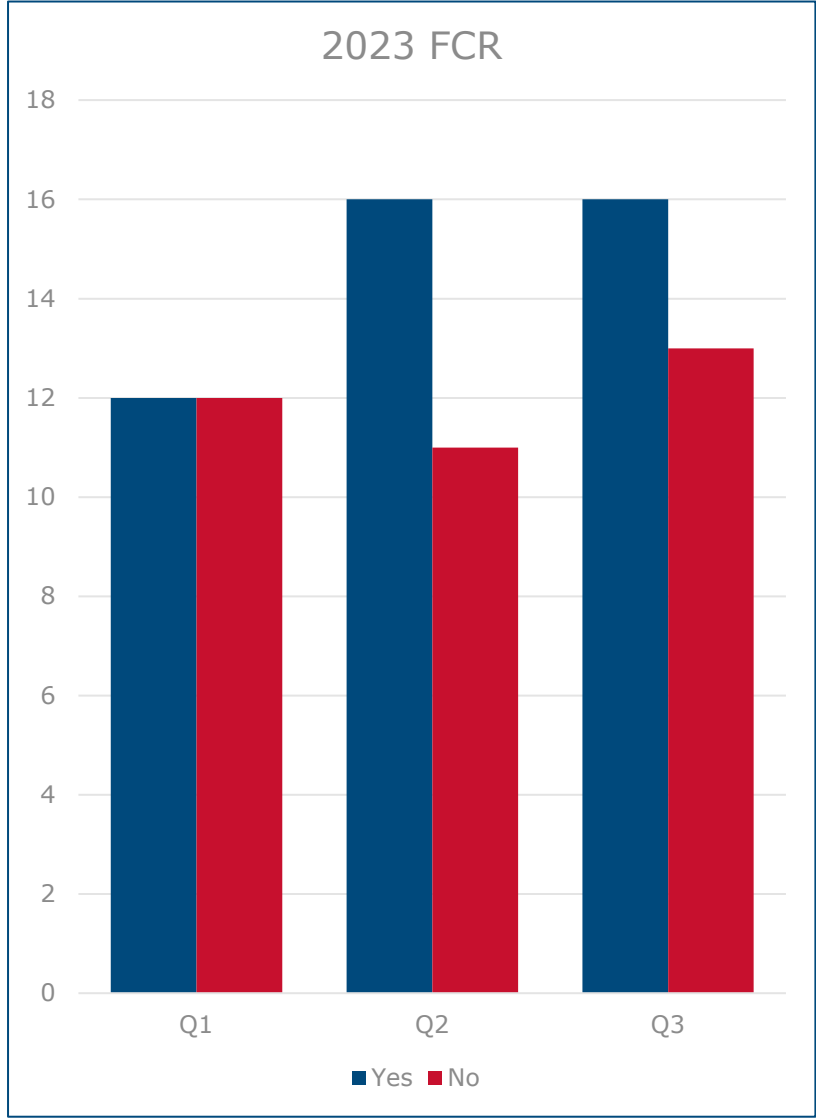
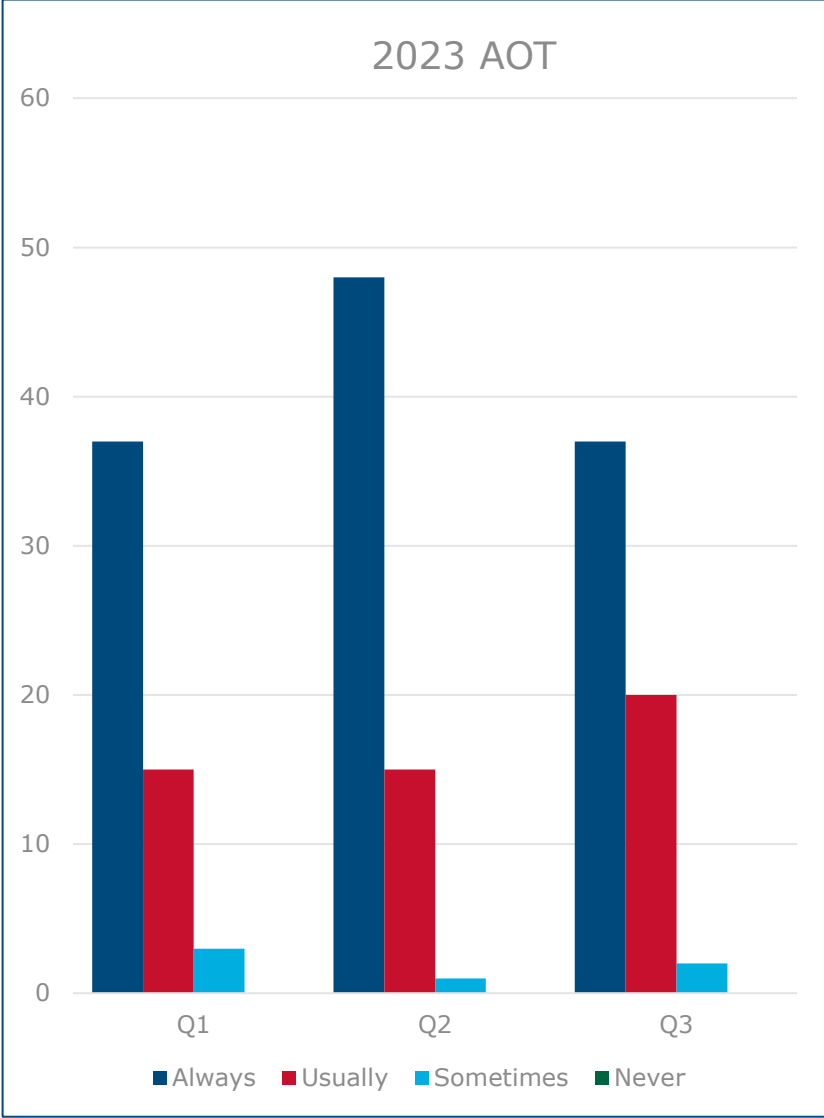
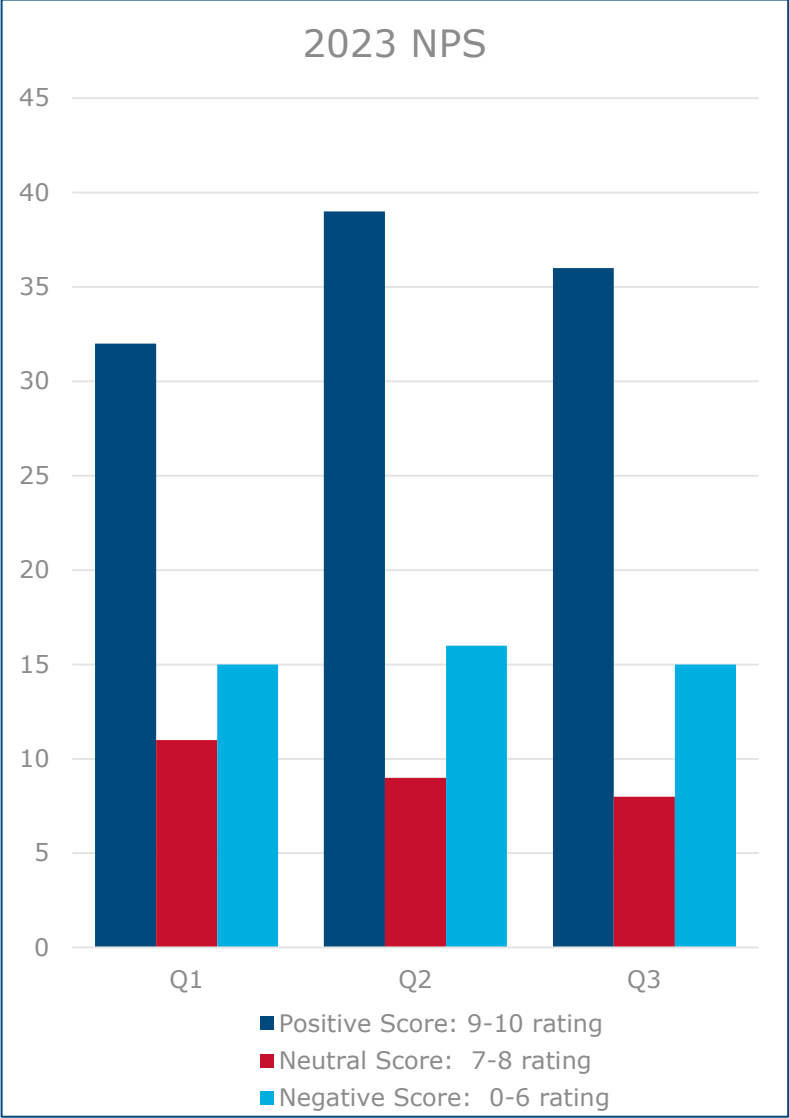


General Inquiry Case Count



Data for period between September 1, 2023 to October 31, 2023

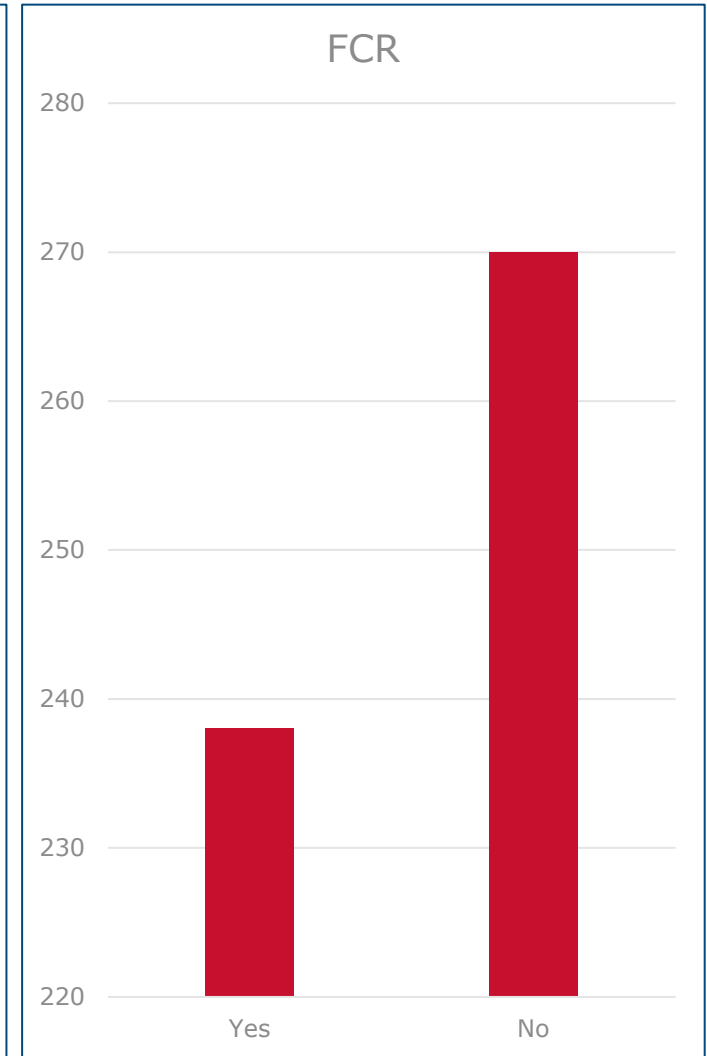
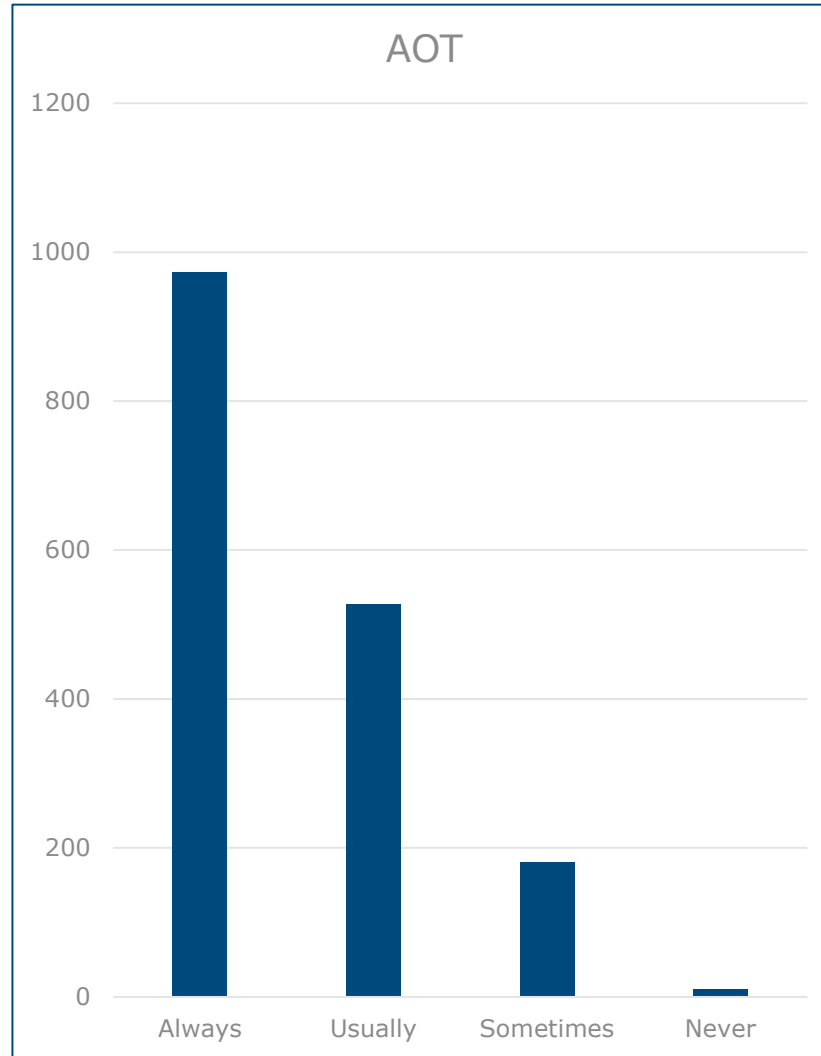
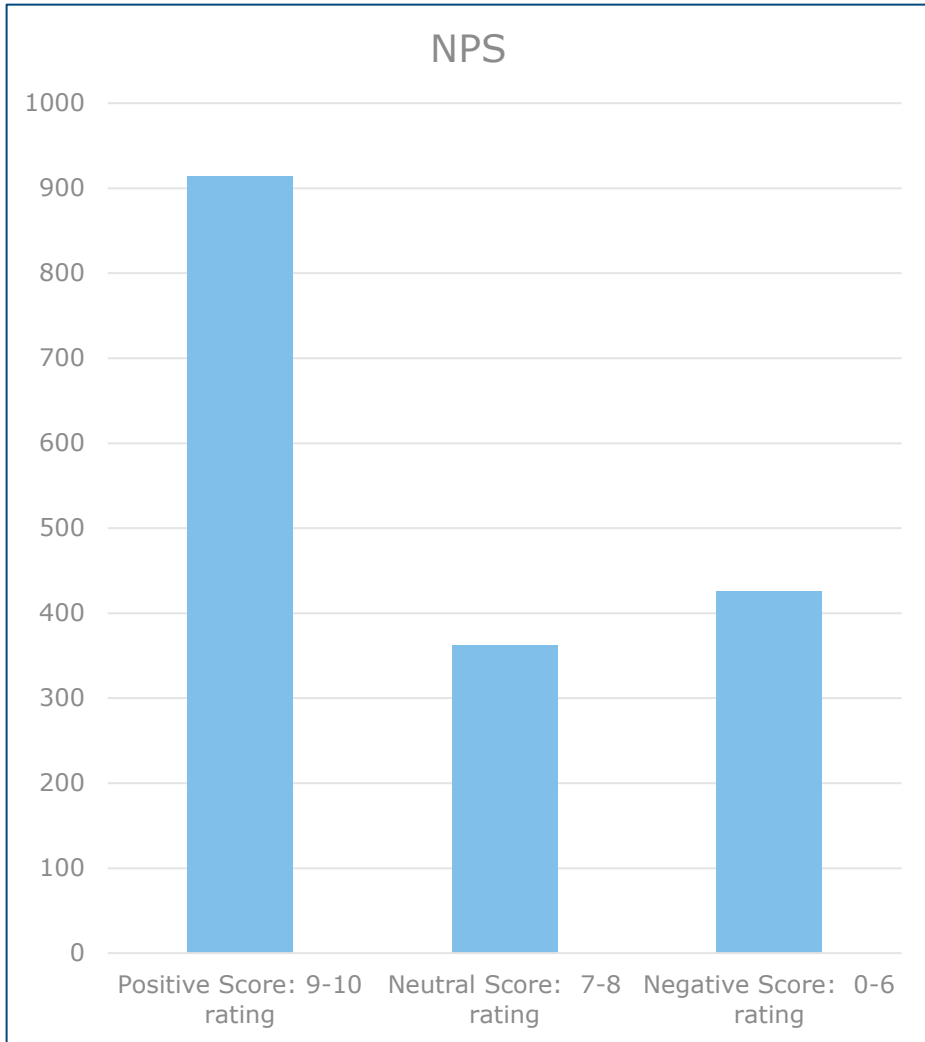
CUSTOMER SATISFACTION SURVEY



NPS = Net Promoter Score: Measurement of the customer's overall experience
 AOT = Always on Time: Customer perceives Republic Services "always" picks up on schedule

FCR = First Contact Resolution: Customer perceives their issue has been resolved after only one contact by the customer

CUSTOMER SATISFACTION SURVEY: NOVEMBER SURGE SURVEY



NPS = Net Promoter Score

AOT = Always on Time

FCR = First contact resolution

FINANCIAL UPDATE: 2023 YTD

- ✓ Drivers of current performance in Q1 and Q2:
 - ✓ Cost Savings:
 - ✓ Fuel costs have been lower than forecasted during spring rate presentations
 - ✓ Commodities costs have lower than forecasted during spring rate presentations
 - ✓ Vacancies = lower operating labor costs
 - ✓ Lower recycling tonnages resulting in reduction in forecasted disposal costs
 - ✓ Cost Drivers:
 - ✓ Landfill Disposal costs
 - ✓ Non-forecasted wage increase for frontline employees
- ✓ Anticipated Costs:
 - ✓ Wage Increases and Additional Drivers
 - ✓ Fuel costs are projected to increase in Q3 and Q4
 - ✓ Disposal
 - ✓ EOY true ups and reconciliations

COMMODITIES AND MARKET VALUES: LOCAL PICTURE

	Pactific Pulp and Paper Yellow Sheet Info (commodity market value prices only)		All in price include: Commodity value, processing fees, and shipping rates	
2023				
	Low	High	Mixed	OCC
Q1	\$1.67	\$6.67	-\$169.00	-\$13.33
Q2	\$8.33	\$13.33	-\$138.33	\$20.00
Q3	\$8.33	\$13.33	-\$135.67	\$23.33
Oct '23	\$25.00	\$30.00	-\$119.00	\$40.00
2022				
	Low	High	Mixed	OCC
Q1	\$40.00	\$45.00	-\$48.17	\$52.33
Q2	\$35.00	\$40.00	-\$49.33	\$52.00
Q3	\$25.00	\$30.00	-\$57.33	\$51.33
Q4	-\$5.00	\$0.00	-\$147.67	-\$33.33

Deschutes	Customer Count		Cost per customer
Glass	25,739	Glass/Comingle	\$ 11.08
Comingle	48,895		
Yard	14,911	Yard	\$ 7.30

Recycling costs are 36% of a rate payers monthly bill

FALL CLEAN UP AND SISTERS RECYCLING CENTER

Fall Clean Up

- 26 appliances
- 525 cy yard debris
- 3.3 tons garbage

Spring Clean Up

- Week of May 6, 2024

Sisters Recycling Center

- Modified container type to improve ease of serviceability
- New signage

NEXT STEPS

Next Steps
<ul style="list-style-type: none">✓ COMPLETE: Company-wide implementation of rollover tracking metric.✓ UPCOMING: Updating reporting metrics and procedures to reflect new metric.
<ul style="list-style-type: none">✓ COMPLETE: Evaluate impact of commodities.✓ UPCOMING: Discuss with regulators the opportunities and risks associated with commodities pass throughs.
<ul style="list-style-type: none">✓ COMPLETE: Developed systems and processes to implement enhanced monthly operations reporting.✓ UPCOMING: Working with Deschutes County and City to evaluate new and enhanced reporting requirements.✓ COMPLETE: Changed container type at SRC to improve serviceability.✓ UPCOMING: Discuss SRC vs service expansion with City.
<ul style="list-style-type: none">✓ COMPLETE: Mapped MPUs for September, October and November.✓ UPCOMING: Evaluating root causes of repeat MPUs.✓ UPCOMING: Encouraging customers to provide accurate contact information to receive service alerts.
<ul style="list-style-type: none">✓ COMPLETE: Initial outreach to MFR, HOAs to improve customer communication.✓ UPCOMING: Mail, phone and door campaign to reach residents.
<ul style="list-style-type: none">✓ COMPLETE: Participated in full calendar of community-based events throughout year.✓ UPCOMING: Developing full calendar of Spring 2024 events and identified partner organizations/entities to receive grants.
<ul style="list-style-type: none">✓ UPCOMING: Actively updating reporting tools to facilitate on demand and early reporting.✓ UPCOMING: More consistent communication with regulators regarding financial outlook and methodology for determining rate needs.
<ul style="list-style-type: none">✓ COMPLETE: Identified customer base with no phone, no email/inaccurate email.✓ COMPLETE: Developed standard customer notification of service changes.✓ COMPLETE: Reopened local offices.✓ UPCOMING: Campaign to fix bad customer data.



Sustainability in Action

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Member of
**Dow Jones
Sustainability Indices**

Powered by the S&P Global CSA

Sustainability Yearbook
Member 2023

S&P Global



ADDITIONAL INFORMATION: Division 4676

Sisters Hauling Division

Republic Services of Central Oregon's Sisters hauling division services the City of Sisters, the City of Redmond and portions of Deschutes County.

- 25 Drivers
- 3 Mechanics
- 1 Dispatcher

Republic Services operates 6 days a week. Christmas and Thanksgiving are the only two holidays that result in delayed service. 2 of Republic Services of Central Oregon's staff live in the City of Sisters.

ADDITIONAL INFORMATION: Sisters Customers

Redmond/Sisters Customers

Residential Customers: 11,793

- Total Services in 2023 YTD: 1,699,944
- Total tonnage in 2023 YTD: 37,483.09

Commercial Customers: 995

- Total Services in 2023 YTD: 185,053
- Total tonnage in 2023 YTD: 13,019.81

ADDITIONAL INFORMATION: CRC Process

Calls from Central Oregon customers are routed directly to the “Oregon Pod” at the Customer Retention Center (CRC). The Oregon Pod is made up of 33 agents trained in local market programs and services. Most calls to the CRC are resolved by the call center agent without incident. If the CRC agent can NOT resolve the customer issue, the agent notifies the local Central Oregon operations team. The local Operations team resolves the customer issue within 72 hours.

ADDITIONAL INFORMATION: Customer Experience

Republic Services measures the customer experience on an on-going basis. The goal of these surveys is to understand customer attitudes and sentiment in key areas including:

- Would you recommend Republic Services to a friend?
- Timeliness of services
- Issue/Problem resolution on first attempt

POST CALL SURVEY

- Survey is offered after every call that a customer makes to the CRC; Survey questions relate specifically to CRC + customer interaction.

CUSTOMER EXPERIENCE SURVEY

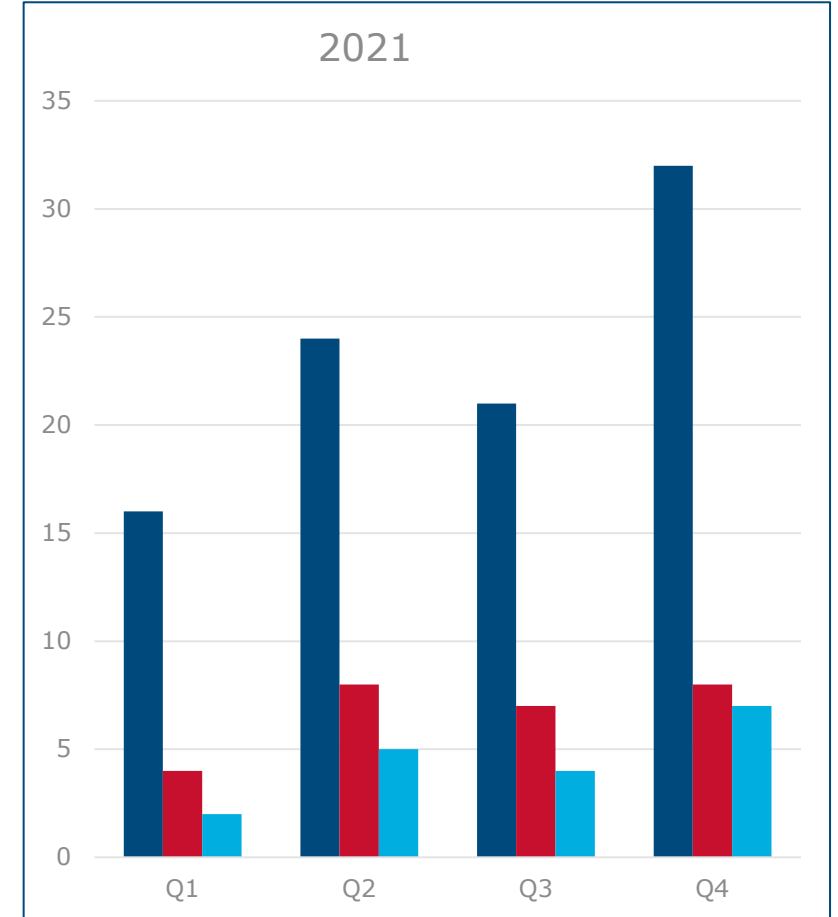
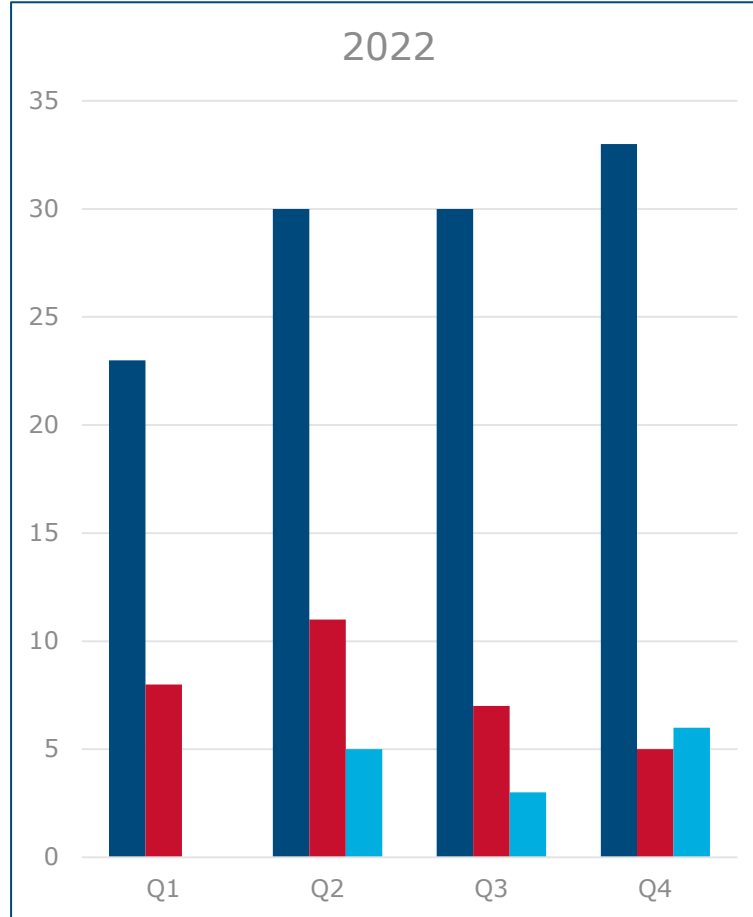
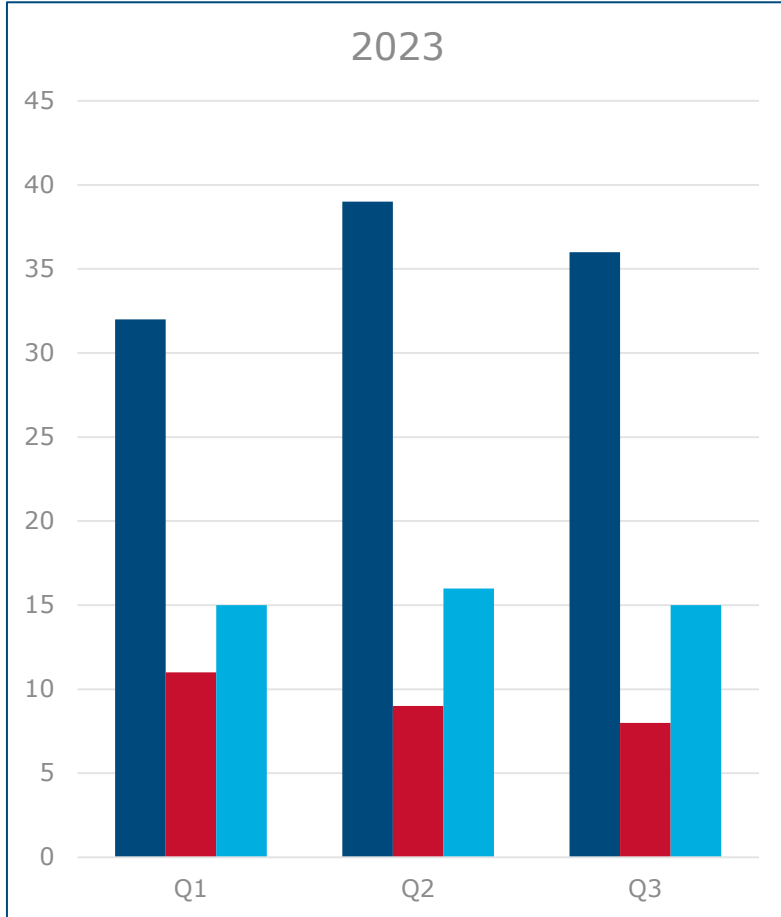
- Proactive and at random; Conducted ongoing/monthly. Survey questions relate to customer experience with Republic Services.

In addition, Republic Services conducted a SURGE survey throughout Central Oregon. The SURGE survey was mirrored the Customer Experience Survey Net Promoter Score with a dramatically expanded number of customers who received the opportunity to participate.

SURGE SURVEY

- Utilized the customer experience survey questions
- All Customers with a valid email address were invited to participate.
- A sample of customers with valid phone numbers were invited to participate.
- Total number of customers with completed surveys: 1702

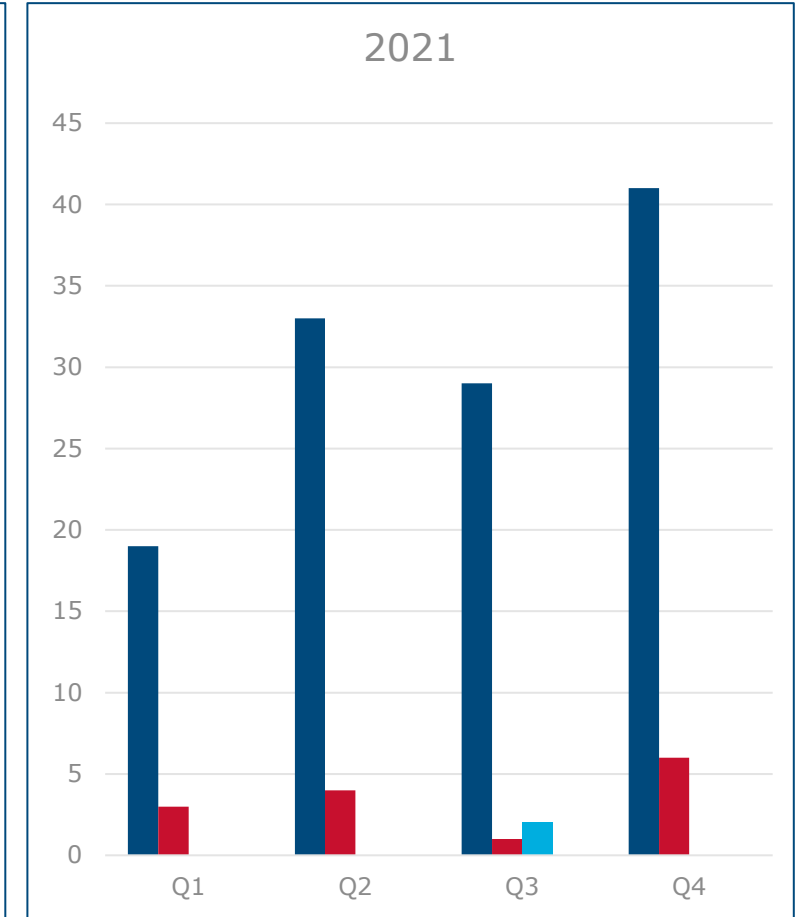
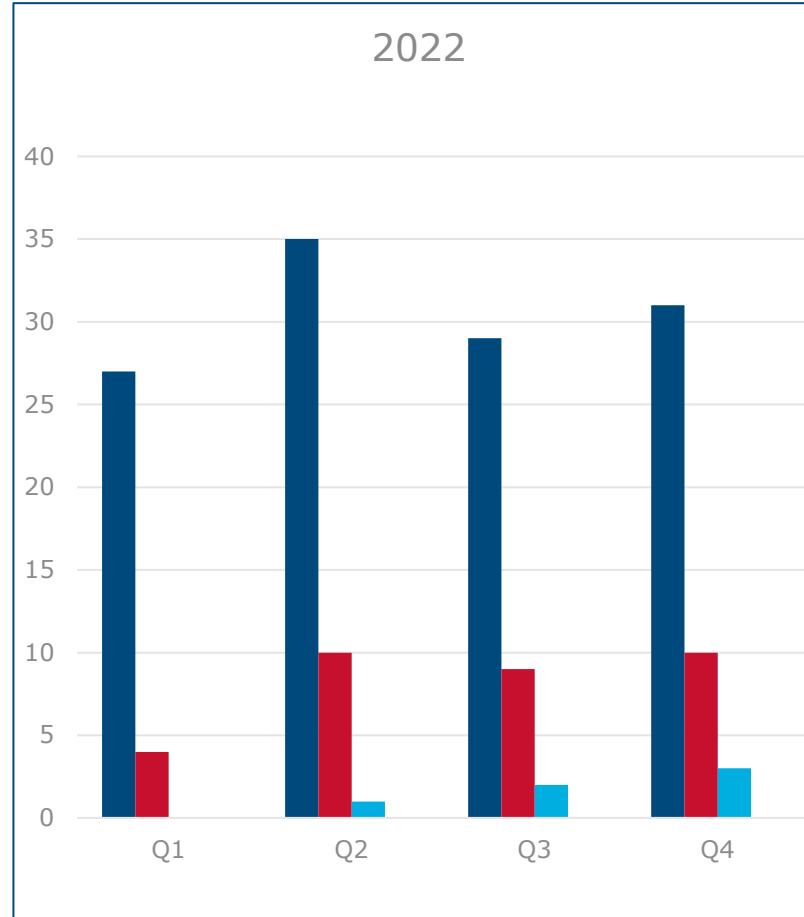
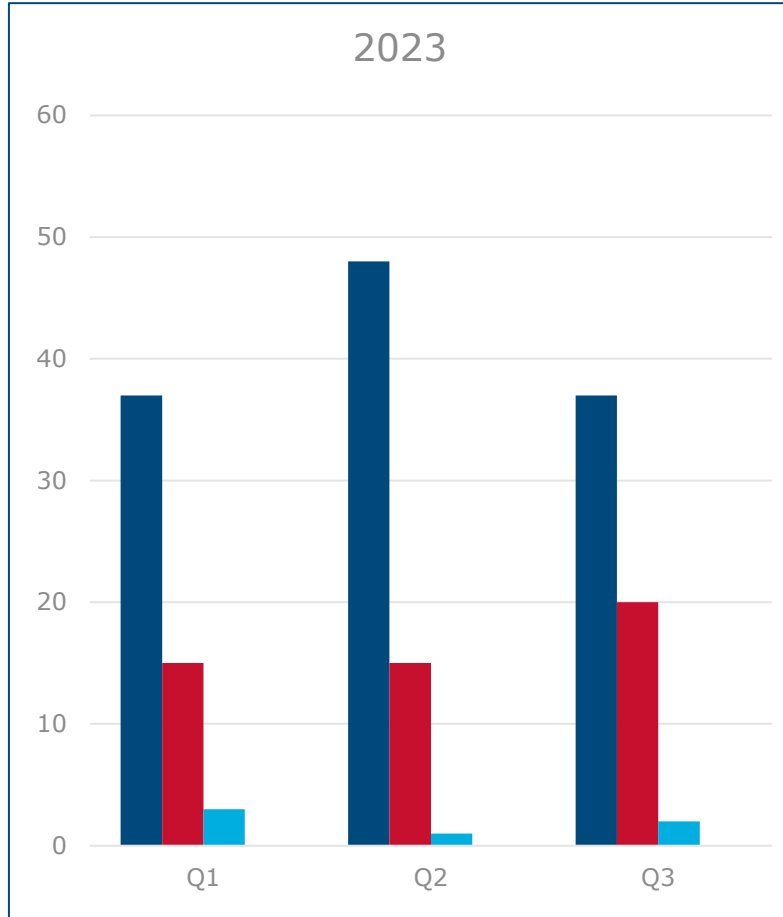
ADDITIONAL INFORMATION: CUSTOMER SATISFACTION SURVEY – NPS



■ Positive Score: 9-10 rating ■ Neutral Score: 7-8 rating ■ Negative Score: 0-6 rating

NPS = Net Promoter Score: Measurement of the customer's overall experience

ADDITIONAL INFORMATION: CUSTOMER SATISFACTION SURVEY: AOT



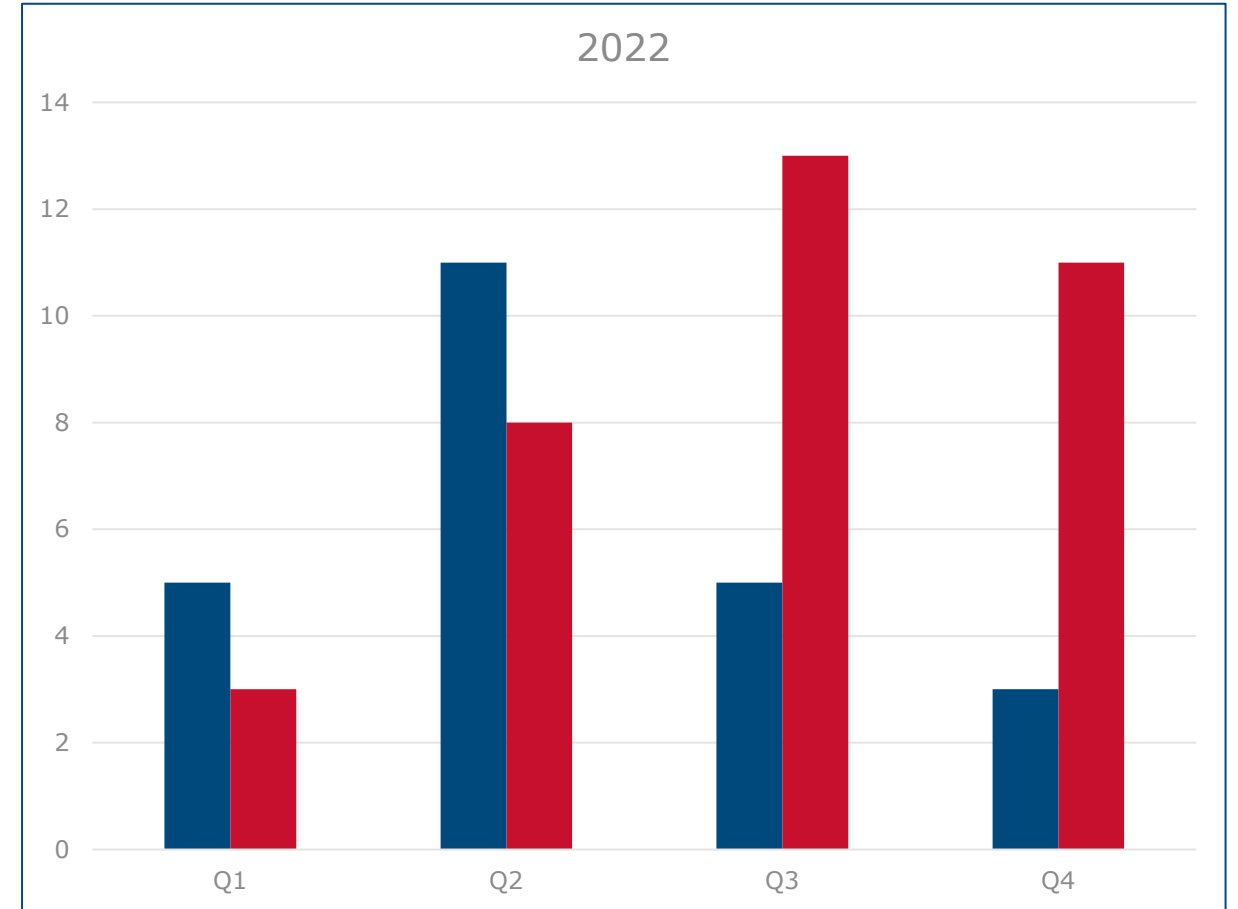
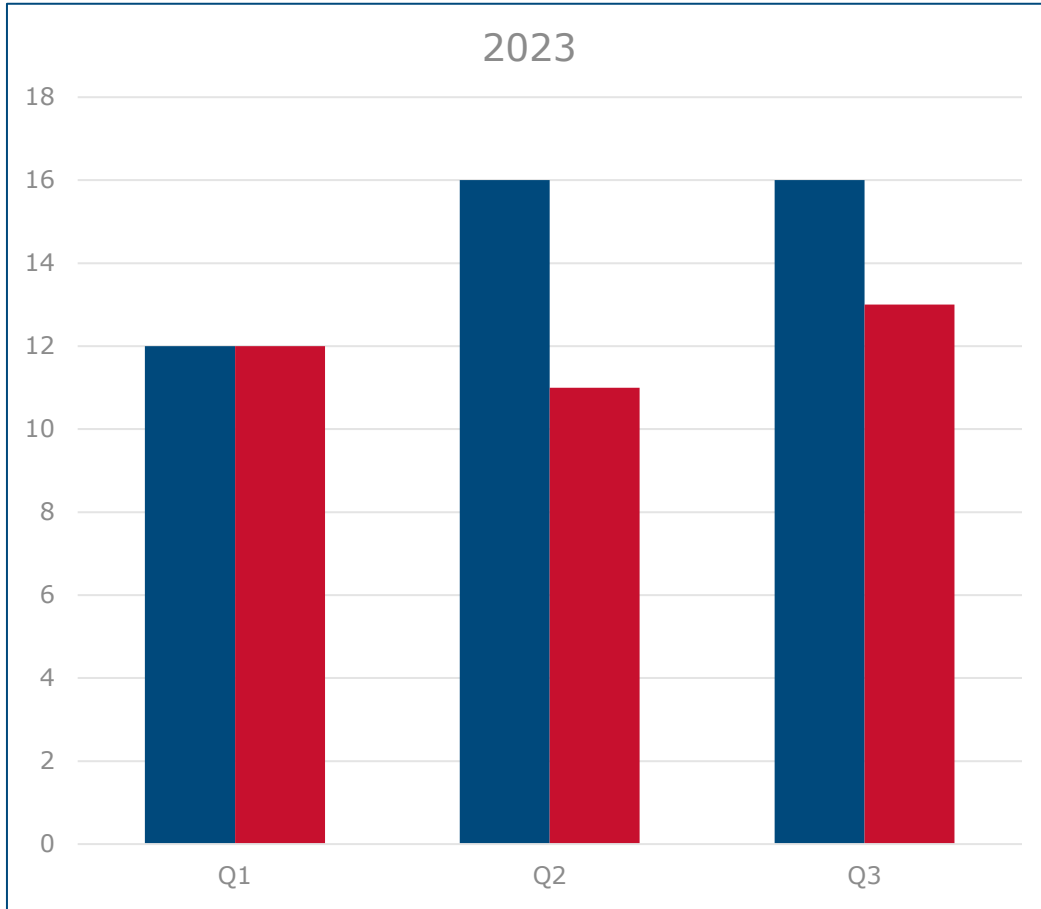
■ Always

■ Usually

■ Sometimes

Always on Time: Customer perceives Republic Services “always” picks up on schedule

ADDITIONAL INFORMATION: CUSTOMER SATISFACTION SURVEY: FCR



■ Yes

■ No

First Contact Resolution: Customer perceives their issue has been resolved after only one contact by the customer

ADDITIONAL INFORMATION: ACTION ITEMS: STAFFING, TRAINING and ACCOUNTABILITY



STAFFING

CHALLENGE

- ✓ Shrinking population of CDL drivers and techs in Central Oregon; decline linked to cost of living and transition of workforce to different types of work.

EFFORT TO MITIGATE

- ✓ Increased wages
- ✓ Driver and Tech Institutes - hire, train, certify, place



ACCOUNTABILITY and TRAINING

- ✓ New drivers, new routes

- ✓ Continuous support for new drivers and operations staff to understand trucks, systems and routes.
- ✓ Systems to reinforce consistent service.
- ✓ Regular evaluation of driver and supervisor performance.



REROUTING AND ROUTE BALANCING

- ✓ Rapid population growth

- ✓ Route balancing to ensure routes are appropriately sized and designed.

ADDITIONAL INFORMATION: SERVICE ACTION ITEMS: COMMUNICATION AND ENGAGEMENT



COMMUNICATION

CHALLENGE

- ✓ Customers and regulators need consistent, reliable and accessible information about route delays and service changes.

EFFORT TO MITIGATE

- ✓ Education about app and online tool with sign up support
- ✓ Bad data fixing



EDUCATION and ENGAGEMENT

- ✓ Existing rate structures, rules and industry headwinds are not clear to customers or regulators.

- ✓ Preparing for implementation of RMA and universal recycling
- ✓ Evaluating changes to rate structures, reporting
- ✓ Investments in cameras with AI
- ✓ Proactive partnerships with municipalities to address service challenges, development standards and diversion programs



Meeting Date: December 13, 2023

Type: Regular Meeting

Subject: 2023-24 City Council Goals Status and 2024 Council Goal Setting Process

Staff: J. Wheeler

Dept: Administration

Action Requested: No formal action requested. Review the status of the 2023-24 goals and confirm the process for goal setting for the 2024-25 fiscal year.

Summary Points:

The City Council's practice has been to meet annually to set overarching goals during odd numbered years, or to review and update the action steps under each goal category during even numbered years. The goals reflect the Council's strategic direction and priorities for the city which are translated into specific actions within six categories: Housing, Livability, and Growth; Wildfire Mitigation and Community Resiliency; Economic Development; Essential Infrastructure; Good Governance; Environmental Sustainability; and Urban Renewal.

Typically, the Council sets goals at the beginning of the calendar year which then allows staff to incorporate the goals into the Proposed Budget and workplan for the upcoming fiscal year. Since many of the goals require multiple years for implementation, often goals are carried forward into the next fiscal year with updated objectives that align with the status and progress on the project or initiative.

The goals and action items are identified and stated through a variety of sources. The multitude of master planning efforts, the Comprehensive Plan, and the Sisters Country Vision provides a roadmap for our infrastructure needs and desired community amenities through processes that include public involvement and analysis. Second, opportunities and challenges are identified through the city and Council's outreach to the community, Board and Commission input, and needs identified through the day-to-day staff work of providing city services. Finally, ideas brought forth by City Councilors as their role as the elected community leaders that set the direction for the city.

2023-24 6-Month Goal Status Update

In preparation for the Goal Setting Retreat, staff prepared a status update on the City Council goals (Attachment 1). Measurable progress has already been made on the majority of goals, and staff will be available at the Retreat to discuss the current status and next steps for the current projects and initiatives that will be implemented over multiple years.



2024-25 City Council Goal Setting Process

Staff is proposing the following schedule and process for setting goals for the 2023-25 fiscal year:

- *Community Roundtable, January 22, 2024, 4:30 p.m. – 6:30 p.m.*
The Council will host an informal community roundtable where citizens can share their ideas on what they think the Council should focus on in 2024-25. The format will be open tables hosted by one Councilor and a staff member to help facilitate the conversations, take notes, and answer questions. The input will be summarized for the Council goal setting packet.
- *Online Survey*
Leading up to the Goal Setting Retreat, the city will offer an online survey to allow community members to provide their ideas at their own convenience.
- *Goal Setting Retreat, February 8*
The Council will convene to review public input, goal status updates, and then develop goals and objectives for the next fiscal year. Based on the discussion, staff will draft and bring the draft goals and actions to the Council for adoption at a regular City Council meeting.

Attachments:

1. City Council Goals Status Update



2023-24 CITY COUNCIL GOALS STATUS UPDATE

Goal	Lead	Status & Next Steps
Housing, Livability, and Growth		
Leverage local and regional resources and partnerships to help the Sisters houseless community.	Administration	<ul style="list-style-type: none"> • Second IGA for Coordinated Houselessness Response Office (CHRO) approved. • Continue to participate and work with the CHRO for regional solutions to houselessness. • Continue partnership with Community Leaders Initiative (CLI) for assisting houselessness. • Provided \$15,000 contribution to NeighborImpact Foodbank. • Work with community volunteers and partners to gather local data specific to the situation and needs of houseless in the greater Sisters area.
Continue to pursue resources and partnerships for the development of affordable and workforce housing.	Administration Development Services	<ul style="list-style-type: none"> • Northwest Housing Alternatives (NHA) selected as recipient of \$500,000 city grant (via ARPA funds) for affordable housing project. • Develop and execute agreement with NHA. • Develop grant program and plan for earmarked Urban Renewal Funds for workforce housing. • Open the application period for the Affordable Housing Grant program in January 2024.

Goal	Lead	Status & Next Steps
Continue to implement the strategies of the Housing Plan and Efficiency Measures Report.	Development Services	<ul style="list-style-type: none"> • Efficiency measures incorporated into updated UGB Sufficiency Analysis. • Continue to monitor code amendments for effectiveness.
Update Urban Growth Boundary (UGB) sufficiency report to assist in determining whether a UGB expansion will be pursued.	Development Services	<ul style="list-style-type: none"> • UGB Sufficiency Report update completed. • Workshops held with Planning Commission and City Council. • The Council directed staff to initiate UGB Amendment Process. • Staff to develop scope of work and RFP for preparing UGB Amendment including public outreach and engagement in the process.
Prioritize amendments to the Sisters Development Code to bring it into conformance with the Sisters Comprehensive Plan and develop a process to monitor the effectiveness of Code Amendments.	Development Services	<ul style="list-style-type: none"> • In progress and ongoing.
Continue to strengthen and prioritize Dark Sky Code language.	Development Services	<ul style="list-style-type: none"> • Workshops and Council meetings conducted on proposed modifications. • Updated Dark Skies code to reflect best practices. • City Council to consider code amendments on January 10, 2024. • Implement funding, compliance, and transition plan for achieving certification as an International Dark Sky Community.

Goal	Lead	Status & Next Steps
Evaluate Short-Term Rental Code language to mitigate adverse impacts on the community.	Development Services	<ul style="list-style-type: none"> • City Council Workshop held. • Survey distributed to STR Permit holders to gather more data on STRs activity and awareness of regulations. • Proposed code amendments to be presented to Council in Q1 2024.
Wildfire Mitigation and Community Resiliency		
Expand partnerships and identify grants with County, State, and Federal governments regarding wildfire mitigation and natural disaster preparedness.	Development Services Administration	<ul style="list-style-type: none"> • Grant secured and Phase I projects completed at WWTP, Well 1, and Edgington Road properties.
Continue partnership with Sisters-Camp Sherman Fire District and other agency partners to improve public awareness about wildfire preparedness and mitigation.	Development Services Administration	<ul style="list-style-type: none"> • Community Wildfire Resiliency Meetings with agency partners established and held monthly. • Create webpage for wildfire preparedness information, resources, and and links for Sisters residents.
Work toward updating defensible space and structural hardening requirements through the development code.	Development Services	<ul style="list-style-type: none"> • Continue to monitor implementation of SB 80 and SB 762 and Fire Hazard maps. • Council Workshop held on November 29 for direction on defensible space and building hardening standards. • Staff to bring forward code amendments for Council review in Q1 2024.

Goal	Lead	Status & Next Steps
Continue implementing the Wildfire Resiliency Plan for the City's critical infrastructure and property.	Public Works	<ul style="list-style-type: none"> Phase I Fuel Reduction project completed at WWTP, Well 1 and Edgington Road properties. Phase II will occur this winter/spring Close out grant.
Economic Development		
Continue partnership with Explore Sisters for tourism.	Administration	<ul style="list-style-type: none"> Attend quarterly staff meetings and monthly Board meetings. Council to receive periodic updates from Explore Sisters Executive Director.
Explore project concepts for a multi-purpose recreational facility that supports residents and visitors at the future northwest park adjacent to the Woodlands Development.	Administration Public Works	<ul style="list-style-type: none"> Conceptual planning and community outreach to begin in Summer 2024. Develop funding plan options for constructing recreational facility. Continue working with developer to construct interim improvements.
Partner with Economic Development for Central Oregon to support traded-sector economic development, including assisting with support on workforce housing and childcare.	Administration EDCO	<ul style="list-style-type: none"> Contract extension with EDCO approved and budget adopted. Attend and participate in the Childcare Taskforce meetings. Council liaison appointed to Sisters EDCO Advisory Board Participate in update to the Economic Development Strategic Plan.

Goal	Lead	Status & Next Steps
Essential Infrastructure		
Develop a funding strategy and initiate the design and construction of high-priority projects from the newly updated Water and Wastewater Capital Improvement Plans.	Public Works Finance	<ul style="list-style-type: none"> • Update Water and Wastewater rate models. • Update Water and Wastewater System Development Charges. • Conduct a One-Stop meeting with Business Oregon and develop a funding plan. • Issue RFP and begin engineering and design work.
Complete design and initiate construction for Barclay Drive alternate route improvements.	Public Works	<ul style="list-style-type: none"> • Design completed and cost estimate updated. • Develop a funding/phasing plan for constructing improvements in BN25-27.
Develop and construct Water and Wastewater System emergency preparedness projects.	Public Works	<ul style="list-style-type: none"> • Back-up generator purchased for wastewater pumpstations. • 700-gallon fuel trailer procured for emergency operations. • Design and construct new back-up generator for Well 3.
Continue to invest in and implement top-priority projects from the City's 2020 Traffic Safety Audit to improve pedestrian and bicycle safety.	Public Works	<ul style="list-style-type: none"> • Applied for grant for Elm Street Bike and Pedestrian pathway project. • Submitted speed zone request for Hwy 242 school zones. • Design and construct McKinney Butte corridor safety improvements.

Goal	Lead	Status & Next Steps
Good Governance		
Continue to be an active partner of the Vision Implementation Team and collaborate with community organizations to advance key Vision strategies.	City Council Administration	<ul style="list-style-type: none"> • City Councilor and staff attend quarterly VIT meetings. • Support C4C and VIT in updating the Vision action plan. • Integrate key visions strategies in City workplan, where applicable.
Update Water and Wastewater utility rates and applicable City System Development Charges.	Finance Public Works Administration	<ul style="list-style-type: none"> • Utility rate model and SDC updates are underway. • Present updated fees and charges to the City Council and develop a communication plan in Q1 2024. • Implement updated rates and SDCs to be effective July 1, 2024.
Develop and implement a community outreach plan.	Administration	<ul style="list-style-type: none"> • City electronic newsletter established. • Hold a public open house/town hall for City Council goal setting. • Explore adding communications capacity to the Deputy City Recorder position to assist with social media, website, and city publications. • Update City website with city project information and land use application materials. • Develop robust public engagement process for the UGB Amendment process. • Civic Leadership Academy to launch in Spring 2024.

Goal	Lead	Status & Next Steps
Environmental Sustainability		
Implement the Water Conservation Plan, adopt year two priorities to reduce citywide consumption, and continue educating the community regarding natural resources conservation strategies.	Public Works	<ul style="list-style-type: none"> • Update water rate methodology to encourage water conservation. • Construct sub-surface irrigation/turf removal project on Hood Ave islands.
Begin implementing the City’s Environmental Sustainability Plan, which addresses operations, maintenance, and replacement of existing city facilities and provide support for electric vehicles.	Public Works	<ul style="list-style-type: none"> • Sustainability Plan completed and adopted by the City Council. • Lighting efficiency upgrades completed at Public Works Shop, HQ, WWTP Lab, and City Hall. • Procured EV Charging station grant for E. Portal • Design and Construct EV stations in FY24/25.
Design the East Portal Mobility Hub based on the approved final concept plan.	Public Works	<ul style="list-style-type: none"> • Phase 1 Funding package secured. • Phase 1 Design Contract approved and design underway.
Study the viability of constructing electric vehicle charging facilities throughout the City and assess Development Code amendments necessary to help facilitate them.	Public Works	<ul style="list-style-type: none"> • Current and future charging stations mapped. • Grant secured for installing charging stations at the East Portal property.
Urban Renewal Agency Goals		
Pursue a bond funding strategy to access existing URA funds for priority projects outlined in the 2020 URA Project list.	Finance Administration	<ul style="list-style-type: none"> • Staff to present options for financing upcoming and priority URA projects at January Board meeting.

Goal	Lead	Status & Next Steps
Develop a funding strategy and construction timing for the Adams Avenue Streetscape Project.	Finance Administration	<ul style="list-style-type: none"> In progress. The funding and schedule to be adjusted to align with projected available capacity in urban renewal and Street CIP.
Complete design and initiate construction of the Westside Pump Station.	Public Works	<ul style="list-style-type: none"> Design contract to be presented to Council for approval on December 13.
Allocate remaining US20 @ Locust Roundabout funding for the future roundabout art and landscaping project.	Finance Public Works	<ul style="list-style-type: none"> Develop funding package for Art/landscaping project. Issue Call for Artists FY24/25. Issue RFP for Landscape Design/Build contract FY24/25.

MEMBERS PRESENT:

Michael Preedin Mayor
Andrea Blum Council President
Jennifer Letz Councilor
Gary Ross Councilor
Susan Cobb Councilor- Zoom

STAFF PRESENT:

Jordan Wheeler City Manager
Kerry Prosser Assistant City Manager
Joe O'Neill Finance Director
Scott Woodford CDD Director
Paul Bertagna PW Director
Matt Martin Principal Planer

GUESTS:

Andrew Parrish MIG

Mayor Preedin called the workshop to order at 5:30 p.m.

1. Urban Growth Boundary Discussion

Director Woodford provided background on expanding the city's urban growth boundary (UGB). The discussion began in 2020 with the update of the Sisters Comprehensive Plan, a 20-year master plan for growth and development required by the state. The plan involved various technical studies, including a housing needs analysis and economic opportunities analysis based on population projections from Portland State University (PSU).

The updated UGB Sufficiency Report presented to the City Council and Planning Commission earlier this fall revealed the need to add 206 to 256 acres to the UGB. The report suggested a surplus of multifamily-zoned land but a deficiency in lower-density residential land.

Staff was seeking the Council's direction on whether to proceed with a UGB expansion. If expansion were chosen, a consultant would be hired for a 12 to 16-month process costing \$140,000 to \$300,000. The process involved a comprehensive plan amendment, with the county as a co-applicant.

City Manager Wheeler said the current workshop was not meant for decision-making but as an opportunity for the Council to ask questions and gather more information about the UGB expansion process. The intention was to return at the next meeting with a formal request to proceed. If approved, the next steps involved issuing a Request for Proposals (RFP), receiving proposals, and approving a contract in a future City Council meeting.

City Manager Wheeler mentioned that the state approved a tentative grant to assist with the UGB process, helping offset some of the associated costs. He said significant public involvement and community engagement would occur throughout the anticipated 12-to-16-month process. The costs incurred during this period included expenses related to town halls, public hearings, and the analysis of different proposed expansion areas. City Manager Wheeler noted that public participation was a crucial part of this process.

Councilor Cobb said that it was a lengthy period (12-16 months) for this process to unfold. She mentioned that if the decision were made to engage in area planning, which might take another year, it could take up to three years to complete all the stages.

Mayor Preedin noted the town's 5% growth rate over the past few years and the need to consider the implications of this growth on the current UGB, which was the same size as the city limits. The Mayor was concerned that with the current limited UGB, opportunities for amenities like parks, open spaces, and affordable housing were diminishing as the city grew.

He said starting this process was a significant decision, noting there were long-term impacts on future generations. Mayor Preedin emphasized that the decision was not about immediate needs but preparing for the future. He drew attention to the extended timeline for development, citing examples of past annexations and emphasizing that UGB expansion did not automatically grow the city limits.

Mayor Preedin said we were considering the town's rapid growth, the challenges it poses, and the importance of planning for the future. This decision was not only for the present but for the well-being of those who would be in the community 20 years from now.

Director Woodford addressed the connection between housing supply, affordability, and the period for expanding the UGB. He noted that the process, including annexation, development, master planning, and subdivision, took time, with a best-case scenario of around five years before tangible results would emerge. Director Woodford noted the importance of planning for the future to address housing challenges and increase open space. He believed good planning involved anticipating future needs and working towards solutions to alleviate housing crunches.

Councilor Ross expressed concerns about the "do nothing" option, noting that according to state regulations when a city runs out of available land, it must expand the UGB. He advocated for a thoughtful planning process and believed we should be prepared for future developments. Councilor Ross said that expanding the UGB was essentially drawing another line around the city. He pointed out that the land would remain in the county tax coffers until annexation, allowing the Council at that time to decide the extent and purpose of the annexed land, whether for housing or other uses. Councilor Ross did not want to delay the decision to expand the UGB; he thought it would be a mistake for the community and future leaders. Councilor Ross felt it was important to plan for the community's future proactively.

Council President Blum asked about the reliability of the population estimates provided by PSU, which the city was required to use. She asked about the record of PSU's

population projection, whether they had generally been accurate and consistent, or if there had been instances where they deviated significantly from the actual outcomes.

Director Woodford had not heard that PSU's population projections were significantly off track. He had confidence in PSU's estimates; they employed a complex and detailed methodology to arrive at their projections. Director Woodford added that PSU updated their population projections periodically to incorporate new information; the estimates were adjusted based on the latest data available.

Council President Blum asked about the effectiveness of the efficiency measures already implemented and whether these measures substantially impacted the city's housing capacity. She recalled information suggesting that, due to factors like parking limitations, the impact of these measures may not have been as significant as anticipated.

Director Woodford reviewed the steps taken to increase multifamily residential density, with the potential for densities up to fifty units per acre, which were contingent on providing a percentage of affordable housing. However, achieving the highest density levels might be challenging due to parking requirements and transit limitations. Director Woodford said the city had considered adjustments to parking requirements but decided against it due to the local reliance on driving and the desire for personal vehicles.

Similarly, proposed building height increases faced controversy and were eventually discarded. Achieving higher densities might be difficult, but Director Woodford sees the implemented measures as providing flexibility. He noted that the impact had yet to be fully realized but could begin as infill projects emerged.

Director Woodford highlighted ongoing discussions with affordable housing developers who were interested in utilizing increased development standards and density bonuses for their projects. While the prime time for these measures may not have arrived, he expected increased popularity and effectiveness over time as the city received feedback and adjusted standards to facilitate projects aligned with community needs.

Council President Blum asked about the urgency of expanding and the possible consequences of not expanding the UGB, particularly regarding housing availability, population demographics, and the community's overall development. She said that not expanding the UGB might not prevent people from wanting to move to the area but could result in residents being priced out of the housing market. She was concerned about the potential influx of people from outside the community or even outside the state, leading to a more mature population with fewer children in schools.

Council President Blum mentioned the sentiments of some residents who believed the current state of the community was ideal and questioned the need for further growth. However, she thought maintaining the status quo may not be a viable long-term option.

Director Woodford agreed with Councilor Blum's assessment of the potential impacts of not expanding the UGB. He acknowledged the existing challenges in finding housing for the workforce, attributing the difficulty to limited supply and unabated demand. Director Woodford expressed concern about the future trajectory of housing costs if the community did not expand the UGB. He highlighted the potential consequences, such as a diminished ability to attract and retain essential professionals like teachers due to high housing costs, leading to turnover in those positions. Not expanding the UGB could make maintaining a functioning and thriving community challenging.

Councilor Letz commended the staff for the thorough preparation in the three-year research and study leading up to the potential UGB expansion. While the decision to expand was still on the table, data suggested that expansion may be warranted. Councilor Letz stated that many residents were struggling with housing costs and noted the difficulty for various professionals, including teachers, Forest Service staff, and healthcare workers, to live in the community. The situation affects the community's overall health and creates challenges in attracting and retaining essential workers. Councilor Letz was particularly concerned about the lack of opportunities for young graduates from the local school system to settle in the community, which could contribute to an unhealthy and unsustainable situation.

Councilor Letz was in favor of moving forward with the expansion process. Her focus was on the lives of people in the community five, ten, and twenty years into the future.

Mayor Preedin noted the potential impact a UGB expansion would have on local businesses and the delicate balance of housing needs for business owners and retirees. He stressed the importance of planning for housing lands, considering benchmarks for affordable housing, and involving the community in decision-making. He noted the need for input from the public, stating that decisions would not move forward without community involvement. Mayor Preedin said that with the ongoing growth, we needed to take a thoughtful approach and avoid moving too fast or too slow.

Mayor Preedin mentioned the city of North Plains as an interesting case, with citizens attempting to overturn the decision to expand the UGB through a referendum. He acknowledged the challenges and complexities of the expansion process, including identifying suitable lands and engaging landowners outside the city limits.

Director Woodford clarified that the PSU population estimates were updated yearly.

Councilor Cobb thought that not moving forward with a consultant would be a dereliction of duty. She emphasized the importance of gathering information, conducting research, and involving the public to ensure that the town could progress into the future in a managed and informed manner. Councilor Cobb firmly believed that taking these steps was a responsibility the Council should fulfill.

Councilor Ross spoke about the importance of affordable housing for families so cities could sustain growth. He said we were not just looking at what we were doing five or ten years from now but also looking at where this community needed to be in 15, 20, or 30 years. Councilor Ross said that meant bringing in families and housing for people working here. He thought that was the only way the community could really grow and prosper.

Mayor Preedin asked how much of the UGB process the grant we received would cover. Director Woodford thought it would be in the \$100,000 range.

Mayor Preedin explained the importance of extensive public outreach and involvement in the decision-making process regarding the potential UGB expansion. He reviewed the city's long-term planning efforts, citing the Vision process and the Comprehensive Plan as foundational documents. He acknowledged the need to update the plan to accommodate potential UGB expansion and underscored the city's dedication to aligning decisions with the community's vision for Sisters.

The Council agreed staff should bring a formal motion to proceed with a UGB Amendment to the November 29th meeting.

2. Other Business - None

The meeting was adjourned at 6:22 p.m.

Kerry Prosser, Recorder

Michael Preedin, Mayor



Meeting Date: December 13, 2023
Type: Regular Meeting
Subject: Ordinance 535 – Public Contracting Code

Staff: Prosser/Hawkins
Dept: Administration

Action Requested: Approve an Ordinance of the City of Sisters Adopting Public Contracting Rules and Procedures and Replacing and Superseding City of Sisters Ordinance No. 493.

Summary Points:

The Sisters City Council serves as the local contract review board for the City of Sisters. Under Oregon law, a public contract includes the purchase and/or other acquisition by a contracting agency (i.e. City) of, among other things, personal property (goods), services (including personal services), and public improvements.

On November 28, 2018, the City Council approved Ordinance No. 493, which adopted part of the Oregon Attorney General’s model rules of procedure pertaining to public contracting, adopted local rules pertaining to public contracting, and repealed and replaced the then-existing Sisters Municipal Code Chapter 2.45 and Chapter 3.0.

Over the past five years the state has updated/modified the contracting rules several times and Ordinance 535 will codify those updates in the Municipal Code. Notable updates to the code are highlighted below:

Exhibit A:

D. Small Procurements:

1. Public contracts for goods and/or services in the amount of ~~\$10,000~~ \$25,000 or less are not subject to competitive bidding requirements.
2. Public contracts for public improvements with a contract price of less than ~~\$5,000~~ \$25,000 are not subject to competitive bidding requirements.

E. Intermediate Procurements:

1. A public contract for goods and/or services that exceeds ~~\$10,000~~ \$25,000 but does not exceed \$250,000, may be awarded according to the processes for intermediate procurements described in ORS 279B.070(4).
2. A public contract for a public improvement estimated by City to not exceed ~~\$5,000~~ \$100,000 may be awarded according to the processes for intermediate procurements described in OAR 137-049-0160.



Exhibit B:

4. Purchase of Used Personal Property. If the anticipated purchase does not exceed ~~\$150,000~~ \$250,000, the city manager, acting on behalf of City, may directly purchase used personal property and equipment if such property is suitable for City's needs and can be purchased for a lower cost than substantially similar new property.

5. Information Technology Contracts. Unless deemed impractical, information technology contracts will be solicited in accordance with the following: (a) if the anticipated purchase price is more than ~~\$10,000~~ \$25,000 but does not exceed ~~\$150,000~~ \$250,000, competitive quotes will be obtained and retained in the procurement file pursuant to the Rules governing intermediate procurements; and (b) if the anticipated purchase price exceeds ~~\$150,000~~ \$250,000, City will solicit written competitive proposals in accordance with the Rules governing requests for proposals.

7. Telecommunications Services. If competition exists (as determined herein) and the anticipated purchase is more than ~~\$10,000~~ \$25,000 but does not exceed ~~\$150,000~~ \$250,000, competitive quotes or proposals will be obtained and retained in the procurement file pursuant to the Rules governing intermediate procurements. If the anticipated purchase exceeds ~~\$150,000~~ \$250,000, City will solicit written proposals in accordance with the Rules governing requests for proposals.

Exhibit C:

3(a) Alternate Award Process. ~~Contracts may be awarded in the city manager's discretion.~~ Competitive methods will be used whenever possible to achieve the best value. In situations where a competitive process is deemed to be impractical, the reasons must be documented in the procurement file. If the anticipated purchase price exceeds \$250,000, competitive quotes must be obtained and retained in the procurement file.

3(d) Effect on Favoritism. Requirement that city manager must obtain competitive quotes ~~when practical help ensure that favoritism will not be greater than if statutory request for proposals process were used~~ for purchases anticipated to exceed \$250,000 and otherwise must use competitive methods whenever possible or else document the reasons why a competitive process was deemed impractical will prevent favoritism.

The tables below outline the updated purchasing limits of department heads and the city manager and provide additional guidance with respect to each type of contract. Although the City Manager can sign a contract of \$25,000 or less without taking it to the City Council, the funds would have been allocated during the budget process.



Table 1 – Public Improvement Contracts			
Value	Method	No. of Quotes	Approval Required
\$10,000.00 or less	Direct Appointment or Competitive Quotes	—	City Manager and/or Department Head
\$25,000 or less	Direct Appointment or Competitive Quotes	—	City Manager
\$25,000.01 -- \$100,000	Competitive Quotes, Competitive Proposals, or Invitation to Bid	Three*	City Council
Over \$100,000	Invitation to Bid or Competitive Proposals	—	City Council

Table 2 – Goods and Services Contracts			
Value	Method	No. of Quotes or Proposals	Approval Required
\$10,000.00 or less	Direct Appointment or Competitive Quotes	—	City Manager and/or Department Head
\$25,000.00 or less	Direct Appointment or Competitive Quotes	—	City Manager
\$25,000.00 - \$250,000.00	Competitive Quotes or Competitive Proposals	Three**	City Council
Over \$250,000.00	Invitation to Bid or Competitive Proposals	—	City Council



Table 3 – Personal Services Contracts			
Value	Method	No. of Proposals	Approval Required
\$10,000.00 or less	Direct Appointment or Competitive Proposals	Two***	City Manager and/or Department Head (by City
\$25,000.00 or less	Direct Appointment or Competitive Proposals	Two***	City Manager
Over \$25,000.00	Direct Appointment or Competitive Proposals	Two***	City Council

Table 4 – Consultant Services			
Value	Method	No. of Proposals	Approval Required
\$10,000.00 or less	Direct Appointment	—	City Manager and/or Department Head
\$25,000.00 or less	Direct Appointment	—	City Manager
\$25,000.01 – \$100,000.00	Direct Appointment****	—	City Council
\$250,000.00 or less	Informal Competitive Proposal	Three (from sources identified in the Rules) *****	City Council
\$250,000.01 or more	Formal Competitive Proposal	—	City Council

Financial Impact: N/A

Attachments:

1. Ordinance 535
2. Administrative Directive

ORDINANCE NO. 535

AN ORDINANCE OF CITY OF SISTERS ADOPTING PUBLIC CONTRACTING RULES AND PROCEDURES AND REPLACING AND SUPERSEDING CITY OF SISTERS ORDINANCE NO. 493.

WHEREAS, City of Sisters (“City”) is a municipality in the State of Oregon which is subject to Oregon’s public contracting laws; and

WHEREAS, the Sisters City Council (“Council”) serves as City’s local contract review board (“LCRB”); and

WHEREAS, on November 28, 2018, City adopted Ordinance No. 493, which ordinance adopted part of the Oregon Attorney General’s model rules of procedure pertaining to public contracting, adopted local rules pertaining to public contracting, and repealed and replaced the then-existing Sisters Municipal Code Chapter 2.45 and Chapter 3.05; and

WHEREAS, the Council has determined that Ordinance No. 493 is outdated and must be superseded and replaced; and

WHEREAS, pursuant to ORS 279A.065(6), City may adopt its own rules of procedure for public contracting that (a) specifically state that the model rules adopted by the Attorney General do not apply to the contracting agency, and (b) prescribe the rules of procedure that the contracting agency will use for public contracts, which may include portions of the model rules adopted by the Attorney General; and

WHEREAS, the Oregon Public Contracting Code (the “Code”) allows City to establish class special procurements and exemptions to provide for the award of one or more contracts for one or more projects within certain classes without following the competitive sealed bidding, competitive sealed proposal, or small or intermediate procurement methods that would otherwise be required under the circumstances; and

WHEREAS, by the passage of this Ordinance No. 535 (this “Ordinance”), City will establish local rules and procedures governing public contracts, and adopt class special procurements and exemptions, subject to the terms and conditions contained in this Ordinance.

NOW, THEREFORE, the City of Sisters ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Short Title. This Ordinance will be known as the “City of Sisters Public Contracting Ordinance.”
3. Adoption. The Council hereby adopts the Oregon Attorney General’s Model Public Contracting Rules (the “Model Rules”), Oregon Administrative Rules Chapter 137, Divisions 46, 47, 48, and 49, except for those provisions modified or replaced by the Public Contracting Rules and Procedures attached hereto as Exhibit A (the “Public Contracting Rules”), as the public contracting rules for City, as such Model Rules or Public Contracting Rules presently exist or as they may be amended in the future. If any conflict between the Model Rules and the Public Contracting Rules should arise, the Public

Contracting Rules will control unless otherwise provided by the Code. If any conflict between the Public Contracting Rules and the Code should arise, the Code will control. The Model Rules, Public Contracting Rules, and any amendments to the Model Rules or Public Contracting Rules, will collectively be referred to as the City of Sisters Public Contracting Rules (the “Rules”).

4. Supersede and Replace. This Ordinance supersedes and replaces Ordinance No. 493 in its entirety.

5. Class Special Procurements and Exemptions. The Council hereby adopts the Class Special Procurements and Exemptions contained in the attached Exhibit B and the applicable Findings in Support of Adopting Class Special Procurements and Exemptions contained in the attached Exhibit C.

6. Amendment; Review. The Council may amend the Public Contracting Rules at any time in the same manner as required for the Council to adopt an ordinance. City will regularly review the Rules to ensure that the Rules are consistent with applicable law.

7. Interpretation; Severability; Corrections. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected at any time by order of the Council to cure editorial and/or clerical errors.

This Ordinance was PASSED and ADOPTED by the Sisters City Council by a vote of ___ for and ___ against and APPROVED by the mayor on this 13th day of December, 2023.

Michael Preedin, Mayor

ATTEST:

Kerry Prosser, City Recorder

Exhibit A
Public Contracting Rules and Procedures

A. Delegation.

1. Except as otherwise provided by the Rules, the powers and duties given to the LCRB by the Code and/or the Model Rules must be exercised and performed by the Council.

2. Except as otherwise limited by the Council or the Rules, all powers and duties given or assigned to local contracting agencies by the Rules may be exercised or performed by the city manager, including, without limitation, the authority to enter into emergency contracts pursuant to ORS 279B.080 and 279C.320.

3. All public contracts or amendments to public contracts with an estimated cost that is greater than \$25,000 must be approved by the Council. All public contracts or amendments to public contracts with an estimated cost equal to or less than \$25,000 may be entered into by the city manager without Council approval. The city manager may, by written designation, allow other City staff members to enter into public contracts or amendments to public contracts with an estimated cost of \$10,000 or less without Council approval. However, emergency contracts may be entered into by either the Council or the city manager pursuant to Section F of these Rules, regardless of dollar limits, but subject to ORS 294.481.

4. For purposes of the Rules, the “city manager” means the city manager and/or his or her designee. Reference in the Model Rules to the “Chief Procurement Officer” will refer to the city manager.

B. Personal Services.

1. Definitions. “Personal Service(s)” is defined to include those services that require specialized technical, creative, professional, or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, without limitation, the following: attorneys, accountants, auditors, and other licensed professionals; information technology service providers/specialists; computer programmers; artists; graphic designers; performers; and consultants. The city manager may determine whether any additional service not specifically mentioned in this Section (B)(1) is a “Personal Service” under this definition. “Personal Services Contract(s)” means a contract for the provision of Personal Services.

2. Contracts for Personal Services. Except as provided in Section (B)(3), below, Personal Services Contracts may be directly appointed, or awarded from proposals that are solicited informally, either orally or in writing. When proposals are sought, they will be solicited from a sufficient number of qualified prospective proposers to ensure that no fewer than two qualified proposers submit proposals. If fewer than two qualified proposers submit proposals, the efforts made to solicit proposals will be documented in City’s files. The selection may be based on criteria, including, without limitation, each proposer’s (a) particular capability to perform the services required, (b) experienced staff available to perform the services required, including each proposer’s recent, current, and projected workloads, (c) performance history, (d) approach and philosophy used in providing services, (e) fees and/or costs, and/or (f) ability to provide timely performance in the area where the services are to be performed.

Price may be considered but need not be the determining factor. Proposals may also be solicited formally by using a written request for proposals and providing public notice, at City's discretion.

3. Contracts for Architectural, Engineering, Surveying, and Related Services. Personal Services Contracts for architectural, engineering, photogrammetric mapping, transportation planning, land surveying, and/or related services, all as defined by ORS 279C.100, will be awarded in accordance with the source selection procedures set forth in ORS 279C and Division 48 of the Model Rules (except as otherwise provided in these Rules). Notwithstanding the foregoing, such Personal Services Contracts may be awarded pursuant to ORS 279C.115 or 279C.120 when applicable. When using the informal selection procedures described in OAR 137-048-0210, the city manager will submit a request for proposals to a minimum of three prospective consultants drawn from the following: (a) City's list of consultants that is created and maintained under OAR 137-048-0120; (b) another contracting agency's list of consultants that is created and maintained under OAR 137-048-0120; or (c) all consultants that the contracting agency reasonably can locate that offer the desired architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or related services, or any combination of the foregoing. When the city manager is unable to locate three prospective consultants from the sources listed above, the city manager will submit requests for proposals to those prospective consultants identified from the sources listed above and document efforts to locate a minimum of three prospective consultants.

C. Special Procurements; Exemptions.

1. The Council may exempt from competitive bidding certain contracts or classes of contracts for the procurement of goods and services according to the procedures described in ORS 279B.085. In accordance with OAR 137-047-0285(2), City will give public notice of City's approval of a special procurement for goods and services in the same manner as public notice of competitive sealed bids under ORS 279B.055(4) and OAR 137-047-0300. The public notice will describe the goods or services or class of goods or services to be acquired through the special procurement. City will give affected persons at least seven days from the date of the notice of approval of the special procurement to protest the special procurement.

2. The Council may exempt certain contracts or classes of contracts for public improvements from competitive bidding according to the procedures described in ORS 279C.335. When exempting a public improvement from competitive bidding, the Council may authorize the contract to be awarded using a request for proposal process for public improvements, according to the processes described in OAR 137-049-0640 through 137-049-0690.

D. Small Procurements.

1. Public contracts for goods and/or services in the amount of \$25,000 or less are not subject to competitive bidding requirements. The city manager may make a reasonable effort to obtain competitive quotes in order to ensure the best value for City. City may amend a public contract awarded as a small procurement beyond the \$25,000 limit in accordance with OAR 137-047-0800, provided the cumulative amendments do not increase the total contract price to a sum that is greater than \$31,250.

2. Public contracts for public improvements with a contract price of less than \$25,000 are not subject to competitive bidding requirements. The city manager may make reasonable efforts to

obtain competitive quotes to ensure the best value for City.

E. Intermediate Procurements.

1. A public contract for goods and/or services that exceeds \$25,000, but does not exceed \$250,000, may be awarded according to the processes for intermediate procurements described in ORS 279B.070(4). City may amend a public contract awarded as an intermediate procurement in accordance with OAR 137-047-0800.

2. A public contract for a public improvement estimated by City to not exceed \$100,000 may be awarded according to the processes for intermediate procurements described in OAR 137-049-0160. City may increase the contract price of a public improvement awarded as an intermediate procurement through change order or amendment pursuant to OAR 137-049-0160.

F. Emergency Contracts.

1. For purposes of this Section F, the term “emergency” is defined as circumstances and/or conditions that (a) could not have reasonably been foreseen, (b) create a substantial risk of loss, damage, or interruption of services or a substantial threat to property, public health, welfare, or safety, and (c) require prompt execution of a contract to remedy the condition.

2. The city manager has the authority to determine when emergency conditions exist sufficient to warrant an emergency contract. The nature of the emergency and the method used for the selection of the contractor will be documented.

3. Emergency contracts may be awarded as follows:

a. Goods and Services. Emergency contracts for procurement of goods, services, and construction services that do not constitute public improvements may be awarded pursuant to ORS 279B.080 and Section A, “Delegation,” of these Rules.

b. Construction Services. City hereby adopts the procedures of OAR 137-049-0150 for awarding contracts for construction services under emergency conditions. For emergency contracts awarded under this section, City will ensure competition that is reasonable and appropriate under the emergency circumstances which may include, without limitation, written requests for offers, oral requests for offers, or direct appointment without competition in cases of extreme necessity.

G. Appeals of Prequalification Decisions and Debarment Decisions.

1. An appeal of City’s prequalification and debarment decisions regarding bidders or proposers providing goods and/or services will be as set forth in ORS 279B.425. The procedures in ORS 279B.425 will apply to hearings on such decisions.

2. An appeal of City’s disqualification or denial, revocation, or revision of a prequalification of any bidder or proposer for public improvement contracts will be as set forth in ORS 279C.445 and 279C.450. The procedures in ORS 279C.450 will apply to hearings on such disqualification or denial, revocation or revision of a prequalification.

H. Cooperative Purchases. Subject to applicable Council approval requirements stated in the Rules, City may purchase goods under the Oregon Cooperative Procurement Program (“OCPP”) or from any similar federal or regional program including, without limitation, programs pursuant to 10 USC 281 and the E-Government Act of 2002 (Public Law 107-347). Purchases under other federal or state programs will be permitted upon a finding by the Council that the program is sufficiently similar to the OCPP and/or programs pursuant to the aforementioned federal laws in effectuating or promoting transfers of property between contracting agencies.

I. Electronic Advertising. Pursuant to ORS 279B.055 and 279C.360, electronic advertisement of public contracts in lieu of publication in a newspaper of general circulation in the area where the contract is to be performed is authorized when it is likely to be cost-effective to do so. The city manager will have the authority to determine when electronic publication is appropriate, and consistent with City’s public contracting policies. Notwithstanding the foregoing, publication of public improvement contracts with an estimated cost in excess of \$125,000 will also be made in at least one trade newspaper of general statewide circulation.

J. Brand Names or Products, “or Equal.”

1. Specifications. City may enter into public contracts for the procurement of brand name “or equal” products, including products to be incorporated into a public improvement, subject to the requirements of this rule. Solicitation specifications for public contracts must not expressly or implicitly require any product of any particular manufacturer or seller except as expressly authorized in subsections (a) and (b) of this rule.

a. “Or Equal” Specification. City may specify a particular brand name, make or product suffixed by “or equal,” “or approved equal,” “or equivalent,” “or approved equivalent,” or similar language if there is no other practical method of specification.

b. Specifying a Particular Make or Product. City may specify a brand name, make, or product without an “or equal” or equivalent suffix if there is no other practical method of specification and after documenting the procurement file with the following information: (i) a brief description of the solicitation(s) to be covered including volume of contemplated future purchases; (ii) the brand name, mark, or product to be specified; and (iii) the reasons for seeking this procurement method, including, without limitation, a finding that (1) it is unlikely that specification of the brand name, mark or product will encourage favoritism in the award of the public contracts or substantially diminish competition, (2) specification of the brand name, mark, or product would result in substantial cost savings to City, and/or (3) efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies.

2. Public Notice. City will (a) make reasonable effort to notify all known suppliers of the specified product and invite such suppliers to submit competitive bids or proposals, or (b) document the procurement file with findings of current market research to support the determination that the product is available from only one seller. This requirement is satisfied by electronically posting a notice as provided in OAR 137-047-0300 for a reasonable period of time or by documenting direct contact with such suppliers in the procurement file.

K. Single Seller and Sole Source.

1. Sole Source Purchasing. City may purchase a particular product or service available

from only one source if City meets the requirements of ORS 279B.075 and OAR 137-047-0275. Prior to purchase and in accordance with ORS 279B.075, City must determine in writing that the product or service is available from only one seller or source. City's single seller/sole source determination (which will be placed in the procurement file) will include the following: (a) a description of the product or service to be purchased; (b) a brief description of the contract or contracts to be covered including volume of contemplated future purchases; and (c) City's findings in support of a single seller/sole source which may include those items listed in ORS 279B.075(2).

2. Sole Source, Multiple Purchases. If City intends to make several purchases of the product of a particular manufacturer or seller over an extended period, City must so state in the solicitation file, the solicitation document, if any, and the public notice required pursuant to OAR 137-047-0275(2). Such documentation and public notice constitute sufficient notice as to subsequent purchases. Such purchase may not be made for a period in excess of five years without new findings supporting continuation of the sole source procurement.

Exhibit B

Class Special Procurements and Exemptions

City may award a public contract under a class special procurement pursuant to the requirements of ORS 279B.085. Such procurements allow City to enter into one or more contracts over time without following the requirements of competitive sealed bidding, competitive sealed proposals, and/or small or intermediate procurements. The Council declares the procurements listed below as class special procurements. Unless otherwise specified in a particular special procurement rule, such contracts may be awarded in any manner that the city manager deems appropriate to City's needs, including, without limitation, by direct appointment. Except as otherwise provided, the city manager will make a record of the method of award.

1. Advertising Contracts, Purchase Of. The city manager, acting on behalf of City, may purchase media advertising, regardless of dollar value, without competitive bidding.

2. Advertising Contracts, Sale Of. The city manager, acting on behalf of City, may authorize the sale of advertising in City publications and for City activities, regardless of dollar value, without competitive bidding.

3. Equipment Repair and Overhaul.
 - a. Conditions. The city manager, acting on behalf of City, may enter into a public contract for equipment repair and/or overhaul without competitive bidding, if (i) service and/or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing, and/or (ii) service and/or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source. City purchases under this rule must be within the limits and pursuant to the methods in Section (3)(b) of this rule.

 - b. Process and Criteria. The city manager will use competitive methods whenever possible to achieve best value and must document in the procurement file the reasons why a competitive process was deemed to be impractical. If the anticipated purchase is more than \$250,000, competitive quotes must be obtained and retained in the procurement file.

4. Purchase of Used Personal Property. If the anticipated purchase does not exceed \$250,000, the city manager, acting on behalf of City, may directly purchase used personal property and equipment if such property is suitable for City's needs and can be purchased for a lower cost than substantially similar new property. City's research determining that the property can be purchased for a lower cost than substantially similar new property must be documented in the procurement file. For the purpose of this rule, the cost of used property will be based upon the life-cycle cost of the property over the period for which the property will be used by City.

5. Information Technology Contracts. The city manager, acting on behalf of City, will comply with the requirements of this rule for the procurement of information technology contracts. Competitive methods will be used whenever possible to achieve best value. The reasons why a competitive process was deemed to be impractical must be documented in the procurement file. Unless deemed impractical, information technology contracts will be solicited in accordance with the following: (a) if the anticipated purchase price is more than \$25,000 but does not exceed \$250,000, competitive quotes will be obtained and retained in the procurement file pursuant to the Rules

governing intermediate procurements; and (b) if the anticipated purchase price exceeds \$250,000, City will solicit written competitive proposals in accordance with the Rules governing requests for proposals.

6. Telecommunications Systems - Hardware and Software Contracts. The city manager, acting on behalf of City, will comply with the requirements of this rule for the procurement of telecommunications systems contracts. Competitive methods will be used whenever possible to achieve best value. The reasons why a competitive process was deemed to be impractical must be documented in the procurement file. Unless deemed impractical, telecommunications systems contracts will be solicited in accordance with the following: (a) if the anticipated purchase is more than \$25,000 but does not exceed \$250,000 competitive quotes or proposals will be obtained and retained in the procurement file pursuant to the Rules governing intermediate procurements; and (b) if the anticipated purchase exceeds \$250,000, City will solicit written competitive proposals in accordance with the Rules governing requests for proposals.

7. Telecommunications Services. The city manager, acting on behalf of City, may enter into a public contract for telecommunications services without competitive procurement methods if no competition exists within the area for the service required. To determine whether competition exists, the city manager will consider the following factors: (a) determination of alternative providers available within the geographic and service market area; (b) the extent to which alternative services offered are comparable or substitutable in technology, service provided and performance; and (c) the extent to which alternative providers can respond to City's interest in consistency and continuity of services throughout its service area, volume discounts, equitable service for all users, centralized management and limiting City liability. City will use competitive methods whenever possible to achieve best value. If competition exists (as determined herein) and the anticipated purchase is more than \$25,000 but does not exceed \$250,000, competitive quotes or proposals will be obtained and retained in the procurement file pursuant to the Rules governing intermediate procurements. If the anticipated purchase exceeds \$250,000, City will solicit written proposals in accordance with the Rules governing requests for proposals.

8. Copyrighted and Library Materials. The city manager, acting on behalf of City, may purchase copyrighted materials when there is only one known supplier available for such goods. This includes, without limitation, new books, periodicals, curriculum materials, reference materials, audio and visual media, and non-mass marketed software from a particular publisher or its designated distributor.

9. Requirements Contracts. The city manager, acting on behalf of City, may establish requirements contracts for the purposes of minimizing paperwork, achieving continuity of products, securing a source of supply, reducing inventory, combining City requirements for volume discounts, standardization among City departments, and/or reducing lead time for ordering. Purchases under requirements contracts may be utilized in accordance with the following: (a) the requirement contract must have originally been let by competitive procurement procedures unless otherwise allowed by the Rules; (b) City departments may purchase the goods or services from the awarded contractor without first undertaking additional competitive procurement procedures; and (c) the term of any City requirements contract, including renewals, will not exceed five years unless otherwise exempted pursuant to ORS 279B.085.

10. Purchases under Federal Contracts. When the price of goods and services has been established by a contract of the federal government pursuant to a federal contract award, the city

manager, acting on behalf of City, may purchase the goods and services in accordance with the federal contract without subsequent competitive bidding. In exercising its authority under this special procurement, City will obtain and document permission from the appropriate federal agency to purchase under the federal contract and document the cost savings to be gained for City from the anticipated purchases under the federal contract. City will not contract pursuant to this rule in the absence of a cost savings to City by using this method.

11. Hazardous Material Removal and Cleanup. The city manager, acting on behalf of City, may directly acquire services to remove or clean up hazardous material or oil from any vendor in an emergency or when ordered to do so by the Oregon Department of Environmental Quality pursuant to its authority under ORS Chapter 466. In doing so, the following conditions apply:

a. To the extent reasonable under the circumstances, City will encourage competition by attempting to obtain informal price quotations or proposals from potential suppliers of goods and services;

b. The City department responsible for managing or coordinating the cleanup will prepare a written description of the circumstances that require the cleanup and/or a copy of the DEQ order for the cleanup to the city manager, together with a request for contract authorization;

c. The City department responsible for managing or coordinating the cleanup will record whether there was time for competition, and, if so, the measures taken to encourage competition, the amount of the price quotations obtained, if any, and the reason for selecting the contractor to whom award is made; and

d. The timeline for cleanup must not permit use of intermediate procurement procedures.

12. Insurance—Employee Benefit and Other. City may purchase employee benefit insurance and other insurance without competitive bidding, regardless of dollar amount, subject to the terms of any collective bargaining agreement between City and represented employee groups.

13. Disposal of Abandoned, Seized, and/or Non-Owned Property. Contracts or arrangements for the sale or other disposal of abandoned, seized, and/or other personal property not owned by City at the time City obtains possession of such property are not subject to competitive procurement procedures. The city manager may select any method of disposal including, without limitation, donation to a charitable organization.

14. Disposal of Surplus Property.

a. Methods. Surplus property may be disposed of by any commercially reasonable method upon a determination by the city manager that the method of disposal is in the best interests of City. Factors that may be considered by the city manager include, without limitation, costs of sale, administrative costs, and public benefits to City. The city manager will maintain a record of the reason for the disposal method selected, and the manner of disposal, including the name of the person to whom the surplus property was transferred. For the purpose of this rule, “commercially reasonable method” includes, without limitation, transfer or sale to another City department or agency, auction, bid, liquidation sale, fixed-price sale, trade-in, donation, and any other method determined reasonable under the circumstances by the city manager.

b. Disposal of Property with Minimal Value. Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds, may be disposed of by any means determined to be cost-effective, including by disposal as waste. Prior to disposing of property pursuant to this subsection (b), the City official proposing to dispose of the property will obtain a written confirmation from another City official determining that the value of the property is less than \$500 or that the cost of selling the property is likely to exceed sale proceeds. The City official making the disposal will make a record of the value of the item and the manner of disposal.

c. Restriction on Sale to City Employees. City employees will not be restricted from competing, as members of the public, for the purchase of publicly sold surplus property, but will not be permitted to offer to purchase property to be sold to the first qualifying bidder until at least three days after the first date on which notice of the sale is first publicly advertised.

15. Temporary Extensions or Renewals. City may enter into contracts for a single period of one year or less for the temporary extension or renewal of an expiring and non-renewable or recently expired contract, other than contracts for public improvements, without competitive bidding.

16. Temporary Use of City Property. City may negotiate and enter into a license, permit, and/or other contract for the temporary use of City-owned property without using a competitive selection process under the following circumstances: (a) the contract results from an unsolicited proposal to City based on the unique attributes of the property or the unique needs of the proposer; (b) the proposed use of the property is consistent with City's use of the property and the public interest; and (c) City reserves the right to terminate the contract without penalty, in the event that City determines that the contract is no longer consistent with City's present or planned use of the property or the public interest.

17. Sponsorship Agreements. Sponsorship agreements under which City receives or makes a gift, donation, or consideration in exchange for official recognition may be awarded by any method deemed appropriate by City, including, without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.

18. Concession Agreements. City may enter into contracts that grant a franchise or concession to a private entity, individual, or other government to promote or sell, for its own business purposes, specified types of goods or services from City property and under which the concessionaire or promoter makes payments to City based, at least in part, on the concessionaire's revenues from sales or the value of such promotion to the sponsor's business, whether on or off City property. A concession agreement does not include an agreement which represents a rental, lease, license, permit, or other arrangement for the use of public property. Concession agreements may be awarded by any method deemed appropriate by the city manager, including, without limitation, by direct appointment, private negotiation, from a qualified pool, or using a competitive process.

19. Donated Materials and/or Services. City may accept donated services and/or materials regardless of dollar amount under the following circumstances: (a) the donor has agreed to donate all, or a portion of, the materials and/or services necessary to complete a project; and (b) the donor enters into an agreement with City whereby the donor agrees to comply with public contracting requirements applicable to the particular project and any requirements that City deems necessary or beneficial.

20. Gasoline, Diesel Fuel, Heating Oil, Lubricants, and Asphalt. City may enter into contracts for gasoline, diesel fuel, heating oil, lubricants, and/or asphalt without competitive bidding subject to

the following: (a) prior to selection of the contractor, City obtains quotes (written or oral) from at least three vendors in the area; (b) City makes its purchase from the least expensive source of those providing quotes; and (c) the reasons why a formal competitive process was deemed to be impractical must be documented in the procurement file.

21. Use of Existing Contractors. When a public improvement is in need of minor alteration, repair or maintenance at or near the site of work being performed by a City contractor, City may hire that contractor to perform such work subject to the following: (a) the contractor was hired through a selection process permitted by the Rules; (b) the city manager first obtains a price quotation for the additional work from the contractor that is competitive and reasonable; (c) the total cost of the proposed work will not exceed the threshold specified in ORS 279C.810(2)(a); and (d) the original contract is amended to reflect the new work and is approved by the city manager before work begins.

Exhibit C

Findings in Support of Adopting Class Special Procurements and Exemptions

ORS 279B.085 authorizes the LCRB, upon adoption of appropriate findings, to establish special selection, evaluation, and award procedures for, or exempt from competition, the award of a specific contract or classes of contracts. Pursuant to that authority, the Council has, after notice and an opportunity to comment at a regular meeting of the Council, adopted Ordinance No. 535, which establishes classes of contracts and the solicitation methods for their award, together with the following specific findings in support thereof.

The Council approves the specific findings for the establishment of special solicitation methods for the classes of public contracts described below and also finds that the establishment of each class of contract and the methods approved for their award are unlikely to encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts, and will result in substantial cost savings to City, and/or otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065, or 279B.070 or under any rules adopted thereunder.

1. Advertising Contracts.

a. Alternate Award Process. Contracts may be awarded at the city manager's discretion.

b. Cost Savings and Other Benefits. Size of and frequency of average advertisement (including all notices required to be published by City by applicable statute or regulation) does not justify the cost of solicitation. Time period of recognition of need to advertise until date of advertisement is too short to issue solicitation.

c. Effect on Competition. The potential market is limited because not all advertisers work in all markets. Choice of advertising medium is somewhat price sensitive but is primarily driven by location and size of circulation compared to City's target audience.

d. Effect on Favoritism. Minimal effect on favoritism due to the lack of competitors and specialized contracting needs.

2. Advertising Contracts, Sale of.

a. Alternate Award Process. The city manager may authorize the sale of advertising in City publications and for City activities, regardless of dollar value, without competitive bidding.

b. Cost Savings and Other Benefits. Avoids an unnecessary solicitation expense.

c. Effect on Competition. The sale of advertising is not for the purpose of generating revenue for City, but rather is utilized to offset the cost of publication. Businesses generally purchase advertising space in the spirit of goodwill and as a means of supporting community activities.

d. Effect on Favoritism. Minimal since any interested individual or business who wishes to advertise may do by contacting City staff.

3. Equipment Repair and Overhaul.

a. Alternate Award Process. Competitive methods will be used whenever possible to achieve best value. In situations where a competitive process is deemed to be impractical, the reasons must be documented in the procurement file. If the anticipated purchase price exceeds \$250,000, competitive quotes must be obtained and retained in the procurement file.

b. Cost Savings and Other Benefits. The need for equipment repair cannot be planned for and often must be handled on an expedited basis to avoid additional expense and adverse impact on the public's ability to utilize City's services. Experience with a single contractor can help improve reliability over the course of several projects.

c. Effect on Competition. Allows contractor to be selected based on ability to provide accurate, reliable, and fast service, which encourages competitive contract performance with the option to replace a contractor who does not maintain the aforementioned attributes.

d. Effect on Favoritism. Requirement that city manager must obtain competitive quotes for purchases anticipated to exceed \$250,000 and otherwise must use competitive methods whenever possible or else document the reasons why a competitive process was deemed impractical will prevent favoritism.

4. Purchase of Used Personal Property.

a. Alternate Award Process. Contracts to be awarded at the city manager's discretion.

b. Cost Savings and Other Benefits. City is responsible for managing expenditures in the best interests of the public. Cost savings can be achieved through the purchase of used property and equipment in certain instances. City purchases used property and equipment when it meets City's needs and is cost-effective. Considerations include type, quantity and estimated useful life of the used item.

c. Effect on Competition. No impact on competition as this class special procurement allows City to respond to unique opportunities that become available sporadically and without notice. Used equipment and property is usually sold on a first-come, first-served basis. When used equipment or property does become available, City must be able to respond immediately in order to obtain the property or equipment.

d. Effect on Favoritism. No impact on favoritism since City is responding to unique opportunities. When a used item is available, there is often little competition available and sources for used items of the type, quality and quantity required by City are inconsistent.

5. Information Technology Contracts.

a. Alternate Award Process. Competitive methods will be used whenever possible to achieve best value. In situations where a competitive process is deemed to be impractical, the reasons must be documented in the procurement file.

b. Cost Savings and Other Benefits. Rapid changes in technology and technology pricing make it necessary for City to be able to purchase needed computer equipment quickly. It is frequently possible to take advantage of lower pricing due to the frequent price changes in the marketplace.

c. Effect on Competition. Generally, there is sufficient competition among vendors in the area of information technology and software for City to secure competitive quotes or proposals. City is required to make a good-faith effort to secure competitive quotes or proposals under this rule.

d. Effect on Favoritism. Minimal effect on favoritism as City is required to obtain competitive quotes or proposals where practical. As price is the primary factor, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts.

6. Telecommunications Systems – Hardware and Software Contracts.

a. Alternate Award Process. Competitive methods will be used whenever possible to achieve best value. The reasons why a competitive process was deemed to be impractical must be documented in the procurement file.

b. Cost Savings and Other Benefits. Rapid changes in technology and technology pricing make it necessary for City to be able to purchase needed telecommunications hardware and software quickly. It is important that City be able to take advantage of price competition in the marketplace.

c. Effect on Competition. There is generally sufficient competition among vendors of telecommunications hardware and software for City to secure competitive quotes or proposals. City is required to make a good-faith effort to secure competitive quotes or proposals under this rule.

d. Effect on Favoritism. Minimal since City is required to obtain competitive quotes or proposals when practical. As price is the primary factor, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts.

7. Telecommunications Services.

a. Alternate Award Process. The city manager may enter into a public contract for telecommunications services without competitive procurement methods if no competition exists within the area for the service required.

b. Cost Savings and Other Benefits. The city manager will use competitive methods wherever possible to achieve best value. If competition exists, competitive quotes or proposals will be obtained.

c. Effect on Competition. It is important that City take advantage of price competition in the marketplace. There may be circumstances, however, where sufficient competition does not exist in the relative geographic and service market area. In such cases, City will follow the rule described in Section 7 of the Class Special Procurements and Exemptions (Exhibit B) in determining whether sufficient competition exists to make a competitive procurement.

d. Effect on Favoritism: There is generally sufficient competition among vendors of telecommunications services for City to secure competitive quotes or proposals. Because price is a primary factor, it is unlikely that this special procurement will encourage favoritism in the awarding of public contracts.

8. Copyrighted and Library Materials.

a. Alternate Award Process. Contracts may be awarded at the city manager's discretion.

b. Cost Savings and Other Benefits. This special procurement is necessary to allow City to acquire special needs products that are unique and for which a single copyright owner or licensee is the only source of the material. Eliminates unnecessary competitive solicitation when a competitive market does not exist.

c. Effect on Competition. By their nature, copyrighted materials are protected for the use of a single owner and are often produced by a single supplier who may be the owner of the copyright or its licensee. Instructional materials are adopted through a statewide process under the authority of the Oregon Department of Education; City generally purchases its instructional materials through the Northwest Textbook Depository. This allows City to benefit from the regional purchase and warehousing of these materials and the associated savings. This rule allows City to participate in the largest possible bulk purchasing activity of instructional materials in the region.

d. Effect on Favoritism. No effect on favoritism due to the lack of competitors and specialized contracting needs.

9. Requirements Contracts.

a. Alternate Award Process. City initially awards requirements contracts as a result of competitive procurement or an applicable exemption. This special procurement allows such a contract to be converted into one that will allow City to secure a constant source of supply for the contracted-for goods and/or services.

b. Cost Savings and Other Benefits. Allows City to reduce inventory, combine City requirements for volume discounts, standardize goods and/or services among City departments, and reduce lead time for ordering.

c. Effect on Competition. It is unlikely that this special procurement will diminish competition for City contracts as City initially enters into such contracts through a competitive process or an applicable exemption.

d. Effect on Favoritism. Minimal effect on favoritism since City initially enters into such contracts through a competitive process or applicable exemption.

10. Purchases under Federal Contracts.

a. Alternate Award Process. This special procurement allows the city manager to make purchases of goods and services when the price has been established by a contract of the federal government, which contract was awarded through a competitive procurement process.

b. Cost Savings and Other Benefits. City may use this special procurement method when it determines that there is cost savings to be made in avoiding the solicitation process and/or through taking advantage of low pricing obtained by the federal government.

c. Effect on Competition. The contracts are awarded through competitive processes and Oregon companies are not excluded or disadvantaged in competing for federal contracts.

d. Effect on Favoritism. Minimal effect on favoritism since the contracts are awarded at the price most advantageous to the federal government. City is required to document the cost savings it will achieve by purchasing pursuant to the federal contract. These facts ensure that City purchases the desired goods and/or services at the best price available, rather than from a preferred contractor.

11. Hazardous Material Removal and Cleanup.

a. Alternate Award Process. Contracts may be awarded at the city manager's discretion.

b. Cost Savings and Other Benefits. When City is ordered to remove or clean up hazardous material, it must respond within a very short time period. This time period generally does not allow for City to take the time necessary to solicit written bids or proposals for the work to be performed. The time required to comply with competitive procurement requirements could render City liable for delays in responding to cleanup or removal orders. Such delay might also expose City to potential liability from third parties if the cleanup is not completed quickly.

c. Effect on Competition. This special procurement will only be used in an emergency or in situations where a remedial order is in effect and therefore there is no time to utilize a competitive procurement method. Routine competitive procurement methods will be used where time permits.

d. Effect on Favoritism. Minimal effect on favoritism since City will follow competitive procurement procedures unless precluded by time constraints.

12. Insurance – Employee Benefit and Other.

a. Alternate Award Process. City may purchase employee benefit insurance and other insurance without competitive bidding, regardless of dollar amount subject to the terms of any collective bargaining agreement.

b. Cost Savings and Other Benefits. The nature, type, specific services to be provided and timing of employee benefit insurance are dictated by collective bargaining agreements between City and represented labor groups. City must fulfill its contractual obligations to represented employee groups to provide appropriate employee benefits. City relies on its professional insurance broker or agent-of-record to solicit competitive proposals from responsible companies to furnish employee benefit coverages and other insurance coverages.

c. Effect on Competition. Minimal effect on competition since City's agent-of-record solicits proposals from employee benefit insurance providers and other insurance providers under conditions that foster competition among a sufficient number of potential suppliers. City

evaluates the proposals submitted to furnish employee benefit insurance for the best value to City given the requirements specified by the employee benefits portions of City's agreements with represented labor groups.

d. Effect on Favoritism. No impact on favoritism as this special procurement responds to unique circumstances.

13. Disposal of Abandoned, Seized or Non-Owned Property.

a. Alternate Award Process. Abandoned, seized, or non-owned property may be disposed of at the city manager's discretion.

b. Cost Savings and Other Benefits. Avoids an unnecessary solicitation expense by allowing the city manager to determine whether the cost of solicitation is justified by the value of the property to be disposed. Allows the city manager to establish programs for donation to charitable organizations.

c. Effect on Competition. No impact on competition as this special procurement responds to unique circumstances.

d. Effect on Favoritism. No impact on favoritism as this special procurement responds to unique circumstances.

14. Disposal of Surplus Property.

a. Alternate Award Process. Surplus property may be disposed of at the city manager's discretion.

b. Cost Savings and Other Benefits. Avoids an unnecessary solicitation expense by allowing the city manager to determine whether the cost of solicitation is justified by the value of the property to be disposed. Allows the city manager to establish programs for donation to charitable organizations.

c. Effect on Competition. No impact on competition as this special procurement responds to unique circumstances.

d. Effect on Favoritism. No impact on favoritism as this special procurement responds to unique circumstances.

15. Temporary Extensions or Renewals.

a. Alternate Award Process. No competitive selection required.

b. Cost Savings and Other Benefits. Allows City to prepare for competitive solicitation when existing contracts expire without notice due to administrative error.

c. Effect on Competition. Delays competition by not more than one year.

d. Effect on Favoritism. No impact on favoritism. At expiration of temporary extension, standard competitive procedures will apply.

16. Temporary Use of City Property.

a. Alternate Award Process. Contracts may be awarded at the city manager's discretion.

b. Cost Savings and Other Benefits. Allows City to respond to unsolicited proposals for unique revenue opportunities.

c. Effect on Competition. No effect on competition as no competitive market exists.

d. Effect on Favoritism. No impact on favoritism as this special procurement responds to unique circumstances.

17. Sponsorship Agreements.

a. Alternate Award Process. Contracts may be awarded at the city manager's discretion.

b. Cost Savings and Other Benefits. This special procurement allows City to respond to unsolicited proposals for revenue or marketing opportunities that would otherwise be unknown or unavailable.

c. Effect on Competition. Mandatory open competition would likely discourage creative proposals from sponsors or City participation. Sponsorship often results from the match between a unique attribute of an event or asset and unique characteristics of the sponsor for which no competitive market exists.

d. Effect on Favoritism. Minimal effect on favoritism as this class of special procurements responds to unique opportunities.

18. Concession Agreements.

a. Alternate Award Process. City manager may award contracts by any method deemed appropriate by the city manager.

b. Cost Savings and Other Benefits. Allows City to take advantage of unique revenue opportunities. Not a contract for the acquisition or disposal of goods or services. Most similar to personal services contracts because the quality of the concession may be more important than price factors. Allows a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from City property. Concessionaire makes payments to City based, in part, on the concessionaire's revenues from the concession.

c. Effect on Competition. Minimal effect on competition as this special procurement responds to unique opportunities.

d. Effect on Favoritism. Minimal effect on competition as this special procurement responds to unique opportunities.

19. Donated Materials and/or Services.

a. Alternate Award Process. Subject to the requirements of this special procurement, the city manager will award such contracts at the city manager's discretion, including through direct solicitation.

b. Cost Savings and Other Benefits. Avoids unnecessary expenditure when services and/or materials are donated to City. Affords City the ability to take advantage of such donated materials and/or services, enables City to use its limited funds in other areas, and frequently results in materials and/or services City would not otherwise be able to afford.

c. Effect on Competition. No competitive market exists or equivalent vendors will be identified and allowed to compete.

d. Effect on Favoritism. No effect on favoritism since services and/or materials are donated.

20. Gasoline, Diesel Fuel, Heating Oil, Lubricants, and Asphalt.

a. Alternate Award Process. Subject to the requirements of this special procurement, the city manager will award such contracts at the city manager's discretion, including through direct appointment.

b. Cost Savings and Other Benefits. The purchases under this special procurement are likely to be at levels that qualify as small or intermediate procurements and the process is similar to the process required for intermediate procurements. Allows City to quickly and efficiently obtain necessary goods from the vendor providing the lowest price quote.

c. Effect on Competition. This special procurement encourages competition by requiring an informal competitive process and requiring City to use the least expensive source of those providing quotes.

d. Effect on Favoritism. This special procurement discourages favoritism by requiring an informal competitive process and requiring City to use the least expensive source of those providing quotes.

21. Use of Existing Contractors.

a. Alternate Award Process. From time to time, City needs to perform repair or maintenance functions at or near a site where a contractor, already hired by City through a competitive selection process, is performing other work. The city manager may obtain an informal price quotation from the contractor already at or near the site to perform the additional work. If the city manager determines that the informal price quotation is competitive for work of that type, then the contractor may be awarded the additional work without the need for competitive bidding provided that the value of the additional work, as estimated by the contractor, does not exceed \$50,000.

b. Cost Savings and Other Benefits. City will achieve cost savings because the cost of the additional work will be lower than if the work was competitively bid because the contractor is already mobilized at or near the site of the work and will not need to recover the cost of mobilization as would a new contractor.

c. Effect on Competition. It is unlikely that this exemption will substantially diminish competition in the award of City contracts as the contractor was originally selected through a competitive bidding process.

d. Effect on Favoritism. Not applicable where the contractor has already been selected through a competitive procurement process. The occurrence of such additional work is often unforeseen and City is not required to provide the contractor with the work if the price quote is not competitive.

City of Sisters
Administrative Directive – Purchasing Procedures
Effective Date: January 13, 2023

A. Authority; Disclaimer.

1. The Sisters City Council (the “Council”) serves as the local contract review board for City of Sisters (“City”). On December 13, 2023, the Council adopted City Ordinance No. 535 (codified at Sisters Municipal Code Chapter 2.45), which superseded and replaced Ordinance No. 493, and enacted Sisters Public Contracting Rules and Procedures (the “Rules”). Under the “Delegation” section of the Rules, the city manager may enter into public contracts with an estimated cost of less than \$25,000 without approval from the Council. The city manager may, by written designation, allow other City staff to enter into public contracts with an estimated cost of \$10,000 or less without approval from the Council.

2. In addition to establishing City’s internal purchasing procedures, this “Administrative Directive – Purchasing Procedures” (this “Directive”) is the city manager’s written designation for certain staff to enter into certain public contracts within the limits designated in this Directive. The tables contained in Appendix A designate the purchasing limits of department heads and the city manager and provide additional guidance with respect to each type of contract; provided, however, such tables are not intended to be exhaustive of City’s public contracting requirements.

3. Under Oregon law, a public contract includes, without limitation, the purchase and/or other acquisition by a contracting agency (i.e. City) of, among other things, personal property (goods), services (including personal services), and public improvements. In general, transactions for real property are excluded from the public contracting rules.

4. This Directive is not a substitute for the Rules. Rather, it is intended to be used in connection with the Rules. The purpose of this Directive is to provide guidance for City staff when entering into public contracts and purchasing for and on behalf of City. Where there is a conflict between this Directive and the Rules, the Rules, including, without limitation, the methods of procurement for class special procurements and emergency contracts, will govern.

B. Exempt Contracts.

Pursuant to the Rules, certain contracts and classes of contracts may, unless otherwise specified in a particular special procurement rule, be awarded in any manner that the city manager deems appropriate to City’s needs, including by direct appointment (direct purchase without solicitation). The classes of exempt contracts are described in more detail in the Rules.

C. Competitive Quotes.

City staff are encouraged to make a reasonable effort to obtain competitive quotes in order to ensure the best value for City. Notwithstanding instances when competitive quotes are not required under the Rules, City staff will exercise prudence in determining if competitive quotes are necessary and appropriate taking into account all relevant facts and circumstances concerning the procurement. Relevant facts and circumstances include, without limitation, (a) the type of procurement (e.g. a product with consistent pricing in the marketplace), (b) the availability of the same or similar product and/or service, (c) whether City has obtained quotes for the same or similar product and/or service in the previous twelve months, (d) the work and/or service to be performed, and (e) whether other local public entities have recently received the same or similar product and/or service.

D. Explanation of Purchasing Procedures.

The following sections generally discuss public improvement contracts, goods and services contracts, personal services contracts, and Consultant Services (defined below) contracts.

1. Public Improvements. With some limited exceptions, a public improvement is a project for construction, reconstruction, and/or major renovation on real property by or for City. Example public improvement projects include, without limitation, construction of water and sewer infrastructure, roads, and other public works infrastructure. A public improvement contract does not include a contract for emergency work, a minor alteration, ordinary repair, or maintenance of public improvements.

a. Public improvement contracts for less than \$25,000 may be awarded by direct appointment (also referred to as “direct purchase”).

b. Public improvement contracts that do not exceed \$100,000 may be awarded according to the procedures in the “Intermediate Procurement” section of the Rules. An intermediate procurement for a public improvement contract requires, among other things, at least three written quotes.

c. Public improvement contracts that exceed \$100,000 are awarded according to formal procurement procedures under ORS 279C.335 – 279C.395 and OAR 137-049-0200 (invitation to bid) or ORS 279C.400 – 279C.410 and OAR 137-049-0650 (request for proposal).

2. Goods and Services. Contracts for goods and services include contracts for goods, services, or both. “Goods” include, without limitation, supplies, equipment, materials, and personal property. Supplies, equipment, materials, and personal property include any tangible, intangible, and intellectual property, rights, and licenses. Services include those services not designated as personal services under the Rules.

a. Contracts for goods and services that do not exceed \$25,000 may be awarded by direct appointment.

b. Contracts for goods and services that exceed \$25,000 but do not exceed \$250,000 may be awarded according to the procedures in the “Intermediate Procurement” section of the Rules. An intermediate procurement for goods and services requires at least three informally solicited competitive price quotes or competitive proposals. The City must keep a written record of the quotes or proposals received.

c. Contracts for goods and services that exceed \$250,000 are awarded according to ORS 279B.055 (competitive sealed bid) or ORS 279B.060 (competitive sealed proposals).

3. Personal Services. Except for personal services contracts for architectural, engineering, photogrammetric mapping, transportation planning, land surveying, and/or related services (individually and collectively, “Consultant Services”), contracts for personal services may be directly appointed, or awarded from proposals that are solicited informally. “Personal service(s)” is defined to include those services that require specialized technical, creative, professional, or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, without limitation, the following: attorneys, accountants, auditors, and other licensed professionals; computer programmers; artists; graphic designers; performers; and consultants. Pursuant to the Rules, the city manager has discretion in determining whether any additional service not mentioned in the Rules is a personal service.

4. Consultant Services. Contracts for Consultant Services are awarded according to the procedures

provided under the Rules, ORS 279C.100 – 279C.120, and OAR 137-048-0100 – 137-048-0320. The term “related services” refers to personal services that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvement projects.

a. Contracts for Consultant Services that do not exceed \$100,000 may be awarded by direct appointment (direct purchase) in accordance with ORS 136-048-0200.

b. Contracts for Consultant Services that do not exceed \$250,000 may be awarded according to the procedures under OAR 137-048-0210 (informal selection procedures) and the Rules.

c. Contracts for Consultant Services that are expected to exceed \$250,000 must be awarded according to the formal procedures under OAR 137-048-0220 (formal selection procedures).

DRAFT

Appendix A

Tables – Summary of Purchasing Procedures

Table 1 – Public Improvement Contracts			
Value	Method	No. of Quotes	Approval Required
\$10,000.00 or less	Direct Appointment or Competitive Quotes	—	City Manager and/or Department Head
\$25,000 or less	Direct Appointment or Competitive Quotes	—	City Manager
\$25,000.01 -- \$100,000	Competitive Quotes, Competitive Proposals, or Invitation to Bid	Three*	City Council
Over \$100,000	Invitation to Bid or Competitive Proposals	—	City Council

Table 2 – Goods and Services Contracts			
Value	Method	No. of Quotes or Proposals	Approval Required
\$10,000.00 or less	Direct Appointment or Competitive Quotes	—	City Manager and/or Department Head
\$25,000.00 or less	Direct Appointment or Competitive Quotes	—	City Manager
\$25,000.00 - \$250,000.00	Competitive Quotes or Competitive Proposals	Three**	City Council
Over \$250,000.00	Invitation to Bid or Competitive Proposals	—	City Council

Table 3 – Personal Services Contracts			
Value	Method	No. of Proposals	Approval Required
\$10,000.00 or less	Direct Appointment or Competitive Proposals	Two***	City Manager and/or Department Head (by City

\$25,000.00 or less	Direct Appointment or Competitive Proposals	Two***	City Manager
Over \$25,000.00	Direct Appointment or Competitive Proposals	Two***	City Council

Table 4 – Consultant Services			
Value	Method	No. of Proposals	Approval Required
\$10,000.00 or less	Direct Appointment	—	City Manager and/or Department Head
\$25,000.00 or less	Direct Appointment	—	City Manager
\$25,000.01 – \$100,000.00	Direct Appointment****	—	City Council
\$250,000.00 or less	Informal Competitive Proposal	Three (from sources identified in the Rules) *****	City Council
\$250,000.01 or more	Formal Competitive Proposal	—	City Council

* If three quotes are not reasonably available, the city must make a written record of the effort made to obtain the quotes.

** If three quotes or proposals are not reasonably available, the city must make a written record of the efforts to obtain the quotes or proposals.

*** If fewer than two qualified proposers submit proposals, the city must make a written record of the efforts to obtain the proposals.

**** Direct appointment may be permissible under certain circumstances up to \$250,000; however, legal counsel should be consulted prior to any direct appointment in excess of \$100,000.

***** If the city manager is unable to locate at least three prospective consultants from the sources identified in the Rules, the city manager will submit requests for proposals to those prospective consultants identified in the Rules and document efforts to locate a minimum of three prospective consultants. Legal counsel should be consulted prior to undertaking the informal selection procedure.



Meeting Date: December 13, 2023

Type: Regular Meeting

Subject: Amendment No. 3 to an existing Intergovernmental Agreement (IGA) with ODOT

Staff: P. Bertagna

Dept: Public Works

Action Requested: Discussion and Consideration of a Motion to Approve Amendment No. 3 of Intergovernmental Agreement No. 73000-0012958 with the Oregon Department of Transportation for Improvements at US20@Locust Street.

Summary Points:

- The City and ODOT entered into an IGA in December of 2019 for preliminary planning and design engineering for the US20@Locust Roundabout project. This is the 3rd amendment to that original agreement and the agreement will terminate upon project completion and final payment.
- Under this amendment ODOT will continue to perform the design and manage the construction of the intersection improvements.
- The funding package for this project includes \$1,000,000 from the County, \$5,000,000 from ODOT Enhance funds and \$1,061,339 from the City which does not include the \$348,399 for the School District property.
- The original financial commitment from the City in the Enhance funding application was \$1,425,000. To date, the City has contributed:

\$250,000	Preliminary Planning & Design
\$15,262	Right-of-way Appraisal
\$337,690	Design and Construction
<u>\$348,399</u>	<u>SSD Right-of-Way</u>
\$951,351	Contribution to date

<u>\$473,649</u>	<u>Construction</u>
\$1,425,000	Total City Contribution

- This amendment updates the total project cost from \$6,587,690 to \$7,071,339 which includes the final \$473,649 contribution from the City that will be budgeted and expensed in the FY2024/25 budget.

Financial Impact: \$473,649 will be budgeted for in the FY24/25 budget and the funds will need to be deposited in the joint LGIP account by August 31, 2024.

Attachments:

1. Amendment Number 02 to Agreement No. 73000-00012958 (Formerly No. 33887)

**AMENDMENT NUMBER 03
INTERGOVERNMENTAL AGREEMENT
US20 at Locust Street (Sisters)
City of Sisters**

This is Amendment No. 03 to the Agreement between the **State of Oregon**, acting by and through its Department of Transportation, hereinafter referred to as “State or ODOT” and **the CITY Of SISTERS**, acting by and through its elected officials, hereinafter referred to as “Agency,” entered into on December 20, 2019, and Amendment Number 1 entered into on May 17, 2021. This Agreement is now identified as Agreement No. 73000-00012958. Amendment No. 1 to Agmt No. 73000-00012958 was entered into on May 3, 2023. All terms remain unchanged, except as amended herein.

The Agreement title shall be revised from “US20: Locust Intersection” to “US20 at Locust Street (Sisters)”.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to update Exhibit A, insert new Exhibit B, revise the total project funding amount and accept an additional City deposit. New Language is indicated by underlining and italics and deleted language is indicated by ~~strikethrough~~.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.
2. **Amendment to Agreement.**
 - a). **Exhibit A shall be deleted in its entirety and replaced with the attached Revised Exhibit A. All references to “Exhibit A” shall hereinafter be referred to as “Revised Exhibit A.”**
 - b). **Insert new Exhibits B, a copy of the Add-Work Agreement to be executed between the City and ODOT for unreimbursed utility relocation work.**
 - c). **RECITALS, Paragraph 5 and 6, Page 2 shall be amended to read as:**
 5. City contributed \$250,000 to State for the preliminary design of improvements at the intersection of US20 and Locust Street. State received \$250,000 from City on June 22, 2020.
 6. City has paid to State, and State has received an additional \$337,690 to State for design and construction phases of the Project on October 11, 2023 for a total City contribution of \$587,690.
 - d). **Insert new Recitals, Paragraph 9 and 10 to read as follows:**
 9. City wishes to contribute an additional \$473,649 to State for the construction phase of the Project that when combined with the previous City deposits equals

a combined total City contribution of \$1,061,339. \$5,400 of the \$473,649 is intended to cover the City's non-reimbursable utility relocation costs and will be covered by a separate Add-Work Agreement (AWA) between the City and State. A draft copy of the AWA is attached hereto, labeled Exhibit C, attached hereto and by this reference made a part hereof.

10. The total City contribution to the project will be \$1,425,000 comprised of two (2) elements:

a. The first element being \$1,061,399 in payments made on June 22, 2020 and October 11, 2023, and a final payment due no later than August 31, 2024 as described in the terms of this Agmt and approved by the Statewide Transportation Improvements Plan (STIP), Key No. 22072. These payments are for the City's required match.

b. The second element being the additional right of way costs paid by the City, comprised of \$15,262 in appraisal costs, and \$348,399 for the value of the property acquired by the City prior to the execution of this Agreement and ineligible for inclusion in the total estimated Project cost as identified in the STIP, Key No. 22072.

g). TERMS OF AGREEMENT, Paragraph 2, Page 2, shall be amended to read as follows:

2. The Project will be financed at an estimated cost of ~~\$6,587,690~~ \$7,061,339 in Federal, State and City funds as follows:

<u>FUND SOURCE</u>	<u>AMOUNT</u>
City Contribution <u>(inclusive of the \$5,400 AWA for unreimbursed utility relocation expenses)</u>	\$587,690 <u>\$1,061,339</u>
<u>Deschutes County Contribution (Per Agreement No. 73000-00010383)</u>	<u>\$1,000,000</u>
<u>Enhance Funds</u>	<u>\$5,000,000</u>
<u>TOTAL</u>	\$6,587,690 <u>\$7,061,339</u>

The estimate for the total Project cost is subject to change. ~~\$587,690~~ \$1,061,339 subject to TERMS OF AGREEMENT, Paragraph 3 of this Agreement and a fully executed amendment to this Agreement.

h). TERMS OF AGREEMENT, Paragraph 6, Page 3, shall be amended to read as follows:

6. Parties agree that the City's advance deposits of \$250,000, ~~\$337,690~~ and \$473,649, for a total of ~~\$587,690~~ \$1,061,339, shall be used for design and construction of intersection improvements at US20 and Locust Street.

j). CITY OBLIGATIONS, Paragraph 1, page 5, shall be amended to read as follows:

1. City shall upon receipt of a fully executed copy of this Agreement and subsequent letter of request from State, forward to State an advance deposit or irrevocable letter of credit in the amount of ~~\$337,690~~ \$473,649 for the Project, said amount being the additional deposit that when combined with the \$250,000 previously paid by City equals the estimated total cost for the work performed by State at City's request under State obligations, Paragraph 1.

k). STATE OBLIGATIONS, Paragraph 2, Page 7, shall be amended to read as follows:

2. State shall, upon execution of this Amendment to the Agreement and no later than ~~August 31, 2023~~ July 30, 2024, forward to City a letter of request for an additional advance deposit or irrevocable letter of credit in the amount of ~~\$337,690~~ \$473,649 that when combined with the \$250,000 previously paid by City equals all payments of the work performed by State at City's request and is inclusive of City's payment of \$5,400 towards non-reimbursable utility relocation work to be performed by State.

l). STATE OBLIGATIONS, Paragraph 6, Page 7, shall be amended to read as follows:

State's Project Manager for this Project is ~~Bob Townsend~~ Abbey Driscoll – ~~Central Oregon and Lower John Day Area Manager~~ Transportation Project Manager, 63055 N. Highway 97, Bldg M, Bend, OR 97703, ~~(541) 388-6252~~ (541) 410-5906, ~~Robert.L.TOWNSEND@odot.state.or.us~~ abbey.driscoll@odot.oregon.gov, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Agency certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

5. **Electronic Signatures.** The Parties agree that signatures showing on PDF documents, including but not limited to PDF copies of the Agreement and amendments, submitted or exchanged via email are “Electronic Signatures” under ORS Chapter 84 and bind the signing Party and are intended to be and can be relied upon by the Parties. State reserves the right at any time to require the submission of the hard copy originals of any documents.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2018-2021 Statewide Transportation Improvement Program (STIP), (Key #22072) that was adopted by the Oregon Transportation Commission on July 20, 2017 (or subsequently by amendment to the STIP).

SIGNATURE PAGE FOLLOWS

CITY OF SISTERS, by and through its
elected officials

By _____
Mayor

Date _____

By _____

Date _____

**LEGAL REVIEW APPROVAL (If
required in Agency's process)**

By _____
Agency Counsel

Date _____

Agency Contact:

Paul Bertagna - Public Works Director
520 East Cascade Avenue, Sisters,
Oregon 97759
541-549-6022
pbertagna@ci.sisters.or.us

State Contact:

Abbey Driscoll/Transportation Project
Manager
63055 N. Hwy 97, Bend, OR 97703
541-410-5906
abbey.driscoll@odot.oregon.gov

STATE OF OREGON, by and through
its Department of Transportation

By _____
Highway Division Administrator

Date _____

APPROVAL RECOMMENDED

By _____
Region 4 Manager

Date _____

By _____
Central Oregon Area Manager

Date _____

By _____
Region 4 Right of Way Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By Herbert F. Lovejoy by email
Assistant Attorney General

Date December 6, 2023

REVISED EXHIBIT A

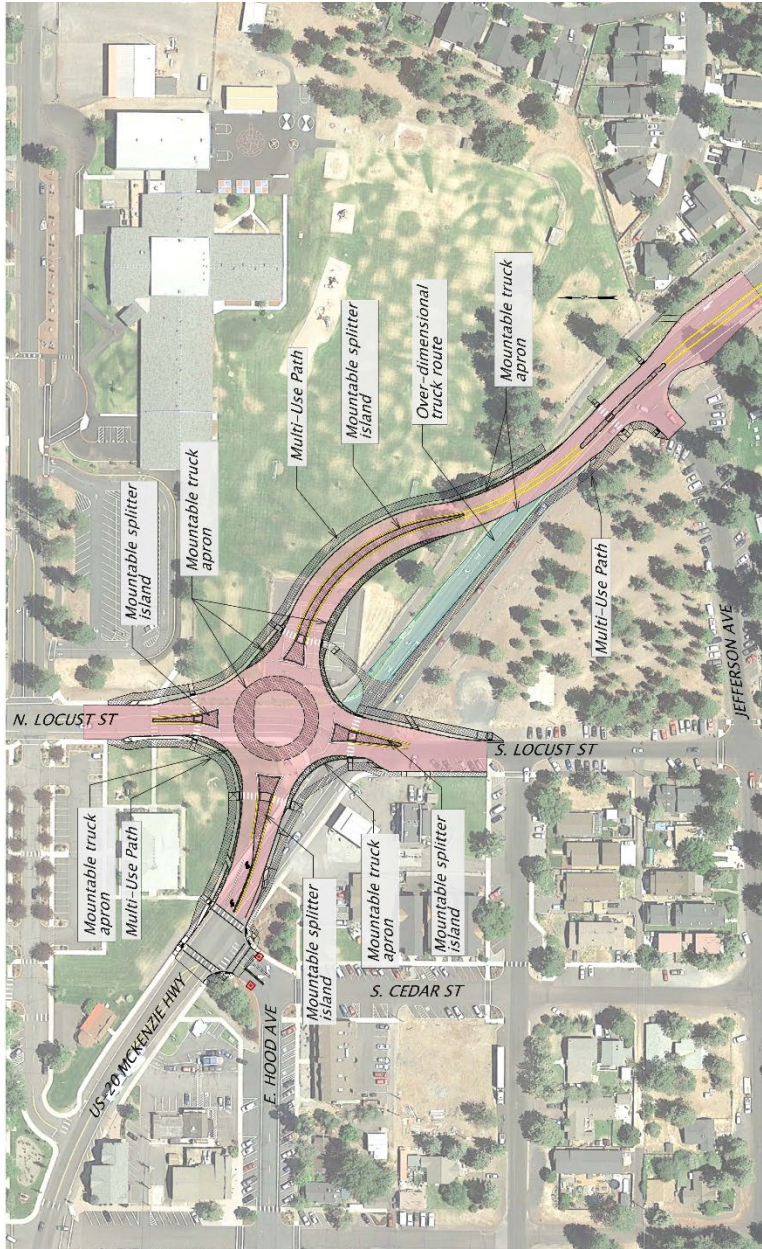


EXHIBIT B (Page 1)



Oregon

Tina Kotek, Governor

Department of Transportation

Right of Way Section
4040 Fairview Industrial Drive SE, MS #2
Salem OR 97302-1142
Phone: (503) 986-3600
Fax: (503) 986-3625

10/20/23

City of Sisters
Attn: Paul Bertagna – Public Works Director
520 Cascade Ave.
P.O. Box 30
Sisters, OR 97759
pbertagna@ci.sisters.or.us

SUBJECT: Add Work Letter Agreement - Fixed Cost
PROJECT: US20 at Locust Street (Sisters)
KEY#: 22072

Dear Paul:

This letter serves as an agreement between City of Sisters and the Oregon Department of Transportation (ODOT) for utility adjustment work added to the above titled Oregon Transportation Commission project. This letter agreement provides the details regarding the deposit of monies for construction of utility relocation work that is not reimbursable. The financial responsibilities of each party will be in accordance with State policy and 23 CFR 645A (Code of Federal Regulations). City of Sisters will pay based on the unit cost listed below. Bid quantity will be adjusted up or down to reflect changes in field quantities. The letter discusses the scope of utility work added to the contract, the project status, and the financial responsibilities. At the end of the letter, a space is provided for your signature, allowing you to express your acceptance of the letter's conditions.

City of Sisters has requested to have their box and manhole adjustments included in the highway construction contract so that the work would be performed by the State's construction contractor by an Acceptance email dated October 17, 2023. The work will be added to the contract as requested.

The City of Sisters Cost Responsibilities

Item Description	Item Code	Unit	Quantity	Estimated Unit Price	Cost
MAJOR ADJUSTMENT OF MANHOLES	0490-0121000E	EACH	1	\$4,000	\$4,000
ADJUSTING BOXES/VALVES	0490.0100000E	EACH	2	\$700	\$1,400
Total					\$5,400

City of Sisters agrees to submit a maximum of \$5,400 for 1 major manhole adjustment and 2 valve box adjustments.

With regard to the payment of funds, the Oregon Constitution states that the revenue collected from taxes on motor vehicle use and fuel are to be used exclusively for highway purposes. This means that highway trust funds cannot be utilized for non-highway purposes, i.e., non-reimbursable utility work. Therefore,

EXHIBIT B (Page 2)

funds covering the cost of non-highway construction must be deposited with the agency administering the highway construction contract in advance of the actual construction. Since ODOT will administer the contract for this project, City of Sisters will be required to make a deposit of monies to ODOT for the non-reimbursable work included in the contract. At this time, no payment of funds is due. ODOT's Program and Funding Services section will send a letter, prior to the bid opening, requesting the above stated payment.

All work added to the project will comply with Buy America requirements as described in Section 00160.20 of the Oregon Standard Specifications for Construction http://www.oregon.gov/ODOT/Business/Pages/Standard_Specifications.aspx. Should City of Sisters supply materials to the ODOT contractor, those materials will comply with Buy America requirements.

If the terms set forth above are acceptable to City of Sisters, please sign in the space provided on the following page and **return a digitally signed copy to this office by *October 27, 2023***. If you have any questions, please do not hesitate to me at 503-385-6594.

Sincerely,



Nicole Frankl
State Utility and Railroad Liaison
4040 Fairview Industrial Dr SE MS#2
Salem, OR 97302-1142
UtilityandRailProgra@odot.oregon.gov

Cc: Tyler Swanson, Utility Coordinator
Abbey Driscoll, Project Manager

EXHIBIT B (Page 3)

By signing this letter agreement, you agree to the conditions of the letter and acknowledge that City of Sisters is responsible for the cost of the non-reimbursable utility work. City of Sisters will compensate ODOT for that portion of non-reimbursable utility work added to ODOT's contract, including any administrative costs ODOT incurs that are associated with the work.

Print name and title of the authorized City of Sisters representative then sign and date as provided below.

APPROVED:

Name _____

Signature _____

Title _____

Date _____



CITY COUNCIL Staff Report

Meeting Date: December 13, 2023
Type: Regular
Subject: Civic Leadership Academy IGA

Staff: Prosser
Dept: Administration

Action Requested: Approve an Intergovernmental agreement with Portland State University for two Civic Leadership Academies in an amount not to exceed \$25,000 per academy session, the total not to exceed \$50,000.

Background:

The [National Policy Consensus Center](#), part of the [Hatfield School of Government](#) at Portland State University, will conduct a civic leadership academy that is designed to fit the specific needs of Sisters.

The overall goal of the program is to provide two 6-week Civic Leadership Academies, engaging and preparing a cohort of up to 12 diverse residents chosen by the City of Sisters to serve in a range of civic leadership capacities within (and outside) the City. The cohort will learn about civic capacity and leadership, the structure of city government, and consensus-based decision making. The first cohort will begin on April 8, 2024 and conclude with a presentation to City Council on June 12, 2024.

The city is also partnering with C4C who will play a lead role in participant recruitment and administrative support for the program, which could include meals, childcare, transportation, or other accommodations.

The city was awarded a \$20,000 grant from The Ford Family Foundation to help support two academy sessions. The 2024 session will receive \$14,000 and the 2025 session will receive \$6,000.

Financial Impact:

Program Cost: \$25,000 per session, \$50,000 total. The overall cost for the city for two Academy sessions after grant funding is \$30,000.

Attachments/Links:

1. IGA with PSU
2. Scope of Work
3. Draft Curriculum
4. [Hillsboro Civic Leadership Academy](#)

**INTERGOVERNMENTAL AGREEMENT
By and Between Portland State University
And
City of Sisters**

This Intergovernmental Agreement ("Agreement") is made and entered into by and between **Portland State University on behalf of its Mark O. Hatfield School of Government National Policy Consensus Center** ("PSU"), and **City of Sisters** ("AGENCY"), individually the "Party", collectively the "Parties", hereinafter.

AGENCY INFORMATION:

Representative: Kerry Prosser
Title: Assistant City Manager
City of Sisters

Address: 520 E. Cascade Ave
Sisters, OR 97759
Telephone: 541-323-5213

PSU INFORMATION:

Representative: Steven Ostling
Title: Budget Administrator
Portland State University
Hatfield School of Government
National Policy Consensus
Center

Address: 506 SW Mill URBN #720
Portland, Oregon 97201
Telephone: 503-725-9092

Whereas, AGENCY requires training services for the Civic Leadership Academy; and

Whereas, PSU is able to provide such services,

Now therefore, the Parties agree to the following:

1. Term and Termination

This Agreement shall become effective upon the date of final signing by all Parties and shall remain in effect until August 31, 2025, unless otherwise terminated by either Party. This Agreement may be terminated upon thirty (30) days written notice to the Parties, by either Party. This Agreement may be amended by mutual consent, reduced to writing, and signed by the Parties.

2. Background

The overall goal is to provide a 6-week Civic Leadership Academy, engaging and preparing a cohort of up to 12 diverse residents chosen by the City of Sisters to serve in a range of civic leadership capacities within (and outside) the City.

3. Cost/Consideration

Payment for services provided under the terms of this Agreement be for the fixed price of \$/ shall not exceed \$25,000 per Academy Session the total amount is not to exceed \$50,000. All administrative costs are included in the rates.

4. Invoices

Fees shall be paid by AGENCY to PSU in accordance with the following schedule:

Academy One: May 1, 2024 - \$25,000
Academy Two: May 1, 2025 - \$25,000

Payment will be made within 30 days of invoices being issued.

All invoices to the AGENCY shall be sent to the following address:

*Attention: City of Sisters/Kerry Prosser
Mailing Address: PO Box 39, Sisters, OR 97759
Telephone: 541-323-5213
Email: kprosser@ci.sisters.or.us*

5. Scope of Work / Statement of Work

The scope of work is described in attached Exhibit A.

6. Additional Terms and Conditions

A. Indemnification

To the extent permitted under law, including, without limitation, the Oregon Constitution Article XI, Section 7, and subject to the limitations and conditions of the Oregon Tort Claims Act (ORS 30.260 through 30.300), PSU shall indemnify the AGENCY against any liability for damage to life or property arising from PSU's negligent actions, including the negligent actions of its officers, employees, or agents acting within the course and scope of their employment under this Agreement provided, however, PSU shall not be required to indemnify AGENCY for any such liability arising out of the wrongful or negligent acts of officers, employees or agents of AGENCY.

B. Access to Records

The Parties shall maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect properly all costs of whatever nature claimed to have been incurred and anticipated to be incurred in the performance of this Agreement. The Oregon Department of Higher Education, Oregon Secretary of State, Federal Government, and their duly authorized representatives shall have access to the books, documents, papers, and records of the Parties which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts. Such books and records shall be maintained by the Parties for six years from the date of contract expiration.

C. Amendments

The terms of this Agreement shall not be waived, altered, modified, supplemented or amended in any manner whatsoever, except by written Amendment signed by both Parties.

D. Assignment

PSU shall not assign or transfer its interest nor delegate its obligation in this Agreement without the express written consent of AGENCY. PSU shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from AGENCY.

E. Availability of Funds Clause; Non-appropriations Clause

AGENCY certifies that sufficient funds are available to finance AGENCY'S obligations under this Agreement within its current biennial appropriation or expenditure limitation, provided, however, that continuation of this Agreement or any extension, after the end of the fiscal period in which it is written, is contingent upon a new appropriation or limitation for each succeeding fiscal period for the purpose of this Agreement. In the event of such Non-Appropriation AGENCY will notify PSU of its intent to terminate this Agreement.

F. Captions

The captions or headings in this Agreement are for convenience only and in no way define, limit, or describe the scope of intent of any provisions of this Agreement.

G. Force Majeure

Neither Party shall be held responsible for delay or default caused by fire, riot, weather, labor disputes, acts of God and war which are beyond its reasonable control. The affected Party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligation under the contract.

H. Governing Law

This Agreement shall be governed construed in accordance with the laws of the State of Oregon, without resort to any jurisdiction's conflicts of law rules and doctrines. Any litigation between the AGENCY and PSU that arises out of or relates to performance of this Agreement shall occur, in the State of Oregon, in the Multnomah County Circuit Court.

I. No Third-Party Beneficiaries

The undersigned Parties are the only Parties to this Agreement and are the only Parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third person are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

J. Non-Discrimination.

In their respective performances of this Agreement, no Party shall unlawfully discriminate against any person on the basis of race, ancestry, national origin, color, sex, disability, age, religion, marital status or sexual orientation. Moreover, each Party shall comport its performance with all applicable Federal and State anti-discrimination acts and associated regulations.

K. Severability

If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the contract did not contain the term or provision held to be invalid.

L. Tax Certification

By signature on this Agreement, the undersigned hereby certifies under penalty of perjury that the undersigned is authorized to act on behalf of the Party and that Party is, to the best of the undersigned's knowledge, not in violation of any state or federal tax laws, or any other local taxes.

M. Waiver

The failure of PSU to enforce any provision of this Agreement shall not constitute a waiver of that or any other provision.

N. Ownership of Work Product:

All work product of PSU that results from this Agreement (the "Work Product") is the exclusive property of PSU. PSU and AGENCY do not intend that such Work Product be deemed a "work made for hire" where AGENCY would be deemed the author. If for any reason the work product is deemed a "work made for hire," AGENCY hereby irrevocably assigns to PSU all its right, title, and interest in and to any and all of the Work Product, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine. Notwithstanding the foregoing language, AGENCY in all circumstances retains the right to use, circulate and reproduce the Work Product for its own use.

O. Merger

This Agreement constitutes the entire Agreement between the Parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties. Such waiver, consent, modification, or change if made shall be effective only in the specific instance and for the specific purpose given. There are no understandings, Agreements, or representations, oral or written, not specified herein regarding this Agreement. AGENCY and PSU, by the signature of their authorized representatives, hereby acknowledge that they have read this Agreement, understand it, and agree to be bound by its terms and conditions.

P. Confidentiality

Except for as otherwise required to be disclosed pursuant to Oregon Public Records Law (ORS 192), PSU, its employees, agents, and/or contractors shall maintain the records, data, and information it receives under this Agreement in a confidential manner and shall not use, disclose, or allow access to

any records, data, or information, including but not limited to personally identifiable information, received under this Agreement in a manner not specifically permitted by this Agreement. PSU agrees to implement and use appropriate safeguards to prevent the use or disclosure of records, data, information, including but not limited to personally identifiable information, in a manner that is not permitted by this Agreement and shall notify the AGENCY in the event of any violations of this confidentiality section within 48 hours of discovery. PSU shall also notify the AGENCY of any requests for records or information involving or relating to the data and/or work under this Agreement.

7. NOTICES

All notices regarding this Agreement should be sent to the Parties at the following addresses:

To AGENCY: Kerry Prosser
City of Sisters
PO Box 39
Sisters, OR, 97759
541-323-5213
kprosser@ci.sisters.or.us

Steven Ostling
Budget Administrator
Portland State University:
National Policy Consensus
Center
506 SW Mill URBN #720
Portland Or, 97201
503.725.9092
ahandran@pdx.edu

WITH A COPY TO:

Portland State University
Contracting & Procurement
Services
Attn: Contracts Officer
1600 SW 4th Avenue, Suite
260
Portland, OR 97201
Telephone: 503-725-3441

Email: contract@pdx.edu

8. Signatures

AGENCY and PSU, by the signature of their authorized representatives, hereby acknowledge that they have read this Agreement, understand it, and agree to be bound by its terms and conditions. This Agreement may be signed in two (2) or more counterparts, each of which shall be deemed an original, and which, when taken together, shall constitute one and the same Agreement. AGENCY and PSU agree that they may conduct this transaction by electronic means, including the use of electronic signatures.

CITY OF SISTERS

PORTLAND STATE UNIVERSITY:

Jordan Wheeler
City Manager

Contracts Officer Name
Title

Signature

Date

Signature

Date

City of Sisters Civic Leadership Academy

Scope of Work

The National Policy Consensus Center (NPCC) at Portland State University is very pleased to offer Training Services to the City of Sisters for two Civic Leadership Academy in 2024-2025.

Overall Training Goal:

The overall goal is to provide a 6-week Civic Leadership Academy, engaging and preparing a cohort of up to 12 diverse residents chosen by the City of Sisters to serve in a range of civic leadership capacities within (and outside) the City.

Desired Outcomes:

At the end of the Civic Leadership Academy participants will have gained:

- Excitement, motivation, and a feeling of empowerment to play a role in some aspect of civic leadership within the city.
- Greater knowledge of how Sister's city government is structured and how to address public issues within the Sisters community.
- Greater understanding of the key elements of community leadership and improved leadership skill in the art of collaborative decision-making
- New connections and relationships within the cohort of training participants as well as with the City of Sisters and the other multiple facets of the Sisters community
- Specific civic leadership skills gained:
 1. How to frame an issue or project to facilitate joint commitment and action
 2. Stakeholder identification and value of inclusiveness
 3. Group decision-making and leadership
 4. Communication and presentation skills
 5. How to build positive collaborative relationships
 6. Ways to address differences in perspective and conflicting opinions.

The National Policy Consensus Center at Portland State University:

The National Policy Consensus Center, part of the Hatfield School of Government at Portland State University, will conduct a civic leadership academy that is custom designed to fit the specific needs of Sisters, and one where participants will "learn through doing". The National Policy Consensus Center (NPCC) brings a wealth of experience in this "hands-on" approach, and we are very excited about the opportunity to co-develop with the City of Sisters a civic leadership academy that will strengthen Sisters' civic capacity.

The National Policy Consensus Center and Hatfield School of Government bring a particular focus on teaching and training in the field of collaborative leadership, with both a solid theoretical foundation as well as internationally recognized experience in real-world

collaborative governance projects. NPCC and the Hatfield School have led numerous leadership and collaborative governance training sessions for a wide variety of audiences in Oregon, across the U.S. and internationally. NPCC is also leading the development of an on-line multi-course Graduate Certificate program in Collaborative Governance at Portland State University, focusing in part on civic capacity and leadership.

Civic Leadership Academy Structure

- **Civic Project:** The training method will be highly *experiential*, where participants learn by doing, working on an issue or problem which will inform the City staff and City Council in their decision-making. The civic project will be identified by the City staff, with support from NPCC, *prior* to the training itself.
- **Six-Week Format:** The cohort of no more than 12 participants will come together for six weekly sessions of 2.5 hours each, beginning spring of 2024, to learn leadership skills or insights that may help them in their task and future leadership roles. At the conclusion of the six sessions, participants will present their findings on the issue at the next meeting of the City Council.
- **City Role:** The City of Sisters staff will play the lead role in participant recruitment, identification of a “cohort project,” administrative support (including a location for the six Academy sessions and provision of any meals or refreshments during the sessions), planning consultation, making an initial presentation to the cohort on the issue, and identifying City staff to serve as a “City buddy”. The City may engage with C4C (Citizens for Community) or other community organizations for some of these responsibilities.
- **City Buddy:** A “buddy” system is intended to support the goals of forging greater connection between the participants and the City. Each City staff “buddy” will be assigned specific participants. Participants can use their “buddy” to consult with during the intervals between group sessions. The City staff “buddy” may provide advice on protocol or how to access City Departments that may be helpful to the project.
- **City Council Presentation:** One to three weeks following the Academy, the cohort will provide a presentation of findings and recommendations by Academy participants to the Sisters City Council, at which time the Council or City staff may also present some form of a diploma to cohort participants.

NPCC will provide:

- Design and Plan the Civic Leadership Academy curriculum to meet the specific needs of City of Sisters.
- Implement six sessions of the Civic Leadership Academy, including providing the instruction team, and preparing presentation materials and exercises.
- Transportation and any travel expenses required for the instructional team.
- Support and input to the City staff on the City-designated tasks (see below)

- Opportunity for City input and feedback on the proposed curriculum and schedule

Coordination with City of Sisters

We believe that a major factor in the success of the Academy will be a productive partnership with City of Sisters staff. The City's role in the Academy will include:

- The City will recruit and select the training participants and provide written notification and expectations to participants well ahead of the start of the academy.
- The City will identify a dedicated staff person to provide administrative support to both City staff and NPCC training staff in the planning and implementation of the academy. NPCC staff and City of Sisters staff will meet at least twice to review planning and preparations for the Leadership Academy before it begins.
- The City, with support and consultation from NPCC, will choose a project/issue prior to the first session.
- City of Sisters staff will provide two roughly 30-minute presentations: (1) A presentation on the City's administrative and policy-making structure, and (2) A presentation in the opening session on the project/issue identified for the 2024 Civic Leadership Academy.
- The City of Sisters will be given an opportunity to have City Councilors open each session with a 5-minute welcome at the beginning of the session.
- The City will provide meeting facilities and any food or refreshments for the weekly meetings, including arrangements for the final report meeting with City Council and/or others.
- The City may also provide childcare, transportation, interpreter, and other accommodation for community members to participate in the training.
- The City will identify staff to serve as "buddies" for participants who may have questions as they go about their assignments.
- NPCC staff and City of Sisters staff will conduct one debrief meeting with City staff after the presentation to City Council.

Dates of Service

December 13, 2023, through June 30, 2025

Cost:

NPCC is offering to design and implement two Civic Leadership Academy's for the City of Sisters for per the scope of work outlined above for a cost not to exceed \$25, 000 per Academy, \$50,000 in total.

Sisters Civic Leadership Academy Proposed Curriculum

Although the curriculum and/or schedule may be revised by mutual agreement to meet the specific needs of the City of Sisters, NPCC would plan to conduct a program that would roughly follow the schedule below:

Session I: Monday, April 15, 2023 (5:30 to 8:00 PM)

- Welcome and Introduction to the Academy by the Mayor and/or City Manager
- Introductions - Getting to know one another
- Presentation on civic capacity and leadership
- City of Sisters presentation on Group Issue or Project
- Group Discussion of project and resources in the group
 - o What do you know?
 - o What can you bring?
 - o Who do you know?
- Group Task: homework assignments (review materials, identify key facts)

Session II: Monday April 22, 2023 (5:30 to 8:00 PM)

- Reporting in from interviews and assignments – What did people find out? Identifying key facts.
- City of Sisters presentation on City government; City structure and process, commissions and advisory committees, public input, how things get done
- Meet with City Government “buddies”
- Leadership skill: identifying stakeholders
- Homework: interview key stakeholder groups

Session III: Monday, April 29, 2023 (5:30 to 8:00 PM)

- Reporting in from interviews and assignments: Identifying key messages from interviews
- Presentation and Group Task: Framing a project for success.
- Presentation and exercise on inclusiveness
- Presentation and exercise on the #1 leadership skill
- Homework: Filling the gaps

Session IV: Monday, May 6, 2023 (5:30 – 8:00)

- Homework reports: Final stakeholder interviews and key messages
- Presentation on Group process, Decision-making, and Leadership
- Group Task: Break into groups; begin outlining report
- Group Task: Homework assignments

Session V: Monday, May 13, 2023 (5:30 – 8:00)

- Presentation on consensus-based decision-making in groups
- Reports from each subgroup – outlining a section of the report.
- Group reactions, suggested changes, group decisions
- Homework assignments

**Sisters Civic Leadership Academy
Proposed Curriculum**

Session VI: Monday, May 20, 2023 (5:30 to 8:00)

- City recruitment for upcoming leadership opportunities (committees, etc.)
- Group Work: Consensus on the content of the report to City Council
- Group Work: Final tasks and assignments for presentation to Council
- Individual and Group Exercise: Personal reflection on what you've learned
 - o One important skill I've improved on that will help me be a better civic leader
 - o One important thing I've learned about my community
 - o One important thing I've learned about myself as a civic leader
 - o One important thing I've learned about my fellow new civic leaders

City Council Meeting, Tentative Date, Wednesday, June 12, 2023

- Presentation by cohort to City Council, City staff, and/or other community leaders on
 - o Framing of the Issue(s) – what questions the City/Council will need to answer
 - o Key Facts
 - o Key stakeholders and their opinions
- Presentation of participant diplomas by City

City of Sisters

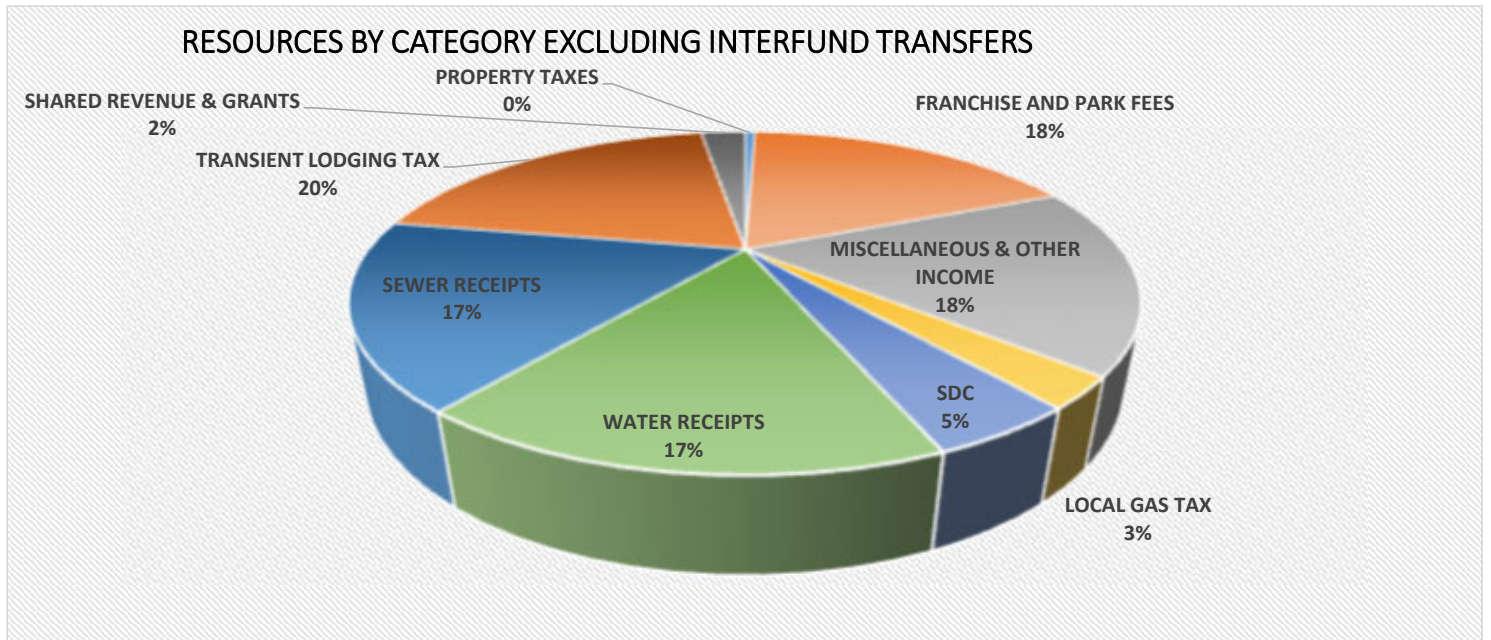
Financial Summary

September 2023

Total Resources - Budget to Actual *

As of September, 2023

	Year to Date	FY 23/24 Budget	Budget Remaining	(25% lapsed) % Earned
BEGINNING FUND BALANCE	\$ 21,558,996	\$ 21,324,353	\$ (234,643)	101%
PROPERTY TAXES	11,215	1,958,500	1,947,285	1%
FRANCHISE AND PARK FEES	384,312	1,084,500	700,188	35%
MISCELLANEOUS & OTHER INCOME	374,370	2,618,715	2,244,345	14%
LOCAL GAS TAX	59,034	195,000	135,966	30%
SDC	100,247	1,150,000	1,049,753	9%
WATER RECEIPTS	349,649	955,000	605,351	37%
SEWER RECEIPTS	367,181	1,450,000	1,082,819	25%
TRANSIENT LODGING TAX	416,964	1,100,000	683,036	38%
SHARED REVENUE & GRANTS	52,199	223,672	171,473	23%
	\$ 23,674,168	\$ 32,059,740	\$ 8,385,572	74%



Financial Highlights - Resources

- Property tax receipts include a low lapse percentage due to the majority of receipts being received in November.
- Franchise / Park Fees are tracking with expectations. Park Fees carry a high lapse percentage due to a majority of park revenue received in the first quarter. This percentage will flatten out after the park closes in October until reservations go live in January.
- Miscellaneous and Other Income reflect a low lapse percentage to due the URA debt transfer and ARPA funds transfer for Water Fund taking place in the last three quarters of the fiscal year.
- SDC income reflect a significant decrease in the first quarter mostly due to the slowing of development activity.
- Water receipts have a high lapse percentage due to high water use in the first quarter, this should decrease in the 2nd and 3rd quarters.
- Sewer rates are not based on consumption and as a result are tracking along with expectations.
- Transient room tax carried a high first quarter lapse rate and that percentage should decrease as we head in the 2nd and 3rd quarters.

*Excludes Transfers

Notes Outside of highlights - The beginning fund balance is an important aspect when analyzing the first quarter, some items of note for beginning fund balances are as follows:

- General fund beginning fund balance was greater than expectations due to several major revenue line items exceeding budget expectations and actual department expenditures less than budgeted.
- Street Fund beginning fund balance was less than budget due to contracted service timing, largely related to East Portal design.
- Sewer Fund beginning fund balance was less than expected due to timing of ARPA fund transfer taking place in FY 21/22 vs FY 22/23.
- Transportation SDC beginning fund balance exceeded budget expectations due to the Right of Way/SDC transaction with Sisters School District.
- Water SDC Fund beginning fund balance was greater than budget due to the timing of projects relative to beginning fund balances.

FINANCIAL SUMMARY
RESOURCES - BUDGET TO ACTUAL BY FUND

	Year to Date	FY 23/24 Budget	Budget Remaining	(25% lapsed)	% Earned
GENERAL FUND					
BEGINNING FUND BALANCE	\$ 4,720,784	\$ 4,607,871	\$ (112,913)		102%
PROPERTY TAXES	8,654	1,515,000	1,506,346		1%
TRANSIENT LODGING TAX	416,964	1,100,000	683,036		38%
SHARED REVENUE & GRANTS	44,254	223,672	179,418		20%
FRANCHISE AND PARK FEES	222,272	431,450	209,178		52%
MISCELLANEOUS & OTHER INCOME	114,520	966,025	851,505		12%
	<u>\$ 5,527,449</u>	<u>\$ 8,844,018</u>	<u>\$ 3,316,569</u>		
WATER FUND					
BEGINNING FUND BALANCE	\$ 2,617,272	\$ 2,555,050	\$ (62,222)		102%
WATER RECEIPTS	349,649	955,000	605,351		37%
MISCELLANEOUS & OTHER INCOME	39,187	446,900	407,713		9%
	<u>\$ 3,006,108</u>	<u>\$ 3,956,950</u>	<u>\$ 950,842</u>		
STREET FUND					
BEGINNING FUND BALANCE	\$ 1,581,856	\$ 1,656,145	\$ 74,289		96%
FRANCHISE AND PARK FEES	162,041	653,050	491,009		25%
SHARED REVENUE & GRANTS	-	-	-		-
LOCAL GAS TAX	59,034	195,000	135,966		30%
MISCELLANEOUS & OTHER INCOME	72,539	317,440	244,901		23%
TOTAL TRANSFERS IN	-	-	-		-
GRANTS & PASS THROUGHs	7,945	-	(7,945)		-
	<u>\$ 1,883,414</u>	<u>\$ 2,821,635</u>	<u>\$ 938,221</u>		
SEWER FUND					
BEGINNING FUND BALANCE	\$ 2,539,998	\$ 2,837,192	\$ 297,194		90%
SEWER RECEIPTS	367,181	1,450,000	1,082,819		25%
MISCELLANEOUS & OTHER INCOME	40,277	100,650	60,373		40%
	<u>\$ 2,947,456</u>	<u>\$ 4,387,842</u>	<u>\$ 1,440,386</u>		
TRANSPORATION SDC					
BEGINNING FUND BALANCE	\$ 2,317,702	2,206,722	(110,980)		105%
INTEREST EARNED	23,867	55,000	31,133		43%
TRANSPORTATION SDC	38,384	350,000	311,616		11%
	<u>\$ 2,379,953</u>	<u>\$ 2,611,722</u>	<u>\$ 231,770</u>		
SEWER SDC					
BEGINNING FUND BALANCE	\$ 3,266,866	\$ 3,240,442	\$ (26,423)		101%
INTEREST EARNED	33,550	86,000	52,450		39%
SEWER SDC	32,347	375,000	342,653		9%
	<u>\$ 3,332,763</u>	<u>\$ 3,701,442</u>	<u>\$ 368,680</u>		
WATER SDC					
BEGINNING FUND BALANCE	\$ 2,686,011	\$ 2,409,361	\$ (276,650)		111%
INTEREST EARNED	27,576	73,000	45,424		38%
WATER SDC	24,744	275,000	250,256		9%
	<u>\$ 2,738,331</u>	<u>\$ 2,757,361</u>	<u>\$ 19,030</u>		
PARK SDC					
BEGINNING FUND BALANCE	\$ 1,080,609	\$ 1,084,276	\$ 3,667		100%
INTEREST EARNED	11,079	30,000	18,921		37%
GRANTS & PASS THROUGHs	-	-	-		-
PARK SDC	4,772	150,000	145,228		3%
	<u>\$ 1,096,460</u>	<u>\$ 1,264,276</u>	<u>\$ 167,816</u>		
PARKING DISTRICT FUND					
BEGINNING FUND BALANCE	\$ 292,204	\$ 292,097	\$ (106)		100%
INTEREST EARNED	3,190	8,000	4,810		40%
PARKING DISTRICT	3,926	14,500	10,574		27%
	<u>\$ 299,320</u>	<u>\$ 314,597</u>	<u>\$ 15,277</u>		
CITY HALL DEBT SERVICE FUND					
BEGINNING FUND BALANCE	\$ 6,195	\$ 6,235	\$ 39		99%
INTEREST EARNED	63	100	37		63%
TRANSFERS FROM OTHER FUNDS	-	27,700	27,700		0%
TRANSFER FROM GENERAL FUND	-	22,600	22,600		0%
	<u>\$ 6,259</u>	<u>\$ 56,635</u>	<u>\$ 50,376</u>		
URBAN RENEWAL DEBT FUND					
BEGINNING FUND BALANCE	\$ 164,404	\$ 149,078	\$ (15,326)		110%
PREVIOUS LEVIED TAXES	2,561	3,500	939		73%
INTEREST EARNED	1,689	21,000	19,311		8%
CURRENT TAXES	-	440,000	440,000		0%
	<u>\$ 168,655</u>	<u>\$ 613,578</u>	<u>\$ 444,924</u>		
URBAN RENEWAL PROJECT FUND					
BEGINNING FUND BALANCE	\$ 285,095	\$ 279,883	\$ (5,212)		102%
INTEREST EARNED	2,905	100	(2,805)		2905%
LOAN PROCEEDS	-	500,000	500,000		
	<u>\$ 288,000</u>	<u>\$ 779,983</u>	<u>\$ 491,982</u>		

City of Sisters

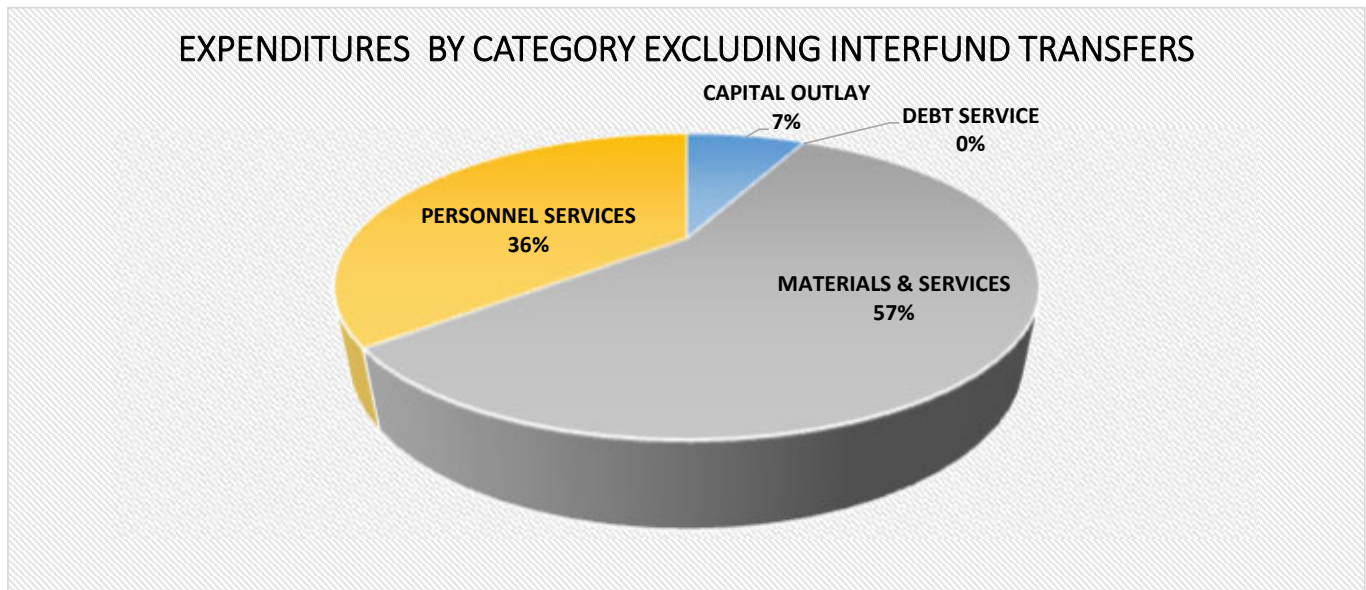
Financial Summary

September 2023

Total Expenditures - Budget to Actual

As of September, 2023

	Year to Date	FY 23/24 Budget	Budget Remaining	(25% lapsed) % Earned
CAPITAL OUTLAY	\$ 112,664	\$ 1,655,000	\$ 1,542,336	7%
DEBT SERVICE	-	958,300	958,300	0%
MATERIALS & SERVICES	860,099	4,463,115	3,603,016	19%
PERSONNEL SERVICES	547,829	2,608,195	2,060,366	21%
GRANTS & PASS THROUGHS	15,000	40,334	25,334	
INTERFUND TRANSFERS - OUT	-	330,300	330,300	0%
	\$ 1,535,592	\$ 10,055,244	\$ 8,519,652	15%



Financial Highlights - Expenditures

- As a lapsed percentage, Capital Outlay is low largely due to projects such as Well #3 backup generator, Splash pad retrofit, overlays, biosolids removal, and westside pumpstation design slated to be completed later in the fiscal year.
- Debt service payments, including the City/URA transfer are scheduled for the next three quarters in the fiscal year.
- Personnel Services reflect a lapse percentage in line with budget expectations.
- Material and Services are tracking with budget expectations year to date.
- Interfund transfers will be adjusted as debt payments come due in November and May.

FINANCIAL SUMMARY
EXPENDITURES - BUDGET TO ACTUAL BY FUND

	Year to Date		FY 23/24 Budget		Budget Remaining	(25% lapsed) % Earned	
GENERAL FUND							
PERSONNEL SERVICES	\$	281,258	\$	1,305,737	\$	1,024,479	22%
MATERIALS & SERVICES		461,555		2,892,965		2,431,410	16%
CAPITAL OUTLAY		4,718		66,000		61,282	7%
GRANTS & PASS THROUGHS		15,000		40,334		25,334	37%
INTERFUND TRANSFERS - OUT		-		302,600		302,600	0%
	\$	762,532	\$	4,607,636	\$	3,845,104	
WATER FUND							
PERSONNEL SERVICES		\$85,829		\$412,974		\$327,144	21%
MATERIALS & SERVICES		125,953		404,875		278,922	31%
CAPITAL OUTLAY		31,447		360,000		328,553	9%
INTERFUND TRANSFERS - OUT		-		8,600		8,600	0%
DEBT SERVICE		-		-		-	-
	\$	243,230	\$	1,186,449	\$	943,219	
STREET FUND							
PERSONNEL SERVICES	\$	98,336	\$	484,922	\$	386,586	20%
MATERIALS & SERVICES		152,959		524,900		371,941	29%
CAPITAL OUTLAY		26,452		405,000		378,548	7%
INTERFUND TRANSFERS - OUT		-		7,000		7,000	0%
DEBT SERVICE		-		-		-	-
	\$	277,746	\$	1,421,822	\$	1,144,076	
SEWER FUND							
PERSONNEL SERVICES	\$	82,405	\$	404,562	\$	322,156	20%
MATERIALS & SERVICES		117,881		439,375		321,494	27%
CAPITAL OUTLAY		50,046		235,000		184,954	21%
INTERFUND TRANSFERS - OUT		-		12,100		12,100	0%
DEBT SERVICE		-		331,920		331,920	0%
	\$	250,333	\$	1,422,957	\$	1,172,624	
TRANSPORATION SDC							
MATERIALS & SERVICES	\$	-	\$	110,000	\$	110,000	0%
CAPITAL OUTLAY		-		30,000		30,000	0%
	\$	-	\$	140,000	\$	140,000	
SEWER SDC							
MATERIALS & SERVICES	\$	-	\$	25,000	\$	25,000	0%
DEBT SERVICE		-		76,060		76,060	0%
CAPITAL OUTLAY		-		200,000		200,000	0%
	\$	-	\$	301,060	\$	301,060	
WATER SDC							
MATERIALS & SERVICES	\$	-	\$	25,000	\$	25,000	0%
CAPITAL OUTLAY		-		-		-	-
	\$	-	\$	25,000	\$	25,000	
PARK SDC							
MATERIALS & SERVICES	\$	-	\$	15,000	\$	15,000	0%
CAPITAL OUTLAY		-		-		-	-
	\$	-	\$	15,000	\$	15,000	
PARKING DISTRICT FUND							
CAPITAL OUTLAY	\$	-	\$	-	\$	-	-
	\$	-	\$	-	\$	-	-
CITY HALL DEBT SERVICE FUND							
DEBT SERVICE	\$	-	\$	50,320	\$	50,320	0%
	\$	-	\$	50,320	\$	50,320	
URBAN RENEWAL DEBT FUND							
DEBT SERVICE	\$	-	\$	500,000	\$	500,000	0%
	\$	-	\$	500,000	\$	500,000	0%
URBAN RENEWAL PROJECT FUND							
MATERIALS & SERVICES	\$	1,750	\$	26,000	\$	24,250	7%
CAPITAL OUTLAY		-		359,000		359,000	0%
	\$	1,750	\$	385,000	\$	383,250	