Due to Statewide orders regarding social distancing and large gatherings, these meetings will be available via phone and internet using GoToWebinar. Members of the public wishing to attend these meetings electronically can call in or attend virtually by following the directions below. This information can also be found on the City’s website. Members of the public are encouraged to attend virtually, but if you are unable and wish to attend in person the doors at the South Entrance of City Hall will be open at 5:50 p.m. to allow people to attend the meetings in the Council Chambers. Social distancing practices will be required.

The meeting location is wheelchair-accessible. For the hearing-impaired, an interpreter can be provided with 48 hours’ notice prior to the meeting. For meetings in the Council Meeting Room, a “Personal PA Receiver” for the hearing impaired is available, as well as an Induction Loop for the benefit of hearing aid users.

To arrange for these services, call 541.726.3700.

Meetings will end prior to 10:00 p.m. unless extended by a vote of the Council.

All proceedings before the City Council are recorded.

September 14, 2020

5:30 p.m. Work Session
COVID-19 Precautions:
Attend from your computer, tablet or smartphone:
GoToWebinar
Meeting ID: 701-503-243
https://attendee.gotowebinar.com/register/3799734474255579407

To dial in using your phone in Listen Only Mode:
Dial 1 (562) 247-8422
Meeting ID: 740-552-589
Oregon Relay/TTY: 711 or 800-735-1232
If you are unable to attend virtually, limited seating will be available in the Council Meeting Room
Building Access through the South Entrance

(Council work sessions are reserved for discussion between Council, staff and consultants; therefore, Council will not receive public input during work sessions. Opportunities for public input are given during all regular Council meetings)
CALL TO ORDER

ROLL CALL - Councilors VanGordon___, Moe___, Moore____, Stoehr___, Woodrow ___, and Pishioneri ___.

1. Mayor Vacancy Process
   [Nancy Newton and Mary Bridget Smith] (60 Minutes)

2. Cares Act Funding Check-In
   [Nathan Bell] (20 Minutes)

ADJOURNMENT

7:00 p.m. Regular Meeting
COVID-19 Precautions:
   Attend from your computer, tablet or smartphone:
      Meeting ID: 701-503-243
      https://attendee.gotowebinar.com/register/379973447425579407

      To dial in using your phone in Listen Only Mode:
      Dial 1 (562) 247-8422
      Meeting ID: 740-552-589
      Oregon Relay/TTY: 711 or 800-735-1232
      If you are unable to attend virtually, limited seating will be available
      in the Council Meeting Room
      Building Access through the South Entrance

CALL TO ORDER

ROLL CALL - Councilors VanGordon___, Moe___, Moore____, Stoehr___, Woodrow ___, and Pishioneri ___.

PLEDGE OF ALLEGIANCE

SPRINGFIELD UPBEAT

1. Other

CONSENT CALENDAR

1. Claims
2. Minutes
3. Resolutions
a. **RESOLUTION NO. 1 - A RESOLUTION TO ACCEPT CITY PROJECT P31044; HORACE STREET EXTENSION TO S 42ND PUBLIC IMPROVEMENT PROJECT (PIP).**

b. **RESOLUTION NO. 2 - A RESOLUTION TO ACCEPT CITY PROJECT P31050; JENNY GARDENS PUBLIC IMPROVEMENT PROJECT (PIP).**

4. **Ordinances**

5. **Other Routine Matters**

**MOTION: APPROVE/REJECT THE CONSENT CALENDAR**

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**PUBLIC HEARINGS** - Please limit comments to 3 minutes. Request to speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.

1. Sanipac Bio-Medical Fee Increase
   [Sam Kelly-Quattrocchi] (10 Minutes)
   
   **RESOLUTION NO. 3 - A RESOLUTION AMENDING THE MASTER SCHEDULE OF MISCELLANEOUS FEES AND CHARGES, RATES, PERMITS, AND LICENSES IN ORDER TO AMEND THE AMOUNT OF THE BIOMEDICAL WASTE RATES**

   **MOTION: ADOPT/NOT ADOPT RESOLUTION NO. 3**

2. Forming a Local Improvement District for Installation of Sanitary Sewer
   [Kyle Greene and Kristina Kraaz] (10 Minutes)
   
   **ORDINANCE NO. 2 - AN ORDINANCE ADOPTING THE REPORT OF THE CITY ENGINEER AND FORMING A LOCAL IMPROVEMENT DISTRICT FOR THE INSTALLATION OF SANITARY SEWER IN CREST LANE FROM 724 CREST LANE TO 749 SUMMIT BLVD (PROJECT P21171) (FIRST READING)**

   **NO ACTION REQUESTED – FIRST READING ONLY**

**BUSINESS FROM THE AUDIENCE** - Limited to 20 minutes. Please limit comments to 3 minutes. Request to Speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.

**COUNCIL RESPONSE**

**CORRESPONDENCE AND PETITIONS**

**BIDS**
ORDINANCES

BUSINESS FROM THE CITY COUNCIL

1. Committee Appointments

2. Business from Council
   a. Committee Reports
   b. Other Business

BUSINESS FROM THE CITY MANAGER

1. Fire Update & Emergency Declaration
   [Chief Heppel] (10 Minutes)

2. Other Business

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT
ITEM TITLE: MAYOR VACANCY PROCESS

ACTION REQUESTED: Provide direction regarding appointing an interim Mayor.

ISSUE STATEMENT: Mayor Christine Lundberg submitted her letter of resignation on August 15, 2020. The Springfield Charter requires the Council to appoint an interim Mayor but does not set out a specific process or deadline to make the appointment. A successor is then elected at the next general biennial election to serve the remainder of the unexpired term.

ATTACHMENTS: Attachment 1: Council Briefing Memorandum
Attachment 2: Decision Tree
Attachment 3: Chapters III and IV of the Springfield Charter

DISCUSSION/FINANCIAL IMPACT:
The Springfield Charter is the controlling authority for filling the Mayor’s vacancy. The Council is required to appoint an interim Mayor by a majority vote. A successor is elected by the voters at the next general biennial election which in this case is November 2022.

The Council President assumes the duties of Mayor and presides over the Council meetings until the Council appoints an interim Mayor. The Charter does not specify a process or deadline for appointing the interim Mayor but as elected officials, the Council must act reasonably and diligently toward the appointment. The Council is the ultimate judge of the interim Mayor qualifications and the interim Mayor can be a Springfield resident or a sitting City Councilor.

Some of the duties of the Mayor include presiding over Council meetings, voting in cases of a tie, helping to set the Council meeting agenda and approving or disapproving ordinances. The Mayor sits on several intergovernmental committees such as the Metropolitan Policy Committee (MPC), the Oregon Metropolitan Planning Organization Consortium (OMPOC) and the League of Oregon Cities Board. Also, the Mayor spearheads certain policy initiatives and represents the City at many ceremonial and official functions.

All deliberations and the vote to appoint the interim Mayor must be conducted at a public meeting consistent with public meeting and records laws.
Date: 9/8/2020

To: Nancy Newton, City Manager

From: Mary Bridget Smith, City Attorney

Subject: Election/Decision Process for Filling Vacancy in Position of Mayor

ISSUE: Mayor Christine Lundberg submitted her letter of resignation on August 15, 2020. The Springfield Charter requires the Council to appoint an interim Mayor but does not set out a specific process or deadline to make the appointment. A successor is then elected at the next general biennial election to serve the remainder of the unexpired term.

COUNCIL GOALS/
MANDATE: Mandate

BACKGROUND:
The purpose of this memo is to provide the Council with background information about filling the Mayor’s vacancy that can be used in conjunction with the Decision Tree attached to this packet as Attachment 2. More specifically, this memo will address the Springfield Charter requirements, the duties of the Mayor, public meeting and record law considerations, and options for appointing an interim Mayor.

Factual Summary:
Mayor Lundberg submitted her resignation on August 15, 2020. Her current term expires January 2021. She won the May 2020 primary and her next term would have started in January 2021 and continued until January 2024.

Analysis:
Charter Requirements
The controlling legal authority for filling a vacancy is Section 20 of the Springfield Charter. That section states the following with respect to filling vacancies:

“A vacancy in the Council or in the position of Mayor shall be filled by appointment by a majority of the Council. The appointee’s term of office runs from the time of his or her qualification for the office after the appointment and shall continue until the beginning of the year following the next general biennial election and until a successor is qualified. The successor for the unexpired term shall be chosen at the next general biennial election after said appointment. During a Council member’s disability to serve on the Council or during the member’s excused absence from the City, a majority of the other members of the Council may by appointment fill the vacancy pro tem.”

Filling a vacancy can be divided into two events: the Council appointing an interim Mayor and Springfield voters electing a successor. The appointee is chosen by a majority of the Council and the successor is elected at the next general biennial election that takes place after the Council appoints an interim Mayor. The next general biennial election is November 3, 2020 but the deadline for filing for declaration of candidacy has passed. Accordingly, the next general biennial election after 2020 is November of 2022. The City Attorney’s Office could not find any legal authority or precedent for exceptions to the state candidate filing requirements for the upcoming November 2020 election and, in any case, the Charter requires the Council to appoint an Interim before the successor is elected. Finally, the Charter requirements about filling a vacancy are unambiguous.
Deviating from the Charter by holding a special election would be subject to legal challenge and a court would most likely find the special election void.

**Council President**

A frequent question that has come up in connection with the vacancy is whether the Council President automatically becomes Mayor. Section 20 of the Springfield Charter addresses situations where the Council can appoint a Pro Tem when Mayor or a Councilor is unable to serve or has an excused absence, but those reasons do not apply to this situation. However, Section 17 does provide some direction about the Council President’s role when a vacancy occurs.

Section 17 of the Springfield Charter states:

“…The Council President shall function as Mayor when:
(1) The Mayor is absent from a Council meeting, or
(2) The Mayor is unable to function as Mayor.

The President of the Council shall not lose a vote while presiding, but shall not gain an additional vote by reason of presiding.”

The Mayor’s seat is currently vacant, which means that the Mayor will be absent from future Council meetings until someone is appointed to fill the vacancy. In that situation, the Council President assumes the duties of Mayor and presides over City Council meetings.

The term “unable to function” is similar to language in other city Charters that courts have interpreted to include a vacancy created by a resignation. This interpretation is also consistent with advice the City Attorney’s Office provided about the City’s previous Charter. Although the previous Charter had different wording, we could find no evidence that the voters intended to change the role of Council President when they voted on the new Charter in 2001. Therefore, the Council President does assume the duties of Mayor until the Council appoints an interim Mayor. It is important to note that the Council President is not a Mayor Pro Tem or the interim Mayor (unless appointed by the Council consistent with the Charter), but it does provide a way to keep the City’s business moving forward while the Council is deliberating on appointing an interim Mayor. Finally, assuming the duties of Mayor does not mean that the Council President position becomes vacant, so the Council is not required to appoint an additional Council President.

**Mayor Duties**

The Mayor’s duties are set out in the Springfield Charter, the Municipal Code and the Council Operating Policies and Procedures. In addition to these responsibilities, the Mayor may also spearhead certain policy initiatives, sit on intergovernmental committees and attend ceremonial events on behalf of the City.

**Presiding over Council Meetings**

A core part of being Mayor includes presiding over Council meetings and their deliberations. Generally, if the Mayor is not at a Council meeting, the Council President presides over a meeting and if the Council President is absent, the Operating Policies and Procedures provide that the most senior Councilor can preside over the meeting as President Pro Tem. The Mayor does not count as part of the Council quorum; therefore, the same rule applies that 4 out of 6 Councilors make a quorum to conduct business.

**Vote in Case of a Tie**

The Mayor votes on matters before the Council only in cases when there is a tie. Until an interim Mayor is appointed, the Council will follow Roberts Rules of Order for voting;
therefore, if a tie vote occurs, the Council can vote on the motion again or bring a new modified motion. Section 17 of the Charter states that the Council President does not lose a vote when he presumes the duties of the Mayor. In addition, the Charter provides that the Council President does not gain an additional vote, and therefore cannot vote again to break a tie.

Set Council Agenda
Under Section 5.1.2 of the Council Operating Policies and Procedures, items can be listed on the written agenda in four ways:

1. Items considered at a prior work session that require official Council action;
2. Items directed by the Mayor or a member of Council to be placed on the agenda, with the agreement of the Mayor and Council President or by agreement of a majority of the Council;
3. Items deemed appropriate by the City Manager; and
4. Items required by law to be presented to the Council.

In addition to the above items, the members of the City Council can propose other items during a meeting that are not listed on the written agenda (Section 5.2).

The past practice has been to obtain Mayor and Council President consent for all items proposed on the agenda, but their approval is only required for items brought forward by the members of the City Council in advance; it is not necessary for items added to the agenda by the City Manager or items raised during a public meeting.

Council members could simply raise new agenda items at a public meeting and get a majority vote of the Council to schedule an item on the written agenda for a future public meeting. It may also be possible for the City Manager to contact members of the Council individually outside of a public meeting to get feedback on whether to include an item on the agenda. Alternatively, the Council could temporarily amend the Council Operating Policies and Procedures to specify another manner of deciding what to add to the agenda, such as agreement between the Council President and the most senior member of the Council or another Councilor appointed by the Council.

Deliver State of the City Address
The Charter requires the Mayor to deliver an annual message to the Council at the start of the each calendar year. Generally, the State of the City Address occurs in January each year but does not designate a specific date certain.

Approve or Disapprove Ordinances
The Council President can approve or disapprove ordinances consistent with the Charter while assuming the duties of the Mayor and until an interim Mayor is appointed.

Appoint Committee Members Consistent with Operating Policies
The Council has several citizen committees that serve the City in a number of different capacities such as the Budget Committee and Planning Commission. The process set out in the Operating Policies and Procedures includes nomination by the Mayor or Council and appointment by the Council which is done by vote at a Council Meeting.

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1 The Court of Appeals held in *Handy v. Lane County* that the public meetings law did not apply to Lane County’s decision to hold an emergency meeting, reasoning that the public meetings law does not apply to decisions that do not require a formal vote in a meeting. In that case, no formal vote was required because the Chair had unilateral authority to call the meeting.
Sign City Contracts and Agreements as Directed by the Council
Similar to approving or disapproving ordinances, the Council President can sign City contracts and agreements as directed by the Council while assuming the duties of the Mayor and until an interim Mayor is appointed.

Appoint Special Mayoral Committees on matters of City-wide concern
The Charter also provides that the Mayor can appoint special committees on matters of City-wide concern. For example, earlier this summer Mayor Lundberg announced a Blue Ribbon Committee to address diversity and equity in Springfield.

Calling Emergency or Special Meetings
The Mayor can call an emergency Council meeting; however, under the Springfield Municipal Code, three members of the Council can do so as well.

Proclamation of Election Results
The Springfield Municipal Code requires the Mayor to proclaim the election of candidates to City offices and the adoption of City measures. This process includes signing a proclamation and posting which the Council President can do if an interim Mayor is not appointed by the time the proclamation is required.

Ceremonial and Administrative Activities
In addition to the duties outline in the Charter and Springfield Municipal Code, there are several ceremonial and administrative duties that fall to the Mayor, many of which are outlined in the Council’s Operating Policies and Procedures. For example, the Mayor approves a Councilor’s request to attend a training or conference on behalf of the City and is often asked to sign a letter in support of a particular cause. These items are generally administrative and ceremonial in nature and are not subject to public meetings laws or Council consent. The Council President could approve training of other Councilors and another Councilor could be assigned to approve his training requests. Depending on the event, the Council President or a Councilor could appear on behalf of the City.

Policy Initiatives
Some of the policy initiatives Mayor Lundberg championed was a Blue Ribbon Committee to address diversity and equity in Springfield, the indoor track project, transportation issues and addressing homelessness in our community by focusing families and children. The Council can provide direction to staff about these projects.

Mayor Committee Assignments
The Mayor was a member of several intergovernmental committees. The vacancy created by her resignation will be filled consistent with the Bylaws of those specific committees. She was a member of SEDA, the Home Consortium, Lane Workforce Partnership, Main/McVay Governance Team, MPC, OMPOC, Travel Lane County, Travel Lane County Executive Committee, the Oregon Mayor Association Board of Directors, and the League of Oregon Cities Board of Directors.

Vacancy Process
The Charter does not specify a specific process for appointing an interim Mayor, but there are some general considerations to keep in mind.

General Considerations
- **Majority Appoints.** The appointee is appointed by a majority of the Council meaning that 4 out of the 6 Councilors must vote to select the same person. If there is a tie, the Council keeps voting until they arrive at a majority.
• **Public Meeting/Records.** Public Meeting and Records law applies and the Council cannot meet in executive session to deliberate.

• **Qualifications.** The Council is the ultimate decision maker about the interim Mayor’s qualifications, but Section 23 of the Charter does specify that the person must live in the City, not be an employee and must disclose any adult felony convictions. Further, state law prohibits a person from running for two elective offices at one time.

• **Appointee does not have to be a sitting council member.** The Charter does not require the Council fill a vacancy with a sitting Councilor.

• **No specific deadline.** The Charter states that a Council vacancy shall be appointed by Council majority but does not expressly require that the appointment be made by a specific time, nor is there an applicable state statute. Therefore, the most likely legal interpretation of the time in which Council must appoint someone to fill the vacancy is a reasonable amount of time that would allow for the Council to make an effective decision about whom to appoint, balanced with their duty to comply with the City Charter and fulfill their obligations as a Council.

• **Terms.** One unusual aspect of this situation is that Mayor Lundberg was serving a term that is set to expire this coming January and would have started a new term at the Council’s first meeting in January 2021. She would have been deemed elected to that new term at the upcoming general biennial election in November because Section 10 of the Charter states that “any candidate for Mayor or City Councilor who receives a majority of all votes cast at the primary election shall be declared to be elected to the office for which he or she is a candidate, effective as of the date of the state-wide biennial general election and no further elections shall be held for such office.”

Therefore, this situation does provide the Council with the option of selecting one appointee to finish the current term and then selecting another appointee for the new term starting in January 2021. The Council could also decide to appoint the same person for both terms.

• **Appointee only removed as per Charter.** Once the Council appoints an interim Mayor, that position can only become vacant consistent with the Section 19 of the Charter. Some of those reasons include, conviction of a felony, recall from office, and 4 consecutive unexcused absences from Council meetings.

• **Impacts to a sitting Councilor if they are appointed as Interim Mayor.** The impacts to a sitting Councilor if that person is appointed the Interim Mayor depends on their term and whether the Council decides to appoint a different person for the current and next term. Councilors Stoehr and Pishioneri are similar to Mayor Lundberg in that their current term ends in January 2021 and their next term starts in January 2021. Therefore, if the Council decides to appoint a different appointee for each of the Mayor’s terms, Stoehr and Pishioneri could serve out the rest of their existing term as the appointee and then start their new term as Councilor in January of 2021. This would create a cascading effect where the Council would have a vacant Councilor seat until the next term begins in January 2021, consistent with the Charter and similar to the Mayor’s vacancy.

Councilor Moore’s term expires in January 2021 and her seat is in the upcoming election, so she could be selected as Interim Mayor and the new Ward 3 Councilor would be elected in November and take office in January 2021. If Councilors VanGordon, Moe and Woodrow took the appointment, they would have to resign from
their seats for the rest of their current term, which runs until January 2023. The Council would have to appoint an Interim Councilor to fill that Councilor’s vacant seat until January 2023.

Example Process Options
The following sets out some options for appointing an Interim Mayor.

When Mayor Leiken resigned to be a County Commissioner, the Council decided to appoint an Interim Mayor by selecting amongst the Council. The Council made the decision about the process in one work session and in the next regular meeting, Councilors made nominations, had discussions and appointed an Interim Mayor by vote. During the previous work session, they also arrived at some written questions for those nominated to submit for the packet in the regular meeting.

The Council could also open up the process to include members of the public that qualify for the office. That process could include a written application with questions, an interview, and deliberations. Those items must occur at a public meeting and could take approximately 4 to 6 months depending on the chosen process.

If the Council were to appoint a sitting Councilor to be the Interim Mayor, that would create vacancy in that council seat. The Council could choose a different process for filling the vacancy. For example, if they choose amongst the Council for an Interim Mayor and then opened it up to the public for the Councilor vacancy. The process for appointing a Councilor could not start until the sitting Councilor submitted their resignation to become Interim Mayor.

**RECOMMENDED ACTION:** Provide direction regarding appointing an interim Mayor.
Mayor Vacancy

Existing Term Present Jan. 2021

Pool: Council Selection Process

Term Exp. New Interim Same Interim

Pool: Public Selection Process

Term Exp. New Interim Same Interim

Next Term Jan. 2021

Pool: Council Selection Process

Term Exp. General Biennial 11/2022

Successor 1/2023

Pool: Public Selection Process

Term Exp. General Biennial 11/2022

Successor 1/2023

Next Term Jan. 2021

Pool: Council Selection Process

Term Exp. General Biennial 11/2022

Successor 1/2023

Pool: Public Selection Process

Term Exp. General Biennial 11/2022

Successor 1/2023
CHAPTER III. FORM OF GOVERNMENT

Section 7. Council.

The Council consists of six Councilors, who shall be nominated by ward of residence and elected from the City at large. Each of the six Council wards shall be represented on the Council.

Section 8. Councilors.

The term of office of a Councilor in office when this Charter is adopted is the term of office for which the Councilor has been elected before adoption of the Charter or is elected at the time of the adoption. At each biennial general November election after the adoption three Councilors shall be elected, each for a four-year term.

Section 9. Mayor.

The term of office of the Mayor in office when this Charter is adopted is the term of office for which the Mayor has been elected before adoption of the Charter or is elected at the time of the adoption. At each subsequent quadrennial general November election a Mayor shall be elected for a four-year term. The Mayor shall be a resident of the City and elected from the City at large.

Section 10. Method of Election and Terms.

(1) The first voting for Mayor or Councilor during a year will take place at the same time and places in the City as the state-wide biennial primary election that year. Any candidate for Mayor or City Councilor who receives a majority of all votes cast at the primary election shall be declared to be elected to the office for which he or she is a candidate, effective as of the date of the state-wide biennial general election and no further elections shall be held for such office. If at the primary election no candidate receives such a majority, the two candidates receiving the two highest numbers of votes cast for the office shall be the only ones whose names appear as candidates for that particular office on the ballot for voting at the same time and place as the state-wide biennial general election of that year. The candidate who receives a majority of the votes cast at the state-wide general election for the office is elected to that office and is entitled to a certificate of election thereto.

(2) The term of office of an elected City officer who is elected at a biennial general November election or declared elected to the office after the primary election commences at the first January Council Meeting of the year immediately after the election and continues until the successor to the office assumes the office.

Section 11. Appointive Offices.

A majority of the Council may appoint and remove a City Manager, City Attorney and Municipal Judge. The majority may create, abolish and combine appointive City offices, provided, however, that the offices, of Municipal Judge shall not be combined with either the office of City Manager or City Attorney.

View the mobile version.
CHAPTER IV. POWERS AND DUTIES OF MAYOR AND COUNCIL


The Council shall approve and maintain operating procedures and policies annually.

Section 13. Quorum.

A majority of the Council constitutes a quorum for its business, but a smaller number of the Council may meet and compel the attendance of absent Councilors in a manner prescribed by the Council’s rules.

Section 14. Meetings.

The Council shall meet regularly at least once a month in the City at a time and public place that the Council’s rules designate. The Council may meet otherwise in accordance with the rules, which the Council shall adopt by Ordinance for governing its members and proceedings.

Section 15. Record of Proceedings.

The Council shall cause a record of its proceedings to be kept and authenticated in a manner that it prescribes.

Section 16. Powers and Duties of the Mayor.

The Mayor is the Chief Elected Officer of the City. The Mayor shall:

(1) Preside over the deliberations of the Council;
(2) On behalf of the Council after consultation with the Council President, identify and oversee, the timing of issues to come to the attention of the Council;
(3) Vote only in case of a tie;
(4) Deliver an annual message to the Council at the start of each calendar year, including the condition of the City, financial and otherwise and recommend such measures for the peace, health, improvement and prosperity of the City as may be deemed expedient;
(5) Approve or disapprove all Ordinances as prescribed in Chapter IX Ordinance
(6) Appoint members of Committees as prescribed by the Council Operating Procedures and Policies;
(7) Sign such contracts and governmental agreements as directed by the City Council;
(8) Appoint special mayoral committees on matters of City wide concern.

Section 17. Council President.

At its first meeting in January after this Charter takes effect and thereafter at its first meeting in January of each odd-numbered year, the Council shall appoint a President from its Councilors. The Council President shall function as Mayor when:

(1) The Mayor is absent from a Council meeting, or
(2) The Mayor is unable to function as Mayor.

The President of the Council shall not lose a vote while presiding, but shall not gain an additional vote by reason of presiding.
Section 18. Vote required.

Except as Sections 11, 13, 18, 20, 31 and 32 of this Charter provide otherwise, the express concurrence of a majority of the Council present when a quorum of the Council is present decides a question before the Council.

Section 19. Vacancies—Occurrence.

The position of Mayor or Council member becomes vacant upon the incumbent’s:

1. Death;
2. Adjudicated incompetence;
3. Conviction of a felony while in office;
4. Unlawful destruction of City records;
5. Resignation;
6. Recall from the office;
7. Ceasing to possess the qualifications for the office;
8. Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term in office to begin;
9. Non-residence in the ward for Council members, or non—residence in the City for Mayor;
10. Unexcused absences from four consecutive regular Council meetings.

Section 20. Vacancies—Filling.

A vacancy in the Council or in the position of Mayor shall be filled by appointment by a majority of the Council. The appointee’s term of office runs from the time of his or her qualification for the office after the appointment and shall continue until the beginning of the year following the next general biennial election and until a successor is qualified. The successor for the unexpired term shall be chosen at the next general biennial election after said appointment. During a Council member’s disability to serve on the Council or during the member’s excused absence from the City, a majority of the other members of the Council may by appointment fill the vacancy pro tem.
ITEM TITLE: CARES ACT FUNDING CHECK-IN

ACTION REQUESTED: Provide feedback to staff on potential uses of the CARES Act funding.

ISSUE STATEMENT: The State of Oregon has allocated $1.8 million for the City of Springfield with a requirement that the funds be expended by December 30th, 2020 or be returned to the State. City staff has put together a list of qualified CARES Act expenditures for the Council to consider.

ATTACHMENTS: Attachment 1: Potential Uses of CARES Act Funding

DISCUSSION/FINANCIAL IMPACT: In response to the Coronavirus Disease 2019 (COVID-19) pandemic, the Federal Government passed the Coronavirus AID, Relief and Economic Security (CARES) Act to help ease the economic impacts of the pandemic. Included in the CARES Act was financial assistance for local governments.

The City was reimbursed approximately $450,000 of its $1.8 million allocation and an additional $200,000 has been expended but not yet reimbursed. Some of the types of expenses include personal protective equipment, small business financial assistance, hygiene supplies, signage, and remote work equipment like cameras and wifi hotspots. Staff estimates approximately $450,000 will be needed for the EOC response through the end of the year, leaving approximately $700,000 of the allocated funds unspent.

There is an opportunity to use some of the remaining CARES funding for other projects that will improve City’s response to the pandemic. For example, upgrades to the City’s EOC technology could help us respond to the current pandemic and the next emergency. Improvements to city hall meeting room technology can assist with community participation at public meetings that are held in a remote format. The Council may also consider facilitating a second round of small business loans or grants.

In an effort to maximize our use of these funds, City staff has prepared a list of potential uses for these funds that would qualify for CARES reimbursement. City staff is asking for Council’s guidance on which uses serve the highest and best use for the citizens of Springfield.
## Potential CARES Act Uses

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ITEM TITLE: ACCEPTANCE OF PROJECT P31044; HORACE STREET EXTENSION TO S 42ND PUBLIC IMPROVEMENT PROJECT.

ACTION REQUESTED: Adopt or Not Adopt the following resolution:
A RESOLUTION TO ACCEPT CITY PROJECT P31044; HORACE STREET EXTENSION TO S 42ND PUBLIC IMPROVEMENT PROJECT (PIP).

ISSUE STATEMENT: The work on this project has been completed by the Developer, James Challis Construction, Inc. Final inspection, paperwork, and approval has been completed by City Staff and the Developer’s consulting engineers, Branch Engineering, Inc. The project is now ready for formal City Council acceptance.

ATTACHMENTS: Attachment 1: P31044; Horace Street Extension to S 42nd PIP Acceptance - Resolution

DISCUSSION/ FINANCIAL IMPACT: The Horace Street Extension is a commercial mini-storage developed by James Challis Construction, Inc. The Public Improvement Project (PIP) construction consists of the following items:

- Construction of approximately 1040 feet of full street improvements
- Installation of approximately 90 feet of public storm drainage main
- Installation of 2 catch basins and 1 curb inlet
- Installation of 5 new street lights

All construction work was paid for by the Developer and constructed by Delta Construction Co.

All work done under this permit project has been completed and inspected by the City Engineer or his designee and found to be satisfactory. There is no final construction cost for this project, as it was privately engineered, built and financed. There is no financial impact to the City other than the typical future maintenance responsibilities for public infrastructure.
WHEREAS, work on the improvement described below has been fully completed and has been duly inspected by the City Engineer of the City of Springfield: P31044, Horace Street Extension to S 42nd, Public Improvement Project;

WHEREAS, said work was found to be in conformance with the terms of the Public Improvement Permit and plans submitted by the Engineer of Record and approved by the City Engineer; and

WHEREAS, it is the recommendation of the City Engineer that this Public Improvement Project be accepted and permanently included in the improvement maintenance program of the City of Springfield.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD:

Section 1: The Common Council of the City of Springfield does hereby accept for future maintenance the above-described project and accepts said improvement from the Developer involved.

Section 2: This Resolution will take effect upon adoption by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield this 8th day of September 2020, by a vote of _____ for and ____ against.

________________________________________
Council President

ATTEST:

________________________________________
City Recorder

REVIEWED & APPROVED AS TO FORM
Mary Bridget Smith
DATE: August 28, 2018
OFFICE OF CITY ATTORNEY
CITY OF SPRINGFIELD
### AGENDA ITEM SUMMARY

**Meeting Date:** 9/14/2020  
**Meeting Type:** Regular Meeting  
**Staff Contact/Dept.:** Kyle Greene  
**Staff Phone No:** 541-726-5750  
**Estimated Time:** Consent Calendar  
**Council Goals:** Maintain and Improve Infrastructure and Facilities

---

### SPRINGFIELD CITY COUNCIL

**ITEM TITLE:** ACCEPTANCE OF PROJECT P31050; JENNY GARDENS PUBLIC IMPROVEMENT PROJECT.

**ACTION REQUESTED:** Adopt or reject the following resolution:  
A RESOLUTION TO ACCEPT CITY PROJECT P31050; JENNY GARDENS PUBLIC IMPROVEMENT PROJECT (PIP).

**ISSUE STATEMENT:** The work on this project has been completed by the Developer, Dennis John Covert. Final inspection, paperwork, and approval has been completed by City Staff and the Developer’s consulting engineers, The Favreau Group. The project is now ready for formal City Council acceptance.

**ATTACHMENTS:** Attachment 1: P31050; Jenny Gardens PIP Acceptance - Resolution

**DISCUSSION/FINANCIAL IMPACT:** Jenny Gardens is a 7-lot subdivision developed by Dennis John Covert. The Public Improvement Project (PIP) construction consists of the following items:

- Installation of approximately 220 feet of public wastewater main  
- Installation of 2 wastewater manholes  
- Installation of approximately 365 feet of public storm drainage main  
- Installation of 3 storm drainage manholes  
- Installation of 3 street lights

All construction work was paid for by the Developer and constructed by Kipco Construction, LLC.

All work done under this permit project has been completed and inspected by the City Engineer or his designee and found to be satisfactory. There is no final construction cost for this project, as it was privately engineered, built and financed. There is no financial impact to the City other than the typical future maintenance responsibilities for public infrastructure.
CITY OF SPRINGFIELD, OREGON
RESOLUTION NO. ___________

ACCEPTANCE

WHEREAS, work on the improvement described below has been fully completed and has been duly inspected by the City Engineer of the City of Springfield: P31050, Jenny Gardens, Public Improvement Project;

WHEREAS, said work was found to be in conformance with the terms of the Public Improvement Permit and plans submitted by the Engineer of Record and approved by the City Engineer; and

WHEREAS, it is the recommendation of the City Engineer that this Public Improvement Project be accepted and permanently included in the improvement maintenance program of the City of Springfield.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD:

Section 1: The Common Council of the City of Springfield does hereby accept for future maintenance the above-described project and accepts said improvement from the Developer involved.

Section 2: This Resolution will take effect upon adoption by the Council and approval by the Mayor.

ADOPTED by the Common Council of the City of Springfield this 8th day of September 2020, by a vote of _____ for and ____ against.

_______________________
Council President

ATTEST:

_______________________
City Recorder

REVIEWED & APPROVED AS TO FORM
Mary Bridget Smith
DATE: August 28, 2018
OFFICE OF CITY ATTORNEY
CITY OF SPRINGFIELD
ITEM TITLE: SANIPAC BIO-MEDICAL FEE INCREASE

ACTION REQUESTED: Conduct a public hearing and adopt/not adopt the following resolution: A RESOLUTION AMENDING THE MASTER SCHEDULE OF MISCELLANEOUS FEES AND CHARGES, RATES, PERMITS, AND LICENSES IN ORDER TO AMEND THE AMOUNT OF THE BIOMEDICAL WASTE RATES

ISSUE STATEMENT: Sanipac, the City’s franchise hauler for solid waste, has requested a rate adjustment for bio-medical waste, effective September 8, 2020. This adjustment is meant to pass through increases in tipping fees at the medical waste dumping facility where Sanipac disposes of medical waste generated in Springfield.

ATTACHMENTS: 1. Sanipac Rate increase memo and request, dated October 3, 2019. 2. Proposed Fee Resolution

DISCUSSION/ FINANCIAL IMPACT: Under section 16 of the City’s Franchise Ordinance, Sanipac may request rate adjustments to accommodate changes to cost of service.

Sanipac is not requesting a general cost of service increase this year. However, due to operating cost increases related to Sanipac’s disposal of medical waste, they are requesting an increase in the bio-medical waste disposal fee. Sanipac disposes of bio-medical waste at a facility owned by Covanta near Salem. Marion County has decided to no longer sponsor out of county waste disposal, resulting in a $400/ton increase in their operating cost.

In Sanipac’s calculations and discussions with their peers, they have concluded that Covanta still makes the most economical and environmental sense. Sanipac is requesting a $0.21 per gallon increase on bio-medical waste that will cover these new tipping fees as a pass-through cost. Below is a table showing current and proposed rates:

<table>
<thead>
<tr>
<th>Current Service</th>
<th>Current Rate</th>
<th>Incremental Increase</th>
<th>New Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Gallon Tote</td>
<td>$23.86</td>
<td>$2.11</td>
<td>$25.97</td>
</tr>
<tr>
<td>20 Gallon Tote</td>
<td>$26.13</td>
<td>$4.22</td>
<td>$30.35</td>
</tr>
<tr>
<td>35 Gallon Tote</td>
<td>$29.77</td>
<td>$7.39</td>
<td>$37.16</td>
</tr>
<tr>
<td>1 Gallon</td>
<td>$9.8</td>
<td>$0.21</td>
<td>$10.19</td>
</tr>
</tbody>
</table>
October 3, 2019

Neil Obringer  
City of Springfield  
225 Fifth St.  
Springfield, OR 97477

RE: Request for Emergency Pass-Through Medical Waste Disposal Adjustment

Dear Neil,

Sanipac is requesting an emergency increase to our medical waste disposal fee, increasing our per gallon charge by $0.21 per gallon. This request is due to a dramatic increase in tip fee at the Covanta Incinerator in Marion County, where 100% of Sanipac’s medical waste is disposed.

Background

The nature of medical waste requires that it be handled separately from municipal solid waste. This material has always presented challenges, with disposal fees most recently at $400 per ton. We recently learned that this fee has been subsidized by a Marion County health program. A couple of months ago, we received notice that Marion County would no longer sponsor out-of-county waste. In our follow up communications with Covanta, they advised us that they would still receive our waste without interruption. They did not communicate that by losing the County sponsorship, our rates would increase dramatically. In fact, the attached letter from Covanta has increased the tipping fee to $800 per ton, plus a 9.5% environmental, insurance, and security fee.

Since early September, we have reviewed other disposal options with Stericycle and Waste Management, as well as the related logistics to transport the material to these more distant locations. At a recent Oregon Refuse and Recycle Association (ORRA) annual meeting at the Valley River Inn, we found that other franchised haulers within the State of Oregon are faced with the same, sudden reality. We have concluded that even at the new unsubsidized rates, Covanta is still the best option from both cost and environmental impact perspectives.

Calculations

The attached worksheet calculates the change in cost and the associated increase to our rate using gallons and pounds disposed from January through August 2019. Because this is a disposal expense, we treat it as pass through, meaning we are not adding incremental profit margin. Thank you in advance for your time and please let us know if you need any additional information.

Respectfully Submitted,

Brian White     Aaron Donley
District Manager     Municipal Accounts Manager
### Medical Waste Processor - Marion County Burner

<table>
<thead>
<tr>
<th>January Through August 2019 Actual Expense</th>
<th>Updated Tip Fee</th>
<th>Change in Tip Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disposal Cost per Ton $400</td>
<td>$800.00</td>
<td>$400.00</td>
</tr>
<tr>
<td>Disposal Cost per Pound $0.20</td>
<td>$0.40</td>
<td>$0.20</td>
</tr>
<tr>
<td>Total Medical Waste Pounds 185,980</td>
<td>185,980</td>
<td>-</td>
</tr>
<tr>
<td>Disposal Cost per Unit $0.18</td>
<td>$0.35</td>
<td>$0.18</td>
</tr>
<tr>
<td>Unit of Measurement (box or gallon) gallon</td>
<td>gallon</td>
<td>gallon</td>
</tr>
<tr>
<td>Disposal Cost $37,196.00</td>
<td>$74,392.00</td>
<td>$37,196.00</td>
</tr>
<tr>
<td>Insurance Fee $</td>
<td>$7,067.24</td>
<td>$7,067.24</td>
</tr>
<tr>
<td>Total Disposal Cost $37,196.00</td>
<td>$81,459.24</td>
<td>$44,263.24</td>
</tr>
<tr>
<td>Total Disposal Cost Per Unit $0.18</td>
<td>$0.39</td>
<td>$0.21</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pickups</th>
<th>Gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Gal Container</td>
<td>540</td>
</tr>
<tr>
<td>20 Gal Container</td>
<td>738</td>
</tr>
<tr>
<td>35 Gal Container</td>
<td>5,417</td>
</tr>
<tr>
<td>Total</td>
<td>6,695</td>
</tr>
</tbody>
</table>

### Springfield Summary of Request:

<table>
<thead>
<tr>
<th>Current Service</th>
<th>Current Tariff</th>
<th>Incremental Increase</th>
<th>New Tariff</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Gallon Tote</td>
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<td>$2.11</td>
<td>$25.97</td>
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<tr>
<td>35 Gallon Tote</td>
<td>$29.77</td>
<td>$7.39</td>
<td>$37.16</td>
</tr>
<tr>
<td>1 Gallon</td>
<td>$9.98</td>
<td>$0.21</td>
<td>$10.19</td>
</tr>
</tbody>
</table>

Please note that this document contains confidential information about our business operations. You have our permission to share this information with City Staff that plays an active role in evaluating this information and firms hired by the City to provide related financial review services. All other release is specifically prohibited. Sanipac and Waste Connections reserve every opportunity to exercise their right to preserve the confidential nature of this document.
CITY OF SPRINGFIELD, OREGON
RESOLUTION NO. __________

A RESOLUTION AMENDING THE MASTER SCHEDULE OF MISCELLANEOUS FEES AND CHARGES, RATES, PERMITS, AND LICENSES IN ORDER TO AMEND THE AMOUNT OF THE BIOMEDICAL WASTE RATES

WHEREAS, Springfield Municipal Code 4.408(2) provides that the maximum rates for the collection of garbage and refuse for a month shall be set by resolution of the Council; and

WHEREAS, the present rate for the collection of garbage and refuse consists of two parts: (1) the rate that accounts for the cost of collection of garbage and refuse by the collector of garbage (the “collection rate”), and (2) the rate that accounts for the fees imposed by Lane County for the disposal of garbage and refuse collected by the collector of garbage (the “disposal rate”); and

WHEREAS, Sanipac, Inc., the collector of garbage as defined by Springfield Municipal Code Section 4.400, has advised the City to increase the per gallon charge by $0.21 per gallon of bio-medical waste; and

WHEREAS, the collector of garbage has requested that the disposal rate be adjusted to reflect this increase in costs as of September 8, 2020; and

WHEREAS, City staff have reviewed the request of the collector of garbage, and the additional information and material provided in support of the request; and

WHEREAS, City staff, following such review have recommended that the adjustment of the maximum rates for the collection of bio-medical waste be approved as requested; and

WHEREAS, the Council has considered the request of the collector of garbage, the material and information submitted in support of such request, and the analysis and recommendations of the staff, and is fully informed as to the request and the circumstances; and

WHEREAS, the opportunity for public comment at a public hearing has been provided prior to the adoption of this Resolution; and

WHEREAS, except for the increase in the Garbage and Refuse rates as specified herein, the fees set forth in the “Master Schedule of Miscellaneous Fees and Charges, Rates, Permits and Licenses” remain unchanged and shall continue in full force and effect;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD:

Section 1. The Master Fees and Charges Schedule, Solid Waste, Biomedical Charges, is amended as follows:

<table>
<thead>
<tr>
<th>Springfield Biomedical Charges</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Gallon Tote</td>
<td>$25.97</td>
</tr>
<tr>
<td>20 Gallon Tote</td>
<td>$30.35</td>
</tr>
<tr>
<td>35 Gallon Tote</td>
<td>$37.16</td>
</tr>
<tr>
<td>1 Gallon</td>
<td>$10.19</td>
</tr>
</tbody>
</table>
Section 2. Except as specifically amended by this Resolution, the "Master Fees and Charges Schedule shall remain unchanged and in full force and effect.

Section 3. In the event any particular rate, permit fee, license fee, or other fee or charge set forth in the Master Schedule shall be held invalid by operation of law or any court of competent jurisdiction or the enforcement of any fee restrained by such court pending the final determination as to its validity, the remainder of the rates, permit fees, license fees, fees and charges specified in Section 2, shall not be affected thereby and shall remain in full force and effect.

Section 4: This Resolution will take effect upon adoption by the Council.

ADOPTED by the Common Council of the City of Springfield this ___ day of ________, ____, by a vote of _____ for and ____ against.

ATTEST:

____________________
City Recorder
ITEM TITLE: FORMING A LOCAL IMPROVEMENT DISTRICT FOR THE INSTALLATION OF SANITARY SEWER

ACTION REQUESTED: Conduct a public hearing and first reading of the following Ordinance:

AN ORDINANCE ADOPTING THE REPORT OF THE CITY ENGINEER AND FORMING A LOCAL IMPROVEMENT DISTRICT FOR THE INSTALLATION OF SANITARY SEWER IN CREST LANE FROM 724 CREST LANE TO 749 SUMMIT BLVD (PROJECT P21171)

ISSUE STATEMENT: The City Council is asked to initiate a local improvement district (LID) to extend the public sewer in Crest Lane from 724 Crest Lane to 749 Summit Blvd. The purpose of the extension to provide the residences at 789 Summit Blvd and 749 Summit Blvd with a new public sewer connection to replace the existing connection point that is further away and is served by a failed private sewer lateral.

ATTACHMENTS: Attachment 1 - Ordinance
Attachment 2 - Exhibit A – Engineer’s Report

DISCUSSION/FINANCIAL IMPACT: For the past several months, City staff have been working with the residents of 789 Summit Blvd and 749 Summit Blvd to address a public nuisance being caused by the failed private sewer lateral serving those properties. This local improvement district will allow a new private sewer line serving 789 and 749 Summit Blvd to connect to the new public sewer connection in Crest Lane, rather than running underneath Crest Lane and through other private property to existing connection in Summit Blvd.

On July 6, the City Council adopted Resolution 2020-25, declaring intent to establish a local improvement district for sewer improvements in Crest Lane from 724 Crest Lane to 749 Summit Blvd, specially benefitting properties at 789 and 749 Summit Blvd.

As directed in Resolution 2020-25, the City Engineer prepared the report attached as Exhibit A to the proposed ordinance declaring the LID. The estimated total cost of the project is $26,500, or $13,250 for each of the two properties specially benefited by this LID. If the Council adopts the proposed Ordinance forming the LID, the City will advertise for bids for the project, to be awarded by the City Council to the lowest responsible bidder at a future Council meeting. Following construction of the project, the City Council will be asked to formally assess each property for one-half of the cost of the improvements.
CITY OF SPRINGFIELD, OREGON
ORDINANCE NO. ___________ (SPECIAL)

AN ORDINANCE ADOPTING THE REPORT OF THE CITY ENGINEER AND FORMING A LOCAL IMPROVEMENT DISTRICT FOR THE INSTALLATION OF SANITARY SEWER IN CREST LANE FROM 724 CREST LANE TO 749 SUMMIT BLVD (PROJECT P21171)

WHEREAS, on July 6, 2020, the Common Council adopted Resolution 2020-25 declaring their intent to initiate public sewer improvements in Crest Lane from 724 Crest Lane to 749 Summit Blvd and to assess all property to be benefitted by said improvements;

WHEREAS, at the direction of the Council, the City Engineer filed the report attached in Exhibit A with the City Finance Director on August 4, 2020;

WHEREAS, on August 21, 2020, the Finance Director gave notice as provided in Springfield Municipal Code section 3.006, stating the Engineer’s Report is on file and notifying all persons interested to present their objections to the report, if any they have, before the Council on September 8, 2020; and

WHEREAS, the City Council held a public hearing on September 8, 2020 and ____ property owners benefitted have filed objections,

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF SPRINGFIELD ORDAINS AS FOLLOWS:

Section 1. The City Engineer report attached in Exhibit A (P21171) is hereby adopted.

Section 2. The Finance Director is directed to advertise that bids will be received for the construction of the above improvement project in accordance with the City's general conditions and standard specifications and that the project shall be awarded to the lowest responsible bidder. The Council reserves the right to deem any bids unsatisfactory.

ADOPTED by the Common Council of the City of Springfield this ___ day of ________, ____, by a vote of _____ for and ____ against.

APPROVED by the Council President of the City of Springfield, functioning as Mayor in accordance with Section 17 of Springfield Charter, this _____ day of ____________, ____.  

__________________________
Council President

ATTEST:

__________________________
City Recorder
MEMORANDUM
City of Springfield

To: Nate Bell, Finance Director
From: Jeff Paschall, P.E., City Engineer
Date: August 4, 2020
Subject: Engineer's Report: Local Improvement District Project No. P21171: Adjacent to 749 Summit Blvd & 724 Crest Lane

Project Name: Crest Lane Local Sewer Extension LID

1.00 In accordance with Section 3.004 of the Springfield Municipal Code, the following is submitted for your action(s)

1.10 **Project Scope:** Install a local sewer extension on Crest Lane to provide a closer viable public sanitary sewer for 749 and 789 Summit Boulevard

1.20 **Project Location and Affected Properties:** The project is located on Crest Lane, from Summit Boulevard East approximately 130 feet to connect to the existing public sanitary sewer manhole. The properties to be included in the district are as follows:

- **Map & Taxlot Number:** 17-03-34-14-07700
  - Property Address: 789 Summit Blvd
  - Record Owner, Mailing Address: Andan & Margaret Lauber
    - 295 Morrene Drive
    - Campbell, CA 95008

- **Map & Taxlot Number:** 17-03-34-14-07800
  - Property Address: 749 Summit Blvd
  - Record Owner, Mailing Address: Alderman Family Trust
    - 749 Summit Blvd
    - Springfield, OR 97477

1.30 **Right-of-Way:** No additional construction easements or rights-of-way are expected to be needed in the construction of this project.

1.40 **Project Schedule:** Preliminary schedule for the project is as follows:

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Target Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete Preliminary Design</td>
<td>Complete</td>
</tr>
<tr>
<td>Complete Final Design</td>
<td>August 31, 2020</td>
</tr>
<tr>
<td>Advertise for Bids</td>
<td>September 28, 2020</td>
</tr>
<tr>
<td>Open Bids</td>
<td>October 9, 2020</td>
</tr>
</tbody>
</table>
The Project Manager is encouraged to evaluate and revise this schedule often throughout project development. Notify the City Engineer and Project Team of changes to any element of this schedule.

1.50 **Project Standards:** The project shall be designed in accordance with the following standards:
   - Engineering Design Standards and Procedures, City of Springfield (2019 or latest edition)
   - Oregon Standard Specifications For Construction

2.00 **Engineer’s Estimated Costs:**
The total project cost has been estimated between $15,000 and $25,000. Final actual costs will be determined upon completion of the project and assessed as provided in Springfield Municipal Code sections 3.050-3.074. The general breakdown of costs is shown below. A detailed breakdown of estimated construction costs is included (Exhibit C).

   Table 2 –Project Budget (Based on estimated $30,000 Project Cost)

<table>
<thead>
<tr>
<th></th>
<th>Total Estimated Cost</th>
<th>City Cost</th>
<th>Property Owners Cost</th>
<th>Assessment Cost (per Lot)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design and Administration</td>
<td>$5,000</td>
<td>$0</td>
<td>$5,000</td>
<td>$2,500</td>
</tr>
<tr>
<td>Right of Way</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Construction</td>
<td>$10,000-$20,000</td>
<td>$0</td>
<td>$10,000-$20,000</td>
<td>$5,000-$10,000</td>
</tr>
<tr>
<td>Assessment Service Fee</td>
<td>$1,000-$1,500</td>
<td>$0</td>
<td>$1,000-$1,500</td>
<td>$500-$750</td>
</tr>
<tr>
<td>(SMC 3.072, 6.2% of direct costs)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>$16,000-$26,500</td>
<td>$0</td>
<td>$16,000-$26,500</td>
<td>$8,000-$13,250</td>
</tr>
</tbody>
</table>

2.50 **Assessment Rate: Private Property**

The private property assessment rate will attributed 50% to the property at 789 Summit
Blvd and 749 Summit Blvd. The district will involve only two properties and no City participation in the costs. The final assessment rates and amounts will be set by the City Council following a public hearing as per Springfield Municipal Code sections 3.050-3.074.

2.60 **Assessment Financing: Private Property**

Property owners may choose to finance their assessment through the City’s Bancroft Program. The interest rate established by the City Council for the subject Local Improvement District is the City’s most recent bond issue rate plus 1.5%. The City offers a 10-year financing program with semi-annual payments. Property owners who are seniors may qualify for the Elder Housing Deferral Program, which is run by the state and works much like the state’s Property Tax Deferral Program.

3.00 Resolution of Intent to Improve No. 2020-25; Date of adoption: **July 6, 2020**.

4.00 Please proceed with the preparation and execution of the following documents in accordance with Sec. 3.006 of the Springfield Municipal Code:

4.10 **Public Hearing:**
4.11 Date of Hearing: **September 8, 2020**
4.12 Publish Notice of Hearing on, in the Eugene Register Guard no later than 10 days prior to the September 8 public hearing.
4.13 Furnish Engineering Office with two (2) copies of the Public Hearing notice.
ITEM TITLE: HOLIDAY FARM FIRE UPDATE AND EMERGENCY DECLARATION RATIFICATION

ACTION REQUESTED: Receive update on the Holiday Farm Fire in the McKenzie River Corridor.

Adopt or Not Adopt the following resolution:

A RESOLUTION RATIFYING THE CITY MANAGER'S DECLARATION OF STATE OF EMERGENCY ISSUED ON SEPTEMBER 8, 2020 AND AMENDED SEPTEMBER 9, 2020

ISSUE STATEMENT: The City Manager declared a State of Emergency due to the nearby wild fires and consistent with the Springfield Municipal Code, the Council is being asked to consider a resolution ratifying the order.

ATTACHMENTS: Attachment 1: Resolution and Exhibits A and B

DISCUSSION/ FINANCIAL IMPACT: The Holiday Farm Fire in the McKenzie River corridor has put lives at risk and caused extensive damage to the area. Staff will provide Council on update on response efforts.

On September 8, 2020, City Manager Nancy Newton issued an order declaring an emergency due to unpredictable nature of wild fires and in preparation should the fire spread to areas inside the Springfield city limits. She amended the order on September 9, 2020 to prohibit open flames, tools capable of creating a spark, recreational fires and most barbeques.

SMC Section 2.808 requires the City Manager to request that the City Council ratify the emergency declaration order as soon as possible after its execution.
RESOLUTION NO. _______

A RESOLUTION RATIFYING THE CITY MANAGER’S DECLARATION OF STATE OF EMERGENCY ISSUED ON SEPTEMBER 8, 2020 AND AMENDED SEPTEMBER 9, 2020

WHEREAS, ORS 401.305 provides authority for the City of Springfield to act as an emergency management agency, including authority to establish policies and protocols for defining and directing responsibilities during the time of emergency;

WHEREAS, the City of Springfield has enacted a local Ordinance (SMC 2.800 et seq.) pursuant to the authority granted by ORS Chapter 401 that provides for executive responsibility in times of emergency;

WHEREAS, SMC 2.808 authorizes the City Manager to declare that a state of emergency exists for ratification by the Common Council of the City of Springfield as soon as possible after the declaration of emergency;

WHEREAS, the McKenzie River corridor is experiencing a severe wildfire that has put lives at risk and cause wide spread damage to private and public properties in Lane County;

WHEREAS, on September 8, 2020, Governor Brown invoked the Emergency Conflagration Act and declared a conflagration for the Holiday Farm Fire area located in the McKenzie River corridor.

WHEREAS, on September 8, 2020, the Lane County Board of Commissioners adopted an order declaring an local emergency as a result of the Holiday Farm Fire that started September 7, 2020.

WHEREAS, on September 8, 2020, Lane county issued Level 3 evacuation notices for areas immediately to the north and east of the geographic bounds of the City of Springfield;

WHEREAS, Lane County subsequently issued Level 1 evacuation notices for areas within Springfield city limits;

WHEREAS, due to the unpredictable nature of wild fire activity, the entire City of Springfield is in a state of emergency;

WHEREAS, on September 8, 2020, the City Manager issued an order formally declaring a state of emergency for the entire City of Springfield and on September 9, 2020 amended said order to prohibit the use of open flame, equipment capable of igniting a fire, recreational fires and most outdoor barbeques.

WHEREAS, both orders are attached to this resolution as Exhibit A and B and incorporated into this resolution;
WHEREAS, the City of Springfield previously activated its Emergency Operation Center to respond to the Coronavirus pandemic and it will remain activated to provide emergency operations assistance for the wildfire response.

WHEREAS, the City of Springfield has expended or will shortly expend its necessary and available resources, including resources through mutual aid and cooperative assistance agreements;

WHEREAS, SMC 2.800 et seq and ORS Chapter 401 authorize certain actions to be taken during a state of emergency when necessary for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency;

NOW, THEREFORE, it is hereby ordered:

Section 1. The Common Council ratifies and accepts the state of emergency declared by the City Manager and the Council accepts the powers conferred on the City Manager or designee pursuant to that declaration, effective September 8, 2020, for the area described therein.

Section 2. The Common Council ratifies, accepts, and adopts herein the special regulations and emergency measures imposed in the order declaring a state of emergency.

☐ The Common Council modifies the special regulations and emergency measures imposed in the order declaring a state of emergency as follows: ____________________________

________________________________________

Section 3. The declaration of emergency and special regulations and emergency measures shall expire on September 22, 2020, unless sooner terminated or extended by Order of the Common Council.

ADOPTED by the Common Council of the City of Springfield this ___ day of September, 2020 by a vote of _____ in favor and ______ against.

APPROVED by the Council President of the City of Springfield, functioning as Mayor in accordance with Section 17 of Springfield Charter this ______ day of September, 2020

_______________________________
Council President

ATTEST:

_____________________________
City Recorder
CITY OF SPRINGFIELD
ORDER DECLARING STATE OF EMERGENCY

WHEREAS, ORS 401.305 provides authority for the City of Springfield to act as an emergency management agency, including authority to establish policies and protocols for defining and directing responsibilities during the time of emergency;

WHEREAS, the City of Springfield has enacted a local Ordinance (SMC 2.800 et seq.) pursuant to the authority granted by ORS Chapter 401 that provides for executive responsibility in times of emergency;

WHEREAS, the McKenzie River corridor is experiencing a severe wildfire that has put lives at risk and caused widespread damage to private and public properties in Lane County;

WHEREAS, on September 8, 2020, the Lane County Board of Commissioners adopted an order declaring a local emergency as a result of the McKenzie Fire that started September 7, 2020;

WHEREAS, temperatures and winds remain high and humidity remains low causing the fire to burn rapidly throughout the McKenzie River Corridor and will continue to place lives and properties at risk, including within the geographic bounds of the City of Springfield;

WHEREAS, on September 8, 2020, Lane County issued a Level 3 evacuation notices for areas immediately to the north and east of the geographic bounds of the City of Springfield;

WHEREAS, due to the unpredictable nature of wild fire activity, the entire City of Springfield is in a state of emergency;

WHEREAS, the City of Springfield has expended or will shortly expend its necessary and available resources, including resources through mutual aid and cooperative assistance agreements;

WHEREAS, SMC 2.800 et seq and ORS Chapter 401 authorize certain actions to be taken during a state of emergency when necessary for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency;

NOW, THEREFORE, it is hereby ordered:

Section 1. I, Nancy Newton, City Manager, formally declare a state of emergency for the City of Springfield effective on September 8, 2020 at 18:30 hours for the area described herein.

Section 2. Upon this declaration of a state of emergency, the City Manager or designee is empowered to carry out the appropriate functions and duties identified in
SMC 2.802 and SMC 2.814 during the time of emergency and shall implement the Eugene/Springfield Multi-Jurisdictional Emergency Operation Plan.

Section 3. The City Manager or designee shall take all necessary steps authorized by law to coordinate response and recovery from this emergency, including, but not limited to, requesting assistance from the State of Oregon and Lane County.

Section 4. This declaration of a state of emergency shall be taken before the Common Council of the City of Springfield at their next available meeting for ratification.

Section 5. This declaration of a state of emergency shall expire in 14 days on September 22, 2020, unless sooner terminated to extended by order of the Common Council.

Section 6. The City Manager, as the Director of Emergency Services, or her designee, is authorized to implement any of the emergency measures provided for in Springfield Municipal Code sections 2.810 through 2.814 and 2.820 in the interest of the public health, safety, or welfare, in the area designated as an emergency area.

DATED September 8, 2020.

Nancy Newton
City Manager

ATTEST: ______________________
CITY OF SPRINGFIELD
ORDER AMENDING THE ORDER DECLARING A STATE OF EMERGENCY TO ADOPT SPECIAL REGULATIONS PER SMC 2.810

WHEREAS, ORS 401.305 provides authority for the City of Springfield to act as an emergency management agency, including authority to establish policies and protocols for defining and directing responsibilities during the time of emergency;

WHEREAS, the City of Springfield has enacted a local Ordinance (SMC 2.800 et seq.) pursuant to the authority granted by ORS Chapter 401 that provides for executive responsibility in times of emergency;

WHEREAS, the McKenzie River corridor is experiencing a severe wildfire that has put lives at risk and caused wide spread damage to properties in Lane County;

WHEREAS, on September 8, 2020, the Lane County Board of Commissioners adopted an order declaring a local emergency as a result of the McKenzie Fire that started September 7, 2020;

WHEREAS, on September 8, 2020, the Springfield City Manager issued an order declaring a State of Emergency for the entire City of Springfield; and

WHEREAS, SMC 2.800 et seq and ORS Chapter 401 authorize certain actions to be taken during a state of emergency when necessary for public safety or for the efficient conduct of activities to minimize or mitigate the effects of the emergency, and additional regulations are now needed to protect public health, safety and welfare,

NOW, THEREFORE, it is hereby ordered:

Section 1. The Order Declaring a State of Emergency issued by the Springfield City Manager Nancy Newton at 18:30 hours on September 8, 2020 is hereby modified to add the following special regulation, pursuant to the authority provided in SMC 2.810:

Use of any of the following are prohibited during the declared state of emergency:
- Use of any open flame, spark producing or heat emitting tool, equipment or process capable of igniting a fire;
- Any recreational fire; and
- Any outdoor barbeque, grill, or smoker, except for those using gas or electricity that can be shut off immediately.

Section 2. Except where modified herein, the Order Declaring a State of Emergency issued on September 8, 2020, shall remain in full force and effect.
Section 3. This order shall be taken before the Common Council of the City of Springfield for ratification, as part of the declaration of a state of emergency, at their next available meeting.

Section 4. This order shall expire in on September 22, 2020, unless sooner terminated to extended by order of the Common Council.


[Signature]
City Manager