



LOCAL FOCUS

Regional Meetings Begin
Strong Showing in D.C.
Legislative Session Recap

The Magazine of the League of Oregon Cities
April 2018

Election Season: Time to Engage





Employment Law Podcast

Join our very own CIS Pre-Loss Attorney, Katie Kammer, for a lively employment law podcast called **Kammersations**! Katie's fun and engaging podcast features employment law updates and tips for dealing with issues that can arise at work.

Take a listen at cisoregon.org/podcasts.

Experienced risk management | Comprehensive benefits programs | Expert claims processing |
Innovative trainings | Strong Property/Casualty coverages

For more information contact Bill LaMarche, CIS member relations manager, at blamarche@cisoregon.org.

The Magazine of the League of Oregon Cities



On the Cover

Election Season: Time to Engage

- 21 Local Control Requires Your Participation
- 22 Candidate Forums: Help Your City and State
- 24 Prohibitions on Political Activity



Other Features

- 26 New Coverage, Features Increase Value of CIS Workers' Comp Program



Departments

5 From the Executive Director

Setting Priorities: The Legislative Process

6 At the League

- 6 Strong Showing in D.C.
- 9 Regional Meetings Begin
- 10 Register for Spring Workshops

28 City News

- Madras – Brewery Campaign
- Maupin – \$1.5 Million Investment

30 City Events

A LOCAL COMPANY THAT CARES!

TECHNICAL SUPPORT:

24/7

HOURLY RATE:

\$0

No hidden fees.

No extra project costs.

All-inclusive IT support that really
is all-inclusive.



genuine technology group

We speak human.
And we speak computer.

No business is immune to security threats.

Call us to schedule your
FREE security audit:

971-288-0880

genuinetechnology.com

LOCAL FOCUS



Local Focus is published monthly by:
League of Oregon Cities
1201 Court St. NE, #200
Salem, Oregon 97301
(503) 588-6550 • Fax: (503) 399-4863
www.orcities.org

2018 LOC BOARD OF DIRECTORS

OFFICERS

President

Timm Slater, *Councilor, North Bend*

Vice President

Greg Evans, *Councilor, Eugene*

Treasurer

Jake Boone, *Councilor, Cottage Grove*

Immediate Past President

Denny Doyle, *Mayor, Beaverton*

DIRECTORS

David Allen, *Councilor, Newport*

Tanee Brownning, *Councilor, Central Point*

Paul Chalmers, *Councilor, Pendleton*

Cathy Clark, *Mayor, Keizer*

Dave Drotzmann, *Mayor, Hermiston*

Amanda Fritz, *Commissioner, Portland*

Ken Gibson, *Mayor, King City*

Steve Kaser, *Councilor, Roseburg*

Scott Lazenby, *City Manager, Lake Oswego*

Michael Sykes, *City Manager, Scappoose*

Tessa Winebarger, *Councilor, Ontario*

Christy Wurster, *City Manager, Silverton*

MAGAZINE STAFF

Editor

Kevin Toon, ktoon@orcities.org

Designer

Julie Oke, jmoke@orcities.org

Non-member subscription rate: \$96 per year

Published articles and views expressed in *Local Focus* do not reflect any direct or implied endorsement by the League of Oregon Cities unless specifically stated as such. Publication of any advertisement should not be considered an endorsement of the product or service involved.



Setting Priorities: The Legislative Process

In my travels around this great state and in my meetings with the visionary leaders of cities both large and small, I've been asked more than once—What's the “secret sauce” behind how the League determines its legislative priorities? It's a valid question: Who determines which issues are priorities, and which will take the back burner?

The answer is not as simple as you might think. This is not an arbitrary process, nor are decisions made by just a select few. Quite the contrary. As the representative of all 241 cities in the state, the League strives to be as inclusive and transparent as possible in all its operations, but particularly with respect to those surrounding the issues of home rule, fairness and equity for all our municipalities.

This is our advocacy mission: to lead and champion causes beneficial to our members, and to push back and block legislation that does not. We do not do this in a vacuum, but rather through a process that we have honed through the years and which we consider to be comprehensive and inclusive.

The Process

The League is committed to creating an ongoing dialogue with all our cities, and we are constantly evaluating and upgrading our processes and protocols

regarding outreach that facilitates two-way communication. This is where the process begins. In addition to the news and information we impart to you, the data we collect from you is the basis for establishing our program of work. Legislatively, this step of the process serves as the foundation on which we focus our efforts.

Lobbying and advocating for our members does not stop when the session ends. In fact, the end of this short session marked just the beginning of our efforts in planning and prioritizing for the 165-day session in 2019. This is a daunting task, carried out by the League's team of five amazing inter-governmental relations professionals, headed by Legislative Director Craig Honeyman.

To put some perspective as to just how unwieldy the process of setting priorities for the next biennium can be, consider this: during any long session, lawmakers can introduce anywhere from 2,000 to 2,500 individual bills. Of those, the League will review all, and monitor closely fully two-thirds that potentially affect our cities, either positively or negatively.

In addition to those bills that come at us, the League has a prioritization process for issues it wishes addressed and bills it wishes enacted. To identify these, the League has established eight



Mike Cully
Executive Director

policy committees which are advisory to the LOC Board of Directors:

- Community Development
- Energy
- Finance and Taxation
- General Government
- Human Resources
- Telecom, Cable and Broadband
- Transportation
- Water

These committees are foundational to the League's policy development process. Composed of city officials, these groups are charged with analyzing policy and technical issues and recommending positions and strategies for the League. In addition, LOC staff later rely on the input and expertise of committee members as they advocate for city interests at the Legislature, and with state and federal agencies.

Policy committee members are appointed for two-year terms. In even-numbered years, committees meet three or four times between March and June to develop legislative priority options for city consideration, and ultimately,

(continued on page 8)

Oregon Shows Up for NLC Event in Washington, D.C.

With easily the largest contingent of delegates in more than a decade, the League sent nearly 80 members and youth advisory council students to Washington, D.C. for the National League of Cities' Congressional City Conference, March 10-14. Once again, the week was highlighted by the opportunity to travel to Capitol Hill to discuss local issues with the Oregon congressional delegation. This year's topics included:

- Transportation and water infrastructure funding, an ongoing priority of both the League and the NLC;
- The Federal Energy Management Agency's involvement in the National Flood Insurance Program and the uncertainty that related regulatory activity is causing cities;
- Broadband and telecommunications policies, especially relating to net neutrality and current activities at the Federal Communications Commission threatening local control over city right of way and franchise fee authorities; and
- The need for assurances regarding federal enforcement of marijuana laws, as well as the importance of lifting banking restrictions.

Conference participants also heard from an array of speakers, including keynoter Bob Schieffer, retired anchor from *The CBS Evening News*, and a number of other issue experts, including cabinet secretaries, NLC staff and city officials from around the country.

The League's own Jake Boone, Cottage Grove City Councilor and LOC Treasurer, participated on a panel discussing "The Future of Marijuana Policy," speaking to a standing-room only crowd. Beaverton Mayor and LOC Immediate Past President Denny Doyle continued to fulfill his duties as a member of the NLC Board of Directors, as did Tualatin Mayor Lou Ogden and Eugene City Councilor Betty Taylor as members of the NLC Advisory Council.

As noted above, this was easily the strongest delegation that ever represented the League at the NLC Congressional City Conference and on Capitol Hill. The League thanks the cities that took advantage of the opportunity to have their voice heard at both the national organization and with the Oregon congressional delegation, including: Beaverton, Eugene, Forest Grove, Happy Valley, Hermiston, Hillsboro, Lake Oswego, Tigard, Tualatin and West Linn.



Photo captions:

1. Representative Greg Walden hears from city officials on infrastructure funding and broadband.
2. Happy Valley Mayor Lori DeRemer takes part in the discussion of city issues with Representative Kurt Schrader's office.
3. Part of the 80+ Oregon delegation pose on Capitol Hill after meeting with legislators.
4. *The CBS Evening News'* Bob Schieffer speaks at the NLC Congressional City Conference about the importance of local government.
5. Representative Peter DeFazio discusses FEMA flood insurance, broadband and infrastructure with Eugene Councilors Greg Evans, Emily Semple and Betty Taylor.
6. Youth council members turned out in force on Capitol Hill – pictured here with Senators Wyden and Merkley.



Improve your community's water quality with **FREE** assistance from DEQ

Public agencies are encouraged to sign-up for **FREE** expert help with stormwater and wastewater challenges. From initial planning to financing facility upgrades, we offer a range of assistance.

Contact the Water Quality Project Assistance coordinator at 503-229-6312 or email CWSRFinfo@deq.state.or.us

Visit our website: oregon.gov/deq/wq/cwsrf



DIRECTORS MESSAGE, CONTINUED

board approval. In odd-number years the committees meet on an as-needed basis, with the appointment process for the next two-year cycle beginning in September with the solicitation of the next round of committee volunteers.

Leading the Charge: The Intergovernmental Relations Team

Once legislative priorities have been established and issues prioritized, the LOC team takes the lead.

Overseeing and coordinating the team is Legislative Director Craig Honeyman, a veteran lobbyist who oversees a professional team of lobbyists and within his own portfolio specializes in transportation and telecommunications issues. The rest of the team includes:

- Erin Doyle: land use, housing, eminent domain and building codes;
- Tracy Rutten: water, wastewater, environment and natural resources, energy, public contracting;
- Wendy Johnson: Finance and taxation, economic development;
- Scott Winkels: Ethics, public safety, community corrections, courts, personnel, PERS, collective bargaining; and
- Jenna Jones who handles all legislative research, monitoring and tracking of bills, and correspondence and reports.

This team works for you and is available to you throughout the year. We are always interested in creating a diverse cross section of interests to populate the committees listed above and encourage you to reach out to us here at the League if you have an interest in helping chart the course for the future.

As always, for the most up-to-the-minute updates, please follow us on social media:

Twitter @OregonCities

Facebook @LeagueOfOregonCities

YouTube @LeagueofOregonCities ■

In Memoriam Jennie Messmer

Jennie Messmer, who served as the League's Member Services Director from 2002-14, passed away last month after a long and courageous battle with cancer. Jennie was a friendly and familiar face to League



members in all corners of the state, and a trusted and authoritative voice in the city manager community. She helped start the League's Small Cities Network and played a key role in the enhancement of the League's training program for city officials. In addition, she spent countless hours travelling the state during her time at LOC, providing consultation to help city councils be more effective in their service to their communities. She started her career in government with the city of Klamath Falls, and most recently had done interim work in several communities around the state and worked for the Mid-Willamette Valley Council of Governments. The League would like to express our deepest sympathies to Jennie's family—she will be missed.

Correction

In last month's edition, the article "Fundamentals of Home Rule" stated, "Cities may not impose a construction excise tax." Authority to levy this tax was restored through SB 1533 in the 2016 legislative session to provide another tool to assist cities and counties in addressing the current statewide housing crisis. We regret the error.

Take your public service leadership skills to the next level.

Apply now for your Executive MPA.

Contact Program Coordinator, Jessica Mole, to set up a one-on-one meeting with an Executive Master of Public Administration faculty member or get additional information about starting in Fall 2018.

(503) 725-5156 | jmole@pdx.edu | pdx.edu/cps/empa



Portland State
UNIVERSITY



Have you RSVP'd for an LOC Regional Meeting? It's not too late!

Plan now to attend an LOC Regional Meeting in your area. The meetings are a great chance:

- ▶ For new Executive Director Mike Cully and President Timm Slater to meet you, the members of the League;
- ▶ To learn about new League services to help your city;
- ▶ To hear a recap of the 2018 legislative session; and
- ▶ To discuss regional issues with other city officials.

To RSVP, email John Schmidt at jschmidt@orcities.org or call (503) 588-6550.

LOC Regional Meetings Schedule

All meetings start at 4 p.m. unless noted

April 4 – Astoria

April 5 – Newport

April 6 – Salem

April 18 – The Dalles (3 p.m.)

April 19 – Redmond

April 20 – Cottage Grove

May 9 – Klamath Falls

May 10 – Grants Pass (3:30 p.m.)

May 11 – Bandon

May 23 – Pendleton

May 24 – Baker City

May 25 – John Day

Register Today for LOC Spring Workshops

The League is offering a broad range of in-person trainings this spring, including two new “fundamentals” workshops that will coincide with our Regional Meetings.

Municipal Operations in Oregon – Understanding the Fundamentals

A comprehensive overview of the legal rights, hurdles and challenges facing public officials in Oregon, including: authorities and restrictions under a city charter; requirements of Oregon’s public meetings law, with an emphasis on executive sessions; Oregon’s public records laws; basic concepts surrounding Oregon’s land use system; and Oregon’s budget law.

The Ethical Municipal Official – Understanding Your Basic Obligations and Responsibilities

A 360-degree view of Oregon’s ethics laws and how they impact both elected and appointed city officials. Topics covered in this session include: prohibited use of office; conflicts of interest; gifts; nepotism; outside employment; subsequent employment; and statements of economic interest. This is a basic introductory class, which should be utilized by municipal officials to achieve a baseline understanding of their ethical obligations and responsibilities.

Dates and Locations:

Newport City Hall – April 5
Redmond City Hall – April 19
Grants Pass City Hall – May 10
Baker City, City Hall – May 24

Customer Service on the Font Line

April 10, Sherwood Police Department

This workshop will focus on service communication skills that will maintain positive customer connection and facilitate cooperative problem solving. Attendees will gain effective ideas to use immediately in the workplace—for the toughest service challenges.

Advanced Grant Writing

April 26-27, Salem, Local Government Center

This two-day course takes an in-depth look at the grant writing process; from finding and evaluating the grant process to filling out forms and registering with government systems. The class will finish with breakout sessions that offer coaching on specific grant applications.

Oregon Public Contracting – Understanding the Basics

June 5, Sherwood Police Department

A broad overview of practical tools for Oregon public contracting law. Attendees will learn how to identify and understand the broad range of public contracts and how to navigate the procurement process.

How to Register

Spring training workshop registrations utilize the League’s new online registration system. Registrants will need to log in with the email that the League has on file as their primary address. Anyone who needs to verify their email address, reset a password or has additional questions is encouraged to call the League office at (503)588-6550. For more information and to register go to www.orcities.org/training.

Contact: Lisa Trevino, Administrative Assistant – ltrevino@orcities.org

Save Water. Save Hassles. Save the Day.

Be a SUPERHERO
in your community.

**Join the NLC Service Line
Warranty Program.**

Educate homeowners about their service line responsibilities and show concern for your residents’ peace of mind by making available affordable service line repair plans.

**To learn more, call
1-866-947-4801
www.utilitysp.net**

Administered by
**Utility
Service**
Partners, Inc.
a HomeServe Company

**NLC Service Line
Warranty Program**

93RD ANNUAL CONFERENCE

SEPTEMBER 27-29, 2018 | Hilton Eugene



Plan Now to Attend

The 93rd Annual Conference is scheduled for September 27-29 at the Hilton Eugene. Don't miss out. This is the premier training and networking event for city officials, attracting more than 700 attendees. Here is what League members said about last year's conference:

"This was my first LOC Conference. The breakout sessions were very helpful as they provided information and contacts useful for my position."

"Excellent isn't a high enough rating!"

"Interactive, easy to understand, practical, easily applicable to any size community."

"I wish I had the energy to attend every class."

"The subjects of each of the breakout sessions were fresh and incited open discussions."

"I felt the value was in the support and welcoming attitudes and the opportunity to network and meet others with similar concerns and questions."

In order to help our members plan, to the right is information for your annual budgets and calendar.

We look forward to seeing you this fall in Eugene!

For Your City's Budget

Here are estimates cities can use in their FY 2018-19 budget process to plan for registration and event costs.

Costs per attendee	If registered June 30 - August 7	If registered after August 7
LOC Member full registration	\$325	\$350
First time attendee – LOC Member full registration	\$300	\$325
Non-Member	\$700	\$800
Guest	\$150	\$150
Awards Dinner	\$50	\$50
Special Tours/Workshops (includes OMA, OCCMA, Councilors Workshop and Tours)	\$25-100	\$25-100

Note: Conference registration closes on September 7. After September 7 registration must be done on-site and will cost an additional \$50.

For Your City's Calendar

April – Award Nominations Open – watch the weekly *LOC Bulletin* every Friday for information on how to submit an entry for one of these prestigious awards.

July – Registration, hotel reservations and conference scholarships open by July 2. Watch the *LOC Bulletin* for information on how to register, reserve your hotel room and apply for financial assistance for registration fees as well as for other conference details.

September – See you at the conference!

ASK LOC

Q: What is the Hatch Act?

A: The Hatch Act, 5 U.S.C. § 7321 et seq., is a federal law originally passed in 1939. The Hatch Act limits certain political activities by federal employees, as well as some state, District of Columbia, and local government employees who work in connection with federally-funded programs.

The Hatch Act is designed to ensure that federal programs are administered in a nonpartisan fashion, to protect government employees from political coercion, and to ensure that federal government employees are advanced based on merit, not on political affiliation.

Does the Hatch Act apply to local government employees?

Yes, it can. Whether the Hatch Act applies to a local government employee depends on whether that person, as a normal and foreseeable incident of his or her principal position or job, performs duties in connection with an activity financed in whole or in part by federal funds. The Hatch Act can apply to a local government employee even if their salary is not federally funded, and even if the employee has no authority over the federal funding that the local government receives.

What activity does the Hatch Act prohibit?

Covered employees of a state, local government or the District of Columbia may not:

- a. Be candidates for office in a partisan election¹;
- b. Use official authority or influence to interfere with or affect the results of an election or nomination; or
- c. Directly or indirectly coerce, command, or advise a state, District of Columbia, or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

¹ In 2012, Congress passed the Hatch Act Modernization Act of 2012. Under that law, only state, District of Columbia, or local government employees whose salaries are paid for entirely by federal funds are prohibited from running for partisan office. All other state, District of Columbia, and local employees—even if they are otherwise covered by other Hatch Act restrictions—are free to run for partisan office.

Are there any local government employees that are not covered by the Hatch Act?

Yes. The Hatch Act does not apply to:

- a. Individuals who exercise no functions in connection with federally financed activities; and
- b. Individuals employed by educational or research institutions, establishments, or agencies which are supported in whole or in part by the state or the state's political subdivisions.

The Hatch Act also exempts certain employees from its prohibition on candidacy for elective office, including:

- a. The governor or lieutenant governor of a state;
- b. The mayor of a city;
- c. A duly elected head of an executive department of a state or municipality who is not classified under a state or municipal merit or civil service system; and
- d. An individual holding public elective office, where the elective office is a position that would otherwise subject the person to the Hatch Act.

What is a partisan election?

The United States Office of Special Counsel defines “partisan” as referring to any political party.² Thus, an election for public office is partisan if any candidate is running as a representative of a political party (e.g., Republican, Democrat, Green, etc.). An employee whose salary is entirely funded with federal money may not be a candidate for public office in a partisan election.

Can I be appointed to public office?

Yes. The Hatch Act does not prohibit a covered employee from being appointed to a partisan political office. If that employee's salary is entirely funded with federal money, however, the employee would be prohibited from seeking reelection to that office.

² 5 C.F.R. § 151.101(h).

Is an elected official (e.g., sheriff, mayor, assessor, etc.) who is covered by the Hatch Act prohibited from running for reelection?

Not if the elected office is the individual's principal employment. In that situation, the person is permitted to run for reelection to retain their position in office. Importantly, however, that exemption only applies when the elective office is the position that would otherwise subject the person to the Hatch Act.³

I am covered by the Hatch Act. Am I still allowed to engage in any political activity?

Yes. Covered state, District of Columbia and local employees may still:

- a. Register and vote as they choose;
- b. Assist in voter registration drives;
- c. Express opinions about candidates and issues;
- d. Contribute money to political organizations;
- e. Attend political fundraising functions;
- f. Attend and be active at political rallies and meetings;
- g. Join and be active members of a political party or club;
- h. Sign and circulate nominating petitions;
- i. Campaign for or against referendum questions, constitutional amendments, and municipal ordinances;
- j. Campaign for or against candidates in partisan elections;
- k. Make campaign speeches for candidates in partisan elections;
- l. Distribute campaign literature in partisan elections;
- m. Campaign for and hold office in political clubs or parties;
- n. Volunteer to work on a partisan political campaign; and
- o. Participate in any activity not specifically prohibited by law or regulation.

Importantly, Oregon ethics laws prohibit public employees from engaging in some of the above activities while on the job during working hours. So, just because something is allowed under the Hatch Act does not mean it is allowed under local law, and vice versa.⁴

³ 5 U.S.C. § 1502(c)(4).

⁴ For more information on Oregon laws that prohibit political activity by public employees, please see the League's FAQ on Restrictions on Political Campaigning by Public Employees, available at <http://www.orcities.org/Portals/17/Library/FAQonPoliticalCampaigningFINAL6-2-17.pdf>.

Who enforces the Hatch Act?

The United States Office of Special Counsel (OSC), an independent executive agency, is responsible for administering Hatch Act provisions, including investigating complaints and interpreting the parameters of permissible and prohibited political activities.

What can I do if I'm not sure if I'm covered by the Hatch Act, or if a certain activity is prohibited by the Hatch Act?

The OSC is authorized to issue advisory opinions under the Hatch Act. OSC issues advisory opinions to persons seeking advice about allowable political activity under the Hatch Act. Individuals or their legal counsel may request opinions about their own activity, and employers may request opinions about the activity of their employees.

Address:

Hatch Act Unit, U.S. Office of Special Counsel
1730 M Street NW, Suite 218
Washington, DC 20036-4505
Fax: (202) 804-7002
Phone: (202) 854-2824
Email: hatchact@osc.gov

Investing in your community's growth starts with the right partner.

Vision
A Leader in Municipal Software and Services

Build a better Solution!
visionms.net

Vision Municipal Solutions, LLC
Spokane, WA | Kennewick, WA
P: 509.315.8845 | F: 888.223.6007
info@visionms.net



LOC Regional Meetings

- April 4 – Astoria
- April 5 – Newport
- April 6 – Salem
- April 18 – The Dalles
- April 19 – Redmond
- April 20 – Cottage Grove
- May 9 – Klamath Falls
- May 10 – Grants Pass
- May 11 – Bandon
- May 23 – Pendleton
- May 24 – Baker City
- May 25 – John Day

2018 OAMR Mid-Year Conference

April 6 – Portland

LOC Board Meeting

April 13 – Salem

NW Regional Management Conference

May 1-4 – Stevenson, Wash.

OCCMA (City Managers) Board Meeting

May 4 – Stevenson, Wash.

OCAA Attorneys Spring CLE Seminar

May 18-19 – Newport

LOC Board Meeting

June 15 – North Bend

OCCMA (City Managers) Summer Conference

July 10-13 – Bend

OMA (Mayors) Summer Conference

July 26-28 – Florence

OAMR Annual Conference

September 19-21 – Portland

ICMA Annual Conference

September 23-26 – Baltimore, Md.

LOC Board Meeting

September 26 – Eugene

Upcoming EVENTS

OMA (Mayors) Board Meeting

September 26 – Eugene

LOC Annual Conference

September 27-29 – Eugene

OCAA (Attorneys) Government Law Review

September 28 – Eugene

OGFOA Conference

October 15-17 – Salem

NLC City Summit

November 7-10 – Los Angeles, Calif.

OCCMA (City Managers) Board Retreat

November 8-9 – Silverton

LOC Board Retreat

December 7 – Salem

SAVE WATER NOW

Water loss = revenue loss.

Correlator System tests for both sides of the meter.

Complete Leak Surveys

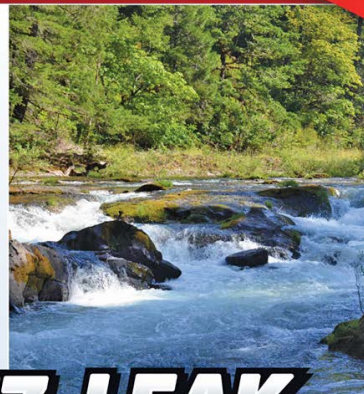
Increase usage efficiency and reduce water loss for sustainable water management in old infrastructures.

Leak Correlation & Leak Locating

Improve effectiveness of water conservation efforts to reduce water loss on both sides of the meter.

Utility & Line Locating

Utilities can be located and marked appropriately to protect underground infrastructure.



888.777.LEAK



**AMERICAN
LEAK
DETECTION**

THE ORIGINAL LEAK SPECIALISTS™

Saving water for Oregon since 2005

Each office independently owned and operated.

AmericanLeakDetection.com

City Deadline Calendar

Dates Cities Need to Know

MAY

May 14

Budget: Hearing Notice

Budget. With some exceptions, a city must give no less than five but not more than 30 days' notice of the budget hearing and a financial summary of the budget as approved by the budget committee.

State Shared Revenues. Cities must hold at least one public hearing, after adequate public notice, regarding state shared revenues. We recommend providing such notice in conjunction with the budget hearing notice. Cities are advised to consult with their budget officer and city attorney on how to incorporate this requirement into their budget process.

Note: Depending upon a city's size and total budget, the budget process may begin sooner or later than noted. This budget deadline is therefore suggested, not statutory.

(ORS 294.438 (budget); ORS 221.770 (shared revenues))

May 21

Budget: Hearing

Budget. Cities must hold at least one hearing on the budget document as approved by the budget committee. Additional hearings may be held.

State Shared Revenues. Cities must hold at least one hearing, after adequate public notice, regarding state shared revenues. We recommend holding this hearing during the budget hearing before city council. Cities are advised to consult with their budget officer and city attorney on how to incorporate this requirement into their budget process.

Note: Depending upon a city's size and total budget, the budget process may begin sooner or later than noted. This budget deadline is therefore suggested, not statutory.

(ORS 294.453 (budget); ORS 221.770 (shared revenues))

May 26

Budget: File List of Public Improvements with Bureau of Labor and Industries (BOLI)

Submit to BOLI a list of every public improvement the city plans to fund in its budget period. The required WH-118 form, which lists all the information that cities must provide, can be obtained from BOLI (www.oregon.gov/boli/WH/WH/PWR/Pages/PWR_Forms_Directory.aspx).

Note: Depending upon a city's size and total budget, the budget process may begin sooner or later than noted. This budget deadline is therefore suggested, not statutory. However, the city must file this list no less than 30 days prior to adopting its budget. (ORS 279C.305) ■



Conservation Corner

OWRD Accepting Nominations for 2018 Conservation Awards

The Oregon Water Resources Department (OWRD) is pleased to announce they are accepting nominations for the agency's 2018 conservation awards program, aimed at recognizing entities that are making the effort to conserve water. Nominations are currently being accepted until July 31, 2018 for the following categories:

- Tyler Hansell award for efficiency in agriculture;
- Best water reuse project or program;
- Best conservation program – large municipalities and water suppliers that serve more than 1,000 people;
- Best conservation program – small municipalities and water suppliers that serve less than 1,000 people; and
- Best conservation program – commercial or industrial.

The 2018 award winners will be announced at a future Water Resources Commission meeting.

A review of the 2017 awards program, including the award winners and their achievements, is available on OWRD's website at: www.oregon.gov/owrd/Pages/mgmt_awards.aspx

For additional information, or for the official nomination form, please contact Kerri H. Cope at Kerri.H.Cope@oregon.gov or Chris Kowitz at Chris.C.Kowitz@oregon.gov.



Are You Signed Up for the LOC Bulletin?

Stay current on legislative news, action alerts, breaking news, bill summaries and more. The *LOC Bulletin* is emailed every Friday.

To be added to the email list, contact loc@orcities.org.

2018 Session: A Roller Coaster for Cities

The 2018 “short” session of the Oregon Legislature adjourned Saturday, March 3, at about 5 p.m., eight days prior to its constitutionally mandated deadline. Although characterized once again by many heavy policy bills, which brought into focus partisan differences, the session ended relatively amicably.

For the League, it was a session of mixed results, with the passage of transient lodging tax legislation, some PERS relief and an exemption for small cities from having to provide reports on transportation financing. However, it was a disappointing session because in the waning hours bills repealing a gigabit property tax exemption and amending qualification-based selection statutes did not get across the finish line.

Despite the wins and disappointments, much was accomplished in setting the stage for even more in the 2019 session. Along with the additional horsepower that the League’s policy committees and a more robust grassroots member involvement program portends in terms of positive legislative outcomes in 2019, the groundwork that was laid during the 2018 session, even in the face of disappointment, will likely pay dividends going forward.

Finance and Taxation

The House and Senate Revenue Committees spent much of the short session responding to recent federal tax changes related to pass-through businesses and repatriated revenues, as Oregon’s income tax code is largely tied to the federal code. While property tax reform remains a top League legislative priority, the short session was not the time for such complex legislation. However, the League engaged successfully with several property tax exemption and related bills. For example, the children’s district bill was again defeated as it would have created further compression issues for cities. The League worked heartily to repeal the overly generous and broken gigabit property tax exemption provided to centrally assessed communications companies. Disappointingly, after passing the House, that bill (HB 4027) stalled in the Senate despite intense lobbying efforts from local governments, schools and the governor’s office right up to adjournment. The League will be back in the 2019 session to address the gigabit issue, as revenue losses are estimated to exceed \$17 million annually to taxing districts.

A session tax win for cities was legislation (HB 4120) that updates the lodging intermediary definition and which will require intermediaries like Airbnb, Home Away and VRBO to collect taxes, file tax returns and pay taxes. Some intermediaries have not been paying all cities and have been short-changing those that do pay them. This legislation will restore tax fairness among lodging providers.

In 2019, the Legislature is expected to take on significant tax reform, hopefully including property tax reform. The 2019 session will likely be heavily shaped by the interim work of the Joint Committee on Student Success. That committee is modeled on the Joint Committee on Transportation, which successfully advanced the transportation revenue package in 2017. The bipartisan and bicameral Student Success Committee, co-chaired by Senator Arnie Roblan (D-Coos Bay) and Representative Barbara Smith Warner (D-Portland), will travel across the state over the upcoming months to learn about local challenges to student success. A major goal of the committee is to recommend a revenue package to be enacted in 2019. The Legislature recognizes that education budget woes trace back to Measures 5 and 50 property tax changes and perhaps now is the time to unwind those restrictions. **Cities are encouraged to attend these meetings and encourage property tax reform as a benefit to schools and local governments.**

PERS

In an effort to begin assisting cities and other PERS employers in meeting their increasing pension rates, the Legislature passed two bills designed to match employer side account contributions. Proposed by Governor Kate Brown, SB 1529 and SB 1566 create and fund an account that will provide cities with 25 cents for every dollar they contribute to a PERS side account. The fund will be capitalized with \$25 million generated by changes in the federal tax code that resulted in funds which were held overseas by U.S. interests being repatriated. There are limitations, however. Local side account contributions must not be derived from debt financing, and employers with high unfunded liabilities will be given priority. Employers wishing to take advantage of the matching funds will need to work with PERS to develop a liability reduction plan. Finally, SB 1566 reduces the amount required for an agency to open a side account from \$250,000—or 25 percent of total unfunded liabilities—to \$25,000.



Housing

The 2018 session saw a continued emphasis on the need to address the housing shortage that exists across the state. Primarily, the Legislature looked for additional resources and revenue streams that could be tapped to encourage the development of affordable housing stock for low-income and middle-income households. The Legislature also: identified ongoing concerns about the availability of workforce for housing construction; looked to increase investments in current programs; and identified the roles that the state believes local governments must play in bringing more affordable housing units online. To provide additional financial resources, the document recording fee was increased, generating more revenue for state affordable housing programs. In addition, the Legislature allocated \$1.7 million in technical assistance to the Oregon Department of Land Conservation and Development, as well as \$23 million for emergency shelters and homelessness prevention. While additional state resources are needed for the remainder of the biennium, the League focused on the long-term need for increased support from the state.

Building Codes

The state's opinion that the use of a contracted third party to run a local building code program raises constitutional concerns has created much controversy in the building codes portfolio. This resulted in a bill, HB 4086, which ties an important policy change that is needed to assure the availability of more certified building inspectors to perform inspections to a requirement that several local programs significantly change their city staffing structure. Because HB 4086 would have significantly impacted the local authority of cities to design and staff their programs to meet community needs, and because the League does not believe the change is based on a legal requirement, LOC joined with the third-party service providers to oppose the overall bill. This means that there will be future legislation to reinstate the ability of third-party inspectors to perform specialized inspections. In addition, significant work on the issue of how local programs are designed will have to continue through the interim.

Transportation

Two bills were introduced to address technical (HB 4059) and policy (HB 4060) imperfections in the \$5.3 billion, 10-year transportation package approved during the 2017 session (HB 2017). Following hearings in the Joint Transportation Committee, co-chaired by Senator Lee Beyer (D-Springfield) and Representative Caddy McKeown (D-Coos Bay), the two bills were merged and became the omnibus "fix-it" bill, SB 4059. While containing a myriad of adjustments to 2017's HB 2017, of note to cities is Section 22, an amendment gained by the League clarifying what had been a conflict between existing statute and the new law enacted last year.

Previously, cities with populations less than 5,000 were exempt from having to file statutorily-mandated financial reports on the sources and uses of their street and road budgets. Notwithstanding that exemption however, HB 2017 included small cities in that reporting requirement as part of an increased emphasis on accountability by entities responsible for the management of state highway funds. The League added language to HB 4059 continuing the exemption from these detailed reporting requirements on the basis that they were unprecedented and would have put an undue burden on the state's smallest cities while providing accountability for the management of only a small fraction of the state's highway revenues.

In addition, the Legislature approved HB 4063, addressing the deployment of autonomous vehicle (AV) technology in Oregon. The bill named the Oregon Department of Transportation as the lead AV program and policy agency in the state, and was amended to include the League on an advisory committee to assist in the assessment of the long-term effects of AV deployment.

Public Contracting

There were not many public contracting bills considered during the 2018 session. However, the League, along with other local government partners and members, did invest considerable time and effort on one bill that was introduced to address local government concerns over the currently-mandated process for hiring architects, engineers and several other types of professional services. The current process, commonly referred to as qualification-based selection, or QBS, prohibits contracting agencies from considering price prior to making an initial selection of a firm based on qualifications alone.

HB 4127 would have created an optional, alternative process that cities and other contracting agencies could utilize in lieu of the current QBS process. The bill would allow cities and other contracting agencies to engage in an initial qualifications-only screening process. After completing that first step of the process, the contracting agency could select up to three qualified firms with whom they would negotiate. The city could

(continued on page 18)

then ask those firms for pricing information including the number of hours proposed for the service required, expenses, hourly rates and estimated overhead costs. Several meetings were held prior to the start of session during which it became clear, once again, that the bill would be met with considerable opposition. HB 4127 passed the House, but failed to pass out of the Senate prior to adjournment. The League will be participating in an interim work group on QBS and anticipates the introduction of legislation for the 2019 session.

It must be noted that many cities played an active role in support of HB 4127. Had it not been for the efforts of more than 50 local governments reaching out to their legislators, the bill would not have been as successful as it was. The League appreciates the outreach and **strongly encourages cities to continue to talk to legislators about the need for change to the current QBS process.**

Telecommunications and Broadband

The Legislature approved HB 4155, restoring a portion of net neutrality policy recently overturned by the Federal Communications Commission. In doing so, Oregon joins several other states in seeking to restore some measure of net neutrality following the FCC decision.

The new law will prohibit public bodies, including cities, from

contracting with an internet service provider that engages in activities such as paid prioritization, or “throttling” of internet access—in short, does not practice net neutrality. HB 4155 goes on to stipulate several exceptions to this restriction, including situations in which no alternative provider is available, as well as other circumstances deemed acceptable by the Oregon Public Utility Commission.

HB 4023, in recognition of the importance of the availability of high-speed internet to rural communities, also was approved in the 2018 session. This legislation authorizes local governments to enter into agreements with the state’s chief information officer, and, pursuant to rulemaking which will include city input, allows municipalities to access broadband facilities for limited public purposes.

Energy & Environment

Arguably one of the most significant policy debates of the session was on the potential implementation of a cap-and-trade program in Oregon. Cap-and-trade, also referred to as cap-and-invest, would set a cap on carbon emissions and require certain regulated entities to obtain allowances for the emissions they produce. The cap would be lowered over time to meet specific greenhouse gas reduction targets. Two separate cap-and-trade bills, SB 1507 and HB 4001, were introduced, and while neither passed, there was considerable debate on



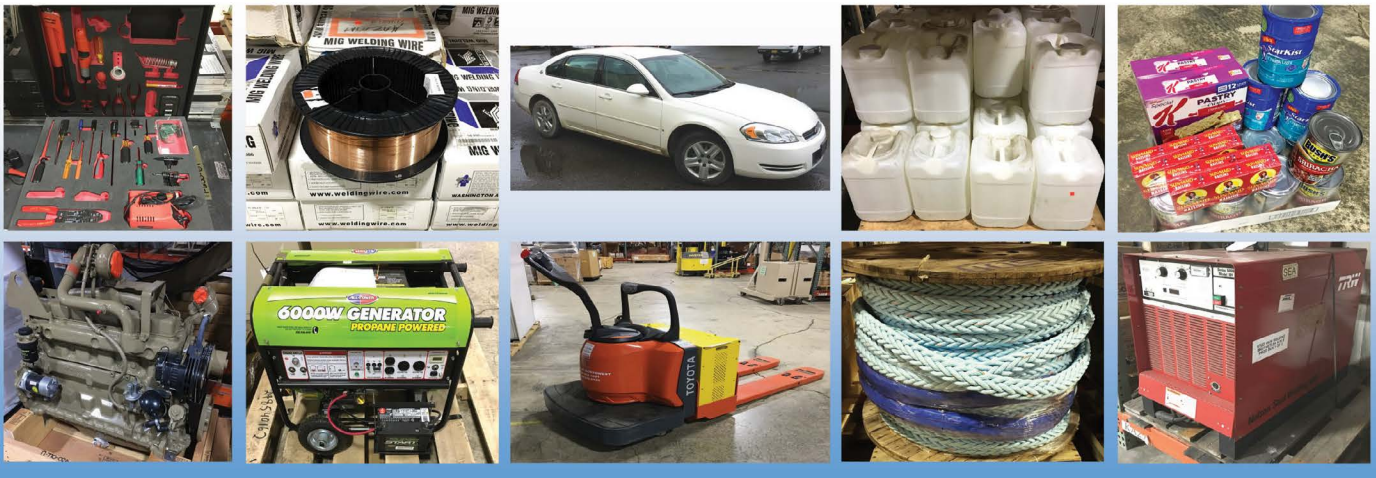
State of Oregon

State and Federal Surplus Property Program

www.oregonsurplus.com | 503-378-6020

Serving Oregon agencies for over 50 years! Let us help you save on thousands of items you use every day!

Federal Donation Program | State Surplus Property | Law Enforcement Support Office (LESO)



the details and potential policy implications of both proposals. Prior to adjournment, \$1.4 million in general funds was appropriated to create and staff a Carbon Policy Office. These funds will also support several studies including an economic impact analysis of a cap-and-trade program on jobs and on the state's economy. The analysis will also assess potential opportunities for carbon sequestration. In addition, it has been announced that House Speaker Tina Kotek (D-Portland) and Senate President Peter Courtney (D-Salem) will convene and co-chair a new Joint Committee on Carbon Reduction. It is highly anticipated that this new committee will be instrumental in the development and consideration of similar legislation during the 2019 legislative session.

Finally, the Legislature contemplated other significant environment legislation during the 2018 session, including SB 1541, which authorizes the Oregon Environmental Quality Commission to adopt new health-based criteria for toxic air emissions.

Marijuana

SB 1544 makes a number of changes to the Oregon's recreational and medical marijuana programs. Of principal interest to several League members, the bill resolves a conflict between tax payer confidentiality requirements and Oregon's local government budget law. Heretofore, if a city had a small number of recreational marijuana establishments, listing revenue from its retail marijuana tax was viewed by the Oregon Department of Revenue as releasing individual tax payer information. SB 1544 also adds resources for enforcing Oregon's marijuana laws and establishes a grant program within the state's Criminal Justice Commission for police and sheriff agencies to combat illicit marijuana sales, processing and production. Oregon currently produces significantly more marijuana than is consumed within the state, and continues to export large amount of product, thus drawing the negative attention of federal agencies.

Guns

HB 4145 prohibits persons who are subject to protective orders and those who have been convicted of misdemeanor violent offenses against romantic partners from possessing firearms or ammunition. Previously, these restrictions only applied when these crimes were committed against a person in co-habitation with the offender. The bill also requires the Oregon State Police (OSP) to enter all convictions and court orders that result in a person being barred from owning a firearm or ammunition into Oregon's Law Enforcement Data System and the database operated by the National Crime Information Center. Finally, HB 4145 instructs the OSP to notify all relevant jurisdictions when a person prohibited from owning a firearm attempts to purchase one, and requires police agencies to report on the disposition of those notifications.

Distracted Driving

HB 4116 clarifies that a "hands-free device" is a mobile phone feature that may be operated with a simple tap or swipe of the finger. The change was made necessary as persons ticketed for operating a phone were able to claim that their extended contact with their mobile device was the operation of a hands-free



2018 Bill Summary Now Online

The League's 2018 Legislative Session Summary of Bills is available online at www.orcities.org. This publication provides a detailed look at the bills the League's advocacy team, often with valuable input and support from members, worked during the short legislative session. The summary includes information about both passed and failed bills, and contains links to each bill described.

device, which is allowable under state statute. The bill also exempts the operators of oversized vehicles who are required by federal law to use pilot cars from the prohibition against two-way communications devices while driving. ■

AssetWORKS

APPRAISAL

Property Insurance Appraisals

Fixed Asset Inventory & Valuation Services

Configurable Software Solutions for Fixed Asset & Property Risk Management

info@assetworks.com www.assetworks.com
(503) 925 - 8770

Election Season: Time to Engage





Local Control Requires Your Participation

By Craig Honeyman, LOC Legislative Director

Local control was the founding principle of and motivation for the formation of the League of Oregon Cities in 1925. The founding cities sought to guarantee full local control of local affairs and to restrict the Legislature's interference with the home rule authority of cities. That struggle continues. In this issue of *Local Focus*, we are making our election year call to action. Every race is important. One legislator can be the difference between defeating a really bad idea impacting local control or its passage. The results of state elections will impact legislation that could affect local control and preemption.

Unless local elected officials engage in the legislative election process to bring city issues and local control into candidate forums and community discussions, those issues will not be part of the election. This issue of *Local Focus* provides information on some of the key issues and messages to bring into the legislative elections, starting with the primaries. Mayors and council members are often asked to endorse legislative candidates (incumbents or challengers). They are seeking to use the mayor or council member's stature in the community

as a local elected official to enhance their credentials. Unless those seeking your endorsement know your local issues and understand, as well as support local control, they won't understand or support those issues when they arrive at the Legislature. Why should someone receive a local elected official's endorsement if they are not going to respect the principle of local control and seek to have the state work in partnership with cities?

If the Legislature is not comprised of a majority of legislators that understand local issues and respect local control, cities will face greater challenges during the 2019 session. This is not a partisan issue. Legislators of both parties have been great partners with cities. Where bad ideas have been killed or helpful legislation proposed/enacted, the legislators working with and for cities have been a bi-partisan group.

Remember, the League's mantra with state legislators has been and will continue to be—we share constituencies, and we are partners in government. ■

Visit us at www.nwcodepros.com or call us at 800-358-8034



NORTHWEST CODE PROFESSIONALS

Jack Applegate, CBO, CHI

jack@nwcodepros.com

Northwest Code Professionals specializes in serving city and county jurisdictions throughout Oregon, Washington, and Idaho with Third Party plan review and building inspection services. We have been in the code enforcement business for over 40 years. We keep up with the current building code changes through local, state, and national organizations. We also provide private consulting for code compliances to assist in the pre-construction process. We assist with partial services, plan review only services, and up to full building department program assumption. Our team of dedicated professionals currently serves more than 50 city and county jurisdictions with world class plan review and inspection services. Call or email our Manager to learn about our services and commitment to outstanding customer service.

Candidate Forums: Help Your City and State: Participate in the Primary Process

State primary season is upon us. This is an opportunity for elected officials to bring city issues into the debate preceding the selection of candidates for the Oregon House of Representatives and the Senate. Simply stated, city issues will not get into the consciousness of candidates and voters without a concerted effort from the people that know the issues best: elected city officials.

Getting involved in the primary process to help shape the issues (not for purposes of siding with any one candidate or party) will accomplish a number of things for your city:

- It will give you an opportunity to become known to the candidates before one of them heads to the Capitol in 2019.
- It will inform others in the community about the issues facing their community's fiscal and social health that can be helped or hurt by potential state legislative action.
- The media will have an opportunity to learn more about what is happening in your city and the issues it faces.
- During candidate forums, asking specific and targeted questions and other venues will get candidates' positions on the record.
- Many groups use the primary election process as a way to get pre-commitments to legislative positions.

Without your involvement to present the impacts on cities, the League and cities statewide face an uphill effort during the 2019 legislative session—specifically, the first time a legislator realizes that the commitment they made to “XYZ interest group” has a detrimental impact on cities.

During the 2019 session, we need to get commitments to protect cities and to seek information from city officials about impacts of bills on cities. The session may also be an opportunity to thank those incumbents who are seeking re-election for their work on the interests of their municipal constituents.

What are the Key Issues and Messages?

As all levels of government struggle with the current economic challenges, a pledge to “do no harm” is important. That pledge can include no preemptions of local authority,

no new unfunded mandates, and honoring past commitments regarding revenues collected by the state on behalf of cities and counties. A major example of those commitments is liquor taxes that are split among the state, counties and cities based on the state's previous preemption of liquor taxation. Other issues to raise and specific examples on preemptions and mandates could include:

- Supporting property tax reform (Measures 5 and 50), to restore fairness, stability, and adequacy for all local governments and schools;
- Local decision-making on local land use: reducing cost and complexity by increasing authority for the local city council;
- Preserving local control of rights of way;
- Allowing more flexibility to create local options to support affordable/work force housing development;
- Local decision-making regarding local sales of marijuana;
- Supporting state infrastructure funding including the Special Public Works Fund—this is especially needed in the face of increasingly expensive and involved requirements for municipal water and wastewater treatment facilities; and
- Local issues that are unique to your community.

Opportunities to Engage

As mentioned previously, attending candidate forums provides a key opportunity to raise city issues. By identifying yourself as a city official and asking polite yet specific and targeted questions, you can effectively raise the issues that affect your city, its residents and businesses. Incumbents have the opportunity to identify ways in which they have been responsive to the needs of their municipal partners or have the opportunity to commit to being more attuned to working in partnership with cities. Getting candidates committed to specific positions regarding city issues will make it more likely that if elected or re-elected they will work with cities during the session.

Town Hall Meetings – Another opportunity to raise city issues and establish a relationship is presented through town hall meetings held by legislators. It also lets the legislator's

staff know who you are if they don't already. This will make it easier and more effective when you contact the representative or senator during the legislative session.

Letters to the Editor – Another way to interject city issues into the primary process is to write a letter to the editor that identifies two or three issues that are important to your city and its residents. The letter can ask voters to raise those city issues in their conversations with candidates to reinforce the message and needs. (See sample letter below.)

Candidate Endorsements* – Some mayors and council members are asked to endorse a particular candidate. Without getting into the pros and cons of making a personal endorsement, for those mayors and council members who feel comfortable making endorsements, getting a firm commitment on key city issues from the person seeking your endorsement should precede any endorsement. If you do endorse, consider writing a letter to the editor explaining how your endorsement is based on specific commitments by the candidate(s). This will serve to raise those issues as well as publicly record the

commitments made by the candidate(s) and help hold them accountable to honor those commitments in the campaign and in the Legislature if elected. *(*Please note – elected officials, as specified in ORS 260.432, cannot ask city staff for help in drafting, submitting or in any way be involved in the production or distribution of an endorsement.)*

Collateral Benefits

By attending candidate forums and town hall meetings, you also get an opportunity to learn what issues are important to the candidates and state office holders. This will help build bridges between you and them. Common ground is easier to find with more knowledge of each other.

Conclusion

Effective grassroots advocacy relies on local officials. Bringing this effort to the primaries will give voice to city issues more effectively and in a more timely fashion. Our subsequent efforts can then build on a spring primary initiative. ■

Sample Letter To Editor

Dear Editor:

In the upcoming statewide primary election, there are a number of issues that directly impact the residents and businesses in our community. Those issues include: (select from, add to the following)

- Local options to fund essential services
- Honoring long-standing commitments to cities that state liquor revenues are collected on behalf of cities, counties and the state. These state-collected revenues help fund our _____.
- Land use
- Specific issue(s) in your community

I would urge residents to attend events featuring candidates or to meet with a candidate, and to ask where they stand on these issues facing our city. It's important to seek a commitment from these candidates to honor state commitments, to allow local decisions to be made locally on land use and the use of our rights-of-way.

It is easy to talk about having a partnership between state and local government and how we all serve the same people, but that talk needs to be translated into real actions that support our local economic health and local control over our local matters.

Prohibitions on Political Activity by Public Employees

By Philip Thoennes, LOC Assistant General Counsel

Public employees, by virtue of their employment with the government, are required to follow certain laws and regulations that do not apply to private sector employees. For example, state and federal laws place important restrictions on public employees who engage in political activity. This article provides some basic information about the prohibitions on political activity by public employees. It is not designed to provide legal advice or serve as a substitute for legal counsel. City officials are encouraged to consult with their city attorney if they have specific questions about whether a certain type of conduct conforms to the law.

Prohibitions on Engaging in Political Activity

All citizens have the right to engage in political discourse, to assemble, and to petition the government for the redress of grievances. Free political discourse has been described as a “political duty,” and the “fundamental principle of American government.”¹ Like all rights, however, the right to political discourse is not absolute. Federal and state laws limit where and when public employees may engage in political activity.² In Oregon, ORS 260.432 prohibits public employees from engaging in political activity while on the job during working hours.

When ORS 260.432 Applies

ORS 260.432 applies in the following circumstances:

- For initiative, referendum and recall petition efforts, as soon as the prospective petition is filed with the appropriate elections filing officer;
- For a ballot measure referred by a governing body as soon as the measure is certified to the ballot. A county, city or district measure is certified to the ballot when the elections official files the referral with the county election office;

- For a candidate, as soon as the person becomes a candidate under the definition in ORS 260.005(1)(a); and
- For political committees, whenever the political committee is active.

What ORS 260.432 Prohibits

Essentially, ORS 260.432 prohibits public employees from using their work time to support or oppose measures, candidates, recalls, petitions or political committees. Supporting or opposing political issues that do not fall into any of those categories is not prohibited.

It is easier to conceptualize ORS 260.432 by breaking the prohibition down into its elements:

- a) Public employees may not;
- b) Support or oppose measures, candidates, recalls, petitions, or political committees;
- c) While on the job during working hours.

If one or more of those elements is not met, the prohibition does not apply. Thus, for example, a public employee can support a ballot measure on the employee’s own personal time.

Expressing Personal Political Views While on the Job

Public employees generally may display political stickers on their personal vehicle and post political signs in their workplace, subject to employer policies. Also, the law does not restrict the right of a public employee to verbally express political views during their personal time. Public employees may wear political buttons or clothing on the job so long as doing so does not violate their employer’s policies.

For example, suppose Measure 123 will fund a new city library. City employees are permitted to wear buttons or shirts that say, “Vote Yes on Measure 123” while on the job. The city itself would be prohibited, however, from distributing those same buttons and sending an email encouraging city employees to wear the buttons on election day.

Finally, note that public employee unions are permitted to have designated bulletin boards to post information in the workplace. The content of a union bulletin board is determined through collective bargaining and is not subject to ORS 260.432.

1 Whitney v. California, 274 US 357, 375 (1927) (Brandeis, J., concurring), overruled in part by Brandenburg v. Ohio, 395 US 444 (1969).

2 Certain public employees—including state and local who work in federally funded programs—are prohibited from engaging in specified political activities under the 1939 Hatch Act, 5 U.S.C. §§ 1501–1508. The U.S. Office of Special Counsel investigates alleged violations of the federal Hatch Act. For additional information, please visit <https://osc.gov/pages/hatchact.aspx>.



Who is a “Public Employee”?

A “public employee” is anyone employed by a “public employer,” as that term is used in ORS 260.432(5)(b). Public employers include the state, counties, cities and districts. Some examples of who is and who is not a public employee include:

- Appointed board members and commissioners are considered “public employees” when acting in their official capacity;
- Volunteers that receive no compensation are not public employees; and
- Contractors are not public employees, but public employees are prohibited from directing government contractors to engage in political activity as part of the contracting service.

Under ORS 260.432(4), elected officials are not considered public employees. However, elected officials are prohibited from directing other non-elected public employees to engage in political activity.

When is a Public Employee “On the Job”?

It is not always easy to determine when an employee is on the job, especially a salaried employee. Generally, an employee is “on the job” while performing work in an official capacity, regardless of when or where the work is performed. For example, if a school principal attends an evening PTA meeting at his or her school, the principal is prohibited from asking parents to vote in favor of a local ballot measure that would help raise money for the school district. The school principal is performing one of their essential job duties by meeting with parents at the PTA meeting, and so cannot engage in prohibited political activity.

Further, if a public employee applies for an expense reimbursement for a certain function, that function is considered part of the employee’s official capacity.

The following is a list of common activities that are always performed in an official capacity:

- Posting material to an official website;
- Drafting or distributing an official publication; and
- Appearing at an event as the representative of the jurisdiction.

Engaging in Political Activity During Personal Time

ORS 260.432 only prohibits political activity when a public employee is acting in an official capacity. Public employees are free to engage in political activity when acting in a personal capacity. If there is any potential for confusion about whether an employee is acting in a personal or official capacity, the employee should state that they are acting solely in their personal capacity and do not represent the views of their employer.

Public employees are permitted to engage in legal court challenges as a part of their official capacity. Public employees may testify, provide declarations or affidavits, and respond to discovery requests. Further, legislation is not covered by ORS 260.432. Thus, public employees are free to lobby governing bodies.

Making Public Property Available for Political Activities

A public body may make its property available for political activities but must grant equal access for all political groups to use the property. Equal access includes charging the same fee or requiring the same permit of all groups. Note that public agencies may have their own policies regarding the use of public property for political activities.

Oversight and Enforcement of ORS 260.432

Any Oregon elector is permitted to file a complaint with the Secretary of State Elections Division alleging that a public employee or employees violated ORS 260.432. The Elections Division can also initiate its own investigation and has authority to issue civil penalties for violations of ORS 260.432. Alleged violators are permitted to contest those penalties in an administrative hearing process.

Any elector concerned about potential violations of ORS 260.432 can contact the Elections Division at:

255 Capitol Street NE, Suite 501
Salem, OR 97310-0722
Tel: (503) 986-1518
Fax: (503) 373-7414
www.oregonvotes.gov ■



citycounty insurance services
cisoregon.org

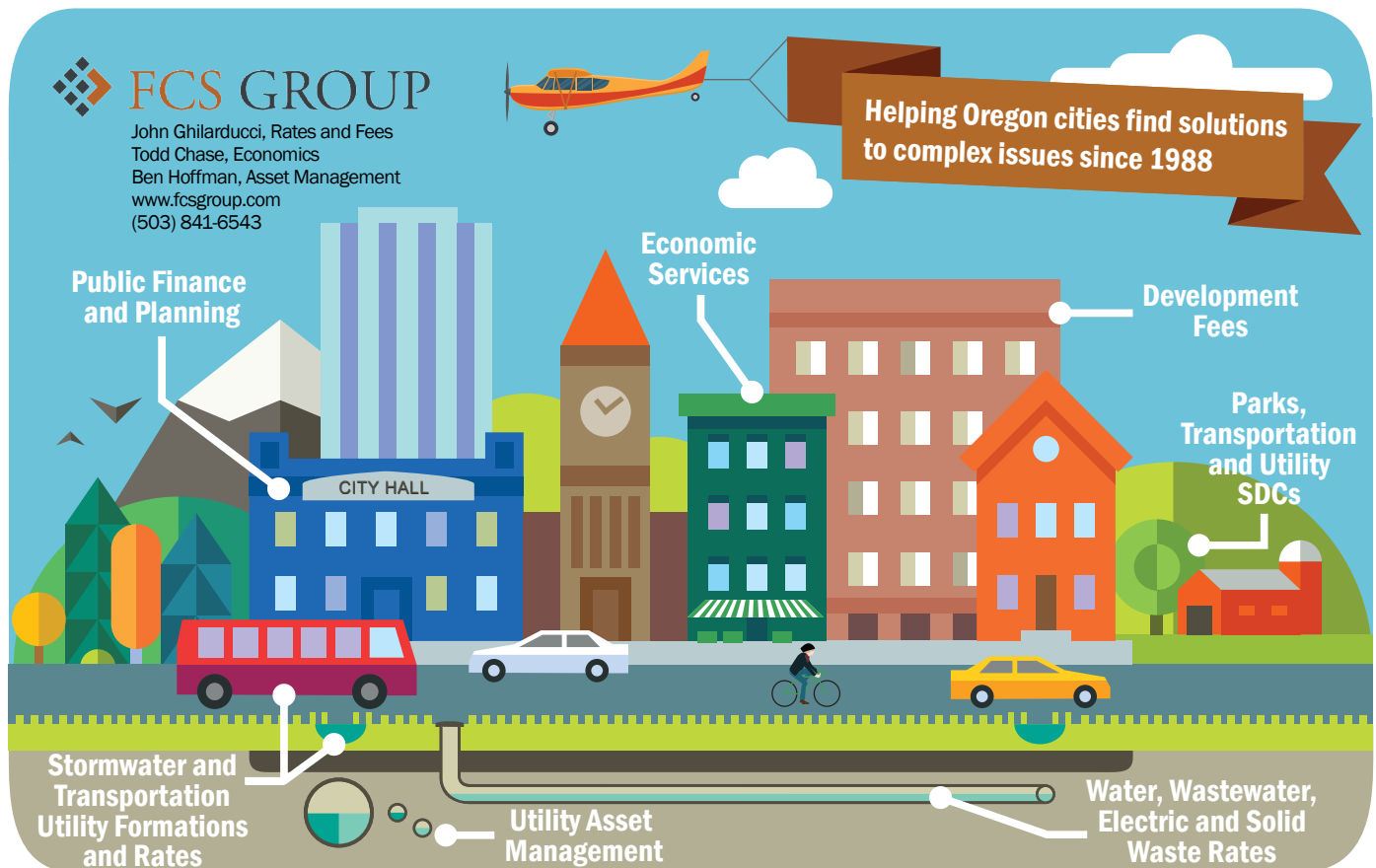
New Coverage, Features Increase Value of CIS Workers' Comp Program

By Scott Moss, CIS Property/Casualty Trust Director

A number of new coverages and features to serve city needs and reduce the cost of claims will be added to CIS' workers' compensation program on July 1. Together, they create additional value in a program that will never be the biggest in Oregon, but is the most tailored to its member-owners' needs.

The enhancements are:

- A telephonic nurse triage service to jump-start the healing process for CIS-member employees injured on the job. The nurse will help the employee assess the type of care needed for the injury, and can even call ahead to ensure quick treatment by the employee's provider of choice;
- Family lodging coverage to help family members stay nearby when an injured employee needs out-of-town medical treatment;
- Critical incident coverage that provides for counseling for staff in the event of a significant workplace event. This is in addition to the critical incident grants already in place to support counseling for first responders;
- Mediation coverage to help resolve conflicts in the workplace, other than labor/bargaining-related disputes; and
- An online tool to allow members to track workplace incidents, whether or not they become workers' compensation claims.



Other new features already in place for CIS workers' compensation members are:

- MyCIS, a mobile web app designed to keep employees safe. CIS' workers' comp members can visit my.cisoregon.org for safety tips, ergonomic tips, safety videos, OSHA information and much more (CIS Learning Center login needed); and
- An OSHA 300 log reporting tool, developed with the guidance of members, provides an automatically-generated OSHA 300 log with only a few keystrokes.



These features are in addition to:

- CIS24, that provides peace of mind and quick treatment to members with both CIS medical and workers' comp coverage, assuring medical providers that the injured employee's medical bills will be paid, whether it's by workers' compensation or medical insurance;
- Safety courses through CIS' free, on-line learning management system;
- A return-to-work program led by Moira Przybylowski, who uses her seemingly-magical skills to get an injured employee back to work, while providing return-to-work grants and recovering thousands in return-to-work dollars for the member;
- Grants to help employers produce job descriptions with accurate physical requirements;
- \$3 million in employer liability coverage; and
- The ability of CIS Workers' Comp and Pre-Loss staff to join forces when the employee has both workers' compensation and employment claims, and work toward a global settlement, potentially saving many thousands of dollars.

The coverage and features of CIS' workers' compensation program are many. But they're not the whole story.

I was raised in a small Utah town. I lived on one side of town, my grandparents lived on the other side. Grandma always kept a bowl of popcorn on her counter. As a boy, I'd ride my bike the five miles through town for some of that popcorn. I knew nearly everyone along the way and they knew me. I still recall the warm "howdy" along the way, the feeling of belonging—that personal touch. That small community, and its warm and caring people, was what made my little town home.

The staff of CIS' workers' compensation program have a special role in extending that feeling of belonging not only to a city's management, but to the injured workers as well. That caring component, and CIS' laser focus on the needs of cities and counties in Oregon, are what make CIS' workers' compensation program unique. And that unique approach starts with the injured worker.

Cities are rightfully concerned when an employee is injured on the job. While always careful to thoroughly investigate a claim, we don't hesitate to accept claims for injured employees that are clearly work-related. We know that denial of an

employee's claim results in increased workplace stress, management challenges, increased legal expenses, and unhappy employees. We'd much rather help a worker get back on the job than to be in an adversarial relationship.

The state of Oregon's Workers' Compensation Division scores CIS above other insurers for accepting claims timely and accurately. And the office of the Ombudsman for Injured Workers reports that CIS gets far fewer complaints than other insurers.

In 1981, CIS was created to help cities and counties; we've never lost touch about why we're here. I've worked at CIS for the past eight years and it does feel a lot like the small town that I grew up in.

We know we're never going to be the biggest workers' comp insurer, but we'll never stop working to be the best provider of coverage—and a real 'home'—for our member-owners. ■

An advertisement for NPPGov. The background is a light blue grid pattern. At the top left is the NPPGov logo, which consists of a stylized 'N' inside a circle followed by the text 'NPPGov'. To the right of the logo are two circular logos: the first one says 'VINEYARD CITY' and 'CITY OF VINEYARD', and the second one says 'SAN JOSE' and 'CITY OF SAN JOSE'. Below the logos, the text reads: 'Cooperative Purchasing Provides Solutions to your City' in a large, bold, black font. Underneath that, in a smaller, blue font, it says: 'LOC MEMBERS RECEIVE PREMIUM PROCUREMENT SERVICES WITH NPPGOV'. At the bottom, there is a dark blue horizontal bar with the text 'NPPGOV.COM | 877.329.8847' in white.

MADRAS Brewery Campaign

The city of Madras has seen the economic impact breweries and brew pubs can have on a downtown and it is ready to join the party. The city is actively recruiting a craft brewer to open a brewery or brew pub in its urban renewal district near U.S. Highway 97.

With professionally developed marketing materials to help present the opportunity to prospects, the city is offering a package of incentives and assistance through the Madras Redevelopment Commission (MRC) to help its first craft brewer establish the enterprise.

The assistance offered to a developer, owner or operator includes: site selection within the urban renewal district; architecture and engineering costs; permit fees; site development and building renovation costs; tenant improvements; expedited permitting; technical assistance with wastewater disposal design and environmental efforts; and a Jefferson County Small Business Start-up Loan Opportunity.

Madras Community Development Director Nick Snead said city leaders met with industry experts to learn more about the region's market opportunities and identify ways to promote them to prospects, including working with a marketing firm to ensure consistent messaging.

"This recruitment is really unique because we don't know a lot about this industry, but we know we want the economic impact this type of activity can have for our downtown," he said.

Snead noted that the Associated Press published an article based on the city's press release, and he has received interest from people in several other states who saw the article. "The story has picked up legs and gotten some attention that we really didn't expect and that we're grateful for."

A brewery was named one of the community's highest priority projects during a 2015 survey the city conducted as part of its urban renewal plan. "When hundreds of community members provided input on our action plan and said that recruiting a brewery was a top priority, it was clear—Madras is ready for a brewery or brew pub to call its own. The vision is for a vibrant community gathering place and an inviting destination for friends, family, and tourists," Madras Mayor Royce Embanks said in the press release.



Its marketing package highlights Madras' success in hosting more than 100,000 visitors during the 2017 total solar eclipse last August, which drew crowds from around the world. Central Oregon's strong tourism, plentiful natural resources and the opportunity to be Madras' first craft brewer create a trifecta of attractive reasons to pursue the venture, according to the city.

"I think one of the lessons learned here is that it's OK to set your sights high. In doing so, you really need to take the time to understand, in these types of unique economic development projects, what the market factors are that will play a role in recruiting a certain type of business to a community," Snead said. "So many times, local government kind of gets beat up for seeming rather slow or unresponsive but it's really created an opportunity to bring the private sector into our endeavors, get some feedback on how this all works, and to get the community involved in a way that's not a typical community-involvement process."

MAUPIN

\$1.5 Million Investment

With a population of 425, Maupin may seem like a small town, but the number of people it serves—from residents in surrounding communities to tourists enjoying the Deschutes River—is much larger. However, the city's internet and phone system, city hall and library didn't have the capacity to adequately serve everyone.

Mayor Lynn Ewing called the internet and phone system slow and unreliable, noting local business owners lost tens of thousands of dollars when the phone system completely crashed on a Saturday last year and they were not able to process debit and credit card payments. Boat passes required for the Deschutes River are only available online, which is frustrating for users when the system is sluggish.

"Our tourists come from bigger cities and they expect free and fast internet, and for the businesses it's a huge issue," he said.

"There are a lot of homes in Maupin that are owned by people who don't live here.

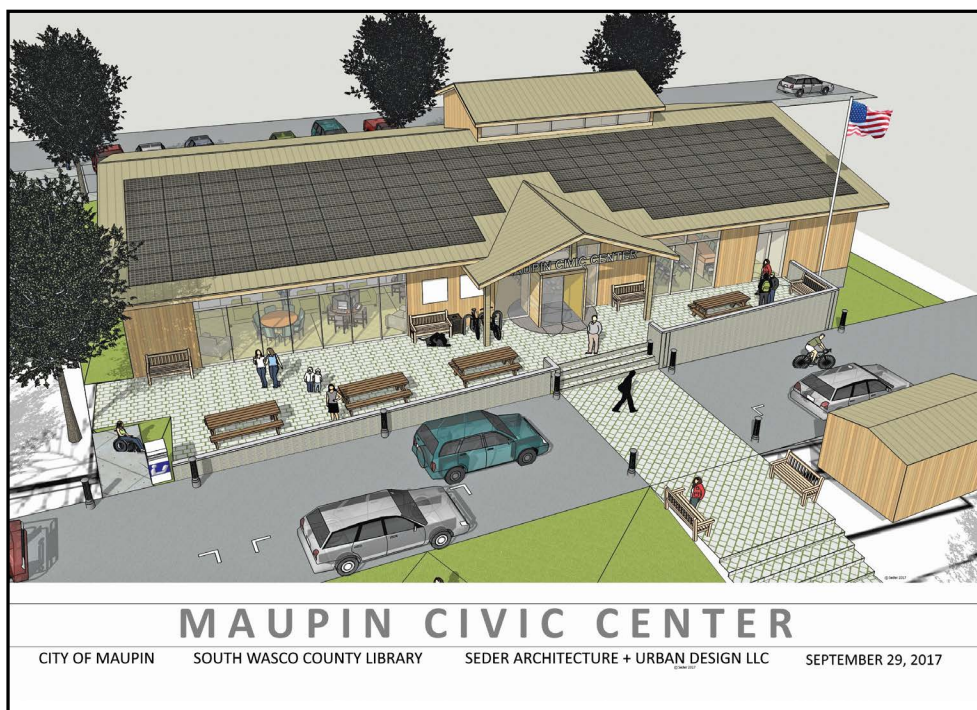
Some are owned by people who work for high-tech companies in Portland and they have said they would live here permanently if the internet was more reliable."

Maupin's efforts to upgrade the system recently got a significant boost with a \$1.5 million investment from the Legislature, which approved \$500,000 to complete this \$2.1 million project. The "Fiber Project" is expected to be completed by late summer or early fall.

"We expect to see an increase in permanent residents and in homebuilding, and we're also hoping that we can attract some new businesses," Ewing said.

In addition, the Legislature's investment will help Maupin build a new civic center that will house its city hall, a library and a community center. The current city hall was originally built in the 1930s, and the city recorder's office is in an old jail cell complete with bars on the windows. The library, located next door, is one of the smallest in the state and has less than one square foot per patron. Ewing notes that a children's storytime session can max the building out.

The current community meeting room is a picnic shelter that was enclosed to provide for year-round use. The Maupin City Council decided to create a new building to house all of these facilities to keep costs down rather than build three separate buildings over time.



A library fundraising campaign generated more than \$130,000 in just over a year from more than 500 local donors. The city purchased property in the downtown core just behind Kaiser Park, which serves as Maupin's "living room," and architecture and engineering firms have been working on the design for the 6,000-square-foot facility. With the investments by the city and state, the remaining gap for the project is about \$600,000. The city is now working to obtain grants from charitable foundations to complete the \$2.3 million project.

"This puts us in a great position now to go and ask for funding from those charitable organizations," Ewing said, noting many foundations have increased the financial match they require. ■

Have City News to Share?

Email us your copy (500 words max.) detailing your city's notable achievement (i.e., a project, initiative, award or individual honor), preferably with an image.

Contact: Kevin Toon, ktoon@orcities.org

City Events

April

- 1-30 **Woodburn** – Wooden Shoe Tulip Festival (www.woodenshoe.com)
- 5-8 **Burns** – Harney County Migratory Bird Festival (www.harneycounty.com)
- 14 **Medford** – Pear Blossom Parade (www.pearblossomparade.org)
- 14 **Newberg** – Camellia Festival (www.newbergcamelliafestival.com)
- 27-28 **Florence** – Florence Fest: Wine, Art, Jazz (www.florencechamber.com)
- 27-29 **Astoria** – Crab, Seafood & Wine Festival (www.astoriacrabfest.com)
- 27-29 **The Dalles** – 39th Annual NW Cherry Festival (www.thedallescchamber.com)
- 28 **Dundee** – Taste Dundee (www.tastedundee.com)
- 28-29 **Yachats** – Rainspout Music Festival (www.yachats.org)

Send your city event to
Julie Oke at jmoke@orcities.org

May

- 4 **Albany** – Wine Walk (www.albanyvisitors.com)
- 12-13 **Medford** – Art in Bloom (www.art-in-bloom.com)
- 17-19 **McMinnville** – UFO Festival (www.ufofest.com)
- 18-20 **La Grande** – Ladd Marsh Bird Festival (www.dfw.state.or.us)
- 19 **John Day** – Seneca Oyster Feed (www.gcoregonlive.com)
- 19-20 **Florence** – Rhododendron Festival (www.florencechamber.com)
- 19-20 **Maupin** – Maupin Daze on the Deschutes (www.maupinoregon.com)
- 24-28 **Grants Pass** – Boatnik (www.travelgrantspass.com)
- 25-27 **North Bend** – BBQ, Blues and Brews by the Bay (www.oregonsadventurecoast.com)
- 25-6/10 **Portland** – Rose Festival (www.rosefestival.org)
- 28 **Depoe Bay** – Memorial Day Fleet of Flowers (www.fleetofflowers.org)
- 31-6/3 **Lebanon** – 109th Strawberry Festival (www.lebanonstrawberryfestival.info)



CARE, ANYWHERE.

Your employees can get the care they need, when and where they need it, through **email, telephone, or video visits.**

KAISER PERMANENTE® **thrive**

All plans offered and underwritten by Kaiser Foundation Health Plan of the Northwest.
500 NE Multnomah St., Suite 100, Portland, OR 97232.
©2017 Kaiser Foundation Health Plan of the Northwest

60610909_NW_6/17



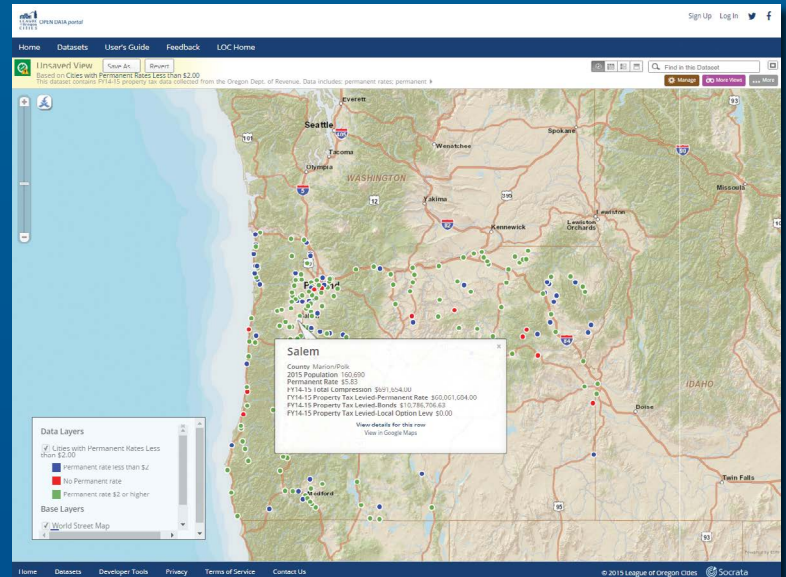
LOC-Data

data.orcities.org

The League has created an open data portal for members, the media and the public to easily access the vast amount of information and data we collect.

This helpful resource allows you to:

- ▶ Discover information about cities
- ▶ Analyze data
- ▶ Create charts and graphs to help tell your city's story
- ▶ Display key information using maps



Is there data you would like to see included on LOC-Data? Email paljets@orcities.org.



League of Oregon Cities
1201 Court St. NE
Suite 200
Salem, Oregon 97301

HELPING CITIES SUCCEED

For mailing list changes, please
email loc@orcities.org.

RETURN SERVICE REQUESTED

PRSR STD
U.S. POSTAGE
PAID
SIPRINT

Thank You – 2018 LOC Business Partners

PLATINUM



GOLD

American Leak Detection
Anderson Perry & Associates, Inc.
Avista Utilities
Beery, Elsner and Hammond, LLP
Energy Trust of Oregon
FCS GROUP
FFA Architecture + Interiors, Inc
HECO Engineers

Jensen Strategies, LLC
Mersereau Shannon LLP
Municode
Northwest Code Professionals
Northwest Playground Equipment
NPPGov
Oregon Solutions/Oregon Consensus
Regence

Rural Development Initiative
Summit Bank
Talbot, Korvola & Warwick, LLP
Transportation & Growth Management
Program
Waste Management of Oregon

SILVER

American Legal Publishing
Angelo Planning Group
AssetWorks, Inc.
Buell Recreation
CenturyLink
CH2M
Davis Wright Tremaine LLP
Enhabit
Hawkins Delafield & Wood LLP

ICMA Retirement Corp.
Jordan Ramis PC
JUB Engineers, Inc.
Kaiser Permanente
MRC/Gametime Park & Playground
Equipment
Oregon Association of Water Utilities
Oregon Corrections Enterprises
Oregon Dept. of Environmental Quality -
Clean Water State Revolving Fund

Oregon Public Health Institute
PACE Engineers
Pacific Power
Peck Rubanoff & Hatfield PC
Portland General Electric
Radarsign
Ring Bender LLP
Spectrum Enterprise