



Local Focus

The Magazine of the League of Oregon Cities

Q2 2022

Cybersecurity & Cities

Case studies and resources to keep your city
safe from cyber attacks



ALSO IN THIS ISSUE

Elected Essentials

Short Session Recap

Preparing for Drought



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SAVE THE DATE!

Aug. 24-26, 2022

CIS 21st Annual Conference

- In-person & virtual attendee options
- Public Safety Track
- Salem Convention Center
- Registration coming in early July!





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* <https://www.infrastructurereportcard.org>

** 2017 IPSOS Survey of HomeServe policyholders and non-policyholders

Local Focus



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We Are Divided – Take 2



Patty Mulvihill
Interim Executive Director

Oregon is a state of contrasts. It's a state comprised of an ocean, green valleys, alpine mountains, and high deserts. A state which includes rural, suburban and urban cities. Conservatives, liberals, and everyone in between call Oregon home. At times, these vast differences make some believe that we are a state divided—a state with insurmountable differences between the varying communities. When thinking of

our state, it's easy to focus on these divisions and differences. But when I think of Oregon, particularly its cities, I see our commonalities, shared experiences, and mutual goals.

Each person representing a city in Oregon has their own personal reason for deciding to serve their community. The reasons each person decides to represent a local government are no doubt as varied as the cities in Oregon themselves. But despite the different reasons why people choose to serve an Oregon city, and despite the differences between Oregon's 241 cities, I can personally attest to the similarities between the local government leaders of this state. At their core, Oregon's local leaders share

(continued on page 11)



Central Point Councilor and NLC President Tanea Browning, North Bend Mayor Jessica Engelke, Hermiston City Manager Byron Smith, LOC Interim Executive Director Patty Mulvihill, and Lincoln City Councilor Riley Hoagland making memories at the NLC Congressional Cities Conference.



Chiloquin Councilor Robert Cowie and Hillsboro Mayor and LOC Vice President Steve Callaway at a NLC recap for Oregon officials.



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NPPGov.com

A Successful Spring Conference – Two Years in the Making

On April 21-22, the LOC hosted the second in-person Local Government Spring Conference in Hermiston. Initially scheduled for April of 2020 and rescheduled twice due to the pandemic, the city of Hermiston patiently waited for its chance to host LOC members and did not disappoint! Every attendee went home with a special gift: a watermelon starter plant in a special commemorative coffee mug, courtesy of the city of Hermiston and Bellinger Farms. It was a great reminder that Hermiston is the city, “Where Life is Sweet!”

The conference boasted cities of all sizes and from all corners of the state. From the cities of Mitchell and Detroit, with populations less than 150, to the cities of Portland and Salem, the state’s two largest cities. From as far south as Malin and as far north as Warrenton and Astoria, to as far west as North Bend and as far east as Nyssa and Ontario, 200 city officials attended, representing 77 cities from across Oregon. The excitement from attendees to learn and network together was palpable.

The conference kicked off with workshops for the attending mayors and councilors and were focused on leadership and problem-solving. Then, more than 250 conference attendees gathered for the keynote address by National League of Cities Director of Federal Advocacy Irma Diggs. In her 45-minute address, Diggs provided an overview of what every city official in Oregon should know about the American Rescue Plan Act, and discussed key details of the federal Bipartisan Infrastructure Legislation, including the latest resources that have been specifically organized for rural communities. In addition, she provided Oregon cities with needed information on how to successfully utilize this game-changing funding. During Friday’s midday general session, LOC President Tanea Browning of Central Point and Treasurer Dave Drotzmann, the mayor of Hermiston, moderated a panel discussion involving five state legislators: Senator Bill Hansell, Senator Elizabeth Steiner Hayward, Representative Bobby Levy, Representative Greg Smith and Representative Ken Helm. The lively and informative discussion focused on the



rural/urban divide in Oregon, and how city and state leaders can work together to accomplish goals and resolve common issues.

Initial feedback from conference attendees described the program’s additional 10 breakout sessions as “relevant,” “timely,” and “substantive.” Topics for these sessions included housing production strategies, cyber security, home rule, system development charges, community engagement, property tax reform, and diversity, equity and inclusion.

Social events are always popular with conference attendees, and this year they were particularly significant, since LOC members hadn’t had the opportunity to network in person for more than two years. As a result, nearly 200 municipal officials and stakeholders gathered at the Echo Ridge Cellars Thursday evening to connect, share, and enjoy the community’s local wine. The next evening, the 2022 Spring Conference concluded with a hosted reception and tickets to a regional rodeo competition. The local sponsor, Barnett & Moro, P.C., treated attendees with a succulent tri-tipped dinner and relaxed atmosphere to wrap up the event.

LOC staff was excited to welcome and host LOC members, speakers, sponsors, vendors, and guests at the Spring Conference. Thanks to everyone for helping make the conference a tremendous success. For those who were unable to join us, we invite you to attend the 98th Annual Conference in Bend from October 5-7.





THANK YOU

Spring Conference Sponsors



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97TH ANNUAL CONFERENCE

OCTOBER 5-7 • RIVERHOUSE, BEND



Plan Now to Attend the 97th Annual Conference!

Don't miss out on the LOC's premier training and networking event for city officials. The 97th LOC Annual Conference will be held October 5-7 at the Riverhouse on the Deschutes in Bend.

Budget Now to Attend the Annual Conference

Here are estimates cities can use in their FY 2022-23 budget process to plan for registration and event costs.

Costs per attendee	If registered July 12 – Sept. 2	If registered after Sept. 2
LOC Member full registration	\$400	\$450
LOC Business Partners/Associates	\$450	\$500
Non-Member Government	\$500	\$550
Non-Member Corporate	\$1,200	\$1,250
Awards Dinner	\$50	\$50
Special Tours/Workshops/ Seminars (includes OMA, OCCMA, Councilors Workshop and Tours)	\$50-150	\$50-150

Note: Conference registration closes on September 21. After September 21 registration must be done on-site and will cost an additional \$50.

For Your City's Calendar

May

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

June

The application period for conference scholarships opens June 6. Watch the *LOC Bulletin* and the conference webpage for more information on how to apply for financial assistance.

July

Registration and hotel reservations open July 12. Watch the *LOC Bulletin* and the conference webpage for more information on how to register and reserve your hotel room, along with other conference details.

October

See you at the conference!

SAVE THE DATE!



ELECTED ESSENTIALS WORKSHOPS

New to city government? Need a refresher on government fundamentals?

Plan now to attend one of 13 FREE trainings around the state.

Topics covered include:

- Public records and public meetings
- Ethics
- Roles and responsibilities of councilors, mayors, city managers and staff
- Legal powers & impediments affecting elected officials

Dates and locations:

McMinnville	Nov. 29, 2022	OMA New Mayors Workshop (evening)
	Nov. 30, 2022	Elected Essentials
Manzanita	Nov. 29, 2022	OMA New Mayors Workshop (evening)
	Nov. 30, 2022	Elected Essentials
Hillsboro	Nov. 30, 2022	OMA New Mayors Workshop (evening)
	Dec. 1, 2022	Elected Essentials
Depoe Bay	Dec. 1, 2022	Elected Essentials + OMA New Mayors Workshop (evening)
Albany	Dec. 5, 2022	OMA New Mayors Workshop (evening)
	Dec. 6, 2022	Elected Essentials
Klamath Falls	Dec. 6, 2022	Elected Essentials + OMA New Mayors Workshop (evening)
Bandon	Dec. 7, 2022	Elected Essentials + OMA New Mayors Workshop (evening)
Roseburg	Dec. 7, 2022	Elected Essentials + OMA New Mayors Workshop (evening)
Cascade Locks	Dec. 14, 2022	Elected Essentials + OMA New Mayors Workshop (evening)
Metolius	Dec. 15, 2022	Elected Essentials + OMA New Mayors Workshop (evening)
Island City	Jan. 18, 2023	OMA New Mayors Workshop (evening)
	Jan. 19, 2023	Elected Essentials
Keizer	Jan. 26, 2023	Elected Essentials + OMA New Mayors Workshop (evening)
Vale	Jan. 30, 2023	OMA New Mayors Workshop (evening)
	Jan. 31, 2023	Elected Essentials



New this year!

The Oregon Mayors Association (OMA) is hosting new mayors trainings in conjunction with Elected Essentials. The purpose of these trainings is to provide those new to the role of mayor with an introduction on what it means to be mayor, along with some tools and tips on how to succeed in the role. Veteran mayors are also encouraged to attend to continue their own education and to share their experiences.

MARK YOUR CALENDARS NOW! REGISTRATION WILL OPEN SEPTEMBER 26.
More information will be added as it becomes available at www.orcities.org.

Thank You, Jenna!



Lobbyist Jenna Jones is moving on from the LOC and taking on a new, very exciting advocacy role with Metro as their new State and Regional Affairs Advisor. From day one, when Jenna came to the LOC prior to the 2017 legislative session as the intergovernmental relations assistant, she has been an amazing member of our team. Throughout her time with

the League she has taken on additional duties, challenges and excelled at every level, providing leadership and touched virtually every service that the LOC provides to its membership, including the staff lead for the People of Color Caucus.

Jenna has been an integral member of the Intergovernmental Relations Team. In her first year lobbying, she successfully passed her first LOC priority bill, SB 1603, during the first special session of 2020. This legislation established a funding source for expansion of high-speed internet services to underserved areas and communities across Oregon. Jenna's lobbying portfolio started with telecommunications and broadband and was expanded to energy, environment, solid waste and recycling. It will be very difficult to find a replacement with Jenna's range of skills. She's been a delight to work with and the entire LOC team will miss her energy and enthusiasm as a team member.



LOC Board of Directors Meets in Hermiston

The LOC Board of Directors met in person in Hermiston on Wednesday, April 20, 2022. The following actions were taken:

- Appointments were made to the 2022 LOC External Conference Planning Committee;
- The LOC Bylaws were amended to limit caucus member appointees to LOC committees to those caucus members who are either an elected or appointed official, as defined by the LOC Constitution;
- The board appointed Redmond Councilor Krisanna Clark-Endicott to serve on the CIS Board of Trustees;
- President Tanea Browning initiated a discussion about the next steps in recruitment of the LOC's next executive director. No decisions were made, but board members expressed a desire to have an open process;
- The board received a recommendation for a 5.4% increase in membership dues for 2022-23; and
- President Browning asked the board to consider whether the interim pay being provided to employees currently in interim positions is appropriate. The board asked for greater detail and supporting memorandum to consider at its June meeting.

For more information on the LOC Board of Directors please visit www.orcities.org.

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FROM THE EXECUTIVE DIRECTOR *(continued from page 5)*

common interests, values and goals. These commonalities were on full display in mid-March, when 35 city leaders from Oregon made their way to Washington D.C. for the National League of Cities' (NLC) Congressional Cities Conference.

The NLC's Congressional Cities Conference is a gathering of city officials, both elected and appointed, from across the United States. It provides city officials with the opportunity to hear directly from federal policymakers and thought leaders about the important issues facing cities. Attendees learned about emerging practices to strengthen local communities and met with their state's respective U.S. senators and representatives. This year, Oregon's presence at the Congressional Cities Conference included local leaders from 15 different cities—representing all regions of Oregon, with varying population sizes, and of different political persuasions.

The leaders of the 15 cities representing Oregon at the NLC Congressional Cities Conference share common interests, have similar values, and are working on comparable goals. Common interests include building strong local economies, securing resources to repair aging infrastructure, and creating communities that meet the needs of all citizens. Each city official, regardless of their size, location, or political persuasion, values: self-governance; innovation; compassion; and leadership. All 35 city leaders had comparable goals—securing needed funding to maintain and enhance their local communities; identifying ways to solve emerging issues like houselessness and extreme weather; and, finding ways to effectively lead their communities out of the COVID-19 pandemic in a unifying and empowering manner.

Aside from the professional similarities, these 35 local leaders also found personal commonalities. The most significant aspect of the Congressional Cities Conference was seeing first-hand how leaders from different cities, who represent different demographics, and who hold very different beliefs, found joy in one another and forged friendships. The laughter, comradery, and happiness I saw between Oregon officials was impressive.

Unexpected relationships developed at the Congressional Cities Conferences. A metropolitan city mayor may seemingly have very little in common with a councilor from southern Oregon; yet Mayor Lacy Beaty of Beaverton and Central Point Councilor Tanea Browning bonded over many professional and personal shared experiences. The leader of a 100,000+ person city could not possibly have anything in common with a leader of a city with less than 1,000 residents; but, Mayor Steve Callaway of Hillsboro and Chiloquin Councilor Robert Cowie found common ground on matters of policy and in their lived experiences. These two examples are only a few of the many that I personally witnessed.

Life is all about choices. Some choose to focus on the things that make us different. For me, I choose to focus on what unites us. When it comes to Oregon cities, and their leaders, the commonalities, shared experiences, and mutual goals are far more unifying than any of the differences that may exist. My sincerest thanks to those Oregon leaders who reminded me to look for what unites us, instead of focusing on the things that can divide us: Beaverton; Central Point; Chiloquin; Forest Grove; Gresham; Happy Valley; Hermiston; Hillsboro; Lake Oswego; Lincoln City; North Bend; Oregon City; Sherwood; Tigard; and West Linn.



Central Point Councilor and LOC President Tanea Browning and Beaverton Mayor Lacy Beaty preparing to listen to President Biden present to local government leaders at the NLC Congressional Cities Conference.



North Bend Mayor Jessica Engelke, LOC Lobbyist Jenna Jones, LOC Interim Executive Director Patty Mulvihill, Central Point Councilor and LOC President Tanea Browning, and Chiloquin Councilor Robert Cowie on their way to meetings with Oregon's federal delegation at the U.S. Capitol building.



Members of the Local Government People of Color Caucus join LOC Lobbyist Jenna Jones for some networking and collaboration during the NLC conference. Photo left to right: Oregon City Commissioner Adam Marl, Happy Valley Councilor David Emami, Gresham Council President Eddy Morales, Lake Oswego Councilor Massene Mboup, Gresham Councilor Vince Jones-Dixon, Lincoln City Councilor Riley Hoagland, Lake Oswego Councilor Daniel Nguyen, and LOC Lobbyist Jenna Jones.



NEW! On-Demand LOC Training Now Available

The LOC is excited to announce the creation of a library of on-demand trainings for city officials. Couldn't attend an LOC training? Now you can watch them on-demand at your convenience! Our growing on-demand library currently has three trainings available: City Planning in Oregon; Grant Writing Basics; and Oregon Public Contracting Basics. For more information or to purchase these on-demand training videos, visit our webpage: www.orcities.org

Save the Dates!



OCCMA
Oregon City/County
Management Association
A State Affiliate of ICMA

**Oregon City/County
Management
Association (OCCMA)
Summer Conference**
July 19-22, Redmond



**Oregon Mayors
Association (OMA)
Summer Conference**
August 11-13, Newport

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The *Local Focus* magazine is distributed quarterly by email to city officials and local government partners. To opt-in to receive a printed copy in the mail, fill out the form at the link below.

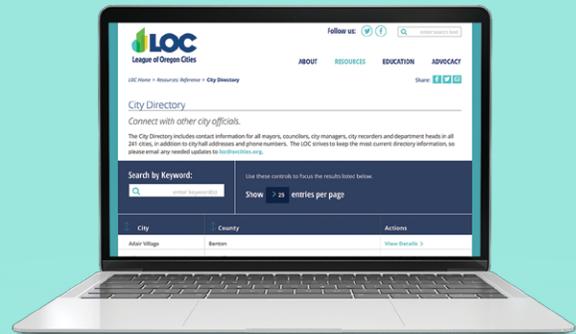
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The LOC City Directory

The LOC's online City Directory includes information on all Oregon cities:

- Contact information for all mayors, councilors, city managers, city recorders and department heads
- City hall addresses and phone numbers
- City websites



This free online directory provides the most current information available.

The City Directory is available on orcities.org, under Resources, Reference. Email updates to loc@orcities.org.

Small Cities Establish Municipal Courts

By Gary Milliman, OCCMA/ICMA Senior Advisor; Municipal Court Judge

Several small cities in Oregon have established their own municipal court, primarily to handle municipal code violation cases.

Sublimity (pop. 2,810) is the latest small city to establish its own court and appoint a judge. Several other cities, such as Bandon (pop. 3,100), have recently expanded the jurisdiction of their existing courts to include traffic or other matters, such as minors in possession (MIP).

There are 179 municipal courts within the 241 cities in Oregon, handling cases ranging from municipal code violations to misdemeanors such as DUII, reckless driving and MIP.

These cities have found that having a local court provides a convenient alternative to having residents and police officers travel to circuit court. Another benefit is that local judges have a better understanding of local conditions, and have more time to work with all parties to resolve conflicts and gain compliance.

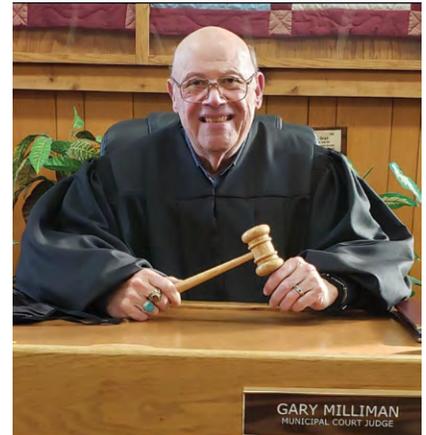
While some municipal courts have multiple judges with busy daily dockets, most are staffed with part-time judges, often convening monthly or as needed. Sublimity and Lakeside are among courts that only convene as needed, and, for Sublimity, the judge participates from a virtual courtroom.

Some judges serve in more than one court, and in smaller cities, support staff is often provided by a city employee who serves as

the court clerk along with other administrative duties. In Port Orford (pop. 1,156), the utility clerk performs the court clerk function, while Powers (pop. 712) utilizes the services of a volunteer.

Not all municipal court judges are attorneys. Under Oregon law, non-attorneys can serve as a municipal court judge if they complete a prescribed course at the National Judicial College. Some cities have adopted ordinances that require their judge to be an attorney. I have found that being a member of the bar is not essential to serving as an effective municipal court judge in small cities.

For more information about municipal courts in Oregon, feel free to contact me at gmilliman@brookings.or.us or (541) 813-9267.



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Diversity Dashboard Reveals Widespread Gender Gap in Municipal Leadership



CivicPulse and ELGL released a first-of-its-kind gender diversity benchmarking tool and report for the more than 21,000 local governments and their stakeholders across the country pursuing diversity, equity, and inclusion (DEI) initiatives: the Local Government Diversity Dashboard (LGDD), DiversityDashboard.org. Built with groundbreaking data science and analysis, LGDD's interactive maps and charts and the "2022 Local Government Leadership Gender Gap Report" offer an

unprecedented look at the gender composition of top appointed leaders across the country.

Key findings from 2022 Local Government Leadership Gender Gap Report:

- Fewer than one out of three (29%) local government top-appointed officials are women.
- The percentage of top appointed officials has been rising slowly since 2013. At that rate of change, U.S. local government leaders will not reach gender parity until 2048.
- Local governments with smaller populations are more likely to have women leaders.

For questions about the ongoing initiative and community engagement, please contact: Kirsten Wyatt, kirsten@elgl.org.

Topics A-Z



Municipal Information at Your Fingertips

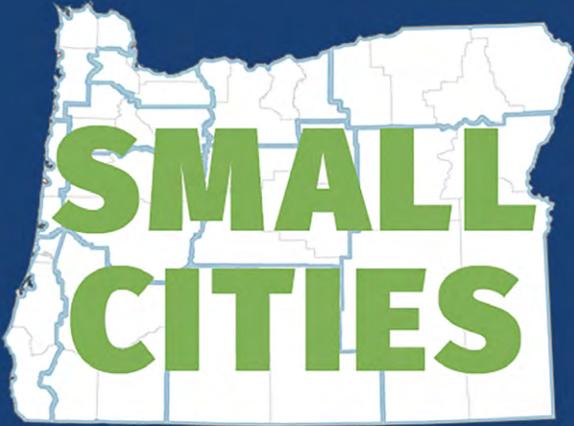
Easy to navigate and searchable, **Topics A-Z** is an online collection of information categorized into fundamental city governance topics. Find resources, publications, samples and links to information on a range of topics from animal regulations to youth engagement. Check it out: www.orcities.org/resources/reference/topics-z.

HERE'S TO STRONGER COMMUNITIES

Just like you, Regence is invested in this place we're all proud to call home. Working together, we can help build stronger, healthier communities throughout our region. That's why we wholeheartedly support League of Oregon Cities.

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Upcoming Small Cities Meetings

Held quarterly in 12 regions across the state, the LOC's Small Cities program provides leaders from cities with a population less than 7,500 with an opportunity to meet, network and discuss issues or solutions that are most relevant to small cities in their area. Register for an upcoming meeting on the LOC website: <https://bit.ly/3PbAINI>.

Upcoming Meetings

Central Coast (Region 5)
May 18 at 11 a.m., Newport

South Coast (Region 6)
May 19 at 11 a.m., Bandon

South Valley (Region 7)
June 9 at 11 a.m., Myrtle Creek

South Central (Region 10)
June 10 at 11 a.m., Chiloquin

Portland Metro (Region 2)
June 22 at 11 a.m., Gaston

Columbia Gorge (Region 8)
June 23 at 11 a.m., Condon

Central (Region 9)
June 24 at 11 a.m., Madras

Contact: Lisa Trevino, Interim Operations and Member Engagement Director, ltrevino@orcities.org



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City Deadline Calendar

Important statutory deadlines cities need to know

MAY

May 19:

Budget: Hearing and Public Hearing on State Shared Revenues

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 hearing 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.

May 28:

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

No less than 30 days prior to adopting a budget, cities must 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, is available from BOLI at www.oregon.gov/boli/WHD/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. As stated, however, the city must file this list no less than 30 days prior to adopting its budget.

JUNE

June 23:

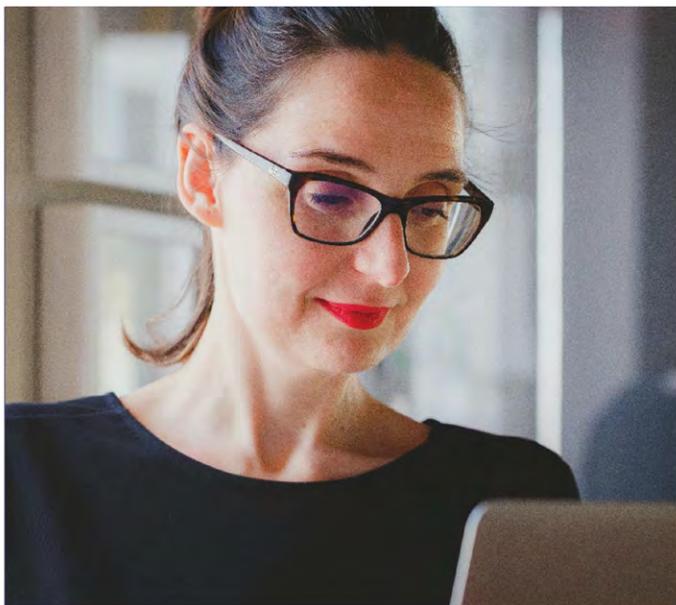
August Election: File Statements of Offices, Candidates and Measures with County

Last day for city elections officer to file with the county clerk a statement of the city offices to be filled, information concerning all candidates and measures to be voted on.

June 23:

Budget: Adopt Budget by June 30, Make Appropriations, Levy and Categorize Taxes

Budget. After the budget hearing and before June 30, each city must enact the resolutions and ordinances necessary to do the



Cities have enough things to worry about.

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following: (1) adopt a budget, (2) make appropriations, and (3) levy and categorize any property taxes.

State Shared Revenues. Cities may only receive state shared revenues by electing to receive them. We recommend enacting such a resolution during the meeting to adopt the budget. Cities must submit to the Department of Administrative Services documentation certifying compliance with state law and the city’s intent to receive tax revenues by July 31.

Note: Although the budget process may begin sooner or later than recommended here, all budget resolutions or ordinances must be adopted by June 30.

**June 30:
BUDGET DEADLINE**

**June 30:
Land Use: Develop Local Middle Housing Regulations**

Medium-sized cities (those cities with an estimated population between 10,001 to 24,999) must adopt local land use regulations or amend their comprehensive plans to comply with House Bill 2001 (2019) by June 30, 2021. Medium cities who do not act by June 30 and do not receive an extension must

apply the applicable model land use code provisions contained in OAR 660-046-0130(5) in its entirety to all proposed middle housing development applications until local provisions are adopted.

Reminder: Deposit Construction Tax Revenues

As soon as practicable after the end of each calendar quarter, cities that impose a construction tax pursuant to ORS 320.192 shall deposit the construction tax revenues collected in the calendar quarter just ended in the general fund of the city.

(ORS 320.195.)

Reminder: Public Employee Retirement System (PERS) Reports

City must remit a regular report to PERS Board no later than three business days after the end of the city’s pay cycle. (ORS 238.705; OAR 459-070-0100.)

Download the full 2022 deadline calendar

The complete calendar is available on the [LOC website](#) under Resources, then Reference.

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CIS Brings Back Popular In-Person Conference, Aug. 24-26

After not meeting in person since 2019, CIS is bringing back its in-person annual conference at the Salem Convention Center, Aug. 24-26. From the latest employment law updates to a table-top drill led by cyber experts, the conference will provide risk management solutions on some of the most important issues facing public entities. In addition, the conference will have many public safety-related sessions and will serve as CIS' Public Safety Conference for 2022. Also, our Pre-Loss, Hire to Retire (H2R), and Benefits teams have a number of offerings planned for attendees. For those who can't make it to Salem, members can attend the conference virtually. Registration for the conference begins in July.

CIS Virtual Conference Proves Popular

During February's virtual conference, CIS hosted a condensed version of its regular conference programming. More than 500 participants registered for the free conference and logged into the Attendee Hub 647 times. Members received property/casualty and benefits coverage updates; learned their preliminary rate indications for the upcoming fiscal and calendar years; and attended the Annual Report session. During Executive Director Patrick Priest's Annual Report update, CIS also unveiled its 2021 Annual Report digital publication.

The virtual conference and sessions received high marks, with 86% rating it excellent/good, and the remaining 14% rating the conference as average. There were no negative ratings. The member feedback was overwhelmingly positive. Below are a few comments.

- I really enjoyed the speakers and learned a lot of helpful new information.
- I love the option to attend virtually. I usually cannot afford to attend the conference in person (lack of staffing). So having the option to attend virtually was amazing.
- I thought it went very well. It was easy to get into the sessions. I liked that speakers changed on and off; it was easier to keep your attention to things.
- I really liked this format.
- The information is always very good. But, as I'm sure everybody agrees, the whole virtual experience is just not the same, or as good, as being in person.

While CIS was disappointed that members were unable to meet in person, they will get that chance Aug. 24-26 during the CIS Annual Conference in Salem. The conference will feature many more important sessions — plus, CIS will incorporate Public Safety into the conference!

For those who missed the virtual conference, recordings are available in CIS' Learning Center (<https://bit.ly/3Pc7PAA>). CIS members must login or sign up for credentials to get access.

CIS Unveils 2021 Annual Report

To be more sustainable, CIS has stopped printing its annual report and instead moved to a digital version. This allows for the report to be delivered directly to CIS members' inboxes. The report has received many positive comments. For those who missed it, view it at <https://cisoregon.turtl.co/story/cis-annual-report-2021>.

CIS' Shark Tank Competition Returns

During CIS' upcoming summer conference in Salem (Aug. 24-26), one Shark Tank participant will win a \$5,000 grant. Currently, CIS is seeking brief grant proposals that include three things:

- The risk to be addressed by the project;
- How the project will reduce claims; and
- How the idea could benefit other CIS members.



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Three winning projects will be chosen before the conference. Members with property/liability coverage can submit as many projects as they like, but only one will be selected (per member). Each finalist will have five minutes to pitch their project during the CIS Conference. The audience will choose the three winners based on efficacy, transferability, innovation, and creativity. The grand prize is \$5,000; first runner up is \$2,500; and second runner up \$1,000.

Shark Tank proposals which are not selected will receive one free CIS Annual Conference (Aug. 24-26) registration per entity.

Shark Tank projects must be submitted to CIS by June 30, 2022. Three finalists will be selected by July 15, 2022.

[Shark-Tank Submission Form \(www.research.net/r/LDW3Q3H\)](http://www.research.net/r/LDW3Q3H)

SAIF and CIS Providing Best Workers' Comp Rates and Services

CIS joined forces with SAIF last summer, unveiling the CIS Servicing Group powered by SAIF. Almost immediately, 250 CIS members joined the group and most saved money on their workers' comp premiums—one city (Gervais) saved \$47,000 last year! For those who haven't signed up, here's more information:

- Any member of LOC or AOC—including those currently with SAIF—can participate.

- CIS provides expert risk management, loss control, return-to-work services, and online training tailored to Oregon's cities and counties—and coordinated with your other CIS coverage programs. Plus, CIS will facilitate OSHA Compliance.
- Access to CIS and SAIF Learning Management Centers is included.
- SAIF serves as the workers' compensation carrier, providing financial strength, coverage and claims management services. SAIF also provides access to Industrial Hygiene.
- CIS Property/Liability members who participate receive a 5% multiline discount on their Property/Liability contribution. A 3% discount applies to Property or Liability contributions if a CIS Member only participates in one of these programs and the CIS Servicing Group for Workers' Compensation.
- CIS Service Group participants receive \$2 million of employers' liability in the CIS Liability Coverage Agreement.
- The program includes the option to sign up for Rapid Care (popular nurse treatment call-in line that streamlines workers' comp claims).

For more information or to ask questions, please email Scott Moss, smoss@cisoregon.org, or Patrick Priest, ppriest@cisoregon.org.

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Cities, Counties Face Increase in Cyberattacks Amid Limited Financial Resources

By Melody Finnemore

On Jan. 14, 2020, a cyberattack crippled the city of St. Helens' department phones, computers and emails. The disruption affected all city departments, including city hall, public works, the public library and the recreation center. While no sensitive or personal data appeared to be compromised, the city hired an outside forensic IT firm to ensure that was the case. An investigation found the cause was an employee inadvertently opening a malicious email.

Just a week later, Tillamook County officials confirmed a cyber-attack shut down its server, internal computer systems, and phone systems and email networks. The county's website, which hosts numerous departments, was also down. County computer network connections were disabled to contain the spread of malware.

The *Tillamook Headlight Herald* reported the attack originated from a group called REvil, which also goes by Sodinokibi or Sodin. The group demanded \$300,000 in ransom the following March, marking one of the biggest ransomware attacks of 2020 at the time.

On June 10, 2020, staff with the city of Keizer discovered malware while trying to access certain computer programs. While it did not appear that any sensitive data was compromised by the ransomware hackers, city officials met their demands and paid \$48,000 to regain access to the data a week later, *The Oregonian* reported.

More recently, an IT staff member for Linn County discovered its system had been compromised at 6 a.m. on January 24, just before the start of business on a Monday morning. The county and county clerk's websites were down for three days, along with computers shared between the county and the city of Albany.

The sheriff's department and health department's websites were unaffected. Linn County's main website was among several others that were shut down early that morning to limit the spread of ransomware, according to the *Lebanon Express*. As of mid-March, it was unknown if Linn County received a ransom demand or paid one.

These are just a few examples of the growing number of cyber threats to government entities, from large federal and state departments that can afford substantial tech solutions, to smaller city and county municipalities that have to become increasingly creative in finding ways to protect themselves.

Leaders Share Challenges, Lessons Learned

Comparitech, a national cybersecurity research organization, reported that 79 ransomware attacks were executed in 2020 against U.S. government organizations, totaling an estimated \$18.88 billion in downtime and recovery costs.

Compromised credentials such as login information pose a significant risk. Lookout's Government Threat Report found that more than 70% of phishing attacks against government organizations sought to steal login credentials, a 67% increase from 2019. The same report found that in 2020, one in 15 federal, state and local employees was exposed to a phishing attempt.

The number and scope of threats against government agencies rose in 2021, and that is expected to continue this year. "Rapidly escalating tensions in Eastern Europe have increased concerns about the risk of cyber threats that can disrupt essential services in the United States and potentially result in impacts to public safety," the Cybersecurity and Infrastructure Security Agency stated in early March.

Each of the Oregon municipalities that recently faced a cyber threat already had protections in place. St. Helens Finance Manager Matt Brown said the city had installed a software system to identify potential cyber incidents.

In 2020, one in 15 federal, state and local government employees was exposed to a phishing attempt.

"We were very lucky in catching it early. We happened to have an IT person on the network doing something when he noticed stuff moving around and he was able to run and pull everything down," he said.

The city filed a claim with CIS and hired an outside IT auditor to identify the problem, what could have been done to prevent it, and what measures needed to be taken to protect its system in the future. While files had been compromised, they did not contain sensitive information and were no longer necessary, so they did not need to be retrieved.

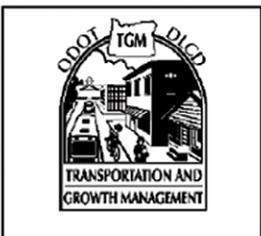
Ultimately, St. Helens had to replace nearly all of its computers and it contracted with Sentinel 1 as its service provider. It also hired a second IT person to handle its internal process.

"When your IT department says you need to spend money for security, spend money for security. Listen to your IT folks," Brown advised, adding it's important to conduct outside audits on a regular basis. "CIS was great to work with. They were very helpful in navigating what needs to be done and when."

Bill Hopkins, who oversees information technology for the city of Keizer, said its ransomware attack paralyzed the city's

(continued on page 22)

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Learn more at:

<https://www.oregon.gov/lcd/TGM/Pages/Planning-Grants.aspx>

finance system so it could not process bills or payroll, among other financial operations. No arrests were made, but investigators did determine the attack was carried out by a Central European citizen.

Hopkins said the city worked with experts that included CIS to implement numerous procedures to better protect itself in the future. “Make sure you join MS-ISAC and CISA,” he recommended. “They have a wealth of information and will walk you through everything that needs to be done. Or call me, I’m happy to do that as well.”

Linn County Commission Chair Roger Nyquist said that while its recent attack did not paralyze the county’s email system, it did underscore how reliant it is on the internet for day-to-day operations.

One of the immediate impacts was that the county clerk was not able to file electronic recordings by title companies. The attack happened toward the end of the month, and prospective homeowners were not able to lock in their interest rates as the rates were rising. That meant they might no longer qualify to buy their home.

“Right out of the gate, that was pretty daunting,” Nyquist said.

Linn County contracted with outside IT experts to prioritize how services should be restored. Most were back up three days later. “One of the good things we’ve done is we now have a mix of onsite and hosted services to help prevent and reduce the impact of an attack,” Nyquist said.

He noted that the longtime county clerk had the experience to revert to a handwritten recording system for the title companies. However, lenders would not accept it. “If people in the mortgage business and financial services private sector are talking about their legislative agenda going forward, somebody needs to fix that,” he said.

Nyquist advised other city and county leaders to implement 24/7 monitoring of IT systems to prevent attacks. Linn County is fortunate to have avoided bigger problems, thanks to the IT staff member who began monitoring at 6 a.m. that day. However, a 24/7 system is essential as threats increase. He also recommends a robust backup program that is tested and verified with an offline component, which he called critical to recovery.

More Resources Needed to Counter Growing Threat

Lane Council of Governments (LCOG) Executive Director Brenda Wilson credited her “brilliant” chief information officer and team of IT staff for keeping up with the latest trends and advances in protecting the LCOG’s system, particularly when it comes to backing up information.

However, the organization wasn’t adequately prepared for getting hacked. Wilson, who is earning a master’s degree, attended a class on cyberattacks and learned it would take the LCOG more than two months to recover if it was hacked. It provides broadband for most of the businesses in the region, so such an incident would paralyze them as well.

“Some managers, and even IT managers, don’t know the right questions to ask or how to assess the risk to agencies because every city is different and has different risks.”

— LCOG Executive Director Brenda Wilson

LCOG engaged the U.S. Department of Homeland Security to stage a hacking and identify weaknesses. LCOG’s 300 employees already had received training about how to identify and avoid suspicious emails, but Homeland Security was able to create phony emails that appeared to have been sent directly from Wilson.

“I was surprised by the number of my employees who fell for it, but better to have it be Homeland Security than someone else. What we’re finding is that when bad actors get in, they just sort of sit in your system and wait,” she said. “I had to ask how much risk am I willing to take, and how much am I willing to pay to reduce that risk?”

LCOG spent \$30,000 for enhanced service that would cut its recovery time to 48 hours in the event of a hacking. Wilson noted that more state and federal funding are needed to help small communities protect themselves from cyberattacks.

The recently-passed federal infrastructure bill does allocate \$1 billion for a cybersecurity grant program, with states required to distribute at least 80% among local governments and 25% to rural areas. Communities or the state must provide matching funds to receive their allocation.

Wilson is concerned, though, that smaller cities and counties will miss out because they lack the capacity to craft proposals that define, among other strategic planning, how the grant funding will be used.

“The number of vendors who are out there and available to help cities is staggering, but many cities, especially small ones, just don’t know where to start,” she said. “Some managers, and even IT managers, don’t know the right questions to ask or how to assess the risk to agencies because every city is different and has different risks.”

To that end, Wilson is among those advocating for legislative support for more education and workforce training for city and county staff to pursue the grants and other resources for better cybersecurity protections.

“Cybersecurity has to be a statewide effort, and this bill sets up a statewide program that touches on the gaps, including the need for education and grants. It also establishes a group that determines who will develop it and set up best practices,” Wilson said. “We need a workforce that is actually skilled to do that.”

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Cybersecurity Attorney Offers Advice on How to Avoid Attacks



David Rice, Partner,
Miller Nash

Of the multitude of cyber threats targeting cities, counties and other government agencies, fraudulent instruction, data breach and ransomware make up most of the claims filed with CIS. Phishing scams, in particular, are increasingly problematic, and trick email recipients into clicking on links that lead to malware that can cripple websites and other operating systems.

David Rice, a partner with the law firm of Miller Nash who specializes in cybersecurity among other practice areas, said he often works with clients who have received emails that appeared to come from a regular vendor, but the address was altered slightly. The difference in the email address was not noticed until it was too late.

"Sometimes that can lead to misdirected wire transfers," Rice said. "Government agencies are paying a lot of vendors and they also store a lot of data, so they are targets for hackers."

"The biggest risk, in many cases, is not someone actually hacking into a system," Rice added. "It's typically individuals who are under great pressure, are doing a great job and click a wrong link because they didn't look closely enough to ensure it came from the right person instead of someone impersonating someone else."

Rice said his first piece of advice for clients and others is to take stock of what their risks are. These include identifying what kind of data they have, how they store

it and how they share it. Private information encompasses health records, financial statements and elections records, among other sensitive data.

"You need to have systems in place where your protections align with the risk," he said. Options range from firewalls and other software that block malware to limiting access to data on a need-to-know basis to limit access to hackers. Multifactor authentication is another effective strategy that is being implemented by a growing number of organizations.

Rice emphasized that ongoing trainings with staff are essential to keep everyone informed about the latest threats.

"Security is not just an issue for the IT department to deal with, it's really everyone's role," he said. "In addition to doing all the training, it's important to do frequent backups so, at a minimum, you're not losing access to mission-critical data."

Rice acknowledged that while larger entities generally have the resources to beef up cybersecurity, smaller ones often struggle to stay up to date.

"That's a real challenge because everyone wants to do the right thing, but in a government's budget there are a lot of programs that need money. The need for this is growing and the number of people listening is increasing, but it still costs money," he said.

He suggested that local governments make the most of the resources that are available, and communicate with each other to create a comprehensive network of information.



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HB 4155, backed by the League of Oregon Cities, would not only have provided the match communities need for the federal infrastructure grants, but also would have funded a Cybersecurity Center of Excellence at Portland State University. In partnership with the University of Oregon and Oregon State University, the center was intended to train students and provide resources to local governments.

Though a top priority of the Legislature's Joint Committee on Information Management and Technology, the bill died during the February short session. A *Willamette Week* article noted that while bills proposing new spending often die for lack of funding, the state has far higher than anticipated tax receipts and federal pandemic-related funding at its disposal. And, while the matching fund portion of HB 4155 would have cost the state about \$6.5 million over the next two years, it also could have yielded \$15 million in federal funds.

CIS Providing Cybersecurity Grants, Additional Resources

One new source of financial support to protect cybersecurity is through CIS Oregon, which works through the LOC to provide property/casualty and employee benefits coverage for the state's cities and counties. CIS Executive Director Patrick Priest said

CIS has provided members with \$50,000 of cyber liability coverage for the last 10 years.

"Until 2018 we had no claims. Since then, CIS has paid more than \$745,000 in cyber claims" he said. Of the 36 claims filed, 14 went to litigation and one claim alone was almost \$145,000.

"We are encouraging people to know that maybe \$50,000 was enough when there were no claims, but now that this is an evolving risk maybe more is needed," Priest added.

In 2017, CIS began collaborating with the Center for Internet Security to conduct cybersecurity risk assessments and develop a sample cybersecurity policy that members could easily implement. CIS also is providing more trainings and additional cybersecurity resources. These include 13 training and phishing testing modules with a cybersecurity company called Reflare.

Starting last July 1, CIS began offering a matching cybersecurity grant. The grant will cover 50% of the cost of the 13 training modules, with 50% matched by the CIS member. The training modules can be accessed through the CIS Learning Center at a total cost of \$21.06 per employee. ■

Ms. Finnemore is a Portland-area freelance writer. Contact her at precisionpdx@comcast.net.

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Key Cyber Terms to Know

Anti-Virus Software – a computer program used to prevent, detect, and remove malware.

Attachment – a computer file sent with an email message.

Authentication – a process that ensures and confirms a user's identity.

Back Door – a hidden method of bypassing security to gain access to a restricted part of a computer system.

Backup – to make a copy of data stored on a computer or server to reduce the potential impact of failure or loss.

Bot/Botnet – a collection of internet-connected devices, which may include PCs, servers and mobile devices that are infected and controlled by a common type of malware.

Browser – software that is used to access the internet. The most popular web browsers are Chrome, Firefox, Safari, Internet Explorer, and Edge.

Bug – an error, fault or flaw in a computer program that may cause it to unexpectedly quit or behave in an unintended manner.

Clickjacking – also known as a UI redress attack, clickjacking is a common hacking technique in which an attacker creates an invisible page or an HTML element that overlays the legitimate page.

Cloud – using a network of remote servers hosted on the Internet to store, manage, and process data, rather than a local server or a personal computer.

Data Breach – a confirmed incident where information has been stolen or taken from a system without the knowledge or authorization of the system's owner.

Data Server – computer software and hardware that delivers database services.

Download – to copy (data) from one computer system to another, typically over the Internet.

Firewall – a software program or piece of hardware that helps screen out hackers, viruses, and worms that try to reach your computer over the Internet.

Hacking – an unauthorized intrusion into a computer or a network.

Identity theft – a crime in which someone uses personally identifiable information in order to impersonate someone else.

Incident Response Plan – a plan outlining organization's response to an information security incident.

Internet of Things (IoT) – refers to the billions of physical devices around the world that are now connected to the internet, collecting and sharing data.

IP Address – an identifying number for a piece of network hardware. Having an IP address allows a device to communicate with other devices over an IP-based network like the internet.

Malware – shorthand for malicious software and is designed to cause damage to a computer, server, or computer network.

Multi-Factor Authentication – provides a method to verify a user's identity by requiring them to provide more than one piece of identifying information.

Patch – a piece of software code that can be applied after the software program has been installed to correct an issue with that program.

Penetration testing (also called pen testing) – the practice of testing a computer system, network or Web application to find vulnerabilities that an attacker could exploit.

Phishing – a method of trying to gather personal information using deceptive e-mails and websites.

Ransomware – a type of malicious software designed to block access to a computer system until a sum of money is paid.

Server – a computer program that provides a service to another computer program (and its user).

Spam – slang commonly used to describe junk e-mail on the Internet.

Software – the name given to the programs you will use to perform tasks with your computer.

Trojan – a type of malicious software developed by hackers to disguise as legitimate software to gain access to target users' systems.

Two-Factor Authentication – a security process in which the user provides two authentication factors to verify they are who they say they are.

Virus – a malicious software program loaded onto a user's computer without the user's knowledge and performs malicious actions.

VPN (Virtual Private Network) – a virtual private network gives you online privacy and anonymity by creating a private network from a public Internet connection. VPNs mask your Internet protocol (IP) address so your online actions are virtually untraceable.

Vulnerability – a flaw in a system that can leave it open to attack.

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Cyber Attacks on Cities and Counties Increasing

CIS Provides Cyber Resources and Coverage

From a county that paid hundreds of thousands of dollars in ransom to prevent their residents’ private information from being released on the dark web, to a city that paid a fake \$250,000 construction invoice (to a new bank account), scammers are increasingly targeting CIS members.

The phishing scheme on the city was particularly inventive. The construction company that was working with the city on a project had the letter “L” in their email address. So, the cybercriminal made up a fake email address using an uppercase “i” —which looks like a lowercase “L” to trick the email recipient. An email address typically uses lowercase letters, so the person who received it thought it was real. The fake construction company’s email address looked authentic, and the city’s payroll employees didn’t confirm by phone with the actual construction company to determine if the invoice was legitimate.

CIS Looks for Creative Ways to Address Issue

To respond to these increasing attacks, in next fiscal year’s budget, CIS is adding cyber risk management consulting to advise and support cities and counties across Oregon.

According to CIS’ Senior Property Claims Consultant Carol Drouet, “Our members don’t have the funds to repel these sophisticated attacks.”

Drouet believes that having a CIS expert to meet with IT directors—and help them identify security issues—will be an important resource to protect them from future cyberattacks.

Drouet added that another important upgrade for members is to adopt two-factor identification.

“It’s key because most of our members don’t have it,” she said. “The increased frequency and severity of the attacks has become a big problem because \$50,000 in cyber coverage (for most members) doesn’t go very far.”

Cyber Market Tightens

CIS began offering its Cyber Security Coverage in 2011. But with each passing year, cyberattacks have become more sophisticated, frequent, and costly. It’s a nationwide problem that has brought volatility to the cyber insurance market. The result is that the nation’s risk pools, like CIS, are having a very difficult time securing critical reinsurance to help pay cyber claims. In response, the CIS Board of Directors has made important changes to the cyber coverage program.

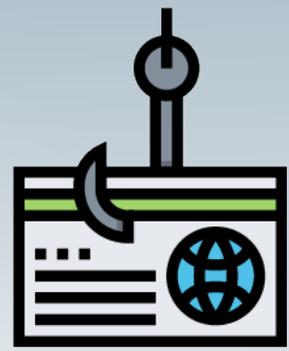
CIS has created a new three-tiered program for all CIS members with Property coverage.

Options	Description
Tier One	\$50,000 in coverage; no application required
Tier Two	\$200,000 additional coverage; application and discovery assessment required
Tier Three	Still working on securing Excess Cyber at this time; application required

Another important change in the cyber program is going from “occurrence basis” to “claims-made basis,” which is an industry standard. The board has implemented other new requirements in order to receive higher coverage amounts. Members should check with their agents to determine which tier would be best for them. The [Cyber application \(bit.ly/3kFw6Rn\)](https://bit.ly/3kFw6Rn) should be completed as soon as possible to receive a quote.

Visit the Cyber Coverage page (bit.ly/3sbAwnm) for more details or email Scott Moss at smoss@cisoregon.org. ■

Detecting Suspicious & Malicious Emails



PHISHING



SENDER'S DISPLAY NAME

Does the email address look correct? This will often inform you if an email is truly from your manager, or not. You can spot a phishing email by finding inconsistencies in the sender's email address.



DON'T BELIEVE EVERYTHING YOU READ

If something seems off, contact the person supposedly sending the email via phone to confirm they in fact sent the email.



POORLY WRITTEN

Phishing emails often have grammatical errors, spelling mistakes, and are poorly written.



EMAIL SIGNATURES

Most legitimate external senders will include a full signature block at the bottom of their emails. This is not always the case but can help verify the legitimacy of an email.



GREETINGS AND SALUTATIONS

Is the salutation vague, odd, or irrelevant to your operations? This can be another indication of a phishing email.



BEWARE OF URGENT REQUESTS

Emails that require urgent action are often phishing emails. Cyber attackers will try to rush recipients into action before they can adequately study the email for authenticity. Read the email carefully before carrying out the action.



CAREFUL OPENING ATTACHMENTS

Do not open attachments to an email unless you know the email is legitimate. Attachments or links are how most hackers install malware or ransomware on computers.



CHECK LINKS BEFORE CLICKING

Hover the mouse over the email and if something looks suspicious, do not click on it.



DON'T PROVIDE PERSONAL INFO

Most legitimate companies will not ask you to send personal information via email.



WHEN IN DOUBT, THROW IT OUT

If an email is questionable, delete it and immediately report it to your designated IT representative.



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Local Governments Are Attractive Targets for Hackers and Are Ill-Prepared

Nearly one-third of cities and counties would be unable to tell if they were under attack in cyberspace. Many lack sound IT practices, while rigid policies, politics and bureaucracy can hinder better defense practices.

By Richard Forno, University of Maryland, Baltimore County

President Joe Biden on March 21, 2022, warned that Russian cyberattacks on U.S. targets are likely, though the government has not identified a specific threat. Biden urged the private sector: “Harden your cyber defenses immediately.”

It is a costly fact of modern life that organizations from pipelines and shipping companies to hospitals and any number of private companies are vulnerable to cyberattacks, and the threat of cyberattacks from Russia and other nations makes a bad situation worse. Individuals, too, are at risk from the current threat.

Local governments, like schools and hospitals, are particularly enticing “soft targets”—organizations that lack the resources to defend themselves against routine cyberattacks, let alone a lengthy cyber conflict. For those attacking such targets, the goal is not necessarily financial reward but disrupting society at the local level.

From issuing business licenses and building permits and collecting taxes to providing emergency services, clean water and waste

disposal, the services provided by local governments entail an intimate and ongoing daily relationship with citizens and businesses alike. Disrupting their operations disrupts the heart of U.S. society by shaking confidence in local government and potentially endangering citizens.

In the Crosshairs

Local governments have suffered successful cyberattacks in recent years. These include attacks on targets ranging from 911 call centers to public school systems. The consequences of a successful cyberattack against local government can be devastating.

I and other researchers at University of Maryland, Baltimore County have studied the cybersecurity preparedness of the United States’ over 90,000 local government entities. As part of our analysis, working with the International City/County Management Association, we polled local government chief security officers about their cybersecurity preparedness. The results are both expected and alarming.

There's no quick or foolproof fix to eliminate all cybersecurity problems, but one of the most important steps local governments can take is clear: Implement basic cybersecurity.

Among other things, the survey revealed that nearly one-third of U.S. local governments would be unable to tell if they were under attack in cyberspace. This is unsettling; nearly one-third of local governments that did know whether they were under attack reported being attacked hourly, and nearly half at least daily.

Ill-Equipped

Lack of sound IT practices, let alone effective cybersecurity measures, can make successful cyberattacks even more debilitating. Almost half of U.S. local governments reported that their IT policies and procedures were not in line with industry best practices.

In many ways, local governments are no different from private companies in terms of the cybersecurity threats, vulnerabilities and management problems they face. In addition to those shared cybersecurity challenges, where local governments particularly struggle is in hiring and retaining the necessary numbers of qualified IT and cybersecurity staff with wages and workplace cultures that can compare with those of the private sector or federal government.

Additionally, unlike private companies, local governments by their nature are limited by the need to comply with state policies, the political considerations of elected officials and the usual perils of government bureaucracy such as balancing public safety with the community's needs and corporate interests. Challenges like these can hamper effective preparation for, and responses to, cybersecurity problems—especially when it comes to funding. In addition, much of the technology local communities rely on, such as power and water distribution, are subject to the dictates of the private sector, which has its own set of sometimes competing interests.

Large local governments are better positioned to address cybersecurity concerns than smaller local governments. Unfortunately, like other soft targets in cyberspace, small local governments are much more constrained. This places them at greater risk of successful cyberattacks, including attacks that otherwise might have been prevented. But the necessary, best-practice cybersecurity improvements that smaller cities and towns need often compete with the many other demands on a local community's limited funds and staff attention.

Getting the Basics Right

Whether they are victimized by a war on the other side of the world, a hacktivist group promoting its message or a criminal group trying to extort payment, local governments in the U.S.

are enticing targets. Artificial intelligence hacking tools and vulnerabilities introduced by the spread of smart devices and the growing interest in creating “smart cities” put local governments even more at risk.

There's no quick or foolproof fix to eliminate all cybersecurity problems, but one of the most important steps local governments can take is clear: Implement basic cybersecurity. Emulating the National Institute of Standards and Technology's national cybersecurity framework or other industry accepted best practices is a good start.

I believe government officials, especially at the local level, should develop and apply the necessary resources and innovative technologies and practices to manage their cybersecurity risks effectively. Otherwise, they should be prepared to face the technical, financial and political consequences of failing to do so. ■

This article is republished from [The Conversation](#), a nonprofit, independent news organization dedicated to unlocking the knowledge of experts for the public good.

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State and Federal Cyber Initiatives: What Cities Need to Know

Cybersecurity has been made a priority by the federal government. At the same time, the federal government has recognized vulnerabilities in its state and local government partners. In a time when cyber attacks are on the rise, the federal government’s focus on cybersecurity is welcome and appreciated.

State and Local Cybersecurity Grant Program in the Infrastructure Investment and Jobs Act

The Infrastructure Investment Jobs Act (H.R. 3684) Division G Title VI Subtitle B establishes the [State and Local Cybersecurity Grant Program](#) to award grants to eligible entities to address cybersecurity risks and cybersecurity threats to information systems owned or operated by, or on behalf of, state, local, or Tribal governments.

The state of Oregon is an eligible entity to receive and distribute funds under this grant program. This is a formula based, non-competitive, multi-year program (federal FY 22, 23, 24, 25) with a state match requirement. Eighty percent of the grant funds received are to be distributed to local governments (25% to rural areas based on census data). Enterprise Information Services within the Oregon Department of Administrative Services (DAS) is diligently working on preparations in anticipation of the notice of funding opportunity. In order to receive their share of funds, the state will need to stand up a planning committee, develop a cybersecurity plan, and draft a rubric for evaluating cybersecurity project proposals.

Statewide collaboration and local government participation in this planning phase is essential in meeting grant program requirements. DAS is working with cities and other local government entities to identify the cybersecurity related projects that would likely submit for funding requests when the grant funding becomes available and identifying the vulnerabilities common to local government organizations. This information will help in determining initial priorities for the cybersecurity plan.

The federal notice of funding opportunity is anticipated in June. However, there is still unknown information, particularly regarding the exact state match component of the grant program. Oregon’s estimate is below.

Cyber Incident Reporting for Critical Infrastructure Act of 2022

On March 15, 2022, the Cyber Incident Reporting for Critical Infrastructure Act of 2022 passed as part of the omnibus spending bill. The act requires critical infrastructure companies and other key businesses—for which a disruption would impact economic security or public health and safety—to report any substantial cybersecurity incidents or ransom payments to the federal government. Cybersecurity incidents would be required to be reported within 72 hours, and ransom payment reporting would be required within 24 hours. It is worth noting the new reporting requirements may apply even if the cybersecurity incident does not involve the unauthorized access or acquisition of personal information.

While not all details are out on who and what must be reported, the Cybersecurity and Infrastructure Security Agency (CISA) has 24 months after the passage of the bill to create a proposed rule, and another 18 months after the publication of the proposed rule to create a final rule. Though CISA may choose to accelerate its efforts, the law could take up to 36 months to go into effect.

The Cyber Incident Reporting for Critical Infrastructure Act establishes reporting requirements for entities that have experienced a “covered cyber incident” and meet the definition of a “covered entity.” While not yet fully defined, “covered entity” will likely include those that belong to any of the 16 critical infrastructure sectors defined by the U.S. Department of Homeland Security. Those sectors include: chemical; commercial facilities; communications; critical manufacturing; dams; defense industrial base; emergency services; energy; financial services; government facilities; healthcare and public health; informational technology; nuclear reactors, materials and waste; transportation systems; and water and wastewater systems. Cities maintain facilities and roles in many of the CISA defined critical infrastructure sectors.

The definition of a “covered cyber incident,” at a minimum, must include at least one of the following:

- Unauthorized access to an information system or network that leads to loss of confidentiality, integrity, or availability of such information system or network, or has a serious

State & Local Cybersecurity Grant Program

	FY 2022-2026	FY 2022	FY 2023	FY 2024	FY 2025
Oregon	\$14,760	\$2,952	\$5,904	\$4,428	\$1,476
State Match Requirement (no in-kind allowed)		10% (\$295K)	20% (\$1,181M)	30% (\$1,328 M)	40% (\$590K)

impact on the safety and resiliency of operational systems and processes.

- Disruption of business or industrial operations due to a denial of service attack, a ransomware attack, or exploitation of a zero-day vulnerability, against:
 - An information system or network; or
 - An operational technology system or process.
- Unauthorized access or disruption of business or industrial operations due to loss of service facilitated through, or caused by a compromise of, a cloud service provider, managed service provider, other third-party data hosting provider, or supply chain attack.

The Cyber Incident Reporting for Critical Infrastructure Act requires that entities report covered cyber incidents within 72 hours after the entity “reasonably believes” that a covered cyber incident has occurred. The 24-hour clock for a ransomware event is triggered by the payment of the ransom, not the timing of the attack. In cases where a ransomware attack itself qualifies as a covered cyber incident, but the entity does not pay the ransom, the entity will need to disclose within the 72-hour period. Under the new law, entities must preserve data relevant to the incident and report substantial new or different information as it becomes available, until the entity notifies CISA that the incident has been fully resolved. These reports will be kept confidential and do not constitute a waiver of any legal rights or privilege as to any information they contain. They will be exempt from Freedom of Information Act (FOIA) requests and any other federal, state or local freedom of information laws that could compel their disclosure.

State Cybersecurity Center of Excellence

Cities run public safety departments, critical infrastructure (water, sewer, electric, etc.) and more. Thus, cities access and store considerable amounts of sensitive information, such as addresses, driver’s license numbers, credit card numbers, social security numbers, and medical information. At the same time, cities are continuing to move services online because of the COVID-19 pandemic; the proliferation of the Internet of Things and smart devices is increasing; and society as a whole is becoming more technologically advanced, which requires constant updating and maintenance of systems. Recently, local government entities in Oregon have been victims of cyber-attacks and that trend is growing. For these reasons, cybersecurity and IT modernization are a high priority for cities. Specifically, cities will need:

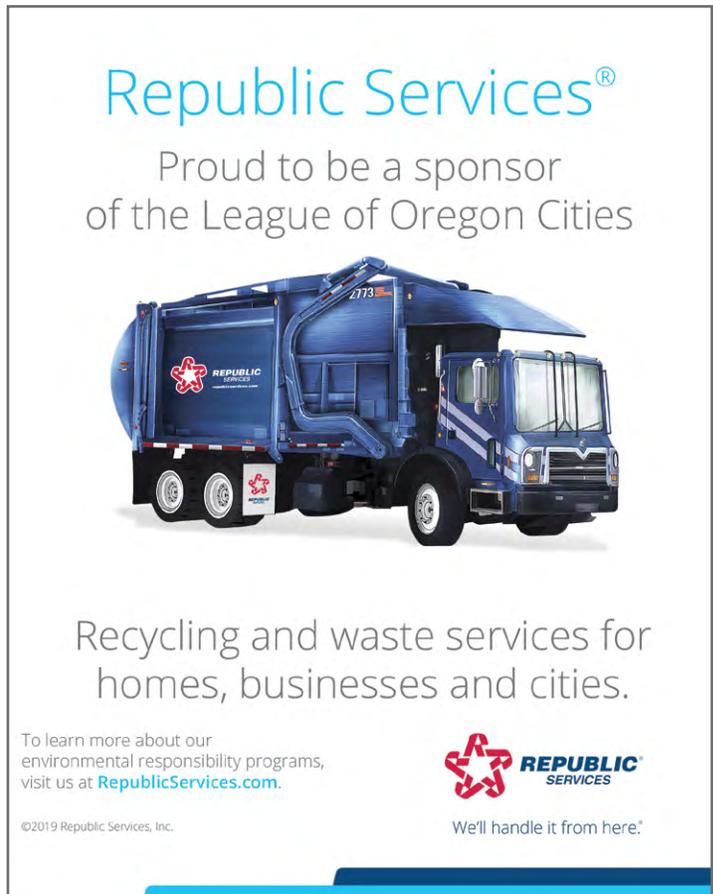
- **Funding.** Cities direly need funds for system upgrades and modernization, whether it be for hardware or software needs;
- **Technical Assistance.** Potential assistance could include grant writing for federal programs, assistance with cybersecurity response plans or vulnerability assessments; and
- **Education** and/or training on best practices and other low-cost solutions local governments can implement now.

HB 4155 failed during the 2022 short session, but would have created a cybersecurity center of excellence, revised and broadened the existing Oregon cybersecurity advisory council membership, and created a cybersecurity grant program for public bodies.

Specifically, HB 4155 would have:

- Leveraged federal funding intended for local governments. HB 4155 would create a place for those federal dollars to land.
- Created partnerships and promote cybersecurity culture across sectors. No one entity alone will be able to solve all cybersecurity vulnerabilities, but together we can give the most people the best chance to identify, defend against, and recover from cyber threats. The Cybersecurity Center of Excellence (CCOE) and the revised Oregon Cybersecurity Advisory Council will bring together sectors to work together on cybersecurity issues they are facing.
- Created a pipeline for the cybersecurity workforce that benefit local governments and private sector. Some cities have very small staff and cannot hire full-time IT staff or cybersecurity professionals. Other cities would like to hire a full-time IT staff or cybersecurity professionals, but they cannot compete with the private sector. The CCOE, through the leadership of OSU, PSU and UO, will provide technical expertise to local governments through a “teaching hospital model” as students gain hands-on cybersecurity experience and prepare for potential roles in the public or private sector after graduation.

While HB 4155 did not pass in the 2022 session, the LOC and a coalition of stakeholders will work to bring the bill back in the 2023 legislative session. ■



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Cities Encouraged to Promote Faster Internet Oregon Speed Test Campaign

About the Project

The Faster Internet Oregon speed test campaign is a statewide broadband mapping effort that encourages Oregonians to measure their internet speeds at home or report if they do not have an internet connection. This campaign will help identify gaps in high-speed internet service, and provide data to ensure that funding decisions on broadband infrastructure are based on an accurate assessment of gaps in connectivity across urban, rural, and Tribal communities statewide.

The Faster Internet Oregon website (www.FasterInternetOregon.org) features an easy-to-use speed test and asks a few simple location questions for mapping accuracy. The speed test takes less than one minute to complete and will help ensure equitable distribution of broadband funds to the communities that need it most.

Privacy is of the utmost importance to the campaign's partners. No personally identifiable information will be stored beyond the address that residents provide—and this information will not be available for public viewing. No information will be sold. Data will only be available to campaign partners and decision-makers who sign a data-use agreement.

Why Oregon Needs This

The state anticipates receiving an unprecedented amount of infrastructure funding from various federal sources. To help Oregon communities secure the funding necessary to support broadband infrastructure, particularly for historically un- and under-served communities, Oregon must be prepared with accurate information on the current status of internet access: speeds, cost, providers, etc. Better data will result in more equitable allocation decisions, ensuring that funds are available to the communities that need it most.

What This Project Will Accomplish

This campaign will help to secure infrastructure funding across the state and ensure the funding is allocated equitably so that everyone has access to fast, affordable internet service.

Decision-makers

The Faster Internet Oregon project will provide decision-makers with data that will:

- Identify Oregon homes that lack high-speed internet;
- Clarify which households do not have an internet connection and why;

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- Provide an interactive tool that allows decision-makers to map out potential projects, identify cost estimates, and assess competitive viability of a variety of technical solutions for areas with identified gaps.

Our Ask of You

As a trusted communications hub for your community, we ask that city leaders reach out to your constituents, endorse the Faster Internet Oregon initiative as safe and protective of personally identifiable information (PII), and encourage their participation.

How: We've created a kit of materials that will make it easy to communicate about the program at <http://bit.ly/FIO-outreach>.

When: Beginning May 2

Questions? Please don't hesitate to reach out to us at info@fasterinternetoregon.org.

Project Leadership

Faster Internet Oregon is a consortium of non-profit and governmental organizations formed to gather and aggregate crowdsourced broadband data across the state to create scalable, dynamic maps that more accurately reflect the broadband situation in Oregon, and competitive analysis and cost estimates for funding opportunities.

The project is led by the Oregon Economic Development Association, Onward Eugene, Speed Up America, and Link Oregon. It is supported by The Ford Family Foundation, the Oregon Community Foundation, Central Oregon Intergovernmental Council, Columbia Pacific Economic Development District, Greater Eastern Oregon Development Corporation, Mid-Columbia Economic Development District, Mid-Willamette Valley Council of Governments, Northeastern Oregon Economic Development District, Oregon Cascades West Council of Governments, SOREDI, and South Central Oregon Economic Development District. ■

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2022 Legislative Short Session Recap

Key bills affecting cities



The 2022 short legislative session completed work without a walk-out on either side of the aisle, and before the 35-day clock ran out, consistent with the norm for the previous three sessions. The LOC's advocacy team has produced a comprehensive summary of priority legislation and members can access it on the LOC website (<https://bit.ly/3kHExvC>).

Key highlights for this session focus on two significant investments from the Legislature. Housing and homelessness remained a high priority, and our collective advocacy with many member city partners was successful, with a \$25 million allocation of added homelessness service funding allocated directly to seven of Oregon's largest cities and three metro-area counties (Washington, Clackamas, Multnomah). Portland will have access to funding from Multnomah County.

In addition, Project Turnkey, a priority template for the LOC, also received an additional \$75 million as part of the \$400 million housing and homelessness package. Under the leadership of Governor Brown, \$200 million has been invested in Oregon's workforce training programs. This training effort is referred to as "Future Ready Oregon." SB 1545 is the vehicle directing investments in local workforce development boards, community colleges and state agencies to support youth, training and apprenticeship programs that prioritize underserved communities.

We were unable to advance a funding backfill for the marijuana revenue lost due to changes in distributions of state marijuana tax revenues in Measure 110, or a long-term solution for funding needs by increasing the local marijuana tax rate that cities may charge. This will certainly be a point of discussion within the LOC's policy committees in advance of the 2023 session.

The following is a summary of key legislation from the 2022 short session, including legislation requiring immediate attention by cities:

SB 1536: Emergency Heat Relief

Effective Date: March 8, 2022

HB 4058 and SB 1536 were combined and continued as SB 1536, which requires landlords to allow installation of portable air conditioning units and provide cooled spaces for tenants in certain conditions. Note: This bill preempts local governments from enforcing any ordinance or design regulation restricting the use of a portable cooling device in homes with a historic property designation that are used for a residential tenancy, unless: the restriction is necessary to protect or prohibit the removal of historical architectural features of the property; or the restriction only requires that the device be removed from October 1 through April 30.

SB 1536 creates the following programs:

- An Oregon Health Authority (OHA) program to acquire and distribute air conditioners and air filters on emergency basis to individuals eligible for medical assistance (\$5 million appropriation);

- A Heat Pump Deployment Program within the Oregon Department of Energy (ODOE) to provide and administer grants to entities to provide financial assistance, including loans, grants, rebates, or incentives, to one eligible entity for each region and federally recognized Indian tribe in Oregon to cover purchase and installation of heat pumps and related upgrades (\$10 million appropriation);
- A Residential Heat Pump Rebate Fund within the ODOE to provide rebates to owners of residential dwelling units and rented spaces in manufactured dwelling and recreational vehicle parks for purchase or installation of air-source or ground-source heat pumps (\$15 million appropriation), repealed on January 2, 2025; and
- An ODOE program to provide grants to the nongovernmental entity administering public purpose charge funds to assist landlords in creating or operating one or more private community cooling spaces available to tenants during extreme heat events (\$2 million appropriation).

The bill also expands grant programs for local governments to establish emergency shelters for clean air, warming, and cooling, and to upgrade public building facilities to include warming and cooling as acceptable uses of grant funds (\$2 million appropriation).

Finally, SB 1536 directs the ODOE, with assistance from the Oregon Building Codes Division of the Department of Consumer and Business Services, to study the cooling and electrical needs of publicly supported housing, manufactured dwelling parks, and recreational vehicle parks.

SB 1565: Cash Transactions

Effective Date: June 3, 2022

SB 1565 requires places of public accommodation to accept cash payments for goods and services. Establishments, public and private, will also have to accept coin payments of up to \$100. There are exceptions to this requirement for large denomination bills, electronic transactions, parking under certain circumstances and electric vehicle charging stations. Utilities, library services and parking

(continued on page 36)



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and local courts are required to meet the requirements of this statute.

HB 4061: Hauled Water Records Requirements

Effective Date: June 3, 2022

HB 4061 requires certain water suppliers to maintain certain records for at least 12 months and provide records to law enforcement or the Oregon Water Resources Department upon request. A water supplier shall maintain records of the water sales that include: the name and contact information of the person that purchased the water; the date of the sale; the quantity of the water; and the license plate number of the vehicle used to haul the water.

Other Legislation of Interest

HB 4123: Homeless Services Coordination Pilot

Effective Date: March 3, 2022

HB 4123 establishes a locally led, regional housing coordination effort through eight pilot programs across the state.

HB 4105: Traffic Enforcement

Effective: January 1, 2023

HB 4105 permits duly authorized traffic enforcement agents, in addition to sworn police officers, to review and issue citations based on photographs taken by photo red light cameras or by photo radar cameras.

HB 4092: Broadband Omnibus

Effective Date: March 23, 2022

HB 4092 helps the state address barriers to broadband by: strengthening the state broadband office’s governance structure; setting a strategic framework to guide the broadband office; allowing the broadband office to access more mapping data to guide their decisions and bring in more federal broadband dollars; and creating paths for more digital equity. ■



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How City Leaders Can Honor Those Fighting in Ukraine



By John McArdle, Mayor of Independence

Like all of us I've watched the Russian invasion of Ukraine with shock, distress, and sadness. Our community of Independence has previously hosted Ukrainian exchange students, resulting in relationships that transcend years, and through this we have received regular reports forwarded from inside Ukraine. To say we are aghast is an understatement. As bad as the news has been about the attacks on civilians, I was shocked, horrified, and taken aback by the execution of Olga Sukhenk, the mayor of Motyzhyn, a suburban village just outside the capital, Kyiv.

This Ukrainian mayor, along with her husband and son, had their hands tied, were blindfolded, tortured, executed, and dumped into a pit.

For more than a decade Mayor Sukhenk was doing what mayors around the world do: providing her community with water, sewer, roads, public safety, economic development...making her community better now and for the future.

These horrific murders caused me to reflect.

Years ago, my wife and our young son went door to door for a presidential candidate. He would knock and my wife would visit with those who answered the door. Weeks later, after the election day results, I told my son his candidate didn't win. He started to cry, and said, "But I don't want to move to Canada." Drying his tears, I explained that we live in the United States, that we are safe regardless of our politics, our jobs, or what we do in the community.

As a naturalized citizen, I am especially mindful of what we have in our country, the choices that we make, and that we have a collective responsibility to nurture our democracy.

With the horrific images we see, and an understanding of the work mayors and other local elected officials do in their cities all over the world, I struggled to think of a way I could help. How could I support mayors and communities half a world away?

A good friend of mine suggested that while we are blessed to be in the United States, where we are, for the most part safe, one thing we can do is resolve not to complain about the lesser hardships we are facing here at home as our country supports the battle against those that brutalize children and families, that want to strip away democracy, and crush good local people serving their communities.

I will not complain. I am willing to pay more, I will endure the inconveniences of delays and minor hardships to support our country's efforts to help protect Ukraine from invaders, to do what I can to honor the work of the people of Ukraine committed to their communities, country, and freedom.

I will work to share with others a deeper understanding of the blessings of safety, freedom, liberty, and democracy.

I will do this in honor of those that stood and continue to work and fight, as well as those doing the work that we all strive to do: Make a better life for our residents, neighbors and our community,

I will do this alongside all of you, my fellow elected leaders. ■



When Hiring a City Manager – Remember Transparency



By David Clyne, Oregon City/County Management Association Senior Advisor

As a retired city manager and attorney with 40 years of public service and currently in service as an OCCMA Senior Advisor supporting the profession, I have thought a lot over the years about what goes into the proper recruitment of a city manager. Cities throughout Oregon, with few exceptions, employ city managers and are faced with the challenging proposition of recruitment from time to time.

When undertaking such a recruitment, all of a sudden you are supposed to be a human resource professional, making one of the most profound decisions you will be faced with on behalf of your community. And the members of your community all of a sudden have lots of “free advice” and certainly want to be engaged in the decision.

So how does that work? Many of our city leaders come from the private sector, where it seems it would be very troubling to hire



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According to Oregon law, finalists for the city manager position must be known publicly in advance of the interviews.

a chief executive by asking your customers, workforce, unions, and/or shareholders to weigh in on that decision.

So why engage the public on this decision? Of course, you know at least one answer to this: transparency. Ultimately, the city manager is not only an employee of the city council, but they are an employee as well of the community that is being asked to pay those six-figure city manager salaries. Additionally, I would also argue that it is just the right thing to do to foster a collaborative climate in our communities and enhance the opportunity for a successful leadership team.

Candidates for city manager positions know—or should know—this. If they are currently employed somewhere else, most understand that by the time they are considered finalists in a recruitment process they need to have had the “conversation” with their existing communities to prepare them as well for a possible change in leadership. None of us like surprises, and this certainly includes city councils that have adopted annual budgets and multi-year plans on the advice of the city’s management.

Another reason to be public in the hiring of a city manager: it’s the law in Oregon. Yup. The funny thing is that many of the public sector recruiters don’t even know this. We’ve all been trained to look at the limited bases for executive sessions in ORS

192.660 (2) et. seq. Clearly (2)(a) provides the opportunity to meet privately to interview the candidates.

However, city leaders also need to take a look at (7)(d) and particularly (7)(d)(C), which has been legally interpreted to mean that the finalists for the city manager position must be known publicly in advance of the interviews in executive session. Moreover, the public must have an opportunity in advance to comment on the finalists (not finalist). Typically, that has come to mean the final two or three candidates under consideration.

So, in summary, keep the hiring of city managers transparent because it’s best practice and it’s the law. Also, for lots more information on this topic, the LOC has a recently updated resource on its website, *A Guide to Recruiting a City Administrator*, (tinyurl.com/yxc7n3ss).

About the Author – Mr. Clyne served as city manager in the city of Independence for nearly nine years before his retirement in 2018. Most recently, he served as interim city manager for the cities of Newberg, Falls City and Gresham, and taught at Western Oregon University. He’s also served as an OCCMA Senior Advisor since 2019, and today is dedicating himself to an actual retirement. ■

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Supreme Court Midterm for Local Governments 2021-22

By Lisa Soronen, State and Local Legal Center (SLLC), Washington, D.C.

**Indicates a case where the SLLC has or likely will file an amicus brief.*

The Supreme Court’s docket is full for the 2021-22 term. The SLLC Supreme Court Preview for Local Governments (<https://bit.ly/3kMV4yu>) summarizes a number of important cases for local governments the Supreme Court agreed to hear this term as of July 2021—including a gun case, two First Amendment cases, and a case involving whether emotional distress damages are available under a number of federal anti-discrimination statutes. This article summarizes three more interesting cases for local governments to be decided this term—including two more First Amendment cases.

The issue the Supreme Court will decide in *Shurtleff v. City of Boston** is whether flying a flag on a flagpole owed by a government entity is government speech. If it is, Boston may refuse to fly a Christian flag.

Boston owns and manages three flagpoles in an area in front of city hall. Boston flies the United States and the POW/MIA flag on one flagpole, the Commonwealth of Massachusetts flag on another flagpole, and its own flag on a third flagpole. Third parties may request to fly their flag instead of the city’s flag in connection with an event taking place within the immediate area of the flagpoles.

Camp Constitution asked the city to fly its Christian flag while it held an event near the flag. The city refused its request to avoid government establishment of religion.

The First Circuit held that flying a third-party flag on a city hall flag pole is government speech meaning the city didn’t have to fly the Christian flag.

According to the First Circuit, in two previous cases the Supreme Court has developed a three-part test for determining when

speech is government speech. The Court looks at the history of governmental use, whether the message conveyed would be ascribed to the government, and whether the government “effectively controlled” the message because it exercised “final approval authority over their selection.”

Cities are challenged by the need for more data-driven decision making but with limited resources.

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Regarding the history of governments using flags, the First Circuit stated “that a government flies a flag as a ‘symbolic act’ and signal of a greater message to the public is indisputable.”

The First Circuit also concluded that an observer would likely attribute the message of a third-party flag on the city’s third flagpole to the city.

Finally, the First Circuit had no difficulty concluding the city controlled the flags. “Interested persons and organizations must apply to the City for a permit before they can raise a flag on this flagpole.”

In *Kennedy v. Bremerton School District*,* the Court will decide whether the First Amendment protects a high school football coach who, joined by students, prayed after football games.

According to Joseph Kennedy, his religious beliefs required him to pray at the end of each game. Students eventually joined him as he knelt and prayed for about 30 seconds at the 50-yard line.

When the school district found out, the superintendent directed Kennedy not to pray with students. After widely publicizing his plan, Kennedy announced he would pray after a particular game even if students joined him. He was ultimately put on administrative leave and didn’t apply to coach the next fall.

The Ninth Circuit held that Kennedy had no First Amendment free speech right to pray because he was speaking as a “government employee” rather than as a “private citizen.” And even if he was speaking as a private citizen the Ninth Circuit held the district could prevent him from praying because of Establishment Clause concerns.

The Ninth Circuit concluded Kennedy was speaking as a public employee when he prayed because he “was one of those especially respected persons chosen to teach on the field, in the locker room, and at the stadium. He was clothed with the mantle of one who imparts knowledge and wisdom. Like others in this position, expression was Kennedy’s stock in trade. Thus, his expression on the field—a location that he only had access to because of his employment—during a time when he was generally tasked with communicating with students, was speech as a government employee.”

The Ninth Circuit also held that even if Kennedy’s speech was private, avoiding violating the Establishment Clause was an “adequate justification for treating Kennedy differently from other members of the general public.” Per the Ninth Circuit an objective observer would know “Kennedy actively sought support from the community in a manner that encouraged individuals to rush the field to join him and resulted in a conspicuous prayer circle that included students.” “Viewing this scene, an objective observer could reach no other conclusion than [the school district] endorsed Kennedy’s religious activity by not stopping the practice.”

The question in *Vega v. Tekoh** is whether a police officer can be sued for money damages for failing to provide a *Miranda* warning.

Terrance Tekoh was tried for unlawful sexual penetration. At trial he introduced evidence that his confession was coerced. A jury found him not guilty.

Tekoh then sued the officer who questioned him, Deputy Carlos Vega, under 42 U.S.C. Section 1983 claiming Vega violated his Fifth Amendment right against self-incrimination by not advising him of his *Miranda* rights.

The Ninth Circuit held Tekoh could bring a Section 1983 case. According to the Ninth Circuit, following *Miranda* there was much debate over whether *Miranda* warnings were “constitutionally required.”

In *Dickerson v. United States* (2000), the Supreme Court held that Congress could not overrule *Miranda* via a federal statute that provided confessions were admissible as long as they were voluntarily made, regardless of whether the *Miranda* warning had been provided. *Miranda*, the Supreme Court reasoned, was “a constitutional decision.” According to the Ninth Circuit, the Supreme Court has subsequently “muddied” the waters since *Dickerson*. But since *Dickerson* less than five Justices have said money damages aren’t available for *Miranda* violations.

Conclusion

Interestingly, all three cases present issues which could arise at any local government on any day. Local governments engage in government speech constantly. Local governments, like all employers, want to stop employees from engaging in a variety of activities while at work. And every time a police officer interacts with someone, he or she must decide whether to recite *Miranda*. The Court will issue opinions in all of these cases by the end of June 2022. ■



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Prepare for Drought Now and Resiliency Later

It may be raining outside as this article is being written, but right now the U.S. Drought Monitor reports that more than 88% of Oregon is classified as experiencing moderate to exceptional drought conditions. As of April 7, Governor Brown has already issued drought declarations for seven counties in Oregon (Crook, Gilliam, Harney, Jackson, Jefferson, Klamath, and Morrow). Several reservoirs that are relied upon by the dryer parts of the state are at or near historically low levels.

So how does a municipal water supplier prepare?

The Oregon Water Resources Department (OWRD) has several tools that may help a supplier manage its water supply in the short term. The most commonly used tools for responding to drought conditions are the Temporary Emergency Water Use Permit and the Temporary Drought Transfer. These, and other drought tools, are listed below:

- **Temporary Emergency Water Use Permit:** An approved emergency water use drought permit allows a water user to temporarily replace water not available under an existing water right. The most common drought permit allows the use of groundwater as an alternative to an existing surface water right. A well-prepared application takes approximately ten business days to process. Emergency water use permits are issued through an expedited process and are valid for one year or the term of the drought declaration, whichever is shorter.
- **Temporary Drought Transfer:** A water user can apply to change the type of use, place of use, or the location of the diversion under an existing water right. A temporary drought transfer takes place under an expedited process and is in effect for the duration of the drought declaration or up to one year, whichever is shorter.
- **Special Option Agreements:** A water right holder can enter into an agreement that authorizes the use of water at locations, from points of diversion, and for uses other than those described in the water right. Typically, the agreement remains in place until terminated by the parties and provides additional water supply options in times of drought.



- **Temporary Exchanges of Water:** The Water Resources Commission can approve a temporary exchange of existing rights, such as using stored water instead of a direct flow surface water right.

For additional tools and information, please go to: www.drought.oregon.gov.

To access Governor Brown's Executive Orders, please visit the Governor's webpage: <https://bit.ly/37tayog>.

To prepare long-term, water suppliers should consider some of the following actions where feasible:

- Secure a diversified water supply (e.g., surface water, groundwater, stored water, and reclaimed water when possible);
- Consider replacing the use of fresh water for irrigation of golf courses and landscaping with reclaimed water when available;
- Secure more stored water supply, including aquifer storage and recovery, that is stored during times of wet weather for later use during dry months;
- Create and then implement a progressive water conservation program which includes mandates and incentives for users to conserve water; and
- Prepare an emergency water curtailment plan that is readily available to implement when necessary.

To find water conservation fact sheets and example water curtailment plans, be sure to check out the Oregon Water Resources Department (OWRD) Municipal Water Management webpage at the following link: <https://bit.ly/3wunov1>.

What actions can a household undertake to help conserve water?

- Consider replacing or reducing your lawn (see 4th quarter 2021 [Local Focus Conservation Corner article](#) for ideas).
- If you choose to maintain a lawn, be sure to aerate it. Regularly aerated lawns tend to utilize water more efficiently since the water can penetrate deeper into the soil creating a deeper root system.
- Check with your local water agency for possible rebates on low water usage products, such as low-flow showerheads.
- Do not use high nitrogen fertilizers during a drought. They encourage growth, but the plants will need more water.
- Fix or replace any broken sprinklers and repair leaks.
- Review your water bill over the past year for any unusually high usage to help detect hidden leaks.
- Keep your lawn as healthy as possible. A healthy lawn will survive better. Many lawns go dormant without water during the summer and come back to life during Oregon's rainy season.
- Mow grass higher (3 to 3.5 inches) to promote deeper root growth and better moisture retention.
- Mulch! Mulch! Mulch! Applying mulch to all flower and garden beds helps keep water in the soil. Do not use rocks

or gravel for mulch as they add heat to the soil and moisture evaporates faster.

- Consider replacing water intensive plants with more climate appropriate and native plants.
- Be sure to irrigate your garden and lawn during cooler hours of the day or at night. Installing drip irrigation is an even bigger water saver!
- Harvest rainwater off impervious surfaces, like your roof, into rain barrels for later use.
- If you have a vegetable garden, be sure to add compost to the soil. This helps the soil retain water and reduce watering needs over the hotter months.
- As the weather warms up, don't be tempted to wash your car at home. When needed, take it to a car wash instead. Automated car washes use almost 10 times less water per wash than washing a car at home.
- To prevent overwatering and waste, install a soil moisture sensor to know when the soil needs water.

With a little planning, effort, and cooperation, we can all get through this drought together and perhaps learn how to become more sustainable for the future.

For other questions related to OWRD's water conservation programs, please contact Kerri Cope at Kerri.H.Cope@oregon.gov or 503-979-9544. ■



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Lead in Plumbing is a Hidden, Uncharted Danger to Our Communities

By Dennis Lyon

We don't know how many lead service lines remain in service, and estimates vary by the millions. The American Water Works Association estimated that there are more than 6 million lead service lines across the country, but other sources put the number closer to 9 million.

In Oregon, it is estimated that there are roughly 14,000 lead water service lines still in use, according to self-reporting by water utilities in the state. Lead service lines are not the only hidden danger, because the greatest contributor to lead in drinking water is home plumbing. Portland estimates that there is lead solder in approximately 10% of the city's homes, leaching lead into water far beyond the utility's ability to treat it. This was after the city spent \$10 million to replace more than 10,000 lead service lines in the city. Older homes, especially those built between 1970 and 1985, are more likely to have higher lead levels in drinking water.

Lead Line Locations are Uncertain

Because we don't know where lead water lines may be, we could be testing in the wrong places, underreporting the levels of lead in our community's water—which was exactly what happened in Flint, Michigan.

Many water utilities have incomplete or handwritten records of the service lines in their communities. In many cases, the material the service line was made of wasn't even recorded, since the dangers of lead service lines were not fully understood. Many utilities don't even have that much from the pre-computerized era. Although fully realizing where lead lines are located is important in the effort to remove them, most utilities simply don't have the resources and funding to map out that infrastructure.

When utilities don't know where lead service lines are, they can't fully gauge how those lead lines are impacting the community. In Flint, of the 324 sample sites used to monitor lead, only six were positively identified as having lead service lines, according to the Michigan Department of Environmental Quality.

Lead Exposure is Most Harmful to Our Most Vulnerable

There are no safe levels of lead exposure, and when children are exposed to even low levels of lead, it can damage the nervous system, cause learning disabilities and impaired hearing, and can impact the form and function of blood cells. Adults with high blood pressure and kidney disease are also at higher risk when exposed to lead.

More than 40,000 children across 26 states had high lead levels in 2017, according to data gathered by the Centers for Disease Control and Prevention.

Service Lines, Plumbing Most Prevalent Source of Lead Exposure

Lead service lines and plumbing fixtures are the top causes of lead exposure, with service lines typically being the most significant source of lead in drinking water. Lead service lines are primarily found in homes built before 1986.

Water corrosion can be a significant contributing factor to lead exposure, as was seen during the Flint, Michigan, water crisis. Water will leech more lead from pipes when it sits for a long time in the line, if the water is hot, if the pipe is worn, and depending on the acidity and minerals in the water.

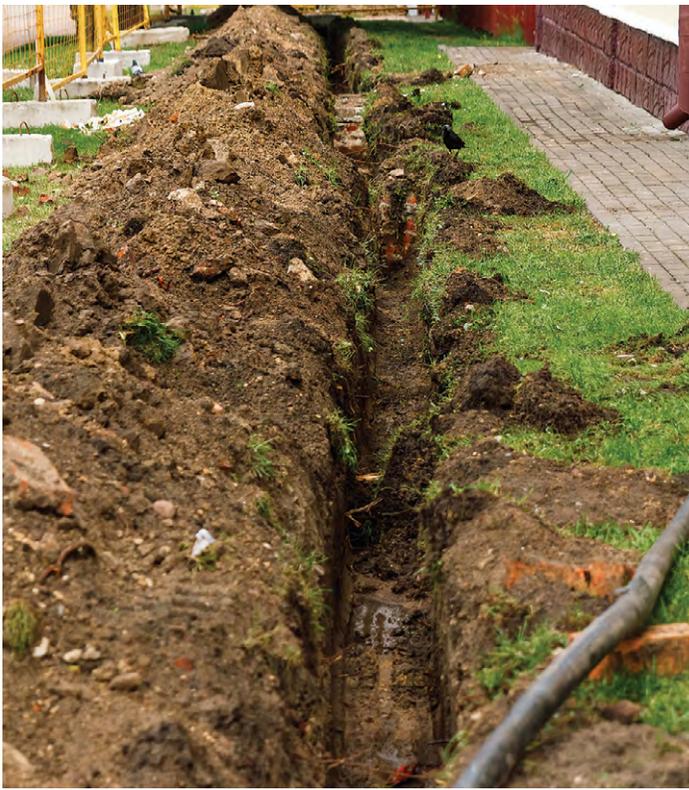
Corrosion control measures can divert some of the lead from flowing through the kitchen tap, and some filters can remove yet more, but only carbon filters certified for lead removal are suited for these purposes. Most ordinary filters, such as those built into refrigerators or in water pitchers, are not rated to remove lead from water. Additionally, most of those filters that remove lead must be replaced periodically, which can present an issue for low-income households.

Lead Service Lines, Plumbing Are Outside Utilities' Reach

The only way to completely remove lead from our water is to remove lead service lines and lead solder from in-home plumbing, which is a difficult nut for water utilities to crack. At least a portion of those service lines remain on private property and are the responsibility of the homeowner to replace. If a water utility replaces their end of the line, the work can cause a spike in the amount of lead in the water, even if it is temporary, because the service line has been disturbed.

Because the service line and in-home plumbing are the homeowner's responsibility, it opens an entirely new set of problems: the inability of most low-income households to replace their lead water service lines and lead soldered plumbing.

In a Cincinnati study, analysts looked at homes built in 1939 or earlier. When the poverty rate in that neighborhood was above the city average, there was a 63% chance that the home had a lead service line. In neighborhoods with homes of the same age but a below-average poverty rate, the chance of a home having lead service lines was only 30%.



In Washington, D.C., looking at 3,400 lead service lines replacements between 2009 and 2018, there was a stark contrast between the number of service lines replaced in wealthier neighborhoods such as Ward 3 and low-income neighborhoods such as Wards 7 and 8.

In studies comparing neighborhoods with median annual income levels of \$76,000 and the lowest level of \$15,000, replacements increased by more than 50% in wealthier communities.

The EPA estimates the average cost of replacing a lead service line to be \$4,700, meaning that replacing the estimated 6 to 10 million lead service lines currently in service will cost between \$28 to \$47 billion dollars. The bipartisan infrastructure bill will fall short, and more likely than not, those residents in low-income communities will be left behind once again.

Water utilities are stretched thin. What can they do to help shield their residents from the cost of replacing lead plumbing?

A partnership with the National League of Cities Service Line Warranty Program can not only help educate homeowners but offer them an optional service line warranty to protect them from the cost of replacing a water service line or in-home plumbing. The program has a nationwide network of pre-vetted contractors and a U.S.-based call center open 24/7/365 to assist your residents.

To learn more about how we can help your community address lead water service lines, contact Dennis Lyon at Dennis.Lyon@homeserveusa.com. ■

Dennis Lyon currently serves as Regional Account Director for the Service Line Warranty Program. He is responsible for working with municipalities/utilities to educate and develop the best program options for their residents.

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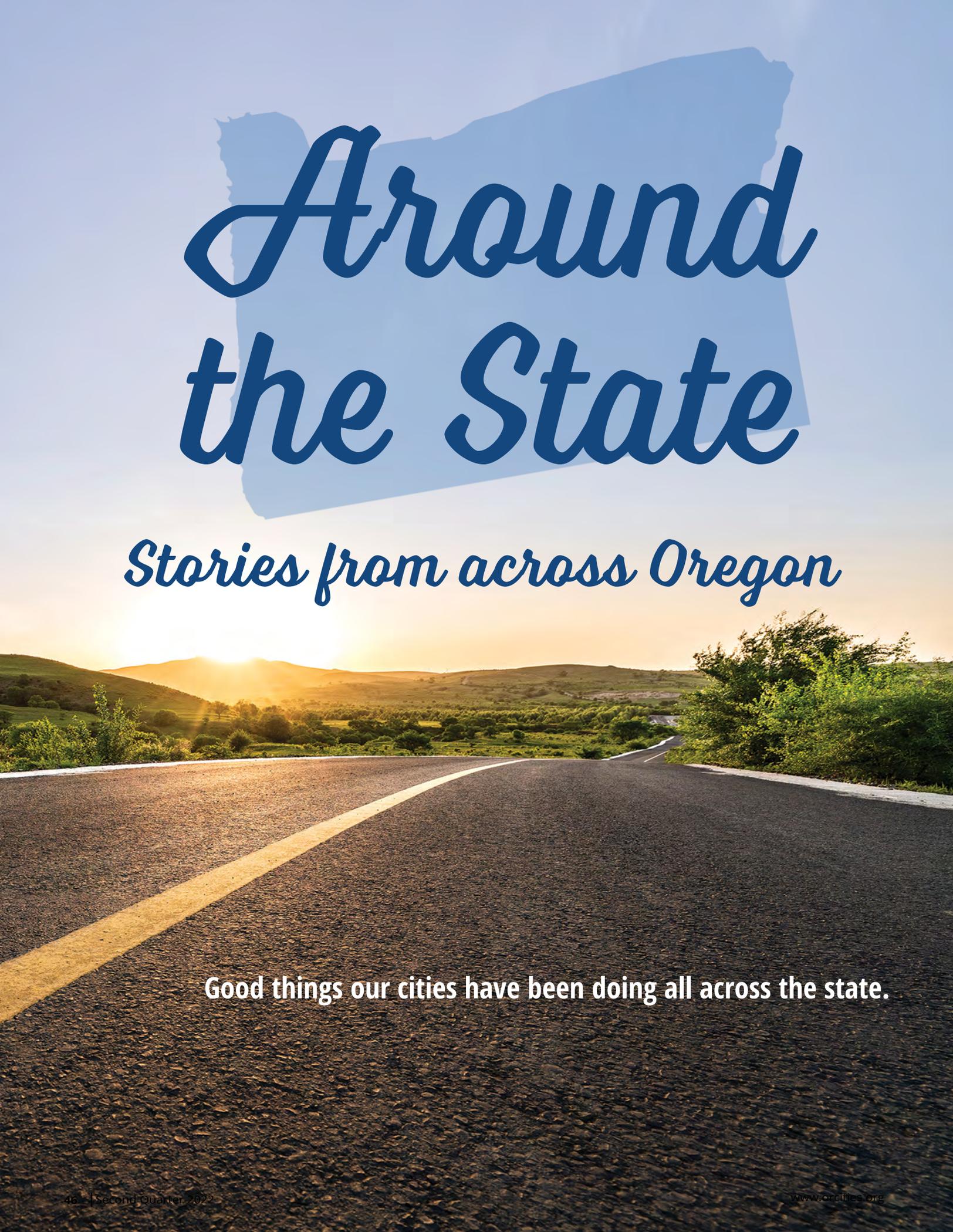
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NEWBERG

More ARPA-Funded Projects Announced

The city of Newberg revealed a revised list of projects, businesses and groups that will receive funds via the federal American Rescue Plan Act.

The city's budget committee previously designated about a half-dozen recipients of the more than \$5.3 million in ARPA funds bequeathed to the city. That list has grown to 16 projects that will divvy up the lion's share of that allocation, roughly \$4.3 million, according to *The Newberg Graphic*.

City staff worked internally and with local community groups and businesses to identify projects and opportunities to improve the community.

"I think it was a smashing result for our community," Interim City Manager Will Worthey said. "While many cities used the ARPA funds only for city projects, we acted in accordance with our belief that ARPA was to bolster economic recovery widely. On this point, the mayor and council were of one mind. I am delighted to show the naysayers the good that local government can do."

Projects approved so far include \$2.15 million for the city to update its financial software, computers, technology and enhance cyber security; nearly \$281,000 to update the city's air purification



units in 14 locations and replace HVAC units in city hall; \$40,800 to install bullet-resistant windows in the records area at the Public Safety Building; and \$1.5 million to purchase water rights as part of the city's effort to create redundancy in its system.

An additional \$24,343 will go to the Newberg Downtown Coalition (NDC) to launch a downtown gift card program, and \$29,176 is destined for Taste Newberg and the NDC to create an online marketing resource and itinerary visitor planning tool.

Among those newly added to the mix is \$35,000 to Yamhill Community Action Partnership to address homelessness in the county, including \$200,000 to support six months of operations at the Navigation Center, currently under construction, and \$150,000 to provide beds at motels in the Newberg area.

Along the same line, Harvest House in Newberg will receive \$350,000 to allow the shelter to continue to operate and expand its services in a stable fashion, *The Newberg Graphic* reported.

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BAKER CITY

Raffle Raises Money for K-9 Unit

Baker City Police Department's K-9 Unit will be able to continue for at least two more years, thanks to recent fundraising efforts. A raffle held during the winter brought in \$25,000 to support Capa, the department's drug detection dog, the *Baker City Herald* reported.

Sgt. Wayne Chastain, Capa's handler, said raffle tickets sold for \$100 and raised \$47,000. After paying for the ATV that was the top prize and other costs, the department had \$25,000 that Chastain says will pay for a variety of items needed to keep the K-9 unit.

"It pays for his maintenance, vehicle maintenance, my overtime, his medical stuff, his dog food, any costs associated with the dog program," he said.

Capa, a male German shepherd and Belgian Malinois cross, has been working for the Baker City Police Department since 2015. He rides in an SUV that the department bought with money from fundraisers and donations.



Travis Cook won the grand prize in the Baker City Police Department's fundraising raffle to support the department's K-9 unit. Cliff's Saws and Cycles sold the ATV at a discounted rate. The department sold 474 of the 500 available tickets at \$100 each.

"When we started the K-9 program back in 2009, then Chief (Wyn) Lohner made it very apparent to the (city) council that the only way we could continue to do it was if it was based totally off of community donations because we didn't have the money nor did we want to burden the taxpayers more," Chastain said.

Phoebe Wachtel, administrative assistant and car seat technician for the police department, said the city appreciates the support of the sponsors for the raffle prizes.

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JACKSONVILLE

Expansion Planned for Historic Cemetery

Planning is underway for the expansion of the Historic Jacksonville Cemetery, the first addition proposed since 1983, with features that reflect contemporary trends in burials and additional amenities under consideration.

The city of Jacksonville, which owns and operates the cemetery, purchased an 11.76-acre parcel on the north side of the current 30-acre site in 2011, according to the *Mail Tribune*.

"We won't develop the whole 11 acres all at once, but pick a section and design it as we go," said Dirk Siedlecki, chair of the city's Cemetery Commission. "A lot of the existing plots have been purchased. It's getting to the point where we need to start looking at the addition."

A site survey will begin in the next fiscal year. Estimates have projected there are about four to five years' worth of burial plots left to sell in the existing cemetery.

"We talked about the fact that cremations are far more popular today than the traditional coffin burials. We need to look at other options," Siedlecki said. Possibilities might include a niche wall where cremains in urns could be placed, and a scattering garden for cremains.

A green burial area might also be established. The burials, in natural materials that decompose, present issues with ground settling, he said. The practice would likely be established in one section rather than for individual plots. Another addition could be a covered pavilion, as there is no covered area in the cemetery to hold services during inclement weather.



Andy Atkinson / Mail Tribune

In looking at ways to reduce maintenance costs, the city is considering limits on curbs, fences and monuments. Concrete curbs tend to deteriorate over the years because of moisture and freezing, becoming a hazard for mowers and weed-eaters. Large markers and fencing also become a maintenance need for the cemetery.

Provisions will need to be made for roadways and walkways in planning for the site, which includes an oak savanna, numerous trees and several gullies. "We want to take into consideration your existing cemetery. You want to blend the old into the new, and the new into the old," Siedlecki said.

Financing of the expansion would come from the sale of burial plots, and some religious and fraternal groups might also be interested in establishing sections in the new addition, the *Mail Tribune* reported.

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NORTH BEND

Police Officers Celebrated, Skating Rink Approved

North Bend has a lot to celebrate these days. In March, the city council and Mayor Jessica Engelke recognized Detective Sergeant Buddy Young, who retired Feb. 28, for his service. Police Chief Gary McCullough and Captain Cal Mitts also made special presentations to celebrate Young, who joined the force on April 1, 1978.

Officer Brent Gaither was recognized for his 25th anniversary with NBPD, which was marked on Feb. 12. Gaither is part of a team of first responders in the Patrol Division, but has served in numerous divisions over his tenure.

During the ceremony, Officer Jake Hult was promoted to patrol sergeant.

The North Bend City Council also has approved up to \$75,000 to purchase a synthetic ice-skating rink, with the goal of increasing tourism during the traditionally slower winter months, *The World* reported.



Retired Detective Sergeant Buddy Young (courtesy David Milliron)

“I really think we are meeting our goals that we set as a council,” Engelke said. “One of the strategic goals we came up with was helping our North Bend businesses and revitalizing downtown North Bend. I think the idea of purchasing a synthetic ice-skating rink that will last 15 to 20 years is something that will do both. I know our city staff has done a lot of research on these kinds of events and what it can do for our tourism.”

Funding for the project would be 100% from the transient lodging tax visitors pay when staying in local hotels and motels, and none of the funding would come from property taxes.



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ESTACADA

Wade Creek Park Takes Shape

The final phase of Wade Creek Park is taking shape and the city of Estacada expects to celebrate the new community recreation area with a grand opening in mid-July.

One of the features rising in the north end of Phase 3 of the park is a community space with a stage and amphitheater seating. The new amphitheater is expected to revive the city’s summer concert series.

“I’m just really excited about it and can hardly wait for people to get to use it,” Parks and Recreation Commission member and former Mayor Brent Dodrill told the *Estacada News*.

City Manager Melanie Wagner described the new park as more natural with several paths and boardwalks. The stream that replaced the popular duck pond is flowing freely, creating a restful gurgling sound on the site that wraps around the Estacada Library. All features will be accessible for people with disabilities.

The final phase of the park joins earlier projects across the newly restored stream. These include a play structure, horseshoe pits, a sand volleyball court, picnic areas, restrooms and a 10,000-square-foot skate park.



Teresa Carson / Pamplin Media

A 1K and 5K fun run and walk fundraiser was held in March to raise money to complete the project. The Ford Family Foundation has offered a matching grant for all local donations, including those from the run/walk. The foundation is matching all local donations up to \$200,000 and, by mid-March, the community had donated \$109,000 that was eligible for the match.

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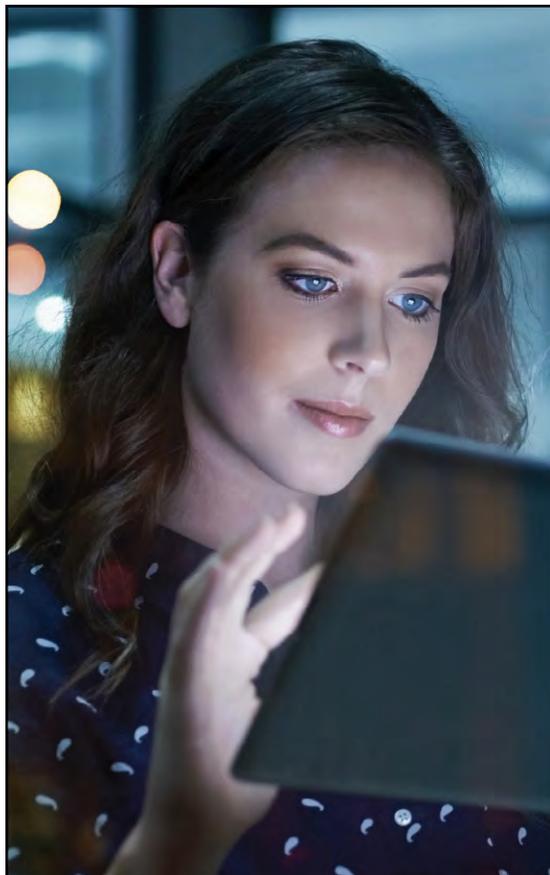
GOLD BEACH

In Memoriam: Gold Beach City Administrator Willard H. "Bill" Curtis

Willard H. "Bill" Curtis passed away at his home in Gold Beach on Feb. 16 at the age of 87. He was born in Joliet, Ill., Dec. 2, 1934 to Willard B. Curtis and Louise Hough Curtis. Curtis and his wife, Joann, celebrated their 55th wedding anniversary on July 16, 2021, the *Curry Coastal Pilot* reported.

Formally educated at Joliet Township High School, Joliet Junior College and Illinois Wesleyan University, Curtis was a member of Phi Gamma Delta fraternity. He served in the U.S. Navy on an aircraft carrier in the Western Pacific as a radioman. His work as a young man included summer work as a certified lifeguard.

Early in his career, Curtis worked in banking in several Illinois cities before moving to Coos Bay in 1976. He entered public service in Coos Bay, initially as city finance director.

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In December 1985, he was chosen from a field of nearly 100 applicants to serve as city manager.

After 18 years in Coos Bay, Curtis accepted the position as city administrator in Gold Beach, a position he held until he retired at age 65. An example of his collaborative management style involved a water main break, during which Curtis stayed with the public works crew through a long nighttime project and provided them with sandwiches, coffee and moral support. The group showed its appreciation by presenting Curtis with a Public Works Emergency jacket embossed with his name.

After retiring, Curtis volunteered as a Range Rider for the Oregon City/County Management Association (OCCMA), traveling throughout Southwest Oregon to meet with city

managers and city administrators to share his experience and informally consult on issues at hand. He also submitted written reports of the visits to OCCMA.

While collaborative in his management style, Curtis could be quite competitive, especially in checkers, table tennis and touch football. He loved to sing in high school operettas, church choirs and the Barbershop Harmony Society. For years, he rode with a friend round trip every Tuesday from Gold Beach to Coos Bay to sing with the Gold Coast Chorus.

Bill and Joann Curtis volunteered for years supporting Wild Rivers Animal Rescue in Gold Beach, and personally rescued several dogs, including their current dog, Sarge. Memorials may be made to Wild Rivers Animal Rescue.

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BEND

Water System Upgrades Underway

Several improvements for northwest Bend's water distribution system are beginning with the Awbrey Butte Waterline Improvement Project. "It identifies some of the big items we need to address soon," Senior Project Engineer Jake Serman told *KTVZ*.

Eight interrelated water improvement projects are planned in the area of Awbrey Butte to boost capacity, replace aging and small water pipes, and ensure adequate firefighting flows in the area.

The city council recently adopted a five-year capital improvement program that includes the \$28.6 million project, funded by water rates. It is scheduled to begin in the spring of 2023 and take two years to complete.

The Awbrey Transmission line is one of the bigger sub-projects, which includes more than 9,000 feet of new 30-inch water pipe along Shevlin Park Road, a utility right of way and along Trenton Avenue, from Mt. Washington Drive to the city's Awbrey Reservoir.

The city also will replace 2,260 feet of existing 24-inch water pipe along Ninth Street, between Newport Avenue and the reservoir, and replace or upsize 3,500 feet of pipe along portions of Portland Avenue, between Ninth and Wall streets.

After the Bend City Council's approval of an updated water system master plan, the Awbrey Butte Waterline Improvement Project is the first big project in the works. The plan includes a number of projects around the city over the next 20 years. ■

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Group)
Regence
Republic Services
Rural Development Initiative
State of Oregon Cooperative
Purchasing Program (OrCPP)
Union Pacific
Waste Management of Oregon