

AGENDA
CITY OF DAYTON
REGULAR SESSION

DATE: MONDAY, DECEMBER 4, 2023
TIME: 6:30 PM
PLACE: DAYTON CITY HALL ANNEX - 408 FERRY STREET, DAYTON, OREGON
VIRTUAL: ZOOM MEETING - ORS 192.670/HB 2560

You may join the Council Meeting online via Zoom Meeting at: <https://us06web.zoom.us/j/88279833458>

Dayton - Rich in History . . . Envisioning Our Future

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER & PLEDGE OF ALLEGIANCE	
B.	ROLL CALL	
C.	APPEARANCE OF INTERESTED CITIZENS	
	1. The public is encouraged to relay concerns and/or comments to the City Council in one of the following methods:	
	• Email - any time up to 5:00 p.m. the day of the meeting to rvargas@daytonoregon.gov . The Mayor will read the comments emailed to the City Recorder.	
	• Appear in person - if you would like to speak during public comment, please sign up on the sign-in sheet located on the table when you enter the Council Chambers.	
	• Appear by Telephone only - please sign up prior to the meeting by emailing the City Recorder at rvargas@daytonoregon.gov . (The chat function is not available when calling by phone into Zoom.)	
	• Appear virtually via Zoom - once you are in the meeting, send a chat directly to the City Recorder, Rocio Vargas, use the raise hand feature in Zoom to request to speak during public comment. The City Recorder will need your first and last name, address, and contact information (email or phone number) before you are invited to speak. When it is your turn, the Mayor will announce your name and your microphone will be unmuted.	
D.	CONSENT AGENDA	
	1. Regular Session Minutes, November 6, 2023	1-7
E.	PUBLIC HEARING	
	The City Council will hold a public hearing to obtain citizen input on sewer rate increase to fund the Utility Bridge and Infrastructure Upgrade and HWY 221 Lift Station Replacement Projects.	
F.	ACTION ITEMS	
	1. Council Training on Misconduct & Censure, Presented by Ashleigh Dougill, Beery, Elsner & Hammond	9-23

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice: City Hall Annex is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Recorder (503) 864-2221 or rvargas@daytonoregon.gov.

- | | |
|---|-------|
| 2. Approval of Resolution 23/24-07 Sewer Rate Increase | 25-32 |
| 3. Approval of Resolution 23/24-08 Adopting Public Contract Rules | 33-60 |

G. CITY COUNCIL COMMENTS/ CONCERNS

H. INFORMATION REPORTS

- | | |
|---|-------|
| 1. City Manager's Report | 61-72 |
| 2. Tourism and Economic Development Director's Report | |

I. ADJOURN

Posted:

By: Rocio Vargas, City Recorder

NEXT MEETING

City Council Regular Session Meeting Tuesday, January 2, 2024

City Council Regular Session Meeting Monday, February 5, 2024

Virtually via Zoom and in Person, City Hall Annex, 408 Ferry Street, Dayton, Oregon

**MINUTES
DAYTON CITY COUNCIL
REGULAR SESSION
November 6, 2023**

PRESENT: Mayor Trini Marquez
Council President Jim Maguire, via zoom
Councilor Drew Hildebrandt
Councilor Kitty Mackin
Councilor Luke Wildhaber

ABSENT: Annette Frank
Rosalba Sandoval-Perez

STAFF: Rochelle Roaden, City Manager
Rocio Vargas, City Recorder
Dave Rucklos, Tourism & Economic Development Director
Denny Muchmore, City Engineer

A. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Marquez called the meeting to order at 6:35pm and those present gave the Pledge of Allegiance.

B. ROLL CALL

Mayor Marquez noted that there was a quorum with Councilors Hildebrandt, Mackin, and Wildhaber attending the meeting in person. Council President Maguire attended the meeting via zoom. Councilors Frank and Sandoval-Perez were absent.

C. APPEARANCE OF INTERESTED CITIZENS

None.

D. CONSENT AGENDA

Approval of Meeting Minutes

1. Regular Session Minutes of October 2, 2023
2. Work Session Minutes of October 16, 2023

**KITTY MACKIN MOVED TO APPROVE THE CONSENT AGENDA
AS AMENDED. SECONDED BY DREW HILDEBRANDT.** Motion
carried with Maguire, Hildebrandt, Mackin, Wildhaber, and
Marquez voting aye. Frank and Sandoval-Perez were absent.

E. ACTION ITEMS

**1. Approval of Resolution 23/24-04 Proclaiming the Recognition of the
Vietnamese American Heritage and Freedom Flag.**

President of the Vietnamese Community of Oregon Thao Duc Tu presented on behalf of the Board a request for a proclamation. Recognizing the Vietnamese American Heritage Freedom Flag.

LUKE WILDHABER MOVED TO APPROVE RESOLUTION 23/24-04 PROCLAIMING THE RECOGNITION OF THE VIETNAMESE AMERICAN HERITAGE FREEDOM FLAG. SECONDED BY LUKE WILDHABER. Motion carried with Maguire, Hildebrandt, Mackin, Wildhaber, and Marquez voting aye. Frank and Sandoval-Perez were absent.

2. Update on Highway 18 Dayton Gateway.

Dave Rucklos, Tourism & Economic Development Director, presented a plan to partner with ODOT to add a new gateway sign on HWY 18. The location belongs to ODOT, and they are willing to work with the city to get the area cleaned up and allow the city to add the sign.

3. Approval to Establish an Urban Renewal District and Award Contract.

Dave Rucklos, presented the outline of the contract proposed by Elaine Howard LLC to create an Urban Renewal District in the City of Dayton. The contract budget with Elaine Howard LLC is \$43,132.00.

DREW HILDEBRANDT MOVED TO APPROVE THE SOLE-SOURCE AWARD TO ELAINE HOWARD CONSULTING LLC., TO CREATE AN URBAN RENEWAL DISTRICT FOR THE CITY OF DAYTON IN THE AMOUNT OF \$43,132.00. SECONDED BY KITTY MACKIN. Motion carried with Maguire, Hildebrandt, Mackin, Wildhaber, and Marquez voting aye. Frank and Sandoval-Perez were absent.

4. Approval of Resolution 23/24-05 Fee Schedule Update

Rochelle Roaden, City Manager presented the proposed changes to the Dayton Fee Schedule. She stated that the City will be adding online permitting and will need to add online payments with a processing fee. City Manager stated that adding online permitting and payments would meet on the strategic goals. City Manager also stated that the Municipal Court fine amounts need to be updated to meet statutory amounts. She stated the NSF stop-payments on check had changed with the bank and needs to be reflected on the city fee schedule. City Manager stated there would be permit fees added for Food Truck/ Pushcart permits, as well as new planning application fees and pre-application meeting fees.

There was a discussion on the amounts that were being added and updated compared to other neighboring cities.

DREW HILDEBRANDT MOVED TO APPROVE RESOLUTION 23/24-04 TO UPDATE THE FEE SCHEDULE TO INCLUDE REQUIRED PROCESSING FEES FOR ONLINE PAYMENTS VIA

THE GOGOV SYSTEM, UPDATE MUNICIPAL COURT FINES, RETURNED CHECK FEE, ESTABLISH FEES FOR FOOD TRUCK/PUSHCART PERMITS AND PRE-APPLICATION MEETING AND UPDATE PLANNING APPLICATION FEES FOR APPLICATIONS NOT SPECIFICALLY LISTED ON THE FEE SCHEDULE AS AMENDED. SECONDED BY KITTY MACKIN.

Motion carried with Maguire, Hildebrandt, Mackin, Wildhaber, and Marquez voting aye. Frank and Sandoval-Perez were absent.

5. Approval of Resolution 23/24-06 Establishes the Dayton Community Events Committee.

City Manager re-introduced the Dayton Community Events Committee after it was tabled at the October 2, 2023 meeting. She introduced Beth Wytoski, former Mayor, to present the history of the previous Community Events Committee.

Beth Wytoski, of 818 Howard Jordan Loop, gave a brief history of the Community Events Committee. She stated that it was established so someone that was not in the council to chair the committee. She stated that she attended the DCDA meeting and had commented at the board meeting about the Community Events Committee being established and they were in support of the reestablishment of the committee.

JIM MAGUIRE MOVED TO APPROVE RESOLUTION 23/24-06 TO ESTABLISH THE DAYTON COMMUNITY EVENTS COMMITTEE. SECONDED BY DREW HILDEBRANDT.

Motion carried with Maguire, Hildebrandt, Mackin, Wildhaber, and Marquez voting aye. Frank and Sandoval-Perez were absent.

6. Approval of Inflow & Filtration Study Amendment #2

City Manager presented Inflow & Filtration Amendment #2. DEQ requires additional data that will cost an additional \$9,240.00. She stated that a contingency was added for a total of \$53,328.00. She stated if approved an extension will need to be filed.

DREW HILDEBRANDT MOVED TO APPROVE TO INCREASE THE BUDGET FOR THE INFLOW & FILTRATION STUDY AWARDEE TO KELLER AND ASSOCIATES TO A NOT EXCEED BUDGET OF \$53,328.00. SECONDED BY KITTY MACKIN.

Motion carried with Maguire, Hildebrandt, Mackin, Wildhaber, and Marquez voting aye. Frank and Sandoval-Perez were absent.

7. HWY 221 Lift Station Replacement Project Financing and Sewer Rate Discussion.

City Manager presented the financing the City qualified for through Business Oregon. She stated that with a combination of grants and loan the cost of the project would be

covered. She stated that to cover the loan a funding increase would be added to the current water rate.

City Manager proposed to only add the Bridge Funding Increase and HWY221 Funding Increase in the next couple years to the current sewer rate and wait on the MSM Methodology. She stated that depending on what the council decides to do the change would be presented to the community.

City Manager requested the council to approve her to move forward with the loan process.

JIM MAGUIRE MOVED TO APPROVE AUTHORIZING THE CITY MANAGER TO ENTER INTO LOAN FINANCING THROUGH BUSINESS OREGON FOR \$1,028,000 THROUGH THEIR WATER/ WASTEWATER FUND WHICH IS NEEDED TO COMPLETE THE HIGHWAY 221 LIFT STATION REPLACEMENT AND GRAVITY SEWER PROJECT. SECONDED BY DREW HILDEBRANDT. Motion carried with Maguire, Hildebrandt, Mackin, Wildhaber, and Marquez voting aye. Frank and Sandoval-Perez were absent.

8. Award of the HWY 221 Lift Station Replacement Project

City Manager asked the council to award the bid for the HWY 221 Lift Station with Lawson Corp.

Denny Muchmore, City Engineer, presented the Lawson Corp bid. He stated that bids are held for 60 days, and there has been more time elapsed the bidding company agreed to extend the time with the understanding that if there is an increase on materials the City will cover the increase.

DREW HILDEBRANDT MOVED TO APPROVE AWARDING THE HWY 221 PUMP STATION REPLACEMENT AND GRAVITY SEWER PROJECT TO LAWSON CORPORATION IN THE AMOUNT OF \$1,781,891 CONTINGENT ON THE CITY OF DAYTON RECEIVING FUNDING THROUGH BUSINESS OREGON. SECONDED BY JIM MAGUIRE. Motion carried with Maguire, Hildebrandt, Mackin, Wildhaber, and Marquez voting aye. Frank and Sandoval-Perez were absent.

9. 2nd Reading and Adoption of Ordinance 656 - Land Use Code Amendments

Councilor Wildhaber completed the second reading of Ordinance 656 by title only.

JIM MAGUIRE MOVED TO APPROVE THE SECOND READING OF ORDINANCE 656. SECOND BY DREW HILDEBRANDT. Motion carried with Maguire, Hildebrandt, Mackin, Wildhaber, and Marquez voting aye. Frank and Sandoval-Perez were absent.

KITTY MACKIN MOVED TO ADOPT ORDINANCE 656 AND ORDINANCE OF THE CITY OF DAYTON CITY COUNCIL AMENDING TITLE 1 (ADMINISTRATION) AND TITLE 7 (DAYTON LAND USE DEVELOPMENT CODE) OF THE DAYTON MUNICIPAL CODE. Motion carried with Maguire, Hildebrandt, Mackin, Wildhaber, and Marquez voting aye. Frank and Sandoval-Perez were absent.

EXECUTIVE SESSION

Mayor Marquez closed the Regular Session at 7:51pm and stated that the City Council will meet in Executive Session per ORS 192.660 (2)(i) to review and evaluate the employment-related performance of the chief executive officer.

Mayor Marquez closed the Executive Session at 8:09pm and the City Council returned to Regular Session.

JIM MAGUIRE MOVED TO APPROVE A SALARY INCREASE FOR THE CITY MANAGER FROM \$117,000 TO \$127,000 PER YEAR RETROACTIVE TO OCTOBER 1, 2023. SECONDED BY KITTY MACKIN. Motion carried with Maguire, Hildebrandt, Mackin, Wildhaber, and Marquez voting aye. Frank and Sandoval-Perez were absent.

F. COUNCILOR COMMENTS AND CONCERNS

Councilor Mackin expressed interest in adding Peace Poles sponsored by the Newberg Rotary to the City of Dayton.

Council President Maguire thanked Rochelle Roaden, City Manager for all the invaluable resource she is for the City of Dayton. Council President commended the City Manager's nomination to the LOC Board as recognition of her hard work.

Councilor Wildhaber requested training for the City Council on council rules.

City Manger informed that there is a training with the City Attorney planned for the next council meeting on December 6, 2023.

Discussion about the Dayton City Council and School Board working history ensued.

G. INFORMATION REPORTS

City Manager's Report

City Manager updated that the new temporary bridge is going to be initiated this week. She stated that Alder Park is closed the 6th, 7th, and 8th.

City Manager informed that there is a new bill that Representative Lucetta Elmer is writing for increasing housing projects. The City of Dayton project was added to the bill to go the short session in February.

Councilor Wildhaber inquired how much burden the City is owning on new development projects.

City Manager agreed that the City cannot cover all sewer project costs for new development.

City Manager updated on the first meeting of the Fireworks Committee.

City Manager stated the Ferry Street News is planned to be out before December 1st. Councilor Wildhaber is the featured Councilor this quarter.

City Manager stated the Council Training will be December 4th.

City Manager informed on the Halloween Party success with 300-400 people in assistance and approximately 100 kids played Laser Tag. Staff also made in on the News Register issue with the Wizard of Oz themed group photo.

City Manager informed on the upcoming events: City County Dinner on November 9th, 2023. Informed that the "Fall into Christmas Faire" is the 10th and 11th and there will be a Tamale Fundraiser as well. She stated that the Christmas Tree Lighting will be on November 25th, 2023. December 9th 2023 will be "Breakfast with Santa" at the Community Events Center. December 13th, 2023 City Christmas Party, for Council, Staff, Planning Commission, and Historic Preservation Committee.

City Manager reminded council that Tuesday November 7 the City Hall will be closed for staff training until 1pm.

City Manager stated that she will be out of the office on Wednesday November 8th, 2023 conducting interviews for the Yamhill County Sheriff's Department. She stated that she would be attending LOC Small Cities meeting in Independence on Thursday November 9th, 2023. She stated that she will be taking the week of November 20-24, 2023 off for vacation.

H. Adjourn

There being no further business the meeting was adjourned at 8:40pm.

Respectfully submitted:

APPROVED BY COUNCIL on December 4, 2023

By:

As Written

As Amended

Trini Marquez, Mayor

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City of Dayton - City Representation, Decorum, and Censure

December 4, 2023

Ashleigh Dougill

BEERY ELSNER & HAMMOND, LLP

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Discussion Points for Today

- Council Rules required conduct and decorum of public officials when representing the City.
- Censure process under Council Rules.
- Recommended updates to Council Rules.

Councilor Representation of City - Authority

- Council may only act as a body, with a quorum.
 - Generally speaking, neither the Charter nor the Municipal Code grant power to individual councilors or the mayor to act on behalf of the City.
 - Members of Council are expected to abide by Council decisions, whether or not they voted on the prevailing side.
 - If an individual member of the Council is authorized to represent the City before the public or another government agency, the member must support and advocate for the official city position on the issue.
 - Personal opinions and comments should be expressed only if the member makes clear that they are acting in an individual capacity and not representing the City's position.

Councilor Representation of City - Council Rules

- Section 7.1.
- A Council member must always clarify whether their statement reflects their personal opinion or is the official position of the City, and whether a majority of Council supports this position.
- If a Council member is representing the City's position, they must support and advocate for the official City position.

Freedom of Speech vs. City Representation

- Article I, Section 8 of the Oregon Constitution – broad freedom of speech and expression right that is even more protective than the First Amendment of the US Constitution.
- Broad protection when acting outside of capacity as City representative.

Councilor Representation of City - Best Practice

- When speaking in public, ALWAYS clarify who you are speaking on behalf of: yourself, or the City.
 - Social media, conferences, news, written blogs or letters, personal advocacy groups, etc.
- If representing the City, you must support and advocate for the official position of the City, regardless of your personal opinion per Council Rule 5.1.

Councilor Decorum

- Dependent on individual language in Council Rules.
- Sections 5.1 through 5.3.
- Section 5.1 → General decorum in all practices when acting as a representative of the City.
- Sections 5.2 and 5.3 → Specific actions during City Council meetings.

- 5.1 Council should conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

Councilor Decorum – Meetings

- Council Rules Section 5.2
 - Each Councilor shall assist with preserving order and decorum.
 - Will not engage in personal attacks or question the motives of any speaker
- Council Rules Section 5.3
 - Sets forth ground rules for maintaining order and decorum in Council member discussions.

Misconduct

- Nothing on misconduct in Council Rules specifically.
- Generally, misconduct means failing to abide by the City Charter, Code or Council Rules.

Censure – Definition

- Expression of City Council's displeasure in one of its members.
- However, no specific legal effect on the member's ability to continue to serve on City Council, and does not impose a penalty or fine.

Censure Authority

- Council has the inherent right to enforce its own rules and ensure compliance.
- Council may issue a censure or memorandum of concern if any Council member substantially violates the Council Rules.
- Council Rules Section 7.2.1.

Censure Process

- File a written statement, dated and signed by two Council members and delivered to the City Manager.
- Matter comes before Council at next regular session.
- If five or more Council members affirmatively vote, Council may initiate an investigation.
- Investigation by three appointed Council members and two additional City residents (if requested).
- Standard: did the alleged misconduct occur, and did it occur while the Council member was acting in their official capacity.
- If committee unanimously finds misconduct, it will present the investigation conclusion to Council with a recommendation for sanctions. Council will then vote on the committee recommendation.
- If not found unanimously, the committee shall present a public report of its findings to Council.

Recommended Updates

- Establish consequences of censure and memorandum of concern.
- Establish process in City Code if and when necessary to remove a Council member from City committees.
- Consider adding additional conduct clarifications when acting in any capacity on the City's behalf; and adding misconduct definition.
- Unrelated to this presentation, update Council Rules to reflect recent House Bills 2805 and 2806 updates to ethics rules and requirements.

Questions or Comments?

Thank you!

Please feel free to call or email.

Ashleigh Dougill (dougill@gov-law.com)

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To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: Approval of Resolution 23/24-07 Sewer Rate Increase
Date: December 4, 2023

Background and Information

Council Strategic Goal: *Goal A: Develop and maintain infrastructure to support operations and meet growth.*

At the November 6, 2023, council meeting, staff presented a sewer rate increase comparison between increasing the sewer rate to cover the debt service for the Bridge and Hwy 221 Lift Station Replacement projects only and changing to the meter size methodology for sewer and increasing the sewer rate as recommended by the Oregon Association of Water Utilities' (OAWU) recent sewer rate study for the City of Dayton. (see attached comparison)

Staff proposed that due to the city's ability to apply for Congressional Direct Spending (Federal Earmarks) over the next two years as well as the infrastructure funding that is available on the state level, that the city does not implement the meter-size multiplier rate methodology change for a two-year period and only increase the sewer rate to cover the debt service for the Utility Bridge Project and the Hwy 221 Lift Station Replacement Project. If the city can acquire the grant funding to help upgrade our sewer system during this time, then the brunt of the cost would not fall on the rate payer by passing it on through the recommended rate increases by OAWU at this point.

Additionally, with the current high inflation impacting our users and PGE announcing they will be increasing their rates in 2024 by 17%, increasing rates to cover future maintenance needs at this point would be premature.

The Council recommended increasing sewer rates over the next two years to cover only the debt service payments for the two infrastructure projects.

Sewer rate increases will need to start in February of 2024 to start accruing funds to make the debt service payments for both projects. Before you is a sewer rate increase resolution showing the increases effective February 1, 2024 and February 1, 2025.

City Manager Recommendation: I recommend approval.

Potential Motion to Approve: "I move to approve Resolution 2023/24-07 a Resolution Approving the Sewer Service Monthly Rate Schedule for February of 2024 and February of 2025.

Council Options:

- 1 - Approve as recommended.
- 2 - Approve with amendments.
- 3 - Take no action and direct staff to do further research or provide additional options.

Proposed Sewer Rate Increases (to Fund Sewer Debt)

	<u>2023-2024</u>	<u>2024-2025</u>	<u>Total Increase</u>
Bridge Funding Increase	11.21	11.21	22.42
HWY 221 Funding Increase	2.46	2.46	4.92
Total Increase	13.67	13.67	27.34

	<u>2023-2024</u>	<u>2024-2025</u>
Debt Only	Current Sewer Rate	58.18
	Debt Service - Bridge & 221 LS	13.67
	Current Water Rate (200 cf)	48.87
	Total Adjusted Average Utility Bill	120.72
	Adjusted Sewer Rate	71.85

Debt and Meter Size Multiplier (MSM) Methodology Change Proposed by Sewer Rate Study	Current Sewer Rate	58.18
	Debt Service - Bridge & 221 LS	13.67
	Current Water Rate (200 cf)	48.87
	MSM Impact Estimate-Ave. User	25.80
	Total Adjusted Average Utility Bill	146.52
	Adjusted Sewer Rate	97.65

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RESOLUTION # 23/24-07
City of Dayton, Oregon

A Resolution Approving the Sewer Service Monthly Rate Schedule for February of 2024 and February of 2025.

WHEREAS the City of Dayton owns and operates a sewer system for residents of the City of Dayton; and

WHEREAS the City of Dayton has acquired financing for the Utility Bridge and Infrastructure Upgrade project through the Department of Environmental Quality for \$5,500,000 to be funded by user rates; and

WHEREAS the City of Dayton has acquired financing for the Highway 221 Lift Station Replacement project through Business Oregon for \$1,028,000 to be funded by user rates; and

WHEREAS the debt service payments for both projects will be funded through annual increases in 2024 and 2025; and

WHEREAS a public hearing was duly noticed and held on December 4, 2023, to consider public input on the proposed rate adjustment.

The City of Dayton Resolves as follows:

- 1) **THAT** the sewer monthly rate schedule, attached hereto as Exhibit A and by this reference made a part hereof, shall become effective with the billing statement issued for the February 2024 service; and
- 2) **THAT** the sewer monthly rate schedule, attached hereto as Exhibit B and by reference made a part hereof, shall become effective with the billing statement issued for the February 2025 services; and
- 3) **THAT** this resolution repeals in its entirety Resolution #19/20-09, adopted by the City Council on November 4, 2019; and
- 4) **THAT** this resolution shall take effect immediately upon adoption.

ADOPTED this 4th day of **December 2023**.

In Favor:

Opposed:

Absent:

Abstained:

Trini Marquez, Mayor

Date of Signing

ATTEST:

Rocio Vargas, City Recorder

Date of Enactment

Attachment - Exhibit A

Attachment - Exhibit B

SEWER RATES

Resolution: ~~2019/20-09-2023/24-07~~ Adopted ~~November 4, 2019- December 4, 2023~~
 Effective: ~~June 1, 2020 February 1, 2024~~

SEWER RATES		
Description	Current Rate	Comments Per Month Rates
Single Family Residence	\$44.51 <u>58.18</u>	Per EDU
Multi-Family Residence	\$44.51 <u>58.18</u>	Per Unit
Commercial	\$41.51 <u>55.18</u>	Per EDU
Restaurants/Taverns	\$50.51 <u>64.18</u>	Per EDU
Churches, Lodges, & Clubs	\$44.51 <u>58.18</u>	Per EDU
Hotels & Motels	\$44.51 <u>58.18</u>	Per Room or Unit
Offices	\$44.51 <u>58.18</u>	Per EDU
Laundries	\$28.51 <u>42.18</u>	Per Washer
Schools:		
Grade School (Main Service): Sept 1 - June 30	\$44.51 <u>58.18</u>	Per EDU x 9 EDU's
July 1 - Aug 31	\$44.51 <u>58.18</u>	Per EDU x 2 EDU's
Grade School Each Additional Service: (year round)	\$44.51 <u>58.18</u>	Per EDU
Jr. High/High School (Main Service): Sept 1 - June 30	\$44.51 <u>58.18</u>	Per EDU x 19 EDU's
July 1 - Aug 31	\$44.51 <u>58.18</u>	Per EDU x 4 EDU's
Jr. High/High School Each Additional Service: (year-round)	\$44.51 <u>58.18</u>	Per EDU
RV Spaces: (4 Spaces = 1 EDU)	\$44.51 <u>58.18</u>	Per EDU
Other Supporting Buildings	\$44.51 <u>58.18</u>	Per EDU x 2

**EDU - Equivalent Dwelling Unit

To: Honorable Mayor and City Councilors

From: Rochelle Roaden, City Manager

Issue: Approval of Resolution 2023/24-08 Updated Public Contracting Rules and Spending Authority

Date: December 4, 2023

Background and Information

Senate Bill 1047 increased the minimum procurement thresholds for small, intermediate, and large goods and services, and public improvement procurements effective January 1, 2024.

Our attorney has reviewed our rules and made appropriate updates (yellow highlights in the attached document.)

In addition, the public contracting rules update includes giving the City Manager a \$50,000 spending authority. Currently, the City Manager authority is the same as the small purchase procurement threshold or \$10,000. In speaking with our attorney, she felt \$50,000 - \$75,000 would be in line with what she sees in other cities and has included \$50,000 for this in the public contracting rule update.

For a comparison, here’s a summary of City Manager thresholds from around Oregon:

City	Population	Spending Authority
Yachats	1,062	\$50,000
Bay City	1,400	\$50,000
Amity	1,767	\$25,000
Carlton	2,234	\$50,000
Willamina	2,262	\$50,000
Gold Beach	2,500	\$75,000
Gervais	2,700	No Policy
Dundee	3,243	\$5,000
Reedsport	4,311	\$50,000
Lafayette	4,435	\$15,000
Sheridan	4,658	\$50,000
Veneta	5,271	\$40,000
Creswell	5,684	No Spending Limit
Milton Freewater	7,098	\$50,000
Umatilla	7,800	\$150,000
Silverton	10,500	\$50,000
Newport	10,755	\$50,000
La Grande	13,000	\$150,000
Coos Bay	15,819	\$75,000
The Dalles	16,000	\$50,000
Dallas	17,285	No Spending Limit
Roseburg	23,831	\$100,000
Newberg	25,000	\$100,000
McMinnville	35,000	\$100,000
Keizer	39,000	\$25,000

City Manager Recommendation: I recommend approval.

Potential Motion to Approve: "I move to approve Resolution 2023/24-08 a Resolution of the City of Dayton Adopting Updated Public Contracting Rules."

Council Options:

- 1 - Approve as recommended.
- 2 - Approve with amendments.
- 3 - Take no action and direct staff to do further research or provide additional options.

1.10.010 General provisions

- (1) Except as provided within these Rules, City public contracting is governed by the Oregon Public Contracting Code (ORS Chapters 279, 279A, 279B and 279C) (the “Code”) and the Oregon Attorney General’s Model Public Contract Rules (OAR Chapter 137, divisions 46, 47 and 49) (the “Model Rules”).
- (2) The Dayton City Council is the City’s Contract Review Board (“Board”). Except as otherwise provided in these rules, the powers and duties of the Board under the Code and Model Rules will be exercised by the Board and the powers and duties given or assigned to contracting agencies by the Code or Model Rules will be exercised by the City Manager as Dayton’s (“the City”) contracting agent.
- (3) For the purposes of these rules, “City Manager” means the City Manager for the City of Dayton, or the City Manager’s designee. The City Manager shall be the purchasing manager for the City of Dayton and is hereby authorized to issue all solicitations and to award all City of Dayton contracts for which the contact price does not exceed **[\$50,000.00]**. Subject to the provisions of these Rules, the City Manager may adopt and amend all solicitation materials, contracts and forms required or permitted to be adopted by contracting agencies under the Oregon Public Contracting Code or otherwise convenient for the City of Dayton’s contracting needs. The City Manager shall hear all solicitations and award protests.
- (4) For the purposes of these rules, “Emergency” means circumstances that:
 - (A) Could not have been reasonably foreseen;
 - (B) Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
 - (C) Require prompt execution of a contract to remedy the condition.

1.10.020 Personal service contracts

- (1) “Personal service contract” means a contract for personal or professional services performed by an independent contractor, primarily for the provision of services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of attorneys, accounting and auditing services, information technology services, planning and development services, artists, designers, performers, property managers and consultants. The City Manager has discretion to determine whether a particular contract or service falls within this definition. For the purposes of this section, personal services contracts do not include such contracts for architectural, engineering and land surveying services.

- (2) Large Procurements. The following formal selection procedure will be used when the estimated payment to the contractor exceeds \$250,000.
- (a) Announcement. The City will give notice of its intent to procure personal services through the League of Oregon Cities, and/or any other means the City deems appropriate, including contacting prospective contractors directly. Announcements will include:
- (A) A description of the proposed project;
 - (B) The scope of the services required;
 - (C) The project completion dates;
 - (D) A description of special requirements;
 - (E) When and where the application may be obtained and to whom it must be returned;
 - (F) The closing date; and
 - (G) Other necessary information, as determined by the City in its sole discretion.
- (b) Application. Applications will include a statement that describes the prospective contractor's credentials, performance data, examples of previous work product or other information sufficient to establish contractor's qualification for the project, references, and other information identified by the City as necessary to make its selection.
- (c) Initial screening. The City Manager will evaluate the qualifications of all applications and select a prospective contractor or prospective contractors whose application demonstrates that the contractor is the best qualified to meet the City's needs.
- (d) Final Selection.
- (A) The City Manager will interview the finalists selected from the initial screening. At the City Manager's discretion, the interviews may be conducted before the Board.
 - (B) After the interview process concludes, the City Manager will make the final selection. If the interviews are conducted before the Board, the Board will make the final selection.
 - (C) The final selection will be based upon applicant capability, experience, project approach, compensation requirements, references and any other criteria identified by the City as necessary for the City to select a contractor.

- (3) Intermediate Procurements. The following informal selection procedure may be used when the estimated payment to the contractor is equal to or **less than \$250,000 and above \$25,000**, or when the City Manager determines that the informal procedure will not interfere with competition among prospective contractors, reduce the quality of services, or increase costs. The City Manager will contact a minimum of three (3) prospective contractors qualified to offer the services sought. The City Manager will request an estimated fee, and make the selection consistent with the City's best interests. If three (3) quotes are not received, the City Manager will make a written record of efforts to obtain the quotes.
- (4) Small Procurements. The City Manager may enter personal service contracts when the estimated payment is **less than \$25,000** in any manner the City Manager finds practical or convenient, including direct selection or award. However, the City Manager must make reasonable efforts to choose the most qualified contractor to meet the City's needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures.
- (5) Sole Source. The City Manager may negotiate with a single source for personal services if the services are available from only one contractor, or the prospective contractor has special skills uniquely required for the performance of the services. The City must make written finds to demonstrate why the proposed contractor is the only contractor who can perform the services desired, in general compliance with ORS 279B.075.
- (6) Emergency. The City Manager may select a contractor without following any procedures when an emergency is determined to exist. In such instances, the City Manager must make written declarations of the circumstances that justify the emergency appointments.

1.10.030 Contracts for certain construction-related personal services

- (1) Purpose. This section implements ORS 279C.100 to 279C.125. The City will rely on these rules, not the Model Rules, for a contract with an architect, engineer, photogrammetrist, land surveyor, as each is defined in ORS 279C.100, and (in very narrow instances) a transportation planner (collectively referred to herein as "Construction-Related Personal Services").
- (2) Applicability. This section applies only to a Construction-Related Personal Service contract that meets the following criteria:
 - (a) The estimated payment to the contractor **exceeds \$100,000**; and
 - (b) The contract is for a personal service that is *legally required* to be provided or performed by an architect, engineer, photogrammetrist, transportation planner or land surveyor. For example: hiring an architect to design a building or hiring an engineer to design a wastewater system. Because the law requires licensed professionals to design buildings and infrastructure, the City may rely on this subsection to hire someone to perform those services. However, if the City is

hiring an architect or engineer to perform project management services (for example), it may solicit and award such services under Section 1.10.020 of these Rules. *See* definition of “Related Services” below.

- (c) If either (a) or (b) above is not satisfied (i.e. the contract is for a personal service that is legally required to be provided by a licensed architect, etc. *but* is estimated to not exceed \$100,000; *or* the contract will require an engineer, etc. to perform a Related Service) then the City may rely on Section 1.10.020 of these rules to solicit and award the contract.
 - (d) Mixed contracts. Some contracts will contain a mixture of services covered by this section (i.e. services that only the particular consultant may legally perform) and Related Services. Whether the City uses this section or Section 1.10.020 to solicit and award a mixed contract will depend upon the predominate purpose of the contract. The City will determine the predominate purpose based upon either the amount of money it estimates it will spend for covered services versus Related Services or the amount of time it estimates it the consultant will spend working on covered services versus Related Services. If covered services predominate, the City will solicit the contract under this section. If Related Services predominate, the City will solicit the contract under Section 1.10.020.
- (3) Small Procurements. For clarity’s sake, the City Manager may enter Construction-Related Personal Service contracts when the estimated payment is **less than \$100,000** in any manner the City Manager finds practical or convenient, including direct selection or award. However, the City Manager must make reasonable efforts to choose the most qualified contractor to meet the City’s needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures
 - (4) Exception for Previous Work. Pursuant to ORS 279C.115, the City may procure a Construction-Related Personal Service contract pursuant to Section 1.10.020(2) if the project described in the procurement document:
 - (a) Involves work that was described, planned or rendered in an earlier contract with the Construction-Related Personal Services consultant;
 - (b) The earlier contract was awarded in accordance with the City’s contracting rules in effect at the time of the earlier contract; and
 - (c) The contemplated new contract is a continuation of the project described in the earlier contract.
 - (5) Exception for Emergencies. Pursuant to ORS 279C.110(9), the City may directly appoint a Construction-Related Personal Service contract in an Emergency.
 - (6) Definitions. The following definitions apply to this section:
 - (a) “Price Agreement” means an agreement related to the procurement of architectural, engineering, photogrammetric mapping, transportation planning

or land surveying services, or Related Services, under agreed-upon terms and conditions and possibly at a set price with:

- (A) No guarantee of a minimum or maximum purchase; or
 - (B) An initial order or minimum purchase, combined with a continuing obligation to provide architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services where the City does not guarantee a minimum or maximum additional purchase.
- (b) “Transportation Planning Services” only includes project-specific transportation planning required for compliance with the National Environmental Policy Act, 42 USC 4321 et seq. and no other types of transportation planning services. By way of example only, Transportation Planning Services do not include transportation planning for corridor plans, transportation system plans, interchange area management plans, refinement plans and other transportation plans not associated with an individual Project required to comply with the National Environmental Policy Act, 42 USC 4321 et. seq.
 - (c) “Related Services” means personal services, other than architectural, engineering, photogrammetric, mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvements, including, but not limited to, landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraising services, material testing services, mechanical system balancing services, commissioning services, project management services, construction management services, and owner’s representation services or land-use planning services. In other words, personal services that are *not required by law* to be performed by an architect, engineer, photogrammetrist, transportation planner or land surveyor.
- (7) Intermediate Procurements. The following informal selection procedure may be used when the estimated payment to the consultant for Construction-Related Personal Services is equal to or less than \$250,000 and above \$100,000. The City Manager will contact a minimum of three (3) prospective consultants qualified to offer the services sought. The City Manager will request an estimated fee, and make the selection consistent with the City’s best interests, to the most qualified consultant. If three (3) quotes are not received, the City Manager will make a written record of efforts to obtain the quotes.
 - (8) Large Procurements. The following formal selection procedure will be used when the estimated payment for the Construction-Related Personal Services exceeds \$250,000.

- (a) When selecting a consultant to perform Construction-Related Personal Services under this Section, the City must award a contract to the most qualified consultant.
- (b) Unless the City follows the process set forth in subsection (c) of this Section, when determining which consultant is most qualified, the City may only solicit or use pricing policies and pricing proposals, or other price information, including the number of hours proposed for the services required, expenses, hourly rates and overhead, to determine a consultant's compensation *after* the City has selected the most qualified consultant.
- (c) Notwithstanding subsection (b) of this Section, if the solicitation documents include the information described in ORS 279C.110(5)(a), the City may request pricing policies or pricing proposals from prospective consultants, including an estimate of the number of hours that will be needed to perform the work described in the solicitation, and a schedule of hourly rates. A pricing policy or pricing proposal also may include a description of the tasks included in the proposal, a list of persons or labor classifications that will perform the tasks, and a list of expenses. A proposer that does not wish to provide pricing information may withdraw its bid. The City may use the pricing policies or pricing proposals to select a consultant, provided the City does not assign more than 15 percent of weight in its evaluation to the pricing policies or information.
- (d) When soliciting a Construction-Related Personal Service under this Section, the City will use a Request for Proposals ("RFP") or a Request for Qualifications ("RFQ") followed by a RFP, as described below. The City may advertise RFQs and RFPs in any manner it deems appropriate, including electronically.
- (e) RFQ. The City may in its sole discretion issue an RFQ to evaluate potential Construction-Related Personal Service consultants and establish a short list of qualified Construction-Related Personal Service consultants to whom it may issue an RFP for some or all of the Construction-Related Personal Services or Related Services described in the RFQ. RFQs may include:
 - (A) A brief project description;
 - (B) A description of the Construction-Related Personal Services or Related Services required for the project;
 - (C) Any conditions or limitations that may constrain or prohibit the selected consultant's ability to provide additional services related to the project, including but not limited to construction services;
 - (D) A response deadline and a description of how or where to submit a response;

- (E) A statement that interested consultants respond solely at their own expense;
 - (F) RFQ evaluation criteria; and
 - (G) Any other elements the City Manager deems appropriate.
- (f) RFP. The City will issue an RFP to select the most qualified Construction-Related Personal Service consultant, regardless of whether an RFQ precedes an RFP. RFPs will include:
- (A) A description of the project and the specific Construction-Related Personal Services or Related Services sought for the project, the estimated project cost (if deemed necessary and appropriate to provide, in the discretion of the City Manager), the estimated time period during which the project is to be completed, and the estimated time period in which the specific Construction-Related Personal Services or Related Services sought will be performed;
 - (B) The RFP evaluation process and the criteria that the City will use to select the most qualified Construction-Related Personal Service consultant, including the weight, points or other classifications applicable to each criterion. Without limitation, the criteria may include:
 - (i) Proposers' availability and capability to perform the services described in the RFP;
 - (ii) Experience of proposers' key staff persons in providing similar services on similar projects within the last three years;
 - (iii) The amount and type of resources, and number of experienced staff persons proposers will commit to the project;
 - (iv) Proposers' demonstrated ability to successfully complete similar projects on time and within budget, including the hourly rates for key personnel and related cost data for similar projects in the previous 12 months;
 - (v) References and recommendations from past clients; and
 - (vi) Any other criteria the City Manager deems appropriate.
 - (C) Conditions or limitations, if any, that may constrain or prohibit the selected Construction-Related Personal Service consultant's ability to provide additional services related to the project, including but not limited to construction services;
 - (D) Whether interviews will or may occur and, if so, how the interview will factor into the City's selection;

- (E) A proposal deadline and a description of how or where to submit a proposal;
 - (F) A statement whether the City will accept proposals in electronic format;
 - (G) A statement that interested consultants respond solely at their own expense;
 - (H) A statement reserving the City's right to reject any or all proposals and its right to cancel the RFP at any time if doing either would be in the public interest;
 - (I) A statement directing proposers to the protest procedures set forth in the RFP;
 - (J) A statement whether the City will hold a pre-proposal meeting for all interested Construction-Related Personal Service consultants to discuss the project and if a pre-proposal meeting will be held, the location of the meeting and whether or not attendance is mandatory; and
 - (K) Any other elements the City Manager deems appropriate.
- (g) After selecting the most qualified Construction-Related Personal Service consultant in accordance with a RFP, the City Manager will notify each proposer accordingly and state that it will begin negotiating a contract with the most qualified consultant. A resulting contract will at least include:
- (A) The consultant's performance obligations and performance schedule;
 - (B) Payment methodology and a maximum amount payable to the consultant for the services required under the contract;
 - (C) Insurance and indemnification provisions;
 - (D) Legally required terms; and
 - (E) Any other provisions the City believes are in its best interest to negotiate.
- (h) The City will formally terminate negotiations in writing with the most qualified consultant if it is unable for any reason to negotiate a contract within a reasonable amount of time, as the City may determine in its sole discretion. The City may thereafter negotiate with the second ranked consultant, and if necessary, with the third ranked consultant, and so on, until negotiations result in a contract. If negotiations with any consultant do not result in a contract within a reasonable amount of time, the City may end the particular solicitation. Nothing in this section precludes the City from re-entering negotiations, in its own discretion, with a consultant if negotiations were previously terminated for the same contract.

- (9) Price agreements. Solicitation materials and the terms and conditions for a Price Agreement for Construction-Related Personal Services or Related Services must:
- (a) Include a scope of services, menu of services, a specification for services or a similar description of the nature, general scope, complexity and purpose of the procurement that will reasonably enable a consultant to decide whether to submit a proposal;
 - (b) Specify whether the City intends to award a Price Agreement to one consultant or to multiple consultants. If the City will award a Price Agreement to more than one consultant, the solicitation document and Price Agreement will describe the criteria and procedures the City will use to select a consultant for each individual work order or task order. Subject to the requirements of ORS 279C.110, the criteria and procedures to assign work orders or task orders that only involve or predominantly involve Construction-Related Personal Services are at the City's sole discretion.
 - (c) Specify the maximum term for assigning services under the Price Agreement.

1.10.040 Authority to electronically advertise solicitations for goods and services

- (1) The City Manager is authorized to develop an "electronic procurement system" in accordance with OAR 137-047-0300(2)(b). As described in OAR 137-046-0110(15), this is an information system accessible through the internet that allows the City to post electronic advertisements and receive electronic offers for goods and services. When an electronic procurement system is in place, the Model Rules allow procurement solicitations to be advertised exclusively on the internet. This saves the City time and money over newspaper advertisements.
- (2) Prior to any development of an electronic procurement system, the City may advertise solicitations for goods and services on the internet in addition to newspaper advertisements.

1.10.050 Authority to electronically advertise solicitations for public improvements

- (1) For all public improvement contracts with an estimated cost not exceeding \$125,000, the City Manager may electronically advertise solicitations in a manner deemed appropriate. This method of advertising will save the City time and money, may be used exclusively, and is allowed under ORS 279C.360(1).
- (2) Any advertisement for a public improvement contract with an estimated cost over \$125,000 must be published at least once in a trade newspaper of general statewide circulation, such as the Daily Journal of Commerce.

1.10.060 Small procurements of goods and services, and public improvements

- (1) Any procurement of goods or services or public improvements estimated by the City Manager to not exceed \$25,000 may be awarded in any manner the City Manager finds practical or convenient, including direct selection or award.
- (2) A small procurement contract may be amended in accordance with OAR 137-047-0800 or OAR 137-049-0910, as applicable, but the cumulative amendments may not increase the total contract price to greater than \$31,250.
- (3) A procurement may not be artificially divided or fragmented to qualify for this section.

1.10.070 Intermediate procurements of goods and services, and public improvements

- (1) The following informal selection procedure may be used when the estimated payment to the contractor for goods or services is equal to or less than \$250,000 and above \$25,000, or the estimated payment to the contractor for a public improvement is equal to or less than \$100,000 and above \$25,000. The City Manager will contact a minimum of three (3) prospective contractors qualified to offer the goods or services or public improvement sought. The City Manager will request an estimated fee, and make the selection consistent with the City's best interests. If three (3) quotes are not received, the City Manager will make a written record of efforts to obtain the quotes.
- (2) An intermediate procurement contract may be amended in accordance with OAR 137-047-0800 or OAR 137-049-0910, as applicable.
- (3) A procurement may not be artificially divided or fragmented to qualify for this section.

1.10.080 Large procurements for goods and services, and public improvements

- (1) When the estimated payment to the contractor for goods or services is above \$250,000, the City shall either seek competitive sealed bidding in accordance with OAR 137-047-0255 or competitive sealed proposals in accordance with OAR 137-047-0260.
- (2) When estimated payment to the contractor for a public improvement is above \$100,000, the City shall follow the solicitation procedures set forth in OAR 137-049-0200.
- (3) A procurement may not be artificially divided or fragmented to avoid this section.

1.10.090 Sole-source procurements

- (1) Pursuant to ORS 279B.075(1), the City Manager is authorized to declare in writing certain goods and services to be available from only one source.
- (2) The determination of a sole-source must be based on findings required by ORS 279B.075(2), and otherwise be processed in accordance with OAR 137-047-0275.
- (3) To the extent reasonably practical, the City shall negotiate with the sole source to obtain contract terms that are advantageous to the City.

1.10.100 Special procurements

- (1) Pursuant to ORS 279B.085, to seek approval of a special procurement, the City Manager shall submit a written request to the City Council that describes the contracting procedure, the goods or services or the class of goods or services that are the subject of the special procurement and the circumstances that justify the use of a special procurement.
- (2) The written findings must demonstrate that the use of the special procurement:
 - (a) Is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and;
 - (b) Is reasonably expected to result in substantial cost savings to the contracting agency or to the public; or;
 - (c) Otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder.
- (3) The City shall provide public notice of the special procurement approval in the same manner as provided in ORS 279B.055(4).

1.10.110 Procurement Exemptions

- (1) Pursuant to ORS 279C.335(2), the City Manager is authorized to seek the procurement of Construction-Related Personal Services or public improvements via procurement or contracting methods, or both, that deviate from those set forth in these Rules, the Code, and the Model Rules.
- (2) In order to qualify for an exemption under this Section, the City Manager must produce written findings that demonstrate all applicable elements of ORS 279C.335(2)(a) and (b), and follow the notice and hearing requirements of ORS 279C.335(5).

1.10.120 Notice of intent to award certain contracts

- (1) At least seven days before the award of a public contract solicited under any invitation to bid or request for proposals, the City will post or provide to each bidder or proposer notice of the City's intent to award a contract.
- (2) If stated in the solicitation document, the City may post this notice electronically or through non-electronic means and require the bidder or proposer to determine the status of the City's intent.
- (3) As an alternative, the City may provide written notice to each bidder or proposer of the City's intent to award a contract. This written notice may be provided electronically or through non-electronic means.

- (4) The City may give less than seven days' notice of its intent to award a contract if the City determines in writing that seven days is impracticable.
- (5) This section does not apply to any goods or service contract, public improvement contract or class of public improvement or goods or services contracts exempted from competitive bidding requirements.
- (6) A protest of the City's intent to award a contract may only be filed in accordance with OAR 137-047-0740, OAR 137-048-0240, or OAR 137-049-0450, as applicable. Protests to the City's intent to award a personal service contract under Section 1.10.020(B) may only be filed in accordance with OAR 137-047-0740.

RESOLUTION No. 23/24-08
City of Dayton, Oregon

A Resolution of the City of Dayton Adopting Updated Public Contracting Rules

WHEREAS, the City of Dayton (City) last updated its contracting and procurement rules in July of 2017, via Resolution No 17/18-1; and

WHEREAS, since that time, the Oregon Public Contracting Code has been amended in part to permit new approaches for the City when it solicits the services of certain professionals in the context of construction projects (e.g. architects and engineers); and

WHEREAS, since that time, Senate Bill 1047 increased the minimum procurement thresholds for small, intermediate, and large goods and service, and public improvement, procurements; and

WHEREAS, the City anticipates significant construction projects in the near future that will require the City to solicit and procure the services of professional consultants, including but not limited to architects, surveyors and engineers; and

WHEREAS, the City recognizes the need to ensure that procurement of these services is consistent with Oregon laws and rules governing such procurement; and

WHEREAS, the City attorney completed a review of the current contracting and procurement rules and identified a number of areas that she recommends updating, simplifying, or otherwise amending; and

WHEREAS, through this resolution, the City adopts rules related to the procurement goods and services, personal services, public improvements, and construction-related services, raises the dollar thresholds that apply to the solicitation of such services, and makes other housekeeping changes to the City's contracting and procurement rules.

Therefore, the City of Dayton resolves as follows:

- 1) **THAT** the City Council adopts the Public Contracting Rules for the City attached as Exhibit A; and
- 2) **THAT** this resolution shall become effective immediately upon adoption.

ADOPTED this 4th day of December 2023.

In Favor:

Opposed:

Absent:

Abstained:

Trini Marquez, Mayor

Date Signed

ATTEST:

Rocio Vargas, City Recorder

Date of Enactment

Attachment: Exhibit A

Exhibit A

Public Contracting Rules for the City of Dayton

1.10.010 General provisions

- (1) Except as provided within these Rules, City public contracting is governed by the Oregon Public Contracting Code (ORS Chapters 279, 279A, 279B and 279C) (the “Code”) and the Oregon Attorney General’s Model Public Contract Rules (OAR Chapter 137, divisions 46, 47 and 49) (the “Model Rules”).
- (2) The Dayton City Council is the City’s Contract Review Board (“Board”). Except as otherwise provided in these rules, the powers and duties of the Board under the Code and Model Rules will be exercised by the Board and the powers and duties given or assigned to contracting agencies by the Code or Model Rules will be exercised by the City Manager as Dayton’s (“the City”) contracting agent.
- (3) For the purposes of these rules, “City Manager” means the City Manager for the City of Dayton, or the City Manager’s designee. The City Manager shall be the purchasing manager for the City of Dayton and is hereby authorized to issue all solicitations and to award all City of Dayton contracts for which the contact price does not exceed **[\$50,000.00]**. Subject to the provisions of these Rules, the City Manager may adopt and amend all solicitation materials, contracts and forms required or permitted to be adopted by contracting agencies under the Oregon Public Contracting Code or otherwise convenient for the City of Dayton’s contracting needs. The City Manager shall hear all solicitations and award protests.
- (4) For the purposes of these rules, “Emergency” means circumstances that:
 - (A) Could not have been reasonably foreseen;
 - (B) Create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and
 - (C) Require prompt execution of a contract to remedy the condition.

1.10.020 Personal service contracts

- (1) “Personal service contract” means a contract for personal or professional services performed by an independent contractor, primarily for the provision of services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of attorneys, accounting and auditing services, information technology services, planning and development services, artists, designers, performers, property managers and consultants. The City Manager has discretion to determine whether a particular contract or service falls within this definition. For the purposes of this section, personal services contracts do not include such contracts for architectural, engineering and land surveying services.

- (2) Large Procurements. The following formal selection procedure will be used when the estimated payment to the contractor **exceeds \$250,000**.
- (a) Announcement. The City will give notice of its intent to procure personal services through the League of Oregon Cities, and/or any other means the City deems appropriate, including contacting prospective contractors directly. Announcements will include:
- (A) A description of the proposed project;
 - (B) The scope of the services required;
 - (C) The project completion dates;
 - (D) A description of special requirements;
 - (E) When and where the application may be obtained and to whom it must be returned;
 - (F) The closing date; and
 - (G) Other necessary information, as determined by the City in its sole discretion.
- (b) Application. Applications will include a statement that describes the prospective contractor's credentials, performance data, examples of previous work product or other information sufficient to establish contractor's qualification for the project, references, and other information identified by the City as necessary to make its selection.
- (c) Initial screening. The City Manager will evaluate the qualifications of all applications and select a prospective contractor or prospective contractors whose application demonstrates that the contractor is the best qualified to meet the City's needs.
- (d) Final Selection.
- (A) The City Manager will interview the finalists selected from the initial screening. At the City Manager's discretion, the interviews may be conducted before the Board.
 - (B) After the interview process concludes, the City Manager will make the final selection. If the interviews are conducted before the Board, the Board will make the final selection.
 - (C) The final selection will be based upon applicant capability, experience, project approach, compensation requirements, references and any other criteria identified by the City as necessary for the City to select a contractor.

- (3) Intermediate Procurements. The following informal selection procedure may be used when the estimated payment to the contractor is equal to or **less than \$250,000 and above \$25,000**, or when the City Manager determines that the informal procedure will not interfere with competition among prospective contractors, reduce the quality of services, or increase costs. The City Manager will contact a minimum of three (3) prospective contractors qualified to offer the services sought. The City Manager will request an estimated fee, and make the selection consistent with the City's best interests. If three (3) quotes are not received, the City Manager will make a written record of efforts to obtain the quotes.
- (4) Small Procurements. The City Manager may enter personal service contracts when the estimated payment is **less than \$25,000** in any manner the City Manager finds practical or convenient, including direct selection or award. However, the City Manager must make reasonable efforts to choose the most qualified contractor to meet the City's needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures.
- (5) Sole Source. The City Manager may negotiate with a single source for personal services if the services are available from only one contractor, or the prospective contractor has special skills uniquely required for the performance of the services. The City must make written finds to demonstrate why the proposed contractor is the only contractor who can perform the services desired, in general compliance with ORS 279B.075.
- (6) Emergency. The City Manager may select a contractor without following any procedures when an emergency is determined to exist. In such instances, the City Manager must make written declarations of the circumstances that justify the emergency appointments.

1.10.030 Contracts for certain construction-related personal services

- (1) Purpose. This section implements ORS 279C.100 to 279C.125. The City will rely on these rules, not the Model Rules, for a contract with an architect, engineer, photogrammetrist, land surveyor, as each is defined in ORS 279C.100, and (in very narrow instances) a transportation planner (collectively referred to herein as "Construction-Related Personal Services").
- (2) Applicability. This section applies only to a Construction-Related Personal Service contract that meets the following criteria:
 - (a) The estimated payment to the contractor **exceeds \$100,000**; and
 - (b) The contract is for a personal service that is *legally required* to be provided or performed by an architect, engineer, photogrammetrist, transportation planner or land surveyor. For example: hiring an architect to design a building or hiring an engineer to design a wastewater system. Because the law requires licensed professionals to design buildings and infrastructure, the City may rely on this subsection to hire someone to perform those services. However, if the City is

hiring an architect or engineer to perform project management services (for example), it may solicit and award such services under Section 1.10.020 of these Rules. *See* definition of “Related Services” below.

- (c) If either (a) or (b) above is not satisfied (i.e. the contract is for a personal service that is legally required to be provided by a licensed architect, etc. *but* is estimated to not exceed \$100,000; *or* the contract will require an engineer, etc. to perform a Related Service) then the City may rely on Section 1.10.020 of these rules to solicit and award the contract.
 - (d) Mixed contracts. Some contracts will contain a mixture of services covered by this section (i.e. services that only the particular consultant may legally perform) and Related Services. Whether the City uses this section or Section 1.10.020 to solicit and award a mixed contract will depend upon the predominate purpose of the contract. The City will determine the predominate purpose based upon either the amount of money it estimates it will spend for covered services versus Related Services or the amount of time it estimates it the consultant will spend working on covered services versus Related Services. If covered services predominate, the City will solicit the contract under this section. If Related Services predominate, the City will solicit the contract under Section 1.10.020.
- (3) Small Procurements. For clarity’s sake, the City Manager may enter Construction-Related Personal Service contracts when the estimated payment is **less than \$100,000** in any manner the City Manager finds practical or convenient, including direct selection or award. However, the City Manager must make reasonable efforts to choose the most qualified contractor to meet the City’s needs. The amount of a given contract may not be manipulated to avoid the informal or formal selection procedures
- (4) Exception for Previous Work. Pursuant to ORS 279C.115, the City may procure a Construction-Related Personal Service contract pursuant to Section 1.10.020(2) if the project described in the procurement document:
- (a) Involves work that was described, planned or rendered in an earlier contract with the Construction-Related Personal Services consultant;
 - (b) The earlier contract was awarded in accordance with the City’s contracting rules in effect at the time of the earlier contract; and
 - (c) The contemplated new contract is a continuation of the project described in the earlier contract.
- (5) Exception for Emergencies. Pursuant to ORS 279C.110(9), the City may directly appoint a Construction-Related Personal Service contract in an Emergency.
- (6) Definitions. The following definitions apply to this section:
- (a) “Price Agreement” means an agreement related to the procurement of architectural, engineering, photogrammetric mapping, transportation planning

or land surveying services, or Related Services, under agreed-upon terms and conditions and possibly at a set price with:

- (A) No guarantee of a minimum or maximum purchase; or
 - (B) An initial order or minimum purchase, combined with a continuing obligation to provide architectural, engineering, photogrammetric mapping, transportation planning or land surveying services or Related Services where the City does not guarantee a minimum or maximum additional purchase.
- (b) “Transportation Planning Services” only includes project-specific transportation planning required for compliance with the National Environmental Policy Act, 42 USC 4321 et seq. and no other types of transportation planning services. By way of example only, Transportation Planning Services do not include transportation planning for corridor plans, transportation system plans, interchange area management plans, refinement plans and other transportation plans not associated with an individual Project required to comply with the National Environmental Policy Act, 42 USC 4321 et. seq.
 - (c) “Related Services” means personal services, other than architectural, engineering, photogrammetric, mapping, transportation planning or land surveying services, that are related to planning, designing, engineering or overseeing public improvement projects or components of public improvements, including, but not limited to, landscape architectural services, facilities planning services, energy planning services, space planning services, hazardous substances or hazardous waste or toxic substances testing services, cost estimating services, appraising services, material testing services, mechanical system balancing services, commissioning services, project management services, construction management services, and owner’s representation services or land-use planning services. In other words, personal services that are *not required by law* to be performed by an architect, engineer, photogrammetrist, transportation planner or land surveyor.
- (7) Intermediate Procurements. The following informal selection procedure may be used when the estimated payment to the consultant for Construction-Related Personal Services is equal to or less than **\$250,000 and above \$100,000**. The City Manager will contact a minimum of three (3) prospective consultants qualified to offer the services sought. The City Manager will request an estimated fee, and make the selection consistent with the City’s best interests, to the most qualified consultant. If three (3) quotes are not received, the City Manager will make a written record of efforts to obtain the quotes.
 - (8) Large Procurements. The following formal selection procedure will be used when the estimated payment for the Construction-Related Personal Services **exceeds \$250,000**.

- (a) When selecting a consultant to perform Construction-Related Personal Services under this Section, the City must award a contract to the most qualified consultant.
- (b) Unless the City follows the process set forth in subsection (c) of this Section, when determining which consultant is most qualified, the City may only solicit or use pricing policies and pricing proposals, or other price information, including the number of hours proposed for the services required, expenses, hourly rates and overhead, to determine a consultant's compensation *after* the City has selected the most qualified consultant.
- (c) Notwithstanding subsection (b) of this Section, if the solicitation documents include the information described in ORS 279C.110(5)(a), the City may request pricing policies or pricing proposals from prospective consultants, including an estimate of the number of hours that will be needed to perform the work described in the solicitation, and a schedule of hourly rates. A pricing policy or pricing proposal also may include a description of the tasks included in the proposal, a list of persons or labor classifications that will perform the tasks, and a list of expenses. A proposer that does not wish to provide pricing information may withdraw its bid. The City may use the pricing policies or pricing proposals to select a consultant, provided the City does not assign more than 15 percent of weight in its evaluation to the pricing policies or information.
- (d) When soliciting a Construction-Related Personal Service under this Section, the City will use a Request for Proposals ("RFP") or a Request for Qualifications ("RFQ") followed by a RFP, as described below. The City may advertise RFQs and RFPs in any manner it deems appropriate, including electronically.
- (e) RFQ. The City may in its sole discretion issue an RFQ to evaluate potential Construction-Related Personal Service consultants and establish a short list of qualified Construction-Related Personal Service consultants to whom it may issue an RFP for some or all of the Construction-Related Personal Services or Related Services described in the RFQ. RFQs may include:
 - (A) A brief project description;
 - (B) A description of the Construction-Related Personal Services or Related Services required for the project;
 - (C) Any conditions or limitations that may constrain or prohibit the selected consultant's ability to provide additional services related to the project, including but not limited to construction services;
 - (D) A response deadline and a description of how or where to submit a response;

- (E) A statement that interested consultants respond solely at their own expense;
 - (F) RFQ evaluation criteria; and
 - (G) Any other elements the City Manager deems appropriate.
- (f) RFP. The City will issue an RFP to select the most qualified Construction-Related Personal Service consultant, regardless of whether an RFQ precedes an RFP. RFPs will include:
- (A) A description of the project and the specific Construction-Related Personal Services or Related Services sought for the project, the estimated project cost (if deemed necessary and appropriate to provide, in the discretion of the City Manager), the estimated time period during which the project is to be completed, and the estimated time period in which the specific Construction-Related Personal Services or Related Services sought will be performed;
 - (B) The RFP evaluation process and the criteria that the City will use to select the most qualified Construction-Related Personal Service consultant, including the weight, points or other classifications applicable to each criterion. Without limitation, the criteria may include:
 - (i) Proposers' availability and capability to perform the services described in the RFP;
 - (ii) Experience of proposers' key staff persons in providing similar services on similar projects within the last three years;
 - (iii) The amount and type of resources, and number of experienced staff persons proposers will commit to the project;
 - (iv) Proposers' demonstrated ability to successfully complete similar projects on time and within budget, including the hourly rates for key personnel and related cost data for similar projects in the previous 12 months;
 - (v) References and recommendations from past clients; and
 - (vi) Any other criteria the City Manager deems appropriate.
 - (C) Conditions or limitations, if any, that may constrain or prohibit the selected Construction-Related Personal Service consultant's ability to provide additional services related to the project, including but not limited to construction services;
 - (D) Whether interviews will or may occur and, if so, how the interview will factor into the City's selection;

- (E) A proposal deadline and a description of how or where to submit a proposal;
 - (F) A statement whether the City will accept proposals in electronic format;
 - (G) A statement that interested consultants respond solely at their own expense;
 - (H) A statement reserving the City's right to reject any or all proposals and its right to cancel the RFP at any time if doing either would be in the public interest;
 - (I) A statement directing proposers to the protest procedures set forth in the RFP;
 - (J) A statement whether the City will hold a pre-proposal meeting for all interested Construction-Related Personal Service consultants to discuss the project and if a pre-proposal meeting will be held, the location of the meeting and whether or not attendance is mandatory; and
 - (K) Any other elements the City Manager deems appropriate.
- (g) After selecting the most qualified Construction-Related Personal Service consultant in accordance with a RFP, the City Manager will notify each proposer accordingly and state that it will begin negotiating a contract with the most qualified consultant. A resulting contract will at least include:
- (A) The consultant's performance obligations and performance schedule;
 - (B) Payment methodology and a maximum amount payable to the consultant for the services required under the contract;
 - (C) Insurance and indemnification provisions;
 - (D) Legally required terms; and
 - (E) Any other provisions the City believes are in its best interest to negotiate.
- (h) The City will formally terminate negotiations in writing with the most qualified consultant if it is unable for any reason to negotiate a contract within a reasonable amount of time, as the City may determine in its sole discretion. The City may thereafter negotiate with the second ranked consultant, and if necessary, with the third ranked consultant, and so on, until negotiations result in a contract. If negotiations with any consultant do not result in a contract within a reasonable amount of time, the City may end the particular solicitation. Nothing in this section precludes the City from re-entering negotiations, in its own discretion, with a consultant if negotiations were previously terminated for the same contract.

- (9) Price agreements. Solicitation materials and the terms and conditions for a Price Agreement for Construction-Related Personal Services or Related Services must:
- (a) Include a scope of services, menu of services, a specification for services or a similar description of the nature, general scope, complexity and purpose of the procurement that will reasonably enable a consultant to decide whether to submit a proposal;
 - (b) Specify whether the City intends to award a Price Agreement to one consultant or to multiple consultants. If the City will award a Price Agreement to more than one consultant, the solicitation document and Price Agreement will describe the criteria and procedures the City will use to select a consultant for each individual work order or task order. Subject to the requirements of ORS 279C.110, the criteria and procedures to assign work orders or task orders that only involve or predominantly involve Construction-Related Personal Services are at the City’s sole discretion.
 - (c) Specify the maximum term for assigning services under the Price Agreement.

1.10.040 Authority to electronically advertise solicitations for goods and services

- (1) The City Manager is authorized to develop an “electronic procurement system” in accordance with OAR 137-047-0300(2)(b). As described in OAR 137-046-0110(15), this is an information system accessible through the internet that allows the City to post electronic advertisements and receive electronic offers for goods and services. When an electronic procurement system is in place, the Model Rules allow procurement solicitations to be advertised exclusively on the internet. This saves the City time and money over newspaper advertisements.
- (2) Prior to any development of an electronic procurement system, the City may advertise solicitations for goods and services on the internet in addition to newspaper advertisements.

1.10.050 Authority to electronically advertise solicitations for public improvements

- (1) For all public improvement contracts with an estimated cost not exceeding \$125,000, the City Manager may electronically advertise solicitations in a manner deemed appropriate. This method of advertising will save the City time and money, may be used exclusively, and is allowed under ORS 279C.360(1).
- (2) Any advertisement for a public improvement contract with an estimated cost over \$125,000 must be published at least once in a trade newspaper of general statewide circulation, such as the Daily Journal of Commerce.

1.10.060 Small procurements of goods and services, and public improvements

- (1) Any procurement of goods or services or public improvements estimated by the City Manager to not exceed \$25,000 may be awarded in any manner the City Manager finds practical or convenient, including direct selection or award.
- (2) A small procurement contract may be amended in accordance with OAR 137-047-0800 or OAR 137-049-0910, as applicable, but the cumulative amendments may not increase the total contract price to greater than \$31,250.
- (3) A procurement may not be artificially divided or fragmented to qualify for this section.

1.10.070 Intermediate procurements of goods and services, and public improvements

- (1) The following informal selection procedure may be used when the estimated payment to the contractor for goods or services is equal to or less than \$250,000 and above \$25,000, or the estimated payment to the contractor for a public improvement is equal to or less than \$100,000 and above \$25,000. The City Manager will contact a minimum of three (3) prospective contractors qualified to offer the goods or services or public improvement sought. The City Manager will request an estimated fee, and make the selection consistent with the City's best interests. If three (3) quotes are not received, the City Manager will make a written record of efforts to obtain the quotes.
- (2) An intermediate procurement contract may be amended in accordance with OAR 137-047-0800 or OAR 137-049-0910, as applicable.
- (3) A procurement may not be artificially divided or fragmented to qualify for this section.

1.10.080 Large procurements for goods and services, and public improvements

- (1) When the estimated payment to the contractor for goods or services is above \$250,000, the City shall either seek competitive sealed bidding in accordance with OAR 137-047-0255 or competitive sealed proposals in accordance with OAR 137-047-0260.
- (2) When estimated payment to the contractor for a public improvement is above \$100,000, the City shall follow the solicitation procedures set forth in OAR 137-049-0200.
- (3) A procurement may not be artificially divided or fragmented to avoid this section.

1.10.090 Sole-source procurements

- (1) Pursuant to ORS 279B.075(1), the City Manager is authorized to declare in writing certain goods and services to be available from only one source.
- (2) The determination of a sole-source must be based on findings required by ORS 279B.075(2), and otherwise be processed in accordance with OAR 137-047-0275.
- (3) To the extent reasonably practical, the City shall negotiate with the sole source to obtain contract terms that are advantageous to the City.

1.10.100 Special procurements

- (1) Pursuant to ORS 279B.085, to seek approval of a special procurement, the City Manager shall submit a written request to the City Council that describes the contracting procedure, the goods or services or the class of goods or services that are the subject of the special procurement and the circumstances that justify the use of a special procurement.
- (2) The written findings must demonstrate that the use of the special procurement:
 - (a) Is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts; and;
 - (b) Is reasonably expected to result in substantial cost savings to the contracting agency or to the public; or;
 - (c) Otherwise substantially promotes the public interest in a manner that could not practicably be realized by complying with requirements that are applicable under ORS 279B.055, 279B.060, 279B.065 or 279B.070 or under any rules adopted thereunder.
- (3) The City shall provide public notice of the special procurement approval in the same manner as provided in ORS 279B.055(4).

1.10.110 Procurement Exemptions

- (1) Pursuant to ORS 279C.335(2), the City Manager is authorized to seek the procurement of Construction-Related Personal Services or public improvements via procurement or contracting methods, or both, that deviate from those set forth in these Rules, the Code, and the Model Rules.
- (2) In order to qualify for an exemption under this Section, the City Manager must produce written findings that demonstrate all applicable elements of ORS 279C.335(2)(a) and (b), and follow the notice and hearing requirements of ORS 279C.335(5).

1.10.120 Notice of intent to award certain contracts

- (1) At least seven days before the award of a public contract solicited under any invitation to bid or request for proposals, the City will post or provide to each bidder or proposer notice of the City's intent to award a contract.
- (2) If stated in the solicitation document, the City may post this notice electronically or through non-electronic means and require the bidder or proposer to determine the status of the City's intent.
- (3) As an alternative, the City may provide written notice to each bidder or proposer of the City's intent to award a contract. This written notice may be provided electronically or through non-electronic means.

- (4) The City may give less than seven days' notice of its intent to award a contract if the City determines in writing that seven days is impracticable.
- (5) This section does not apply to any goods or service contract, public improvement contract or class of public improvement or goods or services contracts exempted from competitive bidding requirements.
- (6) A protest of the City's intent to award a contract may only be filed in accordance with OAR 137-047-0740, OAR 137-048-0240, or OAR 137-049-0450, as applicable. Protests to the City's intent to award a personal service contract under Section 1.10.020(B) may only be filed in accordance with OAR 137-047-0740.



CITY MANAGER'S REPORT

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November 29, 2023

The Honorable Trini Marquez, Mayor
City of Dayton
416 Ferry Street
Dayton, OR 97114

RE: Award for Water/Wastewater Fund, Hwy 221 Sewer Lift Station Replacement, Project Number Y24002, date of award: 11/28/2023

Dear Mayor Marquez:

Congratulations on your successful application for the above-referenced project. Enclosed please find a summary showing the funding amount and special terms and conditions of the award. The financing contract will contain the full terms and conditions of your award and will be sent to you for proper signatures. Please note that the legal obligations for funding and for reimbursement of project expenses are subject to execution of the contract.

The project must comply with all applicable state laws, regulations and procurement requirements. As a reminder, you must provide copies of all solicitations at least 10 days before advertising, and all draft contracts at least 10 days before signing.

We encourage you to offer appropriate media opportunities to help build public awareness of your project's purposes and benefits. Please notify us of any event celebrating your project. As always, we are available to answer questions that may arise during the implementation of your project. If you need assistance, please contact me at 503-856-2483, or via email to michelle.bilberry@biz.oregon.gov.

Sincerely,

Michelle Bilberry

Michelle Bilberry, Regional Project Manager
Business Oregon

c: Rochelle Roaden, City Manager
Arthur Chaput, Regional Development Officer
Representative Anna Scharf
Senator Brian Boquist

SUMMARY OF AWARD

Project Number: Y24002 **Date of Award:** 11/29/2023

Recipient: City of Dayton

Project Name: Hwy 221 Sewer Lift Station Replacement

Source of Funding	Award Amount
OBDD – Water/Wastewater Financing Program – Loan	\$953,000
OBDD – Water/Wastewater Financing Program – Grant	\$75,000
Total	\$1,028,000

General Description of Loan	
Interest Rate	3.5%
Maximum Term	30 years

Approved Project Description
<p>The Recipient shall, with assistance of an engineer licensed in Oregon, oversee the construction of the following activities as contained in "City of Dayton Project Manual for Hwy 221 Sewer System Improvements" dated June 2023:</p> <ul style="list-style-type: none"> • Construction of a new submersible sewage pump station, including wetwell, valve vault, site influent piping, discharge piping & connection to existing force main, flow meter & control systems, auxiliary power generator and site improvements • Decommissioning & demolition of existing sewer pump station • Replacement & upsizing of existing gravity sewers upstream of the new pump station

Note: The full terms and conditions will be contained in the contract.

Report Criteria:
 Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Check Amount
10/23	10/17/2023	1002	105	City of Dayton	PAY APP 2	1	700.700.910.41	.00	48,370.00
10/23	10/17/2023	1003	2014	Stellar J Corporation	Multiple	1	700.700.910.41	.00	120,286.00
10/23	10/04/2023	29044	2023	Jason Shirley	CODE ENFO	1	101.101.611.00	.00	162.23
10/23	10/06/2023	29045	329	Alexonet Inc	2635	11	105.105.705.30	.00	3,000.00
10/23	10/06/2023	29046	2025	Allicia & Benjamin Meyer-Butler	DEPOSIT RE	2	400.400.750.00	.00	45.41
10/23	10/06/2023	29047	2024	Anita Lorenzen	DEPOSIT RE	2	400.400.750.00	.00	16.40
10/23	10/06/2023	29048	261	AUCA Western First Aid & Safety	PDX4-00277	10	400.400.601.00	.00	405.71
10/23	10/06/2023	29049	374	Backflow Management Inc	93022-775	1	300.300.706.00	.00	505.00
10/23	10/06/2023	29050	2027	Bailey Nursery	DEPOSIT RE	1	100.100.750.20	.00	200.00
10/23	10/06/2023	29051	1786	Bend Mailing Services	87963	10	400.400.705.00	.00	3,655.97
10/23	10/06/2023	29052	1064	Botten's Equipment Rental	106916-2	10	400.400.707.00	.00	425.70
10/23	10/06/2023	29053	1497	C3 Intelligence, Inc.	32072	10	400.400.705.00	.00	894.50
10/23	10/06/2023	29054	255	Cascade Columbia	Multiple	2	300.300.616.00	.00	2,051.00
10/23	10/06/2023	29055	1922	Cintas Corp	Multiple	6	400.400.616.10	.00	212.27
10/23	10/06/2023	29056	105	City of Dayton	Multiple	1	300.301.707.00	.00	1,836.65
10/23	10/06/2023	29057	1865	Comcast Business	8778105130	1	400.400.705.30	.00	104.85
10/23	10/06/2023	29058	519	Comcast Cable - internet	8778105130	11	400.400.705.30	.00	179.84
10/23	10/19/2023	29059	155	Consolidated Electrical Dist	S011563789.	1	300.301.616.00	.00	.00 V
10/23	10/06/2023	29060	1841	CytrX	INV158658	5	400.400.614.00	.00	36.00
10/23	10/06/2023	29061	1340	Dan's Leak Detection LLC	2016-5585	1	300.300.720.00	.00	5,000.00
10/23	10/06/2023	29062	2026	Dayton Ferry Investments LLC	REFUND OF	1	001.000.175.00	.00	457.06
10/23	10/06/2023	29063	789	Edge Analytical	Multiple	1	300.300.751.00	.00	258.00
10/23	10/06/2023	29064	1810	Elizabeth Sagmiller	232	1	400.400.705.80	.00	1,330.00
10/23	10/06/2023	29065	694	GPEC Electrical Contractors	Multiple	1	400.400.614.30	.00	3,574.35
10/23	10/06/2023	29066	247	Grove, Mueller & Swank	102338	12	105.105.608.00	.00	12,500.00
10/23	10/06/2023	29067	178	Hach Company	13748649	1	400.400.616.00	.00	86.45
10/23	10/06/2023	29068	134	Iron Mountain Records Mgmt	HWJC499	10	400.400.601.00	.00	275.02
10/23	10/06/2023	29069	2022	Kara Ecker	DEPOSIT RE	2	100.000.480.30	.00	170.00
10/23	10/06/2023	29070	139	Lowe's	Multiple	10	300.301.707.00	.00	1,138.64
10/23	10/06/2023	29071	1572	McMinnville Commercial Cleaners	Multiple	1	100.100.707.30	.00	1,000.00
10/23	10/06/2023	29072	121	McMinnville Water & Light	67508 1023	1	300.300.600.00	.00	440.22
10/23	10/06/2023	29073	124	Mid-Willamette Valley COG	Multiple	1	100.105.705.20	.00	7,144.59
10/23	10/06/2023	29074	109	News Register	142543	11	400.400.700.00	.00	251.27
10/23	10/06/2023	29075	110	Northwest Logging Supply	342719	6	400.400.617.00	.00	45.16
10/23	10/06/2023	29076	948	NW Tree Care	5315	1	100.103.910.00	.00	3,600.00
10/23	10/06/2023	29077	214	OAWU	36096	1	300.300.706.00	.00	495.00
10/23	10/06/2023	29078	173	One Call Concepts, Inc.	3090352	2	400.400.799.00	.00	12.60
10/23	10/06/2023	29079	213	Pitney Bowes Purchase Power	STATEMENT	10	400.400.601.10	.00	1,285.88
10/23	10/06/2023	29080	621	Portland Engineering, Inc	12011	3	400.400.705.10	.00	90.00
10/23	10/06/2023	29081	106	Recology Western Oregon	22364731	2	200.200.603.00	.00	336.81
10/23	10/06/2023	29082	2008	Ritz Safety	Multiple	2	400.400.705.00	.00	6,561.62
10/23	10/06/2023	29083	2014	Stellar J Corporation	PAY APP 001	1	600.600.920.35	.00	15,000.00
10/23	10/06/2023	29084	1974	Stephen Sagmiller	00007	4	400.400.705.00	.00	1,810.00
10/23	10/06/2023	29085	114	Yamhill County Sheriff	OCTOBER 2	1	101.101.705.10	.00	15,878.95
10/23	10/06/2023	29086	115	Yamhill County Sheriff	23-0008 102	1	101.101.700.35	.00	64.00
10/23	10/06/2023	29087	112	Wilco	Multiple	1	750.750.903.10	.00	2,074.85
10/23	10/17/2023	29088	2014	Stellar J Corporation	PAY APP 003	1	600.600.920.35	.00	24,000.00
10/23	10/20/2023	29089	151	Beery, Elsner & Hammond	Multiple	1	300.300.700.00	.00	27.51
10/23	10/20/2023	29090	1064	Botten's Equipment Rental	Multiple	1	300.300.614.40	.00	84.00
10/23	10/20/2023	29091	1878	Brightside Electric & Lighting	Multiple	11	300.301.707.00	.00	306.00
10/23	10/20/2023	29092	125	Canon Solutions America	31414051	10	400.400.601.00	.00	455.71
10/23	10/20/2023	29093	1922	Cintas Corp	Multiple	6	400.400.616.10	.00	229.12
10/23	10/20/2023	29094	362	City of Newberg	AUGUST 202	2	100.106.716.10	.00	359.17

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Check Amount
10/23	10/20/2023	29095	904	Consolidated Supply Co.	S011563789.	1	300.301.616.00	.00	88.21
10/23	10/20/2023	29096	2028	Cornwell Creative	COD001023	1	105.105.710.00	.00	1,218.75
10/23	10/20/2023	29097	1806	Crossfire Lasertag, LLC	202	1	500.500.752.60	.00	572.00
10/23	10/20/2023	29098	2001	Dave Rucklos	10.11.23 EXP	1	105.105.611.00	.00	798.28
10/23	10/20/2023	29099	111	DCBS Fiscal Services	AUGUST 202	1	100.106.700.35	.00	64.65
10/23	10/20/2023	29100	235	DEQ	WQ24DOM-0	1	300.300.706.00	.00	2,748.00
10/23	10/20/2023	29101	231	DOWL	2647.80185.	1	700.700.910.41	.00	35,727.57
10/23	10/20/2023	29102	789	Edge Analytical	23-31335	1	300.300.751.00	.00	80.00
10/23	10/20/2023	29103	543	Ferrellgas	1124473679	10	400.400.600.10	.00	333.90
10/23	10/20/2023	29104	694	GPEC Electrical Contractors	Multiple	1	300.301.614.00	.00	1,687.79
10/23	10/20/2023	29105	139	Lowe's	Multiple	10	400.400.601.00	.00	1,306.79
10/23	10/20/2023	29106	1507	McMinnville Immediate Health Car	1443K1814	10	400.400.705.00	.00	461.79
10/23	10/20/2023	29107	124	Mid-Willamette Valley COG	2797	1	100.105.705.20	.00	3,839.80
10/23	10/20/2023	29108	1933	Mobile Modular	2471629	4	100.103.601.00	.00	904.90
10/23	10/20/2023	29109	621	Portland Engineering, Inc	Multiple	1	300.300.705.10	.00	6,480.25
10/23	10/20/2023	29110	1194	Rochelle Roaden	OCTOBER 2	11	400.400.611.00	.00	135.38
10/23	10/20/2023	29111	2029	Rocio Vargas	OCTOBER 2	11	400.400.611.00	.00	40.09
10/23	10/20/2023	29112	316	Statesman Journal	0005922650	11	400.400.700.10	.00	104.18
10/23	10/20/2023	29113	1995	The Law Office of Larry J Blake, J	308	1	101.101.705.40	.00	500.00
10/23	10/20/2023	29114	937	United Site Services	Multiple	1	100.103.619.00	.00	924.79
10/23	10/20/2023	29115	1001	Utility Service Co., Inc	590778	1	600.600.930.60	.00	7,050.44
10/23	10/20/2023	29116	102	Verizon	9946623742	10	400.400.602.00	.00	642.23
10/23	10/20/2023	29117	154	Westech Engineering, Inc	Multiple	1	700.700.910.00	.00	13,485.02
10/23	10/20/2023	29118	865	Xylem Water Solutions USA	3556C92828	1	400.400.614.50	.00	3,853.80
10/23	10/20/2023	29119	1084	Yamhill County Tax Collector	119972 - 202	1	300.300.799.00	.00	784.63
10/23	10/20/2023	29120	117	YCOM	5017001	1	101.101.770.00	.00	2,388.50
10/23	10/20/2023	29121	614	Ziplyfiber	Multiple	1	300.300.602.00	.00	342.94
10/23	10/27/2023	29122	2014	Stellar J Corporation	PAY APP 004	1	600.600.920.35	.00	72,400.00
Grand Totals:								.00	447,694.19

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Usage	103,606	200	0	0	77,530	533,250	714,586
Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Amount	7,939.74	100.00	-	-	6,581.55	57,592.26	72,213.55
Sewer Amount	3,450.78	-	-	-	1,821.91	38,395.82	43,668.51
Misc Amount	-	-	-	-	-	60.00	60.00
Backflow Amount	-	-	-	-	-	-	-
NSFCheck Amount	-	-	-	-	-	36.00	36.00
Late Chrg Amount	41.00	10.00	-	-	10.00	1,340.00	1,401.00
Total Charges:	11,431.52	110.00	-	-	8,413.46	97,424.08	117,379.06

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Previous Balance	18,708.68	185.00	-	-	7,725.47	123,850.03	150,469.18
Payments	10,417.10-	195.00-	-	-	7,592.99-	93,156.60-	111,361.69-
Contract Adjustments	-	-	-	-	-	-	-
Assistance Applied	-	-	-	-	-	-	-
Deposits Applied	-	-	-	-	-	262.85-	262.85-
Interest Applied	-	-	-	-	-	-	-
Balance Transfers	-	-	-	-	-	-	-
Balance Write-offs	-	-	-	-	-	-	-
Reallocations	-	-	-	-	-	-	-
Total Charges	11,431.52	110.00	-	-	8,413.46	97,424.08	117,379.06
Current Balance:	19,723.10	100.00	-	-	8,545.94	127,854.66	156,223.70

Year To Date: 07/01/2023 - 11/30/2023

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Usage	755,941	231,353	0	10	355,528	3,993,125	5,335,957


Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Amount	53,600.85	624.59	-	-	34,764.78	363,967.49	452,957.71
Sewer Amount	17,167.18	-	-	-	9,109.55	192,574.27	218,851.00
Misc Amount	-	-	-	-	-	1,052.89	1,052.89
Backflow Amount	-	-	-	-	-	-	-
NSFCheck Amount	25.00	-	-	-	-	236.00	261.00
Late Chrg Amount	155.00	30.00	-	-	10.00	6,425.22	6,620.22
Total Charges:	70,948.03	654.59	-	-	43,884.33	564,255.87	679,742.82

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Previous Balance	16,369.36	50.00	-	-	8,681.79	142,889.49	167,990.64
Payments	67,594.29-	604.59-	-	-	44,020.18-	576,712.88-	688,931.94-
Contract Adjustments	-	-	-	-	-	300.92-	300.92-
Assistance Applied	-	-	-	-	-	-	-
Deposits Applied	-	-	-	-	-	2,276.90-	2,276.90-

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Interest Applied	-	-	-	-	-	-	-
Balance Transfers	-	-	-	-	-	-	-
Balance Write-offs	-	-	-	-	-	-	-
Reallocations	-	-	-	-	-	-	-
Total Charges	70,948.03	654.59	-	-	43,884.33	564,255.87	679,742.82
Current Balance:	19,723.10	100.00	-	-	8,545.94	127,854.66	156,223.70

TO: Mayor Marquez and City Council Members
THROUGH: Rochelle Roaden, City Manager
FROM: John Lindow, Public Works Lead
SUBJECT: Public Works Activity Report for November 2023
DATE: December 1, 2023

<p>Water: Regulatory Samples - Bi-Weekly Treatment Plant Maintenance Daily Rounds Work Orders Locates Meter Reading Turn-Ons/Turn-Offs Water Production Reports - Dayton and Lafayette Water Reports to State - Annual and Monthly Emergency Shut-Offs - Various Chlorine Feeds - Daily Check Waterline Leak Repairs Fire Flow Pump Repairs - Treatment Plant Chlorine Generator Maintenance Springs Grounds Maintenance Water Leak Repair - Mill Street</p>	<p>Wastewater: Regulatory Samples - Bi-Weekly Daily Rounds Operation of Lift Stations - Daily Check Locates DMR to DEQ Receive Chemicals at Treatment Plant Lift Station Maintenance Maintenance at (Sewer) Lagoons Began to Discharge from Lagoons Oversaw new Sewar Hookups</p>
<p>Parks: Garbage Removal - All Parks Park Restrooms - Daily Cleaning and Maintenance Regular Mowing of Parks Leaf Removal from the Parks and Cemetery Christmas Decorations and Lights put up at Park Replaced/Repaired Flag Holders in Park for Events Prepped 11th Street Park for New Bathroom Facility</p>	<p>Storm Water: Locates Catch Basin - Cleaning Storm Drain Grates - Clear Debris and Leaves Street Sweeping - Grate Maintenance</p>
<p>Facilities: Fire Extinguisher Checks Community Center Trash Removal Clean Community Center Parking Lot Grounds Maintenance at Community Center Prepared for Fall into Christmas Event</p>	<p>Streets: Street Sweeping Ferry Street Trash Removal Move/Charge Mobile Speed Sign Installed Holiday Lighting on Ferry, Third, and Main Street</p>



*Mayor Marquez invites you and a
guest to join us
for the*

City of Dayton

*Christmas
Party*

13
DECEMBER

AT 6:00 PM
306 FERRY STREET
DAYTON, OREGON

Please RSVP by December 5th.
Email roaden@daytonoregon.gov



Breakfast with Santa

❄️ Saturday, December 9, 2023

• Breakfast | 8am-Noon | \$5 per person

Santa | 10am-1pm

Bazaar | 8am-2pm

Community Events Center

606 4th St., Dayton OR 97114



Desayuno Con Santa

❄️ **Sábado, 9 de diciembre, 2023**

Desayuno | 8am-Noon | \$5 por persona

Santa | 10am-1pm

Bazaar | 8am-2pm

Centro de Eventos Comunitarios

606 4th St., Dayton OR 97114