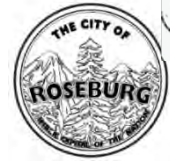


ROSEBURG CITY COUNCIL AGENDA – APRIL 22, 2024

City Council Chambers, City Hall
900 SE Douglas Avenue, Roseburg, Oregon 97470



4-18-2024

Public Online Access:

City website at <https://www.cityofroseburg.org/your-government/mayor-council/council-videos>

Facebook Live at www.Facebook.com/CityofRoseburg

Comments on Agenda Items and Audience Participation can be provided in person or electronically via Zoom. See Audience Participation Information for instructions on how to participate in meetings.

7:00 p.m. Regular Meeting

1. Call to Order – Mayor Larry Rich

2. Pledge of Allegiance

Roll Call

Tom Michalek
David Mohr
Patrice Sipos

Andrea Zielinski
Ellen Porter
Shelley Briggs Loosley

Kylee Rummel
Ruth Smith

3. Mayor Reports

- A. Historic Preservation Month Proclamation
- B. Thrive Umpqua Day Proclamation

4. Commission Reports/Council Ward Reports

5. Audience Participation – In Person or via Zoom/See Information on the Reverse

6. Consent Agenda

- A. April 8, 2024 Regular Meeting Minutes
- B. April 15, 2024 Work Session Minutes

7. Ordinances

- A. Ordinance No. 3601 – An Ordinance Repealing Section 2.32.060 of the Roseburg Municipal Code, Second Reading and Ordinance No. 3600 – An Ordinance Amending Chapter 2.18 “Economic Development Commission” of the Roseburg Municipal Code
- B. Ordinance No. 3602 – An Ordinance Granting a Telecommunications Franchise Agreement to Patriot Mobile LLC, Second Reading

8. Department Items

- A. Bid Award: Bradford Avenue ADA Ramp Project, Project No. 24PW07
- B. Stewart Park Drive South Umpqua Bridge Project – Intergovernmental Agreement – Amendment No. 1
- C. Off-Street Parking Discussion

9. Items from Mayor, City Council and City Manager

10. Adjourn

11. Executive Session ORS 192.660(2)(d)

Informational

- A. City Manager Activity Report
- B. Quarterly Financial Report
- C. Municipal Court Quarterly Report

AUDIENCE PARTICIPATION INFORMATION

The Roseburg City Council welcomes and encourages citizen participation at all of our regular meetings, with the exception of Executive Sessions, which, by state law, are closed to the public. To allow Council to deal with business on the agenda in a timely fashion, we ask that anyone wishing to address the Council follow these simple guidelines:

Comments may be provided in one of three ways:

- **IN PERSON during the meeting in the Council Chambers, Roseburg City Hall, 900 SE Douglas Ave.**
 - Each speaker must provide their name, address, phone number and topic on the Audience Participation Sign-In Sheet.
 - **VIA EMAIL by sending an email by 12:00 p.m. the day of the meeting to info@cityofroseburg.org.**
 - These will be provided to the Council but will not be read out loud during the meeting. Please include your name, address and phone number within the email.
 - **VIRTUALLY during the meeting. Contact the City Recorder by phone (541) 492-6866 or email (info@cityofroseburg.org) by 12:00 p.m. the day of the meeting to get a link to the meeting.**
 - Each speaker must provide their name, address, phone number and topic in the email. Speakers will need to log or call in prior to the start of the meeting using the link or phone number provided. When accessing the meeting through the ZOOM link, click “Join Webinar” to join the meeting as an attendee. All attendees will be held in a “waiting room” until called on to speak. It is helpful if the speaker can provide a summary of their comments via email to ensure technology/sound challenges do not limit Council’s understanding.
-
- Anyone wishing to speak regarding an item on the agenda may do so when Council addresses that item.
 - Anyone wishing to speak regarding an item on the Consent Agenda, or on a matter not on the evening’s agenda, may do so under “Audience Participation.”
 1. Speakers will be called by the Mayor in the order in which they signed up. The Mayor will generally call in-person speakers prior to calling speakers participating via Zoom. Each virtual speaker will be transferred from the “waiting room” into the meeting to provide comments, then moved back to the “waiting room” upon completion of their comments.
 2. Persons addressing the Council in person or virtually must state their name and city of residence for the record.

TIME LIMITATIONS - A total of 30 minutes shall be allocated for the “Audience Participation” portion of the meeting. With the exception of public hearings, each speaker will be allotted a total of 6 minutes, unless the number of speakers will exceed the maximum time. In this case, the Mayor may choose to decrease the allotted time for each speaker in order to hear from a wider audience. All testimony given shall be new and not have been previously presented to Council.

Audience Participation is a time for the Mayor and Council to receive input from the public. The Council may respond to audience comments after “Audience Participation” has been closed or during “Items from Mayor, Councilors or City Manager” after completion of the Council’s business agenda. The Council reserves the right to delay any action requested until they are fully informed on the matter.

ORDER AND DECORUM

Councilors and citizens shall maintain order and decorum at Council meetings. Any audience member may be directed to leave the meeting if they use unreasonably loud, disruptive, or threatening language, make loud or disruptive noise, engage in violent or distracting action, willfully damage furnishings, refuse to obey the rules of conduct, or refuse to obey an order of the Mayor or majority of Council. No signs, posters or placards are allowed in the meeting room.

All speakers and audience members should treat everyone with respect and maintain a welcoming environment. Please avoid actions that could be distracting such as cheering, booing, or applause. Please turn cell phones to silent and enter and exit the Council Chambers quietly if the meeting is in progress and take any conversations outside the Chambers.

The City Council meetings are on Facebook Live and available to view on the City website the next day at:
<https://www.cityofroseburg.org/your-government/mayor-council/council-videos>

The full agenda packet is available on the City’s website at:
<https://www.cityofroseburg.org/your-government/mayor-council/council-agendas>

PROCLAMATION

CITY OF ROSEBURG, OREGON

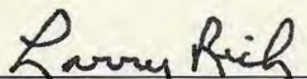
HISTORIC PRESERVATION MONTH

- WHEREAS:** Historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and
- WHEREAS:** Historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and
- WHEREAS:** The City of Roseburg has four National Register Districts recognized for their individual unique historical characteristics - Mill-Pine, Downtown, Laurelwood and the VA Campus; and
- WHEREAS:** The City of Roseburg has a number of historic properties, outside of its National Register Districts, also recognized for their individual unique historical and cultural characteristics, and
- WHEREAS:** It is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us; and
- WHEREAS:** May is National Preservation Month 2024, co-sponsored by the City of Roseburg and the National Trust of Historic Preservation.

NOW, THEREFORE, I, Larry Rich, Mayor of the City of Roseburg, Oregon, do hereby proclaim the month of May 2024 as

HISTORIC PRESERVATION MONTH

DATED this 22nd day of April 2024.



 Honorable Mayor Larry Rich



PROCLAMATION

CITY OF ROSEBURG, OREGON

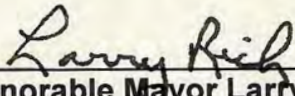
THRIVE UMPQUA DAY

- WHEREAS:** the City of Roseburg has become a healthier community over the last 7 years with 12,063 citizens and 124 organizations engaged in Thrive Umpqua, our community's well-being initiative.
- WHEREAS:** Thrive Umpqua is continuing the transformative efforts of Blue Zones Project, launched in 2017, as a community collaborative around a common objective, with measurable outcomes, using proven, evidence-based best-practices inspired by the longest living cultures around the world.
- WHEREAS:** Thrive Umpqua interventions have impacted the community's health risks and demonstrated medical and productivity savings, and we are proud of our residents' commitment to make well-being a way of life for all, reaching the outstanding national designation of a Certified Blue Zones Community in 2021.
- WHEREAS:** this achievement required tremendous effort and resiliency throughout the community, the policies and programs implemented in our City will have a permanent impact on the quality of life enjoyed by all its residents, and we applaud our local leaders, volunteers and residents for their dedication as we continue to celebrate this national designation.
- WHEREAS:** coming together to make the healthy choice the easy choice, across sectors, has increased the well-being of our community, and neighborhoods serve as a cornerstone of community life, fostering social connections, support networks, and a sense of belonging essential for collective resilience.
- WHEREAS:** May 1st (also known as May Day) kicks off the "Love Your Neighborhood" Campaign, where the community is invited to share acts of kindness, by helping a neighbor, organizing a block party, planting flowers, sharing a smile, or simply saying hello, together, we're strengthening the bonds that make our neighborhoods thrive.

NOW, THEREFORE, I, Larry Rich, Mayor of the City of Roseburg, do hereby proclaim May 1, 2024 as

THRIVE UMPQUA DAY

DATED this 22nd day of April 2024.



 Honorable Mayor Larry Rich



**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL MEETING
April 8, 2024**

Mayor Rich called the regular meeting of the Roseburg City Council to order at 7:01 p.m. on April 8, 2024 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

1. Pledge of Allegiance

Councilor Sipos led the pledge of allegiance.

2. ROLL CALL

Present: Councilors Tom Michalek, Ellen Porter (via zoom), Kylee Rummel, Patrice Sipos, Ruth Smith, and Andrea Zielinski

Absent: Councilors Shelley Briggs Loosley and David Mohr

Others: City Manager Nikki Messenger, City Attorney Webb Kittinger, Police Chief Gary Klopfenstein, Fire Chief Tyler Christopherson, Community Development Director Stuart Cowie, Finance Director Ron Harker, Library Director Kris Wiley, Public Works Director Dawn Easley, City Recorder Amy Nytes, Management Assistant Grace Jelks, Park Program Manager Velorie Ligon, and The News Review – Reporter, Drew Winkelmaier

3. Mayor Reports

- A. Mayor Rich proclaimed April 2024 as Volunteer Recognition Month. Parks Program Manager Ligon shared information about the volunteer program, as well as appreciation for the Council's recognition.
- B. Mayor Rich proclaimed April 2024 as Oregon Arbor Month. Parks Program Manager shared information about Arbor Month, as well as appreciation for the Council's recognition.
 - Mayor Rich shared a reminder about the upcoming Work Session (Goal Setting) scheduled on April 15, 2024.

4. Commission Reports/Council Ward Reports.

None.

5. Audience Participation

Neil Hummel, resident, spoke in support of the construction of the Roseburg Veterans' Home.

6. Consent Agenda

- A. March 25, 2024 Regular Meeting Minutes.

Councilor Zielinski moved to approve the consent agenda. The motion was seconded by Councilor Sipos and approved with following vote: Councilors

Michalek, Porter, Rummel, Sipos, Smith and Zielinski voted yes. No Councilors voted no. The motion passed unanimously.

7. Ordinances

- A. Ordinance No. 3600 – An Ordinance Amending Chapter 2.18 “Economic Development Commission” of the Roseburg Municipal Code and Ordinance No. 3601 – An Ordinance Repealing Section 2.32.060 of the Roseburg Municipal Code, First Reading. Discussion ensued.

Cowie reported on the proposed amendment of Chapter 2.18 and repealing Section 2.32.060 of the Roseburg Municipal Code.

Mayor Rich’s comments and questions included clarification of the order of the ordinances with regard to repealing the previous limit before increasing the new limit and clarification of which grants or projects are funded by the transient tax fund.

Councilor Michalek’s comments and questions included whether the pool of applicants will decrease due to inflation in transient lodging tax.

Councilor Sipos’ comments and questions included how closely the transient tax is linked to historical areas for tourism grants and how the money from the fund is allocated.

Councilor Porter’s comments and questions included whether there is a proposition by the City to unilaterally allocate money towards cleanup efforts or help projects that would ultimately attract more tourism.

Councilor Smith’s comments and questions included whether façade improvements are paid for by this program.

Cowie clarified they are hopeful about having the same amount of applicants, this year’s budget proposal will reflect an increase, historical areas are not closely tied to tourism grants but they are available for those areas, a portion of the fund goes towards tourism grants and destination marketing, the fixed perimeters for allocation of funds for tourism is based on statute, the City could use money from the fund for tourism related activities that meet the statutory guidelines, a proposal to review capital improvement projects can be paid for using funds allocated for tourism, and façade improvements were part of the previous urban renewal district program before the old urban growth area sunsetted.

Messenger clarified that it would be a problem to proceed with the ordinances in the order they have been presented if Council decides not to proceed with one of them, 32.89 percent of the fund is allocated towards streets and lighting, approximately 10 percent is allocated towards the Economic Development fund, and clarification was given of the percentages allocated to each grant or project from the fund.

Council agreed to a first reading of Ordinance No. 3601. Nytes read Ordinance No. 3601, entitled, “An Ordinance Repealing Section 2.32.060 of the Roseburg Municipal Code,” for the first time.

Council agreed to a first reading of Ordinance No. 3600. Nytes read Ordinance No. 3600, entitled, “An Ordinance Amending Chapter 2.18 “Economic Development Commission” of the Roseburg Municipal Code,” for the first time.

B. Ordinance No. 3602 – An Ordinance Granting a Telecommunications Franchise Agreement to Patriot Mobile, LLC, First Reading. Discussion ensued.

Nytes presented an overview of the ordinance.

Mayor Rich’s comments and questions included whether this ordinance qualified for the emergency clause.

Nytes clarified this is one of the few companies that filled out an application and paid the fee before providing service in the area.

Council agreed to a first reading of Ordinance No. 3602. Nytes read Ordinance No. 3602, entitled, “An Ordinance Granting a Telecommunications Franchise Agreement to Patriot Mobile, LLC,” for the first time.

8. Resolutions

A. Messenger presented Resolution No. 2024-09 – A Resolution Supporting the Construction of the Roseburg Veterans’ Home and Requesting Federal Funding. Discussion ensued.

Mayor Rich’s comments and questions included whether the federal government has approved funding for the project and how much funding the State has agreed to allocate to the project.

Councilor Smith’s comments and questions included whether skilled nurses will be brought in from around the country and setting aside a certain number of beds for women veterans.

Messenger clarified the final decision for federal funding is moving through the budgeting review process, the State has agreed to allocate approximately \$35 million to the project, there might be an expectation to reduce or defer SDC’s for the project, and programmatic details have not been discussed at this point in the project.

Councilor Zielinski moved to adopt Resolution No. 2024-09, supporting the construction of the ODVA Roseburg Veterans’ Home and Requesting Federal Funding. The motion was seconded by Councilor Rummel and approved with following vote: Councilors Michalek, Porter, Rummel, Sipos, Smith and Zielinski voted yes. No Councilors voted no. The motion passed unanimously.

9. Department Items

A. Klopfenstein presented the Inmate Housing Intergovernmental Agreement Extension. Discussion ensued.

Councilor Michalek’s comments and questions included whether we keep sixteen beds full.

Mayor Rich’s comments and questions included the total amount of jail beds whether the number of beds allocated are due to Municipal Court cases.

Councilor Sipos' comments and questions included whether we pay for going over the sixteen allotted beds and paying for beds to due arrests for outside agencies.

Klopfenstein clarified that the number of beds being used fluctuates, paying a per night fee was very expensive, paying a fixed rate is a fiscally better deal, the number jail beds allotted is due to sentencing in Municipal Court cases, jail time is for sentences of less than one year, and anything over one year is prison time.

Messenger clarified that paying a fixed fee affords us twice as many beds, we pay overages if we go over sixteen beds, and the jail has approximately 280 beds.

Councilor Zielinski moved to authorize the City Manager to sign the twentieth extension of the Inmate Housing IGA with Douglas County. The motion was seconded by Councilor Sipos and approved with following vote: Councilors Michalek, Porter, Rummel, Sipos, Smith and Zielinski voted yes. No Councilors voted no. The motion passed unanimously.

- B. Klopfenstein presented the Intergovernmental Agreement – Douglas County Communications Services and Radio Usage Agreement. Discussion ensued.

Mayor Rich's comments and questions included clarification of the fees.

Councilor Sipos' comments and questions included how this is different from the system that was replaced last year.

Councilor Smith's comments and questions included whether the recent replacement of our system will be compatible.

Klopfenstein clarified the radio fee is for the radio tower and hardware use, this network is failing, a fee was implemented to help with the costs associated with replacing the equipment, the dispatch fee is for getting calls for service and radio communications, the radio replacement would have an impact on the system replaced last year, we are sub-users of the system, they are managing the replacement project, the project is very large and will take time to replace, our new system works really well, we have a dedicated channel, and our system is a stand-alone system.

Councilor Zielinski moved to authorize the City Manager to sign an extension of the IGA with Douglas County for communications services. The motion was seconded by Councilor Rummel and approved with following vote: Councilors Michalek, Porter, Rummel, Sipos, Smith and Zielinski voted yes. No Councilors voted no. The motion passed unanimously.

10. Items from Mayor, City Council, and City Manager

None.

11. Adjourn

Mayor Rich adjourned the regular meeting at 7:50 p.m.

Grace Jelks

Grace Jelks

Management Staff Assistant

**MINUTES OF THE WORK SESSION
OF THE CITY COUNCIL MEETING
April 15, 2024**

Council President Mohr called the work session of the Roseburg City Council to order at 4:03 p.m. on April 15, 2024, at the Public Safety Center (PSC) – Umpqua Room, 700 SE Douglas Avenue, Roseburg, Oregon.

2. ROLL CALL

Present: Councilors Tom Michalek, David Mohr, Ellen Porter, Kylee Rummel, Ruth Smith, Shelley Briggs Loosley, and Andrea Zielinski

Absent: Mayor Rich and Councilor Patrice Sipos

Others: City Manager Nikki Messenger, Police Chief Gary Klopfenstein, Fire Chief Tyler Christopherson, Library Director Kris Wiley, Community Development Director Stuart Cowie, Human Resources Director John VanWinkle, Public Works Director Dawn Easley, Finance Director Ron Harker, City Recorder Amy Nytes, and Management Assistant Grace Jelks

3. Council Matters

A. City Manager Messenger and Executive Coach Meredith Bliss – The Management Center, presented Council Goals. Discussion ensued.

Council and Staff participated in a Goal Setting Session. Strategies for communication, identifying priorities, and ranking attainable goals were discussed.

This was the third work session on this topic and a fourth session is scheduled on Monday, April 29, 2024, beginning at 4:00 p.m., located at the Public Safety Center (PSC) – Umpqua Room, 700 SE Douglas Avenue.

4. Adjourn

Councilor President Mohr adjourned the work session at 6:12 p.m.

Grace Jelks

Grace Jelks

Management Staff Assistant

ORDINANCE NO. 3601

**AN ORDINANCE REPEALING SECTION 2.32.060 "EXPENDITURE AUTHORITY" OF
THE ROSEBURG MUNICIPAL CODE**

WHEREAS, the Roseburg Municipal Code was amended to establish a maximum Commission expenditure authority by Ordinance No. 3334; and

WHEREAS, at this time the only Commission that has awarded funding in the form of a grant has been the Economic Development Commission; and

WHEREAS, an update to the expenditure authority for the Economic Development Commission is being addressed by Ordinance No. 3600.

NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1. Roseburg Municipal Code Section 2.32.060 establishing commission expenditure authority is hereby repealed in its entirety.

SECTION 2. All other sections and subsections of Chapter 2.32 shall remain in full force and effect as written.

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS ____ DAY OF _____, 20__.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 20__.

LARRY RICH, MAYOR

ATTEST:

AMY NYTES, CITY RECORDER

ORDINANCE NO. 3600

**AN ORDINANCE AMENDING CHAPTER 2.18 “ECONOMIC DEVELOPMENT
COMMISSION” OF THE ROSEBURG MUNICIPAL CODE**

SECTION 1. Roseburg Municipal Code Section 2.18.050, titled “Authority to Award Grant Funds” is hereby added to read as follows:

2.18.050 Authority To Award Grant Funds. The Commission shall be authorized to award grant funds as outlined in Section 2.18.030(B) only if the funds have been budgeted in the current fiscal year, the expenditure has been approved by the City Manager, and does not exceed \$7,500. Any Commission-supported grant award exceeding \$7,500 must be presented to City Council for final approval.

SECTION 2. *All other sections and subsections of Chapter 2.18 of the Roseburg Municipal Code shall remain in full force and effect as written.*

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS ____ DAY OF _____, 20__.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 20__.

LARRY RICH, MAYOR

ATTEST:

AMY NYTES, CITY RECORDER

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ORDINANCE NO. 3602 – AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO PATRIOT MOBILE LLC

Meeting Date: April 22, 2024
Department: Administration
www.cityofroseburg.org

Agenda Section: Ordinances
Staff Contact: Amy Nytes
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

The City received an application for a telecommunications franchise from Patriot Mobile LLC located in Atlanta, Georgia.

BACKGROUND

A. Council Action History.

On April 8, 2024, the Council was presented with a copy of this Ordinance and a first reading was conducted.

B. Analysis.

The subject application and application processing fee were received on March 21, 2024. They plan to begin providing service for Roseburg customers once the franchise agreement is approved.

C. Financial/Resource Considerations.

Under our definitions of telecommunications “provider” and telecommunication “service,” Patriot Mobile LLC is required to pay a franchise fee of 5% of the gross revenues derived from customers within the City.

D. Timing Considerations.

If there are no changes and the Council moves forward with a second reading and adoption this evening, the Ordinance will go into effect May 22, 2024.

COUNCIL OPTIONS

Council has the following options:

- Proceed with second reading and adoption; or
- Request additional information; or
- Do nothing.

STAFF RECOMMENDATION

Staff recommends that Council proceed with second reading and adoption of Ordinance 3602.

SUGGESTED MOTION

After second reading, the following motion would be appropriate:

“I MOVE TO ADOPT ORDINANCE NO. 3602.”

ATTACHMENTS:

Attachment #1 – Ordinance No. 3602

Cc: [Patriot Mobile LLC, 3575 Piedmont Rd NE Bldg. 15-1550, Atlanta GA 30305-1632]
Subject Franchise File

ORDINANCE NO. 3602

**AN ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE
TO PATRIOT MOBILE LLC EFFECTIVE ON MAY 22, 2024**

SECTION 1. Grant of Franchise. The City of Roseburg, hereinafter called “City,” hereby grants Patriot Mobile LLC, hereinafter called “Franchisee,” the non-exclusive right to use and occupy all public ways within the Franchise Territory, solely for the purposes described herein, for a period of three years, beginning May 22, 2024, and ending December 31, 2026, following Franchisee’s acceptance of the Franchise as provided in Section 11 of this Ordinance.

SECTION 2. Incorporation of Roseburg Municipal Code. This Franchise is granted pursuant to Chapter 9.25 of the Roseburg Municipal Code (“RMC”), entitled “Telecommunications Providers,” and shall be interpreted to include all provisions of Chapter 9.25, as it now exists and as it may be amended during the term of the Franchise, and all other provisions of the Roseburg Municipal Code and City regulations with which Chapter 9.25 requires compliance, as if set forth in writing herein. A copy of Chapter 9.25, as it exists and is in effect on the effective date of this Franchise, is attached to this Franchise as Exhibit “A.” It shall be the responsibility of the Franchisee to keep itself informed of any amendments to applicable provisions of the Roseburg Municipal Code and all related regulations.

SECTION 3. Amendment and Renewal. The Franchise granted by this Ordinance may be amended in accordance with RMC 9.25.120 and may be renewed in accordance with RMC 9.25.100.

SECTION 4. Franchise Territory. The “Franchise Territory” is all territory within the boundaries of the City of Roseburg, as currently existing or as the boundaries may be adjusted during the term of this Franchise.

SECTION 5. Services to be Provided. Franchisee shall provide telecommunications services as authorized by law to residents, businesses and other entities within the City of Roseburg.

SECTION 6. Franchise Fees. Franchise fees shall be based on Franchisee’s annual use of the City’s public ways, as provided below:

A. Fee Base. For the privileges granted by this Franchise, Franchisee shall pay five percent (5%) of its gross revenue derived from services provided to customers within the City limits of Roseburg.

B. Payment. All payments due hereunder shall be paid to the City of Roseburg by check or money order delivered to the address of the City for notices

as set forth herein.

C. Due Date. Franchise fees shall be paid to the City on a quarterly basis, based on the revenues derived from the quarter just passed, not more than 30 days following the end of each quarter.

D. Late Fee. If Franchisee fails to pay the Franchise fee when due, Franchisee shall be charged a penalty of ten percent (10%), and the legal rate of interest established by state statute on the unpaid balance.

SECTION 7. Notices and Authorized Representatives.

A. Except for emergency notification of Franchisee, all notices or other communications between the parties shall be deemed delivered when made by certified United States mail or confirmed express courier delivery to the following persons and locations:

If to City:

City of Roseburg
ATTN: Amy Nytes, City Recorder
900 SE Douglas
Roseburg, OR 97470
E-mail: nytes@cityofroseburg.org
Phone: 541-492-6866

If to Franchisee:

Patriot Mobile LLC
ATTN: Janette Minasian Pires
3575 Piedmont Rd NE #15-1555
Atlanta, GA 30305-1632
E-mail: 888-813-6556
Phone: 1-877-367-7524

Either party may change the identity of its authorized representative(s) or its address or phone number for notice purposes by delivering written notice of the change to the other party.

B. In case of an emergency that causes or requires interruption of service, City shall give Franchisee emergency notification by hand delivery or telephone, as appropriate to the nature of the emergency, to the following:

Contact Person's Name: Janette Minasian Pires

Mailing Address: 1111 S. Main Street, Suite 101, Grapevine, TX 76051

Telephone: 1-877-367-7524

SECTION 8. Location, Relocation and/or Removal of Facilities. RMC Chapter 4.02, along with RMC Sections 9.25.290 – 9.25.320, sets forth the conditions for the construction, installation, location, relocation and removal of Franchisee's facilities. There are no exceptions or additions to these regulations unless Franchisee is exempted by statute.

SECTION 9. Representation and Warranty of Franchisee. By executing this document, Franchisee represents and warrants that it is familiar with all provisions of this Franchise, including those contained in this Ordinance, and that it accepts and agrees to be bound by all terms, conditions and provisions set forth herein.

SECTION 10. Franchise Effective Date. Franchisee submitted an application requesting a telecommunications franchise and paid the application processing fee on March 21, 2024, and will begin serving Roseburg customers on May 22, 2024. The Roseburg City Council approved such request at its meeting on April 22, 2024; and hereby authorizes this Franchise to take effect on May 22, 2024, and expire on December 31, 2026 provided Franchisee satisfies the acceptance requirements of Section 11 of this Ordinance.

SECTION 11. Acceptance of Franchise. Upon receipt of this Ordinance, Franchisee shall sign in the space below to indicate its unconditional acceptance of the terms and conditions upon which City has offered the Franchise described herein, and immediately return such acceptance to the City. If Franchisee fails to accept the Franchise and return acceptance to City within 30 days of the adoption of this Ordinance, this Ordinance and the Franchise granted herein shall become void and have no force or effect.

ADOPTED BY THE CITY COUNCIL ON THIS ___ DAY OF _____, 20__.

APPROVED BY THE MAYOR ON THIS ___ DAY OF _____, 20__.

MAYOR

Larry Rich

ATTEST:

Amy Nytes, City Recorder

(Franchisee's Acceptance on Following Page)

FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO._____. This Ordinance is hereby accepted by _____ on this ____ day of _____, 20__.

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

Date: _____

State of _____)

) **ss.**

County of _____)

This acceptance was signed before me on _____, 20__ by, _____ as _____ of _____.

Notary Public for _____

Name: _____

My commission expires on: _____



Acceptance received by City Recorder on _____, 20__.

Amy Nytes, City Recorder

ORDINANCE NO. 3602 – EXHIBIT “A”

ROSEBURG MUNICIPAL CODE CHAPTER 9.25 - TELECOMMUNICATIONS PROVIDERS

Sections:

- 9.25.005** Definitions.
- 9.25.010** Purpose.
- 9.25.020** Jurisdiction and management of the public way.
- 9.25.030** Regulatory fees and compensation not a tax.
- 9.25.040** Overview of franchise requirements.
- 9.25.050** Reserved.
- 9.25.060** Application.
- 9.25.070** Application review fee.
- 9.25.080** Determination by the City.
- 9.25.090** Rights granted.
- 9.25.100** Term and renewal of franchises.
- 9.25.110** Franchise Fee.
- 9.25.115** Operation without a franchise.
- 9.25.120** Amendment of franchise.
- 9.25.130** Reserved.
- 9.25.140** Reserved.
- 9.25.150** Obligation to cure as a condition of renewal.
- 9.25.160** Assignments or transfers of system or franchise.
- 9.25.170** Revocation or termination of franchise.
- 9.25.180** Notice and duty to cure.
- 9.25.190** Hearing.
- 9.25.200** Standards for revocation or lesser sanctions.
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- 9.25.450** Written agreement.
- 9.25.460** Nonexclusive grant.
- 9.25.470** Severability and preemption.
- 9.25.480** Other remedies.
- 9.25.490** Compliance with laws.

9.25.500 Application to existing ordinances and agreements.

9.25.005 Definitions. For the purpose of this Chapter, the following terms, phrases, words and their derivations, shall have the meanings given herein. Terms not defined in this Section shall be interpreted in accordance with Chapter 1.04 of this Code. Terms not defined in this Section or in Chapter 1.04 of this Code, shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning. Definitions for this Chapter are as follows:

"Cable service" means the one-way transmission to subscribers of video programming, or other video, audio or data service using the same means of transmission as used to transmit video programming; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City property" means and includes all real property owned by the City, other than the public way and utility easements as those are defined herein.

"Conduit" means any structure, or portion thereof, containing one or more ducts, conduits, manholes, handholds, bolts or other facilities used for any telegraph, telephone, cable television, electrical or communications conductors or cable facilities.

"Construction" means any activity in the public way resulting in physical change thereto, including excavation or placement of structures, but excluding routine maintenance or repair of existing facilities.

"Control" means actual working control in whatever manner exercised.

"Customer" means both the end user of telecommunications services in the City and any person that acquires telecommunications services, bandwidth or other form of capacity for its own to use or for resale in the City.

"Duct" means a single enclosed raceway for conductors or cable.

"Emergency" has the meaning provided in ORS 401.025.

"Franchise" means a license from the City which grants a privilege to occupy the public way and utility easements within the City for a dedicated purpose, for specific compensation and for a specified period of time.

"Grantee" means the person to whom or the entity to which a telecommunications franchise is granted by the City, including both telecommunication carriers and non-carrier providers.

"Gross revenue" means all revenue earned by a telecommunications provider from operations within the City, including but not limited to service to customers located within the City and other persons who use the grantee's facilities within the City to provide service to customers. A person that sells capacity or bandwidth to another telecommunications provider, as described in section 9.25.380, may deduct the income received in that transaction from its gross revenue for purposes of calculating the franchise fee described in section 9.25.110

"Non-carrier provider" means a telecommunications provider that is not also classified as a telecommunications carrier. It includes but is not limited to providers that install, own or lease facilities in the public way and providers that acquire bandwidth or other capacity to resell or provide service directly to customers in the City. "Non-carrier provider" includes several different types of telecommunications providers, including but is not limited to providers often known as competitive local exchange carriers, resellers and long-haul providers.

"Person" means an individual, corporation, company, association, joint stock company or association, firm, partnership or limited liability company.

"Private telecommunications network" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly. "Private telecommunications network" includes services provided by the State of Oregon pursuant to ORS 190.240 and 283.140.

"Public way" includes, but is not limited to, any street, road, bridge, alley, sidewalk, trail, path and utility easement, including the subsurface under and air space over these areas. This definition applies only to the extent of the City's right or authority to grant a franchise to occupy and use such areas for telecommunications facilities. "Public way" does not include City-owned buildings, parks or other property.

"Small Cells" means low-powered radio access nodes that operate in licensed and unlicensed spectrum with a range of 10 meters to 1 or 2 kilometers and can be deployed relatively easily on utility poles, street lamps, water towers, or rooftops.

"Telecommunications Act" means the Communication Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. sec. 151 et seq.) and as hereafter amended.

"Telecommunications carrier" means a telecommunications provider that is a telecommunication utility as defined in ORS 759.005 or successor statutes or a cooperative corporation formed under ORS Chapter 62 that provides telecommunications service as defined in ORS 759.005 or successor statutes. It is often known as the incumbent local exchange carrier.

"Telecommunications facilities" means the plant and equipment, other than customer premises equipment, including but not limited to line, pipe, wire cable, fiber, etc. occupying the public way, used, designed or intended for use by a telecommunications provider to provide telecommunications services.

"Telecommunications provider" means: (1) any person that provides telecommunications services to any person or premises within the City, including both telecommunication carriers and non-carrier providers; (2) any person that directly or indirectly owns, leases, operates, manages, or otherwise controls telecommunications facilities which occupy public way within the City; (3) any person that is directly or indirectly owned or controlled by any person described in this definition; and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the City which is used, or to be used for the purpose of offering telecommunication services. For purposes of this definition, "owns" or "controls" means that one person or entity owns more than 25% of the stock or assets or has more than 25% common partners, directors or owners with another entity. In addition, any person that leases, purchases or otherwise receives telecommunications service or use of a telecommunications facility for less than a reasonable price, so as to create a reasonable inference that the two parties did not deal at arm's length, shall be deemed to be owned or controlled by the second party.

"Telecommunications service" means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming or any other information between or among points by wire, cable, fiber optics, or by laser, microwave, radio, satellite or similar wireless facilities, with or without benefit of any closed transmission medium and without regard to the nature of the transmission protocol employed, but does not include: (1) cable television services; (2) private telecommunications network services; (3) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; (4) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act of 1996; (5) services provided solely for the purpose of providing internet service to the customer; (6) public safety radio systems; (7) mobile service within the meaning of 47 U.S.C. Section 153(33) (2012); and services to devices exclusively utilizing electromagnetic spectrum unlicensed by the Federal Communications Commission.

"Telecommunications System" see "Telecommunication facilities" above.

"Telecommunications Utility" has the same meaning as given in ORS 759.005(9).

"Utility easement" means any easement granted to or owned by the City and acquired, established, dedicated or devoted for public utility purposes.

"Utility facilities" means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on, or above the surface of the ground within the public right of way of the City and used or to be used for the purpose of providing utility or telecommunication services.

9.25.010 Purpose. The purpose and intent of this Chapter are to:

- A.** Respond to increased use of the public way by telecommunication providers and to technological advances in the telecommunications industry;
- B.** Comply with the 1996 Telecommunications Act as it applies to local governments, telecommunications providers and the services those providers offer;
- C.** Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to businesses, institutions and residents of the City on a competitively neutral basis;
- D.** Permit and manage reasonable access to the public way of the City for telecommunications purposes on a competitively neutral basis and conserve the limited physical capacity of the public way held in trust by the City;
- E.** Assure that the City's current and ongoing costs of granting and regulating private access to and the use of the public way are fully compensated by the persons seeking such access and causing such costs;
- F.** Recognize the public way as a valuable City asset and secure fair and reasonable compensation to the City and its residents for permitting private use of the public way and for physical damage and aesthetic harm to the public way from construction and installation of facilities in the public way;
- G.** Assure that all telecommunications providers occupying the public way with telecommunication facilities obtain a franchise and comply with the ordinances, rules and regulations of the City;
- H.** Enable the City to discharge its public trust consistent with the rapidly evolving federal and state regulatory policies, industry competition and technological development; and
- I.** Assure telecommunications providers that investing in infrastructure in the City is a secure and wise investment, while reserving to the City the ability to respond to new developments in the industry at the time of franchise renewal and by amending its ordinances.
- J.** Recognize that the City's grant of a franchise is in the nature of a license in exchange for a fee, rather than a contract.

(Ord. 3133 § 2, 2003; Ord. 3063 § 2, 2000) (Ord. 3294, § 2, 12-8-2008)

9.25.020 Jurisdiction and management of the public way.

A. The City has jurisdiction and exercises regulatory management over the public way whether the City has a fee, easement or other legal interest in the public way and whether the legal interest was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

B. No person may occupy or encroach on a public way or other City property without the permission of the City. The City grants permission to use public way by franchises and permits.

C. The City retains the right and privilege to cut or move any telecommunications facilities located within the public way as the City may determine to be necessary, appropriate or useful in response to a public health or safety emergency.

(Ord. 3063 § 2, 2000)

9.25.030 Regulatory fees and compensation not a tax. The fees provided for in this chapter and any compensation charged and paid for use of the public way provided for in this Chapter are not a tax and are separate from, and in addition to, any and all federal, state, local and City charges as may be levied, imposed or due from a telecommunications provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of telecommunications services. (Ord. 3063 § 2, 2000)

9.25.040 Overview of franchise requirements.

A. All telecommunications providers who occupy the public way in the City or provide telecommunications services to customers in the City must obtain a franchise from the City. For purposes of this Section, "occupy" the public way means to own, lease, rent or possess the right to make physical changes to a telecommunications facility in the public way

B. A telecommunications provider that holds a current, valid franchise from the City may continue to provide the services authorized by its franchise for the duration of the current term of the franchise.

C. Nothing in this Chapter is intended to override state or federal law, and any provision that would conflict with state or federal law if applied to a particular grantee shall be unenforceable to the extent of the conflict and only to that extent.

(Ord. 3294, § 3, 12-8-2008) (Ord. 3133 § 3, 2003: Ord. 3063 § 2, 2000)

9.25.050 Reserved.

Editor's note: Ord. No. 3294, § 4, adopted Dec. 8, 2008, repealed § 9.25.050, which pertained to Telecommunications franchise and derived from Ord. 3063 § 2, 2000 and Ord. 3133 § 5, 2003. See also the Code Comparative Table and Disposition List.

9.25.060 Application. Any person that desires a telecommunications franchise shall file with the City Recorder an application which includes the following information:

A. The identity and legal status of the applicant, including the name, address and telephone number of the duly authorized officer, agent or employee responsible for the accuracy of the information required on the application and the duly authorized officer, agent or employee to be contacted in case of an emergency.

B. A description of the type of telecommunications services that are to be offered or provided by the applicant to customers within the City; a description of the general types and locations of telecommunication facilities that the applicant currently owns or leases within the City; and a description of the general types and locations of telecommunication facilities that the applicant intends to construct within the City within two years of obtaining a franchise.

C. Engineering plans, specifications and a network map of the facilities located within the public rights of way in the City, including the location and route requested for applicant's proposed telecommunications facilities. The City may require the information to be provided in electronic form readable by City computers or may specify another format.

D. The area or areas of the City the applicant desires to serve and a preliminary construction schedule for build-out to the entire franchise area.

E. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services proposed including, but not limited to, the appropriate license from the Oregon Public Utility Commission (PUC) or the Federal Communication Commission (FCC).

F. An accurate map showing the location of any existing telecommunications facilities, if any, in the City that applicant intends to use or lease.

(Ord. 3294, § 5, 12-8-2008) (Ord. 3133 § 6, 2003: Ord. 3070 § 2, 2000)

9.25.070 Application review fee. An application review fee as set by Council resolution shall be paid to the City as part of the application filed pursuant to the above Section 9.25.060. (Ord. 3133 § 7, 2003: Ord. 3070 § 3, 2000)

9.25.080 Determination by the City. The City shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial. A denial may be appealed to the City Council which shall resolve the appeal in the manner provided in Section 9.25.190. (Ord. 3133 § 8, 2003: Ord. 3063 § 2, 2000)

9.25.090 Rights granted. No franchise granted pursuant to this Chapter shall convey any right, title or interest in the public way, but shall be deemed a grant to use and occupy the public way for the limited purposes and term and upon the conditions stated in the franchise agreement. (Ord. 3133 § 9, 2003: Ord. 3063 § 2, 2000)

9.25.100 Term and renewal of franchises.

A. Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be in effect for an initial term of three years. Subject to conditions stated in this Code and unless otherwise specified in a franchise agreement, telecommunication franchises shall be automatically renewed for additional three-year terms, running from the anniversary of the grant of the initial franchise, up to a total of five terms including the initial term. A grantee desiring termination of a franchise after the initial term, but prior to any such renewal(s), must provide the City with written notice of such intent to terminate certifying that it will no longer be providing telecommunication services within the City of Roseburg at least 30 days prior to the date of renewal of said franchise.

B. A grantee shall be entitled to automatic renewal of its franchise for additional three-year terms, up to a total of five terms including the initial term, subject to and contingent upon the following conditions:

1. In the City's judgment, the public way has sufficient capacity to accommodate the grantee's existing and proposed facilities;
2. The grantee continues to meet the legal requirements for providing service in the City;
3. The grantee has complied with all the requirements of this Chapter and its franchise;
4. Applicable federal, state and local laws, rules and policies allow the grantee to continue its operations in the City;
5. The grantee agrees to comply with such additional requirements as may be imposed under Subsection C. of this Section.

C. As a condition of each automatic renewal of a franchise, the City, upon written notice provided to the grantee at least sixty (60) days prior to the renewal date, may require the grantee to:

1. Pay additional compensation, or pay compensation calculated in a different manner, for the rights granted by the franchise. Any additional or new compensation requirement shall be consistent with the requirements imposed on other similarly situated grantees at the time of renewal.
2. Comply with any amendments to this Chapter or other applicable provisions of this Code that the City has adopted since the franchise was granted.
3. Agree to amendments to the franchise based on changes to state or federal law; and
4. Execute a modification agreement setting forth all such amended terms of the franchise.

D. After the term of the initial franchise and maximum renewals provided for in this Section have expired, a grantee must apply for a new franchise under the same terms and conditions as apply to new franchise applications at the time and pay a fee as set by Council resolution to cover the cost of the City's review of the application. An application for a new franchise must be submitted not less than 180 days prior to expiration of the existing franchise and must contain the following information:

1. The information required pursuant to Section 9.25.060 of this Chapter; and
2. Any information required pursuant to the franchise agreement between the City and the grantee.

(Ord. No. 3353, § 1, 7-26-2010) (Ord. 3133 § 12, 2003; Ord. 3063 § 2, 2000)

9.25.110 Franchise Fee. Each grantee shall pay to the City a franchise fee as follows:

A. A telecommunications carrier shall pay seven percent (7%) of its gross revenue derived from exchange access services, as defined in ORS 403.105 or a successor statute, less net uncollectibles from such revenue. The fee shall be paid to the City on a quarterly basis, based on the revenues derived from the quarter just passed, not more than 30 days following the end of the quarter.

B. A non-carrier provider that serves customers in the City shall pay five per cent (5%) of its gross revenue. The fee shall be paid to the City on a quarterly basis, based on the revenues derived from the quarter just passed, not more than thirty (30) days following the end of the quarter.

C. A non-carrier provider that occupies the public way but has no customers in the City shall pay an annual fee for each linear foot of the public way occupied by its facilities. The fee shall be set by Council resolution and adjusted annually in accordance with the Consumer Price Index (CPI-U West). The fee shall be paid by January 31 of each year, based on the linear feet of public way occupied by grantees facilities as of December 31 of the prior year. For the year in which grantee first obtains a franchise, the fee may be

prorated on a monthly basis from the date of issuance of a permit to construct facilities in the public way, to December 31 of said year. Such proration shall not be applied in subsequent years.

D. A person that holds a franchise for a private communications network shall pay an annual fee for each linear foot of the public way occupied by its facilities. The fee shall be adjusted annually in accordance with the Consumer Price Index (CPI-U West). The fee shall be paid by January 31 of each year, based on the linear feet of public way occupied by grantee's facilities as of December 31 of the prior year. For the year in which grantee first obtains a franchise, the fee may be prorated on a monthly basis from the date of issuance of a permit to construct facilities in the public way, to December 31 of said year.

E. A telecommunications provider that serves customers in the City and, on the effective date of this ordinance, holds a valid franchise authorizing it to occupy the public way and pay a fee by the linear foot, may, until the expiration of the current term of such franchise, continue to pay at the per-foot fee set by Council resolution in effect at the time this Ordinance is adopted, as adjusted for inflation, or may elect to pay a fee calculated according to Paragraph B of this section

F. The fee for each small cell installed within the city limits of the City of Roseburg shall be set by Council resolution. The fee shall be paid on an annual basis, not more than 30 days following the end of each calendar year.

G. Any grantee that fails to pay the franchise fee when due, shall be charged a penalty of ten percent and the legal rate of interest established by state statute, on such unpaid balance.
(Ord. 3294, § 6, 12-8-2008)

9.25.115 Operation without a franchise. A telecommunications provider that occupies the public way without a franchise, provides services to customers in the City without a franchise or provides services not authorized by its franchise shall pay the City a fee of six per cent (6%) of gross revenues, plus interest and penalties as described in section 9.25.110F. (Ord. 3294, § 7, 12-8-2008)

9.25.120 Amendment of franchise. Conditions for amending a franchise are as follows:

A. If any grantee desires to extend or locate its telecommunications facilities in a public way of the City which is not included in a franchise previously granted by the City, an amendment to the franchise will be required.

B. If the City orders a grantee to locate or relocate its telecommunications facilities in a public way not included in a previously granted franchise, the City shall grant an automatic amendment without an additional fee.

C. An amended franchise shall be required of any grantee that desires to provide a different type of a service (e.g., cable, telephony) which was not included in a franchise previously granted by the City. An amendment to a franchise will not be required if a grantee adds new or enhanced services of the same type authorized by its existing franchise - e.g., a cable service provider offers digital music service as well as video, or a telephonic service provider adds features like call waiting, call forwarding or caller i.d.
(Ord. 3133 § 13, 2003; Ord. 3063 § 2, 2000)

9.25.130 Reserved.

Editor's note: Ord. No. 3353, § 2, adopted July 26, 2010, repealed § 9.25.130, which pertained to renewal applications and derived from Ord. 3133 § 14, 2003; Ord. 3063 § 2, 2000.

9.25.140 Reserved.

Editor's note: Ord. No. 3353, § 2, adopted July 26, 2010, repealed § 9.25.140, which pertained to renewal of franchise and derived from Ord. 3133 § 15, 2003; Ord. 3063 § 2, 2000.

9.25.150 Obligation to cure as a condition of renewal. No franchise shall be renewed until any and all ongoing violations or defaults in the grantee's performance of the franchise, or of the requirements of this Chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the City. (Ord. 3133 § 16, 2003; Ord. 3063 § 2, 2000)

9.25.160 Assignments or transfers of system or franchise. Ownership or control of a majority interest in a telecommunications franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the City, which consent shall not be unreasonably withheld or delayed. The City may attach reasonable conditions to its consent, such as, but not limited to:

- A. Grantee and the proposed assignee or transferee of the franchise or system shall agree, in writing, to assume and abide by all of the provisions of the franchise.
- B. The approval shall be effective only when the assignee or transferee has demonstrated that it has the legal, technical, financial and other qualifications required by law to own, hold and operate the telecommunications system pursuant to this Chapter.
- C. Unless otherwise provided in a franchise agreement, the grantee shall reimburse the City for all direct and indirect fees, costs and expenses reasonably incurred by the City in considering a request to transfer or assign a telecommunications franchise, including the reasonable cost of the professional consultation on legal, technical or financial issues related to the transfer or assignment.
(Ord. 3133 § 17, 2003; Ord. 3063 § 2, 2000)

9.25.170 Revocation or termination of franchise. A franchise to use or occupy public way of the City may be revoked or terminated for any of the following reasons:

- A. Construction or operation in the City or in the public way of the City without a construction permit.
- B. Construction or operation at an unauthorized location.
- C. Failure to comply with Section 9.25.160 herein with respect to sale, transfer or assignment of a telecommunications system or franchise.
- D. Misrepresentation by or on behalf of a grantee in any application to the City.
- E. Abandonment of telecommunications facilities in the public way.
- F. Failure to relocate or remove facilities as required in this Chapter.
- G. Failure to pay taxes, compensation, fees or costs when and as due the City under this Chapter.
- H. Insolvency or bankruptcy of the grantee.
- I. Violation of a material provision of this Chapter.
- J. Violation of a material term of a franchise agreement.
- K. No longer providing telecommunications services in the City of Roseburg.
(Ord. 3133 § 18, 2003; Ord. 3063 § 2, 2000)

9.25.180 Notice and duty to cure. In the event that the City believes that grounds exist for revocation or termination of a franchise, the City shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding thirty (30) days, to furnish evidence that:

- A. Corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- B. The allegation of a violation or noncompliance is incorrect; and/or
- C. It would be in the public interest to impose some penalty or sanction less than revocation.
(Ord. 3133 § 19, 2003; Ord. 3063 § 2, 2000)

9.25.190 Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the City as provided in Section 9.25.180, the City Manager shall refer the apparent violation or noncompliance to the City Council. The City Council shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter. The hearing may be before the City Council, or at its discretion, the Council may appoint a hearings official to receive evidence and arguments and to prepare a report to the Council.
(Ord. 3133 § 20, 2003; Ord. 3063 § 2, 2000)

9.25.200 Standards for revocation or lesser sanctions. If persuaded that the grantee has violated or failed to comply with material provisions of this Chapter or a franchise agreement, the City Council shall determine whether to revoke the franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:

- A. The misconduct was egregious.
- B. Substantial harm resulted.

- C. The violation was intentional.
 - D. There is a history of prior violations of the same or other requirements.
 - E. There is a history of overall compliance.
 - F. The violation was voluntarily disclosed, admitted or cured.
 - G. Any other fact or circumstance that, in the City Council's judgment, is relevant to the severity of the violations.
- (Ord. 3133 § 21, 2003: Ord. 3063 § 2, 2000)

9.25.210 General construction and location of facilities in the public way. No person, telecommunications provider or grantee shall commence or continue with the construction, installation or operation of telecommunication facilities in a public way except as provided in Sections 9.25.220 through 9.25.320, and in compliance with Chapter 4.02 of this Code and the applicable rules of the City. (Ord. 3133 § 22, 2003: Ord. 3063 § 2, 2000)

9.25.220 Construction codes. Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations, including the National Electrical Code and the National Electrical Safety Code. (Ord. 3133 § 23, 2003: Ord. 3063 § 2, 2000)

9.25.230 Construction permits. No person, telecommunications provider or grantee shall construct or install any telecommunications facilities in a public way without first obtaining a permit and paying the fees required by Chapter 4.02 of this Code. No permit shall be issued for the construction or installation of telecommunications facilities in a public way unless the person or telecommunications provider has first applied for and received a franchise pursuant to this Chapter. (Ord. 3133 § 24, 2003: Ord. 3063 § 2, 2000)

9.25.240 Applicant's verification. All construction permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations. (Ord. 3133 § 25, 2003: Ord. 3063 § 2, 2000)

9.25.250 Construction schedule. All construction permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the City's Public Works Director. The grantee shall promptly complete all construction activities so as to minimize disruption of the public way and other public and private property. All construction work within the public way, including restoration, must be completed within 90 days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the City's Public Works Director. (Ord. 3133 § 26, 2003: Ord. 3063 § 2, 2000)

9.25.260 Coordination of construction activities. All grantees are required to make a good faith effort to cooperate with the City, including, but not limited to the following:

- A. By January 1 of each year, grantees shall provide the City with a schedule of their proposed construction activities in, around, or that may affect, the public way;
 - B. Non-carrier providers shall also provide the City with a written statement certifying the number of linear feet of public way occupied by their facilities as of December 31st of the prior year;
 - C. If requested by the City, each grantee shall meet with the City annually or as determined by the City, to schedule and coordinate construction in the public way. At that time, the City will provide available information on plans for local, state and/or federal construction projects; and
 - D. All construction locations, activities and schedules shall be coordinated, as ordered by the Public Works Director or his designee, to minimize public inconvenience, disruption or damage.
- (Ord. 3133 § 27, 2003: Ord. 3063 § 2, 2000)

9.25.270 Noncomplying work. Within sixty (60) days following written notice from the City to remove the facilities, which notice shall not be issued until the grantee has had a reasonable opportunity, not to exceed sixty (60) days, to correct noncomplying conditions, all work which does not comply with the construction permit, the approved or corrected plans and specifications for the work, or the requirements of this Chapter, shall be removed at the sole expense of the grantee. (Ord. 3133 § 28, 2003: Ord. 3063 § 2, 2000)

9.25.280 As-built drawings. If requested by the city, the grantee shall furnish the City with two (2) complete sets of plans drawn to scale and certified to the City as accurately depicting the location of all telecommunications facilities constructed pursuant to the construction permit. These plans shall be submitted to the City's Public Works Director or designee within sixty (60) days after completion of construction, in a format acceptable to the City. (Ord. 3133 § 29, 2003: Ord. 3063 § 2, 2000)

9.25.290 Location of facilities. All facilities located within the public way shall be constructed, installed and located in accordance with the following terms and conditions, unless otherwise specified in a franchise agreement:

A. Wherever existing electric utilities, cable facilities and telecommunication facilities are located underground within a public way of the City, a grantee with permission to occupy the same public way must also locate its telecommunications facilities underground.

B. Whenever all new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the City, a grantee that currently occupies the same public way shall relocate its facilities underground concurrently with the other affected utilities to minimize disruption of the public way, absent extraordinary circumstances or undue hardship as determined by the City's Public Works Director and consistent with applicable state and federal law.

C. The Public Works Director may require grantees to coordinate construction schedules and to co-locate facilities in the public way where the coordination or co-location requirements do not unreasonably interfere with any of the grantees' operations. The Public Works Director shall require a co-locating grantee to provide reasonable compensation to another grantee whose facilities it shares if necessary or appropriate to prevent unjust enrichment of the co-locating grantee.

(Ord. 3133 § 30, 2003: Ord. 3063 § 2, 2000)

9.25.300 Interference with the public way. No grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public way by the City, by the general public or by other persons authorized to use or be present in or upon the public way. All use of the public way shall be consistent with Chapter 4.02 of this Code and applicable rules and policies. (Ord. 3133 § 31, 2003: Ord. 3063 § 2, 2000)

9.25.310 Relocation or removal of facilities. Within sixty (60) days following written notice from the City or such shorter time as the City may prescribe because of an emergency, a grantee shall, at no expense to the City, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public way whenever the City shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

A. The construction, repair, maintenance or installation of any City or other public improvements in the public way regardless of whether part of a private development or a publicly funded project.

B. The operations of the City or other governmental entity in the public way.

C. The public interest.

(Ord. 3133 § 32, 2003: Ord. 3063 § 2, 2000)

9.25.320 Removal of unauthorized facilities. Within sixty (60) days following written notice from the City, any grantee, telecommunications provider, or other person that owns, controls or maintains any unauthorized telecommunications system, facility, or related appurtenances within the public way of the City shall, at its own expense, remove such facilities or appurtenances from the public way of the City. A telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

A. One year after the expiration or termination of a telecommunications franchise previously granted to this Chapter.

B. Upon abandonment of a telecommunications facility within the public way of the City. A telecommunications facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of ninety (90) days or longer. Such facility will not be considered abandoned if it is temporarily out of service for repairs, upgrading or replacement or is an addition to or expansion of a telecommunications facility in use, which addition or expansion has been installed to provide excess capacity to serve future needs.

C. If the telecommunications system or facility was constructed or installed without the appropriate prior authority at the time of installation.

D. If the telecommunications system or facility was constructed or installed at a location not permitted by the grantee's telecommunications franchise or other legally sufficient permit.
(Ord. 3133 § 33, 2003: Ord. 3063 § 2, 2000)

9.25.330 General franchise provisions--Facilities. Upon request, each grantee shall provide the City with an accurate map or maps certifying the location of all of the grantee's telecommunications facilities within the public way. Each grantee shall provide updated maps annually. Non-carrier providers shall also provide a written certification of the total linear feet of public way occupied by its facilities as of December 31st of the prior year, or as of any date requested by the City. (Ord. 3133 § 34, 2003: Ord. 3063 § 2, 2000)

9.25.340 Damage to grantee's facilities. Unless directly and proximately caused by willful, intentional or malicious acts by the City, the City shall not be liable for any damage to or loss of any telecommunications facility within the public way of the City as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public way by or on behalf of the City, or for any consequential losses resulting directly or indirectly therefrom.
(Ord. 3133 § 35, 2003: Ord. 3063 § 2, 2000)

9.25.350 Duty to provide information. Within ten (10) business days of a written request from the City, each grantee shall furnish the City with information sufficient to demonstrate that grantee has complied with all requirements of this Chapter. All books, records, maps and other documents, maintained by the grantee with respect to its facilities within the public way shall be made available for inspection by the City at reasonable times and intervals. (Ord. 3133 § 36, 2003: Ord. 3063 § 2, 2000)

9.25.360 Service to the City. If the City contracts with the grantee for the use of telecommunications facilities, telecommunication services, installation or maintenance, the grantee shall charge the grantee's most favorable rate offered at the time of the request charged to similar users within Oregon for a similar volume of service, subject to any grantee's tariffs or price lists on file with the Oregon Public Utilities Commission. With the City's permission, the grantee may deduct the applicable charges from fee payments. Other terms and conditions of such services may be specified in a separate agreement between the City and the grantee. (Ord. 3133 § 37, 2003: Ord. 3063 § 2, 2000)

9.25.370 Cable franchise. Any person, persons or entity providing cable service exclusively shall be subject to the cable franchise requirements in Chapter 9.10 of this Code rather than the requirements of this Chapter. (Ord. 3133 § 38, 2003: Ord. 3063 § 2, 2000)

9.25.380 Leased capacity. A grantee shall have the right, without prior City approval, to offer or provide capacity or bandwidth to another telecommunications provider for resale or service to end-user customers; provided that the grantee shall notify the City that such lease or agreement has been granted to a customer or lessee. The person who acquires capacity or bandwidth in such arrangement also must obtain a franchise and pay franchise fees as provided in this Chapter. (Ord. 3133 § 39, 2003: Ord. 3063 § 2, 2000) (Ord. 3294, § 8, 12-8-2008)

9.25.390 Grantee insurance. Unless otherwise provided in a franchise agreement, each grantee shall, as a condition of the franchise, secure and maintain the following liability insurance policies insuring both the grantee and the City, and its elected and appointed officers, officials, agents and employees as coinsured:

A. (1) Comprehensive general liability insurance with limits not less than three million dollars (\$3,000,000) for bodily injury or death to each person; **(2)** three million dollars (\$3,000,000) for property damage resulting from any one accident; and **(3)** three million dollars (\$3,000,000) for all other types of liability.

B. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars (\$1,000,000) for each person and three million dollars (\$3,000,000) for each accident.

C. Workers' compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000).

D. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars (\$3,000,000).

E. The liability insurance policies required by this Section shall be maintained by the grantee throughout the term of the telecommunications franchise, and such other period of time during which the grantee is operating without a franchise hereunder, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety (90) days after receipt by the City of Roseburg, by registered mail, of a written notice addressed to the City Recorder of such intent to cancel or not to renew."

F. Within sixty (60) days after receipt by the City of said notice, and in no event later than thirty (30) days prior to said cancellation, the grantee shall obtain and furnish to the City evidence that grantee meets requirements of this Section.

G. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the City.
(Ord. 3133 § 40, 2003: Ord. 3063 § 2, 2000)

9.25.400 General indemnification. To the extent permitted by law, each grantee shall defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its telecommunication facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a franchise agreement made or entered into pursuant to this Chapter. (Ord. 3133 § 41, 2003: Ord. 3063 § 2, 2000)

9.25.410 Performance surety. Before a franchise granted pursuant to this Chapter is effective, and as necessary thereafter, the grantee shall provide a performance bond, in form and substance acceptable to the City, as security for the full and complete performance of a franchise granted under this Chapter, including any costs, expenses, damages or loss the City pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the City. This obligation is in addition to the performance surety required by Chapter 4.02 of this Code. (Ord. 3133 § 42, 2003: Ord. 3063 § 2, 2000)

9.25.420 Consent. Wherever the consent of either the City or of the grantee is specifically required by this Chapter, or in a franchise granted, such consent will not be unreasonably withheld. (Ord. 3133 § 43, 2003: Ord. 3063 § 2, 2000)

9.25.430 Confidentiality. The City agrees to use its best efforts to preserve the confidentiality of trade secrets or other information that reasonably may be deemed confidential, as requested by a grantee, to the extent permitted by the Oregon Public Records Law and to the extent consistent with other provisions of this Chapter. (Ord. 3133 § 44, 2003: Ord. 3063 § 2, 2000)

9.25.440 Governing law--Venue. Any franchise granted under this Chapter is subject to the provisions of the Constitution and laws of the United States, and the State of Oregon and the ordinances and Charter of the City. Any action or suit pertaining to rights and obligations arising from this Chapter or any franchise or permit granted pursuant to this Chapter or Chapter 4.02 of this Code shall be filed in the Circuit Court of Douglas County, Oregon. (Ord. 3133 § 45, 2003: Ord. 3063 § 2, 2000)

9.25.450 Written agreement. No franchise shall be granted hereunder unless the agreement is in writing. (Ord. 3133 § 46, 2003: Ord. 3063 § 2, 2000)

9.25.460 Nonexclusive grant. No franchise granted under this Chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights of way of the City for delivery of telecommunications services or any other purposes. (Ord. 3133 § 47, 2003: Ord. 3063 § 2, 2000)

9.25.470 Severability and preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this Chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decisions, the remainder of the Chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant and portion of this Chapter shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Chapter, then the provision shall be read to be preempted to the extent and/or the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no long preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the City, and any amendments hereto. (Ord. 3133 § 48, 2003: Ord. 3063 § 2, 2000)

9.25.480 Other remedies. Nothing in this Chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter, including citation in compliance with Chapter 1.06 of this Code. (Ord. 3133 § 49, 2003: Ord. 3063 § 2, 2000)

9.25.490 Compliance with laws. Any grantee under this Chapter shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all ordinances, resolutions, rules and regulations of the City heretofore or hereafter adopted or established during the entire term any franchise granted under this Chapter, which are relevant and relate to the construction, maintenance and operation of a telecommunications system. (Ord. 3133 § 50, 2003: Ord. 3063 § 2, 2000)

9.25.500 Application to existing ordinances and agreements. To the extent that this chapter is not in conflict with and can be implemented with existing ordinances and franchise agreements, this Chapter shall apply to all existing ordinances and franchise agreements for use of the public right of way for telecommunications. (Ord. 3133 § 51, 2003: Ord. 3063 § 2, 2000)

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



BRADFORD AVENUE AMERICANS WITH DISABILITIES ACT RAMPS PROJECT BID AWARD RECOMMENDATION – 24PW07

Meeting Date: April 22, 2024
Department: Public Works
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Dawn Easley, PW Director
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

The City received construction bids for the Bradford Avenue Americans with Disabilities Act (ADA) Ramps Project. The issue for the City Council is whether to award the construction contract.

BACKGROUND

A. Council Action History.

The City Council awarded an engineering services contract to Century West Engineering to update the ADA Transition Plan for Accessibility in the Public Right-of-Way at their September 26, 2016, meeting.

On March 26, 2018, the City Council adopted the updated ADA Transition Plan for Public Right-of-Way Facilities via Resolution No. 2018-07.

B. Analysis.

The City's adopted ADA Transition Plan prioritizes and guides local efforts to complete accessibility upgrades and charts a course for the City to achieve compliance with current ADA standards. The Plan identified 1,554 sidewalk access ramps that need to be improved or replaced to satisfy ADA requirements. To date, the City has replaced 270 ramps and is on schedule with the thirty-year ADA Transition Plan.

The City incorporates ADA ramp upgrades into pavement management and other improvement projects as required. Many of the substandard ramps will be replaced in conjunction with overlay projects or other planned improvements.

This project was designed by City staff and includes the replacement of 15 curb ramps in Schedule A and 4 curb ramps in Schedule B. The curb ramps are located on W. Bradford Avenue and W. Broccoli Street near Fullerton IV Elementary School.

The construction bid documents were advertised for bid on March 14, 2024, and bids were opened on April 2, 2024.

Four bids were received and are summarized below:

No.	Bidder	Schedule A	Schedule B	Total Bid
1	Freedom Builders	\$177,855.00	\$30,817.00	\$208,672.00
2	Guido Construction	\$193,610.00	\$33,905.00	\$227,515.00
3	Pacific Excavation	\$204,195.00	\$27,925.00	\$232,120.00
4	Brown Contracting	\$210,921.00	\$38,531.00	\$249,452.00
	<i>Engineer's Estimate</i>	<i>\$195,351.00</i>	<i>\$25,531.00</i>	<i>\$220,882.00</i>

C. Financial/Resource Considerations.

The FY 23-24 Sidewalk/Street Lights Fund budget includes \$465,000 for ADA ramp replacement projects. \$229,000 is available for this project. Total project costs are estimated below.

Construction	\$ 208,672.00
Contingency (5% of const.)	\$ 10,433.00
Total Estimated Costs	\$ 219,105.00

D. Timing Considerations.

Funds are available in the FY 23-24 budget, and if awarded the Notice to Proceed will be issued in June, for work to start after school is out. The contractor is allowed 80 calendar days to complete the project.

COUNCIL OPTIONS

The City Council has the following options:

1. Award the contract to the lowest responsive bidder, Freedom Builders, LLC, for \$208,672.00; or
2. Request additional information; or
3. Reject all bids.

STAFF RECOMMENDATION

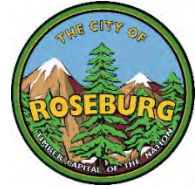
The lowest bidder submitted all required documentation and is considered both responsive and responsible. Funds have been budgeted and are available for this project. The Public Works Commission discussed this project at its April 11, 2024, meeting and unanimously recommended awarding the project to Freedom Builders LLC, the lowest responsible bidder, for \$208,672.00. Staff concurs with this recommendation.

SUGGESTED MOTION

"I MOVE TO AWARD THE BRADFORD AVENUE ADA RAMPS PROJECT TO THE LOWEST RESPONSIBLE BIDDER, FREEDOM BUILDERS LLC, FOR \$208,672.00."

ATTACHMENTS: None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



STEWART PARK DRIVE SOUTH UMPQUA BRIDGE PROJECT - INTERGOVERNMENTAL AGREEMENT- AMENDMENT NO. 1

Meeting Date: April 22, 2024
Department: Public Works
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Dawn Easley, PW Director
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

Staff recently received the draft Intergovernmental Agreement (IGA) Amendment No. 1 for the Stewart Park Drive South Umpqua Bridge Construction Project from the Oregon Department of Transportation (ODOT). The issue for the Council is whether to authorize the execution of the amendment to the agreement.

BACKGROUND

A. Council Action History.

On December 14, 2020, the City Council authorized the execution of an IGA with ODOT for the Rehabilitation Project for the Stewart Park Drive South Umpqua Bridge Project.

B. Analysis.

The City began applying for a bridge replacement project for the Stewart Park Drive Bridge through the ODOT Local Bridge Program in 2015. While not successful that year, the City applied in the next cycle in 2018. During the process, ODOT staff indicated they would not support a bridge replacement project, but would support a bridge rehabilitation project.

In March 2019, the City of Roseburg was awarded a grant through the ODOT Local Bridge Program to rehabilitate the bridge on Stewart Park Drive over the South Umpqua River. Staff recently received Amendment No. 1 to the IGA with ODOT, which must be executed for ODOT to begin work on the project. This will be a federally funded project led by ODOT and scheduled to receive funding in Federal Fiscal Year 2024.

The Stewart Park Drive Bridge was constructed in 1933 and has a sufficiency rating of 16.1 (out of a possible 100). It is currently load-rated at 12 tons. The City's fire apparatus weighs between 22 and 39 tons. The project work includes rehabilitation of the bridge, construction containment, prep surface and painting, repair of existing deck, strengthening pin and hanger connections, upgrading sidewalk approaches to ADA standards (NW and SW corners), replacing timber sidewalk surface, adding a new ADA

handrail on the west side of the bridge, and heat straightening or replacing impact damaged truss members.

When the Roseburg Veterans Administration submitted for registration as a historic district, they included the bridge as a contributing structure. The unusual bridge is one of the smallest highway cantilever truss bridges in the country and is considered to contribute to the Roseburg Veterans Administration Historic District. As part of the rehabilitation project, the State Historic Preservation Office (SHPO) is requesting that the bridge be painted its original black color. Given the bridge's history in our community and its unofficial name, "The Green Bridge," staff wanted to make the council aware of the intended change of color from green to black.

C. Financial/Resource Considerations.

Since the original scoping in 2022, the total estimated project cost has increased due to inflation. This amendment increases the total rehabilitation project cost estimate to \$5,770,000 from \$5,571,886, which increases the City match by \$20,346. Federal funds for the project are limited to \$5,177,421 (89.73%), and the required City matching funds are \$592,579 (10.27%). The City has reserved approximately \$600,000 in the Surface Transportation Block Grant (STBG) funds for the match on this project.

D. Timing Considerations.

The project is set to bid in August 2024, with a Notice to Proceed date of October 28, 2024. To complete the design process and prevent further delays, ODOT must execute a change order with the consultant, and this amendment must be authorized first. If authorized, the amendment will be executed as soon as practicable.

If Council wants to learn more information about the color change and/or take issue with the color change, this will delay the project and add additional costs.

COUNCIL OPTIONS

The Council has the following options:

1. Authorize execution of Amendment No. 1 for Stewart Park Drive South Umpqua Bridge Rehabilitation Project; or
2. Request additional information; or
3. Not move forward with the project at this time.

STAFF RECOMMENDATION

The existing bridge has a low sufficiency rating and is load-restricted. The Local Bridge Program is the only financially feasible method of rehabilitating the Stewart Park Drive Bridge. Due to timing constraints, this amendment was not presented to the Public Works Commission. Staff recommends that Council authorize the execution of the amendment.

SUGGESTED MOTION

"I MOVE TO AUTHORIZE EXECUTION OF AMENDMENT NO. 1 TO THE INTERGOVERNMENTAL AGREEMENT WITH ODOT FOR THE STEWART PARK DRIVE SOUTH UMPQUA BRIDGE REHABILITATION PROJECT."

ATTACHMENTS:

None

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



OFF-STREET PARKING

Meeting Date: April 22, 2024

Department: Administration/CDD

www.cityofroseburg.org

Agenda Section: Department Items

Staff Contact: Nikki Messenger/Stuart Cowie

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

At the March 25, 2024 meeting, the Council directed staff to bring back information on funding the Off-Street Parking System utilizing a citywide fee imposed on City utility bills.

BACKGROUND

A. Council Action History.

April 27, 2020 - Authorized cancellation of the Parking Enforcement Services Contract with DRA/Park Smart by mutual consent effective March 31, 2020.

March 22, 2021 - Received a Downtown Parking Assessment and Plan Presentation from Rick Williams Consulting. Accepted the Downtown Parking Assessment and Plan.

December 13, 2021 – Awarded the contract for parking enforcement services to ACE Parking.

January 24, 2022 – Authorized a supplemental budget to the Off-Street Parking Fund establishing appropriation authority to manage the parking enforcement contract for fiscal year 2021-2022.

August 22, 2022 – Council was advised that ACE parking is failing to generate enough revenue to cover the cost of its contract. Council approved converting the free parking spaces in the parking lot behind Downtown Fitness and in the Parking Garage to time-limited parking. Council also authorized the use of ARPA funds to pay for janitorial and security services for a period of one year for the downtown parking garage.

September 26, 2022 – Council was presented a detailed overview of the financial challenges facing the Off-Street Parking Fund and options for closing the funding gap. Council authorized staff to remove meters in appropriate areas and centralize working meters. Council directed staff to do further research and provide options with financial information to assist the parking program.

Council has authorized use of ARPA funds to directly cover the cash flow needs of the Off Street Parking Fund up to \$50,000 on the following separate occasions: May 9, 2022,

September 26, 2022, January 23, 2023, June 12, 2023, November 13, 2023, and February 26, 2024.

October 23, 2023 – Council adopted a resolution authorizing an appropriation transfer to transfer \$20,000 from General Fund Contingency to the Off-Street Parking Fund.

November 1, 2023 – Council held a work-study session to discuss downtown parking. Council supported a hybrid model including time limited free parking, fees paid by customers and visitors, and fees paid by property and/or business owners and directed staff to provide more information about options and schedule public comment.

December 6, 2023 – Council held a special meeting and took public comment. There was a consensus of Council to establish a committee to review previous parking study and discuss solutions.

March 24, 2024 – Council directed staff to review statement submitted by downtown parking discussion group and bring back an evaluation.

B. Analysis.

Revenue vs. Expenditures

The Off-Street Parking Fund is an enterprise fund that is intended to operate independently without support from the City’s General Fund. The parking enforcement contract with ACE Parking requires the vendor to turn all revenues over to the City monthly. The chart reflects actual revenues collected during the current fiscal year. The U-Haul lot lease is not collected by ACE, but has been dedicated to the Off-Street Parking Fund.

REVENUE

FY 23-24 Revenues	Total (9 months)	Monthly Average	Average x 12 months
Parking Fines	\$ 28,640	\$ 3,182	\$ 38,187
Permits	\$ 43,847	\$ 4,872	\$ 58,463
Meters	\$ 8,204	\$ 912	\$ 10,939
<i>Subtotal Ace Revenue</i>	\$ 80,691	\$ 8,966	\$ 107,588
U-haul Lot Lease		\$ 1,500	\$ 18,000
Average Monthly Revenue		\$10,466	
Annual Forecast			\$ 125,588

EXPENDITURES

Under the contract, the City is required to reimburse ACE for actual costs of the approved budgeted expenses including personnel costs, operating expenses, licensing fees, maintenance services requested by City, all taxes, supplies, including tickets, utilities and cleaning supplies, cost of insurance, administrative charges, telephone expenses, mileage reimbursement, credit card fees and amortized capital costs (\$1200/mo). The remaining amortized capital costs as of April 2024 is \$38,349.

The contract includes a base management fee of \$1,750 per month and a clause for sharing net revenue if revenues exceed expenditures. Based on the past 12 months’ experience, the cost of the ACE Parking contract is estimated at **\$18,275** per month or **\$219,300** annually.

In addition to the enforcement contract, the Off-Street Parking Fund is responsible for covering the overhead costs associated with owning and maintaining the parking infrastructure. The table shows the various overhead costs associated with owning and basic maintenance of the parking facilities. The numbers have been derived from the proposed FY 24-25 Off-Street Parking Fund budget. The “Non-enforcement contracts” are currently being funded through ARPA, but staff anticipates FY 24-25 will be the final year that funding source is utilized. The chart does not include the costs associated with street maintenance, street marking, signage, street sweeping or related staff costs.

Overhead Category	Budget
<i>Central Services</i>	
City Services	\$ 6,000
Audit	\$ 2,600
Subtotal	\$ 8,600
<i>Utilities & Insurance</i>	
Power	\$ 20,000
Water	\$ 1,000
Sewer	\$ 110
Storm	\$ 1,570
Property Insurance	\$ 8,400
Communications	\$ 1,600
Buildings & Grounds Maint.	\$ 20,000
Subtotal	\$ 52,680
Overhead w/o contracts	\$ 61,280
<i>Non-enforcement contracts</i>	
Cleaning Contract	\$ 26,460
Security Contract	\$ 24,003
Subtotal	\$ 50,463
Overhead Budget w/o enforcement	\$ 111,743

DEFICIT

Taking all of the known revenues and expenditures into consideration, the following chart outlines the projected deficit. This estimate does not include any costs associated with changing out signage or removing/replacing any meters. Should Council choose to move forward with a parking fee app, those costs would need to be included in future estimates.

FY 24-25 Off-Street Parking Estimates	
Total Projected Revenue	\$ 125,588
Overhead	\$ 61,280
Non-enforcement Contracts	\$ 50,463
Enforcement Contract	\$ 219,300
Total Projected Cost	\$ 331,043
Projected Deficit	\$ (205,455)

Monthly Fee – Straight Line Calculation

As staff understood Council’s direction, the intent was to divide the projected deficit among the number of water meters located within the City Limits.

$$\$205,455/9,000 \text{ meters} = \$22.83 \text{ per year or } \$3.81 \text{ per bi-monthly billing}$$

This is the *minimum* funding level to cover the estimated deficit and would not provide for any improvements to the parking structure or any of the parking lots. Under this scenario, the fee is the same regardless of size of water meter or type of land use. A single-family residence would be the same as an apartment complex. A small retail operation would pay the same as a large box-store.

Other Considerations

In addition to further direction regarding the information above, staff seeks Council direction on the following items/questions that remain outstanding:

- Should parking in downtown remain free to customers?
 - If free parking – is it time limited?
 - What is the time limit?
 - Currently 2 hours in most areas. Limited areas are 3 hours, and the first floor of the parking structure and the Rose Street Lot offer 4-hour spaces.
 - Should there be a mechanism to pay to park beyond the time limit?
- What do we do with the existing meters that are at or beyond the end of their useful life?
 - Remove all existing meters and go to paid, time-limited, and/or permit parking only in those areas? *This will require considerable signage updates and should only be done after a decision on free versus paid parking is made in order for signage to be consistent.*

The “Roseburg Downtown Parking Assessment” identifies these discussion items, which can be found starting on page 19 of the following link:

[Roseburg Downtown Parking Assessment and Plan - FINAL REPORT March 15 2021.pdf \(cityofroseburg.org\)](#) .

C. Financial/Resource Considerations.

The Off-Street Parking Fund continues to operate at a deficit. The City Council has authorized approximately \$300,000 in ARPA funding and \$20,000 in General Fund to cover the deficit and an additional \$100,000 (approx.) in ARPA funding to cover security and cleaning services in the Parking Structure.

D. Timing Considerations.

The ARPA funding must be committed by the end of this calendar year.

Staff is unaware of any similar funding mechanisms for paying for parking enforcement, so may be “starting from scratch” when writing municipal code language setting this system up. Council input will be required regarding consequences for non-payment and other structural details should this move forward. This work may take several months.

COUNCIL OPTIONS

Staff is seeking direction from Council.

STAFF RECOMMENDATION

Staff is seeking direction from Council.

SUGGESTED MOTION

No suggested motion. Staff is seeking direction on next steps.

ATTACHMENTS: None.



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

CITY MANAGER ACTIVITY REPORT

Meeting Date: April 22, 2024
Department: Administration
www.cityofroseburg.org

Agenda Section: Informational
Staff Contact: Nikki Messenger, City Manager
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

At each meeting, the City Manager provides the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's part. The reports are intended to provide a mechanism to solicit feedback and enhance communication between the Council, City Manager and City Staff. For your April 22, 2024 meeting, the following items are included:

- Department Head Meeting Agendas
- Tentative Future Council Agenda Items



Agenda
Department Head Meeting
Public Safety Center Umpqua Room
April 9, 2024 - 10:00 a.m.

1. April 8, 2024 City Council Meeting Synopsis
2. April 22, 2024 City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign:
 - A. Community Event Application – Roseburg Cars & Coffee
5. Discussion Items



Agenda
Department Head Meeting
Public Safety Center Umpqua Room
April 15, 2024 - 10:00 a.m.

1. IT Updates and Questions – Christine, Systech
2. April 22, 2024 City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign:
 - A. Purchase Order – Police Vehicle
5. Discussion Items

TENTATIVE FUTURE COUNCIL AGENDA



Unscheduled

- UTRAN Presentation
- VA Director Presentation
- Council Goals Adoption
- Authorization to accept FAA Grant
- Patrol Vehicles Purchase
- Fee Discussion

May 13, 2024

Mayor Reports

- A. EMS Week Proclamation – Jenn Ford and Kevin McKim
- B. National Public Works Proclamation
- C. 2023 Roseburg Optimist Club Officer of the Year

Consent Agenda

- A. April 22, 2024 Meeting Minutes
- B. April 29, 2024 Work Session Minutes

Resolutions

- A. Annual Fee Adjustment
 - i. General Fees
 - ii. Water Related Fees

Department Items

- A. 2024-2029 Capital Improvement Plan Update

Informational

- A. City Manager Activity Report

May 27, 2024 MEMORIAL DAY

June 10, 2024

Mayor Reports

Consent Agenda

- A. May 13, 2024 Meeting Minutes

Public Hearings

- A. Urban Growth Boundary SWAP

Resolution

- A. Resolution to Adopt the Budget

Informational

- A. City Manager Activity Report

Urban Renewal Agency Board Meeting

Consent Agenda

- A. December 11, 2023 Meeting Minutes

Resolution

- A. Resolution to Adopt the Budget

June 24, 2024

Mayor Reports

Consent Agenda

- A. June 10, 2024 Meeting Minutes

Informational

- A. City Manager Activity Report

July 8, 2024

Mayor Reports

- A. Parks and Recreation Month Proclamation

Special Presentations

- A. AmeriCorps Member Presentation

Consent Agenda

- A. June 24, 2024 Meeting Minutes

Informational

- A. City Manager Activity Report
-

July 22, 2024

Mayor Reports

Consent Agenda

- A. July 8, 2024 Meeting Minutes

Informational

- A. City Manager Activity Report

- B. Municipal Court Quarterly Report
-

August 12, 2024

Consent Agenda

- A. July 22, 2024 Meeting Minutes

Informational

- A. City Manager Activity Report

- B. Quarterly Financial Report
-

August 26, 2024

Consent Agenda

- A. August 12, 2024 Meeting Minutes

Informational

- A. City Manager Activity Report
-

September 9, 2024

Consent Agenda

- A. August 26, 2024 Meeting Minutes

Informational

- A. City Manager Activity Report
-

September 23, 2024

Consent Agenda

- A. September 9, 2024 Meeting Minutes

Informational

- A. City Manager Activity Report
-

October 14, 2024

Consent Agenda

- A. September 23, 2024 Meeting Minutes

Department Items

- A. 2024 Oregon Public Library Statistical Report

Informational

- A. City Manager Activity Report
-

City of Roseburg, Oregon

Quarterly Financial Report

3rd Quarter, Fiscal-Year 2023-2024



March 2024

The *Quarterly Financial Report* summarizes the City of Roseburg's financial position for the General Fund, major operating funds, proprietary funds, and Urban Renewal funds through the 3rd quarter of fiscal year 2023-2024.

All funds are presented on a budgetary basis. Although this is a quarterly financial report, the focus is on year-to-date activity.

Budgeted Fund Balance is comprised of Contingency, Reserves, and Ending Fund Balance.

Report Note: When reading these quarterly financial reports it is important to keep in mind the cyclical activity in revenues and expenditures. Examples would include property taxes, grants, capital projects, and charges for services. This report is unaudited and precedes final year-end accruals.

This financial report includes the quarter ending March 2023 for comparison purposes.

OVERVIEW:

- \$17.2 million General Fund balance.
- 4.9% Douglas County seasonally adjusted unemployment rate (February).
- 5.20% state investment pool interest rate.
- 3.5% Year-over-Year CPI-U for March, 2024.
- Authorized execution of Amendment No. 1 to IGA with ODOT for the Douglas Ave. Deer Creek Bridge project.
- Authorized Task Order No. 3 for Design through Bidding services for the NE Jackson Street water main replacement project for \$136,825.
- Approved the third 10-year renewal for the GBGP, LLC lease at the airport industrial property at a lease rate of \$32,538 for the next 5-year period.
- Authorized use of \$50,000 in ARPA funds to support Off Street Parking Fund.
- Authorized execution of Change Order No. 1 to the IGA with ODOT for the Douglas Avenue Deer Creek Bridge project.

GENERAL FUND

General Fund	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 29,151,344	\$25,482,299	87%	\$23,813,175
Expenditures	31,639,685	20,705,770	65%	19,666,768
Balance-July 1	11,330,500	12,383,267	109%	10,597,061
Balance YTD	\$ 8,842,159	\$17,159,796		\$14,743,468

GENERAL FUND REVENUE

General Fund Revenue	Budget	YTD Actual	%	Prior Year Actual
Property Taxes	\$19,021,700	\$ 18,183,608	96%	\$16,961,195
Other Taxes	425,000	304,048	72%	289,922
Licenses, Permits, Fees	3,526,758	2,274,327	64%	2,122,624
Charges for Services	4,445,853	3,294,406	74%	3,165,144
Intergovernmental	1,408,533	767,657	55%	948,577
Interest	250,000	534,859	214%	264,102
Miscellaneous	73,500	123,394	168%	61,611
Total Revenues	\$29,151,344	\$ 25,482,299	87%	\$23,813,175

Property Taxes — The majority of property tax revenue is collected in November and December. At the end of March, 96% of the 19.02 million budgeted has been collected.

Property taxes are based upon assessed values (AV). With passage of Measure 50 in 1996, assessed values are limited to 3% annual increases unless the Real Market Value is less.

Other Taxes – Includes all other City imposed taxes. Currently, only the City’s 3% marijuana tax is reported here.

Licenses, Permits, and Fees—Includes utility franchise fees, planning fees, park fees, and various other fees. At the end of the quarter, 64% of the \$3.5 million budgeted annual revenue from licenses, permits and fees has been collected.

Charges for Services—Besides interdepartmental charges, charges for services include: fines, service area fees, fire suppression and prevention fees, administrative and lien search fees. Year to date court fines total \$195,887, service area fees total \$245,614 and interdepartmental charges total \$2,720,510.

Intergovernmental Revenues are primarily state collected taxes allocated to cities on a per capita basis and include revenue sharing, tobacco, marijuana and liquor, 55% of the \$1,408,533 budgeted for intergovernmental revenue has been collected during the current fiscal year.

Interest Revenue—Interest revenue of \$534,859 is \$270,757 more than the same period a year ago. The average portfolio rate is 5.20%.

GENERAL FUND EXPENDITURES

The following tables detail expenditures by department and major categories. Current year General Fund expenditures of \$20,705,770 represent 65% of budgeted annual expenditures.

Year to date expenditures are \$1,039,002 more than the same period a year ago. The General Fund ending fund balance is \$17,159,796.

By Organizational Unit	Budget	YTD Actual	%	Prior Year Actual
City Manager	\$ 1,955,414	\$ 1,006,287	51%	\$ 978,671
Finance & Mgmt	1,798,393	1,246,841	69%	1,059,738
Community Develop.	1,051,353	709,305	67%	532,317
Library	664,864	427,517	64%	400,402
Public Works	4,022,509	2,531,000	63%	2,425,391
Parks & Recreation	2,109,975	1,424,287	68%	1,217,952
Municipal Court	544,688	393,940	72%	392,760
Police	9,247,982	5,400,460	58%	5,574,141
Fire	8,821,967	6,323,191	72%	6,038,276
Capital & Other	1,422,540	1,242,941	87%	1,047,120
Total	\$ 31,639,685	\$ 20,705,770	65%	19,666,768

By Major Category	Budget	YTD Actual	%	Prior Year Actual
Personnel Services	\$ 24,046,265	\$ 16,192,281	67%	\$15,487,732
Materials & Service	6,170,880	3,270,548	53%	3,131,916
Capital & Other	1,422,540	1,242,941	87%	1,047,120
Total	\$ 31,639,685	\$ 20,705,770	65%	\$19,666,768

MAJOR GOVERNMENTAL FUNDS

SPECIAL REVENUE FUNDS

URBAN RENEWAL GENERAL FUND

Urban Renewal - General	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 813,000	\$ 875,182	108%	\$ 609,106
Expenditures:				
Operations	-	-	0%	-
Transfers	800,000	800,000	100%	600,000
Balance-July 1	475,001	494,930	104%	441,150
Balance YTD	\$ 488,001	\$ 570,112		\$ 450,256

The Urban Renewal-General Fund accounts for the Agency's property tax revenues. Expenditures are primarily for qualified capital improvement projects.

AMERICAN RESCUE PLAN ACT (ARPA) FUND

ARPA	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 120,000	\$ 140,013	117%	
Expenditures:				
Operations	1,300,000	242,083	19%	
Capital	1,750,000	510,542	29%	
Transfers	50,000	-	0%	
Balance-July 1	4,435,420	4,157,542	94%	
Balance YTD	\$ 1,455,420	\$ 3,544,930		\$ -

The American Rescue Plan Act (ARPA) Fund accounts for the use of ARPA Federal Funds. Expenditures include \$22,475 for Porta Potty rentals, \$14,967 for Parking Garage Security, \$16,677 for Parking Garage Janitorial services, \$12,500 for Severe Weather Shelter services, \$325,090 for Navigation Center construction work, \$96,364 for Navigation Center operations, \$67,091 for Off-Street Parking program support, \$20,935 for network switches, \$154,860 for Motorola radio system, \$4,358 for Council Chamber Upgrades, \$4,013 for speaker platforms, and \$3,638 for consulting work for annexation of Sunshine Park.

CAPITAL PROJECTS FUNDS

EQUIPMENT REPLACEMENT FUND

Equipment	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 1,035,000	\$ 1,075,027	104%	\$ 863,802
Expenditures:				
Operations	90,459	90,380	100%	28,800
Capital	728,000	405,057	56%	318,303
Balance-July 1	2,094,971	2,109,039	101%	1,735,340
Balance YTD	\$ 2,311,512	\$ 2,688,629		\$ 2,252,039

The Equipment Replacement Fund provides resources for major vehicle and equipment purchases. An annual funding level is established based upon equipment needs over a five-year period. Resources are transferred from the General Fund to minimize budget fluctuations in tax supported funds.

Year to date purchases include \$28,799 for Taser 7 license and cartridges, \$24,921 for fire hose and turnouts, \$36,658 for Fleet 3 advanced cameras, \$36,969 for a Parks Chevrolet Traverse, \$258,282 for 3 police interceptor vehicles and a RAV 4, and \$109,807 for defibrillators.

FACILITIES REPLACEMENT FUND

Facilities	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 107,500	\$ 112,003	104%	\$ 123,075
Expenditures:				
Operations	37,687	18,114	48%	12,095
Capital	120,000	6,800	6%	51,839
Balance-July 1	251,591	304,787	121%	290,593
Balance YTD	\$ 201,404	\$ 391,876		\$ 349,734

The Facilities Replacement Fund ending fund balance at March 31, 2024 is \$391,876.

TRANSPORTATION FUND

Transportation	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 2,808,556	\$ 2,493,857	89%	\$ 1,785,913
Expenditures:				
Operations	1,587,146	1,140,795	72%	1,039,399
Capital	1,000,000	610,428	61%	1,156,154
Transfers	10,000	10,000	100%	10,000
Balance-July 1	4,758,635	4,832,895	102%	4,658,057
Balance YTD	\$ 4,970,045	\$ 5,565,529		\$ 4,238,417

Transportation Fund revenues are from state gas taxes, transportation SDC's, federal STP funds and franchise fees. Beginning in 2011, 15% of utility franchise fees are directed to the Transportation Fund for the City's pavement management program. \$583,090 is budgeted in the current year for franchise fee revenue.

Capital Expenditures of \$610,428 is attributed to the Pavement Management for Overlays.

URBAN RENEWAL CAPITAL FUND

Urban Renewal - Capital	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 615,000	\$ 838,659	136%	\$ 614,974
Expenditures:				
Operation	251,474	189,242	75%	182,086
Capital	200,000	-	0%	-
Balance-July 1	987,917	1,021,796	103%	604,411
Balance YTD	\$ 1,151,443	\$ 1,671,213		\$ 1,037,299

The Urban Renewal Capital Fund accounts for the agency’s major construction and improvements.

ENTERPRISE FUNDS

STORM DRAINAGE FUND

Storm Drain	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 3,900,238	\$ 3,612,838	93%	\$ 2,083,332
Expenditures:				
Operations	1,094,502	777,595	71%	689,206
Capital	2,710,000	1,430,133	53%	233,987
Balance-July 1	6,351,962	6,634,407	104%	5,793,839
Balance YTD	\$ 6,447,698	\$ 8,039,517		\$ 6,953,978

The Storm Drain Fund accounts for the revenues and operations of the storm drainage system. Year to date user charges of \$1,940,941 and \$1,372,947 from grants are the principal sources of revenues.

Year to date Storm Drain Fund capital expenditures include \$1,369,385 for the Calkins-Troost-Harvard Storm Replacement, \$16,302 for Fulton Shop Roof Replacement, \$30,896 for storm pipe rehabilitation on Vine and Alameda, \$905 for storm pipe rehabilitation on Alameda and Church, and \$12,646 for the fuel system replacement at the shop.

WATER SERVICE FUND

Water	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 8,264,539	\$ 6,226,080	75%	\$ 5,779,057
Expenditures:				
Operations	5,404,838	3,777,450	70%	3,551,113
Capital	6,260,000	1,866,546	30%	2,725,372
Balance-July 1	9,525,509	9,598,074	101%	10,529,556
Balance YTD	\$ 6,125,210	\$10,180,158		\$ 10,032,128

The Water Fund accounts for the City’s domestic

drinking water utility. Activities are totally supported by charges for services.

Year to date Water Fund revenues of \$6,226,080 is primarily from charges for services. Revenues are \$447,023 more than the prior year.

The ending fund balance at March 31st is \$10,180,158.

OFF STREET PARKING FUND

Off Street Parking	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 122,900	\$ 114,789	93%	\$ 82,698
Expenditures:				
Operations	127,240	112,129	88%	89,476
Balance-July 1	4,756	15,150	319%	10,470
Balance YTD	\$ 416	\$ 17,810		\$ 3,692

Off Street Parking enforcement services were restored under a new third-party contract beginning January 1, 2022. After a community educational outreach period, active enforcement that includes ticket writing began in full force April 1, 2022.

Year to date expenditures for Ace Parking & Mobility Solutions in the amount of \$67,091 were paid for through the American Rescue Plan and not included in Off Street Parking Fund.

The ending fund balance at March 31st is \$17,810.

AIRPORT FUND

Airport	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 851,664	\$ 377,489	44%	\$ 320,424
Expenditures:				
Operations	270,155	181,676	67%	169,382
Capital	578,856	73,231	13%	147,154
Debt Service	110,654	10,084	9%	11,097
Balance-July 1	893,219	920,826	103%	849,039
Balance YTD	\$ 785,218	\$ 1,033,324		\$ 841,830

Current year Airport revenues include user charges of \$316,984.

INTERNAL SERVICE FUND

WORKERS’ COMPENSATION FUND

The worker’s compensation fund was established in 1987 to provide financing for the City’s self-insured

worker’s compensation program. Internal charges to other departments provide resources to administer claims management.

Worker's Comp.	Budget	YTD Actual	%	Prior Year Actual
Revenues	\$ 245,460	\$ 104,963	43%	\$ 172,504
Expenditures:				
Operations	439,091	130,423	30%	305,703
Balance-July 1	782,139	781,408	100%	937,890
Balance YTD	\$ 588,508	\$ 755,948		\$ 804,691

An employee safety committee oversees safety and wellness programs for employees. The goal is to promote wellness and reduce work related accidents and injuries.

An actuarial review is completed every two years to ensure the program maintains reasonable reserves and

ECONOMIC OUTLOOK

Douglas County

The State of Oregon Employment Department reported; “Douglas County’s seasonally adjusted unemployment rate edged up to 4.9% in February compared with a revised 4.7% in January. The rate is down from 6.1% in February 2023. Douglas County’s record low unemployment rate was set in December 2019 at 4.3%. The Oregon seasonally adjusted February rate was 4.2% and the U.S. rate was 3.9%.”

“Douglas County payroll employment declined by a seasonally adjusted 120 jobs in February after a loss of 120 in January and an increase of 210 in December.”

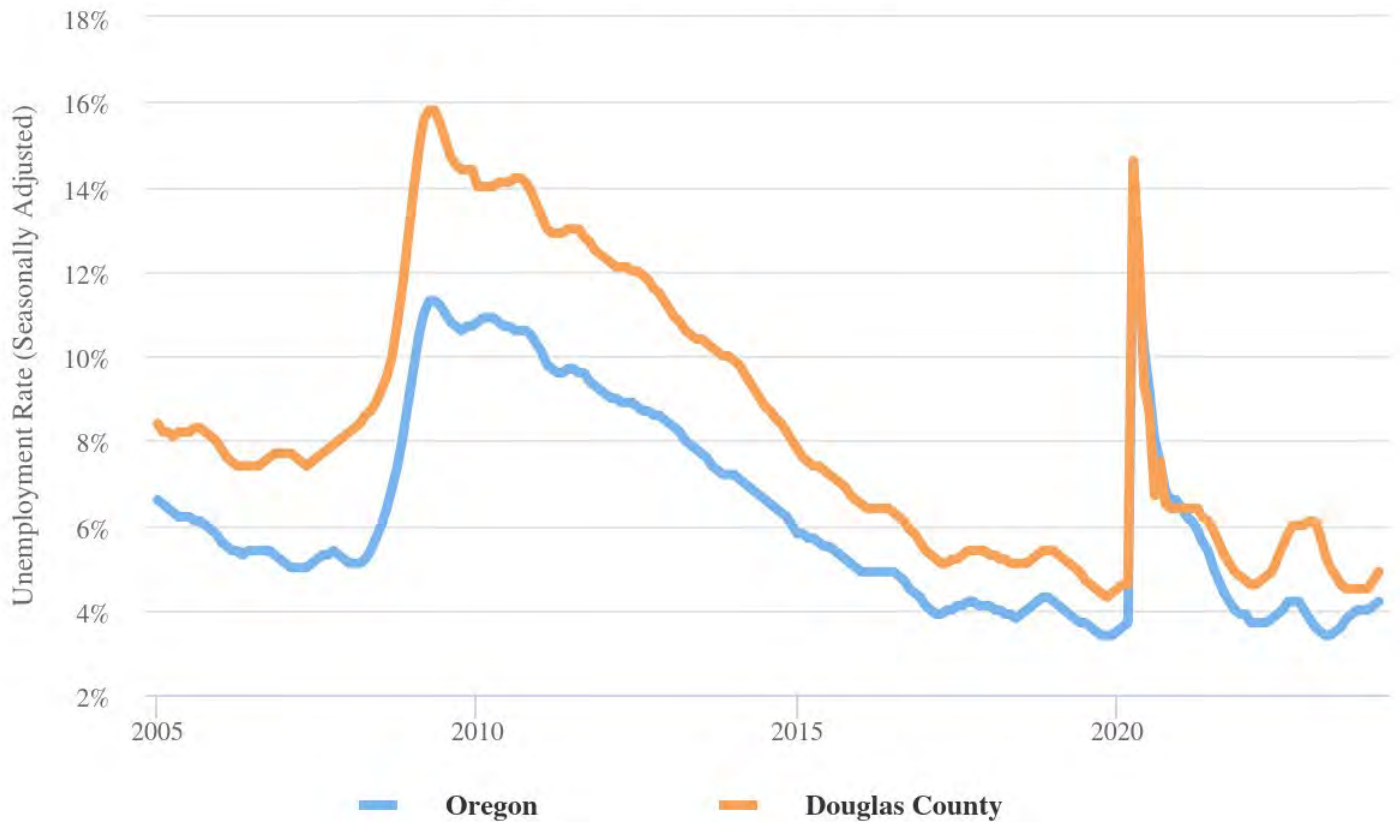
“When comparing February 2024 with February 2023, total nonfarm employment increased 60 jobs, or 0.2%. Private-sector over-the-year gains were seen in private education and health services (250), financial activities (40), and information (30). There were relatively large losses in professional and business services (-220), manufacturing (-60), leisure and hospitality (-60), and wholesale trade (-50).”

“Government gained 120 jobs over the year from gains in local government (150), federal government (50), and state government (30).”

funding levels.

Beginning in October 2023, the City contracted with SAIF to provide workers compensation coverage moving forward. Prior accrued claims with their associated liabilities will be managed by the existing self-funded program. Consequently, revenues moving forward will consist of only interest earnings. The self-imposed charges that constituted the bulk of the revenue for the fund are no longer imposed/collected

Unemployment Rate



Source: Oregon Employment Department Qualityinfo.org

A FINAL NOTE

This quarterly report has been prepared to summarize and review the City's operations and financial position for the third quarter of the 2023-24 fiscal year as of the month ending March 31, 2024, provide management with a financial planning tool, and monitor compliance with budget policy and Oregon budget law.

If you have questions about the report or would like additional information please contact Ron Harker, Finance Director, at (541) 492-6710 or via email at finance@cityofroseburg.org. We encourage you to visit our website at cityofroseburg.org. The site is user friendly and contains information about the services we provide.

City of Roseburg, 900 SE Douglas Avenue, Roseburg, OR 97470

Phone: (541) 492-6710

Website: cityofroseburg.org

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



MUNICIPAL COURT QUARTERLY REPORT

Meeting Date: April 22, 2024
Department: Municipal Court
www.cityofroseburg.org

Agenda Section: Department Reports
Staff Contact: Jason Mahan
Contact Telephone Number: 541-673-0171

ISSUE STATEMENT AND SUMMARY

At the request of City Council, a report on the court's case volume and program revenues has been presented on a quarterly basis since July 2012. This report is the latest of the quarterly reports to have been provided in fulfillment of the Council's desire to receive regular updates on court operations and covers.

BACKGROUND

Analysis.

<u>COURT CASE TOTALS</u>	1ST QTR	2ND QTR	3RD QTR	YTD TOTAL	PRIOR YEAR
CRIMES	316	235	215	766	868
TRAFFIC CRIMES	88	72	118	278	191
TRAFFIC VIOLATIONS	716	551	601	1,868	2,323
NON-TRAFFIC VIOLATIONS	92	144	79	315	120
TOTAL	1,212	1,002	1,013	3,227	3,502

After the third quarter of the 2023-24 fiscal year, total cases were down -7.9% from the prior year. By category, crimes and traffic violations decreased by -11.75% and -19.59% while traffic crimes and non-traffic violations increased by 45.55% and 162.5% respectively.

	BUDGET	1ST QTR	2ND QTR	3RD QTR	YTD TOTAL	PRIOR YTD TOTAL
<u>COURT REVENUES</u>	<u>2023-24</u>	<u>2024</u>	<u>2021</u>	<u>2021</u>	<u>TOTAL</u>	<u>TOTAL</u>
FINES	\$ 295,000	\$ 58,377	\$ 54,371	\$ 60,446	\$ 173,193	\$ 193,969
COURT COSTS	23,000	8,871	6,425	3,068	18,364	20,365
CRT APPT ATTORNEY	9,000	1,781	2,385	1,135	5,301	5,782
TOTAL	\$ 327,000	\$ 69,029	\$ 63,181	\$ 64,649	\$ 196,859	\$ 220,116

After the third quarter of the 2023-24 fiscal year, total court revenues were down -10.57% from the prior year. Fines and collections revenue decreased by -10.71%, while court costs and court appointed attorney revenues decreased -9.83% and -8.32% respectively.

On a budgetary basis, revenues are 60.2% of budget after the third quarter of the fiscal year.

CLOSING REMARKS

The court is receiving a large volume of prohibited camping citations. For individuals that fail to appear in court, the City Prosecutor has been filing failure to appear charges for individuals failing to appear on violations of Roseburg Municipal Code. As a result, the number of individuals who are failing to appear on violation proceedings has dropped significantly.

As mentioned in previous court reports, the Court is continuing to see a substantial volume of criminal defendants that are suffering from mental health issues. These are individuals who the court is familiar with due to repeated criminal arrests and convictions. The court continues to refer these individuals to Adapt for mental health services. There is a small percentage of individuals who take advantage of the resources being offered and provided in our community. However, many do not follow through with court orders and ultimately are arrested for new crimes. If the defendant has not made honest attempts to engage with Adapt, I take this into consideration in determining an appropriate sentence on any new criminal matters.

Sincerely,

Jason Mahan