



MONDAY, MARCH 2, 2020

**Urban Renewal Agency meeting, 6:00 pm
Scappoose Council Chambers
33568 East Columbia Avenue**

Call to Order

Roll Call

Approval of the Agenda

Approval of minutes ~ August 19, 2019 meeting minutes

New Business

Resolution No. URA1-20: Adoption of Public Contracting Rules and Procedures Approval

Calendar

- **Next Meeting – July**

Adjournment

This meeting will be conducted in a handicap accessible room. If special accommodations are needed, please contact City Recorder, Susan Reeves at (503) 543-7146, ext. 224 in advance.

TTY 1-503-378-5938

MONDAY, AUGUST 19, 2019

DRAFT

URBAN RENEWAL AGENCY MEETING, 6:00 P.M.

Mayor Burge called the meeting to order at 6:01 p.m.

Present: Mayor Scott Burge, Council President Patrick Kessi, Councilor Megan Greisen, Councilor Natalie Sanders, Councilor Joel Haugen, Councilor Josh Poling, City Manager Michael Sykes, City Recorder Susan Reeves, Assistant to City Manager Alexandra Rains, Legal Counsel Peter Watts, Program Analyst Huell White, Consultant Elaine Howard and Anna Del Savio, Columbia County Spotlight.

Mayor Burge read over the roles. He explained the committee needs to elect a Chair and Vice Chair who shall hold office at the pleasure of the agency.

Council President Kessi moved and Councilor Greisen seconded the motion to appoint Mayor Scott Burge as the Urban Renewal Agency Chair. Motion passed (6-0). Mayor Burge, aye; Council President Patrick Kessi, aye; Councilor Megan Greisen, aye; Councilor Natalie Sanders, aye; Councilor Joel Haugen, aye and Councilor Josh Poling, aye.

Council President Kessi moved and Councilor Sanders seconded the motion to appoint Councilor Josh Poling as the Urban Renewal Agency Vice Chair. Motion passed (6-0). Mayor Burge, aye; Council President Patrick Kessi, aye; Councilor Megan Greisen, aye; Councilor Natalie Sanders, aye; Councilor Joel Haugen, aye and Councilor Josh Poling, aye.

Assistant to City Manager Alexandra Rains explained the recording secretary will be City Recorder Susan Reeves.

Consultant Elaine Howard explained both her and Alex will be doing the presentation this evening. She explained the road map of what they will be covering this evening is the background and role of the agency, the crash course Urban Renewal 101, discuss the boundaries in the project and plan, the financing, the impacts on the taxing districts and what the next steps are.

Assistant to City Manager Alexandra Rains went over the background. She explained over the last couple of fiscal years City Council has identified the exploration of establishment of an Urban Renewal District as a Council goal. She explained staff has pursued this goal in phases, first beginning with the Urban Renewal Feasibility Study which was completed by ECONorthwest, from January to June of 2018. She explained during that process the overlapping taxing districts and the Economic Development Committee were brought together to form a Technical Advisory Committee (TAC). She explained during that process there were two meetings and then Council also provided review of critical points throughout that project. She explained Council was encouraged by the results and instructed staff to move forward with the development of a full Urban Renewal Plan. She explained that phase of the project was led, again, by the consultant team at ECONorthwest and was kicked off in December of 2018. She explained from December to this summer ECONorthwest and their subconsultants worked to identify projects, confirm the boundary, and develop financial projections for the district; and,

during this time period the TAC from the previous feasibility study was also reconvened. She explained Tiberius Solutions, LLC in 2018 was hired to complete an Urban Renewal Feasibility Study to evaluate the benefits and drawbacks of using urban renewal as a tool to invest in infrastructure and other needed community projects in the city's industrial areas and downtown commercial core. After review of the feasibility study by the City Council, a team of ECONorthwest, Tiberius Solutions, LLC and Elaine Howard Consulting, LLC was hired to complete the plan and report accompanying the Scappoose Urban Renewal Plan (report). As part of the preparation of the plan and report, a Technical Advisory Committee (TAC) was formed to review the boundary, projects and financial components of the urban renewal plan and report. The TAC met three times and provided direct input into the preparation of the plan and report. The City Council was briefed and provided input in March and May of 2019 and again when the formation of the agency came before them for action in June of 2019. An urban renewal survey was posted to the City's website and copies were distributed with City utility bills in the early months of 2019. The survey solicited feedback on community goals for the downtown and industrial areas of the City, asked where the town center is or should be, and what improvements and investments could make the space more like a town center moving forward. Over 160 responses were received. The City's urban renewal consultant team asked similar questions and solicited feedback during their presentation and break out session at the City's Annual Town Meeting on March 2nd, 2019. They focused on educating the community on the basics of urban renewal and gathering feedback on goals and priorities. All information gathered during these two processes was then shared with the TAC and City Council in order to help inform their selection of projects for inclusion in the urban renewal plan. During the same time period as the preparation of the plan and report, Zimmer Gunsul Frasca (ZGF) worked with staff and the community to prepare urban design concepts to be incorporated in future planning within the potential urban renewal area. These concepts were shared with the TAC and City Council.

The staff report covers the following information:

PROPOSAL: The Scappoose Urban Renewal Area (Area), shown in Figure 1, consists of approximately 475.8 acres of land including rights of way. The purpose of urban renewal is to improve specific areas of a city that are poorly developed or underdeveloped. The Area has many properties that are undeveloped or under-developed and lacks sufficient infrastructure within the Area as identified in the Report. The Plan contains goals, objectives, and projects for the development of the Area. The goals of the Plan are listed in Section IV of the attached Plan. The specific projects proposed in this Plan are outlined in Section V, VI of the Plan and include Water/Sewer Improvements, Transportation, Other Transportation, Business and Property Owner Incentives, and Administration. The overall purpose of the Plan is to use tax increment financing to overcome obstacles to the proper development of the Area. Urban renewal is unique in that it brings its own financing source: tax increment financing. Tax increment revenues - the amount of property taxes generated by the increase in total assessed values in the urban renewal area from the time the urban renewal area is first established – are used to repay borrowed funds. The funds borrowed are used to pay for urban renewal projects. The Plan is projected to take 30 years of tax increment revenue collection.

PROCESS ~ THE PROCESS FOR APPROVAL OF THE URBAN RENEWAL PLAN WILL INCLUDE THE FOLLOWING STEPS, IN ACCORDANCE WITH ORS 457.095

1. Preparation of a Plan including opportunity for citizen involvement.
2. Agency review of the proposed Plan and accompanying Report on August 19, 2019
3. Review and recommendation by the Scappoose Planning Commission on September 12, 2019.
4. Presentation of the Plan to the Columbia County Commission for a briefing on August 28, 2019.
5. Notice to citizens of consideration of an ordinance via utility bills in August.
6. Forwarding a copy of the proposed Plan and the Report to the governing body of each taxing district. The formal taxing districts letters will be sent out on August 20, 2019.
7. Hearing by Scappoose City Council and adoption of the proposed Plan and accompanying Report by a non-emergency ordinance. The hearing and first reading of the Ordinance will be held on October 21, 2019 and the second reading and vote by City Council will occur on November 18, 2019. The ordinance must be a non-emergency ordinance, which means that the ordinance does not take effect until 30 days after its approval and during that period of time may be referred to Scappoose voters if a sufficient number of signatures are obtained on a referral petition.

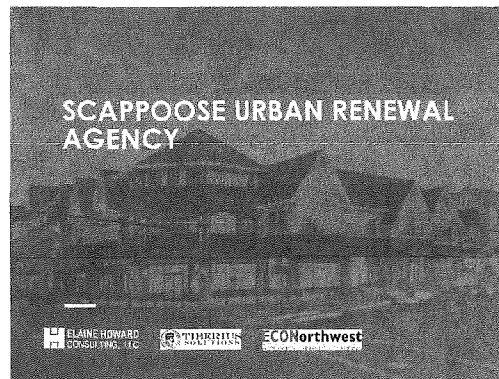
STAFF RECOMMENDATION ~ STAFF RECOMMENDS THAT THE SCAPPOOSE URBAN RENEWAL AGENCY PASS THE MOTION INCLUDED BELOW:

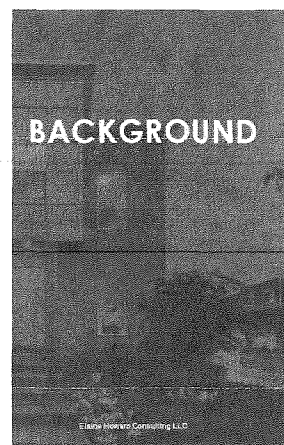
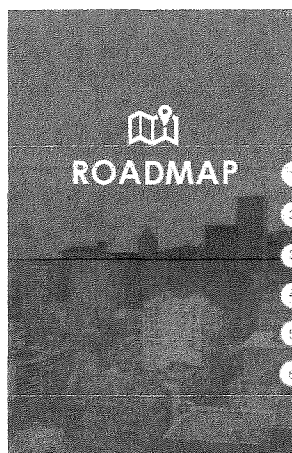
Draft motion: The Scappoose Urban Renewal Agency forwards the Scappoose Urban Renewal Plan to the Scappoose Planning Commission for their review of the Plan's conformance to the Scappoose Comprehensive Plan, to the Columbia County Commission for briefing and then to the Scappoose City Council for a public hearing, their review and vote on adoption.

Attachments to the packet include:

1. Scappoose Urban Renewal Plan
2. Report Accompanying the Scappoose Urban Renewal Plan

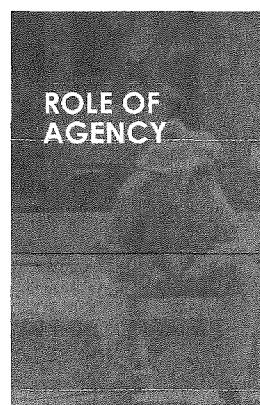
Elaine Howard, consultant went over the power point.





- Background:
- ✦ Feasibility study
 - ✦ Technical Advisory Committee
 - ✦ Survey
 - ✦ Town Meeting
 - ✦ City Council input

- To determine whether the Scappoose Urban Renewal Plan should undergo the "Public Review" process, including:
1. Planning Commission review for conformance to Comprehensive Plan
 2. County briefing
 3. City Council hearing and vote



WHAT IS BLIGHT?

- ✦ Blight is a precondition to any Urban Renewal Area
- ✦ Specific criteria defined by state statute, generally covers:
 - Under development or underutilization of property
 - Poor condition of buildings
 - Inadequacy of infrastructure including streets and utilities



CRASH COURSE | UR 101



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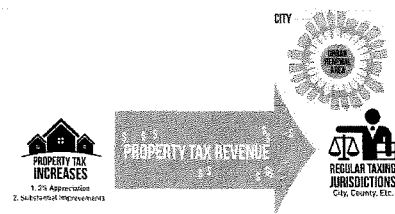


CRASH COURSE | UR 101



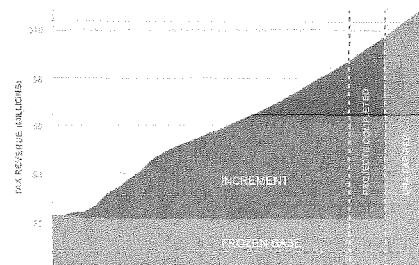
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CRASH COURSE | UR 101



Buckley & Associates, LLC

HOW DOES URBAN RENEWAL FINANCING WORK?



Buckley & Associates, LLC

HOW DOES AN URBAN RENEWAL AREA FUNCTION?

1. Income Source

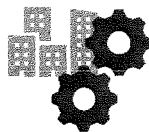
- Yearly property tax collections based on growth within Boundary (more detail on mechanism in later slide)

2. Expenses

- Projects, programs, and administration

3. Spending Limit

- Capped by Maximum Incapacity (MI)
 - The total amount of money that can be spent over the life of the district on projects, programs, and administration
 - MI of Seaport Plan is \$37,000,000



Buckley & Associates, LLC

A HYPOTHETICAL PROPERTY TAX BILL

Taxing District	Rate	Property Value
Property Value		\$100,000
County	\$ 2.2052	\$220.52
County Library	\$ 0.3947	\$39.47
Soil and Water	\$ 0.0500	\$5.00
HR and Extension	\$ 0.0800	\$8.00
City	\$ 5.1067	\$510.67
School District	\$ 4.4614	\$446.14
Community College	\$ 0.5019	\$50.19
ESD	\$ 0.3049	\$30.49
Urban Renewal		
Total	\$ 13.1048	\$1,310.48

Buckley & Associates, LLC

A HYPOTHETICAL PROPERTY TAX BILL

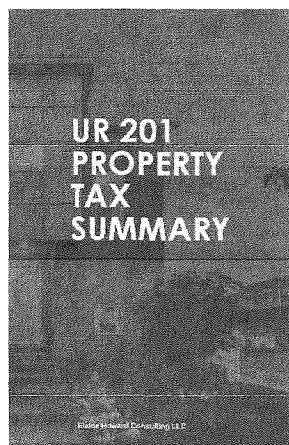
Taxing District	Rate	Property Value	Property Value without UR
Property Value		\$100,000	\$100,000.00
County	\$ 2.2052	\$220.52	\$220.52
County Library	\$ 0.3947	\$39.47	\$39.47
Soil and Water	\$ 0.0500	\$5.00	\$5.00
HR and Extension	\$ 0.0800	\$8.00	\$8.00
City	\$ 5.1067	\$510.67	\$510.67
School District	\$ 4.4614	\$446.14	\$446.14
Community College	\$ 0.5019	\$50.19	\$50.19
ESD	\$ 0.3049	\$30.49	\$30.49
Urban Renewal			
Total	\$ 13.1048	\$1,310.48	\$1,310.48

Buckley & Associates, LLC

A HYPOTHETICAL PROPERTY TAX BILL

Taxing District	Rate	Property Value	Property Value without UR	Property Value with UR
Property Value		\$100,000	\$100,000.00	\$100,000.00
County	\$ 2.2052	\$220.52	\$220.52	\$220.52
County Library	\$ 0.3947	\$39.47	\$39.47	\$39.47
Soil and Water	\$ 0.0500	\$5.00	\$5.00	\$5.00
HR and Extension	\$ 0.0800	\$8.00	\$8.00	\$8.00
City	\$ 5.1067	\$510.67	\$510.67	\$510.67
School District	\$ 4.4614	\$446.14	\$446.14	\$446.14
Community College	\$ 0.5019	\$50.19	\$50.19	\$50.19
ESD	\$ 0.3049	\$30.49	\$30.49	\$30.49
Urban Renewal				\$50.00
Total	\$ 13.1048	\$1,310.48	\$1,310.48	\$1,360.48

Buckley & Associates, LLC



- No new taxes due to the division of taxes from Urban Renewal
- Schools are indirectly impacted by urban renewal
- There will be a line item for Urban Renewal on your property tax bill if this Plan is adopted
- There are no bonds or local option levies impacted by the proposed urban renewal plan

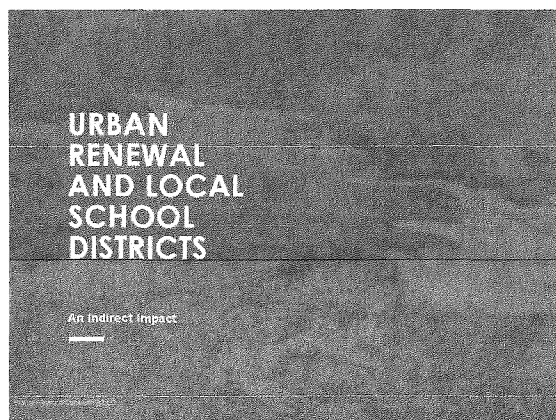


IMPACTS TO TAXING DISTRICTS

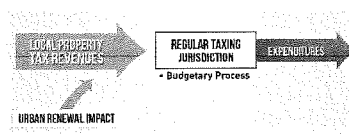
- ❖ Urban Renewal does not provide new money
 - Diverts funds that would go to other property tax districts
- ❖ Continue receiving taxes on frozen base
- ❖ Temporarily forego taxes on any growth in Urban Renewal area
- ❖ Growth may not have occurred but not for urban renewal



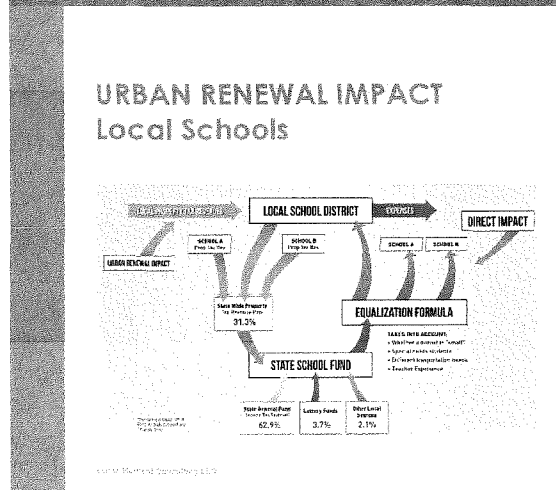
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URBAN RENEWAL IMPACT Regular Taxing District



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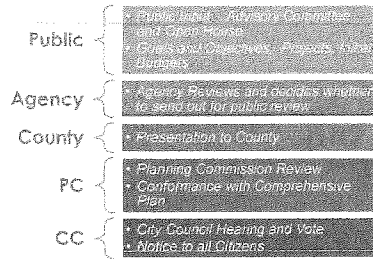


STATE LIMITATIONS ON URBAN RENEWAL

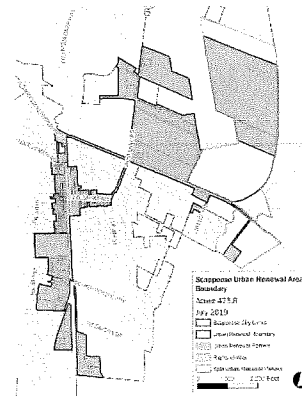
- ❖ Population under 50,000
 - 25% of Assessed Value of Property in City
 - 25% of Percentage of City
- ❖ Existing Plan Limitations:
 - Can not be increased in size by more than 20% of original Plan acreage
 - Maximum Indebtedness (MI) can not increase by more than 20% of original MI, indexing
 - May increase MI above 20% as long as only net debt over 70% of other taxing districts

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HOW IS A PLAN ADOPTED?



Urban Renewal Consulting LLC



Urban Renewal Consulting LLC

PROJECTS IN THE PLAN

- Water/Sewer Improvements
- Transportation
- Other Transportation
- Business and Property Owner Incentives
- Administration

Urban Renewal Consulting LLC

FINANCING

- RM \$37 Million
- 30 years
 - E Zone properties may reduce length of Plan

Urban Renewal Consulting LLC

IMPACTS TO TAXING DISTRICTS

- Table 12 in the Report, page 29
- Shows annual impacts for 30 years

Urban Renewal Consulting LLC

Next Steps & Schedule

- | | |
|-------------------------|--------------|
| 1. Agency Meeting | August 19 |
| 2. Planning Commission | September 12 |
| 3. City Council Hearing | October 21 |
| 4. City Council Vote | November 18 |

Urban Renewal Consulting LLC

I move to forward the Scappoose Urban Renewal Plan to the Scappoose Planning Commission for their review of the Plan's conformance to the Scappoose Comprehensive Plan, to the Columbia County Commission for briefing and then to the Scappoose City Council for their review and vote on adoption.

SUGGESTED MOTION

Elaine Howard stated the spending limit is the amount of money that may be spent on projects, programs and administration over the life of an Urban Renewal Area and the maximum indebtedness in this plan is \$37,000,000.

Council President Kessi asked how did we come up with that \$37,000,000?

Elaine Howard replied you came up with that amount by looking at the growth within the Urban Renewal area over time and Nick Popenuk did the finance plan, which is in your report, that looked at that growth over the assessed value at different time frames and how much money the Urban Renewal area could get. She explained at that point you decided a 30 year scenario is what you wanted to look at, and projecting growth over that 30 year scenario said that the \$37,000,000 was the amount of taxes that could be raised within the area given the growth assumptions provided to the finance consultant.

Councilor Haugen asked Elaine Howard, in her experience, with communities that have developed Urban Renewal Areas, what is kind of a standard maximum indebtedness? He asked do most communities go all the way up to their maximum indebtedness.

Elaine Howard replied yes, they do and that is what the projects in your plan are predicated on is using that full maximum indebtedness. She explained Urban Renewal is constrained by the maximum indebtedness. She talked about the City having two properties in that are in Enterprise Zones right now and they are within the Urban Renewal Area. She explained they did some looking at when that increased value comes back on the property tax roll, what will happen to the time frame. She explained when the \$37,000,000 was established it was a 30 year time frame, however, when those two Enterprise Zone properties come back on the property tax roll, and if they come on at the value that they are now getting the Enterprise benefits for, your actual time frame of the Urban Renewal area could shorten because there will be increased assessed value that will come on the tax roll in the Urban Renewal area. She stated there are factors that can shorten the Urban Renewal area and there are factors that can lengthen the Urban Renewal area time frame.

Councilor Greisen asked if Council will receive any information on what it will look like for each taxing district in terms of what money they will not be receiving year by year?

Assistant to City Manager Alexandra Rains replied it is in the plan.

Elaine Howard explained that is covered in the report, it is on tables 12 and 13. She explained those are estimates based on the growth projections, but it does show year by year by year for every taxing district. She explained for every taxing district they put their number in their letter so that it is clear. She explained there are no new taxes to the property taxpayer as a result of Urban Renewal. She explained there are no bonds or local option levies impacted by Urban Renewal, this was a concern of the Fire District. She explained Urban Renewal does divert money from those taxing districts as we talked about. She explained they made one major change since last coming to Council and that is including the Fire District property in the boundary, to try to figure out how to address the Fire District concerns in the future.

Councilor Greisen replied do they know that?

Assistant to City Manager Alexandra Rains replied she has not heard anything from the Fire District since their meeting a couple of months ago. She explained this is a decision that City Manager Sykes, the consultant and her decided was best. She explained it gives them the flexibility to perhaps address something for them in the future.

Elaine Howard went over the next steps.

Natalie Sanders moved and Vice Chair Josh Poling seconded the motion to forward the Scappoose Urban renewal Plan to the Scappoose Planning Commission for their review of the Plan's conformance to the Scappoose Comprehensive Plan, to the Columbia County Commission for briefing and then to the Scappoose City Council for their review and vote on adoption. Motion passed (6-0). Mayor Burge, aye; Council President Patrick Kessi, aye; Councilor Megan Greisen, aye; Councilor Natalie Sanders, aye; Councilor Joel Haugen, aye and Councilor Josh Poling, aye.

Council President Kessi stated he didn't realize that in regard to the taxing districts, their opportunity was before now.

Assistant to City Manager Alexandra Rains explained they will get a letter and the full plan tomorrow. She explained they still have a chance to submit a written response. She explained they have been involved with the TAC for a year and half, there was the Town Meeting, and staff has copies of the plan and the report as well as letters that will be mailed certified mail tomorrow to all the overlapping taxing district and then they will get a chance to submit a written response.

Mayor Burge adjourned the meeting at 6:58 p.m.

DRAFT

Chair Mayor Scott Burge

Attest:

City Recorder Susan M. Reeves

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: February 26, 2020

Agenda Date Requested: March 2, 2020

To: Scappoose Urban Renewal Agency

From: Alexandra Rains, Assistant to City Manager, City of Scappoose

Subject: Adoption of Public Contracting Rules and Procedures

TYPE OF ACTION REQUESTED:

☒ Resolution

☐ Ordinance

☐ Formal Action

☐ Report Only

ANALYSIS: The Scappoose Urban Renewal Agency is subject to Oregon's public contracting laws and is required to adopt contracting rules consistent with the Public Contracting Code for use within the Scappoose Urban Renewal District. In order to fulfill this legal requirement and create efficiency for City Staff, who will provide administrative support for the District, it is recommended that the Agency adopt the City of Scappoose's Public Contracting Rules and Procedures, attached to this staff report as Exhibit A.

FISCAL IMPACT: There is no immediate fiscal impact as a result of approving Resolution No. URA1-20. In the future, when contracting decisions are made, the City Manager will have the same expenditure authority as outlined in City Resolution No. 17-12.

RECOMMENDATION: Staff recommends the Scappoose Urban Renewal Agency approve Resolution No. URA1-20 thereby adopting the City of Scappoose's Public Contracting Rules and Procedures as stated in City Resolution No. 17-12.

SUGGESTED MOTION: I move the Scappoose Urban Renewal Agency approve Resolution No. URA1-20 thereby adopting the City of Scappoose's Public Contracting Rules and Procedures as stated in City Resolution No. 17-12.

Request for Council Action

RESOLUTION NO. URA1-20

A RESOLUTION ADOPTING PUBLIC CONTRACTING RULES AND PROCEDURES

WHEREAS, the City of Scappoose Urban Renewal Agency ("Agency") was created pursuant to ORS 457.035 and is subject to Oregon's public contracting laws; and

WHEREAS, the Agency is required to adopt public contracting rules consistent with the Public Contracting Code for use within the boundaries of the Scappoose Urban Renewal District; and

WHEREAS, the Agency wishes to adopt the City of Scappoose's Public Contracting Rules and Procedures as stated in Scappoose Resolution No. 17-12 to create efficiency and consistency between the contracting practices of both the City and Agency.

NOW, THEREFORE, BE IT RESOLVED:

1. The Agency hereby adopts the City of Scappoose's Public Contracting Rules and Procedures as stated in Scappoose Resolution No. 17-12.
2. That the Agency shall regularly review changes in the Public Contracting Code and the Model Rules to ensure that the Exhibit A Rules are consistent with current law.
3. This resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED on _____.

Urban Renewal Agency Chair Scott Burge

ATTEST:

Susan M. Reeves, MMC, City Recorder

EXHIBIT A

RESOLUTION NO. 17-12

**A RESOLUTION ADOPTING PUBLIC CONTRACTING RULES AND PROCEDURES AND
REPEALING RESOLUTION NO. 14-07**

WHEREAS, the City of Scappoose ("City") is an Oregon municipal corporation which is subject to Oregon's public contracting laws; and

WHEREAS, the City Council of the City serves as the City's Local Contract Review Board ("LCRB"); and

WHEREAS, and the City Council wishes to amend its existing rules to increase the expenditure authority delegated to the City Manager; and

WHEREAS, the City is required to adopt public contracting rules consistent with the revised Public Contracting Code.

NOW, THEREFORE, BE IT RESOLVED:

1. That, except as otherwise provided herein, the City hereby adopts the Oregon Attorney General's Model Public Contracting Rules ("Model Rules") as the contracting rules for the City, as such Model Rules now exist or are later modified.
2. That the City adopts the public contracting rules described in Exhibit A, which is attached to this Resolution and incorporated herein by reference. The Rules described in Exhibit A shall be in addition to, and shall supersede any conflicting provisions in, the Model Rules.
3. That the City shall regularly review changes in the Public Contracting Code and the Model Rules to ensure that the Exhibit A Rules are consistent with current law.
4. This resolution shall take effect immediately upon adoption.

APPROVED AND ADOPTED on April 3, 2017.



Mayor Scott Burge

ATTEST:



Susan Reeves, MMC, City Recorder

EXHIBIT A

PUBLIC CONTRACTING RULES AND PROCEDURES

A. Personal Services.

(1) **Definition.** As adopted by the City's Local Contract Review Board in Resolution No. 05-01, "Personal Services" shall be defined to include those services that require specialized technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of discretionary judgment, and for which the quality of the service depends on attributes that are unique to the service provider. Such services shall include, but are not limited to: architects; engineers; land surveyors; photogrammetrists; transportation planners; attorneys; accountants; auditors; computer programmers; artists; designers; performers; and consultants. The City Manager or designee shall have the authority to determine whether a particular service is a "personal service" under this definition.

(2) **Contracts for Personal Services other than Architectural, Engineering and Surveying Services and Related Services.** These personal services contracts shall be awarded according to the procedures described in ORS 279B.070. However, by separate resolution, the Local Contract Review Board may authorize certain personal services contracts, or a class of personal services contracts, to be exempted from competitive proposal requirements according to the requirements of ORS 279B.085. Contracts exempted from competitive proposal processes may be awarded by direct appointment. Personal services contracts existing on the effective date of these Rules may be extended by direct appointment.

(3) **Contracts for architectural, engineering, land surveying, photogrammetric mapping, transportation planning and related services.** A contract for architectural, engineering, land surveying, photogrammetric mapping, transportation planning or related services be entered into by direct appointment if such contract is estimated not to exceed \$100,000 in a calendar year. When the estimated cost of the contract is greater than \$100,000 but does not exceed \$250,000, a contract shall be awarded following a qualifications based selection procedure, except that the City may adjust the procedure to accommodate the city's scope, schedule or objectives for the particular project. When the estimated cost of the contract is greater \$250,000, a contract shall be awarded following a qualifications based selection procedure focusing on the consultant's qualifications for the type of professional service required, taking into account the candidate's specialized experience, capabilities and technical competence; resources; record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration; ownership status and employment practices regarding minority, women and emerging small businesses or historically underutilized businesses; availability to the project locale; familiarity with the project locale; and proposed project management techniques. The City may not solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead, to determine consultant compensation until after the City has selected a qualified professional for award. If the City and the professional are unable to negotiate a reasonable and fair amount of compensation, as determined solely by the City, the City shall, either orally or in writing, formally terminate negotiations with the selected candidate and may then negotiate with the next most qualified candidate. The negotiation process may continue in this manner through

successive candidates until an agreement is reached or the contracting agency terminates the consultant contracting process.

B. Delegation.

(1) Except as otherwise provided in these rules, the powers and duties of the Local Contract Review Board under the Public Contracting Code must be exercised and performed by the City Council.

(2) Unless expressly limited by the Local Contract Review Board or these Rules, all powers and duties given or assigned to contract agencies by the Public Contracting Code may be exercised or performed by the City Manager or the City Manager's designee, including the authority to enter into emergency contracts pursuant to ORS 279B.080.

(3) All contracts for capital expenditures estimated to cost more than \$50,000 in a calendar year must be approved by City Council. All public contracts for capital expenditures estimated to cost \$50,000 or less in a calendar year may be entered into by the city manager or designee without Council approval. All public contracts for non-capital expenditures estimated to cost more than \$30,000 in a calendar year must be approved by City Council. All public contracts for non-capital expenditures estimated to cost \$30,000 or less in a calendar year may be entered into by the City Manager or designee without Council approval.

(4) The authority delegated to the City Manager under Subsection (3) of this Section shall not include intergovernmental agreements authorized by ORS Chapter 190 or agreements for loans or grants from state or federal agencies, financial institutions or otherwise; provided however, that nothing herein shall preclude the City Manager or his delegate from applying for such grants or loans.

C. Special Procurements and Exemptions.

(1) The Local Contract Review Board may exempt from competitive bidding certain contracts or classes of contracts for procurement of goods and services according to the procedures described in ORS 279B.085.

(2) The Local Contract Review Board may exempt certain contracts or classes of contracts for public improvements from competitive bidding according to the procedures described in ORS 279C.335. When exempting a public improvement from competitive bidding, the Local Contract Review Board may authorize the contract to be awarded using a Request for Proposal process for public improvements, according to the processes described in OAR 137-049-0640 through 137-049-0690.

D. Small Procurements (Under \$ 10,000).

(1) Public contracts under \$ 10,000 are not subject to competitive bidding requirements. The City Manager or designee shall make a reasonable effort to obtain competitive quotes in order to ensure the best value for the City.

(2) The City may amend a public contract awarded as a small procurement beyond the \$ 10,000 limit in accordance with OAR 137-047-0800, provided the cumulative amendments do not increase the total contract price to a sum that is greater than twenty-five percent (25%) of the original contract price.

E. Intermediate Procurements.

(1) A contract for procurement of goods and services estimated to cost between \$ 10,000 and \$150,000 in a calendar year, or a contract for a public improvement that is estimated to cost between \$ 10,000 and \$100,000 in a calendar year, may be awarded according to the processes for intermediate procurements described in ORS 279B.070.

(2) The City may amend a public contract awarded as an intermediate procurement beyond the stated limitations in accordance with OAR 137-047-0800, provided the cumulative amendments shall not increase the total contract price to a sum that is greater than twenty-five percent (25%) of the original contract price.

F. Methods for Awarding Contracts Using Request for Proposal Process.

In making an award using the request for proposal process in ORS 279B.060, the City may use any evaluation method determined to be most appropriate for the selection process, including, but not limited to, the processes described in ORS 279B.060 8, as well as direct appointment of personal services contracts if direct appointment is determined to be most advantageous to the City. The evaluation process(es) to be used shall be stated in the Request for Proposals. OAR 137-047-0261 through 137-047-0263 shall apply to evaluation of proposals.

G. Emergency Contracts.

(1) "Emergency" shall be defined as follows: "Circumstances that (a) could not have reasonably been foreseen; (b) create a substantial risk of loss, damage, or interruption of services or a substantial threat to property, public health, welfare or safety; and (c) require prompt execution of a contract to remedy the condition."

(2) The Mayor, the City Manager, or a designee of the City Manager shall have authority to determine when emergency conditions exist sufficient to warrant an emergency contract. The nature of the emergency and the method used for the selection of the contractor shall be documented.

(3) Emergency contracts may be awarded as follows:

- (a) Goods and Services. Emergency contracts for procurement of goods and services may be awarded pursuant to ORS 279B.080 and section C, "Delegation," of these Rules.
- (b) Public Improvements. The City hereby adopts OAR 137-049-0150 as its contracting rules for awarding a public improvement contract under emergency conditions.

H. Local Preference Allowed in Evaluation of Bids or Proposals.

When possible, the City shall use solicitation documents and evaluation criteria that give preference to goods that are fabricated or processed, or services that are performed entirely within the State of Oregon if the cost of the goods or services does not exceed 110% of the cost of the goods or services not fabricated or processed or performed entirely within the State of Oregon. If more than one bidder or proposer qualifies for this preference, the City may give an additional 5% preference to a qualifying bidder or proposer that resides in or is headquartered in the State of Oregon.

I. Disposal of Surplus Property.

(1) "Surplus Property" is defined as any personal property of the City that has been determined by the City Manager or designee as being of no use or value to the City.

(2) The City Manager or designee may dispose of surplus property as follows: The City Manager shall submit a request to the City Council for a declaration that certain property is of no further use or value to the City. The City Council shall, by resolution, declare such property "surplus" and authorize the means by which the City Manager may dispose of the property, including granting the City Manager discretion to dispose of the property in any appropriate manner. The City Council may require the City Manager to obtain an appraisal of the property prior to disposition.

(3) Surplus property may be disposed of in the manner that is most advantageous to the City or the community at large, including, but not limited to, the following:

- (a) Public Auction. Auctions must be sufficiently advertised in the manner that is most likely to obtain a competitive bidding pool for the property. Employees of the City may purchase surplus property from the City only at an advertised auction, and only if the employee submits the highest bid for such property.
- (b) Donation. Surplus property may be donated or sold to any non-profit organization, any other local government, or any state or federal program created to dispose of surplus property.
- (c) Disposal. Surplus property determined to be of insufficient value to merit auction or donation may be disposed of in any appropriate manner.

J. Appeals of Prequalification Decisions and Debarment Decisions.

(1) Review of the City's prequalification and debarment decisions shall be as set forth in ORS 279B.425. The following additional procedures shall apply to hearings on such decisions by the LCRB:

- (a) Notices shall be submitted in writing to the City Manager. Appeals filed after the filing period stated in ORS 279B.425 shall not be heard.

- (b) Upon opening of the hearing, City staff shall explain the City's decision being appealed and the justification thereof. The appellant shall then be heard. Time for the appellant's testimony shall be established by the Mayor. The appellant may submit any testimony or evidence relevant to the decision or the appeal. Any party requesting time to testify in support of the appeal shall then be heard, subject to time limits established by the Mayor.
- (c) Once all testimony and evidence in support of the appeal is heard, any party requesting time to testify in support of the City's decision shall be provided time to be heard, with time limits established by the Mayor. Any party testifying in opposition to the appeal may submit any testimony or evidence relevant to the decision or the appeal. Once all testimony in opposition to the appeal has been heard, the appellant may request time to provide rebuttal testimony. At the conclusion of the rebuttal testimony, if any, the Mayor shall close the hearing.
- (d) When issued in writing according to the requirements of ORS 279B.425, the LCRB's decision and order shall be final.

K. Concession Agreements.

(1) A "concession agreement" is a contract that authorizes and requires a private entity or individual to promote or sell, for its own business purposes, specified types of goods or services from a site within a building or upon land owned by the City, and under which the concessionaire makes payments to the City based, in whole or in part, on the concessionaire's sales revenues. The term "concession agreement" does not include an agreement which is merely a flat-fee or per-foot rental, lease, license, permit, or other arrangement for the use of public property.

(2) Concession agreements are not required to be competitively bid. However, when it is in the City's best interests to do so, the City may obtain competitive proposals for concession agreements using the procedures described in ORS 279B.060.

L. Purchases from Federal Catalogs.

(1) By Resolution No. 05-01, the LCRB has adopted the following rules for procurement of goods from federal catalogues:

Subject to applicable Council approval requirements stated in the City's Contracting Rules, the City may purchase goods from federal catalogues without competitive bidding when the procurement is pursuant to 10 USC 381, the Electronic Government Act of 2002 (Public Law 107-347). Purchases under other federal laws will be permitted upon a finding by the Local Contract Review Board that the law is similar to such Act in effectuating or promoting transfers of property to contracting agencies.

M. Electronic Advertising

Pursuant to ORS 279C.360 and ORS 279B.055, electronic advertisement of public contracts in lieu of newspaper publication is authorized when it is cost-effective to do so. The City Manager or designee shall have the authority to determine when electronic publication is appropriate, and consistent with the City's public contracting policies.

ORDINANCE NO. 882

AN ORDINANCE DECLARING THAT BLIGHTED AREAS EXIST IN THE CITY OF SCAPPOOSE ESTABLISHING THE NEED FOR AN URBAN RENEWAL AGENCY IN THE CITY AND ELECTING A METHOD FOR EXERCISING OF THE POWER OF AN URBAN RENEWAL AGENCY WITHIN THE CITY. CREATING SECTIONS: 2.56-2.56.080 URBAN RENEWAL AGENCY OF THE SCAPPOOSE MUNICIPAL CODE.

WHEREAS, there exists in the City of Scappoose blighted areas as defined in ORS 457.010(1); and

WHEREAS, such blighted areas impair economic values and negatively impact the health, safety, and welfare of the City's citizens; and

WHEREAS, some portions of these blighted areas may be improved by development and rehabilitation to eliminate the conditions of blight; and

WHEREAS, these development, rehabilitation, acquisition and clearance activities and the prevention and reduction of blight are public purposes for which public money may be spent; and

WHEREAS, there is a need to establish an urban renewal agency to assist in the elimination of blight in Scappoose; and

WHEREAS, ORS 457.020(5) sets forth the powers of an urban renewal agency including the acquisition, conservation, rehabilitation, redevelopment, clearance, planning and preparation for rebuilding of these areas, and the prevention or the reduction of blight and its causes, are public uses and purposes for which public money may be spent and private property acquired and are governmental functions of state concern; and

WHEREAS, ORS 457.035 authorizes the City to activate the powers of its Urban Renewal Agency by adoption of a nonemergency ordinance declaring that blight exists and that there is a need for an Urban Renewal Agency to function in the City and electing one of three ways to exercise the powers of an Urban Renewal Agency in the City; now therefore;

THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Based on the existence of blighted conditions, the City Council declares that blighted areas, as defined by ORS 457.010(1), exist within the City and that there is a need for an Urban Renewal Agency to function within the City. The City Council further declares that, pursuant to ORS 457.045(3), all of the rights, powers, duties, privileges, and immunities granted to and vested in an Urban Renewal Agency shall be exercised by and vested in the City Council itself. Any act of the City Council acting as the Urban Renewal Agency shall be considered the act of the Urban Renewal Agency only and not of the City Council. The corporate name of the Urban Renewal Agency activated by this ordinance shall be, and the agency shall be known as the Scappoose Urban Renewal

Agency. The Scappoose Municipal Code of ordinances shall be added to as follows:

Section 2. This Ordinance will be known as the “City of Scappoose Urban Renewal Agency Ordinance.”

Section 3. The Council hereby adopts the City of Scappoose Urban Renewal Agency Ordinance.

Section 4. This ordinance is effective 30 days after passage

Section 5. The Scappoose Municipal Code shall be added to as follows:

Urban Renewal Agency.

Sections:

- 2.56.10 Creation of Urban Renewal Agency
- 2.56.020 Powers and duties
- 2.56.030 Membership and compensation of the Agency
- 2.56.040 Terms of office
- 2.56.050 Election of chairperson and vice-chairperson
- 2.56.060 Agency secretary
- 2.56.070 Meetings and rules

2.56.010 Creation of Urban Renewal Agency. Pursuant to ORS 457.035, the Scappoose City Council hereby finds and declares that blighted areas, as defined in ORS 457.010, exist within the city. Given the blighted conditions, the city council declares and recognizes that there is a need for an Urban Renewal Agency to function within the City of Scappoose with the powers contained in ORS 457.020 and hereby created an urban renewal agency. The corporate name of the Agency created by this chapter shall be, and said Agency shall be known as, the Scappoose Urban Renewal Agency.

2.56.020 Powers and duties. The City Council further declares, pursuant to ORS 457.045(3), that all of the rights, powers, duties, privileges, and immunities granted to and vested in an Urban Renewal Agency by the laws of the state of Oregon shall be exercised by and vested in the Agency of the City of Scappoose provided, however, that any act of the governing body acting as the urban renewal agency shall be considered the act of the Agency only and not of the City Council.

2.56.030 Membership and compensation of the Agency. The City Council declares the Agency membership shall be the same as that of the City Council. Agency members shall receive no compensation, but shall be reimbursed for duly authorized expenses.

2.56.040 Terms of office. The term of office shall be the same as that of the City Council. Appointments to fill vacancies shall be for the remainder of the unexpired term. When an elective City Office becomes vacant, thus creating a vacancy in the Urban Renewal Agency, appointments to fill the vacancy will follow the City’s process outlined in Chapter 7 of the City

Charter: the appointee selected by the remaining members of Council to serve the unexpired term will also serve in the Urban Renewal Agency for the same term.

2.56.050 Election of chairperson and vice-chairperson. The Agency, at its first meeting in July of each year, shall elect a chairperson and vice chairperson who shall hold office at the pleasure of the Agency.

2.56.060 Agency secretary. The City Manager shall appoint a secretary who shall not be a member of the Agency. The secretary shall keep an accurate record of all agency proceedings.

2.56.070 Meetings and rules. A. Meetings shall occur on the regularly scheduled City Council meeting dates unless a special meeting is required. A majority of the members of the Agency shall constitute a quorum. The Agency shall meet at least once a quarter unless the Chairperson and City Manager jointly agree that there is no business to be conducted.

B. Special meetings may be called at any time by the same procedure used by the Scappoose City Council. Special meetings will be duly noticed as required by State Statutes relating to public meetings.

C. The Agency shall at all times abide by the provisions of the Oregon Public Meetings Law.

D. A member of the Agency shall not participate in any Agency proceedings or action in which any of the following has a direct or substantial financial interest: The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Agency where the action is being taken.

2.56.080 Annual report. The Agency shall prepare an annual report pursuant to ORS 457.460.

PASSED and ADOPTED by the City Council this 15th day of July, 2019 and signed by the Mayor and City Recorder in authentication of its passage.

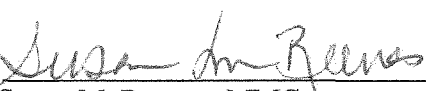
CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

First Reading: June 17, 2019

Second Reading: July 15, 2019

Attest: 

Susan M. Reeves, MMC
City Recorder