



SCAPPOOSE *Oregon*

**City Council Meeting Agenda
Tuesday, September 7, 2021
Regular Meeting 7:00 Pm
Council Chambers
33568 East Columbia Avenue
Scappoose, Oregon 97056**

ITEM AGENDA TOPIC	Action
Call to Order	
Pledge of Allegiance	
Roll Call	
Approval of the Agenda	
Public Comment	
1. Consent Agenda ~ August 2, 2021 City Council Work Session, August 16, 2021 City Council meeting minutes, August 26, 2021 City Council Executive Session/Meeting, August 27, 2021 City Council Executive Session/Meeting and appointment of Robert Backus as full member on the Economic Development Committee	
<u>Old Business</u>	
2. Ordinance No. 897: Amendments to Municipal Code Chapter 2.04, Council Meetings Interim City Manager Alexandra Rains; City Attorney Peter Watts Continued Public Hearing/First Reading	
<u>New Business</u>	
3. GPAHC Recommendations Cara Heinze, Chair of Grabhorn Park Ad Hoc Committee	
4. Resolution No. 21-15: A Resolution Updating the City of Scappoose Cybersecurity Policy Assistant to Public Works Director Huell Whitehaus	Approval
5. 100 Year Event Celebration Video	
6. Discussion to cancel the October 4, 2021 Council meeting	Approval
Announcements – information only	
7. Calendar	
8. Updates: City Manager, Police Chief, Councilors, and Mayor	
Adjournment	

PLEASE NOTE: IF YOU WOULD LIKE TO SPEAK WITH CITY STAFF ABOUT A PARTICULAR AGENDA ITEM, PLEASE CALL CITY HALL at 503-543-7146, EXT. 224, NO LATER THAN 3:00 PM ON THE DAY OF THE MEETING.

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

TTY 1-503-378-5938

**MONDAY AUGUST 2, 2021
CITY COUNCIL WORK SESSION, 6:00 PM
COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056**

JOINT WORK SESSION – COLUMBIA COUNTY BOARD OF COMMISSIONERS

Mayor Burge called the work session to order at 6:00pm.

Present: Mayor Scott Burge; Council President Megan Greisen; Councilor Joel Haugen; Councilor Brandon Lesowske; Councilor Pete McHugh; Councilor Tyler Miller; Interim City Manager Alexandra Rains; Chief Norm Miller; City Recorder Susan Reeves; City Engineer Chris Negelspach; City Planner Laurie Oliver Joseph; Legal Counsel Peter Watts; Columbia County Commissioners Margaret Magruder and Casey Garrett.

Remote: Councilor Josh Poling; Chase Christensen; Gary Wheeler; Geoff Wenker; James Heyen; Jeff Condit; Karen Kessi; Matt Laird; Mike Russell; Robyn McIntyre; Betsy Johnson; Tate Justensen; and three unidentified callers.

Presentation by SDIC and WEST Consultants, Inc. on the work completed to date on the proposed LOMR (Letter of Map Revision) which will update the floodplain mapping on the east side of the City. This is the last step in the recertification of the levee. Presenters: Geoff Wenker – SDIC (Scappoose Drainage Improvement Company) and James Heyen, P.E. – WEST Consultants, Inc.

Interim City Manager Rains thanked the Commissioners for being here this evening. She explained we are going to start with the presentation on the status of the interior drainage analysis being completed by the Drainage District.

Geoff Wenker, Scappoose Drainage District, gave a brief history. He explained after Katrina, in 2005, the requirements to be accredited went up significantly and the Corp came down in 2007 and introduced their updated process and they started on that in 2009. He stated it was a long progression and studies by the Corp and about three different private engineering firms were involved. He explained in December of 2019 the Corps issued a letter and studies, called certification by the Corp, and that is basically saying the levee is sound and should hold up to a 100-year event. He explained there has been three of those since the levee was built in the 20's. He said that is the main thing for certification but with that is a projection of flooding that would occur during a 100-year event, but that has to include two different things, which is a 100-year level in the river and then the flooding, in our case, is driven mostly by rainfall. He explained, the City's storm system generally looks at and designs around 25-year storm events but the accreditation calls, by FEMA and the Corp, is built around a 100-year event. He stated,

which in rough numbers, is nine inches of rain in seventy-two hours. He gave an overview of the meeting with the City, FEMA, State National Flood Insurance flood map coordinator, Scappoose Drainage District and Columbia County. He explained the part that was most concerning was the proposed flood map, which is built around the interior drainage analysis and takes into account all water coming out of the sky landing in the watershed of Jackson Creek or landing on top of the district and it flows over ground into ditches to our pumps. He stated think of it as all a moving thing and the goal is to capture the peak - how much land is flooded with at least a foot of water at the peak of the 100-year event. He explained, the existing flood maps are dated November 16, 2010, but they are built on the same 2010 lidar. He stated that the City, from a due diligence point of view, decided to do more lidar and that took several months and so did the mapping process. He explained at the beginning of 2020 they waited for Multnomah County to sort out the details of the technical aspects of how to do the maps with FEMA. He explained the City also had FEMA do a preliminary review of the certification documents from the Corp, which was a good thing to do, and there was some debate on the key factors. The City went ahead and had West do a sensitivity analysis on a couple of those factors, it didn't turn out to have much of an effect. He explained the lidar was completed in the winter. He explained West issued draft maps in October of 2020, the lidar got done after that and then in July they issued draft maps based on the updated lidar.

City Planner Laurie Oliver Joseph explained based on the updated lidar that was incorporated, and that is what you are seeing in the draft maps before you, it did remove the proposed 100-year floodplain throughout some of the urban areas in the City, which is what we were hoping to see. She explained we knew for a fact that certain areas definitely had been developed and filled over the years and we are seeing that reflected here.

James Heyen, West Consultants, gave an overview of the study in which the mapping was ultimately based, giving some insight as to how that was developed and the process they went through for creating those maps. He explained the initial task of the study was to conduct what's called an interior drainage analysis, which is a required analysis done for FEMA certification of your levee system. What that is attempting to do is to try and quantify the flooding that could be expected during a base flood event, a 100-year event, on the interior side of a certified levee. He stated since this is a modern approach they are not capable from a modeling perspective to look more detailed at rainfall that actually falls on the interior of the district and that in many cases because these levee protected areas are kind of like a big bathtub in a sense with various inputs and one output - that being the pump systems. Often, the precipitation is as much a driving factor as any of the contributing streams that might happen to come in and provide water to the district. They did hydraulic modeling beginning in 2016. He explained the process they completed which gave them a gridded output of water surface elevations in a certain area and that output were the results that came out of the initial study. Then feedback came from FEMA that they wanted them to modify the official FEMA flood hazard mapping for the area and that then kicked off the next phase which took place over the last year and a half or so of developing revised flood hazard mapping through the LOMR process. He gave an overview of the process. He gave an overview of the maps.

Mayor Burge asked about the letter that was received. He stated one of the points that they are making on the mapping is first, there are reasons why the maps are questionable from a methodology standard, such as the maps failure to account for existing public drainage systems. He stated he recalled this property when it was being proposed to sell to PCC who ultimately chose to build on the other side of the airport and they built the entire drain field in the other side of the road to account for this property and he was wondering does this take that into account or what is being taken in or what are they missing?

James Heyen replied when they are considering the type of modeling and the type of events that are incorporated into flood hazard mapping, they are looking at what's called the "one percent annual chance" exceedance event, it's normally referred to as the 100-year flood event, in the sense that it has the recurrence interval on average once every 100 years. He explained what typically happens in those events, since the type of piping that's usually involved for these drains are on average maybe two foot in diameter or smaller, dynamically what tends to happen in these events is that a lot of those systems become clogged, or they become overwhelmed because it is a much larger amount of water than what they are designed to handle. He stated the standard approach is that FEMA has said you just disregard them, you don't consider storm drain systems when you're looking at a 100 -year flow event.



August 2, 2021

Garrett H. Stephenson
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VIA E-MAIL

Hon. Scott Burge, Mayor
City of Scappoose
33568 E. Columbia Avenue
Scappoose, OR

RE: Joint Work Session on FEMA Letter of Map Revision (LOMR) for east Scappoose

Dear Mayor Burge and City Councilors:

This office represents Airpark Development, LLC ("Airpark"), which owns the majority of the land zoned for "East Airport Employment." The Airport Employment land is located to the east and south of the Scappoose Industrial Airport. While Airpark supports re-certification of Scappoose Drainage Improvement Company's levy system as a general matter, the maps currently proposed by SDIC would substantially reduce Airpark's ability to develop the Airport Employment area. We bring this issue to the Council's attention not only because of Airpark's interest as a landowner, but also because this land is a key—indeed, perhaps *the* key—element to the City's economic development strategy.

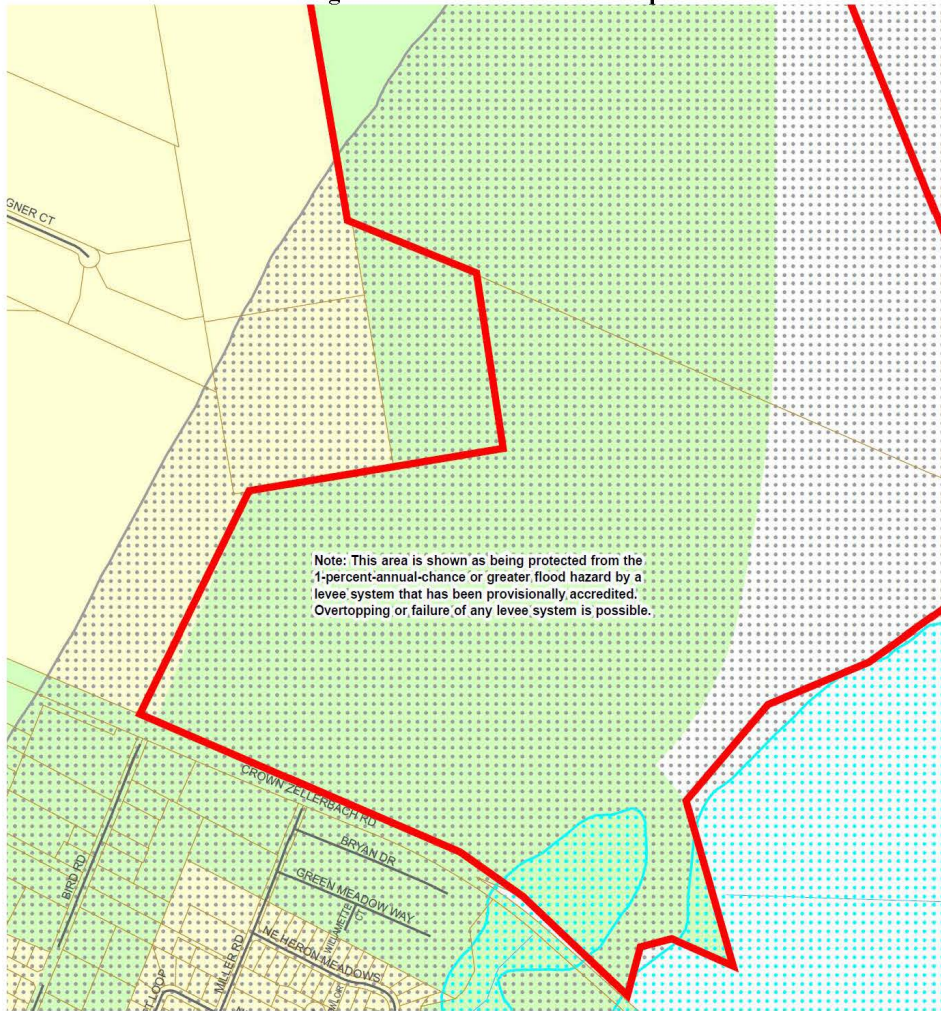
Airpark's property constitutes the majority of land within the 343-acre Airport Employment urban growth boundary (UGB) expansion area. The City decided to bring Airpark's land into the UGB in 2011. This was in response to an economic opportunities analysis which demonstrated that this area provided the best opportunity for economic growth in Scappoose because of the cluster of aviation industries surrounding the airport and the suitability of this land for development. After a number of unsuccessful appeals, the City's decision became effective in 2015. Now, the Airport Employment area provides the bulk of the City's available large-lot employment and industrial land.

When it was brought into the UGB, little to none of the Airport Employment area was within a 100-year FEMA flood plain because it was protected by SDIC's levy system. In fact, the City's 2011 UGB amendment findings specifically cited the lack of flood hazards in the Airport Employment area as a basis of its inclusion in the UGB. See Ord. 816, City Council Findings at 43. The 2010 FEMA maps in effect at the time are still the ones used by the City when making land use decisions and issuing permits.

Unfortunately, SDIC's proposed flood maps effectively reverses the suitability assumptions for the Airport Employment area and will have the effect of making development of this area far more difficult, if not impossible. This can be seen when comparing the following maps:

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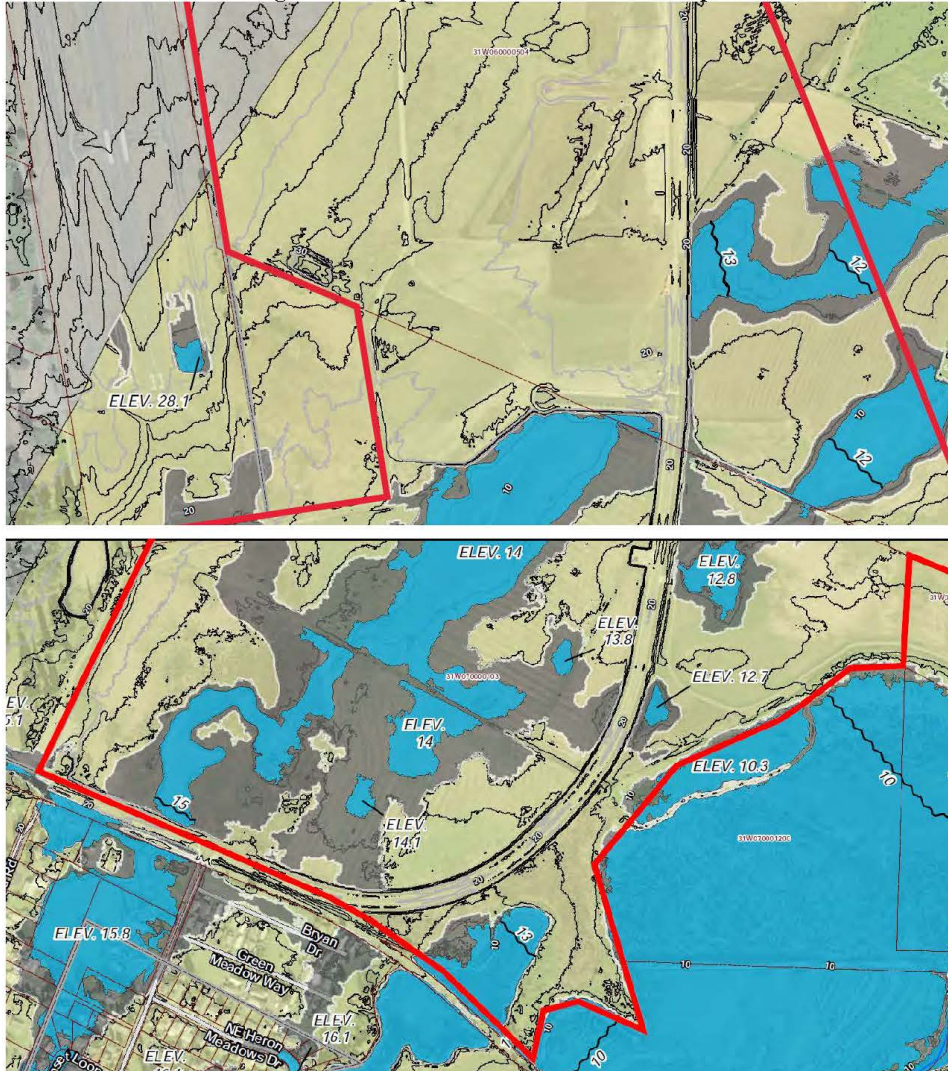
Figure 1 - 2010 FEMA Flood Map



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Figure 2 - Proposed 2021 FEMA Flood Map



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As you can see from the above maps, the proposed FEMA maps would include a substantial amount of new flood plain on the southern extent of the Airport Employment area, affecting roughly 90 acres of land,¹ which was not affected by mapped flood plains when the Airport Employment area was designated for urban development. Airpark has already planned to fill much of this land to accommodate development and has obtained a grading permit for this purpose, but the new mapping would make that difficult or impossible due to the City's code requirements for a cut/fill balance within mapped flood plains. Once Airpark's property is designated as flood plain, the cut/fill balance requirement would likely prevent Airpark from raising the property above the mapped flood elevation.

The bottom line is that, if the new maps go into effect before Airpark can complete its grading and fills, much of the southern portion of the Airport Employment area will be rendered either undevelopable or very difficult and/or expensive to develop. This would have the very real effect of undercutting the City's own economic development goals stated in its 2011 UGB decision and would subvert Airpark's reasonable expectations that were the basis of its acquisition of this land and related development plans.

Accordingly, the City should be cautious in moving forward with this mapping project. First, there are reasons why the maps are questionable from a methodology standpoint (such as the maps' failure to account for existing public drainage systems). Second, as described above, there are reasons why the City should withhold its FEMA concurrence for these maps until Airpark has the opportunity to investigate and mitigate their impact on the Airport Employment area.

We sincerely appreciate the Council's consideration of these comments and hope that we can work cooperatively with the City and SDIC on a solution to this serious potential consequence of the proposed FEMA flood maps.

Best regards,



Garrett H. Stephenson

GST:jmhi

cc: Ms. Alexandra Rains (*via email*)
Ms. Laurie Oliver Joseph (*via email*)
Mr. Chris Neglespach (*via email*)
Mr. Ed Freeman (*via email*)
Mr. Brien Flanagan (*via email*)

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¹ This includes land directly mapped with floodplain and surrounding lands that would be constrained for development purposes due to the new floodplains.

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Legal Counsel Peter Watts explained part of the reason this particular area come into the Urban Growth Boundary in 2011 was that at least for this area in Columbia County it was relatively dry or didn't have very many floodplain issues compared to other places. He explained that Airpark knew that there would need to be a certain amount of fill to occur on this property in order to get it graded and ready for development and under the former mapping, that was pretty

feasible and pretty cut and dry. He explained under the proposed but not yet adopted mapping, if that is put into place because of State laws and because of our own code, then it will be very difficult to do that. He stated, the impact if this map is adopted, on our urban growth expansion area is very significant. It would likely require a major change, which means they could take what they have but they have to go through the Planning Commission process because it represents more than a 10% change, which is our threshold. As far as what could be built, how could it be built, it is really negatively impacted. He stated what we were hoping to do is to flag this issue for you, the Council, as well as the County Commissioners, because you are taking an area that appeared to be developable, and you have made it into an area where a lot of it's not developable and then you have issues with contiguous parcels. He stated they don't know how this could work.

Mayor Burge asked what if Airpark goes out before these maps are approved and cut and fills to the current maps/code and then these maps are put into place?

Legal Counsel Peter Watts replied he thinks the most important things is that they are accurate maps. He stated if Airpark gets out there and does cut and fill under the current maps, he thinks that they would ask that this be remapped based on that. He feels the implication of this mapping goes far beyond Airpark. He stated this is going to have huge impacts on our buildable lands inventory to our housing needs analysis and future economic development. He stated that is why we, as the staff, wanted to flag this issue and get it in front of everyone. He stated we just want to make sure that everyone is working off the best data, and to the extent that we can, we understand all the impacts that this will have. We want to make sure that a map doesn't get adopted if we don't have an understanding of all the impacts on the community.

Columbia County Commissioner Margaret Magruder asked if there are additional studies that could be done that would provide more accurate data?

Legal Counsel Peter Watts replied the additional study that was mentioned was looking at the non-ditch piping. He explained their thought was they needed to get in this on everyone's radar as soon as possible and then he thinks those are all conversations we can have.

Columbia County Commissioner Margaret Magruder stated she would certainly encourage all of us to discuss this and learn a little bit more before we leave some developable property out of the possibility of developing. She stated we need that developable land.

Columbia County Commissioner Casey Garrett replied yes.

EJ Smith Road Bridge

Mike Russell, Columbia County Public Works Director, explained he is not familiar with the issue. He stated it is not a structural issue, it is a flooding issue, correct?

Mayor Burge replied correct.

Mike Russell explained at this point there are no plans to raise the bridge, but it is something they can continue to look at. He stated that would be a million-dollar project and the road fund just doesn't have those funds at this time. He is happy to look further into it and get it into the work plan.

Senator Betsy Johnson stated she thinks it would be exceptionally prudent for the County and the City to work together to try to get the specs and the ramifications and a basic price to do this work. She stated there is still some ARPA money to the Legislature, there was a high premium placed on infrastructure, particularly water and sewer projects and with Ms. Rains substantial help you know that the City, as she spoke at the last Council meeting, did very, very well. If you have this project described and priced, it doesn't have to be engineered, but there's a possibility that we could go to the short session in February and see about the possibility about getting additional money. She stated if there is a fighting chance to get this paid for with any of the residual ARPA money, having a written narrative and a ballpark price would be extremely helpful. She will commit to both the City and the County to try to carry this forward to the Legislature to see if there might be any funds that could be available to do this project.

Mayor Burge thanked Senator Johnson.

Mike Russell replied that he will commit to helping and working with the City to develop that scope of work and we will see what we can get, that is great!

Senator Betsy Johnson replied he should work directly with Ms. Rains. She stated with Ms. Rains substantial help we were able to bring home nearly 14 million dollars to Scappoose and that was because of her very nimble staff and her willingness to work with her to try to get the projects sufficiently described so that she could make the case in Salem. She stated it will be more difficult given that we are looking at a short session rather than a long budget session.

Mayor Burge thanked Senator Johnson.

Adjournment

Mayor Burge adjourned the work session at 7:04pm

Mayor Scott Burge

Attest:

City Recorder Susan M. Reeves. MMC

**City Council Meeting Agenda
Monday, August 16, 2021
Regular Meeting, 7:00 PM
Council Chambers
33568 East Columbia Avenue
Scappoose, Oregon 97056**

Call to Order

Mayor Burge called the meeting to order at 7:01 p.m.

Pledge of Allegiance

Roll Call

Scott Burge	Mayor	Alexandra Rains	Interim City Manager
Megan Greisen	Council President	Susan M. Reeves	City Recorder
Joel Haugen	Councilor	Isaac Butman	Program Analyst Intern
Josh Poling	Councilor		
Brandon Lesowske	Councilor		
Pete McHugh	Councilor		
Tyler Miller	Councilor		
Peter Watts	Legal Counsel		

Excused: Chief Miller

Remote: Michelle; Christine (left meeting at 7:21pm); one unidentified caller (left meeting at 7:21pm); and Dan McCoy.

Also present in audience: Justin Stevenson; Eric Zwald (left at 7:20pm); Collin Babcock (left at 7:20pm); Steve Barnes and Tim Thomson (left at 7:20pm).

Approval of Agenda

Mayor Burge explained there is one change on the agenda, Susie Wilson has decided not to be reappointed on the Economic Development Committee.

Councilor Haugen moved, and Councilor Poling seconded the motion to approve the agenda as amended. Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Haugen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye and Councilor Miller, aye.

Public Comments

Tim Lohman, Warren, thanked Council. He congratulated Council and all those who helped put on the 100-year celebration. He explained he and his wife really enjoyed it. He explained he is here this evening asking for the Moores Family and the local community to see if the City of Scappoose can help support what the Moores Family has been raising funds for in the last ten years, and that is for the Ryan Moores Field House, which would be South of the gymnasium. He explained their ask is for the permit fees, to try to escape the permit fees. He explained the community has raised about \$130,000 and there is not much contingency in there. He explained this building will be multi-use and used by all which is a dream of the Moores family because Ryan, who died unexpectedly of a brain injury aneurysm right after high school, had a great working relationship with a previous coach. He stated they would really hope that the City of Scappoose could waive the fee so they can move on with this project. He explained the fees are about \$7,500.

Councilor McHugh stated they have been frustrated at times with other Governmental Agencies not waiving fees for us and he thinks, knowing Ryan and knowing what is going on here, he thinks it would be very appropriate to honor this request, unless there are some legal reasons why we can't do this, he thinks it would be the right thing to do.

Legal Counsel Peter Watts explained the Scappoose Municipal Code does not give the City the discretion to waive system development charges. He explained that was done because of public concern that the Council would waive for some and not others.

Mayor Burge stated there might be some fees within this that we can waive. He asked staff to look into this and bring it back to the next Council meeting.

Tim Lohman stated he appreciates Council's time and effort.

Council thanked Tim.

Dan Thenell, Oregon State General Counsel, (he was very hard to hear) explained he is here on behalf of the Scappoose Police Guild regarding a no confidence vote by the police officers and this is not done lightly. This is after years and years of creation, management, lack of training, lack of the ability to have police coverage, and broken promises by the administration to have two officers on at all times to respond to code priority calls. He explained if you look at what happened last weekend with your 100-year celebration; some of your officers just got done working nine and seven days in a row because of the Police Chief, with the allowance of the Interim City Manager, left your City in the middle of this celebration and left you understaffed and understaffed. You had to be saved by the Sheriff's Office. He stated this is the last in a long time...by the Police Chief, talk to your officers, reach out to them and find out what they have

been complaining about, literally for years. He stated it is not being told, so this is their only option for him to step up tonight and tell you how long this goes back. He explained in March of 2020 Mr. Sykes, and Ms. Rains his assistant, were handed complaints from three police officers of whom are no longer here who have left because of Chief Miller. He stated if she has told you she is not aware of complaints, he would look at that issue. He explained a year ago he sent a department a book, meaning about at best probably...about whether background investigations are actually being done on officers. He stated that was sent back to Mr. Sykes and Ms. Rains and he never heard from them. He explained sometime after that period of ...the evaluation, which they have never seen. He asked have you seen that, if so, what does it say? He stated it should be released to the public. He has tried to see what it says on behalf of the officers but the City has fought.... The City would not hesitate....files and rank and file office... Why is the City fighting this evaluation that came on the heels of a complaint? He explained you have officers that are about to leave and then resignation..... They complained about management. He stated now your City Manager is going to allow him to step down and become a police officer. She put that out in writing to representatives of the FOP. From a managerial standpoint, an insurance standpoint, and to fellow officers, that is a recipe for disaster. He asked, have you asked City County Insurance about whether that is a good idea. Has the City Council asked your insurance company if that is a good idea? He suggests someone do that. He stated you're creating a recipe for litigation between officers, amongst officers, whoever comes on your department if you can find someone to try to manage..... He represents police officers all over the State of Oregon and Washington and he has never heard of a worse idea.....That is absolutely setting this department and fellow officers up for failure. He stated at least nine police officers left this department in the past five years. He asked have you seen....because he knows what they say, he has seen them.... You need to ask them what is actually happening.....City Manager. He asked, have you seen the letter from..... He has sent a public records request for emails from Ms. Rains to Council..... Chief Miller.....or as a future officer. He stated the fact that there has not been an independent outside investigation by someone....is public...independent violation. If this were any other place.... amount of allegations there would have been an investigation...could have been facts. He stated there is a huge problem. He stated it should not have to take officers showing up here... He appreciates Council's time.

Mayor Burge and Councilor Miller thanked Mr. Thenell.

Councilor Haugen stated to Mr. Thenell that he articulated a number of problems there that he thinks they should look into, and he can't remember, but that was quite a long list. He asked Mr. Thenell if he can provide that in writing to Council?

Mr. Thenell replied, absolutely. He stated his question is, does he have the City's permission to send it directly to the mayor?

Mayor Burge replied if there are complaints regarding....

Legal Counsel Peter Watts replied you can send them to him.

Mayor Burge stated you can send them to Peter or to him.

Mr. Thenell replied that would be great, he appreciates that.

Councilor Lesowske asked Legal Counsel Peter Watts what is their right as Council to look at personnel files of City Staff?

Legal Counsel Peter Watts replied you as a City Council have three employees; the (interim) city manager; legal counsel and the municipal judge. He stated other than that your Council bylaws and team agreement do not allow you to go below the City Manager level or City Attorney level and do those sort of inquiries and the reason for that actually dates back to the Police Department in a series of investigations that was done in the past that resulted in a substantial lawsuit.

Mayor Burge replied it is also in the Charter.

Legal Counsel Peter Watts stated he is not the employment counsel, but he has been told that every time they receive a complaint it has been to the extent that the allegations in the complaint are specific enough to investigate and that they have been investigated by the employment counsel coordinated with CIS, which is our insurance carrier, and that they have been resolved. He stated there have been a couple of complaints in the past year that have come through him because of unusual circumstances. He explained there would be an issue with culture, but it wouldn't be a specific incident that happened on a certain date. He has conferred with insurance council on it. He explained he could understand why the person who made the complaint thought what they thought but in fact once they understood all facts and circumstances it was the opinion of the DA's office that everyone acted reasonably and as they had hoped people would act under those circumstances. He stated that is the only "complaint" that he has had a first party involvement in.

Dan McCoy explained he was speaking with Officer Barnes in regards to the vandalism and graffiti down by the JP West Bridge. He has been noticing that there is a lot more graffiti down there and also on the signage that they display the different types of plant life along the creek bed to help the erosion, someone tagged that also. He took pictures and sent them to Susan Reeves and she said she would forward that on to the Police. He has a concern that he is starting to see this type of behavior. In New York they call it the broken window concept; if you take care of the smaller stuff the big stuff won't come into your area as much. He stated if you want to talk offline and talk about technologies, there is a lot of technology out there that we

can catch these people with and have them clean it up instead of using our tax dollars to clean it up.

Mayor Burge replied if he can email the information that would be great.

Dan McCoy replied he has already sent all that information to Steve and Susan.

Mayor Burge thanked Dan McCoy.

Ray Horn, Scappoose, talked about back in the 70's and 80's (hard to hear)....the then City Manager Ken Taylor researched an idea and presented it to the Council and the idea was we could contract with Clackamas County for police services. He explained Clackamas County agreed to absorb off of the officers, so nobody lost their job and part of the agreement was that they had to have police cars in the Estacada City limits 24 hours a day and the Council adopted that idea. He stated they had a leadership problem there, they had a chief who was promoted way beyond his level of competency. He stated the officers were kind of a mixed bag, some were pretty good, some weren't, but they all got a chance to work with Clackamas County. He explained the other day he called the Estacada City Manager because he was curious about how this all worked out over the years, and she said they are pretty happy with it. They now pay \$700,000 a year for police services, which should be much less than if they had their own department. She also said that Happy Valley and Wilsonville contracts with the Sheriff's Department and in the case of those two cities, the cars are marked as Happy Valley and Wilsonville, not marked as Clackamas County, which is kind of nice. He realizes there is a lot of pride in your own department, but would it be a good idea for the Council to study this possibility and if it becomes apparent that you could secure equal service or maybe even better service for a lesser price, you owe it to the taxpayers of Scappoose to take a look at that. He stated that is the concept, pretty simple, and there are probably a number of cities in the NW that you could talk to about their experiences.

Council thanked Mr. Horn.

Marisa Jacobs, Scappoose, thanked Council and the Committee for putting on an awesome 100-year celebration. She stated it was outstanding, it was well organized and orchestrated. She stated her husband and her really enjoyed themselves. She thanked everybody, that was outstanding.

Marisa read her public comment.

Good evening Mayor Burge, City Council and City Staff:

I'm Marisa Jacobs speaking to you this evening as a resident citizen of Scappoose. Over the past 11 months I've been closely following the progression of the Grabhorn property. Within

the last few months, the Ad Hoc committee has done outstanding work to consolidate & categorize the community inputs, and identified opportunities and risks to developing the land. One of the major obstacles the committee had been working through was the pool. Last session after hearing the overwhelming results from the pool survey, you voted for the committee to not include a second design with a pool. Thank you for listening to the voters. Now is the time to remove the last obstacle to enable the committee to provide a thoughtful and realistic park design: The Road (expanding Cpt Roger Kucera Way to EJ Smith)

Below are the facts:

1. Legal Constraints due to Seller Covenants
 - a. Mr. Grabhorn specifically called out the land is to be used for a public park in perpetuity.
2. Geology of the Land
 - a. The land sits within the 100 year flood plain and flooded within the last year.
 - b. Oregon HazVu Geohazard Viewer & the Oregon Hazard Explorer provided by Oregon State O-Help, classifies the land as High liquefaction factor in the event of a severe earthquake and Very Strong for earthquake shaking, overall questions the stability of the land, and
 - c. Minimal 50 feet development barrier from the 27, 80+ year old trees to protect the root zone.
3. Survey Results
 - a. Fall 2020 results – negative comments on the road
 - b. Summer 2021 results – 70% do not want a road (a survey I’ve publicly contested even though the results favor my position)
4. Utility “Needs”
 - a. This term has been used in various conversations and never fully defined. The Master Water Plan has a redundancy design that does not require the Kucera Line, as it’s referred to in the wastewater master plan.
5. Dog Park
 - a. A highly utilized amenity does not have another location to be relocated as outlined by Jim Lykins

Given the facts above and the constraints each brings, and the task you’ve given the committee, it’s time to do the right thing and let the committee deliver for you. Vote to remove the road and any form of an emergency egress from consideration for this property. As our elected officials, your oath is to the people who voted you in. Please continue to listen to the people, and enable Grabhorn Ad Hoc committee to deliver a park design.

Should you ignore the wants of your constituents and continue to pursue a road on the Grabhorn property, your actions will impact the committee’s ability to deliver a design which in turn would render their value time spent on this work as a waste and incomplete. Don’t let their time and commitment be for nothing.

Thank you, Marisa

****end of comment****

Peggy Shoemaker LeBlanc explained she has sent in recently a letter from her arborist accompanied by a letter that she wrote. She is in agreement with Marisa, and she thinks the obstacle of the road needs to be either voted out or agreed upon so the ad hoc committee can move forward with the task that you have set forth for them. She stated it is a beautiful piece of property that lends itself to so many different ways that you could give a lot of ability to the public to use it in ways it's going to actually benefit people of all ages and she thinks that should be a major consideration that goes forth when the planning of it, but the ad hoc committee's hands are tied. She stated now that you have gotten rid of the obstacle of the pool, they have a little bit more maneuvering room but they don't know what they have to work with. She asks also that Council consider adding to the agenda to finally give them a vote on the road, whether you are going to do it or not going to do it so the ad hoc committee can move forward and complete a plan to present to Council in a timely fashion.

Mayor Burge and Councilor Haugen thanked Peggy Shoemaker LeBlanc.

August 16th, 2021

As promised, I have sent the letter from our Arborist speaking to the nature of our Incense Cedar Trees and the impact of excavation around them.

This subject of critical root zones and the trees preservation has been spoken of to both City Council and Ad Hoc and is now considered an integral part of the decision making for a plan presentation.

What is not determined, and of dire need to be decided upon, is the road or egress.

Knowing what you have to work with, would in my opinion, give the Ad Hoc committee the best chance of a timely design presentation.

Otherwise, Ad Hoc would have to submit two plans such as the original charter spoke to a design with or without a pool.

If the road is still in consideration, then in the best interest of the Ad Hoc Committee successfully completing the task set forth would then be to know the alternate location of a road or egress.

I do oppose the road, as I have noted in earlier letters and comments to you.

I believe this park extension could be a true gem of the city as a more natural less invasive and environmentally successful example of a true park for the people. A place to walk or ride a bike for healthy exercise at any pace. Open spaces for tag football or other sports that kids and adults can play, not just those belonging and restricted to a league. The greatest value being an area to let go of stress in a more peaceful environment. The best public benefit encompassing an extremely wide variety of all age groups.

No matter what the Ad Hoc committee decides, you need to untie their hands in order for them to do the task set before them.

Help them. You have the power to move this forward. I ask for a vote on the road or egress tonight.

Thank you,

Peggy Shoemaker-LeBlanc

July 28, 2021

Peggy LeBlanc
33250 NW EJ Smith Road
Scappoose, OR 97056

Dear Peggy,

I understand that the City of Scappoose is investigating the possibility of developing the property that is directly next to your land on the east side. City plans have shown that part of the development will include a new road. On the plans, this road is shown to be close to your property. You have asked me to weigh in on the potential for an adverse impact that this road may put upon the line of mature Incense cedars that line your property on the same side as the new development.

The plans that I have seen are not presented in scale. So, it is hard to truly determine how close the road does come to your property and the cedars. Also, the plans are not engineered so I have no ability to see/understand potential grade changes and any excavation depths.

However, it is fairly easy to surmise the approximate distance that the newly proposed road has to the property line and thus your cedars.

Your mature line of Incense Cedars are healthy. They show no signs of structural defects or vascular decline that would indicate that their demise is upcoming. Older mature trees always have something that is worrisome but in your cedars case those worries are minimal. Without measuring the trunk diameters I expect that 48" to 60" DBH (Diameter at Breast Height) is the norm.

These trees have been surrounded by a landscape that has not seen much, if any, change. The old Grabhorn property has maintained a hay field for many years and any soil disturbance would have been minimal.

The Grabhorn property seems to transition into a seasonal wetland in the winter time. Water collects during wetter periods before slowly filtering down and through the land. Your cedar trees sit on a bit of an uphill side to the wetland. Given the soil/wetlands conditions, Incense Cedars will keep their roots close to the surface preferring to stay out of a saturated soil.

HARRITY

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QUALIFIED
CCB #84426

PROVIDING

KNOWLEDGEABLE

CARE FOR TREES

IN THE URBAN

ENVIRONMENT



For a true analysis of the potential impact the development may have on these trees, it is necessary to have site plans that include scale and grade changes. The excavation for the new road may be problematic, but so will any changes to the grade that causes soil to pool up closer to the trees thus causing a long term soil saturation problem. Anaerobic soils will cause a slow dieback to occur, leading to an anemic look.

It is my expectation that to avoid negative impacts to these trees, the distance from their trunks to the edge of the new road should be 50'.

Climate change, rising heat indexes and longer dry periods are already testing the resolve of trees, especially mature native trees. The Incense Cedar, which is native, has been suffering through these extremes. Any disturbance to its' root system should be avoided so that the tree does not have to adjust to an environment that is quickly turning brutal with a weakened ability to store water and nutrients.

I am happy to review plans and help determine acceptable construction practices. Let me know if I can be of service.

Respectfully,

Joseph Harrity

end of public comment

New Business

Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021

Interim City Manager Alexandra Rains explained before you is information regarding the City's ARP funding. The staff report explains in May of 2021, the Department of the Treasury announced the availability of Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021. The Act identified \$350 billion in funding for state, local territorial and tribal governments for COVID emergency response. Scappoose is tentatively scheduled to receive \$1,679,132.67, although the Department of Administrative Services (DAS) has yet to certify that number. The funds will be received in two installments, with the first half expected in August of 2021 and the remaining half one year later. The exact delivery date of funds is unknown at this time; however, the League of Oregon Cities has indicated it could be within the next 4-6 weeks.

Allowable uses of this funding are broader than COVID relief funds received by the City in the past. The following list provides an overview of the general categories and page 3 of Exhibit A provides detailed descriptions of each:

- Support Public Health Expenditures
- Address Negative Economic Impacts caused by the Public Health Emergency
- Replace Lost Public Sector Revenue
- Provide Premium Pay for Essential Workers

- Invest in Water, Sewer and Broadband Infrastructure

Interim City Manager Rains explained the Columbia Economic Team (CET) has approached the City regarding financial support in the amount of \$25,000 for a Columbia County Small Business Resource Center, please see Exhibit B for a summary. CET's Executive Director, Paul Vogel, will be present to discuss this request and answer questions. Additionally, the Scappoose Rural Fire District has requested \$200,000 to purchase an ambulance, please see Exhibit C for a summary. Fire Chief Jeff Pricher will also be present to provide an overview of his request and answer questions.

STAFF RECOMMENDATION FOR FUNDING:

Water Meter Replacement:

- \$750,000
- Would complete the replacement of failing meters with new higher accuracy AMI meters
- These meters would help address the City's high water loss issues and provide the homeowner with a portal to monitor their own water use and possible leaks.
- Higher meter accuracy has potential to reduce rate increases by turning water loss into revenue which will help the community as well.

Smith Road Pump Station Replacement (Wastewater):

- \$129,132.60
- Identified in Masterplan as a priority, extremely critical infrastructure nearing the end of its useful life

Employee COVID Bonuses:

- \$175,000
- Each employee would receive a bonus in the amount of \$5,000 for working through the pandemic

Premium Pay for Patrol Officers & Command Staff of Police Department:

- \$400,000
- For FYs 2021/2022 and 2022/2023, \$200,000 would be applied per year to raise salaries in the Police Department (effective the pay period the funds are received)

*Allocation amounts are approximate and subject to change

*The City's legal counsel has confirmed that these are allowable expenses

Fire Chief Jeff Pricher thanked Council for the opportunity to be able to speak to them this evening. He also wanted to comment on the event that happened over the weekend, it was

very well organized. He explained the individual who was responsible for majority of the coordination is an intern and he thinks that individual definitely deserves some accolades and some praise for helping to keep this whole thing going. It was a wonderful event and it seemed like the community enjoyed it.

Fire Chief Jeff Pricher explained the reason they are asking for assistance is unfortunately the way the American Rescue Plan funding was delivered throughout the Country; Special Districts were left out of this. He explained Special Districts on the West Coast are fairly unique compared to the way most other government organizations are run nationally and that kind of left them in a pickle, especially with them being on the front lines. He explained they had their Fire Associations and EMS Associations lobbying the State, and the State basically said you need to go local because they are not going to provide any assistance. He stated when they approached the County, the County pretty much said the same thing about going local. He explained after exhausting all avenues, they are here before the Council asking for assistance to receive some funding so they can purchase a piece of equipment that is going to service the needs of our community. He explained basically, what they are asking for, is funding to replace an ambulance. He went over the presentation.



Scappoose Fire Ambulance Funding Request

American Rescue Plan
Allocation Request

Scappoose Fire Statistics

- Sole ambulance provider for the City of Scappoose
- 80% of calls originate from the city of Scappoose
- Scappoose Fire District writes off over \$1,000,000 per year due to our aging population that relies on Medicare / Medicaid
- Over 50% of the fleet is over 25 years old

Ambulance Request (1 of 2)

- Scappoose needs to replace one ambulance which has close to 200,000 miles on it.
- This ambulance was the primary ambulance during peak COVID responses.
- Significant wear and tear has accumulated as a result of harsh decontamination procedures needed for COVID.

Ambulance Request (2 of 2)

- New Ambulances cost around \$275,000.
- Scappoose Fire is requesting \$200,000 towards the purchase of a new ambulance.
- We are hoping that with the large ARP allocation, the city might be able to assist us with \$200,000 in funding.

American Rescue Plan Funding Challenges

- Funds from the American Rescue Plan (ARP) were directed to States, Counties and Cities, only.
- Special Districts were not part of the distribution.
- The State and County are not willing to participate in local needs with these dollars.
- Scappoose Fire is always on the front line with COVID.

Assistance Needed

- Special Districts are limited in their funding capabilities and are not privy to the same grants as the City, County and State.
- Scappoose Fire is trying to recoup un-allocated funds that had to be spent on the continuing COVID response.
- Scappoose needs help from the city, since the city was the sole recipient of ARP funds

Fire Chief Jeff Pricher explained the hope is if they can get a commitment from the City, then they can go ahead and put money down on something so they can get the ball rolling. He appreciates the Council's time to allow him to speak before them this evening.

Executive Director Paul Vogel thanked Council for letting him appear tonight. He would like to echo the congratulations on the event this weekend. He was there a couple of times, and it was very hot and the vendors and performer's that were here are a testament to their commitment to that event and the community. He stated people who showed up are a testament to the commitment to the community. He stated thank you for persevering and thank you for putting together a great event and thank you to the community for making it successful in spite of a lot of challenges that came up right at the end.

Paul Vogel explained he is here not on behalf of the economic team but on behalf of your small businesses and small businesses around the County. He gave an overview of their request. He explained he is here to request \$25,000 which will help leverage the four-year start up phase of a small business resource center, the first ever in Columbia County. He went over the information from the Summary page.

Thank you for the opportunity to approach the Mayor and Scappoose City Council regarding a tremendous development for the good of small business and economic recovery and future prosperity throughout every part of Columbia County.

This request is less for funding an organization than it is funding to help any small business in Scappoose, St. Helens, Vernonia, Clatskanie, Mist, Yankton, or the unincorporated reaches of Columbia County, establishing a critical foundation for small business pandemic and economic recovery, and growth and expansion on in a changed world, on a sustainable basis. A comprehensive plan has been drafted and adopted by key stakeholders. This is a summary of why, who and how the Columbia Small Business Resource Center is exactly the "teach them to

fish” asset our small businesses, and our local economy, need to recover from more than a year of crippling pandemic restrictions and economic dislocation being experienced local, regionally, nationally, and globally.

Current small business environment

- The COVID-19 Pandemic presented enormous challenges. Some of those challenges have eased, although they were terminal for some businesses and the lasting impacts on other sectors remain debilitating: Childcare is just one example. Recovery means learning new ways to operate in order to align with new workforce and consumer behaviors resulting from the pandemic.
- Over the past 16 months, some closed; some pivoted and prospered; all struggled, and the recovery isn't complete. Serious challenges remain: workforce, supply chain, and more. Business models and business plans are out the window, especially for service sector, childcare, hospitality, and other workforce/work-model business – many of them women-owned.
- Small business is the backbone of our economy; if there is opportunity to assist in recovery and cultivate small business growth, there is no better time to seize that opportunity than right now – when our country, our state, our county, our communities, and businesses are working to recover. Fortunately, unprecedented federal and state funding opportunities can support recovery and re-positioning for small businesses in Columbia County.
- The pandemic shined a glaring light on the absence of small business services in Columbia County. The Columbia Economic Team stepped in to fill some gaps, but qualified business counseling and assistance is critical – and missing. Where small business counseling was needed before, in pandemic recovery it will be essential.
- Our experience of working with small businesses to assist with four rounds of grant funding was an opportunity to really get to know them, and the local business landscape. In one round alone, 36 Scappoose small businesses received \$190,425.00, and we worked closely with many of them to help complete the process.
- Knowing small business assistance exists elsewhere – nearly everywhere -- we determined to make it available to Columbia County businesses and residents. Successful clustering of economic and small business services are mainstays in adjacent counties. CEDR in Clatsop County served hundreds of small businesses during the pandemic in a county only 2/3 Columbia County's size. The same goes for Tillamook County, roughly half the population as Columbia County. Its small business services, like CEDR in Clatsop, that are the foundation of all programs and funding for economic recovery in those parts of our region.
- The Tillamook and Clatsop County centers are, as with elsewhere around the state, co-located and affiliated with sponsor community colleges. That arrangement has never developed similarly in Columbia County: PCC has had no buildings or facilities to host a

center here. The practice of serving Columbia County from Portland offices or periodically scheduling appointment days at city or other buildings has not been successful by PCC/SBDC metrics and certainly not by comparison to the advisory portfolios (number of businesses being helped) maintained by CEDR and Tillamook. A constant, consistent, physical local presence and extensive outreach and engagement are essential to building a portfolio and operating effectively.

- With the goal of establishing a Small Business Resource Center here, locally, we began cultivating the necessary relationships – based upon the models well established in our neighboring counties within our region.
- Today, we have the opportunity to, together, establish the first-ever Small Business Resource Center (SBRC) as a locally driven, hybrid SBRC/SBDC – with all of the small business advisory capability of an SBBDC, but with additional capacity to better engage and serve our unique local communities. Doing so is essential to economic recovery of our small business sector.
- Structurally, the SBRC would operate under the umbrella of the Columbia Economic Team, as a separate but linked entity with a specific business advisory and assistance mandate, and trained professionals.

SBRC Function and Value

A Small Business Resource Center/Small Business Development Center will be:

- A full range of business resources to local small businesses
- No-cost (free) 1:1 advising
- Locally initiated, supported, managed, and staffed
- Connected in partnership with PCC/SBDC & Oregon SBDC Network
- Connected to all SBDC software, programs, licenses, and resources
- Staffed by a full-time director who advises, markets, teaches and connects well in the community
- A start-up model to provide adequate capacity and traction time to establish a foothold, reputation, clientele, offerings portfolio, track record, value, and credibility, and simultaneously develop sustainable long-term funding
- A Small Business Resource Center (SBRC) that includes a Small Business Development Center (SBDC) within our family of services -- which is a formal entitlement with siting and set management structure, accountability, and metrics

SBRC Accountability

Because the SBRC Director will also serve as the SBDC Director, specific hiring procedures will be implemented, focused on a local hire. Full training will be provided, as well as operating procedures and continuous collaborative assistance. Further, proven reporting procedures and metrics will be implemented, and the Director will report to a Small Business Advisory Board of experienced experts.

A partnership that's working

Key partners in this unique start-up are the PCC/SBDC and the statewide, Oregon network of Small Business Development Centers, OSBDCN. These relationships are the result of changing perspectives, and funding sources -- opportunities borne by the COVID pandemic and the initiative to engage them.

- In April, the Columbia Economic Team Board voted its commitment to our concept paper to establish an SBRC, in order to solidify commitments, predicated on a four-year runway to allow the SBRC to start up, get traction and succeed.
- The four-year Phase 1 has a budget of \$700,000 (P. 6 of Plan), based on the SBDC model and budgets for comparable, neighboring SBDCs.
- Today, we're only \$150,000 from fulfilling that \$700,000 budget plan and announcing a Columbia County SBRC. It is the result of careful planning, relationship building and collaboration.
- Here's the composition:
 - The Oregon Small Business Development Network (OSBDCN) has now committed in writing to include our SBRC, as a hybrid, locally controlled model in its network, with a minimum funding commitment of \$150,000 per biennium.
 - In fact, the OSBDCN has borrowed our plan and model and is using it to help develop similar centers in other parts of the state.
 - Congresswoman Bonamici has honored our request and placed one year of funding (\$175,000) in the House Appropriations bill for Community Project Finding.
 - The Columbia Economic Team obtained a federal grant for \$75,000 specifically for this purpose.
 - The remaining \$150,000 gap must be bridged to complete the four-year funding of Phase 1.

What is needed

Our partnership is seeking commitments from local jurisdictions as an optimal use of American Rescue Plan Act (ARPA) funds for local pandemic and economic recovery. The ARPA funding presents a valuable one-time opportunity; it's a significant responsibility to allocate these funds. Investing ARPA in small business recovery would provide important local demonstrated investment match to the 40% invested from OSBDCN and represents match to leverage additional dollars from external sources. We ask that you consider these things:

- How important existing small businesses are in your community.
- How many more businesses, how much small business growth you want in your city.
- Whether you know of any small business owner that could, or could have, used some help.
- How much it would be worth for that help to be available and accessible, for free, to anyone who needs it.
- A reasonable amount your council could commit from its ARPA for a full four-year start-up to ensure the SBRC gets established.

- Based upon existing small business base, future small business growth and expansion, and level of city ARPA funding, we'd ask your favorable consideration of \$25,000 contributed for the four-year Phase 1 start-up period.

Combined with other city requests, requests of the county, and potential leveraged match, the establishment of the Columbia County SBRC could happen as soon as September, and our center could be in operation by November of this year.

Councilor Haugen asked Paul, what is the total he is trying to collect?

Paul Vogel replied they are trying to fill a \$150,000 gap. He explained St. Helens just approved \$50,000. He stated honestly, they will take what they can get.

Council President Greisen asked, where would this be housed?

Paul Vogel replied they are not completely set, but they have been approached by the County to put this in the John Gumm building in St. Helens.

Legal Counsel Peter Watts explained he hasn't really had the time and opportunity to really review this, and this is contingent on other funding, so maybe we have a little bit of time to review this.

Paul Vogel replied they have a letter of commitment from the Oregon Development Center Network, in addition to a draft contract with the Small Business Administration. He would be more than happy to share those documents.

Councilor McHugh talked about not seeing in the presentation where businesses need this.

Paul Vogel explained he has two usb's at his desk with businesses looking for assistance.

Councilor McHugh replied it would be helpful if he included that information in his presentation.

Councilor Miller just wants to clarify that we are going to make this contingent upon legal Counsel's review.

Councilor Poling stated he can attest that there is a big need for businesses to have some sort of resource center, and he thinks you will see a big use out of it, especially as that is an area that we want to grow. He wants to make sure there is some sort of stipulation that says these funds have to be used for that going forward because there are so many moving parts to this, and he just wants to make sure we are heading in the right direction.

Paul Vogel replied, so do they, and they have set up a different chart of accounts for this.

Mayor Burge thanked Paul Vogel.

Mayor Burge asked about the premium pay for officers, what would the average bump in salaries be for officers during that pay period?

Interim City Manager Rains replied she doesn't have that information with her and would have to check into it.

Council President Greisen talked about COVID bonuses in the amount of \$175,000 to employees, that would include the staff in the Police Department. She wanted to thank Alex and Norm for recognizing not only that funding should be given in the amount of these bonuses to all staff, but that especially the patrol officers, command staff, and the police department do deserve more and if we can provide, that she is fully in support of that.

Councilor Lesowske replied tonight he would prefer to defer this decision. He would look at the employees' bonuses more of a hazard pay, it was not a bonus for those staff having to come in at that particular time, he would like to highlight it for what it is and in doing so he would actually ask that City staff look at how the State of Oregon is allocating hazard pay for those that did work during the COVID pandemic. He would also recognize that this would be for both hourly, represented employees and he would recommend that it goes to interns that have over a certain threshold of hours that they've contributed during that time. He would recommend to look at the States criteria. He explained in regard to premium pay for the patrol officers and command staff, his interpretation here is that this would be paid to them outside of their hourly wage, is that correct?

Councilor Lesowske explained he would like to see more information on how that would be delivered.

Councilor Miller wants to make sure we have legal counsel involved with regards to the hazard pay. He explained his other concern is if this is going to be considered wages, obviously the wages that are paid to city employees regardless of classification is all part of collective bargaining and he would be concerned that we are not setting a precedence and we are not going to create a situation where other classifications are going to come back also wanting the same pay increase because obviously the pay that different classifications get is all part of compensation studies that they bring to the table during negotiations. He wants to talk to the other unions to make sure there is an mou in place and they are not going take issue with this. He stated if the intent here is to attract and retain, he would like to see how this is going to look and be messaged to potential applicants. He would like to see the percentages that these different personnel would be getting, because he just sees lump sums here.

Councilor McHugh stated there is something disingenuous here about having the City staff recommend their own bonuses. He agrees with Councilor Lesowske that we need to defer this. He stated there is a lot out in this community who have suffered a lot more from this than what our City staff has, and he is not trying to be negative because he loves the staff, but what about the restaurants. He stated most of our buildings were closed during the pandemic, police officers, that is a little different story. He thinks that recommendation could come from a broader group than just staff. He would like to see a committee that includes a couple of Council members and a couple of citizens to look at this. He stated he doesn't really have any disagreements on anything but has a little bit of a problem with the \$5,000 for each of our employees. He looks at it from a different point of view, but he is the one who is going to have to defend this to the public.

Councilor Haugen stated he is going to side with Councilor Lesowske, he is not ready to move ahead with this tonight. He thinks we have a lot of issues. He stated Councilor McHugh brings up a lot of points, like the optics of this. He would like to look at a comparative stability issue with the compensation for our police department and turnovers. He asked if we can find some communities where there is a stable police force and then look at their compensation and see what they are doing right, because we obviously have some issues here.

Council President Greisen feels there are assumptions being made that the staff is saying there is free money and we should get paid extra because we worked during the pandemic, and it follows one of these bullet points. She would like to hear from Interim City Manager Rains on how this came about because she bets if we listen to how this happened it wasn't people knocking on the door begging for free money. She thinks maybe Alex wanted to acknowledge the staff that works for us, and this is a way to show gratitude for carrying us through this time.

Mayor Burge stated he wanted to remind everyone that last December as the restaurants all got shut down, we were in the process with CCET and putting out grants and gave several restaurants in our community grant money.

Legal Counsel Peter Watts explained this is something that he thinks he brought up to Alex because he has seen it in other jurisdictions and it is an acknowledgement that work has increased in a time where it was harder to work because of some lack of efficiency compared to how we normally do because normally we would all be in the same room, and more was expected by staff. He stated he has a deep appreciation for the employees, and he thinks he recommended it.

Mayor Burge stated he thinks the Interim City Manager during this meeting tonight said that she would forgo accepting the bonus if that is what is needed. He stated if you look at the staff report, that is why it came from not only Alexandra Rains, but him also.

Councilor Poling stated he respectfully disagrees because as a manager, as someone who runs a business, you want to do things for your employees and if you have the opportunity to

acknowledge them and are able to give them some sort of acknowledgement that they are doing a good job by giving them some sort of bonus, he sees that side of it.

Mayor Burge stated there are some questions that need to be answered, so he would like this to be deferred until the next meeting.

Councilor Haugen moved, and Councilor Poling seconded the motion to defer this agenda item until the next Council meeting. Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Haugen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye and Councilor Miller, aye.

Consent Agenda ~ July 19, Work Session minutes, July 19 City Council meeting minutes, August 2, 2021 City Council meeting minutes, reappointment of Jeannet Santiago, and Brenda Michael to the Economic Development Committee, appointment of Marisa Jacobs as a full member on the Planning Commission and appointment of Andrew Lafrenz as a full member on the Park and Recreation Committee

Councilor Poling moved, and Councilor Haugen seconded the motion to approve the Consent Agenda ~ July 19, Work Session minutes, July 19 City Council meeting minutes, August 2, 2021 City Council meeting minutes, reappointment of Jeannet Santiago, and Brenda Michael to the Economic Development Committee, appointment of Marisa Jacobs as a full member on the Planning Commission and appointment of Andrew Lafrenz as a full member on the Park and Recreation Committee. Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Haugen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye and Councilor Miller, aye.

Ordinance No. 897: Amendments to Municipal Code Chapter 2.04, Council Meetings

Interim City Manager Alexandra Rains explained on May 3, 2021, City Council instructed staff to review Scappoose Municipal Code Chapter 2.04, Council Meetings, compare it to the League of Oregon Cities (LOC) Model Rules of Procedure and make recommendations for modifications. In the staff report it includes proposed new language which has been underlined and deleted language which has been ~~stricken~~.

Mayor Burge opened the public meeting at 8:44 p.m.

Paul Fidrych, Scappoose, explained he had a chance to look over the draft ordinance in addition to looking at the LOC model rules procedures for council meetings. He explained the one question he had was the removal of 2.00.040 Conflicts of Interest. He read what it states and said this has been removed from the document and his question is, why was it removed when your goal was to reflect the League of Oregon Cities document. He stated there is an addition of 2.04.03 that does raise conflict of interest but only for voting. He explained he brings this up

because he has been working on the Parks and Rec Committee and had a lot of time working with the community around the Grabhorn Park ad hoc committee and the biggest issue that he heard from citizens was the lack of trust between the City and the citizens. His concern is removing this wording especially when it is in the model rules of procedures, does not make sense. He asked for it to be added back.

Legal Counsel Peter Watts explained under 2.04.030 he rewrote the conflict of interest. He is proposing *Voting. B. In the event of a potential conflict, councilors shall contact the Oregon Government Ethics Commission (OGEC) and get a determination, if deemed a conflict, the councilor shall not vote. If it's deemed a potential conflict of interest, the councilor shall disclose that information.* He explained the conflict of interest would only come up on a matter where you would vote.

Paul Fidrych stated in his opinion if you remove the word voting it would make it clear.

Mayor Burge stated he reads a script before hearings which ask if Council has a conflict of interest. He stated removing the word voting does make sense.

Councilor Poling moved, and Council President Greisen seconded the motion to allow the meeting to go past 9:00 pm. Motion passed (7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Haugen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye and Councilor Miller, aye.

Marisa Jacobs, Scappoose, explained she echo's Paul's sentiments regarding being transparent and clear. She explained as an observer of this process it does feel wrong that a conflict only is brought forward right when the vote is given that a lot of the issues that are being brought forward are ongoing for months in advance. She stated anyway you can clarify conflict of interest so that it does translate to the public as being transparent will be very helpful. She asked about 2.04.160 Personnel, she notices the entire section was struck out and asked why was that section removed and where will it be placed?

Legal Counsel Peter Watts replied this was a section that was unique to Scappoose and the attorney at the time it was drafted argued strongly against adopting it. He explained it was used in one instance and that instance resulted in a multimillion-dollar verdict against the City in a lawsuit. He stated there were a lot of issues that came out of that section that came to light as a result of it. He stated this created a lack of clarity of who the final decision maker is.

Councilor Haugen asked if the League of Oregon Cities has anything comparable?

Legal Counsel Peter Watts replied he has never seen anything comparable.

Mayor Burge stated we will continue the public hearing until the next meeting.

Announcements – information only

Calendar

Mayor Burge went over the calendar.

Updates: City Manager, Councilors, and Mayor

Interim City Manager Rains explained the Chapman Landing Rezone was approved. She thanked Council and staff for centennial efforts, and in particular, Isaac for his contributions.

Councilor Miller thanked everybody for the 100-year event. He stated Isaac you really stood out and it was very apparent the effort and the role that you are taking, and everybody really appreciated it. He thanked Councilor McHugh for all of his efforts. He didn't know if there was something they could do to acknowledge all of the volunteers and City staff that contributed to the event.

Councilor Poling stated he thinks that the centennial was a huge success. All the work that Pete, Isaac and other City staff put in was phenomenal. It was a great success, and the community is excited and hopes they will do it again. He stated we've gone through a lot this last year and he really does want to recognize Alex, as she has really stepped up. He stated her communication has been phenomenal and he has nothing but good words for her and the job she has done. He stated, personally, he is very happy.

Council President Greisen stated the centennial was a heartwarming success and safe event in the midst of a heat wave and a pandemic and she thinks we came out really on top with it. She thought it was great that we were able to showcase some of our parks and local amenities by having some things split. It wasn't always ideal at some points to have two locations. She thanked Isaac, the whole team, committee, and everybody behind the scenes for making it happen. She stated she heard a lot of people saying we need an annual event. She stated in some capacity it would be nice to have some sort of annual City event. She thought it would be great if we could continue an annual run or event and the City could pick a project or cause that the funds could go towards. She would like to have a survey sent out to those who participated and attended the event. She said there was a lot of verbal feedback that would help with future events in addition to maybe getting a list of people who would assist at future events. She gave an overview of Police Chief Miller's time with the City. She explained on August 2, 2021, Chief Miller made the decision to step back from his role as Police Chief. She wants to personally thank Norm for his years of dedication to our community and she thanks him for continuing to serve our citizens. She stated in her opinion, it is unfortunate that the past and present police

personnel have failed to share their frustrations until this evening when they came in front of us. She also wants to remind Council that their role in personnel matters as they just talked about this evening, as the City transitions from an interim and then to a permanent hire of the police chief. She explained she knows that the Parks and Rec Committee, as well as the ad hoc committee, really wanted feedback or to kind of bridge the gap that we have with the school district and some of the field use and amenities that they have and what they can offer. She explained they had a meeting last week with representatives from the School District and it went in a semi-positive direction, and she thinks they ended on a good note and they acknowledged what the School District needs help in, whether it is parks maintenance or facilitation of use. She explained the City is willing to buy or help take care of some of these pieces that might be too overwhelming. She stated in the end, it does come across that there is a need for sports amenities. She stated this can be interpreted in a positive or a negative ~ she feels like personally, comments made by the public or comments made by Council or assumptions that have been presented come across as very disrespectful and she feels that when she looks at forums online of people discussing how the City functions or decisions that the City is making, they don't have all of the information that is correct. The thing that is disheartening to her is that they are not either willing or knowledgeable to know that there is a source that maybe has more accurate information and seeking out that accurate information in order to make decisions, so they have all the facts. She has never felt, as a citizen prior to joining the Council, that this is a place where the door is closed, and the blinds are shut. She doesn't feel like the Mayor runs a meeting that way. She doesn't feel like you are not present in the community or that they don't want to be a part of the community, that their faces aren't here to serve and she would encourage people not only to attend a meeting, but to make phone calls and email, whether that is to Council or staff. And, before coming in front of Council with accusations or really strong comments, that they have done some background work, just how they approach Council or staff in asking the question rather than forcefully saying something. She thinks the tone in this Council chambers and community needs to be a little more humble.

Councilor Haugen stated the marvelous centennial that we experienced is a tribute to our marvelous staff and Council and the amazing volunteers. He would like to acknowledge some absolutely extraordinary folks, starting with Isaac. He stated you can't believe what Isaac did under some tough situations. He stated Janet Williams is beyond belief, she kept a smile on her face, it is just absolutely extraordinary. He stated Robby Backus donated an unbelievable amount of time. He explained on Sunday Robby, Mike and Pete were out there cleaning up. He stated Paul Fidrych is amazing. He stated he is tipping his hat to Pete McHugh; he is absolutely extraordinary. He said these people are in a league amongst themselves, we are in a good position.

Councilor Lesowske explained he and his family had a great time at the centennial and it was great to see the number of people attending and just the excitement and to be able to have

something for our community to rally around was fantastic. He echoed everyone, he thanked Pete for his dedication and seeing the vision for this event because he doesn't think it would have been anywhere near what it was, and he appreciates all of his hard work, effort and time. He stated on top of that does want to point out our staff, especially Isaac. He stated to Isaac that his work and efforts to this show him that amazing things can come no matter where you are, no matter what position you are in, and he thinks it also speaks boldly of his person and so on behalf of our community, thank you for all of that energy and commitment that he put forth to make that event amazing. He stated we are getting way more for our dollar for the amount of expertise and professionalism that you bring to your role with the City, so thank you!

Councilor McHugh thanked everyone for the nice comments. He stated he doesn't want his comments earlier today to diminish how strongly he feels about the good work our staff does. He stated his comments were more directed toward the process and how it fits in with the grant we are looking at, he doesn't want to be misinterpreted on that. He stated regarding the centennial, Isaac did a fabulous job and kept us on track, and he really appreciates all that he did. He stated if we had an MVP, it would be Paul Fidrych. He did a website, the run and along with lots of other things. He stated anytime there was a problem Joel (Councilor Haugen) would figure it out. He thanked Joel for all he did. He thanked Tyler (Councilor Miller) who helped him a lot, even when it was really hot out. He stated it is really a team effort and he is really proud of our community. He would also like to say he appreciates a lot of what Chief Miller did also, really into community policing. He did a lot of good things, and he would like to acknowledge that. He has known Chief Miller for a long time, and he thinks he has always had the best interest of our community in mind. He stated it is not an easy job, even when you do the right things, a lot of times you are going to get criticized anyway. He stated an old saying no good turn goes unpunished and he thinks that applies to Chief Miller. He does appreciate all the support from the City for the centennial and their leader Mike Sykes did a fabulous job also.

Mayor Burge thanked Pete (Councilor McHugh) for all the work he did for the centennial. He also thanked the volunteers, including Paul Fidrych, it was a fantastic event. He talked about the run and sometimes finishing the race is more important than how you place. He stated the work that was done for this event was amazing. He stated Isaac kept him on track during the event. He is very proud of everyone on the committee, City staff, all the volunteers that made this event happen. He stated overall it was a great event. He stated when it comes to the Grabhorn ad hoc committee, he is pretty much going to accept whatever recommendation they present to the City, that is his position. He stated we have put this committee in charge to design the park. He is hoping we can have a future discussion on the ball field house request. He knows we can't waive SDC's, but it would be nice to know what we can do. He has known the Moores family for a long time, and it would be a really nice gesture from the City to be able to honor him. He thanked Council for everything. He stated to Pete keep being you. He stated we don't want to sit here doing the group think thing, we want people who have concerns or

thoughts to bring them up so that we are not all in line. He stated group think is the worst thing that could happen, there needs to be good solid discussion.

Adjournment

Mayor Burge adjourned the meeting at 9:39 p.m.

Mayor Scott Burge

Attest:

City Recorder Susan M. Reeves, MMC

DRAFT

**THURSDAY, AUGUST 26, 2021, 8:30 AM
EXECUTIVE SESSION
Council Chambers
33568 East Columbia Avenue
Scappoose, OR 97056**

Open Public Meeting

Mayor Burge opened the public meeting at 8:31 am.

Present: Mayor Scott Burge; Council President Megan Greisen; Councilor Joel Haugen; Councilor Josh Poling; Councilor Brandon Lesowske; Councilor Pete McHugh; Councilor Tyler Miller; and Consultant Erik Jensen, with Jensen Strategies, LLC.

Mayor Burge read the script for Executive Session.

Council went into Executive Session.

Executive Session ~ ORS 192.660 (2) (a) Employment of Manager or Attorney

Open Session

Council came into open session.

Adjournment

Mayor Burge adjourned the meeting at 1:55 p.m.

Mayor Scott Burge

Minutes typed by:

City Recorder Susan M. Reeves, MMC

FRIDAY, AUGUST 27, 2021, 9:00 AM
EXECUTIVE SESSION
Council Chambers
33568 East Columbia Avenue
Scappoose, OR 97056

Open Public Meeting

Mayor Burge opened the public meeting at 9:01 am.

Present: Mayor Scott Burge; Council President Megan Greisen; Councilor Joel Haugen; Councilor Josh Poling; Councilor Brandon Lesowske; Councilor Pete McHugh; Councilor Tyler Miller; Consultants Erik Jensen; Emily Rehder; and Amelia Wallace with Jensen Strategies, LLC.

Remote: Legal Counsel Ashley Driscoll.

Mayor Burge read the script for Executive Session.

Council went into Executive Session.

Executive Session ~ ORS 192.660 (2) (a) Employment of Manager or Attorney

Open Session ~ Council came into open session at 2:28pm.

Councilor Lesowske moved, and Councilor Poling seconded the motion to move and authorize Mayor Burge negotiate a contract with Legal Counsel for the City Manager recruitment with the identified top candidate of Alex Rains. (Motion passed 4-3). Mayor Burge, aye; Council President Greisen, aye; Councilor Poling, aye and Councilor Lesowske, aye. Councilor Haugen, nay; Councilor McHugh, nay and Councilor Miller, nay.

Councilor Lesowske moved, and Council President Greisen seconded the motion that City Council support the onboarding and continued success of the next city manager. (Motion passed 7-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Haugen, aye; Councilor Poling, aye; Councilor Lesowske, aye; Councilor McHugh, aye and Councilor Miller, aye.

Adjournment ~ Mayor Burge adjourned the meeting at 2:30 p.m.

Mayor Scott Burge

Minutes typed by:

City Recorder Susan M. Reeves, MMC

acting in this capacity. In the mayor's absence the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity. If both the mayor and the president of the council are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:

1. The city recorder shall call the council to order and call the roll of the members.
2. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
3. When drafting a quorum requirement, ensure it complies with the city charter, which should indicate what constitutes a quorum and whether the mayor counts towards the quorum requirement.
4. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
5. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

F. Public Comment.

1. One period for public comment will be reserved for every regular meeting of the council. It shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time.
2. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter.
3. Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. Speakers shall identify themselves by their names and by city or county of residence. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the 30 minute period.
4. If speakers wish to bring written materials, they should bring copies for each member of council and the city recorder.

G. Special Meetings. Special meetings may be called by the presiding officer, by request of three members of the council, or by the city manager. Notice of the special meeting shall be given to each member of the council, the city manager, and each local newspaper, and radio and television station which has on file a written request for notice of special meetings. Notice of the special meeting shall be given to all members of the council and the city manager via telephone and email. Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.

H. Emergency meetings. Emergency meetings may be called by the presiding officer, by the request of three members of council, or by the city manager. Notice of the emergency meeting shall be given to each member of the council, the city manager, and each local newspaper, and radio and television station which has on file a written request for notice of special meetings. Notice of the emergency meeting shall be given

to all members of council and the city manager via telephone and email. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

I. Executive Sessions. Executive sessions may be called by the presiding officer, by the request of three members of council, by the city manager or by the city attorney. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

J. Work Sessions. Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly. Work sessions are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a work session. Work sessions are to be scheduled by the city manager. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

2.04.030 Voting. B. In the event of a potential conflict, councilors shall contact the Oregon Government Ethics Commission (OGEC) and get a determination, if deemed a conflict, the councilor shall not vote. If it's deemed a potential conflict of interest, the councilor shall disclose that information.

D. Council shall vote on any issue of substance, that is not specifically excluded by ordinance or rule, which may concern the direction of the City Manager or City Attorney of staff, encumbrance of funds, changes in policy, political positions on any matter, or any other matter that council may consider substantive.

E. Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter shall not be suspended or rescinded.

2.04.040 Conflicts of interest. A. For purposes of these rules, "potential conflict of interest" has the following meaning: "Any action, decision or recommendation by the councilor acting in a capacity as public official, the effect of which could be to the private pecuniary benefit or detriment of the person or person's relative, or a business with which the person or the person's relatives is associated". In addition, "No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available.

B. In the event a councilor shall have a potential conflict of interest with respect to any matter before the council, or may be unable to participate impartially and without bias in a quasi-judicial matter, the councilor shall announce such potential conflict, impartiality

~~or bias on the record prior to any consideration, deliberation or decision of the council on the matter, and may be excused from the council until consideration of the matter is complete. In any vote on such matter, an excused councilor shall not be considered present for purposes of a quorum.~~

~~C. In the event of an actual conflict of interest, the councilor shall not vote or participate in consideration of the~~

2.04.040 Ethics, Decorum, Outside Statements. A. Ethics. All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:

1. Disclosing confidential information.
2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
3. If taking a position that has not been adopted by the Council, they shall disclose that this is their personal opinion and not the position of Council.

B. Decorum.

1. The presiding officer shall preserve decorum during meetings.
2. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members of council.

C. Statements to the Media and Other Organizations.

1. Representing City. If a member of the council appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
2. Personal Opinions. If a member of the council appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

~~2.04.050 Councilor authority and delegation. B. Notwithstanding paragraph (A) above, the council may delegate specific duties or functions to a councilor(s) in which case such councilor(s) shall have such authority as has been expressly delegated by the council.~~

2.04.060 Requests for staff assistance. A. All members of the council shall respect the separation between the council's role and the city's manager's responsibility by:

1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
2. Refraining from actions that would undermine the authority of the city manager or a department head.
3. Requests to staff for information, questions or research should be made during council meetings to the extent possible so that council may determine priority.

Questions from individual members of the council requiring significant time or resources (two hours or more) shall normally require approval of the council. Members of the council shall normally share any information obtained from staff with the entire council. Councilors shall refrain from directing the activities or workloads of city staff members. Individual requests from a councilor for staff assistance shall be presented to the mayor

~~or city manager orally or in writing for approval.~~

2.04.070 Compliance with council rules. A. Violations of this chapter or any other City ordinances, the City Charter, or State laws applicable to the governing body by any councilor shall be brought to the attention of the mayor. Upon such notification, the mayor shall attempt to resolve the matter and prevent future violation by contact with the offending councilor. In the event such resolution or prevention fails, the mayor shall place the matter on the council agenda for consideration and action by the full council. B. A councilor found by the council to have violated this chapter may be publicly reprimanded by the council. ~~or may be disciplined as provided in Robert's Rules of Order, newly revised.~~

2.04.090 Ordinances and resolutions. D. Copies of ordinances and resolutions included on a council agenda shall be made available to the public for inspection at city hall, and or online, upon agenda distribution.

E. All positions or endorsements on, or of local or statewide ballot measures shall be by resolution prepared by council.

2.04.100 Council agenda. A. An agenda for each council meeting shall be prepared by the ~~mayor and city manager~~ and approved by the mayor. Councilors may request of the mayor that specific items be placed on an agenda or may raise matters for council consideration as new business. Matters introduced as new business, which are not itemized as agenda items shall, unless emergency conditions exist, and upon consensus of majority vote of the council, be deferred to the next regular or special meeting as an agenda item or addressed at time of introduction under the "emergency" conditions previously noted.

B. The council agenda shall include the flag salute, roll call, ~~approval of prior minutes,~~ communications from the public on non agenda items, new business, old business, staff reports and other agenda categories as directed by the mayor or council. ~~The order of consideration of agenda items shall be as determined by the mayor.~~

2.04.110 Committees. A. The mayor or council may establish by resolution ad hoc or standing committees to perform specified research, or investigatory and advisory functions. ~~on behalf of the council.~~

B. Appointments to such committees shall be as provided in Section 2.04.080 of this chapter. ~~Any authority granted to such committees shall be clearly delineated within the text of the resolution creating the committee as approved by council.~~

2.04.140 Minutes. A. The City meets its statutory obligation by recording Council meetings and making the video available to the public. Written minutes, if prepared, share include the following: ~~Minutes of each meeting shall be prepared by the city recorder, and shall include at least the following information:~~

1. All members of the council present;
2. All motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;
3. The results of all votes, and the vote of each councilor; and
4. The substance of any discussion on any matter.

B. Minutes of executive sessions shall be limited consistent with ORS 192.660.

C. The written minutes or video shall be available to the public for inspection at city hall upon agenda distribution and shall be maintained as a permanent record of the actions of the council by the city recorder.

~~2.04.160 Personnel. A. The city manager has the full authority to act on personnel matters in accordance with the City Charter and existing policies and procedures. However, except as provided otherwise by written employment agreement, any termination by the city manager of a city officer/department head, as defined by the City Charter, shall be subject to the following procedure:~~

~~1. In the event a officer/department head is discharged, asked to resign, or suspended without pay, the officer/department head may request review of the city manager's decision. Such request shall be made in writing, and shall state the facts, the basis of the request for review, city rules or policies violated by the action, and relief requested. The request shall be delivered to the mayor, with a copy to the city manager, within five days of the action to be reviewed.~~

~~2. Upon request of the officer/department head or the city manager, the mayor shall appoint by random a personnel review committee (PRC) consisting of three councilors and the city attorney, which shall meet within ten days of filing of the request. Such meeting may be an executive session subject to the provisions of As part of such meeting, the PRC may conduct a hearing and take testimony necessary to conclude its review.~~

~~3. The PRC shall, within five days of the meeting, determine whether the city manager action was, in the judgment of the PRC, in compliance with existing policies and law, and make a written recommendation to the city manager. At the same time a copy of the PRC recommendation shall be forwarded to the members of the council who shall maintain the confidentiality of the recommendation. The decision of the city manager, after review of the PRC recommendation, shall be final.~~

2.04.160 170 Proclamations. A. All proclamations approved by the mayor may be read by title only before the council at a regularly scheduled council meeting.

B. Any proclamation read before the council by the mayor shall not require a vote of the council.

C. No proclamation may encumber the city financially or conflict with any existing ordinance, resolution, state law, federal law, regulation or administrative rule.

2.04.170 180 Miscellaneous. A. Any procedural matter not covered by the Charter or by a rule adopted by the council shall be resolved by a majority vote of Council determined by Robert's Rules of Order, newly revised. The council may by a positive vote of five members (including the mayor) authorize the suspension of any rule adopted by the council.

2.04.180 Amendment & Repeal. A. Amendment. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.

1. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.

2. All amendments to these rules requires a majority vote.

3. Amended rules shall not go into effect until the meeting after the rule was approved.

B. Repeal. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.

1. Any proposed repeal of these rules shall be accompanied by a proposed replacement.

2. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.

3. Any repeal and replacement of these rules requires a majority vote.

4. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.

~~2.04.190 Emergency. The newly drafted ordinance codified in this chapter represents a culminated effort of citizen input, council deliberations and staff research which is imperative to the orderly decision-making and leadership of the city council. Therefore, the ordinance codified in this chapter shall be enacted by the "emergency" provisions stipulated in the previously adopted council rules and shall become effective upon approval of the City Council on February 5, 2001.~~

Finally, there was mention at the previous Council meeting of removing the Council's rules from the Municipal Code and re-adopting as a resolution. Staff reviewed the Charter and found a requirement that the Council rules must be an ordinance. Therefore, it cannot be rescinded and replaced with a resolution.

FISCAL IMPACT: None.

RECOMMENDATION: Staff recommends City Council approve Ordinance No. 897, thus implementing the proposed amendments to Chapter 2.04 of the Municipal Code.

SUGGESTED MOTION: I move City Council approve Ordinance No. 897, thus implementing the amendments to Municipal Code 2.04, Council Rules.

ORDINANCE NO. 897

AN ORDINANCE OF THE CITY OF SCAPPOOSE AMENDING SCAPPOOSE MUNICIPAL CODE 2.04 REGULATING COUNCIL RULES

WHEREAS, Scappoose City Council saw the need to update Council rules and procedures.

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

Section 1. Chapter 2.04 of the Scappoose Municipal Code shall be amended as shown on the attached Exhibit A (additional language underlined and deleted language ~~stricken~~).

Section 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

First reading:
Second reading:

Attest: _____
Susan M. Reeves, MMC
City Recorder

Exhibit A
Recommended Changes to Municipal Code Chapter 2.04

Chapter 2.04 Council Rules

2.04.010 Council meetings. A. Regular meetings of the council shall be held on the first and third Mondays of each month, except holidays. If the regular meeting of the council falls on a holiday, the meeting shall be held the next business day. Meetings shall commence at six p.m. seven p.m. in the council chambers at city hall unless public notice is given of an alternate time or location. Adjournment of the meeting shall be nine p.m. unless a motion is adopted to continue.

~~B. The council may hold special or emergency meetings after providing public notice as required by state law. Special or emergency meetings may be called by the mayor, and shall be called by the mayor upon request of at least three councilors. Special and emergency meeting agendas shall be limited to the purposes for which the meeting is called.~~

E. Presiding Officer. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity. In the mayor's absence the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity. If both the mayor and the president of the council are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:

- 1. The city recorder shall call the council to order and call the roll of the members.*
- 2. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.*
- 3. When drafting a quorum requirement, ensure it complies with the city charter, which should indicate what constitutes a quorum and whether the mayor counts towards the quorum requirement.*
- 4. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.*
- 5. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.*

F. Public Comment.

- 1. One period for public comment will be reserved for every regular meeting of the council. It shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time.*
- 2. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter.*
- 3. Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. Speakers shall identify themselves by their names and by city or county of residence. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the 30 minute period.*

4. If speakers wish to bring written materials, they should bring copies for each member of council and the city recorder.

G. Special Meetings. Special meetings may be called by the presiding officer, by request of three members of the council, or by the city manager. Notice of the special meeting shall be given to each member of the council, the city manager, and each local newspaper, and radio and television station which has on file a written request for notice of special meetings. Notice of the special meeting shall be given to all members of the council and the city manager via telephone and email. Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.

H. Emergency meetings. Emergency meetings may be called by the presiding officer, by the request of three members of council, or by the city manager. Notice of the emergency meeting shall be given to each member of the council, the city manager, and each local newspaper, and radio and television station which has on file a written request for notice of special meetings. Notice of the emergency meeting shall be given to all members of council and the city manager via telephone and email. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

I. Executive Sessions. Executive sessions may be called by the presiding officer, by the request of three members of council, by the city manager or by the city attorney. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

J. Work Sessions. Work sessions are permitted to present information to the council so that the council is prepared for regular or special meetings. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly. Work sessions are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a work session. Work sessions are to be scheduled by the city manager. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

2.04.030 Voting. B. In the event of a potential conflict, councilors shall contact the Oregon Government Ethics Commission (OGEC) and get a determination, if deemed a conflict, the councilor shall not vote. If it's deemed a potential conflict of interest, the councilor shall disclose that information.

D. Council shall vote on any issue of substance, that is not specifically excluded by ordinance or rule, which may concern the direction of the City Manager or City Attorney ~~of staff~~, encumbrance of funds, changes in policy, political positions on any matter, or any other matter that council may consider substantive.

E. Suspension of Rules. A unanimous vote of all members of the council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the city's charter shall not be suspended or rescinded.

~~2.04.040 Conflicts of interest. A. For purposes of these rules, "potential conflict of interest" has the following meaning: "Any action, decision or recommendation by the councilor acting in a capacity as public official, the effect of which could be to the private pecuniary benefit or detriment of the person or person's relative, or a business with which the person or the person's relatives is associated". In addition, "No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available.~~

~~B. In the event a councilor shall have a potential conflict of interest with respect to any matter before the council, or may be unable to participate impartially and without bias in a quasi-judicial matter, the councilor shall announce such potential conflict, impartiality or bias on the record prior to any consideration, deliberation or decision of the council on the matter, and may be excused from the council until consideration of the matter~~

~~is complete. In any vote on such matter, an excused councilor shall not be considered present for purposes of a quorum.~~

~~C. In the event of an actual conflict of interest, the councilor shall not vote or participate in consideration of the~~

2.04.040 Ethics, Decorum, Outside Statements. A. Ethics. All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:

1. Disclosing confidential information.
2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
3. If taking a position that has not been adopted by the Council, they shall disclose that this is their personal opinion and not the position of Council.

B. Decorum.

1. The presiding officer shall preserve decorum during meetings.
2. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members of council.

C. Statements to the Media and Other Organizations.

1. Representing City. If a member of the council appears as a representative of the city before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.
2. Personal Opinions. If a member of the council appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

2.04.050 Councilor authority and delegation. ~~B. Notwithstanding paragraph (A) above, the council may delegate specific duties or functions to a councilor(s) in which case such councilor(s) shall have such authority as has been expressly delegated by the council.~~

2.04.060 Requests for staff assistance. A. All members of the council shall respect the separation between the council's role and the city's manager's responsibility by:

1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
2. Refraining from actions that would undermine the authority of the city manager or a department head.
3. Requests to staff for information, questions or research should be made during council meetings to the extent possible so that council may determine priority.

Questions from individual members of the council requiring significant time or resources (two hours or more) shall normally require approval of the council. Members of the council shall normally share any information obtained from staff with the entire council. Councilors shall refrain from directing the activities or workloads of city staff members. Individual requests from a councilor for staff assistance shall be presented to the mayor or city manager orally or in writing for approval.

2.04.070 Compliance with council rules. A. Violations of this chapter or any other City ordinances, the City Charter, or State laws applicable to the governing body by any councilor shall be brought to the attention of the mayor. Upon such notification, the mayor shall attempt to resolve the matter and prevent future violation by contact with the offending councilor. In the event such resolution or prevention fails, the mayor shall place the matter on the council agenda for consideration and action by the full council.

~~B. A councilor found by the council to have violated this chapter may be publicly reprimanded by the council. or may be disciplined as provided in Robert's Rules of Order, newly revised.~~

2.04.090 Ordinances and resolutions. D. Copies of ordinances and resolutions included on a council agenda shall be made available to the public for inspection at city hall, and or online, upon agenda distribution.

E. All positions or endorsements on, or of local or statewide ballot measures shall be by resolution prepared by council.

2.04.100 Council agenda. A. An agenda for each council meeting shall be prepared by the mayor and city manager and approved by the mayor. Councilors may request of the mayor that specific items be placed on an agenda or may raise matters for council consideration as new business. Matters introduced as new business, which are not itemized as agenda items shall, unless emergency conditions exist, and upon consensus of majority vote of the council, be deferred to the next regular or special meeting as an agenda item or addressed at time of introduction under the "emergency" conditions previously noted.

~~B. The council agenda shall include the flag salute, roll call, approval of prior minutes, communications from the public on non agenda items, new business, old business, staff reports and other agenda categories as directed by the mayor or council. The order of consideration of agenda items shall be as determined by the mayor.~~

2.04.110 Committees. A. The mayor or council may establish by resolution ad hoc or standing committees to perform specified research, or investigatory and advisory functions. on behalf of

~~the council.~~

~~B. Appointments to such committees shall be as provided in Section 2.04.080 of this chapter. Any authority granted to such committees shall be clearly delineated within the text of the resolution creating the committee as approved by council.~~

~~2.04.140 Minutes. A. The City meets its statutory obligation by recording Council meetings and making the video available to the public. Written minutes, if prepared, shall include the following: Minutes of each meeting shall be prepared by the city recorder, and shall include at least the following information:~~

- ~~1. All members of the council present;~~
- ~~2. All motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;~~
- ~~3. The results of all votes, and the vote of each councilor; and~~
- ~~4. The substance of any discussion on any matter.~~

~~B. Minutes of executive sessions shall be limited consistent with ORS 192.660.~~

~~C. The written minutes or video shall be available to the public for inspection at city hall upon agenda distribution and shall be maintained as a permanent record of the actions of the council by the city recorder.~~

~~2.04.160 Personnel. A. The city manager has the full authority to act on personnel matters in accordance with the City Charter and existing policies and procedures. However, except as provided otherwise by written employment agreement, any termination by the city manager of a city officer/department head, as defined by the~~

~~City Charter, shall be subject to the following procedure:~~

~~1. In the event a officer/department head is discharged, asked to resign, or suspended without pay, the officer/department head may request review of the city manager's decision. Such request shall be made in writing, and shall state the facts, the basis of the request for review, city rules or policies violated by the action, and relief requested. The request shall be delivered to the mayor, with a copy to the city manager, within five days of the action to be reviewed.~~

~~2. Upon request of the officer/department head or the city manager, the mayor shall appoint by random a personnel review committee (PRC) consisting of three councilors and the city attorney, which shall meet within ten days of filing of the request. Such meeting may be an executive session subject to the provisions of~~

~~As part of such meeting, the PRC may conduct a hearing and take testimony necessary to conclude its review.~~

~~3. The PRC shall, within five days of the meeting, determine whether the city manager action was, in the judgment of the PRC, in compliance with existing policies and law, and make a written recommendation to the city manager. At the same time a copy of the PRC recommendation shall be forwarded to the members of the council who shall maintain the confidentiality of the recommendation. The decision of the city manager, after review of the PRC recommendation, shall be final.~~

2.04.160-170 Proclamations. A. All proclamations approved by the mayor may be read by title only before the council at a regularly scheduled council meeting.

B. Any proclamation read before the council by the mayor shall not require a vote of the council.

C. No proclamation may encumber the city financially or conflict with any existing ordinance, resolution, state law, federal law, regulation or administrative rule.

2.04.170-180 Miscellaneous. A. Any procedural matter not covered by the Charter or by a rule adopted by the council shall be resolved by a majority vote of Council determined by Robert's Rules of Order, newly revised. The council may by a positive vote of five members (including the mayor) authorize the suspension of any rule adopted by the council.

2.04.180 Amendment & Repeal. A. Amendment. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.

1. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.

2. All amendments to these rules requires a majority vote.

3. Amended rules shall not go into effect until the meeting after the rule was approved.

B. Repeal. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.

1. Any proposed repeal of these rules shall be accompanied by a proposed replacement.

2. Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.

3. Any repeal and replacement of these rules requires a majority vote.

4. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.

~~2.04.190 Emergency. The newly drafted ordinance codified in this chapter represents a culminated effort of citizen input, council deliberations and staff research which is imperative to the orderly decision-making and leadership of the city council. Therefore, the ordinance codified in this chapter shall be enacted by the "emergency" provisions stipulated in the previously adopted council rules and shall become effective upon approval of the City Council on February 5, 2001.~~

3.

Final GPAHC Recommendations

September 7th, 2021

1. The road has no place in the park and should be eliminated from consideration in the future park.

- The road has been highly contested by many of the citizens surrounding Grabhorn and Veteran's Park
- The proposed road would go directly through the Veteran's Dog Park. After exhaustive study, there is not another suitable dog park location in the city.
- Protection of the critical root zone surrounding the incense cedars on adjacent property would place the road 40-80 feet into the park significantly limiting options for park amenities.

2. The dog park should stay at Veterans, with the possibility of future expansion, if feasible.

- 59.7% of our post-forum survey respondents preferred to keep the dog park at Veteran's
- Currently 10-20 dog owners use this park at a time, indicating that this is a very popular amenity overall
- The park is approximately 0.5 acres with an ideal size being 1-2 acres for the large park and $\frac{1}{4}$ for the small park

3. A softball field should be included at Grabhorn Park.

4. A softball field with **turf and lights** should be included at the Grabhorn parcel, if feasible, with environment and budget concerns considered.

5. A soccer field should be included at the Grabhorn parcel.

6. A soccer field with turf and lights should be included at the Grabhorn parcel, if feasible, with environment and budget concerns considered.

- Field use for youth recreation in Scappoose has been limited by the sharing of fields with other sports/athletes, weather, daylight and condition of the fields.
- To maximize field use, GPAHC recommends:
 - Turf and lights to increase usability, if economically and environmentally feasible
 - The soccer and softball fields do not overlap

7. A combination full basketball/pickle ball court as a secondary priority, provided that parking and space is sufficient, should be included at the Grabhorn parcel.



9. Amenities and accessibility for all ages and abilities should be included at the Grabhorn parcel.

Potential Amenities Suggestions

- Workout equipment
- Natural play
- ADA accessible play equipment
- Benches/picnic tables

10. Interpretive signage should be included along the trail.

Possible Interpretive Signage

- The role of the Scappoose Creek in the greater watershed
- Identifying nearby plants
- Identifying nearby wildlife
- Understanding wetlands

11. The Committee recognizes the need for additional parking. However, the Committee would like to see that it does not affect useable space as much as possible and to keep in mind the critical root zone of the incense cedar trees along the western edge of the Grahborn parcel.

12. Submit these recommendations to City Council.

Additional Considerations

- The 2017 master plan states that we need an additional 53.3 acres to meet the needs of growth for Scappoose
- The GPAHC/SPRC would like Council to consider:
 - Purchasing additional properties for parks, such as Buxton, which is included in the original master plan
 - Increase connectivity between Veteran's, Chief Concomly and Grabhorn through foot bridges
 - Improve safety and connectivity to parks through adding and improving sidewalks near existing parks
- As this process continues, SPRC would like to continue to be involved in the process of the development of this park

Thank You and Final Thoughts

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: August 31, 2021

Agenda Date Requested: September 7, 2021

To: Alexandra Rains, Interim City Manager

From: Huell Whitehaus, Assistant to Public Works Director

Subject: Cybersecurity Policy Update

TYPE OF ACTION REQUESTED:

Resolution **Ordinance**

Formal Action **Report Only**

ISSUE: Resolution 21-15 - Annual Update to City of Scappoose Cybersecurity Policy

ANALYSIS: In May of 2020, the City of Scappoose adopted a Cybersecurity Policy (Res. 20-08) pursuant to the updated coverage from the City's insurance provider CIS. The adopted Cybersecurity Policy requires that staff review and update (if necessary) on an annual basis.

City staff began a review process and drafted an update to the policy earlier this calendar year. One update was made to the policy, per the recommendations of the City's contracted IT Manager. The updated portion pertains to the Incident Handling and Response Plan section of the policy.

Exhibit A: Resolution 21-15 (inclusive of policy and update)

RECOMMENDATION: Staff recommends that the City Council adopt Resolution No. 21-15: A Resolution Updating the City of Scappoose Cybersecurity Policy.

SUGGESTED MOTION: I move Council adopt Resolution No. 21-15: A Resolution Updating the City of Scappoose Cybersecurity Policy.

Request for Council Action

RESOLUTION NO. 21-15

DRAFT

A RESOLUTION UPDATING THE CITY OF SCAPPOOSE CYBERSECURITY POLICY

WHEREAS, Oregon public entities must comply with the Oregon Identity Theft Protection Act, ORS 646A.600 – ORS 646A.628; and

WHEREAS, ORS 646A.622 (d) requires the implementation of a Cybersecurity program; and

WHEREAS, The City of Scappoose complies with Oregon Statutory requirements; and

WHEREAS, The City of Scappoose adopted Resolution No. 20-08 A Resolution Adopting Cybersecurity Within the City of Scappoose; and

WHEREAS, The City is required to review and update the Cybersecurity Policy on an annual basis; and

WHEREAS, The City has completed its review and provided an update to the Cybersecurity Policy for Council’s consideration.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council for the City of Scappoose adopts the attached Cybersecurity Policy inclusive of the updated Incident Handling and Response Plan section.
2. The City Council instructs the City Manager or the City Manager's designee to provide City Staff and third-party vendors with a copy of the Policy, and take steps to ensure that the Policy is being followed.
3. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Scappoose City Council and signed by me, and the City Recorder, in authentication of its passage on this ___ day of September, 2021.

CITY OF SCAPPOOSE, OREGON

DRAFT

Scott Burge, Mayor

Attest: DRAFT
Susan M. Reeves, MMC
City Recorder



City of Scappoose

Cybersecurity Policy

**Adopted by Resolution No. 21-15
September 7, 2021**

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Objective

The focus of this policy is to help the City of Scappoose meet its objectives. We recognize that information and the protection of information is required to serve our citizens. We seek to ensure that appropriate measures are implemented to protect our citizens' information. This Cybersecurity Policy is designed to establish a foundation for an organizational culture of security. This policy will be reviewed annually and approved by the City Manager.

The purpose of this policy is to clearly communicate the City of Scappoose's security objectives and guidelines to minimize the risk of internal and external threats while taking advantage of opportunities that promote our objectives.

This policy applies to all City of Scappoose elected officials, employees, contractors, consultants, and others specifically authorized to access information and associated assets owned, operated, controlled, or managed by City of Scappoose. Additionally, leadership must ensure that all contracts and similar agreements with business partners and service providers incorporate appropriate elements of this policy.

Compliance

Oregon public entities must comply with the Oregon Identity Theft Protection Act, ORS 646A.600 – 628. ORS 646A.622 (d) requires the implementation of a Cybersecurity program. Non-compliance with this policy may pose risks to the organization; accordingly, compliance with this program is mandatory. Failure to comply may result in failure to obtain organizational objectives, legal action, fines or penalties. Breaches with the potential to impact more than 250 individuals must be reported to the Oregon Department of Justice.

<https://www.doj.state.or.us/consumer-protection/id-theft-data-breaches/data-breaches/>

Roles and Responsibilities

City of Scappoose has appointed the following roles and responsibilities to execute and monitor the policies described in this document.

City Manager or designee

- Ensure that a written Cybersecurity Policy is developed and implemented.
- Confirm identification, acquisition, and implementation of information system software and hardware.
- Identify all Personally Identifiable Information.
- Ensure implementation, enforcement, and effectiveness of IT Security policies and procedures.
- Facilitate an understanding and awareness that security requires participation and support at all organizational levels.

- Oversee daily activities and use of information systems to ensure employees, business partners, and contractors adhere to these policies and procedures.

Employees and Contractors

- See Appendix A - Acceptable Use Policy

Identify, Protect, Detect, Respond, and Recover

The following sections outline City of Scappoose requirements and minimum standards to facilitate the secure use of organizational information systems. The information presented in this policy follows the format of the control families outlined in the National Institute of Standards and Technology (NIST) Cybersecurity Framework (NIST CSF): ***Identify, Protect, Detect, Respond, and Recover***.

The scope of security controls addressed in this policy focus on the activities most relevant to City of Scappoose as defined by the Center for Internet Security (CIS) and industry best practices. Questions related to the interpretation and implementation of the requirements outlined in this policy should be directed to the City Manager or designee.

IDENTIFY (ID)

Objective: To develop the organization’s understanding that’s necessary to manage cybersecurity risk to systems, people, assets, data, and capabilities.

Asset Management

An inventory of all approved hardware and software on City of Scappoose’s network and systems will be maintained in a computer program or spreadsheet that documents the following:

- The employee in possession of the hardware or software.
- Date of purchase.
- Amount of purchase.
- Serial number.
- Type of device and description.
- A listing of software or devices that have been restricted.

Personally Identifiable Information (PII)

An inventory of all PII information by type and location will be taken. The following table may be useful to inventory PII.

Location	PII by type	Essential	Location	Owner
Website				
Contractors				
File in staff office				
File in building				

File offsite				
Desk top				
HR System				
Financial System				
Laptop				
Flash drive				
Cell phones				
Tablets				
Other				

Each manager will determine if PII is *essential*. If PII is not essential, it will either not be collected, or (if collected) will be destroyed. Do not collect sensitive information, such as a Social Security numbers, if there is no legitimate business need. If this information does serve a need, apply your entity's record retention plan that outlines what information must be kept, and dispose of it securely once it is no longer required to maintain.

All PII no longer needed shall be shredded if in paper form or destroyed by IT if in electronic form.

The Oregon Identity Theft Protection Act prohibits anyone (individual, private or public corporation, or business) who maintains Social Security numbers from:

- Printing a consumer's SSN on any mailed materials not requested by the consumer unless redacted
- Printing a consumer's SSN on a card used by the consumer that is required to access products or services
- Publicly posting or displaying a consumer's SSN, such as on a website

Exceptions include requirements by state or federal laws, including statute records (such as W2s, W4s, 1099s, etc.) that are required by law to be made available to the public, for use for internal verification or administrative processes, or for enforcing a judgment or court order.

PROTECT (PR)

Objective: To develop and implement appropriate safeguards to ensure the delivery of critical services.

Identity Management, Authentication and Access Control

The City Manager or designee is responsible for ensuring that access to the organization's systems and data is appropriately controlled. All systems housing City of Scappoose data (including laptops, desktops, tablets, and cell phones) are required to be protected with a password or other form of authentication. Except for the instances noted in this policy, users with access to City of Scappoose systems and data are not to share passwords with anyone.

City of Scappoose has established the following password configuration requirements for all systems and applications (where applicable):

- Minimum password length: 8 characters
- Password complexity: requires alphanumeric and special characters
- Prohibited reuse for four (4) iterations
- Changed periodically every 90 days
- Invalid login attempts set to three
- Automatic logout due to inactivity = 30 minutes

Other potential safeguards include:

- Not allowing PII on mobile storage media
- Locking file cabinets
- Not allowing PII left on desktops
- Encrypting sensitive files on computers
- Requiring password protection
- Implementing the record retention plan and destroying records no longer required

Where possible, multi-factor authentication will be used when users authenticate to the organization's systems.

- Users are granted access only to the system data and functionality necessary for their job responsibilities.
- Privileged and administrative access is limited to authorized users who require escalated access for their job responsibilities and where possible will have two accounts: one for administrator functions and a standard account for day to day activities.
- All user access requests must be approved by City Manager or designee.
- It is the responsibility of City Manager or designee to ensure that all employees and contractors who separate from the organization have all system access removed.

On an annual basis, a review of user access will be conducted under the direction of City Manager or designee to confirm compliance with the access control policies outlined above.

Awareness and Training

City of Scappoose personnel are required to participate in security training in the following instances:

1. All new hires are required to complete security awareness training before receiving login credentials.
2. Formal security awareness refresher training is conducted on an annual basis. All employees are required to participate in and complete this training.

Upon completion of training, participants will review and sign the ***Acceptable Use Policy*** included in Appendix A.

Two online classes are available through the CIS Learning Center at learn.cisoregon.org:
“*Cyber Threats and Best Practices to Confront Them*” and “*Cyber Security Basics*.”

On an annual basis, City of Scappoose will conduct email phishing exercises of its users. The purpose of these tests is to help educate users on common phishing scenarios. It will assess their level of awareness and comprehension of phishing, understanding and compliance with policy around safe handling of e-mails containing links and/or attachments, and their ability to recognize a questionable or fraudulent message.

Data Security

Data Classification

You must adhere to your Records Retention Policy regarding the storage and destruction of data. Data residing on corporate systems must be continually evaluated and classified into the following categories:

- **Employees Personal Use:** Includes individual user's personal data, emails, documents, etc. This policy excludes an employee's personal information, so no further guidelines apply.
- **Marketing or Informational Material:** Includes already-released marketing material, commonly known information, data freely available to the public, etc. There are no requirements for public information.
- **Operational:** Includes data for basic organizational operations, communications with vendors, employees, etc. (non-confidential). The majority of data will fall into this category.
- **Confidential:** Any information deemed confidential. The following list provides guidelines on what type of information is typically considered confidential. Confidential data may include:
 - Employee or customer Social Security numbers or personally identifiable information (PII)
 - Personnel files
 - Medical and healthcare information
 - Protected Health Information (PHI)
 - Network diagrams and security configurations
 - Communications regarding legal matters
 - Passwords/passphrases
 - Bank account information and routing numbers
 - Payroll information
 - Credit card information
 - Any confidential data held for a third party (be sure to adhere to any confidential data agreement covering such information)

Data Storage

The following guidelines apply to storage of the different types of organizational data.

- **Operational:** Operational data should be stored on a server that gets the most frequent backups (refer to the Backup Policy for additional information). Some type of system- or disk-level redundancy is encouraged.
- **Confidential:** Confidential information must be removed from desks, computer screens, and common areas unless it is currently in use. Confidential information should be stored under lock and key (or keycard/keypad), with the key, keycard or code secured.

Data Transmission

The following guidelines apply to the transmission of the different types of organizational data.

- **Confidential:** Confidential data must not be 1) transmitted outside the organization's network without the use of strong encryption, 2) left on voicemail systems, either inside or outside the organization's network.

Data Destruction

You must follow your records retention policy before destroying data.

- **Confidential:** Confidential data must be destroyed in a manner that makes recovery of the information impossible. The following guidelines apply:
 - Paper/documents: Cross-cut shredding is required.
 - Storage media (CD's, DVD's): Physical destruction is required.
 - Hard drives/systems/mobile storage media: At a minimum, data wiping must be used. Simply reformatting a drive does not make the data unrecoverable. If wiping is used, the organization must use the most secure commercially-available methods for data wiping. Alternatively, the organization has the option of physically destroying the storage media.

Data Storage

Stored Data includes any data located on organization-owned or organization-provided systems, devices, media, etc. Examples of encryption options for stored data include:

- Whole disk encryption
- Encryption of partitions/files
- Encryption of disk drives
- Encryption of personal storage media/USB drives
- Encryption of backups
- Encryption of data generated by applications

Data while transmitted includes any data sent across the organization network or any data sent to or from an organization-owned or organization-provided system. Types of transmitted data that shall be encrypted include:

- VPN tunnels

- Remote access sessions
- Web applications
- Email and email attachments
- Remote desktop access
- Communications with applications/databases

Information Protection Processes and Procedures

Secure Software Development

Where applicable, all software development activities performed by City of Scappoose or by vendors on behalf of the organization shall employ secure coding practices including those outlined below.

A minimum of three software environments for the development of software systems should be available – development, quality assurance, and a production environment. Software developers or programmers are required to develop in the development environment and promote objects into the quality assurance and production environments. The quality assurance environment is used for assurance testing by the end user and the developer. The production environment should be used solely by the end user for production data and applications. Compiling objects and the source code is not allowed in the production environment. The information technology manager or an independent peer review will be required for promotion objects into the production environment.

- All production changes must be approved before being promoted to production.
- Developers should not have the ability to move their own code.
- All production changes must have a corresponding help desk change request number.
- All production changes must be developed in the development environment and tested in the quality assurance environment.
- All emergency changes must be adequately documented and approved.

Software code approved for promotion will be uploaded by City Manager or designee to the production environment from the quality assurance environment once the change request is approved. The City Manager or designee may work with the developer to ensure proper placement of objects into production.

Contingency Planning

The organization's business contingency capability is based upon local backups of all critical business data. This critical data is defined as data that is critical to successfully carrying out the operations/daily functions of the City of Scappoose. Full data backups will be performed on a weekly basis. Confirmation that backups were performed successfully will be conducted weekly. Testing of cloud backups and restoration capability will be performed on a monthly basis.

During a contingency event, all IT decisions and activities will be coordinated through and under the direction of the City Manager or designee.

The following business contingency scenarios have been identified along with the intended responses:

- In the event that one or more of City of Scappoose 's systems or applications are deemed corrupted or inaccessible, the City Manager or designee will work with the respective vendor(s) to restore data from the most recent local backup and, if necessary, acquire replacement hardware.
- In the event that the location housing the City of Scappoose systems are no longer accessible, the City Manager or designee will work with the respective vendor(s) to acquire any necessary replacement hardware and software, implement these at one of the organization's other sites, and restore data from the most recent local backup.

As an important reminder, CIS covers data reproduction (subject to a deductible) for only one week.

Network Infrastructure

The organization will protect the corporate electronic communications network from the Internet by utilizing a firewall. For maximum protection, the corporate network devices shall meet the following configuration standards:

- Vendor recommended, and industry standard configurations will be used.
- Changes to firewall and router configuration will be approved by City Manager or designee.
- Both router and firewall passwords must be secured and difficult to guess.
- The default policy for the firewall for handling inbound traffic should be to block all packets and connections unless the traffic type and connections have been specifically permitted.
- Inbound traffic containing ICMP (Internet Control Message Protocol) traffic should not be passed in from the Internet, or from any un-trusted external network.
- All web services running on routers must be disabled.
- Simple Network Management Protocol (SNMP) Community Strings must be changed from the default "public" and "private".

Network Servers

Servers typically accept connections from several sources, both internal and external. As a general rule, the more sources that connect to a system, the more risk associated with that system, so it is particularly important to secure network servers. The following statements apply to the organization's use of network servers:

- Unnecessary files, services, and ports should be removed or blocked. If possible, follow a server-hardening guide, which is available from the leading operating system manufacturers.
- Network servers, even those meant to accept public connections, must be protected by a firewall or access control list.

- If possible, a standard installation process should be developed for the organization's network servers. A standard process will provide consistency across servers no matter what employee or contractor handles the installation.
- Clocks on network servers should be synchronized with the organization's other networking hardware using NTP or another means. Among other benefits, this will aid in problem resolution and security incident investigation.

Network Segmentation

Network segmentation is used to limit access to data within the City of Scappoose network based upon data sensitivity. City of Scappoose maintains two wireless networks. The *guest* wireless network is password protected, and proper authentication will grant the user internet access only. Access to the *secure* wireless network is limited to City of Scappoose personnel and provides the user access to the intranet.

The following paragraph can be included if a third-party vendor is used for network administration:

Under the direction of the City Manager or designee, the third-party network administrator manages the network user accounts, monitors firewall logs, and operating system event logs. The City Manager or designee authorizes vendor access to the system components as required for maintenance.

Additional Considerations

Does the organization employ industry-accepted configurations/standards for mobile devices, laptops, workstations, and other hardware and software?

Protective Technology

Email Filtering

A good way to mitigate email related risk is to filter it before it reaches the user so that the user receives only safe, business-related messages. City of Scappoose will filter email at the Internet gateway and/or the mail server. This filtering will help reduce spam, viruses, or other messages that may be deemed either contrary to this policy or a potential risk to the organization's IT security.

Additionally, additional software programs may have been implemented to identify and quarantine emails that are deemed suspicious. This functionality may or may not be used at the discretion of the City Manager or designee.

Network Vulnerability Assessments

On a weekly basis, City of Scappoose will perform both internal and external network vulnerability assessments. The purpose of these assessments is to establish a comprehensive view of the organization's network as it appears internally and externally. These evaluations will be conducted under the direction of City Manager or designee to identify weaknesses with the

network configuration that could allow unauthorized and/or unsuspected access to the organization's data and systems.

As a rule, "penetration testing," which is the active exploitation of organization vulnerabilities, is discouraged. If penetration testing is performed, it must not negatively impact organization systems or data.

Additional Considerations

Does the organization have technologies (e.g., web proxies/web filtering) in place that limit a user's access to dangerous or malicious sites?

Does the organization monitor the flow of data across the network?

Does the organization employ web application firewalls on web servers, if you host your own website?

DETECT (DE)

Definition: Develop and implement appropriate activities to identify the occurrence of a cybersecurity event.

Anomalies and Events

The following logging activities are conducted by independent IT contractor under the direction of City Manager or designee:

- Domain Controllers - Active Directory event logs will be configured to log the following security events: account creation, escalation of privileges, and login failures.
- Application Servers - Logs from application servers (e.g., web, email, database servers) will be configured to log the following events: errors, faults, and login failures.
- Network Devices - Logs from network devices (e.g., firewalls, network switches, routers) will be configured to log the following events: errors, faults, and login failures.

Passwords should not be contained in logs.

Logs of the above events will be reviewed by the independent IT contractor at least once per month. Event logs will be configured to maintain record of the above events for three months.

Security Continuous Monitoring

Anti-Malware Tools

All organization servers and workstations will utilize tools to protect systems from malware and viruses. Real-time scanning will be enabled on all systems and weekly malware scans will be performed. A monthly review of the dashboard will be conducted by City Manager or designee to confirm the status of virus definition updates and scans.

City of Scappoose utilizes tools to protect mobile devices from malware and viruses.

Patch management

All software updates and patches will be distributed to all City of Scappoose system as follows:

- Workstations will be configured to install software updates every week automatically.
- Server software updates will be manually installed at least monthly.
- Any exceptions shall be documented.

Additional Considerations

Does the organization manage the ongoing use of ports, protocols, and services on networked devices to minimize vulnerabilities?

RESPOND (RS)

Definition: Develop and implement appropriate activities to take action regarding a detected cybersecurity incident.

Response Planning

The organization's annual security awareness training shall include direction and guidance for the types of security incidents users could encounter, what actions to take when an incident is suspected, and who is responsible for responding to an incident. A security incident, as it relates to the City of Scappoose 's information assets, can be defined as either an Electronic or Physical Incident.

City Manager or designee is responsible for coordinating all activities during a significant incident, including notification and communication activities. They are also responsible for the chain of escalation and deciding if/when outside agencies, such as law enforcement, need to be contacted.

Electronic Incidents *Please see "Appendix C - Incident Handling and Response Plan"*

This type of incident can range from an attacker or user accessing the network for unauthorized/malicious purposes to a virus outbreak or a suspected Trojan or malware infection. When an electronic incident is suspected, the steps below should be taken in order.

1. Remove the compromised device from the network by unplugging or disabling network connection. Do not power down the machine.
2. Report the incident to the City Manager or designee.
3. Contact the third-party service provider (and/or computer forensic specialist) as needed.

The remaining steps should be conducted with the assistance of the third-party IT service provider and/or computer forensics specialist.

4. Disable the compromised account(s) as appropriate.
5. Backup all data and logs on the machine, or copy/image the machine to another system.
6. Determine exactly what happened and the scope of the incident.

7. Determine how the attacker gained access and disable it.
8. Rebuild the system, including a complete operating system reinstall.
9. Restore any needed data from the last known good backup and put the system back online.
10. Take actions, as possible, to ensure that the vulnerability will not reappear.
11. Conduct a post-incident evaluation. What can be learned? What could be done differently?

Physical Incidents

A physical IT security incident involves the loss or theft of a laptop, mobile device, PDA/Smartphone, portable storage device, or other digital apparatus that may contain organization information. All instances of a suspected physical security incident should be reported immediately to the City Manager or designee.

Notification

If an electronic or physical security incident is suspected of having resulted in the loss of third-party/customer data, notification of the public or affected entities should occur.

1. Contact CIS Claims at claims@cisoregon.org.
2. Inform your attorney
3. Complete this form if the breach involves more than 250 records.
<https://justice.oregon.gov/consumer/DataBreach/Home/Submit>

RECOVER (RC)

Recovery processes and procedures are executed and maintained to ensure timely restoration of systems and/or assets affected by cybersecurity events.

CIS will help with the recovery process. CIS may provide forensics services, breach coaching services, legal services, media services and assist in paying for notification expenses. The CIS claims adjuster will discuss with you the coverages and services offered by CIS.

City Manager or designee is responsible for managing and directing activities during an incident, including the recovery steps.

Recovery planning and processes are improved by incorporating lessons learned into future activities.

Restoration activities are coordinated with internal and external parties, such as coordinating centers, Internet service providers, owners of the affected systems, victims, and vendors.

External communications should only be handled by designated individuals at the direction of City Manager or designee. Recovery activities are communicated to internal stakeholders, executives, and management teams.

Appendix A – Acceptable Use Policy

The intention of this Acceptable Use Policy is not to impose restrictions that are contrary to City of Scappoose established culture of openness, trustworthiness, and uprightness. Understanding and adhering the organization's IT security policies is necessary to protect our employees and organization from illegal or damaging actions by individuals, either knowingly or unknowingly. Effective security is a team effort involving the participation and support of every employee. It is the responsibility of every computer user to know these guidelines and to conduct their activities accordingly.

Purpose

The purpose of this policy is to outline the acceptable use of computer equipment, email, and internet access at all locations. These rules are in place to protect the employee and the organization. Inappropriate use exposes the organization to risks including virus attacks, compromises of network systems and services, and legal liability.

Scope

This policy applies to both permanent and temporary employees of the organization. This policy applies to all equipment that is owned or leased by the organization. This policy is a supplement to the *City of Scappoose Cybersecurity Policy*.

1.0 Policy

The following actions shall constitute unacceptable use of the corporate network. The list also provides a frame of reference for types of activities that are deemed unacceptable. The user may not use the corporate network and/or systems to:

1. Engage in an activity that is illegal under local, state, federal, or international law.
2. Engage in any activities that may cause embarrassment, loss of reputation, or other harm to the organization.
3. Disseminate defamatory, discriminatory, vilifying, sexist, racist, abusive, threatening, obscene or otherwise inappropriate messages or media.
4. Engage in activities that cause an invasion of privacy.
5. Engage in activities that cause disruption to the workplace environment or create a hostile workplace based on a legally protected class.
6. Make fraudulent offers for products or services.
7. Install, download or distribute unlicensed or "pirated" software.
8. Reveal personal or network passwords to others, including family, friends, or other members of the household when working from home or remote locations.

Email

The following activities are strictly prohibited:

1. Using the email system to send or forward pornographic material.

2. Using the email system for any form of harassment whether through language, content, frequency or size of the message.
3. Sending unsolicited bulk email messages, including the sending of “junk mail” or other advertising materials to individuals who did not specifically request such material (email spam).
4. Sending or forwarding emails of a non-business nature to the “All Employee” list.
5. Sending or forwarding emails of a non-business nature with either an excessive number of attachments or attachments of excessive size (examples would be emails with numerous photos, video clips, or large PowerPoint presentations).
6. Creating or forwarding “chain letters,” “Ponzi” schemes or other get rich quick “pyramid” schemes of any type.
7. Using the email system in a manner that would violate the City of Scappoose Cybersecurity Policy.
8. Opening file attachments with file extensions such as .vbs, .exe, .com, or .sys.

Social Networking/Blogging

The following applies to social networking/blogging:

1. Employees are discouraged from using employer-owned equipment, including computers, organizationally licensed software or other electronic equipment, or organization time to conduct personal blogging. Social networking activities are discouraged.
2. Employees are expected to protect the privacy of the organization and its employees and are prohibited for disclosing personal employee and nonemployee information and any other proprietary and nonpublic information to which the employees have access.
3. Management strongly urges employees to report any violations or possible violations or perceived violations to supervisors or managers. Management investigates and responds to all reports of violations of the social networking policy and other related policies.
4. Only executive management are authorized to remove any content that does not meet the rules and guidelines of the policy or that may be illegal or offensive.
5. Views of the individual employee are not ever attributed to the City of Scappoose .
6. Posts must comply with existing policies re harassment and discrimination.
7. Posts must comply with existing policies re confidentiality and improper disclosures.
8. Online activities must not interfere or negatively affect work tasks or City of Scappoose, except for “Concerted Activities.”
9. Employees must not reference City of Scappoose or its services in the employee’s social medial posts, except for “Concerted Activities.”
10. City of Scappoose logos should not be used in the employee’s social media posts, except for “Concerted Activities.”
11. Posts must not violate copyright laws.
12. Consult the Employee Personnel Handbook for further clarification.

Clean Desk

A significant amount of confidential customer information is maintained in paper-based form. All staff members are responsible for ensuring that this information is properly safeguarded and is not improperly disclosed to unapproved third parties. In order to accomplish this, all employees are responsible for:

1. Ensuring that paper-based information is appropriately monitored and protected.
2. Ensuring that all confidential documents are properly locked-up at the end of each business day. Appropriate methods to secure documents include utilizing locking filing cabinets or desk drawers, etc.
3. Maintaining a "clean desk" or working area throughout the day and ensure there are no confidential documents in open view if absent from their desk for an extended period. This will help to ensure that confidential customer information is not inadvertently disclosed.

Computer Usage (Password)

The following password criteria will be used to access Windows workstations:

1. Minimum password length: 8 characters
2. Password complexity: requires alphanumeric and special characters
3. Prohibited reuse for four (4) iterations
4. Changed periodically every 90 days
5. Invalid login attempts set to three
6. Automatic logout due to inactivity = 30 minutes

Portable Devices

The following Portable Devices are allowed for organization use only:

1. Cell phones
2. Laptops/Tablets
3. Digital cameras
4. Any type of USB memory device or USB mass storage device

2.0 Monitoring

Employees should have no expectation of privacy for any information they store, send, receive, or access via the organization's network. Content monitoring of email by management may occur without prior notice. All other monitoring, including but not limited to, internet activity, email volume or size, and other forms of electronic data exchange may occur without prior notice by management.

Monitoring may occur without prior notice of a suspected violation, either in part or in whole, of the Acceptable Use Policy or the *City of Scappoose Cybersecurity Policy* is detected or reported.

3.0 Reporting

Employees must report to City Manager or designee when they learn of a suspected breach of information or have lost a laptop, telephone, or USB memory with City of Scappoose information.

4.0 Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

Signature

I have received a copy of the organization's Acceptable Use Policy as revised and approved by the management. I have read and understood the policy.

(Print your name)

(Signature)

(Date)

Appendix B – Confidentiality and Non-Disclosure Agreement

This Confidentiality and Nondisclosure Agreement (the "Agreement") is entered into by and between **City of Scappoose** ("Disclosing Party") and _____ ("Receiving Party") for the purpose of preventing the unauthorized disclosure of Confidential Information as defined below. The parties agree to enter into a confidential relationship with respect to the disclosure of certain proprietary and confidential information ("Confidential Information").

1. **Definition of Confidential Information.** For purposes of this Agreement, "Confidential Information" shall include all information or material that has or could have commercial value or other utility in the business in which Disclosing Party is engaged. Examples of Confidential Information include the following:
 - Employee or customer Social Security numbers or personal information
 - Customer data
 - Entity financial data
 - Product and/or service plans, details, and schematics,
 - Network diagrams and security configurations
 - Communications about entity legal matters
 - Passwords
 - Bank account information and routing numbers
 - Payroll information
 - Credit card information
 - Any confidential data held for a third party
2. **Exclusions from Confidential Information.** Receiving Party's obligations under this Agreement do not extend to information that is: (a) publicly known at the time of disclosure or subsequently becomes publicly known through no fault of the Receiving Party; (b) discovered or created by the Receiving Party before disclosure by Disclosing Party; (c) learned by the Receiving Party through legitimate means other than from the Disclosing Party or Disclosing Party's representatives; or (d) is disclosed by Receiving Party with Disclosing Party's prior written approval.
3. **Obligations of Receiving Party.** Receiving Party shall hold and maintain the Confidential Information in strictest confidence for the sole and exclusive benefit of the Disclosing Party. Receiving Party shall carefully restrict access to Confidential Information to employees, contractors, and third parties as is reasonably required and shall require those persons to sign nondisclosure restrictions that are at least as protective as those in this Agreement. Receiving Party shall not, without the prior written approval of Disclosing Party, use for Receiving Party's own benefit, publish, copy, or otherwise disclose to others, or permit the use by others for their benefit or to the detriment of Disclosing Party, any Confidential Information. Receiving Party shall return to Disclosing Party any and all records, notes, and other written, printed, or tangible materials in its possession pertaining to Confidential Information immediately if Disclosing Party requests it in writing.
4. **Time Periods.** The nondisclosure provisions of this Agreement shall survive the termination of this Agreement and Receiving Party's duty to hold Confidential Information in confidence shall remain in effect until the Confidential Information no longer qualifies as a trade secret

or until Disclosing Party sends Receiving Party written notice releasing Receiving Party from this Agreement, whichever occurs first.

5. Relationships. Nothing contained in this Agreement shall be deemed to constitute either party a partner, joint venturer or employee of the other party for any purpose.
6. Severability. If a court finds any provision of this Agreement invalid or unenforceable, the remainder of this Agreement shall be interpreted so as best to affect the intent of the parties.
7. Integration. This Agreement expresses the complete understanding of the parties with respect to the subject matter and supersedes all prior proposals, agreements, representations, and understandings. This Agreement may not be amended except in a writing signed by both parties.
8. Waiver. The failure to exercise any right provided in this Agreement shall not be a waiver of prior or subsequent rights.

This Agreement and each party's obligations shall be binding on the representatives, assigns, and successors of such party. Each party has signed this Agreement through its authorized representative.

Disclosing Party

By: _____

Printed Name: _____

Title: _____

Dated: _____

Receiving Party

By: _____

Printed Name: _____

Title: _____

Dated: _____



Appendix C - Incident Handling and Response Plan

Reporting Information Security Events - The City will promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Formal event reporting and escalation procedures shall be in place. Wherever feasible, the City will use email to expedite the reporting of security incidents. All users will be made aware of the procedures for reporting the different types of events and weakness that might impact the security of agency assets and are required to report any information security events and weaknesses as quickly as possible to the security point-of-contact.

Reporting Procedures for Suspected and Actual Security Breaches:

1. If you become aware of any policy violation or suspect that your password may have been used by someone else, first, change your password and then, report the violation immediately to the security point-of-contact.

Virus Reporting Procedures and Collection of Security Incident Information:

2. Upon identifying a problem, disconnect the network cable.
3. Notify Information Technology Manager and the appropriate Chain-of-Command.
4. Compile information for potential remediation:
 - a. Suspected cause for incident (name, virus, etc.)
 - b. Was antivirus software running at the time of infection?
 - c. How and when was the problem first identified?
 - d. Number of workstations infected?
 - e. Any other equipment infected?
 - f. Action plan for removal.
 - g. Will infected workstations be re-imaged before reconnection?
 - h. When was the last update of signature files?
 - i. When was the last operating system update?



**INCIDENT RESPONSE
REPORTING FORM**

DATE OF REPORT:

DATE OF INCIDENT:

REPORTING PERSON:

PHONE/EXT/E-MAIL:

LOCATION(S) OF INCIDENT:

SYSTEM(S) AFFECTED:

METHOD OF DETECTION:

NATURE OF INCIDENT:

INCIDENT DESCRIPTION:

ACTIONS TAKEN/RESOLUTION:

PERSONS NOTIFIED:

CITY OF SCAPPOOSE

September 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4 Scappoose Farmers Market 9 am - 2pm
5	6 City Offices closed ~Labor Day	7 Urban Renewal Agency meeting 6pm City Council 7pm	8	9	10	11 Scappoose Farmers Market 9 am - 2pm
12	13	14	15	16 EDC ~ noon Park & Rec, 6pm	17	18 Out of the Darkness Walk (Heritage Park) Farmers Market 9 am - 2pm
19	20 Work Session 6:00 pm City Council 7pm	21	22	23 Planning Commission 7pm	24	25 Scappoose Farmers Market 9 am - 2pm
26	27	28	29	30		