

John Day City Council
May 28, 2013
7:00 PM
Council Chambers
AGENDA

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF APRIL 23, 2013**
3. **APPEARANCE OF INTERESTED CITIZENS – At this time Mayor Lundbom will welcome the general public and ask if there is anything they would like to add to tonight’s agenda.**

ACTION ITEMS:

4. **Public Hearing to Discuss the Budget for Fiscal Year 2013-2014 as Approved by the John Day Budget Committee**
Attachments:
 - Notice of Budget Hearing and Budget Summary
 - Minutes of the April 2, 2013 Budget Committee meeting
 - Title 1, Chapter 5 of the John Day City Code – Mayor and Council
5. **Discuss for Adoption Ordinance No. 13-158-03, an ordinance amending Title 7, Chapter 5 of the John Day City Code, commonly known as the “Sewer Use Regulations Ordinance,” which ordinance establishes the rules and regulations for the City of John Day sewer system utility, and provides for rates, charges, and penalties for violations; superseding and repealing any and all ordinances, resolutions, and/or policies in conflict with this ordinance; and declaring an emergency**
Attachments:
 - Ordinance No. 13-158-03
 - Title 7, Chapter 5 Sewer Use Regulations John Day City Code (current sewer code)
6. **Discuss for Adoption Resolution No. 13-703-07, a resolution amending Resolution No. 13-698-02 to identify charges that will be assessed by the City of John Day for delinquent sewer accounts**
Attachments:
 - Resolution No. 13-703-07
 - Resolution No. 13-698-02 (current resolution)
7. **Discuss for Adoption Ordinance No. 13-159-04, an Ordinance Declaring the City’s Election to Receive State Revenues**
Attachments:
 - Ordinance No. 13-159-04

- Notice dated April 16, 2013 from Oregon Department of Administrative Services
- LOC Local Focus Article 2013 State Shared Revenue Estimates

8. Discuss for Adoption Resolution No. 13-702-06, a Resolution to Declare Accounts Uncollectible and Take off the Books as Receivable

Attachment:

- Resolution No. 13-702-06

9. Discuss vacancies on the John Day Planning Commission

OTHER BUSINESS:

10. OTHER BUSINESS AND UPCOMING MEETINGS

Attachments:

- April 26, 2013 through May 17, 2013 LOC Bulletins
- May 7, 2013 letter from Philip Hopkins of the Audits Division; response letter from the City of John Day
- Staff Report w/attachment

ADJOURN

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 24, 2013

SUBJECT: Public Hearing to Discuss the Budget for Fiscal Year 2013-2014 as Approved by the John Day Budget Committee.

Attachments:

- Notice of Budget Hearing and Budget Summary
- Minutes of the April 2, 2013 Budget Committee meeting
- Title 1, Chapter 5 of the John Day City Code – Mayor and Council

BACKGROUND:

The Notice of Public Hearing was published in the May 22, 2013 edition of the Blue Mountain Eagle as required by Oregon Budget Law. The hearing time was published as 7:00 p.m., May 28, 2013. The Council will receive comments at this time on the Fiscal Year 2013-2014 budget and state revenue sharing use within the budget.

The John Day Budget Committee approved the proposed budget on April 2, 2013; the minutes of the meeting are attached. I have also attached Chapter 5 of the John Day City Code stating the procedure for public meetings. Section 1-5-5 addresses the procedure for members of the public addressing the City Council.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 24, 2013

SUBJECT: Discuss for Adoption Ordinance No. 13-158-03, an ordinance amending Title 7, Chapter 5 of the John Day City Code, commonly known as the “Sewer Use Regulations Ordinance,” which ordinance establishes the rules and regulations for the City of John Day sewer system utility, and provides for rates, charges, and penalties for violations; superseding and repealing any and all ordinances, resolutions, and/or policies in conflict with this ordinance; and declaring an emergency.

Attachments:

- Ordinance No. 13-158-03
- Title 7, Chapter 5 Sewer Use Regulations John Day City Code (current sewer code)

BACKGROUND:

Ordinance No. 13-158-03 amends our current Sewer Use Regulations Code; the major amendments are as follows:

Section 4 – the definitions of Building Sewer and Public Sewer are more clearly defined to show ownership and service connection responsibilities of the property owner as well as the City.

Section 5 – this section amends and defines the rates and payments for services; delinquent accounts. Subsection E. Tenant Accounts states that the owner of any non-owner occupied premises will immediately notify the city if the premise becomes vacant. Until the owner provides the vacancy notice, the owner will be required to pay for the sewer service made available and/or provided to the vacant non-owner occupied premises. Prior to transferring a claim against the occupant/applicant to the owner of the premises, the City will provide delinquent status to the occupant/applicant and mail a copy of the notice of delinquency to the owner or owner’s agent that is on file with the city, within 30 days from the time the payment is due on the account. The transferred claim will be a lien against the premises served from the date the notice of delinquent status is mailed to the owner of the premises.

Section 6 – This is a new John Day City Code Section 7-5-11; Application for Service: each applicant for sewer service will complete and sign an application form provided by the city. In signing the application, the applicant agrees to abide by the rules and regulation of the city for use of its sewer system. When the application is made for non-owner occupied premises, the owner of the non-owner occupied premises will sign the agreement and in the event of nonpayment or delinquency of any fees, charges etc. incurred by the applicant for sewer service, the owner will be jointly and severally liable to the city for the full payment thereof, including any late and/or penalty fees.

Section 7 – This is a new John Day City Code Section 7-5-12; Right to challenge service termination. This section explains the process for the owner and/or occupant to challenge proposed termination of services.

Section 8 – This is a new John Day City Code Section 7-5-13: Sewer Charge Liens. The City of John Day does not have lien rights under its current sewer code (Title 7, Chapter 5). Rather, under section 7-5-9(B), “Water service may be discontinued after due notice to the user, to any premises whose user has not paid the sewer charges within (30) days following the date of billing and such water service shall not be resumed until such charges are paid in full..”

Based on the research by our city attorney, the City can amend its sewer code to adopt the same lien process as set forth in the recently adopted water use ordinance. This section adds the language giving the City the authority to place a lien against the premises serviced from and after the date of billing whenever a bill for sewer service remains unpaid 90 days after it has been rendered.

RECOMMENDATION:

Ordinance No. 13-158-03 amends the City’s Sewer Use Regulations and will align the City’s sewer code to the City’s newly adopted Water Use Regulations code; giving the City more options in regards to tenant accounts that result in delinquency and/or foreclosures.

I recommend the John Day City Council adopt Ordinance No. 13-158-03.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 24, 2013

SUBJECT: Discuss for Adoption Resolution No. 13-703-07, a resolution amending Resolution No. 13-698-02 to identify charges that will be assessed by the City of John Day for delinquent sewer accounts.

Attachments:

- Resolution No. 13-703-07
- Resolution No. 13-698-02 (current resolution)

BACKGROUND:

If/when the John Day City Council decides to adopt Ordinance No. 13-158-03 resulting in the amendment of Title 7, Chapter 5 of the City Code (referred to in the previous agenda item); the City Council will need to amend Resolution No. 13-698-02 that established certain sewer service and connection charges, and other related charges, terms, and conditions in accordance with Title 7, Chapter 5 of the John Day City Code.

Resolution No. 13-703-07 amends Resolution No. 13-698-02 that was adopted on January 8, 2013, to identify the delinquency charges that will be imposed by the City under Section 5 of Ordinance 13-158-03.

RECOMMENDATION:

The John Day City Council adopts Resolution No. 13-703-07.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 24, 2013

SUBJECT: Discuss for Adoption Ordinance No. 13-159-04, an Ordinance Declaring the City's Election to Receive State Revenues

Attachments:

- Ordinance No. 13-159-04
- Notice dated April 16, 2013 from Oregon Department of Administrative Services
- LOC Local Focus Article 2013 State Shared Revenue Estimates

BACKGROUND:

State Revenue Sharing Law, ORS 221.770 requires cities to pass an ordinance or resolution each year stating that they want to receive state revenue sharing money. A copy of this ordinance must be filed with the Operations Unit of the Department of Administrative Services prior to July 31, 2013 in order for the City to receive these funds.

I have attached an article from the League of Oregon Cities regarding the 2013 State Shared Revenue Estimates that appeared in the February 2013 LOC Local Focus publication. This article explains each of the state collected taxes the cities are projected to receive based on the 2011-13 legislatively enacted state budget.

RECOMMENDATION:

I recommend the John Day City Council adopt Ordinance No. 13-159-04.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 24, 2013

SUBJECT: Discuss for Adoption Resolution No. 13-702-06, a Resolution to Declare Accounts Uncollectible and Take off the Books as Receivable

Attachment:

- Resolution No. 13-702-06

BACKGROUND:

Resolution No. 13-702-06 is a resolution to declare accounts uncollectible and take them off the books as a receivable and turns them over to the collection agency.

RECOMMENDATION:

The John Day City Council adopts Resolution No. 13-702-06, a Resolution to declare accounts uncollectible and take off the books as receivable.

TO: John Day City Council
FROM: Peggy Gray, City Manager
DATE: May 24, 2013
SUBJECT: Discuss vacancies on the John Day Planning Commission

BACKGROUND:

At our last City Council meeting the Council directed staff to advertise for the two vacant positions on the John Day Planning Commission. I advertised for two weeks in the Blue Mountain Eagle and on radio KJDY.

The City received no applications from these advertisements.

RECOMMENDATION:

As you know these positions are difficult to fill; please think about people who you think might be interested in either of the two vacant positions. I think directly contacting local citizens, might be the best way to approach filling the two vacancies.

TO: John Day City Council

FROM: Peggy Gray, City Manager

DATE: May 24, 2013

SUBJECT: Other Business and Upcoming Meetings

Attachments:

- April 26, 2013 through May 17, 2013 LOC Bulletins
- May 7, 2013 letter from Philip Hopkins of the Audits Division; response letter from the City of John Day
- Staff Report w/attachment

OTHER BUSINESS:

1. The April 26, 2013 through May 17, 2013 LOC Bulletins are included in your council packets.
2. On May 15, 2013 the City received a letter from Audit Manager Philip Hopkins of the Office of the Secretary of State. Mr. Hopkins reviewed the City's FY 2011-2012 audit report and found two items of deficiencies in regards to 1) transfers and 2) a statement of changes in assets and liabilities for agency funds (please see the attached letter).

I notified our auditor Kent Bailey of Guyer & Associates and our contract City Recorder Anna Bass of the letter. Bob Armstrong, CPA, noted both issues and drafted a letter for the City of John Day stating the City will address both issues when completing the 2012-2013 financial statements (also attached).

3. Attached is the City Manager's staff report for your review.
4. The April 2013 Statement of Revenue and Expenditure Budget to Actual Reports are included in your council packets.
5. Included in your council packets are the new ordinances codified by Sterling Codifiers. These are the replacement pages to update your Municipal Code books for the Water Use Regulations ordinance and the newly adopted ATV ordinance. Please let me know if you have questions.
6. The Administrative Committee will meet directly after the May 28, 2013 council meeting.

UPCOMING MEETINGS:

May 27, 2013	City Hall Closed	Memorial Day Holiday
May 30, 2013	9 a.m. – 2 p.m. Pendleton	CIS Spring Supervisor Training Dispatch Manager Valerie Luttrell, Public Works Foreman Monte Legg, City Manager Peggy Gray attending
May 31, 2013	9:00 a.m. – 4 p.m. Grant County Airport	Council/Manager/Staff Relations LOC Training; Mayor Lundbom, Councilor Smith and City Manager Gray attending
June 11, 2013	7:00 p.m.	Regular City Council meeting