

John Day City Council
November 14, 2017
7:00 PM
Fire Station, 316 S. Canyon Blvd
AGENDA

1. **OPEN AND NOTE ATTENDANCE**
2. **APPROVAL OF CITY COUNCIL MINUTES OF OCTOBER 24, 2017.**
3. **APPEARANCE OF INTERESTED CITIZENS** – At this time Mayor Lundbom will welcome the public and ask if there is anything they would like to add to tonight’s agenda.

ACTION ITEMS

4. **WASTEWATER TREATMENT PLANT FEASIBILITY STUDY UPDATE**
 - First Stop Overview
5. **ORDINANCE 17-170-01, AN ORDINANCE OF THE CITY OF JOHN DAY RATIFYING THE CREATION OF THE GRANT COUNTY DIGITAL NETWORK COALITION IN ACCORDANCE WITH ORS 190.085**
 - Ordinance 17-170-01
 - Department of Administrative Services Grant Agreement (Broadband)
6. **9-1-1 CENTER NEXT STEPS**
 - Department of Administrative Services Grant Agreement (911)
 - Funding Acceptance Letter

OTHER BUSINESS

7. **OTHER BUSINESS AND UPCOMING MEETINGS**
 - Nov 14 – 15 – Anderson Perry & Sustainable Water Site Visit / First Stop with DEQ
 - Dec 12 – December City Council Meeting (only one)

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: November 14, 2017

SUBJECT: Agenda Item #4: Wastewater Treatment Plant Feasibility Study Update
Attachment(s)

- First Stop Overview

BACKGROUND

Sustainable Water and Anderson Perry will be in John Day on November 14 and 15 for the team kickoff of the treatment plant feasibility study and the First Stop with the Department of Environmental Quality, USDA Rural Development, Business Oregon and other state agencies. On November 9, City Manager Green held a telephone conference with Richard Whitman, Director of the Oregon Department of Environmental Quality, and other senior DEQ staff. The purpose was to pre-brief the Director on the vision for the City's future reclaimed water facility and the various design alternatives we are considering prior to the First Stop.

DISCUSSION

The document enclosed provides an overview of the First Stop purpose. Topics to be covered include: (1) Project scope and intent; (2) Design alternatives; (3) Funding alternatives; (4) Interagency team to coordinate with the City through the infrastructure upgrading process; and (5) A communications plan and strategy to inform the public and key stakeholders throughout the process.

During the call with Director Whitman, we discussed the total maximum daily load (TMDL) study for our portion of the John Day River and the likelihood of indirect discharge from the City's current percolation ponds. DEQ confirmed that either a permit change or a configuration change (or both) would be necessary for the new treatment plant. They fully understand the complexities of our geography and are committed to working with the City to achieve the best possible outcomes for our new facility. We discussed the innovative nature of our proposal and our design to take a problem (treating and disposing of over 80 million gallons per year of sewage in a narrow river valley) and turn it into an opportunity (generating up to 80 million gallons of reclaimed water per year for beneficial reuse and economic development).

Director Whitman was complimentary of our vision and leadership in taking a liability and turning it into an asset. He indicated the need to ensure our funding package; permitting; technical approach; and floodplain management remain flexible and innovative enough to support our proposal. He stated his office and all other state agencies are committed to seeing us succeed and are willing to work through these issues up front to avoid any costly delays or barriers during implementation.

NEXT STEPS

Anderson Perry and Sustainable Water will be present at the city council meeting to address any questions or guidance the council may have prior to Wednesday's First Stop.

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: November 14, 2017

SUBJECT: Agenda Item #5: Ordinance 17-170-01, An Ordinance of the City of John Day Ratifying the Creation of the Grant County Digital Network Coalition in Accordance with ORS 190.085.
Attachment(s)

- Ordinance 17-170-01
- Department of Administrative Services Grant Agreement

BACKGROUND

Upon approval by the Oregon Secretary of State, the Grant County Digital Network Coalition will become a new intergovernmental agency, effective January 1, 2018. Ordinance 17-170-01 ratifies the creation of the coalition and makes the intergovernmental agreement effective, with John Day, Seneca and Grant County as the ratifying members.

DISCUSSION

The ordinance must first be adopted in order to set an effective date for the intergovernmental agreement (IGA). The ordinance describes the parties to the agreement and the public purposes of the agency along with its powers, duties and functions.

The IGA is currently under review by Grant County's legal counsel and the final agreement will be submitted to the City Council for approval in December. Each party to the agreement will then appoint a member to represent their jurisdiction on the Grant County Digital Board of Directors.

At the first board meeting in January, the directors will conduct several ministerial actions needed to establish legal counsel, appoint an accounting firm, and conduct business as a new intergovernmental agency. They will also review the scope of work for network planning assistance, design and preliminary engineering contracts. The Board may also choose to appoint an Executive Director to oversee the operations of the new agency.

Upon approval of the Coalition by the Secretary of State, the City will submit the funding acceptance letter per the Department of Administrative Services grant agreement (enclosed).

RECOMMENDATION

Council should make the following motion:

"I move to adopt Ordinance 17-170-01, An Ordinance of the City of John Day Ratifying the Creation of the Grant County Digital Network Coalition in Accordance with ORS 190.085."

TO: John Day City Council

FROM: Nicholas Green, City Manager

DATE: November 14, 2017

SUBJECT: Agenda Item #6: 9-1-1 Center Next Steps
Attachment(s)

- Department of Administrative Services Grant Agreement
- Funding Acceptance Letter

BACKGROUND

The enclosed grant agreement authorizes the City to receive the \$420,000 appropriation to our General Fund to finance 9-1-1 operations for this year and next year (FY18-FY19). Due to the defeat of ballot measure 12-69, the City does not have a funding plan in place for FY20 and beyond. As a result, the department will need to be consolidated with another department or an alternative cost-sharing agreement and governance structure will need to be established with local users and agencies. In either case, the City of John Day should plan to discontinue operating the County's 9-1-1 Center beginning in FY20.

DISCUSSION

ORS 401.035 describes responsibility for emergency services systems. It designates the executive officer or governing body of each county or city of this state as the party responsible for the emergency services system within that jurisdiction. Under ORS 401, the John Day City Council is only responsible for emergency services within the incorporated limits of our city.

ORS 190.010 provides that units of local government may enter into agreements for the performance of any functions and activities that any party to the agreement, or its officers or agents, has the authority to perform.

The original ORS 190 agreement that designated the City of John Day as the lead agency for Grant County's 9-1-1 Center was adopted in 1989 (see exhibit in enclosed funding acceptance letter). The agreement was signed by the local jurisdictions that existed at the time:

- City of Canyon City
- City of Dayville
- City of John Day
- City of Monument
- City of Seneca
- City of Mount Vernon
- City of Prairie City
- City of Long Creek
- Grant County Court
- John Day RFPD
- Mt. Vernon RFPD
- Prairie City RFPD

The agreement: Created the Grant County Emergency Communications Agency; Required the Agency to appoint budget committee members from the community at large; Established a User Board with 18 user agencies and one ex-officio member; Designated that all employees of the dispatch center shall be employees of the City of John Day and under the immediate supervision of the Dispatch Center Director, and; Established a cost-sharing formula designating (1) countywide 911 system funds to be forwarded by each community to the City of John Day, and (2) capital and operating expenses over and above these funds to be prorated amongst the participating jurisdictions on the basis of relative population (or use of dispatch center facilities).

At some point subsequent to the original agreement, the signatories ceased making payments to the City of John Day for system overages, leaving the City to bear the majority of the costs for operating the department and all of the long-term PERS liabilities for the Center's staff, who are John Day employees. The City, in turn, ceased holding formal user board meetings and did not make provision for community collaboration in the budgeting process. In short, none of the participating members honored the terms of the original agreement. To the best of our knowledge, no other agreement was ever ratified to take its place and the member agencies never formally withdrew from the ORS 190. As a result, the City of John Day is effectively subsidizing a countywide service for other tax jurisdictions without a contractual agreement to do so.

The City of John Day is not obligated to provide services to other tax jurisdictions at the expense of our taxpayers. However, we do have a responsibility to our 9-1-1 staff who are city employees and we are still the designated agency in the County's 9-1-1 Jurisdiction Plan, which establishes formal requirements for making changes to a 9-1-1 Center's operations.

Under ORS 403.130 (9-1-1 Jurisdiction Plan), if an established 9-1-1 jurisdiction proposes to move a public safety answering point to another location or establish a new primary public safety answering point, the 9-1-1 jurisdiction or governing body shall submit a revised 9-1-1 jurisdiction plan setting forth the changes to:

- (a) The Office of Emergency Management;
- (b) Public and private safety agencies in the 9-1-1 service area; and
- (c) Any other public or private entity in the 9-1-1 service area that may be affected.

Additionally, the revised 9-1-1 jurisdiction plan must describe the capital and recurring costs for the proposed components of the emergency communications system within the 9-1-1 service area.

The office may not approve a revised 9-1-1 jurisdiction plan unless the revised plan is accompanied by written approval of the governing bodies of all public and private safety agencies affected by or providing service in the 9-1-1 service area.

NEXT STEPS

The City should organized a task force to manage the transition of the 9-1-1 Center. The task force should consist, at a minimum, of the agencies that directly contribute financing to the operation of the 9-1-1 Center: Grant County Court; City of John Day, Blue Mountain Hospital; and the National Forest Service.

The task force should evaluate the following options:

- (1) Outsourcing 9-1-1 services to Frontier Regional 911;
- (2) Forming a two-county cooperative partnership with an adjacent county; or
- (3) Creating a new intergovernmental agreement for local cost sharing and local control of 9-1-1 services.

Option 3 should propose a new intergovernmental agency separate and distinct from the City of John Day. That agency could be organized under ORS 190.010, or alternatively, the county may form a 9-1-1 communications district organized under ORS 403.300. An ORS 190 may be managed by a board of directors appointed by the participating jurisdictions, whereas an independent Board of Directors operates a 9-1-1 District with members elected by the public. The District may also appoint an advisory committee that consists of one representative from each public or private safety agency included within the district. In either case, the City of John Day should plan to discontinue operating the County's 9-1-1 Center.

RECOMMENDATION

Council should motion to approve Mayor Lundbom to sign the grant agreement to receive the state appropriation.

Council may also motion to authorize the City Manager to organize an interagency task force for purposes of dissolving the current 9-1-1 Center and negotiating a transition plan for a new 9-1-1 Jurisdiction Plan to become operational by FY20.

TO: John Day City Council
FROM: Nicholas Green, City Manager
DATE: November 14, 2017
SUBJECT: Agenda Item #7: Other Business
Attachment(s)

- LOC Bulletins

OTHER BUSINESS

- None

UPCOMING MEETINGS

- Nov 14-15 – Anderson Perry & Sustainable Water Site Visit / First Stop with DEQ
- Dec 12 – December City Council Meeting (only one)