

#### NEHALEM CITY COUNCIL REGULAR MEETING MONDAY, MAY 13, 2024 - 6:00 p.m.

#### This meeting will be held in-person at City Hall and through Zoom video conference.

Please use the following phone number or Zoom weblink to access the meeting remotely: Join by phone: Call (253) 215-8782 and enter Meeting ID: 890 0878 8046

Join online: https://us02web.zoom.us/j/89008788046

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
GUESTS

APPROVAL OF MINUTES: April 8, 2024, Regular Council Meeting

**POLICE REPORT** 

#### **UNFINISHED BUSINESS:**

 Public Hearing: 2<sup>nd</sup> Reading of Ordinance No. 2024-02: An Ordinance Amending The City Of Nehalem Water Master Plan, Amending Nehalem City Code Chapter 51, Section 09 And Nehalem Development Code Chapter 157, Section 408.03 And Chapter 157, Section 506 And Upon Their Effective Date, Removing The Moratorium

#### **NEW BUSINESS:**

- 1. Water Rate Overview Discussion on 2024-2025 Water Rate Increase
- 2. Employee Handbook Updates
- 3. EVCNB Memorandum of Understanding
- 4. Recology Rates
- 5. Review of the Dale Stockton Sign Drafts
- 6. 8th Street Sidewalk Art

CORRESPONDENCE/OTHER BUSINESS
STAFF REPORTS
PAYMENT OF BILLS/FINANCIALS
COUNCIL COMMENTS
PUBLIC COMMENTS
ADJOURNMENT - Next Regular Council Meeting: June 10, 2024

The meeting location is accessible to people with disabilities. If you need accommodation to access this meeting, please contact City Hall at least 48 hours prior to the meeting.

NEHALEM CITY COUNCIL COUNCIL MINUTES REGULAR MEETING April 8, 2024

#### **REGULAR SESSION**

Mayor Chick called the Regular Council Meeting to order at 6:00 p.m. and led those present in the Pledge of Allegiance. The meeting was held in-person and by Zoom video conference.

COUNCIL MEMBERS PRESENT: Phil Chick, Mayor

Hilary Howell, Council President Dave Cram, Council Member Doug Larzelier, Council Member

**EXCUSED:** John Coopersmith, Council Member

STAFF PRESENT: Lori Longfellow, City Manager

Yuriy Ukhach, Deputy City Recorder Brian Moore, Public Works Director Contract City Attorney, Bill Kabeiseman Contract City Engineer, Kyle Ayers

VISITORS: Ryan Keefauver, Neah-Kah-Nie School District

Harout Akdedian, Department of Justice

Karen Sarnaker, Emergency Volunteer Corps of Nehalem Bay Erik Harth, Chief of Police, City of Manzanita Mike Sims, City of Manzanita Police Department Sergeant

**on Zoom:** Rod Murphy

Unidentified visitors

#### **MINUTES**

The Council reviewed the minutes of the March 11, 2024, Regular Council Meeting. Councilor Larzelier **MOVED** to approve the minutes of the March 11, 2024, Regular Council Meeting. Council President Howell **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Howell, Cram, and Larzelier; No: None).** 

#### **POLICE REPORT**

The Council reviewed the Police Report for March 2024.

#### **UNFINISHED BUSINESS:**

None.

#### **NEW BUSINESS:**

PUBLIC HEARING ON ORDINANCE 2024-02: AN ORDINANCE AMENDING THE CITY OF NEHALEM WATER MASTER PLAN, AMENDING NEHALEM CITY CODE CHAPTER 51, SECTION 09 AND NEHALEM DEVELOPMENT CODE CHAPTER 157, SECTION 408.03 AND CHAPTER 157, SECTION 506 AND UPON THEIR EFFECTIVE DATE, REMOVING THE MORATORIUM

Mayor Chick opened Public Hearing at 6:05 p.m.

Contract City Attorney Bill Kabeiseman spoke about the procedure of the public hearing. He explained that the Ordinance implements changes that the city staff were able to work out to move past the moratorium, which the city imposed due to a lack of adequate water service. Kabeiseman stated that this will allow residents to connect to the city's water system. He related that the city adopted moratorium in 2022, and as part of the adoption, it required the city to work on finding a resolution to this issue. Kabeiseman explained that as a result the staff now has changes to the Ordinance and to the Comprehensive Plan that will allow the city to move forward. He identified the changes by explaining that previously the city's code required a minimum of 1,000 gallon per minute flow but that proved problematic for some residents; the new Ordinance and the Comprehensive Plan require new subdivisions to maintain that flow of 1,000 gallon per minute and, in some cases, based on a density, it may require a little bit more, but for a new dwelling on an existing lot it either needs a thousand gallons per minute or it can go as low as 350 gallons per minute as long as there is an automatic sprinkler system and a minimum period of time for that flow. Kabeiseman added that staff reports contain a set of findings explaining how the changes are consistent with the statewide planning goals and the rest of the city's code.

City Engineer Kyle Ayers explained that the staff is modifying the existing Water Master Plan which, in the past, required a fire flow of 1,000 gallons per minute for new developments. He related that due to challenging property locations, and the city's existing water system, the staff found solutions to allow for more flexibility with regard to that requirement. Ayers added that the staff looked at numerous options, inquired with different cities throughout the coast and the valley, and spoken with different fire districts. He explained that, as a result, the staff came up with a new standard that would meet the city's needs and allow it to adopt an Ordinance that

would have fair rules and guidelines for everybody. Ayers stated that it would include the ability to submit for a variance if the developer or the homeowner is in a specific situation where the rule does not apply. He added that there are a few such instances in our city. Ayers stated that with the allowance for a variance this can be submitted for review and an exception can be made. He summarized that this would allow for reduction of the minimum fire flow required for single-family residential home, if automatic sprinklers are installed in the new home, with the requirement of a minimum of 350 gallons per minute for 30-minutes, or, if that requirement cannot be met, then the other option is to apply for a variance. Ayers related that the city staff worked on this issue with the Nehalem Fire Department and this change will not by any means put the residents in harm's way as the city is always looking to put safety first. He added that with the Fire District's capacity and with the city's available flows and by allowing the exception to add fire sprinklers, the staff feels like they are taking a really good step forward to be to remove the Moratorium.

Councilor Cram asked if the automatic sprinklers system was a residential system like an NFPA13 that is life safety only and not property safety. He added that there are three different variances of sprinklers, but he couldn't find specifics on which one would be required.

Ayers stated that it was NFPA, but the staff would get back to the Council on the specifics.

Councilor Larzelier had a question if the specifics on the sprinkler system will be included in the Ordinance.

City Manager Longfellow noted that the specifics on the sprinkler system would have to be in the Fire Code and the city would require to follow their standards. She added that staff will follow up on this question.

Mayor Chick opened the hearing for public comments.

There were no public comments.

Mayor Chick thanked the staff for their work on this issue. He added the staff came to a fair decision that is safe for the city water supply and for the homes of the city residents.

Mayor Chick closed the Public Hearing at 6:19 p.m.

Council President Howell **MOVED** to perform the first reading of Ordinance 2024-02 by title only. Councilor Cram **SECONDED** the motion. **MOTION PASSED 3-0** (Yes: Howell, Cram, and Larzelier; No: None).

Contract City Attorney Kabeiseman performed the first reading of the Ordinance 2024-02 by title only.

Council President Howell **MOVED** to approve the first reading of Ordinance 2024-02. Councilor Cram **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Howell, Cram, and Larzelier; No: None).** 

### DEPARTMENT OF JUSTICE REPRESENTATIVE PRESENTATION ON HATE AND BIAS

Mayor Chick noted that at the March regular Council meeting a group of people attempted to commandeer the public comment portion of the meeting with the hate-based agenda. He stated that the Nehalem City Council stands strongly against hate and bias and will always stand for the rights of people to be accepted and to be welcomed here.

The Department of Justice, Civil Right Unit representative and civil rights advocate, Harout Akdedian stated that the Department of Justice noticed an increased targeting of the Tillamook County area by extremist and supremacist groups. He provided an overview of the Bias Response Program with the help of slideshow presentation that was made part of the Agenda Packet.

#### MANZANITA POLICE DEPARTMENT CONTRACT SERVICES PRESENTATION

Chief of Police Harth talked about the four members of the staff of the Police Department, their work shifts, the response procedure. He explained the work they have done for the city of Nehalem during the last 20 years in line with the contract hours and according to the wishes of the Nehalem City Council that have varied through the years. Mike Sims talked about the responses to the calls that they often make above the contract requirements. Harth and Sims answered questions from the Council.

#### NEAHKAHNIE SCHOOL DISTRICT 2024 STRATEGIC PLANNING PRESENTATION

Neah-Kah-Nie School District representative, Ryan Keefauver, spoke about Neahkahnie School District 2024 Strategic Planning by reviewing the slideshow presentation that was part of the agenda packet of the meeting. He answered questions from the Council.

#### EVCNB PRESENTATION ON FOOD BANK CAN TSUNAMI AND HAVE A GOBAG

Emergency Volunteer Corps of Nehalem Bay, Karen Sarnaker spoke about the Food Bank Can Tsunami event and about a GoBag for disaster preparedness.

## RESOLUTION 2024–03: A RESOLUTION ESTABLISHING IMMUNITY FROM CERTAIN PERSONAL INJURY OR PROPERTY DAMAGE CLAIMS DESCRIBED IN ORS 105.668, AS AMENDED BY SENATE BILL 1576

City Manager Lori Longfellow talked about the most recent developments regarding recreational immunity and by this Resolution the city will be included in the restored recreational immunity.

Councilor Larzelier **MOVED** to adopt Resolution 2024-03: A Resolution Establishing Immunity From Certain Personal Injury Or Property Damage Claims Described In Ors 105.668, As Amended By Senate Bill 1576. Council President Howell **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Howell, Cram, and Larzelier; No: None).** 

## RESOLUTION 2024–04: A RESOLUTION TO ADJUST APPROPRIATIONS FOR THE FISCAL YEAR 2023-2024 BUDGET

City Manager Lori Longfellow explained that the city had received some unexpected workers compensation refund and CIS grant funds. She noted that this Resolution will facilitate the adjustment of appropriations for these funds.

Councilor Cram **MOVED** to adopt Resolution 2024-04: A Resolution To Adjust Appropriations For The Fiscal Year 2023-2024 Budget. Council President Howell **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Howell, Cram, and Larzelier; No: None).** 

#### **CORRESPONDENCE/OTHER BUSINESS**

None

#### STAFF REPORTS

#### **CITY MANAGER REPORT**

City Manager Longfellow summarized the written staff report for March 2024. She noted that on that day she received a letter from EVCNB asking for a city's support letter with regards to the funding that comes from National Oceanic and Atmospheric Administration (NOAA). Longfellow noted that if the Council does not object, she would write the letter of support from the city of Nehalem. She congratulated the City of Manzanita on breaking ground for their new City Hall last Saturday. She answered questions from the Council.

Mayor Chick asked if it was possible to get the timeline on the Anderson Creek project from the contractor. He also had a question about the intertie test run. Public Works Director Moore

explained that currently the meter at the intertie is not functioning and the staff is working on possibly using another meter.

#### PUBLIC WORKS DIRECTOR REPORT

Public Works Director Brian Moore summarized the written staff report for March 2024. He related that this month was his 10-year anniversary working for the city. Mayor and Councilors congratulated Moore.

#### PAYMENT OF BILLS/FINANCIALS

The Council reviewed the bills and the financial reports. Council President Howell **MOVED** to approve the financials and payment of the bills. Councilor Cram **SECONDED** the motion. **MOTION PASSED 3-0 (Yes: Howell, Cram, and Larzelier; No: None).** 

#### **COUNCIL COMMENTS**

Councilor Cram stated that the Neahkahnie School District 2024 Strategic Planning event will be held on the next day, from 5:00 p.m. to 6:30 p.m. in the Nehalem Elementary School Library.

Mayor Chick provided update on the Memorial Sign for Dale Stockton. He stated that Suzan Walsh has a proposal for about \$2,500.00; she would bring some ideas with the style similar to the Gateway sign. Mayor Chick updated on his work on the Resiliency Grant for emergency preparedness. He will be meeting with the city staff to discuss what would be best to apply for to be prepared as a community.

City Manager Longfellow explained that the Resiliency grant is the one that would pay for everything including for setting a container on the ground and for the electrician and such, so the city does not have to pay for anything. She added that other agencies in the city are applying for other items. There was some discussion on the city emergency preparedness.

#### **PUBLIC COMMENTS**

Alex Reverman, a partner with Riverview Meadows development had a question regarding the cause of the increased flow and pressure in the water lines that go towards Riverview Meadows.

Mayor Chick explained that the issue of water pressure dropping below 20 psi was fixed with the installation of the pressure check valve.

Public Works Director Brian Moore added that after the installation of the pressure check valve the staff was able to perform an accurate fire flow test.

City Engineer Kyle Ayers confirmed that the answer was correct. He stated that the changes were due to installation of the pressure check valve.

#### **ADJOURNMENT**

The next regular Council meeting will be May 13th, 2024.

There being no further business, Mayor Chick adjourned the meeting at 7:32 p.m.

	APPROVED:	
	Phil Chick	, Mayor
ATTEST:		
Yuriy Ukha	ach, Deputy City Recorder	

	MANZANITA POLICE DEPARTMENT APRIL 2024 REPORT															
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PERSON CRIMES			date			date			date	PERSON OTHER		date		date		date
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Kidnap										Suicide/Attempt	1 1				1	1
Sexual Assault										Missing / Lost	1	1				
Assault Simple			1			1				Runaway						
Assault Serious										Drowning						
Assault/Police Officer										ARREST		_				
Domestic Disturbance			1					1		Criminal		2	1			1
Disorderly Conduct			1							Warrant			1	1		
Resisting Arrest			1							Detox						
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Escape										Loss/Found Property	4 11	16	1			
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Weapon										Medical Assist	2 9	5	1 3	5	1	2
										Fire Dept. Assist	2	1	1 2	1	2	
PROPERTY CRIMES										Alarms		10	1 2		1 2	
Burglary Residence			1							Unfounded	2			2		
Burglary Business		1	1							Open Window/Door	2	6		2	1	1
Attempted Burglary			1							Public Assist		58	3 13	6	3	2
Prowler			1							Other	8		1			1
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Littering		•	1		•					Handicap Parking				-	•	
Fraud										Traffic Violation	14	12		-	3	7
NSF Check			1						-	General Reg Viol.		2				1
Forgery			1							Search & Rescue	7 0			-	1	3
OTHER OFF/CRIMES										Ranger Assist	1 8	3		-		4
City Ordinance	1	14	32							Vandalism	1 0	ľ		-		1
Animal Complaint	2		5	1	1	1				Litter				-		
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Fireworks		3	-   '							Other	1 5	8		-	7	2
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TRAFFIC INCIDENTS											VVIIGEIEI		Nendiem		County	
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Warnings	12	68		13	52	46	9	28				J		_	10 41	03
Citations	6	35		5	24		16		28	Ente Hant	e-	/04/20	24			
Crimes	0	33	3	3	24	13	10	71	1	Erik Harth, Police Chief		<u>/01/20</u> Date	24			
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#### **ORDINANCE NO. 2024-02**

AN ORDINANCE AMENDING THE CITY OF NEHALEM WATER MASTER PLAN, AMENDING NEHALEM CITY CODE CHAPTER 51, SECTION 09 AND NEHALEM DEVELOPMENT CODE CHAPTER 157, SECTION 408.03 AND CHAPTER 157, SECTION 506 AND UPON THEIR EFFECTIVE DATE, REMOVING THE MORATORIUM.

WHEREAS, the City of Nehalem in an effort to provide for the welfare, safety and health of the citizens of the city of Nehalem has adopted the City of Nehalem Water Master Plan, the Nehalem City Code and the Nehalem Development Code; and

**WHEREAS**, on November 14, 2022, the City Council adopted Ordinance 2022-02, declaring a moratorium based on lack of water adequacy with respect to water pressure deficiencies and inadequate fire flows to allow new water connections in certain mapped areas within the City limits as well as serving properties located outside the City limits; and

**WHEREAS**, the adoption of Resolution 2023-02, Ordinance 2023-04, and Ordinance 2024-01 served to extend this moratorium and is now set to expire on July 8, 2024; and

**WHEREAS**, the water pressure deficiencies previously identified have now been resolved but the City was unable to identify a cost sharing arrangement that would allow for additional improvements to address minimum fire flows; and

**WHEREAS**, the City seeks to revise its new water service adequacy standards to allow for greater flexibility with respect to fire flow requirements; and

**WHEREAS,** once these master plan and code amendments become effective, the City will be able to lift the existing moratorium allowing for development that is consistent with these new standards.

## NOW THEREFORE, FOR THE REASONS SET FORTH IN THE STAFF REPORT, THE CITY OF NEHALEM DOES ORDAIN AS FOLLOWS:

**Section 1.** The City of Nehalem Water Master Plan is amended to allow for greater flexibility with respect to minimum fire flow requirements as set forth in Exhibit A.

Section 2.	The Nehalem City Code Sections 51.09 and the Nehalem Development Code Sections 157.408.03, 157.506.01 through .04 are amended to allow for greater flexibility with respect to minimum fire flow requirements as set forth in Exhibit B.
Section 3.	That this Ordinance shall take effect on the thirtieth day after its enactment
Section 4.	The City's moratorium based on lack of water adequacy, first implemented in Ordinance 2022-02 shall be lifted and no longer effective upon the same date that this Ordinance takes effect.
Section 5.	If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are severable.
	ID ADOPTED by the City Council on this day of, 2024;
and <b>APPROVED</b>	by the Mayor this day of, 2024.
	Phil Chick, Mayor
ATTEST: I	_ori Longfellow, City Manager
First Readir	ng:, 2024
Ayes: Nays: Abstentions: Absent:	
Second Rea	nding:, 2024
Ayes: Nays: Abstentions: Absent:	
Adopted: _	
Ayes: Nays: Abstentions: Absent:	<del></del>

#### **EXHIBIT A**

#### Water Master Plan on pages 13-14:

Fire flow requirements for this Water Master Plan update are taken from the Insurance Services Office "Fire Suppression Rating Schedule." Section 604 FIRE FLOW AND DURATION reads that: "The fire flow duration shall be two hours for needed fire flows up to 2,500 gpm and three hours for needed fire flows of 3,500 gpm." Requirements for needed fire flows are shown in Section 304 of that schedule. Needed fire flows for single- and multiple family residences vary from 1000 gpm where homes are spaced greater than 100 feet to as much as 1,500 gpm for homes spaced at 100 feet and closer. AWWA recommendations, for public water systems used for fire suppression is a minimum of 500 gpm with a residential pressure of 20 psi at any point in the system. The need to prioritize system improvements according to financial resources and realities may result in some areas, such as higher level pressure zones or isolated properties/areas, having more limited fire protection capabilities. Higher fire flows are needed for larger buildings and higher densities of construction characteristic of many core commercial areas and schools. Actual fire flow needs in any given area may vary widely according to the actual construction present.

Otak recommends that the City adopt the value of 1000 gallons per minute for an average separation of single family homes in the Nehalem area, and aspire to 1500 gpm where feasible. A value of 1,500 gpm is used in this master plan.

As initially adopted, the 2015 Water Master Plan required a minimum 1,000 gpm fire flow for all single and multiple family residences for homes spaced greater than 100 feet and as much as 1,500 gpm for homes spaced at 100 feet or closer. This provision did not allow for any reduction in flows where automatic sprinklers are provided. The 2014 ISO Guide for Determination of Needed Fire Flow and the 2022 Oregon Fire Code does allow for a reduction in the minimum fire flow requirements where automatic sprinklers are provided and existing hydrants and water mains are in place to serve existing undeveloped lots. However, where additional density is proposed in the form of a subdivision, partition or planned unit development, it is essential that the 1000 gpm fire flow is maintained or special accommodation is necessary through a variance reviewed by the Planning Commission and, if necessary, City Council.

Based on the foregoing, for all subdivision or planned unit development approvals, all lots shall satisfy one of the following minimum standards:

- 1) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600, or
- 2) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.

Any new single family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:

- 1) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600,
- 2) 350 gpm with a flow duration of 30 minutes and every dwelling unit includes an automatic sprinkler system, or
- 3) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.

#### **EXHIBIT B**

#### Nehalem City Code 51.09 Subdivisions, partitions and planned developments.

- (F) Fire flows Hydrants.
- (1) All new mains shall be sized to provide flows meeting underwriter standards, and state health and safety requirements, as well as any other applicable and prevailing standard, for water pressure and for fire protection flows as well as projected future water demands.
- (2) All new land divisions or planned development that will include any new single family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:
  - (a) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600, or
  - (b) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.
- (2)(3) All mains supplying a fire hydrant shall be no less than six inches in diameter, with all hydrants being no less than five inches in diameter.

#### Nehalem Development Code 157.408.03 Public Facility Improvements

- (A) Except for sanitary sewers, all public facility improvements shall be designed and constructed in compliance with the requirements of the City Public Works Department and City Engineer. The City Engineer (or designee) shall determine compliance with these standards. These standards are considered requirements and may not be altered per provisions in this Development Ordinance.
- (B) Sanitary sewer facility improvements shall be designed and constructed in compliance with Nehalem Bay Wastewater Agency requirements. The Agency shall determine compliance with these standards. These standards are considered requirements and may not be altered per provisions in this Development Ordinance.
- (C) Any new single family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:
  - 1) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600

- square feet and 1,500 gpm where the total residential square footage exceeds 3,600,
- 350 gpm with a flow duration of 30 minutes and every dwelling unit includes an automatic sprinkler system, or
- 3) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.

#### 157.506.01 Applicability

The development standards in this Development Ordinance are to protect the public health, safety, and welfare by establishing setbacks, building height limits and other development requirements. To address unique characteristics associated with a property, the City may allow a modification to quantifiable requirements. Modifications resulting in a greater than a 10% change in a quantifiable standard and all adjustments to the minimum fire flow standards are reviewed as a Variance.

#### 157.506.02 Process

- (A) For property within the City Limits or for a new city water service request for property outside the City Limits, a Variance application shall be reviewed in accordance with the Type III review procedures specified in Section 157.523 and subject to the decision criteria in Section 157.506.06.
- (B) For property outside the City Limits, and within the Urban GrowtH Boundary, a Variance application shall be reviewed by Tillamook County in accordance to provisions in the Intergovernmental Agreement, and subject to the decision criteria in Section 157.506.06

#### 157.506.04 Submittal Requirements

- (A) Vicinity map showing all streets, property lines, streams, river and waterways where applicable, and other pertinent data to locate the proposal, with north arrow and scale of drawing.
- (B) Tax map and tax lot number or tax account of the subject property.
- (C) Applicable dimensions and calculations.
- (D) Location of all existing easements within the property, and location of City utilities (water and storm drainage) and sanitary sewer (Nehalem Bay Wastewater Agency) within the property.
- (E) Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.

- (F) A site plan clearly indicating the proposed variance including dimensions.
- (G) If applicable, stamped engineered utility design plans and flow calculations prepared by a licensed civil engineer.



#### **MEMORANDUM**

TO: Mayor Phil Chick and City Council

City of Nehalem

FROM: Carrie A. Richter, Contract City Attorney

DATE: March 27, 2024

RE: Staff Report for Ordinance No. 2024 - 02

Amendments to the City's Minimum Fire Flow Standards

This memorandum is intended to provide the City Council with background for the proposed amendments and if supported by the Council, to serve as findings that may adopted in support of the Council's adoption of the enacting ordinance by reference.

#### **Background**

In November, 2022, the City Council adopted an ordinance declaring a moratorium on new water connections in the area northeast of Bob's Creek from North Fork Road and east of the intersection of North Fork Road and McDonald Road. Located outside of the city limits as well as the city urban growth boundary, this area includes the three phases of the Riverview Meadows development as well as the Twin Lakes subdivision, consisting of nine lots on the east side of Highway 53 and a handful of other lots, some with existing development. The City's existing water service in this area lacked sufficient water pressure to maintain a minimum of at least 20 pounds per square inch (psi) as required by OAR 333-061-0025 and failed to provide fire flows for new single family dwellings of 1000 gallons per minute (gpm) as required by the adopted Water Master Plan.

Since that time, the City has been working on solutions to address this shortfall. In 2023, the City worked with the developer of Phases 2 and 3 of Riverview Meadows to design a plan for providing water service to the new development through the construction of a reservoir, vault with controls, and a pump station (referenced as the "RVM2 improvements"). Development of Phases 2 and 3 are conditioned on installation of the RVM2 improvements.

In the spring of 2023, the City installed a pressure sustaining valve near North Fork Road/Riverview Meadows Rd. Hydrant tests occurring in the fall / winter of 2023 revealed that the pressure check valve prevented the water pressure from dropping below 20 psi in Riverview Meadows resolving the water pressure concern.

What remains is the fire flow shortfall. In the fall of 2022 and in early 2023, the City convened a number of meetings with stakeholders to address possible solutions including the installation of a small reservoir and pump at a lower elevation along Highway 53.



More recently, the City has had an opportunity to meet with representatives of Nehalem Bay Fire & Rescue about these obligations and conferred with nearby coastal communities about how they regulate minimum fire flows. The recommendations set forth below are based on those discussions.

#### **Regulatory Framework for the Provision of Water**

In order to obtain a new water service, a property owner must obtain approval from the City for the connection. Nehalem City Code (NCC) 51.04 sets forth a priority scheme for the provision of new water connections. Existing customers are to have the highest priority, followed by connections for existing lots within the city, followed by service to new partitions and subdivisions within the city and finally areas outside the city's urban growth boundary.

The recently adopted Nehalem Development Code provisions, NDC 157.408.02(C) sets forth the minimum standards for utility lines and facilities for all development. With respect to water service, subsection (C) provides:

"(C) Water Service. All development which has a need for public water shall install the facilities per the requirements of the City. Installation of the facilities shall be coordinated with the extension of sanitary sewer and storm drainage facilities." *See also* NDC 157.408.03 ("all facilities must be designed and constructed to the requirements of the City Public Works Department and City Engineer.")

Further, in order to obtain a land division or development site plan approval, all applicants must "design and install a water system to serve all lots or parcels within a development" in accordance with NCC 51.09. NDC 157.503.05(D) *See also* NDC 157.508.06 (Residential site plan criteria), NDC 157.508.07 (non-residential site plan criteria), NDC 157.510.05 (subdivision).<sup>1</sup>

One of the City's adopted requirements relates to the provision of an adequate fire flow. For all new land divisions and planned developments, NCC 51.09(F) requires:

"Fire flows – Hydrants.

(1) All new mains shall be sized to provide flows meeting underwriter standards, and state health and safety requirements, as well as any other applicable and prevailing standard, for water pressure and for fire protection flows as well as projected future water demands.

These provisions further provide that the cost of extending water service to a development site is the responsibility of the applicant. Where the city's master plan calls for the provision of infrastructure that is greater than that necessary to serve the proposed development, the code calls for reimbursement through a cost-sharing agreement with future users. NCC 51.08.



(2) All mains supplying a fire hydrant shall be no less than six inches in diameter, with all hydrants being no less than five inches in diameter."

Section 3.3.3 of the City's Water Master Plan is entitled "Fire Protection Ratings." After explaining the component parts of the Insurance Service Organization fire protection grading system, the Plan provides:

"Fire flow requirements for this Water Master Plan update are taken from the Insurance Services Office "Fire Suppression Rating Schedule." Section 604 FIRE FLOW AND DURATION reads that: "The fire flow duration shall be two hours for needed fire flows up to 2,500 gpm and three hours for needed fire flows of 3,500 gpm." Requirements for needed fire flows are shown in Section 304 of that schedule. Needed fire flows for single-and multiple family residences vary from 1000 gpm where homes are spaced greater than 100 feet to as much as 1,500 gpm for homes spaced at 100 feet and closer. AWWA recommendations, for public water systems used for fire suppression is a minimum of 500 gpm with a residential pressure of 20 psi at any point in the system. The need to prioritize system improvements according to financial resources and realities may result in some areas, such as higher level pressure zones or isolated properties/areas, having more limited fire protection capabilities. Higher fire flows are needed for larger buildings and higher densities of construction characteristic of many core commercial areas and schools. Actual fire flow needs in any given area may vary widely according to the actual construction present.

Otak recommends that the City adopt the value of 1000 gallons per minute for an average separation of single family homes in the Nehalem area, and aspire to 1500 gpm where feasible. A value of 1,500 gpm is used in this master plan." (Emphasis added) Pages 12-13.

It is clear from the discussion in the Water Master Plan, that the City imposed this requirement to not only reduce the risk of property damage from fire but to ensure that future homeowners would have a high likelihood of obtaining insurance to protect these investments. The Insurance Services Office (ISO), now known as Verisk, is an insurance advisory organization that provides statistical and actuarial information to businesses, including government entities such as fire and building code departments.

Through meeting with Nehalem Bay Fire, the City has learned that it has an established practice of trucking water as necessary to achieve sufficient flows. Other cities, such as Cannon Beach, provide a sliding scale for fire flows based on the size of the structure, assuming that automatic sprinklers are installed. The City Engineer has considered these alternatives and, as set forth in a supplemental memorandum agrees that providing automatic sprinklers inside of each new home in this area will be sufficient to compensate for a reduction in piped fire flow.



#### **Proposed Amendments**

Section 1.5(1) of the Water Master Plan contemplates periodic amendment that may be necessary as assumptions change, particularly with respect to fire flow requirements. As such, revisiting the fire flow standards would be appropriate but only so long as they continue to reflect the minimum requirements imposed by the Oregon Fire Code and the minimum recommended insurance standards. In addition to altering the substance of the standard, in order to apply to residential construction, the new standard must be clear and objective and set forth in the City's adopted land use regulations. ORS 197A.400 and ORS 227.173(1). For these reasons, the proposed amendments would alter the 2015 Water Master Plan, which is part of the City's Comprehensive Plan, as well as the Nehalem City Code, with the deleted text shown as strikethrough and new text is shown in red, as follows:

#### Water Master Plan on pages 13-14 would state:

Fire flow requirements for this Water Master Plan update are taken from the Insurance Services Office "Fire Suppression Rating Schedule." Section 604 FIRE FLOW AND DURATION reads that: "The fire flow duration shall be two hours for needed fire flows up to 2,500 gpm and three hours for needed fire flows of 3,500 gpm." Requirements for needed fire flows are shown in Section 304 of that schedule. Needed fire flows for single and multiple family residences vary from 1000 gpm where homes are spaced greater than 100 feet to as much as 1,500 gpm for homes spaced at 100 feet and closer. AWWA recommendations, for public water systems used for fire suppression is a minimum of 500 gpm with a residential pressure of 20 psi at any point in the system. The need to prioritize system improvements according to financial resources and realities may result in some areas, such as higher level pressure zones or isolated properties/areas, having more limited fire protection capabilities. Higher fire flows are needed for larger buildings and higher densities of construction characteristic of many core commercial areas and schools. Actual fire flow needs in any given area may vary widely according to the actual construction present.

Otak recommends that the City adopt the value of 1000 gallons per minute for an average separation of single family homes in the Nehalem area, and aspire to 1500 gpm where feasible. A value of 1,500 gpm is used in this master plan.

As initially adopted, the 2015 Water Master Plan required a minimum 1,000 gpm fire flow for all single and multiple family residences for homes spaced greater than 100 feet and as much as 1,500 gpm for homes spaced at 100 feet or closer. This provision did not allow for any reduction in flows where automatic sprinklers are provided. The 2014 ISO Guide for Determination of Needed Fire Flow and the 2022 Oregon Fire Code does allow for a reduction in the minimum fire flow requirements where automatic sprinklers are provided and existing hydrants and water mains are in place to serve existing undeveloped lots. However, where additional density is proposed in the form of a subdivision, partition or



planned unit development, it is essential that the 1000 gpm fire flow is maintained or special accommodation is necessary through a variance reviewed by the Planning Commission and, if necessary, City Council.

Based on the foregoing, for all subdivision or planned unit development approvals, all lots shall satisfy one of the following minimum standards:

- 1) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600, or
- 2) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.

Any new single family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:

- 1) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600,
- 2) 350 gpm with a flow duration of 30 minutes and every dwelling unit includes an automatic sprinkler system, or
- 3) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.

In addition to amending the Water Master Plan with these provisions, the following conforming NCC and NDC amendments are also recommended for adoption:

Nehalem City Code 51.09 Subdivisions, partitions and planned developments.

- (F) Fire flows Hydrants.
- (1) All new mains shall be sized to provide flows meeting underwriter standards, and state health and safety requirements, as well as any other applicable and prevailing standard, for water pressure and for fire protection flows as well as projected future water demands.

- (2) All new land divisions or planned development that will include any new single family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:
  - (a) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600, or
  - (b) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.
- (2)(3) All mains supplying a fire hydrant shall be no less than six inches in diameter, with all hydrants being no less than five inches in diameter.

#### Nehalem Development Code 157.408.03 Public Facility Improvements

- (A) Except for sanitary sewers, all public facility improvements shall be designed and constructed in compliance with the requirements of the City Public Works Department and City Engineer. The City Engineer (or designee) shall determine compliance with these standards. These standards are considered requirements and may not be altered per provisions in this Development Ordinance.
- (B) Sanitary sewer facility improvements shall be designed and constructed in compliance with Nehalem Bay Wastewater Agency requirements. The Agency shall determine compliance with these standards. These standards are considered requirements and may not be altered per provisions in this Development Ordinance.
- (C) Any new single family, accessory dwelling units and/or duplex (whether attached or detached) dwellings shall satisfy one of the following minimum standards:
  - 1) 1000 gpm with a flow duration of one hour where the total residential square footage is less than 3,600 square feet and 1,500 gpm where the total residential square footage exceeds 3,600,
  - 2) 350 gpm with a flow duration of 30 minutes and every dwelling unit includes an automatic sprinkler system, or
  - 3) Obtain a variance to these requirements pursuant to NDC 157.506 through a Type III procedure.

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In situations where a land division applicant is unable to meet the 1000 gpm standard or where an applicant seeking a connection for an existing lot is unable to satisfy subsection (1) or (2) above, an applicant may obtain a variance. NDC 157.506 provides the structure for obtaining a variance. Although it is typically applied to relieve an applicant from complying with development standards such as lot coverage or setbacks, with a few modifications, it does provide criteria suitable for the city engineer, the public and elected officials the opportunity to make a decision about whether waiver of the standards is appropriate on a case-by-case basis. Modifications necessary to accommodate adjustment of the fire flow standards through the land use variance procedure would need to be modified slightly to include:

#### 157.506.01 Applicability

The development standards in this Development Ordinance are to protect the public health, safety, and welfare by establishing setbacks, building height limits and other development requirements. To address unique characteristics associated with a property, the City may allow a modification to quantifiable requirements. Modifications resulting in a greater than a 10% change in a quantifiable standard and all adjustments to the minimum fire flow standards are reviewed as a Variance.

#### 157.506.02 Process

- (A) For property within the City Limits or for a new city water service request for property outside the City Limits, a Variance application shall be reviewed in accordance with the Type III review procedures specified in Section 157.523 and subject to the decision criteria in Section 157.506.06.
- (B) For property outside the City Limits, and within the Urban Growth Boundary, a Variance application shall be reviewed by Tillamook County in accordance to provisions in the Intergovernmental Agreement, and subject to the decision criteria in Section 157.506.06

#### 157.506.03 Application

An application for a Variance shall be filed with the City (or County as applicable) and accompanied by the appropriate fee. Notice shall be subject to the provisions in Section 157.523.

#### 157.506.04 Submittal Requirements



- (A) Vicinity map showing all streets, property lines, streams, river and waterways where applicable, and other pertinent data to locate the proposal, with north arrow and scale of drawing.
- (B) Tax map and tax lot number or tax account of the subject property.
- (C) Applicable dimensions and calculations.
- (D) Location of all existing easements within the property, and location of City utilities (water and storm drainage) and sanitary sewer (Nehalem Bay Wastewater Agency) within the property.
- (E) Existing use of the property, including location of existing structures with dimensions of the structures and distances from property lines. It shall be noted whether the existing structures are to remain or be removed from the property.
- (F) A site plan clearly indicating the proposed variance including dimensions.
- (G) If applicable, stamped engineered utility design plans and flow calculations prepared by a licensed civil engineer.

#### 157.506.05 Variance Applicability

Under the following provisions, an applicant may propose a Variance from a standard of this Ordinance, except when one or more of the following apply:

- (A) The proposed variance would allow a use which is not permitted in the district.
- (B) Another procedure and/or criterion is specified in the Ordinance for modifying or waiving the requirement or standard.
- (C) Modification of the requirement or standard is prohibited within the district.

#### 157.506.06 Decision Criteria

The Planning Commission may allow a Variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:



- (A) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.
- (B) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.
- (C) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.
- (D) That the special conditions and circumstances on which the application is based do not result from a self-imposed hardship or a negligent or knowing violation of this Ordinance by the applicant.
- (E) The variance requested is the minimum variance which would alleviate the hardship.

#### 157.506.07 Conditions of Approval

In approving the Variance, the City may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out.

#### **Findings in Support of Amendments**

As a modification to the City's land use regulations, these changes must be consistent with any applicable statewide land use goals, adopted rules and the City's Comprehensive Plan. These findings are supported by a memorandum from the City Engineer which is attached.

*Oregon Statewide Planning Goals: Goal 1 – Citizen Involvement* 

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The proposed amendments have been reviewed by the Planning Commission on March 21, 2024 in compliance with Goal 1. These amendments were provided to DLCD with mailed notice to all owners within this area 35 days prior to the City Council hearing scheduled on April 8, 2024.



Goal 2 – Land Use Planning To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. [...]

Finding: The City of Nehalem's Development Code provide an acknowledged and established land use planning process and policy framework which service as the basis for all decisions and actions related to land use, and include approval criteria to assure than an adequate factual base is provided for those decisions and actions.

Goal 6 – Air, Water and Land Resources Quality To maintain and improve the quality of the air, water and land resources of the state.

Finding: These amendments will not affect waste and process discharge of development, nor air, water and land resource quality. Nehalem's water system will continue to comply with the Safe Drinking Water Act, the EPA and Oregon Health Authority requirements. The proposed amendments conform to Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards To protect people and property from natural hazards.

Finding: The proposed amendments will continue to ensure that fire flows are sufficient to protect people and property and provides a resilient water system to reduce risk posed by fire. The proposed amendments conform to Goal 7.

*Goal 10 – Housing To provide for the housing needs of citizens of the state.* 

Finding: Nehalem's goals addressing housing are found in the Comprehensive Plan. The proposed amendments do not affect policies related to housing but will promote them by allowing for expiration of the moratorium that has prevented new water connections for the past two years. The proposed amendments conform to Goal 10.

Goal 11 – Public Facilities and Services To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: These amendments are intended to serve the needs of present and future development. These text amendments will allow for the continued provision of a reliable and economical supply of water to meet current and future needs as explained in memorandum from the City Engineer. The proposed amendments conform to Goal 11.

B. Oregon Administrative Rules (OAR) Chapter 660-011-0000: Public Facilities Planning 660-011-0010:

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The Public Facility Plan (1) The public facility plan shall contain the following items:

- (a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;
- (b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;
- (c) Rough cost estimates of each public facility project;
- (d) A map or written description of each public facility project's general location or service area;
- (e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;
- (f) An estimate of when each facility project will be needed; and
- (g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.

Finding: The City's adopted 2015 Water Master Plan continues to illustrate inventories, cost estimates, and timeframes. These standards are met.

OAR 660-011-0045: Adoption and Amendment Procedures for Public Facility Plans

- (1) The governing body of the city or county responsible for development of the public facility plan shall adopt the plan as a supporting document to the jurisdiction's comprehensive plan and shall also adopt as part of the comprehensive plan:
- (a) The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specifications of those projects;
- (b) A map or written description of the public facility projects' locations or service areas as specified in sections (2) and (3) of this rule; and
- (c) The policy(ies) or urban growth management agreement designating the provider of each public facility system. If there is more than one provider with the authority to

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provide the system within the area covered by the public facility plan, then the provider of each project shall be designated.

Finding: If adopted, these amendments will become part of the City's 2015 Water Master Plan, which is a supporting document to the City's Comprehensive Plan. These standards are met.

#### Goal 6: Air, Water and Land Resources Quality Comprehensive Plan Policies

- 1. The City will ensure that the actions it takes are consistent with appropriate state and federal environmental quality standards, statutes, programs and policies, including those for water quality, air quality and noise.
- 5. The City will continue implementing the City of Nehalem Master Water Plan.

Finding: The proposed amendments are consistent with the state standards and the City of Nehalem Water Master Plan.

#### Goal 11: Public Facilities and Services Comprehensive Plan Policies

- 2. Public facilities and services shall be extended in an orderly and efficient manner.
- 3. The cost of public services or facilities shall be distributed equitably among those residents or land developments creating a need for such services.
- 7. Large developments or heavy water users should make equitable contributions to the improvement of the water system and shall pay all costs associated with the extension of water lines.
- 8. Water lines within a proposed development shall be adequately sized to meet future needs at the projected density or usage, including fire flow requirements.

Finding: The City Engineer has evaluated this proposal and determined that these water improvements will be adequate to allow new water connections within the moratorium area to new development in compliance with state and local regulations, if accomplished consistent with the proposed plan and conditions. Developers will remain responsible for the cost of extending water service to meet the new minimum fire flow requirements.



#### Conclusion

Based on the foregoing along with the City Engineer's memorandum, the City Council can conclude that the proposed amendments will allow greater flexibility with respect to fire flows while ensuring that an adequate supply of water is available to protect people and property into the future.



March 27, 2024

City of Nehalem P.O. Box 143 Nehalem, OR 97131

Attn: City Manager, Lori Longfellow

#### Re: Water Master Plan Amendment and Moratorium Removal

Dear Ms. Longfellow,

This memorandum is intended to provide the engineering insight to the proposed modification of the City's Water Master Plan, Nehalem Development Code and Nehalem City Code in regards to the required Fire Flow for new developments. This letter will refer to the Memorandum from Carrie A. Richter, Contract City Attorney, titled "Staff Report for Ordinance No. 2024 – 02 Amendments to the City's Minimum Fire Flow Standards".

As we have previously explained throughout this moratorium process, safe and adequate water service availability and fire protection have always been and will continue to be our goal as the City engineer. The priority scheme set forth in the Nehalem City Code provides for first serving existing and future customers within the city limits. The last priority is for serving new development outside the city but within the urban growth boundary. New customers remain responsible for any upsizing or expansion of the city water system that might be necessary to serve their development. The following information provided in this memorandum outlines the justification and rationale for the modifications of the required fire flows and new allowances made for automatic sprinkler systems.

These proposed revisions to the Water Master Plan, and the corresponding amendments to the Nehalem City Code and Nehalem Development Code, will continue to further the health, welfare or safety of the water clients of Nehalem for the following reasons:

- 1. The reduction of the minimum fire flow for a single-family home in combination with an automatic sprinkler is an allowed alternate in several of the Nation's leading fire protection services. Both the Oregon Fire Code and the NFPA allow for this alternate when 1000 GPM fire flow is not available at the home site.
- 2. For single family homes, the 350 gallons per minute and the addition of automatic sprinkler systems enhances the safety of the residence and those structures around it. In discussions with adjoining Fire Departments on the Oregon Coast, the automatic sprinkler system can be very effective, hitting the fire before the room or area becomes engulfed in flames.

An automatic sprinkler system is a highly effective tool in fire prevention and control. By detecting and activating at the first sign of a fire, the system can quickly douse the flames before they have a chance to spread and consume the entire room or area. This swift

City of Nehalem, OR Page 1 response time can greatly reduce the amount of damage and loss caused by a fire, as well as potentially save lives. Sprinkler systems will be designed to cover the entire area with a sufficient amount of water, effectively extinguishing the fire and preventing it from reigniting. This level of protection can give occupants valuable time to evacuate the building and for emergency responders to arrive.

Moreover, the automatic sprinkler system is constantly on guard, even when no one is present in the home. With an automatic sprinkler system in place, the risk of a small fire turning into a catastrophic event is greatly reduced, making it an essential component in fire safety and prevention.

- 3. The current policy of the Nehalem Bay Fire and Rescue Department is that if a fire breaks out, they will transport the required water to the fire using their tanker trucks. This policy allows them to have an adequate supply of water to control and protect homes rather than depending on the availability of water from the local water districts.
- 4. For land divisions that have the potential to increase the overall density, this minimum requirement of 1000 gallons per minute will not change from the current requirements, other than the ability of the developer to apply for a variance for the required fire flow. The reason for this is that adding density could demand new hydrants and piping infrastructure that should be designed to accommodate greater flows. New development shall require concurrent, adequate infrastructure designed to meet the development's requirements. Further, these new developments shall not burden the City with an inadequate water supply as new development occurs.

The proposed modifications outlined in the guidelines are the minimum requirements that developers must meet in order to ensure responsible water infrastructure sizing and fire flow protection. These modifications are essential in promoting sustainable development and protecting our precious water resources. However, in cases where water intensive uses are proposed, additional infrastructure such as tankage and pumping systems may be necessary. This is important to note as it highlights the importance of careful planning and consideration when it comes to water usage and fire protection. It also emphasizes the need for developers to prioritize responsible infrastructure development and not solely focus on cost savings or convenience.

It is important to keep in mind that applying for a variance should only be considered as a last resort. The variance process should not be used as a means to cut corners or bypass the minimum requirements. It is intended to be a last option when all other options have been exhausted. This ensures that responsible water usage and infrastructure protection remains a top priority and that developers are held accountable for meeting the minimum requirements. The variance process should only be used when there are no other feasible options available, and the decision should be made with the utmost consideration for the safety and welfare of the Nehalem community.

Please feel free to reach out with any questions.

Sincerely,

North Coast Civil Design, LLC

Kyle Ayers, PE Principle in Charge

City of Nehalem, OR

Page 2 North Coast Civil Design Project No. 21005

# Water and sewerage maintenance priced at \$58.05 in 2022 → \$63.02 in 2024

# Water And Sewerage Maintenance Inflation Calculator

Cost: \$58.05 Start year: 2022

End year: 2024

# Prices for Water And Sewerage Maintenance, 2022-2024 (\$58.05)

According to the U.S. Bureau of Labor Statistics, prices for water and sewerage maintenance are 8.56% higher in 2024 versus 2022 (a \$4.97 difference in value).

**Between 2022 and 2024:** Water and sewerage maintenance experienced an average inflation rate of 4.19% per year. This rate of change indicates significant inflation. In other words, water and sewerage maintenance costing \$58.05 in the year 2022 would cost \$63.02 in 2024 for an equivalent purchase. Compared to the overall inflation rate of 2.98% during this same period, inflation for water and sewerage maintenance was higher.

**In the year 2022:** Pricing changed by 4.23%, which is above the average yearly change for water and sewerage maintenance during the 2022-2024 time period. Compared to <u>inflation for all items</u> in 2022 (8%), inflation for water and sewerage maintenance was much lower.

#### **WATER TRACKING CHART - REVENUE AND WATER LOSS** H20 H20 Total H2O Unaccounted for Monthly \$ Water Dept Water Dept 2023-2024 H2O Sold H20 Produced Operations Difference Difference Revenue Expenses **Annual Budget** \$ Monthly Revenue Goal 750,000.00 2023-24 \$ 62,500.00 Units of measure are either 1,000 gallons or 100 cubic feet (748-gallons) Jul-23 4,035,000 3,200 4,076,200 (44,400)-1% 76,244.00 \$ 77,353.00 \$ (1,109.00)Aug-23 3,727,000 4,396,000 (669,000)-18% \$ 77,335.00 \$ 35,829.00 \$ 41,506.00 Sep-23 2% 3,831,000 1,550 3,749,900 79,550 72,536.00 \$ 32,745.00 \$ 39,791.00 Oct-23 8% 3,282,000 -3,017,700 264,300 \$ 65,420.00 \$ 48,865.00 \$ 16,555.00 Nov-23 37,500 3,048,000 13,500 2,997,000 1% 73,006.00 \$ 167,660.00 \$ (94,654.00) Dec-23 2,780,000 32,100 2,792,900 (45,000)-2% 65,494.00 \$ 26,743.00 \$ 38,751.00 Jan-24 349,800 11% \$ 73,228.00 \$ 61,907.27 \$ 3,264,000 23,500 2,890,700 11,320.73 Feb-24 3% \$ 69,060.74 \$ 3,199,000 24,600 3,085,000 89,400 38,612.24 \$ 30,448.50 Mar-24 2,700,000 12,600 2,560,600 126,800 5% \$ 61,711.14 \$ 42,122.04 \$ 19,589.10 \$ Apr-24 3,653,000 19,400 3,322,500 311,100 9% 65,280.02 \$ 46,931.00 \$ 18,349.02 May-24 Jun-24 Totals 1.7% \$ 699,314.90 \$ 33,519,000 130,450 32,888,500 500,050 578,767.55 \$ 120,547.35 Mo Average 2,793,250 10,871 2,740,708 41,671 \$ per Unit \$ 22.38 \$ (50,685.10) \$ 171,232.45 \$ 120,547.35 \$ \$ per gallon 0.02238

<sup>\*\*</sup> Red is under \$62,500.00 monthly average

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#### **CITY OF NEHALEM EMPLOYEE HANDBOOK**

City of Nehalem
Tillamook County, Oregon



Updated December 2022 April 2024

Adopted December 12, 2022 April 8, 2024

#### Welcome!

Welcome to the City of Nehalem - we're glad to have you on our team. We believe that our employees are our most valuable assets. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with the City of Nehalem, you will become a productive and successful member of the City of Nehalem's team.

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between the City of Nehalem and its employees. The policies stated in this handbook are subject to change at any time at the sole discretion of the City of Nehalem with or without prior notice. This handbook supersedes any prior handbooks or written policies of the City of Nehalem that are inconsistent with its provisions.

This handbook does not create a contract of employment between the City of Nehalem and its employees. All employment at the City of Nehalem is "at will." That means that either you or the City of Nehalem may terminate this relationship at any time, for any reason, with or without cause or notice. No supervisor, manager, or representative of the City of Nehalem other than the City Manager has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by the City of Nehalem.

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please ask the City Manager.

Sincerely,

Melissa Thompson Kiefer Lori Longfellow

City Manager
City of Nehalem

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## I. Administration

Administration of the personnel program and these policies and procedures is the responsibility of the City Manager. The City Council reserves the right to make unilateral changes to these policies and procedures at any time. These policies and procedures do not, and are not intended to confer any property right in continued employment, to constitute an expressed or implied contract, or to produce a binding past practice.

In the event of a conflict between the handbook and the law, the law will prevail.

The City Council and City Manager will have authority over all matters of personnel administration through adoption and implementation of the City budget, pay plans, collective bargaining agreements, and resolutions adopting and/or amending the personnel policies and procedures.

The City Manager is charged with the responsibility for the interpretation and application of the policies.

The City Manager will be responsible for ensuring the effective implementation of these policies and procedures and may further establish, amendamend, or otherwise modify administrative policies and procedures pursuant to Council policies and will advise the Council on any changes concerning these policies and procedures. The Council delegates to the City Manager broad discretion in all aspects of personnel relations, subject to the advice and concurrence of the Council.

Variance of Strict Application. The City Manager, or the City Council pertaining to the City Manager's position, shall have the power to vary or modify the strict application of these policies and procedures in unusual circumstances in which strict application would result in practical difficulties or unnecessary hardship. The City Manager shall inform the Council of all variances or modifications made under this authority at the next regular Council Meeting. Exceptions granted in any instance will not be binding in the future.

# II. Equal Employment Opportunity (EEO) Policies

The following EEO Policies apply to all employees. Members of management, elected officials and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with the City Manager at any time if they have questions relating to the issues of harassment, discrimination or bullying, or what it means to work in a respectful workplace.

#### A. No-Discrimination, No-Retaliation Policy

The City of Nehalem provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City of Nehalem also recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

The City of Nehalem's commitment to equal opportunity applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

## B. Statement Regarding Pay Equity

The City of Nehalem supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees on the basis of a protected class (as defined by Oregon law or federal law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which the City of Nehalem pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with the City Manager.

See also "Statement Regarding Pay Practices" policy, below.

# C. No-Harassment Policy

The City of Nehalem prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers and interns' right to work in a harassment-free workplace. Specifically, The City of Nehalem prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with the City Manager, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Nehalem-related or -sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of the City of Nehalem's employees.

Such harassment is prohibited whether committed by the City of Nehalem employees or

# by non-employees (including elected officials, members of the community, volunteers, interns and vendors).

#### Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
- 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

# Other Forms of Prohibited Harassment

The City of Nehalem policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

<u>Such The City of Nehalem policy also prohibits</u> harassment <u>such as may include</u> verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs;
- Negative stereotyping;
- Displaying racist symbols anywhere on City of Nehalem property;
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability;
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them;
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an
  individual or group because of the protected status,

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This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of conduct.

## Complaint Procedure

Employees, volunteers or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of the City Manager or Deputy City Recorder or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that he/she wants it to stop.

## Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City of Nehalem's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the City of Nehalem will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City of Nehalem's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other applicable available law, whether criminal or civil. Although the City of Nehalem cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City of Nehalem, the employee must provide written notice of the claim to the City of Nehalem within 180 days of the act or omission the employee claims has caused them him/her harm. When an employee can prove harm as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

# **Protection Against Retaliation**

The City of Nehalem prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to the City Manager or the Deputy City Recorder or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

# Other Resources Available to Employees

The City of Nehalem provides an Employee Assistance Program (EAP) through <u>Canopy Cascade Centers</u> to employees and dependents who are enrolled in the City of Nehalem's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to <u>canopywell.com www.cascadecenters.com</u>. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City of Nehalem cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: https://www.osbar.org/public/.

## Other Employee Rights

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

The City of Nehalem is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Nehalem to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Nehalem regarding their his/her experience and/or employment status, the employee should contact the City of Nehalem. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Nehalem and employee do reach an agreement, the City of Nehalem will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their his/her experiences in the workplace or the terms of the agreement) or a nondisparagement agreement (which would prohibit the employee from speaking slightingly about the City of Nehalem or making comments that would lower the City of Nehalem in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City of Nehalem and the employee may garee to. The employee will have seven days to revoke the agreement after signing it.

# D. No-Bullying Policy

The City of Nehalem strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. The City of Nehalem, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an

individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

- Verbal Bullying: Slandering, ridiculing or maligning a person or his/her their family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- 2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
- 3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
- 4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
- 5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred the City of Nehalem will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

## E. Disability Accommodation Policy

The City of Nehalem is committed to <u>complying fully with the Americans with Disabilities</u> Act (ADA) and

Oregon's disability accommodation and anti-discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

#### **Accommodations**

The City of Nehalem will make reasonable efforts to accommodate a qualified applicant or employee with a known disability unless such accommodation creates an undue hardship on the operations of the City of Nehalem.

# Requesting an Accommodation

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, the

City of Nehalem) and that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations or training materials provided by the City of Nehalem, providing readers and interpreters, or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position. All requests for accommodation should be made withto the City Manager and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his/her need for a reasonable accommodation. Both the City of Nehalem and employee must monitor the employee's accommodation situation and make adjustments as needed.

# F. Pregnancy Accommodation Policy

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the City Manager to discuss their options for continuing to work and, if necessary, leave of absence options. The City of Nehalem will provide one or more reasonable accommodations pursuant to this policy for for employees with known limitations unless such accommodations impose an undue hardship on the City of Nehalem's operations.

Although this policy refers to "employees," the City of Nehalem will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth or a related medical condition.

## Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made withto the City Manager and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City of Nehalem and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Nehalem and the employee must monitor the employee's accommodation situation and make adjustments as needed.

# No Discrimination, No Retaliation

The City of Nehalem prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City of Nehalem; or (3) needed an accommodation.

Employees who ask about, request or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City of Nehalem. Also, no employee will be denied employment opportunities if the denial is based on the need of the City of Nehalem to make reasonable accommodations under this policy.

## Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under <a href="Paid Leave Oregon">Paid Leave Oregon</a>, Oregon's sick leave law, See policies under Family Medical Leave or speak with the City Manager.

# G. Reporting Improper or Unlawful Conduct — No Retaliation

Employees may report concerns about the City of Nehalem's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Nehalem will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- \_\_\_\_\_A violation of any federal, Oregon, or local law, rules or regulations by the City of Nehalem;
- A violation of law, regulation, or standard pertaining to safety and health in place of employment;
- Mismanagement, gross waste of funds, abuse of authority;
- A substantial and specific danger to public health and safety resulting from actions of the City of Nehalem or one of its employees; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City of Nehalem will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county or metropolitan service district.

## **Employee Reporting Options**

In addition to the City of Nehalem's Open Door Policy, employees who wish to report improper or unlawful conduct should first talk to <a href="https://her-their-supervisor">https://her-their-supervisor</a>. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Manager. Supervisors and managers are required to inform the City Manager about reports of improper or unlawful conduct they receive from employees.

The City of Nehalem will not disclose the identity of any employee who reports any of information described in this policy during an investigation without written consent of the

<u>employee.</u> Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City of Nehalem were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

# <u>Additional Protection for Reporting Employees</u>

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City of Nehalem's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of of their his/hor coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City of Nehalem; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

# Policy Against Retaliation

The City of Nehalem will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are he/she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City of Nehalem policy).

In addition, the City of Nehalem prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City of Nehalem employee will be adversely affected because <a href="height:heigh

This policy is not intended to protect an employee from the consequences of his/her their own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City of Nehalem determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

# III. Classification and Compensation

# A. Introductory Period of Employment

All new employees, including current employees who are promoted or transferred within the City of Nehalem, are hired into an introductory training period that generally lasts no less than 6 months. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and also provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Nehalem meets your expectations of an employer.

At or before the end of the introductory period, a decision about your employment status will be made. The City of Nehalem will decide whether to: (1) Extend your introductory period; (2) Move you to regular, full-time or regular, part-time status; or (3) Terminate your employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and City of Nehalem may terminate the employment relationship during the introductory period for any lawful reason. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by City of Nehalem for any definite period of time. Both you and City of Nehalem are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

## B. Employee Classification

The City of Nehalem classifies employees as follows:

- <u>Regular Full-time</u>: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in the City of Nehalem's benefit programs.
- Regular Part-time: Employment requiring 20 hours per week but less than
  40 hours of work per week. Normally a part-time schedule, such as portions
  of days or weeks, will be established. Occasional workweeks of over 40
  hours will not constitute a change in status from part-time to full-time.
  Regular, part-time employees are not eligible for benefits except those
  mandated by applicable law.
- 3. <u>Temporary</u>: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all the City of Nehalem rules and procedures.

#### C. The Workweek

The workweek is a seven-day work period beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m.

The normal work schedule for all employees is 8 hours a day, 5 days a week. plus rotational weekend and holiday on-call duty for Public Works staff to perform routine maintenance on the water treatment plant.

Typically, business hours are from Monday through Friday, 8:00 a.m. through 5:00 p.m. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and

#### D. Meal Periods and Rest Breaks

Non-exempt employees are required to take a paid, uninterrupted 15-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Non-exempt employees are required to take at least a 1-hour 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his/her their supervisor before the end of the shift so that the City of Nehalem may allocate compensatory time for that work.

Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped" in order to start work late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

# E. Rest Breaks for Expression of Breast Milk

The City of Nehalem will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express milk.

The City of Nehalem will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City of Nehalem is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

If an employee takes unpaid rest breaks, the City of Nehalem may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City of Nehalem will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

The City of Nehalem will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

If a private location is not within close proximity to the employee's work area, the City of Nehalem will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

#### Notice

An employee who intends to express milk during work hours must give their supervisor or the City Manager reasonable oral or written notice of her intention to do so in order to allow the City of Nehalem time to make any preparations necessary for compliance with this rule.

#### Storage

Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

# F. Overtime/Compensatory (Comp)Time

## Time-and-a-Half

City of Nehalem offers compensatory (comp) time off in lieu of overtime pay. Compensatory time is accrued at time and one-half for each hour worked over 40 in any workweek. Exempt employees accrue straight-time comp time off for each hour worked over 40 in any workweek. See "Employee Classification," above.

Comp time may be used as soon as is mutually convenient to the employee and the City. Employees are encouraged to work with their manager/supervisor to schedule and use comp time within 60 days of when it is accrued.

When an employee is separated from employment with the City of Nehalem, any remaining comp time will be paid to the employee at the hourly rate of their current salary.

# Limitation on Compensatory Time

Paid hours not actually worked (for example, sick, vacation, holidays, and family leave) will not be counted toward the 40 hours worked per workweek required to receive compensatory time off.

#### Assignment of Overtime Work

You may be required to work overtime. When overtime work is required by the City of Nehalem on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the non-exempt employee performing that job at the conclusion of his/her their straight-time hours will normally be expected to continue to perform the job on an overtime basis. When overtime work is assigned by City of Nehalem on a Saturday, Sunday, or holiday, it generally will be assigned in order of seniority to the employees who regularly perform the particular work involved.

When overtime is required by City of Nehalem on a Sunday or on a holiday, City of Nehalem will endeavor to give the employees required to work notice of their assignment during their last shift worked prior to such Sunday or holiday.

## **Supervisor Authorization**

No overtime may be worked by non-exempt employees unless specifically authorized in writing by a supervisor or manager. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

## G. Timekeeping Requirements

Employees should accurately record the time they begin and end their work. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work performed by nonexempt employees must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. An employee's supervisor will review and then sign the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

# H. Employee-Incurred Expenses and Reimbursements

The City will pay actual and reasonable business-related expenses you incur in the performance of your their job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by the City Manager before they are incurred. The City will not pay for or reimburse the costs incurred by a spouse, registered same sex domestic partner or travel companion who accompanies the employee on Cityapproved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting <a href="his/her">his/her</a> their</a> payment or reimbursement.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the City. Employees are expected to limit expenses to reasonable amounts.

Some examples of actual and reasonable business-related expenses that the City of Nehalem will reimburse/pay for are:

- Conferences or Workshops
- Education
- Meals: reasonable meal expenses incurred during overnight travel or incurred at a location other than City offices and when training or business is conducted during the meal time (exclusive of alcohol, which will not be reimbursed and is not a permitted expense)
- Mileage and Parking: Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City. Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor and City Manager. Vehicles owned, leased, or rented by the City may not be used for personal use without prior approval.
- Airfare or train fare for travel in coach or economy class or the lowest available fare.
- Car rental fees, only for compact or mid-sized cars.
- Fares for shuttle, airport bus service, taxi, Uber or Lyft
- Hotel standard accommodations/conference hotel
- Tips: not exceeding 20% of the total cost of a meal or ride fare, or 2% of nightly hotel rate for housekeeping.
- Charges for telephone calls, copies, fax, and similar services required for business purposes only.
- Laundry and valet services, only on trips of five or more days and if pre-approved by the City Manager.

Alcoholic beverages, personal entertainment and personal care items are not reimbursable.

Employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from an accompanying friend or family member and non-business travel are the responsibility of the employee and will not be reimbursed by the City.

When travel is completed, employees should submit completed travel expense reports within five (5) days. Reports should be accompanied by receipts for all individual expenses.

Employees should contact the City Manager for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment as well as reimbursement to the City of any invalid expense paid or incurred in violation of this policy.

### I. Payroll Policies

All salaried Regular Full-Time and Part-Time employees are paid monthly on the last day of the month. Each paycheck will include earnings for all work performed through the end of the current payroll period. All non-salaried employees will be paid monthly for time actually worked.

Salaried Regular Full-Time and part-time employees may elect to receive a draw on their paychecks not to exceed half of their total monthly salary. Such draws will be coordinated with other employee's "draw checks" and will be available to employees on the 15th day of the month, or other date agreed to by the City Manager. All taxes will be deducted from the paycheck received on the last day of the month. Draws are not pay advances. Pay advances are not offered by the City.

In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday, or on another day approved by the City Manager. If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages before departing for vacation.

Only the employee named on the paycheck will be allowed to pick up their paycheck unless the employee provides written permission to the City for someone else to receive the check.

#### J. Statement Regarding Pay Practices

The City of Nehalem makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that City of Nehalem has made any improper deductions, has failed to pay you for all hours worked or for overtime, has failed to pay you in accordance with the law, or has failed to properly calculate your wages in any way, you must immediately report the error to the City Manager. The City of Nehalem will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City of Nehalem's pay practices.

See also "Statement Regarding Pay Equity" policy, above.

# K. Reporting Changes to an Employee's Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current with regard to pay, deductions, benefits and other matters is important. If you have changes in any of the following items, please notify the City Manager to ensure that the proper updates are completed as quickly as possible:

- Name:
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only);
- Address or telephone number;
- Dependents;
- Person to be notified in case of emergency;
- Other information having a bearing on your employment; and
- Tax withholding.

Employees may not intentionally withhold information from the City about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, the City may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

#### L. Performance Reviews

All City of Nehalem employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention and discipline/termination. Any employee who fails to satisfactorily perform the duties of his/her their position is subject to disciplinary action (including termination).

The City of Nehalem's goal is to provide an employee with his/her first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year.

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than 30 days following the date the performance evaluation was received.

Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis.

# IV. Time Off and Leaves of Absence

## A. Attendance, Punctuality and Reporting Absences

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work their entire work schedule, except for unpaid break periods or when required to leave on authorized City business, and perform the work assigned to or requested of them. Unscheduled late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via by text or phone call no later than 15 minutes before the start of the employee's shift/work day. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment.

## B. Vacation

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time and regular part-time\* employees are eligible to earn and use vacation time.

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule:

Years of Employment	Vacation Earned	Hours Accrued per Month
1 month to 1 year	5 days - 40 hours	3.34 hours
1 to 5 years	10 days - 80 hours	6.67 hours
5 to 10 years	12 days - 96 hours	8 hours
10 to 15 years	15 days - 120 hours	10 hours
15 to 20 years	17 days - 136 hours	11.33 hours
20 to 30 years	20 days - 160 hours	13.33 hours
Over 30 years	25 days – 200 hours	16.67 hours

<sup>\*</sup> Regular part-time employees will earn vacation benefits on a pro-rated format based on the actual number of hours worked per month.

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except

military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information).

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule. However, before vacation time can be used, a waiting period of six (6) months must be completed until the employee's Introductory Period is successfully completed. After that time, employees can request use of earned vacation time including that accrued during the Introductory Period.

Paid vacation time can be used in minimum increments of one half-hour. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any other type of compensation.

Employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry that unused portion into the next benefit year; but at no time shall any employee carry forward more than one full benefit year's worth of accrued vacation into the next benefit year. Any portion of unused vacation in excess of the maximum will be forfeited.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

#### C. Sick Leave

The City provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries <u>in accordance with Oregon's Sick Leave Law</u>. Regular full-time employees and regular part-time employees are eligible.

Eligible employees will accrue sick leave benefits at the rate of twelve (12) days per year (1 day for every full month of service). Sick leave benefits are calculated on the basis of a "benefit year," the 12-month period that begins when the employee starts to earn sick leave benefits.

An eligible employee may use sick leave benefits for an absence due to his or her own illness or injury or for the illness, injury or death of a family member.

Introductory employees shall accrue sick leave commencing with the first full month of employment.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence. If an employee is absent for three (3) or more consecutive days due to illness or injury, a physician's statement must be provided verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well

and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave absence of three (3) calendar days or more, an employee must provide a physician's verification that he or she may safely return to work. If an employee will be absent more than three (3) consecutive days for the illness, injury or death of a family member, that request must be made in writing to the City Manager stating the nature of the absence as well as the likely return to work date prior to using sick leave, if possible.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special form of compensation.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence not provided for within this policy. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

Sick leave used for other reasons other than those specified here may be subject to disciplinary action, up to and including termination.

## **Use of Sick Leave**

Sick leave may be used each calendar year for any of the following reasons:

- For the diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her their covered family member.
  - "Family member" means the eligible employee's spouse, same gender domestic partner (as described in ORS 106.300 to 106.340) or registered domestic partner, biological child or the child's spouse or registered domestic partner, adopted child, stepchild, foster child; same-gender domestic partner's child, sibling, or stepsibling or the sibling's or stepsibling's spouse or registered domestic partner, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner's parent, grandparent, or the grandparent's spouse or registered domestic partner, grandchild or the grandchild's spouse or registered comestic partner; and any individual with whom the employee has or had an in loce parentis relationship or an individual related by blood or affinity whose close association with a covered employee is the equivalent of a family relationship.
- For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
- If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault a bias crime or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
- In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

## **Employee Notice of Need for Sick Leave**

Foreseeable Sick Leave. If the need for sick leave is foreseeable, an employee must notify the City Manager as soon as practicable before the leave is to begin. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the City. Employees must notify the City Manager of any change in the expected duration of sick leave as soon as is practicable.

*Unforeseeable Sick Leave*: If the need for sick leave is unforeseeable, the employee must notify the City Manager as soon as practicable and comply generally with City's call-in procedures.

An employee must contact the City Manager daily while on sick leave, unless—an extended period of sick leave has been prearranged with the City Manager -or when off work on protected leave. The employee shall inform his/her their supervisor of any change in the duration of sick leave as soon as practicable.

If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the organization and operations, the City may deny the use and legal protections of sick leave.

#### **Sick Leave Documentation**

If an employee takes more than three consecutive scheduled workdays as sick leave, the City may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault or stalking.

## **Sick Leave Abuse**

If the City suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, City of Nehalem may require documentation from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

# Carryover

Sick leave is meant to be used or carried over; any unused sick leave has no monetary value and will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of ninety (90) calendar days (or 720 hours) worth of sick leave benefits.

If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

# D. Paid Leave Oregon

In 2019, the Oregon Legislature amended the Oregon Family and Medical Leave Law. The amendment created a program known as Paid Leave Oregon. This program is administered by the Oregon Employment Department. Funding for the program comes from a charge to employers and employees based on a maximum contribution rate of 1% of the employee's wage. Leave may be taken, if approved by the State, for "serious health condition" or safety. Due to the limitations, this program does not replace the City Sick Leave program. However, an employee may not use the State program and receive City sick leave at the same time.

#### **Contributions**

The State will begin requiring contributions January 1, 2023. Employees will contribute 60% of the cost through payroll deductions, currently limited to 1% of the employee's wage. As an example: An employee's wage is \$4,166.66 per month; the 1% fee is \$41.66 per month, of which the employee pays \$25.00 each month. As a small employer, the City is not required to contribute.

# **Utilization**

Employees may start applying for this benefit with the State beginning September 3, 2023. The City will receive a report from the State indicating what employee was approved, the duration of the approval and the amount paid to the employee. Leave under this program may be taken for serious health condition of the employee or family member, to bond with a new child, adoption, or foster care placement or for an employee experiencing their own serious health condition or disability due to pregnancy. or for safety due to sexual assault, domestic violence, harassment, bias or stalking. The Paid Leave Oregon program also allows employees to take an additional two (2) weeks of Paid Leave for pregnancy, childbirth, or related medical conditions. Eligibility details are available online at paidleave.oregon.gov.

## **Benefit Premiums**

Employees receiving Paid Leave under the Paid Leave Oregon program are required to continue paying benefit premiums for which they are enrolled that are typically deducted from the employee's payroll.

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## E. Holidays

The City recognizes 11 holidays each year. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week. The holidays celebrated are:

- New Year's Day
- Martin Luther King, Jr.'s Birthday
- Presidents Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day

- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Every day appointed by the Governor as a holiday

Discretionary Holidays - Suspension of Work: When the day before Christmas or the day before New Year's Day are normal workdays, work may be suspended at noon at the discretion of the City Manager, consistent with the needs of the City. When work is so suspended, employees shall work from 8:00 a.m. until noon. At the City Manager's discretion, he or she may suspend work for the entire day, depending on the needs of the City.

The City will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classifications are regular full-time employees, regular part-time employees and introductory employees.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay or sick leave (whichever is appropriate) will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at one and one-half times their straight-time rate for the hours worked on the holiday.

Paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is warranted or not.

A holiday that falls on a weekend will be observed on either the preceding Friday or the following Monday to coincide with local custom.

To be eligible for holiday pay, an employee must have worked his/her their regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under City policy. If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

# F. Family Medical Leave - Statement of No FMLA/OFLA Coverage

City of Nehalem employees are not eligible for leaves of absence under the Oregon Family Leave Act (OFLA) or the federal Family Medical Leave Act (FMLA) due to the entity's small size. However, the City provides family leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a spouse, same sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same sex domestic partner (registered) or spouse with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

Regular full-time and regular part-time employees are eligible to request family leave as described in this policy.

Eligible employees should make requests for family leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting family leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time required.

Eligible employees may request up to a maximum of 12 weeks of family leave within any 12 month one-year period, in a calendar year. Any combination of family leave and medical leave may not exceed this maximum limit. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 30 calendar days. Employees will be required to first use any accrued paid leave time before taking unpaid family leave. Married employee couples may be restricted to a combined total of 12 weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to provide health insurance benefits for the full period of the approved family leave

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide the City with at least two weeks advance notice of the date the employee intends to return to work. When a family leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

Employees returning from family leave taken for their own health condition may be required to provide a medical release to return to work prior to or upon return indicating they are able to return to work and whether there are any restrictions.

If an employee fails to return to work on the agreed upon return date, the City will assume that the employee has resigned.

The City will honor requests from eligible employees to take a leave of absence under the Oregon Military Family Leave Act. Thus, during a period of military conflict, as defined by law, eligible employees with a spouse or registered <a href="mailto:same-sex\_domestic">same-sex\_domestic</a> partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment. To be an eligible employee and entitled to this leave, the employee must have worked an average of 20 hours per week prior to beginning the requested leave.

# G. Leave Donation

The City of Nehalem has implemented a leave donation program to allow employees to voluntarily donate sick, vacation, or compensatory time off to another employee who exhausts, or is likely to exhaust, accumulated paid leave due to an employee's family medical emergency that would otherwise likely cause the employee to take unpaid leave or terminate employment. A "family medical emergency" is defined as a medical condition of the employee or an immediate family member that will require prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, child, or parent.

Any City employee who has worked at least six months in a benefits-eligible position is eligible to participate in the program as a recipient. Any employee who has sick, vacation or compensatory time available may participate in the program as a donor. Donations may be made between any employees. The City of Nehalem will keep donations confidential and donors will remain anonymous.

Employees seeking donated leave must provide the City of Nehalem with medical verification of the need for the time off, which includes a certification of the employee's or family member's medical emergency and need for time off, and an estimated return-to-work date (if any).

An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability, or other supplemental income is not eligible to receive donated leave. An eligible employee must apply for the City-offered short-term disability, if available, and long-term disability benefits.

Employees who receive donated leave may receive no more than 40 hours within a calendar year. Any paid sick leave not used by the recipient for the specified incident will be returned to the donor employee.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

Employees who would like to request donated leave are required to complete a Donated Leave Request Form and submit it to the City Manager.

## H.Bereavement Leave

Up to 80 hours of bereavement leave will be granted to employees. This leave is provided to employees who have experienced the death of a family member and will be deducted from the employee's sick leave bank (as provided by Oregon law). "Family Member" is defined to include the employee's spouse, same-sex—domestic partner (registered), child\_or\_the\_child's spouse or registered domestic partner, sibling or stepsibling or the sibling's or stepsibling's spouse or registered domestic partner, parent, parent-in-law, grandparent, or grandpartent's spouse or registered domestic partner, or grandchild, or the grandchild's spouse or registered domestic partner; or the same relations of an employee's same-sex domestic partner (registered) or spouse an individual related by blood or affinity whose close association with an employee taking bereavement leave is the equivalent of a family relationship.

Employees who wish to take bereavement leave must inform the City Manager as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, verbal notice must be provided within 24 hours of beginning leave. Written notice must be provided to the City within three days of returning to work. Employees are required to use any available sick leave during the period of bereavement leave; comp time or vacation time may be used if the employee has no available sick leave.

# I. Jury and Witness Duty Jury Duty

Paid judicial leave shall be granted to all employees in accordance with the provisions of State law, for jury duty or as a witness in a legal proceeding. Employees may retain any compensation received for jury duty or as a witness, to cover travel and other related expenses, except in those instances where an employee is called to testify as an expert witness in a proceeding not involving the City. In those cases, employees must remit any compensation received, minus the costs of travel, to the City.

It is the responsibility of the employee to report to work for the remainder of their normal shift if their legal responsibilities do not exceed the work day.

## Witness Duty

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to the City Manager upon receipt.

Except for employee absences covered under City of Nehalem's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

# J. Reliaious Observances Leave and Accommodation Policy

The City of Nehalem respects the sincerely held religious beliefs and observances of all employees. The City of Nehalem will make, upon request, an accommodation for such beliefs and observances when a reasonable accommodation is available that does not create an undue hardship on the City of Nehalem's business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with the City Manager and may require the requesting employee to provide proof of the "sincerely held" religious belief.

# K. Crime Victim Leave Policy

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his/her their immediate family member (defined below) has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered same sex domestic partner, father, mother, sibling, child, stepchild or grandparent of the employee.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period;
- Provide as much advance notice as is practicable of <u>his/her their</u> intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to the City Manager as far in advance as
  possible, indicating the amount of time needed, when the time will be needed,
  and the reason for the leave.

In all circumstances, City of Nehalem may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

L. Domestic Violence Leave and Accommodation Policy
All employees are eligible for reasonable unpaid leave to address domestic violence or the crimes of pharassment, sexual assault, bias or stalking of the employee or his/her their minor dependents.

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued comp time, vacation or sick leave while on this type of leave. <u>Employees should also determine whether Paid Leave Oregon may provide pay during this type of leave. See the "Paid Leave Oregon" policy for mor information.</u>

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his/her their intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to the City Manager as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The City of Nehalem may will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give the City of Nehalem notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault bias <u>crimes</u> or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on the City of Nehalem. Please contact the City Manager immediately with requests for reasonable safety accommodations.

## M. Military Leave

Employees who wish to serve in the military and take military leave should contact the City Manager for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the

United States Public Health Service, may be are entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 21 calendar work days in any federal training fiscal year (October 15th through September 30th) (for training, provided the employee is employed at least six months prior to the leave. Employees who have not worked for the City of Nehalem for six months will also receive up to 21 workdays in any federal fiscal year for the same purposes, but such leave will not be paid. Employees are not required to take their leave in one block of time but may use the paid leave allowed under this rule over the course of the federal fiscal year. The actual number of paid work hours allowed is dependent on the employee's standard work schedule but must be consistent with the intent of this rule. Employees may use military leave for active duty or inactive duty for training, state active duty and duty under Title 10 or 32 of the United State Code. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact the City Manager for more information and to make arrangements for this paid leave.

IV. Employee Benefits

#### A. Healthcare Benefits

Employees who meet the definition of "benefit eligible" under both <u>City of Nehalem</u> policy and that of its health insurance provider are entitled to the benefit options offered by the City of Nehalem. Generally speaking, that means <u>the City</u> of Nehalem offers medical, dental and vision insurance for all of its regular, full-time and part-time employees unless otherwise established by law. The City of Nehalem pays the cost of individual coverage for its regular, full-time employees, their spouse and dependents. Employees become eligible for health insurance the first month after thirty (30) days of continuous employment.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by <a href="mailto:the-city">the-City</a> of Nehalem. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by <a href="mailto:the-city">the-City</a> of Nehalem, employees will be advised and provided with copies of relevant plan documents. Copies are available from the City Manager.

## B. HRA VEBA Plan

The City of Nehalem offers a HRA VEBA plan to employees upon the first month after thirty (30) days of continuous employment. The health reimbursement arrangement (HRA) is an account-based health plan you can use, after becoming claims-eligible, to reimburse your qualified out-of-pocket medical care costs as defined by the IRS. Common qualified expenses include co-pays, deductibles, prescription drugs, retiree insurance premiums, etc. An HRA is not an insurance plan, and you do not pay a premium. Your account is funded with contributions from the City. Assets are held in a voluntary employees' beneficiary association (VEBA) trust. Employer contributions, investment earnings, and medical care reimbursements (claims) are tax-free and do not require any tax reporting.

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#### C. Life Insurance & ADD

The City offers life insurance and Accidental Death/Dismemberment (ADD) to employees upon the first month after thirty (30) days of continuous employment. The amount is 1.5 times employee's gross salary to a maximum of \$75,000. Supplemental insurance, solely at employee's expense, is available through City's insurance carrier. Premiums are deducted from employee's salary.

## D. Employee Assistance Program (EAP)

This free, confidential service is provided by Cascade Centers Canopy and is available to all employees and dependents covered on a CIS Regence medical plan. The EAP can be used to assist employees and eligible family members with any personal problems, large or small. Each covered employee and eligible family members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol or drug abuse, grieving a loss, and career development services.

Cascade Centers Canopy also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting the City Manager, or you can contact Cascade Centers Canopy directly at 1-800-433-2320, or at ww.cacadecenters.com www.canopywell.com.

# E. Workers' Compensation and Safety on the Job

You are protected by workers' compensation insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

## Steps to Take if You are Injured on the Job

If you are injured on the job, the City of Nehalem wants to know about it immediately and expects to learn about it no later than 24 hours after your injury (report all work-related injuries to the City Manager).

If you seek treatment for your work-related injury and want to apply for workers' compensation benefits, you must do all of the following:

- 1. Report any work-related injury to the City Manager. You must report the injury no later than 24 hours after injury.
- 2. Seek medical treatment and follow-up care if required.
- Promptly complete a written Employee's Claim Form (Form 801) and return it to the City Manager.

Failure to timely follow these steps may negatively affect your ability to receive benefits.

#### Return to Work

If you require workers' compensation leave, City of Nehalem will strive to reemploy you in the most suitable vacant position available at the conclusion of that leave. However, you must first submit documentation from a health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of the position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. City of Nehalem does not discriminate against employees who suffer a workplace injury or illness.

# Early Return-to-Work Program

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by City of Nehalem, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines that you are able to perform modified work, City of Nehalem will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except where provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with City of Nehalem. While you are on modified or transitional work, you are still subject to all other City of Nehalem rules and procedures.

# F. Retirement Program

The City's retirement program is conducted through the Simplified Employee Pension (SEP) Plan. The City contributes ten percent (10%) of the employee's gross wages each month. To be eligible for the retirement program, an employee must be at least 21 years old and have been employed by the City for at least one continuous year. for employee's first year, the City will accrue the liability for 10% contribution but shall not make actual payment until the employee has completed one full year of continuous employment. If the employee does not complete the full year, the City will not make any contribution.

It is the responsibility of each employee to keep the City Manager's Office informed of where SEP funds are to be deposited. SEP funds cannot be turned over directly to an employee.

Each employee's gross wages have the Federal Social Security tax withholding deducted from their monthly checks. The Social Security withholding is based on each employee's earnings up to a specified limit that is called the Social Security "wage base." The City matches the amount of Social Security taxes paid by each employee on a 1 to 1 basis.

Upon retirement, an employee may elect to continue health insurance coverage for themselves and their family through the City's insurance carrier, up until the time they become Medicare eligible. If an employee elects to do this upon retirement, they will be fully responsible for paying all of the expenses for their health insurance coverage. An employee should notify the City Manager's Office sixty (60) days in advance, in writing, before their final day of employment before retirement. Please contact the City Manager's Office for more information on the SEP, Social Security, continued medical coverage or any other question concerning retirement.

# V. Miscellaneous Policies

# A. Alcohol/Drug Use, Abuse and Testing

The City of Nehalem works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to City of Nehalem's reputation.

The City of Nehalem expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement provisions). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

# **Prohibited Conduct**

- Possession, transfer, use or being under the influence of any alcohol while on City
  of Nehalem property, on City of Nehalem time, while driving City of Nehalem
  vehicles (or personal vehicles while on City of Nehalem business), or in other
  circumstances which adversely affect the City of Nehalem operations or safety
  of City of Nehalem employees or others.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within eight four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content

exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.

- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City of Nehalem property, on City of Nehalem time, while driving City of Nehalem vehicles (or personal vehicles while on City of Nehalem business), or in other circumstances which adversely affect City of Nehalem operations or safety of City of Nehalem employees.
  - o The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree (see definition of "reasonable cause testing" below), and if the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
  - As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to City of Nehalem property, or possessing, items or objects on City of Nehalem property that contain any "controlled substance," including, for example, "pot brownies", "edibles" and candy containing marijuana. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in City of Nehalem property.
- Bringing equipment or any devices marketed for use or designed specifically for
  use in ingesting, inhaling or otherwise introducing marijuana or controlled
  substances, such as pipes, bongs, "vape" pens, smoking masks, roach clips,
  and/or other drug paraphernalia.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City of Nehalem property.

# Prescription Drugs and Medical Marijuana

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or City of Nehalem operations.

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect City of Nehalem

operations or safety of City of Nehalem employees or other persons, City of Nehalem may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide City of Nehalem with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their Supervisor other means of accommodating the disability in the workplace, as City of Nehalem will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy"," above.).

### <u>Testing</u>

City of Nehalem reserves the right to:

- a. Subject applicants who are given a condition offer of employment in a safetysensitive position to a drug and alcohol test;
- Test employees reasonably suspected of using drugs or alcohol in violation of this policy:
- c. Discipline or discharge employee who test positive or otherwise violate this policy; and
- d. Test employees when they: (1) cause or contribute to accidents that seriously damage a City of Nehalem vehicle, machinery, equipment or property; (2) result in an injury to themselves or another employee requiring offsite medical attention; or (3) when City of Nehalem reasonably suspects that the accident or injury may have been caused by drug or alcohol use.

### Reasonable Cause Testing

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this policy, the City of Nehalem may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the City Manager or the City Manager's designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances

which can constitute a basis for determining "reasonable cause" may include, but are not limited to:

- o a pattern of abnormal or erratic behavior;
- o information provided by a reliable and credible source;
- o direct observation of drug or alcohol use;
- presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
- o unexplained significant deterioration in individual job performance;
- o unexplained or suspicious absenteeism or tardiness;
- o employee admissions regarding drug or alcohol use; and
- unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to the City Manager. Whenever possible, supervisors should locate a second employee or witness to corroborate their "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the City Manager. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

### Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City of Nehalem property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, City of Nehalem may search any furniture, equipment or property provided by the City of Nehalem to the employee, including but not limited to, clothes (uniforms), locker, toolbox, and desk. Employees should have no expectation of privacy in any-property, equipment or supplies provided by the City of Nehalem to employee.

### Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or

alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

### Crimes Involving Drugs and/or Alcohol

Employees shall report the following within one business day of the event:

- Any criminal arrest or conviction for drug- or alcohol-related activity\_within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

### **Drug and Alcohol Treatment**

The City of Nehalem recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The City of Nehalem is willing to help such employees obtain appropriate treatment.

An employee who believes that he/she they have has a problem involving the use of alcohol or drugs should ask a supervisor or the City Manager for assistance.

The City of Nehalem will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and City of Nehalem to the extent its existing benefits package covers some or all of the program costs.

Although the City of Nehalem recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance before drug or alcohol problems lead to disciplinary action. Once a violation of City policy is discovered, the employee's willingness to seek City or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

### <u>Discipline and Consequences of Prohibited Conduct</u>

An employee who violates this policy will be subject to either termination or a last-chance agreement.

A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address his/her their substance abuse issue and/or performance or safety issues. The last-chance agreement will inform the employee of the problems noted with his/her their performance and to specify the performance required for the employee to achieve in order to continue to be employed by City of Nehalem. Violation of the provisions of a last-chance agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

### Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or the City of Nehalem is prohibited unless written authorization is obtained from the employee.

### B. Mobile Devices Policy

This policy applies to employee use of cell phones, smart phones, tablets and similar devices, all of which are referred to as "mobile devices" in this policy.

### Cell Phones and Mobile Devices in General

Employees are allowed to bring personal mobile devices to work with them. While the City recognizes that employees must occasionally make and receive personal calls, employees should practice discretion and limit use to meal or rest breaks whenever possible.

Employees who use personal or City of Nehalem-provided mobile devices may not violate City of Nehalem's policies against harassment, bullying and discrimination. Thus, employees who use a personal or City of Nehalem-provided mobile device to send a text or instant message or DM to another employee (or to a citizen or someone not employed by the City of Nehalem) that is harassing or otherwise in violation of City of Nehalem's policies prohibiting discrimination, harassment, bullying and retaliation will be subject to discipline up to and including termination.

Non\_exempt employees may not use their personal or City of Nehalem-provided mobile device for work purposes outside of their normal work schedule without authorization in advance from the City Manager except while traveling for pre-approved City business. This includes, but is not limited to, reviewing, sending and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination. Nothing in this policy removes a nonexempt employee's obligation from recording time for all hours worked.

### Employee Use of City of Nehalem-Provided or Paid For Mobile Devices

Mobile devices are made available to City of Nehalem employees on a limited basis to conduct City of Nehalem's business. Determinations as to which employees receive City of Nehalem-provided mobile devices will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device. In some cases, the City of Nehalem may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the City away from the office (see City Manager for more information.

Employees who receive a mobile device from City of Nehalem must agree to not use the mobile device for personal use except in emergency situations and must abide by all aspects of the Mobile Device Policy. Further, employees who receive a cell phone or mobile device from City of Nehalem must acknowledge and understand that because the mobile device is paid for and provided by City of Nehalem, or subsidized by <a href="mailto:the-City">the-City</a> of Nehalem, any communications (including text messages) received by or sent from the mobile device may be subject to inspection and review if <a href="mailto:the-City">the-City</a> of Nehalem has reasonable grounds to believe that the employee's use of the cell phone violates any

aspect of the Mobile Device Policy or any other City of Nehalem policy. <u>Employees should have no reasonable expectation of privacy in a City of Nehalem-provided or paid for mobile device.</u> An employee who refuses to provide City of Nehalem access to <u>his/her their</u> personal mobile device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Family and friends may not use an employee's City of Nehalem-provided mobile device.

### Mobile Devices and Public Records

City of Nehalem-related business conducted on <a href="mailto:the-city">the City</a> of Nehalem-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against <a href="mailto:the-city">the City</a> of Nehalem or individual employees.

### Employee Use of Mobile Devices with Cameras

Cameras of any type, including mobile devices with built-in cameras and video photography options, may not be used during working hours, or at any City of Nehalemsponsored function unless authorized to do so by the City Manager.

### Mobile Device Use While Driving

The use of a mobile device while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of City of Nehalem vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by the City of Nehalem.

Employees are prohibited from using handheld cell phones for any purpose while driving on City of Nehalem-authorized or City of Nehalem-related business. This policy also prohibits employees from using a cell phone or other mobile device to send or receive text or "instant" messages or DM's while driving on City of Nehalem business. Should an employee need to make a business call while driving, the employee must locate a lawfully designated area to park and make the call, unless the employee uses a handsfree cell phone or cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

### C. Use of City of Nehalem Email and Electronic Equipment and Services

City of Nehalem uses multiple types of electronic equipment and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, the Internet and any new technologies used in the future. This policy governs the use of such City of Nehalem property.

### Ownership

All information and communications in any format, stored by any means on or received or transmitted via City of Nehalem's electronic equipment or services is the sole property of the City of Nehalem.

### Use

All of City of Nehalem's electronic equipment and services are provided and intended for City of Nehalem business purposes only and not for personal matters, communications or entertainment. Access to the Internet, websites and other electronic services paid for by City of Nehalem are to be used for City of Nehalem business enly. This means, for example, that employees may not use the City of Nehalem-provided Internet, or City of Nehalem electronic equipment and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate City of Nehalem's no-harassment, no-discrimination or bullying policies;
- Play games (including social media games) or to use apps of any kind;
- Engage in any activity that violates the rights of any person or City of Nehalem, and that is protected by copyright, trade secrets, patent or other intellectual property (or similar laws or regulations);
- Engage in any activity that violates the right to privacy, of protected healthcare information or otherwise, or other City of Nehalem-specific confidential information;
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, <u>spyware</u>, <u>adware</u> and <u>other malware</u> <u>worms</u>, <u>Trojan horses</u>).
- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use City of Nehalem-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City of Nehalem email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the City Manager.

### Inspection and Monitoring – No Right to Privacy

Employee communications, both business and personal, made using City of Nehalem electronic equipment and services are not private. Any data created, received or transmitted using City of Nehalem equipment services are the property of City of Nehalem and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on City of Nehalem's electronic equipment or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect City of Nehalem's ownership of the electronic information, electronic equipment or services, or City of Nehalem's right to inspect such information. City of Nehalem reserves the right to access and review electronic files,

documents, archived material, messages, email, voicemail and other such material to monitor the use of all of City of Nehalem's electronic equipment and services, including all communications and internet usage and resources/sites visited. City of Nehalem will override all personal passwords if it becomes necessary to do so for any reason.

### Personal Hardware and Software

Employees may not install personal hardware or software on City of Nehalem's computer systems or mobile devices without approval from the City Manager. All software installed on City of Nehalem's computer systems must be licensed. Copying or transferring of City of Nehalem-owned software to a personal device/equipment may be done only for personal devices/equipment used for City of Nehalem business and with the written authorization of the City Manager.

### **Unauthorized Access**

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City of Nehalem management. No employee can examine, change or use another person's files, output, username or password unless <a href="her/she has they have">he/she has they have</a> explicit authorization from the City Manager to do so.

### Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception. These methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

### Inappropriate Web Sites

City of Nehalem's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate City of Nehalem's policies on harassment and discrimination.

### D. Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with City of Nehalem, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of coworkers, or otherwise adversely affects our citizens or people who work on behalf of the City of Nehalem or the City of Nehalem's legitimate business interests may result in disciplinary action up to and including termination.

### **Prohibited Postings**

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any City of Nehalem policies, including City of Nehalem's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence, that are physically threatening or intimidating, bullying or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

Do not create a link from your blog, website or other social networking site to a City of Nehalem-owned or maintained website without identifying yourself as a City of Nehalem employee.

Express only your personal opinions. Never represent yourself as a spokesperson for City of Nehalem, unless you are authorized by the City Manager to do so. If the City of Nehalem is a subject of the content you are creating, be clear and open about the fact that you are a City of Nehalem employee, and make it clear that your views do not represent those of City of Nehalem or its employees or elected officials.

### **Encouraged Conduct**

Always be fair and courteous to co-workers, the citizens we serve, the City of Nehalem's employees and elected officials, and suppliers or other third parties who do business with the City of Nehalem.

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers, or by utilizing our Open-Door Policy, than by posting complaints to a social media outlet. If you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, City of Nehalem employees or elected officials, that might constitute harassment or bullying, and/or that violate City of Nehalem policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City of Nehalem policy.

Maintain the confidentiality of City of Nehalem's confidential information. Do not post internal reports, policies, procedures or other internal, City of Nehalem-related confidential communications or information. (See "Confidential City of Nehalem Information" policy, below.)

Nothing in this policy is meant to prevent an employee from exercising his/her their right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt City of Nehalem operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against the City of Nehalem's interest in the effective and efficient fulfillment of its responsibilities to the public.

### Request for Employee Social Media Passwords

City of Nehalem's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's user-name—and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by City of Nehalem.

Nothing in this policy prohibits City of Nehalem from requiring an employee to produce content from <a href="his/her their">his/her their</a> social media or internet account in connection with a City of Nehalem-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

### E. Confidential City of Nehalem Information

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with City of Nehalem policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of City of Nehalem) may be removed from our premises without permission from the City Manager. Likewise, any materials developed by City of Nehalem's employees in the performance of their jobs is the property of City of Nehalem and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained in regard to the City of Nehalem's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

### F. Ethics

At the City of Nehalem, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of the City of Nehalem or the City of Nehalem's citizens.

We at the City of Nehalem are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the City of Nehalem from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: http://www.oregon.gov/OGEC.

If you have questions about whether an activity meets the City of Nehalem's or Oregon's ethical standards, please talk with the City Manager. Employees who violate the Ethics Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

### G. Open-Door Policy

City of Nehalem's Open Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. City of Nehalem's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in City of Nehalem, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the City Manager.

### H. Outside Employment

Generally, employees may obtain employment with an employer other than City of Nehalem or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of City of Nehalem time (including the employee's work time), City of Nehalem facilities, equipment and supplies, or the prestige or influence of the employee's position with City of Nehalem. In other words, the employee may not engage in private business interests or other employment activities on the City of Nehalem's time or using the City of Nehalem's property;
- The performance of an act that may later be subject to control, inspection, review
  or audit by the department for whom the employee works (or by a State agency);
- Receipt of money or anything of value for performance of duties that the employee is required to perform for the City of Nehalem.

The City of Nehalem requires employees to report outside employment to the City Manager before the outside employment begins. Thereafter, an employee must provide an update to the City Manager on an annual basis, or sooner if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

### I. Employee Medical Examinations

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After an offer of employment has been made to an applicant within the Public Works Department, a medical examination may be performed, at the City's expense, by a health professional of the City's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

### J. Background Checks

Background checks are conducted to ensure the continuing safety of our workforce and citizens, and the security of City resources. It is the policy of the City to conduct and/or request driving, criminal, civil, financial, employment, personal references and/or other background records and checks appropriate to the position on final external applicants for City positions.

All existing employees who must operate City-owned vehicles and equipment shall give consent to having periodic driver's record checks performed by the City at no cost to the employee. All employees are required to report all criminal convictions and injunctions or restraining orders filed against them to the City Manager (see Section K).

All job applicants will be advised in writing that an appropriate background/record investigation is requested of the final candidates. All applicants who reach the final selection stage must sign a consent waiver permitting access to their records. Final candidates will be notified that any offer of employment with the City is contingent upon passing the background check. If there is significant delay before the records investigation is complete, the applicant may begin working but only under the direct supervision and with written notification that employment may be terminated if a record is revealed that would justify doing so.

Use of the record and/or a third-party investigator will trigger reporting requirements under the Fair Credit Reporting Act (FCRA). These include providing the applicant or employee with a notice of the decision not to hire or other employment actions, a copy of the report, and a copy of his/her FCRA rights before any adverse action is taken.

Background checks and records are confidential and shall not be subject to disclosure or be considered a public record, except for those specifically authorized by law.

If an adverse record is found, the City Manager will evaluate whether that record will have an adverse effect on the City. In making his/her determination, the City Manager may use, but not be limited to, the following criteria:

- Whether the City's interests justify termination of employment or disqualification of the applicant based on the background record;
- Whether the applicant/incumbent disclosed the information on the employment application or otherwise informed their supervisor and City Manager;
- The nature and gravity of the offense and whether it indicates a propensity to cause harm to other employees, citizens in the community or the City itself;
- The time that has passed since the conviction or completion of sentence (if applicable);
- Whether the individual completed treatment or rehabilitation (if applicable);
- The relationship between the nature of the offense and the job in question; and/or
- Whether the hiring or continued employment of an applicant/employee would violate a tenet of this Personnel Handbook (i.e., Code of Ethics, etc.) or other City policy, Ordinance or Resolution.

### K. Criminal Arrests and Convictions

Employees must promptly and fully disclose to their supervisor on the next working day:

- 1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City of Nehalem property, or in a City of Nehalem vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above);
- 2. All arrests, citations, convictions, guilty pleas or no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or
- 3. If you are arrested, cited or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or vacation time to cover the absence, and may be subject to disciplinary action, including termination.

### L. Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City presents to customers and visitors.

During business hours or when representing the City, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself

according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with customers or visitors in person.

The City Manager is responsible for establishing a reasonable dress code appropriate to the job you perform. If the City Manager feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult the City Manager if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

Without unduly restricting individual tastes, the following personal appearance guidelines should be followed:

- Shoes must provide safe, secure footing, and offer protection against hazards.
- Tank tops, tube or halter tops, or shorts may not be worn under any circumstances.
- Hairstyles are expected to be in good taste.
- Unnaturally colored hair and extreme hairstyles, such as spiked hair and shaved heads, do not present an appropriate professional appearance.
- Offensive body odor and poor personal hygiene is net professionally acceptable.
- Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
- Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.
- Facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, is not professionally appropriate and must not be worn during business hours.
- Multiple ear piercings (more than one ring in each ear) are not professionally appropriate and must not be worn during business hours.
- Torse body piercing with visible jewelry or jewelry that can be seen through or under clothing must not be worn during business hours.
- Visible excessive tattoos and similar body art should be covered during business hours.

### M. Political Activity

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

 Be required to give money or services to aid any political committee or any political campaign;

- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of City of Nehalem employees to express their personal political views); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

### N. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City of Nehalem (see "Holidays" section, above), City of Nehalem is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Manager (or his/her their designee) will decide whether to and to what extent the City of Nehalem will close.

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve the City of Nehalem from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides.

### O. Driving While on Business

Employees using a private vehicle to conduct City of Nehalem's business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized City of Nehalem business use should make any necessary arrangements with their insurance carriers.

The City of Nehalem may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment if driving is an essential function of their job or if so, doing relates to a legitimate business purpose of the City of Nehalem. Once you are employed with the City of Nehalem, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify the City of Nehalem when there are transactions on your driving record such as speeding tickets and citations.

While on City of Nehalem business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Mobile Device Use While Driving" policy, above.

Employees who receive a ticket or citation while driving a City of Nehalem-owned vehicle or while on City of Nehalem business will be responsible for paying the fine (if any)

associated with the ticket or citation and may face discipline up to and including termination.

### P. Workplace Violence

The City of Nehalem recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by City of Nehalem.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City of Nehalem, or that threaten the safety, security or financial interests of City of Nehalem. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer or elected official. Employees should make such reports directly to the City Manager.

The City of Nehalem also may conduct an investigation of a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."

### Q. Workplace Inspections — No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by the City of Nehalem pursuant to policy, <u>established pratice</u> or law unless otherwise <u>modified\_addressed</u> by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail/phone systems and computer systems (including email accounts maintained by the City of Nehalem and internet browsing history). Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail/phone and computer systems assigned to them by the City of Nehalem; these areas are not private.

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

### R. Smoke-Free Workplace

City of Nehalem Code, Chapter 34, Section 34.01 prohibits the smoking of tobacco products on all city property, providing a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars and ecigarettes), and the use of oral tobacco products or "chew/spit" tobacco. Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to City of Nehalem property, vehicles or facilities/buildings.

All City of Nehalem property, buildings and vehicles are tobacco- and marijuana-free areas. Tobacco/marijuana use is prohibited during working hours. Further, the City of Nehalem prohibits tobacco/marijuana use in or around City of Nehalem property, vehicles and equipment or machinery.

If you wish to smoke tobacco, you must do so outside of City of Nehalem's property, and facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows.

### S. Hiring of Family Members

Relatives of current employees, or individuals involved in an intimate personal or financial relationship with a current employee, are eligible for hire at the City of Nehalem subject to the same selection process and job requirements and will be evaluated in the same manner as any other applicant. However, persons will not be hired or promoted into positions in which one family member (as defined by Oregon law) or person involved in an intimate personal or financial relationship, would fall under the direct line of supervision of the other family member or partner.

All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. If the relative relationship is established after employment as a result of organizational restructure, marriage, or a development of an intimate personal or financial relationship, the employees involved have an obligation to immediately inform the City Manager. The employees and City of Nehalem will jointly make a good faith effort to find an alternative assignment for one of the two employees. Depending on business need, this may include, but is not limited to restructuring duties, assignment to another position, and assignment to another shift or change in supervision. If no alternative assignment is available, the two employees will have 30 days to decide who will resign. If a decision is not made within 30 days, the City of Nehalem will make the final decision, based on the City of Nehalem's operational and financial needs.

Policy violations including, but not limited to, failure to disclose a family relation, or an intimate personal or financial relationship, will be investigated by the City of Nehalem. Policy violations may result in progressive discipline of employees, up to and including termination of employment. Supervisors and lead workers may be disciplined for taking employment actions based upon the relationship.

### **VI.** Termination of Employment

### A. Workplace Rules and Prohibited Conduct

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and City of Nehalem's operations, some of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

• Falsification of employment or other City of Nehalem records.

- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any City of Nehalem property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of City of Nehalem equipment, materials or facilities.
- Provoking a fight or fighting during work hours or on City of Nehalem property.
- Carrying firearms or any other dangerous weapon on City of Nehalem premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating or participating in a significant or substantial disruption of work during working hours on City of Nehalem property.
- Insubordination, including but not limited to failure or refusal to <a href="ebby">obey</a> follow the <a href="ebby">lawful</a> orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City of Nehalem employee, customer or vendor.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.
- Failure to observe work schedules, including rest breaks and meal periods. You
   <u>Employees</u> are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job on the job; faking illness or injury to avoid working.
- Excessive personal telephone calls or texting during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City of Nehalem.
- Misrepresentation of City of Nehalem policies, practices, procedures, or your status or authority to enter into agreements on behalf of the City of Nehalem. Employees may not use the City of Nehalem's name, logo, likeness, facilities, assets or other resources of the City of Nehalem for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or City of Nehalem policy, rule or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City of Nehalem or outside regulatory or legislative bodies.
- Failing to timely pay water/tax accounts with City of Nehalem on time, and/or whose City of Nehalem -provided services are disconnected. This includes, without limitation, situations where the employee writes a check to the City of Nehalem that is refused for payment due to non-sufficient funds.
- Harassment or discrimination that violates City of Nehalem policy.

This statement of prohibited conduct does not alter the City of Nehalem's policy of atwill employment. Except for employees subject to a collective bargaining agreement or contract of employment, the City of Nehalem remains free to terminate the employment relationship at any time, with or without cause or notice.

B. Corrective Action/Discipline Policy

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet City of Nehalem standards, City of Nehalem will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating the employment of an employee for serious violations of City of Nehalem policies, procedures and rules and for other inappropriate behavior or conduct, City of Nehalem may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. The City of Nehalem may also choose to send the employee to a training or an education opportunity.

In all cases, the City of Nehalem will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. The City of Nehalem may proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when City of Nehalem deems such action appropriate. City of Nehalem retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

### B. Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give the City of Nehalem as much notice as possible — preferably a minimum of two weeks. When giving your two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two weeks' notice of your intent to leave City of Nehalem, you will not be eligible for re-employment at a later date.

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with the City Manager before making a final decision.

Employees must return all City of Nehalem property, including phones, computers, identification cards, credit cards, keys, and manuals, to the City Manager on or before their last day of work.

### C. References

All requests for references or recommendations must be directed the City Manager. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn

"recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.

By policy, the City of Nehalem discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

### **Employee Acknowledgement**

Acknowledgment of Receipt of Personnel Policies

City of Nehalem Employee Handbook, Updated December 2022 May 2024

Adopted

I acknowledge that I have received and will read a copy of the City of Nehalem Employee Handbook, Updated December 2022 May 2024. I also understand that a copy of the City of Nehalem Employee Handbook, Updated December 2022 May 2024 is available to me at any time to review in the City Manager's Office.

I understand that City of Nehalem has adopted the City of Nehalem Employee Handbook, Updated December 2022 May 2024 only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in City of Nehalem's sole discretion. I also understand that the City of Nehalem Employee Handbook, Updated December 2022 May 2024 control over any other contradictory statements. I acknowledge that the City of Nehalem Employee Handbook, Updated December 2022 May 2024 is not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either City of Nehalem or I may terminate my employment relationship at any time, for any lawful reason, with or without cause, and with or without notice. I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed or will review the City of Nehalem's policies regarding equal employment opportunity and that the City of Nehalem aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to Human Resources, the City Manager, or any trusted supervisor.

During my employment with the City of Nehalem, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new policies are issued, and to ask questions about any interpretation of any of the policies.

I have read this acknowledgement carefully before signing.

Employee Signature	Date
The original of this document will be kep	ot in the Employee's personnel file. A copy will be

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.

# **Memorandum of Understanding**

This Memorandum of Understanding (MOU) is to document and provide a mechanism for the City of Nehalem and the Emergency Volunteer Corps of Nehalem Bay to collaborate for the purpose of preparing for, and responding to, the safety of residents and visitors in the event of a natural or man-made disaster.

WHEREAS, the City of Nehalem supports the goal of preparing for the safety of residents and visitors following a natural or man-made disaster, and

WHEREAS, the City of Nehalem has identified goals associated with identifying and structuring its relationship with Emergency Volunteer Corps of Nehalem Bay (EVCNB) and

WHEREAS, the mission of the Emergency Volunteer Corps of Nehalem Bay (hereafter referred to as EVCNB) is to teach and encourage personal preparedness; demonstrate, promote and measure community emergency preparedness; support our region with technical expertise focused on evaluation of best practices for community resilience; actively support our community's emergency responders; and

WHEREAS, the EVCNB supports preparedness and community resilience in collaboration with governments and other local agencies and organizations in the Nehalem Bay region and offers leadership, knowledge, and expertise; training and education for residents; and assistance in planning for a regional community emergency response, and

WHEREAS, the City of Nehalem recognizes the value of EVCNB's mission because the mission directly benefits City of Nehalem and its mission,

WHEREAS, it is the shared goal of the City of Nehalem and EVCNB to collaborate.

BE IT HEREBY RESOLVED that the City of Nehalem enters into an agreement with EVCNB to:

- Provide use of its facility for meetings on a space available basis
- Contribute funding to EVCNB to support EVCNB's mission and provide other support services to City of Nehalem
- Provide, upon activation, Volunteer Insurance Coverage, which includes General Liability and Accident Medical, and provide EVCNB with a Certificate of Liability Insurance annually and with any changes.

BE IT HEREBY RESOLVED that during an emergency:

• The City may request the activation of EVCNB volunteers to help the City in their emergency response. When activated, the City agrees that all EVCNB volunteers will fall under the City's direction and responsibility. The volunteers will follow the Incident Command System structure during a declared emergency.

- When activated, the City agrees to provide either worker's compensation or Accidental Medical Coverage that satisfies Oregon law AND liability coverage to activated response volunteers while they are acting in the course and scope of their duties for the City as the commanding agency during an Emergency.
  - The Medical Reserve Corps (MRC) ALSO has an additional layer of "Professional Liability" covered by an entity such as the Tillamook County Community Health Center (TCCHC)."
- The City will, upon request by the EVCNB, share the appropriate insurance coverage language in its insurance policies with EVCNB.
- The City will inform EVCNB of required Activation procedures or protocols.
- Insurance Coverage:
  - Liability and Worker's Comp or other Accident Medical protections for the volunteer Changes Hands to the Activating Entity the moment volunteers are activated.
  - The Volunteer MUST SIgn In and Sign-Out.
  - Liability coverage follows the Activated Volunteer on Assignment wherever they deploy.

BE IT HEREBY RESOLVED that the EVCNB agrees to provide the following:

## **METHODS** of Cooperation

- On-going communication will continue between the Nehalem Contact and the EVCNB leadership
- Each organization will explore joint training courses, exercises, drills, and other cooperative efforts, such as regional disaster preparedness planning
- The City of Nehalem may request assistance on projects and/or EVCNB may provide proof of concept of a variety of disaster response/mitigation efforts as requested by the City of Nehalem
- Annually, or as requested, the City of Nehalem and EVCNB will review priorities for emergency preparedness for the purpose of setting specific objectives based upon the capacity of both entities
- During disaster situations, the EVCNB will support City of Nehalem efforts to the extent possible and will report under the City of Nehalem direction and responsibility after having been activated by an authorized City of Nehalem representative.

# TERMS of the Memorandum of Understanding

This MOU is effective from the date that the parties fully execute and sign the agreement until December 30, 2024. Each party will meet three (3) months prior to expiration to review the progress and success of the cooperative effort. Annual financial contributions and insurance coverage, as approved in the City of Nehalem budget, will be issued after the annual renewal of

this agreement. The parties may extend this MOU for additional periods by amendment. The MOU may be terminated by written notification from either party to the other at any time for any reason.

THIS MEMORANDUM OF UNDERSTANDING IS ACCEPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF Nehalem AND THE BOARD OF DIRECTORS OF THE EMERGENCY VOLUNTEER CORPS ON NEHALEM BAY ON THE DATE SPECIFIED BELOW.

CITY OF Nehalem	EMERGENCY VOLUNTEER CORPS OF NEHALEM BAY
Ву:	Ву:
Title:	Title:
Date:	Date:



Lori Longfellow City Manager City of Nehalem 35900 8<sup>th</sup> St. PO Box 143 Nehalem, OR 97131

April 29, 2024

RE: Nehalem Solid Waste Collection Franchise

Dear Lori:

In compliance with the terms of our franchise agreement, please find enclosed the following documents that make up the annual financial report:

- 1. Rate Review Report, which includes the following:
  - a. 2023 calendar year actual expenses, and all allowable expenses that we reasonably anticipate will be incurred in the upcoming rate year beginning July 1, 2024,
  - b. The allocation method used to allocate shared expenses,
  - c. The Operating Ratios for the preceding calendar year and the upcoming rate year, and
  - e. Projected Ratio with new proposed rates.
- 2. Proposed Rates for the City of Nehalem

One additional document, the third-party Financial Review, is not yet available but will be sent separately in the coming days.

Thank you for your patience and for the extra time to submit these documents to you as we have worked through lingering impacts of a cyber security incident that impacted all Recology sites during the last six months. We are happy to report that all systems are back online and Recology has taken considerable steps to prevent future incidents from occurring.

Despite the setbacks we incurred, on the ground services continued without noticeable impact to customers. We want to recognize our Coast operations teams who utilized both memory and experience to continue to provide safe and uninterrupted services over the past months.

Regarding the current rate review, inflationary and other pressures continued through 2023 and projections indicate that we will continue to see increasing costs in key areas that affect our collections operations. Here are some key drivers:

- Labor costs are up at the coast due to filling remaining vacancies and also for employee retention
- Disposal is up due to both increased labor costs and pass through disposal costs at the transfer station
- Fuel is up from the previous year (though there has been some softening lately in fuel prices)



- Supply chain issues continue to impact access to parts and equipment in addition to labor increases in our shop/maintenance service areas

Based on our projections for the upcoming rate year (July 1, 2024 – June 30, 2025), and to maintain the target Operating Ratio of 90% going forward, Recology is proposing a 3.9% increase across all service rates.

We appreciate the opportunity to provide these essential services to our neighbors in Nehalem. We take this obligation seriously, and we are committed to keeping our operations running as expected. We look forward to attending an upcoming council meeting, either in person or virtually. Dan Blue will be reaching out to you soon to coordinate scheduling.

Please let us know if you have any questions or need any additional information. You can reach out to me at (503) 803-4984 or by email at <a href="mailto:ccarey@recology.com">ccarey@recology.com</a> or to Dan Blue at 503-405-0261 or dblue@recology.com.

Respectfully,

Chris Carey General Manager

### RWO-NCC 2023-2024 Cost of Service Report

					of Service Re	Jpo I					
Re			rth	Coast Collect	ion Total				Nehalem and		
Recology. Western Oregon WASTE ZERO		2023 Calendar Year		2024-25 Projected Rate	Allocation		2023 Calendar Year Actual	,	Adjustments and Projected		2024-25 Projected Rate
REVENUE		Actual	_	Year >>>	Method <<<	Rat	e Adi. % >>>		Changes 3.90%		Year
Collection Services - Residential	\$	7,060,779	\$	7,343,746	Actual	\$	432,000	\$	19,550	\$	451,550
Collection Services - Residential Collection Services - Commercial	\$	4,887,005	\$	5,102,407	Actual	\$	182,729	\$	8,472		191,201
Collection Services - Debris Box Svcs	\$	890,595	\$	958,531	Actual	\$	38,097	\$	(1,130)		36,967
SUBTOTAL: CS (RA % applies)	\$	12,838,379	\$	13,404,684	Actual	\$	652,826	\$	26,892	\$	679,718
Proposed Rate Adjustment	\$	-	\$	571,394			44.007			\$	26,509
Collection Services - DB Disposal Collection Services - Medical Waste	\$	880,167 160,496	\$ \$	880,167 165.922	Actual Actual	\$ \$	14,037 2,538	\$ \$	(166)	\$ \$	14,037 2,372
Collection Services - Medical Waste  Collection Services - Other	\$	30,289	\$	28,631	Actual	\$	2,536	Ф \$	(261)		544
Non-Franchised Revenue	\$	81,189	\$	119,771	Actual	*	000	\$	-	•	0
Total Revenue	\$	13,990,520	\$	15,170,570		\$	670,206	\$	26,465	\$	723,179
Franchise Fees	\$	(623,725)		(649,289)		\$	(33,339)			\$	(35,975)
Revenue w/o Franchise Fees	\$	13,366,795	\$	14,521,281		\$	636,866			\$	687,205
LABOR EXPENSES			_								
Operational Personnel	\$	1,585,737		1,752,573	Labor Hours	\$	86,370	\$	11,557	\$	97,927
Non-Franchised Labor & Related	\$	200.071	\$	80,222	Labor Hours	\$	- 24 726	\$	7 004	\$	- 20 740
Health Insurance Payroll Taxes	\$	399,071 134,726	\$ \$	514,346 148,901	Labor Hours Labor Hours	\$ \$	21,736 7,338	\$ \$	7,004 982	\$ \$	28,740 8,320
Labor Overhead	\$	143,859		199,999	Labor Hours	\$	7,835	\$	3,340	\$	11,175
Total Labor Expenses	\$	2,263,392		2,696,041		\$	123,279	\$	22,882	\$	146,161
DISPOSAL EXPENSES											
Disposal Charges - Outside Source	\$	,	\$	670,665	O/S Disposal	\$	151,009	\$	7,399	\$	158,409
Disposal-Medical Waste	\$	74,366	\$	76,597	MW Disposal	\$	1,385	\$	42	\$	1,427
Disposal - Free Dump Vouchers (Astoria) Inter-Company Disposal - Yard Debris	\$	28,176 396,543	\$ \$	29,585 398,567	Actual Program Yards	\$ \$	-	\$ \$	-	\$ \$	-
Inter-Company Disposal - Pard Debris	\$	2,604,906	ιΨ \$	2,745,165	I/C Disposal	\$	_	\$	-	\$	-
Total Disposal Expenses	\$	3,743,328	\$	3,920,578	·	\$	152,395	\$	7,441	\$	159,836
OPERATIONAL EXPENSES											
Fuel	\$		\$	583,159	Labor Hours	\$	25,739	\$	6,845	\$	32,585
Non-Franchised Fuel	\$	37,958	\$	46,841	Actual	\$	-	\$	-	\$	-
Repairs & Maintenance Repairs & Maint - Non-Franchised Hauling	\$	1,914,062 26,644	\$ \$	2,007,851 27,950	Labor Hours Actual	\$ \$	104,252	\$ \$	7,938	\$ \$	112,191
Repairs and Maint 3rd Party Shop	ľ	20,044	۱۳	21,300	Actual	\$	_	\$	-	\$	-
Contract Labor	\$	6,887	\$	-	Labor Hours	\$	359	\$	(359)	\$	-
Business Licenses and Fees	\$	233,629	\$	242,561	Labor Hours	\$	12,725	\$	828	\$	13,553
Non-Franchised Business Licenses and Fees Depreciation and Amortization	\$	13,356	\$ \$	13,356	Actual Labor Hours	\$ \$	-	\$ \$	-	\$ \$	-
Operational Lease and Rent	\$	- 751,149	\$	749,507	Labor Hours	\$	40,912	\$	967	\$	- 41,879
Non-Franchised Ops Lease/Rent	\$	64,865	\$	64,865	Actual	\$	-	\$	-	\$	-
Op. Lease and Rent - (Seaside Depot)	\$	4,000	\$	4,000	Actual	\$	-	\$	-	\$	-
Supplies	\$	39,084	\$	80,999	Labor Hours	\$	2,036	\$	2,293	\$	4,329
Insurance Expense Recycling Processing	\$ \$	109,458 491.131	\$ \$	114,821 525,019	Labor Hours Program Hours	\$ \$	5,703	\$ \$	434	\$ \$	6,137
Freight	\$	12,179	\$	12,776	Labor Hours	\$	663	\$	- 51	\$	714
Other Operational	\$	30,689	\$	32,193	Labor Hours	\$	1,599	\$	122	\$	1,721
Total Operational Expenses	\$	4,207,660	\$	4,505,897		\$	193,989	\$	19,120	\$	213,108
SUBTOTAL	\$	3,152,415	\$	3,398,766		\$	167,204	\$	895	\$	168,099
ADMINISTRATIVE EXPENSES		, ,					•				,
Administrative Services	\$	1,403,930	\$	1,365,351	Computed	\$	60,319	\$	1,530	\$	61,848
Management Services	\$	402,375	\$	455,117	Computed	\$	20,106	\$	510	\$	20,616
Postage	\$	8,653	\$	9,077	Cust Counts	\$	521	\$	26	\$	546
Billing Services Bank Service Charges	\$ \$	43,488 61,718	\$ \$	45,619 64,742	Cust Counts Cust Counts	\$ \$	2,618 3,715	\$ \$	128 182	\$ \$	2,746 3,897
Dues and Subscriptions	\$	13,818	\$	14,495	Cust Counts	\$	832	\$	41	\$	3,897 873
Contributions	\$	13,279	\$	13,930	Cust Counts	\$	799	\$	39	\$	839
Office Supplies	\$	13,815	\$	14,492	Cust Counts	\$	832	\$	41	\$	872
Advertising & Promotions	\$	8,072	\$	8,467	Cust Counts Cust Counts	\$	486	\$	24	\$	510 520
Professional Services Business Meals	\$	8,376 8,591	\$ \$	8,786 9,012	Cust Counts Cust Counts	\$ \$	504 517	\$ \$	25 25	\$ \$	529 542
Travel	\$	12,053	\$	12,643	Cust Counts	\$	726	\$	36	\$	761
Bad Debts	\$	23,736	\$	28,530	Cust Counts	\$	1,429	\$	289	\$	1,717
Telephone	\$	32,407	\$	33,995	Cust Counts	\$	1,951	\$	96	\$	2,046
Education & Training Miscellaneous	\$ \$	7,213 19,596	\$ \$	7,567 20,556	Cust Counts Cust Counts	\$ \$	434 1,180	\$ \$	21 58	\$	455 1,237
Total Administrative Expenses	] \$	2,081,119	<u>Ф</u>	2,112,380	Guar Gourns	\$	96,968	\$	3,069	<u>Φ</u>	100,037
Interest Income, Loss on Sale of Assets	\$	(12,098)		(15,637)	Cust Counts	\$	(728)		(213)	_	(941)
NET INCOME BEFORE TAX	\$	1,083,394		1,302,023	Ousi Obuilis	\$	70,964	Φ \$	(1,961)		69,003
Operating Margin	<u> </u>	8.11%	Ψ	8.97%		Ť	11.14%	Ť		۳	10.04%
Calculated Operating Ratio		91.37%		90.74%			88.85%		3.90%		89.97%
Calculated Operating Natio		J 1.J1 /0		3U.14/0		<u> </u>	00.00/0				09.91 /0

### RWO-NCC 2023-2024 Cost of Service Report

ı	1000-1000 20	023-2024 Cost (	of Service IX	<del>-</del>		
Ry	RWO - Nor	th Coast Collect	ion Total	Manzanit	a, Nehalem and	Wheeler
Recology. Western Oregon WASTE ZERO	2023 Calendar Year Actual	2024-25 Projected Rate Year	Allocation Method	2023 Calendar Year Actual	Adjustments and Projected Changes	2024-25 Projected Rate Year
Allocation Data:				Op Margin:	not more that	ו n 12%
Revenue Revenue Percent	\$ 13,990,520 100.00%	\$ 15,170,570 100.00%		\$ 670,206 4.68%		\$ 723,179 4.77%
2023 All Labor % 2023 Franchised Labor % 2023 Outside Source (O/S) Disposal % 2023 Inter-Company (I/C) Disposal % 2023 Medical Waste % 2023 Yard Debris (I/C) % 2023 Recycling % 2023 Customer Count %	100.00% 100.00% 100.00% 99.99% 100.00% 100.00% 100.00%	100% 100% 100% 100% 100% 100% 100%		5.21% 5.45% 23.62% 0.00% 1.86% 0.00% 0.00% 6.02%		5.34% 5.59% 23.62% 0.00% 1.86% 0.00% 0.00% 6.02%
Operating Ratio Calculation:						
Total Expenses: Total Labor Total Disposal Total Operational Total Administrative Total	\$ 2,263,392 \$ 3,743,328 \$ 4,207,660 \$ 2,081,119 \$ 12,295,499	\$ 2,696,041 \$ 3,920,578 \$ 4,505,897 \$ 2,112,380 \$ 13,234,895		\$ 123,279 \$ 152,395 \$ 193,989 \$ 96,968 \$ 566,631		\$ 146,161 \$ 159,836 \$ 213,108 \$ 100,037 \$ 619,143
Less Non Allowable Expenses: Interest on Purchase of routes Non-Franchised Ops Costs Amortization Contributions	\$ - \$ (142,824) \$ - \$ (13,279)	\$ - \$ (153,012) \$ - \$ (13,930)		\$ - \$ - \$ - \$ (799)		\$ - \$ - \$ - \$ (839)
Allowable Expenses	\$ 12,139,396	\$ 13,067,953		\$ 565,831		\$ 618,304
Revenue Revenue w/o Franchise Fees Less Non-Franchised Revenue	\$ 13,366,795 \$ (81,189)	\$ 14,521,281 \$ (119,771)		\$ 636,866		\$ 687,205
Revenue (w/o Non-Franchised Revenue	\$ 13,285,606	\$ 14,401,510		\$ 636,866		\$ 687,205
Operating Ratio: Allowable Expenses divided by	, , , , , , , , , , , , , , , , , , , ,	\$ 13,067,953		\$ 565,831		\$ 618,304
Revenue (net of Pass Through)	, , , , , , , , , , , , , , , , , , , ,	\$ 14,401,510		\$ 636,866		\$ 687,205
Calculated Operating Ratio	91.4%	90.7%		88.8%		90.0%

### **RECOLOGY WESTERN OREGON SUMMARY RATE SHEET** NEH **CITY OF NEHALEM EFF. DATE:** 7/1/2024 **CURRENT** NEW INC % CODE **DESCRIPTION RATE INC \$\$ RATE CART SERVICES - CURBSIDE** CURBSIDE: WITHIN 4 FEET OF THE CURB OR ROAD, AND AWAY FROM ALL CARS, MAIL BOXES, OR OTHER ITEMS. **32 GALLON CART SERVICE MONTHLY RATES** 32GWC 32G CART-CURB \$ 27.02 3.90% \$ 1.05 28.07 \$ 3.90% \$ 32GEC 32G CART EOW-CURBSIDE \$ 17.57 0.69 18.26 \$ 32GMC 32G CART MONTHLY-CURB \$ 9.47 3.90% \$ 0.37 9.84 \$ OC3C 32 GAL CART ON CALL CURB \$ 9.47 3.90% \$ 0.37 \$ 9.84 **EACH ADDITIONAL - SAME RATE 90 GALLON CART SERVICE MONTHLY RATES** 90GWC 90G CART-CURB \$ 45.05 3.90% \$ 46.81 1.76 \$ 3.90% \$ 90GEC 90G CART EOW-CURB 29.27 1.14 30.41 l \$ 90G CART OAM-CURB 3.90% \$ 90GMC \$ 15.76 0.61 16.37 \$ OC9C 90 GAL CART ON CALL CURB \$ 15.76 3.90% \$ 0.61 16.37 \$ EACH ADDITIONAL - SAME RATE **MONTHLY CART RENT (FOR ON-CALL SERVICE)** 90G CART WILL CALL-CURB \$ 2.84 3.90% \$ 2.95 0.11 | \$ **SPECIAL PICK-UP (FOR OFF-SCHEDULE COLLECT1 (C/S = Curbside) RATE PER EACH** 9.47 3.90% \$ 0.37 | \$ SP32C SPEC P/U 32G CART C/S 9.84 \$ SP90C SPEC P/U 90G CART C/S \$ 15.76 3.90% \$ 0.61 | \$ 16.37 **CART SERVICES - NON-CURBSIDE (SIDEYARD)** NON-CURBSIDE: VISIBLE FROM THE STREET, OUTSIDE OF GARAGES AND FENCED AREAS. **32 GALLON CART SERVICE MONTHLY RATES** 3.90% \$ **32GWS** 32G CART-SIDE \$ 27.56 28.63 1.07 \$ 32GES 32G CART EOW-SIDEYARD \$ 17.91 3.90% \$ 0.70 \$ 18.61 3.90% \$ 32GMS 32G CART MONTHLY-SIDE \$ 9.66 0.38 10.04 \$ OC3S 9.66 32 GAL CART ON CALL SIDE \$ 3.90% \$ 0.38 \$ 10.04 EACH ADDITIONAL - SAME RATE **90 GALLON CART SERVICE MONTHLY RATES** 3.90% \$ 90GWS 90G CART-SIDE \$ 69.05 2.69 \$ 71.74 90GES 90G CART EOW-SIDE \$ 44.92 3.90% 1.75 46.67 \$ \$ 90GMS 90G CART OAM-SIDE 3.90% \$ 24.16 \$ 0.94 \$ 25.10 OC9S 90 GAL CART ON CALL SIDE \$ 24.16 3.90% 0.94 \$ 25.10 \$ EACH ADDITIONAL - SAME RATE **MONTHLY CART RENT (FOR ON-CALL SERVICE)** 90GOS 90G CART WILL CALL-SIDE \$ 2.84 3.90% \$ 0.11 | \$ 2.95 **SPECIAL PICK-UP (FOR OFF-SCHEDULE COLLECTI (NON C/S = Non-Curbside) RATE PER EACH** SP32S SPEC P/U 32G CART NON C/S \$ 9.66 3.90% \$ 0.38 | \$ 10.04 SP90S SPEC P/U 90G CART NON C/S \$ 24.16 3.90% \$ 0.94 | \$ 25.10

NEH	GY WESTERN OREGON CITY OF NEHALEM				EFF. DATE:		ATE SHEET /1/2024
IVEII	CITI OF NEHALEM	CU	RRENT		LIII. DAIL.		<u>/ 1 / 2024</u> NEW
CODE	DESCRIPTION		RATE	INC %	INC \$\$	RATE	
OTHER	SERVICES & FEES						
<b>EXTRAS</b>	- PER UNIT CHARGES (APPROX. 32 G	SALLONS I	PER UNIT	)	R.A	TE I	PER EACH
XBAG	EXTRA BAG(S)	\$	7.11	3.90%	\$ 0.28	\$	7.39
XBOX	EXTRA BOX	\$	7.11	3.90%		\$	7.39
XCAN	EXTRA CAN(S)	\$	7.11	3.90%	\$ 0.28	\$	7.39
XMISC	EXTRA MISC	\$	7.11	3.90%	\$ 0.28	\$	7.39
X32	EXTRA 32G CART(S)	\$	7.11	3.90%	\$ 0.28	\$	7.39
X90	EXTRA 90G CART(S)	\$	11.28	3.90%	\$ 0.44	\$	11.72
BULKY I	TEM COLLECTION (SVC CHARGE + C	HARGE PE	R ITEM)				
	ED ARE FOR COLLECTION AT CURB. ADDITIONA		-	OR RETRIEVA	ı. <b>R</b> 4	TE I	PER EACH
APF	REFRIGERATOR/FREEZER	\$	54.24	3.90%		\$	56.36
APPL	APPLIANCE	\$	12.05	3.90%		\$	12.52
FURN	FURNITURE CHARGE	\$	18.08	3.90%		\$	18.79
TREE	EXTRA CHRISTMAS TREE	\$	14.25	3.90%		\$	14.81
IRSC	IN ROUTE SERVICE CHARGE	\$	21.33	3.90%		\$	22.16
SC	SERVICE CHARGE	\$	48.53	3.90%	•	\$	50.42
RELATE	FFFS	•			R.A	TF	PER EACH
CRIR	CART REDELIVERY IN ROUTE	\$	10.50	3.90%		\$	10.91
CROR	CART REDELIVER OUT OF ROUTE	\$	21.00	3.90%	•	\$	21.82
CORDF	CONTAINER RE-DELIVERY FEE	\$	48.53	3.90%		\$	50.42
	Delivery fees apply for resume service aft			3.50 70	ψ 1.05	Ι Ψ	30.12
riote: rte	belivery rees apply for resume service are	er saspena	•		R.A	TE I	PER EACH
CCF	CART CLEANING FEE	\$	10.50	3.90%		\$	10.91
CRF	CART REPLACEMENT FEE	\$	68.25	3.90%		\$	70.91
Note: Rep	placement fee is used for loss/damage bev	yond norma	l wear and	tear.	•		
	T						PER EACH
RF	REINSTATEMENT FEE	\$	15.00	0.00%		\$	15.00
NSFCF	RETURNED CHECK FEE	\$	25.00	0.00%	\$ -	\$	25.00
FRONT	-LOAD CONTAINER SERVICE						
	CONTAINERS				MO	NTH	LY RATES
1GW	1YD TRASH	\$	151.33	3.90%	\$ 5.90	\$	157.23
1GE	1YD TRASH EOW	\$	89.10	3.90%	\$ 3.47	\$	92.57
1GM	1YD TRASH MONTHLY	\$	55.62	3.90%	\$ 2.17	\$	57.79
10C	ON CALL-1YD TRASH	\$	31.63	3.90%	\$ 1.23	\$	32.86
1XP	EXTRA PICK UP-1YD TRASH	\$	31.63	3.90%	\$ 1.23	\$	32.86
1 5 VARI	D CONTAINERS				MO	NTH	LY RATES
1HGW	1.5YD TRASH	\$	189.28	3.90%		\$	196.66
1HGE	1.5YD TRASH EOW	\$	108.08	3.90%		\$	112.30
1HGM	1.5YD TRASH MONTHLY	\$	63.98	3.90%		\$	66.48
1HOC	ON CALL-1.5YD TRASH	\$	41.24	3.90%		\$	42.85
1HXP	EXTRA PICK UP-1.5YD TRASH	\$	41.24	3.90%	•	\$	42.85
		<u> </u>		2120,0			
<u>2 YAKD (</u> 2GW	CONTAINERS 2YD TRASH		227.25	3.90%		<u> </u>	236.11
2GW 2GE	2YD TRASH 2YD TRASH EOW	\$ \$	127.06	3.90%		\$	132.02
2GE 2GM	2YD TRASH EOW 2YD TRASH MONTHLY	\$	73.16	3.90%		\$	76.01
<b>401'I</b>	LID HASHINONIILI	[ <del>P</del>	/2.10	J.5U70	2.03	<b>₽</b>	70.01
20C	ON CALL-2YD TRASH	\$	50.89	3.90%	\$ 1.98	\$	52.87

### **RECOLOGY WESTERN OREGON SUMMARY RATE SHEET** NEH **CITY OF NEHALEM EFF. DATE:** 7/1/2024 **CURRENT** NEW **CODE** INC % **DESCRIPTION RATE INC \$\$ RATE 3 YARD CONTAINERS MONTHLY RATES** 303.14 3GW 3YD TRASH \$ 3.90% \$ 11.82 | \$ 314.96 3GE 3YD TRASH EOW \$ 165.01 3.90% \$ 6.44 171.45 \$ 3GM 3YD TRASH MONTHLY \$ 3.90% \$ 94.22 90.68 3.54 \$ \$ 72.93 30C ON CALL-3YD TRASH 3.90% \$ 2.74 70.19 \$ 2.74 | \$ 3XP EXTRA PICK UP-3YD TRASH \$ 70.19 3.90% \$ 72.93 **MONTHLY RATES 4 YARD CONTAINERS** 14.78 | \$ 4GW 4YD TRASH \$ 379.07 3.90% \$ 393.85 3.90% \$ 4GE 4YD TRASH EOW 202.99 210.91 \$ 7.92 \$ 4GM 3.90% \$ 4YD TRASH MONTHLY \$ 108.23 4.22 \$ 112.45 40C ON CALL-4YD TRASH \$ 89,48 3.90% \$ 3.49 \$ 92.97 EXTRA PICK UP-4YD TRASH \$ 3.90% \$ 3.49 | \$ 4XP 89.48 92.97 **5 YARD CONTAINERS MONTHLY RATES** 5GW 5YD TRASH \$ 454.99 3.90% \$ 17.74 \$ 472.73 5GE 5YD TRASH EOW \$ 240.93 3.90% \$ 9.40 250.33 \$ 4.90 | \$ 5GM 5YD TRASH MONTHLY \$ 125.76 3.90% \$ 130.66 50C ON CALL-5YD TRASH \$ 108.73 3.90% \$ 4.24 \$ 112.97 5XP EXTRA PICK UP-5YD TRASH \$ 3.90% 4.24 | \$ 108.73 \$ 112.97 **6 YARD CONTAINERS MONTHLY RATES** 3.90% 6GW 530.89 **6YD TRASH** \$ \$ 20.70 | \$ 551.59 6GE **6YD TRASH EOW** \$ 278.90 3.90% \$ 10.88 289.78 \$ 6GM 6YD TRASH MONTHLY \$ 143.28 3.90% \$ 5.59 148.87 \$ 60C ON CALL-6YD TRASH \$ 128.04 3.90% \$ 4.99 \$ 133.03 6XP EXTRA PICK UP-6YD TRASH \$ 3.90% \$ 4.99 | \$ 128.04 133.03 8 YARD CONTAINERS (NO NEW CUSTOMERS AT THIS SIZE DUE TO SAFETY ISSUESMONTHLY RATES 8GW **8YD TRASH** 623.16 3.90% \$ 24.30 647.46 \$ \$ 3.90% \$ 8GE 8YD TRASH EOW \$ 325.00 12.68 \$ 337.68 8GM 8YD TRASH MONTHLY \$ 164.59 3.90% \$ 6.42 171.01 \$ **80C** ON CALL-8YD TRASH \$ 151.48 3.90% \$ 5.91 | \$ 157.39 8XP EXTRA PICK UP-8YD TRASH \$ 3.90% \$ 157.39 151.48 5.91 CONTAINER MONTHLY RENT (CHARGED TO WILL-CALL CUSTOMERS, SAME FOR ALL SIZES) RNT1 1YD RENT - TRASH 21.00 3.90% \$ 0.82 | \$ 21.82 FRONT-LOAD COMPACTOR RATE FACTORS - For all compacted material, including pre-compacted waste. Compactor Rating 4:1 3:1 2:1 Factor applied to container rate of same size 1.5 1.3 1.12 **DEBRIS BOX SERVICES SET HAUL FEES (BASED ON AVERAGE TRUCK TIMES) RATE PER HAUL** 3.90% \$ DEL DELIVERY CHARGE \$ 48.52 1.89 \$ 50.41 3.90% \$ **10HG** 10 YD TRASH BOX HAUL \$ 245.19 9.56 254.75 \$ 3.90% \$ **20HG** 254.75 20 YD TRASH BOX HAUL \$ 245.19 9.56 \$ 30HG 30 YD TRASH BOX HAUL \$ 245.19 3.90% \$ 9.56 \$ 254.75

\$

\$

245.19

286.43

3.90% \$

\$

3.90%

9.56

11.17

\$

254.75

297.60

47HG

40CG

47 YD TRASH BOX HAUL

COMPACTOR HAUL FEE (ALL SIZES)

# RECOLOGY WESTERN OREGON NEH CITY OF NEHALEM

SUMMARY RATE SHEET EFF. DATE: 7/1/2024

**RATE PER HOUR** 

INEII	CITT OF NETIALET					DAIL.		11/2024
		С	URRENT					NEW
CODE	DESCRIPTION		RATE	INC %	IN	NC \$\$		RATE
<b>DEBRIS</b> I	BOX DISPOSAL FEES (\$\$/TON)					R	ATE	PER TON
DFDM	DISPOSAL FEE - DEMOLITION	\$	107.72	3.90%	\$	4.20	\$	111.92
DFG	DISPOSAL FEE - GARBAGE	\$	107.72	3.90%	\$	4.20	\$	111.92
DFWD	DISPOSAL FEE - WOOD	\$	58.80	3.90%	\$	2.29	\$	61.09
DFYD	DISPOSAL FEE - YARD DEBRIS	\$	89.49	3.90%	\$	3.49	\$	92.98

Note: Recycling ton fees will be equal to or less than trash fees, based on current market pricing.

 RELATED FEES

 RENTD
 DAILY RENTAL FEE
 \$ 15.07
 3.90%
 \$ 0.59
 \$ 15.66

Note: Daily Rent applies after 48 hours, excluding evenings and weekends.

										KAII	: PER	MUNIH
RENTM	MON	ITHLY	REN	ITAL	FEE		\$	135.08	3.90%	\$ 5.27	\$	140.35
N N.	11.1			_			 		_			

Note: Monthly rent applies for customers who keep a box for a year or longer.

				144	
TIME	TRUCK TIME FEE	\$ 127.68	3.90%	\$ 4.98	\$ 132.66
1T1E	1 TRUCK - 1 EMPLOYEE	\$ 127.68	3.90%	\$ 4.98	\$ 132.66
1T2E	1 TRUCK - 2 EMPLOYEES	\$ 191.54	3.90%	\$ 7.47	\$ 199.01

Note: Hourly Truck Time is used for hauls to destinations outside our normal operating areas.

### **TEMPORARY RENTAL CONTAINERS RATE PER EACH** 3.90% \$ 3YRGD DELV 3 YD RENTAL FOR TRASH 28.20 1.10 | \$ 29.30 3YRGP SERVICE 3 YD RENTAL FOR TRASH 98.25 3.90% \$ 3.83 | \$ 102.08 \$ 3YRXD 3.90% \$ ADDL DAY - 3YD RENT CONTAINER 2.10 \$ 0.08 | \$ 2.18

Note: Temporary = not longer than 30 days, with 45 days between projects. Rent included for first 7 days.

### **BULKY ITEMS - DEBRIS BOX**

STARDARD FEES APPLY FOR THESE ITEMS IF DECLARED & SEPARATED ACCORDING TO INSTRUCTIONS.

ADDITION	DDITIONAL FEES MAY APPLY FOR ITEMS FOUND IN LOADS.				RATE PER EACH			
TOFFR	TIRE CHARGE NO RIM	\$	4.81	3.90%	\$ 0.19	\$	5.00	
TONR	TIRE CHARGE ON RIM	\$	9.63	3.90%	\$ 0.38	\$	10.01	
TTNR	TRUCK TIRES NO RIM	\$	12.05	3.90%	\$ 0.47	\$	12.52	
TTWR	TRUCK TIRES WITH RIM	\$	24.11	3.90%	\$ 0.94	\$	25.05	
APPL	APPLIANCE	\$	12.05	3.90%	\$ 0.47	\$	12.52	
APF	REFRIGERATOR/FREEZER	\$	54.24	3.90%	\$ 2.12	\$	56.36	

MEDICAL	WASTE COLLECTION SERVICES			RA	TE	PER EACH
M4HSC	4.7 QT SHARPS CONTAINER	\$ 26.81	3.90%	\$ 1.05	\$	27.86
M10SC	10 QT SHARPS CONTAINER	\$ 30.32	3.90%	\$ 1.18	\$	31.50
M23SC	23 QT SHARPS CONTAINER	\$ 53.97	3.90%	\$ 2.10	\$	56.07
9CDBC	9GAL CONFIDENTIAL DOCUMENT BOX	\$ 34.30	3.90%	\$ 1.34	\$	35.64
M21BX	21 GAL MEDICAL WASTE BOX	\$ 45.12	3.90%	\$ 1.76	\$	46.88
M48BX	48 GAL MEDICAL WASTE BOX	\$ 51.59	3.90%	\$ 2.01	\$	53.60
M8GBP	RX MED WASTE TUB	\$ 102.34	3.90%	\$ 3.99	\$	106.33

Note: Additional fees may apply for overweight tubs. Improperly prepared materials cannot be collected.

Finance Charges (0.75% monthly, 9% annually) will be assessed on any past due amount (excluding amounts in dispute over billing or service issues).

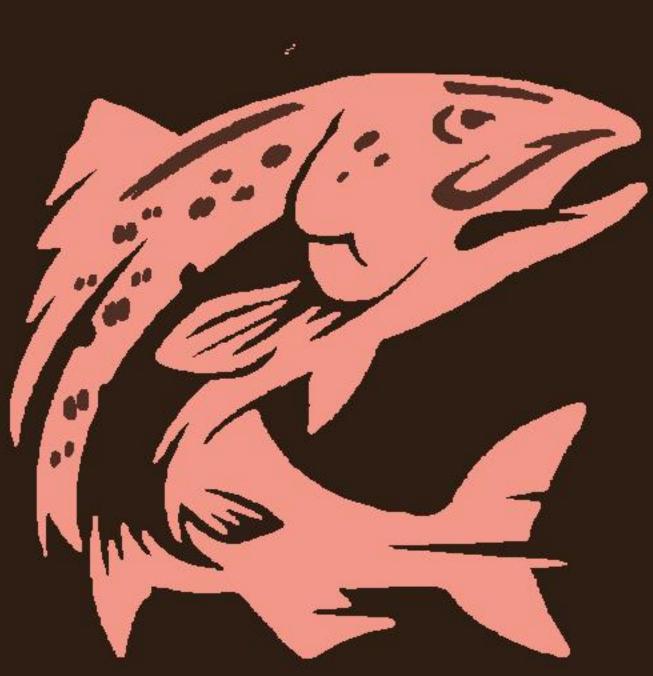
Billing Terms: Commercial Accounts are billed on a monthly basis.

Residential accounts are billed once every two months; one in advance and one in arrears.





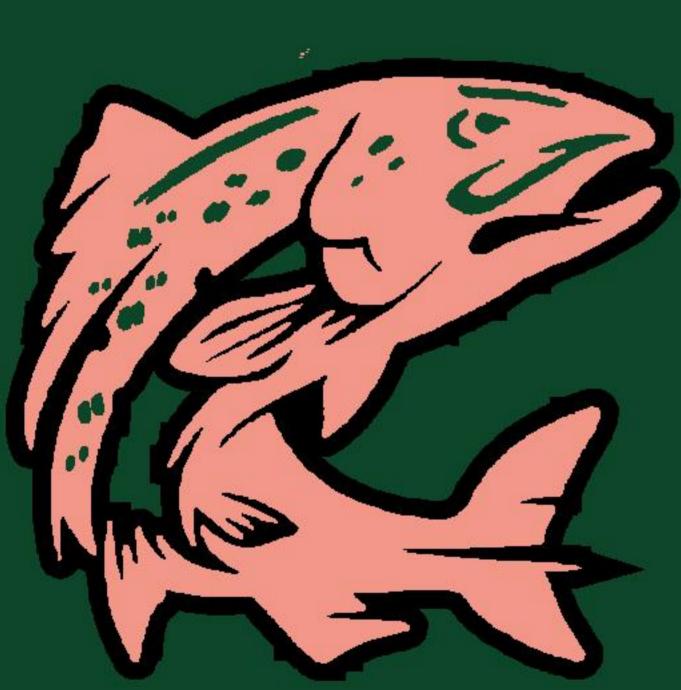




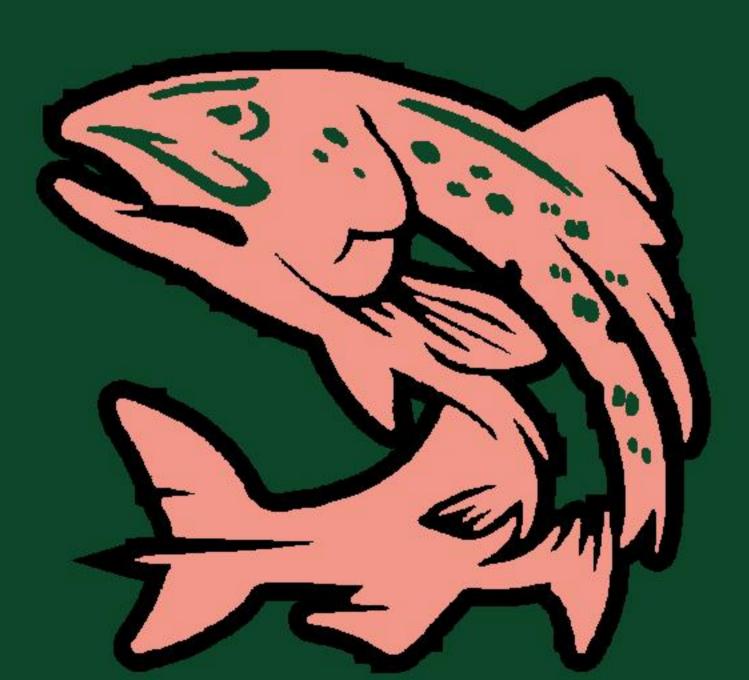
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April 29, 2024

City of Nehalem

PO Box 143

Nehalem, Oregon 97131

City of Nehalem,

Thank you for your ongoing support of the work to end violence in our community. The following statistics reflect the activity of the period from January 1, 2024 to March 31, 2024.

Persons served from Nehalem: 7

Total number of services provided: 91

Again, thank you for your continuing support of these efforts, and helping us to make a difference in the lives of survivors.

Sincerely,

Valerie Bundy, MA LPC NCC

**Executive Director** 



### **April 2024 STAFF REPORT**

To: Mayor Chick and City Council From: Lori Longfellow, City Manager

- 1) Anderson Creek Raw Water Transmission Main Cost Estimate for Phase 2 has been received and budgeted. All 8" HDPE is fused together, and the contractor has begun underground trenching (cut and cover) installation of the new HDPE pipe. The initial connection to the existing collection vault for the water system occurred last week. Trenching should be to the bridge connection this week and then continue trenching for the remainder of the month. The Contractor hopes all pipe is installed by the end of the month and testing should begin in early June.
- 2) **SB 406** Staff had a meeting with Cascadia Partners, and they are still in review of the cities code and other documentation that they have requested. We are hoping to hold a works session with the Planning Commission after they have had time to review. Potentially arranging a meeting for June or July.
- **3)** Planning Commission No Planning Commission meeting was held in April due to lack of Business. Next meeting is set for May 23<sup>rd</sup> in which planning commission will review a Conditional Use application for a local Food Bank.
- 4) **8**<sup>th</sup> **Street Project** 8<sup>th</sup> Street topographic survey was completed in April with design occurring in May. Bidding to occur approximately June-July with Construction July-October.
- 5) Lower Nehalem Community Trust LNCT has announced the new appointment of Emily Akdedian as Interim Executive Director. Emily will oversee day-to-day operations and provide staff supervision and project management oversight toward mission related obligations and provide support to the board as they transition. LNCT asked that we join in welcoming Emily to this new role.
- 6) **Heart of CARTM** I have contacted Jessi Just with CARTM regarding holding another Riverside Cleanup in 2024 in which she replied that she would be more than happy to coordinate another clean-up with the city.
- 7) **Budget Committee** as a reminder, the meeting is scheduled for Thursday, May 16<sup>th</sup> at 6 p.m.



May 8, 2024

### **STAFF REPORT**

To: Mayor Chick and City Council From: Brian Moore, Public Works Director

RE: PUBLIC WORKS MONTHLY REPORT

### **WATER MONITORING & TESTING**

Average Daily Water Usage								
April 2024	Previous Year: 2023							
107,000 gallons	106,000 gallons							
Comments: Everything looking good								

Rainfall	
April 2024:	Previous Year: 2023
7.05 inches	11.45 inches
Comments: Things are still in good shape	

Turbidity (NTU = Nephelometric Turbidity Unity: A measure of water clarity.) Turbidity is a measure of the cloudiness of the water. We monitor it daily because it is a good indicator of the effectiveness of our filtration system.	
Turbidity Monthly Average:	Highest Allowed:
0.05 NTU	Never more than 5 NTU and less than 1 NTU in 95% of samples.
Comments: Result well below highest allowed.	

Bacteriological Testing To ensure water safety, our state-certified Public Works staff routinely monitor for contaminants in your drinking water according to federal and state laws. Total coliform and E.coli test samples are taken twice per month.	
Results:	Comments:
Both Negative	A negative result is desirable and indicates that no bacteria was present in the drinking water sample.

