BAKER CITY, OREGON
CITY COUNCIL MEETING AGENDA

MAYOR:
Randy Daugherty
COUNCILORS
Roger Coles
Loran Joseph
Helen Loennig
Doni Bruland
Gratton Miller
Randy Schiewe
CITY MANAGER
Barry Murphy

REGULAR MEETING
JULY 28, 2026 - 6:00 PM
CITY HALL COUNCIL CHAMBERS

Call to Order/Introduction

1. Call to Order	Mayor Daugherty	Procedural
2. Pledge of Allegiance	Mayor Daugherty	Procedural
3. Roll Call	Megan Langan	Procedural
4. Agenda Additions, Deletions, Modifications	Mayor Daugherty	Action Item
5. Public Comment	Mayor Daugherty	Procedural

Old Business

6. Consent Agenda	Mayor Daugherty	Action Item

New Business

7. Vacation Ordinance - Estes	Kara Miller	Ordinance
8. Finance Monthly Update	Jeanie Dexter	Information
9. Right of Way Ordinance	Barry Murphy	Discussion
10. LOC Voting	Barry Murphy	Action Item
11. FD Response Policy Update	Barry Murphy	Information

Updates and Future Items

12. Council Committee Updates	Mayor Daugherty	Information
13. City Manager / Director Updates	Barry Murphy	Information
14. City Council Comments	Mayor Daugherty	Information
15. Upcoming Agenda Items	Mayor Daugherty	Procedural

Adjourn

16. Adjourn	Mayor Daugherty	Procedural

Baker City operates under an EEO policy and complies with section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. Assistance is available for individuals with disabilities by calling 541-523-6541.

BAKER CITY, OREGON

Date: July 28, 2026
Subject: Call to Order

BAKER CITY, OREGON

Date: July 28, 2026
Subject: Pledge of Allegiance

BAKER CITY, OREGON

Date: July 28, 2026
Subject: Agenda Additions, Deletions, Modifications

BAKER CITY, OREGON

MAYOR:
Randy Daugherty
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Randy Schiewe
CITY MANAGER
Barry Murphy

Date: July 28, 2026
Subject: Public Comment

BAKER CITY, OREGON

Date: July 28, 2026
Subject: Consent Agenda

MAYOR:
Randy Daugherty
COUNCILORS
Roger Coles
Loran Joseph
Helen Loennig
Doni Bruland
Gratton Miller
Randy Schiewe
CITY MANAGER
Barry Murphy

BAKER CITY, OREGON
CITY COUNCIL
MEETING MINUTES

REGULAR MEETING
JULY 14, 2026 - 6:00 PM
CITY HALL COUNCIL CHAMBERS

Call to Order/Introduction

1. Call to Order	The meeting was called to order at 6:08pm by Mayor Daugherty in the Baker City Hall Council Chambers.
2. Pledge of Allegiance	Mayor Daugherty led the meeting in the Pledge of Allegiance.
3. Roll Call	Roll call was answered by Mayor Daugherty and Councilors Coles, Joseph, Loennig, and Schiewe. Also present were City Manager Barry Murphy, Public Works Director Danielle Schuh, Fire Chief Michael Carlson, Human Resource Manager Andrew Crabtree, Community Development Coordinator Kara Miller, and City Recorder Megan Langan.
4. Agenda Additions, Deletions, Modifications	City Recorder Megan Langan stated there was a Tree Board application to add to the consent agenda.
5. Public Comment	Julie Meselt, Julie Blank, Joanna Dixon and John Jefferies all gave public comment regarding Main St. and the current petition. They asked the City Council to put the Main St. reconfiguration on the ballot. Mo Quinn made a public comment regarding the recent house fire on Valley St.

Old Business

6. Consent Agenda	The consent agenda includes meeting minutes from the executive session and regular meeting on 6/23/2026, Mark Ward and Billy Hermann's applications for the Golf Board, Kim Mosier's application for the Parks and Rec Board, and Jason Gibbions application for the Tree Board. MOTION MADE BY: Councilor Joseph MOTION: Approve Consent Agenda SECONDED: Councilor Schiewe IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, and Schiewe. OPPOSED: None Motion Passed.

New Business

7. Charter Review	City Recorder Megan Langan stated that every July the Charter and Constitutions are to be reviewed. Megan stated she has notes from last year to make the suggested change on page 5, section 5 to remove the term "Civil Service Commission." The City Council had no other suggested changes to the Charter.

8. Insurance Waiver	Human Resource Manager Andrew Crabtree presented the insurance waiver that will increase the stipend for employees who waive City-provided health insurance. The proposed arrangement will increase from \$100 to \$400 per month and add a \$400 per month stipend paid in lieu of an HSA account, for a total of \$800 per month. The estimated savings for the City are between \$11,600 - \$20,000 for each waiver. MOTION MADE BY: Councilor Joseph MOTION: Approve Resolution 3993 SECONDED: Councilor Coles IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, and Schiewe. OPPOSED: None Motion Passed.
9. Main Line Connection	City Manager Barry Murphy presented Resolution 3992, suggesting changes to the Main Line connection for water and wastewater. Joe and Gina Villalobos made public comment regarding the quote they received for adding water and sewer to an ADU on their property. The City Council and City Staff had a discussion. MOTION MADE BY: Councilor Coles MOTION: Approve Resolution 3992 SECONDED: Councilor Joseph IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, and Schiewe. OPPOSED: None Motion Passed.
10. Pipe Bid Award	Public Works Director Danielle Schuh presented the pipe bids for the Carter St. upgrade and the Grace St. replacement. Danielle requested the City Council to approve the award to Ferguson Waterworks in the amount of \$232,291.46. MOTION MADE BY: Councilor Joseph MOTION: Award bid to Ferguson Waterworks SECONDED: Councilor Schiewe IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, and Schiewe. OPPOSED: None Motion Passed.
11. TLT Marketing Investments Approval	Community Development Coordinator Kara Miller presented the TLT Marketing Investments. The Mayor asked for an update regarding TLT spending. Kara will provide a monthly update. Kara also stated that the City TLT will be paying the invoices for security, Baker Sanitary and daily trash cleanup for Miners Jubilee.
12. League of OR Cities Legislative Priorities	City Manager Barry Murphy presented the LOC legislative priorities' information. The City Council nominated Councilor Miller as the lead on this topic to research and bring back to the Council for voting. Barry also presented a resolution from LOC that recognized the 25 founding

	members of LOC as part of their 100 years of service.
13. City Manager Contract	The Council went into a brief Executive session prior to this topic. MOTION MADE BY: Councilor Joseph MOTION: Approve the new Contract for City Manager Barry Murphy SECONDED: Councilor Shiewe IN FAVOR: Mayor Daugherty, Councilor Coles, Joseph, Loennig, and Schiewe. OPPOSED: None Motion Passed.

Updates and Future Items

14. Council Committee Updates	Councilor Joseph stated that the Parks and Rec board will be meeting soon.
15. City Manager / Director Updates	Public Works Director Danielle Schuh provided an update on Court Plaza, the PD seismic grant and the airport. Councilor Coles asked if the Airport Commission would meet soon. Councilor Coles also stated the potholes on Auburn look good. Mayor Daugherty asked about watershed clean up. Andrew stated he received an update from Brady about it today. The mayor also asked if there were any before and after pictures. Danielle will get some pictures. She stated the guys have been working 5/12-hour shifts to work on cleaning up. Kara gave an update on planning. City Recorder Megan Langan gave a reminder that we are accepting applications for City Council to be on the November ballot. City Manager Barry Murphy provided an update on the airport contract as well as an update on the audit.
16. City Council Comments	Councilor Coles asked about the KME that is down at the public works warehouse. Mayor Daugherty asked Danielle if she could work with Chief Carlson and get it posted for sale. Councilor Schiewe asked about the petition. The City Council and City Staff had a discussion. City Manager Barry Murphy stated that there is a sizable group of people that would like to see this change and are upset that the City Council has paused their decision because of the petition. He stated that his perspective is that if the City Council moves ahead to put it on the ballot, it is siding with the petitioners.
17. Upcoming Agenda Items	No additional upcoming agenda items.

Adjourn

18. Adjourn	Mayor Daugherty adjourned the meeting at 7:41pm.

Signed: ______________________________________

Mayor

Attest: ____

City Recorder

A link to this City Council meeting can be found www.bakercity.com or upon request to the City Recorder.

MAYOR:
Randy Daugherty
COUNCILORS
Roger Coles
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Doni Bruland
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Randy Schiewe
CITY MANAGER
Barry Murphy

BAKER CITY, OREGON
CITY COUNCIL
MEETING MINUTES

WORK SESSION

JULY 14, 2026 - 5:00 PM

CITY HALL COUNCIL CHAMBERS

Call to Order/Introduction

1. Call to Order	The meeting was called to order at 5:01pm by Mayor Daugherty in the Baker City Hall Council Chambers.
2. Roll Call	Roll call was answered by Mayor Daugherty and Councilors Coles, Joseph, Loennig, and Schiewe. Also present were City Manager Barry Murphy, Fire Chief Michael Carlson, Human Resource Manager Andrew Crabtree, Firefighters Andrew Lawrence, Austin Kelley, Lieutenants, Nick Cripe, BJ Lynch, Jason Jacobs, Tyler Haggerty, and City Recorder Megan Langan.

New Business

3. Guidance for Policy Amendment	The Fire Department Staff had a conversation with the City Council regarding the current policies.
a. Call Response	City Recorder Megan Langan played examples of calls for the City Council to hear and talk about how to respond. The City Council and Fire Department staff had a discussion.
b. Vehicle Rotation	Mayor Daugherty stated that the current rotation policy that was written does not meet the intentions of their suggestions. The City Council and Fire Department staff had a discussion.
4. Store Access	The store access was not discussed at this work session, but Mayor Daugherty stated he will talk with Barry about a policy.

Adjourn

5. Adjourn	Mayor Daugherty adjourned the work session at 5:59pm.

Signed: ____
Mayor

Attest: ____
City Recorder

A link to this City Council meeting can be found www.bakercity.com or upon request to the City Recorder.

BAKER CITY, OREGON

Date: July 28, 2026
Subject: Vacation Ordinance - Estes

Vacate a south portion of the South 30 feet of Estes Street Right-of-Way between the West right-of-way line of Vacated Maxwell Street (Vacation Order 2507, Recorded in Book 170, page 012) and the center line of the Alley in Block 6 if extended North (Vacation Order 1599, Recorded in Book 168, page 604), all in Salley's Addition of Baker City, Oregon. More particularly describes as that portion of the South 30 feet of Estes Street adjacent to Blocks 3, 6, that portion vacated 18th (Lee Street) and the East half of that portion of vacated Alley in Block 6, all vacated in said Vacation Order #1599, being in said Salley's Addition. Said right of way is further described in Parcel 1 of Partition Plat PP2025-012, recorded November 25th, 2025, as B25470302.

BAKER CITY PLANNING DEPARTMENT
P.O. Box 650, Baker City, OR 97814-0650
541-524-2054
www.bakercity.com

STAFF REPORT to the BAKER CITY PLANNING COMMISSION for the VACATION of a 30' x 369.91' SECTION of ESTES STREET RIGHT-OF-WAY IN PARCEL 1 OF PP-2025-012, BETWEEN 17TH AND 20TH STREETS.
City Case No. VAC-26-025
Staff Report Date: July 22, 2026
Report Prepared by: Kara Miller, Planner
Planning Commission Hearing: July 17, 2026

I. GENERAL INFORMATION AND FACTS

Property Owners:	Tax Lot 500: Anyelow & Kimberly Martinez (Petitioner) 1918 Chestnut Street Baker City, OR 97814
Land Use Review:	Vacate a south portion of the South 30 feet of Estes Street Right-of-Way between the West right-of-way line of Vacated Maxwell Street (Vacation Order 2507, Recorded in Book 170, page 012) and the center line of the Alley in Block 6 if extended North (Vacation Order 1599, Recorded in Book 168, page 604), all in Salley's Addition of Baker City, Oregon. More particularly describes as that portion of the South 30 feet of Estes Street adjacent to Blocks 3, 6, that portion vacated 18th (Lee Street) and the East half of that portion of vacated Alley in Block 6, all vacated in said Vacation Order #1599, being in said Salley's Addition. Said right of way is further described in Parcel 1 of Partition Plat PP2025-012, recorded November 25th, 2025, as B25470302.
Property Description:	See the above description, the property is vacant. (Exhibit A).
Land Use Zone:	Residential-Medium Density (R-MD) Zone
Existing Development:	Undeveloped street right-of-way.
Special Flood Hazard Area:	The Right of way is not located in the Floodplain according to FEMA FIRM #41001C0385C, dated June 3, 1988
Wetlands:	Wetlands are not present on a portion of the subject property according to the 1995 National Wetlands Inventory Map for Baker, Oregon

Parcel Legally Created: The Estes Street Right of way is identified between Blocks 6 and 3 of the Salley's Addition to Baker City, filed with the Baker City Clerk's Office on May 26, 1890.

II. NATURE OF REQUEST

The petitioners, Kimberly and Anyelow Martinez, requests the vacation of a portion of the Estes Street outlined above. The proposed street right-of-way to be vacated may also be described as a south portion of the South 30 feet of Estes Street Right-of-Way between the West right-of-way line of Vacated Maxwell Street (Vacation Order 2507, Recorded in Book 170, page 012) and the center line of the Alley in Block 6 if extended North (Vacation Order 1599, Recorded in Book 168, page 604), all in Salley's Addition of Baker City, Oregon. More particularly describes as that portion of the South 30 feet of Estes Street adjacent to Blocks 3, 6, that portion vacated 18th (Lee Street) and the East half of that portion of vacated Alley in Block 6, all vacated in said Vacation Order #1599, being in said Salley's Addition. Said right of way is further described in Parcel 1 of Partition Plat PP2025-012, recorded November 25th, 2025, as B25470302. The proposed street vacation fronts the following tax lots: Tax Lot 500 – owned by Kimberly and Anyelow Martinez. The subject property is and the portion of Estes Street proposed for vacation are located within Assessor Map 09s40e19aa and reside in the Residential – Medium Density (R-MD) Zone. The vacated portion of Estes Street will be obtained by the abutting property (identified above), if approved.

III. APPLICABLE ORDINANCE, COMPREHENSIVE PLAN, AND STATE PROVISIONS

The request is to be processed as a Type IV procedure, which includes holding a public hearing before the Planning Commission as well as the Baker City Council. The applicable criteria are listed in the Baker City Development Code Section 4.3.200, the Baker City Municipal Code Sections 51.070 – 51.073, and Oregon Revised Statutes Chapter 271. Generally, unless otherwise noted, if a request is found to be consistent with the Baker City Municipal Code, it is considered to be consistent with the Comprehensive Plan.

IV. ANALYSIS OF CRITERIA & FINDINGS OF FACT

Baker City Development Code – Section 4.3.200 - Lot Line Adjustments, Property Line Adjustments, Re-plats and Vacations. *Any plat or portion thereof may be adjusted, re-platted or vacated upon receiving an application signed by all of the owners appearing on the deed.*

A. ***Definitions.***

4. ***Vacations.*** *The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 4.1 - Types of Applications and Review Procedures.) The road authority(ies) shall be notified of all*

applications for re-plats and street vacations. All street vacations shall also conform to the ORS Chapter 271.

a. Once recorded, a vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
b. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications described on the plat.

Planning Commission Findings: The petition form (Exhibit C) included notarized consent forms from all adjacent property owners: Tax Lot 500 – Anyelow & Kimberly Martinez.

The vacation process will adhere to the constraints and requirements of the Baker City Municipal Code Sections 51.070 through 51.073 as well as applicable areas of Oregon Revised Statute 271. Applicable sections are referenced below with respective recommended findings. The applicants/petitioners shall ensure all conditions of approval can be met to complete this process.

Conclusion: Based on the findings above, the criterion **can** be met through completion of all Conditions of Approval.

Baker City Municipal Code – Chapter 51 – Streets and Sidewalks (Ord.2748, 10/11/77)

Municipal Code Section 51.070 – Standards – *The following are hereby established as standards governing the vacation of public right-of-way within the City of Baker City.*

A. The right-of-way is not needed for access to abutting properties.

B. The right-of-way is not necessary for proper traffic circulation at present or in the foreseeable future.
C. The right-of-way is not necessary for current or foreseeable utility routing.
D. The vacation is not in conflict with the Comprehensive Plan.

Planning Commission Findings: A) All properties abutting the proposed vacation have access to other existing rights of way. Tax Lot 500 has access to 17th Street.

B) The proposed vacation is to a south portion of the South 30 feet of Estes Street Right-of-Way between the West right-of-way line of Vacated Maxwell Street (Vacation Order 2507, Recorded in Book 170, page 012) and the center line of the Alley in Block 6 if extended North (Vacation Order 1599, Recorded in Book 168, page 604), all in Salley's Addition of Baker City, Oregon. More particularly describes as that portion of the South 30 feet of Estes Street adjacent to Blocks 3, 6, that portion vacated 18th (Lee Street) and the East half of that portion of vacated Alley in Block 6, all vacated in said Vacation Order #1599, being in said Salley's Addition. Said right of way is further described in Parcel 1 of Partition Plat PP2025-012, recorded November 25th, 2025, as B25470302.

The street is not improved, and its vacation will not hinder the traffic circulation of this residential area.

C) At the time of this application, and as noted in the petition (Exhibit C), approval for the proposed right of way vacation was obtained from all utility companies operating within the immediate area. The right-of-way is not necessary for current or foreseeable utility routing.   Currently, no future utility easements have been identified within the proposed vacation. The proposed vacation is to vacate a south portion of the South 30 feet of Estes Street Right-of-Way between the West right-of-way line of Vacated Maxwell Street (Vacation Order 2507, Recorded in Book 170, page 012) and the center line of the Alley in Block 6 if extended North (Vacation Order 1599, Recorded in Book 168, page 604), all in Salley's Addition of Baker City, Oregon. More particularly describes as that portion of the South 30 feet of Estes Street adjacent to Blocks 3, 6, that portion vacated 18th (Lee Street) and the East half of that portion of vacated Alley in Block 6, all vacated in said Vacation Order #1599, being in said Salley's Addition. Said right of way is further described in Parcel 1 of Partition Plat PP2025-012, recorded November 25th, 2025, as B25470302.

D) The proposed right of way vacation is not in conflict with the Comprehensive Plan, is not listed as an area of future improvement in the Baker City Transportation System Plan and is not necessary for current or foreseeable traffic circulation.

Conclusion: Based on the findings above, the criteria **are** met by fulfilling Condition of Approval #3.

Municipal Code Section 51.071 – Standards – Petition Forms – *Petition forms for proposed vacations may be obtained from the Planning Department at City Hall and shall be filed with the City Recorder completed with the following information:*

A. A map of the area showing the right-of-way proposed to be vacated and the affected area;
B. The purpose of the vacation;
C. The notarized consent of all property owners abutting the portion of right-of-way to be vacated;
D. The consent of all utility companies operating within the City limits;
E. The consent of the City of Baker City Engineering Department, which shall give consent only after considering the effect of the vacation on traffic patterns and city-owned utilities; and
F. The consent of the Chiefs of Police and Fire Departments.

Planning Commission Findings: The petition form (Exhibit C) included a map of the area showing the portion of the right-of-way proposed to be vacated and the affected area; a brief statement from the petitioners stating the reason for the vacation; the consent of all utility companies operating within City limits, and the consent of the Baker City Public Works, Police and Fire Departments. Notarized consent from adjacent property owners was also included: Tax Lot 500 –Anyelow & Kimberly Martinez.

<u>Conclusion</u>: Based on the findings above, the criteria **are** met.

Municipal Code Section 51.072 - PUBLIC HEARING.

A. After the filing of the aforesaid petition, the City Recorder shall cause a copy thereof to be forwarded to the Secretary of the City of Baker City Planning Commission. The Planning Commission shall hold a public hearing within 45 days after receipt by the Secretary of a copy of the petition for the purpose of hearing comments for and against the petition and evaluating the pertinent facts and circumstances of the specific request.

B. The Secretary of the Planning Commission shall cause written notice of the public hearing to be sent by certified mail, return receipt requested, as least ten days before the hearing, to all persons owning property within 250 feet of the portion of right-of-way proposed to be vacated. The Secretary shall further cause notice of the hearing to be published in a newspaper of general circulation in the City of Baker City once each week during the two weeks immediately preceding the hearing.

<u>Planning Commission Findings</u>: The completed application was received on November 6, 2025. A formal hearing before the Baker City Planning Commission will be held on July 15, 2026 *"for the purpose of hearing comments for and against the petition and evaluating the pertinent facts and circumstances of the specific request*." The Planning Commission will make a recommendation to the Baker City Council to approve/approve with conditions or deny the vacation request. The first City Council hearing for this vacation petition will be scheduled for July 28, 2026.

Pre-notices for the Baker City Planning Commission hearing were sent to all property owners within ±250 feet of the proposed vacation on June 23, 2026, via certified mail, return receipt requested. Public notice for the Baker City Planning Commission hearing was published on July 1, 2026, through the Elkhorn Media Group Public Notices page and the East Oregonian newspaper.

A public notice sign was posted at the eastern boundary of Parcel 1 (Tax Lot 500) of PP-2025-012 abutting 17th Street on June 23, 2026.

<u>Conclusion</u>: Based on the findings above, the criteria **are** met.

Municipal Code Section 51.073 - COMMISSION RECOMMENDATION – *After the public hearing has been held, the Secretary of the Planning Commission shall forward any recommendation of the Commission to the City Recorder for presentation to the City Council at its next regular meeting.*

<u>Planning Commission Findings</u>: A hearing before the Baker City Planning Commission was held July 15, 2026. The Planning Commission made a recommendation to the Baker City Council. The recommendation of the Planning Commission will be forwarded to the

City Recorder for presentation to the City Council.

Conclusion: Based on the findings above, the criteria **are** met.

OREGON REVISED STATUTES

ORS 271.170 Nature and operation of statutes. *The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.*

Planning Commission Findings: The criteria included in ORS 271.080 to 271.160 are not applicable, as Baker City has adopted provisions for vacations included in Section 51 of the Baker City Municipal Code.

No public access to and from transportation terminals and navigable waters will be affected by this proposed vacation.

Conclusion: Based on the findings above, the criteria **are** met.

ORS 271.190 Consent of owners of adjoining property; other required approval. *No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.*

Planning Commission Findings: The petition form (Exhibit C) included notarized consent forms from all adjacent property owners: Tax Lot 500 – Anyelow & Kimberly Martinez (applicant and petitioner). The location of the proposed street vacation is not located within a port area.

Conclusion: Based on the findings above, the criteria **are** met.

ORS 271.230 Records of vacations; fees.

(1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county. Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall, upon a copy of the plat that is certified by the county clerk, trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation "Vacated" upon such copy of the plat, giving the book and page of the

deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.

(2) For recording in the county deed records, the county clerk shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]

Planning Commission Findings: If this vacation request is approved, the County surveyor (or his designee) shall amend the plat to reflect the vacation of the aforementioned south portion of the South 30 feet of Estes Street Right-of-Way between the West right-of-way line of Vacated Maxwell Street (Vacation Order 2507, Recorded in Book 170, page 012) and the center line of the Alley in Block 6 if extended North (Vacation Order 1599, Recorded in Book 168, page 604), all in Salley's Addition of Baker City, Oregon. More particularly describes as that portion of the South 30 feet of Estes Street adjacent to Blocks 3, 6, that portion vacated 18th (Lee Street) and the East half of that portion of vacated Alley in Block 6, all vacated in said Vacation Order #1599, being in said Salley's Addition. Said right of way is further described in Parcel 1 of Partition Plat PP2025-012, recorded November 25th, 2025, as B25470302. A certified copy of the ordinance to vacate shall be filed with the Baker County Clerk's Office, in accordance with Condition of Approval #1.

Conclusion: Based on the findings above, the criteria **can** be met in accordance with Condition of Approval #1.

V. SUMMARY CONCLUSIONS & DECISION

The Planning Commission may recommend approval, approval with conditions, or denial of this request to the City Council. A public right-of-way (street) vacation may be allowed if the request meets all applicable criteria and standards. The applicant **has** demonstrated that this request for a public right-of-way (street) vacation meets, or is able to meet through conditions of approval, all of the applicable review criteria and development standards.

Therefore, based on the information contained in Sections I through IV of this report, and the above review criteria, findings of fact, and conclusions and public testimony received, the Vacation request, VAC-26-025, is hereby **RECOMMENDED FOR APPROVAL** to the City Council, subject to the conditions contained in Section VI of this report.

This recommendation for approval is solely based upon the material provided with the application and the applicable sections of the Baker City Development Code and Municipal Code being met and does not imply satisfaction of any other laws or regulations.

Dated this ________ day of July, 2026

Baker City Planning Commission

____
Laurie Parry, Chairman

VI. RECOMMENDED CONDITIONS OF APPROVAL

1. **Recording**. The County surveyor (or his designee) shall amend the Pacific Addition to Baker City plat to reflect the vacation of the aforementioned street. A certified copy of the ordinance to vacate shall be filed with the Baker County Clerk's Office.

2. Failure to comply with all conditions of approval or violations concerning the use approved herein may result in nullification of this land use approval, after the applicant/property owners have been given due process in accordance with the provisions of the Baker City Development Code.

3. **Other**. All other city and state regulations pertaining to this development shall be met.

VII. EXHIBITS

Exhibit A: Assessor's Tax Lot Map
Exhibit B: Aerial View of Area
Exhibit C: Request for Vacation Submitted by Applicant
Exhibit D: Street View of Subject Property

Exhibit A: Assessor's Map of Area

Township 09 South, Range 40 East, Section 19AA, W.M., Baker County, Oregon
in the Salley's Addition to Baker City

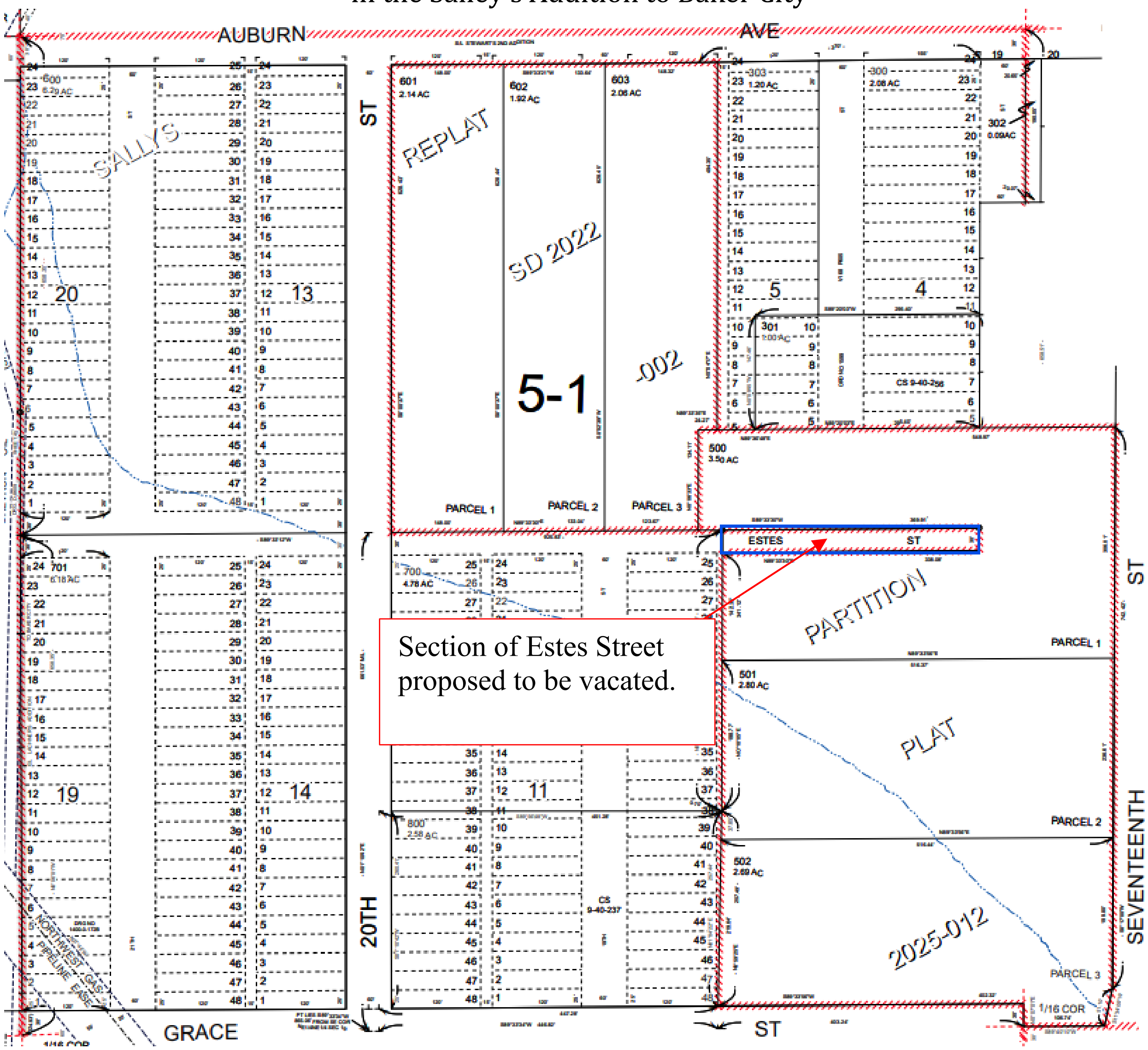


Exhibit B: ArcGIS Online Map – Aerial View of Area

Township 09 South, Range 40 East, Section 19AA, W.M., Baker County, Oregon
in the Salley's Addition to Baker City

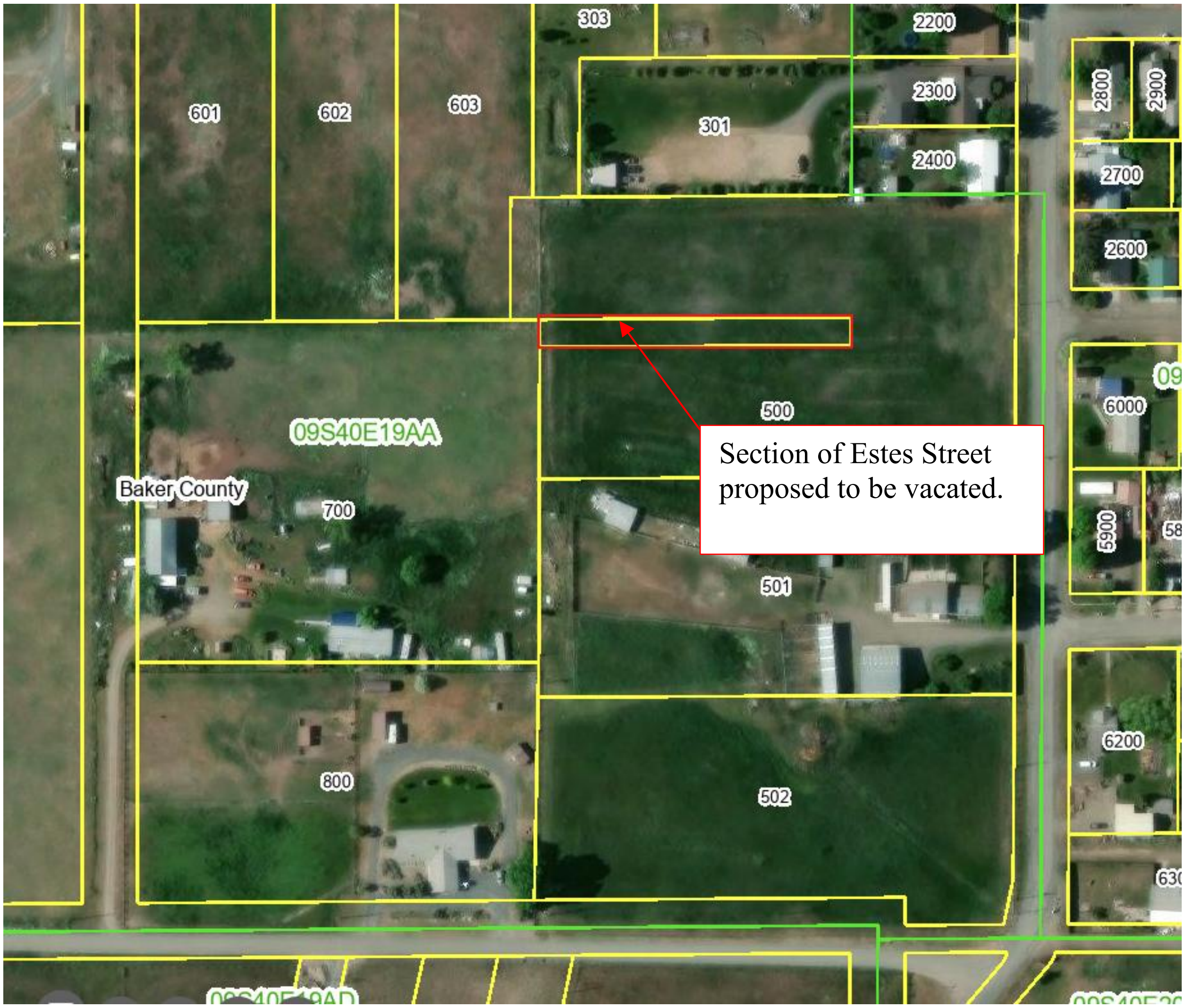


Exhibit C: Request for Vacation Submitted by Applicant

BAKER CITY-COUNTY PLANNING DEPARTMENT

1995 Third Street | Suite 131 | Baker City, OR | 97814
Phone: (541) 523-8219 | Fax: (541) 523-8340

Rec'd by KM 4/15/26 pd $600

REQUEST FOR

VACATION OF A PUBLIC RIGHT-OF-WAY

App. No. VAR-26-025	City Planning: 101-131-3-40-4104
Received by: KM	Date Received: 4/15/26
Fee Collected: $600-	Date Paid: 4/15/26
Date Sent for Interdepartmental Review:	

MAKE CHECKS PAYABLE TO: **BAKER COUNTY PLANNING**

APPLICANT	PROPERTY OWNER
Martinez Kimberly K	Martinez Anyelow Y
Last Name **First** **MI**	**Last Name** **First** **MI**
1918 Chestnut St.	1918 Chestnut St.
Mailing Address	**Mailing Address**
1473 17th St.	1473 17th St.
Physical Address	**Physical Address**
Baker City OR 97814	Baker City OR 97814
City **State** **Zip**	**City** **State** **Zip**
541-403-4746	541-403-3301
Telephone	**Telephone**
kandamartinez02.2013@gmail.com	kandamartinez02.2013@gmail.com
Email	**Email**

RIGHT-OF-WAY INFORMATION

Name of Right-of-Way: Estes St.

Township 09S Range 40E Section 19AA Zone: RMD Overlay: Ø

SUBMISSION REQUIREMENTS

1. Original **APPLICATION FORM** signed by all required abutting property owners, city departments and utility companies. Multiple forms may be used if necessary.

2. **MAP** showing right-of-way to be vacated and surrounding area

3. It shall be the applicant's responsibility to demonstrate that request **MEETS THE FOLLOWING STANDARDS**:

   a. Right-of-way not needed for:

      i. Access to abutting properties
      ii. Proper traffic circulation now or in the future
      iii. Current or future utility routing

   b. Vacation not in conflict with Comprehensive Plan

PETITION FOR STREET OR ALLEY VACATION

Petitioner: Kimberly K Martinez

Address: 1918 Chestnut St. Baker City, OR 97814

Procedure: File Petition with City Planning Department after obtaining consent of *all* abutting property owners and consents from *all* utility companies (Baker Sanitary Service, Charter Communications, Cascade Natural Gas, Century Link, OTEC, EONI, etc.), the Baker City Fire and Police Departments, and the Baker City Public Works Department

Street or Alley to be Vacated: Estes - See Attched Map

Present Condition of Street or Alley: Open field marked by Survey markers

PLEASE ATTACH MAP SHOWING AREA TO BE VACATED

Reason for Street or Alley Vacation: bought Parcel and want to eventually build without restriction to where road ~~could~~ is.

Date: ______________ Petitioner(s): ______________

UTILITY COMPANY CONSENT FOR VACATION

Utility Company: CASCADE Natural GAS

Representative: Micah Blank

Address: 2100 13th ST Baker City OR 97814

Petitioner: KIM MARTINEZ

Address: 1473 17th ST Baker City OR 97814

Street or Alley to be Vacated: ESTES ST Partial West of 17th ST.

☑ Approved

☐ Denied

☐ Approved with Conditions:

MBlank 3-9-24

Other Comments:

Date:

UTILITY COMPANY CONSENT FOR VACATION

Utility Company: Baker Sanitary Service

Representative: Stephen Henry, President

Address: 3048 Campbell St, Baker City, OR 97814

Petitioner: Kimberly Martinez

Address: 1473 17th St. Baker City, OR

Street or Alley to be Vacated: Estes St.

- [x] Approved
- [ ] Denied
- [ ] Approved with Conditions: ____

Other Comments: ____

Date: 3/6/2026

UTILITY COMPANY CONSENT FOR VACATION

Utility Company: Century Link

Representative:

Address:

Petitioner: Kimberly Martinez

Address: 1473 17th St. Baker City, OR

Street or Alley to be Vacated: Estes St.

☐ Approved

☐ Denied

Timothy Duncan

541-639-8372

Phone - discontinued

timothy.j.duncan@lumen.com Not Active

Centry Link

Customer Service
- Nathan; → Josh; → development Group/ Engineering

(800) 526-3557

- Left Voicemail 3/5/2026
- Voicemail 3/7/2026
- Voicemail 3/11/2026
- Chat 3/13/2026
- Chat 3/15/2026
- Voicemail 3/15/2026
- Voicemail 3/27/2026
- Chat 3/27/2026
- Voicemail 3/31/2024
- 3/31/2024 Chat - Kara Miller - gave ok to submit as is.

UTILITY COMPANY CONSENT FOR VACATION

Utility Company: Williams Gas

Representative: Brenda Marshall

Address: 1301 S. Locust Grove Rd
Meridian, ID 83642

Petitioner: Kimberly Martinez

Address: 1473 17th St. Baker City Oregon

Street or Alley to be Vacated: Estes St

- [x] Approved
- [ ] Denied
- [ ] Approved with Conditions:

Other Comments: Williams Northwest Pipeline is not in the area of impact.

Signature: Brenda Marshall Date: 3-11-26

UTILITY COMPANY CONSENT FOR VACATION

Utility Company: OTEC

Representative: Levi Spriet - Staking Manager

Address: 4005 23rd St, Baker City, OR

Petitioner: Kimberly Martinez

Address: 1473 17th St. Baker City, OR

Street or Alley to be Vacated: Estes St.

☒ Approved

☐ Denied

☐ Approved with Conditions: ______

Other Comments: ______

______ Date: ______

UTILITY COMPANY CONSENT FOR VACATION

Utility Company: Spectrum

Representative: Scott Haizel

Address: 1912 4th St STE 100

La Grande, OR 97850

Petitioner: Kimberly Martinez

Address: 1473 17th St. Baker City, OR

Street or Alley to be Vacated: Estes St.

☒ Approved

☐ Denied

☐ Approved with Conditions:

Other Comments:

Signature: [signature] Date: 3-11-2026

UTILITY COMPANY CONSENT FOR VACATION

Utility Company: Eoni - Ziply

Representative: __________

Address: __________

Petitioner: Kimberly Martinez

Address: 1473 17th St. Baker City, OR

Street or Alley to be Vacated: Estes St.

- [x] Approved
- [ ] Denied
- [ ] Approved with Conditions: __________

Other Comments: __________

Signature: Sean Poirier Date: 3/11/2026

CITY DEPARTMENT CONSENT FOR VACATION

City Department: BAKER CITY POLICE DEPARTMENT

Representative: Ty Duby, Chief of Police

Address: 1768 Auburn Ave, Baker City, OR 97814

Petitioner: Kimberly Martinez

Address: 1473 17th St. Baker City, OR

Street or Alley to be Vacated: Estes St.

☒ Approved

☐ Denied

☐ Approved with Conditions:

Other Comments: Approved providing Public Works and Planning approve as well.

Ty R. Duby Date: 3/11/26

CITY DEPARTMENT CONSENT FOR VACATION

City Department: BAKER CITY FIRE DEPARTMENT

Representative: MICHAEL CARLSON

Address:

Petitioner: Kimberly Martinez

Address: 1473 17th St. Baker City, OR

Street or Alley to be Vacated: Estes St.

- [x] Approved
- [ ] Denied
- [ ] Approved with Conditions:

Other Comments:

Date: 3/5/2026

ABUTTING PROPERTY OWNERS CONSENT FOR VACATION

Property Owner(s): ______________________________

Address: ______________________________

____

Petitioner: ______________________________

Address: ______________________________

____

Street or Alley to be vacated: ______________________________

per Kara

Do not need Abutting Property Owners

12/22/2025

NOTE: *Property owner(s) signature(s) must be provided in front of a Notary*

State of OREGON
County of BAKER

On ______________________, __________, personally appeared before me the above-

named ______________________________

and acknowledged the foregoing instrument to be __________ voluntary act and deed.
(his/her/their)

____
Notary Public – State of Oregon

TENTATIVE PLAN

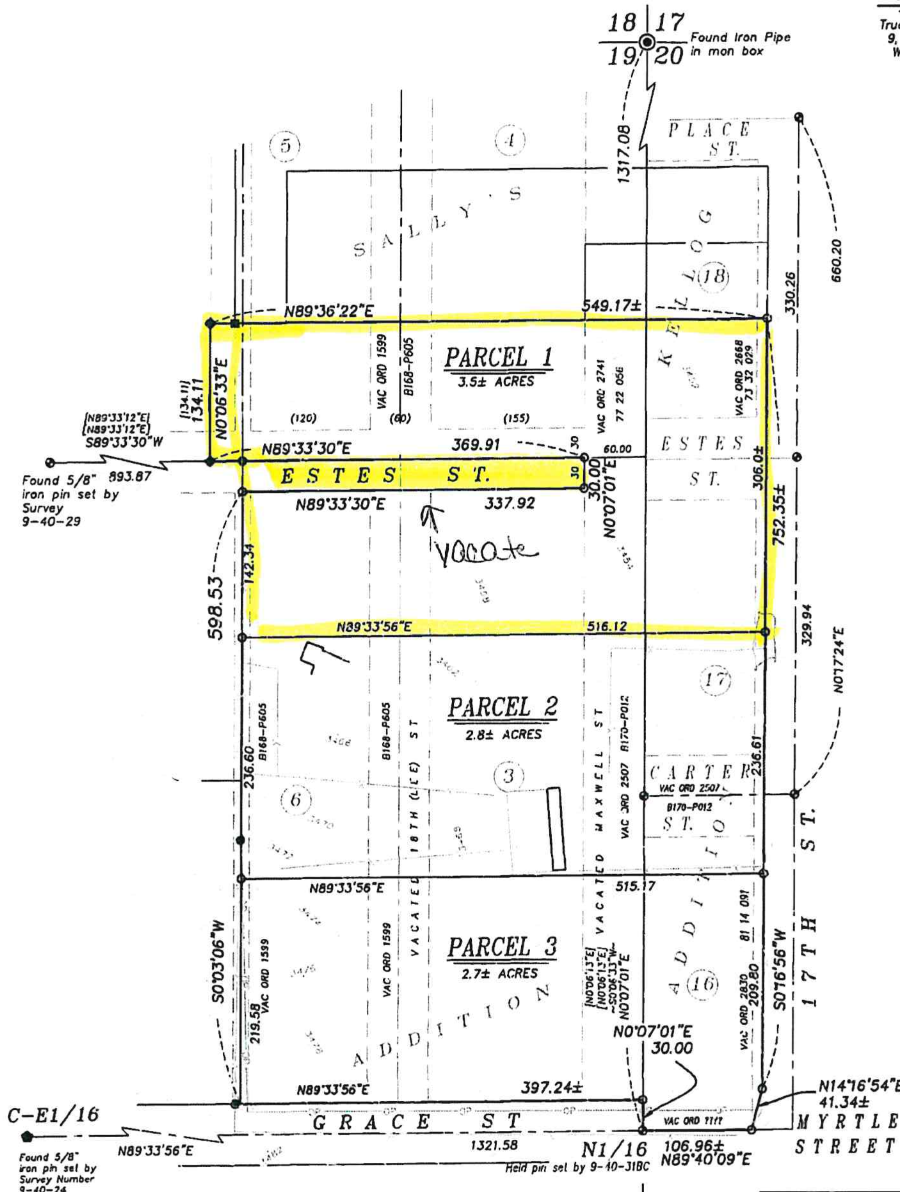
PRELIMINARY PARTITION PLAT

A Proposed Partition of a portion of Blocks 3, 4, 5, and 6 of Sally's Addition and portions of Block 16, 17, and 18, Kellog's Addition to the City of Baker City with alley and streets accruing by way of vacation, Situated in the Northeast quarter of the Northeast quarter of Section 19, and the Northwest quarter of the Northwest quarter of Section 20, Township 9 South, Range 40 East of the Willamette Meridian

BASIS OF BEARING

True geodetic North at the corner common to Sections 8, 9, 16 and 17, Township 9 South, Range 40 East of the Willamette Meridian, as determined by GPS observation

SCALE: 1"=80'

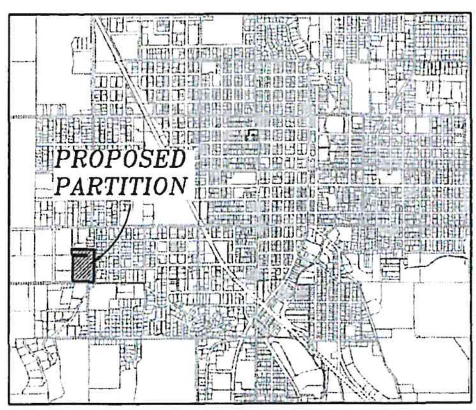


OWNERS

Donna Kanyid Revocable Trust
2055 2nd St.
Baker City, OR 97814
(541)523-7763

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JEFFREY E. HSU
83571
Renewal Date: June 30, 2027

PRELIMINARY COPY ONLY SUBJECT TO REVISIONS



NOTE: Limited survey was done in the preparation of this exhibit. Bearing, distances and measurements should be considered approximate.

CITY DEPARTMENT CONSENT FOR VACATION

City Department: BAKER CITY PUBLIC WORKS DEPARTMENT

Representative:

Address:

Petitioner: Kimberly Martinez

Address: 1473 17th St.

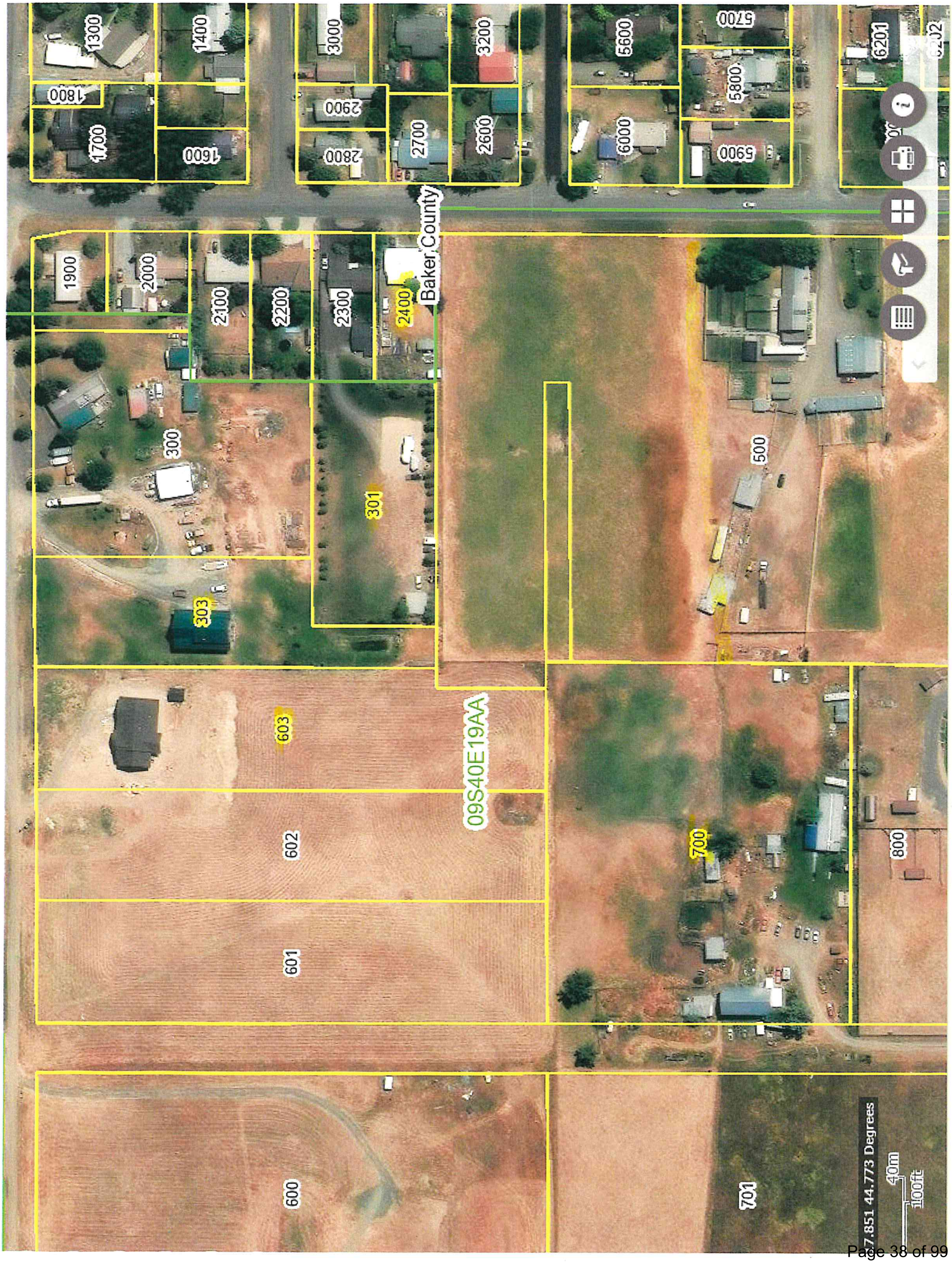
Street or Alley to be Vacated: Estes St.

- [x] Approved
- [ ] Denied
- [ ] Approved with Conditions:

Other Comments:

NO CONCERNS AS PROPERTY HAS NO PUBLIC UTILITIES.

Date: 4/14/26


Baker County
09S40E19AA
1300
1400
3000
3200
5600
5700
1800
2900
5800
6201
1700
1600
2800
2700
2600
6000
5900
1900
2000
2100
2200
2300
2400
300
301
303
500
603
602
601
700
800
600
701
40m
100ft

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

N.E.1/4 N.E.1/4 SEC.19 T.9S. R.40E. W.M.
BAKER COUNTY

1" = 100'

09S40E19AA
BAKER CITY

Cancelled
100
200
201
400
900
1000

Revised: MA
12/03/2025

BAKER CITY
09S40E19AA

Exhibit D: Street View of Subject Property

Township 09 South, Range 40 East, Section 19AA, W.M., Baker County, Oregon
in the Salley's Addition to Baker City

BAKER CITY
OREGON

ORDINANCE NO. 3422
AN ORDINANCE VACATING A 30' x 369.91' SECTION OF ESTEST STREET RIGHT-OF-WAY IN PARCEL 1 OF PP-2025-012, BETWEEN 17TH AND 20TH STREETS TO BAKER CITY, OREGON.

WHEREAS, a petition was submitted to vacate a 30' x 369.91' Section of Estes Street Right-of-Way in Parcel 1 of PP-2025-012, Between 17th and 20th Streets to Baker City; and

WHEREAS, the property abutting the vacated portion, all in Assessor's Map 09s40e19aa: Tax Lot 500 (owned by Better Rentals/Baker City LLC/ Spencer Elbert), all of whom have consented to the vacation; and

WHEREAS, said petition has been filed in accordance with the provisions of Ordinance No. 2748 (codified as Chapter 51 of the Baker City Municipal Code); and

WHEREAS, notice was mailed to each property owner within 250 feet of the requested street vacation on June 23, 2026, via certified mail, return receipt requested, which was at least ten days prior to the Planning Commission hearing on the matter; and

WHEREAS, notice to the public was advertised in a newspaper of general circulation (July 1, 2026) prior to the Planning Commission hearing; and

WHEREAS, the Planning Commission held a public hearing on the matter and recommended the City Council approve the request for a street vacation.

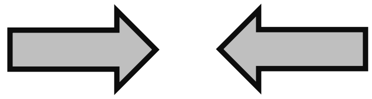
NOW THEREFORE, BE IT ORDAINED by the City Council of Baker City, Oregon:

SECTION 1: That the following described portion of a street is hereby vacated:

That portion of the South 30 feet of Estes Street Right-of-Way between the West right-of-way line of Vacated Maxwell Street (Vacation Order 2507, Recorded in Book 170, page 012) and the center line of the Alley in Block 6 if extended North (Vacation Order 1599, Recorded in Book 168, page 604), all in Salley's Addition of Baker City, Oregon. More particularly describes as that portion of the South 30 feet of Estes Street adjacent to Blocks 3, 6, that portion vacated 18th (Lee Street) and the East half of that portion of vacated Alley in Block 6, all vacated in said Vacation Order #1599, being in said Salley's Addition. Said right of way is further described in Parcel 1 of Partition Plat PP2025-012, recorded November 25th, 2025, as B25470302.

SECTION 2: That the title to the portion of a street so vacated shall vest in the abutting property owners and shall be vested in the same manner as the interest of said abutting owners might appear on title to the abutting property as provided by law.

SECTION 3: That attached hereto, marked as "Exhibit A", and by its reference incorporated herein, is a copy of the plat upon which the portion of the street to be vacated is indicated between two bold arrow symbols:



READ for the first time in full on this 28th day of July, 2026.

READ for the second time by title only on this 28th day of July, 2026.

READ for the third time by title only on this 11th day of August, 2026.

APPROVED by the City Council of Baker City, Oregon, and signed by the Mayor of Baker City, Oregon, this 11th day of August, 2026.

____

Randy Daugherty, Mayor

ATTEST:

____

Megan Langan, City Recorder

APPROVED AS TO FORM

____

Jeremy Green, City Attorney

Exhibit A

Estes Street
ESTES
ST
5-1
-002
PARCEL 1
PARCEL 2
PARCEL 3
500
3.50 AC
700
4.78 AC
800
2.58 AC
501
2.80 AC
502
2.69 AC
301
1.00 AC
PARTITION
PLAT
2025-012
CS 9-40-256
CS 9-40-237
20TH
SEVENTEENTH
ST
1/16 COR
SEE MAP 09S 40E 20BB

BAKER CITY, OREGON

Date: July 28, 2026
Subject: Finance Monthly Update

See attached monthly financial report for the month of June.

City of Baker City
Financial Report for the General Fund
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Fund/Department	Description	June	YTD	Budget	Percent of Budget	Narrative
			REVENUE			
General Fund	Beginning Working Capital	$ -	$ 2,606,580	$ 2,275,000	114.6%	Year-end adjustments are in process. BWC is preliminary.
	Property Taxes	137,719	3,712,298	3,440,000	107.9%	
	Police Generated Revenue	4,346	29,233	23,600	123.9%	Police revenue includes impound fees, court fines, parking violations and Drug Task Force contributions.
	Ambulance	-	3,160	5,000	63.2%	
	Cemetery	5,701	99,805	104,409	95.6%	
	Cemetery Trust Fund Interest Transfers	2,478	32,325	55,000	58.8%	
	Interest	9,913	119,802	125,000	95.8%	The LGIP interest rate remained at 4.0% for June 2026.
	Generated Power Sales	3,102	43,763	50,000	87.5%	The Pelton wheel generator was offline from October to December for repairs.
	Franchise fees	177,977	1,007,142	977,500	103.0%	Franchises are received monthly or quarterly.
	Water/Wastewater "Franchise" Fee	35,673	425,103	392,647	108.3%	
	Airport Ground Leases and Gas Tax	-	60,434	56,131	107.7%	
	Cigarette/Liquor Taxes/State Sharing	32,605	174,753	296,614	58.9%	State payments are received monthly or quarterly.
	Planning Department Fees	238	4,478	-		
	School Resource Office (SRO) Reimb 5J	-	74,125	101,623	72.9%	5J is billed quarterly.
	Admin Services Indirect Cost	54,617	655,412	715,000	91.7%	
	Fees, Permits and Licenses	821	19,887	6,600	301.3%	Includes new street closure and park fees.
	Other Revenue	12,337	85,644	91,200	93.9%	Resolution 3991 increased this line item by $25,000.
	Wildfire Grant	-	-	35,000	0.0%	
	TLT Administration Fee	12,357	152,257	200,000	76.1%	30% administration fee based on TLT revenue. The City began receiving July TLT funds in August.
	Leo Adler Grant	-	20,000	25,000	80.0%	
	DLCD Planning Grant	-	51,515	25,000	206.1%	
	ARPA Funds Recognized	-	150,000	150,000	100.0%	ARPA revenue recognized for Samo roof project completion. Resolution 3987 increased budget appropriations by $150,000.
	Cares Act Grant	-	-	23,100	0.0%	
	Public Safety Fee	58,029	701,419	659,000	106.4%	
Total		**$ 547,913**	**$ 10,229,135**	**$ 9,832,424**	**104.0%**	

City of Baker City
Financial Report for the General Fund
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Fund/Department	Description	June	YTD	Budget	Percent of Budget	Narrative
	EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE					
Administration	Personnel Services	$ 88,970	717,645	$ 720,087	99.7%	
	Materials and Services	46,473	841,004	840,099	100.1%	Resolution 3991 increased this line item by $69,300.
	Capital Outlay - City Hall	-	45,708	50,000	91.4%	
	Transfer to Golf Course Fund 123	-	20,000	20,000	100.0%	
	Transfer to Fund 162 FAA Match	-	10,000	10,000	100.0%	
	Transfer to Sam-O Fund 115-ARPA Funds	-	150,000	150,000	100.0%	ARPA revenue recognized for Samo roof project completion. Resolution 3987 increased budget appropriations by $150,000.
	Transfer to Economic Dev Fund 177	-	-	15,000	0.0%	The budgeted transfer was not required this year.
	Contingency	-	-	161,345	0.0%	Resolution 3991 decreased this line item by $64,300.
	Subtotal	**$ 135,443**	**$ 1,784,357**	**$ 1,966,531**	**90.7%**	
Police	Personnel Services	$ 219,363	$ 2,594,823	$ 2,627,500	98.8%	
	Materials and Services	19,552	388,770	353,410	110.0%	
	Police Vehicles	19,939	100,005	90,000	111.1%	Resolution 3991 increased this line item by $20,000.
	Subtotal	**$ 258,854**	**$ 3,083,598**	**$ 3,070,910**	**100.4%**	
Fire	Personnel Services	$ 129,301	$ 1,518,868	$ 1,600,781	94.9%	
	Materials and Services	9,019	235,735	215,296	109.5%	
	Transfer to Fire Equip Reserve Fund 112	-	375,000	375,000	100.0%	
	Subtotal	**$ 138,320**	**$ 1,754,603**	**$ 1,816,077**	**96.6%**	
Cemetery	Personnel Services	$ 6,039	$ 30,959	$ 34,832	88.9%	
	Materials and Services	10,926	161,676	186,611	86.6%	
	Subtotal	**$ 16,965**	**$ 192,635**	**$ 221,443**	**87.0%**	
Parks	Personnel Services	$ 7,456	$ 39,036	$ 31,382	124.4%	
	Materials and Services	11,042	103,108	125,516	82.1%	
	Subtotal	**$ 18,498**	**$ 142,144**	**$ 156,898**	**90.6%**	
Airport	Personnel Services	$ 1,316	$ 19,842	$ 16,799	118.1%	
	Materials and Services	2,685	58,782	74,304	79.1%	
	Capital Outlay	-	-	27,900	0.0%	
	Subtotal	**$ 4,001**	**$ 78,624**	**$ 119,003**	**66.1%**	
Planning	Personnel Services	$ 3,353	$ 17,883	$ 1,112	1608.2%	
	Materials and Services	-	90,734	150,500	60.3%	The City contracted planning services from Baker County until December 2025.
	Subtotal	**$ 3,353**	**$ 108,617**	**$ 151,612**	**71.6%**	
Hydro Elect Plant	Personnel Services	$ -	$ 2,569	$ 1,832	140.2%	
	Materials and Services	3	13,566	16,003	84.8%	High voltage training $3,500.
	Subtotal	**$ 3**	**$ 16,135**	**$ 17,835**	**90.5%**	

City of Baker City
Financial Report for the General Fund
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Fund/Department	Description	June	YTD	Budget	Percent of Budget	Narrative
EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE						
Community Development	Personnel Services	$ 10,961	144,076	$ 129,615	111.2%	
	Materials and Services	-	387	7,500		
	Subtotal	**$ 10,961**	**$ 144,463**	**$ 137,115**	**105.4%**	
All Departments	**Personnel Services**	**466,759**	**5,085,701**	**5,163,940**	98.5%	
	Materials and Services	**99,700**	**1,893,762**	**1,969,239**	96.2%	
	Capital Outlay	**19,939**	**145,713**	**317,900**	45.8%	
	Debt Service	**-**	**-**	**-**		
	Transfers	**-**	**555,000**	**420,000**	132.1%	
	Contingency	**-**	**-**	**161,345**	0.0%	
	Unappropriated Ending Fund Balance	**-**	**-**	**1,800,000**	0.0%	
Grand Total		**$ 586,398**	**$ 7,680,176**	**$ 9,832,424**	**78.1%**	

City of Baker City
Financial Report for the Enterprise Funds
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Fund	Description	June	YTD	Budget	Percent of Budget	Narrative
			REVENUE			
Water Fund - 104	Beginning Working Capital	$ -	$ 4,700,895	$ 4,631,572	101.5%	Year-end adjustments are in process. BWC is preliminary.
	Water Sales	318,395	3,871,709	3,591,880	107.8%	
	OWRD Grant Proceeds	-	-	93,440	0.0%	
	Interest	14,468	190,408	175,000	108.8%	
	Other Revenue	11,617	174,835	113,375	154.2%	
Total		**$ 344,480**	**$ 8,937,847**	**$ 8,605,267**	**103.9%**	
			EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE			
Water Fund - 104	Water Utility Maintenance	$ 174,838	$ 2,388,879	$ 2,574,908	92.8%	
	Water Utility Construction	175,235	1,537,474	2,736,961	56.2%	
	Capital Outlay - Equipment	5,400	88,461	89,600	98.7%	Split costs for compact excavator, trailer, and an ATV.
	Transfer to Samo Fund (115) ARPA Funds	-	150,000	150,000	100.0%	
	Transfer to Central Stores Fund (107)	-	10,000	10,000	100.0%	
	Contingency	-	-	300,000	0.0%	
	IFA Loan Payment	-	123,690	123,690	100.0%	
	Unappropriated Ending Fund Balance	-	-	2,620,108	0.0%	
Total		**$ 355,473**	**$ 4,298,504**	**$ 8,605,267**	**50.0%**	

			REVENUE			
Wastewater Fund - 105	Beginning Working Capital	$ -	$ 4,563,876	$ 4,587,961	99.5%	Year-end adjustments are in process. BWC is preliminary.
	Wastewater Service Charge	191,226	2,379,393	2,017,351	117.9%	
	Interest	18,656	216,107	124,364	173.8%	
	G Street LID Interest/Principal	-	3,873	4,215	91.9%	
	DEQ Loan Proceeds	-	-	2,000,000	0.0%	
	Other Revenue	43,159	345,278	144,982	238.2%	
Total		**$ 253,041**	**$ 7,508,527**	**$ 8,878,873**	**84.6%**	
			EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE			
Wastewater Fund - 105	Wastewater Maintenance Department	$ 130,866	$ 1,640,463	$ 2,239,466	73.3%	
	Wastewater Construction	7,650	157,151	2,858,801	5.5%	
	Capital Outlay - Equipment	5,400	82,762	83,200	99.5%	Split costs for compact excavator, trailer, and an ATV.
	Debt Service - DEQ Loan Payment	-	-	46,930	0.0%	Loan payments are deferred until construction is complete.
	Contingency	-	-	750,000	0.0%	
	Unappropriated Ending Fund Balance	-	-	2,900,476	0.0%	
Total		**$ 143,916**	**$ 1,880,376**	**$ 8,878,873**	**21.2%**	

City of Baker City
Financial Report for the Enterprise Funds
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Fund	Description	June	YTD	Budget	Percent of Budget	Narrative
			REVENUE			
Golf Course Fund - 123	Beginning Working Capital	$ -	$ (23,224)	$ -		Year-end adjustments are in process. BWC is preliminary.
	Miscellaneous Revenue	-	-	-		
	Alora Cost Share	-	-	11,015	0.0%	
	Alora Facility Lease	7,000	7,000	5,500	127.3%	
	Transfer from the General Fund	-	20,000	20,000	100.0%	
Total		**$ 7,000**	**$ 3,776**	**$ 36,515**	**10.3%**	
			EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE			
Golf Course Fund - 123	Personnel Services	$ 47	$ 2,402	$ 5,574	43.1%	
	Materials & Services	985	17,066	21,201	80.5%	
	Contingency	-	-	9,740		
	Unappropriated Ending Fund Balance	-	-	-		
Total		**$ 1,032**	**$ 19,468**	**$ 36,515**	**53.3%**	

			REVENUE			
Building Inspections Fund - 127	Beginning Working Capital	$ -	$ 863,158	$ 750,000	115.1%	Year-end adjustments are in process. BWC is preliminary.
	City Permits	24,081	331,059	236,566	139.9%	
	County Permits	18,368	227,478	321,540	70.7%	
	State Surcharge	4,455	46,983	47,973	97.9%	
	Interest	2,953	40,824	30,000	136.1%	
	Other Revenue	90	566	4,865	11.6%	Includes design review fee.
Total		**$ 49,947**	**$ 1,510,068**	**$ 1,390,944**	**108.6%**	
			EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE			
Building Inspections Fund - 127	Personnel Services	$ 39,006	$ 448,926	$ 501,236	89.6%	
	Materials and Services	5,730	141,109	151,973	92.9%	
	Capital Outlay	-	32,418	50,000	64.8%	New inspection vehicle.
	Contingency	-	-	87,735	0.0%	
	Unappropriated Ending Fund Balance	-	-	600,000	0.0%	
Total		**$ 44,736**	**$ 622,453**	**$ 1,390,944**	**44.8%**	

City of Baker City
Financial Report for the Special Revenue Funds
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Fund	Description	June	YTD	Budget	Percent of Budget	Narrative
			REVENUE			
State Tax Street Fund - Fund 102	Beginning Working Capital	$ -	$ 3,735,696	$ 3,736,623	99.98%	Year-end adjustments are in process. BWC is preliminary.
	Property Taxes	32,245	869,073	812,500	106.96%	
	State Gas Tax	70,018	753,272	820,224	91.84%	
	Surface Trans Project	-	125,711	125,000	100.57%	
	Interest	12,801	152,456	100,000	152.46%	
	Other Revenue	3,204	12,111	16,091	75.27%	
	HB2017 Cedar Street Grant	-	1,143,577	1,159,400	98.64%	
	Total Revenue	**$ 118,268**	**$ 6,791,896**	**$ 6,769,838**	**100.33%**	
			EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE			
State Tax Street Fund - Fund 102	Streets Maintenance	$ 68,596	$ 814,811	$ 1,302,519	62.56%	
	Storm Water Maintenance	1,650	99,658	325,681	30.60%	
	Preventative Maintenance	3,945	1,706,459	3,125,707	54.59%	
	Street Lighting	2,584	98,872	133,114	74.28%	
	Snow and Ice Control	850	23,897	147,582	16.19%	
	Street Construction	59	1,239	8,502	14.57%	
	Capital Outlay - Equipment	1,500	38,967	39,200	99.41%	Split costs for compact excavator and trailer.
	Contingency	-	-	400,000	0.00%	
	Unappropriated Ending Fund Balance	-	-	1,287,533	0.00%	
	Total Expenditures	**$ 79,184**	**$ 2,783,903**	**$ 6,769,838**	**41.12%**	
			REVENUE, EXPENDITURES & CONTINGENCY			
Transient Lodging Tax Fund - Fund 106	Beginning Working Capital	$ -	$ 424,318	$ 625,500	0.00%	
	City Transient Lodging Tax	41,190	507,524	800,000	63.44%	July transient lodging taxes were collected in August.
	Interest	1,566	19,942	15,000	132.95%	
	Total Revenue	**42,756**	**951,784**	**1,440,500**	**66.07%**	
	Personnel Services	-	-	10,000	0.00%	
	Materials & Services	15	227,237	467,000	48.66%	
	Capital Outlay	-	-	20,000	0.00%	
	Transfer to Golf Fund (135)	-	77,870	77,870	100.00%	
	Transfer to General Fund (101)	12,357	152,257	200,000	76.13%	30% Admin fee transfer.
	Transfer to Park Imp (134)	-	-	200,000	0.00%	Court plaza.
	Unappropriated Ending Fund Balance	-	-	365,630	0.00%	
	Contingency	-	-	100,000	0.00%	
	Total Expenditures	**12,372**	**457,364**	**1,440,500**	**31.75%**	

Fund	Description	June	YTD	Budget	Percent of Budget	Narrative
			REVENUE, EXPENDITURES & CONTINGENCY			
Samo Swim Center - Fund 115	Beginning Working Capital	$ -	$ 145,863	$ 207,070	70.44%	Year-end adjustments are in process. BWC is preliminary.
	Property Tax Revenue	4,605	123,634	130,000	95.10%	
	Interest	287	5,236	16,000	32.73%	
	ARPA Grant Revenue	-	150,000	150,000	100.00%	Resolution 3987 decreased this line item $150,000.
	Transfer from the General Fund (101) ARPA	-	150,000	150,000	100.00%	Resolution 3987 increased this line item $150,000.
	Transfer from the Water Fund (104) ARPA	-	150,000	150,000	100.00%	
	Total Revenue	**4,892**	**724,733**	**803,070**	**90.25%**	
	Personnel Services	522	22,536	19,560	115.21%	
	Materials & Services	1,717	71,474	107,399	66.55%	
	Pool Resurface and Roof Replacement	-	538,722	539,977	99.77%	
	Contingency	-	-	136,134		
	Total Expenditures	**2,239**	**632,732**	**803,070**	**78.79%**	

City of Baker City
Financial Report for the Special Revenue Funds
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Fund	Description	June	YTD	Budget	Percent of Budget	Narrative
			REVENUE AND EXPENDITURES			
Tree City Fund - Fund 129	Beginning Working Capital	$ -	$ 3,522	$ 5,731	61.46%	Year-end adjustments are in process. BWC is preliminary.
	Interest	29	238	175	136.00%	
	OTEC Tree Replacement/Misc Revenue	750	6,450	100	6450.00%	In-lieu-of fee for tree planting.
	Total Revenue	**779**	**10,210**	**6,006**	**170.00%**	
	Personnel Services	-	157	504	31.15%	
	Materials & Services	-	452	1,500	30.13%	
	Contingency	-	-	1,000	0.00%	
	Unappropriated Ending Fund Balance	-	-	3,002	0.00%	
	Total Expenditures	**-**	**609**	**6,006**	**10.14%**	

			REVENUE, EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE			
Elkhorn Ind. Park - Econ/Community Dev. Fund 177	Beginning Working Capital	$ -	$ 697,753	$ 725,802	96.14%	
	Elkhorn Industrial Park Lot Sales	-	30,000	-		
	Transfer from General Fund (101)	-	-	15,000		
	Interest	2,348	29,123	25,000	116.49%	
	Total Revenue	**2,348**	**756,876**	**765,802**	**98.83%**	
	Economic/Community Development	-	30,669	765,802	4.00%	
	Total Expenditures	**-**	**30,669**	**765,802**	**4.00%**	

City of Baker City
Financial Report for the Internal Service and Capital Projects Funds
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Fund	Description	June	YTD	Budget	Percent of Budget	Narrative
Internal Service Funds						
	EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE					
Central Stores Fund - Fund 107	Beginning Working Capital	$ -	$ 383,814	$ 300,000	127.9%	Year-end adjustments are in process. BWC is preliminary.
	Interest	-	203	500	40.6%	
	Sale of Inventory	21,970	182,382	346,450	52.6%	
	Transfer from Water Fund (104)	-	10,000	10,000	100.0%	
	Total Revenue	**$ 21,970**	**$ 576,399**	**$ 656,950**	**87.7%**	
	Inventory Purchases	5,737	179,846	225,050	79.9%	
	Contingency	-	-	30,000	0.0%	
	Unappropriated Ending Fund	-	-	401,900	0.0%	
	Total Expenditures	**$ 5,737**	**$ 179,846**	**$ 656,950**	**27.4%**	

Fund	Description	June	YTD	Budget	Percent of Budget	Narrative
	EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE					
Equip and Vehicle Operations - Fund 108	Beginning Working Capital	$ -	$ 907,002	$ 1,020,562	88.9%	Year-end adjustments are in process. BWC is preliminary.
	Equipment Charge	70,900	650,368	1,016,680	64.0%	
	Miscellaneous Income	22,000	41,924	7,000	598.9%	
	Interest	2,414	33,266	20,000	166.3%	
	Total Revenue	**$ 95,314**	**$ 1,632,560**	**$ 2,064,242**	**79.1%**	
	Personnel Services	19,975	254,517	307,501	82.8%	
	Materials and Services	7,401	275,663	299,630	92.0%	
	Capital Outlay - Equipment	-	361,696	365,000	99.1%	3000 ft/lb Toku hammer, jetter trailer, dump truck, 3 PW vehicles
	Contingency	-	-	250,000	0.0%	
	Unappropriated Ending Fund	-	-	842,111	0.0%	
	Total Expenditures	**$ 27,376**	**$ 891,876**	**$ 2,064,242**	**43.2%**	

City of Baker City
Financial Report for the Internal Service and Capital Projects Funds
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Fund	Description	June	YTD	Budget	Percent of Budget	Narrative
Capital Project Funds						
	REVENUE, EXPENDITURES, CONTINGENCY & UNAPPROPRIATED ENDING FUND BALANCE					
General Fund - Capital Projects - Fund 109	**Beginning Working Capital**	$ -	$ -	$ -		
	Seismic Grant	31,901	46,781	2,400,000	1.9%	
	Total	**$ 31,901**	**$ 46,781**	**$ 2,400,000**	**1.9%**	
	Materials & Services	$ -	$ 46,781	$ 2,400,000	1.9%	
	Total	**$ -**	**$ 46,781**	**$ 2,400,000**	**1.9%**	
Fire Equipment Reserve - Fund 112	**Beginning Working Capital**	$ -	$ 552,685	$ 570,991	96.8%	Year-end adjustments are in process. BWC is preliminary.
	Interest	208	18,947	15,000	126.3%	
	Grants and Donations	-	5,200	5,000	104.0%	Res. 3991 increased this line item $5,000 for Cadet Program donation.
	Miscellaneous Income	-	34,000	-		Fire truck sold to Nyssa Fire Dept.
	Transfer from General Fund	-	375,000	375,000	100.0%	
	Total	**$ 208**	**$ 985,832**	**$ 965,991**	**102.1%**	
	Materials & Services	$ -	$ 5,348	5,000	107.0%	
	Capital Outlay - Fire Truck Purchase	-	915,228	$ 915,800	99.9%	Fire truck and Chief's vehicle
	Contingency	-	-	45,191	0.0%	Resolution 3991 decreased this line item by $25,800.
	Total	**$ -**	**$ 920,576**	**$ 965,991**	**95.3%**	
Golf Course Capital Project - Fund 135	Beginning Working Capital	$ -	$ 40,732	$ -		Year-end adjustments are in process. BWC is preliminary.
	Leo Adler Grant	-	-	40,000	0.00%	
	Interest Income	431	4,526	-		
	Miscellaneous, Gifts and Donations	-	3,525	26,000	13.6%	
	Transfer from TLT Tourism	-	77,870	77,870	100.0%	
	Total Revenue	**431**	**126,653**	**143,870**	**88.03%**	
	Transfer to Silver's Fund (131)-Interfund Loan	143,870	143,870	143,870	100.00%	Annual June payment.
	Total Expenditures	**143,870**	**143,870**	**143,870**	**100.00%**	

City of Baker City
Financial Report for the Debt Service and Trust Funds
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Fund	Description	June	YTD	Budget	Percent of Budget	Narrative
Debt Service Fund						
LID Repayment - Fund 110	Beginning Working Capital	$ -	$ 81,205	$ 65,000	124.9%	
	Interest	287	3,545	1,200	295.4%	
	Improvement Dist Assessment	-	4,143	12,300	33.7%	
	Total Revenue	**$ 287**	**$ 88,893**	**$ 78,500**	**113.2%**	
	Materials and Services	-	225	800	28.1%	
	Unappropriated Ending Fund Balance	-	-	77,700	0.0%	
	Total Expenditures & Contingency	**$ -**	**$ 225**	**$ 78,500**	**0.3%**	
Wastewater Debt Service - Fund 136	Beginning Cash Reserve	$ -	$ 275,000	$ 275,000	100.0%	
	Unappropriated Ending Fund Balance	$ -	$ -	$ 275,000	0.0%	
Trust Funds						
One Hundred Year Trust - Fund 113	Beginning Working Capital	$ -	$ 3,686	$ 3,680	100.2%	
	Interest	14	180	150	120.0%	
	Unappropriated Ending Fund Balance	$ -	$ -	$ 3,830	0.0%	
Mt. Hope Trust - Fund 114	Beginning Working Capital	$ -	526,925	$ 513,000	102.7%	
	Interest	1,609	20,899	35,000	59.7%	
	Total Revenue	**$ 1,609**	**$ 547,824**	**$ 548,000**	**100.0%**	
	Interest Transfer to GF	1,609	20,899	35,000	59.7%	
	Unappropriated Ending Fund Balance	-	-	513,000	0.0%	
	Total	**$ 1,609**	**$ 20,899**	**$ 548,000**	**3.8%**	
John Schmitz Trust - Fund 116	Beginning Working Capital	$ -	$ 274,453	$ 279,000	98.4%	
	Interest	**889**	11,446	20,000	57.2%	
	Total Revenue		**$ 285,899**	**$ 299,000**	**95.6%**	
	Interest Transfer to General Fund	889	11,446	20,000	57.2%	
	Unappropriated Ending Fund Balance	-	-	279,000	0.0%	
	Total Expenditures & Contingency	**$ 889**	**$ 11,446**	**$ 299,000**	**3.8%**	
Silvers Street Tree Trust - Fund 131	Beginning Working Capital	$ -	$ 346,375	$ 336,317	103.0%	
	Interest	1,142	14,481	40,000	36.2%	
	Transfer from Golf Fund for Loan Payment-Interest	58,854	58,854	58,854	100.0%	
	Transfer from Golf Fund for Loan Payment	85,016	85,016	85,016	100.0%	
	Total Revenue	**$ 145,012**	**$ 504,726**	**$ 520,187**	**97.0%**	
	Personnel Services	-	-	10,801	0.0%	
	Street Trees and Street Tree Planting	-	1,225	48,053	2.5%	
	Contingency	-	-	5,000	0.00%	
	Unappropriated Ending Fund Balance	-	-	456,333	0.0%	
	Total Expenditures & Contingency	**$ -**	**$ 1,225**	**$ 520,187**	**0.2%**	

City of Baker City
Financial Report for the Special Revenue Grant Funds
Report for the Month Ending June 30, 2026
100.0% of Year Elapsed

Department	Description	June	YTD	Budget	Percent of Budget	Narrative
Playground & Park Improvement - Department 134	Beginning Working Capital	$ -	$ 202,896	$ 240,000	84.5%	Year-end adjustments are in process. BWC is preliminary.
	Interest	1,300	13,178	9,509	138.6%	
	Gifts, Grants and Donations	-	350,500	266,800	131.4%	Baker City Downtown Contribution for Court Plaza.
	LGGP Grant	-	-	700,200	0.0%	
	ARPA Grant Revenue	-	150,000	150,000	100.0%	
	Transfer from TLT Fund (106)	-	-	200,000	0.0%	
	Total Revenue	**$ 1,300**	**$ 716,574**	**$ 1,566,509**	**45.7%**	
	Personnel Services	1,156	30,898	25,234	122.4%	
	Materials & Services	1,790	19,244	32,629	59.0%	
	Capital Outlay - Restroom	112	230,494	300,000	76.8%	
	Capital Outlay - Court Plaza	127,093	153,056	1,167,000	13.1%	
	Contingency	-	-	41,646	0.0%	
	Total Expenditures	**$ 130,151**	**$ 433,692**	**$ 1,566,509**	**27.7%**	
FAA Airport - Department 162	Beginning Working Capital	$ -	$ (49,580)	$ 45,366	0.0%	Year-end adjustments are in process.
	BIL Grant	-	-	431,000	0.0%	
	FAA Grant	-	110,946	265,000	41.9%	
	COAR Grant	-	35,469	26,250	135.1%	
	Transfer from GF - FAA Grant Match	-	10,000	10,000	100.0%	
	Total Revenue	**$ -**	**$ 106,835**	**$ 777,616**	**13.7%**	
	Materials & Services	-	54,504	777,616	7.0%	
	Total Expenditures	**$ -**	**$ 54,504**	**$ 777,616**	**7.0%**	
Comm Dev Projects - Department 166	Beginning Working Capital	$ -	$ 122,789	$ 94,000	130.6%	
	Interest	402	5,143	3,000	171.4%	
	HUD Repayments	-	250	300	83.3%	
	Total Revenue	**$ 402**	**$ 128,182**	**$ 97,300**	**131.7%**	
	Big Deal Grants	-	500	5,000	10.0%	
	Unappropriated Ending Fund Balance	-	-	92,300	0.0%	
	Total Expenditures	**$ -**	**$ 500**	**$ 97,300**	**0.5%**	
Skateboard Park Project - Department 171	Beginning Working Capital	$ -	$ 34,465	$ 34,398	100.2%	
	Interest	115	1,450	1,000	145.0%	
	Expenditures	-	-	35,398	0.0%	
Lamp III Project - Department 174	Beginning Working Capital	$ -	$ 14,516	$ 15,516	93.6%	
	Interest	72	904	500	180.8%	
	Grants and Donations	-	15,000	15,000	100.0%	Resolution 3987 increased this budget line $15,000.
	Total Revenue	**$ 72**	**$ 30,420**	**$ 31,016**	**98.1%**	
	Materials and Services	-	8,953	31,016	28.9%	Resolution 3987 increased this budget line $15,000.
	Total Expenditures	**$ -**	**$ 8,953**	**$ 31,016**	**28.9%**	

MAYOR:
Randy Daugherty
COUNCILORS
Roger Coles
Loran Joseph
Helen Loennig
Doni Bruland
Gratton Miller
Randy Schiewe
CITY MANAGER
Barry Murphy

BAKER CITY, OREGON

Date: July 28, 2026

Subject: Right of Way Ordinance

The City Council discussed the option of doing a right-of-way ordinance for the city. The attached draft ordinance is what the city currently has in the works. Staff requests feedback on the draft.

CITY OF BAKER CITY
ORDINANCE NO. 3421

AN ORDINANCE OF CITY OF BAKER CITY ESTABLISHING A UTILITY LICENSE FOR UTILITY PROVIDERS LOCATED WITHIN THE CITY'S PUBLIC RIGHT-OF-WAY; REQUIRING UTILITIES TO APPLY FOR AND OBTAIN A LICENSE FROM THE CITY; AND ESTABLISHING RATES FOR LICENSEES.

WHEREAS, the City of Baker City ("City" or the "city") has all the powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, City has jurisdiction and exercises regulatory management over all rights-of-way within City under authority of the City of Baker City Charter and state law; and

WHEREAS, City has typically granted individually negotiated franchises to each utility using City's right-of-way to provide utility service, which franchises set forth the terms of use and compensation to be paid for such use; and

WHEREAS, City has determined that it can more effectively, efficiently, fairly and uniformly manage City's right-of-way and provide consistent standards for utility use of the right-of-way through licenses rather than franchises; and

WHEREAS, City finds it is in the public interest to establish a utility license for all utility providers located in City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BAKER CITY AS FOLLOWS:

1. Findings. The above-stated findings are hereby adopted.

2. Title. This Ordinance No. 3421 (this "Ordinance") may be referred to as the "Utility Licensing Ordinance."

3. Purpose. The purpose of this Ordinance includes, without limitation, the following: (a) permitting and managing reasonable access to the city right-of-way for utility purposes and conserving the limited physical capacity of the right-of-way held in trust by the city; (b) ensuring that the city is fully compensated for its current and ongoing costs of granting and regulating access to and the use of the right-of-way; (c) ensuring that all utility companies, persons, and other entities owning and/or operating facilities and/or providing utility service within the city operate in a uniform and consistent manner subject to and in accordance with all applicable city ordinances, rules, and regulations, including, without limitation, this Ordinance; (d) ensuring that the city can continue to fairly and responsibly protect the public health, safety, and welfare of its citizens; and (e) encouraging the provision of advanced and competitive utility service on the widest possible basis to businesses and residents of the city on a nondiscriminatory basis.

4. Definitions. Unless defined elsewhere in this Ordinance, terms and phrases contained in this Ordinance have the meanings assigned to them below (whether or not such terms are capitalized):

"Aboveground facility(ies)" means utility poles and other facilities above the surface of the ground and includes, without limitation, the underground supports and foundations for such facilities.

"Accounting statement" means the sworn statement filed with the city pursuant to Section 10.4 describing the total gross revenues that the licensee received during the immediately preceding quarter.

"ADA" means the Americans with Disabilities Act of 1990 ("ADA") and any regulations of any administrative agency thereof.

"Applicant(s)" means the person applying for a license to use the right-of-way within City pursuant to this Ordinance.

"Cable service" means the one-way transmission to subscribers of video programming, or other programming service, and subscriber interaction if any, which is required for the selection or use of such video programming or other programming service.

"City" or the "city" has the meaning assigned to such term in the recitals.

"Council" or the "council" means the city's then-elected or appointed legislative body (i.e., the city council).

"City property" means all real property owned or controlled by the city except right-of-way and all property held in a proprietary capacity by the city. For purpose of this Ordinance, "city property" includes, without limitation, city parks, open spaces, trails, paths, access ways, parking lots, and public buildings and access easements, driveways, or access ways located upon such property; city-owned streetlights and street light poles will be considered city property.

"Conduit" means any structure, or section thereof, containing one or more ducts, conduits, manholes, handholes, bolts, or other facilities used for any telegraph, telephone, cable service, electrical, or communications conductors, or cable right-of-way, owned or controlled, in whole or in part, by one or more utilities.

"Construction work" means any construction activity in, on, over, and/or under any right-of-way, including, without limitation, any excavation, demolition, installation, maintenance, improvement, repair, replacement, extension, and/or relocation work concerning a facility.

"Day(s)" means calendar days unless otherwise specified.

"Duct" means a single enclosed raceway for conductors or cable.

"Facility(ies)" means the plant, equipment and property, including, without limitation, the poles, pipes, mains, apparatus, amplifiers, appliances, conduits, ducts, guys, anchors, cable, wires, wireless communication devices, and/or other plant and equipment located under, on, or above the surface of the ground within the right-of-way of the city and used or to be used for the purpose of transmitting or otherwise providing services in the city, including, without limitation, telecommunication services.

"Franchise" means an ordinance or agreement between the city and a franchisee which grants a privilege to use right-of-way within the city for a dedicated purpose and for specific compensation.

"Gross revenue(s)" means all revenues a utility receives directly or indirectly from the utility's operations and/or gross revenues derived from the provision of services within the city, less net uncollectibles, including, without limitation, revenues from the use, rental, and/or lease of any facilities; provided, however, the term "gross revenues" does not include revenue paid directly by the United States of America (or any of its agencies). For purposes of this Ordinance, revenue from joint pole use includes any revenue collected by a utility from other utilities, franchises, permittees, and/or licensees of the utility for the right to attach wires, cables, and/or other facilities or equipment to the utility's poles or place them in, on, and/or attached to the utility's facilities.

"Law(s)" means all applicable federal, state, county, and/or local laws, rules, regulations, codes, and ordinances, including, without limitation, the ADA, and all regulations of any administrative agency thereof, the

Baker City Development Code, all as heretofore or hereafter adopted, promulgated, and/or established from time to time.

“License(s)” means the permission granted, on a non-exclusive basis, by City under this Ordinance to the licensee to use right-of-way within City for a specified and dedicated purpose.

“Licensee(s)” includes any person that operates a utility and locates any facilities in the right-of-way pursuant to a license issued by City in accordance with this Ordinance.

“License fee(s)” means the license fees described under Section 10 of this Ordinance.

“Manager” means the city’s then-appointed city manager (or his or her designee).

“Person” means any natural person, corporation, limited liability company, partnership, joint venture firm, association, trust, unincorporated organization, government or governmental agency or political subdivision, or any other entity.

“Private telecommunications network” means a system, including the construction, maintenance, or operation of the system, for the provision of a service or any portion of a service, by a person for the exclusive use of that person and not for resale, directly or indirectly. For purposes of this Ordinance, "private telecommunications network" includes services provided by the State of Oregon pursuant to ORS 190.240 and ORS 283.140.

“Public utility easement(s)” means an easement conveyed, granted, or dedicated to the city or the public and acquired, established, dedicated, or devoted to utility purposes, whether designated as a public easement, utility easement, general utility easement, public utility easement, or similar term. For purposes of this Ordinance, "public utility easement" does not include an easement solely for the construction, reconstruction, operation, maintenance, inspection and repair of city facilities, or where the proposed use by the utility operator is inconsistent with the terms of any easement granted to the city.

“Right-of-way(s)” means the space in, upon, above, along, across, over and/or under the public streets, roads, alleys, avenues, thoroughfares, highways, paths, trails, sidewalks, bicycle lanes, public utility easements, grounds, and all other public ways or areas located within the city which are owned and/or controlled by the city, including the subsurface under and air space over these areas, but not including city property not generally open to the public for travel purposes.

“State” means the State of Oregon.

“Telecommunications” means the transmission between and among points specified by the user, of information of the user's choosing, without change in the content of the information as sent and received.

“Telecommunications carrier” means any provider of telecommunications services including, without limitation, every person that directly or indirectly owns, controls, operates, uses, or manages telecommunications facilities within the city and also includes a telecommunications utility.

“Telecommunications facility(ies)” means the plant and equipment, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services. “Telecommunication facility(ies)” includes conduits, duct, and/or aboveground facilities, underground facilities, and items identified in the definition of facilities contained herein to the extent such items are used for providing telecommunication services.

“Telecommunications service” means two-way switched access and transport of voice, video, and/or data communications, including, without limitation, local exchange service, long distance telephone service, and internet access. Telecommunications service does not include the following: (a) services provided by radio common carrier; (b) one-way transmission of television signals; (c) surveying; (d) private telecommunications networks; and/or (e) communications of the customer which take place on the customer side of on-premises equipment.

"Telecommunications utility" has the meaning assigned to such term under ORS 759.005(9)(a).

"Temporary adjustment" refers to whenever it becomes necessary to temporarily rearrange, remove, lower, and/or raise any utility's aerial cables, wires, and/or other apparatus to permit the passage of any building, machinery, and/or other object moved over any right-of-way.

"Underground facility(ies)" means facilities located under the surface of the ground, excluding the underground foundations or supports for aboveground facilities.

"Utility(ies)" means any person, or its lessees or trustees of record that owns, operates, manages and/or controls all or a part of any facility in the city for the production, transmission, delivery, conveyance or function of gas, heat, steam, light, wastewater, stormwater, water, power, electricity, cable service, communication, data transmission, and/or telecommunication service.

"Utility service" or "service" means the provision, by means of facilities located within, under, and/or above the right-of-way, whether or not such facilities are owned by the service provider, of electricity, natural gas, telecommunications services, cable services, water, sewer, and/or transportation utility to or from customers within the corporate boundaries of the city, and/or the transmission of any of the aforementioned services through the city whether or not customers within the city are served by those transmissions.

5. Utility License Required. No person operating a utility within the city may construct, place, erect, lay, maintain, and/or operate in, on, under, and over any facility in, upon, over, and/or under right-of-way without first applying for and obtaining a license and paying the prescribed fee in accordance with this Ordinance. Operating a utility includes, without limitation, (a) placing facilities in the right-of-way, (b) using facilities owned or operated by other utilities, and/or (c) attaching or locating facilities to, on, upon, or within the facilities of another. Without otherwise limiting the generality of the preceding, no person may operate a private telecommunications network, or any portion thereof in the right-of-way without first applying for and obtaining a license and paying the prescribed license fee. No person with actual, present supervisory control of any utility for which a license is required under this Ordinance may permit, direct, and/or allow the operation or continuation of such utility in the right-of-way at any time when there is not then in full force and effect a license issued pursuant to and in accordance with the provisions of this Ordinance.

6. Compliance with Laws. No license will be issued to any person concerning any utility that is prohibited by federal, state, and/or local law, regulation, and/or ordinance. Each utility must be operated and comply with all applicable laws. The issuance of a license does not authorize a utility to operate in violation of any applicable law. Issuance of a license by the city is not evidence that the applicant and/or utility is in compliance with, or exempt from, any applicable law.

7. Application Requirements. Any person desiring to operate a utility in the right-of-way must apply for a license on such forms and in such manner as the manager may then prescribe. The application must be accompanied by the applicable application fee prescribed by resolution of the council. The application must be filed with the manager and, in addition to any other information reasonably requested by the manager, must include, without limitation, the following information:

7.1 The name and address of the applicant, the address(es) where the applicant will have its office(s) within the city, and the address of the principal office of the applicant.

7.2 A general description of the utility and the type of facilities that will be located by the applicant in the right-of-way.

7.3 The area(s) of the city the applicant desires to place facilities in the right-of-way which may include the entire city and, if the applicant has not previously served within the city, a preliminary construction schedule for build-out of the facilities it will locate in the right-of-way.

7.4 Information to establish that the applicant has obtained all other governmental approvals, authorizations, and/or permits to operate in the city.

7.5 Whether any local, city, county, state, and/or federal licenses, certificates, registrations, and/or permits are required for the utility (and the identification of such licenses, certificates, registrations, and/or permits).

7.6 If the applicant is a foreign person or a non-resident of the State of Oregon and no permanent office location is proposed to be created in the city, the applicant must appoint a local person, acceptable to the manager, as an agent for accepting service of process, notice, and/or demand. The applicant must submit with the application the agent's consent to acceptance of service of process, notice, and/or demand.

7.7 The date of the application and the amount of money tendered with the application.

7.8 Any other information that the manager deems necessary or appropriate to enable the city to review the application and determine whether the applicant qualifies for the issuance of a license.

8. Review; Determination by City.

8.1 An application for a license required under this Ordinance will be reviewed by the manager. The manager is authorized to make an investigation into the applicant utility, review the application, and conduct whatever investigation the manager deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the utility complies with this Ordinance.

8.2 After completion of the manager's review of the application (and the manager's receipt of reports from all persons and departments designated by the manager to review the application), the manager will determine whether the applicant qualifies for the issuance of a license. If the applicant qualifies for a license, the manager will issue the license to the applicant.

8.3 If, on the basis of the review of the application, the manager determines that the applicant does not qualify for a license, the manager will notify the applicant in writing that the application has been denied. The manager may deny the issuance of a license for any of the following nonexclusive reasons: (a) the utility does not or will not comply with applicable law; (b) the utility and/or facility(ies) does or will endanger or damage the health, safety, and/or general welfare of persons or property; (c) the applicant fails to supply the information required, or submits misleading or false information, in connection with the application for the license; (d) insufficient capacity of the right-of-way to accommodate the applicant's proposed facilities; and/or (e) prior to making the application, the utility operated within the city while this Ordinance was in effect without a current, valid license (unless an additional amount equal to the license fee for the period during which the utility operated is paid).

8.4 In lieu of the manager's denial of a license, the manager may refer the application to the council for review by filing the application with the city recorder together with a statement of the findings of any investigation authorized or required by the provisions of this Ordinance. The manager's decision on any given matter will not set any precedent nor bind future decisions of the manager.

9. Rights Granted. A license granted pursuant to this Ordinance will not convey any right, title, and/or interest in the right-of-way, but will be deemed permission to use and occupy the right-of-way for the limited purposes and term, and upon the conditions stated in the license. The person granted the license will have no property interest or other right in the license except as provided by this Ordinance. A license granted pursuant to this Ordinance is not (and will not be construed as) a contract.

10. License Fee; Privilege Tax.

10.1 License Fee; Transmission Line Fee. In consideration of the rights, privileges, and license granted by the city under this Ordinance, each licensee will pay a license fee in accordance with this Ordinance and in an amount set by council resolution from time to time. If a licensee only owns or operates within the city one or more transmission lines that use right-of-way and such line or lines' primary purpose is to serve customers outside the city, then the licensee will not pay a license fee under required herein, but will instead pay a transmission line license fee in an amount or calculated by a method determined from by council resolution. Notwithstanding anything contained in this Ordinance to the contrary, the city may modify the license fee (and the transmission line license fee) payable under this Ordinance from time to time, subject to applicable laws. The license fee will be effective and payable commencing on ________, 2026. The council will set such fees as are necessary to implement the provisions of the Ordinance via council resolution and may modify such fees via council resolution.

10.2 License Fee Amounts.

(a) The license fee for utilities, including, without limitation, general communications, gas (including natural, manufactured, renewable, and/or mixed gases), electric, municipal, public utility district(s), special district(s), and telecommunication utilities and telecommunications carriers, will be a percentage of the gross revenue collected by the licensee concerning utility operations within the city, or such other method as determined by the council.

(b) Unless the city adopts a volumetric rate, gross revenues for an electric utility will include electricity provided by the electric utility or an electricity service provider if bills are consolidated as provided by ORS Chapter 757 related to direct access regulation. The city may elect to establish a volumetric rate as provided by state law for electric distribution utilities.

(c) Gross revenues of a telecommunication carrier that provides telecommunication services using facilities owned or operated by other utilities may be reduced by the amount paid for the use of such facilities if the utility that owns or operates the facilities report the amount paid to them for such use as gross revenue as required by this Section 10.2.

10.3 Privilege Tax. Any utility that operates without a license for a period of thirty (30) days or more within the city and uses rights-of-way in the city for any purpose other than travel will pay a privilege tax in an amount set by council resolution from time to time. For purposes of this Section 10.3, utility includes, without limitation, an electricity service supplier using the facilities of an electric utility that does not consolidate bills with the electric utility pursuant to Section 10.2(b). To the extent that separate fees are charged for use of the right-of-way, including, without limitation, license applications, street opening, construction, inspection, and/or maintenance of fixtures or facilities, pursuant to ORS 221.515(3), as amended, such fees will be paid by telecommunication utilities but may be deducted from the privilege tax. In lieu of requiring payment of fees by telecommunication utilities, the city may waive or establish a system of internal transfers of revenues for such fees. Notwithstanding anything contained in this Ordinance to the contrary, a utility's payment of the privilege tax does not operate to waive and/or release the utility from the obligation to perform and comply with the provisions of this Ordinance; the utility is obligated to perform and comply with all provisions contained in this Ordinance to the extent required of a licensee, including, without limitation, those licensee obligations provided under Sections 11 through 17 of this Ordinance. The privilege tax will be effective and payable commencing on ___________ __, 2026.

10.4 Payment of Fees; Late Payment. License fees and privilege taxes will be due and payable in quarterly installments, which quarterly installment will be due on or before the last day of the month immediately following the end of each calendar year quarter. Contemporaneously with each quarterly payment, each utility will file with the city a sworn statement describing the total gross revenues that the utility received during the immediately preceding quarter. The city's acceptance of any payments under this Section 10.4 will not constitute a waiver by the city of any violation under this Ordinance. A utility operating without a license that commences operations during a quarter will make the initial payment on or before the payment date following the quarter during which operations are commenced. If a termination of operations occurs, the final payment will be made on or before the forty-fifth (45^{th}) day following the date of such termination. If the license fee or privilege tax is not paid to the city on or before the date due, a late payment charge will be owed from the due date to the date on which the city receives payment, compounded monthly. The late payment charge will be due at the same time that the utility makes the delinquent payment to City. Payment of fees required by this Section 10 will be in addition to any application fee, and any other fees required by this Ordinance. If any person operates without a license as required by this Ordinance, operates during a period of suspension after licensee has exhausted all due process rights, and/or materially under reports the license fee or privilege tax which is due, such person will be liable for an additional penalty, computed at two percent of the gross revenues received during the applicable period, which will be paid in addition to the applicable license fee or privilege tax.

10.5 Inspection of Books and Records. Upon ten (10) days' advance written notice to a utility, the city may review such utility books, records, documentation, and/or information, including, without limitation, all maps, diagrams, plans, and other documents, maintained by the utility that describe and/or locate facilities within the right-of-way, that the city reasonably determines necessary or appropriate to audit an accounting statement and/or ascertain a utility's compliance with this Ordinance. Each utility will cooperate with the city in conducting any inspection and/or audit and will correct any discrepancies affecting the city's interest in a prompt and efficient manner. The city will bear the cost of any audit provided no irregularities are found (if the city discovers any irregularities, the licensee will bear the cost of the city's audit). Each utility will keep all its books, records, documentation, and/or information at its Baker City, Oregon office. If a utility provides any books, records, and/or information to the city that the utility reasonably believes to be confidential or proprietary, and the utility clearly and specifically identifies such books, records, and/or information as confidential or proprietary upon initial submission to the city, the city will take reasonable steps to protect the confidentiality of such books, records, and/or information subject to the city's obligations under Oregon's Public Records Law (ORS 192.311-192.431). The city will not be required to incur any costs to protect any confidential or proprietary books, records, and/or information, other than the city's routine internal procedures for complying with Oregon's Public Records Law.

10.6 Multiple Licenses; Other Utilities; Costs. A utility that provides more than one type of utility service will pay a license fee on each type of utility service as provided in this Ordinance. Issuance of a license to occupy right-of-way for the new type of utility service will be subject to the provisions of this Ordinance. If a utility is not specifically listed herein and/or in a resolution adopted by council establishing the license fee amount and/or privilege tax amount, the manager will determine the most appropriate category and the utility will pay that license fee. Each licensee will, within thirty (30) days after written demand, reimburse the city for all reasonable costs and expenses, including, without limitation, reasonable attorney fees, incurred by the city in connection with any modification, amendment, renewal, transfer, termination, revocation, and/or lesser sanction of the license consistent with applicable state, federal, and local laws, rules, regulations, and/or ordinances.

10.7 Compensation for City Property. If any right is granted by lease, permit, or other manner, to use and/or occupy the city property for the installation and operation of facilities, the compensation to be paid for such right and use will be fixed by the city. Such compensation for the use of the city property will be in addition to the license fee or privilege tax for use of the right-of-way unless the use of the city property.

10.8 Deductions. Subject to the provisions of this Ordinance, the city will apply any franchise fee amounts paid by a utility under an existing and then effective franchise granted by the city to the utility for use of right-of-way against the license fee amounts paid or payable under this Ordinance for the subject utility service, including, without limitation, any amounts paid or payable under Sections 10.1 and 10.3; provided, however, in no event will an offset result in an amount paid or payable under this Ordinance less than zero dollars ($0.00). A licensee may not deduct amounts paid to the city for interest charges, fines, and/or penalties. This Section 10.8 will not relieve any utility from paying in accordance with the provisions of a franchise, temporary revocable permit, and/or ordinance when the amount to be paid thereunder exceeds the amount of the utility license fee required under this Ordinance.

11. General License Terms.

11.1 Term and Location of License. Unless otherwise specified in a license, a license granted pursuant to this Ordinance will be in effect until June 30 of the year which is five years from the issuance of the license. Unless otherwise specified in a license, a license will be for the city's entire incorporated limits and the right-of-way necessary to serve the entire city.

11.2 Additional Terms; Existing Franchise Agreements. The manager may, in the manager's sole discretion, require additional terms and/or conditions in a license to clarify, enhance, expand, waive, and/or vary the provisions of this Ordinance. Additional terms and conditions may conflict with the terms of this Ordinance with the review and approval of the council. Notwithstanding anything contained in this Ordinance to the contrary, this Ordinance will apply to all utilities operating under franchise agreements granted by the city. If a conflict between the provisions of this Ordinance and a franchise occurs, the provisions of this Ordinance will control and supersede the conflicting franchise provision. Without otherwise limiting the generality of the immediately preceding sentence, nothing contained in this Ordinance and/or a franchise agreement will relieve a utility of its payment obligations under Section 10.

11.3 Maps. Upon request by the city, and in a generally recognized format acceptable to the city, each licensee will provide the city with an accurate map(s) certifying the horizontal and vertical location, size, and type of material of the licensee's underground facilities within the right-of-way or any portion thereof. The map(s) need not include details of the nature of the facilities. The map(s) will show the horizontal and vertical location of the facilities to the extent such information is available. A licensee will not be required to "pothole" or conduct "vertical locates" to satisfy a mapping request unless reasonably required for the design of a city public improvement project.

12. License Amendment; Renewal; or Transfer.

12.1 Amendment; Renewal. Subject to the provisions of this Ordinance, an application will be required of any licensee that desires to amend and/or renew its existing license. An application will be required of any licensee that desires to occupy right-of-way to provide a type of utility service that was not included in a franchise or license previously issued by the city. Within ninety (90) days after receiving a complete application, the city will issue a written determination granting or denying the amended and/or renewal application in whole or in part. If the amended and/or renewal application is denied, the written determination will include the reasons for non-issuance or nonrenewal. The city's review and determination will be based on the factors identified in Section 8 of this Ordinance. Unless otherwise provided in the license, the licensee will reimburse the city for all direct and indirect fees, costs, and expenses reasonably incurred by the city in considering an amended or renewal license. Any application required by this section will include an application fee in an amount set by council resolution. Notwithstanding anything contained in this Ordinance to the contrary, any license (new, amended, renewal, or otherwise) may be issued only if the licensee is in compliance with its existing franchise and/or license.

12.2 Obligation to Cure; Transfer. No license will be amended and/or renewed until all violations of the applicable license, agreement, and/or provision of this Ordinance have been cured to the city's satisfaction. No transfer or assignment of any license issued under this Ordinance is permitted and any attempted transfer or assignment will render the license null and void. Upon sale or other transfer of a license holder, the new owner(s) must apply for and obtain a new license and pay the prescribed fees.

13. License Revocation; Appeal.

13.1 Grounds for Suspension; Revocation. The manager may suspend and/or revoke a license for any of the following reasons: (a) construction in the right-of-way without a permit required by the city's right-of-way permitting ordinance; (b) construction and/or operation at an unauthorized location in the city; (c) failure to comply with the requirements of this Ordinance with respect to amendment, renewal, or transfer of a license; (d) fraud, misrepresentation, and/or false statement(s) contained in the application for a license and/or willful withholding of information or incomplete disclosure concerning any matter required to be furnished in connection with any such application; (e) abandonment of facilities in the right-of-way except as authorized by the city; (f) failure to locate, relocate, and/or remove facilities as required by the city; (g) failure to pay taxes, compensation, fees, or costs when and as due to the city under this Ordinance; (h) a violation of this Ordinance and/or the terms and conditions imposed under a license; and/or (i) noncompliance with any other city ordinances or regulations or violations of federal, state, and/or local laws, rules, regulations, and/or ordinances.

13.2 Notice and Duty to Cure. If the manager determines that grounds exist for revocation of a license, the manager will provide the licensee written notice of the apparent violation or noncompliance. The notice will contain a short and concise statement of the nature and general facts of the violation or noncompliance and provide the licensee a reasonable period of time not exceeding thirty (30) days to furnish evidence of the following: (a) corrective action has been, or is being, actively and expeditiously pursued to remedy the violation or noncompliance; (b) rebuts the alleged violation or noncompliance; and/or (c) it would be in the public interest to impose some penalty or sanction less than revocation. If the licensee fails to respond to the notice, fails to cure the violation or noncompliance as required by the notice, and/or if the manager determines that the licensee's response is inadequate, the manager may suspend or revoke the license.

13.3 Standards for Revocation or Lesser Sanctions. In determining whether suspension, revocation, and/or a lesser sanction is appropriate, the manager will consider factors, including, without limitation, the nature, circumstances, extent, and/or severity of the violation as reflected by one or more factors including, without limitation, the following: (a) the misconduct was egregious; (b) substantial harm resulted from the violation; (c) the violation was intentional; (d) there is a history of prior violations of the same or other requirements; (e) there is a history of overall non-compliance; and/or (f) the licensee's cooperation in discovering, admitting, and/or curing the violation.

13.4 Appeal. A decision to deny, suspend, and/or revoke a license may be appealed by delivering written notice of appeal to the manager within ten (10) days of the notice of denial, suspension, and/or revocation. Failure to file notice of appeal within the aforementioned ten-day appeal period is deemed a waiver of all rights to object to a permit denial, suspension, and/or revocation determination. Unless the manager has declared that immediate danger to the health, safety, and/or general welfare of persons or property exists, the manager's decision to revoke or suspend is stayed pending appeal. The manager will transmit the notice of appeal together with the file of the appealed matter to the council. Upon receipt of the notice and file, the council will fix a time and place for hearing the appeal. The council will give the appellant no less than ten (10) days' prior written notice of the time and place of hearing the appealed matter. The council will hear and determine the appeal on the basis of the written statement and any additional evidence the council considers appropriate or relevant, including any information provided by the manager. At the hearing, the appellant may present testimony and oral argument, personally or through legal counsel, and any additional evidence; provided, however, the rules of evidence as used by courts of law do not apply. The decision of the council is final and conclusive.

14. Facilities Location, Relocation, and Removal.

14.1 Location of Facilities. For any new construction of facilities concerning or impacting any new construction or development within the city, a utility, with permission from the city to occupy such right-of-way, will locate its facilities underground; provided, however, a utility will not be required to locate the facilities underground if all other utilities in the subject right-of-way are located aboveground unless the city, in its sole discretion, determines otherwise. Whenever facilities and/or utility services are located and/or relocated underground within a particular right-of-way, each utility will relocate its facilities underground concurrently with the other affected utilities to minimize disruption of the right-of-way. Notwithstanding anything contained in this Ordinance to the contrary, (a) a utility will not be permitted to place, erect, lay, maintain, and/or operate its facilities in, upon, over, and/or under any city park, trail, open space, and/or similar areas, and (b) the city will have the authority to prescribe which right-of-way will be used by a utility for the facilities, and the location of the facilities within the right-of-way (whether such facilities are newly constructed, replaced, repaired, or otherwise). No person will locate and/or maintain facilities so as to unreasonably interfere with the use of the right-of-way by the city, the general public, and/or by other persons authorized to use or be present in or upon the right-of-way. All use of right-of-way will be consistent with the laws, including, without limitation, this Ordinance, and all city codes, ordinances, public works standards, and/or regulations.

14.2 Relocation of Facilities. Except in the case of an emergency, within thirty (30) days after the city's request, a utility will, at the utility's cost and expense, remove, relocate, change, and/or alter the position or location of any facilities within the right-of-way whenever the city has determined that such removal, relocation, change, and/or alteration is necessary for any of the following reasons: (a) an emergency; (b) the construction, repair, installation, and/or maintenance of any city project or other public work or improvement; (c) the operations of the city or other governmental entity in or upon the right-of-way requires the removal, relocation, change, and/or alteration of the facilities; (d) the removal, relocation, change, and/or alteration is necessary to ensure compliance or conformance with applicable law and/or pursuant to a beautification, streetscape, and/or other city improvement project; and/or (e) public convenience and/or necessity (as determined by the city). If any moving and/or relocation work is done for or at the request of a private individual, entity, developer, or development, the costs of such moving or relocation work will be borne by the requesting private individual, entity, developer, or development. Nothing contained in this Ordinance will be construed in any way to prevent the city from sewering, grading, planking, rocking, paving, repairing, altering, and/or improving any right-of-way in and/or upon which facilities are or will be placed; provided, however, all such work and/or improvements will be done if possible so as not to obstruct and/or prevent the use of the facilities. If an emergency occurs, each utility will, at the utility's cost and expense, remove, relocate, change, and/or alter the position or location of any facilities within the right-of-way within seventy-two (72) hours after the city's request. The term "emergency" means a human created or natural event or circumstance that causes or threatens loss of life, injury to person or property, human suffering, or significant financial loss.

14.3 Moving Aerials. Notwithstanding anything contained in this Ordinance to the contrary, whenever it becomes necessary to temporarily rearrange, remove, lower, and/or raise any utility's aerial cables, wires, and/or other apparatus to permit the passage of any building, machinery, and/or other object moved over any right-of-way, the utility will perform such temporary adjustment within seven days after the utility's receipt of written notice from the owner or contractor-mover desiring to move such building, machinery, and/or other object. Such move notice will (a) bear the approval of the city, (b) detail the route of movement of the building, machinery, and/or object, (c) provide that the costs incurred by the utility in making the temporary adjustment will be borne by the contractor-mover, (d) provide that the contractor-mover will indemnify and hold the utility harmless for, from, and against any and all damages, claims, or causes of action whatsoever caused directly or indirectly from the temporary adjustment, and (e) if required by the utility, will be accompanied by cash deposit or a good and sufficient bond to pay any and all such costs as estimated by the utility.

14.4 Removal of Unauthorized Facilities. A license may authorize a utility to place one or more types of facilities on, over, and/or under the city right-of-way. A licensee will not place on, over, and/or under the city right-of-way any type of facilities not authorized by the license. Except in the case of an emergency, or as otherwise agreed to by the city, within thirty (30) days following written notice from the city, any person that owns, controls, and/or maintains any unauthorized utility system, facility, and/or related appurtenances within the right-of-way will remove such facilities or appurtenances from the right-of-way of the city. A person may request that the city permit such facilities to be abandoned in place subject to such terms and conditions the city may prescribe. A utility system, facility, or appurtenance is unauthorized and subject to removal in any of the following circumstances:

(a) One year after the expiration or termination of the utility's applicable license, franchise, or permit. The city may, in the city's sole discretion, stay the one-year period if an application for renewal has been submitted to the city.

(b) Upon abandonment of a facility within the right-of-way of the city. A facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and/or authorized purpose for a period of ninety (90) days or longer unless a longer period is approved by the city. Excess capacity intended for future use will not be considered abandoned. A facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced.

(c) If the system or facility was constructed or installed without the appropriate prior authority at the time of installation and such authority has not subsequently been granted.

(d) If the system or facility was constructed or installed at a location not permitted by license, franchise, or other legally sufficient permit and has not subsequently been authorized.

(e) If the system and/or facility is not removed or relocated as required by subsection 14.3.

14.5 Failure to Remove or Relocate. If facilities are not relocated or removed pursuant to subsection 14.2, 14.3, or 14.4, the manager may declare the facility(ies) a nuisance. In addition to any other remedies provided herein, violation of any section of this Ordinance may be enforced in any manner authorized by law.

14.6 Damage to Licensee's Facilities. The city will not be liable for any damage to or loss of any facility within the right-of-way as a result of and/or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the right-of-way by or on behalf of the city, or pursuant to a permit issued by the city, or for any consequential losses resulting directly or indirectly therefrom.

15. Construction; Installation; and Operation.

15.1 Facilities. Notwithstanding anything contained in this Ordinance to the contrary, each utility will construct facilities in a manner not to interfere with the city's water mains, sewer mains, gas mains, and/or any other city use of the right-of-way. Facilities will be erected and located so not to unreasonably interfere with the public's use of the right-of-way. Each utility will maintain, at the utility's expense, all facilities in good and safe order and condition. The city may attach and maintain traffic signals, wires, control boxes, and similar items or equipment to facilities; provided, however, the city will not be required to pay a fee or rent for the co-location. At all times, facilities must be constructed, maintained, and operated in a manner that does not unreasonably interfere with the right-of-way and reduces impact and footprint on the surrounding environment.

15.2 Construction Work. Except in the case of an emergency, no less than fifteen (15) days prior to a utility commencing (or causing any person to commence) any construction work within the city, the utility will (a) obtain all necessary permits, approvals, and/or authorizations, including any construction permits and/or a permit issued by the city pursuant any city permitting ordinance, concerning the proposed construction work, if any, and (b) file with the city maps, materials, documentation, a copy of the proposed work order, any necessary construction permits, and all other information or documentation required under applicable laws. The city reserves the right to require utilities to obtain performance bonds in connection with any proposed construction. If the utility is required to perform any construction work due to the occurrence of an emergency, the utility will be required to comply with Section 15.2(a) and (b) as soon as practicable (but in no event later than five days after the occurrence of the emergency). Each utility will conduct its operations and will perform all construction work, including, without limitation, any excavation or restoration work, in accordance with the following: (w) all construction work will be completed in a safe manner, taking into account all applicable traffic control rules and procedures; (x) all construction work will be completed so as to minimize disruption and interference of the right-of-way; (y) all construction work will be completed in accordance with this ordinance and applicable laws, including, without limitation, all city codes, ordinances, rules, and regulations applicable to the city streets and/or construction, operation, and/or maintenance of utilities facilities in the city; and (z) all construction work will be completed in a good workmanlike manner. The city may inspect all construction work and may, in the city's sole discretion, demand correction of any incomplete and/or improper construction work.

15.3 Restoration of Property. If a utility disturbs and/or causes another to disturb any right-of-way, the utility will, at the utility's cost and expense, replace and/or restore the right-of-way to the same condition to which the right-of-way existed prior to the utility's disruption (and/or causing another to disturb), as soon as practicable and without unreasonable delay, including, without limitation, restoration to damage caused on the city's newly constructed streets. If the utility fails to timely replace or restore any right-of-way to the same condition to which the right-of-way existed prior to the disruption, the city may cause the replacement or restoration to be made at the expense of the utility. The utility will pay the city all costs and expenses incurred by the city to replace or restore the right-of-way immediately on the city's demand.

15.4 Trimming of Trees and Shrubbery. Subject to the terms and conditions contained in this Ordinance, a utility will have the authority to trim or cut trees and other natural growth located in the right-of-way if necessary to satisfy applicable provisions of the National Electrical Safety Code and applicable state law. All cutting and trimming will be done at the utility's cost and expense. A licensee will trim or cut trees according to ANSI A300 Part 1, pruning standards, and in conformity with any city regulations as heretofore or hereafter adopted, promulgated, and/or established from time to time. Trees and shrubs will not be removed without the city's prior written authorization. Except as required to satisfy the standards of the National Electrical Safety Code or applicable state law, each utility will adhere or perform the following: (a) the utility will not damage the roots of any tree by compacting or filling on or around its base or make excavations in the soil within a foot of the tree's roots unless appropriate measures are taken to prevent the exposed soil from drying out; (b) the utility will not top trees or shrubs (i.e., cut back limbs of a tree or shrub within the tree's or shrub's crown to such a degree as to remove the natural canopy and/or disfigure the tree or shrub); and/or (c) the utility will ensure that the root system of any live or dead tree, shrub, and/or other vegetation that is removed will be at a depth of not less than twelve inches (12") below the ground surface. After any excavation or grinding work, the ground will be restored to a smooth and level surface. Any required grinding of a stump will be completed contemporaneously with the removal of the tree or shrub. All "pruning" will be performed in a careful and systematic manner so as not to damage other parts of the plant or tree as a whole.

15.5 Permits and General Obligations. Notwithstanding anything contained in this Ordinance to the contrary, each utility will be responsible for obtaining, at its cost and expense, all permits, licenses, and/or other forms of approval or authorization necessary to construct, operate, maintain, and/or repair the utility's facilities, or any part thereof, prior to the commencement of any such activity.

16. Coordination of Construction Activities. Each utility is required to make a good faith effort to cooperate with City concerning any utility construction work. Prior to January 1 of each year, each licensee will provide City with a schedule of their proposed construction work and/or activities for the coming year in, around, and/or that may affect the right-of-way. When requested by the city, each licensee will meet with the city to schedule and coordinate construction work in the right-of-way subject to the provisions of this Ordinance. Subject to the provisions of this ordinance, all construction work, locations, activities, and schedules will be coordinated to minimize public inconvenience, disruption, and/or damages.

17. Regulatory Fees and Compensation Not a Tax; Jurisdiction.

17.1 The city may set fees necessary to implement the provisions of this Ordinance and to compensate the city for the use of the right-of-way by resolution of the council. The regulatory fees, taxes, and costs provided for in this Ordinance, and any compensation charged and paid for the use of right-of-way, are separate from, and in addition to, all applicable federal, state, local, and the city fees, taxes, and/or costs as may be levied, imposed, or due from a utility, its customers, and/or subscribers, for purposes other than the use of right-of-way. Notwithstanding anything contained in this Ordinance to the contrary, the fees provided in this Ordinance are (a) not a charge against property, (b) premised on the direct and indirect benefit derived from use of the right-of-way, and (c) not a property tax or subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution.

17.2 The city has jurisdiction and exercises regulatory management over all rights-of-way within the city under authority of the city's charter, municipal code, and state law. The city has jurisdiction and exercises regulatory management over each right-of-way notwithstanding (a) whether the city has a fee, easement, or other legal interest in the right-of-way, and (b) whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, and/or other means. The exercise of jurisdiction and regulatory management of a right-of-way by the city does not obligate the city to maintain and/or repair any part of the right-of-way.

18. Insurance; Indemnification.

18.1 Insurance. Each licensee, at its cost and expense, will obtain and keep in full force and effect during the term of a license issued pursuant to this Ordinance, the following insurance coverage and their respective minimum limits: (a) workers' compensation insurance within statutory limits; (b) employer's liability insurance with limits of no less than $1,000,000 per occurrence, $2,000,000 in the aggregate; (c) comprehensive general liability insurance with limits of no less than $3,000,000 for bodily injury or death to each person, $3,000,000 for property damage resulting from any one accident, and $3,000,000 for all other types of liability; and (d) automobile liability insurance for all owned, non-owned, and hired vehicles that are or may be used by licensee and its employees with a limit of $1,000,000 for each person and $3,000,000 for each accident. Each liability insurance policy a licensee is required to obtain and maintain under this Section 18.1 will name the city and its officers, employees, volunteers, representatives, and agents as additional insureds. A licensee will not cancel, modify, and/or reduce in amount or scope the insurance coverage required to be maintained under this Ordinance without first providing the city thirty (30) days' prior written notice. All insurance required to be obtained and maintained under this Section 18.1 will be issued only by insurance companies licensed in Oregon. Prior to the city's issuance of a license, and at any other time thereafter within thirty (30) days after the city's written request, a licensee will provide the city with certificates of insurance evidencing the utility's compliance with this Section 18.1. Notwithstanding anything contained in this Ordinance to the contrary, each licensee will acknowledge and agree that upon written notice to each licensee, the city may increase the minimum insurance limits as then may be allowed under applicable laws.

18.2 Indemnification. Each licensee will defend, indemnify, and hold the city, and each employee, officer, agent, and representative of the city, harmless for, from, and against any and all claims, actions, proceedings, damages, liabilities, losses, and expenses, including, without limitation, reasonable attorney fees, resulting from or arising out of the following: (a) the acts or omissions of the licensee and/or its affiliates, officers, directors, shareholders, members, managers, employees, agents, contractors, and/or subcontractors in the construction, operation, maintenance, repair, and/or removal of the facilities in the right-of-way and/or in providing or offering services over, under, and/or through the facilities, whether such acts or omissions are authorized, allowed, or prohibited by this Ordinance; and/or (b) a licensee's breach and/or failure to perform any licensee representation, warranty, covenant, and/or obligation under this Ordinance.

19. Miscellaneous.

19.1 Severability; Preemption. If any section, subsection, clause, phrase, term, provision, condition, covenant or portion of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the Ordinance will not be affected thereby but will be deemed as a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant and portion of this Ordinance will be valid and enforceable to the fullest extent permitted by law. If any federal or state laws, rules, and/or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision will be read to be preempted only to the extent required by law. If such federal or state law, rules, and/or regulation is subsequently repealed, rescinded, amended, and/or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision will thereupon return to full force and effect, and will thereafter be binding, without the requirement of further action on the part of the city.

19.2 Governing Law; Venue. This Ordinance and any license issued pursuant to this Ordinance is subject to all applicable laws. Any action or proceeding arising out of or concerning this Ordinance will be litigated in courts located in Baker County, Oregon. Each licensee consents and submits to the jurisdiction of any local, state, or federal court located in Baker County, Oregon.

19.3 Written License or Permit; Nonexclusive Grant. No license will be granted under this Ordinance unless the license is in writing. No license granted under this Ordinance will confer any exclusive right, privilege, franchise, and/or permission to occupy or use the right-of-way for delivery of utility services or any other purposes. The city expressly reserves the right to grant licenses, franchises, permits, and/or other rights to other persons, as well as the city's right to use the right-of-way, for similar or different purposes.

19.4 Enforcement; Remedies. Any person violating any provision of this Ordinance will be subject to a civil penalty not to exceed the sum of $1,000.00 for each violation. Each violation of a provision of this Ordinance, and every day that such Ordinance violation exists, will be considered a separate violation. In addition to the foregoing civil penalties, the city may seek, in a court of competent jurisdiction, such other and additional relief (including all legal and equitable relief and remedies) available under applicable law as well as recovery of its costs and attorney fees. The city will be entitled to collect from any person violating or otherwise failing to comply with this Ordinance the city's reasonable attorney fees and other fees, costs, and expenses incurred by the city to enforce this Ordinance. The remedies provided in this Section 19.4 are not exclusive and will not prevent the city from exercising any other rights and/or remedies available under law. Compliance with this Ordinance will in no way be a substitute for or eliminate the necessity of compliance with the Laws, including any relating to the public health as now in force or hereafter amended.

19.5 Interpretation; Termination. All pronouns contained herein and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The words "include," "includes," and "including" are not limiting. The word "or" is not exclusive. Reference to "days" means calendar days, with any deadline falling on a day other than a business day being extended to the next business day. This Ordinance may be corrected by order of the council to cure editorial and/or clerical errors.

APPROVED AND ADOPTED by the City Council of the City of Baker City and signed by the mayor this _________ day of ______________________, 2026.

____
Randy Daugherty, Mayor

ATTEST:

____
Megan Langan, City Recorder

BAKER CITY, OREGON

MAYOR:
Randy Daugherty
COUNCILORS
Roger Coles
Loran Joseph
Helen Loennig
Doni Bruland
Gratton Miller
Randy Schiewe
CITY MANAGER
Barry Murphy

Date: July 28, 2026
Subject: LOC Voting

Action Statement

Council can vote on LOC legislative priorities.

Background

The following notes from LOC accompanied the voting request sent out recently:

The ballot for the 2027-28 LOC legislative priorities is now open. The online ballot – accessible at this link – is open **until 5 PM on Friday, September 25th.** Every city will receive one vote and should review the 2026 Member Voting Guide to learn more prior to voting. Your city's participation and input will assist the LOC Board in creating a focused legislative agenda that reflects issues of greatest importance to cities.

After months of meetings and discussion, the seven LOC policy committees have brought forward their priorities for the next two years. Now, we ask each member cities to select their city's top five priorities. This important step will inform how LOC lobbyists prioritize our efforts in the upcoming legislative sessions (both 2027 and 2028). Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the LOC's 2027-28 legislative agenda this fall. After your city council has had the opportunity to review the proposals and discuss them with your staff, please complete the online ballot indicating the top five issues that your city council would like to see on that agenda.

Analysis

The City Manager met with Councilor Miller to provide a recommended prioritization to the Council before voting on which items to submit to LOC.
The Member Voting Guide and proposed legislative items are included in one attachment.

The following priorities are recommended after an in-depth analysis. They are in no particular order:
1. Full Funding and Streamlining For Housing Production (page 8)
2. Strengthening Economic and Workforce Development (page 14)
3. Administrative Procedures Act Reform (page 6)
4. Public Meetings Law Clarity (page 7)
5. Targeted Prevailing Wage Changes (page 12)
Alternative A: Infrastructure Funding (page 18)

Potential Motions

"I, Councilor ____________, move to approve the LOC priorities listed in the report (or amended) for submission to LOC."

League of Oregon Cities

2026 Member Voter Guide

2027-28 LOC Legislative Priorities

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2026 Member Voter Guide

Background: The LOC policy committees are the foundation of the League's policy development process. Each even-numbered year, the LOC appoints city officials to serve on these committees. They receive informational briefings, analyze policy and technical issues, and ultimately recommend positions and strategies for the upcoming two-year legislative cycle. We want to acknowledge officials that dedicated their time and expertise to develop the priorities – *thank you* for supporting the LOC in crafting a strong agenda to support our legislative work.

This year, seven committees identified 27 legislative policy priorities to advance to the full membership and LOC Board of Directors. It's important to understand that the issues that do not rise to the top based on member ranking are not diminished with respect to their value to the policy committee or the LOC's advocacy. These issues will still be key components of the LOC's legislative portfolio for the next two years.

Ballot/Voting Process: Each city is asked to review the recommendations from the each of the policy committees and provide input to the LOC Board of Directors, which will formally adopt the LOC's 2027-28 legislative agenda. While each city may have a different process when evaluating the issues, it's important for cities to engage with their mayor and entire council to ensure the issues are evaluated and become a shared set of priorities. During its October meeting, the LOC Board will formally adopt a set of priorities based on the ranking process through the survey and their evaluation.

Each city is permitted **one** ballot submission. **Once your city has reviewed the proposed legislative priorities, please complete the electronic ballot to indicate the top five (5) issues that your city would like the LOC to focus on during the 2027-28 legislative cycle**. The lead administrative staff member (city manager, city recorder, etc.) will be provided with a link to the electronic ballot. If your city did not receive a ballot link or needs an alternative way to vote, please reach out to Meghyn Fahndrich at mfahndrich@orcities.org and Nicole Stingh at nstingh@orcities.org.

Important Deadline: The deadline for submitting your city's vote is **5 p.m. on Friday, September 25, 2026.**

Broadband, Cybersecurity, Artificial Intelligence (AI), and Telecommunications Committee

LOC Contact: Greg Miller, gmiller@orcities.org

PROMOTE THE EQUITABLE DEVELOPMENT OF SUSTAINABLE TELECOM INFRASTRUCTURE

RECOMMENDATION: The LOC recognizes and has prioritized broadband access, and telecom infrastructure more broadly, as an "essential service" and will advocate for affordable, safe, reliable, high-speed infrastructure development and access in every city. This includes but is not limited to: supporting expansion of service options for municipalities; increasing rural cellular infrastructure; and maintaining open access to networks that provide choice to community members.

Background: Advancements in telecommunications technology have ushered in unprecedent investments in infrastructure development aimed at providing broadband access and other communication modalities to all. Deploying infrastructure in Oregon must be done equitably across the state's diverse landscape and focus on addressing current coverage gaps as well as statewide infrastructure that serves all.

MAINTAIN LOCAL CONTROL OF A SAFE, MODERN RIGHT OF WAY

RECOMMENDATION: The LOC will oppose any legislation seeking to preempt local control of municipal rights-of-way (ROW). The LOC will also support legislation aimed at codifying home rule management of the local ROW and the revenue derived from use of the ROW, while encouraging ROW users to timely upgrade and replace their infrastructure lost to natural disaster.

Background: Home rule authority and local ROW management allow local governments to safely manage ROW issues that arise after work is complete, and when the ROW work-related permit may no longer be in effect. It ensures that utilities installing facilities in the ROW have financial protections like insurance in place, which help protect the public using the ROW and other entities whose infrastructure may be damaged during utility work. It ensures that local taxpayers will not have to pay costs associated with utilities' use of the ROW. It also ensures accountability through a variety of enforcement mechanisms.

SUPPORT EQUITABLE ACCESS TO TECHNOLOGY

RECOMMENDATION: The LOC will support policies such as the Oregon Lifeline Program to ensure digital inclusion. The LOC will also continue to monitor implementation of the

U.S. Department of Justice's website accessibility rule implementation and support municipal resource opportunities for accessibility. Finally, the LOC will support funding for programs that increase digital skills, equity, and adoption.

Background: All individuals regardless of physical, financial, or any other barrier have a right to access advancements in telecom technology.

SUPPORT RESPONSIBLE MUNICIPAL USE OF TECHNOLOGY

RECOMMENDATION: The LOC will support legislation that acknowledges forward-thinking regulations, taking into account the rapid evolution of telecom systems. The LOC may also support agency policy options that include municipal telecom resilience and concepts such as municipal AI assessments, and an "AI Sandbox" to further understanding of AI risks and other technological advancements in a controlled environment. In this work, the LOC will work to prevent unfunded mandates.

Background: Advancements in technology, including but not limited to AI, have demonstrated operational efficiencies, yet those come with risks if not implemented correctly and used safely. The LOC is cautiously optimistic about the use of AI and other tools that increase service and operational efficiency, but recognizes that some regulation may be necessary to define appropriate municipal uses and foster an atmosphere of responsibility and data safety.

SUPPORT MUNICIPAL CYBERSECURITY PROFICIENCY

RECOMMENDATION: The LOC opposes unfunded mandates and will advocate for technical support and funding to give all cities access to innovative technology, enhanced state programs, cybersecurity notification resources and assistance protecting critical infrastructure and data during cyber-attacks.

Background: Cybercriminals target municipalities as vulnerable systems holding valuable personal data and financial records. Historical underfunding of cybersecurity, antiquated system architecture, and lack of cybersecurity training contribute to the increasing trend in municipal cyberattacks. Cyberattacks can impact services with dire consequences for residents. Hackers typically look for the easiest entry path, and local governments often lack the resources to respond.

General Government Committee

LOC Contact: Charlie Conrad, cconrad@orcities.org

ADMINISTRATIVE PROCEDURES ACT REFORM

RECOMMENDATION: The LOC will advocate for the comprehensive modernization of the Oregon Administrative Procedures Act (APA) to restore regulatory transparency, strict alignment with legislative intent, and meaningful public accountability across all state agencies. This advocacy should include:

- Standardizing the rulemaking process across all state agencies to eliminate regulatory fragmentation;
- Strengthening public and expert participation in all rulemaking and workgroup processes;
- Establishing independent oversight and auditing of fiscal impact statements;
- Limiting and restricting the use of emergency rulemaking to actual crises; and
- Reforming judicial deference standards to ensure state agencies remain answerable to elected leaders and voters.

Background: Established in 1971, the Oregon APA is the legal framework that dictates how state agencies create regulations. However, the system has not seen a major update in decades, resulting in an unpredictable regulatory environment. Because there is no single standard for all agencies, different departments often pass conflicting rules that make compliance incredibly difficult for organizations on the ground. Furthermore, many key agencies report to independent boards rather than the governor, which creates an accountability vacuum. Recent state court decisions have compounded the issue by granting agencies broad leeway, ruling that their regulations do not strictly have to align with the original legislative intent.

This regulatory breakdown directly impacts local governments. When uncoordinated state agencies issue overlapping or conflicting rules, cities are left trapped in the middle—forced to navigate a maze of contradictory mandates that drain municipal staff time and stretch city budgets. Furthermore, because recent court rulings have stripped away traditional checks on administrative reach, cities have lost the ability to challenge flawed, 'one-size-fits-all' state regulations that ignore local realities. This loss of local control and financial stability necessitates reform. Protecting municipal home rule, ensuring local voices are actually heard during the rulemaking process, and restoring a sense of predictability and fairness to how state policies are implemented on the ground is necessary.

PUBLIC MEETINGS LAW CLARITY

RECOMMENDATION: The LOC will advocate for a comprehensive statutory reset of the Oregon Public Meetings Law to restore operational functionality and practicality for local governments while protecting public transparency. This priority includes the following provisions:

- <u>Establishing an Intentionality Requirement:</u> Limit serial meeting violations strictly to actions taken "knowingly and intentionally" to protect volunteer elected officials from penalties for good-faith, inadvertent errors.
- <u>Streamlining Complaint Enforcement:</u> Authorize the Oregon Government Ethics Commission (OGEC) to immediately dismiss incomplete, trivial, or bad-faith complaints.
- <u>Holding the Right Entity Accountable:</u> Shift personal liability for purely administrative errors—such as delayed meeting notices—away from individual elected officials and onto the public body as an institution.
- <u>Expanding the "Cure" Process:</u> Provide flexible, accessible avenues for local governments to address and correct procedural complaints, including decision rescission or public acknowledgement with a corrective action plan.
- <u>Right-Sizing Training Requirements:</u> Reform mandatory compliance training to occur once per elected term rather than annually, while allowing incoming officials to complete the requirement prior to being sworn in.

Background: Oregon's Public Meetings Law prohibits local elected officials from deliberating in private, a rule that includes a ban on "serial meetings," where separate, smaller discussions are held over time that may add up to a quorum. Recent Oregon Government Ethics Commission (OGEC) rules and training on this topic have created widespread confusion, leaving public officials deeply uncertain about how they can communicate with each other, their residents, or the media. A diverse work group of local leaders and legislators spent months negotiating a bipartisan fix during the 2026 legislative session, but Governor Kotek ultimately vetoed the bill, calling for stakeholders to return to the drawing board for the 2027 session. Today, the interpretation of this law remains highly contentious, and ongoing discrepancies create massive structural ambiguities and political tensions, making it incredibly difficult for local leaders to effectively govern.

To make the public meetings law workable, several practical fixes are urgently needed to save taxpayer resources and provide clarity to local officials. The current system: forces volunteer leaders to face personal liability for minor staff mistakes like late meeting notices; offers no clear way for cities to self-correct simple procedural errors; and requires repetitive annual training. To keep local governments functioning, the state must shield individual officials from administrative liability, allow the OGEC's staff to quickly dismiss trivial or bad-faith complaints, create a clear path for cities to self-correct honest mistakes, and right-size compliance training to once per elected term.

Housing, Land Use, and Community Development Committee
LOC Contact: Alexandra Ring, aring@orcities.org

FUNDING AND COORDINATION FOR SHELTER AND HOMELESS RESPONSE

RECOMMENDATION: The LOC opposes cuts to the state shelter system funding and supports continued state investments in a comprehensive homeless response system to fund eviction prevention, shelter, and rehousing. These investments should include:

- Strengthening our coordinated regional homeless response;
- Funding a range of shelter types in cities across the state, including alternative shelter models, safe parking programs; and
- Funding eviction prevention, rapid rehousing, outreach, case management, staffing and administrative support, and other related services.

Background: The LOC recognizes that to end homelessness, a cross-sector coordinated approach to delivering services, housing, and programs is needed. Cities are not social service providers and largely do not have the additional revenue sources to fund new services outside their core services, amid ongoing budget cuts. Despite historic legislative investments in recent years, communities continue to struggle to support and rehouse Oregonians experiencing homelessness. In 2025, the Legislature passed HB 3644, which created the Statewide Shelter Program, a comprehensive funding program for state supported local shelters based in regional coordination. In addition to the statutory framework, the Legislature passed a funding package of $204 million to support sheltering efforts in the 2025-2027 biennium, with $102 million as the new baseline level of funding for all biennium through 2034. In a tight budget environment, the Legislature's ability and interest in continuing these investments is unclear.

As Oregon continues to face increasing rates of unsheltered homelessness, the LOC is committed to strengthening a regionally based, state-supported homeless response system to ensure all Oregonians can equitably access stable housing and maintain secure, thriving communities. Regional coordination is key to the system's success, and the state, cities, and counties must be part of the solution together.

FULL FUNDING AND STREAMLINING FOR HOUSING PRODUCTION

RECOMMENDATION: The LOC will seek opportunities to address structural barriers to production of different housing options at the regional and state level. This includes:

- Streamlining state agency programs, directives, funding metrics, and grant timelines that impact development;
- Accurate tracking of units produced on the ground, rather than units unlocked;
- Aligning state programs with local capital improvement and budget timelines; and
- Increasing connections between affordable housing resources at Oregon Housing and Community Services (OHCS) with the land use directives in the Oregon Housing Needs Analysis (OHNA) and Climate Friendly and Equitable Communities (CFEC) programs at the Oregon Department of Land Conservation and Development (DLCD).

Additionally, the LOC will advocate maintaining and increasing state investments to support the development and preservation of a range of needed housing types and affordability, including:

- Publicly supported affordable housing and related services;
- Affordable homeownership;
- Permanent supportive housing;
- Affordable modular and manufactured housing;
- Middle housing types; and
- Moderate-income workforce housing development.

Background: Recent legislation and executive orders have made significant changes to the state's land use planning process, including new housing production directives for cities and counties. And yet, housing production levels remain below our state's current needs. The state should prioritize implementation, funding, and coordination of existing programs in the 2027-2028 legislative sessions before considering any new policies, including direct funding for housing production to address the underlying economic challenges that prevent production.

LAND AVAILABILITY AND LAND USE STREAMLINING

RECOMMENDATION: The LOC supports updates and streamlining statutes to better support good land use planning and land availability for all needs. This includes:

- Refining land use statutes to provide more clarity and legal certainty for cities;
- Clarifying wetland statutes and inventories to allow efficient and orderly urbanization of land within urban growth boundaries (UGBs);
- Streamlining UGB expansion and swap processes for residential, commercial, and

industrial land;

- Improving urban reserves process and land prioritization; and
- Funding for technical assistance for code audits and updates to comply with new state statutes.

Background: Oregon's land use system has undergone substantial change over the past decade, without revisions to the underlying structure. Years of layering legislation with different requirements and new interpretations of existing law have increased regulatory complexity that cities must navigate to be compliant within Oregon's land use system. Complying with state land use laws has become expensive, time-consuming and confusing, and prevents cities from having sufficient land for all needs (housing, industrial, and commercial). This has created challenges for ensuring that communities have sufficient supplies of land for all types of development, impacting other the housing and economic development priorities of the state.

Energy and Environment Committee

LOC Contact: Greg Miller, gmiller@orcities.org

INVEST IN COMMUNITY ENERGY RESILIENCE/DISASTER PLANNING

RECOMMENDATION: The LOC will engage in efforts to provide planning resources, technical assistance and funding to cities preparing to withstand, maintain and recover their energy needs in the event of a disaster. This includes resources for energy efficiency and/or local energy generation like biomass, solar, hydro, biogas, and generators. It also includes virtual power plants, microgrids, energy storage, and other solutions that help cities and their communities increase energy resilience.

Background: Frequency and severity of natural disasters and growing regional energy shortages have demonstrated the potential to cripple Oregon communities during an emergency. Intentional disaster planning and community energy resource development can be costly, but will contribute to Oregon cities' resilience and ongoing viability during floods, seismic events, drought, wildfires, and energy brown/blackouts.

SUPPORT EXPEDITED LOCAL RENEWABLE ENERGY GENERATION

RECOMMENDATION: The LOC will continue to support traditional large renewable energy development and transmission projects while mitigating impacts on local control. To support Oregon clean/renewable energy targets and increased capacity, the LOC also supports local initiatives to develop alternative/renewable energy sources that fit the needs of each city.

Background: Recent studies of projected Pacific Northwest energy load growth in the next five years show a projected shortfall of 3GW (3,000,000kw) by 2030. That shortfall compounds by 2035. Viability of Oregon cities depends upon increased reliable energy generation.

SUPPORT INCREASED ENERGY TRANSMISSION CAPACITY

RECOMMENDATION: The LOC will explore and support initiatives that increase renewable energy transmission while mitigating impacts on local control.

Background: Large scale renewable energy is largely produced east of the Cascade divide. Maximizing current transmission and developing new capacity to make renewable energy available to all regions is an important factor in achieving equitable community energy resilience while meeting Oregon decarbonization and climate goals.

MAINTAIN AFFORDABLE ENERGY WHILE SUPPORTING GRID HARDENING AND MODERNIZATION

RECOMMENDATION: The LOC will support initiatives that balance necessary grid modernization against manageable rate increases for cities and residents.

Background: Growing and modernizing Oregon's aging electric grid is necessary. However, upgrades and increased capacity are challenging. Utilities are not insulated from recent inflation and face unprecedented increases in equipment and infrastructure costs. Customers are also seeing increased rates due to rising utility infrastructure costs and spending on wildfire mitigation.

RESOURCE PROGRAMS FOR ENERGY EFFICIENCY PLANNING AND PROJECT DEVELOPMENT

RECOMMENDATION: The LOC will support legislation that further supports Community Renewable Energy Programs, Green Bank Concepts, Home Energy Rebates, Solar and Storage Rebates, Electrification Incentives.

Background: Oregon's 241 incorporated cities are at the forefront of delivering on Oregon's climate and energy goals: building decarbonization, energy efficiency and renewable energy generation. These mandates, while important, fall largely upon local governments that are perpetually constrained financially. Continued legislative allocations to support climate/energy programs and local governments will be paramount to continue taking the incremental steps necessary to achieve the state's 2030 greenhouse gas reduction targets and 2040 emissions elimination goals.

SUPPORT ADMINISTRATIVE CAPACITY

RECOMMENDATION: The LOC will support state budgets that increase targeted agency capacity needed to adequately and efficiently provide technical assistance, permitting and resources to municipalities related to state and federal energy and climate goals. This includes fully funded and staffed local programs dedicated to implementation of state climate and decarbonization initiatives, especially those related to guidance derived from federal agencies.

Background: Looming large in the Pacific Northwest are concerns about federal energy policies and utility capabilities to meet Oregon's clean energy targets. Additional capacity at the state level will support communities that are navigating changing guidance and requirements.

Finance, Taxation, and Economic Development Committee

LOC Contact: Colette Tipper, ctipper@orcities.org

TARGETED PREVAILING WAGE CHANGES

RECOMMENDATION: The LOC will advocate for targeted changes to prevailing wage requirements that: recognize urgent needs for Oregon communities; consider the impact of inflation; and maintain the original intent of Oregon's prevailing wage law. This includes supporting reoccurring legislation to exempt publicly financed facilities aimed at addressing the housing crisis (affordable housing, shelters, day centers) and the lack of childcare, as well as efforts to address mounting infrastructure needs impacting housing and economic development. The LOC will support additional clarity around split determination issues that are impacting growth, ensuring cities can proactively prepare for growth without impacting future, private developments.

Background: Prevailing wage rates are minimum hourly rates a contractor must pay its employees under public works contracts; and while there are federal and state prevailing wage rates, the recommendation above impacts state prevailing wage laws. The wage rates vary by occupation and region, with the rates being set by the Oregon Bureau of Labor & Industries (BOLI). Oregon law requires prevailing wages to be paid on a project if it hits one of two specific triggers: the public agency trigger or the public funding trigger:

1. Public Agency Trigger - If a project meets the definition of a "public works" under ORS 2798C.800(6)(a) and the total cost of the project is $50,000 or more. Examples of qualifying projects include roads, buildings, and improvements – whether it's new construction, renovation, painting, demolition, or the removal of hazardous waste. The $50,000 threshold was set in 2005. If adjusted for inflation, the threshold would be roughly $86,000.
2. Public Funding Trigger - A project might be private, but it uses $750,000 or more of

taxpayer money. The same types of projects qualify for the public funding trigger. Note: there are very specific exceptions of public money being used that do not trigger prevailing wages (see ORS 279C.810(1)(a) and OAR 839-025-0004(11)(b)). The $750,000 threshold was set in 2007. If adjusted for inflation, the threshold would be roughly $1.2 million.

Additionally, Oregon law states that in the case of public-private partnerships, BOLI shall divide the project to separate the private and public aspects of the project. The public aspects of the project will be subject to prevailing wage, while the private aspects will not. This recently impacted developments in the Willamette Valley. Developable lots with publicly funded infrastructure should not mean that private projects automatically prevail.

ALCOHOL REVENUE MODERNIZATION

RECOMMENDATION: The LOC will advocate for alcohol tax revenue modernization that generates increased shared revenues for cities. This includes support for recommendations from the HB 3610 Task Force on Alcohol Pricing to increase beer and wine taxes while preserving the existing 34% revenue-sharing distribution to cities. This may also include legislation removing the preemption on local alcohol taxes.

Background: Cities have significant public safety costs related to alcohol consumption and must receive revenue commensurate to the cost of providing services related to alcohol. In considering an increase, the LOC will balance the economic and consumer pressures impacting breweries across the state.

Oregon is a control state and the Oregon Liquor and Cannabis Commission (OLCC, formerly known as the Oregon Liquor Control Commission) acts as the sole importer and distributor of liquor. Cities and other local governments are preempted from imposing alcohol taxes. In exchange, cities receive approximately 34% share of net state alcohol revenues. The OLCC has also imposed a 50-cent surcharge per bottle of liquor since the 2009-2011 biennium, which is directed towards the state's general fund. Oregon's beer tax has not increased since 1978 and is $2.60 per barrel, which equates to about 8.4 cents per gallon, or less than 5 cents on a six-pack. Oregon's wine tax is 67 cents per gallon and 77 cents per gallon on dessert wines. Oregon has one of the lowest beer taxes in the country (source) and the wine tax is closer to national average (source).

EMERGENCY COMMUNICATION SYSTEM RESOURCES

RECOMMENDATION: The LOC will support legislation enhancing the effectiveness of the state's emergency communications system through an increase in the 9-1-1 tax. Inflationary factors have lessened the impact of the emergency communications tax. State estimates indicate that this revenue covered 40% of dispatch center costs, but that figure is inaccurate, with some communities receiving as little as 20-25%.

Background: Oregon's 9-1-1 tax was increased to $1.00 per line or prepaid transaction effective January 1, 2020, and further increased to $1.25 effective January 1, 2021. Before this change from 2019's HB 2449, the rate had been 75 cents since 1995. The new tax increase on 9-1-1 expires January 1, 2030. Most cities will not receive this state shared revenue directly, as the city share is directed to the public safety answering point (PSAP) provider connected to the statewide network, and most of these are managed by counties or a regional entity, rather than a city. The PSAPs are only partially funded through the state's Emergency Communications Tax, with the balance of operating costs coming primarily from property taxes. Local governments receive approximately 60% of 9-1-1 taxes, but the taxes generally covered less than 25% of the costs of total PSAP operations before the recent rate increases. Ratios of individual PSAP costs to taxes received vary. The local government share of the state tax is distributed 1% to each county, with the remainder distributed per capita.

STRENGTHENING ECONOMIC AND WORKFORCE DEVELOPMENT

RECOMMENDATION: The LOC will support efforts to modernize and strengthen Oregon's existing economic development programs while advocating to maintain local flexibility and autonomy over local revenues. The LOC's advocacy includes strengthening and increasing funding for current state programs like Enterprise Zones (EZ), Long Term Rural Enterprise Zone (LTREZ), the Strategic Investment Program (SIP), the Industrial Site Loan Fund, Brownfield programs, and infrastructure programs, as well as new efforts to support a healthy economy.

The LOC will also support efforts to strengthen Oregon's workforce development initiatives that help to meet critical workforce shortages experienced by public and private employers throughout the state. The LOC will advocate for policies and investments that strengthen local talent pipelines, expand access to workforce education and training, and help communities recruit and retain the skilled workforce needed to support and grow a healthy economy.

Background: Communities across the state have leveraged local economic development incentive programs (Enterprise Zones (EZ), Long Term Rural Enterprise Zone (LTREZ), Strategic Investment Program (SIP), etc.) to support strong local economies, community investment, and long-term economic growth. These programs are intentionally designed to provide local governments with flexibility to attract and retain industries that align with local economic priorities, infrastructure capacity, and workforce needs. The EZ and LTREZ programs provide local governments the option to offer a temporary full exemption from property taxes for qualified new business investment, while the SIP program allows local governments to offer a 15-year partial exemption on the value of new property exceeding a specified investment threshold.

These incentive programs are critical tools for maintaining Oregon's national competitiveness and generating substantial long-term benefits through job creation, enhanced economic activity, infrastructure investment, and increased tax revenues. Local governments absorb the primary impact of temporary property tax exemptions and provide the infrastructure and public services necessary to support development, while the state realizes significant revenue gains through increased income tax collections and broader economic activity generated by these investments. As the state increasingly benefits from local economic development efforts, it should also be a stronger financial partner in supporting and sustaining these programs. Preserving local discretion, predictability, and flexibility within economic development programs remains essential to ensuring communities can effectively compete for and support major economic development opportunities.

Public and private employers across the state are having trouble filling critical workforce needs. As an example, Oregon respondents to the 2025 Associated General Contractors of America Workforce Survey indicate that 56% expect to hire new employees and 54% have increased headcount in the last year. However, 52% of respondents report trouble hiring due to a lack of qualified and credentialed candidates. This challenge rings true for cities. Cities have reported trouble filling wastewater treatment positions due to lack of qualified candidates, while community colleges are neglecting to start programs because of the high cost of running them.

Transportation Committee

LOC Contact: Nicole Stingh, nstingh@orcities.org

2027 TRANSPORTATION PACKAGE

RECOMMENDATION: The LOC supports a robust transportation package that supports Oregon's multi-jurisdictional, multi-modal, and safety-oriented transportation system. Recognizing that Oregonians don't always know who owns what route they rely on, any revenue should support our shared transportation system. The LOC believes this is most effective through a statewide revenue source rather than more administratively burdensome and inequitable local revenue methods that are unable to ensure that all users pay their fair share (including through user fees).

Cities and locally owned transportation systems rely on a strong state partner to meet our shared goals of a system that moves people from "point a to point b" safely and effectively. In addition, the conditions of state and county routes impact cities by both directing additional traffic on city streets and affecting how residents get to where they need to go safely. This requires system expansion to be secondary to restoring funds in grant programs and transit services, protecting existing programs, and an overall focus on operation and maintenance.

Background: After a failed package in 2025, efforts are underway on a 2027 package to address the known need for state, county, and city infrastructure. The State Highway Fund (SHF) is the primary revenue source for the state's transportation infrastructure, and comes from various sources, including gas and diesel tax, weight mile tax, vehicle registration fees, vehicle title fees, and driver's license fees. These funds are distributed using a 50-30-20 formula, with 50% going to the state, 30% to counties, and 20% to cities. Continued investment in transportation infrastructure is critical for public safety objectives such as the Safe Routes to Schools and the Great Streets programs. In addition to those grant programs, local communities rely on the Statewide Transportation Improvement Fund and Oregon Community Paths resources. These programs are essential in cities to support efficient, convenient, safe, cost-effective transportation systems that are open to all members of our communities.

CAUTIOUS ADOPTION OF AUTONOMOUS VEHICLES

RECOMMENDATION: The LOC will advocate for necessary tools to support communities as autonomous vehicles (AVs) come to Oregon, particularly for private for-hire AVs. Cities are proactively and cautiously preparing for new technology, like autonomous vehicles, and it's crucial to get the regulations right to ensure proper coordination, alignment between all stakeholders, and flexibility as the technology is evolving rapidly.

AVs will impact city goals and requirements, ultimately impacting their transportation system plans. Cities must not be preempted in their ability to permit (as it relates to private for-hire AVs) and regulate the use of this new technology on city infrastructure. Cities should have the ability to:

- Ensure AVs follow the rules of the road and can receive traffic violations like human drivers, and that law enforcement officials are trained on ways to disengage an AV;
- Require geofenced areas to have operational standards based on the local needs or goals (like limiting 0 passenger trips), to accommodate special events, or to address infrastructure challenges that prevent safe deployment of technology;
- Allow revenue generation to offset costs for training law enforcement and first responders; and
- Limit the number of AVs that are allowed to operate in a city, potentially scaling up as predetermined performance benchmarks are reached.

At the same time, the LOC supports federal authority to determine if and when an AV is street ready. In addition, the state should determine cyber safety standards, insurance requirements, vehicle registration, and other activities.

Background: With new technologies comes new and unforeseen challenges and opportunities. AVs offer the ability to improve traffic safety by limiting human error, as industry data shows. AVs could also promote other economic activity and create access to our transportation system. At the same time, there are key risks to mitigate as we learn lessons from cities across the nation that have operated with AVs. One lesson – a slow rollout will help companies identify and address issues as they arise. From navigating weather to power outages, San Francisco transportation officials have learned a lot and shared that with the LOC's Transportation Policy Committee. Despite AVs being in operation for years, the California Department of Motor Vehicles recently created rules around traffic citations for AVs nearly two years after their state legislature passed authorizing legislation. Oregon would benefit from waiting until the technology has advanced, being a fast follower rather than an early adapter. In addition, Oregon should balance support for industry and competition with public trust and public good.

In addition, for more than 40 years, the state of Oregon has recognized that for-hire services like taxis and other vehicles for-hire are a necessary part of the transportation system and has left regulation to local authorities (see ORS 221.485, ORS 221.495). Private for-hire AVs should have higher standards for city regulation versus privately owned vehicles.

CITY SUPPORTED STREET SIGN TRADITIONS

RECOMMENDATION: The LOC will advocate to allow cities to support community activities and fundraisers through signs on light poles. Many cities hang signs on street light poles to recognize holidays, and in some cases these signs are sold as a fundraiser to support chambers, downtown organizations, or other community causes (examples include Mother's Day flowers and Christmas ornaments). State statute prevents this if the sign is visible from a state highway. The LOC will work to create flexibility for cities to support these fundraisers even if they are visible from a state highway.

Background: State statute prevents "advertising signs" within view of state highways, even if they are not on state right-of-way. The state considers advertising to be any exchange of compensation, regardless of its intended purpose. While this is a long-standing statute that is not actively consistently enforced, it has recently prevented one community from supporting a fundraiser for their downtown association. The LOC Transportation Policy Committee is flexible on the solutions and has directed staff to work with the Oregon Department of Transportation on bill language to address this in the least administratively burdensome manner, which will likely include a waiver for fundraising efforts that are endorsed by a city.

Water and Wastewater Committee

LOC Contact: Michael Martin, mmartin@orcities.org

INFRASTRUCTURE FUNDING

RECOMMENDATION: The LOC will advocate for increased and sustained investments in drinking water, wastewater, stormwater, and water reuse infrastructure needed to support housing production, economic development, public health, and environmental protection. This includes: expanding flexible, low-cost financing tools that reduce ratepayer burden; supporting infrastructure capacity needed for housing and economic development; investing in aquifer storage and recovery projects; protecting system development charge authority; and sustaining infrastructure financing programs, including the Special Public Works Fund, which help communities address critical infrastructure needs. The LOC will advocate for policies that recognize the increasing costs associated with regulatory compliance, environmental protection, and workforce needs.

Background: Water infrastructure (drinking water, wastewater, stormwater, and reuse) is essential to supporting housing production, economic development, public health, and environmental protection in communities across Oregon. Cities own and operate drinking water, wastewater, stormwater, and water reuse systems that require ongoing investment to maintain reliability, comply with state and federal regulations, and serve existing and future residents.

The 2024 LOC Infrastructure Survey identified approximately $6.4 billion in water infrastructure needs statewide. Cities continue to face increasing costs associated with aging infrastructure, regulatory compliance, environmental requirements, workforce challenges, and inflationary factors.

Without adequate infrastructure capacity, communities may struggle to accommodate needed housing development and economic growth. State investments should support direct infrastructure projects and proven financing programs that help communities plan, construct, and upgrade critical facilities. State programs like the Special Public Works Fund play an important role in helping communities address critical infrastructure needs.

WATER REUSE

RECOMMENDATION: The LOC will advocate for policies and investments that support the development and expansion of water reuse projects throughout Oregon. This includes: funding for planning, design, and construction; clear and predictable regulatory pathways; and technical assistance for local governments. The LOC will support maintaining local flexibility to implement community-specific reuse solutions that protect public health and environmental quality.

Background: The Legislature has recognized the value of water reuse through House Bill 2169 (2025). Despite growing interest in water reuse, many communities face financial, technical, and regulatory barriers that limit the development of water reuse. Cities need funding, technical assistance, and regulatory certainty to evaluate and implement reuse projects that meet local needs. As Oregon continues to invest in water infrastructure and community resilience, water reuse should be recognized as an important tool that complements existing water management strategies and helps communities achieve long-term sustainability goals.

RATEPAYER ASSISTANCE

RECOMMENDATION: The LOC will advocate for improved affordability for drinking water and wastewater customers while maintaining the financial stability necessary to operate, maintain, and improve local utility systems. This includes state-supported water and wastewater ratepayer assistance programs, and policies that consider affordability impacts on residents.

Background: Cites face the challenge of balancing affordability for residents with the investments necessary to maintain safe and reliable utility systems. State-supported ratepayer assistance programs and increased participating in infrastructure funding can help reduce financial burdens on households while preserving the financial sustainability of local utilities and ensuring continued access to essential water services. In 2025, the Legislature introduced House Bill 3527, which requested $11 million to continue funding the program, but the bill did not advance out of the budget committee.

WATER WORKFORCE DEVELOPMENT

RECOMMENDATION: The LOC will advocate for investments in workforce development programs that support the recruitment, training, certification, and retention of drinking water and wastewater professionals. This includes: support for operator-in-training and apprenticeship programs; certification and reciprocity improvements; regional training opportunities; and funding that helps communities develop and maintain a qualified water workforce.

Background: Oregon cities depend on certified operators and other utility professionals to provide safe drinking water, protect water quality, maintain regulatory compliance, and operate increasingly complex infrastructure systems. Water utilities across the state face growing challenges of recruiting, training, and retaining qualified personnel.

Investments in workforce development, training infrastructure, and career pathways will help ensure communities have the skilled workforce necessary to operate and maintain critical water infrastructure systems. The Legislature recently recognized the importance of this workforce with House Bill 4007 (2026), which established a “Water Professionals Appreciation Week” annually in October.

BAKER CITY, OREGON

MAYOR:
Randy Daugherty
COUNCILORS
Roger Coles
Loran Joseph
Helen Loennig
Doni Bruland
Gratton Miller
Randy Schiewe
CITY MANAGER
Barry Murphy

Date: July 28, 2026
Subject: FD Response Policy Update

Based on the feedback from the City Council in the work session, the city manager and mayor met to discuss policy adjustments. The attached notes capture the recommended adjustments to the FD policies.

Based on the work session that occurred on 7/14/2026, the following adjustments to departmental policies will give Fire Fighters more flexibility to operate based on their operational needs, while still addressing the Council concerns that they communicated.

Medical Call Response / Initial Response Guidelines

The Medical Call Response guidelines will be mostly dissolved for initial response purposes, to allow Fire Fighters to act quickly and based on the dispatched call information and their professional judgment.

When tones for Station 24 are initiated by dispatch, Fire Fighters should actively prepare to respond. As provided by the department, the team may be loaded in the apparatus and/or on the department's apron. Based on the dispatched call information, the team may determine whether to respond.

- For any call that is questionable based on best judgment, the department may respond.
- If the call is clearly BLS (for example, a clearly stubbed toe), the team will stand down and return to the station.

To demonstrate good-faith standing down for clearly BLS calls, the City requests that the department maintain a log of all calls where the team did not initiate a response.

Vehicle Rotation / Medical Call Coverage

For vehicle rotation, the goal is to achieve an accurate inventory of the needs to ensure both 2431 and 2432 are prepared to respond to medical calls. During medical responses, Fire Fighters will work to respond using the appropriate fire engine for the call. The intent is to ensure both 2431 and 2432 are being used on a weekly basis, and if deemed appropriate, the team will take 2432 during weekly medical calls.

If the ambulance (2422) has not been used operationally within a ten to fourteen-day period, Fire Fighters will take the vehicle out in town to ensure all systems are functioning.

Grocery Store Trips (Operational Staffing Adjustment)

When fully staffed, grocery store trips should be conducted by one Fire Fighter driving a vehicle (such as the Ford F-250, Brush Truck, Ambulance) to support continuous operations and avoid unnecessary idle time for additional vehicles.

If only two Fire Fighters are on shift, the crew can complete the store trip during their shift when the trip does not add additional wear to the engine, for example, after completing a response, or during/around fueling activities. In general, trips are acceptable but should be limited to what is needed and making sure any trip resolves the grocery needs for the shift on duty.

Other needed trips (i.e. purchasing vehicle/equipment/facility supplies) will conform to the above as well with the intent of limiting the number of trips on each shift to as few as possible.

BAKER CITY, OREGON

Date: July 28, 2026
Subject: Council Committee Updates

BAKER CITY, OREGON

Date: July 28, 2026

Subject: City Manager / Director Updates

BAKER CITY, OREGON

MAYOR:
Randy Daugherty
COUNCILORS
Roger Coles
Loran Joseph
Helen Loennig
Doni Bruland
Gratton Miller
Randy Schiewe
CITY MANAGER
Barry Murphy

Date: July 28, 2026
Subject: City Council Comments

BAKER CITY, OREGON

Date: July 28, 2026
Subject: Adjourn