Falls City Oregon City Council Meeting

Monday, December 12, 2022 at 6:00 pm

Meeting Location

320 N Main St • Falls City, OR 97344

How to Attend and/or Participate

1. In Person: 320 N Main St. Falls City, OR 97344

2. Call-in: a. 1-253-215-8782 b. Passcode: 878 7406 4319
   You will be muted but may “raise your hand” to indicate you wish to comment.

3. Web Application: Zoom Webinar https://us06web.zoom.us/j/87874064319
   You will be muted but may “raise your hand” to indicate you wish to comment during Public Comments.

4. Write-In: Using regular mail or email. a. info@fallscityoregon.gov; 299 Mill St. Falls City, OR 97344

The City of Falls City does not discriminate in providing access to its programs, services, and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 503.787.3631 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

1. **CALL TO ORDER & ROLL CALL**
   Mayor TJ Bailey, Council President Houghtaling, Councilor Nick Backus, Councilor Martha Jirovec, Councilor Tony Meier, Councilor Dennis Sickles, Councilor Lori Jean Sickles

2. **PLEDGE OF ALLEGIANCE**
3. **ANNOUNCEMENTS, APPOINTMENTS, APPRECIATIONS, & PROCLAMATIONS**
4. **PUBLIC COMMENTS & LETTER COMMUNICATIONS**
   In order to encourage an environment of openness, courtesy and respect for differing points of view, please refrain from behavior that is disruptive to the meeting such as making loud noises, clapping, shouting, booing, or any other activity that disrupts the

orderly conduct of the meeting. Abusive language will not be tolerated.

Please limit your commentary to 3 minutes or less.

5. **FIRE CHIEF BRUSH TRUCK DISCUSSION**
6. **CONSENT AGENDA**
   a. **November 14, 2022 Minutes**

      Attachments:

      - **November 14, 2022 Minutes** (2022.11.14_Council_Minutes.pdf)

   b. **Election Results**

      Attachments:

      - **November 8, 2022 Election Results** (2022.11.08_Election_Results.pdf)

7. **REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS**
   a. **Mayor's Report**
      City Manager's Evaluation
   b. **Councilor Comments**
   c. **Historic Landmark Committee Report**

      Attachments:

      - **November 23, 2022 Historic Landmark Minutes** (2022.11.23_Landmark_Miutes.pdf)

8. **REPORTS FROM CITY MANAGER & STAFF**
   a. **Falls City Fire Report**

      Attachments:

      - **Staff Report** (2022.12.12_Fire_Staff_Report.pdf)
      - **November Fire/EMS Calls** (2022.12.12_Fire_Calls_Nov_22.pdf)

   b. **Polk County Sheriff's Report**

      Attachments:

      - **Sheriff November Stats** (2022.11_Sheriff_November_Stats.pdf)

   c. **Falls City Public Works Report**

      Attachments:

      - **Public Works Report** (2022.11_Public_Works_Report.pdf)

   d. **City Manager's Report**

      Attachments:

      - **City Manager's Report** (2022.12.12_Monthly_Manager_s_Report_Financials.pdf)

   e. **Safe Drinking Water Revolving Loan Fund**

      Attachments:

- **Staff Report** (2022-12-12_SR_APPLICATION_SAFE_DRINKING_WATER_REVOLVING_LOAN_FUND__BIL_.pdf)
- **Exhibit A** (Exhibit_A_Business_Oregon_Engineering_Cost_Estimate_Westech_SD-22-358_Falls_City_-_updated_11-1-2022_.pdf)
- **Exhibit B** (Exhibit_B_Summary_of_FCWaterSysImpsPlanningEstimate.pdf)

9. **RESOLUTIONS**
   a. **Resolution 07-2022**

   Attachments:

   - **Staff Report** (Res_07-2022_SR_Community_Development_Block_Grant__CDBG__Section_3_Plan_Resolution.pdf)
   - **Resolution 07-2022** (Resolution_07-2022_-_Supporting_Section_3_Plan.pdf)
   - **Exhibit B** (Falls_City_Section_3_Plan_2022_B.pdf)

10. **GOOD OF THE ORDER**
11. **ADJOURN**

    Posted for Public at Frink's Hardware, City Hall Bulletin Board, Community Center, & Falls City Website

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Contact: Jeremy Teal, City Recorder (jteal@fallscityoregon.gov 503.787.3631) | Agenda published on 12/08/2022 at 3:26 PM

FALLS CITY CITY COUNCIL	MONDAY, NOVEMBER 14, 2022
The Falls City City Council met in regular session on Monday, November 14, 2022 at 6:03 p.m. in the Community Center located at 320 N. Main Street	
Council Members Present: Council President Amy Houghtaling, Councilor Nick Backus via Zoom, Councilor Martha Jirovec, Councilor Tony Meier, Councilor Dennis Sickles, Councilor Lori Jean Sickles arrived at 6:14 p.m.	
Staff Present: City Manager AJ Foscoli, City Recorder Jeremy Teal	
AGENDA	**ACTION**
Announcements, Appointments, Appreciations & Proclamations	There were none.
Public Comment	SW Fire Chief Fred Hertel with Board Members Rod Watson and Keith Moore thanked the City Council for their continued support over the years and SW Polk had celebrated 75 years in 2022 and Chief Hertel presented each member of the Council with 75th Anniversary Challenge Coins.
Public Hearing	There were none.
Consent Agenda a) Paul King Historic Landmark Application	It was moved by Councilor D Sickles to appoint Paul King to commission. The motion was duly seconded by Councilor Meier and CARRIED with a vote of 5.0 with Councilors Backus, Jirovec, Meier, Sickles, and Council President Houghtaling voting YES.
b) October 17, 2022 Minutes	It was moved by Meier to approve the Consent Agenda as presented. The motion was duly seconded by Councilor Backus and CARRIED with a vote of 4-0 with Councilors Backus, Jirovec, Meier, and D Sickles voting YES. Council President Houghtaling abstained for absence from the October 17th Council Meeting.
Reports or Comments from Mayor and Council Members a) Mayor's Report	Mayor Bailey reported the design had been chosen for the skatepark.
b) Councilor Comments	Councilor Jirovec asked SW Polk Chief Hertel if there was a meeting setup with Falls City to keep relationship moving forward. Chief Hertel stated that his first priority was staffing the Bridgeport station and then meeting with Falls City Fire.

	Council President Houghtaling noted the she was a part of the homelessness prevention committee was looking for ideas on how to spend the money. She noted a consultant was gathering info from surrounding cities.
c) Park & Rec Committee	Councilor D Sickles asked if the Solve River Cleanup need to happen this year. Mr. Teal noted that the event was not mandated by DEQ due to the event being community ran.
d) Public Works Committee	There were no comments
e) Historic Landmark Committee	Council President Houghtaling reported that a committee member had contacted SHPO regarding the city owned nurse's cottage. She stated that a packet would need to be filled out and turned in, and the coffee shop owner's will need to follow the rules of SHPO regarding the building.
Reports from City Manager & Staff	
a) Falls City Fire Report	There were no comments.
b) Sheriff Report	There were no comments.
c) Falls City Public Works Report	Council President Houghtaling asked if anyone had left public works. Mr. Foscoli reported that public works employee Brian Iott had left for a higher paying job.
d) City Manager	Mr. Foscoli gave his report regarding the wastewater project, LCB, Code enforcement working with Polk County, Towing speed test, escape routes to school, air filtration grant and the Community center roof leak. Mr. Foscoli asked the Council if they would prefer the electric speed signs to be put up now before the speed test was done by the County, or wait until after the speed test and determine the best place to put them. Councilor Meier noted to put the signs up now. Mr. Foscoli stated that Mr. Creekmore and himself had determined that a sign at the beginning of town and at the opposite end of Main Street by Frink's General Store were the locations selected. Councilor Jirovec noted to place the signs now and still get the speed test done in the spring. Councilor Meier stated

	people were speeding, signs will hopefully alert them and they slow down. Mr. Foscoli reported that the installation for the signs would move forward. Council President Houghtaling asked if cameras could be bought for the outside of the LCB to help detour vandals. Mr. Foscoli noted he would get some ordered. She asked about the Safe Routes to School project. Mr. Foscoli reported the project was 85% done with one report to turn into ODOT in December. He noted the project would hopefully go out for bid in early 2023. Council President Houghtaling informed Mr. Foscoli that if he had projects he needed help with from the Council to let them know. Councilor Jirovec agreed. Councilor Jirovec asked if the smoke detectors and fire extinguishers were in. Mr. Teal noted they were at City Hall. She asked if the mill lot signs had been ordered. Mr. Teal noted that they had. She asked if the first quarter financials could be added to the next Council agenda. Mr. Teal stated he would make sure they were included. Councilor D Sickles asked about the final outcome of the football field. Mr. Foscoli reported the work was completed and the grass was growing back, but no invoice had been given to the City as of yet. Councilor D Sickles noted the contractors did a nice job and were conscious of where they were.
Good of the Order	Council President Houghtaling advised the Thanksgiving meal would be Saturday, November 19 from 12-3 pm. She noted there was a takeout option. She mentioned they still needed canned cranberries and yellow onions. Mayor Bailey stated he would have students for cleanup. Councilor Jirovec mentioned that citizens outside city limits were breaking up their land into smaller lots. She noted Falls City was growing and it would be nice for taxes. She advised that the code enforcement position was a learning

	position with part-time community liaison and part-time education piece. Councilor Jirovec noted there were state grants to help with community development for rural city development. Council President Houghtaling commented there was a health survey floating around town and there would be people at the Thanksgiving dinner to help people fill it out online. Mayor Bailey thanked Mr. Teal for setting up for council with all the cleaning that needed to be done after the warming center. Mayor Bailey asked about the storage shed in back of the community center parking lot. He noted there were things in the community center that could be stored in there. Councilor Lori Jean Sickles mentioned the Fire Department had stuff in the shed and the Fire Department had the key. Council President Houghtaling noted that the city built it and if we needed things out of the kitchen or community center we could find out what was in there and rearrange to get more in. Mayor Bailey suggested an emergency planning session for power outages and other events that could leave a community scrambling. He noted the City needed a plan in place for emergencies.
Adjourn	There being no further business the meeting was adjourned at 7:07 p.m.

Read and approved this _____ day of _____ 2022.

Mayor:_____
ATTEST:

City Recorder:_____

POLK COUNTY

POLK COUNTY

CLERK & RECORDER

POLK COUNTY COURTHOUSE ★ 850 MAIN STREET ★ DALLAS, OREGON 97338
(503) 623-9217 ★ FAX (503) 623-0717 ★ unger.valerie@co.polk.or.us

VALERIE UNGER
County Clerk

December 1, 2022

City of Falls City,

Please see the enclosed copy of the Abstract of Votes cast for the City of Falls City races in the General Election held on November 8, 2022 in Polk County, Oregon.

Feel free to contact me or our office if you have any questions.

Sincerely,

Cole Steckley
Polk County Chief Elections Clerk
steckley.cole@co.polk.or.us

Statistics

	TOTAL
Registered Voters - Total	62,891
Ballots Cast - Total	41,826
Voter Turnout - Total	66.51%

City of Falls City, Mayor City of Falls City

Vote For 1

	TOTAL	VOTE %
TJ Bailey	320	92.49%
Write-In Totals	26	7.51%
Total Votes Cast	346	100.00%
Overvotes	0	
Undervotes	129	
Contest Totals	475	

City of Falls City, Council Members City of Falls City

Vote For 3

	TOTAL	VOTE %
Tony Meier	272	30.32%
Lori Jean Sickles	296	33.00%
Nick Backus	284	31.66%
Write-In Totals	45	5.02%
Total Votes Cast	897	100.00%
Overvotes	0	
Undervotes	528	
Contest Totals	1,425	

27-136 City of Falls City City of Falls City

Vote For 1

	TOTAL	VOTE %
Yes	259	56.92%
No	196	43.08%
Total Votes Cast	455	100.00%
Overvotes	0	
Undervotes	20	
Contest Totals	475	

POLK COUNTY CLERK
STATE OF OREGON

CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL
VALERIE UNGER, Polk County Clerk

By _____ Deputy

City of Falls City
Historic Landmark Commission

Wednesday November 23, 2022 5:15 PM
Meeting Location: 320 N Main Street Falls City, OR

Commission Members Present
Amy Houghtaling, Mike McConnell, Bruce Garrett (5:51), Paul King, Guy Mack.

1) Roll Call
Chair Houghtaling called the meeting to order at 5:15 PM, took roll call and welcomed new member Paul King to the Commission.

2) Pledge of Allegiance
Chair Houghtaling led the Commission in the Pledge of Allegiance.

3) Motion to Adopt the entire Agenda
Member McConnell moved and member King seconded: T**hat we adopt the entire agenda**. Motion passed 4-0-0. Amy Houghtaling, Mike McConnell, Paul King, Guy Mack.

4) Consent Agenda Motion Action Approving Consent Agenda Items
Member McConnell moved and Chair Houghtaling seconded to: **Approve the minutes for 11/03/22.** Motion passed 4-0-0 Ayes. Amy Houghtaling, Mike McConnell, Paul King, Guy Mack.

5) Public Comment - None

6) Old Business

7) New Business
A. Coffee Shop SHPO Packet
The Commission filled out the Oregon SHPO Clearance Form to the best of our ability. The City will need to provide additional information as needed. A copy of the Clearance form will be forwarded to the City and should be added to our minutes.

The City will need to: **(1)** Write the cover letter, **(2)** Provide 3 - 4, color, 4 x 5 photographs of the property, digital or print, **(3)** Additional information as needed for Sections 4 and 5. **(4)** Resubmit the proposal with a new Submittal Form.

8) Correspondence, Comments and Ex-Officio Report

9) Committee Announcements
Next meeting to be held on December 15, 2022 at 5:30 pm at the Community Center.

9) Adjourn
Member Mack moved and Member Garrett seconded: **we adjourn**. Motion carried 5-0-0 Ayes. Amy Houghtaling, Mike McConnell, Bruce Garrett, Paul King, Guy Mack. Meeting adjourned at 6:02.

_____ Historic Landmark Commissioner Chair Houghtaling

Attested: _____ Historic Landmark Committee Member

Falls City Fire and EMS
Council Report for Dec. 2022 meeting

Greetings!

November is a time for being thankful. And we are extremely thankful to the citizens of Falls City, our City Manager and City Mayor, our Council members and our Jeremy for helping the fire bond levy pass! We now are moving forward towards purchasing and equipping our new Brush Truck and look forward to having it in service as soon as possible. This was a huge accomplishment that we all can be thankful for!

The Falls City Fire Volunteers were busy again in November with fire and EMS training. We are getting closer to having a good portion of our volunteers fully state certified as Fire Fighter I. This takes many, many hours of training both in the classroom and physical skills practice and testing. The training and certifications also include Wild land fire training.

We were fortunate to have been invited by Dallas Fire to attend live vehicle fire training at their station last month. This was one of our main courses to complete towards that state certification. This also strengthens our bond with mutual aid partners.

The Fire Chief and officers met with our Liaison Officer with DPSST in November for our every-three-year -audit. This audit is an extensive audit required to re-certify our fire department's maintenance program with the state which allows us to train state required fire fighter classes in- house. The audit, along with other items, checks our fire trainer personnel's certifications levels, reviews our last 3 years of fire training rosters and records, and pulls 3 or 4 random volunteer's files to see that all the required written tests, skills task book records and rosters all correspond correctly.

We passed with flying colors and are re-certified to continue our training for the next three years. We also were able to apply and obtain certification to train the next higher level of fire fighter training, Fire Fighter II. This is an advanced fire training and state certification level that we have not been able to provide in house, ourselves, before now. This is a huge accomplishment through our Chief and officer's dedicated hard work!

Another major accomplishment this month that we are thankful for was being able to develop a simple annual contract to offer our citizens who live outside of the city limits fire protection. These are folks who live on Valsetz and Black Rock Road, Parry and Lucas Road.

This will be a win -win in many ways. Homeowners will then be able to use our ISO ratings to reduce their cost for fire insurance, save them thousands of dollars in fire damage repair, and also generate some funds for the city. This has been a goal of Chief Young's for a very long time. Thank you to AJ and Jeremy for their hard work in helping put this together and to the Council for their support in this very important accomplishment!

And last but not least, we are most thankful for our Community, the staff and many volunteers who all work tirelessly to help make this the great community that it is to live and volunteer in. We sincerely thank you all for your hard work and support throughout all these years. Thank you!

We wish you all a Very Merry Christmas, Happy Holidays and a Blessed and wonderful New year! May you all be blessed with good health, happiness, and prosperity.

Sharon Volk Greve, Assistant Chief, Falls City Fire and EMS Cell (503) 871-5140

Call Volume for Falls City Volunteer Fire Dept. 2022 Calls
(APR-DECEMBER)

2022 MONTH	MEDICAL	PUBLIC ASSIST	MVA	STRUCTURE FIRE	BURN COMPLNT	POWER LINE	SW CALLS FCFD RESPOND ON	SW ASSISTED FCFD CALLS	MO. TOTAL CALLS
APR	12	1	1	1	1	0	0	0	16
MAY	11	1	0	1 (SW Polk)	1	0	1	0	14
JUNE	14	0	1	0	1	0	1	0	16
JULY	4	2false alarms	1	(RV) 1	2	0	0	0	10
***AUG**	**9**	**1**		**1 tree fire 1 car fire SW call**	**0**	**1**	**2 1 car fire 1 medical**	**0**	**14**
SEPT	11 2 were SW	1	0	3 1 tree fire SW 1 tree fire park	2 1 City 1 SW	0	4 2 medical 1 tree fire 1 Burn comp	0	**17**
OCT	5	1 PCSO fight 1 gas leak	0	1 Bridge st	0	0	1 Forestry fire Valsetz	0	9
NOV	6	0	0	1 chimney fire	0	0	2 medical	0	9
DEC									
YR TOTALS									

Greetings everyone! I thought I would try the call volume report just a little differently, by displaying each month, so that you may compare monthly calls.
Let me know if this is more helpful.
Take care,
Sharon Volk Greve
Assistant Chief
Cell: (503) 871-5140

November 2022 Falls City Stats

Falls City Calls for Service							
Animal	6	Check Welfare	2	Fire/EMS	3	Shots	1
Assist Other Agency	1	Crime (Misc.)	1	Harassment	1	Susp. Activity	2
Burglary	1	Domestic Dstrb	1	Illegal Parking	4	Theft	1
Civil	5	Field Interrogation	2	Premise Check	1	Trespass	1

Falls City Calls for Serivce	33	Of the FC Calls for Service	5	involved crimes	
Total Calls for Service (county wide)	1520	FC Cases Cleared by Arrest	2	40.0%	clearance
Falls City % of Total Calls	2.2%	Total Arrests in Falls City	3	7.7%	of total arrests

Total Service Calls (Polk County)	1520				
	87	Crimes Occ	Junvenile Arrests	1	(county wide)
Cases Cleared by arrest	45	51.7%	Juvenile Arrests	0	(Falls City)
Total Arrests (county wide)	39		(only true crimes reported here)		

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City of Falls City
299 Mill St • Falls City, Oregon • 97344
Ph. (503) 787-3631 • www.fallscityoregon.gov

Public Works Report
November of 2022

Administration
Normal operations.

Water Division
We had a Main break by city hall on the 24th.

Sewer Division
We had a pump fail at the Fairoaks lift station that had to be replaced on the 2nd.

Streets Division
Normal operations.

Parks & Cemeteries Division
Normal operations.

Non-Sewer Wastewater Division (TMDL)
Normal operations.

City of Falls City
299 Mill Street
Falls City, OR 97344
Ph 503.787.3631

City Manager's Report December 12, 2022

Introduction

Another year has gone by and through staff changes and infrastructure challenges, our community is slowly but surely making progress. In the last report, I mentioned Jon Creekmore's twisted knee and it looks like it could have been worse, but he will have to adjust his work as to not aggravate it. Fortunately, Larry Inman has been making leaps and bounds in picking up the intricacies of the work and is proving to be a godsend to the Public Works department. If you get a chance to meet him around town, please let him know that you appreciate the contribution he's making to the success of the city. Since it is now almost winter, we are bracing for what may be a colder and wetter one than last year, so the staff has been keeping on top of maintenance to ensure we can keep all services running efficiently.

Wastewater Project – All of the hard work with representatives from both the local Council of Governments and Business Oregon for our latest CDBG grant application for construction funding has finally yielded positive results, as we were notified of approval for just under $2 million. In addition to this, we were given great news on our FONSI (Finding of No Significant Impact) regarding the environmental impact of our project, which is a key requirement for the USDA RD loan application for the remainder of the construction funds for the project. This document can be reviewed by the public at City Hall (per State and Federal regulations) to show the city's compliance with the standard practice for projects with potential impacts to the environment. Lastly, as the DEQ Interim funding may turn into permanent funding due to their lower rates for the community's ratepayers and the additional federal grant forgiveness portion of a long term loan (up to $500,000 or 50% of the loan, whichever is smaller), city staff has been working through financial documents with their Senior Loan Specialist for the Clean Water State Revolving Fund. We expect to bring to the City Council documentation with hard numbers by the January meeting. Parallel to these efforts, staff is continuing to lobby both state and county organizations to bring that loan amount down as much as possible.

Luckiamute Community Building – The business space had the most recent broken window repaired and both cameras and fire alarms are in the process of being installed.

Code Enforcement & Municipal Court – There have been some cars towed on Main Street by Polk County after being tagged by their Polk County Sheriff's Office's Community Service deputy. We hope that this will help to deter extended parking on Main Street, especially of inoperable vehicles.

Towing Services – Thanks to Polk County Community Service deputy and the vehicle tagged & towing, we hope that extended parking on Main Street, especially of inoperable vehicles will continue to decrease. In order to have more leverage to deter extended parking, reviewing a permit-only parking zone on Main Street may be an option.

Radar Speed Signs – The Radar Speed Signs have been delivered to City Hall, to be installed on Main Street before the end of the month. Still waiting on re-locates before the actual installation.

Emergency Escape Routes out of Falls City – City staff has reengaged Polk County Emergency Management staff about setting up meetings to discuss coordination of emergency escape routes. We are working on scheduling a meeting at the end of January, to reconvene the group to work on a process for next year's fire season.

Air Filtration Grant – Staff has been in contact with the Oregon Department of Human Services Wildfire Response in order to advance the grant application submitted earlier this year. A follow-up application for air-scrubbing equipment to all the buildings to be used as **emergency clean-air shelters**, (currently listed are the Community Center/Fire Hall Bays, Luckiamute Community Center, and City Hall) has been submitted. The city expects to receive most or all of its requested scrubbers within the next few weeks.

Community Center Roof Leaks – Staff has had a follow-up inspection of the roof above the Community Center by construction professionals , and the small leaks that could filter rainwater through to the ceiling tiles can be repaired for an estimate of $7-8,000. The entire roof can be rebuilt for $35-40,000. A City Council discussion may be warranted to determine which of these options is best.

Fire Department Brush Truck – Fire Chief Young informed staff that the Brush Truck he brought up to the council in February has come into the dealer. Since City Council has already decided to hold off on purchasing this new vehicle, a discussion is in order as to what the city's responsibility is to the vendor for an action not sanctioned by the council.

Mobile Broadband Deployment Opportunity – The Oregon Raindrop Foundation has expressed interest in deploying mobile hotspots to underserved and underrepresented populations in Falls City. These mobile hotspots would be used for educational and healthcare (telehealth) purposes by individuals who would otherwise not be able to afford such digital access. A collaboration between the city, the school district and any other entity interested in supporting underserved and underrepresented populations is welcome.

Sincerely,

Note: If you have questions/concerns, please respond to me individually by email, phone, or in person. This way we avoid violating any public meetings laws with a "reply all" response, or multiple councilors discussing on the same thread.

Clerk's Report

• **Speed signs** will be installed next week after locates have been confirmed
• **Speed test** will be conducted next spring by the County
• **NO TRESPASSING** signs have been placed at the mill lot
• **Mill lot fence** still under discussion due to a possible new opportunity
• **Rumble strips** have arrived, but we are unable to lay them due to the temperature of the pavement
• We recently **purchased a new-ish grader** and are preparing to gravel and grade many roads throughout town before bad winter hits
• Working with State Surplus to **liquidate our old grader**

Luckiamute Community Building
• **Curtains** will be installed the first week of January
• **Plumbing** will be completed the first week of January
• 2 **windows were repaired** in the sunroom
• **Smoke/Carbon Monoxide Detectors** have been installed in the main room, hallway and basement
• **Fire Extinguishers** have been installed in the kitchen and basement
• **Remaining Smoke/Carbon Monoxide Detectors** will be installed with coordination of tenants
• **Exterior cameras** are in, just need some decent weather to install them, they are wi-fi based and app compatible

Q1 Financials are attached per Councilor Jirovec's request.

City of Falls City
Budget vs. Actual
July through October 2022

	Jul - Oct 22	Budget	$ Over Budget
Income			
REVENUES			
BEGINNING FUND BALANCE	0.00	1,207,135.00	-1,207,135.00
MISCELLANEOUS REVENUE			
Bootleg Fire	0.00	10,000.00	-10,000.00
MISCELLANEOUS REVENUE - Other	5,453.25	4,500.00	953.25
Total MISCELLANEOUS REVENUE	5,453.25	14,500.00	-9,046.75
UTILITY REVENUES			
Sewer Use	47,347.37	130,000.00	-82,652.63
Water Use	107,538.40	300,000.00	-192,461.60
Water Connection Fee	1,800.00	1,500.00	300.00
Back Flow Device Fee	4,996.64	11,000.00	-6,003.36
Utility Capital Reserve Fee	17,934.33	55,000.00	-37,065.67
Utility Late Fee	1,075.65	5,000.00	-3,924.35
Total UTILITY REVENUES	184,272.39	502,500.00	-318,227.61
TAXES & REVENUE SHARING			
State Marijuana Prevention	686.64	1,240.00	-553.36
Property Taxes - Current Year	1,525.71	120,000.00	-118,474.29
Property Taxes - Prior Years	0.00	1,000.00	-1,000.00
'18-'22 Fire Levy 25.5089%	1,105.22	45,000.00	-43,894.78
State Liquor Tax	7,254.26	15,000.00	-7,745.74
State Revenue Sharing	3,054.55	12,000.00	-8,945.45
State Cigarette Tax	291.20	1,500.00	-1,208.80
State Gas Tax (Streets)	27,953.66	70,000.00	-42,046.34
Total TAXES & REVENUE SHARING	41,871.24	265,740.00	-223,868.76
INTEREST INCOME			
Interest - Revolving Fund	0.00	7,000.00	-7,000.00
INTEREST INCOME - Other	0.00	15,000.00	-15,000.00
Total INTEREST INCOME	8,028.26	22,000.00	-13,971.74
FEES (NON-FRANCHISE)			
Business License & OLCC Fees	0.00	2,500.00	-2,500.00
Land Use/Permit Fees	3,937.25	2,000.00	1,937.25
Recreation & Rental Fees	1,200.00	1,000.00	200.00
Code Service Fines	0.00	300.00	-300.00
Lien Search Fee	490.00	1,000.00	-510.00
FEES (NON-FRANCHISE) - Other	0.00	7,800.00	-7,800.00
Total FEES (NON-FRANCHISE)	5,627.25	14,600.00	-8,972.75
FRANCHISE FEES			
Pacific Power	6,487.54	45,000.00	-38,512.46
Consumer Power	0.00	50.00	-50.00
Republic Services	1,536.93	4,000.00	-2,463.07
Charter Communications	0.00	5,500.00	-5,500.00
CenturyLink	0.00	1,000.00	-1,000.00
Total FRANCHISE FEES	8,024.47	55,550.00	-47,525.53

City of Falls City
Budget vs. Actual
July through October 2022

	Jul - Oct 22	Budget	$ Over Budget
GRANTS			
'20 COVID-CARES (Admin)	117,276.68	117,000.00	276.68
'20 IOF/Partners (Streets)	0.00	471,520.00	-471,520.00
'18 SCAG (Streets)	0.00	100,000.00	-100,000.00
'19 DLCD Grant (Admin)	0.00	1,000.00	-1,000.00
'17 CDBG Wastewater (Sewer)	0.00	120,000.00	-120,000.00
Total GRANTS	166,938.68	809,520.00	-642,581.32
DONATIONS			
LFR! Donations	0.00	250.00	-250.00
Pride Donations	0.00	250.00	-250.00
Total DONATIONS	0.00	500.00	-500.00
Total REVENUES	420,215.54	2,892,045.00	-2,471,829.46
Total Income	420,215.54	2,892,045.00	-2,471,829.46
Gross Profit	420,215.54	2,892,045.00	-2,471,829.46
Expense			
EXPENSES			
MATERIALS & SERVICES			
Operational Expenses			
Uniforms and Protective Gear	150.00	500.00	-350.00
Operational Expenses - Other	7,224.40	22,000.00	-14,775.60
Total Operational Expenses	7,374.40	22,500.00	-15,125.60
Professional Services			
Fire Fighter Retention	4,500.00	5,000.00	-500.00
Professional Services - Other	72,633.18	141,300.00	-68,666.82
Total Professional Services	77,140.98	146,300.00	-69,159.02
Equipment O & M	34,584.13	26,500.00	8,084.13
Facilities O & M	7,511.84	1,500.00	6,011.84
Insurance Expense	2,393.25	35,150.00	-32,756.75
Travel/Training/Dues/Statutory	2,393.61	9,500.00	-7,106.39
UTILITIES	12,764.24	43,850.00	-31,085.76
MISCELLANEOUS			
LFR Reserve	0.00	460.00	-460.00
Pride Reserve	0.00	250.00	-250.00
City Events	0.00	2,000.00	-2,000.00
MISCELLANEOUS - Other	-1.00	2,100.00	-2,101.00
Total MISCELLANEOUS	-1.00	4,810.00	-4,811.00
GRANTS (NON-CAPITAL)			
'19 DLCD G. Young Grant (Admin)	0.00	1,000.00	-1,000.00
Total GRANTS (NON-CAPITAL)	65,655.52	1,000.00	64,655.52
Total MATERIALS & SERVICES	209,866.97	291,110.00	-81,243.03
CAPITAL OUTLAY			
Water Capital	0.00	170,000.00	-170,000.00

City of Falls City
Budget vs. Actual
July through October 2022

	Jul - Oct 22	Budget	$ Over Budget
Sewer Capital			
New Sewer			
'17 CDBG Wastewater (Sewer)	28,805.59	170,000.00	-141,194.41
Reserved for Lagoon Site Land	4,000.00	2,000.00	2,000.00
New Sewer - Other	0.00	75,000.00	-75,000.00
Total New Sewer	32,805.59	247,000.00	-214,194.41
Total Sewer Capital	32,805.59	247,000.00	-214,194.41
Street Capital			
'18 SCAG (Streets)	0.00	100,000.00	-100,000.00
'20 Safe Routes	310.00	471,520.00	-471,210.00
Total Street Capital	310.00	571,520.00	-571,210.00
Total CAPITAL OUTLAY	33,115.59	988,520.00	-955,404.41
CONTINGENCY & TRANSFERS			
Transfer Out	0.00	91,875.00	-91,875.00
Contingency	0.00	955,702.00	-955,702.00
Total CONTINGENCY & TRANSFERS	0.00	1,047,577.00	-1,047,577.00
DEBT SERVICE			
922I1 Land Principal (Gen)	0.00	2,000.00	-2,000.00
Eng 123 Principal (Fire Levy)	0.00	16,575.00	-16,575.00
Eng 123 Interest (Fire Levy)	0.00	3,390.00	-3,390.00
'17 H2O Bond Principal (Water)	0.00	35,000.00	-35,000.00
'17 H2O Bond Interest	12,331.09	26,800.00	-14,468.91
Total DEBT SERVICE	12,331.09	83,765.00	-71,433.91
PERSONNEL SERVICES			
Worker's Comp Insurance	3,581.91	23,457.00	-19,875.09
Benefits	12,288.43	130,797.00	-118,508.57
Wages & Salaries	83,800.97	292,506.00	-208,705.03
Payroll Expenses	6,600.22	23,075.00	-16,474.78
Total PERSONNEL SERVICES	106,271.53	469,835.00	-363,563.47
Total EXPENSES	361,585.18	2,880,807.00	-2,519,221.82
Total Expense	361,585.18	2,880,807.00	-2,519,221.82
Net Income	**58,630.36**	**11,238.00**	**47,392.36**

STAFF REPORT

TO: HONORABLE MAYOR, AND CITY COUNCIL

FROM: CITY MANAGER, AJ FOSCOLI

SUBJECT: INVITATION TO APPLY FOR SAFE DRINKING WATER REVOLVING LOAN FUND (BIL)

DATE: 12/12/2022

SUMMARY

Business Oregon as a managing entity for infrastructure funding on behalf of Congress' Bipartisan Infrastructure Law (BIL) has invited Falls City to apply for water infrastructure funding.

BACKGROUND

The City was given the opportunity to submit a Letter of Intent to Business Oregon for any vital water infrastructure projects that the city has outlined in their Water Master Plan. After consultation with the Public Works Superintendent, and the city's contract engineer, Westech, it was decided to submit a proposal that would include replacement of several strategically important water mains, and the replacement of its increasingly old and often inaccurate water meters in case advantageous grant financing was available.

Due to Falls City's status as a low-middle income community, the Letter of Intent was accepted, and a subsequent cost estimate submittal was requested by Business Oregon to see if it would be within the scope of funding parameters. Business Oregon, for its part in supporting infrastructure projects in Oregon, must provide a portfolio of eligible projects and Oregon Health Authority (OHA), which oversees clean water projects, must apply to the Environmental Protection Agency (EPA) to receive such funding.

The City has the opportunity at this time to decide whether to undertake another capital improvement project due to the unprecedented availability of infrastructure funding at the federal level. The application OHA submits to EPA for BIL funding requires funding information for each project and Falls City stands to receive $1,292,082 forgivable loan and $1,075,218 loan for a total award of $2,367,300 (the current maximum allowed to one entity).

The city can expect to receive a reduced loan rate as low as 1%, which is based on whether the water user rate for 7,500 gallons of water is at or above $35.03 by the end of construction. As Falls City's water user base rate for 5,000 gallons of water is $41.96, the city qualifies for this reduced loan rate.

FINANCIAL IMPLICATIONS

Original Loan amount $1,075,218	
Monthly Payment	$3,471.92
Time Required to Clear Debt	30.00 years
Total of 360 Payments	$1,244,997.37
Total Interest	$169,779.37

This would amount to an annual debt repayment of $41,663.

STAFF RECOMMENDATION
Adopt

EXHIBIT
A- Business Oregon Engineering Cost Estimate Westech
B- Westech Cost Estimate Breakdown by Individual Project

PROPOSED MOTION
I move that the City Council of Falls City direct the City Manager to apply for $1,075,218 from the SAFE DRINKING WATER REVOLVING LOAN FUND.

WATER SYSTEM NAME:	CITY OF FALLS CITY			
BUDGET LINE ITEM	BIPARTISAN INFRASTRUCTURE LAW FUNDS*	OTHER BUSINESS OREGON FUNDS	NON-BUSINESS OREGON FUNDS	TOTAL
Planning	$ 0.00			$ 0.00
Design & Engineering	$ 279,000.00			$ 279,000.00
Construction	$ 1,803,900.00			$ 1,803,900.00
Construction Contingency	$ 174,400.00			$ 174,400.00
Environmental Review	$ 30,000.00			$ 30,000.00
Federal Requirements Assistance (Min. $15,000 recommended**)	$ 15,000.00			$ 15,000.00
Labor Standards (Min. $15,000 recommended**)	$ 15,000.00			$ 15,000.00
Legal Fees	$ 20,000.00			$ 20,000.00
Cultural Resource Report(s) and Monitoring	$ 5,000.00			$ 5,000.00
Permitting & Regulatory Fees	$ 25,000.00			$ 25,000.00
Other:				$ 0.00
Other:				$ 0.00
Total Project Costs:	$ 2,367,300.00	$ 0.00	$ 0.00	$ 2,367,300.00

*A maximum of $6,000,000 of Bipartisan Infrastructure Law Funds may be requested.
** Hiring a third party to ensure compliance with federal requirements (e.g., American Iron andSteel, Build America, Buy America) and Davis Bacon Labor Standards is highly recommended. If funds are not allocated to the two budget line items above, please provide documentation to the Regional Project Manager detailing any existing capacity and specialized knowledge that will ensure compliance with associated federal requirements. For more information regarding the budget line items please see section X of the 2022 Financing Details document.

Notes:

1. Attach an Engineer's Cost Estimate.
2. Unless the project or component is covered under a waiver, all iron, steel, manufactured products, and construction materials used in the project must adhere to the new Build America, Buy America requirement. The project budget should account for any increased costs. Submit documentation regarding any assumptions made related to project or component-specific waivers. Contact the Regional Project Manager if you have questions.

Westech Cost Estimate Breakdown by Individual Project

City of Falls City		
Water System Improvement Project		
Cost Estimate Summary		
Subproject		**Recommended Budget**
Forest Lane & Clark Street Waterlines	$	616,600
Hopkins Street Waterline	$	612,800
Alley North of Main Waterline	$	365,100
Pine Street Waterline	$	197,400
Water Meter Replacement (see note 1)	$	458,000
Total Project Budget	**$**	**2,249,900**
Notes:		
1. This budget is based on the assumption that there are no meters available that comply with the Build American Buy American Act. Therefore, the pricing is based on the use foreign-made meters.		

The cost estimates submitted by Westech Engineering were revised upward to account for the maximum allowed under the program. This was done on guidance from Business Oregon based on cost fluctuations to give greater buffer during the construction period. ($2,367,300 vs $2,249,900)

STAFF REPORT

TO: HONORABLE MAYOR, AND CITY COUNCIL

FROM: CITY MANAGER, AJ FOSCOLI

SUBJECT: CONSTRUCTION FUNDING FOR WASTEWATER FACILITY

DATE: 12/12/2022

SUMMARY

Council Approval of Construction Funding from Business Oregon as part of the USDA Rural Development's funding of the City's new wastewater facility.

BACKGROUND

The City was awarded HUD funds in the form of a Community Development Block Grant (CDBG) for approximately $500,000 to complete the design, engineer, and environmental on a new wastewater treatment facility. The city was further awarded another Community Development Block Grant (CDBG) for $ $1,961,436 for construction of the new wastewater treatment facility.

As part of the acceptance of the construction funds, the City Council authorizes the City of Falls City to adopt and implement the Section 3 Plan to ensure compliance with Federal Law and Community Development Block Grant projects and to designate the Manager, or person designated by the City Manager, as the Section 3 Coordinator for the City of Falls City.

Section 3 of the Housing and Urban Development Act of 1968 as amended (12 USC 1701u)(Section 3) requires that recipients of HUD-funding exceeding $200,000 ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and Local laws and regulations, be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to such persons. (see Exhibit B)

FINANCIAL IMPLICATIONS

None

STAFF RECOMMENDATION

Adopt.

EXHIBIT

A- Resolution 07-2022
B- Falls City Section 3 Plan

PROPOSED MOTIONS

I move that the City Council of Falls City adopt Resolution 07-2022, A RESOLUTION TO ADOPT THE SECTION 3 PLAN TO COMPLY WITH 24 CFR, PART 135 OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 3

RESOLUTION 07-2022

A RESOLUTION TO ADOPT THE SECTION 3 PLAN TO COMPLY WITH 24 CFR, PART 135 OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 3

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701 u) (Section 3) to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds, and

WHEREAS, Part 135 of Section 3 is to establish the standards and procedures to be followed to ensure that the objectives of Section 3 are met; and

WHEREAS, the City of Falls City staff has developed a Section 3 Plan in adherence to 24 CFR, Part 135 that more comprehensively addresses the standards and procedures prescribed in the Act; and;

WHEREAS, the Section 3 Plan has been reviewed by the City of Falls City staff members and their comments incorporated into the Plan.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council authorizes the City of Falls City to adopt and implement the Section 3 Plan to ensure compliance with Federal Law and Community Development Block Grant projects and to designate the Manager, or person designated by the City Manager, as the Section 3 Coordinator for the City of Falls City; and

APPROVED AND ADOPTED this _____day of _____ 2022.

Signed:

_____
TJ Bailey, Mayor

Attest:

_____
Jeremy Teal, City Recorder

SECTION 3 PLAN

GENERAL POLICY STATEMENT

It is the policy of the City of Falls City to require its contractors to make a good faith effort to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

The City of Falls City (hereinafter "CITY") implements this policy through the awarding of *Community Development Block Grant* program contracts to contractors and subcontractors (hereinafter "CONTRACTOR"), to create employment and business opportunities for low-income Section 3 residents or persons of the City of Falls City.

The policy will ensure that, in good faith, the CITY will have a reasonable level of success in the recruitment, employment, and utilization of Section 3 workers, Targeted Section 3 workers or other eligible persons and Section 3 business concerns working on contracts *partially or wholly funded* with the United States Department of Housing and Urban Development (HUD) monies. The CITY shall examine and consider a CONTRACTOR's potential for success by providing employment and business opportunities to Section 3 eligible residents and business concerns prior to acting on any proposed contract award.

BACKGROUND

Section 3 of the Housing and Urban Development Act of 1968 as amended (12 USC 1701u)(Section 3) requires that recipients of HUD-funding exceeding $200,000 ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and Local laws and regulations, be directed to low- and very-low income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to such persons.

Section 3 is applicable when the normal completion of construction and rehabilitation projects creates the need for new employment, contracting or training opportunities.

As a recipient of HUD Community Development Block Grant (CDBG) funds through the Oregon Business Development Department (OBDD), the CITY certifies that it will make good faith efforts, including the preference to contract with businesses that employ Section 3 workers and Targeted Section 3 workers from the local community, to comply with the requirements of Section 3. These same requirements apply to all contractors or subcontractors that receive contracts in excess of $200,000 for Section 3 eligible projects.

HUD's Section 3 regulations can be found at 24 CFR 75.

Eligible Projects

All projects and activities involving housing construction, demolition, rehabilitation, or other public construction, such as roads, sewers, community centers, et cetera, that are completed with HUD Community Planning and Development funding are subject to the requirements of Section 3.

Section 3 Workers and Businesses

A Section 3 Worker is any worker who currently fits, or when hired within the past five years fit, at least one of the following:

1. The worker's income for the previous of annualized calendar year is below the income limit established by HUD;
2. The worker is employed by a Section 3 business concerns; or
3. The worker is a YouthBuild participant.

In accordance with the regulation, residents and business concerns seeking Section 3 preference shall certify, and/or submit evidence to the CITY, CONTRACTOR, or subcontractor, verifying that they meet the definitions provided above.

To be considered a **Section 3 Business Concern**; at least one of the following criteria must apply as documented within the last six-month period:

1. At least 51 percent owned and controlled by low or very low-income persons;
2. Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers; or
3. A business at least 51 percent owned and controlled by current public housing residents or resident who currently live in Section-8 assisted housing.

Best Effort OR Good Faith Effort

At a minimum, the following tasks will be completed to demonstrate a "best effort or good faith effort" with the requirements of Section 3. The CITY and each CONTRACTOR and subcontractor seeking to establish a "best effort or good faith effort" as required should be filling all training positions with qualified Section 3 persons residing in the target area. The following are examples of how to meet the "best effort or good faith effort":

1. Send notices of job availability subcontracting opportunities subject to these requirements to recruitment source organizations, local public housing authority and any other community groups capable of referring eligible Section 3 applicants, including WorkSource Oregon.
2. When using a newspaper of circulation to request bids/quotes or to advertise employment opportunities to also advertise in minority-owned newspapers.

3. Include in all solicitations and advertisements a statement to encourage eligible qualified Section 3 residents businesses to apply;
4. Maintain a list of all residents from the target area who have applied either on their own or by referral from any service, and employ such persons, if otherwise qualified for the position and if a trainee position exists. (If the CONTRACTOR has no vacancies, the applicant, if other eligible, shall be listed for the first available vacancy). A list of eligible applicants will be maintained for future vacancies.

SECTION 3 CONTRACTING POLICY AND PROCEDURE

Section 3 residents must meet the minimum qualifications of the position to be filled and a Section 3 Business Concern must have the ability to and capability to perform successfully under the terms and conditions of the proposed contract.

The CITY will incorporate Section 3 requirements into all solicitations for project proposals that are funded in part or in whole with HUD monies. The Section 3 contract clause (see Exhibit 2) specifies the requirements for CONTRACTORS hired for Section 3 covered projects and shall be included in all CITY bid solicitations and requests for proposals for projects whose funding is derived from HUD and involves housing construction, demolition, rehabilitation or other public construction.

Section 3 workers must meet the minimum qualifications of any position to be filled. Any worker seeking Section 3 preference should register with the CITY or CONTRACTOR by submitting the certification form in Exhibit 3. CONTRACTOR should have all workers on a project submit the certification form to support required reporting of labor hours.

Any business seeking Section 3 preference in the awarding of contracts or purchase agreements with the CITY should follow the steps at https://hudapps.hud.gov/Opporunity/Portal/ to register their business in HUD's Section 3 Business Registry. Section 3 businesses must meet minimum qualifications, including prequalification with the CITY and have the ability and capacity to perform successfully under the terms and conditions of the proposed contract.

The CITY will, to the greatest extent possible, offer contracting opportunities to Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the county in which the project is located. However, in the event that no Section 3 businesses bid on the contract, or bids but is not able to demonstrate to the CITY that it has the ability to perform successfully under the terms and conditions of the proposed contract, then that contract will be awarded to a non-Section 3 business concern that can meet the terms and conditions of the proposed contract through the competitive bidding process. That business concern must meet the general conditions of compliance with Section 3. This will include:

1. Require employees working on the project to submit a certification form (Exhibit 3)

2. Positing notices of any vacant positions, including training and/or apprenticeship positions, qualifications for positions, place where application will be received and starting date of employment.
3. To the greatest extent possible, making available vacant positions, including training and/or apprenticeship positions, to Section 3 workers.
4. As positions are vacated during completion of contract, following guidelines enumerated in numbers 2 and 3 above.
5. Submitting Compliance Reports to the CITY as required.
6. If notified of non-compliance, correcting non-compliance issues within the allowable time period.

All contractors or businesses seeking Section 3 preference, before submitting bids or proposals to the CITY will be required to complete certifications, as appropriate, as acknowledgement of the Section 3 contracting and employment provisions required by this section. Such certifications shall be adequately supported with appropriate documentation as referenced on the form.

The CITY and their covered CONTRACTORS, subcontractors, professional service providers/consultants or subrecipients subject to Section 3 requirements, will in good faith comply with the requirements of Section 3 for employment, training, or contracting opportunities resulting from the expenditure of HUD funding. For projects with HUD funding, the CITY responsibility includes:

1. Advertise contracting opportunities via newspaper, mailings and posting notices about the work to be contracted and where to obtain additional information.
2. Provide notice of employment and contracting opportunities, or require CONTRACTOR to do so, to all known Section 3 business concerns or workers within the CITY. The written notice will be provided in sufficient time to establish business concerns the opportunity to respond to the bid invitation.
3. Include in all solicitations a statement to encourage eligible Section 3 businesses to apply.
4. Assist and actively cooperate with the Oregon Business Development Department (OBDD) to ensure CONTRACTORS comply with Section 3.
5. Refrain from entering into contracts with CONTRACTORS that are in violation of Section 3 regulations.
6. Inform businesses that they can use the WorkSource Oregon – First Source Hiring Agreement in complying with the Section 3 requirements.
7. Document actions taken to comply with Section 3 and submitting necessary documentation to OBDD.

The CONTRACTOR will be responsible for the following:

1. Include Section 3 requirements in all subcontracts and requiring subcontractors to submit worker certification forms and compliance reports as required (see Exhibit 4 for more details).

2. To the greatest extent possible, making available vacant positions, including training and/or apprenticeship positions, to Section 3 workers.
3. If a position necessary to complete contractual task is vacated during the contract period, CONTRACTOR's certification that, to the greatest extent possible, that vacancies will be filled pursuant to items 2 and 3 above,
4. Submitting worker certification forms and compliance reports as required.
5. If notified of non-compliance, correcting non-compliance issues within the allowable time period

SECTION 3 BENCHMARKS

The CITY has established employment goals in order to comply with Section 3 requirements. For housing and community development financial assistance projects, the benchmark for Section 3 workers is set at 25 percent or more of the total number of labor hours worked by all workers on a Section 3 project. The benchmark for Targeted Section 3 workers is set at 5 percent or more of the total number of labor hours worked by all workers on a Section 3 project. This means that the 5 percent is included as part of the 25 percent threshold.

These benchmarks will require the CONTRACTOR to identify existing workers and new hires who meet the definition of a Section 3 worker or Targeted Section 3 worker (see Exhibit 1 for definitions) and to track hours of all employees throughout the project. The CITY will require that CONTRACTOR provide documentation to demonstrate compliance, including documentation that shows worker certification, hours worked by Section 3 workers, Targeted Section 3 workers, and any qualitative efforts to comply with Section 3 (see Exhibits 3 and 4).

It is the responsibility of the CONTRACTOR to implement progressive efforts to attain Section 3 compliance. If the CONTRACTOR fails to meet the benchmarks above, they bear the burden of demonstrating why it was not possible to do so. Such justifications should describe the efforts that were taken, barriers encountered, and other relevant information that will enable the state to make a compliance determination (see Exhibit 4). All firms submitting bids or proposals are required to certify that they will comply with the requirements of Section 3.

Failure to comply with the requirements of Section 3 may result in sanctions, including debarment, suspension or limited denial of participation in HUD programs pursuant to 24 CFR Part 24.

MONITORING AND ENFORCEMENT

The function of monitoring and enforcing these provisions will be carried out by the City's project manager for each HUD-funded construction project. During the pre-bid or pre-construction meetings between the CITY and CONTRACTOR, the CITY's Section 3 Policy will be provided again to the CONTRACTOR for inclusion in contract documents. The following contract requirements will be discussed in detail:

- Prevailing wage rates (Davis-Bacon or BOLI, whichever is higher)
- Minority and woman-owned businesses
- Section 3 hiring requirements

Each representative will define specific functional requirements and require the CONTRACTOR to certify its understanding of the terms and conditions of the contract as it applies to the aforementioned requirements.

SECTION 3 COMPLAINT PROCEDURE

The CITY will make every effort to resolve complaints generated from alleged non-compliance through an internal process. The CITY encourages submittal of non-compliance complaints to its Section 3 Coordinator as follows:

1. Submit to the following address:

   City of Falls City
   Attn: AJ Foscoli, City Manager
   299 Mill Street
   Falls City, Oregon 97344
2. Complaints of non-compliance should be filed in writing and must contain the name of the complainant and brief description of the alleged violation of 24 CFR 75.
3. Complaints must be filed within thirty calendar days after the complainant becomes aware of the alleged violation.
4. An investigation will be conducted if complaint is found to be valid. The Section 3 Coordinator will conduct an informal but thorough investigation affording all interested parties, if any, an opportunity to submit testimony and/or evidence pertinent to the complaint.
5. The Section 3 Coordinator will provide written documentation detailing the findings of the investigation to the City Attorney. The City Attorney will review the findings for accuracy and completeness before it is released to the complainants. The findings will be made available no more than thirty days after the complaint is filed with the CITY.

If complainants wish to have their concerns considered outside the CITY's internal procedure, a complaint may be filed with

United States Department of Housing and Urban Development Community Planning and Development
Region X Field Office
1220 SW 3rd Avenue, Suite 400
Portland, Oregon 97204-2830

The complaint must be received no later than 180 days from the date of the action or omission upon which the complaint is based, unless the time for filing is extended for good cause shown.