



Council Business Meeting Agenda

ASHLAND CITY COUNCIL BUSINESS MEETING AGENDA

Tuesday, January 21, 2025

Council Chambers, 1175 E Main Street

Live stream via rvtv.sou.edu select RVTV Prime.

HELD HYBRID (In-Person or Zoom Meeting Access)

Public testimony will be accepted for both general public forum items and agenda items.

If you would like to submit written testimony or if you wish to speak electronically during the meeting, **complete the online [Public Testimony Form](#) no later than 10 a.m. the day of the meeting.**

6:00 p.m. Regular Business Meeting

I. CALL TO ORDER

- a. Land Acknowledgement**

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. MAYOR'S / CHAIR OF THE COUNCIL ANNOUNCEMENT

- a. MLK Proclamation

V. APPROVAL OF MINUTES

- a. Minutes of December 16, 2024– Study Session Meeting
- b. Minutes of December 17, 2024 - Business Meeting

VI. CONSENT AGENDA

- a. Granting a Franchise Agreement to Sprint Communications Company L.P. for Use of City Rights-of-Way
- b. Resolution No. 2025-01 Clarifying Non-Debt Obligation of the Services Agreement with Western Rivers Conservancy
- c. Southern Oregon Goodwill Termination of Ashland Measure 37 Covenant
- d. Approval of City Attorney Hiring Procedure
- e. Public Arts Advisory Committee Appointment
- f. Transportation Advisory Committee Appointment
- g. Housing & Human Services Advisory Committee Appointment
- h. Planning Commission Appointment
- i. Approval of Liquor License for Chipotle Mexican Grill
- j. Approval of Liquor License for Shop and Smoke
- k. Approval of Liquor License for Good Juice Wine Shop
- l. Approval of Liquor License for Terrene Winery and Cidery

VII. SPECIAL PRESENTATIONS

VIII. PUBLIC FORUM

15 minutes – Public input or comment on City business not included on the agenda



Council Business Meeting Agenda

- a. Submitted Testimony

IX. PUBLIC HEARING

- a. First Reading – ORD 3245 An Ordinance Terminating Specified Commission and Re-establishing AMC Chapter 2.13 to create Advisory Committees
- b. First Reading – ORD 3254 An Ordinance Amending AMC Title 9 Health and Sanitation Creating Chapter 9.45 Carbon Pollution Impact Fee and Establishing Standards for a Carbon Pollution Impact Fee for New Residential Structures in the City of Ashland

X. ORDINANCES, RESOLUTIONS AND CONTRACTS

- a. Second Reading - ORD 3248 An Ordinance Creating Section 2.28.600 of the Ashland Municipal Code Establishing the Parks and Recreation Department
- b. Second Reading - ORD 3252: Amending 14.16.015 to Allow for Conservation Measures

XI. UNFINISHED BUSINESS

- a. Council Adoption of 2200 Ashland Street Master Plan
- b. 2200 Ashland Street Facility Plan Ad Hoc Committee

XII. NEW BUSINESS

- a. Election of Council Chair
- b. City Council Liaison Appointments
- c. Budget Committee Appointments
- d. Request to Withdraw Affordable Housing Trust Fund RFP to Allow for Strategic Discussion Regarding How Best to Invest the Funding

XIII. CITY MANAGER REPORT

- a. City Manager Report

XIV. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

XV. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Manager's office at 541.488.6002 (TTY phone number 1.800.735.2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

* Items on the Agenda not considered due to time constraints are automatically continued to the next regularly scheduled Council meeting [AMC 2.04.030.(D)(3)]

** LAND ACKNOWLEDGEMENT

We acknowledge and honor the aboriginal people on whose ancestral homelands we work—the Ikirakutsum Band of the Shasta Nation, as well as the diverse and vibrant Native communities who make their home here today. We honor the first stewards in the Rogue Valley and the lands we love and depend on: Tribes with ancestral lands in and surrounding the geography of the Ashland Watershed include the original past, present and future indigenous inhabitants of the Shasta, Takelma, and Athabaskan people. We also recognize and acknowledge the Shasta village of K'wakhakha - "Where the Crow Lights" - that is now the Ashland City Plaza.

***Agendas and minutes for City of Ashland Council, Commission and Committee meetings may be found at the City website, ashlandoregon.gov.





A Proclamation for Martin Luther King Jr. Day 2025

WHEREAS, we honor the Reverend Dr. Martin Luther King, Jr., who dedicated his life to the values of social justice and opportunity for all; and

WHEREAS, we remember his legacy as an American hero and tireless social activist, who called upon our county to ensure equal justice under the law; and

WHEREAS, the Civil Rights movement of the 1960's has profoundly and positively impacted the course of American history and continues to shape the direction and debate of our society; and

WHEREAS, Dr. King called on us to love, not hate; to seek justice not revenge; to confront the violence of others with nonviolent resistance; and

WHEREAS, Dr. King encouraged Americans to come together, regardless of age, race, or creed, to strengthen their communities, to alleviate poverty, and to value the dignity and respect inherent in all people; and

WHEREAS, The Congress and the President of the United States established by law, in 1986, a national holiday to commemorate the anniversary of Dr. King's birth.

NOW, THEREFORE, I, Tonya Graham, Mayor of the City of Ashland, Oregon, on behalf of the City Council, do hereby acknowledge Martin Luther King Jr., Day and call upon the people of Ashland to reflect upon our individual attitudes, take action to address our unconscious biases and establish or renew our commitments to equal justice under the law and respect for our fellow human beings. In Ashland we are Better Together.

Dated this 21st day of January 2025

Tonya Graham, Mayor

Alissa Kolodzinski, City Recorder



**ASHLAND CITY COUNCIL
STUDY SESSION MINUTES
Monday, December 16, 2024**

Mayor Graham called the meeting to order at 5:30 p.m.

Mayor Graham and Councilors Hyatt, Bloom, Dahle, Kaplan, DuQuenne and Hansen were present.

I. Public Input

(15 minutes – Public input or comment on City business not included on the agenda)

Neisewander– Spoke about public restroom hours, homeless concerns, and clarified that her public testimony on December. 3 was in support staff’s recommended changes to the Homeless Master Plan.

II. Commission & Committee Workplans & Updates 2024–2025

(See Agenda Packet for full 2024 achievements and 2025 workplan updates)

SERJAC –Social Equity & Racial Justice Advisory Committee

Presentation by Emily Simon, Committee Member, Tara Houston, Committee Co-Chair and Allison Mendel, Committee Co-Chair.

- Interfacing with other Ashland committees and municipalities regarding DEI issues
- Planning an Ashland DEI Climate Survey and will engage in outreach / tabling

HHSAC – Housing & Human Services Advisory Committee

Presentation by Echo Fields, Committee Chair and Tiana Gilliland, SOU Liaison

- Master Plan / Assessment Report for homeless services in Ashland
- Recommended Social Service Grant funds for distribution and is planning resource fair

PAAC – Public Arts Advisory Committee

Presentation by Cassie Preskenis, Committee Chair

- Student representation is valuable – seeking representatives from AHS and SOU
- Ongoing projects including collaboration with SOU and OSF for playwright plaques

HPAC–Historic Preservation Advisory Committee

Presentation by Dale Shostrom, Committee Member

- Committee received less applications for review due to regulatory changes – pivoted to education and outreach – seeking funding for brochures and staff time for this

CEPAC–Climate and Environment Policy Advisory Committee

Presentation by Mark Morrison, Committee Vice Chair

- Collaborated on Clean Home Energy Score system; progress on RESP loan initiative
- Full membership and community outreach. Council to consult re: electric master plan

TAC – Transportation Advisory Committee

Presentation by Linda Peterson–Adams, Committee Chair

- Reviewed and provided feedback on several projects with community involvement

*City Council Study Session
December 16, 2024
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- TSP Update and Safety Action Plan will require community input. The RFP solicitation is expected to come out in January with potential implementation for April or May

Planning Commission

Presentation by Lisa Verner, Commission Chair

- Reviewed accomplishments and clarified the Commission's recommendation for CFAs to be applied to Railroad Property and the identified portion of the Transit Triangle and for the City to seek additional funding to allow consultants to consider CFA designation Downtown.

APRC – Ashland Parks & Recreation Commission

Presentation by Rocky Houston Parks Director

- Reviewed organizational structure, City/Parks-sponsored events and public events in the parks. Discussed recreational opportunities for seniors, young people, and families.
- The draft CIP is ready for review by the commission in early January as a six-year plan to be updated every two years. Discussed development of a 10-year strategic plan for the Parks Department, a 5-year operations plan for the golf course, and other capital projects including trail maintenance with a newly formed trails advisory committee.

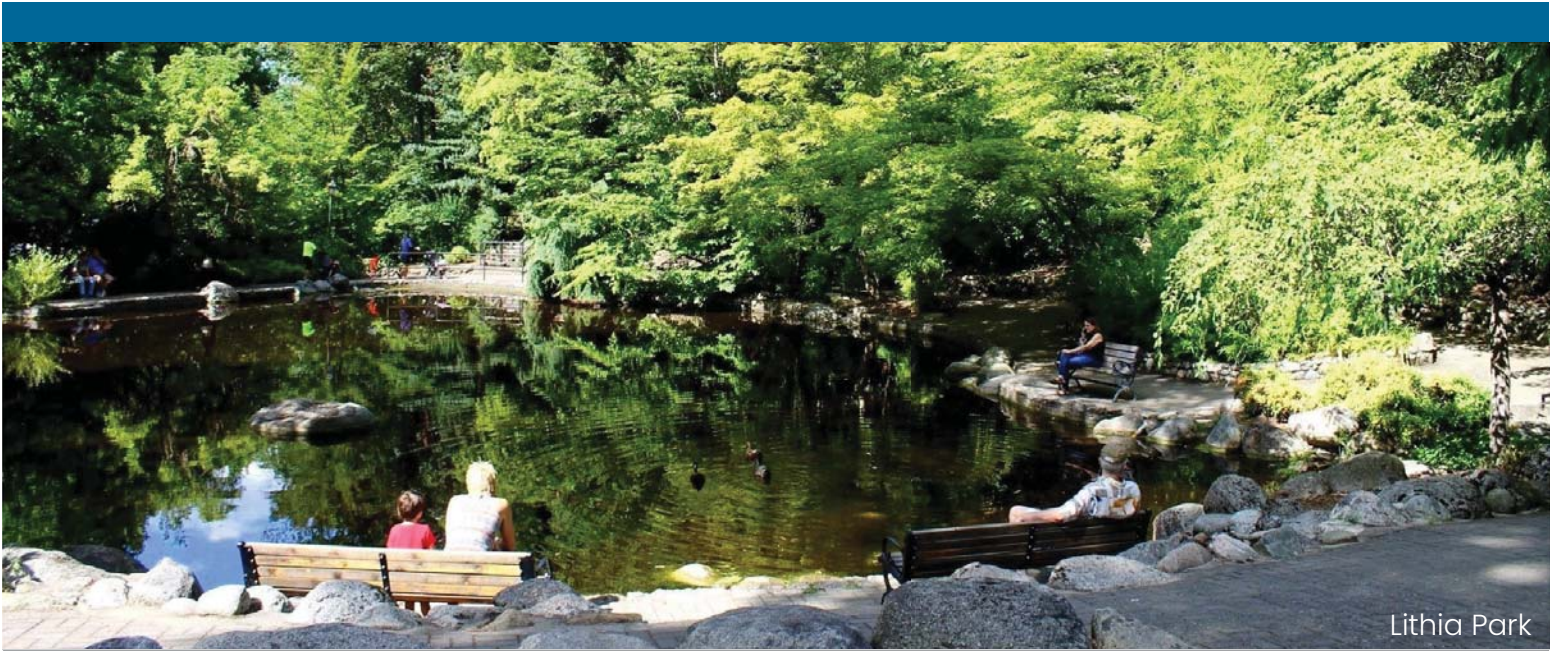
The Council expressed gratitude for all who served on a committee or commission for investing in our community.

III. Adjournment of Study Session

The meeting was adjourned at 7:20 p.m.

City Recorder Alissa Kolodzinski

Mayor Tonya Graham



Lithia Park

Parks & Recreation Department

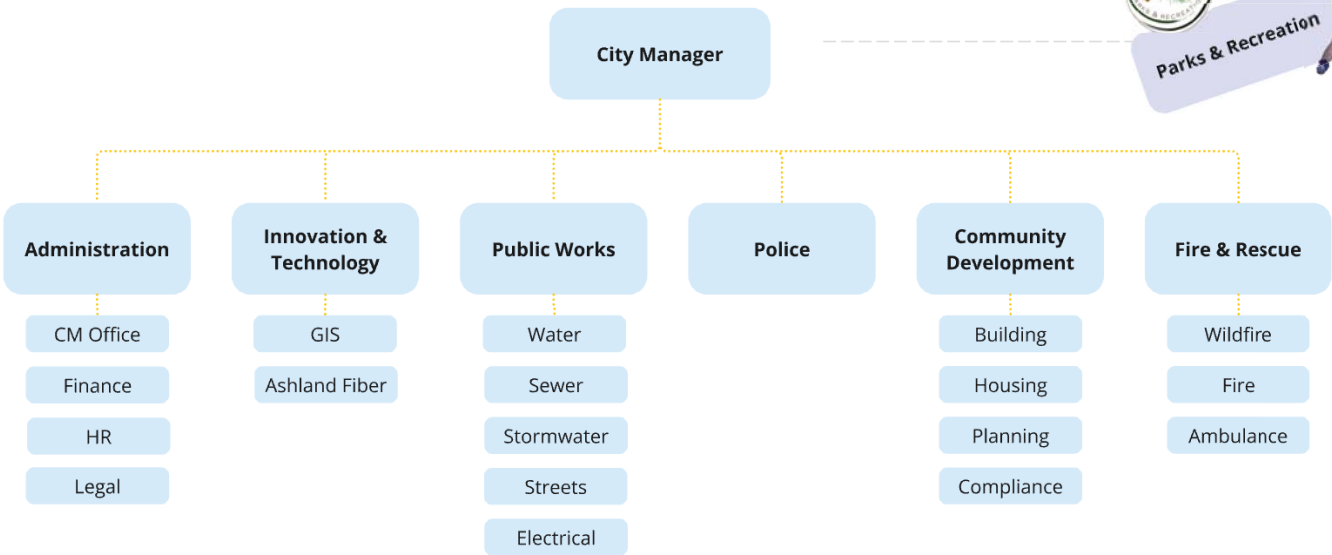
Council Annual Report | December 16, 2024



City Staff Org Chart



Parks & Recreation



Parks & Recreation Structure

Sets Park policies
(Elected)



Implements the
policies
(Hired)



Parks & Recreation Staff



3

What we do...

- Provide **community spaces** (outdoor & indoor)
- **Engage** community in learning and staying active
- **Connect** the community to people and to the place
- Create **Memories**



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Parks & Recreation





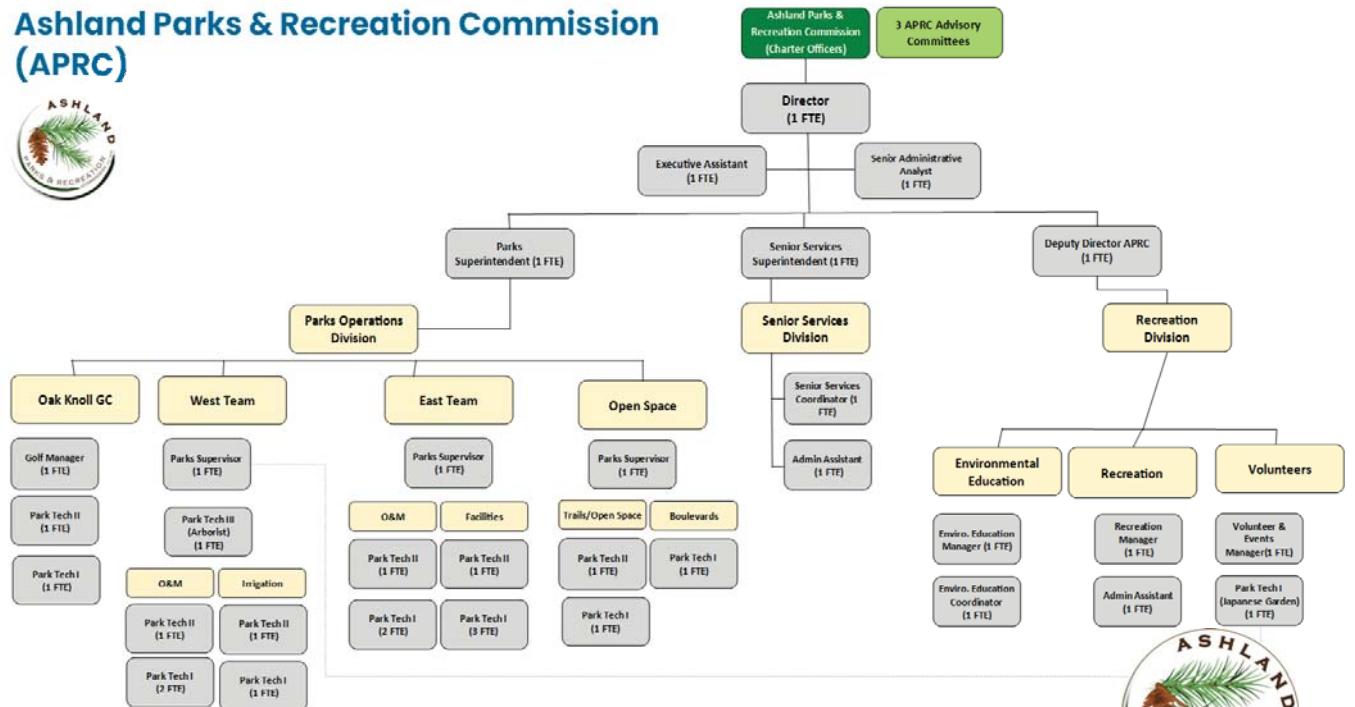
Our 2024 Parks & Recreation Team



5



Ashland Parks & Recreation Commission (APRC)



6

New Employees



New Employees/Roles for 2024

- **New Janitorial Team**
 - Rick Deckelman
 - Drew Bailey
 - Jesse Rowland
 - Forest Rota
- **Senior Services Coordinator**
 - Shannon Holt
- **Golf Program Manager**
 - Brian Weaver
- **Environmental Education Manager**
 - Kirsten Came
- **Senior Services Superintendent**
 - Natalie Mettler
- **Director**
 - Rocky Houston



7

Recreation



Make Memories ~ Create Connections ~ Learn a new skill



8



Park Events

Parks *Sponsored* Events

- Bear Creek Salmon Festival
- 4th of July Run
- Rogue Valley Bike Swap
- Rogue World Music Festival



Public Events in Parks

- Monster Dash
- Southern Oregon Pride
- Summer Sounds concert series



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Custodial

- Work **365** days/year
- **37,960** restrooms cleaned annually
- **16,790** trash cans emptied annually

Trails

- **53 miles** of trail managed

Open Space

- Forestry management
- **531+ acres** managed

Boulevards

- **Landscaper** for most city property & streets
- Arborist for street trees

Irrigation

- Manage **672 irrigation zones** in 19 parks & other city locations

Arborist

- Manage all city managed trees (parks, public buildings, ROW)

Operations & Maintenance

- Lithia Park, multiple other parks NW town

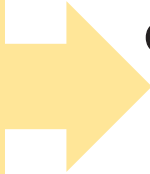


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Mission:

- Enhance
- Empower
- Advocate



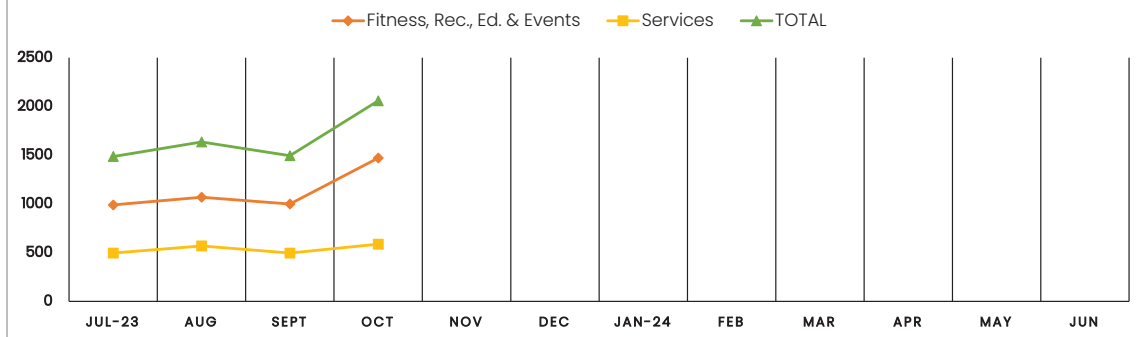
Community
aged
50 years+



Photos by Bob Palermini

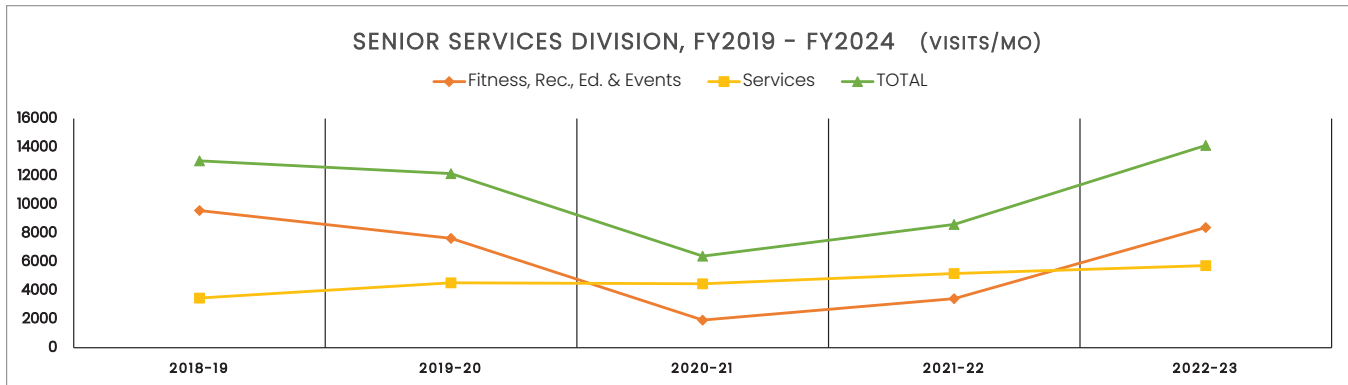


SENIOR SERVICES DIVISION, FY 2024-25 (visits/mo)



	Jul-23	Aug	Sept	Oct	YTD 24-25 Ave. Visits/mo	YTD Total
Fitness, Rec., Ed. & Events	990	1068	999	1471	1132	4528
Services	496	568	496	587	537	2147
TOTAL	1486	1636	1495	2058	1669	6675





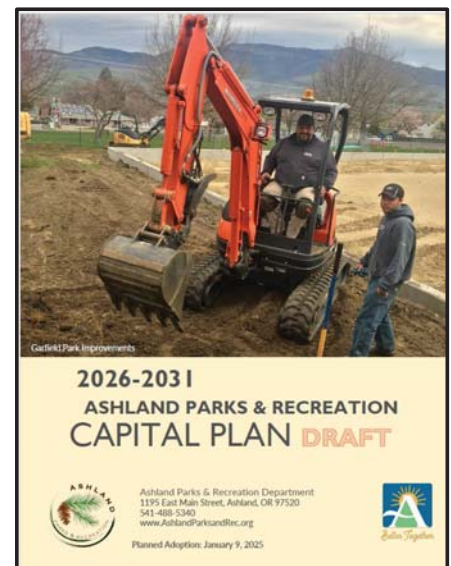
	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Fitness, Rec., Ed. & Events	9577	7630	1931	3432	8392	11821
Services	3470	4530	4463	5180	5734	5845
TOTAL	13047	12160	6394	8612	14126	17666



2026-2031 Draft CIP

Acknowledgment

- Rachel Dials, Deputy Director
- Kevin Caldwell, Parks Superintendent
- Bill Miller, Parks Supervisor
- Wes Casale, Parks Supervisor
- Jason Minica, Parks Supervisor
- Brian Weaver, Golf Manager
- Brandon Terry, Senior Administrative Analyst





Planning Projects

- Parks, Recreation, Open space & Senior services Plan (**PROS Plan**)
 - 10-year strategic plan for Parks Department
- Oak Knoll Golf Course
 - **5-year** operations plan

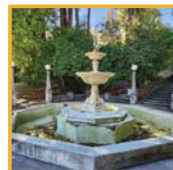


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Capital Projects

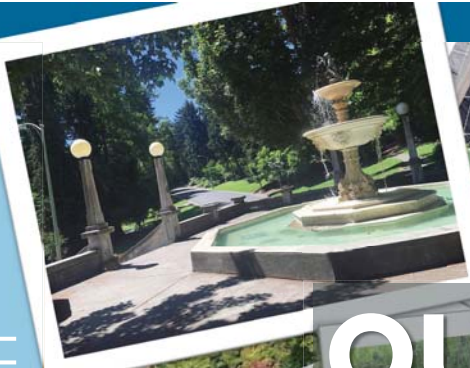
- East Main Community Park – Phase I
- Butler-Perozzi Fountain Restoration
- Hunter Park Tennis Courts Major Maintenance
- ADA Improvements
- Siskiyou Mountain Park – Trail Re-route
- Preventative Maintenance (hazard trees, facilities, pavement preservation)



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QUESTIONS?



**ASHLAND CITY COUNCIL
BUSINESS MEETING MINUTES
Tuesday, December 17, 2024**

6:00 PM Business Meeting

Council Present: Mayor Graham, Councilors Hyatt, Bloom, Dahle, DuQuenne, Kaplan, and Hansen

Council Absent: None

Staff Present:

Sabrina Cotta	City Manager
Doug McGeary	Acting City Attorney
Carmel Zahran	Assistant City Attorney
Rocky Houston	Parks & Recreation Director
Lea Richards	GIS Specialist
Mariane Berry	Finance Director
Miranda Iwamoto	Accounting Manager
Dana Mason	Finance Manager
Tighe O'Meara	Police Chief
Mark Shay	Fire Marshall
Scott Fleury	Public Works Director
Alissa Kolodzinski	City Recorder

I. CALL TO ORDER

Mayor Graham called the meeting to order at 6:01 p.m.

- a. Land Acknowledgement**

Councilor Hyatt read the land acknowledgement.

II. PLEDGE OF ALLEGIANCE

Councilor Kaplan led the pledge of allegiance.

III. ROLL CALL

IV. MAYOR'S/ CHAIR OF THE COUNCIL ANNOUNCEMENT

V. APPROVAL OF MINUTES

- a. Minutes of the November 18, 2024 – Study Session
b. Minutes of November 19, 2024 – Business Meeting
c. Minutes of the December 2, 2024 – Study Session
d. Minutes of the December 3, 2024 – Business Meeting

Councilors requested two corrections:

- to the minutes of 12.3.24 meeting to reflect comments made by a citizen at the study session on 12.16.24
- to the minutes of 12.3.24 meeting to add under the WRC Special Sentence to the sentence: '...and Hansen spoke of the potential economic development in tourism and increased economic mountain biking recreation.'

Motion made to approve the minutes with corrections.

Motion: Hansen Second: Bloom

Roll Call Vote: Councilor Hyatt, Bloom, DuQuenne, Kaplan, Dahle, and Hansen. YES. Motion passed.

VI. CONSENT AGENDA

a. OPRD Local Government Grant Program Agreements

Discussion:

DuQuenne requested the item be removed from the consent agenda for clarity regarding the related expenses stated in the agenda packet. Parks and Recreation Director Rocky Houston clarified that there is about \$3.4 Million in the department's Capital Improvement Fund for the expected City expenses of \$1.4 Million listed in the Grantee Match for this project.

Decision:

Motion made to approve OPRD Local Government Grant Program Agreements for the Hunter Park Tennis Courts Rehabilitation Project and the East Main Bicycle Pump Track Park.

Motion: Hyatt Second: Hansen

Roll Call Vote: Councilor Hyatt, Bloom, DuQuenne, Kaplan, Dahle, and Hansen. YES. Motion passed.

VII. SPECIAL PRESENTATIONS

a. See Click Fix Demo

Lea Richards GIS Specialist provided a demonstration (see attached)

- Council suggested sharing the presentation as a how-to-guide on the City's website
- Council discussed the differences between the use of this product and other existing reporting platforms such as near-miss and wildlife reports.
- Users can see what reports have already been made
- The product can be downloaded onto a personal device or through the City's website
- The Emergency Management Coordinator is involved and able to receive notices

b. Audit Presentation – Audit Committee Report

Finance Director Mariane Berry, Finance Manager Dana Mason, and Accounting Manager Miranda Iwamoto presented highlights of the Annual Comprehensive Financial Report ACFR. (Draft report included in agenda packet.) Amanda McCleary-Moore and Kim Reno from Moss Adams provided a presentation on audit results. (attached).

- Long term debt is addressed in the notes in the financial statements.
- Estimated revenue for the general fund can be found on page 76 of the ACFR
- Council expressed appreciation to the Moss Adams team and to the City staff who worked on the audit
- Current financial data in Open Gov will be completed as soon as the audit is complete. The 2nd quarter financial results will be presented at Council in February and the financials through November will be posted in about a week in Open Gov.

Audit Committee Member Kristen Roy highlighted three key takeaways from her experience on the committee and recognized the hard work done by management to obtain a clean

audit report:

- Accounts receivable balances were due to suspended utility delinquency processing during the pandemic resulting in the adjustment mentioned in the Moss Adams report
- Management implemented two significant new standards for leases and subscription-based info-technology agreements
- The City created five new System Development Charges (SDC's) Funds for: Streets, Parks, Water, Wastewater, and Storm Drain

VIII. PUBLIC FORUM

15 minutes – Public input or comment on City business not included on the agenda

Several citizens spoke in support of the Climate and Clean Air Policy package, concern about the possible Madrone Ridge Property acquisition, and concern about the requirement for utilities to be turned on and off online only.

IX. PUBLIC HEARING

- a. First Reading – ORD 3248 An Ordinance Creating Section 2.28.600 of the Ashland Municipal Code Establishing the Parks and Recreation Department

Doug McGeary provided an overview for the ordinance designed to be compliant with the City's Charter, align operations, clarify roles, and reduce City liability with a clear structure. Graham summarized the reason, process and joint effort between the City Council and APRC in requesting the City's Legal department to draft this ordinance for review by both bodies.

Discussion:

- Discussion regarding APRC role in strategic planning and budgeting under 2.28.650 F Long Term Financial Planning. McGeary clarified that this ordinance does not reduce APRC or Council involvement with planning and budgeting. Cotta clarified that the APRC would bring proposals to Council who would move things forward.

Public Hearing open

Rick Landt – asked that the first reading be postponed until the full APRC can review it.

Mike Gardiner – asked the Council to fully consider language options for the ordinance.

Public hearing closed

- Discussion on changing the word 'shall' to 'may' under 2.28.640 B2 C related to termination process and APRC open vote.

Decision:

Motion made to approve First Reading of Ordinance #3248, " An Ordinance Creating Section 2.28.600 of the Ashland Municipal Code Establishing the Parks and Recreation Department ", with the following change: 2.28.640 B2 C – change "shall" to "may", and schedule Second Reading for January 21, 2025.

Motion: Hansen Second: Hyatt

Roll Call Vote on amendment: Councilor Hyatt, Bloom, DuQuenne, Hansen, Dahle, and Kaplan YES. Motion passed.

b. First Reading – ORD 3252: Amending 14.16.015 to Allow for Conservation Measures
Carmel Zahran spoke that this amendment clarifies the Electric Fund may be used for several conservation measures as outlined.

Discussion: none

Open Public Hearing

Paul Mozina – expressed concern for how this may be used and asked for clarity in the ordinance language.

Closed Public Hearing

Decision:

Motion made to approve the First Reading of Ordinance 3252, Amending 14.16.015 to Allow for Conservation Measures.

Hansen recused himself from the vote due to conflict of interest.

Motion: Kaplan Second: Dahle

Roll Call Vote on amendment: Councilor Hyatt, Bloom, DuQuenne, Dahle, and Kaplan YES.

Hansen: Abstain. Motion passed.

Recess taken from 8:10 to 8:15

X. ORDINANCES, RESOLUTIONS AND CONTRACTS

a. Second Reading ORD 3253 Amending AMC 10.120 ELEA to add CAP East
Police Chief O'Meara and Zahran discussed the changes between the first and second readings.

- 10.120.020 Section A – Clarifies that convictions received by any competent court of jurisdiction (not just Ashland Municipal Court) in ELEA areas East and/or West are applied distinctly and separately when considering expulsion orders for either Area.
- 10.120.020 Section B – pursuant to AMC 10.125.010
- 10.120.040 Section B – clarifies when a person subject to an expulsion order may legally enter the area from which they have been expelled.

Discussion: Zahran and O'Meara answered Councilor questions and affirmed plans to bring back to Council proposed changes beyond just adding CAP East as directed by Council. Councilors spoke of their reasons for either supporting or not supporting the ordinance.

Public Hearing open

Werthaiser – expressed concern about the proposed ordinance

Neiswander – expressed opposition to the ordinance

Navickas – expressed opposition to the ordinance as discriminatory

Public Hearing Closed

Decision:

Motion to approve second reading of Ordinance 3253 amending AMC 10.120 ELEA to add CAP East including the changes as presented with changes as discussed.

Motion: Bloom Second: Dahle

Roll Call Vote: Councilor Hyatt, Bloom, DuQuenne, Hansen, and Dahle, YES. Kaplan No.

Motion passed.

Council requested additional data to be part of the discussion at the ELEA study session on Feb 3.

b. Apparatus Contract Purchase

Fire Marshall Mark Shay provided a presentation regarding the proposed purchase of an aerial ladder truck for the Fire Department (see attached).

Discussion:

- Shay discussed re-appropriating unused but allocated funds reserved another vehicle (the department received a grant for this vehicle) and the sale of the engine to be replaced by this purchase as future budgetary considerations and clarified that the current request is to lock in the purchase price (not for funding at this time).
- Cotta clarified that this is unique from other purchases that can be completed in one budget cycle, but represents planning needed five years in advance for a vehicle that will not be received for two budget cycles.
- This ladder truck was taken into consideration while state mandated Climate Friendly Areas rolled out that increase allowable building heights.
- Being under contract for this truck will contribute to a better ISO rating.

Decision

Motion made to approve the purchase agreement with Hughes Fire Equipment to purchase a Pierce Enforcer 107 Ascendant Aerial BN1182 apparatus.

Motion: Hyatt Second: Bloom

Roll Call Vote: Councilor Hyatt, Bloom, DuQuenne, Hansen, Kaplan and Dahle, YES. Motion passed.

XI. UNFINISHED BUSINESS

a. Community Center Rehabilitation - Next Steps - Management Advisory Committee (MAC) Recommendations

Public Works Director Scott Fleury summarized the background of this topic. The MAC members discussed three options for the Community Center. Option 1: continue the current rehabilitation with minor modifications as required. Option 2: continue current rehabilitation with more robust structural improvement to address leveling floors and out-of-plumb walls discovered after the project began. Option 3: demolish the facility and rebuild which would meet current seismic code. The MAC arrived at a recommendation for Option 1. Complete MAC recommendations, current budget, and possible project budget per option are included in the agenda packet.

Discussion:

- Anticipated completion of Option 1 would be in March or April for opening to the public. Option 2 would take an additional month or two. Option 3 for new building would likely be completed sometime in 2026.
- There is still some increased cost expected for Option 1 to meet building codes.
- Council asked about structural integrity and Fleury spoke that the project engineers are confident that the building will be meet building code with recommended modifications but it will still not meet the seismic code requirements.

- Staff recommendation was to build a new building to allow for more usage, meet seismic code requirements, improve ADA accessibility and be more energy efficient. Parking options during construction was discussed.
- Council discussed reasonableness of expending these funds on a single building as the City is undergoing a complete facility assessment including significant deferred maintenance. Councilors stated reasons for how they will vote.

Decision:

Motion made to continue with option one rehabilitation under the original design intent with minor modifications

Motion: Dahle Second: Kaplan

Roll Call Vote: Councilor Hyatt, Bloom, DuQuenne, Kaplan and Dahle, YES. Hansen, NO Motion passed.

b. Council Adoption of 2200 Ashland Street Master Plan

Moved to next meeting

c. 2200 Ashland Street Facility Plan Ad Hoc Committee

Moved to next meeting

d. Social Services Coordinator Position

Cotta spoke that possible funding for the position requested earlier in the year includes utilization of opioid funds which would inform what the position would do and is outlined in the agenda packet. More analysis is needed to consider if this would be a part- or full-time position and when it would be brought online.

XII. NEW BUSINESS

XIII. CITY MANAGER REPORT

XIV. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

a. Recognition of Council Chair Paula Hyatt

Motion made for Council to take some time to recognize Colleague and Councilor Paula Hyatt.

Motion: Bloom Second: Dahle

Discussion: Councilors, Citizens, and City Staff took turns in expressing gratitude, admiration, appreciation and love for all the work and heart Council Hyatt has given to this community. Hyatt expressed gratitude for the work of the Council, Committees, Commissions and Staff.

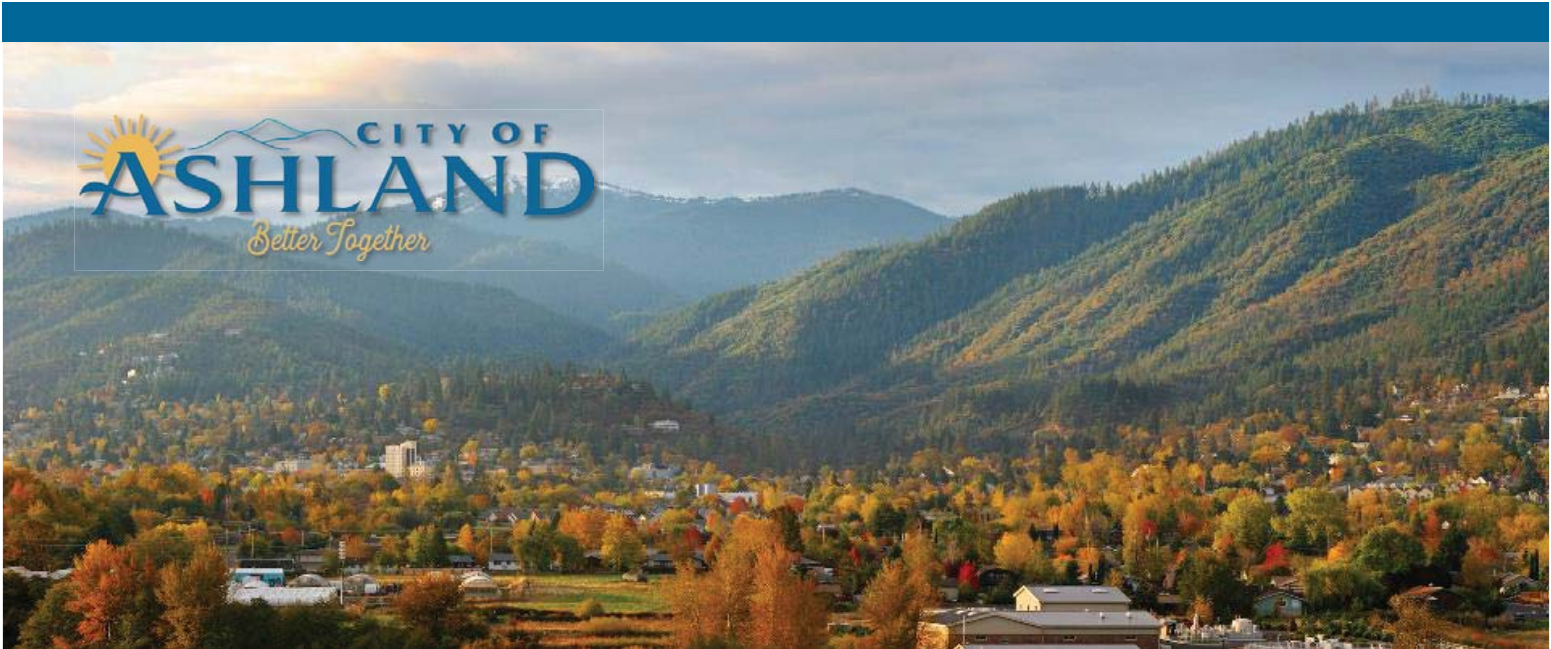
XV. ADJOURNMENT

Bloom/Hyatt m/s to adjourn. All in favor. The meeting was adjourned at 9:39 p.m.

City Recorder Alissa Kolodzinski

Mayor Tonya Graham

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December 17, 2024
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SeeClickFix: Ashland's Citizen Reporter Application

City Council Presentation, December 17, 2024

SeeClickFix is...

A citizen engagement platform that enables people to report non-emergency issues in our community through a mobile application or online.

Widely used engagement tool

SeeClickFix is used by thousands of municipalities and has become a standard for addressing community issues.

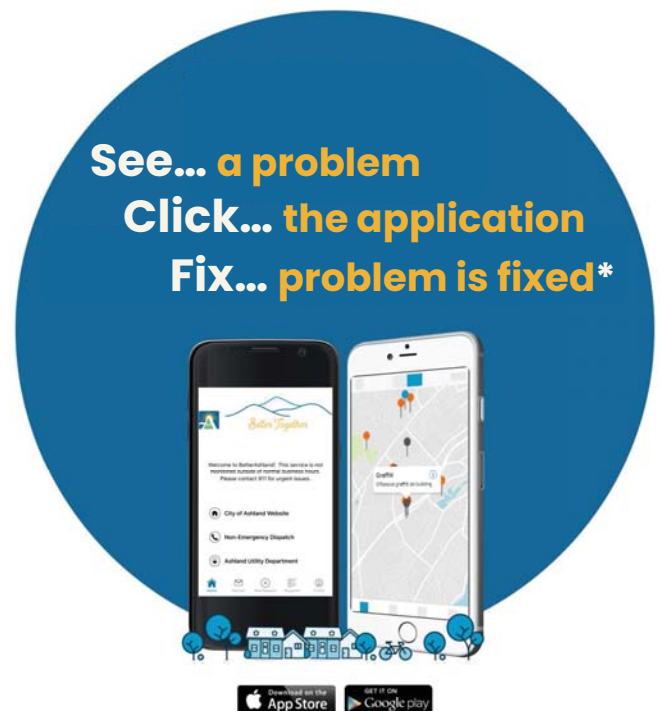
Some other government entities that use it:

Yreka, CA
Newberg, OR
Salem, OR

Bend, OR
Multnomah Co, OR
Eugene, OR



**Problems are fixed based on staff assessment of issue, time and budget restrictions.*



SeeClickFix

Key Benefits

1. Improved Efficiency: Streamlines the reporting process and integrates with City workflows, reducing response times.
2. Transparency: Provides real-time updates to residents on the status of their reported issues.
3. Community Engagement: Encourages residents to take an active role in maintaining and improving City infrastructure.
4. Data-Driven Decisions: Offers insights into recurring issues and trends, helping prioritize resource allocation.



City Teams Engaged

Parks & Recreation

- Bees, Wasps, Yellow Jackets
- Irrigation Issue
- Other
- Parks Facility Issue
- Trail Condition Trouble
- Trash in Park
- Tree or Vegetation Concern

Code Compliance

- Blighted Property
- Illegal RV Dwelling
- Intersection Vision Clearance
- Mud/Dirt Track Out
- Prohibited Feeding of Wildlife
- Sign Issue
- Tree Concern

Electric Dept

- Power Outage
- Street Light Outage
- Traffic Signal Problem

City Manager's Office

- Appreciation for Staff
- Other
- Storm Damage Report

Fire & Rescue

- Fire Hazard
- Weed Abatement Concern

Public Works: Operations

- Blocked Storm Drain
- Deceased Animal
- Illicit Discharge
- Lithia Fountain Problem
- Sidewalk Problem
- Street Sign Problem
- Street Surface Concern
- Trash/Illegal Dumping
- Water Leak
- Water Pressure Issue
- Water Quality Problem
- Wastewater Concern

Police Dept

- Abandoned Vehicle
- Graffiti
- Parking Violation
- Recurrent Traffic Concern



METRICS

27 citizens have signed up for accounts
118 citizen requests since May 2024 as of last week.

40 report categories currently configured

37 staff members participating

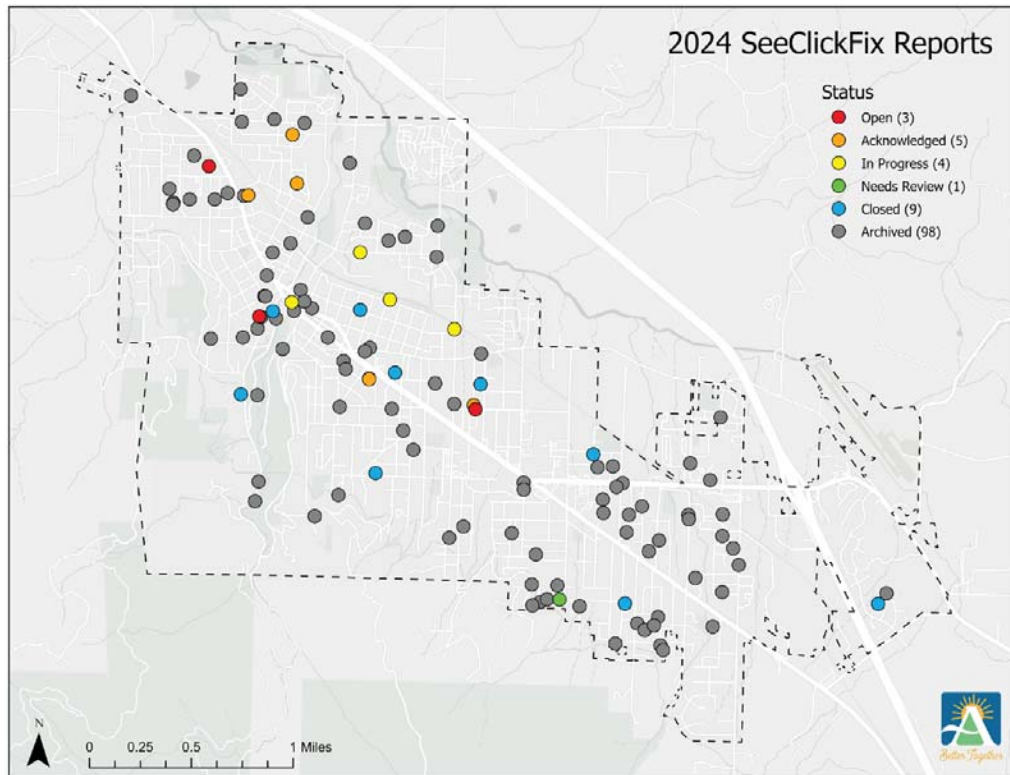
- Call takers
- Field responders
- Managers
- Administrator role



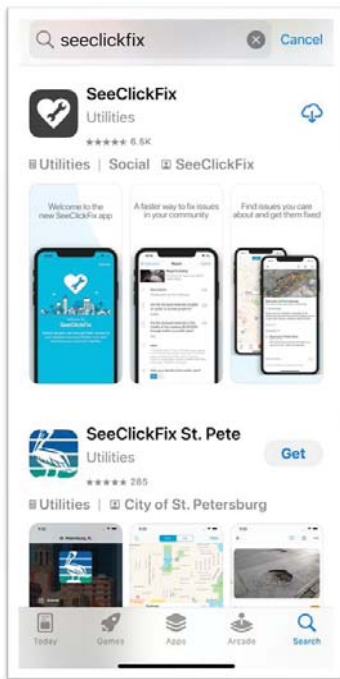
Have received about 10 requests per week, we expect more with advertising. Some requests are resolved quickly, others take time to research and remedy.



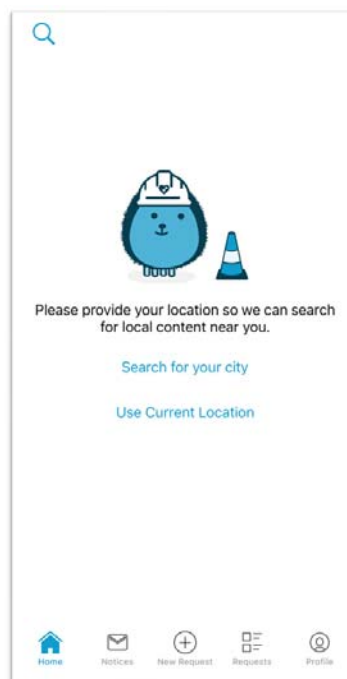
Distribution of Reports



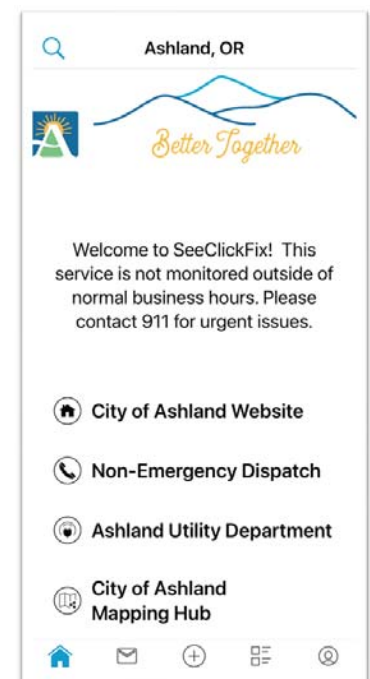
Mobile App Experience



App Store/Google Play

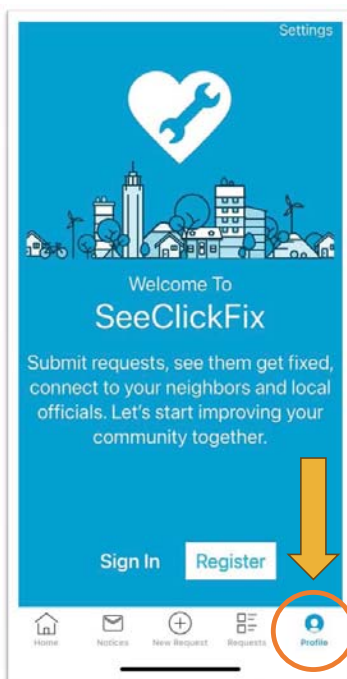


Search for Ashland, OR

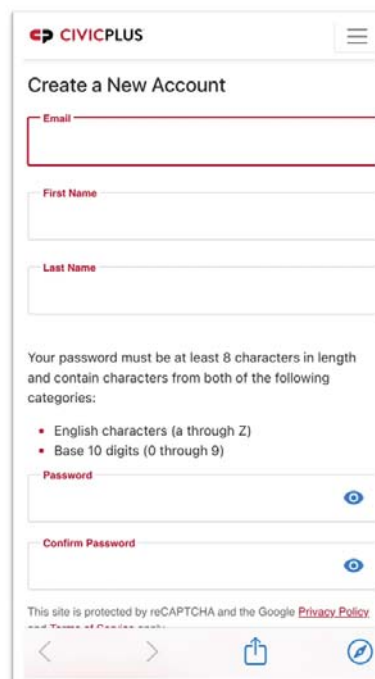


Our Homepage

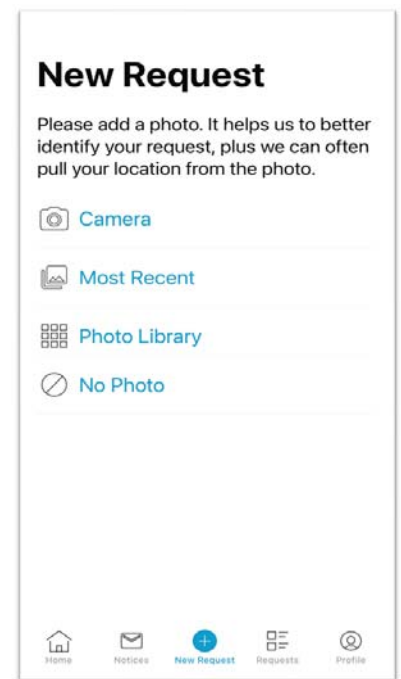
Mobile App Experience



Welcome Screen

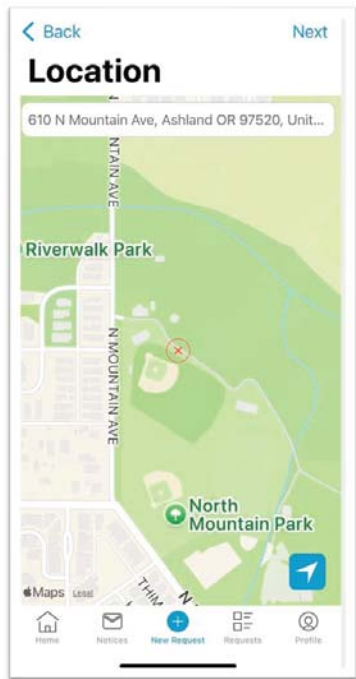


Optional: Register

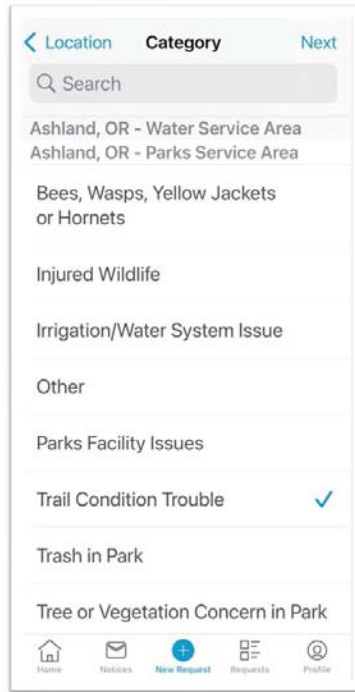


Let's Place a New Request

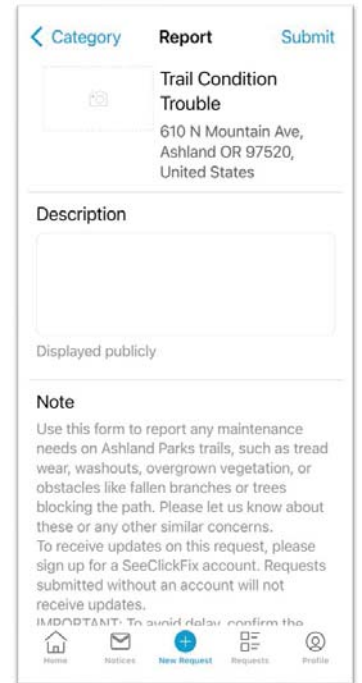
Mobile App Experience



Location

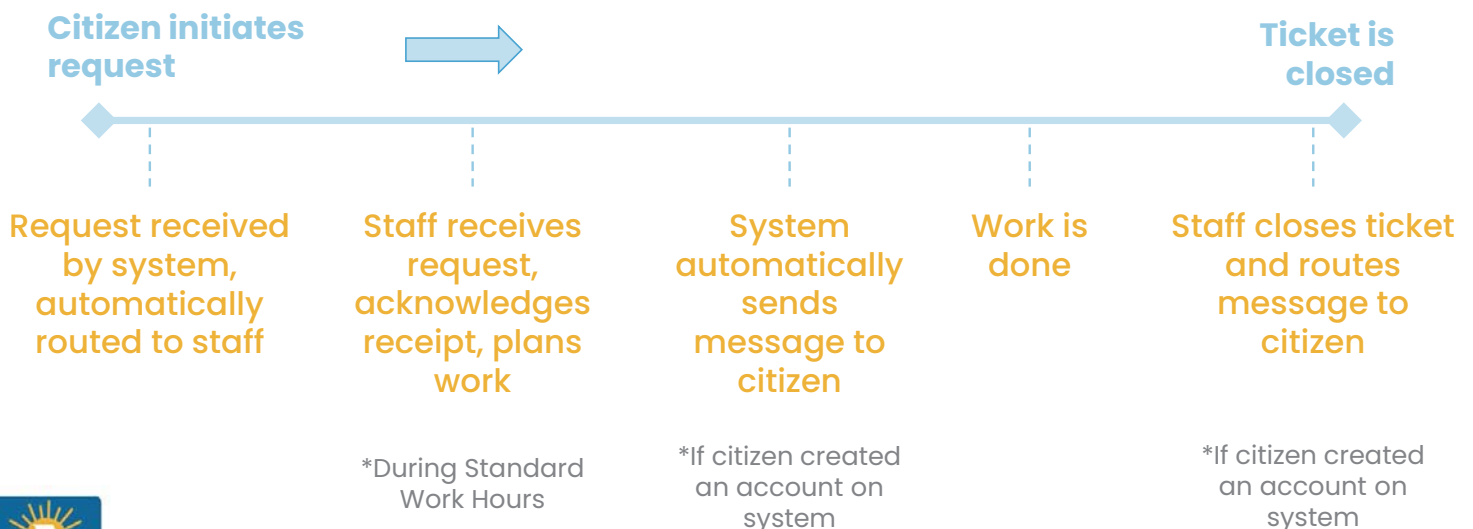


Category



Information/Submit

How is a request routed?





Progress

- The City has successfully integrated SeeClickFix into its operations, and staff are trained to manage incoming requests.
- Initial resident feedback has been mostly positive, highlighting the platform's ease of use.

Challenges

- Managing expectations
- Budget/time constraints vs citizen expectations
- Normal hiccups that come with a change in process

Future Plans

- Continue to refine categories and questions
- Integrate with Asset Management program

Submit a Request



Questions/Demonstration

Discover SeeClickFix... Empowering You to Help Make Ashland a Better Place, Together!



Audit Presentation

Fiscal Year Ending June 30, 2024

December 17, 2024

Finance



Overview

- ❖ Staff Financial Report
 - Highlights of the Annual Financial Comprehensive Report
- ❖ Auditors Presentation by Moss Adams – Amanda McCleary Moore
 - Review scope, Audit results, Opinion
- ❖ Audit Committee Report – Kristin Roy
 - Members: Shane Hunter, Paula Hyatt, Jane Adrianova, Kristin Roy
- ❖ Questions

CITY OF ASHLAND
ANNUAL COMPREHENSIVE
FINANCIAL REPORT


ASHLANDOREGON.GOV





Better Together

FOR THE FISCAL YEAR
ENDED: JUNE 30, 2024



Annual Financial Comprehensive Report (ACFR)

- ❖ Transmittal Letter
- ❖ Management Discussion & Analysis (MD&A)
- ❖ Basic Financial Statements
 - Statement of Net Position
 - Balance Sheet
 - Statement of Revenues, Expenditures and Changes in Fund Balances
 - Cash Flow Statement
- ❖ Basic Notes to the Financial Statements
- ❖ Supplemental Reporting
- ❖ Auditor Letters/Opinions

Basic Financial Statements

CITY OF ASHLAND, OREGON
Notes to the Basic Financial Statements
For the year ended June 30, 2024

I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The City of Ashland, Oregon (City) is a municipal corporation operating under an amended charter adopted by the voters in 2020. The City Council (Council), composed of the Mayor and six council members, comprises the legislative branch of the government. Individual departments are under the direction of the City Manager, who is appointed by the Council. The accompanying financial statements present the City, an entity for which the City is considered to be financially accountable.

B. Government-wide and Fund Financial Statements

The presentation of financial information required by GASBS 34 for Basic Financial Statements and Supplementary Information are described below and in the Management's Discussion and Analysis located earlier in this document. The government-wide financial statements (i.e. the Statement of Net Position and the Statement of Changes in Activities) report information on the activities of the primary government. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which are normally supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely, to a significant extent, on fees and charges for support.

The Statement of Activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges by a given function or segment, and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported as general revenues.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

C. Measurement Focus, Basis of Accounting, and Basis of Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary funds financial statements. Revenues are recorded when earned and expenses are reported when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenue in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. The budgetary basis of accounting is the same as Generally Accepted Accounting Principles (GAAP). Revenues are recognized as soon as they are both

40 - City of Ashland Annual Comprehensive Financial Report

Audit Presentation FY2024

3



MOSS ADAMS – Audit Presentation



City of Ashland, Oregon Audit Results

COMMUNICATION WITH CITY COUNCIL

December 16, 2024

4



MOSS ADAMS – Audit Presentation

Agenda

1. Engagement Team
2. Nature of Services Provided
3. Auditor Opinions / Reports
4. Communications to Those Charged with Governance
5. New Standards



Better Together - Moss Adams & City of Ashland, Oregon

2

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MOSS ADAMS – Audit Presentation

Engagement Team

Amanda McCleary-Moore, CPA,
Partner

AMANDA.MCCLEARY-MOORE@MOSSADAMS.COM
(541) 732-3865



Kim Reno, CPA, CFE,
Senior Manager

KIMBERLY.RENO@MOSSADAMS.COM
(541) 732-3823



Better Together - Moss Adams & City of Ashland, Oregon

3

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MOSS ADAMS – Audit Presentation

Nature of Services Provided

- 1 Audit the City financial statements in accordance with Generally Accepted Auditing Standards (GAAS) and Governmental Standards (GAGAS)
- 2 Assistance with, and technical review of each respective Annual Comprehensive Financial Report (ACFR) for compliance with Generally Accepted Accounting Principles (GAAP) as well as Government Finance Officers Association (GFOA) Certificate of Excellence requirements
- 3 Compliance testing/reporting under Oregon Minimum Audit Standards (OMS)
- 4 Single Audit of federal grant programs under Uniform Guidance
- 5 Reporting – Overall audit plan, audit results, communicating internal controls findings and noncompliance

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MOSS ADAMS – Audit Presentation



Audit Opinion / Reports

Financial
Statements

Unmodified
(clean) opinion
on financial
statement

Oregon
Minimum
Standards

No reportable
findings

Government
Auditing
Standards
Report

No reportable
findings

Uniform
Guidance

City was found
in compliance

8



MOSS ADAMS – Audit Presentation

Critical Audit Areas

MOSS ADAMS – Audit Presentation
Critical Audit Areas
9

- Internal Controls / IT Environment
- Cash & Investments
- Revenues & Receivables
- Capital Assets
- Long Term Debt
- Accrued Liabilities – PERS, Other Post Employment Benefits (OPEB)
- Grants
- Financial Close & Reporting
- Oregon Minimum Standards

9



MOSS ADAMS – Audit Presentation

Communications to Those Charged with Governance

MOSS ADAMS – Audit Presentation
Communications to Those Charged with Governance
10

- Planned scope and timing
- Significant accounting policies
- Management judgments & accounting estimates
- Audit adjustments made and passed
 - Two in current year
- Management's consultation with other accountants
- No disagreements with management
- No difficulties in performing the audit

10



MOSS ADAMS – Audit Presentation

New Standards

SAS 143 Auditing Accounting Estimates and Related Disclosures

SAS 145 Understanding the Entity and Its Environment and Assessing the Risks of Material Misstatement

GASB Statement No. 100, Accounting Changes and Error Corrections – effective June 30, 2024 fiscal year

GASB Statement No. 101, Compensated Absences – effective June 30, 2025 fiscal year

GASB Statement No. 102, Certain Risk Disclosures – effective for June 30, 2025 fiscal year

GASB Statement No. 103, Financial Reporting Model Improvements – effective for June 30, 2026 fiscal year



MOSS ADAMS – Audit Presentation



The material appearing in this presentation is for informational purposes only and should not be construed as advice of any kind, including, without limitation, legal, accounting, or investment advice. This information is not intended to create, and receipt does not constitute, a legal relationship, including, but not limited to, an accountant-client relationship. Although this information may have been prepared by professionals, it should not be used as a substitute for professional services. If legal, accounting, investment, or other professional advice is required, the services of a professional should be sought. Assurance, tax, and consulting offered through Moss Adams LLP. Wealth management offered through Moss Adams Wealth Advisors LLC. Investment banking offered through Moss Adams Capital LLC.

THANK
YOU



Audit Committee Report

Changes in FY2024

- Dissolved Parks Fund, Parks Equipment Fund, Health Reserve Fund
- New SDC funds for Water, Wastewater, Storm Drain, and Parks
- Implemented new GASB 87 & 96, leases and SBITA's in the financial statements
- Delinquency processing restarted – implications and progress

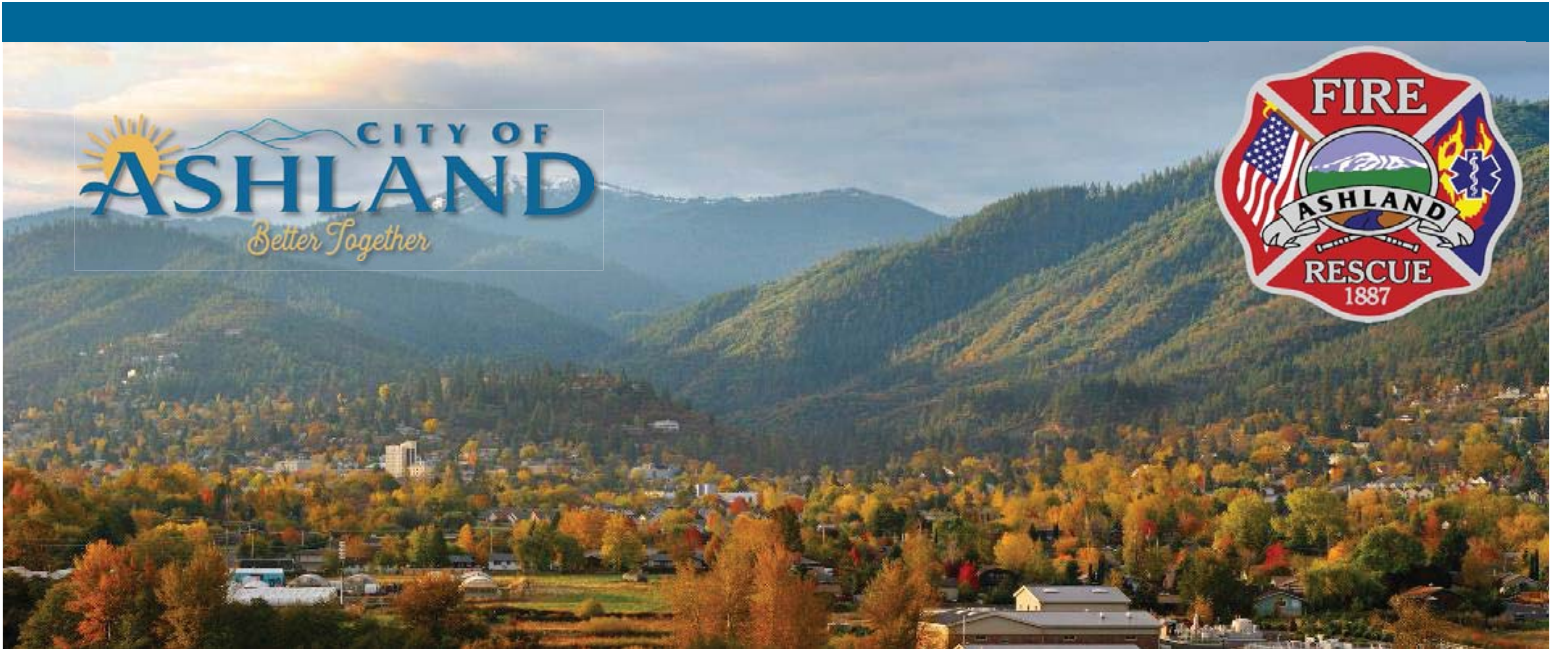
Audit Presentation FY2024

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QUESTIONS?



14



Ladder Truck Purchase

December 17, 2024

Background



- Reliant on mutual aid
- Reduced ISO points
- Limited rescue and firefighting capabilities



Background



- Limited to 24' ground ladders
- Replacement of current apparatus
- Securing purchasing price



Fiscal Impacts



- No additional funds requested
- Lock in current price of \$1,583,365
- Budgeted item in 2 budget cycles.



Proposed Ladder Truck



5



QUESTIONS?





Council Business Meeting

Date: January 21, 2025

Agenda Item	Granting a Franchise Agreement to Sprint Communications Company L.P. for Use of City Rights-of-Way
From	Doug McGeary, City Attorney, Acting
Contact	doug.mcgeary@ashland.or.us

SUMMARY

The City Council has been asked to review and approve a franchise agreement with Sprint Communications Company L.P. This agreement authorizes the utility to operate within the City's public rights-of-way for the construction, operation, and maintenance of a telecommunications system. It also includes a provision for transitioning to a license framework if adopted during the term, ensuring alignment with potential future City policies.

This agreement balances fair compensation for the use of public assets with operational flexibility for both parties, while safeguarding the City's infrastructure.

POLICIES, PLANS & GOALS SUPPORTED

- AMC Chapter 16: Outlines regulatory control and fee structures for use of public rights-of-way.
- City Strategic Goals: Supports efficient management of public assets and enhances partnerships with telecommunications providers.

BACKGROUND AND ADDITIONAL INFORMATION

Sprint Communications Company L.P. has requested a franchise agreement to replace its expiring authorization. The proposed agreement allows Sprint to continue using City rights-of-way for its telecommunications infrastructure under updated terms, including:

- A five-year term with provisions for compliance and potential transition to a licensing framework.
- Payment of franchise fees calculated as a percentage of gross revenue.

The agreement ensures that the City retains regulatory control over public assets while providing flexibility to address evolving policies and technologies.

FISCAL IMPACTS

The franchise agreement will generate annual revenue through franchise fees based on a percentage of Sprint's gross revenue from services within the City. Anticipated revenues are approximately [\$X], contributing to the General Fund. The agreement imposes minimal administrative costs on the City.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

Failure to act will leave Sprint without formal authorization to operate in City rights-of-way, potentially limiting the City's regulatory oversight and financial benefits. Recommended motion:

"I move to approve the Sprint Franchise Agreement as presented and authorize the city manager to execute the agreement."

REFERENCES & ATTACHMENTS

1. Ashland Franchise_Sprint_2025-01-21
2. Exhibit A-1999-70 Telecommunications Fees

FRANCHISE AGREEMENT

THIS FRANCHISE AGREEMENT (“Agreement”) is made and entered into by and between the City of Ashland, an Oregon municipal corporation (“City”) and Sprint Communications Company L.P., a Delaware limited partnership (“Grantee”).

RECITALS

1. Pursuant to Federal law, State statutes, and City Charter and local ordinances, the City is authorized to grant non-exclusive franchises to occupy public rights-of-way, as defined by Ashland Municipal Code (“AMC”) 16.04.040, in order to construct, operate, and maintain a telecommunication system within the municipal boundaries of the City of Ashland (“Franchise Area”);
2. Grantee has requested a franchise to place and operate a telecommunications system, as defined in AMC 16.04.040, within the City’s public rights-of-way; and
3. The City has found that Grantee meets all lawful requirements to obtain a franchise, and therefore approves the application.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

Section 1: Grant of Franchise. (a) The City hereby grants to Grantee a nonexclusive franchise to use the public rights-of-way with the City to construct, operate and maintain a telecommunication system as a Telecommunications Utility Grantee as these terms are defined in AMC 16.04.040 and ORS 759.005(9)(a).

(b) Franchise Nonexclusive. The franchise hereby granted is not exclusive, and shall not be construed as any limitation on the right of the City to grant rights, privileges and authority to other persons, corporations or to itself to make lawful use of the City’s public rights-of-way.

(c) City Rights Retained. nothing in this agreement shall be construed in any way to prevent the City from constructing and maintaining any public improvement in any public way. In its construction and maintenance of public improvements, the City shall endeavor not to obstruct or prevent the free use by Grantee of its communication facilities.

(d) Transition to License: If, during the term of this Franchise Agreement, the City adopts a licensing framework under AMC Title 16 or other applicable ordinance that governs the use of public rights-of-way for telecommunications purposes, the City and Grantee agree to transition this Franchise Agreement to a license. The transition will:

1. Maintain all material rights and obligations under this Franchise Agreement to the extent permissible under the new licensing framework;

2. Be formalized through an amendment or replacement agreement, executed within 90 days of written notice from the City regarding the new framework;
3. Not result in the automatic revocation or termination of this Franchise Agreement unless and until the replacement license agreement is executed.

Section 2: Term. The term of this franchise shall be five (5) years from the effective date set in Section 8, unless terminated sooner as provided in this agreement. *See* Section 12.

- (a) The City reserves the right to revise its franchise ordinance(s) at any time to address evolving communications technologies, trends in telecommunications and utility industries, and improved methods of managing public rights-of-way. The City may amend this Agreement upon adoption of revisions to the City's franchise ordinances pursuant to established public notice and comment or other due process, if any, as required under the City's charter, ordinances, and under State law.
- (b) In the event of a transition to a license as described in Section 1(d), the term of the license shall commence on the effective date of the executed license agreement and continue as prescribed by the City's licensing framework. The remaining term of this Franchise Agreement shall be considered fulfilled upon execution of the license agreement.

Section 3: Franchise Area.

(a) The Grantee is authorized by this franchise to use public rights-of-way throughout the City, as the City limits may exist now or in the future, for the provision of telecommunications services. (*See* AMC 16.04.020)

(b) Locating Facilities. To locate its facilities, Grantee is subject to regulatory control and permit requirements provided generally under AMC Chapters 16.12 and 16.16.

(c) Change of Locations and Maintenance. The City shall have the right to require Grantee to change the location of Grantee facilities according to terms under AMC Chapter 16.16 provided the City's request is not unreasonable or discriminatory in nature.

- i. Should Grantee, due to its negligence, fail to relocate any such facilities by the date established by the above-referenced final improvement plans and schedule, the City may effect such relocation at its own risk. The work shall be done by a qualified contractor. The reasonable and verifiable expense thereof shall be paid by Grantee. Grantee shall pay the City's charges for such work within 30 days after receipt of City's statement of charges, subject to Grantee's rights to pursue legal and equitable remedies.
- ii. Should a facility of Grantee's be discovered or uncovered during construction that Grantee did not locate, or where Grantee's location work did not accurately determine the facility's location, Grantee shall take immediate action to relocate that facility to prevent construction delay damages from accruing, or Grantee shall authorize the City (or other entity

responsible for the construction project) to immediately relocate the facility in the manner described in the paragraph above.

iii. Grantee shall at all times maintain all of its communication facilities in a good state of repair. Any damage to the public way caused by Grantee shall be promptly repaired by Grantee at no cost to the City. Grantee shall have a local representative available at all times to locate Grantee's facilities for persons who need to excavate in the public way.

Section 4: Performance.

(a) During the term of this Agreement, the Grantee agrees to comply with all lawful terms and conditions of AMC Title 16, the provisions of which are incorporated herein as though fully set forth.

(b) To the extent any lawful City rule, ordinance or regulation, including any amendment to the provisions of AMC Title 16, is adopted on a jurisdiction-wide basis and is generally imposed on similarly situated persons or entities, the rule, ordinance or regulation shall apply without need for amendment of this Agreement.

Section 5: Franchise Fee.

(a) As consideration for the use of the City's public rights-of-way, Grantee shall remit to the City the maximum applicable franchise fee established in AMC 16.24.070 and set by Council Resolution 99-70 as attached as Exhibit A, or any subsequent updates thereof. Grantee agrees to pay all amounts by the dates required in AMC 16.24.070 and will be subject to interest and penalties established thereunder.

(b) Grantee acknowledges and agrees that the applicable franchise fee due hereunder may vary based on its telecommunications facilities and/or the telecommunications services provided in the City and the applicable definitions within AMC 16.24.070. With each franchise fee payment Grantee shall submit detailed documentation showing its calculation of the franchise fee paid.

(c) The City shall have the right to conduct or cause to be conducted, a special examination of Grantee's payment of franchise fees as related to its operating in the City of Ashland and in accordance with Chapter AMC 16.24. The Grantee agrees to provide access to current and accurate books, maps, and other records that are deemed directly relevant to calculation of franchise fee payments by the City's officers and/or agents. Grantee shall provide reasonable access during normal business hours, upon no less than fourteen (14) days prior written notice by the City. Any difference of payment and required interest due either the City or Grantee following a special examination shall be payable within thirty (30) days after written notice to the affected party.

Section 6: Termination.

(a) For Cause. This Franchise may be terminated at any time upon 45 days written notice for failure to pay the fee pursuant to Section 5 of this ordinance or comply with other provisions of this agreement or the Ashland Municipal Code unless such failure is remedied within the 45-day period. Otherwise, this agreement shall remain in effect.

(b) **Written Notice.** The Franchise may be terminated by Grantee, at its election and without cause, by written notice to the City at least sixty (60) days prior to the effective date of such termination. If Grantee has commenced a utility relocation under Section 3(b) or (c) of this Agreement prior to delivering such notice of termination, Grantee shall complete that utility relocation regardless of the effective date of the termination.

Section 7: Insurance. Grantee shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the City, and its elected and appointed officers, officials, agents and employees as coinsured:

- A. Comprehensive general liability insurance with limits not less than \$2,000,000 for bodily injury or death to each person; \$1,000,000 for property damage resulting from any one accident; and, \$2,000,000 for all other types of liability.
- B. Automobile liability for owned, non-owned and hired vehicles with a limit of \$2,000,000 for each person and \$2,000,000 for each accident.
- C. Workers' compensation within statutory limits and employer's liability insurance with limits of not less than \$2,000,000.
- D. The liability insurance policies required by this section shall be maintained by the Grantee throughout the term of the telecommunications license or franchise, and such other period of time during which the Grantee is operating without a franchise or is engaged in the removal of its telecommunications facilities.

Except as modified above, the terms of AMC Chapter 16.24.100 shall remain in full force and effect.

Section 8: Indemnity. Grantee shall indemnify and save harmless the City of and from any and all damages of any kind or character growing out of or arising by reason of the installation and maintenance of the Grantee's communications facilities in the City, except when resulting from City's negligence, recklessness or willful misconduct. Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public right-of-way.

Section 9: Notices. Unless specifically provided otherwise in AMC Title 16, all notices shall be mailed, postage prepaid, to the following addresses or to such other addresses as Grantee or the City may designate in writing:

If to Grantee:

Sprint Communications Company L.P.
c/o Cogent Communications, LLC
Attn: Director of Infrastructure
2450 N Street NW, 4th Floor
Washington, D.C. 20037

With a mandatory copy to: Sprint Communications Company L.P.
c/o Cogent Communications, LLC
Attn: Legal Department
2450 N Street NW, 4th Floor
Washington, D.C. 20037

If to City: City of Ashland Information
Attn: City Attorney
20 E Main Street
Ashland, Oregon 97520

SECTION 10: Public Records. Proprietary Information provided by the Grantee to the City under this Agreement is entitled to protection as trade secrets and shall be governed by confidentiality procedures pursuant to ORS 192.345, ORS 192.355 and under any other applicable State or Federal laws.

SECTION 11: Legal Compliance. Nothing in this Agreement is intended to be inconsistent with the City's applicable Ashland Municipal Code, State or Federal Law and further neither the City nor Grantee waives any rights granted under the AMC, State or Federal Law by agreeing to this Agreement. If any clause, sentence, or section of this Agreement, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared invalid.

Section 12: Effective Date. This Agreement shall take effect on October 1, 2023. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.

CITY OF ASHLAND

GRANTEE

By: David Schaeffer

By: Sabrina Cotta

Title: President & CEO

Title: City Manager

Date: _____

Date: _____

RESOLUTION NO. 99- 70

**A RESOLUTION ADOPTING FEES FOR TELECOMMUNICATION
REGISTRATION, APPLICATIONS, CONSTRUCTION, FRANCHISES
AND OTHER SERVICES UNDER ASHLAND MUNICIPAL CODE
TITLE 16; AND REPEALING RESOLUTION 98-24**

Recitals:

A. The city's telecommunications ordinance adopted in 1998 and codified in Title 16 of the Ashland Municipal Code provides that the city council will set telecommunication franchise fees by resolution.

B. Telecommunication franchise fees are established by the city for the purpose of assuring that the city's current and ongoing costs of granting and regulating private access to, and the use of, public rights-of-way are fully compensated by the persons seeking such access and causing such costs and to secure fair and reasonable compensation to the city and its residents for permitting private use of the public right of way.

C. Recent amendments to Title 16 require that the council set certain other telecommunication-related fees by resolution, and this resolution is intended to implement such Title 16 requirements.

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. Registration fee. The registration fee for telecommunication carriers is established in Ashland Municipal Code (AMC) section 16.08.030 as being equal to the license fee for a new business as provided in AMC Chapter 6.04.

SECTION 2. Construction Permit Fee. (AMC § 16.12.070). Unless otherwise provided in a franchise agreement, prior to issuance of a construction permit for construction within the public right of way, the applicant must pay a permit fee equal to \$250.00 or six-tenths of one percent (0.6%) of the estimated cost of constructing the telecommunications facilities, whichever is greater.

SECTION 3. Diminished Pavement Life Fee. (AMC § 16.12.075) For any construction requiring pavement cuts within a public right of way, the amount to be paid to reimburse city for the pavement degradation and shortened pavement life that results from such cuts is established as follows:

For Longitudinal Excavations:

<u>Age of Street Pavement*</u>	<u>Fee</u>
Less than 5 years	\$3.50/linear foot of excavation
Between 5 and 10 years	\$3.00/linear foot
Between 10 and 15 years	\$2.00/linear foot
Over 15 years	\$1.00/linear foot

For Transverse Excavations:

<u>Age of Street Pavement*</u>	<u>Fee</u>
Less than 5 years	\$7.00/linear foot
Between 5 and 10 years	\$6.00/linear foot
Between 10 and 15 years	\$4.00/linear foot
Over 15 years	\$2.00/linear foot

*The age of the street pavement where excavation occurs will be the period of time since the street surface was resurfaced, overlaid or reconstructed, measured from the fiscal year in which such work was completed to the fiscal year when a permit is issued for the excavation.

SECTION 4. Application and Review Fee. (AMC § 16.20.040). Unless otherwise provided in a franchise agreement, the applicant must pay a review fee of \$250.00.

SECTION 5. Franchise Fee. (AMC § 16.24.070) A telecommunications grantee must pay a franchise fee to the city, through the duration of its franchise, as follows:

A. For all grantees except as provided in paragraphs B and C, a fee of 5 percent of gross revenues paid quarterly. The minimum quarterly fee will be \$1,000. Gross revenue is defined in section 16.04.040.L of the Ashland Municipal Code.

B. The franchise fee for a telecommunication utility shall equal 7% of its gross revenue on exchange access services earned within the boundaries of the city.

C. For limited use telecommunications grantees, a minimum annual fee, payable in advance, of \$4,000 or \$1.22 per linear foot of right-of-way used, whichever sum is greater. This fee will increase annually in July of each year, by multiplying the fee by a fraction, the numerator of which is the CPI Index Figure for the month of March preceding the July in which the fee is to be increased and the denominator of which is the Base CPI Index Figure. As used in this section, "Index" refers to the All Urban Consumers (CPI-U), U.S. City Average, CPI index published by the Bureau of Labor Statistics of the United States Department of Labor. "Base CPI Index Figure" will refer to the Index number indicated for the

month of March, 1998, and the "CPI Index Figure" for any other month will refer to the Index number for that month.

Beginning July 1, 2001, the fee will be \$2.50 per linear foot. This fee will increase annually by the CPI Index as set forth above. The base CPI will be March of 1998.

A limited use telecommunication grantee is defined as one whose franchise limits the amount of linear feet the grantee may occupy, or one who has a franchise as of October 1998 for the purpose of long-distance telecommunications.

SECTION 6. Resolution 98-24 is repealed.

This resolution was read by title only in accordance with Ashland Municipal Code

§2.04.090 duly PASSED and ADOPTED this 7 day of December, 1999.



Barbara Christensen, City Recorder

SIGNED and APPROVED this 8 day of December, 1999.


Catherine M. Shaw, Mayor

Reviewed as to form:



Paul Nolte, City Attorney



Council Business Meeting

Date: January 21, 2025

Agenda Item	Resolution No. 2025-01 Clarifying Non-Debt Obligation of the Services Agreement with Western Rivers Conservancy
From	Doug McGeary, City Attorney, Acting
Contact	doug.mcgeary@ashland.or.us

SUMMARY

This agenda item introduces a resolution to clarify that the financial obligations under the Services Agreement with Western Rivers Conservancy (WRC) do not create “debt” under Article IX, Section 5 of the Ashland Charter. The resolution reinforces the City’s compliance with Charter-imposed debt limitations and ensures the obligations remain contingent upon annual budget appropriations.

POLICIES, PLANS & GOALS SUPPORTED

- Ashland Charter, Article IX, Section 5: Limits the City’s ability to incur debt without voter approval.
- Council Goal: Maintain fiscal accountability and compliance with legal constraints.

BACKGROUND AND ADDITIONAL INFORMATION

The City has agreed to enter into a multi-year Services Agreement with WRC to support the acquisition and stewardship of approximately 1,974 acres of property in Jackson County, Oregon. While the Agreement includes annual payments through 2027, the financial obligations are structured to comply with the Ashland Charter by being contingent upon annual appropriations.

The proposed resolution:

1. Confirms the Agreement’s financial obligations do not constitute “debt” as defined by the Charter.
2. Ensures payment obligations are subject to the availability of funds appropriated annually by the City Council.
3. Allows for termination of the Agreement in the event of non-appropriation, consistent with contractual and legal standards.

This clarification aligns the Agreement with best practices for public contracts while preserving the City’s fiscal flexibility.

FISCAL IMPACTS

There is no additional fiscal impact associated with this resolution. Payments under the Services Agreement are limited to funds appropriated in the City’s annual budget process. If funds are unavailable, the City has the right to terminate the Agreement without further financial liability.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

Approve the resolution to ensure the City remains in compliance with the Ashland Charter and adopts clear fiscal accountability measures for the Services Agreement. Recommended motion:

“I move to approve Resolution 2025-01 to Clarify Non-Debt Obligation of the Services Agreement with Western Rivers Conservancy and direct the City Manager to execute the Agreement and carry out all administrative tasks necessary for its implementation. Substantive decisions, including key determinations on moving forward with specific elements of the Agreement and the final decision to purchase the property, shall be returned to the Council for review and approval.”





Council Business Meeting

REFERENCES & ATTACHMENTS

1. Services Agreement -- WRC.City of Ashland -- 12.1.2024--DMM Revised
2. RESOLUTION 2025-01 WRC Debt Limit



**CONSULTING AGREEMENT
(WRIGHTS CREEK -- MADRONE RIDGE PROPERTY)**

THIS CONSULTING AGREEMENT is by and between WESTERN RIVERS CONSERVANCY, an Oregon nonprofit public benefit corporation, located at 71 Oak Street, Suite 100, Portland, Oregon 97204 (“**WRC**”), and CITY OF ASHLAND, located at _____ (“**City**”). WRC and City are referred to herein collectively as the “**Parties**” and individually as a “**Party**”. The “**Effective Date**” of this Agreement shall be the date that both of the Parties shall have signed this Agreement.

RECITALS

A. WRC has entered into a Purchase and Sale Agreement (the “**Purchase Agreement**”) which provides for WRC’s purchase from the current landowners of that certain real property comprised of 1,974 acres, located in Jackson County, Oregon, and described further in **Exhibit A** attached to this Agreement (the “**Property**”). The closing of WRC’s purchase of the Property under the Purchase Agreement will occur on or before September 30, 2027.

B. WRC entered into the Purchase Agreement with the goal for the City to ultimately acquire the Property and serve as the long-term owner and steward of the Property.

C. City desires to engage WRC to perform certain professional services supporting the City’s acquisition of the Property, including transactional, due diligence, funding, and benefits evaluation support, all on the terms and conditions set forth below.

NOW, THEREFORE be it resolved that in exchange for the mutual covenants set forth in this Agreement, the Parties hereto agree as follows:

1 CONSULTANT SERVICES.

(a) WRC will render to City the services that are described in **Exhibit B** attached hereto (the “**Services**”), for the period commencing on the Effective Date and concluding on September 30, 2027 (the “**Term**”), unless this Agreement is terminated earlier in accordance with Section 3 below. This Agreement, including the Services and the Term, may not be modified or amended except in a written document signed by the Parties.

(b) City shall assist WRC in its performance of the Services by promptly providing to WRC any information reasonably requested by WRC and by otherwise cooperating with WRC as reasonably necessary for WRC to perform the Services.

(c) WRC shall perform the Services using the standards of care, skill, and diligence normally provided by a professional in the performance of services comparable to the Services contemplated hereunder, and WRC shall comply with all laws, regulations, codes, and standards applicable to the work in performing the Services.

COMPENSATION FOR SERVICES. As the sole compensation for the Services performed by WRC under this Agreement and expenses incurred by WRC under this Agreement, City shall pay to WRC the amount equal to Seventy-Five Thousand Dollars (\$75,000), which shall be payable by City to WRC in the following payment amounts and by the following payment dates (each a “**Payment**” and a “**Payment Date**”): (a) Twenty-Five Thousand Dollars (\$25,000) on or before February 1, 2025;

(b) Twenty-Five Thousand Dollars (\$25,000) on or before February 1, 2026; and (c) Twenty-Five Thousand Dollars (\$25,000) on or before February 1, 2027.

(a) The City's obligation to make Payments under this Section is subject to the availability of appropriated funds approved annually by the City Council. If the City fails to appropriate sufficient funds for the subsequent fiscal year, the City may terminate this Agreement without further obligation or liability, other than for Services already performed and Deliverables already provided as of the termination date.

2 TERMINATION.

(a) If the City closes escrow on its acquisition of the Property prior to any Payment Date, this Agreement shall automatically terminate as of such closing date and City shall thereafter not be required to make any Payment due on any Payment Date following the closing date of City's acquisition of the Property.

(b) This Agreement may be terminated by either Party for any reason or no reason following fifteen (15) days written notice, following which neither Party shall have any further obligations under this Agreement and WRC shall not be required any Payment received prior to the effective date of such termination.

(c) If either Party materially breaches its obligations under this Agreement and, after written notice from the non-breaching party, fails to cure such breach within fifteen (15) days of receipt of such notice (or if the cure reasonably requires more than fifteen (15) days, to begin such cure within fifteen (15) days of receipt of such notice and to diligently complete the cure as soon as reasonably practicable thereafter), then the non-breaching party may elect to terminate this Agreement by delivering written notice to the breaching party, which termination shall be effective immediately upon receipt of such notice.

(d) In the event the City fails to appropriate funds necessary to meet its obligations under this Agreement in any fiscal year, the City shall have the right to terminate this Agreement upon fifteen (15) days' written notice to WRC. Such termination shall not constitute a breach or default, and the City shall only be obligated to pay for Services rendered and Deliverables provided prior to the effective date of termination.

4. OWNERSHIP OF DELIVERABLES. All materials, ideas, processes, reports, evaluations, assessments, and creative work (collectively, the "**Deliverables**") prepared or originated by WRC under this Agreement specifically as relates to WRC's performance of the Services shall be owned by WRC, subject to a perpetual, non-exclusive, non-transferable license to City to use such Deliverables solely for its own purposes.

5. REPORTING AND STATUS REVIEW MEETINGS. WRC shall meet regularly with City during the Term, at agreed venues/platforms and times to discuss progress in WRC's performance of the Services. WRC and City will communicate on a regular basis for the purpose of reviewing the effectiveness of the Services; reviewing Deliverables and activities undertaken by WRC; suggesting changes; implementing improvements; and planning strategies.

6. INDEPENDENT CONTRACTOR. The Parties acknowledge that WRC is an independent contractor and not a partner, employee, or agent of City. City will not direct WRC's means or methods of performing the Services. Nothing contained herein shall be deemed or construed to create any association, partnership, joint venture, employer/employee relationship. Neither Party shall have any authority, and will not represent that it has any authority, to bind the other, or to assume or create any obligation or responsibility, expressed or implied, on behalf of the other or in the other's name. WRC and its employees shall be free to expend such portions of its entire time, energy, and skill as it deems advisable in performing the Services and is not obligated to devote hereunder all or any specific amounts of time, energy, and skill beyond what WRC has determined is necessary to perform the Services.

7. MISCELLANEOUS.

(a) Entire Agreement. This Agreement, including the attached exhibits which are incorporated herein, sets forth the entire understanding and agreements of the Parties with respect to the subject matter hereof and supersedes all prior and/or contemporaneous understandings, negotiations, representations, and writings relating thereto.

(b) Amendments. No provision of this Agreement may be amended or modified, orally or otherwise, except in a written document signed by the Parties.

(c) Waivers. No waiver of compliance by one party with any term or condition of this Agreement that such other party was or is obligated to comply with is effective unless in writing; provided that such waiver shall not operate as a waiver of, or estoppel with respect to, any other or subsequent failure. No failure to exercise and no delay in exercising any right, remedy or power hereunder shall operate as a waiver thereof; nor shall any single or partial exercise of any right, remedy or power hereunder preclude any other or further exercise thereof or exercise of any other right, remedy or power provided herein or by law or in equity.

(d) No Assignment. Neither Party may assign this Agreement or any interest hereunder, or subcontract its obligations hereunder, without the prior written consent of the other which may be granted or withheld in that Party's sole discretion. Subject to the foregoing, this Agreement shall be binding upon the Parties and their respective successors and assigns.

(e) Governing Law. The validity, performance, construction, interpretation, and effect of this Agreement shall be governed by and construed in accordance with the internal laws of the state of Oregon (excluding its laws relating to conflicts of law).

(f) Notices and Other Communications. All notices and other communications required or permitted under this Agreement shall be in writing and shall be sent by confirmed electronic transmission to the number or address set forth in this Agreement for each Party (in each such case notice shall be deemed given on the date of) or by overnight air courier service (in which case notice shall be deemed given when received by addressee or on the second (2nd) day after the date of delivery to the courier, whichever is earlier), or by registered or certified mail, return receipt requested, postage prepaid and properly addressed (in which case notice shall be deemed given when received by the addressee or on the fifth (5th) day after the date of mailing, whichever is earlier), to the addresses set forth herein for the Parties' respective addresses, or such other address as a Party may hereafter provide notice of to the other.

(g) Rule of Construction. Each Party acknowledges that it has been represented by legal counsel during the negotiation and execution of this Agreement and, therefore, waives the application of any law, regulation, holding or rule of construction providing that ambiguities in an

agreement or other document will be construed against the party drafting such agreement or document.

(h) No Assignment; Binding Nature. Each Party agrees that it will not assign, delegate or otherwise transfer, in whole or in part, directly or indirectly whether voluntarily, involuntarily, or by operation of law, any rights (including, without limitation, any money due or to become due) or obligations under this Agreement. Any purported assignment, transfer or delegation in violation of this section shall be null and void. Subject to the foregoing limits on assignment, this Agreement shall be binding upon and inure to the benefit of the Parties and their respective permitted successors and assigns. This Agreement does not create and shall not be construed as creating any rights enforceable by any person not a party to this Agreement.

(i) Due Authority; No Conflict. Each Party warrants that it has the authority to enter into this Agreement and perform its obligations hereunder, and its performance hereunder will not conflict with, or cause a breach of, any other Agreement to which it is a party.

(j) Dispute Resolution. In the event of any dispute under this Agreement that cannot be speedily resolved by the Parties, either Party may by notice to the other invoke mediation. In that event the Parties shall engage a mutually agreed-upon mediator to resolve the dispute. If the Parties cannot agree upon a mediator or cannot, within 90 days, reach an agreement in mediation, either Party shall have the right to submit the dispute to binding arbitration. In that event, the dispute shall be determined in the City of Portland, Oregon by a single arbitrator, in accordance with the rules then prescribed by the Multnomah County Circuit Court Arbitration Program.

(k) Legal Costs. If any legal action is brought by either Party to enforce any provision of this Agreement, including, without limitation, any litigation undertaken in the context of bankruptcy proceedings, the substantially prevailing party shall be entitled to recover from the other party reasonable attorneys' fees and costs (including, without limitation, any attorneys' fees and costs in any appeal or review) and court or arbitration costs in such amounts as shall be allowed by the court or arbitrator.

(l) Counterparts and Electronic Signatures. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original for all purposes and all of which when taken together shall constitute a single counterpart instrument, which shall only be effective when signed by both parties. Executed signature pages to any counterpart instrument may be detached and affixed to a single counterpart, which single counterpart with multiple executed signature pages affixed thereto constitutes the original counterpart instrument. Each Party agrees that the electronic signatures, whether digital or encrypted, of the Parties included in this Agreement are intended to authenticate this writing and to have the same force and effect as manual signatures.

(m) The City's financial obligations under this Agreement are contingent upon the availability and appropriation of funds in accordance with Oregon law and the Ashland Charter. Nothing in this Agreement shall be construed as creating a debt or financial obligation beyond the current fiscal year, in compliance with the limitations set forth in the City Charter.

IN WITNESS WHEREOF, City and WRC have each caused this Agreement to be duly executed by its authorized representative as of the respective dates specified below:

CITY:

WRC:

CITY OF ASHLAND

WESTERN RIVERS CONSERVANCY, an Oregon
nonprofit public benefit corporation

By: _____
[Name], [Title]

By: _____
Nelson Mathews, Interim President

Date:

Date:

EXHIBIT A
Description of the Property

EXHIBIT B
Description of Services

The “Services” that WRC will provide under this Agreement will include the following information, assessments, and support to the City towards the goal of advancing the City’s successful acquisition and stewardship of the Property:

1. **Tasks**
 - a. Acquisition of Property. WRC will assist in structuring the City’s acquisition of the Property, including drafting and negotiating acquisition documents (which may take the form of the assignment to City of the Purchase Agreement or a separate purchase and sale agreement between WRC, as seller, and City, as purchaser), and coordinating due diligence investigations of the Property that are normal and customary for an acquisition transaction of this nature (including title, survey, appraisal, environmental and other assessments and investigations).
 - b. Funding. WRC will work with the City to identify potential public funding sources (including federal, state, and local public funding sources) and private funding sources to cover the costs for the City’s acquisition of the Property, and assist in preparing funding applications and agreements and communicating with potential funders.
 - c. Conservation and Community Benefits. WRC will develop reports, analysis, and messaging products for the City that are designed to advance the City’s understanding and communication of the conservation, community, and recreational benefits of the Property.
 - d. Additional Support. WRC will provide additional support to City as may be identified by City and WRC during the Term.
2. WRC Point of Contact. WRC’s point of contact for all matters under this Agreement for the City shall be Mik McKee, WRC Stewardship Director, at mmckee@westernrivers.org and (802) 522-3220
3. City Point of Contact. City’s point of contact for WRC in seeking direction and providing regular updates under this Agreement shall be [name], [title], [email address], [telephone number], respecting all matters relating to the Services to be performed under this Agreement and compensation due under this Agreement.

RESOLUTION NO. 2025-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHLAND CLARIFYING THAT THE FINANCIAL OBLIGATIONS UNDER THE SERVICES AGREEMENT WITH WESTERN RIVERS CONSERVANCY DO NOT CREATE DEBT UNDER ARTICLE IX, SECTION 5 OF THE CITY CHARTER.

RECITALS:

- A. The City of Ashland (“City”) has entered into a Services Agreement with Western Rivers Conservancy (“WRC”) to provide professional services supporting the acquisition of property described in the Agreement; and
- B. The Services Agreement requires the City to make payments in specified fiscal years, contingent upon the successful completion of deliverables as outlined in the Agreement; and
- C. Article IX, Section 5 of the Ashland Charter limits the City's ability to incur debt without voter approval; and
- D. The City Council acknowledges that the payments under this Agreement are subject to annual appropriations in accordance with Oregon law and the Ashland Charter; and
- E. The City Council finds it necessary to clarify that the City’s obligations under this Agreement are not considered “debt” under the Charter because they are contingent on annual appropriations.

THE CITY OF ASHLAND HEREBY RESOLVES AS FOLLOWS:

SECTION 1.

1. Non-Debt Obligation

The City’s obligations under the Services Agreement with WRC do not create debt as defined in Article IX, Section 5 of the Ashland Charter. Any financial obligations are limited to funds appropriated and approved by the City Council for each fiscal year.

2. Annual Appropriation Requirement

All payments under the Services Agreement are subject to the availability of appropriated funds. If sufficient funds are not appropriated for any fiscal year, the City shall have the right to terminate the Agreement without further liability, as provided for in the Agreement.

3. No Long-Term Financial Obligation

The Services Agreement shall not be construed to obligate the City beyond the fiscal year for which funds are appropriated.

SECTION 2. This resolution is effective upon adoption.

This resolution was duly PASSED and ADOPTED this _____ day of _____, and takes effect upon signing by the Mayor.

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2025.

Tonya Graham, Mayor

Reviewed as to form:

Douglas M. McGeary, Acting City Attorney



Council Business Meeting

Date: January 21, 2025

Agenda Item	Southern Oregon Goodwill Termination of Ashland Measure 37 Covenant
From	Doug McGeary, City Attorney, Acting
Contact	doug.mcgeary@ashland.or.us

SUMMARY

Southern Oregon Goodwill has requested the removal of a Measure 37-related covenant from their Ashland property title to meet lender requirements for bond financing. The covenant, tied to a 2008 waiver agreement, is no longer applicable under current law.

POLICIES, PLANS & GOALS SUPPORTED

None.

BACKGROUND AND ADDITIONAL INFORMATION

Measure 37, passed by Oregon voters in 2004, aimed to restore property rights by allowing landowners to seek compensation or exemptions from land use regulations enacted after they acquired their property. The measure was widely used to facilitate development but faced significant legal challenges. In 2007, Measure 49 replaced Measure 37, limiting its applicability and addressing constitutional issues.

The covenant in question was created when the City of Ashland annexed the Goodwill property, which was originally designated for Exclusive Farm Use, and approved its redesignation for commercial or manufacturing purposes. In exchange, the property owner waived rights to challenge the city under Measure 37.

Although Measure 37 is no longer enforceable, the title company, Ticor Title, requires the city to file a "Notice of Termination of Covenant" to clear the exception from the property title. Terminating this covenant will allow Goodwill to proceed with bond financing and enhance financial flexibility.

City staff have reviewed the Charter and determined that Council approval is necessary to authorize the City Manager to execute the termination. Articles 4 and 8 of the Charter vest decision-making authority over city property matters with the Council.

FISCAL IMPACTS

There are no financial impacts on the city.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

Recommended motion:

"I move to authorize the city manager to execute the Termination of Covenant of Waiver of Rights and Remedies requested by Southern Oregon Goodwill."

REFERENCES & ATTACHMENTS

1. Goodwill Termination of Ashland Measure 37 Covenant
2. Covenant of Waiver of Rights and Remedies_2007

After recording, return to:

Brix Law LLP
47 N. State Street, Suite B
Lake Oswego, OR 97035
Attn: Bradley S. Miller

TERMINATION OF COVENANT OF WAIVER OF RIGHTS AND REMEDIES

This Termination of Covenant of Rights and Remedies (the "Termination") is executed as of this ____ day of January, 2025 by the City of Ashland (the "City").

Recitals:

A. The property more particularly described as follows (the "Property"):

Parcel Three (3) of Partition Plat No. P-14-2009 in the City of Ashland,
Jackson County, Oregon, filed in the Office of the Jackson County
Surveyor as Survey No. 20369, Index Volume 20, Page 14

is burdened by that certain Covenant of Waiver of Rights and Remedies recorded on March 14, 2008 as Document No. 2008-009836 in the Official Records of Jackson County, Oregon (the "Covenant"). All capitalized terms not otherwise defined herein shall have the meanings set forth in the Covenant.

B. Pursuant to the last sentence of Section 2 of the Covenant, the City desires to terminate the Covenant in the public record.

Agreements:

NOW, THEREFORE:

1. Recitals Incorporated. The recitals set forth above are hereby incorporated herein by reference.

2. Termination of Covenant. This instrument terminates, extinguishes, and releases the Covenant in the Official Records of Jackson County, Oregon.

3. Recording of Termination. Termination shall be recorded in the Official Records of Jackson County, Oregon, in order to provide record notice of the matters set forth herein.

IN WITNESS WHEREOF, this Termination has been executed as of the day and year first written above.

CITY OF ASHLAND

By: _____

Title: _____

STATE OF OREGON)
) ss.
County of Jackson)

This instrument was acknowledged before me on January ____, 2025, by Sabrina Cotta, as City Manager of the City of Ashland, on behalf of such the City of Ashland.

Notary Public for Oregon
My commission Expires:_____

Approved as to Form

S/Douglas M McGeary

City Attorney's Office
City of Ashland

Name of Document For Recording:

Covenant Of Waiver Of Rights And Remedies

Grantor: Craig A. Bramscher

Grantee: City of Ashland

Consideration: None.

Tax Statement to be mailed to: No change.

Recordation Authority: ORS 205.130(2)(d) &

Ashland Resolution No. 2005-05

After Recording, Return To: City of Ashland,

Attn: City Recorder, 20 E. Main Street

Ashland, OR 97520

(For County Recording Use)



01313423200800098360050052

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Christine Walker - County Clerk

Covenant Of Waiver Of Rights And Remedies

Whereas, Craig A. Bramscher (hereinafter referred to as "Petitioner", including collectively all petitioners) has petitioned to the City of Ashland ("City") to commence certain proceedings, e.g., annexation, zone change, for the following described real property,

SEE EXHIBIT "A" ATTACHED HERETO AND MADE AS A REFERENCE HEREIN

Whereas, pursuant to the enactment of Ballot Measure 37 (effective December 2, 2004), a property owner may elect to seek just compensation or waiver of land use regulations if a public entity enacts or enforces the land use regulations after the property owner acquired the property;

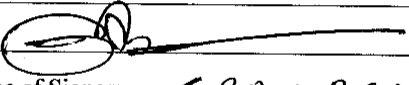
Whereas, there is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances;

Whereas, City does not wish to approve the Petitioner's requested proceedings if the result would or could give rise to a later claim by the owner or the owner's successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings or would or could give rise to a right to require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings; and

Whereas, Petitioner seeks to induce the City to proceed with the proceedings and therefore agrees to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings;

Now, therefore, the undersigned Petitioner warrants that the petitioner executing this Covenant holds the full and complete present ownership or any interest therein in the property, and hereby agrees and covenants as follows:

Petitioner (corporation, etc.) Name: Craig A. Bramscher

By: 

Name of Signor: CRAIG BRAMSCHER

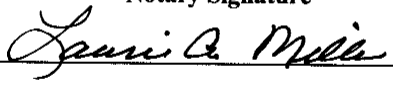
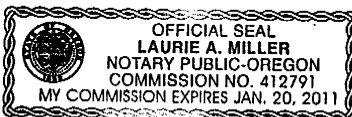
Office/Title of Signor: OWNER

State of Oregon)
County of Jackson)

On this 21st day of Sept., 2007, before me the undersigned
Notary Public, personally appeared

Craig A. Bramscher

- ☐ personally known to me
☒ proved to me on the basis of satisfactory evidence
To be the person who executed the within instrument
☐ as _____ or on behalf of the entity therein named, pursuant to
authority, and acknowledged to me the execution hereof.

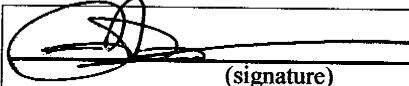
WITNESS my hand and official seal (Do not write outside of the box)	Place Notary Seal Below
Notary Signature  Notary name (legible): <u>Laurie A. Miller</u>	

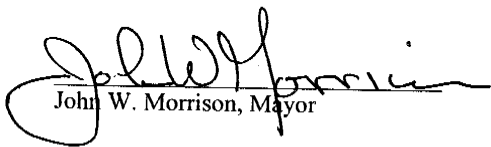
This document is accepted pursuant to authority and approved for recording.

City of Ashland, Oregon

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation and Rezone, which may include designation of the property as subject to additional applicable overlay zones, districts and development regulations (all inclusively referred to herein as "proceedings"), the undersigned Petitioner, on behalf of Petitioner, Petitioner's heirs, devisees, executors, administrators, successors and assigns, agrees and covenants to the City of Ashland, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Petitioner shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004), or any other measure or legislation now existing or hereinafter adopted or enacted which has or would create a right, claim, remedy or cause of action for compensation or waiver from or concerning a City land use regulations or development approval applicable to the subject property.
2. This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument or a memorandum hereof may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Ashland.
3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Petitioner acknowledges that the proceedings may be initiated by the City of Ashland at any time in the discretion of the City of Ashland and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
4. This document is executed of my own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect our legal rights and remedies.

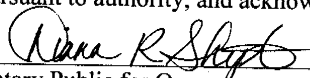
DATED this 21st day of September, 2007.

 (signature) Petitioner Name: Craig A. Bramscher Date Signed: <u>Sept. 21, 2007</u>	 (signature) Petitioner Name: Date Signed:
---	---

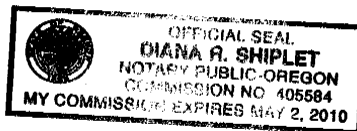

John W. Morrison, Mayor

State of Oregon)
County of Jackson)

On this day 3rd day of January, 2008, before me the undersigned
Notary Public, personally appeared John W. Morrison, to be the person who executed the
within instrument as Mayor for the City of Ashland on behalf of the entity therein named,
pursuant to authority, and acknowledged to me the executive hereof.


Notary Public for Oregon

My Commission expires: May 2, 2010



Replacement Page 4 – Covenant of Waiver of Rights and Remedies

4

EXHIBIT "A"

LEGAL DESCRIPTION

BRAMMO MOTORSPORTS ANNEXATION TRACT
ASSESSOR'S MAP NO. 39 1E 14 A, Tax Lot 1104

That tract of land described within Instrument No. 2005-032764 of the Official Records of Jackson County, Oregon, along with that portion of the Central Oregon & Pacific Railroad right of way (formerly Southern Pacific Company) as shown on Survey No. 19703, on file in the office of the Jackson County Surveyor, said tract lying situate within the Northeast Quarter of Section 14, Township 39 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon, more particularly described and bounded as follows, to wit;

Commencing at the northeast corner of the Southwest Quarter of the Northeast Quarter of Section 14, Township 39 South, Range 1 East, of the Willamette Meridian in Jackson County, Oregon; thence South 89°44'33" West (Deed Record South 89°45'16" West), along the northerly boundary of those parcels set forth in Volume 309, Page 375, and Volume 335, Page 321 of the Deed Records of said County, 126.28 feet to a 5/8 inch iron pin along the southwesterly right of way of Interstate Highway No. 5, for the True Point of Beginning; thence continuing South 89°44'33" West, along said described parcel, 311.74 feet (Deed Record South 89°45'16" West, 311.72 feet) to a 5/8 inch iron pin at the northwest corner thereof; thence South 00°02'07" West, along the west line of said parcels, 692.15 feet (Deed Record South 00°02'16" West, 692.15 feet), to a 5/8 inch iron pin; thence continuing South 00°02'07" West, 66.41 feet to a 5/8 inch iron pin on the northeasterly line of the 100 foot wide deeded right of way of the Central Oregon and Pacific Railroad (formerly Southern Pacific Railroad), as described within Volume 16, Page 205 of the Deed Records in said County; thence continuing South 00°02'07" West, 135.63 feet to the southwesterly deed record right of way of said Railroad; thence following said southwesterly right of way the following courses: 380.24 feet along the arc of a 2814.93 foot radius curve to the left, having a delta angle of 07°44'22" (Chord bearing North 50°24'48" West, 379.95 feet) to a point of spiral curvature; thence along the arc of a spiral curve to the left (Chord bearing North 54°50'53" West, 90.38 feet), to a point of tangency; thence North 55°11'53" West, 643.09 feet to the north-south centerline of said Section 14; thence North 00°02'32" East, leaving said southwesterly right of way and along said Section centerline, 182.58 feet to the southwesterly line of Ashland Business Park Subdivision; thence South 55°11'53" East, along said southwesterly line, being parallel with and 100.00 feet at right angles to said Railroad centerline, 169.90 feet to a 5/8 inch iron pin at the most southerly corner thereof; thence along the southeasterly lines of said Subdivision the following courses: North 60°02'16" East, 298.88 feet to a 5/8 inch iron pin (Deed Record North 60°02'33" East, 298.64 feet); thence North 89°58'49" East, 159.15 feet to a 5/8 inch iron pin (Deed Record East, 159.24 feet); thence North 06°41'00" East, 42.30 feet to a 5/8 inch iron pin (Deed Record North 06°50'20" East, 42.30 feet); thence North 89°59'37" East, leaving said southeasterly subdivision line, 623.10 feet to a 5/8 inch iron pin on the southwesterly line of Interstate 5 (Deed Record North 89°59'51" East, 622.96 feet); thence South 26°36'56" East, 47.56 feet (Deed Record South 26°41'00" East, 47.61 feet) to the Point of Beginning.

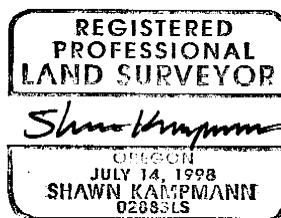
Prepared by:

Shawn Kampmann
Professional Land Surveyor

Polaris Land Surveying LLC
P.O. Box 459
Ashland, Oregon 97520
(541) 482-5009

Date: June 18, 2007

S:\surveys\355-06\BRAMMO Annexation Legal.doc



Renewal Date: 6/30/09



Council Business Meeting

Date: January 21, 2025

Agenda Item	Approval of City Attorney Hiring Procedure
From	
Contact	

SUMMARY

Human Resources has been working with a recruiting firm for the City Attorney position. As the process is proceeding, a hiring procedure is needed.

POLICIES, PLANS & GOALS SUPPORTED

Values: Excellence in governance and City services.

BACKGROUND AND ADDITIONAL INFORMATION

Human Resources began working with a recruiting firm in August 2024 per Council's direction. On November 12th the recruitment announcement went live. As the recruitment process continues, the City, along with the recruiting firm, will need approval from Council for the hiring procedure.

FISCAL IMPACTS

N/A

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I approve the hiring procedure for the City Attorney recruitment as presented.

REFERENCES & ATTACHMENTS

1. City Attorney Recruitment Schedule
2. EBrochure - Ashland City Attorney - UPDATED FINAL 11.07.2024
3. CC from August 20, 2024



City of Ashland
City Attorney Recruitment
Suggested Recruitment Schedule
Updated January 17, 2025

Elements	Timing	
Beginning of Recruitment Process October 2024		
Task 1: Project Management / Create Project Timeline Kick-off Meeting	1 week	October 1, 2024
Task 2: Candidate Profile Approval/Outreach Opens - Video Meetings: Councilors (1:1) and City Manager - Candidate profile drafted, edited, and approved	2.5 week	October 17, 2024
Recruitment Opened November 8, 2024		
Task 3: Recruiting and Outreach - Advertisements placed (Round #1 / Round #2)* - Outreach and recruiting to prospective candidates - Candidate research and identification - Outreach and recruiting to researched candidates * Round #3 is not recommended unless the existing salary range is increased	Ongoing (10 Weeks)	November 8, 2024 – Currently
Ongoing as “Apply Immediately”		
Task 4: Candidate Evaluation/Top Group Identified - Recruiter’s screening interviews on top candidates - Internet/News Articles/Social Media review of top candidates	Ongoing	Open until Filled
Task 5: Review of Resumes - Review Resumes with City Council in Executive Session - Establish Potential Interview Date(s) for City Council	Ongoing	January 21, 2025 (or February 4 th if needed)
Task 6: Selection/Interviews - City Council Interview(s) (Round #1) - Pre-Meeting(s) with City Manager - City Manager / Executive Team Panel – Discuss - CM (+Executive Team Panel) - Provide Input to CC - Tour of City and Facilities for Finalist(s) - Option #2-Intro with Executive Team (non-Panel) - Option #3-Coffee Chat with Others (i.e. Legal Team)	1-2 days required	Recommended Schedule: Monday (2/3)-Hold in case needed based on all participants’ availability Tuesday (2/4)-All Candidate(s) to meet formally with CM/Exec Team during the day and CC Interview (Exec Session-evening) + CM and Director of HR to present Executive Team Feedback. Frame the offer and refine the timing of formal contract approval.
Task 7: Negotiation and Final Selection Conduct backgrounds/reference checks on top candidate	2 weeks	Early-to-Mid-February
Task 8: Project Close Out	Included	End of February
Candidate in Place	– –	Early-to-Mid March



Photo: Bob Palermimi

invites your interest in the position of

City Attorney



Recruitment Services Provided by Ralph Andersen & Associates

A Great Place to Work, Live and Play!

The City of Ashland is home to the world-famous Oregon Shakespeare Festival and is ranked in the top 10 of “The 100 Best Small Art Towns in America” by Americans for the Arts. The city is located halfway between Portland and San Francisco, about 15 miles from the Northern California border. Nestled at the base of the Siskiyou and Cascade mountain ranges, Ashland enjoys an excellent climate and is known for great outdoor recreation, including rafting, boating, fishing, camping, and skiing at the nearby Mt. Ashland Ski Area.

Ashland has a cosmopolitan atmosphere yet maintains a small-town, welcoming feel where equity, diversity, and environmental stewardship matter. Known as an active and involved community, many residents participate in key issues affecting quality of life, such as climate change, open space conservation, housing/homelessness issues, environmental sustainability, and other local and statewide initiatives.

The city’s boundaries span an area of 6.64 square miles, serve a resident population of more than 21,000, and offer magnificent landscapes, rich culture, world-class theaters, and an excellent public school system. For four consecutive years, Ashland High School was awarded US News & World Report’s Silver Medal as one of the best high schools in America. Ashland is also the home of Southern Oregon University, a public liberal arts institution with over 6,000 students. The city serves as a home base for those visiting the Rogue Valley’s famed wine country and experiencing the wealth of outdoor recreational opportunities.

The “Heart of Ashland” is its world-class parks and recreation system, which includes 93-acre Lithia Park, designed by John McLaren of the Golden Gate Park fame. The city also prides itself on having a mixture of first-class restaurants, galleries, breweries, wineries, and retail often enjoyed in larger cities.

Ashland is an attractive destination for families, retirees, and anyone seeking a dynamic and active community situated in a beautiful environment. These amenities, combined with an array of housing options, make the City of Ashland a great place to call home!

To learn more about the incredible City of Ashland, please visit ashlandoregon.gov.



The Organization

Incorporated in 1874, the City of Ashland operates under a Council-Manager form of government. The municipal government includes a mayor and a six-member City Council. Other elected officials are the Municipal Judge, and the five-member Parks and Recreation Commission. The City Council selects and appoints the City Manager and City Attorney.

In August 2024, the City Council appointed Sabrina Cotta (former ACM) as City Manager. As City Manager, Ms. Cotta has day-to-day operational oversight of approximately 264 full-time professionals serving residents, businesses, and stakeholders. City Departments include Administration, City Recorder, Community Development, Electric, Finance, Fire, Human Resources, Information Technology, Legal, Municipal Court Police, and Public Works. Importantly, an elected board manages the Parks and Recreation Department separately as established in Article XIX of the City Charter. The Director of Parks and Recreation is hired directly by this elected body and also participates as a member of the City's Executive Leadership Team.

The City of Ashland is a unionized work environment and has the following five labor unions:

Public Safety

- Firefighters Association
- Police Association

The City is currently in the process of negotiating with the Fraternal Order of Police for the creation of a Police Sergeant's union.

Other Represented Groups

- IBEW Clerical/Technical Workers
- IBEW Electrical Workers
- Public Works Laborers

To view Organization Chart please click [here](#).



The Organization *continued*

City leadership is dedicated to providing Ashland residents with an exceptional quality of life while maintaining the small-town sense of community. To efficiently manage resources and ensure Council objectives are aligned with the community, the City Council and leadership worked with the citizens of Ashland to identify priorities. The City of Ashland's adopted **2023-2025 Biennium budget** is \$385 million supporting the following priorities:

Risk Reduction, including Wildfire risk reduction and CEAP (Climate Energy Action Plan) execution;

- Economic Development, including the development of eco-tourism-related accomplishments like trails and ensuring city processes such as planning are supportive of attracting new businesses and supporting existing merchants;
- Affordability, including attainable housing, and review of City rate structures for progressiveness in their livability; and
- Supporting Principles for each of the priorities, including equity of access and assuring a strong, supportive City organization with a customer service focus.

To view Vision and Values Statement please click [here](#).

Overview of Position

The City Attorney oversees the operations of the Legal Department and provides legal advice and representation to the Mayor, City Council, Ashland Parks and Recreation Commission, and other commissions, committees, and departments of the City. The current staff in the Legal Department consists of an Assistant City Attorney (primarily focused on Civil Prosecution) and one support staff member. The City Attorney contracts with outside counsel in key specialty areas as needed. In the recent past, labor negotiations were handled internally with the City's team consisting of the City Manager, City Attorney and Human Resources Director.



Importantly, the City Attorney provides real-time guidance on parliamentary procedures and open meeting laws during public meetings and forums. Additionally, in support of this, the Legal Department prepares ordinances and resolutions for adoption by the City Council and provides opinions regarding general municipal law issues. It also represents the City in litigation and prosecutes misdemeanors and code violations in Ashland Municipal Court. With respect to criminal proceedings in Municipal Court, the City Attorney acts as an ex officio prosecuting attorney.



Overview of Position *continued*

In addition to providing advice and counsel on various municipal issues, the Legal Department handles other matters related to the implementation and application of land use regulations and provides services related to land sales, acquisitions, and leases. Other primary focus areas include addressing housing, homelessness, energy efficiency, and environmental sustainability.

Other responsibilities of the City Attorney also include:

- Drafting, reviewing, interpreting, and enforcing contracts for the City on a wide variety of subjects, including real estate, development, purchasing, intergovernmental, loan, personnel, and other agreements; conducting legal research in order to analyze and advise the City on various legal questions and recommending courses of action; preparing correspondence, memoranda, and reports concerning legal questions, analyses, interpretations, and opinions.
- Researching, drafting, reviewing, and interpreting City ordinances; preparing necessary reports for City staff, Mayor and City Council information and action; enforcing the Ashland Municipal Code.
- Supervising employees in the Legal Department, including providing instruction, assigning and reviewing work, scheduling projects, evaluating performance, taking and/or effectively recommending necessary personnel actions, and resolving employee complaints.
- Advising on disciplinary actions and reviewing grievances filed by employees and bargaining units; conducting necessary research to analyze and interpret various labor-related questions and advising the City regarding best courses of action; responding to inquiries and resolving complaints regarding City activities in person, over the telephone, and through written correspondence; attending various community group, professional and civic organization meetings to communicate City policies.
- Serving as the City's attorney in various actions in judicial or administrative forums, including federal and state court proceedings; retaining, managing, and assisting outside legal counsel as needed.
- Attending and providing support at City Council meetings, executive sessions, and study sessions; Planning and Parks Commission meetings; and other advisory meetings as required; providing legal training for City staff, boards, and commissions as needed.
- Meeting regularly with the City Management Team and working with the City Manager to accomplish City Council policy direction.
- Serving as a member of the Executive Leadership Team, acting ethically and responsibly, supporting and demonstrating engagement in diversity, inclusion, and equity, maintaining effective working relationships with others, and demonstrating professionalism and respect in all workplace interactions.





The Ideal Candidate

The City Council seeks an exceptional leader and accomplished attorney with a demonstrated municipal law background. Familiarity with the legal issues relevant to services and functions provided by a full-service municipality is required for success in this critically important role. This ideal candidate will contribute meaningfully to representing the City of Ashland in judicial and administrative forums, advise the City Council and/or staff, protect the organization's interests, and be part of the city's executive leadership team as a long-term contributor.

This top legal advisor will be able to foster effective Council relations through proactive engagement and guiding the Council with appropriate legal protocols in a highly visible and public forum. Expertise will include offering guidance at City Council meetings and informing the Council of potential legal issues impacting the organization and community.

As the new City Attorney, this highly collaborative individual will work closely with the City Manager on various issues that impact operational departments. The ideal candidate will demonstrate a willingness to break new ground and find solutions to multiple challenges within legal constraints in a responsive and timely manner. Additionally, the City Attorney needs to be proactive at "issue spotting," working to advise the City Manager and City Council in a proactive fashion. Additionally, staying informed about changes in laws and new mandates at both state and federal levels is crucial for the City Attorney's proactive strategy and then communicating this out to others in a timely fashion. Importantly, the selected candidate must also be comfortable being hands-on in delivering legal services to a small yet dynamic organization. The City Attorney should also possess a strong customer-centric focus.

The City Attorney must be a creative legal problem solver dedicated to public service, good government, and transparency, possessing strong managerial communication skills, including a record of successfully advising and providing legal advice and options to an innovative and progressive municipality.

The City Council is seeking a skilled attorney who will provide unbiased and sound advice in a transparent fashion and be dedicated to workforce diversity, equity, and inclusion, possessing the desire to advance the city's achievements in these areas.





Education and Experience

Education: Completion of an accredited school of law.

Experience: At least five (5) years of professional experience as a practicing attorney in a public sector environment. Working for a municipal law firm may also qualify if responsibilities included assignment as the city attorney to the municipality.

In order to attract a wide range of highly qualified candidates, the City Council encourages individuals from within Oregon and out-of-state to apply for consideration, as Oregon does allow reciprocity with certain states. Active membership in good standing with the Oregon State Bar is required before the formal appointment process begins.

Additionally, experience working with a similar-sized or larger municipality is desirable including addressing quality-of-life issues that are of high importance to the elected body and the community at large.

Salary and Benefits

The annual salary range for this outstanding opportunity is \$129,430 – \$184,231. Placement within the range will be based on qualifications and experience. The City will also offer an employment agreement that includes moving and relocation expenses (up to \$20,000).

The City of Ashland also provides an attractive benefits package that includes paid vacation, sick and holiday leave; retirement through the Public Employees' Retirement System (PERS or OPSRP); 3% City contribution to HRA-VEBA account; optional deferred compensation programs with a contribution from the City for qualified employees; employee and dependent medical, dental and vision insurance with a 10% pre-tax contribution by employee; life and AD&D insurance; long-term disability plan; and additional wellness benefits.



Application and Selection Process

Candidates are encouraged to **apply immediately**. The Search Firm will review applications throughout the process, with the initial review with the City Council in early to mid-December and will continue into early January if needed. To be considered, candidates must submit a cover letter and comprehensive resume to apply@ralphandersen.com. The first round of video interviews (Semi-Finalists) will be done via video in order to allow for a broad field of candidates to consider both in-state and nationally. The second round of interviews (Finalists) will involve multiple panels and be more comprehensive. Final interviews will be on-site and scheduled at a later date.

This is a highly confidential process. Once mutual interest has been established, professional references will be contacted later in the process. Top candidates will be required to complete a detailed and completed release form to verify employment, education, and other pertinent information.

If you have questions or want to discuss the opportunity further, please call Ms. Heather Renschler or Ms. Serena Wright-Black at (916) 630-4900. Confidential inquiries are encouraged. Additionally, requesting a specific date/time to discuss this career opportunity may be arranged by emailing scheduling@ralphandersen.com.

The City of Ashland is an Equal Opportunity Employer



Special thanks to
Bob Palermi, Photographer



Ashland, Oregon | City Attorney

ashlandoregon.gov



Council Business Meeting

Date: August 20, 2024

Agenda Item	City Attorney Job Description & Process
From	Molly Taylor, Director
Contact	molly.taylor@ashland.or.us

SUMMARY

Human Resources is working on collecting information from several recruiting firms to assist in the recruitment for the City Attorney.

POLICIES, PLANS & GOALS SUPPORTED

Values: Excellence in governance and City services.

BACKGROUND AND ADDITIONAL INFORMATION

The City Attorney position has been vacant since July 2022. With the help of the help of the Assistant City Attorney, we have contracted out this position until a successful recruitment process is completed. Prior recruitments for this position have been unsuccessful.

In the past, most of our executive recruiting firms have had a similar process:

- The recruiter spends time with the Council, Community Stakeholders and staff to develop a profile of the ideal candidate and develop an understanding of the community and position to find the best match.
- The recruiter conducts a national search.
- The City hosts semi-finalists for a selection process to include interviews, a tour of the City and in some cases, a candidate reception.

Human Resources utilized the Directory of Executive Search Firms provided by ICMA (International City/County Management Association) and from there searched for firms primarily located on the West Coast. The criteria being used to narrow the search for a recruiter was:

- Do they have experience providing service in Oregon?
- What are their qualifications?
- What services would be included? Do they have different packages?
- What are their rates? Can they provide a rate sheet?
- When would they be able to begin?
- What is their typical recruitment timeline?

In anticipation of the recruitment, the job description for the City Attorney needs to be reviewed and, if necessary, updated.

FISCAL IMPACTS

Professional fees for recruitment firms range from \$30,000 to \$50,000. Funds for an executive recruitment have been budgeted.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

Review the City Attorney job description and have Human Resources update as needed.

REFERENCES & ATTACHMENTS

1. Job Description City Attorney final draft.06.23.22
2. ARTICLE_VIII-A_(1)_CityChart_CM



Council Business Meeting

Date: January 21, 2025

Agenda Item	Public Arts Advisory Committee Appointment
From	Alissa Kolodzinski, City Recorder
Contact	alissa.kolodzinski@ashland.or.us

SUMMARY

Approval of Mayor Graham's recommendation for the appointment of Kate Womack to Position #6 to the Public Arts Advisory Committee.

POLICIES, PLANS & GOALS SUPPORTED

BACKGROUND AND ADDITIONAL INFORMATION

Per the Ashland Municipal Code 2.04.090, all regular advisory committees and boards shall be appointed by the Mayor with the consent of the Council.

FISCAL IMPACTS

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve the appointment of Kate Womack to Position #6 to the Public Arts Advisory Committee.

REFERENCES & ATTACHMENTS

1. Public Arts Committee APP_Womack_Redacted



From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Tuesday, December 10, 2024 7:01:17 PM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Katherine Womack
Committee or Commission You Wish to Serve On	Public Arts Committee
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Geodesic Dome Tech and Beekeeper
Educational Background	Minneapolis College of Art and Design and SOU Bachelor of Science in Psychology with a minor in Art. Painting Studio Supervisor for open art hours at SOU for Cody Bustamante.
Related Experience	I started my education in Film and Photography in 2000 at Minneapolis college of Art and Design which led to a career in Los Angeles as a Set Decorator from 2004-2015. During my time in Los Angeles I was able to work on a broad range of productions from film to stills and editorial to movies. I now build Geodesic Domes with my partner across the country, which is a space in which science and art collide. Additional experience that would allow me to of in service in this position is my experience in public art. I was lucky enough to assist the muralist Xavi Panneton on the Kids Unlimited mural in Medford in 2019-2020, this helped me understand the scope and overhead of longterm, large scale projects. I have experience in fund raising and grant writing at the local level. I have also created logos and designs for various local campaigns, businesses, and sat on the board of directors for the Southern Oregon Beekeepers Association in the capacity of Secretary from 2015-2016. I feel that not only do I come to the table with an arts background but the ability to offer clerical and admin tools as well. I believe that continuing education in any capacity is necessary and a perfect opportunity for both personal and professional growth. It is never not an advantage to receive further training!

Interests	I am applying for this position because I would like to be in service to our community. I love art and people. It would be a gift to help ensure that our community is able to continue to support the arts in every possible way, providing opportunities for local artists and creating initiatives that expand access and integrate arts wherever it is that we are able. I believe that art can be the ultimate collaboration and way to build community.
Availability	I can be available at anytime.
Additional Information	I have lived in Ashland for the last 12 years. I have 3 daughters, 2 of which have graduated from Ashland High School and one who has just started the 9th grade. My daughter Alex Brehmer is a local artist who works under the moniker "Toothcar". I have a vested interest in the Arts being accessible to the youth in our community. I am a painter, photographer, set decorator, beekeeper, and dome builder.
Upload Your File	<i>Field not completed.</i>
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Council Business Meeting

Date: January 21, 2025

Agenda Item	Transportation Advisory Committee Appointment
From	
Contact	

SUMMARY

Approval of Mayor Graham's recommendation for the appointment of David Kahn to Position #5 to the Transportation Advisory Committee.

POLICIES, PLANS & GOALS SUPPORTED

BACKGROUND AND ADDITIONAL INFORMATION

Per the Ashland Municipal Code 2.04.090, all regular advisory committees and boards shall be appointed by the Mayor with the consent of the Council.

FISCAL IMPACTS

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve the appointment of David Kahn to Position #5 to the Transportation Advisory Committee.

REFERENCES & ATTACHMENTS

1. Transportation Committee Application_Kahn_Redacted



From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Wednesday, November 13, 2024 10:25:58 AM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	David Kahn
Committee or Commission You Wish to Serve On	Transportation Advisory Committee
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Teacher
Educational Background	BA, UCLA MA, USC Certified Bicycle Technician, UBI
Related Experience	I have been teaching at SOU in various capacities since 2014. My long-term goal for SOU is to revive the currently defunct bike program there. I am a regular volunteer for the RVTB Bike Program.
Interests	My primary interest is in making Ashland a more bike-friendly city. I love this city and I love biking here. I road bike, I gravel bike, and I mountain bike.
Availability	I can attend regular meetings in person or on-line.
Additional Information	I ride a bicycle, drive a car, and walk Ashland on a regular basis. I have lived and owned a home in Ashland for over 20 years, I have raised my kids here, and I have friends and family to live here.
Upload Your File	<i>Field not completed.</i>
Signature	[REDACTED]

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Council Business Meeting

Date: January 21, 2025

Agenda Item	Housing & Human Services Advisory Committee Appointment
From	
Contact	

SUMMARY

Approval of Mayor Graham's recommendation for the appointment of Noah Werthaiser to Position #9 to the Housing & Human Services Advisory Committee Appointment.

POLICIES, PLANS & GOALS SUPPORTED

BACKGROUND AND ADDITIONAL INFORMATION

Per the Ashland Municipal Code 2.04.090, all regular advisory committees and boards shall be appointed by the Mayor with the consent of the Council.

FISCAL IMPACTS

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve the appointment Noah Werthaiser to Position #9 to the Housing & Human Services Advisory Committee Appointment.

REFERENCES & ATTACHMENTS

1. HHSC Application - Werthaiser_Redacted



From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Sunday, December 01, 2024 4:46:41 PM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Noah Werthaiser
Committee or Commission You Wish to Serve On	Housing and Human Services Advisory Committee
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Support Services Program Compliance Manager, ACCESS
Educational Background	No related formal institutional education
Related Experience	Currently, I serve as the Support Services Program Compliance Manager for ACCESS, our region's community action agency, where I support vulnerable populations on their journey toward stability and self-sufficiency. I also chair the Performance and Evaluation Workgroup of Jackson County Continuum of Care, leading efforts to enhance the effectiveness of housing programs throughout the valley.
Interests	Affordable housing is essential for a thriving community, yet its scarcity prevents many individuals and families—even those of upper-middle economic classes—from fully embracing Ashland as their home. Addressing these challenges requires innovative solutions and a compassionate understanding of the barriers our residents face. I am committed to finding pathways that ensure our city remains accessible, inclusive, and vibrant for all.
Availability	Evening is preferable, but schedule is very flexible.
Additional Information	I have lived in Ashland nearly all of my life, and I am passionate about making the place I call home better for everyone, especially for those who call Ashland home but do not have the privileges I have. I want to preserve what is sacred to our town and change what requires changing to adhere to our collective values.

Upload Your File

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Signature



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Council Business Meeting

Date: January 21, 2025

Agenda Item	Planning Commission Appointment
From	
Contact	

SUMMARY

Approval of Mayor Graham's recommendation for the appointment of John Maher to Position #7 to the Planning Commission.

POLICIES, PLANS & GOALS SUPPORTED

BACKGROUND AND ADDITIONAL INFORMATION

Per the Ashland Municipal Code 2.04.090, all regular advisory committees and boards shall be appointed by the Mayor with the consent of the Council.

FISCAL IMPACTS

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve the appointment of John Maher to Position #7 to the Planning Commission.

REFERENCES & ATTACHMENTS

1. Planning Commission Maher_Redacted



<dorinda.cottle@ashland.or.us>

Subject: Online Form Submittal: Appointment Application for City Committee or Commission

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	John Maher
Committee or Commission You Wish to Serve On	City Planning
Address	
Phone	
Email	
Occupation	Community Development Banker - LIHTC Affordable Housing Lender.
Educational Background	University of California, Berkeley, Haas School of Business Master of Business Administration, with a focus on Real Estate Fisher Center for Real Estate and Urban Economics: Interdisciplinary Graduate Certificate in Real Estate (IGCRE) Winner of the 2022 Bank of America and Turner Center James R. Boyce Affordable Housing Project Competitions University of Connecticut, College of Arts and Sciences, Storrs, CT Bachelor of Arts, Economic Development, MagnaCumLaude • Honors Scholar, Economics Scholar, Math/Econ GPA: 3.75 • Recipient of the Paul Taylor and Alumni Scholarship Awards
Related Experience	I have 25+ years of experience in financial services including five years (as of 2024) in Community Development Banking and affordable housing development.
Interests	I am interested in preserving and improving the quality of life for all Ashland residents while increasing the choice and supply of affordable housing for students, families, and seniors.
Availability	Yes, I am available for daytime and evening meetings and events.
Additional Information	I have lived in the Rogue Valley since 2014 and am pursuing my

AICP - American Institute of Certified Planners certification.

Upload Your File

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Signature



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Council Business Meeting

Date: January 21, 2025

Agenda Item	Approval of Liquor License for Chipotle Mexican Grill
From	
Contact	

SUMMARY

This is a request for approval of a liquor license application for Chipotle Mexican Grill, Inc. located at 2305 Ashland Street.

POLICIES, PLANS & GOALS SUPPORTED

AMC Chapter 6.32 Liquor License Review

BACKGROUND AND ADDITIONAL INFORMATION

This is an application for a New License – Limited on Premises

FISCAL IMPACTS

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

The Planning, Police, and Fire departments have reviewed the application and recommend approval of the liquor license. This business complies with the City's land use requirements and has a Business License.

I move to approve the liquor license for Chipotle Mexican Grill.

REFERENCES & ATTACHMENTS

1. Local government recommendation form - Chipotle_Redacted



Local Government Recommendation – Liquor License

Per OAR 845-005-0304(3): The Commission requires an applicant for issuance of a new license issued under ORS chapter 471, to provide written notice of the application to the local government in the form of a complete, accurate, and legible Commission form.

The local government is as follows:

- (a) If the address of the premises proposed to be licensed is within a city's limits, the local government is the city.
- (b) If the address of the premises proposed to be licensed is not within a city's limits, the local government is the county.

INSTRUCTIONS:

Step 1: Applicant completes all of Section 1 (including top of Page 2).

Step 2: Applicant submits both pages of the form to the appropriate local government. NOTE: The local government may require additional forms and/or fees.

Step 3: Local government completes at least Section 2 and returns all pages of the form, or a copy thereof, to the applicant. The local government is allowed up to 45 days to complete Section 3.

Step 4: Applicant takes the form with at least Sections 1 and 2 completed and includes it with their CAMP application to meet the Local Government Recommendation document requirement. Submissions that do not have at least Sections 1 and 2 completed will not be accepted.

Step 5: The local government issues its final recommendation in Section 3 and returns the completed form to the applicant. If the applicant has already submitted their initial application via CAMP, they hold on to the final recommendation and provide it to their investigator, when requested. If they have not already submitted their application, they upload the fully completed Local Government Recommendation form with their initial application submission.

Applicants within the city of Portland ONLY: After completing the attached form, please follow these steps to complete the Local Government Recommendation process:

- Apply via the [City of Portland website](#).
- Once you have completed the application with the City of Portland, you will receive an email notifying you that your application has been accepted, usually within two business days. The email will contain an attachment titled "ABC Public Notice."
- Upload the ABC Public Notice document with your CAMP application to meet the Local Government Recommendation document requirement.

NOTE: This document only provides proof of submission. Once you receive your final recommendation from the City of Portland, you will need to provide that to your assigned OLCC investigator.



Local Government Recommendation – Liquor License

Annual Liquor License Types

Off-Premises Sales	Brewery-Public House
Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): Chipotle Mexican Grill, Inc.

Proposed Trade Name: Chipotle Mexican Grill

Premises Address: 2305 Ashland Street

Unit:

City: Ashland

County: Jackson

Zip: 97520

Application Type: ☒ New License Application ☐ Change of Ownership ☐ Change of LocationLicense Type: Limited On-Premises Liquor License ☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Jeff Hern

Phone: [REDACTED]

Mailing Address: [REDACTED]

City: Portland

State: OR

Zip: 97204

Email Address: [REDACTED]

Business Details

Please check all that apply to your proposed business operations at this location:

☐ Manufacturing/Production☐ Retail Off-Premises Sales☒ Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

☒ Indoor Consumption☐ Outdoor Consumption☒ Proposing to Allow Minors

Section 1 continued on next page



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): Chipotle Mexican Grill, Inc.

Proposed Trade Name: Chipotle Mexican Grill

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.
Section 2 must be completed **by the local government** for this form to be accepted
with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name: City of Ashland

Optional Date Received Stamp

Date Application Received: 1.2.2025

Received by: kerrick gooden

Section 3 – Recommendation - To be completed by Local Government:

- ☐ **Recommend this license be granted**
- ☐ **Recommend this license be denied** (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ **No Recommendation/Neutral**

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.



Council Business Meeting

Date: January 21, 2025

Agenda Item	Approval of Liquor License for Shop and Smoke
From	
Contact	

SUMMARY

This is a request for approval of a liquor license application for Shop and Smoke AKA MK High Spirits and Smoke LLC. located at 110 Lithia Way.

POLICIES, PLANS & GOALS SUPPORTED

AMC Chapter 6.32 Liquor License Review

BACKGROUND AND ADDITIONAL INFORMATION

This is an application for a Change of Ownership – Retail Off Premises

FISCAL IMPACTS

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

The Planning, Police, and Fire departments have reviewed the application and recommend approval of the liquor license. This business complies with the City's land use requirements and has a Business License.

I move to approve the liquor license for Shop and Smoke.

REFERENCES & ATTACHMENTS

1. shop and smoke Change of Ownership - received_Redacted





Instructions for Local Government Recommendation – Liquor License

Per OAR 845-005-0304(3): The Commission requires an applicant for issuance of a new license issued under ORS chapter 471, to provide written notice of the application to the local government in the form of a complete, accurate, and legible Commission form.

The local government is as follows:

- (a) If the address of the premises proposed to be licensed is within a city's limits, the local government is the city.
- (b) If the address of the premises proposed to be licensed is not within a city's limits, the local government is the county.

INSTRUCTIONS:

- **Section 1: Applicant** completes Section 1 of this form and submits it to the appropriate city or county jurisdiction. Applicant verifies with the local government whether additional forms or fees are required. **Applicant completes payment to local jurisdiction for processing application if they require fees. This does not include OLCC license fees.**
- **Section 2: Local government** completes Section 2 to prove acceptance of recommendation form and returns form to the applicant. **Applicant** may upload the accepted form with Sections 1 & 2 filled out to CAMP or wait until recommendation is made before submitting to OLCC via CAMP.
- **Section 3: Once recommendation is determined, local government** completes Section 3 of this form and returns it to the applicant. **Applicant** uploads the complete form and any supporting information provided by the city or county to CAMP.

Annual Liquor License Types	
Off-Premises Sales	Brewery
Limited On-Premises Sales	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, Caterer	Winery
Full On-Premises, Other Public Location	Wholesale Malt Beverage & Wine
Full On-Premises, For Profit Private Club	Warehouse
Full On-Premises, Non Profit Private Club	
Full On-Premises, Public Passenger Carrier	
Brewery Public House	



OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

Section 1 – Submission - To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): MK HIGH SPIRITS AND SMOKE LLC

Proposed Trade Name: SHOP AND SMOKE

Premises Address: 110 LITHIA WAY

Ste: OREGON

City: ASHLAND

County: JACKSON

Zip: 97520

Application Type: ☐ New License Application ☒ Change of Ownership ☐ Change of Location

License Type: LIQUOR LICENSE

☐ Additional Location for an Existing License

Application Contact Information

Contact Name: SANDEEP KUMAR

Phone: [REDACTED]

Mailing Address: [REDACTED]

City: SALEM

State: OREGON

Zip: 97301

Email Address: [REDACTED]

Business Details

Please check all that apply to your proposed business operations at this location:

- ☐ Manufacturing/Production at this location
- ☒ Retail Off-Premises Sales at this location
- ☐ Retail On-Premises Sales & Consumption at this location

If there will be On-Premises Consumption at this location:

- ☐ Indoor Consumption ☐ Outdoor Consumption
- ☐ Malt Beverage/Wine/Cider Consumption ☐ Distilled Spirits Consumption
- ☐ Proposing to Allow Minors

Section 1 Continued on next page



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): MK HIGH SPIRITS AND SMOKE LLC

Proposed Trade Name: SHOP AND SMOKE

After completing section 1, please submit your application to the local government for recommendation

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name: Ashland

Optional Date Received Stamp

Date Application Received: 1.6.2025

Received by: Kerrick Gooden

Section 3 – Recommendation - To be completed by Local Government:

- ☐ **Recommend this license be granted**
- ☐ **Recommend this license be denied** (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ **No Recommendation/Neutral**

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.



Council Business Meeting

Date: January 21, 2025

Agenda Item	Approval of Liquor License for Good Juice Wine Shop
From	
Contact	

SUMMARY

This is a request for approval of a liquor license application for Good Juice Wine Shop located at 250 Oak Street.

POLICIES, PLANS & GOALS SUPPORTED

AMC Chapter 6.32 Liquor License Review

BACKGROUND AND ADDITIONAL INFORMATION

This is an application for a New License – Limited-On Premise

FISCAL IMPACTS

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

The Planning, Police, and Fire departments have reviewed the application and recommend approval of the liquor license. This business complies with the City's land use requirements and has a Business License.

I move to approve the liquor license for Good Juice Wine Shop.

REFERENCES & ATTACHMENTS

1. Good Juice Wine Shop - New Outlet_Redacted





Local Government Recommendation – Liquor License

Per OAR 845-005-0304(3): The Commission requires an applicant for issuance of a new license issued under ORS chapter 471, to provide written notice of the application to the local government in the form of a complete, accurate, and legible Commission form.

The local government is as follows:

- (a) If the address of the premises proposed to be licensed is within a city's limits, the local government is the city.
- (b) If the address of the premises proposed to be licensed is not within a city's limits, the local government is the county.

INSTRUCTIONS:

Step 1: Applicant completes all of Section 1 (including top of Page 2).

Step 2: Applicant submits both pages of the form to the appropriate local government. NOTE: The local government may require additional forms and/or fees.

Step 3: Local government completes at least Section 2 and returns all pages of the form, or a copy thereof, to the applicant. The local government is allowed up to 45 days to complete Section 3.

Step 4: Applicant takes the form with at least Sections 1 and 2 completed and includes it with their CAMP application to meet the Local Government Recommendation document requirement. Submissions that do not have at least Sections 1 and 2 completed will not be accepted.

Step 5: The local government issues its final recommendation in Section 3 and returns the completed form to the applicant. If the applicant has already submitted their initial application via CAMP, they hold on to the final recommendation and provide it to their investigator, when requested. If they have not already submitted their application, they upload the fully completed Local Government Recommendation form with their initial application submission.

Applicants within the city of Portland ONLY: After completing the attached form, please follow these steps to complete the Local Government Recommendation process:

- Apply via the [City of Portland website](#).
- Once you have completed the application with the City of Portland, you will receive an email notifying you that your application has been accepted, usually within two business days. The email will contain an attachment titled "ABC Public Notice."
- Upload the ABC Public Notice document with your CAMP application to meet the Local Government Recommendation document requirement.

NOTE: This document only provides proof of submission. Once you receive your final recommendation from the City of Portland, you will need to provide that to your assigned OLCC investigator.



Local Government Recommendation – Liquor License

Annual Liquor License Types

Off-Premises Sales	Brewery-Public House
Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): Joshua Dorcak

Proposed Trade Name: Good Juice Wine Shop

Premises Address: 250 Oak Street

Unit: 1

City: Ashland

County: Jackson

Zip: 97520

Application Type: ☒ New License Application ☐ Change of Ownership ☐ Change of LocationLicense Type: Limited-On Premise ☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Joshua Dorcak

Phone: [REDACTED]

Mailing Address: [REDACTED]

City: Ashland

State: OR

Zip: 97520

Email Address: [REDACTED]

Business Details

Please check all that apply to your proposed business operations at this location:

☐ Manufacturing/Production☐ Retail Off-Premises Sales☒ Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

☒ Indoor Consumption☐ Outdoor Consumption☐ Proposing to Allow Minors

Section 1 continued on next page



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): Joshua Dorcak

Proposed Trade Name: Good Juice Wine Shop

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.
Section 2 must be completed **by the local government** for this form to be accepted
with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name: City of Ashland

Optional Date Received Stamp

Date Application Received: 12.20.2024

Received by: Kerrick Gooden

Section 3 – Recommendation - To be completed by Local Government:

- ☐ **Recommend this license be granted**
- ☐ **Recommend this license be denied** (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ **No Recommendation/Neutral**

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.



Council Business Meeting

Date: January 21, 2025

Agenda Item	Approval of Liquor License for Terrene Winery and Cidery
From	
Contact	

SUMMARY

This is a request for approval of a liquor license application for Terrene Winery and Cidery AKA Anders' Acres LLC located at 1713 Siskiyou

POLICIES, PLANS & GOALS SUPPORTED

AMC Chapter 6.32 Liquor License Review

BACKGROUND AND ADDITIONAL INFORMATION

This is an application for a New License – Retail Off Premises

FISCAL IMPACTS

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

The Planning, Police, and Fire departments have reviewed the application and recommend approval of the liquor license. This business complies with the City's land use requirements and has a Business License.

I move to approve the liquor license for Terrene Winery and Cidery.

REFERENCES & ATTACHMENTS

1. Terrene Winery and Cidery_Redacted



Local Government Recommendation – Liquor License

Per OAR 845-005-0304(3): The Commission requires an applicant for issuance of a new license issued under ORS chapter 471, to provide written notice of the application to the local government in the form of a complete, accurate, and legible Commission form.

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INSTRUCTIONS:

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Step 5: The local government issues its final recommendation in Section 3 and returns the completed form to the applicant. If the applicant has already submitted their initial application via CAMP, they hold on to the final recommendation and provide it to their investigator, when requested. If they have not already submitted their application, they upload the fully completed Local Government Recommendation form with their initial application submission.

Applicants within the city of Portland ONLY: After completing the attached form, please follow these steps to complete the Local Government Recommendation process:

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- Once you have completed the application with the City of Portland, you will receive an email notifying you that your application has been accepted, usually within two business days. The email will contain an attachment titled "ABC Public Notice."
- Upload the ABC Public Notice document with your CAMP application to meet the Local Government Recommendation document requirement.

NOTE: This document only provides proof of submission. Once you receive your final recommendation from the City of Portland, you will need to provide that to your assigned OLCC investigator.



Local Government Recommendation – Liquor License

Annual Liquor License Types

Off-Premises Sales	Brewery-Public House
Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): Anders' Acres LLC

Proposed Trade Name: Terrene Winery and Cidery

Premises Address: 1713 Siskiyou Blvd

Unit:

City: Ashland

County: Jackson

Zip: 97520

Application Type: ☒ New License Application ☐ Change of Ownership ☐ Change of Location

License Type: winery

☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Andrew Johnson

Phone: [REDACTED]

Mailing Address: [REDACTED]

City: Ashland

State: OR

Zip: 97520

Email Address: [REDACTED]

Business Details

Please check all that apply to your proposed business operations at this location:

☐ Manufacturing/Production☒ Retail Off-Premises Sales☐ Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

☐ Indoor Consumption☐ Outdoor Consumption☐ Proposing to Allow Minors

Section 1 continued on next page



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): Anders' Acres LLC

Proposed Trade Name: Terrene Winery and Cidery

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.
Section 2 must be completed **by the local government** for this form to be accepted
with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name: Ashland

Optional Date Received Stamp

Date Application Received: 1.7.2025

Received by: Kerrick Gooden

Section 3 – Recommendation - To be completed by Local Government:

- ☐ **Recommend this license be granted**
- ☐ **Recommend this license be denied** (Please include documentation that meets [OAR 845-005-0308](#))
- ☐ **No Recommendation/Neutral**

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.

From: noreply@civicplus.com
To: [Ashland City Recorder](#)
Subject: Online Form Submittal: City Council Public Testimony Form
Date: Tuesday, January 07, 2025 8:46:23 PM

[EXTERNAL SENDER]

City Council Public Testimony Form

Public Testimony

This form provides the opportunity for citizens to submit public testimony for Council meetings. Testimony will be accepted for both general public forum items and agenda items. This form must be submitted by 10 am the day of the meeting.

Written testimonies submitted by the deadline will be available to the Mayor and City Council before the meeting.

All public testimony will be included in the meeting minutes.

Full Name	John Orrell
Meeting Date	1-22-25
Email Address	[REDACTED]
Indicate if you want to provide written testimony, or if you want to speak via Zoom.	Written
Indicate if you would like to speak during Public Forum or for an agenda item.	Public Forum
Written Testimony (Leave this section blank if you are requesting to speak electronically.)	I have heard that there are conversations taking place regarding the removal of the Granite St. reservoir dam and the removal of the swimming hole. This is shocking and heartbreaking that we are considering this since the reservoir is the only free public place to swim in moving water within a 30 minute drive. I can tell you that the reservoir was one of my favorite places in town when I was here in the summer as a kid and it still one of the only free places for kids to hang out and cool off during the hot summer months. Save the reservoir, save the joy of childhood, save Ashland! Thank you for your time -John Orrell



Council Business Meeting

Date: January 21, 2025

Agenda Item	First Reading – ORD 3245 An Ordinance Terminating Specified Commission and Re-establishing AMC Chapter 2.13 to create Advisory Committees
From	Doug McGeary, City Attorney, Acting
Contact	doug.mcgeary@ashland.or.us

SUMMARY

This ordinance terminates specified commissions, renames the Municipal Audit Commission to the Municipal Audit Committee, and re-establishes AMC Chapter 2.13 to formalize the creation of City Council and Management Advisory Committees. It standardizes committee structures and functions, aligns them with the City's goals, and enhances transparency, accountability, and inclusivity in governance.

POLICIES, PLANS & GOALS SUPPORTED

This ordinance supports the Council's goal of improving governance and community engagement by:

- Formalizing advisory committee structures under AMC Chapter 2.13.
- Eliminating redundancy by terminating outdated commissions.
- Promoting diversity, equity, and inclusion in committee membership.
- Aligning committee functions with City priorities to enhance decision-making.

BACKGROUND AND ADDITIONAL INFORMATION

This ordinance builds on the success of Resolution 2023-06, which updated and consolidated advisory committees, replacing the commission model with a more efficient committee structure. The ordinance renames the Municipal Audit Commission and re-establishes AMC Chapter 2.13 to provide uniform policies and procedures for advisory committees while maintaining statutory bodies like the Planning Commission, Citizens Budget Committee, and Municipal Audit Committee under state law requirements.

Key features include:

- Establishing clear roles and responsibilities for advisory committees.
- Defining the function and scope of ex-officio members.
- Adding the City Band to Management Advisory Committees (MACs).
- Providing guidelines for term limits and meeting attendance to ensure effectiveness and continuity.

The draft ordinance has been shared with committee chairs for feedback, focusing on consistency in committee charters, structure, and ex-officio roles.

FISCAL IMPACTS

This ordinance does not impose additional costs but streamlines staff and resource allocation by standardizing committee operations and removing redundant commissions.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

Approve the ordinance as a first reading. Schedule the second reading and potential adoption at the next regular Council meeting. Recommended motion:

"I move to approve the first reading of Ordinance No. 3245, an ordinance terminating specified commissions, renaming the Municipal Audit Commission to the Municipal Audit Committee, and re-establishing AMC Chapter 2.13 to create City Council and Management Advisory Committees. I further move to schedule the second





Council Business Meeting

reading and potential adoption of this ordinance at the next regularly scheduled public Council business meeting.”

REFERENCES & ATTACHMENTS

1. ORD 3245 Terminating Commissions & Creating Advisory Committees



ORDINANCE NO. 3245

AN ORDINANCE TERMINATING SPECIFIED COMMISSIONS AND RE-ESTABLISHING AMC CHAPTER 2.11 TO CREATE ADVISORY COMMITTEES

WHEREAS Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS the City of Ashland has a strong tradition of citizen involvement through advisory bodies, which play a crucial role in providing valuable recommendations and advice to the City Council and City Management; and

WHEREAS the City Council the City of Ashland has observed the success of the committee structure implemented under Resolution 2023-06, which updated and consolidated Resolutions 2022-24 and 202232, enhancing community participation and effective advisory input over the past year; and

WHEREAS the City Council recognizes the need to formalize and codify these successful committee structures into the Ashland municipal code to ensure consistency, transparency, and accountability in the operations of advisory boards; and

WHEREAS the termination of specified commissions, which have been replaced by more efficient and relevant advisory committees, is necessary to streamline advisory processes and eliminate redundancy; and

WHEREAS the establishment of new advisory committees will provide clear roles and responsibilities, promote inclusivity, and ensure that advisory bodies reflect the diverse populations within the city of Ashland; and

WHEREAS the new ordinance will support the City's goals of transparency, accountability, and effective governance by providing structured guidance for the formation, operation, and responsibilities of advisory committees; and

WHEREAS the advisory committees established under this ordinance will assist the City in achieving its strategic goals by providing informed recommendations on various matters of public interest and administrative functions; and

WHEREAS the City Council is committed to maintaining high ethical standards, promoting diversity, equity, and inclusion, and ensuring that advisory committees operate in a manner that aligns with the City's priorities and legal framework;

NOW, THEREFORE, THE CITY OF ASHLAND ORDAINS AS FOLLOWS:

**AN ORDINANCE TERMINATING SPECIFIED COMMISSIONS AND RE-ESTABLISHING
AMC CHAPTER 2.11 TO CREATE ADVISORY COMMITTEES**

SECTION 1. TERMINATION AND RENAMING OF SPECIFIED COMMISSIONS

This ordinance terminates each of the listed ordinances as follows:

- Chapter 2.13 TRANSPORTATION COMMISSION
- Chapter 2.15 FOREST LANDS COMMISSION
- Chapter 2.17 PUBLIC ARTS COMMISSION
- Chapter 2.18 CONSERVATION COMMISSION
- Chapter 2.19 HOUSING AND HUMAN SERVICES COMMISSION
- Chapter 2.20 SOCIAL EQUITY AND RACIAL JUSTICE COMMISSION
- Chapter 2.23 ASHLAND AIRPORT COMMISSION
- Chapter 2.24 HISTORIC COMMISSION
- Chapter 2.25 TREE COMMISSION
- Chapter 2.26 ASHLAND WILDFIRE SAFETY COMMISSION
- Chapter 2.27 CLIMATE POLICY COMMISSION
- Chapter 2.56 CITY BAND;

and Chapter 2.11 Municipal Audit Commission is not terminated but renamed the **Municipal Audit Committee**.

SECTION 2. RE-ESTABLISHMENT OF AMC CHAPTER 2.13

AMC Chapter 2.13 previously terminated is re-established by the following title and language as follows:

CHAPTER 2.13 CITY COUNCIL AND MANAGEMENT ADVISORY COMMITTEES

2.13.005 Purpose

Advisory committees require uniform rules, policies, and operating procedures to ensure maximum productivity and fairness for members and the public. These policies and procedures govern all City Council and Management Advisory Committees. The following are consistent across all City of Ashland Advisory Committees established here.

- A. Committees will have a maximum of nine regular voting members unless the Committee has student members. Two additional voting seats are available to high school and college students for each advisory committee should there be qualified students interested in participating on a committee.**
- B. Committee members should reflect and represent a wide range of community interests and perspectives.**
- C. Committees will strive to include members that represent diversity of gender, race, ethnicity, and age.**
- D. Committees will strive to include two members under the age of 35 at the**

- point of appointment.
- E. Committees will actively integrate consideration of how policy recommendations impact low income and/or marginalized populations and the environment.
 - F. The City Manager will appoint one (1) nonvoting ex-officio member to provide support to the committee.
 - G. The Mayor will appoint up to two (2) nonvoting ex-officio members from the City Council to serve in the role of Council Liaison.
 - H. In addition to the specific committee charters described below, committees will respond to requests by the City Council for policy or program guidance related to their area of focus.
 - I. The Municipal Audit Committee, Citizens Budget Committee, and Planning Commission are dictated by the requirements outlined in Oregon Revised Statutes and are not subject to the provisions of this ordinance.

2.13.010 Establishment of Specific Advisory Committees

A. Climate and Environmental Policy Advisory Committee (CEPAC)

A Climate and Environmental Policy Advisory Committee (CEPAC) is established by the City Council. Members should have expertise or interest in topics including, but not limited to, climate change, environmental issues, public health, energy efficiency, and renewable energy. The committee is encouraged to include representatives from the solid waste franchisee for the city, Southern Oregon University, and the Ashland School District on the committee.

- A. Ex-Officio Members: The term "ex-officio members" refers only to City staff and Council members, including Council liaisons to the CEPAC.

The CEPAC shall be responsible for assisting the City in the following:

1. Making recommendations on strategies, actions, and programs related to the implementation and updating of the Climate and Energy Action Plan in furtherance of its climate mitigation and adaptation goals and strategies per AMC 9.40. The issues the CEPAC shall advise the City Council on include, but are not limited to:
 - Modifications to benchmarks, targets, or actions contained in the CEAP as needed to incorporate the best available science and practices to achieve the City of Ashland's climate-related goals and targets
 - Process for considering amendments and updates to the CEAP
 - CEAP implementation progress for the community and for city operations
 - Integration of long-term social, economic, and environmental goals into the CEAP
 - Climate education for the community
 - CEAP implementation steps
2. Providing information to staff and the City Council to ensure that benchmarks, targets, or actions developed for, or by, the city of Ashland

incorporate the best available science and practices to achieve the intended climate or environmental related goals and targets

3. Providing recommendations to ensure that City of Ashland planning efforts incorporate long-term climate and environmental goals
4. Assisting other City of Ashland advisory committees and commissions in addressing issues that have a climate or environmental nexus
5. Educating and advocating for Ashland's climate and environmental goals

B. Historic Preservation Advisory Committee (HPAC)

A Historic Preservation Advisory Committee (HPAC) is established by the City Council. To qualify the HPAC as the City of Ashland's Certified Local Government (CLG) Commission, the majority of appointments for voting members of the HPAC, to the extent volunteer members are available in the city, will have direct historic preservation experience or meet the professional qualifications (including archaeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic landscape architecture, historic preservation planning and history) under Oregon State Historic Preservation Office requirements.

The HPAC shall be responsible for assisting the City in the following:

1. Recommending to the Planning Commission and the City Council areas or properties of significant historical value and interest for consideration to be designated historic properties
2. Recommending ordinances and other measures designed to protect and foster interest in the improvement of designated historic properties
3. Reviewing literature and sources of funding concerning the protection and improvement of designated historic properties
4. Advising city staff and the Planning Commission concerning the improvement of designated historic properties in connection with Type II and Type III Planning Actions involving new construction or alterations to existing historic resources
5. Advising applicants and staff upon request on sign permits, building permits, and other projects involving new construction or alterations within Ashland's designated Historic Districts
6. Advising the Planning Commission, the Ashland Parks and Recreation Commission, city departments, and other city advisory commissions, boards, and committees regarding historic components of government projects under consideration within Ashland's designated Historic Districts
7. Advising City staff and the Planning Commission on project applications for funding, including evaluating proposals to ensure alignment with the City's historic preservation goals and compliance with applicable regulations.
8. Assisting in promoting public support for the preservation and recognition of Ashland's historic past
9. Advising City staff and the Planning Commission on aesthetic standards for

historic areas

C. Housing and Human Services Advisory Committee (HHSAC)

A Housing and Human Services Advisory Committee (HHSAC) is established by the City Council. Members should have expertise or interest in topics including, but not limited to, social services, unhoused and marginal income population services, economic and housing development, universal housing design, and the needs of elderly and disabled persons. The HHSAC shall be responsible for assisting the City in the following:

1. Assessing and making recommendations on the continuum of housing and human service needs of the community and funding strategies relating to housing and human services
2. Advising the City Council on programs that assist in addressing the unmet utility, medical, transportation, and food needs of seniors, children, and families in Ashland, and other related human service programs
3. Making recommendations to the City Council on Community Development Block Grant (CDBG), City of Ashland Social Service Grants, and Housing Trust Fund and related allocations
4. Assisting in identifying federal, state, county, and private funding for implementation of housing and human service programs
5. Fostering public knowledge of and support for city housing and human service programs
6. Enhancing cooperation between the public and private sectors by promoting integrated approaches that provide suitable housing, a healthy living environment, and expanded economic opportunities for low and moderate-income persons
7. Evaluating, reviewing, and recommending to the Planning Commission and City Council innovative land use strategies targeted to promote a broad variety of needed housing types
8. Monitoring housing discrimination complaints and corrective actions within the City, and advising the City Council on potential measures to be taken to further equal opportunity to all persons to live in suitable housing facilities regardless of race, color, religion, sexual orientation, gender identity, national origin, source of income, or familial status

D. Public Arts Advisory Committee (PAAC)

A Public Arts Advisory Committee (PAAC) is established by the City Council. Members should have expertise or interest in topics including, but not limited to, art, arts organizations, education, and structural and landscape architecture. The PAAC shall adhere to and fill the role of the Public Art Commission as it may be designated in a MC 2.29 Public Art. The PAAC shall be responsible for assisting the City in the following:

1. Providing advice to ensure the arts continue to be of value as an integral part of Ashland

2. Assisting in promoting the arts in Ashland to enrich the lives of its citizens through education and demonstration
3. Advising the City Council and City management on standards and guidelines for selecting, commissioning, placing, maintaining, and removing public art
4. Advising the City of Ashland on how best to assist organizations that provide local leadership on arts-related matters to make the arts a more important part of community life
5. Assisting the City Council, the Ashland Parks and Recreation Commission, Historic Preservation Advisory Committee, and the Planning Commission in using public art to enhance existing development in public parks, other public lands, and public structures
6. Advising the Planning Commission, the Ashland Parks and Recreation Commission, other city advisory committees and commissions, and city departments regarding artistic components of all municipal government projects under consideration by the city
7. Serving as a resource for assessing the artistic components of land use developments
8. Advising the City Council on policies and programs to enhance and encourage the planning, placement, and maintenance of public displays of art in locations open to the public within the community
9. Encouraging connections with other local, regional, and national organizations working for the benefit of art and preservation of artistic values
10. Recognizing and encouraging groups and organizations that enrich Ashland life by bringing cultural and artistic values and artifacts to the city
11. Assisting in the pursuit of gifts and grants for support of arts programs and activities and the procurement of public art .

E. Social Equity and Racial Justice Advisory Committee (SERJAC)

A Social Equity and Racial Justice Advisory Committee (SERJAC) is established by the City Council. Members should have expertise or interest in topics including, but not limited to, social equity and justice for marginalized populations. Membership should also represent a cross section of historically marginalized or underrepresented groups, such as Black, Indigenous, people of color, LGBTQIA+, the elderly, and disabled persons.

The SERJAC shall be responsible for assisting the City in the following:

1. Encouraging, understanding, and celebrating the diversity of the City's population and visitors and promoting amicable intergroup relations within the city
2. Recommending policies, measures, and practices to bring about social and racial equity and greater inclusion for all who live, work, or visit in Ashland, including counter measures to address systemic racism, homophobia, sexism, classism, antisemitism, Islamophobia, and other racial and social inequities impacting Black, Indigenous, people of color, LGBTQIA+, and disabled

- persons as well as other marginalized persons
3. Recommending efforts to increase economic opportunities for Black, Indigenous, people of color, LGBTQIA+, and disabled persons, as well as other marginalized persons in the Ashland community
 4. Advising on diversity, equity, and inclusion (DEI) and human rights training for City of Ashland staff, commissions, boards, advisory committees, and the City Council
 5. Seeking at least every two years, a broad spectrum of input from community members on emerging issues and needs of the Ashland community as they relate to diversity, equity, inclusion, belonging, human rights, and intergroup relations

F. Transportation Advisory Committee (TAC)

A Transportation Advisory Committee (TAC) is established by the City Council. Members should have expertise or interest in topics including, but not limited to, various modes of community level transportation, including public transit, bicycling, walking, and rolling.

The TAC shall be responsible for assisting the City in the following:

1. Making recommendations on strategies, actions, and programs related to the transportation system in Ashland. The issues the TAC shall advise the City Council on include, but are not limited to:
 - Transportation safety policies and programs
 - Long range transportation plans and ancillary transportation plans (sidewalk and safe routes to school, transit, traffic, parking, etc.)
 - Type III planning actions during the pre-application process
 - The transportation section of the City's Capital Improvement Program (CIP)
 - Multimodal transportation issues
 - Traffic implementation designs
2. Advocating and promoting all modes of transportation to ensure modal equity

211.015 Establishment of Management Advisory Committees (MACs)

A. Purpose: To serve at the request of the City Manager or department directors to provide technical advice, and community support and input that can assist in preparing recommendations to enhance city operations or program implementation or for City Council consideration.

B. Operation: MACs are generally intended to be project or program specific but can meet as often and as long as necessary to meet their requested role or function. Some MACs may meet only occasionally when requested, while others may meet regularly or semi-regularly over extended periods of time per the role assignment or needed term for their assistance. Membership on MACs will be established based on the type of advice

sought and availability of potential qualified participants, urgency of issue or program being addressed, timeframe for the committee's role/participation, availability of City staff support resources, and/or other circumstances or considerations affecting the ability for effective MAC role participation. The rules of procedure, if necessary, for each MAC will also be established by the City Manager or appointing department director at the time of the corresponding MAC's establishment. The City Council may refer issues or tasks for consideration by a MAC by vote of the City Council request to the City Manager.

C. MACs may include project or program topics related, but not limited to, the following:

- Airport Operations
- City Band
- Forest Lands
- System Development Charges
- Trees and Urban Forest
- Wildfire Safety

SECTION 3. CODIFICATION. Provisions of this ordinance shall be incorporated in the City Code, and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and the sections of this Ordinance may be renumbered or re-lettered, provided however, that any Whereas clauses and boilerplate provisions (i.e., Sections [No(s.)] need not be codified, and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 4. EFFECTIVE DATE

This ordinance is effective upon adoption.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 21st day of January, 2025, and duly PASSED and ADOPTED this _____ day of _____, 2025.

SIGNED and APPROVED this _____ day of _____, 2025.

Tonya Graham, Mayor

Reviewed as to form:

ATTEST: _____
Alissa Kolodzinski, City Recorder

Douglas M. McGeary
Acting City Attorney



Council Business Meeting

Date: January 21, 2025

Agenda Item	First Reading – ORD 3254 An Ordinance Amending AMC Title 9 Health and Sanitation Creating Chapter 9.45 Carbon Pollution Impact Fee and Establishing Standards for a Carbon Pollution Impact Fee for New Residential Structures in the City of Ashland
From	Chad Woodward, Climate and Energy Analyst, Doug McGeary, City Attorney, Acting
Contact	chad.woodward@ashland.or.us, doug.mcgeary@ashland.or.us

SUMMARY

Consideration of Ordinance 3245 which would establish a carbon pollution impact fee for new residential structures with fossil fuel appliances in the City of Ashland.

POLICIES, PLANS & GOALS SUPPORTED

Climate and Energy Action Plan Goals:

- Goal 1: Reduce Community GHG Emissions.
- Strategy BE-1: Support cleaner energy sources.
- Strategy BE-2: Increase building energy efficiency and conservation

Comprehensive Plan Policies:

- Housing Element 6.08: Promote environmental stewardship and sustainability.
- Housing Element 6.10 Policy 20: Encourage energy-efficient building and site designs.

BACKGROUND AND ADDITIONAL INFORMATION

The intent of Ordinance 3245 is to disincentivize the use of natural gas and other fossil fuel appliances in new residential structures, as a part of Ashland's overall effort to minimize the production of greenhouse gases that adversely impact the environment and public health (CEAP, Goal 1).

This ordinance disincentivizes the use of fossil fuel appliances by establishing a fee on new residential builds that incorporate a "fossil fuel thermal energy system" – i.e. furnaces, water heaters, ranges, gas fireplaces, and/or clothes dryers that run on natural gas, coal, oil, propane, or other fossil fuels. That fee is based on the Environmental Protection Agency's determination of the social cost of greenhouse gases and the average greenhouse gas output for a natural gas appliance over its useful life.

Appliance	Avg CO ₂ e Emissions	Service Life	Calculated Fee
Furnace	1.32 MT/year	15 years	\$4,118.40
Water Heater	0.62	10	\$1,289.60
Range	0.12	10	\$374.40
Gas Fireplace	0.35	10	\$728.00
Clothes Dryer	0.07	10	\$145.60

If a new residential building incorporates any of the above fossil fuel appliances, they will be charged the associated fees which will be due upon issuance of a building permit.

This fee does not apply to commercial buildings, Additional Dwelling Units, demolitions and rebuilds, or the addition, alteration, renovation, or repairs to existing buildings.

The ordinance also allows for the adjustment of the fee amount to account for inflation and requires annual reporting from fossil fuel utilities (e.g. Avista) on fuel consumption.



Council Business Meeting

The Climate and Environment Policy Advisory Committee recommended this ordinance for adoption at their January 9, 2025, meeting.

FISCAL IMPACTS

The estimated annual revenue from the Carbon Pollution Impact Fee is approximately \$89,446, based on recent building trends and appliance installations.

Implementation costs include an initial setup budget of \$10,500 for outreach and database updates, with ongoing administrative costs requiring approximately 0.25 FTE.

Revenues and costs will be allocated to the General Fund.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve First Reading of Ordinance #3254, An Ordinance Amending AMC Title 9 Health and Sanitation Creating Chapter 9.45 Carbon Pollution Impact Fee and Establishing Standards for a Carbon Pollution Impact Fee for New Residential Structures in the City of Ashland and set a Second Reading for February 4, 2025.

REFERENCES & ATTACHMENTS

1. ORD 3254 Creating 9.45 Carbon Pollution Impact Fee_First Reading 01.21.25
2. Climate Pollution Impact Fee Background Information 1-21-2025
3. Natural Gas Options Memo
4. NG Carbon Reduction Options_presentation

ORDINANCE NO. 3254

AN ORDINANCE AMENDING AMC TITLE 9 HEALTH AND SANITATION CREATING CHAPTER 9.45 CARBON POLLUTION IMPACT FEE AND ESTABLISHING STANDARDS FOR A CARBON POLLUTION IMPACT FEE FOR NEW RESIDENTIAL STRUCTURES IN THE CITY OF ASHLAND

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City of Ashland has declared a commitment to climate recovery goals in Title 9 of the Municipal Code as detailed in the Climate and Energy Action Plan (CEAP); and

WHEREAS, emissions from buildings represent one of the largest sources of greenhouse gas emissions in Ashland; and

WHEREAS, reducing fossil fuel consumption is essential to meeting the City's CEAP goals; and

WHEREAS, transitioning to low-carbon electric homes is most feasible in new construction; and

WHEREAS, adding new residential structures reliant on fossil fuels increases the City's carbon footprint and requires additional mitigation efforts; and

WHEREAS, an upfront carbon pollution impact fee provides a mechanism to account for and offset the environmental, health, and societal costs associated with fossil fuel-based systems; and

WHEREAS, revenue generated from this fee could support programs promoting clean technology installations, including support for low-income households, furthering the City's decarbonization goals.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.45 Carbon Pollution Impact Fee is hereby created to read as follows:

9.45.010 Purpose

The purpose of this chapter is to promote the health, safety, and general welfare of Ashland residents by establishing a Carbon Pollution Impact Fee for new residential development

utilizing fossil fuel-powered thermal energy systems. This ordinance aligns with the goals set forth in Chapter 9.40 (Climate Recovery) and implements the Climate and Energy Action Plan (CEAP) to the full extent of the City's authority under applicable federal, state, and local laws.

9.45.020 Definitions. For purposes of this chapter, the following definitions apply:

A. Thermal Energy System: Any system for space conditioning, water heating, cooking, process heat, or other building energy use that relies on fossil fuel combustion, excluding outdoor grills, heaters, or other systems designed for exclusive use outside of enclosed residential structures.

B. Fossil Fuel: Fuels derived from hydrocarbons, including but not limited to natural gas, coal, oil, propane, and kerosene.

C. New Residential Building: The new construction of any residential building, excluding additions, alterations, renovations, or repairs to existing buildings, and complete demolition and rebuilds, and any accessory dwelling unit.

D. Social Cost of Greenhouse Gases (SCGHG): The monetary value assigned to climate change damages resulting from the emission of one metric ton (MT) of greenhouse gases. The SCGHG shall be determined as follows:

- 1. The base value shall be set at the November 2023 determination published by the United States Environmental Protection Agency (EPA).**
- 2. On January 1 of each subsequent year, the SCGHG shall be adjusted by the percentage increase in the Consumer Price Index (CPI-U, U.S. city average, not seasonally adjusted) for the 12 months preceding the previous September 1.**
- 3. Should the EPA release updated SCGHG values in line with leading scientific standards, the City Council may review and adopt such values by ordinance.**

E. CO₂e: Carbon dioxide equivalent, a standardized measure for comparing the impact of different greenhouse gases.

9.45.030 Carbon Pollution Impact Fee

A. Fee Assessment:

Applicants utilizing a fossil fuel thermal energy system in a new residential building shall be assessed a Carbon Pollution Impact Fee for each dwelling unit therein. This fee shall be due upon the issuance of building permits.

- 1. Exceptions:** No fee shall be assessed for the following:
 - i. Outdoor thermal energy systems, including but not limited to propane grills, patio heaters, and other systems designed for exclusive use outside of enclosed residential structures.**
 - ii. Thermal energy systems not explicitly listed in Section 9.45.030 B (Fee Calculation)**

B. Calculation of Fee:

The Carbon Pollution Impact Fee is calculated as follows:

$$\text{Fee} = (\text{SCGHG}) \times (\text{MTCO}_2\text{e}) \times (\text{Service Life})$$

Where:

- **SCGHG is \$208 per metric ton (adjusted annually).**
- **MTCO₂e is 2.49 metric tons for an average residential natural gas home in Ashland, adjusted for specific appliance usage.**
- **Service Life is the expected operational lifespan of the appliance, as detailed below:**

<u>Appliance</u>	<u>CO₂e (MT/year)</u>	<u>Service Life (Years)</u>	<u>Fee Example</u>
<u>Furnace</u>	<u>1.32</u>	<u>15</u>	<u>$\\$208 \times 1.32 \times 15 = \\4118.40</u>
<u>Water Heater</u>	<u>0.62</u>	<u>10</u>	<u>$\\$208 \times 0.62 \times 10 = \\1289.60</u>
<u>Range</u>	<u>0.12</u>	<u>10</u>	<u>$\\$208 \times 0.12 \times 15 = \\374.40</u>
<u>Gas Fireplace</u>	<u>0.35</u>	<u>10</u>	<u>$\\$208 \times 0.35 \times 10 = \\728.00</u>
<u>Clothes Dryer</u>	<u>0.07</u>	<u>10</u>	<u>$\\$208 \times 0.07 \times 10 = \\145.60</u>

If fossil fuel piping is present for an appliance but no appliance is installed, the absent appliance will be assumed to use fossil fuels, and the fee will be calculated accordingly. However, if a new electric appliance is installed, even with existing fossil fuel piping, no fee will be applied.

C. Annual Adjustment:

On January 1 of each year, the SCGHG shall be adjusted in proportion to the Consumer Price Index (CPI-U, U.S. city average, not seasonally adjusted) for the 12 months preceding the previous September 1.

9.45.040 Reporting requirement.

A. Record Maintenance:

The City shall maintain records of all fees collected and report annually on the revenue generated and its allocation.

B. Annual Reporting Requirements for Fossil Fuel Utilities Operating in the City's Right of Way:

Any utility providing fossil fuels and operating within the City's Right of Way must submit an annual report detailing total residential and commercial fossil fuel consumption. For metered fossil fuel services, the report must include the total number of operational meters, separated into residential and commercial accounts. This data shall be provided on the same schedule as payments to the City for Right of Way use.

9.45.050 Penalties

A. Violators of this chapter, including non-payment of the fee or installation of unpermitted fossil fuel systems, are subject to the general penalty provisions in chapter 1.08. A separate violation occurs each day the violation continues. Revenues collected from penalties may be allocated to clean energy programs.

SECTION 2. Effective Date. The provisions of this chapter shall take effect on January 1, 2026.

SECTION 3. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 4. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the _____ day of _____, 2025, and duly PASSED and ADOPTED this _____ day of _____, 2025.

PASSED by the City Council this _____ day of _____, 2025.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2025.

Tonya Graham, Mayor

Reviewed as to form:

Douglas M. McGeary, Acting City Attorney

Climate Pollution Impact Fee & NOx Background and Additional Information for 1-21-2025 City Council Meeting

Overview

In March of 2023 the city began reviewing options to curb the use of natural gas in our city due to growing concern over both the associated public health and climate impacts. There has been a large amount of work dedicated to this complicated and ever evolving area.

In May of 2024 staff and the Climate and Environment Policy Advisory Committee presented to City Council. This meeting led to the narrowing of the scope of review of available pathways and further questions to be answered by staff and legal. Specifically, the questions related to a better understanding of how Ashland is doing in its pursuit of climate goals, the impact of a possible measure to help meet our goals, and the legal considerations of these, novel for Oregon, pathways.

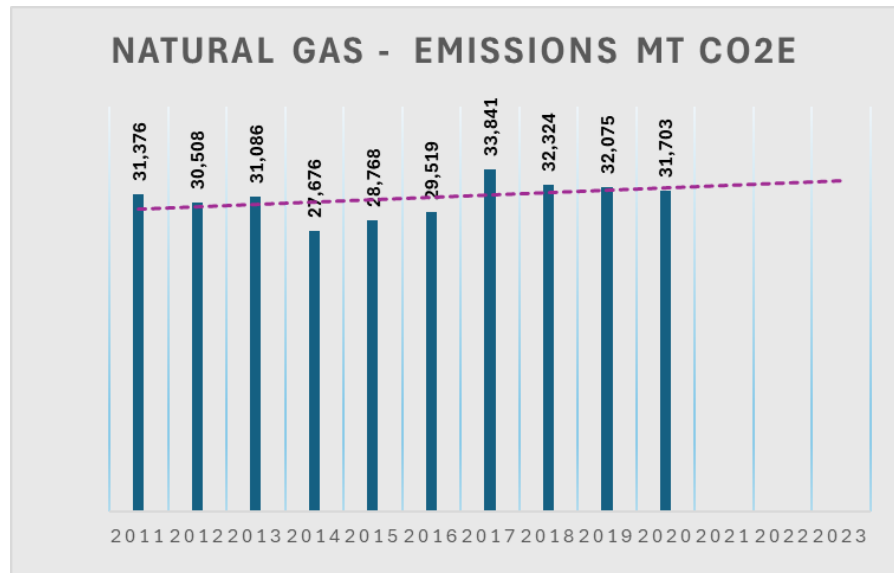
How is Ashland doing in reaching its climate goals?

I have recently reviewed the CEAP to better understand how Ashland is doing. A full report on this is forthcoming but key findings are shared here to provide background information on the relative importance of reducing fossil fuel consumption to meet our climate goals.

In short, there are two primary areas that the city must work on to reduce our community greenhouse gas emissions. Transportation and natural gas account for 97% of our three primary targets (electricity being the third); this is still 74% of our focus when we factor in secondary targets. Transportation shows a promising trend, while natural gas shows a worrisome trend. We need to get our natural gas emissions to start going down rather than continuing to go up.

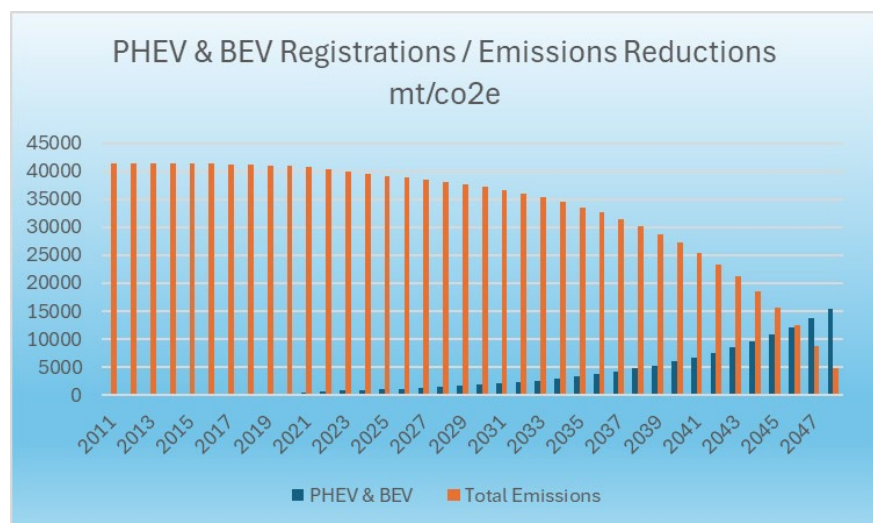
Reducing natural gas usage is priority number one, because the best data we have indicates that this has been trending in the wrong direction. Emissions from natural gas have been going up slightly. I mention the best data we have because we do not have data on the total therms of natural gas used since the end of 2020. While this information is not required in our current franchise agreement it was voluntarily provided until 2020. Since then, we have made multiple requests to obtain this information but have not received it.

The trendline for the ten-year period from 2011-2020 does show an upward movement. This trend is contrary to the city's climate goals. We do have programs to help decarbonize homes and businesses with more on the way. This will be a major area of focus in the next ten



years. We need to remove an average of 1,200 metric tons of CO2 per year over the next 25 years to meet our goals, and this assumes our usage has peaked.

Our second primary area of focus, transportation, is in a better place as we have made significant inroads with EV adoption. This coupled with market influences and state policies should help propel us forward to meet our goals. We can track low emission vehicles to understand our trend. Over the next ten years we need to see EV



adoption grow by 227% to be on pace to meet our goals (as a note EVs have grown by 273% over the past ten years).

We are in much better shape to reach our goals to reduce transportation related emissions from fossil fuels than we are from stationary sources of fossil fuel consumption (which is almost exclusively natural gas).

What would the impact be?

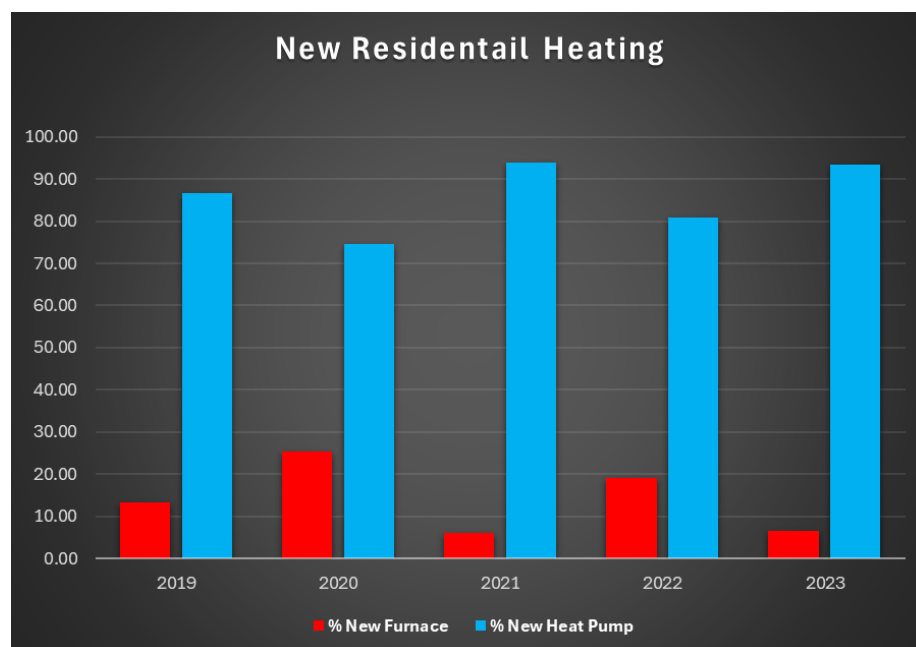
Since the May meeting, I have accessed the city's building permit database to better assess what kind of an impact an ordinance on new residential construction might have.

We adopted our new software in 2018, so the data I looked at was for only homes completed between 2019 and 2023. During those years, there were a total of 357 new

Year	New Furnace	New Heat Pump	Total Heating	%New Furnace	%New Heat Pump
2019	10	65	75	13.33	86.67
2020	20	59	79	25.32	74.68
2021	7	109	116	6.03	93.97
2022	8	34	42	19.05	80.95
2023	3	42	45	6.67	93.33
TOTALS	48	309	357	11.73	85.92

heating installations as part of 335 permits (some homes have multiple heating sources). Of these, the vast majority were heat pump installations – over 85% heat pumps over the five-year period review.

The good news is that we are now seeing more homes built with lower carbon



impact by using heat pumps. What this also means is that the ability to improve upon this number is not as great as it may have been thought. An ordinance that focuses on reducing the emission from natural gas furnaces will likely have less impact than if these

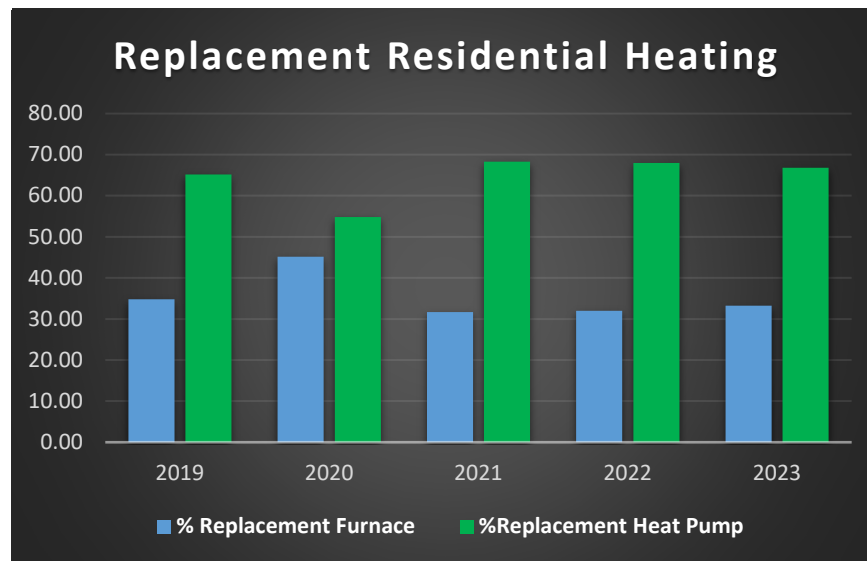
numbers were switched. The other side of this, is that if an ordinance were passed, it would not be presenting a major change in how new residential construction is currently being done.

To better understand our current situation, I also did the same study on existing homes that replaced their heating system over the same period. While heat pumps outpace gas furnaces in a

	Furnace	Heat Pump	Total Heating	% Furnace	% Heat Pump
2018	34	80	114	29.82	70.18
2019	80	150	230	34.78	65.22
2020	79	96	175	45.14	54.86
2021	96	207	303	31.68	68.32
2022	98	208	306	32.03	67.97
2023	87	175	262	33.21	66.79
	474	916	1390	34.44	65.56

replacement scenario, it is not at the same rate as in new construction. Clearly new construction is favoring heat pumps more than replacement heating, which makes perfect sense as it is much easier to replace what you have compared to deciding in a new building footprint. However, it is very encouraging to see that when people replace a heating system is it done with a heat pump 66% of the time.

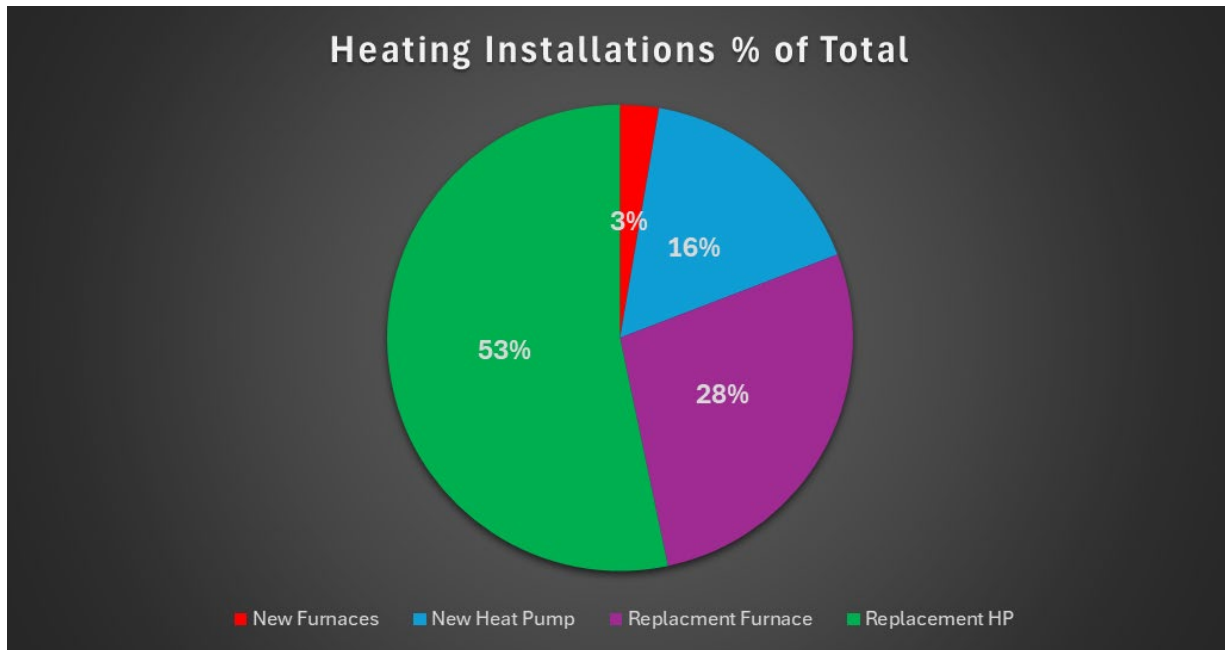
The other thing to note about existing homes replacing their heating is quantity. While there were 357 new heating units installed, there were almost 1400 units installed in existing buildings. Nearly 400% greater volume in existing homes.



In sum, there is room for improvement on both fronts, but much more volume and room for improvement in existing buildings. Fortunately, we have programs designed for these homes, as it is harder to change a home from one energy source to another than it is to

build around an energy choice from the beginning.

We need to continue to work on decarbonizing all our buildings. On the residential front most of the work to do is in existing homes. The table below demonstrates the relative rates of heating installations by both type of construction and heat.



Furnace installations in existing homes (replacement furnace) occur over nine times more frequently than in new construction. All of this isn't to say that new homes are not important, just a much smaller portion of the pie when thinking about our CEAP decarbonization and other climate goals. This type of information helps to inform how and where to spend limited conservation funds.

Arguably, the greatest impact from Ashland adopting an ordinance as outlined here, is the in the form of paving the way for other communities to follow in reducing their fossil fuel emissions from buildings.

Options For Further Review

At the May 2024 City Council meeting staff was asked to further develop two possible options for an ordinance. One option is centered on creating nitrogen oxides (NOx) emission standards in residential new construction. The other option focuses on a new residential construction project to pay for anticipated climate pollution based on the choices of appliances installed. There was also direction to review Franchise Agreement related matters, which is touched on below also.

Climate Pollution Impact Fee

The concept of a carbon charge is that if someone chooses to install natural gas in their new residential home instead of a readily available low carbon electric option, then they should pay upfront for the costs and effort the city will have to undertake to mitigate that carbon and meet its climate goals. At the federal level our government has long utilized carbon for valuing projects. The social cost of carbon is a comprehensive mechanism for valuing climate change damages.¹ The EPA has been using this tool since 2008 to analyze action that affect greenhouse gas emissions. This term is now being replaced by the social cost of greenhouse gases (SC-GHG) to better account for the social costs of nitrous oxide and methane in the equation.²

The city is committed to reducing carbon emissions and when new carbon is added, it creates additional work to reach our goals. Charging up front would provide a market incentive to reduce the greenhouse gas emissions. Therefore, this option would create a funding stream to help offset the actual costs of mitigating the newly added carbon. It would be based on average use by appliance, average consumption in Ashland, average lifespan of an appliance and the social cost of greenhouse gases.

Since May, we have become aware that Burlington, VT has implemented a similar concept.³ However, the model presented here is less comprehensive in that it only focuses on new residential buildings. Another change since May is that the draft ordinance language is now appliance based to provide a more relationship between the fee imposed and the choices made during construction.

The Climate Pollution Impact Fee Calculation

The first number is provided by the American Gas Association, who provides appliance and housing data, which is useful in providing solid numbers for appliance use.⁴ This data is created a regional level and therefore the Climate Pollution Impact Fee used the percent usage numbers for the pacific region for each of the five major pieces of equipment (furnace, water heater, ranges, clothes dryers and fire places).

¹ https://19january2017snapshot.epa.gov/climatechange/social-cost-carbon_.html

² https://www.epa.gov/system/files/documents/2023-12/epa_scghg_2023_report_final.pdf at page 7.

³ <https://www.codepublishing.com/VT/Burlington/#!/Burlington08/Burlington0805.html#Art8-5>

⁴ <https://www.aga.org/wp-content/uploads/2023/01/Table10-1.pdf>

The next number in the calculation is determined from the most recent numbers we have for city residential usage of natural gas in Ashland. Avista has not provided total therms used or meters utilized since 2020, despite requests for this information. To err on the side of caution, we have used the total therms used at Ashland residential meters divided by the total number of residential meters.⁵ The resulted average carbon pollution comes out to 2.49 metric tons per home.⁶

With a percent usage for an item and a total quantity of natural gas usage, we apportioned the emissions to each item. From this we multiply by the price allocated to SC-GHG (the amount for 2024 has been reported at \$208 per metric ton⁷) to get an emissions cost per year.

Once we have an annual cost, we can assess the average lifespan the various appliances. This data was taken from multiple places. For furnaces and water heater we used the energy star replacement recommendation.⁸ For ranges and clothes dryers we rounded down slightly from the National Association of Homebuilders estimates.⁹ For gas fireplaces we used the low end of estimates found across numerous websites at 10 years.

⁵ This errs on the side of caution for two reasons. One it is less than the average usage in an Avista home proved in their filings and second, not every house will have all appliances but are treated as such, artificially deflated the per appliance use.

⁶ Monthly therms used per monthly meter available totaled for the 2020 Calendar year resulted in 499 therms per meter; 499 was multiplied by .005 to obtain emissions in metric tons of 2.49/residential meter.

⁷ [EPA Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances](#) at 154

⁸ <https://www.energystar.gov/saveathome/heating-cooling/replace#:~:text=Your%20furnace%20or%20boiler%20is%20more%20than%2015,is%2015%25%20more%20efficient%20than%20a%20conventional%20furnace> and <https://www.energystar.gov/products/ask-the-experts/when-should-you-replace-your-water-heater> [Replace Your Water Heater? | ENERGY STAR](#)

⁹ <https://irp.cdn-website.com/6a0d6c8f/files/uploaded/NAHB%20-%20Life%20Expectancy%20%281%29.pdf#:~:text=Of%20the%20major%20appliances%20in%20a%20home%2C%20gas,dishwashers%20%289%20years%29%20and%20microwave%20ovens%20%289%20years%29>

These numbers are represented in the table below:

Thermal Energy System Type	American Gas Association - Regional Usage	Annual Average Metric Tons for Ashland Home	Average Metric Ton Per Ashland Thermal Energy System	Social Cost of Greenhouse Gases Per Metric Ton	Annual Pollution Fee Per Thermal Energy System	Expected Years of Service	Total Cost Per Thermal Energy System Unit
Furnaces	53	2.49	1.32	\$208.00	\$274.56	15	\$4,118.40
Water Heaters	25	2.49	0.62	\$208.00	\$128.96	10	\$1,289.60
Ranges	5	2.49	0.12	\$208.00	\$24.96	15	\$374.40
Clothes Dryers	3	2.49	0.07	\$208.00	\$14.56	10	\$145.60
Gas Fireplaces	14	2.49	0.35	\$208.00	\$72.80	10	\$728.00
	100		2.48				\$6,656.00

Why not also charge for electricity?

The electricity available to city residents has an extremely low carbon content. Depending on the year and the amount of hydropower available, our electric supply ranges between 85% and 95% carbon free energy. Using Oregon Department of Quality numbers, our average emissions from all citywide electric usage between 2011 and 2023 was 2,595 MT/co2e. Compare that with average emissions of natural gas is 30,888 MT/co2e. The goal of this fee is to lower our greenhouse gas inventory numbers, which is largely accomplished through decarbonization efforts. The electric supply is the best low carbon option available, and we do not want to penalize people for the making the best low carbon building choice. While incremental progress can be made cleaning up the grid it is a regional effort. Meanwhile significant gains can be made locally by focusing on natural gas usage.

What would the Climate Fee generate based on previous years?

Our data does not have information on range or clothes dryer installations in the past. We do have installation number for furnaces, water heaters and gas fireplaces. If the climate charge were applied from 2019–2023 on the three known appliances it would have generated \$447,233 in revenue. This would average to \$89,446/year. The fee would likely generate excess income beyond staff time required to operate the program if these numbers continued, however if builders build more electric only homes, the fee revenue would correspondingly decrease. While not as likely based on recent trends, an increase in installations of natural gas equipment would lead larger revenue.

NOx

Nitrogen oxides (NOx) are a combination of pollutants made up of nitric oxide (NO) and nitrogen dioxide (NO₂).¹⁰ Council refined the scope of review to reflect what is currently the active regulation in the Bay Area and South Coast Air Quality Management Districts both in terms of equipment and numbers. This means ordinance language will regulate furnaces and hot water heater heaters that emit more than 14 and 10 nanograms/joule respectively as currently done in California.¹¹

While this standard is very similar to what is in place in California, there are a few key differences. In the air quality districts in California, the regulation limits the ability for a person to “...sell, install, or offer for sale within the District...” The draft ordinance language for Ashland is related only to the installation in new residential construction. Furthermore, the Ashland version does not have a limit for pool or spa heaters that exist in California as this has not been the focus to this point.

One key difference from the language presented in May 2024 is the definition of a “covered building” has been limited to dwellings of not more than four families. This language change is due to preemption concerns relating to the language of Oregon Revised Statute (ORS) 468A.020(1)(d). There is a very good chance that this statutory language would allow the city to cover buildings with five or more families, however, in an abundance of caution, for units was used.

While a NOx standard has been implemented in other states, it has been most clearly linked to achieving air quality goals by reducing NOx, particulate matter and

¹⁰ Not to be confused with N₂O – Nitrous Oxide, which is listed by EPA as the third largest source of U.S. greenhouse gas emissions, whereas NOx and NO₂ are not listed.
<https://www.epa.gov/ghgemissions/overview-greenhouse-gases#:~:text=Gases%20that%20trap%20heat%20in%20the%20atmosphere%20are#:~:text=Gases%20that%20trap%20heat%20in%20the%20atmosphere%20are>

¹¹ See <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1121.pdf?sfvrsn=4> for hot water heaters under 75,000 Btu, <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1146-2.pdf?sfvrsn=4> for hot water heaters under 75,000 Btu and <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1111.pdf?sfvrsn=4> for furnaces. Additionally see Rules 9-4 and 9-6 for the Bay Area language and phaseout to zero NOx in 2029 (furnaces) and 2027/2031 (boiler and water heaters under 75,000 BTU/over 75,000 BTU): https://www.baaqmd.gov/~media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230315_rg0906-pdf.pdf?rev=436fcdb037324b0b8f0c981d869e684d&sc_lang=en

ozone pollution. Reducing residential NOx emissions has been clearly demonstrated to improve air quality.¹² However, it is important to note that the reduction of NOx does not limit the amount of carbon dioxide emissions and does not help make progress toward our climate goals. This option, as currently drafted, would be primarily about improving local air quality.

California does have plans to implement a zero NOx policy over the next seven years. When this occurs, electric appliances would likely be the only means to comply with a zero NOx policy as there is not a commercially viable natural gas option to meet a zero NOx standard currently. Therefore, a zero NOx policy can improve air quality and, depending on the source of electricity, reduce carbon emissions also. If carbon reduction is the primary goal, then a NOx emission standard following California's current versions, which can be reached with natural gas equipment, will not achieve this goal. If the goal is improving local air quality, a NOx emissions standard could help, however new residential construction would be greatly outpaced by existing homes in NOx production.

Considering a NOx emissions standard to reduce GHG emissions requires a zero NOx standard, which could be implemented later either at that time or as a reduction to standards outlined below. However, a lawsuit has been filed against the South Coast Air Quality Management District for its zero NOx standard, so the legal future of a Zero NOx pathway is not clear.¹³

Franchise Agreement Related Options.

While there were two options related to the franchise fee discussed during the May 2024 meeting (right of way restrictions and franchise fees), only the franchise fee was chosen to further research. However, if a change is desired as soon as possible, then the city will need to inform Avista of their intent to terminate the existing franchise agreement with 180 days' notice (roughly May of 2025) to implement any new construct. While there is some time to deliberate this option, that time will come quickly.

¹² https://www.baaqmd.gov/~/_media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20221220_sr_appc_rg09040906-pdf.pdf?la=en

¹³ [Rinnai America Corp. v. South Coast Air Quality Management District - Climate Change Litigation \(climatecasechart.com\)](#)

The city may not want to alter what Avista is charged in its jurisdiction, however the city can better manage its right of ways with a right of way ordinance and license fees to companies like Avista than through a traditional franchise agreement. Entering into a new agreement, whether a franchise or licensing agreement it is essential that natural gas consumption information be available to the city. We need to be able to measure our decarbonization progress and it could be very easy to measure if the information were provided.

Comparing the options

The near-term ordinance options, while implemented elsewhere both represent new approaches in Oregon. Not only are these new concepts in our state, but the landscape has changed since we began working on this topic. Legal restrictions exist that didn't in March of 2023. Detailed analysis of on-the-ground impacts are now available. Both should factor into the decision at hand.

Impact

When comparing the impacts of the ordinance options only there is only one option that can help reduce GHG emissions. The Climate Pollution Impact Fee can help eliminate GHG's from burning fossil fuels by disincentivizing natural gas appliances, whereas the NOx ordinance, unless set to zero, does not eliminate carbon emissions.

Using the numbers above, we can calculate what emissions reductions might look like. Note, that these numbers may be lower than the likely impact, because for the fee above they were calculated conservatively. If we assume natural gas usage in all new homes (60 on average) at an average of 2.49 mt of CO₂e/home for an annual avoidance of 149.5 mt/co₂e each year, which, if continued for 25 years would equate to 3,737.5 mt co₂e avoided in the 25th year.

If we calculate that our new homes would grow by the Climate Friendly and Equitable Areas volume of 3000 (over 25 years) that would double our annual builds to 120 homes per year. It would also double the annual emissions each year to roughly 300 mt/co₂e and roughly 7,500 mt of co₂e in year 25 of avoidable emissions.

If we look at the actual number of homes using natural gas from the permit evaluation, about 12% on average, then our numbers drop to 7.2 homes per year for annual emission for

17.9 mt co2e per year. This would equate to 447.5 mt co2e in year 25 or almost 900 mt co2e if housing rates doubled and the same percentage of natural gas was utilized.

It is difficult to know how much natural gas usage will be newly installed over the next ten years. There are many factors making the choice less popular for builders including: consumer preference, increasing natural gas prices, increasing prices for natural gas line extensions, state mandates for clean energy from natural gas suppliers.

Financial Considerations

Staffing

There will be a need for some up front work including outreach and education, along with creating submission documents for builders, and customizing our database system to accommodate new information and systems. This time would likely be a division between Tyler/Energov (software we use for many city database purposes) contracted time and staff. Preliminary estimations are for an upfront one-time budget of \$10,500.

There will also be ongoing annual costs for administering a program and for annual data upkeep and database changes. The work will include both the administrative and the site status check work. It is estimated that the document intake (for both initial and final documents), initial fee calculation, explanation time, data input, answer questions and site verification would average three hours if every new residential construction were affected. Together these tasks could easily lead to a 0.25 employee requirement.

This number could turn out to be lower over time as fewer charges are applied, less explanation is needed, and site verification is streamlined into existing inspections. Should council choose to move forward with both measures at the same time, I would suggest multiplying both annual and ongoing costs by 1.5 because the work will not be doubled, especially for the site verification. This would result in up front costs closer to \$16,000 and ongoing costs for a 0.375 employee.

One final element fiscal impact to mention is that the Climate Pollution Impact Fee will proportionally generate revenue for homes opting to use fossil fuel equipment and help cover costs.

Litigation

The other possible fiscal impact is that of litigation against the city. This is a very difficult number to gauge. There are not many examples to draw from and I have not found any corollary numbers to use to gauge this. We know this could cost as little as \$0.00 if the city is not legally challenged. However, should a legal challenge occur, as Ashland could possibly be the first to implement one or both options contained herein, then the costs could be substantial.

REFERENCES & ATTACHMENTS

- NOx Emissions Draft Ordinance Language, Procedures and Forms
- Carbon Pollution Impact Fee Procedures and Forms
- Climate and Energy Action Plan Report
- New vs Existing Homes Comparison

Carbon Pollution Impact Fee –Procedures and Draft Documentation

Climate Pollution Impact Fee – Process

1. **Thermal Energy System Statement** (prior to construction, at the time applying for a building permit)
 - a. Required for all new residential construction.
2. **Staff Review of Thermal Energy System Statement and Fee Calculation**
 - a. Staff to ensure form is filled out properly with all addresses accounted for.
 - b. Staff to calculate fee by multiplying quantity by per item fee and adding all subtotals.
3. **Final Site Visit**
 - a. Staff to confirm thermal energy system installation have been properly counted by comparing initial Thermal Energy Statement to actual installations. Where no appliance is installed but fossil fuel piping exists, it shall be counted as a Thermal Energy System of the type indicated by the location and/or plans.
4. **Update Thermal Energy Fee if necessary and bill as necessary.**
5. **If a fee is not paid, then:**
 - a. Penalty per Ashland Municipal Code 1.08 may be imposed.

DRAFT – Thermal Energy System Statement for New Residential Construction

Date:

Applicant:

New Residential Address(es):

A thermal energy statement must include each address covered by the permit.
Please indicate the quantity of for each thermal energy system planned for
installation in this permit:

Thermal Energy System Type	Quantity To Be Installed	Fee Per Item	Total Per Type (quantity x fee per item)
Furnaces		\$4,118.40	
Water Heaters		\$1,289.60	
Ranges		\$374.40	
Clothes Dryers		\$145.60	
Gas Fireplaces		\$728.00	
		Total Amount Owed	

If the number of thermal energy systems changes, please submit an update Thermal Energy Statement.

I hereby affirm that quantities to be correct at the time of submission.

Printed Name

Signature

NOx Appliance Based Emissions

DRAFT ORDINANCE LANGUAGE – APPLIANCE NOx EMISSIONS

ORDINANCE NO. ____

AN ORDINANCE AMENDING AMC TITLE 9 HEALTH AND SANITATION AND ESTABLISHING STANDARDS FOR APPLIANCE NOx EMISSIONS FOR NEW RESIDENTIAL STRUCTURES IN THE CITY OF ASHLAND

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~**bold lined through**~~, and additions are **bold underlined**.

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, The City of Ashland has declared a commitment to climate recovery goals in Title 9 of the Municipal Code as detailed in the Climate and Energy Action Plan (CEAP); and

WHEREAS, the CEAP identified emissions from buildings as the one of the largest sources of greenhouse gas emissions in the city; and

WHEREAS, the CEAP further identified reducing fossil fuel consumption as an essential element to meeting the City's goals; and

WHEREAS, transition to low carbon electric homes is easiest accomplished in new construction; and

WHEREAS, adding new fossil fuel consuming residential buildings burdens the City's effort to accomplish its CEAP goals; and

WHEREAS, fossil fuel, once connected to a new home, necessarily facilitates future connections to additional thermal energy systems utilizing that fossil fuel; and

WHEREAS, an upfront carbon pollution impact fee would account for and help mitigate and offset the environmental, health and societal costs and impacts from the future greenhouse gas emissions resulting from fossil fuel-based systems installed; and

WHEREAS, the fee proceeds could support efforts for installing clean technology installations for low-income Ashland households and renters as well as other programs to encourage low cost electrification in the City.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

Title 9 HEALTH AND SANITATION of the Ashland Municipal Code is hereby amended by modifying the following Sections as follows:

**Title 9
HEALTH AND SANITATION**

Chapters:

9.04 Weeds and Noxious Vegetation

9.08 Nuisances

9.12 Nuisance – Junk

9.16 Nuisance – Dogs

9.18 Chronic Nuisance Property

9.20 Nuisance – Polystyrene Foam

9.21 Prohibition on Distribution of Single Use Plastic Bags

9.22 Opportunity To Recycle

9.24 Woodstove Curtailment and Opacity Limitations

9.28 Pesticide Policy

9.30 Prohibit Smoking in Place of Employment, in Enclosed Areas Open to Public, and in Downtown Ashland

9.40 Climate Recovery

9.45 Appliance NOx Emissions

9.50 Solid Waste Management Franchise Ordinance

Chapter 9.45

Sections:

9.45.010 Purpose

9.45.020 Definitions

9.45.030	Appliance emissions limit
9.45.040	Report
9.45.050	Penalties
9.45.060	Severability

9.45.010 Purpose

The purpose of this chapter is to:

Promote the health, safety, and general welfare of the residents of the City of Ashland and to preserve, conserve and enhance the unique natural beauty and irreplaceable natural resources of the City by establishing an Appliance Based NO_x Emissions standard for new residential development to achieve the goals set forth in Chapter 9.40 (CLIMATE RECOVERY) and to execute the Climate and Energy Action Plan as adopted and updated in accordance with Section 9.40.040 , consistent with and to the full extent of the City's authority under applicable federal, state and local laws and regulations.

9.45.020 Definitions. For the purposes of this chapter, the following definitions apply:

- A. *"Emissions"* means air pollutants directly emitted by the combustion of natural gas in a covered building, from a covered appliance generated through the operation of appliances, equipment, or processes used for space heating and water heating, in a covered building. Emissions do not include:
 - 1. Emissions from any appliance, equipment, or process that is designed for exclusive use outside of a covered building and from a non-piped fuel source, including but not limited to emergency generators and outdoor grills powered by propane or charcoal.
 - 2. Pool and spa heaters.
- B. *"NO_x emissions"* means the sum of nitric oxide and nitrogen dioxide (oxides of nitrogen), collectively expressed as nitrogen dioxide.
- C. *"Covered building"* means a new residential dwelling that is a permanent structure as covered by building code and that are used exclusively as dwellings for not more than four families.

D. *"Covered appliance"* means:

1. Natural Gas fuel fired furnace, which includes non-central installations such as wall furnaces as well as units installed in non-residential applications.
2. Natural Gas fuel fired boiler, storage tank water heater, or instantaneous water heater.

E. *"Potential to emit"* means the maximum capacity of an appliance, equipment, or process, to emit NO_x emissions from a covered building.

9.45.030 Appliance emissions limit

- A. A covered building that commences construction on or after January 1, 2026, shall not have installed covered appliance that emits or has the potential to emit, through its operation or installation, NO_x emissions that exceed the emissions limit established in this section.
- B. For a fossil fuel furnace manufactured after January 1, 2026, the emission limit shall be 14.0 nanograms of nitrogen oxides expressed as NO₂ per joule of useful heat delivered to the heated space.
- C. For a fossil fuel fired boiler, storage tank water heater, or instantaneous water heater manufactured after January 1, 2026, the emission limit shall be 10.0 nanograms of nitrogen oxides (calculated as NO₂) per joule of heat output for units that have an input capacity of 75,000 British Thermal Units (Btu)/hour or less. The emission limit shall be 14.0 nanograms of nitrogen oxides (calculated as NO₂) per joule of heat output for units that have an input capacity of 75,000 British Thermal Units(Btu)/hour or more.
- D. The applicant must demonstrate that the NO_x emissions are lower than the listed value through manufacturer certification which satisfies the requirements of California South Coast Air Quality Management District Test Method 100.1, U.S. EPA Reference Method RM-7 (40 C.F.R. Part 60, Appendix A, Test Method 7E) (as described in California Bay Area Air Quality Management District Rule 9-4-601) [, or a similar test or certification method that is deemed acceptable by the [City official]].

9.45.040 Reports

- A.** Notice of Intent to Construct. If a proposed covered building will have the potential to exceed the appliance emissions limit established in this chapter, through the operation or installation of such equipment, the owner of the proposed covered building shall submit to the city a Notice of Intent to Construct a Covered Building. This Notice must be submitted prior to commencing construction of a covered building.
- B.** Construction Report. Within 30 days of construction completion, the owner of a covered building shall file with the City a report that includes the following information for the building:
 - 1. Address
 - 2. Total square footage
 - 3. A description of the building's HVAC system, including the primary fuel type or power source for the system
 - 4. A list of covered appliances and equipment installed in the building that emit or have the potential to emit NO_x, along with the model number of the appliance and equipment, and a manufacturer certification listing the NO_x emissions.

9.45.050 Penalties

- A.** Any person violating the emissions standard or failing to comply with the requirements of this chapter is subject to the general penalty provisions in chapter 1.08. A separate violation occurs each day the violation continues.

9.45.060 Severability

Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

NOx Procedures and Draft Documentation

Appliance Based NOx Emissions Standard – Process

1. **Notice of Intent to Construct** – (prior to construction, at the time applying for a building permit)
 - a. Required if building will emit or have potential to emit covered emissions based on installations chosen.
 - b. Not required if more than four dwelling units.
2. **Staff Review of Notice of Intent to Construct**
 - a. This provides an opportunity for city staff to educate the public about the requirements.
3. **Construction Report** – If the Notice above is required, then submit this within 30 days of completion of construction describing:
 - a. Make and Model of all appliances installed that emit or have potential to emit covered emissions.
 - b. Documentation from the manufacturer or other verifiable source showing the emissions rate in nanograms per joule for each covered appliance.
 - c. Description of non-electric fuel inputs.
4. **Staff review of Construction Report**
 - a. Review of Construction Report for:
 - i. Fuel types and appliances listed.
 - ii. Compare provided emission rate data against adopted standard.
5. **If a violation** of emissions standard, then:
 - a. Penalty per Ashland Municipal Code 1.08 may be imposed.
6. **City response** to applicant re Construction Report only if appliances meet the

DRAFT – Thermal Energy System Statement for New Residential Construction

Date:

Applicant:

New Residential Address(es):

A thermal energy statement must include each address covered by the permit.
Please indicate the quantity of for each thermal energy system planned for
installation in this permit:

Thermal Energy System Type	Quantity To Be Installed	Fee Per Item	Total Per Type (quantity x fee per item)
Furnaces		\$4,118.40	
Water Heaters		\$1,289.60	
Ranges		\$374.40	
Clothes Dryers		\$145.60	
Gas Fireplaces		\$728.00	
		Total Amount Owed	

If the number of thermal energy systems changes, please submit an update Thermal Energy Statement.

I hereby affirm that quantities to be correct at the time of submission.

Printed Name

Signature

DRAFT – NOx Appliance Emissions Notice of Intent to Construct for New Residential Construction

Date:

Applicant:

New Residential Address(es):

The applicant is providing this notice because the new residential construction has one or appliances that emit or have the potential to emit NOx emissions pursuant to Ashland Municipal Code 9.45.

Furnace or hot water heater with potential to emissions pursuant to AMC 9.45	Make	Model	Quantity	BTUs (British Therma Units)	Emissions (if known, supporting documents must be submitted later)
Furnaces					
Water Heaters					

I hereby affirm the above to be correct at the time of submission.

Printed Name

Signature

DRAFT – NOx Appliance Emissions Construction Report for New Residential Construction

Date construction was completed:

Date of submission of Report:

Applicant:

New Residential Address(es):

The applicant is providing this notice because the new residential construction has one or appliances that emit or have the potential to emit NOx emissions pursuant to Ashland Municipal Code 9.45. Below is a summary of emissions and attached is relevant manufacturer documentation demonstration emissions in compliance with AMC 9.45.

Furnace or hot water heater with potential to emissions pursuant to AMC 9.45	Make	Model	Quantity	BTU (British Therma Units)	Emissions
Furnaces					
Water Heaters					

The unit(s) above meets California ultra-low NOx emissions requirements adopted in Ashland Municipal Code 9.45.030.

I hereby affirm the above to be correct at the time of submission.

Printed Name

Signature



CLIMATE AND CLEAN AIR ORDINANCE

Appendices

On June 6, 2023, the Ashland City Council provided guidance to the City Manager to dedicate necessary City Staff and City Legal Resources to research and draft an ordinance, if possible, on this subject. (For more background on the request for the ordinance and the timeline, please see Appendix 1.)

After several months of study, two public input sessions (see Appendix 13) and several Climate and Environment Policy Advisory Committee (CEPAC) meetings dedicated to the topic (see Appendices 2 & 3), the CEPAC voted at their January 11th, 2024, meeting to recommend that the City proceed with a zero NOx ordinance on five appliances for all new residential buildings as soon as possible. In addition, CEPAC endorsed pursuing a right of way restriction for new fossil fuel infrastructure after the expiration of the current natural gas franchise agreement (set to expire December 1st, 2025). (See Appendices 4-9 for more detail on the options considered.) Additionally, they are investigating a resolution to explore all emissions in all existing buildings and future commercial or industrial buildings.

[Appendix 1: Background and Timeline](#)

[Appendix 2: Stakeholder Engagement Process](#)

(Including oral comments)

[Appendix 3: Common Concerns](#)

[Appendix 4: Options Overview](#)

[Appendix 5: Emissions Based Ordinance](#)

[Appendix 6: Carbon Charge](#)

[Appendix 7: Upcoming Franchise Agreement or Ordinance
in Lieu of Franchise Agreement](#)

[Appendix 8: Construction Excise Tax](#)

[Appendix 9: Local Building Code Amendment](#)

[Appendix 10: Public Presentation Slides](#)

[Appendix 11: Draft – Building Emissions Concept Ordinance](#)

[Appendix 12: Draft – Appliance Emissions Ordinance](#)

Appendix 13: Written Comments

(separate document)

Appendix 1: BACKGROUND & TIMELINE

BACKGROUND

In 2017 the Ashland City Council approved the Climate and Energy Action Plan (CEAP).¹ CEAP goals call for an annual reduction of 8% in Community Greenhouse Gas (GHG) emissions. In addition, CEAP recommends Ashland switch to low or non-carbon fuel sources when possible and practical. Given the City of Ashland's use of relatively carbon neutral electricity purchased from the Bonneville Power Administration, this makes natural gas and fossil fuel transportation the highest sources of GHG emissions.

With this background in mind, avenues for reducing GHGs from fossil fuels are a logical place to explore when looking for areas to improve upon.

Reducing fossil fuel consumption in our buildings focuses primarily on natural

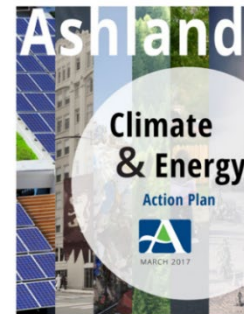
gas because that is the most widely used fossil fuel used. Reviewing options to reduce fossil fuel consumption is essential in working on Ashland's goals for annual GHG reductions.

Ashland CEAP – Climate Vision for 2050

Specific Emissions Goals

Reduce Ashland Community GHG emissions by **8% PER YEAR** on average every year to 2050

B-E 1-2: Promote Switching to Low and Non-Carbon Fuels



TIMELINE

In March 2023, members of the Rogue Climate Action Team (RCAT), a youth-based climate organization, presented the Ashland City Council with a draft ordinance to limit new fossil fuel infrastructure within the city. At that meeting, the Ashland City Council directed CEPAC to study the idea of passing such an ordinance.

¹ <https://ashlandor.org/climate-energy/climate-plan/>

On April 17, 2023, the Ninth Circuit Court of Appeals, of which Oregon is a part of, invalidated a Berkeley Ordinance prohibiting natural gas fuel piping in newly constructed buildings. The reasoning in *California Restaurant Association v City of Berkeley* was that the ordinance violated the federal Energy Policy and Conservation Act (EPCA). The Berkeley Ordinance is what RCAT modeled their proposed Ordinance after, and therefore the path proposed no longer seemed plausible.

Therefore, on June 6th the City Council provided guidance to the City Manager to dedicate necessary City Staff and City Legal Resources to research and draft an ordinance, if possible, to reduce emissions.

Since then, CEPAC and City Staff have researched and worked on the issue. The City Attorney has also begun legal review of the options that may be available. This is a novel situation in Oregon, as our options are different than in other states and therefore there is not an existing Oregon based model for Ashland to follow.

As part of this process, a public engagement process was embarked upon to determine concerns and interest in pursuing a policy based on limiting natural gas in new residential construction. This process is described below.

Appendix 2: STAKEHOLDER ENGAGEMENT PROCESS

(INCLUDING ORAL COMMENTS)

STAKEHOLDER OUTREACH

Identifying and Notifying Stakeholders

To support a comprehensive stakeholder outreach effort staff and CEPAC scheduled two public meetings and created a conduit to receive written comments. Both mechanisms for engagement were broadly advertised and specific stakeholder groups were selected for direct contact.

Public notification of the stakeholder meetings and written comment opportunity were noticed in the Ashland News, The City of Ashland Facebook page, the City of Ashland Climate and Environment Policy Advisory Committee link on the Ashland City Council and Committees/Commission webpage, and NextDoor social media.

To create a direct contact list, staff pulled every contact for contractors who had filed a permit with the planning department in the past five years. Additionally, staff also pulled a list of businesses licenses in the City for realtors, property managers, contractors, developers, and architects. Climate focused environmental groups operating in Southern Oregon were added to this list to create a stakeholder list of over 200 parties. The staff mailed a letter via US mail to all 200+ identified stakeholders and followed up with three e-mails to those with an email contact.

In addition, staff and CEPAC members directly reached out personally to identified key stakeholders including AVISTA (the local natural gas utility), Townmakers LLC who will be developing the Crowman Mill Project, and the Housing Authority of Jackson County to make sure they were aware of the stakeholder meetings, and ensure they had an opportunity to comment. Invitations to the meeting were sent to the Mayor of Ashland, City Council members, and members of CEPAC, the Housing and Human Services Committee, and the Planning Commission. Letters of support from Michael W. Mehaffy, President, Structura Naturalis Inc. on behalf of Townmakers, LLC and Ryan D. Haynes,

Director of Real Estate Development for the Housing Authority of Jackson County are attached to this report. Avista did not attend the public meetings or provide written comments.

TWO PUBLIC MEETINGS

CEPAC held two public hearing forums to educate and solicit comments from stakeholders who may be impacted by such an ordinance. To allow for better participation, two identical sessions were held at different times and dates – one in the evening and one during the lunch hour. The meetings were identical in format to ensure that all attendees heard the same background information and were allowed the same amount of time to ask questions and give oral comments.

These meetings were held on October 18 and October 26. CEPAC shared related background information on the ordinance with the public and actively sought stakeholder input on the topic. The Chair of CEPAC, Bryan Sohl, and the City of Ashland's Climate Analyst, Chad Woodward, presented the information at both sessions and led the Q&A sessions. The question-and-answer segment allowed the community to ask questions after the presentation. Finally, there was an opportunity to provide public comment on the topic. A short synopsis of these is included below.



In addition to oral comments, we have been actively receiving written comments for the past three months. This provided individuals who were unable to attend either session an opportunity to provide input to the CEPAC committee through an online form. The written comments are lengthy and are included in their entirety in appendix 13.

Stakeholder Presentation Overview (slides attached in Appendix 10 below)

REDUCTION OF GHG EMISSIONS

Focusing on fossil fuels in buildings, which again is primarily natural gas, to reduce GHG emissions is a common pathway for local government to focus on. Ashland has two primary sources to provide heating, hot water, and cooking – natural gas and electricity.

Natural gas is composed of primarily methane, which after CO₂, is the second most abundant GHG and accounts for about 16 percent of global GHG emissions.² Natural gas, in large part, is a very dirty fuel because of “upstream” losses of methane into the atmosphere from leakage at the wellhead, in transport, and at the appliance. Emissions from burned natural gas create nitrous oxide, also a potent GHG accounting for 6% of GHG emissions.³

Ashland’s electrical power sources, of which over 95% is purchased from Bonneville Power Authority, are nearly 95% carbon free. Additionally, the local generation in Ashland is through hydropower at Reeder reservoir and over 5 MW of installed solar. The result is that the electricity composition in Ashland is over 95% carbon free.

In addition to negative climate effects, natural gas combustion produces toxic by-products. Exposure to these products is detrimental to the health of Ashland’s citizens, primarily children.

Some of the most important elements in thinking about reducing emissions from fossil fuels that will be covered in more detail later:

- Buildings, along with the transportation sector, are areas where we can make the most impact on our GHG footprint.
- Ashland can reduce household GHG emissions without major lifestyle changes.
- Ashland can do this without imposing an undue financial burden on the community.
- For new houses it will be significantly cheaper to reduce emissions upfront, as opposed to retrofitting a house to low carbon in the future.

² [Importance of Methane | US EPA](https://www.epa.gov/gmi/importance-methane) - <https://www.epa.gov/gmi/importance-methane>

³ [Global Greenhouse Gas Emissions Data | US EPA](https://www.epa.gov/ghgemissions/global-greenhouse-gas-emissions-data) - <https://www.epa.gov/ghgemissions/global-greenhouse-gas-emissions-data>

HEALTH HAZARDS

Burning natural gas leads to the formation of NO_x.⁴ According to the American Lung Association:⁵

- NO_x exposure is associated with deleterious effects on the lungs.
- NO_x exposure is detrimental to heart function; and
- NO_x exposure negatively affects pregnancy and birth outcomes.

In addition, NO_x exposure is associated with a 32% increase in Childhood Asthma for kids living in homes where gas was used to cook.⁶

Written comment from Dr. Ann Turner from Oregon Physicians for Social Responsibility is attached here:

Good afternoon, Mayor Graham and City Council members.

My name is Dr. Ann Turner. Thank you for the opportunity to testify today as a member of Oregon Physicians for Social Responsibility. OPSR strongly supports Ashland's plan to require electrification in new buildings. Pollution from the combustion of fossil fuels in our homes and buildings negatively impacts human health and the climate, and these impacts disproportionately burden vulnerable populations including children, the elderly, low-income communities, communities of color. Vented outdoors, gas

"Pollution from the combustion of fossil fuels in our homes and buildings negatively impacts human health and the climate, and these impacts disproportionately burden vulnerable populations including children, the elderly,

⁴ NO_x covers "a family of chemicals comprised of nitrogen and oxygen that are collectively known as nitrogen oxides." <https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health#:~:text=NO2%20is%20a%20member,referred%20to%20as%20NOX>.

⁵ Literature Review on the Impacts of Residential Combustion, American Lung Association, July 2022. https://www.lung.org/getmedia/2786f983-d971-43ad-962b-8370c950cbd6/ICF_Impacts-of-Residential-Combustion_FINAL_071022.pdf

⁶ Meta-analysis of the effects of indoor nitrogen dioxide and gas cooking on asthma and wheeze in children, Lin et al International Journal of Epidemiology, Volume 42, Issue 6, December 2013, Pages 1724 – 1737). <https://academic.oup.com/ije/article/42/6/1724/737113>

furnaces, water heaters and dryers, emit numerous air pollutants, including nitrogen dioxide, NO₂. The EPA has determined that NO₂ is causal of asthma, especially in children. Asthma is the most common chronic childhood illness and asthma rates are a measure of environmental justice. I'm sure you have seen at least some of the recent media coverage of gas stoves causing indoor air pollution and increasing the risk of childhood asthma symptoms--by 42%. (1) What has been less appreciated is that high levels of NO₂ in ambient or outdoor air is also associated with high rates of asthma. More NO₂ is emitted from gas furnaces and water heaters than from gas power plants. The good news is that a longitudinal study over 20 years (1993-2014) of more than 4000 children in Southern California found that improving pollution controls on cars decreased childhood asthma rates in tandem with lowered levels of ambient NO₂. (2) In addition to asthma, nitrogen dioxide is associated with premature mortality, cancer, strokes, and increased ED and hospital visits, especially in children and older adults. We regulate pollution from gas power plants, industry, and cars and trucks, but there is no regulation of air pollution from buildings. Therefore, we strongly support the city of Ashland in electrifying new construction.

Thank you. Ann Turner, MD

Member Oregon Physicians for Social Responsibility

AFFORDABILITY

There are two main elements to affordability, upfront costs, and operating costs. Upfront costs, when discussing a complete heating, ventilation, and air conditioning (HVAC) system, would include a gas heater with air conditioning when discussing natural gas usage. Where an electric home could be served with a heat pump for both purposes. The gas option may be slightly more affordable based on sticker prices. When you start to include federal tax credits and local incentives (and hopefully state incentives soon) the dynamic will likely shift to favor a heat pump-based system.⁷ Also worth noting is that pursuant to a recent settlement agreement, the ability for Avista to

⁷ City of Ashland Incentives: <https://ashlandor.org/climate-energy/adapt-your-home/switch/> and federal incentives: <https://www.energy.gov/save>

subsidize line extensions to new homes will be capped, likely increasing the costs to consumers to extend gas lines.⁸

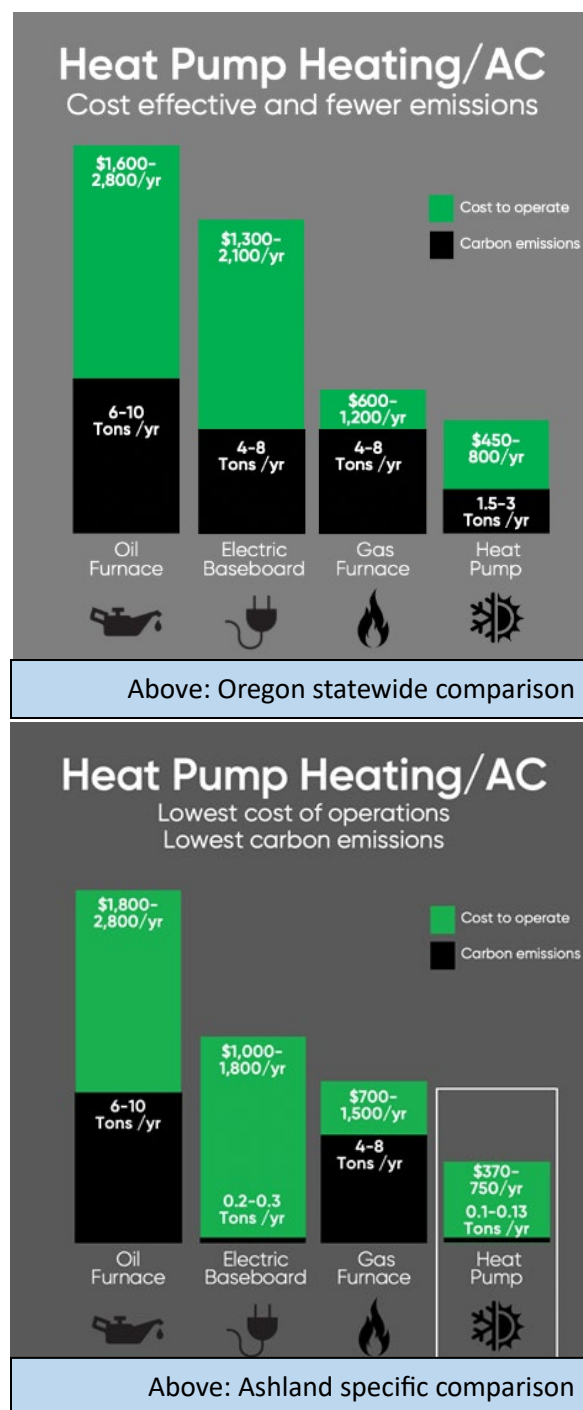
The two charts show relative operating costs for different heating appliances. The first chart was modeled by electrifynow.net based on statewide Department of Environmental Quality numbers.⁹ Even on a statewide basis there is an expected savings and reduction in emissions.

The chart below was modeled to demonstrate costs and emissions for Ashland residents based on their energy sources and costs. It shows the most efficient options are electric heat pumps. In both scenarios heat pumps are more economical to operate than gas or gas-electric hybrid appliances.¹⁰

Moreover, based on anecdotal evidence and the written comments of Ryan Haynes, Director of Real Estate Development for the Housing Authority of Jackson County, it is entirely plausible to see cost savings beyond use costs to landlords in having electric based homes. (Mr. Haynes' full comments is included below)

SOCIAL JUSTICE

The proposed ordinance would only impact .05% of available housing stock in Ashland. It only



⁸ Public Utility Commission Order UG461: <https://apps.puc.state.or.us/orders/2023ords/23-384.pdf>, see page 9: "The parties to the second stipulation agree to four-year phase out that would ultimately eliminate the allowance. Under the stipulation, the line extension allowance would be \$2,500 in 2024, \$1,250 in 2025, \$750 in 2026, and \$0 in 2027."

⁹ <https://electrifynow.net/install-a-heat-pump>

¹⁰ <https://electrifyashlandnow.org/economics-and-more/> - modeled by electrifynow.net using local Ashland data.

affects new residential construction. That means that in 99.5% of homes currently built in the Ashland housing market, the homeowners can choose what kind of power source they want.

Less financially secure members of the community who rent their homes do not have a choice on what power source they use to heat their homes, water, or food. Affordability is essential to their being able to rent a home. This ordinance could help lower energy costs in new residential construction. Renters in a tight housing market lack power to choose clean and healthy energy source options.

Written comments from Ryan D. Haynes, Director of Real Estate Development for the Housing Authority of Jackson County attached here:

My primary concern and area of interest in this matter is the potential impact on housing affordability. Housing Authority of Jackson County (HAJC) is the region's largest developer of affordable housing. Since 2019, HAJC has completed construction and development of affordable housing for 224 households within Jackson County, and we are currently under construction on an additional 370 homes here in the Rogue Valley. Affordable housing is what we do and who we are. HAJC utilizes all-electric construction...We have realized reduced construction costs associated with the need for fewer infrastructure installations such as pipelines and venting systems. Furthermore, the ongoing maintenance and potential repair costs associated with gas systems has also

"HAJC utilizes all-electric construction...We have realized reduced construction costs associated with the need for fewer infrastructure installations such as pipelines and venting systems. Furthermore, the ongoing maintenance and potential repair costs associated with gas systems has also been avoided."

been avoided. All new HAJC developments are designed to be solar and EV ready...With advancements in electric heating and cooling systems, as well as the general reduction in the cost of renewable electricity, we have also found that our residents who live in all-electric apartment buildings can anticipate competitive, if not reduced, utility bills over time. It's also worth noting that as the energy grid continues to shift towards renewable sources, all-electric homes are positioned to take full advantage of this cleaner, and potentially more affordable, energy... Our experience in this space is testament to the

fact that going all-electric has saved HAJC and our residents money... In conclusion, my primary interest in supporting this legislation is to ensure that the move toward electrification is executed in a manner that is affordable, both in terms of construction costs and the operational costs borne by residents. I believe that with careful planning and consideration, electrification can align with our objectives of affordability, health, safety, and sustainability...

Sincerely,

Ryan D. Haynes

Director of Real Estate Development Housing Authority of Jackson County

Public Meeting Questions and Answers, and Comments

Relevant Question & Answers from Session One: 10/18/2023:

Q: Is the ordinance a range of options or is it a banning of gas in new construction?

Chair: A range of options are being considered for this ordinance – bans, subsidies, anything to move us along. New construction is not big bang in terms of GHG reductions; change in our existing homes is the big payoff.

Q: What is the timeline of this new ordinance and who gives it the final greenlight?

Chair: After collecting feedback from staff, City legal counsel will review and possibly write an ordinance, and citizens will have another opportunity to comment; once the language is solid and there is a clear endorsement from CEPAC then the ordinance draft would be forwarded to council. Council is the body that ultimately decides on an ordinance. There is no firm timeline currently.

Q: What about new commercial construction? Why not ordinance for them also?

Chair: initially it was both, but it was decided to go for just residential at this time.

Q: What is the percentage of new construction of residential vs commercial?

Staff: residential has higher than commercial usage as of 2020

Q: Have you considered a positive incentive for new commercial construction?

Chair: a variety of rebates will be available

Relevant Question & Answers – Session Two: 10/26/2023:

Q: Is it not part of AVISTA's franchise agreement that they provide usage data in the city of Ashland.

Staff: No, they are not clearly obligated to do so. The city has a right to audit the accounting records if it chooses to.

Q: With mixed electric and gas costs it's not clear if we are saddling people with unexpected costs; are the numbers correct?

Staff: New construction is built at the highest efficiency; if costs of installation are the same, does it make sense to install new gas appliances? Based on BTU units it should be more cost effective to use all electric heat over the life of the product.

Q: How would an emission-based ordinance affect high density GHG footprint?

Staff: A reduction in NOx emissions would be expected to have a positive impact on the overall health of residents due to reduced circulation in smaller units.

PUBLIC COMMENTS

Comments Overview

We received nineteen comments during the first session. Of those, seventeen were in favor of an ordinance, one against and one neutral. Those comments are summarized below. Approximately 50 individuals attended the first meeting. At the second meeting 22 people attended, and nine individuals made comments. All nine oral presentations were in favor of an ordinance reducing emissions.

Oral Comments:

Date	Total Comments	In favor of limiting emissions	Against limiting emissions	Neutral on limiting emissions

10/18/2023	19	17	1	1
10/26/2023	9	9	0	0
TOTALS	28	26	1	1
Percent	100%	92.85%	3.57%	3.57%

Written Comments:

As noted above, due to the length of the comments, they are included below in Appendix 11.

		In favor of limiting emissions	Against limiting emissions	Neutral on limiting emissions
Total Comments	101	95	5	1
Percent of total	100%	94%	5%	1%

Public Meeting Oral Comments – Session One: 10/18/2023:

1. **Lauri K:** Thanks, submitted written Ashland climate collaboration, I know a lot about voluntary retrofits, city has an important role to distribute IRA funds. Easier, better, cheaper, fairer, and healthier to start with all electric in the first place.
2. **Dr Bell:** efforts to decrease methane esp. benefit the health of communities of color, and poorer communities as they are more vulnerable to the effects of climate change.
3. **Mira:** We RCAT members have researched and written this ordinance: immediate action is necessary to address climate change, council must be held accountable to the CEAP directives.
4. **Shakeah:** AHS STUDENT AND RESIDENT IN SUPPORT OF EMISSION STANDARD IN HOMES, public health of community is important, move carefully but quickly. Supports this ordinance.
5. **Livy:** RCAT member – came to voice urgency and support for the ordinance.
6. **Allen S.,** a 42-year resident appreciates the effort of the youth, developers need to be brought more into the conversation, “I build a lot of houses here,

putting in generators into houses as a back-up esp. with more electrification". Wants to develop mixed use buildings. "We need to think beyond building type and all new construction should be without gas, but it should be done in an orderly way, building size is significant factor, needs more time".

7. **Larry C.** resident: climate activist, our family switched last year to electric, and our bills have been reduced by about 40%. Also, solar subsidies have more than paid for installation, suggests battery back-up rather than generators. Methane has huge health and climate impacts, this ordinance is a great idea, I hope councils makes this a priority.
8. **Paul M:** disagrees that there is a climate crisis exacerbated by humans, "There is no meaningful cause and effect between CO₂ and climate. It is the sun and solar winds that effect climate, it is an unwarranted intrusion into our private lives."
9. **Claudia F** frustrated by slowness of achieving CEAP goals. "All electric in new construction is such an effective approach, action is needed now, the future citizens are effected by our decisions today".
10. **Geeny S:** speech and language pathologist. "Asthma is very detrimental to children's health and development", so supports the ordinance, we also need to address commercial use. "An idea I propose is that restaurants that convert to electric should be exempt from meals tax".
11. **Allen J:** please read written comments: retired bio faculty member. "We must divert our trajectory, we must take action at all levels, we want the city to implement CEAP. Methane must be excluded from our residences". SOCAN Supports CEAP and the switch to low and no carbon fuels.
12. **Gaton C:** AHS: here to support CEAP ordinance to ban gas in new construction here because he loves this earth and deserves a future, "We must do something, please move forward with an emissions-based standard, please listen."
13. **Elliot C:** supports the clean air ordinance, enjoying the end of fire season, "will save money and improve health, not radical policy not new technology, opponents say it will create challenges to the grid and fossil fuel plants, but I have faith that these issues are addressable".
14. **Jackson:** On the fuel committee: evacuated from Alameda fire, many lost their homes. "We have to move to a larger scale of reduction other than just individual behavior change; the future belongs to others so please let's reduce GHG for the world".

15. **Lily:** AHS RCAT member, supports the clean air ordinance, and transition from fossil fuel gas, "Anthropocene effects are everywhere, Alameda fire, smoke, climate change anxiety a mental health disorder emerging; no child should have to grow up like this."
16. **Leah:** strongly supports the ordinance, inspired by the youth, and hopes the city listens.
17. **Chris:** with ALLIED Heat and Air, launched energize Ashland program echoes support for program. The fact is that the state is increasing gas prices. Heat pumps used to be 20% is going up the flue, 1992 got more efficient so now only 6 % loss in efficiency.
18. **Chris C:** supports ordinance, "It is scary out there esp. regarding fire and forest, Ashland is a leader on environmental fronts. This is another opportunity we should not go the minimum route should also go for commercial new construction, we are our own Energy co-op why should we give money to AVISTA when we could invest our local energy bills into our city, ban it in every way possible."
19. **Mason:** (online) in Eugene; done air quality testing into homes and "I have seen the wide variety of gases and chemicals such as carbon monoxide, benzene, etc., etc., which some cause cancer, some cause heart disease, dementia asthma, NOx levels can sometimes be very invasive, invades whole house, vents to removes the pollution don't always get rid of these gases, implores the city of Ashland to pass ordinance and incentivize transition to cleaner fuels."
20. **Olena:** League of Women Voters needs more support in the marketplace from local businesses esp. for induction on the floor at big box stores

Public Comments – Session Two: 10/26/2023:

1. **Ann T:** For ordinance; spoke to many health risks of natural gas
2. **Steve:** Supports choice; paid more for utilities and more for food. Works in education. "Lift and empower voices who want change from fossil fuels; setting standards will force change in the way they've been doing things; we have people who can put electrical systems in place".
3. **Michael:** research scientist. Spoke to the hazards of burning fossil gas indoors; "conflict is going to be a legal battle – defensible ordinance to defend in court and in public opinion." Electricians weren't available to put in

a heat pump water heater. Owner of the property can install circuit but \$700 to purchase

4. **Shakina**: asked to work so hard for a future that isn't guaranteed – that "low-income families can feel left behind because of how expensive it can be; climate action isn't always going to be convenient. All people have power, should consider convenience last"
5. **Gaten C**: for ordinance – "we do not inherit the earth; we borrow it from our children"
6. **Jason**: resident of Medford had to evacuate due to Alameda fire; "act on a local level and reduce emissions wherever possible. Dividends in billions of dollars in savings in not having to clean up from fossil fuel climate crisis".
7. **Dylan P**: (online) Represents Sierra Club with over 70000 members in Oregon; "strong support for city of Ashland to pass a nitrous oxide emissions standard on new construction and uplift public health issues. Important to recognize false information put out by natural gas industry to avoid any regulation". Recommend NPR article.
8. **Shane**: "no brainer first step toward comprehensive climate action strategy. Bolsters local economy. Moving to electric heat pump can have upstream impacts; lower costs"; "ordinance only applies to new buildings – increases renters options; importance of this ordinance cannot be understated. Leadership of youth important"
9. **Kathleen H**: Support an emissions standard that would prohibit new gas installations; as retired healthcare provider she has taken care of young people suffering from asthma.

Appendix 3: COMMON CONCERNS

“Limiting Choice”

There has been some mention that a policy restricting or limiting energy options would lead to limiting home ownership choices. However, balancing when and where people will have choices has long been the role of the government. Do the residents of Ashland value the individual choice of how to heat our homes and water and cook our food (in new homes only) more than they value limiting future climate emissions by limiting choices? Aside from this question, there is still ample choice for individuals. You can still purchase a used house, meaning 99.5% of the existing housing stock is available without limitations.

A choice that is currently limited is the ability for a renter to have a home free of natural gas appliances. In particular, the inability to have a home guaranteed to be free of gas cooking appliances that emit pollutants into the air. If new residential buildings, including apartments, were to be free of gas appliances there would be an increasing number of rentals that allowed for homes with cleaner indoor air quality.

“No Impact”

The question of why even bother with this notion when new homes constitute such a small percentage of housing stock inevitably crops up. The answer is threefold. First, we must start somewhere and sometime in our fuel switching efforts to meet our CEAP and global climate goals. New construction is the easiest place to start. Allowing new homes to use fossil fuels is simply deferring the problem of that pollution source to a later date while adding to the problem for the next twenty years while those appliances remain in operation. Planning for and building new construction without using fossil fuels is easier than later retrofitting a home to accommodate alternative energy sources.¹¹ The cost of installing a new HVAC system with fossil fuel heat and air conditioning versus a heat pump is often cheaper, with studies demonstrating this is already the case.¹²

¹¹ <https://newbuildings.org/resource/building-decarbonization-code/> at 4.

¹² *Id* at 4.

Second, the impact in new homes alone is not insignificant as the benefits compound over the next 20 years. A home utilizing natural gas for heating will create roughly 3 metric tons of carbon dioxide per year.¹³ Compare this to a home that is 95% carbon free using Ashland's electricity. If you simply assume that the three metric tons per year are reduced by 95%, you will save 2.85 metric tons per year per house by having an all-electric house.

Assuming 50 new homes per year for the next 20 years, equates to avoiding over 33,000 cumulative metric tons of carbon dioxide equivalent by using electricity from predominantly renewable sources as the heating source.¹⁴ This equates to removing what could be a roughly 10% of our annual citywide greenhouse gas emissions had these homes chosen to install a natural gas furnace instead of having an all-electric home.¹⁵ Note, that this number is citywide emissions, not just portion of residential building emissions. Reducing what could amount to a 10% increase in our citywide emissions is substantial. That is 33,000 annual metric tons we do not have to try and mitigate later.

If we calculated how much this would save against just residential energy emissions the number would be much higher. Ashland's GHG inventory

Year	Per House	New Homes	Annual Metric Tons Reductions of CO2	Cumulative MT of CO2 Reductions
1	2.85	50	143	143
2	2.85	50	286	429
3	2.85	50	429	858
4	2.85	50	572	1,430
5	2.85	50	715	2,145
6	2.85	50	858	3,003
7	2.85	50	1,001	4,004
8	2.85	50	1,144	5,148
9	2.85	50	1,287	6,435
10	2.85	50	1,430	7,865
11	2.85	50	1,573	9,438
12	2.85	50	1,716	11,154
13	2.85	50	1,859	13,013
14	2.85	50	2,002	15,015
15	2.85	50	2,145	17,160
16	2.85	50	2,288	19,448
17	2.85	50	2,431	21,879
18	2.85	50	2,574	24,453
19	2.85	50	2,717	27,170
20	2.85	50	2,860	30,030

¹³ Public Utility Commission Order UG461: <https://apps.puc.state.or.us/orders/2023ords/23-384.pdf>

¹⁴ Assuming a slightly higher rate than the city's housing production strategy of 43 per year, but much lower than the Climate Friendly Communities forecast of 3500 new homes.

¹⁵ Based on the above calculations and the CEAP Greenhouse Gass inventory included in the CEAP Executive Summary here: https://ashlandor.org/wp-content/uploads/Ashland_Revised_CEAP_ExecSummary.pdf

apportioned 13% of the 300,000 metric tons to residential energy, which is 39,000 metric tons. Removing 2,860 annual metric tons in twenty years is equivalent to 7.3% of our annual baseline of residential GHG's. While this is not a reduction in the 2015 GHG inventory number, the numbers demonstrate how preventing future emissions is significant in meeting our goals.

In 20 years, the annual carbon avoided from going to electric in only new residential could be the equivalent of 7.3% of our 2015 annual residential emissions avoided every year.

You may have heard of natural gas referred to as methane. This is because natural gas is mainly composed of methane, generally above 85%.¹⁶ When natural gas is combusted, it is primarily CO₂ emissions. When natural gas leaks into the atmosphere during production, processing, or transportation it is largely methane. This is important because over a 20-year period, methane has a global warming potential (GWP) 86 times greater than carbon dioxide.¹⁷ The Environmental Protection Agency, in its potentially modest estimate, believes that approximately 1.4% of natural gas in pipelines leaks into the air as methane.¹⁸ Therefore, the GWP of that leaked 1.4% of natural gas, aka methane (1.4% x 86 GWP = 120.4), is greater than the GWP of combusted natural gas (98.6% x 1 GWP = 98.6).¹⁹ It is truly astounding the impact that small leaks in the pure form of methane can have even at the more modest EPA estimates.

¹⁶ [1.4_natural_gas_combustion.pdf \(epa.gov\) https://www.epa.gov/sites/default/files/2020-09/documents/1.4_natural_gas_combustion.pdf#:~:text=Natural%20gas%20consists%20of%20a%20high%20percentage%20of,and%20inerts%20%28typically%20nitrogen%2C%20carbon%20dioxide%2C%20and%20helium%29.](https://www.epa.gov/sites/default/files/2020-09/documents/1.4_natural_gas_combustion.pdf#:~:text=Natural%20gas%20consists%20of%20a%20high%20percentage%20of,and%20inerts%20%28typically%20nitrogen%2C%20carbon%20dioxide%2C%20and%20helium%29.)

¹⁷ <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials>, also referred to as CO₂e, Carbon Dioxide Equivalent

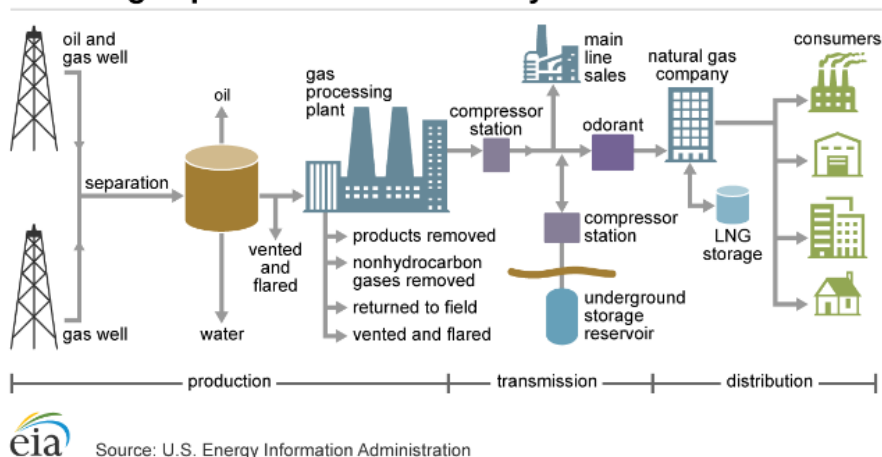
¹⁸ Estimate of Methane Emissions From The US Natural Gas Industry, see page 25, Table 3 : <https://www.epa.gov/sites/default/files/2020-11/documents/methane.pdf>; *Environ Sci. Technol.* 2020, 54, 14, 8958–8967, Publication Date: June 10, 2020, <https://pubs.acs.org/doi/10.1021/acs.est.0c00437> – estimating leaks 5 times higher than the EPA.

¹⁹ <https://climate.mit.edu/ask-mit/why-do-we-compare-methane-carbon-dioxide-over-100-year-timeframe-are-we-underrating>

The detrimental effects of carbon dioxide on climate change are well documented, however the short-term effects of methane's impact are now being fully understood. The GWP of methane dissipates over time, however it still has a GWP roughly 28 times that of carbon dioxide over 100 years.²⁰ Additionally, there are several reports estimating the amount of methane leakage as much higher than the EPA's. Some studies have estimated that leakage could be as high as 9% of the total production.²¹ Expanding on the above example, comparing leaked natural gas as methane versus burned natural gas as CO₂, with the 9% number means that the emissions of leaked methane (9% x 86 GWP = 774) would amount to 8.5 times more GWP from leaked natural gas than burned natural gas.²²

Studies demonstrate that natural gas, when accounting for leakage, may not be any better for the climate than burning coal!²³ When looking at the carbon dioxide mitigation potential and the typically unaccounted for methane leakage contributions, a policy of fuel switching can help move the needle in our mitigation efforts.

Natural gas production and delivery



Finally, there are benefits that radiate beyond the immediate impact of limiting fossil fuel usage in the city. Fossil fuels are being phased out and people will need to make changes to their energy sources or face the likely increasing costs of fossil fuels. In limiting fossil fuel usage in the city, the residents of Ashland will gain a better

²⁰ <https://climate.mit.edu/ask-mit/why-do-we-compare-methane-carbon-dioxide-over-100-year-timeframe-are-we-underrating>; <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials>

²¹ <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials>

²² If there is 9% leakage that leaves 91% to be burned and result in CO₂ with GWP of 1; so 774/91= 8.50.

²³ <https://iopscience.iop.org/article/10.1088/1748-9326/ace3db>

understanding of how important it is to transition to clean energy. Fossil fuels such as natural gas have been thought of as bridge fuels, however studies are demonstrating just how polluting natural gas is when including leaked methane in the equation. Public education about the need to switch to cleaner energy is necessary for residents so they can plan on replacing fossil fuel burning appliances. Additionally, there are federal, state, and local incentives that can greatly aid in reducing costs of fuel conversions and save money on energy bills. Converting existing buildings to cleaner fuel sources will be a large and important focus of city staff moving forward as there is unprecedented funding to assist in these fuel transitions.

“Just Use Carbon Credits”

One comment mentioned that simply using carbon offsets was a mechanism for offsetting the carbon emissions from burning natural gas. While on its face this seems plausible, it has a few problems. First, it would be a purely voluntary program, that would need to be maintained by the resident year over year. The ability or desire for an individual to continue this path year after year cannot be relied upon to consistently reduce emissions. Second, there are inherent problems with the carbon credit system. Studies are coming out showing that offset programs overestimate their benefits and do not reliably reduce emissions. This has been the case with the University of California system where they have moved into funding directly cutting emissions.²⁴ Finally, carbon offsets are not always reducing additional emissions, referred to as “additionality” but rather you are buying a credit for a project that would have occurred anyhow and may even have required by law.²⁵

A different economic mechanism, the social cost of carbon or the more inclusively, social cost of greenhouse gases, focuses on the cost of avoiding climate change damage and is embraced by economists.²⁶ The current EPA estimates for the social cost of carbon amounts to \$208 per metric ton of CO₂ in 2024.²⁷ The new EPA number is

²⁴ <https://www.technologyreview.com/2023/11/30/1084104/the-university-of-california-has-all-but-dropped-carbon-offsets-and-thinks-you-should-too/>

²⁵ <https://climate.mit.edu/ask-mit/what-most-cost-effective-way-buy-carbon-offsets>

²⁶ <https://news.stanford.edu/2021/06/07/professors-explain-social-cost-carbon/#:~:text=Economists%20tend%20to%20embrace%20introducing%20a%20carbon%20price,decide%20how%20to%20produce%20or%20what%20to%20consume.>

²⁷ <https://news.stanford.edu/2021/06/07/professors-explain-social-cost-carbon/#:~:text=Economists%20tend%20to%20embrace%20introducing%20a%20carbon%20price,decide%20how%20to%20produce%20or%20what%20to%20consume.> at 154

in the process of being implemented and represents a number in alignment with at least one recent scientific study and Canada's federal government projections.²⁸

"Equity"

Multiple questions regarding equity have been presented. If the policy was a fee or tax on emissions, then it would allow for new homes to "pay to pollute" to have their desired energy source. Another equity concern we have heard about is the ability of renters to have more options for a gas-free home. The desire for such homes is only likely to grow as the health concerns of natural gas combustion grow with increased awareness. Addressing public health concerns through limitations occurs commonly. Within our city limits, we have limitations on where you can smoke and how fast you may drive in efforts to protect health and safety.

Regarding the "pay to pollute" concern. This is a legitimate concern in that emissions from this choice will likely persist well into the future as gas furnaces can operate for over twenty years. Therefore, a policy based on a fee or tax, if chosen, should work to offset the long-term impacts of such a choice.

As for renters, the cost of installing electric in homes is very similar to natural gas and comes with reduced risks to the landlord such as carbon monoxide or fire dangers. A policy favoring electric homes or prohibiting gas would likely increase the housing stock available to renters that is gas free and provide an increase of options.

"Heating with gas during power outages"

Having a natural gas furnace does not ensure a heating source during an electric power outage. Natural gas furnaces will frequently have an air handler with an electrically powered fan to circulate air throughout the house. The furnace heating the home is therefore likely dependent on electricity to function properly whether it be distributing the heat or even the mechanism to light the furnace. One other important note on this question is that our local electric utility had an Average Service Availability Index (a reliability index comparing hours served versus hours requested) of 99.995% last year.

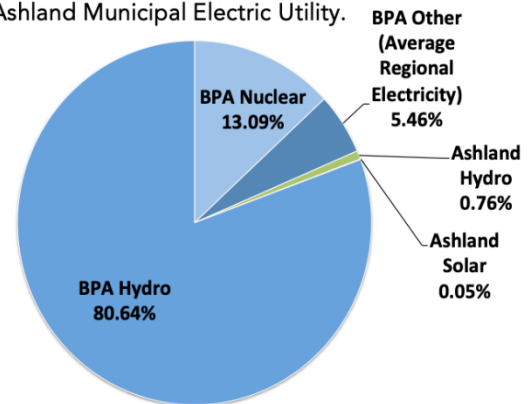
²⁸ <https://www.rff.org/publications/journal-articles/comprehensive-evidence-implies-a-higher-social-cost-of-co2/> & <https://www.canada.ca/en/environment-climate-change/services/climate-change/science-research-data/social-cost-ghg.html>

“Just switching dirty for dirty”

A heat pump typically extracts at least three units of heat for every unit of electricity. This is how a heat pump can be 300% efficient and over 450% for some models. This efficiency is what allows a heat pump using electricity generated from a natural gas fired powerplant to be roughly 25% more efficient than burning natural gas in a 95% efficient furnace. Even in this worst-case scenario we see an efficiency increase of 25%, that alone would be compelling.

However, in Ashland the electricity we purchase is 95% carbon free. Therefore, our emissions reduction from electrifying our appliances is much greater than that 25%.

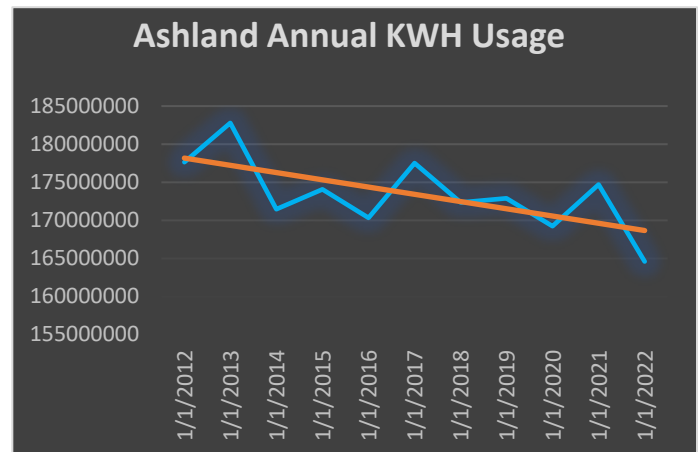
Figure A1: Sources of electricity supply for Ashland Municipal Electric Utility.



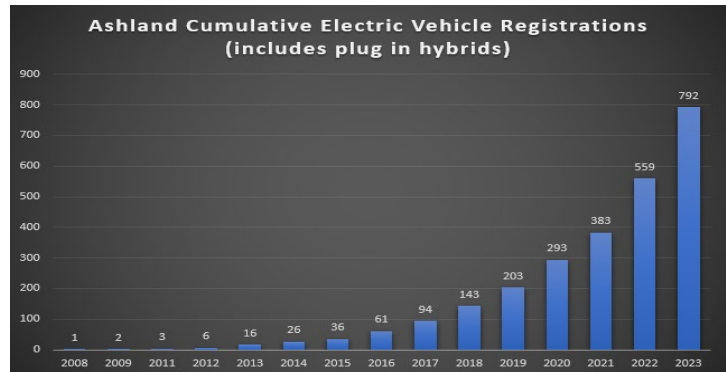
“Grid can’t handle it”

Ashland has seen a steady decline in overall electric usage over the past 11 years while at the same time seeing a large increase in electric vehicles locally registered. This is likely due to our efforts on energy efficiency and local solar productions. See the charts below.

Our local power distribution system is sized large enough to handle a large increase in demand. The Electric Department is currently in the process of developing a Master Electric Plan that is considering both increased use of electricity for heating, hot water, and cooking in homes along with increasing electric vehicle ownership. The city and in particular, the Electric Department will be prepared to meet the increased need for electricity. Additionally, the city will continue to investigate opportunities for local production and storage, Additionally, the city is committed to continue incentivizing local electric production and energy efficiency measures.



An interesting article discussed three recent studies that discuss how electric vehicle adoption may reduce electric costs by better using grid infrastructure.²⁹ The basic notion is that an increase of revenues would more than offset needed investments. Additionally, one study showed that most charging of electric vehicles occurs during off peak hours.



“Affordability”

A quick perusal of the internet will reveal that the cost estimates of installing a heat pump system is very similar in new construction compared to a gas furnace/air conditioning system. Additionally, the cost of ownership can be lower on a heat pump system. The cost parity between these options may come to favor heat pumps for the initial installation as line extension costs for natural gas will no longer be subsidized by the gas companies.³⁰ This does not include current federal or local incentives and possible upcoming state incentives that can further reduce the cost.³¹

The Economics of Electrifying Buildings

Residential New Construction



All electric single-family homes cost less to build and operate than mixed fuel homes.

There have also been studies demonstrating that all electric homes cost less to build and operate than new mixed fuel homes.³² This study included nine cities with Eugene, OR being one of them. The Eugene case study showed that over 15 years of ownership the cost to operate an all-electric home would be \$5850 less

²⁹ https://www.greencarreports.com/news/1141988_evs-will-drive-long-term-electricity-cost-down-studies-suggest

³⁰ <https://apps.puc.state.or.us/orders/2023ords/23-384.pdf>

³¹ City of Ashland Incentives: <https://ashlandor.org/climate-energy/adapt-your-home/switch/> and federal incentives: <https://www.energy.gov/save>

³² <https://rmi.org/insight/the-economics-of-electrifying-buildings-residential-new-construction/> The Economics of Electrifying Buildings at 5.

than a mixed fuel home.³³ The savings came in the form of both lower upfront and operating costs meaning the cost to install is lower than a mixed fuel system according to this study.³⁴

In fact, this study found that installation and operation costs in all nine cities was lower for all-electric homes.³⁵ It is also noteworthy that this study include colder climate cities includes Boston, New York, Minneapolis, Columbus Ohio, and Denver. Even in those colder climates it was more affordable to build and operate all electric houses.

In addition to this study, we have had local developers supply support for the move to all-electric residential construction.

Jackson County Housing Authority stated:

*"Our experience in this space is testament to the fact that **going all-electric has actually saved the HAJC and our residents money.**"*
(emphasis added)

Former Partner Mark Knox at KDA Homes, Ashland's largest home builder:

*"...we started out with simple strategies consisting of pedestrian focused neighborhoods and Earth Advantage Platinum housing (Verde Village Subdivision) and today are building the same, but **excluding natural gas within the vast majority of the housing developments** (Garden Cottages and the Beach Creek Subdivision) ...However, **the vast majority of our home buyers "demanded" these conscientious features** and were willing to pay for them. (emphasis added)*

Structura Naturalis & Townmakers LLC (applicant for the redevelopment of Croman Mills):

*"...the company believes that **going all-electric on residential is a smart move**, for all the reasons you articulated previously in our*

"...the company believes that going all-electric on residential is a smart move..."

³³ Id at 12.

³⁴ Id at 10-11.

³⁵ Id at 11.

*discussion, as well as market trends... Townmakers will also be building out the infrastructure, and **the elimination of gas lines is certainly a financially attractive choice...*** (emphasis added)

One last note on cost regards a measure that is not currently under review but is highly relevant. Increasing the amount that Avista would pay the City of Ashland in franchise fees cannot be implemented until after the expiration of the current natural gas franchise agreement. Currently the franchise fee, meaning what the utility must pay for the privilege of using the city's right of way is 5% of gross revenues. Meanwhile, our own electric utility has a franchise fee of 10%. If changing this percentage were later chosen, it is worth noting that this increase in cost could affect all natural gas users and further increase the cost of natural gas.

Higher natural gas costs could impact both positively and negatively. Increased costs of gas could increase conservation efforts, encourage fuel switching, and increase the demand for all-electric construction. All these impacts would likely result in decreased greenhouse gas emissions. However, increased costs could also negatively impact on those with less means to pay their existing bills.

The increase on customer utility bills would reflect the increased fee on the utility. A natural gas company is obligated by Oregon Administrative Rule (OAR) 860-022-0040 to bill differently for any charges that exceed three percent levied by a city.³⁶ They can bill for up to three percent as an operating expense in that line item, however section 6 of this rule states that whatever exceeds this limit "shall be charged pro rata to energy customers..."³⁷ Therefore, if your bill used to be \$100 at a 5% franchise fee rate, then if the rate were doubled to 10% your bill will increase by roughly \$5 per \$100 billed. The proceeds of the increased fee could, at least partially, be used to help assist low-income households.

³⁶ https://oregon.public.law/rules/oar_860-022-0040 Section 1 states that 3 percent can be allowed as an operating expense and need not be itemized. Section 6 states that amounts exceeding the 3 percent must be charge and stated separately on the customer bills.

³⁷ Id at Section 6.

Appendix 4: Options Overview

New Residential Buildings

Deciding to implement a policy aimed at new residential construction that is affordable for residents and greatly reduces climate pollution is the easy part. The hard part is determining how it should be done.

While over 100 other jurisdictions have enacted some form of fossil fuel limitation, the options are a little limited in Oregon. Many other states allocate some building code jurisdiction to municipalities, but Oregon's law requires a state-wide uniform building code unless permitted to adopt something different. However, this local building code authority is likely less useful in wake of the Berkeley decision noted above and below.³⁸

Oregon does have a national reputation for having strong home rule, from both its constitutional origins and the lawsuits interpreting this power. Oregon's home rule has been described as "durable" and allowing for a "fair amount of autonomy over social and economic policy."³⁹

At the other end of the spectrum, there are municipalities who cannot take action because their states have enacted laws banning a city from regulation of local emissions, predominately from natural gas.⁴⁰ So roughly half of the states now have expressly preempted localities from regulating natural gas.⁴¹

³⁸ The ordinance used in Berkeley is a simple and straightforward mechanism. It stated that "Natural Gas Infrastructure shall be prohibited in Newly Constructed Buildings." See: <https://berkeley.municipal.codes/BMC/12.80.040>. This ordinance covered all buildings and did contain an exception if infeasible to do along with additional electric ready requirements.

³⁹ The Partly Fulfilled Promise of Home Rule in Oregon, Diller, OR Law Review Vol 87 at 939: <https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/9754/Diller.pdf?sequence=1>

⁴⁰ <https://www.cnn.com/2022/02/17/politics/natural-gas-ban-preemptive-laws-gop-climate/index.html>

⁴¹ <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/half-of-us-states-are-on-pace-to-prohibit-local-gas-bans-76245300>

What options are available?

As noted above, Oregon doesn't provide local building code authority, unless permission is provided by the Building Code Division (e.g. the Local Building Code Amendment), so that is not available. Even if it did have this authority outright, it is now clear from the Ninth Circuit Court of Appeals, that any regulation relating to the building code must be EPCA compliant, which appears to be a complicated process that may be best suited for statewide action.

This leaves five options that have been explored in these appendices. We will look at those briefly in two groups.

Not as viable options

Two options were reviewed and deemed less viable than the remaining options. Both the Construction Excise Tax and the Local Building Code Amendment were deemed less viable but for two different reasons. There is a slightly longer analysis below, but here is the short version for each.

The Local Building Code Amendment process has been explored by Ashland in the past. The wildfire mitigation measure was adopted by the state after a lengthy (2 years) time as an optional statewide code. The primary deterrent here is timing as there are other options that may be quicker to implement. The secondary issue is that while it may be possible to adopt a state optional code, as noted above, the amount of work to comply with EPCA can be daunting.

The Construction Excise Tax was looked at as a possible mechanism to disincentivize fossil fuel use in homes. However, using this option in the manner envisioned would likely lead to less revenue that can be utilized for low-income housing. The Construction Excise Tax was one of the few options readily available in the Housing Production Strategy Study to help fund Ashland's affordable housing situation.

More Viable Options

In reading about the issue, reviewing options and considering feedback, three options began to appear more viable than the others. A nitrogen oxides (NO_x) emissions-based standard focused on natural gas appliances, as has been done in California for years, became a focal point. This option is appealing because there is a long history of

regulating Nitrogen Oxides in natural gas furnaces and hot water heaters. Copying California's decision to regulate appliances rather than an entire buildings emission, which would be a new approach, stood out as a more viable option. Branching out from this option both in terms of emissions limits and types of appliances increases the relative risk as you get into unexplored areas.

The next option that seems viable is the notion of a Carbon Charge. A fee of this kind would essentially require those who choose to install natural gas lines to their home to pay to mitigate the carbon emissions the home will likely emit. This option acknowledges that adding more carbon intense fuels to our city will require even more work to meet our CEAP goals. The charge is based on average consumption of natural gas from an Avista home in Oregon, using the social cost of greenhouse gas emissions as the price and the average life expectancy of major natural gas appliances as the timeline for applying an upfront mitigation fee.

The third option is one that is not readily available. For this option to be possible the city must clearly notify Avista of its intention to terminate the natural gas franchise agreement by May of 2025 (six months advance notice required in our current Franchise Agreement). Only with a terminated agreement can the city change how it manages its right of way in relation to natural gas utilities, which it may not do until after December 1, 2025, when the current Franchise Agreement with Avista expires. At this point the city could elect to ban new fossil fuel pipelines within the city's right of way and or increase the fee for use of the right of way from the current 5% charge to a different number. Increasing fees may help dissuade new construction from using natural gas and the right of way could effectively ban natural gas in homes that require right of way gas pipeline expansions.⁴²

Future Options: Existing Residential, Commercial, and Industrial

While the task at hand is to review options for new residential construction, a couple of these options have clear expansion possibilities into existing residential, commercial, and industrial options. The appliance emissions standard in California applies to all installations and sales of furnaces and hot water heaters. It does not parse out

⁴² It is worth noting here that in section 3.1 of the City's Franchise Agreement with Avista we are required to provide thirty days notices if we make any rule "pertaining to the conduct of Avista's operations..."

residential versus commercial or new versus existing equipment. This pathway could therefore be expanded to include all future replacement appliances in both new and existing buildings, upon burnout of the equipment.

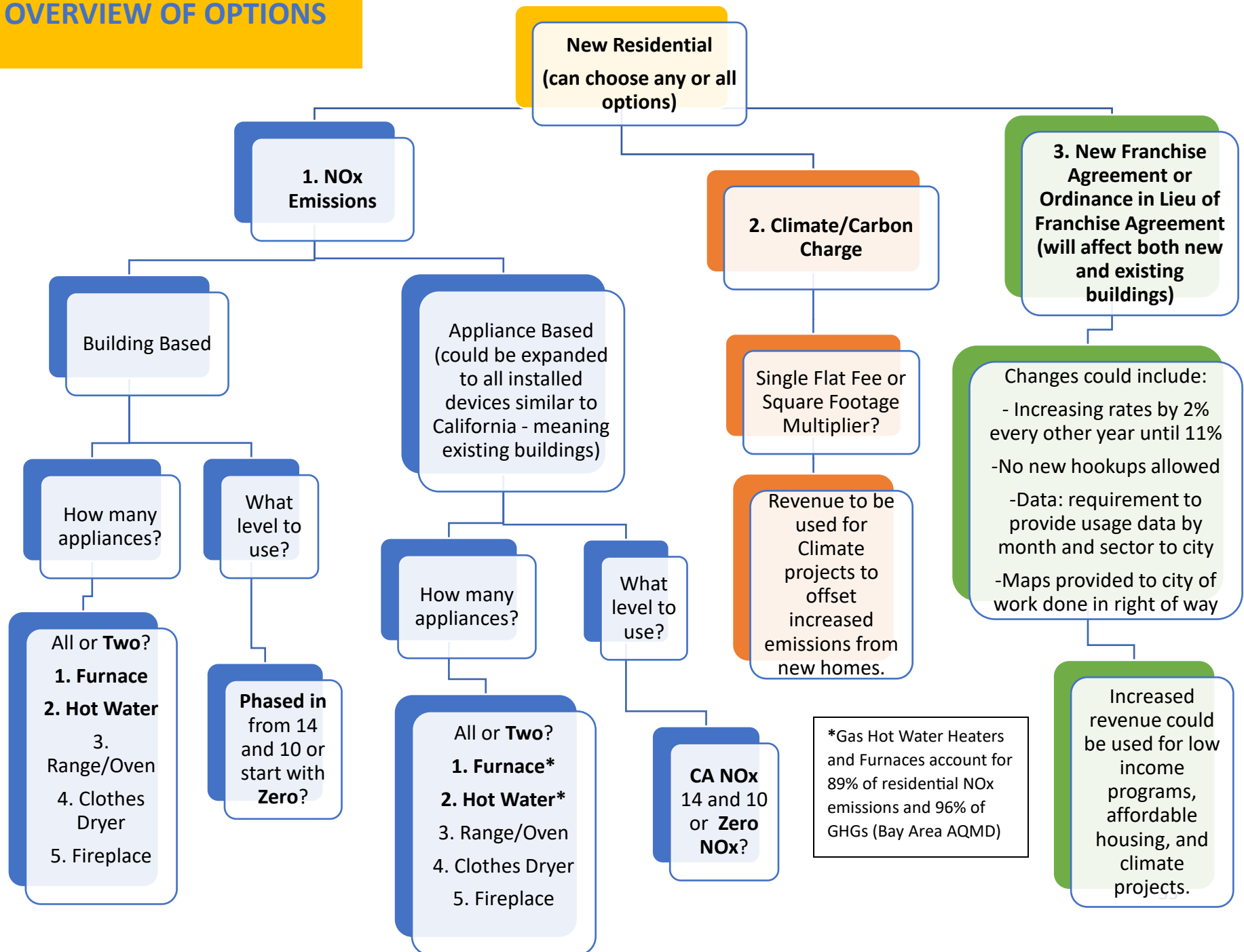
Additionally, the increasing fees to Avista for providing gas services would naturally expand to all users of natural gas regardless of building type or age. Therefore, that option must be weighed carefully for any unintended consequences. However, as with most things, there are unintended consequences and equity concerns that manifest in different places and favor different decisions.

Options Overview Charts

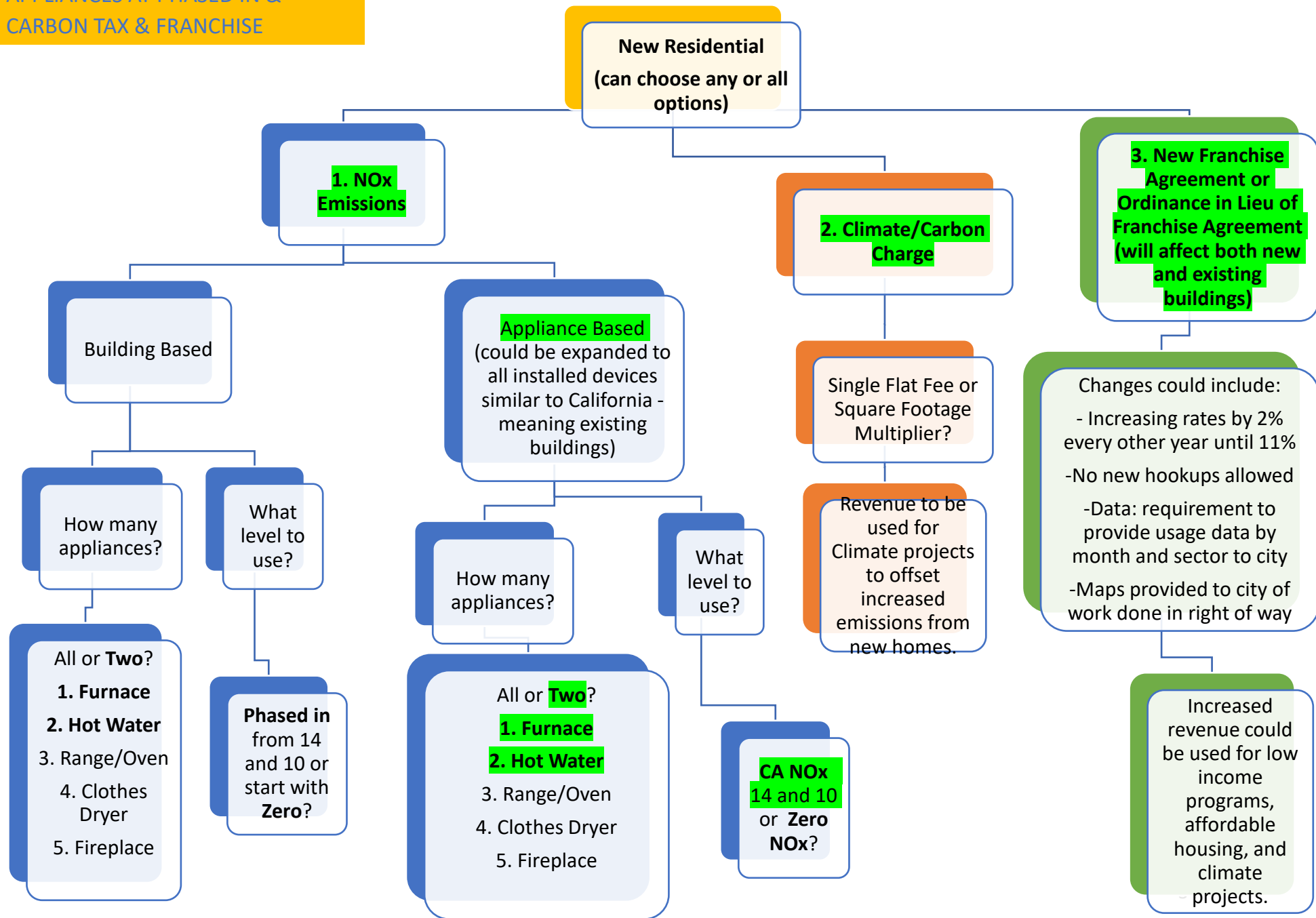
The charts on the following pages examine the three more viable options in more detail. These options include an emissions standard, a carbon charge and franchise agreement related avenues. It is important to note that one or more options could be implemented. These options could also be implemented at different times and with different effective dates.

The first chart highlights various decision pathways in reviewing the three options. The next two charts, Options 1 and 2, highlight pathways with less risk. The charts with Options 3 and 4 represent more novel approaches, and therefore more unknowns and greater risks. Finally, the last chart notes what has been done either in Oregon or other states. It is noteworthy that many of the options remaining are in uncharted or locally uncharted waters.

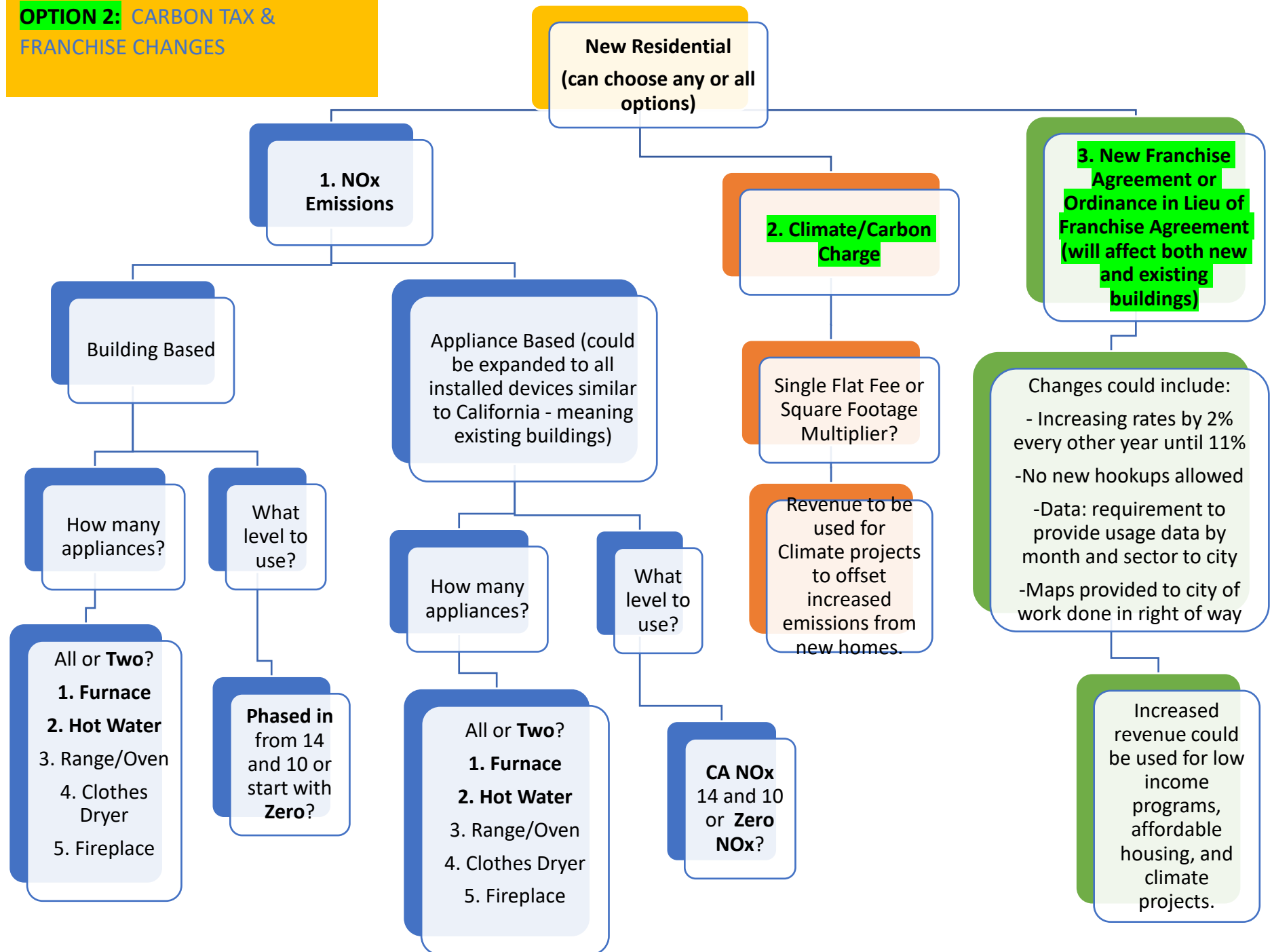
OVERVIEW OF OPTIONS



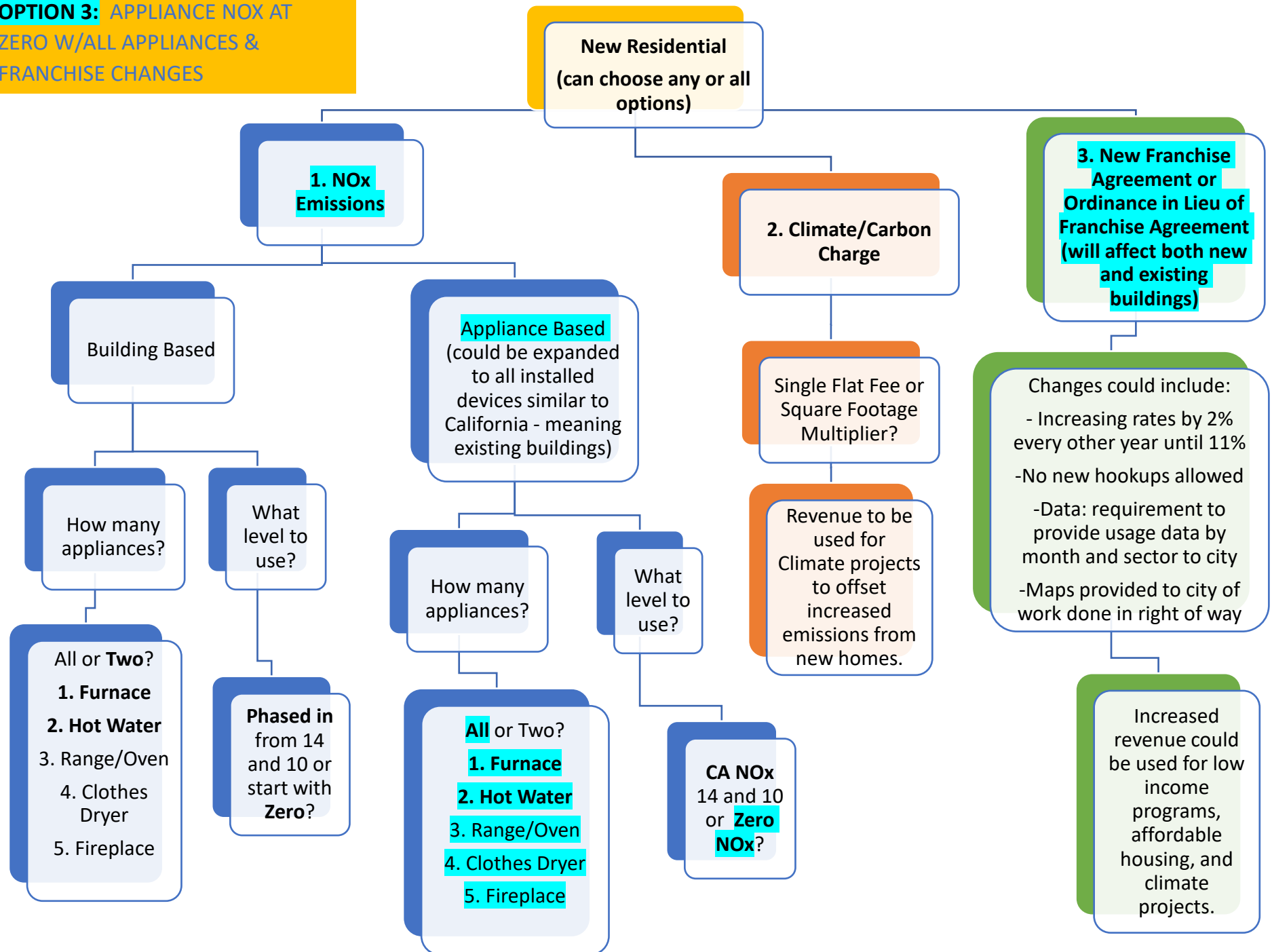
OPTION 1: APPLIANCE NOX FOR 2
APPLIANCES AT PHASED IN &
CARBON TAX & FRANCHISE



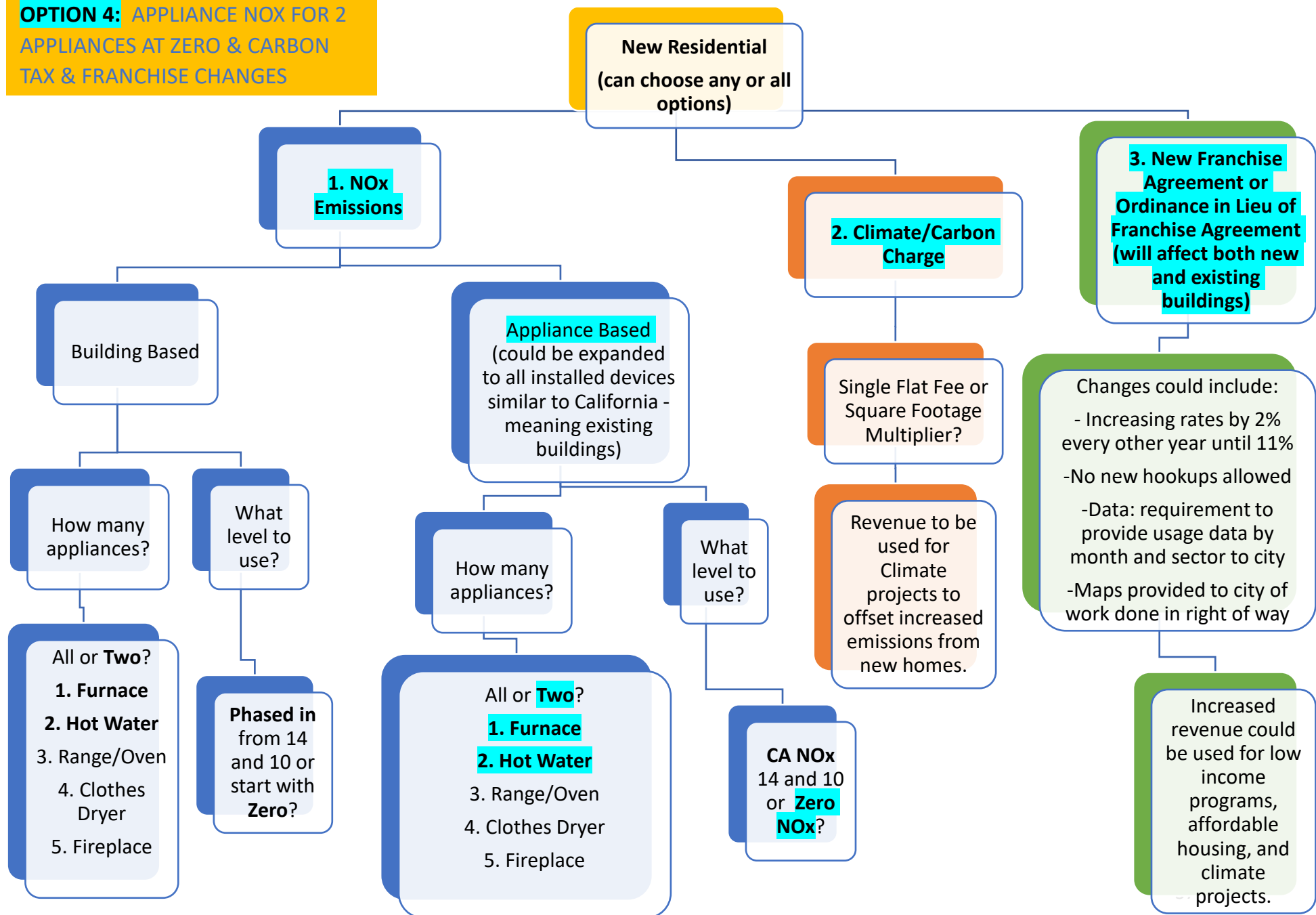
OPTION 2: CARBON TAX & FRANCHISE CHANGES



OPTION 3: APPLIANCE NOX AT ZERO W/ALL APPLIANCES & FRANCHISE CHANGES



**OPTION 4: APPLIANCE NOX FOR 2
APPLIANCES AT ZERO & CARBON
TAX & FRANCHISE CHANGES**



NEVER DONE IN OREGON

NEVER DONE ELSEWHERE

New Residential
(can choose any or all options)

1. NOx Emissions

Building Based

How many appliances?

- All or **Two**?
1. Furnace
 2. Hot Water
 3. Range/Oven
 4. Clothes Dryer
 5. Fireplace

What level to use?

Phased in from 14 and 10 or start with **Zero**?

Appliance Based
(could be expanded to all installed devices similar to California - meaning existing buildings)

How many appliances?

- All or **Two**?
1. Furnace
 2. Hot Water
 3. Range/Oven
 4. Clothes Dryer
 5. Fireplace

What level to use?

CA NOx 14 and 10 or **Zero*** NOx?

2. Climate/Carbon Charge

Single Flat Fee or Square Footage Multiplier?

Revenue to be used for Climate projects to offset increased emissions from new homes.

*The Bay Area Air Quality Management District is planning on zero NOx to go into effect in 2029 and 2031.

3. New Franchise Agreement or Ordinance in Lieu of Franchise Agreement (will affect both new and existing buildings)

Changes could include:

- Increasing rates by 2% every other year until 11%
- **No new hookups allowed**
- Data: requirement to provide usage data by month and sector to city
- Maps provided to city of work done in right of way

Increased revenue could be used for low income programs, affordable housing, and climate projects.

Appendix 5: Emissions Based Ordinance

Emissions Ordinance Overview

After the Ninth Circuit's decision on the Berkeley Ordinance an emissions-based standard was brought to the attention of Staff and CEPAC by RCAT. The idea is that an emissions standard would not be preempted by EPCA as that statute deals with energy standards. The emission standard deals with air pollution, which is governed at the federal, state, and sometimes local level. Additionally, the Clean Air Act expressly empowers local governments to act.⁴³ Oregon's home rule law provides strong deference to localities and the belief is that local regulation of air quality for public health benefits has not been preempted in Oregon and would therefore be locally allowed.⁴⁴

The ordinance brought to CEPAC sets a nitrogen oxide (NO_x) emissions limit on residential buildings. Nitrogen oxides (NO_x) are a combination of pollutants made up of nitric oxide (NO) and nitrogen dioxide (NO₂).

NO_x impacts air quality, and jurisdictions outside of Oregon already regulate NO_x from appliances,⁴⁵ and NO_x is produced from fuel combustion. Limiting NO_x can simultaneously drive down greenhouse gas emissions and protect air quality.

⁴³ Clean Air Act, 42 U.S.C. § 7416 (“[N]othing in this chapter shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce . . . any standard or limitation respecting emissions of air pollutants” and states and political subdivisions “may not adopt or enforce any emission standard or limitation which is less stringent than the standard or limitation under such plan or sections.”); *see also* 42 U.S.C. § 7401 (a)(3) (findings include that “air pollution prevention (that is, the reduction or elimination, through any measures, of the amount of pollutants produced or created at the source) and air pollution control at its source is the primary responsibility of States and local governments”).

⁴⁴ <https://law.lclark.edu/live/files/34365-regulating-natural-gas-in-oregons-buildings-a>

⁴⁵ Vancouver, WA (regulating water heaters since 2010 at the equivalent of 40 ng/J), <https://www.swcleanair.gov/docs/regs/reg400.pdf>; and California South Coast Air Quality Mgmt. Dist. (SCAQMD), (regulating water heaters since 2002 and ratcheting down the emissions limit to 10 ng/J as of 2006), <https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1121.pdf?sfvrsn=4>, and NO_x Emissions from Natural-Gas-Fired, Fan-Type

Some jurisdictions have enacted NO_x emission standards as low as 10 ng/J for specific equipment types.⁴⁶ These standards can be met with either low NO_x combustion equipment or electric alternatives which have zero emissions. Other jurisdictions have developed zero-NO_x standards for certain equipment types.⁴⁷ The Bay Area Air Quality Management District has banned the sale or installation of furnaces and water heaters manufactured after 2029 and 2031 respectively that exceed 0 ng/J.

Other jurisdictions' NO_x standards are calculated at different levels for different equipment types, and generally apply to all newly installed equipment (as opposed to newly constructed buildings).

Considering existing emission rates from other jurisdictions, the concept ordinance created a mathematical formula to determine a covered building's overall NO_x emission rate. The existing equipment standards provide limits that were aggregated for setting limits for a building's combined NO_x emissions (the sum of all equipment emissions) at a health-protective level that provides climate co-benefits.

Additionally, air quality has long been viewed as an area of concern for the city. Dating back to the 2005 Amendment to the City Comprehensive Plan, the city has had an eye on air quality and pollution.⁴⁸ On p. 283 of the plan it states:

Central Furnaces (regulating residential furnaces since 1984, and ratcheting the limit down to 14 ng/J), <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2014/2014-sep5-032.pdf>; Texas – (regulating natural gas-fired boilers, process heaters, and water heaters since 2002),

[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=117&rl=3205](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=117&rl=3205);

⁴⁶ Cal. SCAQMD, Rule 1121, <http://www.aqmd.gov/docs/default-source/permitting/1121-list/current-rule-1121-certified-model-list.pdf?sfvrsn=8>. Equipment-specific low-NO_x standards vary by jurisdiction and equipment type, with existing standards covering a range of emission levels including 14 ng/J, 40 ng/J and others. *See, e.g.*, Cal. SCAQMD, PAR 1111, (14 ng/J for residential furnaces), <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2014/2014-sep5-032.pdf>; Texas Comm'n on Env't'l Quality, Control of Air Pollution from Nitrogen Compounds, Rule § 117.3205 (40 ng/J for medium-sized water heaters and boilers), [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=117&rl=3205](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=117&rl=3205)

⁴⁷ Bay Area Air Quality Management District – <https://www.baaqmd.gov/rules-and-compliance/rule-development/building-appliances>

⁴⁸ https://www.ashland.or.us/Files/Comprehensive_Plan-updated_6.2019.pdf

The Ashland Citizen's Air Quality Advisory Committee was appointed by the Mayor in 1989. Its goal was to develop an overall air quality enhancement program to present to the Ashland City Council for adoption. Things considered were education, ways to make the wood burning advisory have higher compliance rates, financial incentives and/or subsidies for increasing the efficiency of wood usage, bans on installation of non-certified woodstoves, clean air utility rates, outdoor burning regulations, and many other ideas. These actions should guide the city in trying to improve the valleys air quality.

Therefore, it is reasonable and related to a long-standing legitimate city interest to develop policies relating to air pollution. Furthermore, there are examples which form the basis for creating a local emissions standard.

Further Emissions Determinations

There are a few questions that must be answered to create an emissions ordinance. First, what appliances the city will consider in an emissions standard? Second, what would the emissions level be set at? Finally, does a building emissions standard or appliance based standard work better for our purposes?

Which appliances?

The first question of what appliances should be included can be further broken down into two additional questions. Is there data to support the inclusion of the appliance? And is there a good reason to include the appliance emissions in the standard?

Existing Data

Possible appliances that could be regulated by an emissions-based standard include furnaces, hot water heaters, ranges/cooktops, clothes dryers, and fireplaces. Of those, the first two have existing state or federal standards. The third cooktops/ranges have less information readily available. The leading information comes from a scientific paper.⁴⁹ The last two, clothes dryers and fireplaces, do not have readily available standards that we are aware of. The most fully vetted and supported appliances are gas furnaces and hot water heaters. Each has identified standards in various California Air Quality regions. Gas ranges/cooktops are an emerging concern with a singular study to support emission numbers.

⁴⁹ Environment Science & Technology, <https://pubs.acs.org/doi/pdf/10.1021/acs.est.1c04707>

Climate and Health

Regarding the reasons for regulating the appliances based on a clean air standard, there are two primary reasons. This process began as an investigation into reducing the city's emissions to help meet our local CEAP goals to combat climate change. Reducing the use of fossil fuels is essential in meeting our climate goals. The two major areas we can achieve this are in our transportation and building sectors. While we have incentives to accelerate the adoption of electric vehicles and heat pumps, we have not utilized policy action to limit building emissions in new construction. Limiting emissions from new residential buildings so that we are not continuing to grow our city's carbon footprint through regulation is both possible and will not create additional economic hardship.

During the process of researching a possible ordinance to reduce emissions it became clear there was a public health element that has been long overlooked. The use of gas ranges creates indoor air emissions that can have severe health consequences.⁵⁰ The poor indoor air quality related to using natural gas appliances has also become a focal point moving forward. There have been studies and news reports about the contributions to health issues, including the increased prevalence of asthma in children.⁵¹ Therefore the inclusion of gas ranges/ovens became more important than previously thought. There is a path to use municipal home rule powers to help reduce greenhouse gas emissions, improve indoor air quality, and reduce smog contributing pollution.

Based on the above it became clear that furnaces and hot water heaters have ample support to include in an emissions standard. Not only have these appliances been regulated by other local entities they are also the largest contributors to air pollution and greenhouse gas emissions. According to a study in the Bay Area, these two appliances account for about 89 percent of the residential NOx emissions and 96 percent of the greenhouse gas (GHG) emissions originating from residential buildings.⁵²

Including gas ranges/ovens is less clear as the supporting emissions rates are not as robustly documented. While there is evidence of the concerns there has not been a local

⁵⁰ <https://www.npr.org/2023/06/16/1181299405/gas-stoves-pollute-homes-with-benzene-which-is-linked-to-cancer>

⁵¹ <https://www.npr.org/2023/10/17/1183551603/gas-stove-utility-tobacco>

⁵² https://www.baaqmd.gov/~media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20221220_sr_appc_rg09040906-pdf.pdf?la=en

regulation that can be replicated. Ashland would be the first to regulate emissions based on gas range/cooktop emissions if they were included.

What should the 'Emission Level' be set at?

An emission ordinance is possible because regulating air pollution rather than energy or building standards is not expected to trigger the EPCA preemption concerns addressed by the Ninth Circuit. This thought is likely strengthened in the courts amended opinion from 1/2/2024 which added that "We only decide that EPCA's preemptive scope applies to building codes that regulate the gas usage of covered appliances on premises where gas is otherwise available."⁵³ However, setting limits for air quality and the limits of where EPCA ends, and the Clean Air Act begins has not been fully tested.

There are three basic levels that could be used. A standard like California's existing standard in the Bay Area Air Quality Management District could be implemented and left in place.⁵⁴ A phased in standard that would be implemented after the Bay Area Air Quality Management District's next adopted reduction is implemented. Or finally, a Zero NOx standard that is implemented prior to the Bay Area's.

Using Existing Bay Air Quality Management District standards

Effective Date	Appliance (natural gas)	Standard
January 1, 2025	Furnace	14 ng/J
January 1, 2025	Hot water heater <75,000 BTU	10 ng/J
	Hot water heater >75,000 BTU	14 ng/J

Phasing in ever stronger limits is what various California air quality districts have done. Notably, the more stringent limits are 14 ng/J for furnaces and 10 ng/J for hot water heaters. In the Bay Area, the limits for furnaces and water heaters will go to zero

⁵³ California Restaurant Association v. Berkeley amended opinion at 18.

<https://cdn.ca9.uscourts.gov/datastore/opinions/2024/01/02/21-16278.pdf>

⁵⁴ See sections 9-4-300 and 9-6-300:

https://www.baaqmd.gov/~media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230315_rg0906-pdf.pdf?rev=436fcdb037324b0b8f0c981d869e684d and

https://www.baaqmd.gov/~media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230315_rg0906-pdf.pdf?rev=436fcdb037324b0b8f0c981d869e684d.

between 2027 and 2031. However, those zero limits may test the waters of how the Clean Air Act and EEPKA reconcile with each other.

Setting up a zero NO_x standard that would go into effect before the Bay Area would mean that Ashland would be the first to implement a standard this strict. Doing so may invite legal action against the city. It would however allow for a clear standard and effectively eliminate natural gas appliances/equipment, regardless of how the emission ordinance was structured (appliance or building based – see below).

Phased In Standard

Setting appliance-based limits that align with the most protective in California for both natural gas furnaces and hot water heaters is a viable path forward. Setting limits of 14 ng/J for natural gas furnaces and 10 ng/J for gas hot water heaters has both been done and there is existing technology to meet these needs.

Moving forward, like air quality districts in California have done, we could implement more stringent standards. Here is what it could look like in two stages:

Effective Date	Appliance (natural gas)	Standard
January 1, 2025	Furnace	14 ng/J
January 1, 2025	Hot water heater	10 & 14 ng/J
January 1, 2032	Furnace	0 ng/J
January 1, 2032	Hot water heater	0 ng/J

A phase in is done in part to allow time for technology to adapt to the new standards. A study prepared for the Bay Area Air Quality Management District (BAAQMD) state just this: “Because the market has not yet seen the large-scale introduction of appliances that would meet the zero-NO_x emissions standard, BAAQMD is considering a timeline that would see the introduction of this standard from 2027 to 2031.”⁵⁵ A phased in approach will also allow for any type of EPCA concerns to be resolved, with the BAAQMD set to begin a 0 ng/J on furnaces on January 1, 2029.

Zero NO_x Standard

⁵⁵ https://www.baaqmd.gov/~/_media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20221220_sr_appc_rg09040906-pdf.pdf?la=en at 1.

An alternative approach would be to implement a zero NOx standard in the near term. While zero NOx gas appliances do not currently exist for residential and commercial buildings, zero NOx burners have been used in industrial settings.⁵⁶ The most aggressive emission policy would set a zero limit in the shortest reasonable timeframe. Using the same timeline as above, the implementation would consist of one stage:

Effective Date	Appliance (natural gas)	Standard
January 1, 2025	Furnace	0 ng/J
January 1, 2025	Hot water heater	0 ng/J

What level?

This all really depends on the forthcoming legal analysis and the City Council's resulting risk assessment. A zero NOx standard would lead the city down a path that the Bay Area will implement in six years. However, it will lead to greater emissions reductions than a phased in option. Alternatively, having a phased in NOx standard is more risk averse and will likely lead to fewer reduced emissions in the near term.

Building or Appliance/Equipment Standard

Building

The concept ordinance provided to CEPAC is constructed to rely on equipment-level emissions rates (which are used in existing appliance-level NOx standards). These equipment-level rates are averaged to reach a building-level emissions rate. Two data elements need to be provided by the builder or homeowner. First, the emission rate in ng/J and additionally the input from the device in Btu's. These two then can be compiled into a weighted average. The building would pass the emissions standard if the resulting calculation was below the limit set by the city.

⁵⁶ https://www.baaqmd.gov/~/_media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230307_fsr_rules0904and0906-pdf.pdf?la=en, Bay Area Air Quality Management District Final Stall Report re Rules 4 and 6, at page 11. "While not currently utilized in residential and commercial building appliances, zero NOx burners have been achieved in industrial settings using catalytic heat⁸ and flameless, high air flow burners, ⁹ both of which realize zero NOx results by keeping the temperature of the combustion chamber below that at which NOx is formed."

A building emission standard is much easier when dealing with only furnaces and hot water. However, when you get to a gas range, there are now up to five burners and an oven, all with potentially different input rates. Do you calculate all of those? Or do you simply calculate the largest burner and the oven? These factors can greatly influence the outcome of the calculation and add further complexity.

Appliance/Equipment

If appliances were the focus in the ordinance, then only a single point of data would need to be collected – the emission rate in ng/J. This data would need to be corroborated with either manufacturer literature or verifiable testing data.

Using the appliance standard is both easier for staff and the public to understand. It reduces the requirements of data points and the complexity of calculating emissions. Staff and the public would not be required to run a mathematical formula to determine compliance. The emission rate would either be above or below the limit, making it very clear if it is allowed or not when planning the home.

Conclusion

An entire house emission standard is a new idea and a great notion. It helps to bring attention to gas ranges and fireplaces that greatly impact indoor air quality. However, most greenhouse gas emissions and NO_x pollution come from furnaces and hot water heaters. Additionally, an appliance/equipment-based standard would be replicating programs that have been in effect for decades. Finally, the appliance option reduces complexity for all involved and can be utilized to help protect air quality. Therefore, limiting emissions from each appliance and focusing on hot water heaters and furnaces, as the most prevalent NO_x emitting appliances, appears to be the best supported approach moving forward.

However, should the City Council wish to consider a building standard the concept ordinance is included below in Appendix 12. If this option is preferred, then limiting the standard to the three appliances above (furnace, hot water, gas stoves) and the predominant fuel of natural gas would simplify implementation.

Future Emissions Options

Our focus has been on new residential construction; however, California's approach has been different. Their appliance regulations are created so that a "person shall not sell, install, or offer for sale..." meaning, the appliance limit applies to the entire jurisdiction regardless of the age of the home.

Implementing appliance emission standards across the spectrum of uses and building age may be worth exploring in the future. The appliance standard could be applied to commercial and industrial buildings along with existing residential buildings. The standard would be triggered by permit applications.

Process Documentation

Builders will need to be made aware of the new requirements. In addition to any public noticing and outreach about a selected measure, there would need to be an integrated notice document to potential builders. Creating newly required documents that must be filed as part of the building permitting process can help to achieve this. The language below creates a "Notice of Construction" requirement and a final "Construction Report" requirement.

If a building would emit or have the potential to emit (through the operation or installation of any appliance, equipment, or process) NOx emissions in a "covered building" they would need to submit the two reports at the proper time. At the beginning of the permitting process, a "Notice of Construction" would also be required. This document would make the builder aware of the new requirement and how to comply with the implemented requirements. This will provide ample time to ask questions and get clarity on the new rule. At the end of the construction, the builder is required to submit a "Construction Report" that details the relevant appliances and will allow for a compliance assessment. Failure to comply with the requirements or underlying ordinance could lead to penalties and/or result in revocation of the certificate of occupancy.

Emissions Based Standard Process

This process notes differences for different emissions ordinance types (building vs appliance/equipment) and different emission levels (existing, phased in versus zero emissions).

1. **Notice of Intent to Construct** – (prior to construction, at the time applying for a building permit)
 - a. Required if building will emit or have potential to emit covered emissions.
2. **Staff Review of Notice of Intent to Construct**
 - a. This provides an opportunity for city staff to educate the public about the requirements.
3. **Construction Report** – If the Notice above is required, then submit this within 30 days of completion of construction describing:
 - a. Documentation from the manufacturer or other verifiable source showing the emissions rate in nanograms per joule for each covered appliance.
 - i. NOTE: If a zero standard is set there are no existing models operating on natural gas that are currently available that would pass this standard.
 - b. NOTE: If a building emissions standard were chosen, then there would also need to be an input rate in Btu's submitted for each covered appliance.
 - c. Make and Model of all appliances installed that emit or have potential to emit covered emissions.
 - d. Description of non-electric fuel inputs.
4. **Staff review of Construction Report**
 - a. Review of Construction Report for:
 - i. Fuel types and appliances listed.
 - ii. Review – depends on standard chosen.
 1. Appliance Based = Need to compare provided emission rate data against adopted standard.
 - a. If the existing California standard is utilized, then there are appliances available that will comply with the requirements.
 - b. If zero is adopted any appliance that burns fossil fuel would not pass based on current availability.
 2. Building Based = Need to calculate emissions:
 - a. Obtain appliance technical data.
 - i. Emission Rate and

ii. Fuel Input

- b. Utilize automated spreadsheet to calculate emissions.
 - c. Record Calculation
5. **If a violation** of emissions standard, then:
 - a. Penalty via AMC 1.08
 - b. Building official may revoke certificate of occupancy.
6. **City response** to applicant re Construction Report

Appendix 6: Carbon Charge

The concept of a carbon charge is that if someone chooses to install natural gas in their new residential home instead of a readily available low carbon option, then they should pay upfront for the costs and effort the city will have to undertake to mitigate that carbon and meet its climate goals. The city is committed to reducing carbon emissions and when new carbon is added, it creates additional work to reach our goals. Therefore, this option would create a funding stream to help pay for the actual costs of mitigating the newly added carbon.

The charge would be created by weighing either three or four variables. The first three variables include the social cost of greenhouse gas emissions, the average gas usage of an Oregon Avista serviced home, and the average lifespan of major appliances. The fourth variable could be utilized to better size the mechanism for different sized homes.

Social Cost of Greenhouse Gas emissions (SC-GHG)

The price for carbon varies greatly around the world and even within a country. Amounts range from one dollar to \$1600 per metric ton.⁵⁷ At the federal level our government has long utilized carbon for valuing projects. The social cost of carbon is a comprehensive mechanism for valuing climate change damages.⁵⁸ The EPA has been using this tool since 2008 to analyze action that affect greenhouse gas emissions.

This term is now being replaced by the social cost of greenhouse gases (SC-GHG) to better account for the social costs of nitrous oxide and methane in the equation.⁵⁹ The price allocated to SC-GHG has recently been reevaluated in a new EPA study to reflect changes in scientific knowledge regarding climate change and economic impacts.⁶⁰ This study has a SC-GHG set at \$190 per metric ton for the year 2020 in 2020 dollars

⁵⁷ Amgen has implemented their own internal SC-GHG at \$1600,
<https://www.rappler.com/business/some-companies-set-own-carbon-prices-climate-change/>

⁵⁸ https://19january2017snapshot.epa.gov/climatechange/social-cost-carbon_.html

⁵⁹ https://www.epa.gov/system/files/documents/2023-12/epa_scghg_2023_report_final.pdf at page 7.

⁶⁰ https://www.epa.gov/system/files/documents/2023-12/epa_scghg_2023_report_final.pdf Id at page 104.

with a 2% discount rate.⁶¹ The amount for 2024 has been reported at \$208 per metric ton.⁶²

Avista Natural Gas Usage in Oregon

The amount of natural gas for a new connection will be based on the numbers Avista has provided regarding average usage. Avista stipulated that an average home uses approximately 564 Therms per year (based on 12 months at an average 47 therms).⁶³ That number can then be converted to million Btu, and then kg CO₂e/million Btu and then to metric tons of CO₂e emissions (see chart below). The result is that an average Avista customer using natural gas in Oregon emits about 2.98 metric tons of CO₂e emissions per year.

Average Natural Gas House Emissions

Average Annual Therms Used	Average Usage in Million Btu = (multiply therms by 0.1)	Emissions: kg co ₂ per Million Btu	Total KG co ₂ emissions million btu	KG to MT = multiply by .001	Average Emissions from Average Consumption in mt of co₂e
564.00	56.40	52.91	2984.124	0.05291	2.984124

Lifespan of Natural Gas Appliances

There is at least one more fact necessary to calculate the social cost of carbon, the term in years for which you want to calculate. The emissions above are annual numbers, however when a person installs a new natural gas appliance it is reasonable to assume that they will use the installed appliance for its expected lifecycle. Various natural gas appliances have different life expectancies.

Searching life expectancies for furnaces, hot water heaters, ranges, and clothes dryers typically brings back a range of numbers with highs, lows, and average for each appliance's lifespan. The average lifespans for these appliances compiled from multiple resources, came out to 16 years for the four appliances.

⁶¹ https://www.epa.gov/system/files/documents/2023-12/epa_scghg_2023_report_final.pdf at 7 and 101.

⁶² [EPA Report on the Social Cost of Greenhouse Gases: Estimates Incorporating Recent Scientific Advances](#) at 154

⁶³ Oregon PUC Settlement at p 5, <https://apps.puc.state.or.us/orders/2023ords/23-384.pdf>

Carbon Charge Based on Three Variables

Combining the three numbers above: a SC-GHG Of \$208/mt, 2.98 metric tons of usage on average and an average life span of sixteen years allows you to calculate a lifecycle social cost of carbon for new homes choosing to install natural gas. Using these three numbers creates a charge of \$9,931.16.

SC-GHG for Average Natural Gas Home with Average Lifespan of Appliances

Average Emissions from Average Consumption in mt of co2e	2024 SC-GHG = \$208/mt of CO2e	Annual Amount	SC-GHG Total Amount based on a 16-year lifecycle
2.984124	208	620.6978	\$9,931.16

Carbon Charge Based on Four Variables

Finally, not all houses are average with some being much larger than average. The idea of incorporating a multiplier is to capture the increased usage of natural gas a larger home would consume. It could look something like the chart below.

Accounting for Square Footage of Home

Square footage	Multiplier	Base Rate	SC-GHG Total
< 1,999	1	\$9,931.16	\$9,931.16
2,000 – 2,999	1.5	\$9,931.16	\$14,896.74
4,000 – 3,999	2	\$9,931.16	\$19,862.32
> 4,000	3	\$9,931.16	\$29,793.48

Should someone choose to build an all-electric home with building code compliant equipment, they would not be subject to this charge as they have chosen the lowest emission option possible. Those homes would not be penalized for adding carbon to the city's carbon bank due to their upfront choice to minimize the city's carbon burden.

Appendix 7: Upcoming Franchise Agreement or Ordinance in Lieu

New Franchise Agreement or Alternative Arrangement

The current ten-year franchise agreement with Avista could end December 1, 2025.⁶⁴ However, according to term 2.3, the agreement will continue “year-to-year” unless the agreement is either renewed for 10 more years by both parties or terminated by either party “with not less than 180 days prior written notice to the other party.”⁶⁵ At that point, the city could choose to implement a new franchise agreement or use an alternative mechanism interacting with a natural gas utility. Therefore, if the city would like to create a different arrangement than the current franchise agreement, the city must notify Avista in writing, no later than May of 2025.

It is becoming more common to move forward with alternatives to Franchise Agreements. The city of Bend is currently moving forward with a “Right of Way Code” to cover their franchise agreements. They note that other cities in Oregon have shifted to standardized codes:⁶⁶

- 2012 Gresham⁶⁷
- 2013 Oregon City
- 2016 Beaverton, Gladstone, Happy Valley, Hillsboro
- 2017 Milwaukie, Tualatin
- 2018 Corvallis, Sherwood
- 2019 Tigard, Lake Oswego
- 2021 Woodburn

Regardless of which path forward is chosen, it is important to highlight some elements that should be considered critical in the next iteration of this arrangement. These elements include data & mapping, franchise fees, and limiting expansion.

⁶⁴ https://www.ashland.or.us/SIB/files/111715_Avista_Franchise_Agreement_CC.pdf

⁶⁵ Id at 2.

⁶⁶ <https://www.bendoregon.gov/government/city-codes/right-of-way-code>

⁶⁷ <https://greshamoregon.gov/WorkArea/DownloadAsset.aspx?id=1964> a “Utility License Code” located in Article 6.30 of its revised code

Whether to use a standardized code or renew a franchise agreement with Avista is a task that must be thoroughly vetted over the next year so that the city is prepared to decide on its path forward and be ready to implement it on December 2, 2025.

Data Requirements

It is imperative that the natural gas utility provides the city with relevant data to enable tracking our city-wide emissions, which is critical to determining if we are meeting our CEAP goals. These numbers should include at a minimum the following two items. First, the number of meters by type (residential, commercial, industrial, government, other). Second, the total Therms used by month/per type.

One additional data point that should be required is that relevant and detailed maps be submitted to the city as a part of the repairs/work down by the utility. Bend's draft code includes this requirement. Section 3.20.055 (F) and (G)⁶⁸ state:

F. Engineering Designs and Plans. The licensee must provide the City with as-built plans or system maps of their facilities, upon request.

G. Maps. Licensee must provide, at no cost to the City, a comprehensive map showing the location of all facilities, including abandoned facilities, in the rights-of-way. Such a map must be provided in GIS format, with accompanying data sufficient to enable the City to determine the location of facilities as well as any relevant data in licensee's possession showing the type and size of the facility. The licensee must provide such a map yearly by March 1, if any changes occurred during the prior year, and at any time upon request by the City. The City may only request such map once per calendar year

Franchise/License Fees

Currently the City's Electric Department pays a franchise fee of 10% while the natural gas utility, Avista, pays 5%. This number is in place until December of 2025. This amount could increase to match our electric franchise fee. This could help motivate individuals to move to a lower carbon option. Additionally, the new revenue could be earmarked for low-income energy help, low-income housing, and climate projects. The amount of

⁶⁸ <https://www.bendoregon.gov/home/showpublisheddocument/57927/638406533969900000>

money is not insignificant, average roughly \$280,000/year based on the current budge.⁶⁹ Doubling this fee, would generate significant income while many still use natural gas and could help homes fuel switch as natural gas prices likely continue to increase.

A mechanism to provide ample warning could be to ramp up the fee every other year by 2% with a final fee of 11% coming into existence around four or six years after adoption. Alternatively, it could be increased by 1% per year. This change would affect all natural gas users including commercial and existing homes, not just new residential users. This would reach, and likely motivate a larger audience to increase efficiency and reduce carbon emissions from fossil fuels. This has been done before as the City of Gresham has increased its fees to the natural gas utility twice. First from 5% to 7% in 2011 and then later to 10%.⁷⁰

Right of Way Limitations

Finally, limiting the expansion of the natural gas pipeline network is likely well within the city's rights, even after the EPCA decision.⁷¹ No new right of way expansion could be written into the next agreement or code. This is uncharted territory as this has not been done in Oregon or implemented in another municipality at this time, however there is explicit statutory language in Oregon Revised Statute 221.420(2) regarding a municipal regulation of public utilities.⁷²

Concerns

At any point moving forward until May of 2025 the city could create a policy to implement changes that take effect after the expiration of the current franchise agreement. There are a few considerations for the city to consider if the city would like to implement any of these options after the franchise agreement expires.

First, would be the legal concerns in implementing a right of way limitation. As noted, this has not been implemented in Oregon or elsewhere. While there is a strong case

⁶⁹ [Ashland / BN 2023/25 Adopted Budget-No UAL \(opengov.com\)](#)

⁷⁰ City of Gresham Master Fee Schedule, at p 25:
<https://greshamoregon.gov/WorkArea/DownloadAsset.aspx?id=685>

⁷¹ <https://law.lclark.edu/live/files/34365-regulating-natural-gas-in-oregons-buildings-a>

⁷² https://www.oregonlegislature.gov/bills_laws/ors/ors221.html

that Oregon's robust home rule provision should allow the city's actions, it hasn't been implemented and therefore has not been legally tested anywhere in the state yet. So, while legal minds believe this option is supported by the law, that does not mean the city couldn't be sued for implementing a novel approach.⁷³

Several Oregon municipalities are paying attention to Ashland to see what happens here. Before Ashland, all eyes were on Eugene in its pursuit of a Berkeley style standard. This option is no longer relevant, and Eugene has withdrawn this type of initiative. Many of the communities watching Ashland are no longer bound by a franchise agreement. One possible scenario is that several different Oregon municipalities decide to implement similar right of way policies.

Second, is the concern noted earlier about affordability when discussing an increase in franchise fees. An increase in franchise fees would most likely apply to everyone and therefore create a potential burden on those struggling to pay their bills. To offset this concern, the city could work to help increase efficiency in those homes by using the increased franchise revenue to fund such measures or help low-income individuals with burdensome utility bills.

Additionally, there is an important equity concern in not acting now. The notion is that "...those who are slower to transition from gas to efficient electric appliances will face a high burden of paying for the remaining cost of the gas system as gas utilities have fewer customers from which to collect revenues."⁷⁴ This paper further states that "Multiple electricity rate designs can provide bill affordability and capture the benefits of efficient building electrification."⁷⁵ Furthermore, there is unprecedented funding and programs focused on electrification now, that can ease the transition to

"...those who are slower to transition from gas to efficient electric appliances will face a high burden of paying for the remaining cost of the gas system as gas utilities have fewer customers from which to collect revenues."

⁷³ <https://law.lclark.edu/live/files/34365-regulating-natural-gas-in-oregons-buildings-a> at 7.

⁷⁴ Yim, E., and S. Subramanian. 2023. *Equity and Electrification-Driven Rate Policy Options*. Washington, DC: ACEEE. <https://www.aceee.org/white-paper/2023/09/equity-and-electrification-driven-rate-policy-options>. At 1.

⁷⁵ *Id* at iv.

new equipment. In sum, there may be more equity reasons to move a policy forward than to not.

Appendix 8: Construction Excise Tax

A construction excise tax (CET) was included in an earlier version of an emissions based clean air standard as a penalty option.

It was also reviewed as a standalone option where the statute allows a 1% CET to be levied against new residential construction.⁷⁶ Homes that chose all electric and thereby greatly reduce their future emissions may have been eligible for a waiver or reduced CET charge.

This option was not pursued as it is included in the city's May 2023 Housing Production Strategy to help fund affordable housing.⁷⁷ Utilizing the CET for climate related incentives would lead to reduced revenues for housing, which is at odds with increasing revenue to support affordable housing in the city.

Should the City Council choose to pursue this option, there are local examples readily available, including the City of Medford which has exemptions.⁷⁸ However, what is likely novel here and would need legal review is whether you could exempt a home, either fully or partially, for choosing to be all-electric to help the city meet its climate goals.

⁷⁶ ORS 320.192 – https://oregon.public.law/statutes/ors_320.192

⁷⁷ https://www.ashland.or.us/SIB/files/Final_Ashland_HPS.pdf

⁷⁸ [Affordable Housing Construction Excise Tax | Medford Municipal Code](#), see also https://www.medfordoregon.gov/files/assets/public/v/2/planning/hcd/cet-q-a_rev-02-2023.pdf for exemptions

Appendix 9: Local Building Code Amendment

The local building code amendment idea didn't seem feasible based on both the likely amount of time it would take to fully explore and the likelihood of success.

Staff shared their experience on a previous effort by Ashland to adopt a local wildfire code amendment. The local amendment was not granted. However, Ashland's effort resulted in Oregon Residential Specialty Code "Section R327 Wildfire Hazard Mitigation."⁷⁹ This code is voluntary and can be adopted by a municipality as an additional code layer. The process of pursuing a local amendment and the ultimate adoption by the state of a voluntary code took roughly two years to complete.

In addition, any building code requirement would have to be EPCA compliant based on the recent Berkeley Ninth Circuit Court of Appeals decision discussed above. The Washington State Building Code Council has approved a suite of changes as a statewide EPCA compliant building code.⁸⁰ This code process has been a lengthy process and led to a lengthy document that created 39 changes to the 2021 Building Code. This was done with full state resources including staffing and subject matter expertise.

Therefore, based on likelihood of success, the timeline, and the added complexity to be EPCA compliant (and the necessary staff time to pursue this), this option was not more thoroughly vetted.

⁷⁹ https://codes.iccsafe.org/content/ORRSC2021P1/chapter-3-building-planning#ORRSC2021P1_ChPanel_SecR327

⁸⁰ https://sbcc.wa.gov/sites/default/files/2023-10/CR102_WSEC_R_EPCA_complete_101823.pdf

Appendix 10: Public Presentation Slides

Appendix 11: Building Emissions

Concept Ordinance Language

ORDINANCE NO. **XXX**

AN ORDINANCE RELATING TO RESIDENTIAL NITROGEN OXIDES EMISSIONS; ~~REPEALING~~ ~~AND REPLACING AMC CHAPTER XXX AND AMENDING AMC XXXX~~

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Ashland Municipal Code Title 9 Health and Sanitation is hereby amended as follows.

SECTION 2. Section 9.45.010 is hereby added to the Ashland Municipal Code to read as follows:

Section 9.45.010 Definitions.

For the purposes of this chapter, the following definitions apply:

- A. *"Building emissions"* means air pollutants directly emitted by appliances, activities, or processes involving the combustion of any fossil fuel or combination of fossil fuels, including natural gas, propane, and any petroleum-based fuel, from a covered building, including but not limited to emissions generated through the operation of appliances, equipment, or processes used for space heating, water heating, clothes drying, or cooking in a covered building. Building emissions do not include:
1. **[Emissions from the combustion of wood or other biofuels in a solid fuel burning device regulated under chapter [code]; or]**

2. Emissions from any appliance, equipment, or process that is designed for exclusive use outside of a covered building and from a non-piped fuel source, including but not limited to emergency generators and outdoor grills powered by propane or charcoal.
- B. "*NOx emissions*" means the sum of nitric oxide and nitrogen dioxide (oxides of nitrogen), collectively expressed as nitrogen dioxide.
- C. "*Covered building*" means a [residential dwelling] that is a [permanent structure].
- D. ["*Permanent structure*" means a structure, as defined by [code] which has been constructed and placed on a permanent foundation for the purpose of occupancy.]
- E. "*Potential to emit*" means the maximum capacity of an appliance, equipment, or process, or a combination of appliances, equipment, and/or processes, to emit NOx emissions from a covered building.
- F. ["*Residential Dwelling*" means a structure as defined by [code]].

SECTION 3. Section 9.45.020 is hereby added to the Ashland Municipal Code to read as follows:

Section 9.45.020 Building emissions limit.

- A. A covered building that commences construction on or after [DATE] shall not emit or have the potential to emit, through the operation or installation of any appliance, equipment, or process, NOx emissions that exceed the building emissions limit established in this section.
- B. A building may not emit nor have the potential to emit more than [X] nanograms of NOx (calculated as NO₂) per Joule of heat output from equipment with the potential to emit NOx.
- C. The covered building's NOx emission rate shall be calculated as:
- D.
$$ER_{avg} = (\sum (ER_{eq} * E_{eq})) / (\sum E_{eq})$$

Where:

ER_{avg} = building-wide average NOx emission rate (ng/J)

ER_{eq} = equipment NOx emission rate (ng/J), as specified in Table 1.

Eleq = equipment energy input capacity (BTU/hr), as specified by the manufacturer.

Sums (Σ) include all emitting equipment, as listed in [Section 4.B.4], in the building.

- E. For any appliance and equipment listed in Table 1, an applicant may use a NOx emissions rate that is lower than the value listed in Table 1 if the applicant demonstrates that the actual NOx emissions rate of the appliance or equipment to be used is lower than the listed value through testing or certification that satisfies the requirements of California South Coast Air Quality Management District Test Method 100.1, U.S. EPA Reference Method RM-7 (40 C.F.R. Part 60, Appendix A, Test Method 7E) (as described in California Bay Area Air Quality Management District Rule 9-4-601)[, or a similar test or certification method that is deemed acceptable by a [City official]].

SECTION 4. Section 9.45.030 is hereby added to the Ashland Municipal Code to read as follows:

Section 9.45.030_Reports.

- A. **Notice of Intent to Construct.** If a proposed covered building will have the potential to exceed the building emissions limit established in this chapter, through the operation or installation of any appliance, equipment, or process, the owner of the proposed covered building shall submit to [the City] a Notice of Intent to Construct a Covered Building. This Notice must be submitted prior to commencing construction of a covered building.
- B. **Construction Report.** Within 30 days of construction completion, the owner of a covered building shall file with [the City] a report that includes the following information for the building:
- Address
 - Total square footage
 - A description of the building's HVAC system, including the primary fuel type or power source for the system
 - A complete list of all appliances and equipment installed in the building that emit or have the potential to emit NOx, including but not limited to appliances and equipment installed for cooking, space heating, water

heating, and clothes drying, and any fireplace that is not a solid fuel burning device regulated under chapter [code], along with the model number of the appliance and equipment.

SECTION 5. Section 9.45.040 is hereby added to the Ashland Municipal Code to read as follows:

Section 9.45.040 Penalties.

Any person violating the building emissions standard or failing to comply with the requirements of this chapter is subject to the general penalty provisions in chapter [code]. [A separate violation occurs for each day the violation continues.]

A building official may revoke a certificate of occupancy for a covered building that is not in compliance with the provisions and requirements of this chapter.¹⁵

SECTION 6. Section 9.45.050 is hereby added to the Ashland Municipal Code to read as follows:

Section 9.45.050 Severability.

Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 7. Table 1 is hereby added to the Ashland Municipal Code to read as follows:

Table 1. Equipment NOx Emission Rates

Equipment Type	NOx emission rate (ng/J)	Citation	Notes
Natural gas furnace (generic unabated)	39	EPA AP-42	Converted from lbs/MMscf to ng/J
Natural gas water heater (generic unabated)	39	EPA AP-42	Converted from lbs/MMscf to ng/J Natural gas water heater emissions assumed to be equivalent to furnace emissions
Natural gas cookstove (generic unabated)	21.7	Lebel et.al, 2022	
Natural gas oven (generic unabated)	25	Lebel et.al, 2022	
Fuel oil furnaces and water heaters (generic unabated)	56	EPA AP-42	Converted from lbs/10 ³ gal to ng/J Water heater emissions assumed to be equivalent to furnace emissions
Propane furnaces, water heaters, and boilers (generic unabated)	61	EPA AP-42	Converted from lbs/10 ³ gal to ng/J Furnace and water heater emissions assumed to be equivalent to boiler emissions
Water Heater (specific models)	As specified in South Coast Air Quality Management District Certification table	http://www.aqmd.gov/docs/default-source/permitting/1121-list/current-rule-1121-certified-model-list.pdf?sfvrsn=8	

Boiler (specific models)	As specified in South Coast Air Quality Management District Certification table, or Bay Area Air Quality Management Certification table	http://www.aqmd.gov/docs/default-source/permitting/1146-2-boiler-list/rule-1146-2-certified-boilers.xlsx?sfvrsn=62 ; https://www.baaqmd.gov/~media/Files/Compliance%20and%20Enforcement/Compliance%20Assistance/9-7%20Cert/9-7_Certification_List_Master.ashx	
Emergency internal combustion engine backup generators (specific models)	As specified in South Coast Air Quality Management District Certification table	http://www.aqmd.gov/docs/default-source/permitting/certified-ice/certified-ice-list.xlsx?sfvrsn=38	
Other equipment	As specified by applicable certification or test procedure, pursuant to [Section 3.D]		

PASSED by the City Council this _____ day of
_____, 2024.

ATTEST:

Dana Smith, Clerk of the Council Pro Tem

SIGNED and APPROVED this _____ day of
_____, 2024.

Tonya Graham, Mayor

Reviewed as to form:

Douglas M. McGeary, Acting City Attorney

Appendix 12: Draft – Appliance Emissions Ordinance⁸¹

ORDINANCE NO. XXX

AN ORDINANCE RELATING TO RESIDENTIAL NITROGEN OXIDES EMISSIONS

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Ashland Municipal Code Title 9 Health and Sanitation is hereby amended as follows.

SECTION 2. Section 9.45.010 is hereby added to the Ashland Municipal Code to read as follows:

Section 9.45.010 Definitions.

For the purposes of this chapter, the following definitions apply:

- A. “*emissions*” means air pollutants directly emitted by the combustion of any fossil fuel or combination of fossil fuels⁸², including natural gas, propane, and any petroleum-based fuel, from a covered building, from a covered appliance generated through the operation of appliances, equipment, or processes used for space heating and water heating,⁸³ in a covered building. Emissions do not include:

⁸¹ www.baaqmd.gov Bay Area Air Quality Management District’s Regulation 9 Rules 4 and 6 can also be reviewed for further details on ordinance language choices: [20230315_rg0906-pdf.pdf \(baaqmd.gov\)](#), [20230315_rg0904-pdf.pdf \(baaqmd.gov\)](#)

⁸² This could be left as fossil fuels or changed to natural gas fired, which would mimic the BAAQMD rules above. This change would also need to be made in other areas that use the fossil fuel language.

⁸³ This could also include: “clothes drying, fireplaces or cooking” if those appliances are to be covered.

1. Emissions from the combustion of wood or other biofuels in a solid fuel burning device regulated under chapter 9.24; or
 2. Emissions from any appliance, equipment, or process that is designed for exclusive use outside of a covered building and from a non-piped fuel source, including but not limited to emergency generators and outdoor grills powered by propane or charcoal.
- B. "*NOx emissions*" means the sum of nitric oxide and nitrogen dioxide (oxides of nitrogen), collectively expressed as nitrogen dioxide.
- C. "*Covered building*" means a new residential dwelling that is a permanent structure as covered by building code.
- D. "*Covered appliance*" means:⁸⁴
1. Fossil fuel fired furnace, which includes non-central installations such as wall furnaces as well as units installed in non-residential applications.
 2. Fossil fuel fired boiler, storage tank water heater, or instantaneous water heater.
- E. "*Potential to emit*" means the maximum capacity of an appliance, equipment, or process, to emit NOx emissions from a covered building.

SECTION 3. Section 9.45.020 is hereby added to the Ashland Municipal Code to read as follows:

Section 9.45.020 Appliance emissions limit.

- A. A covered building that commences construction on or after [DATE]⁸⁵ shall not have installed fossil fuel appliances that emit or have the potential to emit, through their operation or installation, NOx emissions that exceed the emissions limit established in this section.

⁸⁴ If additional appliances, such as gas stoves, dryers and fireplaces are included they would need to be added to this section.

⁸⁵ A date would need to be determined to provide adequate notice to prospective builders.

- B. A fossil fuel furnace manufactured after January 1, 2025,⁸⁶ that emits, or has the potential to emit, more than 14.0⁸⁷ nanograms of nitrogen oxides expressed as NO₂ per joule of useful heat delivered to the heated space.
- C. Fossil fuel fired boiler, storage tank water heater, or instantaneous water heater manufactured after January 1, 2025,⁸⁸ that emits, or has the potential to emit, more than 10.0 nanograms of nitrogen oxides (calculated as NO₂) per joule of heat output.⁸⁹
- D. The applicant must demonstrate that the NO_x emissions are lower than the listed value through manufacturer certification which satisfies the requirements of California South Coast Air Quality Management District Test Method 100.1, U.S. EPA Reference Method RM-7 (40 C.F.R. Part 60, Appendix A, Test Method 7E) (as described in California Bay Area Air Quality Management District Rule 9-4-601) [, or a similar test or certification method that is deemed acceptable by the [City official]].⁹⁰

SECTION 4. Section 9.45.030 is hereby added to the Ashland Municipal Code to read as follows:

Section 9.45.030_Reports.

- A. Notice of Intent to Construct.** If a proposed covered building will have the potential to exceed the appliance emissions limit established in this chapter, through the operation or installation of such equipment, the owner of the proposed covered building shall submit to the city a Notice of Intent to Construct a Covered Building. This Notice must be submitted prior to commencing construction of a covered building.

⁸⁶ This date could be changed. The 14.0 standard has been in place in the BAAQMD since 2013 and 2012 in the South Coast Air Quality Management District.

<http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1111.pdf?sfvrsn=4>

⁸⁷ If a zero NO_x standard were adopted the language would need to be reflected here and in other relevant passages.

⁸⁸ Similarly, this date could change but has been in effect in the SCAQMD since 2006.

<https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1121.pdf>

⁸⁹ Additional appliances could be added subsequently to this list.

⁹⁰ This clause could be added to allow for other mechanisms that may be appropriate to be used.

B. Construction Report. Within 30 days of construction completion, the owner of a covered building shall file with the City a report that includes the following information for the building:

1. Address
2. Total square footage
3. A description of the building's HVAC system, including the primary fuel type or power source for the system
4. A list of covered appliances and equipment installed in the building that emit or have the potential to emit NO_x, along with the model number of the appliance and equipment, and a manufacturer certification listing the NO_x emissions.

SECTION 5. Section 9.45.040 is hereby added to the Ashland Municipal Code to read as follows:

Section 9.45.040 Penalties.

- A. Any person violating the emissions standard or failing to comply with the requirements of this chapter is subject to the general penalty provisions in chapter 1.08. A separate violation occurs each day the violation continues.
- B. A building official may revoke a certificate of occupancy for a covered building that is not in compliance with the provisions and requirements of this chapter.¹⁵

SECTION 6. Section 9.45.050 is hereby added to the Ashland Municipal Code to read as follows:

Section 9.45.050 Severability.

Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of
_____, 2024.

ATTEST:

Dana Smith, Clerk of the Council Pro Tem

SIGNED and APPROVED this _____ day of
_____, 2024.

Tonya Graham, Mayor

Reviewed as to form:

Douglas M. McGeary, Acting City Attorney



Electrification & Natural Gas Options Overview

May 21, 2024

City of Ashland Goals & Priorities

1

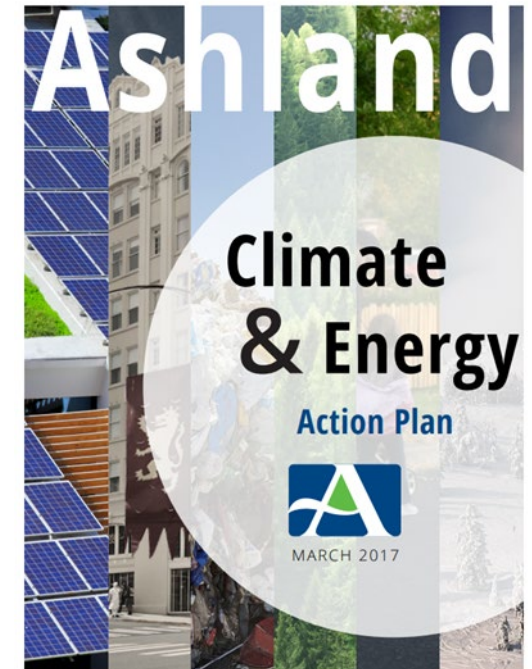
Reduce Ashland's contribution to global carbon pollution by reducing greenhouse gas emissions associated with City, residential, commercial, and industrial activities.

For the Ashland community:

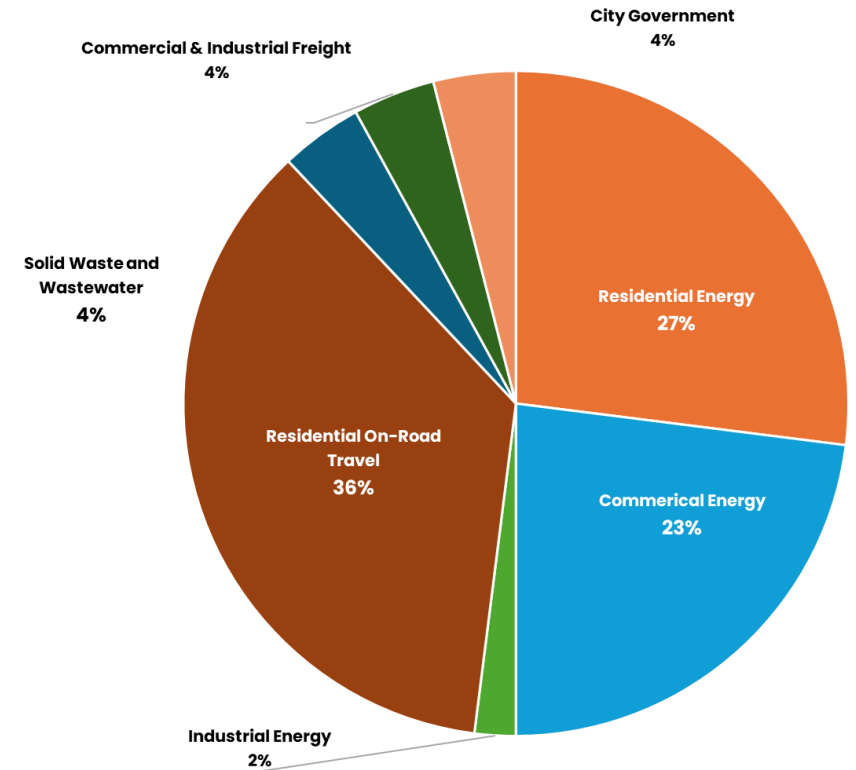
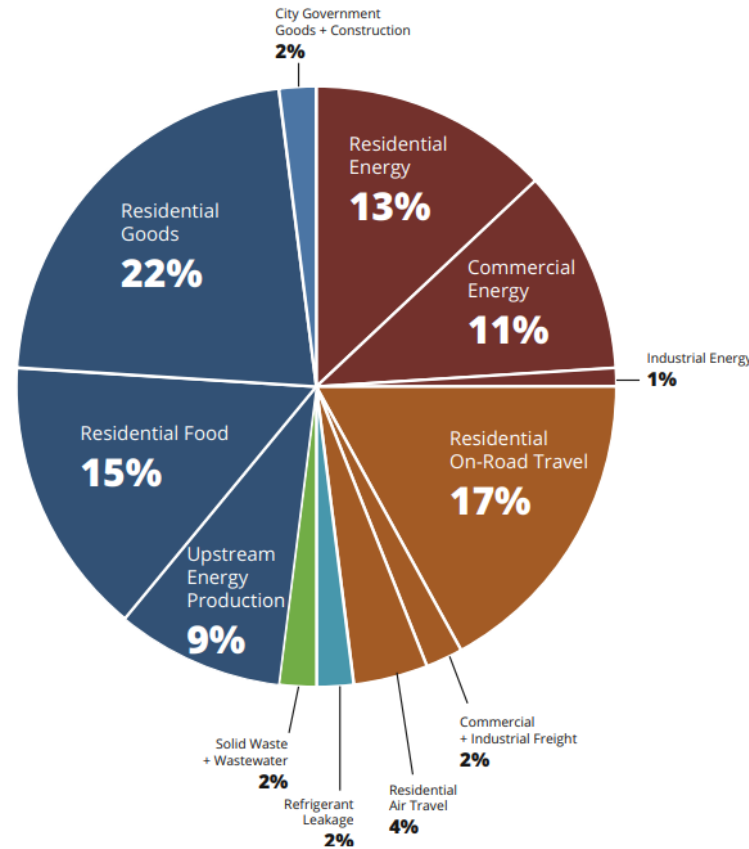
Reduce overall Ashland community greenhouse gas emissions by 8% on average every year to 2050.

For City of Ashland operations:

Attain carbon neutrality in City operations by 2030, and reduce fossil fuel consumption by 50% by 2030 and 100% by 2050.



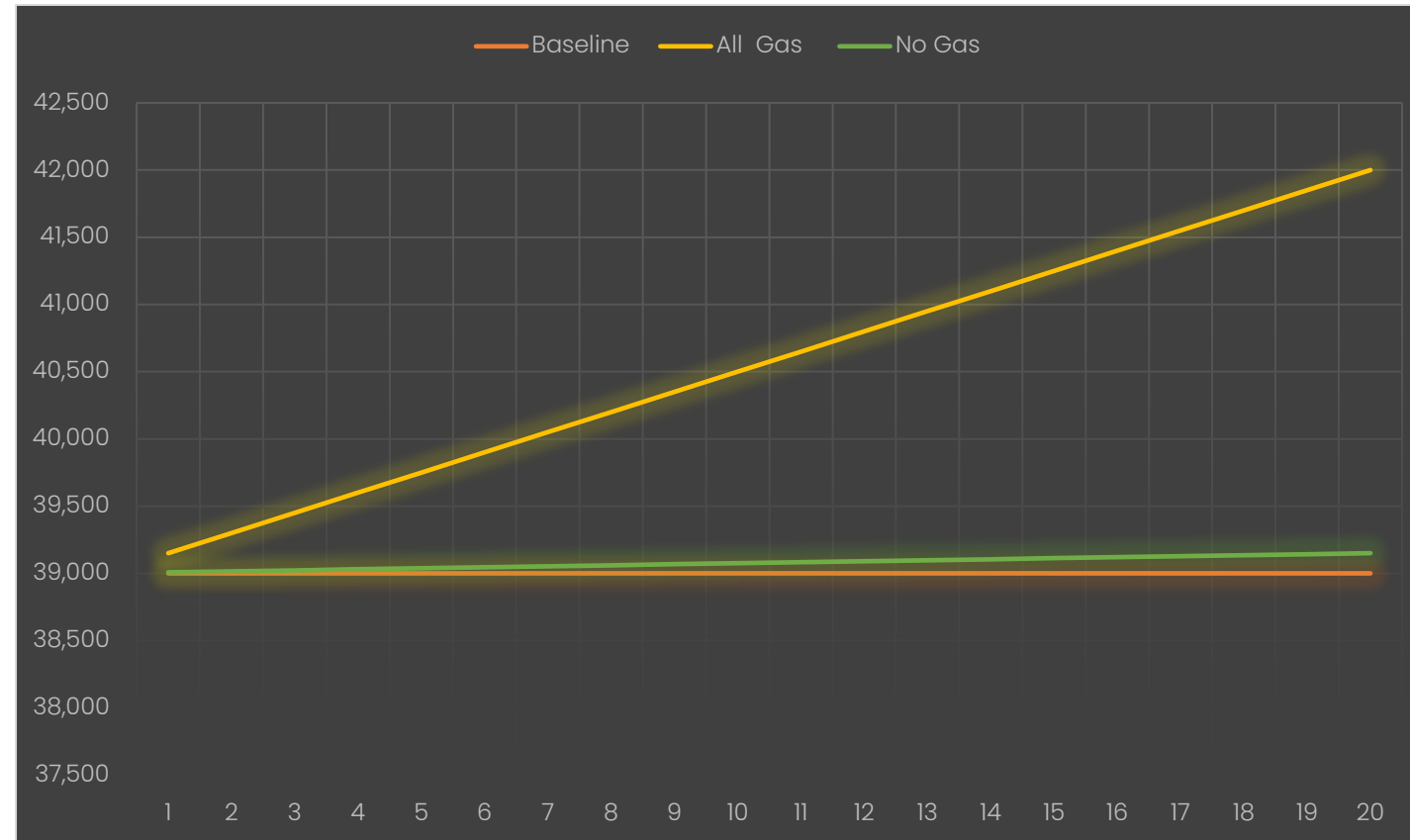
City of Ashland – Emissions



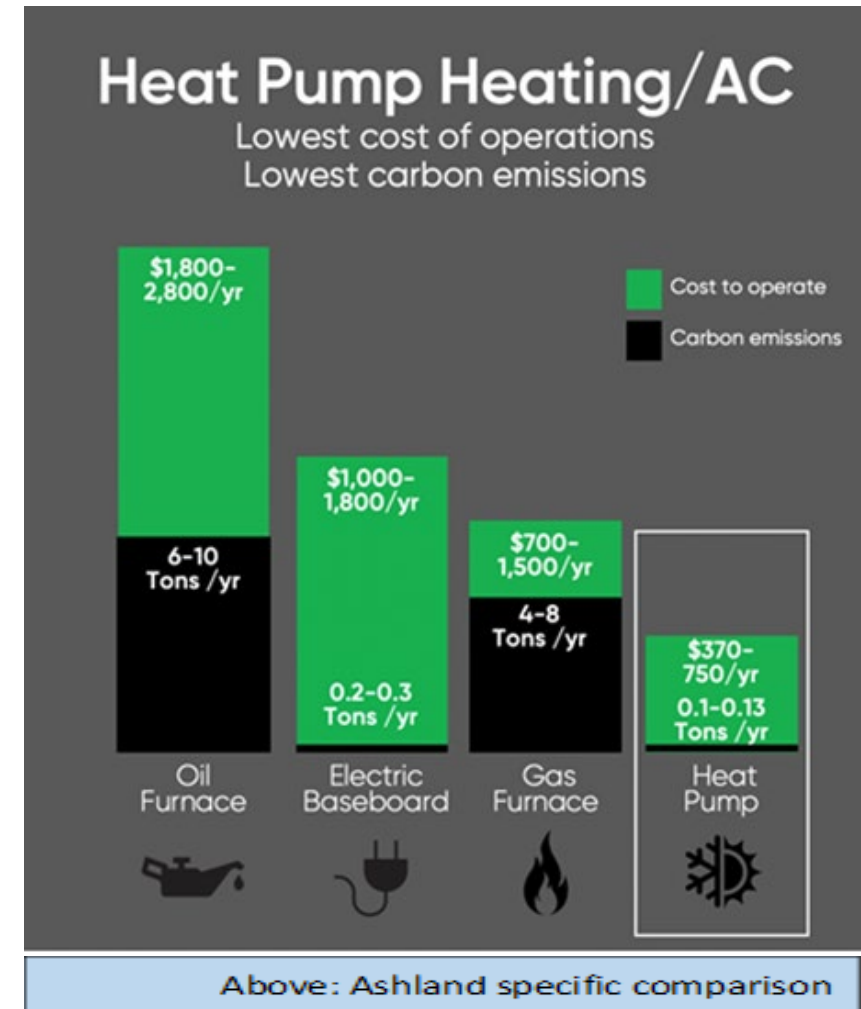
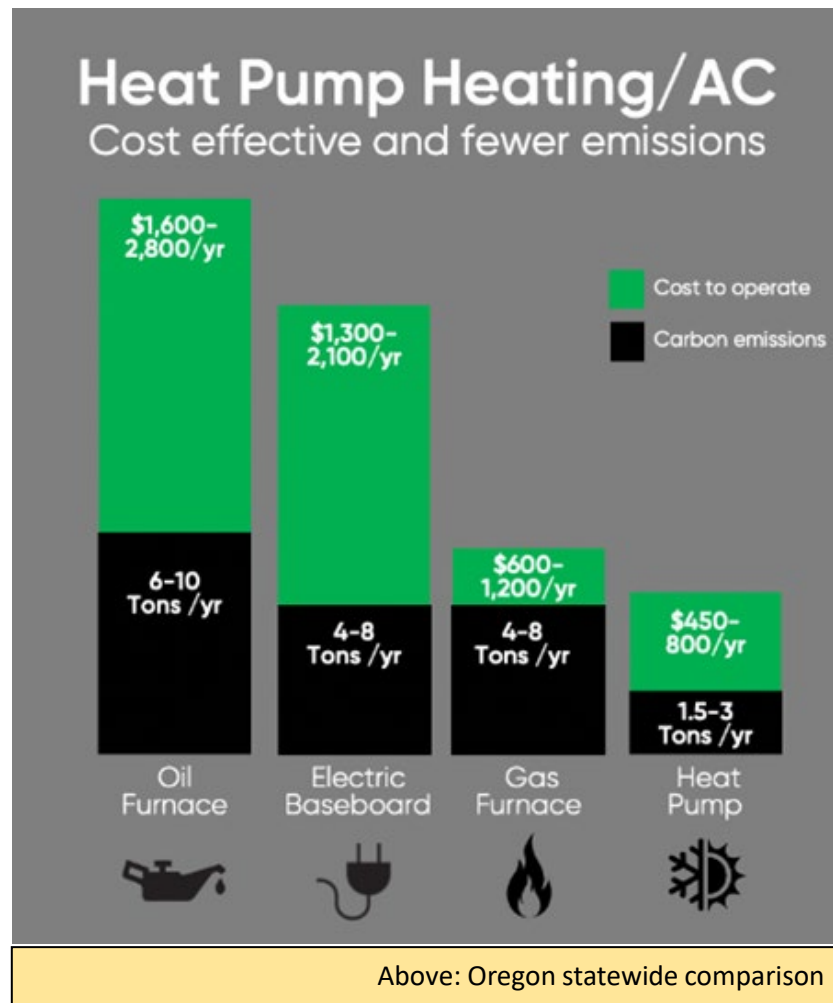
Climate Impacts



All Gas vs No Gas in New Residential

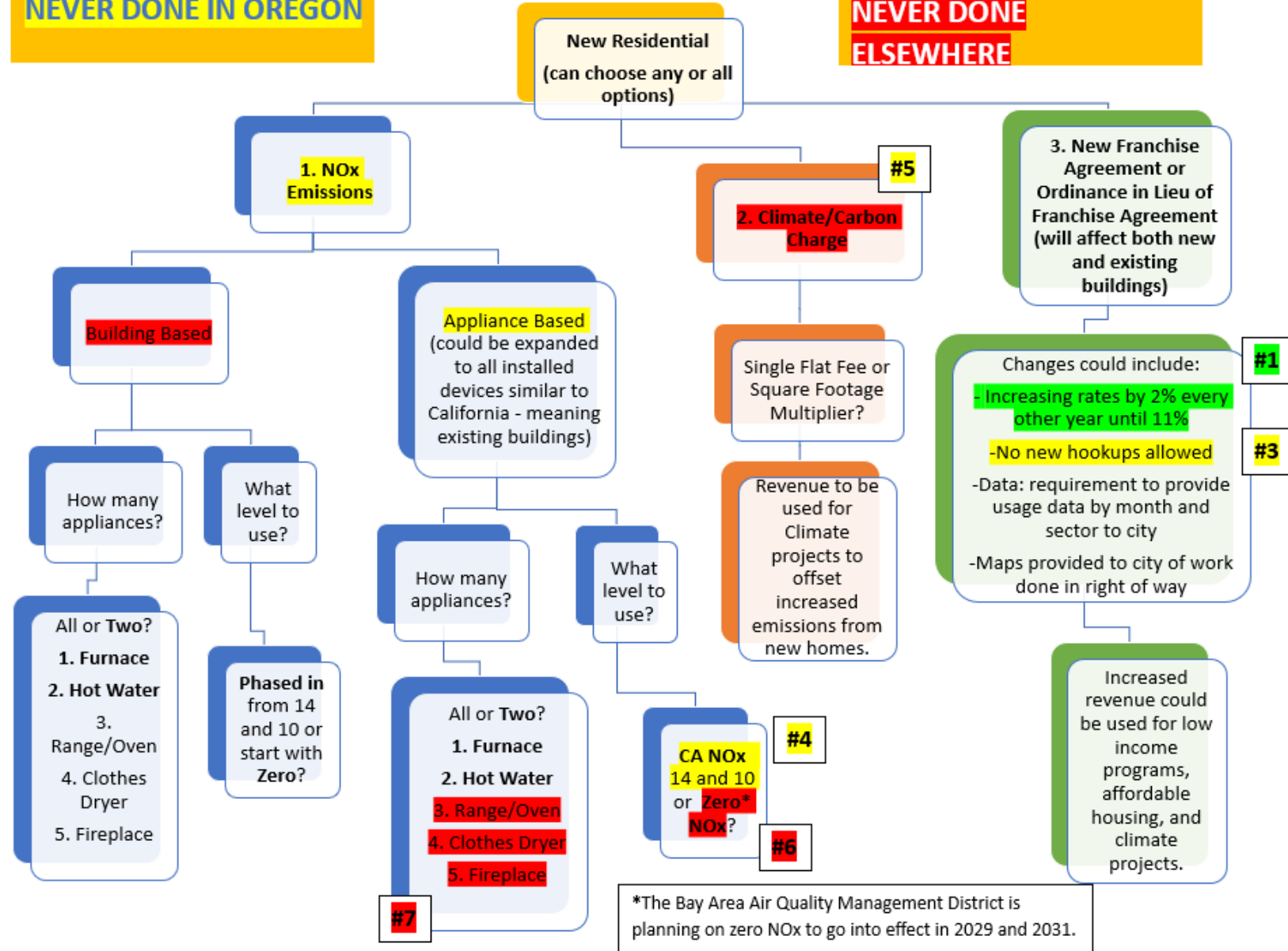


Electric Heat Pumps – Reduce Emissions & Costs



NEVER DONE IN OREGON

NEVER DONE
ELSEWHERE



Menu of Options

Non - Franchise or Ordinance Options		Good Legal Support		Legal Support or Precedent But Could Be Litigated			No Precedent		No Legal Path
A) Do Nothing	B) Increase Incentives - we are currently looking for ways to increase incentives	1) Increase <u>Franchise Fees</u> - future action after franchise agreement	2) Construction Excise Tax (this seems earmarked for other uses - housing)	3) <u>Right of Way Ban</u> - future action - after franchise agreement	4) <u>NOx Emissions</u> Like CA	5) <u>Carbon Charge</u>	6) <u>NOx Emissions with Zero emissions</u>	7) <u>NOx Emissions for 5 appliances</u> (variation of building emissions concept)	Berkeley Style - Building Code Related



Menu of Options

Good Legal Support		Legal Support or Precedent But Could Be Litigated			No Precedent	
1) Increase <u>Franchise Fees</u> – future action after franchise agreement	2) Construction Excise Tax (this seems earmarked for other uses – housing)	3) <u>Right of Way Ban</u> – future action – after franchise agreement	4) <u>NOx Emissions</u> Like CA	5) <u>Carbon Charge</u>	6) <u>NOx Emissions</u> with Zero emissions	7) <u>NOx Emissions</u> for 5 appliances (variation of building emissions concept)



Menu of Options

Good Legal Support		Legal Support or Precedent But Could Be Litigated			No Precedent	
1) Increase <u>Franchise Fees</u> (future action – after franchise agreement)	2) Construction Excise Tax (this seems earmarked for other uses – housing)	3) <u>Right of Way Ban</u> (future action – after franchise agreement)	4) <u>NOx Emissions Like CA</u>	5) <u>Carbon Charge</u>	6) <u>NOx Emissions with Zero emissions</u>	7) <u>NOx Emissions for 5 appliances</u> (variation of building emissions concept)
OR Supreme Court has upheld the city of Gresham's ability to increase fees from 5% to 8%. The City of Gresham later increased franchise fee from 8% to 10% with no litigation.	Allowed by Statute – ORS 310.192 but questions about whether you could exclude electric homes from such a tax.	Not done in Oregon, some activity in CA (Port of L.A. and Half Moon Bay). Outside legal thinking stating this should be permissible municipal action under the right to exclude and/or home rule. ORS 221.420(2)(a)	Not done in Oregon. Has been done in California Air Quality Districts since 1979. Not aware of anything from the Berkeley case affecting this. Authority is from the Clean Air Act.	Not done anywhere. Outside legal thinking stating this should be permissible municipal action under a pollution reduction notion (not property tax).	None yet, the Bay Area Air Quality Management District will move to 0 NOx in 2029 and 2031 for Heaters and Hot Water Will this be allowed under the Clean Air Act when the BAAQMD moves forward?	Not done anywhere and I am not aware of plans for any other jurisdiction to pursue this.

Considerations

1. Climate

- Cost of inaction
 - losing ground on race to stabilize our climate.
- Goal of reducing GHG emissions and obtain carbon neutrality per the CEAP.

2. Economic

- Cost of legal Review.
- Cost of litigation if necessary.

3. Legal

- Would the city get sued?
- How much would that cost?
- What other services could that impact?



Questions?



Thank you!

**Chad Woodward
Climate & Energy Analyst**





Council Business Meeting

Date: January 21, 2025

Agenda Item	Second Reading - ORD 3248 An Ordinance Creating Section 2.28.600 of the Ashland Municipal Code Establishing the Parks and Recreation Department
From	Sabrina Cotta, Rocky Houston, Director Ashland Parks & Recreation , Doug McGeary, City Attorney, Acting
Contact	sabrina.cotta@ashland.or.us, rocky.houston@ashland.or.us, doug.mcgeary@ashland.or.us

SUMMARY

This item is presented to the City Council to adopt an updated ordinance establishing the governance structure, roles, and responsibilities of the Parks and Recreation Department. The ordinance clarifies the respective roles of the City Manager (CM), Parks and Recreation Commission (PRC), and Parks and Recreation Director (Director) while ensuring compliance with the City Charter and reducing governance ambiguities that have created operational and legal challenges in the past.

Following the Council's first reading of this Ordinance (12/07/2024), Legal received recommended changes and held a meeting with the Parks and Recreation Commission to discuss and review those suggestions. The proposed changes from the Parks Commission and Parks Director, as outlined in the attached document, were reviewed to assess their compatibility with the ordinance's overarching goals. These goals include maintaining compliance with the City Charter, mitigating liability risks under the Oregon Tort Claims Act (OTCA), and establishing a unified governance structure that avoids ambiguity.

POLICIES, PLANS & GOALS SUPPORTED

The proposed ordinance aligns with several key City Council goals, Comprehensive Plans, and adopted policies:

- City Charter Compliance: Maintains the PRC's authority over park lands and strategic policy direction while integrating operational oversight under the CM.
- Liability Mitigation: Reduces legal risks by avoiding ambiguities that could create dual liability under the OTCA.
- Operational Efficiency: Aligns operations with City-wide policies through the CM's oversight of the Department.
- Strategic Vision: Supports long-term goals in the Parks and Recreation Comprehensive Master Plan by clarifying roles and responsibilities.

BACKGROUND AND ADDITIONAL INFORMATION

The proposed ordinance reflects the unified efforts of the City Council, APRC, and staff to create a governance structure that resolve longstanding governance challenges. Historically, ambiguities in the operational roles of the PRC and CM have led to inefficiencies, overlapping responsibilities, and legal vulnerabilities.

The Parks Department has transitioned over the last 116 years from a quasi-standalone entity funded by the City to a general funded department that now operates like other City departments. This ordinance intends to honor the history, the Charter, and current governance requirements of the City. Importantly, the ordinance aligns with the City Charter, mitigates legal risks under the OTCA, clarifies roles, and reinforces a unified governance structure, protecting the City and the PRC from unnecessary liability exposure.

This ordinance addresses these concerns by:

- Providing the PRC with its Charter-mandated control over park lands and strategic policy direction.





Council Business Meeting

- Tasking the City Manager with ensuring that the Parks and Recreation Director oversees operations in alignment with City policies, including administrative, financial, and risk management activities.
- Affirming the City Manager's ultimate accountability for operational compliance while maintaining the alignment of all City departments with municipal policies.

The structure codified in this ordinance best addresses the systemic challenges necessitating its creation. This governance framework clarifies roles, aligns with best practices for municipal governance, and protects both the City and APMC from unnecessary legal exposure.

FISCAL IMPACTS

The ordinance focuses on governance realignment and does not require significant infrastructure or operational changes. As such, additional costs are anticipated to be minimal. By streamlining accountability and clarifying roles, the ordinance is expected to reduce inefficiencies, improve financial planning, and minimize potential legal costs related to governance ambiguity.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

Staff recommends the Council move to adopt the ordinance. Recommended motion:

"I move to adopt Ordinance 3248, An Ordinance Creating Section 2.28.600 of the Ashland Municipal Code Establishing the Parks and Recreation Department."

REFERENCES & ATTACHMENTS

1. A-ORD 3248 Creating AMC 2.28.600 Parks and Recreation Department--01-21-25
2. Memo-Analysis of Parks Changes and Impact on Dept Ordinance--01-21-25

ORDINANCE NO. 3248

AN ORDINANCE CREATING SECTION 2.28.600 OF THE ASHLAND MUNICIPAL CODE ESTABLISHING THE PARKS AND RECREATION DEPARTMENT

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the City desires to create section 2.28.600 of the Ashland Municipal Code:

THE PARKS AND RECREATION DEPARTMENT

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.28.600 Parks and Recreation Department is hereby created to read as follows:

2.28.600 Parks and Recreation Department – Creation

A Parks and Recreation Department (Department) is hereby created and is charged with supporting the strategic policy direction of the Parks and Recreation Commission (PRC) and the operational oversight of the City Council through its City Manager, as outlined in the City Charter and Ashland Municipal Code. The Department is an integral part of the City of Ashland's government and shall not act as an independent legal entity. All legal actions involving the Department, or the PRC shall be treated as actions against the City. The Department shall oversee the operation and management of parks, recreation facilities, and programs under the strategic direction of the PRC and the administrative and operational oversight of the City Manager, subject to state law, Ashland Municipal Code, and formal City administrative policies.

2.28.610 Parks and Recreation Director – Appointment and Duties

A. Appointment

The Director of Parks and Recreation shall be appointed by the PRC, with input from the City Manager, and shall be responsible for the operation of the Department.

B. Duties

The Director shall have the following duties:

1. Responsibility to the PRC: The Director shall implement policies, plans, and goals as directed by the PRC, ensuring the management of parklands, recreational facilities, and programs aligns with the PRC's strategic vision.
2. Responsibility to the City Manager: The Director is responsible to the City Manager to ensure that all operations, including administrative, financial, and risk management functions, align with written City policies. While strategic decisions remain under the PRC's purview, the Director must ensure compliance with City-wide standards and operational alignment.
3. Supervision of Employees: The Director shall supervise all Department employees in accordance with City Human Resources policies. Department employees are City employees assigned to parks and recreation functions and shall be supervised within the Department.

2.28.615 Performance Appraisal of the Parks and Recreation Director

A. Responsibility for Performance Appraisal

The performance appraisal of the Parks and Recreation Director is the responsibility of the PRC, with support from the City of Ashland Human Resources (HR) Department, and shall be conducted in accordance with the City of Ashland Performance Appraisal Process.

B. City Manager's Input

The City Manager shall be invited to provide input as a key operational partner during the performance appraisal. The City Manager may raise performance issues for the PRC's consideration and communicate feedback through a written review or during an executive session with the PRC.

C. Handling Human Resource Concerns and Complaints

Employees who have HR concerns shall report their concerns following City HR policies. If a complaint is filed against the Director, the City Manager will be notified, and HR and Legal will engage with the PRC to share information and ensure proper handling of the complaint.

2.28.620 Parks and Recreation Department – Functions

A. The functions of the Parks and Recreation Department shall include:

1. Parks Management: Implement PRC policies related to the management of City-owned parks and recreation facilities, ensuring compliance with City policies.
2. Programs and Services: Manage the City's recreation programs and senior services, including events in the parks, in alignment with the PRC's strategic vision and City administrative standards.
3. Financial and Operational Coordination: The Director shall ensure that all budgeting and financial management is done according to the direction of the

City Manager and is subject to City Council approval. The Director shall integrate financial, legal, and risk management aspects with City operations.

2.28.630 Accountability and Supervisory Structure

A. Strategic Direction and Land Management

The PRC shall have control and management of all lands dedicated for park purposes and all other lands that may hereafter be acquired by the City for such purposes, as provided in the City Charter. This includes the authority to set the strategic and policy direction regarding the use, development, and preservation of these lands.

The Parks and Recreation Director is responsible for implementing the PRC's strategic and policy decisions concerning the management of park lands, ensuring alignment with all relevant laws and the City Charter.

B. Operational Oversight and Administrative Supervision

While the PRC retains control and management of park lands, the City Manager shall work with the Parks and Recreation Director to ensure that all operations, including administrative, financial, and risk management functions, align with City-wide policies. The City Manager retains ultimate responsibility for ensuring compliance with these policies and maintaining operational consistency across all City departments.

C. Reporting Structure

The Parks and Recreation Director shall:

1. Be responsible to the PRC regarding strategic and policy matters related to control and management of park lands.
2. Be responsible to the City Manager regarding operational, financial, and compliance matters, ensuring City policies are followed in the administration of the Department.

D. Clarification of Authority

If differences arise related to the respective authority of the PRC and the City Manager over operational or administrative compliance matters, such issues shall first be discussed between the PRC Chair and the City Manager to ensure alignment and understanding. If clarification is still required, the matter shall be referred to the Mayor and Park Commission Chair for further discussion. Ultimately, the City Council, as the final authority, will resolve any remaining uncertainty or confusion, with guidance from the City's Legal Department as necessary to ensure compliance with the City Charter and municipal policies.

E. Emergency Management

In the event of a declared emergency, the City Manager shall have the authority to direct the use of Parks and Recreation Department staff and resources, in coordination with the Department Director. This ensures the Department's effective integration into the City's broader emergency response framework.

F. Legal Responsibility

The Department shall not act independently in legal, financial, or contractual matters or in any capacity that could be construed as functioning as a political subdivision of the City, as defined in ORS 174.117. All such matters shall be managed and overseen by the City Attorney and/or the appropriate City departments to ensure compliance with City policies and legal standards.

2.28.640 Hiring and Termination of the Parks and Recreation Director

A. Hiring Process

1. Responsibility of the PRC

The PRC is responsible for hiring the Department Director with the assistance of an outside hiring firm or through direct appointment by the PRC. All hiring processes shall adhere to applicable federal, state, and local employment laws and comply with uniform City Human Resources policies to ensure transparency, fairness, and legal compliance.

2. Input from the City Manager

The City Manager shall provide input into the job description and skill set requirements for the Director, ensuring alignment with City-wide operational goals.

3. City Manager's Role in the Interview Process

The City Manager shall provide feedback on applications and sit on the department head interview panel, along with other City executive team members. The goal is to provide the PRC with operational insights and recommendations for candidates that would be successful within the City's broader structure.

4. Contract Signing Authority

The City Manager shall have contract signing authority for the hire of the Parks and Recreation Director and shall assist with contracting documentation to ensure all legal and financial terms comply with City policies.

B. Termination Process

1. Commission's Role in Termination:

The PRC retains the primary authority to recommend the termination of the Director, based on its assessment of performance and alignment with the strategic vision and policies of the Commission.

2. Council and Legal Review:

a. Presumption of Correctness: A termination recommendation made by the majority of the PRC shall be presumed valid and in the best interest of the City.

b. Council Override Standards: The City Council, in consultation with the City Attorney, may override the PRC's recommendation if clear and convincing evidence demonstrates that the recommendation is not supported by sufficient cause, or if legal, operational, or compliance risks necessitate termination.

c. Process and Confidentiality:

- All discussions and materials related to the termination shall remain confidential and compliant with Oregon's public records and executive session laws (ORS 192.345(12)).
 - Executive session discussions must remain within the bounds of confidentiality to avoid violations of state law.
3. **Final Decision:**
The PRC shall make the final decision on termination in a public meeting, following any necessary executive session discussions and Council input, to ensure transparency while maintaining compliance with legal confidentiality requirements.
4. **Public Records and Confidentiality:**
In compliance with ORS 192.345(12), any materials or discussions supporting the personnel action shall remain exempt from disclosure unless the public interest clearly requires otherwise. Care must be taken to protect the employee from undue public scrutiny during the process.

2.28.650 Legal and Financial Oversight

A. Subject to City Policies

The Department shall be subject to all City policies regarding legal, financial, human resources, and risk management matters. The Department shall follow the same policies, procedures, and protocols as other City departments to ensure seamless integration into the City's administrative framework.

B. Legal Representation and Liability

The City Attorney shall manage all legal matters involving the Parks and Recreation Department. Any legal claims or actions against the Department shall be considered claims against the City of Ashland. The Department and the PRC shall not act as independent legal entities, ensuring that all legal risks are contained within the City's legal framework.

C. Risk Management

The Parks and Recreation Director is responsible to the City's Risk Management Office to ensure that potential risks and liabilities associated with the operations of parks, recreational facilities, and programs are identified, mitigated, and fully aligned with the City's risk management strategies.

D. Financial Coordination

The Department shall coordinate all financial activities, including budgeting, reporting, and financial management, with the City Finance Director and the City Manager. All financial transactions, appropriations, and contracts must comply with City financial management policies and protocols. The City Council shall maintain authority over the approval of all financial matters related to the Parks and Recreation Department.

E. Long-Term Financial Planning

The Department and PRC shall work with the City Manager, Finance Director and City

Council to develop long-term financial strategies and forecasts for the maintenance and expansion of parks and recreation services. This shall include the identification of funding sources, capital improvements, and the integration of long-term financial planning with the City's overall fiscal policies.

2.28.660 Unified Governance and Advisory Committees

A. Culture

The City Council acknowledges the PRC's Charter-defined authority to set policy direction for the Department. To ensure the effective implementation of these policies within the City of Ashland's operational framework and maintain a unified and productive working relationship, both bodies will observe the following:

1. Onboarding and Training

Newly elected officials to both bodies shall receive training on the City Council/PRC relationship, with ongoing training in diversity, inclusion, and City policies.

2. Joint Study Sessions

The PRC and City Council shall hold joint study sessions at least twice annually to discuss shared goals and challenges.

3. Advisory Committee Alignment

All advisory committees shall adopt consistent agenda formats and processes, substantially follow the City's uniform committee policies, receive mandatory training, and have standardized terms of service.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 17th day of December, 2024, and duly PASSED and ADOPTED this 21st day of January, 2025.

PASSED by the City Council this _____ day of _____, 2025.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2025.

Tonya Graham, Mayor

Reviewed as to form:

Douglas M. McGeary, Acting City Attorney

LEGAL REVIEW OF SUBSEQUENT CHANGES TO ORDINANCE 3248

TO: Council and Parks Commission, Sabrina Cotta and Rocky Houston
FROM: Douglas M McGeary, Acting City Attorney
DATE: 01-09-25
RE: Analysis of Suggested Parks Commission Changes and Their Impact on the Overarching Goals of the Ordinance

Analysis of Suggested Changes and Their Impact on the Overarching Goals of the Ordinance

Following the Council's first reading of this Ordinance (12/07/2024), Legal received recommended changes and held a meeting with the Parks and Recreation Commission to discuss and review those suggestions. The proposed changes from the Parks Commission and Parks Director, as outlined in the attached document, were reviewed to assess their compatibility with the ordinance's overarching goals. These goals include maintaining compliance with the City Charter, mitigating liability risks under the Oregon Tort Claims Act (OTCA), and establishing a unified governance structure that avoids ambiguity.

1. Section 2.28.600: Inclusion of Park Commission in Legal Protection

- **Change:** The PRC's requested language and conversations reflected an understandable misinterpretation of the ordinance's intent. The proposed changes were rejected, and the section provision was recast by Legal to maintain the ordinance's intent of clarifying roles and mitigating liability risks.
- **Impact:** This change clearly delineates strategic policy authority (held by the PRC) from operational and administrative management (handled by the City Manager). By replacing ambiguous language and avoiding misassignment of duties or authority, Legal ensured that operational authority remained firmly under the City Manager while preserving the PRC's Charter-defined strategic role.
- **Evaluation:** Legal's revisions address ambiguities in the original language, reinforcing the unified governance structure and avoiding potential governance conflicts. The revised language ensures compliance with the City Charter, reduces risks of dual liability under the Oregon Tort Claims Act (OTCA), and emphasizes the City Manager's operational authority while respecting the PRC's strategic oversight role. This recast language better aligns with the ordinance's goals of creating clarity and reducing legal risks.



2. Section 2.28.610(B): Clarity on Written Policies

- **Change:** Added “written” to clarify that employees are only accountable for compliance with documented policies.
 - **Impact:** Improves operational clarity and avoids potential disputes over unwritten expectations. This change does not affect the governance structure or liability framework.
 - **Evaluation:** Supports transparency; no adverse impact on overarching goals.
-

3. Section 2.28.620(A)(3): Parks and Recreation Department – Functions

- **See:** 9. Section 2.28.650(D): Financial Oversight, below.
-

4. Section 2.28.630(D): Clarification of Authority

- **Change:** Limits authority disputes to “compliance matters” between the Director and City Manager, specifying escalation protocols.
 - **Impact:** Reinforces the City Council’s final authority while narrowing the scope of disagreements to operational compliance. This avoids broader conflicts over strategic direction.
 - **Evaluation:** Aligns with the ordinance's goals by ensuring disputes are confined to operational oversight and compliance, avoiding ambiguity.
-

5. Section 2.28.630(E): Emergency Management Authority

- **Requested Change:** Specifies “temporary” authority for the City Manager during emergencies and deletes “all.”
 - **Impact:** Clarifies that the City Manager’s emergency authority is limited to the duration of the declared emergency. However, an emergency is temporary and thus the use of “temporary” is redundant.
 - **Evaluation:** No change is necessary while supporting unified governance and legal defensibility; there is no adverse impact.
-

6. Section 2.28.640(A)(5): Reciprocity in Hiring

- **Change:** Removed reciprocity clause granting the Parks Director participation in City Manager hiring.
- **Impact:** Reflects that the Parks Director, as a department head, inherently participates in such processes. This simplifies the ordinance without changing its functional intent.

- **Evaluation:** Neutral impact on overarching goals.
-

7. Section 2.28.640(B): Termination Process

- **Change:** Park's recommended changes reflect an understandable misunderstanding of the purpose and scope of this subsection. Making multiple and detailed adjustments to provisions as requested is problematic. Legal has instead revised this section to ensure that the Parks Commission maintained presumptive authority over disciplinary decisions while establishing clear standards for the Council's ultimate authority for overriding decisions when necessary and according to HR and public meeting laws and regulations.
 - **Evaluation:** Aligns with best practices, maintains compliance with public meetings law, and reduces liability risks.
-

8. Section 2.28.650(A): Human Resources Policies

- **Change:** Added explicit reference to "human resources" in City policies.
 - **Impact:** Ensures HR policies are uniformly applied to the Parks Department. This change supports operational consistency and mitigates risks.
 - **Evaluation:** Supports ordinance goals.
-

9. Section 2.28.650(D): Financial Oversight

- **Requested Change:** Limits City Council authority over financial matters.
 - **Impact:** Undermines Council authority while not improving financial accountability.
 - **Evaluation:** Changes do not support operational efficiency and undermine coordination among government components, and therefore, no change is necessary.
-

10. 2.28.660(A) Culture

- **Requested Change:** Legal rejected the Parks Commission's proposed addition at the end of the first sentence stating, "[and to manage all dedicated City park land],"
- **Impact:** Such a change introduces language that shifts emphasis toward control and management, as commonly defined, rather than aligning with the ordinance's goal of clarifying the PRC's role of "control and management" to that of setting strategic policy direction. The inclusion of PRC's suggested change risks reinforcing the PRC's tendency to seek broader authority over operational and administrative matters, which the ordinance is specifically designed to de-emphasize in favor of a unified governance structure.

- **Evaluation:** Legal’s decision reflects caution to ensure the ordinance maintains its intent and avoids ambiguity that could undermine its purpose.
-

11. Branding Changes Throughout Document

- **Requested Change:** Request to rename “APRC” to “Park Commission” for clarity and consistency. Instead, Legal removed “Ashland” from the titles of both the Department and Commission to remove superfluous language.
 - **Impact:** The request is understandable, but “Ashland” is superfluous in the name of both the Department and the Commission. Furthermore, removing "Recreation" from the title of the Commission may inadvertently exclude or downplay the Commission's role in recreation policy and programming, which could cause interpretative issues.
 - **Evaluation:** Strengthens clarity; no adverse impact.
-

Key Overarching Concerns Addressed

- **Unified Governance:** The changes reinforce the City Council and City Manager's ultimate authority over operations while preserving the Parks Commission's Charter-defined strategic role.
 - **Liability Mitigation:** The inclusion of legal and operational clarifications ensures the Parks Department and Commission are integrated into the City’s legal framework, avoiding dual liability risks.
 - **Operational Clarity:** The revisions improve clarity around roles, responsibilities, and processes, supporting seamless implementation and minimizing potential conflicts.
-

Conclusion

The suggested changes are largely consistent with the ordinance’s overarching goals and do not undermine its intent. Those changes enhanced clarity, streamlined operations, and reinforced City Charter and OTCA compliance.



Council Business Meeting

Date: January 21, 2025

Agenda Item	Second Reading - ORD 3252: Amending 14.16.015 to Allow for Conservation Measures
From	Doug McGeary, City Attorney, Acting, Carmel Zahran, Assistant City Attorney
Contact	doug.mcgeary@ashland.or.us, carmel.zahran@ashland.or.us

SUMMARY

This amendment clarifies that, except for when the City Council appropriates a transfer to the general fund, the electric fund may be used for several conservation measures including energy efficiency upgrades, renewable energy installations, and other energy conservation measures that would enhance the system's reliability, reduce operational costs, decrease demand on the electric system, or support the City's energy use goals.

The Council passed the first reading of this ordinance on December 17th, 2024. This ordinance comes back to the Council for a second reading with no changes.

POLICIES, PLANS & GOALS SUPPORTED

The Council has prioritized conservation and climate initiatives to enhance Ashland's resilience and strengthen its commitment to addressing the climate crisis.

BACKGROUND AND ADDITIONAL INFORMATION

FISCAL IMPACTS

Limiting the obligation to solely the electric fund for climate initiatives will provide a financial benefit to the City by reducing reliance on its full faith and credit backing. This approach offers greater flexibility in fund usage, allowing for a conservative allocation that supports the City's climate goals.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

Staff suggests the Council approve the amendment, which will also help the City more easily onboard the anticipated USDA RESP Loan, which is a program that will help the citizens of Ashland to make energy efficiency upgrades.

Motion

I move to approve the Second Reading of Ordinance 3252, Amending 14.16.015 to Allow for Conservation Measures.

REFERENCES & ATTACHMENTS

1. ORD 3252_Amending 14.16.015 to Allow for Conservation



ORDINANCE NO. 3252

AN ORDINANCE AMENDING ASHLAND MUNICIPAL CODE 14.16.015 TO ALLOW FOR CONSERVATION MEASURES

Annotated to show deletions and additions to the Ashland Municipal Code sections being modified. Deletions are ~~bold lined through~~, and additions are **bold underlined**.

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City. The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1.

14.16.015 Disposition of Electric Revenues.

Except as provided in Section 14.16.020, ~~the electric revenues shall be applied and used in payment of warrants and interest thereon issued in connection with operation of the system; the satisfaction of interfund loans and interest thereon authorized in connection with the operation of the system; and also in payment for alteration, improvements, additions or extensions and for redemption and retirement of outstanding electric system bonds, together with interest thereon; and shall be expended only in connection with and for improving the system; except as provided in Section 14.16.020.~~

Electric revenues may also be expended in connection with improving, maintaining, and expanding electric system capacity, including investments in energy efficiency upgrades, renewable energy installations, and other energy conservation measures on customer properties, when such investments are expected to enhance system reliability, reduce operational costs, decrease demand on the electric system, or support the City's energy use goals, including reductions in greenhouse gas emissions or energy costs.

SECTION 2. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however

that any Whereas clauses and boilerplate provisions (i.e. Sections 3-5) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 17th day of December, 2024, and duly PASSED and ADOPTED this 21st day of January, 2025.

PASSED by the City Council this _____ day of _____, 2025.

ATTEST:

Alissa Kolodzinski, City Recorder

SIGNED and APPROVED this _____ day of _____, 2025.

Tonya Graham, Mayor

Reviewed as to form:

Douglas M. McGearry, Acting City Attorney



Council Business Meeting

Date: January 21, 2025

Agenda Item	Council Adoption of 2200 Ashland Street Master Plan
From	Sabrina Cotta
Contact	sabrina.cotta@ashland.or.us

SUMMARY

City Council appointed an Ad hoc Committee to develop a Master Plan. The Committee began its work in June 2024 and presented to City Council at the December 3, 2024 Study Session.

POLICIES, PLANS & GOALS SUPPORTED

Belonging through mutual respect and openness, inclusion and equity. Regional cooperation including support for public safety and homelessness. Respect for the citizens we serve, for each other and for the work we do. Excellence in governance and City services.

BACKGROUND AND ADDITIONAL INFORMATION

Mission: Create a long-term master plan for the building and surrounding property at 2200 Ashland Street that aligns with contractual obligations, furthers the community's goals regarding homeless services and affordable housing, and enhances the experience of the surrounding neighborhood.

Goal: Identify the best use(s) of this City-owned property to further the goals identified by the community and state funding partners.

- Regional cooperation, including in support for public safety and homelessness
- Community affordability, including in available housing and childcare
- Belonging through mutual respect and openness, inclusion and equity
- Quality of life that underpins the City's economic vibrancy
- Environmental resilience, including addressing climate change and ecosystem conservation

Committee Charge

Discovery Phase: Develop a shared understanding of:

- current needs regarding homeless services, transitional housing, and affordable
- housing related to regional efforts;
- current economic challenges related to workforce housing;
- existing conditions and challenges in the surrounding neighborhood;
- contractual obligations that must be met on the property;
- development limitations due to zoning or other land use regulations; and
- the City Council's commitment to climate change mitigation.

Options Development Phase: Investigate traditional and innovative solutions to the challenges identified in the Discovery Phase.

- Identify viable use options for the property and configurations of those options
- Host two community engagement events - the first focused on possibilities for the site and the second focused on feedback regarding the initial draft master plan and host two online surveys through the

City's website in conjunction with these events



Council Business Meeting

- Develop a draft master plan

Final Recommendation Phase: Finalize the draft master plan and present to Council for approval

- Share draft master plan with the community and integrate feedback into final draft
- Present final master plan recommendations to City Council for consideration and possible approval

Scope of Authority: The 2200 Ashland Street Master Plan Ad Hoc Committee will develop a proposed Master Plan for the facility and site and deliver it to the Ashland City Council. It will follow all standard public meetings and ethics regulations.

Staff comments regarding the proposed master plan:

The proposed limitations within this report designed to mitigate impacts on the surrounding area ensuring a well-managed facility may have unintended consequences, such as limiting the flexibility of both the City and any potential service providers to adapt to evolving service needs, deterring potential providers and reducing future eligibility for State and Federal funding programs.

- The term shall indicates a requirement for the City to move forward to act on this plan, which is premature without identification of funding and service providers. (Staff recommendation: Remove the word shall).
- Prohibiting drop-in services and requiring appointments can limit access for individuals experiencing urgent needs, reducing flexibility to adapt to changing demand or emergency scenarios and can be viewed as discriminatory. (Staff recommendation: State a preference for appointment based services instead of a moratorium on drop-in services.)
- The restriction to serve only individuals moving toward self-sufficiency limits the ability of the site to adapt to crises requiring broader services. The stipulations, such as requiring that all clients take steps toward self-sufficiency and excluding high-needs individuals (e.g., those in active addiction or with severe mental health disorders), may disqualify service providers that typically cater to broader populations. (Staff recommendation: State a preference for services for those moving toward self-sufficiency.)
- Providers may need to comply with City imposed specific behavioral contracts, pre-registration requirements, and detailed evaluation protocols, which could deter smaller organizations or those with their own robust administrative requirements. (Staff recommendation: Remove this requirement and allow the City to develop contracts with standard requirements).
- State and Federal homeless assistance programs often require inclusivity of high-needs populations and low-barrier access. The site's restrictions on certain populations and uses may disqualify it from these funding sources. (Staff recommendation: Remove the restriction on high-needs populations and low-barrier access.)
- The requirement for all services to complement but not duplicate others may lead to underutilization if clear partnerships and boundaries with other providers are not established. (Staff recommendation: Remove the requirement of non-duplication).
- The call for planting of trees is cost prohibitive as a temporary measure, and most likely would need to be removed and new landscaping installed once housing is developed. Weekly maintenance is potentially excessive depending on the final utilization of the space as well as requires funding which potentially pulls funds away from needed repairs, upgrades or services. (Staff recommendation: Acknowledge the need for appropriate landscaping when all construction on the site is complete and remove weekly maintenance requirement).





Council Business Meeting

- The requirement to provide visually appealing screening of outdoor recycling or garbage bins is a requirement outside the normal requirement of businesses and residents within the City limits. (Staff recommendation: Remove from report).
- Site management done by a group of citizens sets a precedent for the City moving forward that could prohibit the City from moving forward on needed initiatives. A more appropriate venue for site management or provider concerns would be to join a service provider board or volunteer with a service provider organization. (Staff recommendation: Remove from the report).

FISCAL IMPACTS

Cost for ad hoc report: \$26,000 (staff plus consultant time).

Additional costs: Unknown pending design and identification of funding. CDBG capital funds (5 years worth) have been allocated by the Council (November 19, 2024) to fund capital needs for converting the building to a severe weather shelter.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to adopt the original 2200 Ashland Street Master Plan.

I move to adopt the revised 2200 Ashland Street Master Plan.

REFERENCES & ATTACHMENTS

1. 2200 Ashland St. Master Plan Ad hoc Committee Report - approved by committee 11.12.24
2. 2200 Ashland St. Master Plan Ad hoc Committee Report - revision for council packet 250113

TO: Ashland City Council
FROM: 2200 Ashland St. Master Plan Ad hoc Committee
DATE: November 12, 2024
SUBJECT: **2200 Ashland St. Master Plan Recommendations**

The Committee

City Council appointed the 2200 Ashland St. Master Plan Ad hoc Committee to develop a Master Plan, which can serve as the basis for cost estimates and as a tool to leverage new funding for renovations and operations. The Committee was comprised of neighbors, people who have lived experienced with homelessness, advocates, and three non-voting members of City Council.

Jason Houk	Member
Rachel Jones	Member
Matthew McMillan	Member
Debbie Neisewander	Member
Avram Sacks	Member
Trina Sanford	Member
Allison Wildman	Member
Tonya Graham, Mayor	Non-voting Member
Gina DuQuenne, City Councilor	Non-voting Member
Bob Kaplan, City Councilor	Non-voting Member

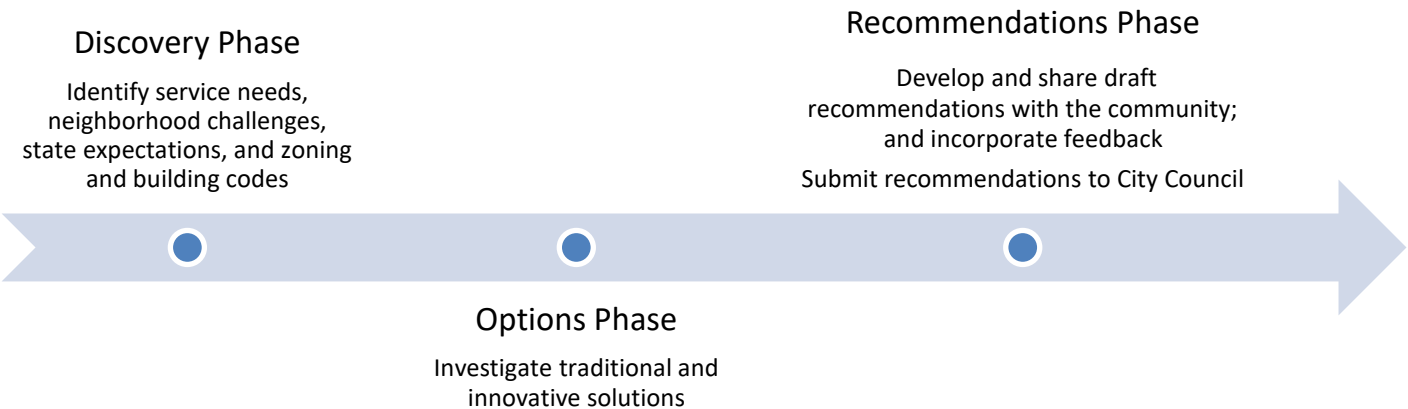
The Charge

The Committee’s charge was to develop a master plan for the use of the 2200 Ashland St. property that

- 1. provides services to people experiencing homelessness,
- 2. furthers the community’s goals regarding homeless services and affordable housing,
- 3. enhances the experience of the surrounding area.

The Timeline

The Committee began its work in June 2024 and concludes with this report presented for a City Council Study Session on November 18 and Council action on December 3, 2024.



The Role of the 2200 Ashland St. Master Plan

Having a property master plan is the foundation for

- Prioritizing site use
- Detailed facility design, for which cost estimates can be determined, and
- Seeking funding for site improvements and program operations.

All three steps above (prioritizing, designing, and funding) will take time, and thus mean a phased approach to implementing services.

Some components of the master plan will be immediate. For example, the site will continue to be used as a Severe Weather/Smoke Shelter, and it will be available as a community space in case of emergencies. These pre-determined uses are incorporated into the master plan and supported within the current City Budget.

The Limitations of the 2200 Ashland St. Master Plan

The 2200 Ashland St. Master Plan is only a small part of what is needed to address and prevent homelessness in Ashland and the surrounding region. **The need is much greater than can be met on this property.**

The services described in the 2200 Ashland St. Master Plan are intended to complement and not duplicate or compete with other services, as each plays a different role in addressing community needs.

Acknowledging the Challenges

As individuals, families, and interconnected sectors of the greater Ashland community, we recognize that the condition we call “homelessness” has many challenges. It is through the transparent examination of steps – and mis-steps – that the 2200 Ashland St. Master Plan Ad hoc Committee believes well-planned and well-managed efforts can create positive outcomes for everyone.

The Recommendations

The recommendations from the 2200 Ashland St. Master Plan Ad hoc Committee are based on the committee’s understanding of the directive to produce a Master Plan that

- Serves people experiencing homelessness, beyond just a severe weather shelter
- Does not foster negative impacts on the surrounding area

Attached, please find the Ad hoc Committee recommendations for 2200 Ashland St. **Site Use** (pgs. 3-4) and **Site Management** (pg. 5), as well as **Other Considerations** (pg. 6).

2200 Ashland St. Site Use

A. Severe Weather/Smoke Shelter

2200 Ashland St. shall be used to provide safe and secure shelter from severe weather and smoke, along with adequate storage for personal belongings. Persons shall abide by City-approved rules and be allowed to access the service without an appointment.

The Severe Weather/Smoke Shelter shall be prioritized for facility improvements to eliminate barriers to providing this essential service.

B. Indoor Day Services by Appointment

Except for the Severe Weather/Smoke Shelter, any services provided on site shall be by appointment or pre-registration. The following indoor, daytime, by-appointment services are appropriate to be provided at this property:

1. Offices for social service providers to meet with clients
2. Laundry
3. Showers
4. Day storage

C. Transitional Housing

The property is appropriate to help meet the need for Transitional Housing, including Bridge Housing, as defined below:

- Transitional Housing provides up to 24 months of training, counseling, and support for clients to then move into a subsidized housing program with ongoing case management or housing without subsidy.
- Bridge Housing provides short-term housing for individuals who can be self-sufficient (e.g., they have a housing voucher or are enrolled in a subsidized housing program) but are seeking a rental unit.

The following facilities are appropriate for Transitional/Bridge Housing at the site.

1. Boarding Rooms in the existing building.
2. Tiny Home Village, where individuals or couples can reside in self-contained tiny homes, complete with bathrooms and kitchens.
3. Multi-floor Efficiency Apartments, also for individuals or couples, but making for more efficient use of the space.



D. Space for Training and Meetings

The site shall allow scheduling of appropriate space for training and meetings related to housing and homeless services.

E. Administrative Offices

The site shall allow for a limited number of office spaces for administrative use by organizations addressing housing and homeless services.

F. Maintenance

The property shall be fenced and well-maintained. The detailed Facility Plan shall include placement of additional trees, as well as upgraded fire-safe landscaping. Continuous weed abatement and weekly maintenance shall ensure that the property is visually appealing, in keeping with the standards of other City buildings and properties.

G. Amenities

The property shall include a multipurpose space, that can be used for classes and meetings, as well as activities in response to a community emergency (e.g., flood, fire, earthquake).

The site shall include an adequate number of indoor restrooms to meet the needs for use, including the needs of participants at the Severe Weather/Smoke Shelter.

Other amenities shall include bicycle racks, visually appealing screening of any outdoor recycling or garbage bins (enclosed and locked), informational signage, and low-impact night lighting to be continuously illuminated. In addition, the City of Ashland shall improve or replace the dilapidated shed attached to the west side of the building.

H. Prohibited Uses

Except for the Severe Weather/Smoke Shelter, the 2200 Ashland St. Master Plan for Site Use shall not include:

1. Camping (including tents, cars, or other vehicles)
2. Low-barrier and/or congregate shelter
3. Porta-potties that are not fully screened and roofed
4. Service trailers
5. Drop-in services
6. Pallet houses

The Committee recognizes that exceptions may be made, particularly in response to a community emergency (e.g., flood, fire, earthquake).

2200 Ashland St. Site Management

Details regarding policies, rules, expectations, and responsibilities, referenced below are further discussed in “Other Considerations” on page 6.

- A. The City of Ashland shall provide strong and continuous contract management for program providers, with approval of **program and site management policies** before delivering services. Policies shall include standards for client services, security, exit planning, and staff training.
- B. All clients (residents and non-residents) shall be supported with best practices in social services and coordination with other community resources to help them achieve self-sufficiency. A **client bill of rights** shall be provided to each client.
- C. The City of Ashland shall establish an ongoing 2200 Ashland St. **Advisory Committee** with representatives from the surrounding area, as well as people with lived experience of homelessness. The advisory committee shall be integral in supporting strong management of the site.
- D. Expectations shall be laid out in seeking service providers who will work with the City and surrounding area to **deliver high-quality services and mitigate any concerns that arise**.
- E. Except for the Severe Weather/Smoke Shelter, any classes or services provided on site shall be by appointment or pre-registration. People served at this location must make an appointment and abide by **clearly communicated rules**.
- F. Clients must agree to a **code of conduct and sign a behavior contract** that describes expectations and protocols for completing or terminating services.
- G. This site is not suited to serve high-needs individuals (e.g., people in active addiction or with severe or persistent mental health disorders). The population to be served by providers at this site shall be taking steps toward self-sufficiency and identified as such through a provider evaluation. The evaluation will help ensure appropriate matching of needs and services.
- H. Residential stays shall be for a duration sufficient for individuals to prepare for self-sufficient living; likely no longer than 24 months.
- I. Residents shall be engaged in activities to increase their ability to be self-sufficient in stable housing.

Other Considerations

2200 Ashland St. is just one City-owned property, with a dedicated purpose to serve people experiencing homelessness. The location of this property and existence of a major homeless services center within one mile of the site were major factors in shaping these recommendations.

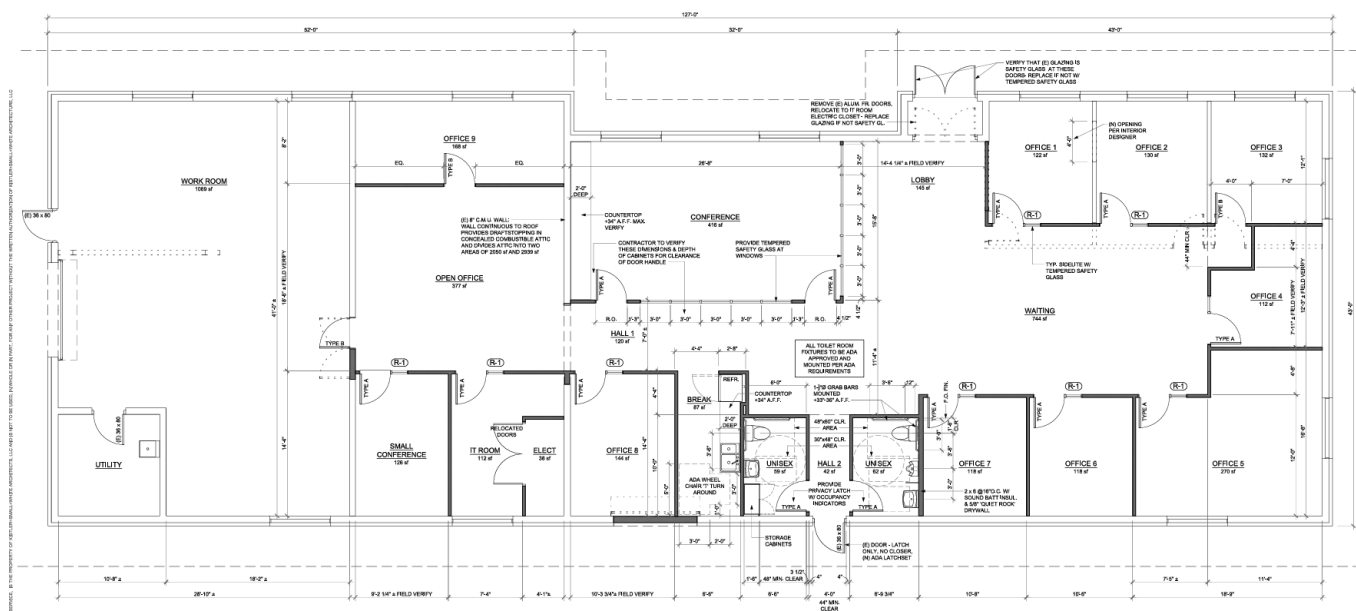
The site cannot meet all needs, or even the most critical needs of people experiencing homelessness. **Anything located at the site should be well designed and complement other services**, specifically:

- A. Services at 2200 Ashland St. shall be **coordinated with other resources** throughout the region to facilitate effective access to a network of homeless services.
- B. The City of Ashland shall use the action framework provided in the August 2024 Homeless Services Assessment Report to implement other viable and promising actions to help resolve and/or reduce homelessness, **without further concentrating homeless services in south Ashland**.
- C. The City of Ashland shall fill the **staff position** approved by Council to assist the City in advancing a coordinated and well-articulated approach to homelessness services, including supporting implementation of the recommendations within this document.
- D. The City of Ashland shall develop a **communications and engagement plan** for use with key stakeholders, including those in the surrounding area and potential clients to be served on the site.
- E. To expedite implementation, the City Council shall **extend or otherwise re-charter the Ad hoc Committee** to assist with the development of the following:
 - 1. A Site Plan Design that incorporates elements of these recommendations;
 - 2. A checklist for program and site management policies (e.g., standards for client services, security, exit planning, and staff training);
 - 3. A client “bill of rights,” code of conduct, and behavior contract;
 - 4. A set of site rules;
 - 5. The role of an ongoing 2200 Ashland St. Advisory Committee;
 - 6. Components of a communications and engagement plan for use with key stakeholders, including those in the surrounding area and potential clients to be served on site; and
 - 7. Interim uses for the site.

Attachment: 2200 Ashland St. site map and floor plan of existing building



Land: 52,272 sq. ft. (1.20 acres)



5,333 sq. ft. finished interior

TO: Ashland City Council
FROM: 2200 Ashland St. Master Plan Ad hoc Committee
DATE: November 12, 2024
SUBJECT: 2200 Ashland St. Master Plan Recommendations

The Committee

City Council appointed the 2200 Ashland St. Master Plan Ad hoc Committee to develop a Master Plan, which can serve as the basis for cost estimates and as a tool to leverage new funding for renovations and operations. The Committee was comprised of neighbors, people who have lived experienced with homelessness, advocates, and three non-voting members of City Council.

Jason Houk	Member
Rachel Jones	Member
Matthew McMillan	Member
Debbie Neisewander	Member
Avram Sacks	Member
Trina Sanford	Member
Allison Wildman	Member
Tonya Graham, Mayor	Non-voting Member
Gina DuQuenne, City Councilor	Non-voting Member
Bob Kaplan, City Councilor	Non-voting Member

The Charge

The Committee's charge was to develop a master plan for the use of the 2200 Ashland St. property that

1. provides services to people experiencing homelessness,
2. furthers the community's goals regarding homeless services and affordable housing,
3. enhances the experience of the surrounding area.

The Timeline

The Committee began its work in June 2024 and concludes with this report presented for a City Council Study Session on November 18 and Council action on December 3, 2024.



The Role of the 2200 Ashland St. Master Plan

Having a property master plan is the foundation for

- Prioritizing site use
- Detailed facility design, for which cost estimates can be determined, and
- Seeking funding for site improvements and program operations.

All three steps above (prioritizing, designing, and funding) will take time, and thus mean a phased approach to implementing services.

Some components of the master plan will be immediate. For example, the site will continue to be used as a Severe Weather/Smoke Shelter, and it will be available as a community space in case of emergencies. These pre-determined uses are incorporated into the master plan and supported within the current City Budget.

The Limitations of the 2200 Ashland St. Master Plan

The 2200 Ashland St. Master Plan is only a small part of what is needed to address and prevent homelessness in Ashland and the surrounding region. **The need is much greater than can be met on this property.**

The services described in the 2200 Ashland St. Master Plan are intended to complement and not duplicate or compete with other services, as each plays a different role in addressing community needs.

Acknowledging the Challenges

As individuals, families, and interconnected sectors of the greater Ashland community, we recognize that the condition we call “homelessness” has many challenges. It is through the transparent examination of steps - and mis-steps - that the 2200 Ashland St. Master Plan Ad hoc Committee believes well-planned and well-managed efforts can create positive outcomes for everyone.

The Recommendations

The recommendations from the 2200 Ashland St. Master Plan Ad hoc Committee are based on the committee’s understanding of the directive to produce a Master Plan that

- Serves people experiencing homelessness, beyond just a severe weather shelter
- Does not foster negative impacts on the surrounding area

Attached, please find the Ad hoc Committee recommendations for 2200 Ashland St. **Site Use** (pgs. 3-4) and **Site Management** (pg. 5), as well as **Other Considerations** (pg. 6).

2200 Ashland St. Site Use

A. Severe Weather/Smoke Shelter

As directed by Council, 2200 Ashland St. shall be used to provide safe and secure shelter from severe weather and smoke, with every reasonable attempt made to provide adequate storage for personal belongings. Persons shall abide by City-approved rules and be allowed to access the service without an appointment. The Severe Weather/Smoke Shelter will be prioritized for facility improvements to eliminate barriers to providing this essential service.

B. Indoor Day Services by Appointment

Except for the Severe Weather/Smoke Shelter, any services provided on site shall be by appointment or pre-registration. The following indoor, daytime, by-appointment services are appropriate to be provided at this property:

1. Offices for social service providers to meet with clients
2. Laundry
3. Showers
4. Day storage

C. Transitional Housing

The property is appropriate to help meet the need for Transitional Housing, including Bridge Housing, as defined below:

- Transitional Housing provides up to 24 months of training, counseling, and support for clients to then move into a subsidized housing program with ongoing case management or housing without subsidy.
- Bridge Housing provides short-term housing for individuals who can be self-sufficient (e.g., they have

a housing voucher or are enrolled in a subsidized housing program) but are seeking a rental unit.

The following facilities are appropriate for Transitional/Bridge Housing at the site:

1. Boarding Rooms in the existing building.
2. Tiny Home Village, where individuals or couples can reside in self-contained tiny homes, complete with bathrooms and kitchens.
3. Multi-floor Efficiency Apartments, also for individuals or couples, but making for more efficient use of the space.

D. Space for and

The site scheduling appropriate training and meetings related to housing and homeless services.



Training Meetings allow of space for

E. Administrative Offices

The site allow for a limited number of office spaces for administrative use by organizations addressing housing and homeless services.

F. Maintenance

The property be fenced and well-maintained. The detailed Facility Plan should include placement of additional trees, as well as upgraded fire-safe landscaping. Continuous weed abatement and regular maintenance is necessary to ensure that the property is visually appealing, in keeping with the standards of other City buildings and properties and the goal of ensuring this property meets the goal of enhancing the experience of the surrounding area.

G. Amenities

The property include a multipurpose space that can be used for classes and meetings, as well as activities in response to a community emergency (e.g., flood, fire, earthquake).

The site include an adequate number of indoor restrooms to meet the needs for use, including the needs of participants at the Severe Weather/Smoke Shelter.

Other amenities be offered, including bicycle racks, visually appealing screening of any outdoor recycling or garbage bins (enclosed and locked), informational signage, and low-impact night lighting to be continuously illuminated. In addition, the City of Ashland should improve or replace the dilapidated shed attached to the west side of the building.

H. Prohibited Uses

Except for the Severe Weather/Smoke Shelter, the 2200 Ashland St. property shall not include:

1. Camping (including tents, cars, or other vehicles)
2. Low-barrier and/or congregate shelter
3. Porta-potties that are not fully screened and roofed
4. Service trailers
5. Drop-in services
6. Pallet houses

Exceptions may be made, particularly in response to a community emergency (e.g., flood, fire, earthquake).

2200 Ashland St. Site Management

Details regarding policies, rules, expectations, and responsibilities, referenced below are further discussed in “Other Considerations” on page 6.

- A. The City of Ashland shall provide strong and continuous contract management for program providers, with approval of program and site management policies before delivering services. Policies should include standards for client services, security, exit planning, and staff training.
- B. All clients (residents and non-residents) shall be provided a client bill of rights and supported with best practices in social services and coordination with other community resources to help them achieve self-sufficiency.
- C. The City of Ashland shall establish an ongoing 2200 Ashland St. advisory committee.
- D. Expectations shall be laid out in seeking service providers who will work with the City and surrounding area to deliver high-quality services and mitigate any concerns that arise.
- E. Clients served at this location shall abide by clearly communicated rules.
- F. Clients shall agree to a code of conduct and sign a behavior contract that describes expectations and protocols for completing or terminating services.
- G. This site is not suited to host or serve individuals who are unable to abide by the code of conduct and behavior contract. Services at this site appropriately focus on serving those who are taking steps toward self-sufficiency and are identified as such through a simple provider referral. This process will help ensure appropriate matching of needs and services.
- H. Residential stays shall be for a duration sufficient for individuals to prepare for self-sufficient living; likely no longer than 24 months.
- I. Residents shall be supported through services offered at this site in activities to increase their ability to be self-sufficient in stable housing.

Other Considerations

2200 Ashland St. is just one City-owned property, with a dedicated purpose to serve people experiencing homelessness. The location of this property and existence of a major homeless services center that is equipped to handle crisis situations within one mile of the site were major factors in shaping these recommendations.

The site cannot meet all needs, or even the most critical needs of people experiencing homelessness. Anything located at the site should be well designed and complement other services offered by community partners. To that end, the following recommendations are offered:

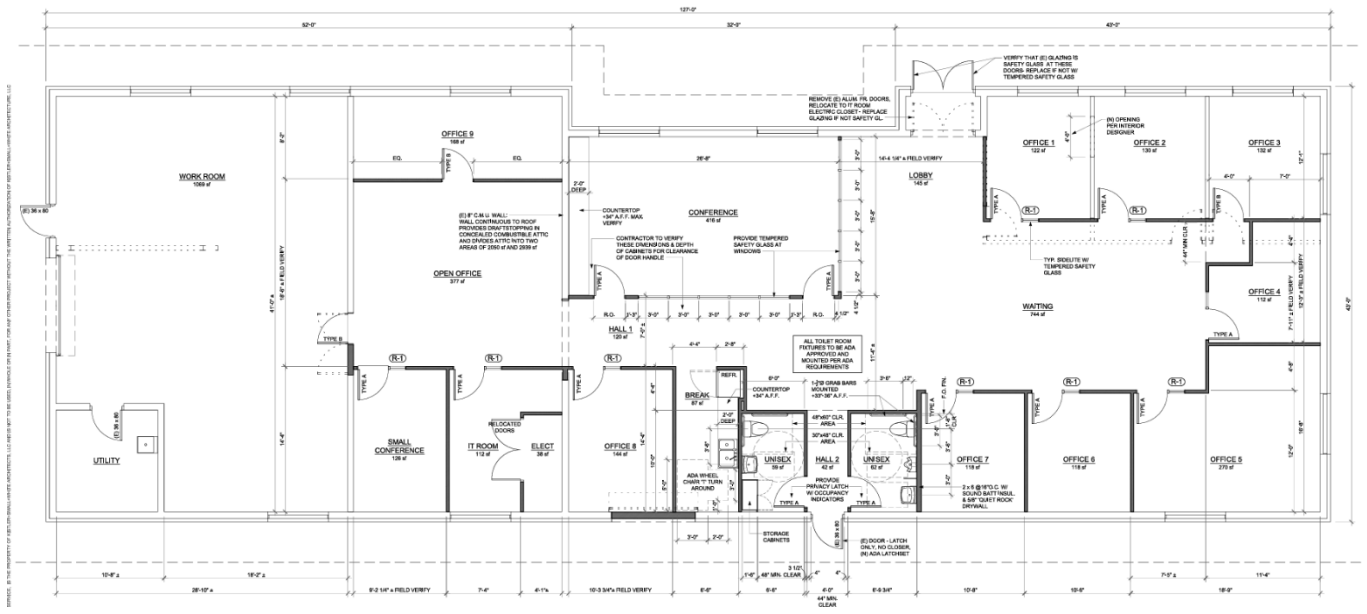
- A. Services at 2200 Ashland St. be coordinated with other resources throughout the region to facilitate effective access to a network of homeless services.
- B. The City of Ashland use the action framework provided in the August 2024 Homeless Services Assessment Report to implement other viable and promising actions to help resolve and/or reduce homelessness, without further concentrating homeless services in south Ashland.

- C. The City of Ashland fill the staff position approved by Council to assist the City in advancing a coordinated and well-articulated approach to homelessness services, including supporting implementation of the recommendations within this document.
- D. The City of Ashland develop a communications and engagement plan for use with key stakeholders, including those in the surrounding area and potential clients to be served on the site.
- E. To expedite implementation, the City Council extend or otherwise re-charter the Ad hoc Committee with representatives from the surrounding area, as well as people with lived experience of homelessness to assist the City with the development of the following:
 - 1. A Site Plan Design that incorporates elements of these recommendations;
 - 2. A checklist for program and site management requirements (e.g., standards for client services, security, exit planning, and staff training);
 - 3. A client “bill of rights,” code of conduct, and behavior contract;
 - 4. A set of site rules;
 - 5. The role of an ongoing 2200 Ashland St. Advisory Committee;
 - 6. Components of a communications and engagement plan for use with key stakeholders, including those in the surrounding area and potential clients to be served on site; and
 - 7. Interim uses for the site.

Attachment: 2200 Ashland St. site map and floor plan of existing building



Land: 52,272 sq. ft. (1.20 acres)





Council Business Meeting

Date: January 21, 2025

Agenda Item	2200 Ashland Street Facility Plan Ad Hoc Committee
From	Sabrina Cotta
Contact	sabrina.cotta@ashland.or.us

SUMMARY

The Mayor is proposing an additional Ad Hoc Committee to assist in the development of a facility site plan, communications and engagement structure, guiding documents and the structure of a long-term advisory committee for the building and surrounding property at 2200 Ashland Street.

POLICIES, PLANS & GOALS SUPPORTED

BACKGROUND AND ADDITIONAL INFORMATION

Mission

Assist the City Council and city staff in developing a facility site plan, a communications and engagement structure, guiding documents, and the structure of a long-term advisory committee for the building and surrounding property at 2200 Ashland Street. These efforts will build on the Master Plan Recommendations for the site, align with contractual obligations, further the community's goals regarding homeless services and affordable housing, and enhance the experience of the surrounding neighborhood.

Goals

1. Develop siting and phasing plans for the optimal combination of appropriate services at this City-owned property as identified by the 2200 Ashland Street Master Plan Ad Hoc Committee.
2. Ensure that rules, management processes, a stated commitment to the dignity of those served by the facility, and engagement processes create a positive culture for the site and that interim uses are appropriate.

City of Ashland Value Statements Supported by this Ad Hoc Committee

- Regional cooperation, including in support for public safety and homelessness
- Community affordability, including in available housing and childcare
- Belonging through mutual respect and openness, inclusion and equity
- Quality of life that underpins the City's economic vibrancy
- Environmental resilience, including addressing climate change and ecosystem conservation

Committee Charge

To expedite implementation of the 2200 Ashland Street Master Plan Recommendations, the City Council creates the 2200 Ashland Street Facility Plan Ad hoc Committee to assist with the development of the following:

- a Site Plan Design that incorporates elements of the recommendations developed by the 2200 Ashland Street Master Plan Ad hoc Committee;
- a checklist for program and site management policies (e.g., standards for client services, security, exit planning, and staff training);
- a client "bill of rights," code of conduct, and behavior contract;
- a set of site rules;
- the role of an ongoing 2200 Ashland St. Advisory Committee;
- components of a communications and engagement plan for use with key

stakeholders, including those in the surrounding area and potential clients to be served on site; and





Council Business Meeting

- interim uses for the site.

Scope of Authority

The 2200 Ashland Street Facility Plan Ad Hoc Committee will propose management processes and documents to the City regarding this site, consider and provide recommendations to Council regarding interim uses at the site, assist city staff and council with public engagement regarding site planning, provide a final recommendation to Council regarding site planning, and recommend the structure and focus of an ongoing advisory committee. This committee will follow all standard public meeting and ethics regulations.

Membership

This ad hoc committee will be comprised of representatives from the following:

- Surrounding Neighborhood
 1. *Representatives from the surrounding neighborhood will bring the perspective of the site's neighbors related to both residential and commercial interests. Neighborhood representatives will have voting privileges.*
- Unhoused Community
 1. *Representatives who have experienced homelessness will provide first-hand knowledge of the lived experience of Ashland's unhoused residents and the effectiveness of a variety of possible options for the site. Unhoused community representatives will have voting privileges.*
- Service Providers
 1. *Representatives of local social service provider organizations will bring programmatic expertise to the planning process as well as a clear understanding of regional initiatives and how this property might address specific needs. Service provider representatives will have voting privileges.*
- City of Ashland
 1. *The City of Ashland will support the work of the Ad hoc Committee with a Staff Liaison as well as subject matter experts on homeless services, affordable housing, and building and fire code regulations, as appropriate. Up to two Council Liaisons will be assigned to the Ad hoc Committee. City members will be non-voting.*

The Committee will select co-chairs who will facilitate the Ad Hoc Committee process with assistance from the Staff Liaison.

Timeline

Members will be named to this Ad hoc Committee at the mid-December council business meeting following an open call for applicants. The Committee will sunset when the deliverables listed under Committee Charge above have been completed.

FISCAL IMPACTS

Estimated \$26,000 plus depending on timeline and staffing requirements (based on cost of prior 2200 Ashland Street ad hoc process).

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move the creation of an additional ad hoc for 2200 Ashland Street.

Staff recommendation: If council feels feedback and outside expertise is necessary for next steps, staff would propose a MAC to cut down on expenses and staff time and potentially better fit the need.

REFERENCES & ATTACHMENTS

1. Facility Plan Ad hoc





Council Business Meeting



2200 Ashland Street Facility Plan Ad Hoc Committee

Mission

Assist the City Council and city staff in developing a facility site plan, a communications and engagement structure, guiding documents, and the structure of a long-term advisory committee for the building and surrounding property at 2200 Ashland Street. These efforts will build on the Master Plan Recommendations for the site, align with contractual obligations, further the community's goals regarding homeless services and affordable housing, and enhance the experience of the surrounding neighborhood.

Goals

1. Develop siting and phasing plans for the optimal combination of appropriate services at this City-owned property as identified by the 2200 Ashland Street Master Plan Ad Hoc Committee.
2. Ensure that rules, management processes, a stated commitment to the dignity of those served by the facility, and engagement processes create a positive culture for the site and that interim uses are appropriate.

City of Ashland Value Statements Supported by this Ad Hoc Committee

- Regional cooperation, including in support for public safety and homelessness
- Community affordability, including in available housing and childcare
- Belonging through mutual respect and openness, inclusion and equity
- Quality of life that underpins the City's economic vibrancy
- Environmental resilience, including addressing climate change and ecosystem conservation

Committee Charge

To expedite implementation of the 2200 Ashland Street Master Plan Recommendations, the City Council creates the 2200 Ashland Street Facility Plan Ad hoc Committee to assist with the development of the following:

- a Site Plan Design that incorporates elements of the recommendations developed by the 2200 Ashland Street Master Plan Ad hoc Committee;
- a checklist for program and site management policies (e.g., standards for client services, security, exit planning, and staff training);

- a client “bill of rights,” code of conduct, and behavior contract;
- a set of site rules;
- the role of an ongoing 2200 Ashland St. Advisory Committee;
- components of a communications and engagement plan for use with key stakeholders, including those in the surrounding area and potential clients to be served on site; and
- interim uses for the site.

Scope of Authority

The 2200 Ashland Street Facility Plan Ad Hoc Committee will propose management processes and documents to the City regarding this site, consider and provide recommendations to Council regarding interim uses at the site, assist city staff and council with public engagement regarding site planning, provide a final recommendation to Council regarding site planning, and recommend the structure and focus of an ongoing advisory committee. This committee will follow all standard public meeting and ethics regulations.

Membership

This ad hoc committee will be comprised of representatives from the following:

- Surrounding Neighborhood
 - *Representatives from the surrounding neighborhood will bring the perspective of the site’s neighbors related to both residential and commercial interests. Neighborhood representatives will have voting privileges.*
- Unhoused Community
 - *Representatives who have experienced homelessness will provide first-hand knowledge of the lived experience of Ashland’s unhoused residents and the effectiveness of a variety of possible options for the site. Unhoused community representatives will have voting privileges.*
- Service Providers
 - *Representatives of local social service provider organizations will bring programmatic expertise to the planning process as well as a clear understanding of regional initiatives and how this property might address*

specific needs. Service provider representatives will have voting privileges.

- City of Ashland
 - *The City of Ashland will support the work of the Ad hoc Committee with a Staff Liaison as well as subject matter experts on homeless services, affordable housing, and building and fire code regulations, as appropriate. Up to two Council Liaisons will be assigned to the Ad hoc Committee. City members will be non-voting.*

The Committee will select co-chairs who will facilitate the Ad Hoc Committee process with assistance from the Staff Liaison.

Timeline

Members will be named to this Ad hoc Committee at the mid-December council business meeting following an open call for applicants. The Committee will sunset when the deliverables listed under Committee Charge above have been completed.



Council Business Meeting

Date: January 21, 2025

Agenda Item	Election of Council Chair
From	
Contact	

SUMMARY

City Council is required to appoint a councilmember as Chair of the Council each January. The Chair's role is to serve as the Mayor if they are absent or unable to attend to their duties, either pre-scheduled or in an emergency capacity.

POLICIES, PLANS & GOALS SUPPORTED

Charter requirement.

BACKGROUND AND ADDITIONAL INFORMATION

Each year, the City Council selects a councilmember to serve as the Chair of the Council. The Ashland City Charter outlines the selection procedure and the responsibilities for the Chair:

Charter, Section 8. Chair of the Council - At the first regular meeting of the Council in January of each year, the Council shall by ballot elect a Chair of the Council from its membership to serve for one (1) year. He/she shall, during all times when the Mayor is absent or unable to attend to his/her duties or act in any matter, have and exercise the powers and perform the duties of the Mayor, except that he/she shall retain his/her Council members' right to vote. If, at any meeting of the Council, both Mayor and Chair are absent, the Council members present shall elect one of their numbers as Chair Pro Tem, who shall preside at that meeting.

FISCAL IMPACTS

None.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to confirm _____ as Chair of the Council for one year.

REFERENCES & ATTACHMENTS

1. Ashland Charter Section 8



Section 8. Chair of the Council.

At the first regular meeting of the Council in January of each year, the Council shall by ballot elect a Chair of the Council from its membership to serve for one (1) year. He/she shall, during all times when the Mayor is absent or unable to attend to his/her duties or act in any matter, have and exercise the powers and perform the duties of the Mayor, except that he/she shall retain his/her Council member's right to vote. If, at any meeting of the Council, both Mayor and Chair are absent, the Council members present shall elect one of their number as Chair Pro Tem, who shall preside at that meeting.

The Ashland Charter is current through November 5, 2024.

Disclaimer: The City Recorder's office has the official version of the Ashland Charter. Users should contact the City Recorder's office for amendments passed subsequent to the amendment cited above.

[City Website: www.ashlandoregon.gov](http://www.ashlandoregon.gov)

[City Telephone: 541.488.5307](tel:541.488.5307)

[Hosted by General Code.](#)



Council Business Meeting

Date: January 21, 2025

Agenda Item	City Council Liaison Appointments
From	
Contact	

SUMMARY

This agenda item is to appoint City Council liaisons to City Commissions, Standing Advisory Committees, and Regional Boards. The attached copy of AMC 2.04.100 delineates the current role of Council liaisons.

POLICIES, PLANS & GOALS SUPPORTED

AMC 2.04.100 - Council Liaisons to City Advisory Boards and Commissions

BACKGROUND AND ADDITIONAL INFORMATION

Role of Council Liaison

The primary role of the a Council Liaison is to facilitate communication between the City advisory body and the Council. The liaison attends all regular meetings of the advisory body, serving as a nonvoting member unless otherwise approved by the Mayor and City Council. More details about the role of Council Liaisons can be found in AMC. 2.04.100.

Appointment Process

Each year Council liaisons to the City's boards, commissions, and committees are selected by the mayor, and approved by the Council per AMC 2.04.100, Section G. The appointments will be effective immediately.

Proposed Council Liaison Appointments

The Mayor will present their proposed appointments at the City Council meeting.

FISCAL IMPACTS

None.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

I move to approve the Council Liaison Appointments as discussed.

REFERENCES & ATTACHMENTS

1. City Council Liaison Appointments 2025
2. AMC 2.04.100

City Council Liaison Assignments
January 21, 2025

Commissions & Standing Advisory Committees	2025 First Assignment	2025 Second Assignment
Parks & Recreation Commission (City Charter)		
Planning Commission		
Climate and Environmental Policy		
Historic Preservation		
Housing and Human Services		
Public Art		
Social Equity and Racial Justice		
Transportation		

City Ad Hoc Committees	2025 First Assignment	2025 Second Assignment
Affordable Child Care		

Regional Boards & Committees	2025 First Assignment	2025 Second Assignment
Chamber of Commerce / Travel Ashland		
Rogue Valley Council of Governments (RVCOG)		
Rogue Valley Metropolitan Planning Organization (RVMPO)		
Rogue Valley Transportation District (RVTD)		
Southern Oregon Regional Economic Development Inc.		

2.04.100 Council Liaisons to City Advisory Boards and Commissions

A. *Role and Responsibilities of Council Liaisons.*

1. The primary role of a Council Liaison is to facilitate communication between the City advisory body and the Council. A Council Liaison shall be an ex officio nonvoting member of the advisory body, not a regular voting member, and shall not serve as Chair, unless the Mayor specifically proposes, and Council approves, the appointment of the Council Liaison to act in a voting capacity and/or as the Chair to City advisory boards and/or ad hoc committees, or unless the Ashland Municipal Code specifically requires the Liaison to serve as Chair or in a voting capacity. Notwithstanding the above, the Council Liaison to the Planning Commission shall be considered a nonmember Liaison and not an ex officio member as regards quasi-judicial matters.
2. City Councilors serve as liaisons to the City's regular and ad hoc advisory bodies and are expected to represent the full City Council objectively and accurately in interacting with such entities.
3. City Councilors may attend meetings of the City's regular and ad hoc advisory bodies as citizens of Ashland. When attending as a citizen, Council members must identify their comments as personal views or opinions and not as a representation of City Council policy.

B. *Attendance.* Liaisons should attend regular meetings of the regular and ad hoc advisory bodies to which they have been assigned as time permits and should make special efforts to attend meetings in response to specific requests to participate in discussions on topics the Council may need to be aware of or provide input on. In the event a Council Liaison has difficulty attending, the Liaison should find an alternate to attend or review the video or other record of the proceeding. In the event of a continuing scheduling conflict, the Liaison should ask the Mayor to be reassigned. Liaisons shall not attend quasi-judicial proceedings when the final appeal or final decision is to or could come before the City Council.

C. *Deliberations.* The City Council values diversity of opinion. A significant role of an advisory body is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Accordingly, Council Liaisons to City advisory bodies should not attempt to direct debate, lobby, or otherwise influence the direction or decisions of any advisory bodies to which they have been assigned. Council Liaisons are encouraged to field and answer questions as appropriate for an ex officio member of the advisory body. Undue influence over the decisions of any City advisory body shall be grounds for removal of a Liaison assignment as set forth in subsection [H](#) of this section.

D. *Respect for Presiding Officer.* City Councilors attending advisory body meetings as Liaisons shall accord the same respect toward the Chair and other members as they do towards the Mayor, the presiding officer or each other.

E. *Council Information.* City Councilors will inform the advisory bodies to which they have been appointed Liaison about Council agenda items and Council decisions that may be of interest to the advisory body. Liaisons shall also encourage advisory board members to attend Council meetings to keep abreast of Council action, policy matters and the activities of the City.

- F. *Advice on Filling Vacancies.* The Council Liaison for each advisory body, together with the advisory body chair and assigned staff Liaison, will make recommendations to the Mayor for appointment of citizens to fill vacancies on their respective advisory bodies.
- G. *Liaison Appointment Process and Term.* The Mayor will appoint Councilors to act as Council Liaisons to each and every regular advisory commission or board. Councilors interested in a particular subject area should inform the Mayor of their interest, and the Mayor should take the expression of interest and/or a Councilor's preference into account when making appointment decisions. Liaison appointments shall be for a term of one (1) year unless otherwise expressly stated. Appointments are generally made on an annual basis in January, and the Mayor shall make an effort to rotate Liaison assignments if there is more than one (1) Councilor expressing a preference for a specific appointment.
- H. *Removal from a Liaison Assignment.* The Mayor or a Councilor may be removed for any reason from a specific Liaison assignment upon a two-thirds vote of the entire Council. (Ord. 3224, replaced, 07/18/2023)

The Ashland Municipal Code is current through Ordinance 3243, passed September 17, 2024.

Disclaimer: The City Recorder's office has the official version of the Ashland Municipal Code. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

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[Hosted by General Code.](#)



Council Business Meeting

Date: January 21, 2025

Agenda Item	Budget Committee Appointments
From	
Contact	

SUMMARY

This agenda item is to appoint electors to the Citizens Budget Committee.

POLICIES, PLANS & GOALS SUPPORTED

ORS 294.414 - County and Municipal Finance Administration

BACKGROUND AND ADDITIONAL INFORMATION

Budget Committee Role & Structure

The Citizens' Budget Committee acts as a fiscal advisory group to the City Council while the budget is being developed. Its three primary functions are:

1. Receive the proposed budget and budget message
2. Hold one or more public hearings following the presentation of the proposed budget; provide community members the opportunity to comment on the budget
3. Recommend the budget for approval

The Budget Committee consists of the Mayor, the city councilors, and seven appointed members. The appointed members must live in Ashland city limits and are typically appointed for a four-year term. When a budget member steps down from the committee before their term is up, a new elector is appointed to the vacancy for the remainder of the term. There are currently five vacancies on the Citizens Budget Committee.

- Vacancy #1 for a term ending June 30, 2028
- Vacancy #2 for a term ending June 30, 2028
- Vacancy #3 for a term ending June 30, 2026
- Vacancy #4 for a term ending June 30, 2026
- Vacancy #5 for a term ending June 30, 2025

Notice of Vacancies

Notice was made to the public of these vacancies through the City newsletter, website, social media and staff outreach. Ten applications were received.

Selection Process

Voting process: Ballots will be provided by the City Recorder. The Mayor and Councilors will indicate on the ballot their top seven votes. The top five vote earners will be appointed to the committee.

The ballots will be collected and the results read aloud.

Per Public Meetings Law "If written ballots are used, the written ballot shall identify the individual governing body member by name and each governing body member's vote shall be announced during the meeting at which the vote occurred."

FISCAL IMPACTS

None.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS





Council Business Meeting

I move to appoint to the Citizen's Budget Committee:

[name of Elector 1] and [name of Elector 2] with term ending June 30, 2028;
[name of Elector 3] and [name of Elector 4] with a term ending June 30, 2026;
and [name of Elector 5] with a term ending June 30, 2025.

REFERENCES & ATTACHMENTS

1. Application for Budget - Dahle_Redacted
2. Application for Budget - Fredericks_Redacted
3. Application for Budget - Gobelman_Redacted
4. Application for Budget - Morrison_Redacted
5. Application for Budget - Murray_Redacted
6. Application for Budget - Navickas_Redacted
7. Application for Budget - Roy_Redacted
8. Application for Budget - Spiegler_Redacted
9. Application for Budget - Sturm_Redacted
10. Application for Budget - Wade_Redacted



From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Thursday, December 12, 2024 7:53:27 PM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Dylan Dahle
Committee or Commission You Wish to Serve On	Citizens' Budget Committee
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Realtor
Educational Background	Earl Wooster High School — IB Diploma Chapman University [REDACTED] University of Nevada, Reno [REDACTED] Real estate license [REDACTED] Earth Advantage and Pricing Strategy Advisor certifications [REDACTED]
Related Experience	I am excited to apply for a position on the Citizens Budget Committee in Ashland because of my deep-rooted connection to this community and my professional background that uniquely positions me to contribute meaningfully to the city's financial planning and decision-making processes. Having lived in Ashland for much of my life, with family ties dating back decades, I have a long-standing appreciation for the city's history, culture and its future potential. Coming to Ashland throughout my childhood and moving here as an adult has given me a firsthand understanding of the needs, challenges, and opportunities that our community faces. I'm deeply invested in ensuring that Ashland continues to thrive while maintaining the qualities that make it special. As a real estate agent, I work closely with residents, business owners, and potential newcomers, giving me a broad understanding of the economic landscape. I see how property values, local development, and city planning decisions impact both homeowners and the wider economy. This gives me a

unique perspective on the financial implications of the city's budget choices, particularly in terms of infrastructure, housing, and community development.

Additionally, my professional experience has honed my skills in negotiation, financial analysis, and strategic planning. I am accustomed to managing complex transactions and navigating financial discussions, and I can apply these skills to help ensure that Ashland's budget reflects the needs of all its residents while making the most of available resources. I am particularly passionate about promoting fiscal responsibility while also advocating for initiatives that support our schools, public services, and sustainable growth.

I am eager to bring my passion for Ashland, my professional experience, and my commitment to responsible fiscal management to the Citizens Budget Committee. I look forward to the opportunity to help guide the city's financial future in a way that balances the needs of all members of the community.

Interests

I am applying for a position on the Citizens Budget Committee because I want to be actively involved in guiding Ashland's financial decisions and ensuring the city's future prosperity. Having strong family ties to the community, I have a personal stake in Ashland's continued success. This role would allow me to contribute to the city I care about by helping to balance fiscal responsibility with the needs and priorities of our residents.

As a Realtor, I have a unique perspective on how budgetary decisions affect local development, housing, and business growth. I regularly interact with a wide range of community members and understand the challenges they face, particularly in terms of affordability, infrastructure, and city services. This gives me insight into how Ashland's budget can support sustainable growth while preserving the quality of life that makes our city so special.

I am motivated by the opportunity to apply my financial skills and community-focused mindset to the budget process. I believe the City's resources should be allocated in a way that supports both short-term needs and long-term goals, and I'm eager to contribute to the careful planning and decision-making that will help Ashland thrive in the years ahead.

Availability

I am! I prefer evenings.

Additional Information

I have lived in Ashland for the last four years, with family ties to the community dating back half a century. This long-standing connection has given me a deep understanding of the city's culture, values, and the challenges we face as a community.

In addition to my personal roots in Ashland, I have professional qualifications that make me well-suited for this position. I am involved daily in the local economy and have developed a strong understanding of financial analysis, property values, and the economic drivers that shape the city's growth. My experience in real estate also allows me to consider how city budgets affect everything from housing affordability to infrastructure development.

Moreover, I am skilled in negotiation, problem-solving, and strategic planning—skills that are crucial when it comes to reviewing and allocating resources effectively. I am comfortable analyzing financial documents and working collaboratively with others to make well-informed decisions. These qualifications, along with my passion for Ashland, make me excited and prepared to contribute to the Citizens Budget Committee.

Upload Your File

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From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Monday, January 06, 2025 1:18:34 PM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	James R Fredericks
Committee or Commission You Wish to Serve On	Budget
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Business owner, consultant
Educational Background	BA, MBA, MFA (Wake Forest University, Boston University, Fairleigh Dickenson University)
Related Experience	Chief Human Resources and Administration Officer for Nike, Coors, RadioShack, Hyla Mobile. Nonprofit arts leadership with the Van Cliburn Foundation, Britt Festivals, Camelot Theatre (board of directors), AIFF
Interests	Helping Ashland to move into the future. Grow our tourist base, keep our businesses open and vibrant.
Availability	Days are better, but occasional nights ok as well.
Additional Information	Going on 15 years. Starting a new nonprofit, the Ashland Cultural and Economic Alliance.
Upload Your File	<i>Field not completed.</i>
Signature	[REDACTED]

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From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Wednesday, November 06, 2024 3:00:56 PM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	larry gobelman
Committee or Commission You Wish to Serve On	Budget
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Retired
Educational Background	JD-MBA Member of California State Bar #178094 MBA —Western Colorado University
Related Experience	Court Administrator in Utah and California, 1994-2013 Danville Corp, Private Industry Council, State of Utah— Budgeting, supervision, liaison
Interests	I have a background in budgeting in the private and public sector, briefly worked in City government, and wish to contribute to the City of Ashland as a volunteer.
Availability	Yes , I am available. Occasionally travel, but available remotely
Additional Information	Resident of Ashland since 2010. Frequented Ashland since 2003.
Upload Your File	<i>Field not completed.</i>
Signature	[REDACTED]

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From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Wednesday, October 23, 2024 11:15:20 AM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Mark Morrison
Committee or Commission You Wish to Serve On	Citizens' Budget Committee
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Website Administrator - Ashland School District
Educational Background	My experience with fiscal oversight and budget management includes: 1. Green Fund Chair at ASSOU: - Managed and allocated student fee budget for sustainability projects - Implemented new checks and balances to prevent misappropriation - Developed project tracking systems for funded initiatives - Reformed the grant approval process to ensure fiscal responsibility 2. CEPAC Vice Chair (Current): - Work with City Council/staff on policy recommendations that have budgetary impacts - Understand of municipal budget constraints and prioritization - Experience with Oregon Public Meeting Law and governmental processes 3. Ashland School District Website Administrator: - Regular interaction with district leadership including Operations Director and Superintendent - Exposure to public institution budgeting processes - Experience communicating complex information to diverse stakeholders 4. Professional Skills:

- Proficient in data analysis and Excel
- Experience with public sector operations and constraints
- Strong analytical and problem-solving capabilities

Related Experience

My experience with fiscal oversight and budget management includes:

1. Green Fund Chair at ASSOU (2016-2017):

- Managed a \$1.2 million grant pool for sustainability initiatives
- Completely reformed the application process to align with Oregon Public Meeting Law
- Eliminated ad hoc allocation practices in favor of transparent, criteria-based decision-making
- Implemented comprehensive project tracking and accountability measures
- Established formal documentation requirements for all funding decisions

2. CEPAC Vice Chair (Current):

- Analyze and make recommendations on city budget allocations for environmental initiatives
- Serve as liaison between CEPAC and Ashland School District, providing insight into municipal bond processes
- Gained experience with public sector budgeting challenges and opportunities

3. Ashland School District Website Administrator:

- Participate in discussions about grant funding opportunities and requirements
- Help communicate budget-related information to various stakeholders
- Exposure to bond measure implementation and management as a retrospective

4. Technical and Analytical Skills:

- Advanced Excel proficiency for financial modeling and data analysis
- Experience with AI-assisted operations for data processing and insight generation
- Development of automated tools for financial data processing
- Creation of forecasting models for budget planning
- Integration of diverse data sources for comprehensive analysis

I would welcome additional training opportunities in municipal finance and public budgeting processes. My background in environmental studies combined with my technical skills provides a unique perspective on how to balance fiscal responsibility with community needs and environmental considerations.

Interests

I am applying for this position because I believe that budgets are the fundamental drivers of change in public institutions. Through

my work with CEPAC and the school district, I've developed a deep appreciation for how budgetary decisions shape our community's future. My specific interests include:

- Applying analytical and forecasting skills to support informed budget decisions
- Ensuring fiscal responsibility while advancing community goals
- Understanding the intersection of environmental initiatives and financial planning
- Contributing technical expertise in data analysis and modeling
- Building on my committee experience from both ASSOU and CEPAC to serve our community

My passion for environmental issues has taught me that effective budgeting is often the key to implementing meaningful change. I'm particularly interested in how we can use financial planning to support both fiscal responsibility and community sustainability goals.

Availability

I am available for both regular meetings and special sessions. My current position at the school district allows for flexibility with daytime meetings, though I prefer evening meetings when possible. I have experience managing multiple civic commitments, as demonstrated by my concurrent service on CEPAC while maintaining full-time employment.

Additional Information

I have lived in Ashland for 11 years, moving here from Oahu, Hawaii to attend Southern Oregon University. During this time, I've developed deep connections within the community and gained valuable insight into local governance through my roles with:

- Climate and Environment Policy Advisory Committee (CEPAC)
- Ashland School District
- Southern Oregon University Student Government
- Various community organizations and initiatives

Additional qualifications:

- Experience with Oregon Public Meeting Law
- Understanding of municipal operations and constraints
- Strong analytical and communication skills
- Demonstrated commitment to public service and community engagement

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[COA Budget Committee Application - Google Docs.pdf](#)

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From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Tuesday, December 10, 2024 8:10:40 AM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Michael murray
Committee or Commission You Wish to Serve On	Citizen Budget Committee
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Retired
Educational Background	BS Electrical Engineering, Executive MBA Tuck School of Business, focus Strategy and Finance, graduate of Carnegie Mellon's Advanced Technology Institute
Related Experience	CFO of \$30 Million company, mayor and city council member of Mt Shasta, Venture Capitalist, Past Treasurer of Ashland Parks Foundation and Friends of the animals(FOTAS), Investment Committee member of EcoEnterprises Fund, General Management budget responsibilities. As Mt Shasta Mayor got a 1/4 cent tax passed that was a special fund(74% approved)to sustain our city library when the county stepped back from supporting it. Set up a public/private partnership to lower costs, provide more jobs and be advised by a Library Tax Advisory Committee. I was chairman of that committee after ending my 12 years of public service. Also good to learn more and benchmark what others are doing
Interests	Live in Ashland, have a unique combination of finance, municipal, and philanthropic experience Ashland has some big finance decisions coming, would like to help us make informed decisions
Availability	Yes, anytime works
Additional Information	Lived in Ashland since 2018.

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Online Form Submittal: Appointment Application for City Committee or Commission

N

noreply@civicplus.com



To: Ashland City Recorder; Ashland City Recorder; Dorinda Cottle; Dorinda C (Sat 8/17/2024 11:34 PM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Eric Navickas
Committee or Commission You Wish to Serve On	Citizen Budget Committee
Address	
Phone	
Email	
Occupation	Farmer/Residential Designer
Educational Background	University of Oregon, Bachelor of Architecture
Related Experience	Previously a City Council Member and Citizen Budget Committee Member
Interests	I am interested in citizenship and community democracy.
Availability	Yes, evening meetings work best.
Additional Information	I've lived here 35 years and have been engaged in city government through most of that time
Signature	

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From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Wednesday, November 27, 2024 6:54:29 PM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Kristen Roy
Committee or Commission You Wish to Serve On	Citizen's Budget Committee
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Attorney
Educational Background	Dartmouth College - Bachelor of Sciences University of New School of Law - Juris Doctor Southern Oregon University - Masters of Business Administration (current student)
Related Experience	I have been a healthcare attorney for almost 15 years - working on both the east coast and west coast. I started my career working in a large law firm setting and transitioned in-house about 10 years. In my current role, I am responsible for budgets for various departments: Legal, Compliance, Privacy, Risk, Real Estate, and Insurance. In my experience, I have had to make difficult decisions including reductions in force when expenses exceed revenue. My current educational experience as a MBA student is also helpful (i.e, accounting, economics).
Interests	I am interested in becoming more involved in the City. I currently serve on the Audit Committee as a new member. I also served on the Childcare Committee. For a brief period of time, I was also on the Ashland Chamber of Commerce. I care about the City of Ashland and want to give back to the community.
Availability	I prefer meetings that occur before of after working hours. I am flexible on dates/times.
Additional Information	My husband and I have lived in Ashland for almost 8 years. We have a 5 year old son who attend Children's World. We enjoy all outside activities - running, hiking, biking, and skiing.

Upload Your File

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Signature



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From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Tuesday, November 12, 2024 12:11:46 PM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Ariana C Spiegler
Committee or Commission You Wish to Serve On	Budget
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Finance Director - Oregon Shakespeare Festival
Educational Background	Certified Management Accountant MBA - UC Davis BA/Management - St. Mary's College of CA
Related Experience	I have 25+ years as a finance executive in both for profit and nonprofit organizations including the development and oversight of budgets ranging from \$1-\$40 million. It would be advantageous for me to have further training in government specific budgeting and finance.
Interests	I want to see Ashland and the Rogue Valley thrive as rural environments are precious.
Availability	I can attend meetings during the day and the evening, however I prefer daytime.
Additional Information	I came to Ashland to rebuild the finance department at OSF in January of 2023. I fell in love with the city and the valley and want to be involved in supporting the community.
Upload Your File	<i>Field not completed.</i>
Signature	[REDACTED]

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From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Friday, January 10, 2025 6:05:25 AM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Jeanine Sturm
Committee or Commission You Wish to Serve On	Citizens Budget Committee
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Landscape contractor
Educational Background	Columbia River High School Diploma Clark Community College-2 yrs.
Related Experience	President of This Season's Color, Inc. Co-founder of The Eagle Mill Farm Education Project which transitioned to the Rogue Valley Farm To Schools program Co-founder of DUDE-Disabled United in Direct Empowerment Host of the Katog Padma Ling Meditation Practice Group of Ashland
Interests	I care about this community having been a resident for the last 27 years and I want to become more knowledgeable about the budget process for the city.
Availability	My schedule is fairly flexible, but evenings are best except for Thursday evenings as that is when we host meditation practices.
Additional Information	I moved here in 1998
Upload Your File	<i>Field not completed.</i>
Signature	[REDACTED]

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From: noreply@civicplus.com
To: [Ashland City Recorder](#); [Ashland City Recorder](#); [Dorinda Cottle](#); [Dorinda Cottle](#)
Subject: Online Form Submittal: Appointment Application for City Committee or Commission
Date: Friday, December 13, 2024 12:44:55 PM

[EXTERNAL SENDER]

Appointment Application for City Committee or Commission

Name	Meg Wade
Committee or Commission You Wish to Serve On	Citizen Budget Committee
Address	[REDACTED]
Phone	[REDACTED]
Email	[REDACTED]
Occupation	Community Organizer and Writer
Educational Background	University of Chicago, BA [REDACTED] Philosophy and English; University of Chicago, MA [REDACTED] Religion
Related Experience	I have been involved in budget development and financial reporting for many community nonprofits, either in an operational staff role or as a board member. I also have experience as both a participant and leader in participatory budgeting processes for various municipalities (please see my attached resume for more details). My work as a community organizer using popular education methods means I also have a lot of skill in finding ways to communicate technical or difficult topics to a broader audience and would be able to help communicate about the budget process to other Ashland residents.
Interests	I have been looking for additional opportunities to contribute to the local community and believe that the budget committee in particular strikes a balance of drawing on my past experience while allowing me the potential to learn a good deal more about our city and how it works, as well as the specific challenges it faces in the present moment.
Availability	At this point in time my schedule for the spring is fairly flexible. However I will be out of town the last week of March and first week of April. I prefer afternoon meetings.
Additional Information	I moved to Ashland in July of 2023, but my relationship to the community extends back nearly a decade.

There is no space for pronouns on this form but please know that I use they/them.

Upload Your File

[Copy of Meg Wade Resume, December 2024.pdf](#)

Signature



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Council Business Meeting

Date: January 21, 2025

Agenda Item	Request to Withdraw Affordable Housing Trust Fund RFP to Allow for Strategic Discussion Regarding How Best to Invest the Funding
From	Sabrina Cotta
Contact	sabrina.cotta@ashland.or.us

SUMMARY

The Mayor is requesting Council direct staff to withdraw the 2025 Affordable Housing Trust Fund Request for Proposals and schedule a meeting that allows the City Council to develop a focused strategy for investment of these funds.

POLICIES, PLANS & GOALS SUPPORTED

Community affordability including available housing and childcare.

BACKGROUND AND ADDITIONAL INFORMATION

On Friday January 10th, 2025, the City released a request for proposal making the Affordable Housing Trust Funds available for eligible applicants for an award of up to \$200,000 for qualifying projects. The deadline for application submittals has been advertised as 4:30pm, February 21st, 2025. The City has received a number of inquiries about the funds including projects that would rehabilitate current affordable housing units as well as bring new affordable units online.

The Mayor is requesting Council direct staff to withdraw the 2025 Affordable Housing Trust Fund Request for Proposals and schedule a meeting that allows the City Council to develop a focused strategy for investment of these funds. Please review attached letter from the Mayor. This would create a break in continuity of the traditional funding cycle that the City has followed. For biennium 24/25 \$200,000 was budgeted for the Affordable Housing Trust Fund and awarded to eligible recipients. The issued RFP is in anticipation of the 2026/27 biennium allocation in order to identify and select eligible projects that are ready to proceed beginning in July 2025. The applications received would be reviewed and selected to ensure consistency with the established Ashland Housing Trust Fund framework ([Ordinance 2966 \(PDF\)](#); [Resolution 2008-34 \(PDF\)](#)). The selection of award recipients is made by the City Council upon recommendation by the Housing and Human Services Advisory Committee. The AHTF RFP as issued does reserve the right to not make a award should the Council determine the proposals received are not in the best interest of the City, are non-viable, or are not ready to proceed in a timely manner. The result of this request to rescind the RFP would be to retain the funding for future award or direction from Council consistent with the Affordable Housing Trust Fund policy. Affordable Housing providers presently considering applying for these funds for eligible uses would be informed that the RFP had been rescinded should the Council make this decision.

Previous Awards include:

- 2018-\$300,00 to Columbia Care-Rogue Ridge Property acquisition
- 2018-\$19,000 to OHRA-Capacity Building and Predevelopment costs for the OHRA Center
- 2020-\$60,000 to Maslow Project-Emergency non-congregate sheltering (hotel costs) for families displaced by the wildfires, or COVID.
- 2020-\$3,500 to OHRA-Emergency non-congregate sheltering (hotel costs) for vulnerable populations during the COVID pandemic.
- 2020-\$55,000 to OHRA-Winter Shelter Program at Calvin Hall from Nov-March.
- 2020-\$5,000 to the Unitarian Universalist-Pallet Shelter Pilot program installation of temporary electrical service and pole to serve pallet shelters.
- 2022-\$60,000 to Habitat for Humanity-Beach Creek addition Energy Efficiency measures to be commensurate with surrounding development.
- 2022-\$55,000 to OHRA Emergency rent assistance and operations.





Council Business Meeting

- 2022-\$55,000 to Rogue Retreat for continued operational costs at the E. Main emergency shelter.
- 2024-\$40,000 to Ashland Community Land Trust Organizing Committee for capacity building
- 2024-\$100,000 to Habitat for Humanity to purchase land on which to build four units of ownership housing.
- 2024-\$155,000 to OHRA for housing navigation services.
- 2024-\$55,000 to Sunstone Housing Collaborative for Masterplan and RFP development for affordable housing development on School District owned property.

FISCAL IMPACTS

The Biennial allocation of \$200,000 in BN 26/27 funds is generated from an annual dedication of \$100,000 Marijuana Tax revenue. These funds would be either retained by the City until use is directed by Council or distributed to qualified selected applicants through the current RFP process.

SUGGESTED ACTIONS, MOTIONS, AND/OR OPTIONS

Motion options:

- 1) I move to direct staff to withdraw the 2025 Affordable Housing Trust Fund Request for Proposals and schedule a meeting process that allows the City Council to develop a focused strategy for investment of these funds consistent with the Affordable Housing Trust Fund Policy.
- 2) I move for staff to continue with the Affordable Housing Trust Fund RFP process without amendment.

REFERENCES & ATTACHMENTS

1. Request to Withdraw Affordable Housing Trust Fund RFP_
2. 241219_feasibility study
3. AHTF_RFP_2025_
4. 2008-34 Affordable Housing TRT Fund

To: Ashland City Council

From: Mayor Graham

Re: Request to Withdraw Affordable Housing Trust Fund RFP to Allow for Strategic Discussion Regarding How Best to Invest the Funding

The Affordable Housing Trust Fund represents one of the most flexible resources the City of Ashland has to invest in the development of affordable housing. Traditionally, that fund has been expended through a general RFP process that requests proposals from community partners that are working to address affordable housing and homelessness. Several changes have happened over the past couple of years that necessitate a strategic conversation at the council level to determine the best way to invest these funds in order to create the greatest progress in developing affordable housing.

- In 2023, the Council approved the Housing Production Strategy, which includes land banking for affordable housing, but the Council has yet to define how that effort should move forward, how land can be brought into a land bank, and what types of land the City should focus on for the land bank.
- With the new climate rules at the state level, the City Council eliminated off-street parking requirements, which changes significantly how land can be developed inside our city limits and creates opportunities for new types of housing developments.
- There is a need to test potential innovations related to the development of modest, well-built homes to support our local workforce. For example, the City owns a lot on Clay Street that can be immediately developed with a community organization partner as a template for multi-family, workforce housing on individual lots. Included with this packet are two initial concepts of housing that could be developed at this particular site. These sketches have been generously developed pro-bono by Chris Brown at my request to help the Council consider how housing might be developed on this lot. If a project like this can be developed in a successful way, it can open the door for the City to help other landowners of vacant lots develop them in similar ways that support our working residents, local economy, and school district.

The staff has appropriately followed the protocol from previous years in releasing earlier in January an RFP seeking funding proposals from organizations working on affordable housing. However, in order for the Council to set a strategic direction for these funds prior to them being allocated, the RFP must be withdrawn and that requires Council direction to staff.

Suggested Motion: I move to direct staff to withdraw the 2025 Affordable Housing Trust Fund Request for Proposals and schedule a meeting process that allows the City Council to develop a focused strategy for investment of these funds.

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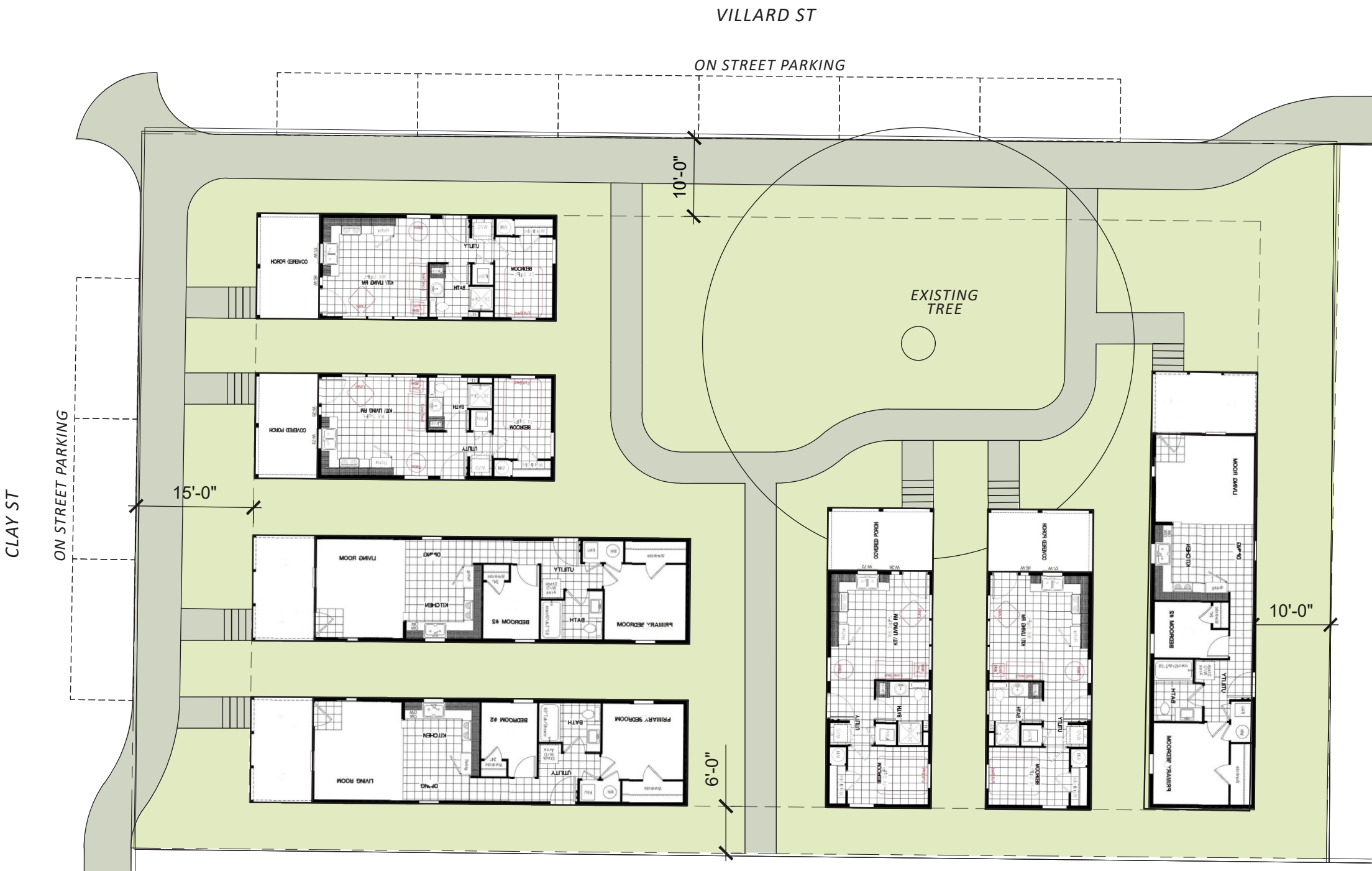
Option 1 Features

- Prefabricated individual units
- Outdoor open space
- Layout oriented around keeping existing tree

Site Analysis

Number of units:	8
Unit type/SF:	1BD 1 BA/ 409 SF
Lot Coverage:	29.5%

SITE LAYOUT
OPTION 1



Option 2 Features

- Prefabricated 1 and 2 bd units
- Outdoor open space
- Layout oriented around keeping existing tree

Site Analysis

Number of units:	7
Unit type/SF:	1BD 1 BA/ 409 SF
	2BD 1 BA/ 650 SF
Lot Coverage:	31.2%

SITE LAYOUT
OPTION 2



Request for Proposals

Housing Trust Fund

The City requests proposals from eligible applicants for the award of up to \$200,000 in City of Ashland Housing Trust Funds.

Background

The City of Ashland Affordable Housing Trust Fund was created to keep the Ashland community diverse by facilitating the production and preservation of affordable housing throughout Ashland. The City Council understands the changing nature of the housing market and therefore has established the policies and procedures for administering the AHTF to remain flexible to respond to changing market conditions and opportunities.

The primary purpose of the AHTF is to encourage the creation of housing for homeownership or rent, at a cost that will enable low- and moderate-income families to afford quality housing while paying no more than thirty per cent of gross household income on housing. To promote the rehabilitation, preservation and production of quality, well designed rental and ownership housing the AHTF will award funds to community development partners that are furthering the AHTF mission.

It is expected that the local contributions made through Ashland's Affordable Housing Trust Fund will leverage of State and Federal funds, as well as encourage private sector investment in affordable housing. To address the disparity between the cost of housing and the means of resident households to afford housing, the Affordable Housing Trust Fund aims to provide direct financial support to projects that retain or

increase the supply of needed housing for households earning less than 120% the Area Median Income as defined by HUD.

Eligible Applicants

The Affordable Housing Trust Fund is structured to ensure that many different types of organizations are eligible to receive financing. Eligible applicants include governmental subdivisions, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other non-profit organizations, for-profit entities, and private employers.

Eligible Uses

Affordable Housing Trust Funds shall support the creation or preservation of housing that is affordable to households with incomes that do not exceed 120% of the area median income, as defined by HUD for the Medford-Ashland metropolitan service area. To retain a significant degree of flexibility the eligible uses have a broad application including the following:

- **Acquisition and Construction of new affordable housing.** Eligible acquisition and construction costs include reasonable costs associated with building or land purchases.
- **Conservation:** through the use of “green” technologies provided that the benefits of the energy savings is passed on in the form of reduced costs to the qualified occupants of the affordable housing.
- **Land Banking:** the purchase of land to be dedicated toward the development of affordable housing in the near or long term.
- **Predevelopment activities:** Costs associated with planning, architectural services, engineering services, landscape design, legal services, surveys, appraisals, site clearance and demolition, environmental clearance, permit application fees and system development charges, in support of the development of affordable housing.
- **Bridge loans:** Bridge loans are intended to provide funding to permit housing projects to proceed in advance of the availability of permanent

project funding. Bridge loan funding is available for acquisition or construction activities to assist in development of low-income housing (for rental or owner occupancy).

- **Capacity Building** Direct grant awards for non-profit affordable housing providers to fund administration of an affordable housing project or program.
- **Rehabilitation and Emergency Repairs:** Eligible rehabilitation and emergency repair costs provided as part of an established program to secure units as affordable or to provide direct benefits to existing low-moderate income households.
- **Hazardous materials abatement:** Costs associated with the abatement of hazardous materials consistent with the Federal Lead Safe Housing Regulations HUD requirements at 24 CFR §35
- **Direct benefits** to low-moderate income households through an established program including down payment assistance, rental assistance, mortgage foreclosure prevention, emergency housing vouchers, homeownership training, renter education, or other programs intended to increase housing opportunities for Ashland's low-moderate income residents.
- **Transitional and Emergency Housing** for homeless individuals and families through an established program to move people toward self-sufficiency.

Match Requirements

The Ashland Housing Trust Fund is intended to support the development of needed housing but is not intended to provide the sole source of funding for any development project or housing program. To ensure that affordable housing providers, and organizations that assist individuals and families in obtaining needed housing, do not rely exclusively on AHTF to support their activities, it has been determined that; the Affordable Housing Trust Fund contribution shall not exceed more than 50% of the total project, or program, cost. Required Match can be met utilizing Community Development Block Grants, State or Federal Funding, direct contribution from the applicant, private

donations, and the contribution of land, materials or labor to the project.

In the case that land previously owned by the applicant is considered as required match, the value of the land shall be determined by a City approved certified appraisal completed by the applicant, unless otherwise directed in Oregon Revised Statute or City Municipal Code.

The valuation of land, and available equity to be considered as matching funds, shall be verified by the City prior to the disbursement of an AHTF grant when its value is considered as required matching funds.

Donated materials and labor which are proposed as required match through the development of a project shall have their value estimated at the time of application. The actual value of these contributions is subject to verification by the City at completion of the project.

Award recipients shall provide verifiable accounting for donated labor and materials, when such was necessary to satisfy the AHTF match requirements.

A recipient of an AHTF grant that fails to verify the match requirements have been satisfied at the conclusion of a project would be considered cause for the City to require full or partial repayment of any AHTF grants awarded to a project.

Proposal Requirements

Proposed Projects or Activities shall address the purpose of the Ashland Housing Trust Fund Framework and as supported by the information contained in the Ashland Housing Needs Analysis and Consolidated Plan as presented in the following documents:

- [Ordinance establishing the Affordable Housing Trust Funds](#)
- [Affordable Housing Trust Fund Policies and Procedures for administration](#)
- [City of Ashland Consolidated Plan for the use of Community Development Block Grant funds](#)

Proposal Format

The proposals should be concise and should contain the following sections in order as shown:

1. Introduction

- Describe organization and what is unique about the firm, its goals, and objectives.

2. Project Description

- Describe the program/activity for the respondent organization is seeking funding.
- Describe the target population expected to benefit from the program/activity.
- Provide the number of individuals, or households, expected to benefit from the program/activity.
- If applicable provide the number and type of housing units to be created or made habitable.
- Provide a detailed timeline leading to the completion of the proposed program/activity.
- Provide a map showing the project's location. If the project will serve a specific area, proposed project boundaries should be shown.

3. Project Experience

- Describe the respondent's organizational framework, special resources, and any other information to demonstrate that the respondent can effectively and efficiently complete the proposed program/activity.
- Describe the respondent's organizational experience in completing programs or activities similar to the proposal outlined in the RFP.
- List other organizations involved with this project and their level of involvement.

4. Funding Request

- Provide the requested amount of Ashland Housing Trust Funds.
- Provide the amount of any Community Development Block Grants requested under a separate application (if applicable).

- Provide a detailed project budget that includes all other funding sources anticipated to support the program/activity.
- Provide the proposed percentage of matching funds, including the estimated value of donated land or labor, demonstrating that the Affordable Housing Trust Fund contribution shall not exceed more than 50% of the total project, or program, cost.
- Provide a detailed budget including but not limited to land acquisition costs, materials, building permit costs, predevelopment costs, professional services, and any other administrative costs.

Selection Criteria

The project is considered an eligible use or activity and benefits households earning less than 120% the Area Median Income.

If the project is related to the provision of technical assistance to affordable housing providers, the use of Ashland Housing Trust Funds functions to increase the capacity of the organization to specifically address the mission of the AHTF.

Scoring

- The project provides new affordable housing, or new affordability, through retention or rehabilitation of existing housing, within the City. The greater the number of units provided, the higher the ranking the project shall be given. (20).
- The agency submitting the proposal has the capacity to carry out the project and has had demonstrated successes completing projects of similar scope. (20).
- The project is ready for implementation (For example: If the project includes the acquisition of property, the identified property is currently available for acquisition and the applicant has secured either a purchase option or letter of interest from the seller and has addressed any procurement requirements for use of Community Development Block Grants if applicable). (15).
- The budget and timeline are thorough and realistic. (15).

- The project addresses the unmet housing needs as identified in the Ashland Housing Needs analysis or Consolidated Plan. (10).
- The project retains the affordable housing units as affordable. The longer the period of time the units remain affordable, the higher ranking the project shall be given. (10).
- Affordable Housing Trust funds shall be limited to the minimum amount necessary to complete the project. The lower the percentage of AHTF funds requested, relative to the full project costs, the higher ranking the project shall be given (5).
- The proposal demonstrates that Ashland Housing Trust Funds are the most appropriate funding source, and necessary, for the project. (5).
- The project addresses energy conservation through the integration of green building technologies in new construction, or achieves greater energy efficiency, water conservation, and/or waste reduction through rehabilitation of existing housing. (5).
- The project maximizes partnerships in the community (volunteers, in-kind contributions, cash contributions, multiple organizations involved, etc.). (5).
- The project utilizes already existing resources in effective and innovative ways and does not duplicate service provided by another organization. (5).
- That relocation of existing residents will be minimized, and when necessary, the applicant has included accurate relocation assistance costs as part of the project pro forma. (5).

Question/Answer Period

If interested applicant organizations have questions or require clarification of various aspects of this RFP, please submit those questions or requests for clarification to Linda Reid, City of Ashland Housing Program Specialist, at or 541-552-2043 linda.reid@ashland.or.us, no later than February 14, 2025. Questions received after February 14, 2025, may not receive a formal response.

Application Schedule

Announcement of RFP January 10, 2025

Question Period Closes February 14, 2025

Proposals Due February 21, 2025

Presentations to the Housing and Human Services Commission: March 27, 2025

Presentations to Council/Award determinations: April 15, 2025

Grant year begins: July 1, 2025

The deadline for application submittal is 4:30 p.m., February 21, 2025.

Please submit one (1) electronic copy of the proposal, in PDF format, to the Housing Program Specialist at the Community Development Building, 51 Winburn Way, via email to linda.reid@ashland.or.us.

Or hand deliver the proposal to:

**Linda Reid
Housing Program Specialist
City of Ashland
51 Winburn Way Street
Ashland, Oregon 97520**

The respondent to the RFP is solely responsible to verify receipt of the proposal prior to the deadline. Funds to be awarded are public funds and any information submitted or generated is subject to public disclosure requirements.

PROTEST

Any prospective developer who contends that the provisions of the RFP or any aspect of the procurement process will encourage favoritism in the award of the contract, or substantially diminish competition, must file a written protest to the RFP at least ten days prior to the date set for the opening of proposals. Failure to file a protest will be deemed a waiver of any claim by an offeror that the procurement process violates any provision of ORS Chapter 279, the City of Ashland Local Contract Review Board Rules or the City's procedures for screening and selection of persons to perform personal services.

The City reserves the right, at its sole discretion, to waive minor irregularities in submittal requirements, to request modifications of the proposal, to accept or

reject any or all proposals received, to award full or partial funding of any request, and/or to cancel all or part of this RFP at any time prior to awards.

CONTRACT

Selected award recipient(s) will be expected to enter into a written contract with the City of Ashland. The City of Ashland shall prepare an agreement between the City and award recipients. The agreement shall outline the conditions of award and shall be executed prior to the disbursement of any Affordable Housing Trust Funds. Unconditional refusal to accept the contract provisions proposed by the City without offering acceptable alternatives may result in disqualification of the offeror or a less favorable evaluation of its proposal.

RESOLUTION NO. 2008- 34

**A RESOLUTION ESTABLISHING POLICIES AND PROCEDURES FOR
ADMINISTRATION OF THE AFFORDABLE HOUSING TRUST FUND**

RECITALS:

- A. WHEREAS**, the City of Ashland City Council approved the establishment of the Affordable Housing Trust Fund (Ordinance 2966), to keep our community diverse by facilitating the production and preservation of affordable housing throughout Ashland; and
- B. WHEREAS**, The policies and procedures for administration of the Affordable Housing Trust Fund establish eligible uses, eligible applicants, the method by which funds are awarded, and selection criteria; and
- C. WHEREAS**, the City Council understands the changing nature of the housing market and corresponding housing needs, and therefore has established the policies and procedures for administering the Ashland Housing Trust Fund (AHTF) to remain flexible to respond to changing market conditions and opportunities; now therefore

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1. Purpose

- 1.1** The purpose of the City of Ashland's Affordable Housing Trust Fund (AHTF) is to establish a dedicated source of revenue to provide ongoing funding for housing projects or programs that address the housing needs of Ashland residents. To this end the AHTF is established to address the primary purpose of encouraging the creation of housing for homeownership or rent, at a cost that will enable low and moderate income families to afford quality housing while paying no more than thirty per cent of gross household income on housing.
- 1.2** To promote the rehabilitation, preservation and production of quality, well designed rental and ownership housing the AHTF will award funds to community development partners that are furthering the AHTF mission. It is expecting that the local contributions made through Ashland's Affordable Housing Trust Fund will assist in maximizing the leveraging of State and Federal funds, as well as encourage private sector investment in affordable housing.

- 1.3 Understanding the high cost of housing regionally, it is evident that low and moderate income households are not being served by the housing market. To address the disparity between the cost of housing and the means of resident households to afford housing, the Affordable Housing Trust Fund aims to provide direct financial support to projects that retain or increase the supply of needed housing for households earning less than 120% the Area Median Income as defined by HUD.
- 1.4 The Administrative Procedures associated with the Affordable Housing Trust Fund, including fund administration, determination of eligible applicants, eligible uses and activities, award preferences, eligibility criteria, award process, and selection criteria are hereby established.

Section 2. Eligible Applicants

- 2.1 The Affordable Housing Trust Fund is structured to ensure that many different types of organizations are eligible to receive financing.
- 2.2 Eligible applicants include governmental subdivisions, community development corporations, local housing authorities, community action agencies, community-based or neighborhood-based non-profit housing organizations, other non-profit organizations, for-profit entities, and private employers.

Section 3. Eligible Uses and Activities

- 3.1 Affordable Housing Trust Funds shall support the creation or preservation of housing that is affordable to households with incomes that do not exceed 120% of the area median income, as defined by HUD for the Medford-Ashland metropolitan service area.
- 3.2 Affordable Housing Trust Funds will be focused on those activities that create, preserve or acquire housing within the Ashland Urban Growth Boundary.
- 3.3 Housing developments financed by the Affordable Housing Trust Fund (AHTF) which receive subsidy, financing, tax credits or other assistance under a State or Federal housing program, may contain market rate units insofar as permissible under those programs and/or to the extent that they are necessary to support the creation of and/or on-going sustainability for the affordable housing units in the development. However, Affordable Housing Trust Funds may not be used to support such market rate units.

- 3.4** Affordable housing units developed utilizing subsidy from the Affordable Housing Trust Fund shall comply with the income, rent and purchase housing cost limits established by Resolution 2006-13, as amended, and as restricted by a covenant prepared by the City of Ashland.
- 3.5** The Affordable Housing Trust Funds can be provided as either a grant or a loan depending on the project or program receiving funding. To retain a significant degree of flexibility the eligible uses have a broad application including the following:
- 3.5.a Acquisition and Construction** of new affordable housing. Eligible acquisition and construction costs include reasonable costs associated with building or land purchase, including but not limited to:
- Purchase price
 - Option costs
 - Financing fees
 - Appraisal costs
 - Closing costs
 - Interest
 - Inspection fees
 - Title insurance
 - Relocation costs
 - Architectural/engineering fees
 - Construction costs
- 3.5.b Conservation** of energy through the use of “green” technologies provided that the benefits of the energy savings is passed on in the form of reduced costs to the qualified occupants of the affordable housing.
- 3.5.c Land Banking:** the purchase of land to be dedicated toward the development of affordable housing in the near or long term.
- 3.5.d Predevelopment activities** undertaken by a community development organization in support of the development of affordable housing including planning, architectural services, engineering services, landscape design, legal services, surveys, appraisals, site clearance and demolition, environmental clearance, permit application fees and system development charges.

- 3.5.e Bridge loans** to assist in development of low-income housing (for rental or owner occupancy). Bridge loans are intended to provide funding to permit housing projects to proceed in advance of the availability of permanent project funding. Bridge loan funding is available for acquisition or construction activities.
- 3.5f Capacity Building** for non-profit affordable housing providers in the form of direct grant awards to fund administration of an affordable housing project or program.
- 3.5.g Rehabilitation and Emergency Repairs** as part of an established program to secure units as affordable or to provide direct benefits to existing low-moderate income households. Eligible rehabilitation and emergency repair costs include but are not limited to:
- Architectural/engineering fees
 - Construction costs
 - Relocation costs
 - Hazardous materials abatement including lead based paint noticing consistent with The Federal Lead Safe Housing Regulations HUD requirements at 24 CFR §35
- 3.5.h Direct benefits** to low-moderate income households through an established program including down payment assistance, rental assistance, mortgage foreclosure prevention, emergency housing vouchers, homeownership training, renter education, or other programs intended to increase housing opportunities for Ashland's low-moderate income residents.
- 3.5.i Transitional and Emergency Housing** for homeless individuals and families through an established program to move people toward self-sufficiency.
- 3.5.j Other uses** as deemed appropriate by the Ashland City Council as supporting the development or preservation of affordable housing within the City of Ashland.

Section 4. Preferences

- 4.1** The general criteria of selection are found in Section 8 and may be modified through the annual Request for Proposals, however the following preferences are provided as general guidance for future applicants for Affordable Housing Trust Funds.

- 4.1.a** Developments that produce “new” affordable housing units. *New affordable housing units* shall include housing units constructed where none had existed previously, abandoned or fire-damaged residential units to be returned to residential use, and non-residential or non-residentially-zoned property converted to residential use. Any designated new affordable housing units shall be secured as affordable through recorded Resale Restriction Covenants.
- 4.1.b** Developments that provide new affordability. *New affordability* refers to existing housing where a new level of affordability is provided that does not currently exist. This could occur in rental or ownership housing where the number of affordable units is increased; where a portion of existing units will be made affordable to households at income levels substantially lower than the units previously served; or where the term of affordability on the units will be extended for a period beyond thirty (30) years.
- 4.1.c** Developments of housing utilizing the Land Trust model to secure property and perpetual affordability.
- 4.1.d** Developments that include joint ventures between multiple non-profit developers and or for-profit developers, working in partnership, to complete an affordable housing project
- 4.1.e** Developments that include a joint venture between service providers and non-profit affordable housing developers to create projects that contain additional benefits to low income individuals in the development of the project, or additional services for the residents upon completion.
- 4.1.f** Developments that incorporate the use of “green” building materials, use of energy-efficient appliances, low-water use landscaping, and incorporation of building design and operational factors that minimize energy use and resource consumption as well as avoid indoor health impacts to achieve Earth Advantage Certification.
- 4.1.g** Developments that include affordable units for the disabled and the homeless.
- 4.1.h** Projects that propose long term affordability.
- 4.1.i** Projects that are sponsored by non-profit organizations.

- 4.1.j** Projects that use private funding sources and State funding sources to leverage the least amount of Ashland's Affordable Housing Trust Funds.

Section 5. Fund Administration

The Affordable Housing Trust Fund (AHTF) originated through the direction of the Ashland City Council and Ashland Housing Commission.

- 5.1** The City of Ashland acts as fiduciary agent and administrator of the funds.
- 5.2** Funds dedicated to the Ashland Housing Trust Fund shall be exclusively reserved to support the eligible uses activities identified in Section 3, and shall not be used for the general operation of the City.
- 5.3** The City of Ashland shall issue a request for proposals (RFP) to announce the availability of funds. The Affordable Housing Trust Fund RFP issuance shall be timed to run concurrent with the Community Development Block Grant Program award process.
- 5.4** The City may issue a Notice of Funding Availability (NOFA) to specifically target up to 10% in available Affordable Housing Trust Funds to undertake eligible uses and activities identified in Section 3.
- 5.5** The City of Ashland Housing Commission, and City Staff as designated by the Director of Community Development, shall review applications for Affordable Housing Trust Funds to determine project eligibility and evaluate the applications based on the selection criteria provided in the issued Request for Proposals. The Housing Commission, and City Staff, shall provide recommendations to the City Council who shall make final award decisions.
- 5.6** The City aims to administer the Affordable Housing Trust Fund in a manner consistent with other affordable housing programs such as the Ashland Community Development Block Grant Program. The implementation of a comparable application, application evaluation, and approval process will provide housing developers with a consistent and coherent method for securing housing funds from the City. Coordination of the grant allocation process with other local and state funding application timelines, will help ensure that AHTF funds are best applied to leverage additional resources in support of the housing projects.

- 5.7** Affordable Housing Trust Funds will be allocated in a manner consistent with the threshold criteria provided Section 8, and consistent with State and Local Public Contracting law.

Section 6. Match Requirements

- 6.1** The Ashland Housing Trust Fund is intended to support the development of needed housing, but is not intended to provide the sole source of funding for any development project or housing program. To ensure that affordable housing providers, and organizations that assist individuals and families in obtaining needed housing, do not rely exclusively on AHTF to support their activities, it has been determined that;
- 6.2** The Affordable Housing Trust Fund contribution shall not exceed more than 50% of the total project, or program, cost. Required Match can be met utilizing Community Development Block Grants, State or Federal Funding, direct contribution from the applicant, private donations, and the contribution of land, materials or labor to the project.
- 6.2.a** In the case that land previously owned by the applicant is considered as required match, the value of the land shall be determined by a City approved certified appraisal completed by the applicant, unless otherwise directed in Oregon Revised Statute or City Municipal Code.
- 6.2.b** The valuation of land, and available equity to be considered as matching funds, shall be verified by the City prior to the disbursement of an AHTF grant when its value is considered as required matching funds.
- 6.2.c** Donated materials and labor which are proposed as required match through the development of a project shall have their value estimated at the time of application. The actual value of these contributions is subject to verification by the City at completion of the project.
- 6.2.d** Award recipients shall provide verifiable accounting for donated labor and materials, when such was necessary to satisfy the AHTF match requirements.
- 6.3** A recipient of an AHTF grant that fails to verify the match requirements have been satisfied at the conclusion of a project

would be considered cause for the City to require full or partial repayment of any AHTF grants awarded to a project.

Section 7 – Allocation of Funds

The Affordable Housing Trust Fund is structured to allow the flexibility for the City, and housing providers, to be responsive to opportunities that arise that require an immediate expenditure of a relatively small amount of funds to secure property, or financing, as well as to ensure the majority of Affordable Housing Trust Funds are allocated through an annual competitive award process.

Establishment of two distinct and separate award processes is intended to provide for both consistency and flexibility. The issuance of a Request for Proposals (RFP) which will allocate 90% of the available allocation of Affordable Housing Trust Funds will be coordinated with other local and State funding cycles to allow applicants to best structure their project financing. Additionally a Notice of Funding Availability (NOFA) may be announced, as funds permit, to allocate up to 10% of the annual funding available. A NOFA is primarily intended to be responsive to immediate needs for a limited grant or loan if needed for predevelopment activities which will further the mission of the AHTF.

The distribution of any and all AHTF funds through Competitive or Non-Competitive awards as described in Sections 7.1 and 7.2, will be in accordance with State and Local Public Contracting laws.

7.1. Competitive Awards - Request for Proposals (RFP)

The City of Ashland has a limited amount of Affordable Housing Trust Funds to use each year in comparison to the scope of the housing needs within the community. As a result, it is essential that the funds are used to meet the City's priorities in an efficient and cost-effective manner. To this end a competitive award process has been established and a set of award criteria shall be developed to evaluate proposals received through a Request for Proposals (RFP) process in terms of how they address the specific priorities outlined in the annual RFP.

The steps for making the competitive grant awards or loans is outlined below.

- 7.1 a.** The City of Ashland may issue a Request for Proposals on an annual or intermittent basis depending on availability of funds, providing applicants with a minimum of 45 days to respond to the request.

- 7.1 b** City Staff shall assess the project proposals to determine if the eligibility criteria are met and shall develop a recommendation to provide to the Ashland Housing Commission and the City Council.
- 7.1 c** The Ashland Housing Commission will provide applicants the opportunity to make a presentation on their project proposal and provide community members the opportunity to comment by holding a public meeting.
- 7.1 d** The Ashland Housing Commission will develop a grant award recommendation to the City Council using the AHTF criteria to determine which projects best meet the City's spending priorities. Each application will be rated on a numeric scale as established in the annual RFP for each criterion of selection (Section 8).
- 7.1 e** The Ashland City Council shall make a final decision on the award of Affordable Housing Trust Funds.
- 7.1 f** The City of Ashland shall prepare an agreement between the City and the award recipient. The Agreement shall outline the conditions of award and shall be executed prior to the disbursement of any Affordable Housing Trust Funds.

7.2. Notice of Funding Availability (NOFA)

Upon electing to initiate a Notice of Funding Availability (NOFA) the City shall issue a notice of funding availability through publication in the Ashland Daily Tidings and on the City's Website providing 30 days for eligible applicants to submit qualifications for funding. The City shall review all applications received to determine if the applications meet the City's threshold criteria. If the criteria are met then the funds are awarded to, or reserved for, the applicant. Funds available through the NOFA process are awarded on a first come, first served basis, until reaching the annual funding cap. A reserve award granted to an applicant may be rescinded by the City if the applicant does not undertake the activities identified in response to the NOFA in advance of the City's issuance of another RFP or NOFA.

- 7.2.a** On an annual basis the City shall determine the amount of funds available to be distributed through a NOFA procedure
- 7.2.b** In no case shall the amount disbursed through the non-competitive process exceed 10% of the annual AHTF revenue in a given program year.

- 7.2.c** The City of Ashland recognizes that the nature of affordable housing development acquisition of property is often opportunity dependant. Further many nonprofit housing developers lack the resources to undertake feasibility studies, due diligence inspections, preliminary drawings and other activities required to evaluate potential projects as well as apply for project financing.
- 7.2.d** To enable non-profit organizations, community development organizations, the Housing Authority of Jackson County, and the City of Ashland, to be responsive to opportunities outside of the annual Request for Proposals timeline, the City may reserve a portion of Affordable Housing Trust Funds to support pre-development activities.
- 7.2.d.1** Predevelopment activities undertaken by a community development organization in support of the development of affordable housing including planning, architectural services, engineering services, landscape design, legal services, surveys, appraisals, site clearance and demolition, environmental clearance, and payment of permit application fees may be supported through a non-competitive award of a predevelopment grant that may be required to convert to a loan if the project receives full funding.
- 7.2.d.2** For-profit developers are not eligible to apply for Ashland's Affordable Housing Trust Funds to assist with predevelopment costs.
- 7.2.e** The City of Ashland is eligible to utilize the funds reserved for the NOFA process to conduct eligible activities as described in Section 3.
- 7.2.f** The City may fund through a NOFA process an ongoing down-payment assistance program, rental assistance program, education program, rehabilitation program, or other programs intended to increase housing opportunities for Ashland's low-moderate income residents which are administered by a non-profit or governmental organization.

Section 8 AHTF Grant or Loan Award Threshold and Selection Criteria

- 8.01** The project is considered an eligible use or activity under Section 3, and benefits households earning less than 120% the Area Median Income.
(threshold verification)

- 8.02** If the project is related to the provision of technical assistance to affordable housing providers, the use of Ashland Housing Trust Funds functions to increase the capacity of the organization to specifically address the mission of the AHTF. (threshold verification).
- 8.03** Affordable Housing Trust funds shall be limited to the minimum amount necessary to complete the project. The lower the percentage of AHTF funds requested, relative to the full project costs, the higher ranking the project shall be given.
- 8.04** The project addresses the unmet housing needs as identified in the Ashland Housing Needs analysis or Consolidated Plan.
- 8.05** The lower the income level that is targeted for the benefiting households, the higher the ranking the project shall be given.
- 8.06** The project provides new affordable housing, or new affordability, through retention or rehabilitation of existing housing, within the City. The greater the number of units provided, the higher the ranking the project shall be given.
- 8.07** The project retains the affordable housing units as affordable. The longer period of time the units remain affordable, the higher ranking the project shall be given.
- 8.08** The project addresses energy conservation through the integration of green building technologies in new construction, or achieves greater energy efficiency through rehabilitation of existing housing.
- 8.09** The project maximizes partnerships in the community (volunteers, in-kind contributions, cash contributions, multiple organizations involved, etc.).
- 8.10** The project utilizes already existing resources in effective and innovative ways. The project shall not duplicate service provided by another organization.
- 8.11** The agency submitting the proposal has the capacity to carry out the project and has had demonstrated successes completing projects of similar scope.
- 8.12** The budget and time line are thorough and realistic.
- 8.13** The project is ready for implementation.

- 8.14 If the project includes the acquisition of property, the identified property is currently available for acquisition and the applicant has secured either a purchase option or letter of interest from the seller. If the applicant is also applying for federal funding (Community Development Block Grants or HOME) they should carefully review procurement requirements and limitations before obtaining a purchase option.
- 8.15 That relocation of existing residents will be minimized, and when necessary the applicant has included accurate relocation assistance costs as part of the project pro forma.
- 8.16 The proposal demonstrates that Ashland Housing Trust Funds are the most appropriate funding source, and necessary, for the project.
- 8.17 Additional selection criteria may be developed and included in the annual RFP to best direct Affordable Housing Trust Funds toward an identified priority need. Numeric Rankings for each of the selection criteria shall be incorporated into the annual RFP.

SECTION 9. This resolution was duly PASSED and ADOPTED this 16 day of September, 2008, and takes effect upon signing by the Mayor.



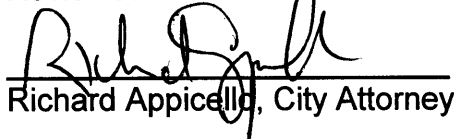
Barbara Christensen, City Recorder

SIGNED and APPROVED this 23 day of September, 2008.



David Chapman, Council Chair

Reviewed as to form



Richard Appicelli, City Attorney



CITY MANAGER'S OFFICE:

- The City is planning on joining the **Main Street Alliance as a Connected Community**. The Main Street Alliance program provides, training, resources and technical assistance to support place-based economic revitalization of historic commercial areas. The City will be developing the appropriate plan that is required to join the Alliance and bring it to Council in the future.
- The City will be launching **new records request software** over the next few months to streamline and accurately document the process and public record requests. Thanks to the departments who assisted in determining the best way to move forward.
- The Oregon Health Authority has declared the **Lithia fountain on the Plaza** legal, as it is technically a transient non-community water source. This means the fountain can continue to stay on. Thank you to public works staff who conducted the assessment through counting the number of users and worked with the State to preserve this landmark. Moving forward, the County will be the entity responsible for inspection as required. Due to the corrosive nature of the water, you will continue to see the City conducting on-going cleaning and maintenance of this fountain in perpetuity.
- The City has **new full page column in the [Sneak Preview](#)**, a monthly publication that is direct mailed to all Ashland addresses and distributed widely throughout Ashland. Our first column was in the January 2025 issue and focused on the tools the City uses to communicate with the public – Check it out!
- The **January 2025 City Newsletter** is available at ashlandoregon.gov/CityNewsletters.
- Mark your calendar for the annual **Town Hall gathering on January 22** at the Rogue River Room in the Stevenson Union at Southern Oregon University. Mayor Tonya Graham will give the State of the City Address, the winners of the Alan C. Bates (for those who actively support the interests of Ashland) and James M. Ragland (the "Volunteer Spirit" Community Service Award) will be announced, and attendees can interact with staff. Details at ashlandoregon.gov/Townhall.

FINANCE:

- Finance is now in their **new location at 2245 Ashland St.** In-person customer service hours are available on Mondays and Fridays, from 9 a.m. to 1 p.m.
- **Applications for the Utility Assistance program are available.** The deadline to apply is January 31. More information at ashlandoregon.gov/UtilityAssistance.
- **The USDA legal department is reviewing the final documents for the RESP (Rural Energy Savings Program).**
- Work commences for the **development of Biennium 25-27 Budget.**
- **Finance and Innovation & Technology staff have gathered as a combined department to work collaboratively on shared goals.**

City Manager's Report

FIRE:

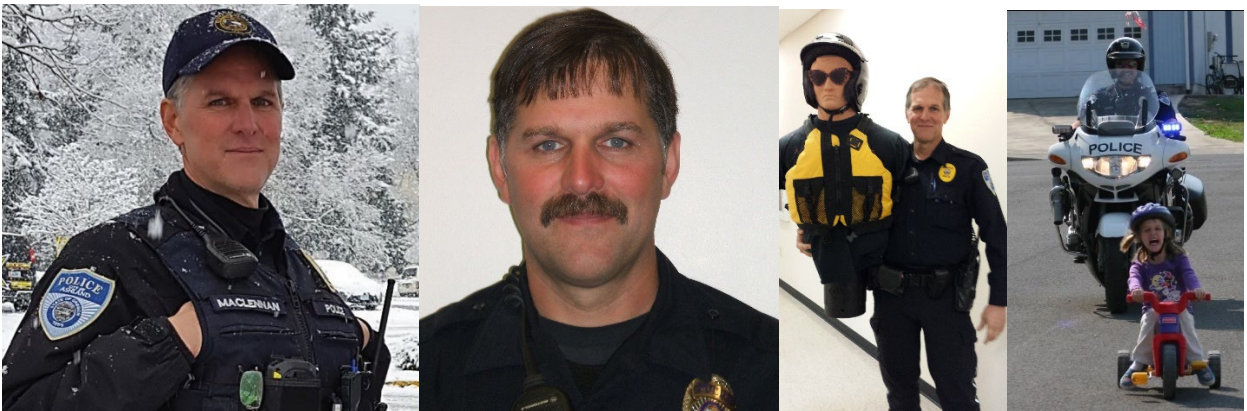
- In early January we sent three firefighters to Southern California to help battle the wildfires. AF&R staff was part of a group sent through an agreement between CAL FIRE and the Oregon State Fire Marshal.



From Left to right: **Westin Martin, Andrew Burns** and **Robert Trask** (not pictured) drove to the Palisades Fire in our Heavy Brush 1 engine, which was loaded with gear. The engine is being sold to the Applegate Valley Fire District and replaced with a new engine, paid for by the State of Oregon, at the end of January.

HUMAN RESOURCES:

- Congratulations to Police Officer **Steve MacLennan** who retired last December after 34 years of service to the City! **Thank you Steve!**





City Manager's Report

INNOVATION & TECHNOLOGY (DoIT or Department of Innovation & Technology):

- AFN (Ashland Fiber Network) has completed all splices in the first PON (Passive Optical Network) Pilot Project area. AFN has now connected 27 customers to the new PON network, with eight more installs scheduled for mid-January.
- AFN received training for a new innerduct product, which will allow segmentation of the existing 2" conduit. This will greatly improve the ability to deploy fiber in conduit that contains pre-existing coax mainline.
- AFN has terminated fiber at the end of Will Dodge Way alley to prepare for new gigabit service to that block. AFN will be providing gigabit service toward the end of January. This is the fifth block in the downtown corridor to receive this service.

PARKS & RECREATION:

- The **Recreation Division Advisory Committee Member Recruitment** is underway. Applications for consideration are due by February 5, 2025. [Apply online.](#)

PUBLIC WORKS:

- In early January the **Streets Division received the following appreciation letter via the new SeeClickFix Reporting Tool, ashlandoregon.gov/SeeClickFix:**

Our thanks to all at Ashland Streets Department who responded promptly to our request concerning constant clanking noise generated by vehicles driving over a loose manhole cover in front of 183 E Hersey St.

We were impressed too, by the efficient and safe manner in which the crew performed the repair.



Jack Homeyer
Pat Homeyer





City Manager's Report

WHAT'S COMING UP?

- Join expert birding volunteers for **Project FeederWatch** at North Mountain Park on alternate Saturdays this winter through March 15, 2025.
- ALL IN! **All Abilities Community Skate** on **January 24**, 5:30 to 7 p.m. This free event is in partnership with and supported by Autism Society Oregon and Bridging Communities.
- **Town Hall 2025**, on **January 22**. Information at ashlandoregon.gov/Townhall.
- **HomeShare Oregon** – This free program offered through the Parks & Recreation Senior Services Division, will help to explain the availability of housing by matching homeowners who have spare room, to renters seeking affordable housing. By appointment only on **January 27**, 2 to 3:30 p.m., call 541.414.3156. More at homeshareoregon.gov.

Details for City events can be found at ashlandoregon.gov.

