AGENDA
Baker City Council Meeting
Tuesday, March 23, 2021
7:00 P.M. Regular Session
Council Chambers

7:00 P.M. Regular Session

1. Call to Order Regular Session Mayor McQuisten
2. Pledge of Allegiance and Invocation Councilor Alderson
3. Roll Call K. LaFavor
4. Agenda Additions, Deletions, Modifications
5. Citizen’s Participation
6. Small Business Development Center 2020 Economic Impacts Jeff Nelson Information Only
7. Golf Board History M. Owen Information Only
8. Planning Department Medium City Requirements H. Kerns Information Only
9. Airport Bid Award M. Owen Motion/Approve
10. FAA CARES Grant Award M. Owen Motion/Approve
11. Emergency Declaration Resolutions J. Cannon Motion/Approve
   • Resolution #3881
   • Resolution #3883
12. Hospitality Business Oregon Councilor Perry Information Only
13. Council Rules of Procedures J. Cannon Motion/Approve
14. Council Committee Updates Council
15. City Manager / Director Comments
16. City Council Comments
17. Upcoming Agenda Items
18. Adjourn Regular Session

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

Meeting Date: March 23, 2021

Agenda Item: SBDC Presentation
Type of Action Requested: Discussion

Action Statement

Jeff Nelson, Adviser with Small Business Development Center (SBDC) and Blue Mountain Community College request Council hear his presentation.

Background

Jeff Nelson met with City Manager Jonathan Cannon. Jeff requested an opportunity to provide a presentation to City Council regarding SBDC. As per Rules of Council, his presentation was placed on the Council agenda.

Recommendation

The city manager recommends the following:
1. City Council listen to the presentation by Jeff Nelson.

Suggested Motion

No Motion is applicable to this agenda item.

Prepared by: Jonathan Cannon, City Manager
CITY OF BAKER CITY

Meeting Date: March 23, 2021
Type of Action Requested:

Agenda Item:

Agenda Title: Golf Board History

Action Statement

In February the Council had requested additional information about the history of the Golf Board as it relates to the number of members and duties performed.

Background
From the February 23, 2021 Council meeting:

The Baker City Golf Board was formed in 1951 through Ordinance #2320. Ordinance #2320 read that members will consist of the City Manager and six other members to be appointed by Council. In 2002, Ordinance #3198 removed the City Manager as a voting member and providing for the replacement with a citizen at large.

The City Manager was removed as a voting member with fiscal oversight when the golf course transitioned from being run by the Golf Board to being run by a concessionaire. The collection of revenue and payment of expenditures transitioned to the concessionaire who paid the City a fee or lease each year. This was a major shift in duties and responsibilities for the Golf Board members. The Board became advisory on course activities, but had less direct influence. By 2004 it became difficult to keep a quorum involved, let alone a full seven-member Board so the ordinance reducing the members to five was enacted to allow a quorum of three members to meet.

Gradually the concessionaire form of management became comfortable with the golf community and there has been a very active Golf Board of a steady five members for the last decade. The Golf Board now hosts a fundraising golf tournament, the Baker Bash, that raises several thousand dollars each year.

The Board uses their funds (not City funds) to make course improvements including the addition of the practice net, the planting of new trees, removal of hazard trees and countless other bench and sign improvements. This year’s project is a major improvement to some of the cart paths and will be accomplished through a combined effort of the Golf Board, the Golf Social Board, a Leo Adler Community Foundation grant and in-kind contributions from Quail Ridge Golf Course and Baker City Public Works.

The Golf Board’s focus is now not only advisory to the City Manager and City Council, but also to support the efforts of the concessionaire to improve the golfer’s experience at Quail Ridge Golf Course.
Analysis (Include impacts on City resources and community)

Golf Board member Lyle Kuchenbecker will be attending the Council meeting and can answer questions from the Councilors regarding past and planned projects completed by the Board. In a straw poll of the current Golf Board members the majority were either neutral or in favor of moving to seven members.

Suggested Motion

Report only

Prepared by: Michelle Owen, Public Works Director

[Signature]
Meeting Date: March 23, 2021

Agenda Item: Agenda Title: Planning Department Medium City Requirements

Type of Action Requested: Discussion

Action Statement
Planning Department Holly Kerns, Planning Director request hear her presentation.

Background
Baker City has now is considered a medium sized city in the state of Oregon. Population estimates and forecasts are determined by Portland State University Population Research Center. The Population Research Center service to the State of Oregon began in 1956 with the creation of the Oregon Population Estimates Program, which chartered PRC with preparing annual population estimates for Oregon cities and counties. The Center moved to Portland State University in 1965, and now includes the Oregon State Data Center. This appointment added the responsibility of acting as lead state agency in working with the U.S. Census Bureau to disseminate information at local levels. Additionally, PRC is designated as the lead state representative in partnering with the Census Bureau through the Federal-State Cooperative for Population Estimates (FSCPE), and as participants in the Federal-State Cooperative for Population Projections. Baker City population is forecast for 2020 to be 10,010. https://sos.oregon.gov/blue-book/Pages/local/city-population.aspx

Analysis
As a medium sized city, Baker City must comply with legislative requirements and mandates. Baker City is required to implement additional meetings and planning actions related to housing, comprehensive planning, and land use. Holly Kerns, Planning Director will present the known requirements and mandates to City Council that will be implemented in 2021.

Recommendation
The city manager recommends City Council listen to the presentation by Holly Kerns.

Suggested Motion
No Motion is applicable to this agenda item.

Prepared by: Jonathan Cannon, City Manager
CITY OF BAKER CITY

Meeting Date: March 23, 2021

Type of Action Requested:

Agenda Item: Airport Seal Coat Bid Award

Agenda Title: Airport Seal Coat Bid Award

Action Statement
City Council can award the runway rehabilitation project to the low bidder.

Background
The City’s aviation engineering consulting firm prepared a plan set for the rehabilitation of the primary runway and parallel taxiway for Baker City Municipal airport. This project includes crack sealing and wide crack repair as well as a sealcoat on Runway 13-31 and Taxiway A. The project was advertised both online and in print and three (3) bids were received and publicly opened on Thursday, March 4, 2021.

Analysis (Include impacts on City resources and community)
The three (3) bids received were reviewed by City staff, TO Engineers staff and Baker City’s Federal Aviation Administration (FAA) representative. Two letters are attached to the staff report. One is from TO Engineers and includes the bid tab showing the engineer’s estimate for the project and the bidders’ totals. The other letter is a response from the FAA agreeing that the bid should be awarded to the low bidder. The low bidder is Road Products, Inc. with a bid of $313,290. This is under the engineer’s estimate. The project was separated into Schedule A for the runway and Schedule B for the taxiway.

The project will be scheduled for late summer of 2021. The project will be 90% funded by an FAA Airport Improvement Project grant and 9% funded by an Oregon Department of Aviation COAR grant. The City will incur some minor administrative costs for approximately 1% of the project. The dollars will be allocated in the 162 Fund within the upcoming 2021-22 Budget.

Alternatives

1. Award the bid to the low bidder.
2. Do not award the bid and delay the project.

Recommendation
Award the bid to Road Products Inc. for $313,290.
Is this recommendation supported by an advisory committee? Check those that apply:

☐ Airport Commission
☐ Golf Board
☐ Historic District Design Review Committee
☐ Planning Commission
☐ Public Works Advisory Committee
☐ Transient Lodging Tax Committee
☐ Tree Board
☒ Other - FAA

**Suggested Motion**

Move to award the “Rehabilitate Runway 13-31 and Taxiway A” sealcoat project to Road Products, Inc. for $313,290.

Prepared by: **Michelle Owen, Director of Public Works**
March 10, 2021

Michelle Owen  
Public Works Director  
City of Baker City  
1655 First Street  
Baker City, OR 98714

Baker City Municipal Airport  
Baker City, OR  
AIP: 3-41-0005-018-2021  
Concurrence in Award

Dear Ms. Michelle Owen:

We have reviewed the bid documents, and concur with your recommendation to award Road Products, Inc., in the amount of $313,290.00. Furthermore, we accept your statement that the cost is reasonable based on the price/cost analysis performed by you or your consultant. Please maintain a copy of your price/cost analysis for future audit purposes.

You are reminded that your Disadvantage Business Enterprise (DBE) Accomplishments reports are due annually by on December 1 for the previous Fiscal Year. Details regarding the Federal Aviation Administration (FAA) Airport DBE Program can be found at the address below:

http://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/

FAA regulations require the sponsor certify that adequate construction supervision and inspection have been arranged. Also, the sponsor ensures that construction conforms to the approved plans and specifications.

Please provide us with the following documents:

1. One copy of the executed contract.

2. A copy of the Notice to Proceed so we will be aware of the beginning construction date. This should be provided only after the sponsor determines that all necessary contracts, bonds, certificates of insurance, etc., are satisfactory, so that a Notice to Proceed may be issued to the contractor.

A preconstruction conference should be scheduled after the contract is awarded. Please inform us of the time and place of this meeting. The contractor's construction schedule and the overall project should be discussed. We will attempt to attend this meeting, however, in the event that we cannot attend the meeting, please include the FAA preconstruction guidance package, in the agenda for your preconstruction meeting. This information can be found in Advisory Circular 150/5370-12. Please provide us with a copy of the minutes of the meeting and a list of those in attendance.
Federal participation is contingent upon construction conforming to the approved plans and specifications. To accomplish this, your resident engineer and inspectors must be familiar with the specification requirements and perform testing as required.

Copies of all test results should be available, during construction, at the job site for our review. In addition, Construction Progress and Inspection Reports, using FAA Form 5370-1 must be submitted on a weekly basis during construction.

Changes to the plans and specifications should be made by change order or supplemental agreement. Approval by the FAA should be obtained prior to performing the work to be eligible for participation.

Complete a *Strategic Events Submission Form* and forward to appropriate FAA Air Traffic Organization (ATO) Planning & Requirements office for any project that requires temporary shutdown of a facility.

If you have questions regarding your responsibilities during construction, please call me at (206)-231-4245.

Sincerely,

KATHRYN KEY

Kate Key,
Civil Engineer, SEA-634
Seattle ADO
March 9, 2021

Ms. Kate Key
Federal Aviation Administration
Seattle Airports District Office
FAA Northwest Mountain Region
2200 S. 216th Street
Des Moines, WA 98198

RE: Baker City Municipal Airport
AIP Project 3-41-0005-018-2021
Rehabilitate Runway 13-31 and Taxiway A
Request for Concurrence to Award

Dear Kate:

Attached is a copy of the recommendation of award from T-O Engineers for our upcoming project to rehabilitate Runway 13-31 and Taxiway A at the Baker City Municipal Airport.

We concur with the recommendation to award to the low bidder, Road Products, Inc. The award amount for Schedule A (AIP Eligible) will be $273,362.00. The award amount for Schedule B (AIP Eligible) will be $39,908.00.

Please review the attached bid evaluation and consider this letter a request for concurrence in award to Road Products, Inc. If you need additional information, please contact me at your earliest convenience.

Thank you for your consideration of this request.

Sincerely,

Michelle Owen
Director of Public Works

attachments
March 9, 2021

Michelle Owen
Director of Public Works
City of Baker City
P.O. Box 650
Baker City, Oregon 97814

RE: AIP Project 3-41-0005-018-2021
Rehabilitate Runway 13-31 and Taxiway A
Recommendation of Award

Michelle:

Sealed bids for rehabilitation of Runway 13-31 and Taxiway A at the Baker City Municipal Airport were received and publicly opened at 2:00 p.m. Thursday March 9, 2021 as specified in the Notice Inviting Bids. Three bids were received for the project. These bid results are summarized in the following table:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Location</th>
<th>Schedule A</th>
<th>Schedule B</th>
<th>Schedule A + B</th>
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<tr>
<td>Idaho Lines &amp; Sign, LLC</td>
<td>Boise, ID</td>
<td>$320,319.60</td>
<td>$49,898.44</td>
<td>$370,218.04</td>
</tr>
<tr>
<td>C.R. Contracting, LLC</td>
<td>Bend, OR</td>
<td>$304,847.00</td>
<td>$42,891.00</td>
<td>$347,738.00</td>
</tr>
<tr>
<td>Road Products, Inc.</td>
<td>Spokane, WA</td>
<td>$273,382.00</td>
<td>$39,908.00</td>
<td>$313,290.00</td>
</tr>
</tbody>
</table>

Road Products, Inc. the apparent low bid for both Schedules A and B. The Engineer's estimate for Schedule A + Schedule B was $424,442.00. A copy of the detailed bid summary is enclosed for your records.

The bid submitted by Road Products, Inc. was reviewed for bid submittal requirements and appears to be responsive. This company is a licensed public works contractor in the State of Oregon with the appropriate license category for the type of construction anticipated during this project.

It appears that Road Products, Inc. will apply the asphalt seal coat and pavement markings. Work to be subcontracted includes crack sealing, paint and rubber removal. There is no Disadvantaged Business Enterprise (DBE) goal for this project and Road Products, Inc. is not a certified DBE in the State of Oregon. Road Products, Inc. did not commit to any DBE participation.

Based on the evaluation of the bid, T-O Engineers recommends award of Schedule A + Schedule B to Road Products, Inc. in the total amount of $313,290.00. Award should be made contingent on concurrence of the FAA and the availability of both federal and CORE grant funding.
March 9, 2021
Page 2

We will forward the Notice of Award and Agreement to you under separate cover. If you have any questions regarding the bid, bid results and award process, please call.

Sincerely,

T-O ENGINEERS, INC.

Kevin R. Bissell, P.E.
Aviation Project Manager

enclosures: Bid Summary

cc: Kate Key, FAA
### BID SUMMARY

**PROJECT NAME:** Rehabilitate Runway 13-31 and Taxiway A

**PROJECT NUMBER:** 3-41-0035-016-2020

**OWNER:** Baker City Municipal Airport

**ENGINEER:** T-O Engineers

**BIDS DUE:** March 4, 2021 at 2:00PM PDT

**LOCATION:** Baker City Public Works Department, 1655 First Street, Baker City, Oregon 97814

### BID INFORMATION:

<table>
<thead>
<tr>
<th>CONTRACTOR:</th>
<th>Engineer's Estimate</th>
<th>Road Products, Inc.</th>
<th>C.R. Contracting LLC</th>
<th>Idaho Lines &amp; Signs, LLC</th>
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<tr>
<td>Acknowledge All Addenda</td>
<td>N/A</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
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<tr>
<td>Oregon Public Works License</td>
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<td>Bid Signed</td>
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<td>Y</td>
<td>Y</td>
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<tr>
<td>Supplemental Equipment Rate Schedule</td>
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<td>Y</td>
<td>Y</td>
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<td>Bid Security</td>
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<td>Additional Bid Forms</td>
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<td>Designation of Subcontractors and Suppliers</td>
<td>N/A</td>
<td>Y</td>
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<td>Non-Compulsion Affidavit</td>
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<td>Joint Venture Statement</td>
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<td>DBE Utilization</td>
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<td>Letter of Intent</td>
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<td>Buy American Certificate</td>
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<td>Employee Drug Testing Program Certification</td>
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<td>Tax Delinquency &amp; Felony Convictions Certificate</td>
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<td>Certification of Nonsegregated Facilities</td>
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<td>Supplemental Bidding Information</td>
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<tr>
<td>Bidders List Information</td>
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**Schedule A - Rehabilitate Runway 13-31:** $370,085.00  
**Schedule B - Rehabilitate Parallel Taxiway A:** $54,357.00  
**Total Schedule A + Schedule B:** $424,442.00

<table>
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<th>Bidder Rank</th>
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<th>Bidder #2</th>
<th>Bidder #3</th>
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<td>$273,382.00</td>
<td>$304,847.00</td>
<td>$320,319.60</td>
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<td>$39,906.00</td>
<td>$42,891.00</td>
<td>$49,868.44</td>
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<tr>
<td>Bidder Rank</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Bid Rank</td>
<td>$370,218.04</td>
<td>$347,738.00</td>
<td>$313,290.00</td>
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| Item No. | Item Description                      | Unit Measure | Estimated Quantity | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price | Unit Price | Total Price |
|---------|---------------------------------------|--------------|--------------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|-------------|
| 1       | Safety Compliance                     | LS           | 1                  | $10,000.00 | $10,000.00  | $15,000.00 | $15,000.00  | $5,000.00  | $5,000.00   | $24,998.00 | $24,998.00  |
| 2       | Mobilization                          | LS           | 1                  | $20,000.00 | $30,000.00  | $30,000.00 | $30,000.00  | $25,000.00 | $25,000.00  | $45,281.00 | $45,281.00  |
| 3       | Preparation/Removal of Existing Pavements (P-101) |             |                    |            |             |            |             |            |             |            |             |             |
| A)      | Crack Repair ≤ 1 1/2" inch            | L.F.         | 42,510             | $1.50      | $63,765.00  | $1.20      | $51,012.00  | $1.60      | $83,765.00  | $1.78      | $75,667.00  |
| B)      | Pavement Marking Removal              | S.F.         | 68,180             | $1.00      | $68,180.00  | $0.00      | $34,090.00  | $0.75      | $51,135.00  | $0.48      | $32,726.40  |
| C)      | Rubber Removal                        | S.Y.         | 4,760              | $1.00      | $4,760.00   | $2.25      | $10,710.00  | $2.50      | $11,900.00  | $0.24      | $1,142.40   |
| 4       | Asphalt Surface Treatment (P-508)     | S.Y.         | 54,900             | $1.26      | $73,625.00  | $1.20      | $70,680.00  | $1.35      | $79,515.00  | $1.58      | $93,062.00  |
| 5       | Runway and Taxiway Marking (P-620)    |             |                    |            |             |            |             |            |             |            |             |             |
| A)      | Temporary Yellow Paint with Glass Beads | S.F.         | 880                | $1.25      | $1,010.00   | $0.75      | $660.00     | $0.70      | $640.00     | $0.70      | $640.00     |
| B)      | Permanent Yellow Paint with Glass Beads | S.F.         | 880                | $1.00      | $880.00     | $0.75      | $660.00     | $0.70      | $660.00     | $0.70      | $660.00     |
| C)      | Temporary White Paint with Glass Beads | S.F.         | 67,300             | $1.00      | $67,300.00  | $0.45      | $30,285.00  | $0.55      | $33,850.00  | $0.35      | $23,555.00  |
| D)      | Permanent White Paint with Glass Beads | S.F.         | 67,300             | $0.75      | $50,475.00  | $0.45      | $30,285.00  | $0.55      | $33,850.00  | $0.35      | $23,555.00  |
| **Total** |                                      |              |                    |            | $270,085.00 |            |            |            | $273,322.00 |            | $104,847.00 |            | $320,019.60 |

**Note:**
Red numbers indicate the value was corrected.
<table>
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<tr>
<th>Item No.</th>
<th>Item Description</th>
<th>Unit Measure</th>
<th>Estimated Quantity</th>
<th>Unit Price</th>
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<td>1.</td>
<td>Preparation/Removal of Existing Pavements (P-101)</td>
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<td></td>
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<tr>
<td>A)</td>
<td>Crack Repair ≤ 1 1/2&quot; inch</td>
<td>L.F.</td>
<td>4,370</td>
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<td>B)</td>
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<td>3.</td>
<td>Runway and Taxiway Marking (P-620)</td>
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<tr>
<td>A)</td>
<td>Temporary Yellow Paint with Glass Beads</td>
<td>S.F.</td>
<td>4,120</td>
<td>$1.50</td>
<td>$6,180.00</td>
<td>$0.76</td>
<td>$3,090.00</td>
<td>$9.60</td>
<td>$2,472.00</td>
<td>$0.70</td>
<td>$2,884.00</td>
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<td>B)</td>
<td>Permanent Yellow Paint with Glass Beads</td>
<td>S.F.</td>
<td>4,120</td>
<td>$1.25</td>
<td>$5,150.00</td>
<td>$0.76</td>
<td>$3,090.00</td>
<td>$8.60</td>
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<td>$54,357.50</td>
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<td>$42,891.00</td>
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Note:
Red numbers indicate the value was corrected.
CITY OF BAKER CITY

Meeting Date: March 23, 2021

Type of Action Requested:

Agenda Item:

Agenda Title: FAA ACRGP Grant

Acceptance

Resolution No.

Ordinance No.

Formal Action/Motion

Other

Action Statement

The City Council can authorize city staff to sign a grant agreement from the Federal Aviation Administration (FAA) for $13,000 as part of the COVID-19 federal relief package.

Background

Airports suffered losses in revenue and incurred additional expenses related to the COVID-19 pandemic. The Airport Coronavirus Response Grant Program (ACRGP) has provided specific funding for airports. The City previously received $30,000 in 2020 for the airport and used this money for snow removal equipment and a planned pavement patch scheduled for this summer.

The second grant agreement is attached to the staff report. It is for $13,000 and will be used to improve the septic drain field and to clean the fuel tanks.

Analysis (Include impacts on City resources and community)

The FAA requires the governing body to authorize entering into the agreement. This grant does not require a match so budgeted airport funds remain available for the planned expenditures. If the Council opts not to accept the grant then the two planned repairs will likely be delayed for another year.

Recommendation

Authorize the staff to sign the grant agreement and accept the funds for use at Baker City Municipal airport.

Is this recommendation supported by an advisory committee? Check those that apply:

☐ Airport Commission
☐ Golf Board
☐ Historic District Design Review Committee
☐ Planning Commission
☐ Public Works Advisory Committee
☐ Sam O Swim Committee
☐ Transient Lodging Tax Committee  
☐ Tree Board  
☐ Other  
☐ Not Applicable  
☐ No. Explanation:

**Suggested Motion**

Move to authorize staff to sign the Airport Coronavirus Response Grant Program agreement with the FAA for $13,000.

Prepared by: Michelle Owen, Public Works Director  

[Signature]
March 17, 2021

Ms. Michelle Owen
1655 First Street
Baker City, OR, 97814

Dear Ms. Owen:

Please find the following electronic Airport Coronavirus Response Grant Program (ACRGP) Grant Offer, Grant No. 3-41-0005-019-2021 for Baker City Municipal Airport. This letter outlines expectations for success. Please read and follow the instructions carefully.

To properly enter into this agreement, you must do the following:

a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor’s authorized representative.

b. The sponsor’s authorized representative must execute the grant, followed by the attorney’s certification, no later than April 12, 2021 in order for the grant to be valid.

c. You may not make any modification to the text, terms or conditions of the grant offer.

d. The grant offer must be digitally signed by the sponsor’s legal signatory authority and then the grant offer will be routed via email to the sponsor’s attorney. Once the attorney has digitally attested to the grant, an email with the executed grant will be sent to all parties.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System. The terms and conditions of this agreement require you drawdown and expend these funds within four years.

An airport sponsor may use these funds for costs related to operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments. Please refer to the ACRGP Frequently Asked Questions for further information.

With each payment request you are required to upload an invoice summary directly to Delphi. The invoice summary should include enough detail to permit FAA to verify compliance with the Coronavirus Response and Relief Supplemental Appropriations Act (Public Law 116-260).

For the final payment request, in addition to the requirement listed above for all payment requests, you are required to upload directly to Delphi:

- A final financial report summarizing all of the costs incurred and reimbursed, and
- An SF-425, and
- A closeout report (A sample report is available here).
Until the grant is completed and closed, you are responsible for submitting a signed/dated SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open).

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend $750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

I am readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts.

Sincerely,

[Signature]

Warren D. Ferrell
Acting Manager
AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP)

GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date: March 17, 2021

Airport/Planning Area: Baker City Municipal Airport

ACRGP Grant Number: 3-41-0005-019-2021

Unique Entity Identifier: 056334493

TO: City of Baker City

(hereinafter called the "Sponsor")

FROM: The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA an Airport Coronavirus Response Grant Program (hereinafter called "ACRGP") Application dated March 12, 2021, for a grant of Federal funds at or associated with the Baker City Municipal Airport, which is included as part of this ACRGP Grant Agreement; and

WHEREAS, the Sponsor has accepted the terms of FAA’s ACRGP Grant offer;

WHEREAS, in consideration of the promises, representations and assurances provided by the Sponsor, the FAA has approved the ACRGP Application for the Baker City Municipal Airport, (hereinafter called the "Grant" or "ACRGP Grant") consisting of the following:

This ACRGP Grant is provided in accordance with the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act or "the Act"), Division M of Public Law 116-260, as described below, to provide eligible Sponsors with funding for costs related to operations, personnel, cleaning, sanitation, janitorial services, combating the spread of pathogens at the airport, and debt service payments. ACRGP Grant amounts to specific airports are derived by legislative formula (See Division M, Title IV of the Act).

The purpose of this ACRGP Grant is to prevent, prepare for, and respond to coronavirus. Funds provided under this ACRGP Grant Agreement must only be used for purposes directly related to the airport. Such purposes can include the reimbursement of an airport’s operational and maintenance expenses or debt service payments in accordance with the limitations prescribed in the Act. ACRGP Grants may be used to reimburse airport operational and maintenance expenses directly related to Baker City Municipal incurred no earlier than January 20, 2020. ACRGP Grants also may be used to reimburse a Sponsor’s
payment of debt service where such payments occur on or after December 27, 2020. Funds provided
under this ACRGP Grant Agreement will be governed by the same principles that govern "airport
revenue." New airport development projects not directly related to combating the spread of pathogens
and approved by the FAA for such purposes, may not be funded with this Grant.

NOW THEREFORE, in accordance with the applicable provisions of the CRRSA Act, Public Law 116-260,
the representations contained in the Grant Application, and in consideration of (a) the Sponsor’s
acceptance of this Offer; and, (b) the benefits to accrue to the United States and the public from the
accomplishment of the Grant and in compliance with the conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY
OFFERS AND AGREES to pay 100% percent of the allowable costs incurred as a result of and in
accordance with this Grant Agreement.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is
   $13,000, allocated as follows:

   $13,000 Non Primary KU2021

2. **Grant Performance.** This ACRGP Grant Agreement is subject to the following federal award
   requirements:
   a. The Period of Performance:
      1. Shall start on the date the Sponsor formally accepts this agreement, and is the date signed
         by the last Sponsor signatory to the agreement. The end date of the period of performance
         is 4 years (1,460 calendar days) from the date of acceptance. The period of performance
         end date shall not affect, relieve or reduce Sponsor obligations and assurances that extend
         beyond the closeout of this Grant Agreement.
      2. Means the total estimated time interval between the start of an initial Federal award and
         the planned end date, which may include one or more funded portions, or budget periods.
         (2 Code of Federal Regulations (CFR) § 200.1)
   b. The Budget Period:
      1. The budget period for this ACRGP Grant is 4 years (1,460 calendar days). Pursuant to 2 CFR
         § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during
         the budget period.
      2. Means the time interval from the start date of a funded portion of an award to the end
         date of that funded portion during which the Sponsor is authorized to expend the funds
         awarded, including any funds carried forward or other revisions pursuant to §200.308.
   c. Close out and Termination.
      1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout
         documentation and liquidate (pay-off) all obligations incurred under this award no later
         than 120 calendar days after the end date of the period of performance. If the Sponsor
         does not submit all required closeout documentation within this time period, the FAA will
proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344)

2. The FAA may terminate this ACRGP Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.

3. **Unallowable Costs.** The Sponsor shall not seek reimbursement for any costs that the FAA has determined to be unallowable under the CRRSA Act.

4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the Grant Application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages only.

5. **Final Federal Share of Costs.** The United States' share of allowable Grant costs is 100%.

6. **Completing the Grant without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the Grant without undue delays and in accordance with this ACRGP Grant Agreement, the CRRSA Act, and the regulations, policies, standards, and procedures of the Secretary of Transportation ("Secretary"). Pursuant to 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from funding eligible expenses under the Grant that exceeds three months or a 25 percent reduction in time devoted to the Grant, and request prior approval from FAA. The report must include a reason for the stoppage. The Sponsor agrees to comply with the attached assurances, which are part of this agreement and any addendum that may be attached hereto at a later date by mutual consent.

7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.

8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs unless this offer has been accepted by the Sponsor on or before April 12, 2021, or such subsequent date as may be prescribed in writing by the FAA.

9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner, including uses that violate this ACRGP Grant Agreement, the CRRSA Act or other provision of applicable law. For the purposes of this ACRGP Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement(s). The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or relate to this ACRGP Grant Agreement, including, but not limited to, any action taken by a Sponsor related to or arising from, directly or indirectly, this ACRGP Grant Agreement.

11. **System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**
a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at http://www.sam.gov).

b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at https://sam.gov/SAM/pages/public/index.jsp.

12. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. Air and Water Quality. The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.

14. Financial Reporting and Payment Requirements. The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

15. Buy American. Unless otherwise approved in advance by the FAA, in accordance with 49 United States Code (U.S.C.) § 50101 the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.


PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse’s Internet Data Entry System at http://harvester.census.gov/facweb/. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA.

17. Suspension or Debarment. When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

a. Verify the non-Federal entity is eligible to participate in this Federal program by:
   1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
   2. Collecting a certification statement from the non-Federal entity attesting the entity is not excluded or disqualified from participating; or
   3. Adding a clause or condition to covered transactions attesting the individual or firm is not excluded or disqualified from participating.

b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. sub-contracts).
c. Immediately disclose to the FAA whenever the Sponsor (1) learns the Sponsor has entered into a covered transaction with an ineligible entity, or (2) suspends or debars a contractor, person, or entity.

18. Ban on Texting While Driving.

a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to this ACRGP Grant or subgrant funded by this Grant.

2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
   A. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
   B. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded by this ACRGP Grant.

19. Trafficking in Persons.

a. You as the recipient, your employees, subrecipients under this ACRGP Grant, and subrecipients' employees may not:

1. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

2. Procure a commercial sex act during the period of time that the award is in effect; or

3. Use forced labor in the performance of the award or subawards under the ACRGP Grant.

b. The FAA as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –

1. Is determined to have violated a prohibition in paragraph A of this ACRGP Grant Agreement term; or

2. Has an employee who is determined by the agency official authorized to terminate the ACRGP Grant Agreement to have violated a prohibition in paragraph A.1 of this ACRGP Grant term through conduct that is either –
   A. Associated with performance under this ACRGP grant; or
   B. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.

c. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph A during this ACRGP Grant Agreement.
d. Our right to terminate unilaterally that is described in paragraph A of this section:
   
1. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and

2. Is in addition to all other remedies for noncompliance that are available to the FAA under this ACRGP Grant.

20. Employee Protection from Reprisal.
   
a. Prohibition of Reprisals —

   1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:

      a. Gross mismanagement of a Federal grant;
      b. Gross waste of Federal funds;
      c. An abuse of authority relating to implementation or use of Federal funds;
      d. A substantial and specific danger to public health or safety; or
      e. A violation of law, rule, or regulation related to a Federal grant.

   2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:

      a. A member of Congress or a representative of a committee of Congress;
      b. An Inspector General;
      c. The Government Accountability Office;
      d. A Federal office or employee responsible for oversight of a grant program;
      e. A court or grand jury;
      f. A management office of the grantee or subgrantee; or
      g. A Federal or State regulatory enforcement agency.

   3. Submission of Complaint — A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this ACRGP Grant Agreement may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.

   4. Time Limitation for Submittal of a Complaint — A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.


   6. Assumption of Rights to Civil Remedy — Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

21. Limitations. Nothing provided herein shall be construed to limit, cancel, annul, or modify the terms of any Federal grant agreement(s), including all terms and assurances related thereto, that have been entered into by the Sponsor and the FAA prior to the date of this ACRGP Grant Agreement.

22. Face Coverings Policy. The sponsor agrees to implement a face-covering (mask) policy to combat the spread of pathogens. This policy must include a requirement that all persons wear a mask, in accordance with Centers for Disease Control (CDC) and Transportation Security Administration (TSA)
requirements, as applicable, at all times while in all public areas of the airport property, except to
the extent exempted under those requirements. This special condition requires the airport sponsor
continue to require masks until Executive Order 13998, Promoting COVID-19 Safety in Domestic and
International Travel, is no longer effective.

SPECIAL CONDITIONS FOR USE OF ACRGP FUNDS

CONDITIONS FOR ROLLING STOCK/EQUIPMENT -

1. **Equipment or Vehicle Replacement.** The Sponsor agrees that when using funds provided by this
grant to replace equipment, the proceeds from the trade-in or sale of such replaced equipment
shall be classified and used as airport revenue.

2. **Equipment Acquisition.** The Sponsor agrees that for any equipment acquired with funds provided
by this grant, such equipment shall be used solely for purposes directly related to the airport.

3. **Low Emission Systems.** The Sponsor agrees that vehicles and equipment acquired with funds
provided in this grant:
   a. Will be maintained and used at the airport for which they were purchased; and
   b. Will not be transferred, relocated, or used at another airport without the advance consent of
      the FAA.

The Sponsor further agrees that it will maintain annual records on individual vehicles and
equipment, project expenditures, cost effectiveness, and emission reductions.

CONDITIONS FOR UTILITIES AND LAND -

4. **Utilities Proration.** For purposes of computing the United States’ share of the allowable airport
operations and maintenance costs, the allowable cost of utilities incurred by the Sponsor to operate
and maintain airport(s) included in the Grant must not exceed the percent attributable to the
capital or operating costs of the airport.

5. **Utility Relocation in Grant.** The Sponsor understands and agrees that:
   a. The United States will not participate in the cost of any utility relocation unless and until the
      Sponsor has submitted evidence satisfactory to the FAA that the Sponsor is legally responsible
      for payment of such costs;
   b. FAA participation is limited to those utilities located on-airport or off-airport only where the
      Sponsor has an easement for the utility; and
   c. The utilities must serve a purpose directly related to the Airport.

6. **Land Acquisition.** Where funds provided for by this grant are used to acquire land, the Sponsor shall
record the grant agreement, including the grant assurances and any and all related requirements,
encumbrances, and restrictions that shall apply to such land, in the public land records of the
jurisdiction in which the land is located.
The Sponsor's acceptance of this Offer and ratification and adoption of the ACRGP Grant Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor. The Offer and Acceptance shall comprise an ACRGP Grant Agreement, as provided by the CRRSA Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to this Grant. The effective date of this ACRGP Grant Agreement is the date of the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated March 17, 2021

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

[Signature]

Warren Ferrell

[Typed Name]

Acting Manager, Seattle ADO.

[Title of FAA Official]
Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the ACRGP Grant Application and incorporated materials referred to in the foregoing Offer under Part I of this ACRGP Grant Agreement, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the ACRGP Grant Application and all applicable terms and conditions provided for in the CRRSA Act and other applicable provisions of Federal law.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct. ¹

Dated

City of Baker City

(Name of Sponsor)

[Signature of Sponsor’s Designate Official/Representative]

By:

(Type Name of Sponsor’s Designate Official/Representative)

Title:

(Type of Sponsor’s Designate Official/Representative)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.
CERTIFICATE OF SPONSOR’S ATTORNEY

I, ___________________________, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of [Oregon]. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor’s official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the CRRSA Act. The Sponsor understands funding made available under this Grant Agreement may only be used to reimburse for airport operational and maintenance expenses, and debt service payments. The Sponsor further understands it may submit a separate request to use funds for new airport/project development purposes, subject to additional terms, conditions, and assurances. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

Dated at __________________________

By: __________________________

(Signature of Sponsor’s Attorney)
AIRPORT CORONAVIRUS RELIEF GRANT PROGRAM (ACRGP) ASSURANCES
AIRPORT SPONSORS

A. General.

1. These Airport Coronavirus Relief Grant Program (ACRGP) Assurances are required to be submitted as part of the application by sponsors requesting funds under the provisions of the Coronavirus Response and Relief Supplemental Appropriations Act of 2020 (CRRSA Act or "the Act"), Public Law 116-260. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.

2. Upon acceptance of this ACRGP Grant offer by the sponsor, these assurances are incorporated into and become part of this ACRGP Grant Agreement.

B. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this ACRGP Grant that:

- It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this ACRGP Grant including but not limited to the following:

FEDERAL LEGISLATION

a. 49 U.S.C. Chapter 471, as applicable
b. Davis-Bacon Act — 40 U.S.C. 276(a), et. seq.


k. Coastal Zone Management Act, P.L. 93-205, as amended.
m. Title 49, U.S.C., Section 303, (formerly known as Section 4(f)).


w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.

EXECUTIVE ORDERS

a. Executive Order 11246 — Equal Employment Opportunity
b. Executive Order 11990 — Protection of Wetlands
c. Executive Order 11998 — Flood Plain Management
d. Executive Order 12372 — Intergovernmental Review of Federal Programs
e. Executive Order 12699 — Seismic Safety of Federal and Federally Assisted New Building Construction
f. Executive Order 12898 — Environmental Justice
g. Executive Order 14005 — Ensuring the Future Is Made in All of America by All of America’s Workers.

FEDERAL REGULATIONS

a. 2 CFR Part 180 — OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
b. 2 CFR Part 200 — Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.³ ⁴
c. 2 CFR Part 1200 — Nonprocurement Suspension and Debarment.
e. 28 CFR § 50.3 — U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
f. 29 CFR Part 1 — Procedures for predetermination of wage rates. ³
g. 29 CFR Part 3 — Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States. ³
h. 29 CFR Part 5 – Labor standards provisions applicable to contracts covering Federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act). ¹

i. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally assisted contracting requirements). ²

j. 49 CFR Part 20 – New restrictions on lobbying.

k. 49 CFR Part 21 – Nondiscrimination in Federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.

l. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.

m. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Program.

n. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance. ³

o. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.

p. 49 CFR Part 30 – Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.


r. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).

s. 49 CFR Part 41 – Seismic safety of Federal and Federally assisted or regulated new building construction.

FOOTNOTES TO ASSURANCE ACRGP ASSURANCE B.1.

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ Cost principles established in 2 CFR Part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses

⁴ Audit requirements established in 2 CFR Part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations, or circulars are incorporated by reference in this Grant Agreement.

1. Purpose Directly Related to the Airport

   It certifies that the reimbursement sought is for a purpose directly related to the airport.

2. Responsibility and Authority of the Sponsor.
   a. Public Agency Sponsor:

      It has legal authority to apply for this Grant, and to finance and carry out the proposed grant; that an official decision has been made by the applicant’s governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing
and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this Grant and to finance and carry out the proposed Grant and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Good Title.

It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.


a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

b. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with this Grant Agreement.

c. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations, and the terms and conditions of this Grant Agreement.

5. Consistency with Local Plans.

Any project undertaken by this Grant Agreement is reasonably consistent with plans (existing at the time of submission of the ACGP application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

6. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where any project undertaken by this Grant Agreement may be located.

7. Consultation with Users.

In making a decision to undertake any airport development project undertaken by this Grant Agreement, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.
8. **Pavement Preventative Maintenance.**

With respect to a project undertaken by this Grant Agreement for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed, or repaired with Federal financial assistance at the airport, including ACRGP funds provided under this Grant Agreement. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

9. **Accounting System, Audit, and Record Keeping Requirements.**

   a. It shall keep all Grant accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the Grant in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the Grant supplied by other sources, and such other financial records pertinent to the Grant. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.

   b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a Grant or relating to the Grant in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

10. **Minimum Wage Rates.**

It shall include, in all contracts in excess of $2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

11. **Veteran's Preference.**

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

12. **Operation and Maintenance.**

   a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and
operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for—

1. Operating the airport’s aeronautical facilities whenever required;
2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
3. Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.


It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

14. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft.

15. Exclusive Rights.

The sponsor shall not grant an exclusive right to use an air navigation facility on which this Grant has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if—

a. it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and

b. allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

16. Airport Revenues.

a. This Grant shall be available for any purpose for which airport revenues may lawfully be used to prevent, prepare for, and respond to coronavirus. Funds provided under this ACRGP Grant Agreement will only be expended for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport(s) subject to this agreement and all applicable addendums for costs related to
operations, personnel, cleaning, sanitization, janitorial services, combating the spread of pathogens at the airport, and debt service payments as prescribed in the Act

b. For airport development, 49 U.S.C. § 47133 applies.

17. Reports and Inspections.

It will:

a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

b. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
   1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
   2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

18. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

19. Airport Layout Plan.

a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
   1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
   2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
   3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
   4. all proposed and existing access points used to taxi aircraft across the airport’s property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan.
as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary’s design standards beyond the control of the airport sponsor.


It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this Grant.

a. Using the definitions of activity, facility, and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR Part 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.

b. Applicability

1. Programs and Activities. If the sponsor has received a grant (or other Federal assistance) for any of the sponsor’s program or activities, these requirements extend to all of the sponsor’s programs and activities.

2. Facilities. Where it receives a grant or other Federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.

3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or

2. So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language
It will include the following notification in all solicitations for bids. Requests for Proposals for work, or material under this Grant and in all proposals for agreements, including airport concessions, regardless of funding source:

“The City of Baker City, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”


1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT Acts and regulations.

2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.

3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.

4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
   
   A. For the subsequent transfer of real property acquired or improved under the applicable activity, grant, or program; and

   B. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, grant, or program.

   C. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, subgrantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.

   D. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.


It will not allow funds provided under this Grant to be used to fund any activity that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

It will carry out any project funded under an Airport Coronavirus Relief Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars for AIP projects, as of March 12, 2021, included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

23. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.


The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor’s DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

25. Acquisition Thresholds.

The FAA deems equipment to mean tangible personal property having a useful life greater than one year and a per-unit acquisition cost equal to or greater than $5,000. Procurements by micro-purchase means the acquisition of goods or services for which the aggregate dollar amount does not exceed $10,000, unless authorized in accordance with 2 CFR § 200.320. Procurement by small purchase procedures means those relatively simple and informal procurement methods for securing goods or services that do not exceed the $250,000 threshold for simplified acquisitions.
Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

View the most current Series 150 Advisory Circulars (ACs) for Airport Projects at
http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars
Action Statement

City Council requests review and consideration for adoption Resolution #3881: Declaring an Economic, Mental Health and Criminal Activity Crisis due to the Current Covid-Related State Emergency Declaration and Relating OSHA Mandates and Guidance. City staff request Council adopts Resolution #3883: A Resolution Amending and Expanding Resolution #3861 Proclaiming a Local Public Health, Mental Health and Economic Emergency Within the City of Baker City.

Background

On April 14th, 2020, Baker City council adopted Resolution #3861: Proclaiming a Local Public Health Emergency within the City of Baker City. The resolution is in force until rescinded by City Council. The resolution was adopted in response to the 2020 coronavirus outbreak and followed emergency declarations by the Federal government as well as the Oregon State government. On February 22, 2021, City Council discussed a desire to prepare a Resolution providing support to small businesses and Baker City residents struggling with COVID-19 mandates. Mayor McQuisten prepared language for the Resolution and the language was reviewed by the city attorney to determine legal liabilities. The City’s attorney, Dan Van Thiel, indicated he did not see any legal liabilities or legal commitments of concern.

Analysis

It has been approximately one-year since Resolution #3861 was passed. City staff has reviewed the Resolution with consideration of the continuing COVID-19 state of emergency declared by the President of the United States, the State of Oregon and Baker County. Staff reviewed the Resolution considering the concerns brought forth by City Council during its February 22, 2021, workshop. Proposed amendments and language expanding the extent of the nature of the emergency are included in the proposed Resolution #3883.

Resolution #3883 includes additional language expanding the state of emergency to include mental health and economic disaster. Resolution #3883 also clarifies powers and rulemaking authority granted to the City Manager by Ordinance #3265 and reinforces the requirement for the City Manager to acquire City Council confirmation if the need for enumerated rules within the ordinance is invoked by the City Manager.

Resolution #3881 includes language provided by Mayor McQuisten as requested by City
Council. Resolution #3881 provides a statement from City Council expressing impacts and concerns created by both COVID-19 and the accompanying state mandates. It also provides actions proposed by City Council in response to the concerns.

**Recommendation**

The City Manager recommends City Council review and adopt Resolution #3883 as proposed.

The City Manager recommends the following for Resolution #3881:

1. City Council review and discuss Resolution #3881 and provide staff with any recommended modifications.
2. If City Council has no changes then a Councilor can move to adopt Resolution #3881.

**Suggested Motion**

Adopt Resolution #3883: A Resolution Amending and Expanding Resolution #3861 Proclaiming a local Public Health, Mental Health and Economic Emergency Within the City of Baker City

Adopt Resolution #3881: A Resolution Declaring and Economic, Mental Health and Criminal Activity Crisis Due to the Current Covid Related State Emergency Declaration and Relating OSHA Mandates and Guidance

Prepared by: Jonathan Cannon, City Manager
RESOLUTION NO. 3861

A RESOLUTION PROCLAIMING A LOCAL PUBLIC HEALTH EMERGENCY WITHIN
THE CITY OF BAKER CITY

WHEREAS, on March 8, 2020, the Governor of the State of Oregon declared a
statewide emergency due to the COVID-19 outbreak in Oregon; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19
outbreak as a pandemic; and

WHEREAS, On March 13, 2020, the President of the United States proclaimed that the
COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 18, 2020 the Baker County Commissioners declared a county
emergency due to the COVID-19 outbreak; and

WHEREAS, the City may need to modify operations as the COVID-19 pandemic runs
its course and need flexibility to address changes to our normal operations; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Baker City,
Oregon approves Resolution No. 3861, a Resolution declaring a local public health
emergency; and

BE IT FURTHER RESOLVED that this Resolution be in effect until rescinded by the
Baker City Council.

PASSED by the City Council of the City of Baker City, Oregon and signed by the Mayor
of Baker City, Oregon, this 14th day of April, 2020.

[Signature]
Mayor

ATTEST: _______________________
City Recorder
RESOLUTION No. 3881

RESOLUTION DECLARING AN ECONOMIC, MENTAL HEALTH, AND CRIMINAL ACTIVITY
CRISIS DUE TO THE CURRENT COVID-RELATED STATE EMERGENCY DECLARATION
AND RELATING OSHA MANDATES AND GUIDANCE

WHEREAS, the Oregon Governor’s Executive Order 20-03: Declaration of Emergency due to
COVID-19, and all subsequent and related OSHA guidance, and present and future executive
order extensions of such are arbitrary, ineffective, and draconian; and

WHEREAS, we as a municipality have no legal ability to summarily flout these mandates,
guidelines and enforcement by OSHA, and therefore cannot protect any local business from
State-directed targeting, repercussions and penalties if such local business personally chooses
to; and

WHEREAS, we also recognize that neither city, county nor state government has the legal right
to flout the Oregon State Constitution or the United States Constitution; and

WHEREAS, we do believe our citizens are fully capable of making their private, individual
healthcare and lifestyle decisions themselves; and

WHEREAS, we recognize that COVID-19 is indeed a contagious virus and contagious viruses
do exist in the world; and

WHEREAS, science has shown over the last year that COVID-19 is overwhelmingly survivable
and lockdowns do not stop its spread; and

WHEREAS, all models and projections used to justify initial state emergency mandates have
been proven inaccurate over the past year; and

WHEREAS, our local hospital and health care system are not overwhelmed with COVID cases,
and never have been; and

WHEREAS, Baker City is obligated to adopt regulations designed to promote the public safety
and general welfare of its citizenry; and

WHEREAS, a majority of our local businesses directly attribute state lockdowns and OSHA
guidelines as solely responsible for their inability to earn a living or pursue other rights as
outlined in our State and U.S. Constitutions, and therefore we believe their property is being
unconstitutionally seized by government without due compensation under the auspices of
inappropriately weaponized State agencies; and

WHEREAS, businesses in Baker City are on the brink of permanent closure, creating a fiscal
emergency and a devastated local economy; and

WHEREAS, businesses in Baker City have already closed their doors permanently as a result of
the Governor’s emergency declaration; and
WHEREAS, the Governor’s lockdown and masking mandates are actively creating division and unrest with the increased potential of physical violence within our community as those of one opinion are encouraged by it to impose their opinions over the free will of those of another in a physical way, and we are obligated to address and prevent crime; and

WHEREAS, the limited number of beds in our local County Jail is resulting in an ongoing “cite and release” system that puts criminals straight back on the streets to further victimize our community immediately after arrest; and

WHEREAS, the Governor’s mandates result in pitting local law enforcement against law-abiding citizens rather than criminals, which damages our community’s strong relationship with our valued local law enforcement, and which is a dynamic no community should tolerate; and

WHEREAS, deliberate isolation of the ill in hospitals or the elderly left to die alone of that isolation is the cruelest of abuses and is not to be accepted in any civilized society; and

WHEREAS, it is a violation of the First Amendment of the United States Constitution for a government to limit how our churches and citizens choose to practice their religious freedoms, which are crucial to mental health; and

WHEREAS, social distancing and prolonged isolation are proven to create a number of mental health issues such as anxiety and depression, sometimes pushing individuals over the edge toward suicide as a last resort; and

WHEREAS, that same social distancing and prolonged isolation, combined with unemployment and other stressors, are increasing cases of domestic abuse and violence; and

WHEREAS, we believe in the kindness, compassion, and common sense of our citizens and businesses to help protect the most fragile and susceptible in our community; and

WHEREAS, fear is a tool of untruth, manipulation, and control - characteristics all of which do not reflect the values of our citizenry; and finally

WHEREAS we are mindful of the sentiments of our founding fathers such as Patrick Henry who said, “Give me liberty or give me death;” and Samuel Adams who said, “Our unalterable resolution should be to be free;” and Thomas Jefferson who said, “The spirit of resistance to government is so valuable on certain occasions, that I wish it to be always kept alive,” and “What country can preserve its liberties if its rulers are not warned from time to time that their people preserve the spirit of resistance?”; and finally, John Adams, “But a constitution of government once changed from freedom can never be restored. Liberty, once lost, is lost forever;”

NOW, THEREFORE, BE IT RESOLVED that we declare an economic, mental health, and crime crisis due to the current COVID-related State Emergency Declaration and related OSHA mandates and guidances, as a means of loudly and symbolically supporting our citizenry; and

BE IT RESOLVED, the City will communicate in writing with the Governor’s Office to encourage the full opening of our city and county, recategorization to low-population status, or suggesting other means necessary to give our citizens relief from these mandates; and
BE IT RESOLVED, the City will support upcoming legislation, dependent upon its straightforward and unharmful wording, which provides reparations to business owners who have had their businesses and income taken without compensation; and

BE IT RESOLVED, the City will support future statewide ballot initiatives that limit the duration and extent of Governor’s emergency powers, which may create similar lockdown scenarios during future emergencies, natural disasters, and pandemics; and

BE IT RESOLVED, the City will share this resolution with other Oregon cities, counties, and media outlets in the hope those entities will also speak more loudly; and

BE IT RESOLVED the City recognizes the citizenry of Baker City are free, sovereign individuals within a Constitutional, Representative Republic, not subjects or slaves, and will be recognized as such as we firmly stand to represent them.

PASSED by the City Council of the City of Baker City, Oregon and signed by the Mayor of Baker City, Oregon, this 23rd day of April, 2021.

SIGNED: _____________________
Mayor

ATTEST: _____________________
City Recorder
Resolution No. 3883

A RESOLUTION AMENDING AND EXPANDING RESOLUTION NO. 3861 PROCLAIMING A LOCAL PUBLIC HEALTH, MENTAL HEALTH, AND ECONOMIC EMERGENCY WITHIN THE CITY OF BAKER CITY

WHEREAS, in March 2020, the governor of the state of Oregon, the World Health Organization, the president of the United states, and the Baker County commissioners declared a state of an emergency due to the COVID-19 outbreak; and

WHEREAS, businesses in Baker City have closed or are at threat of permanent closure, creating a fiscal emergency and a devastated local economy; and

WHEREAS, isolation of the ill in hospitals, the elderly left to die alone, prolonged social distancing of individuals, closures of social activities including civic organizations and churches has resulted in increased suicide, anxiety, stress, domestic abuse, anger, and violence; and

WHEREAS, the City still continues to modify operations as the COVID-19 pandemic runs its course and requires flexibility to address changes to its normal operations.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Baker City, Oregon approves Resolution No. 3883, a Resolution amending and expanding resolution no. 3861 proclaiming a local public health, mental health, and economic emergency; and

BE IT RESOLVED the city manager is empowered as provided in Baker City Ordinance No. 3265 to execute all emergency functions; and rule-making authority with City Council confirmation as required by Ordinance No. 3265.

BE IT FURTHER RESOLVED that this Resolution be in effect until rescinded by the Baker City Council.

PASSED by the City Council of the City of Baker City, Oregon and signed by the Mayor of Baker City, Oregon, this 23rd day of April, 2021.

SIGNED: ____________________________
Mayor

ATTEST: ____________________________
City Recorder
Meeting Date: March 23, 2021

Agenda Item: Hospitality Business in Oregon

Type of Action Requested: Discussion

Action Statement
Councilor Perry wishes to discuss with Council correspondence she received from a citizen.

Background
Councilor Perry received an email from Tyler Brown regarding Hospitality Business. The mail also has a link to an article which can be found here:

https://www.qualityinfo.org/-/oregon-s-leisure-and-hospitality-industry

Recommendation
The city manager recommends Council review the email.

Suggested Motion
No Motion is applicable to this agenda item.

Prepared by: Jonathan Cannon, City Manager
Hi Lynette,

This attached report from the Oregon Employment Office shows how bad the Hospitality business in Oregon has been damaged by the Covid Pandemic.

As you know, our company typically employs more than 50 people directly, and as of right now we have less than 1/3 of that number of people. I'm sure that businesses similar to ours are seeing the same.

Besides our direct employees, we've also had to stop booking and paying musicians which removes that money from our community because we hire a lot of local bands. Our beer distributors have cut their sales team numbers because of the large number of bar and restaurant accounts that have closed. We've lost 2 of our Washington State Distribution deals, because of no activity for over a year.

Baker County’s Leisure and Hospitality businesses are hurting.

The reason that I volunteer to serve on the Economic Development Board, and the TLT board is because I deeply care about the hospitality industry in Baker County. We have a tremendous amount of rebuilding to do as the covid restrictions let up.

In 2019 there were 770 jobs in Baker County that are directly impacted by the visitor industry and tourism, this is one of the biggest industries in the County.

Can you tell me if the City, or City Council has had any discussions or made any action to help Baker City's hospitality partners?

Have you discussed discounting water and sewer rates for restaurants and lodging businesses or perhaps the employees that are furloughed? Ontario did something along those lines.

Baker City directly received $181,057.84 in alcohol revenue for fiscal year 19/20 (The total for all of Baker County was $302,034.00). Alcohol producers such as Barley Brown’s, Copper Belt, and Rain Barrel Cider all write monthly checks to that fund, every liquor license also contributes every time we buy liquor from the OLCC liquor store.
While that money needs to go directly to the general fund to help support our city and its services, it's also important to remember that the City directly makes money from the manufacturing and sale of alcoholic beverages, and the more we sell to tourists the better we all do.

Hope this finds you well,

Tyler
Action Statement

City staff request Council adopt Council Rules of Procedure.

Background

The City Charter, Chapter 5, The Council, Section 16, Meetings; indicates the City Council shall adopt written rules for the government of its members and proceedings. At the regular meeting of council on March 09, 2021 staff provided recommendations to Council regarding their Rules of Procedure and requested clarification on specific sections of the Rules of Procedure. Council provided clarification on most sections. Three draft versions of the rules of Procedure are provided to Council for review and consideration.

Analysis

Staff have incorporated the Council recommendations from its March 9, 2021 meeting. At the meeting, Council asked staff to bring multiple versions of the rules back to Council for review. Three drafts of the Council rules are provided to Council in the packet. All revisions recommended by Council are incorporated into the proposed Drafts.

Staff incorporated the Council recommendations to the Rules as follows:

1. Section 4: Agenda – All three drafts include
   a. Method for urgent items to be included on an agenda as determined by the City Manager, Mayor, or Acting Mayor (when functioning in the capacity of Acting Mayor).
2. Section 7: Meeting Management, Item 4 – All three drafts include
   a. Variable length of allotted time per citizen participant chart based on total number of participants.
3. Section 9: Social Media – All three drafts include
   a. Reserved for future use.
4. Section 11: Support
   a. Draft 1 – includes “Each member should support the collective decision-making of the Council.”
   b. Draft 2 – includes “Each member should respect the collective decision-making of the Council.”
   c. Draft 3 – strikes the section from the Rules.
Recommendation

The city manager recommends the following:

1. City Council review the three drafts as provided.
2. City Council selects one of the three drafts for adoption.

The City Manager recommends City Council adopt Draft 3 of the Council Rules of Procedure.

Suggested Motion

Councilor __________ moves to adopt Draft No. ___ of Resolution 3882 titled AMENDING AND RESTATING CITY COUNCIL RULES FOR THE GOVERNMENT OF ITS MEMBERS AND PROCEEDINGS.

Prepared by: Jonathan Cannon, City Manager
RESOLUTION 3882
AMENDING AND RESTATING CITY COUNCIL RULES FOR THE GOVERNMENT OF ITS MEMBERS AND PROCEEDINGS

Short Title: Council Rules of Procedure

WHEREAS the Baker City Charter Chapter V, The Council, Section 16 Meetings requires City Council to adopt written rules for the government of its members and proceedings.

THEREFORE, BE IT RESOLVED the Baker City Council adopts the following Rules for the Government of its Members and Proceedings.

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b. Public members attending Council meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations are not permitted. Every member of the public desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate.

c. If any person refuses to abide by the rules of conduct specified above, and in the judgement of the presiding officer, the meeting cannot be conducted effectively and efficiently in the presence of the offending person(s), the presiding officer, shall inform the person(s) that they are in violation of Resolution #3407#3882, Section 57, and that they are directed to leave the council chambers. Further, the presiding officer shall inform the person(s) that failure to leave the chambers may result in criminal charges for trespass and that, if necessary, the person(s) will be arrested and forcibly removed from the chambers by a law enforcement official.

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3. In accordance with Charter section 22(c) (12), the City Manager or his or her designee shall ensure that the public’s use of all other city property during Council meetings is consistent with Resolution #3407#3882 to the extent necessary to maintain the order and decorum of the Council meeting.

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6.8. Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, “Shall the decision of the chair be sustained?” If a majority of the voters present vote “Aye”, the ruling of the chair is sustained; otherwise it is overruled.

7.9. No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken. Nor shall a member speak for a longer time than ten minutes without leave of Council.

8.10. Every member present when a question is put to vote, shall vote either “YEA” or “NAY” by raise of hand, unless Council shall, for special reason, excuse a member from voting. Application to be excused from voting must be made before votes are called for. The member having briefly stated the reason for the request, the decision thereon shall be made without debate.

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10.12. City Councilors occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion both as to the legality and to the propriety of such transactions.

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1. An open public roster for nominees to appointive positions shall be maintained at City Hall. Interested citizens may register for any position at any time during the year.

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discretion of the Council, any vacant position can be re-posted for acceptance of new applications with appointment to be made at a later meeting.

SECTION 9: SOCIAL MEDIA
Reserved for future use.

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These rules may be temporarily suspended upon a determination of two-thirds of Councilors present that an emergency exists and such suspension is therefore necessary.

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This resolution repeals and replaces Resolutions No. 3407, 3655, 3715, and 3860

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SECTION 7: MEETING MANAGEMENT

1. The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to Council.

   a. During Council meeting, council member shall preserve order and decorum and shall neither by conversation nor otherwise delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the Council. Every councilor desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine comments to the question under debate and shall avoid all personalities and indecorous language. Every Councilor desiring to question the administrative staff shall address the question to the City Manager who shall be entitled either to answer the question themself or so designate some members of their staff for that purpose. A Councilor once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member or unless the speaker chooses to yield questions from another member. If a Councilor is called to order while speaking the Councilor shall immediately cease speaking until the question of order is determined. If ruled to be in order, the Councilor shall be permitted to proceed. If ruled to not be in order, the Councilor shall remain silent or shall alter the remarks so as to comply with the rules of the Council. All members of the Council shall accord the utmost courtesy to each other, to city employees, and to public members appearing before the Council and shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments, and statements as to motive and personalities. Councilors shall confine their questions as to the particular matters before the Council and in debate shall confine their remarks to the issues before Council.
b. Public members attending Council meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to members of the Council. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations are not permitted. Every member of the public desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine comments to the question under debate.

c. If any person refuses to abide by the rules of conduct specified above, and in the judgement of the presiding officer, the meeting cannot be conducted effectively and efficiently in the presence of the offending person(s), the presiding officer, shall inform the person(s) that they are in violation of Resolution #3407/#3882, Section 57, and that they are directed to leave the council chambers. Further, the presiding officer shall inform the person(s) that failure to leave the chambers may result in criminal charges for trespass and that, if necessary, the person(s) will be arrested and forcibly removed from the chambers by a law enforcement official.

2. Enforcement: The Chief of Police (or his or her representative) shall act as ex-officio sergeant-at-arms of the Council when present. The sergeant-at-arms shall carry out lawful orders and instructions of the presiding officer, strictly for the purposes of maintaining order and decorum in the Council meeting. Upon instructions of the presiding officer it shall be the duty of the sergeant-at-arms or any police officer present to remove from the meeting any person deemed by the presiding officer to be in violation of Resolution #3407/#3882 and subsequently in violation of a criminal statute.

3. In accordance with Charter section 22(c) (12), the City Manager or his or her designee shall ensure that the public’s use of all other city property during Council meetings is consistent with Resolution #3407/#3882 to the extent necessary to maintain the order and decorum of the Council meeting.

4. Citizen Participation: Each citizen wishing to speak during the meeting shall be given time to speak based on the following schedule:

<table>
<thead>
<tr>
<th>Total number of citizens wishing to speak on sign up sheet</th>
<th>Total minutes allotted per citizen</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-10</td>
<td>4</td>
</tr>
<tr>
<td>11-20</td>
<td>3</td>
</tr>
<tr>
<td>&gt;20</td>
<td>2</td>
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</tbody>
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a. Regardless of topic citizens shall be given the opportunity to speak during the meeting and are included in an Agenda item entitled “Citizens Commented.”
Participation”. Citizens should sign the provided sign-up sheet before speaking.

b. During each agenda item citizens shall be given an opportunity to speak at the beginning of the agenda item. Citizens should sign the provided sign-up sheet before speaking.

3.5. The City Attorney shall provide any member of the Council an oral or written opinion to decide any question of the law, with the approval of the Council, but not to decide upon any parliamentary rules; however, the City Attorney may advise the presiding officer on parliamentary matters.

4.6. When recognized by the chair a member shall confine discussion to the question under debate, avoid personalities, and refrain from impugning the motives of any other member’s argument or vote. No member shall address the chair or demand the floor while any vote is being taken.

5.7. No member stopped from voting by personal interest shall remain seated with the Council during the debate or vote on any such matter.

6.8. Any member may appeal to the Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, “Shall the decision of the chair be sustained?” If a majority of the voters present vote “Aye”, the ruling of the chair is sustained; otherwise it is overruled.

7.9. No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken. Nor shall a member speak for a longer time than ten minutes without leave of Council.

8.10. Every member present when a question is put to vote, shall vote either “YEA” or “NAY” by raise of hand, unless Council shall, for special reason, excuse a member from voting. Application to be excused from voting must be made before votes are called for. The member having briefly stated the reason for the request, the decision thereon shall be made without debate.

9.11. Upon demand of any member made before the negative has been put out, the roll shall be called for yeas and nays upon any question before the Council. It shall not be in order for members to explain their vote during the roll call.
10.12. City Councilors occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion both as to the legality and to the propriety of such transactions.

11.13. When a motion is made and seconded, it shall be stated by the chair before debate. Any member may demand that it be put in writing. A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of Council.

SECTION 8: BOARD AND COMMISSION APPOINTMENTS

Elections and appointments to city boards and commissions shall be governed by the following procedure:

1. An open public roster for nominees to appointive positions shall be maintained at City Hall. Interested citizens may register for any position at any time during the year.

2. When a vacancy occurs on any board or commission the public shall be informed of such vacancy along with an explanation of the duties and functions of the particular board or commission. All interested citizens shall be encouraged to register at City Hall before a stated closing date.

3. At the first Council meeting after the stated closing date the City Manager shall present the names and application packets of all persons who have so registered to the Council. These persons will be screened by the City Manager prior to the meeting as to availability to serve.

4. The names so submitted by the City Manager shall be considered as being placed in nomination. Nominations would be closed at the meeting and positions would then be voted on.

5. If more than one position is to be filled on a single board or commission, each Councilor shall cast a ballot containing the same number of votes as there are vacant positions. The highest vote getters shall be considered appointed providing they receive the majority of Councilors present and voting. If the first ballot does not affect the appointment of persons to fill all vacancies, the Council shall vote again and each Councilor shall cast the same number of votes as there are remaining positions to be filled. Again, the highest vote getters equal to the number of positions to be filled shall be appointed provided each receives a majority vote of the Councilors present and voting. Voting shall continue in this manner until all vacant positions are filled. At the
discretion of the Council, any vacant position can be re-posted for acceptance of new applications with appointment to be made at a later meeting.

SECTION 9: SOCIAL MEDIA

Reserved for future use.

SECTION 10: SUSPENSION OF RULES

These rules may be temporarily suspended upon a determination of two-thirds of Councilors present that an emergency exists and such suspension is therefore necessary.

SECTION 11: EACH MEMBER

Each member should support the collective decision-making of the Council.

SECTION 121: REPEAL

This resolution repeals and replaces Resolutions No. 3407, 3655, 3715, and 3860.

EXHIBIT A

INVOCATION GUIDELINES

1. Invocations are given at the beginning of regularly scheduled meetings.

2. Scheduling of persons to lead invocations shall be done by the Mayor or such person as the Mayor may appoint from time to time.

3. Recommendations by individual Council Members for guests to lead invocations may be submitted to the Mayor.

4. Invocations should be brief. An inspirational, non-partisan selection is appropriate.

5. Religious and cultural diversity is appreciated.