

PUBLIC NOTICE
A MEETING OF THE HINES COMMON COUNCIL
January 12, 2021 AGENDA

- I. Meeting begins at 6:30pm
- II. Flag Salute
- III. Council Business
 - Swearing in of New Council Members
 - Recognition of Councilor Breshears
- IV. Approval of January 12, 2021 Agenda VOTE
- V. Approval of previous meeting minutes from December 8, 2020 VOTE
- VI. Approval of Accounts Payable: VOTE
 - December 22, 2020 for \$18,232.61
 - January 6, 2021 for \$163.95
 - January 12, 2021 for \$521,519.19
- VII. Department Reports
 - a) Chief Ryan DeLange
 - b) Chief Bob Spence
 - c) Public Works, Jerry Lewellen
 - d) City Administrator, Kirby Letham
- VIII. Public Comment – Non-Agenda Items ONLY (Speaking time limits may apply)
- IX. Old Business VOTE
 - a) Mosquito Control Proposal – Ed Horvath of Three Rivers
 - b) Chamber Director Report – Lola Johnson
 - c) Deer Population – Review and Discussion
- X. New Business
 - a) January 26 Meeting – Work Session
- XI. Public Comment Period (Speaking time limitations may apply).
- XII. Mayor and Council Comments
- XIII. Adjournment VOTE

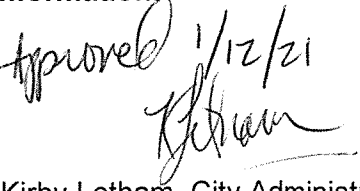
This meeting is open to the public. It is anticipated to last approximately one hour and a half.

In accordance with ORS 192.630, City of Hines will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice.

***Due to the effects of the COVID-19 pandemic, all attendees are required to wear masks. If you do not want to attend in person, this meeting will be offered as a teleconference meeting. If you wish to call in to the meeting, please use your phone to dial-in using the following information:**

DIAL-IN NUMBER - (425) 436-6354
Access code: 710647

DATED this 12th day of January 2021


Kirby Letham, City Administrator

REGULAR MEETING OF HINES COMMON COUNCIL

January 12, 2021

AUDIENCE SIGN-IN SHEET

IF YOU WISH TO ADDRESS THE COUNCIL, PLEASE INDICATE
YOUR SUBJECT TO THE RIGHT OF YOUR NAME

PLEASE **PRINT** YOUR NAME

SUBJECT, IF YOU WISH TO SPEAK

Amity York	
Edward Horvath	Mosquito Control
Rod Klus	
Mindy	
Eldon & Sally Hart	
Annie Scott	
Tyson Breshears	
Mark Palmer	
Lola Johnson	
J. Choate	
J. Choate	
Alex Portillo	
Tim Sparks	

City Council

1/12/21

I. ✓

II. ✓

III. ✓

IV. Beers, Quick, Ayes

V. Beers, Ron, Ayes

VI. AP; Beers, Ron, Ayes

VII. a) DeLange

- 211 calls, mostly Domestic and mental health
- the mental health cases are very time consuming
- missed 3 dui's
- Parker trained in sex abuse cases
- Mitchell will be ^{to} training on DUT drugs.

b) Spence

- 4 calls, pick up fire, 1 structure fire, 2 NDC's
- 1 trainee ~~at~~ training in Schu Day
- Keeping up on maintenance

c) Jerry

- 175-200k in water; lagoons? - pumping over
- Sewage pumps are clogging every day.
- we ~~fell~~ fell a tree, others will need to come down.
- Major question on sewer clogging.

d) Kirby

VIII. Public Comment - None

IX

Old Business

a) Mosquito - Ed Horvath

- presented a Powerpoint on his methods
- ?'s how do you notify? we can call direct, we can skip ?'s from the mayor.

- Discussion w/ Beers
- Beers: do we have to bid out.
- * Mayors comments; history

- Tom: what is the bid amount.
airplanes cost too much.
- Don't make a motion, Quick, Ages

IX Old Business

b) Chamber Director Report - Lola Johnson

- Shop Harvey card \$23,000 spent locally + new \$20K!
- Chamber Banquet - Jerry 1/23 man of the year

c) Rod Klus

- 2016 - 71; 2017 - 59, ~~2018 - 38~~, 2019 - 37, 2020 - 17
- explained the kill process
- season would be
- Gary - lost animals too; explained survey; Gary - integrate ballot.
- * Annie - ~~ODFW~~ #'s only are ~~ODFW~~; Annie deer are a nuisance. Back & forth w/ Gary
- ? from Ryan
- ? from Annie -
- Rod - eliminating feeding
- Quick - Utah certified archers kill sovereignty
- Rod - clarifying w/ Quick on
- Elton Hart - no deer 15 yrs ago; haul them off.
- Gary - other towns have problems too
- Elton -
- Beers - agree w/ Gary; misty also.

* Make
*

X New

a) work session

- Gary - don't forget to inform new Council on reporting ^{Elton}

~~XI~~ Public Comment

- Ray = comment on deer

~~XII~~ Mayor & Council Comments


- Gary thanks Ray
- Quick - thanks Ray; loved Ux training
- Beers - Thanks to Ray & Dept. Heads
- Mayor - " "
-

~~XIII~~ Ron, Beers, Ages @ 8:11 pm

UNITED STATES OF AMERICA
Official Oath of Office

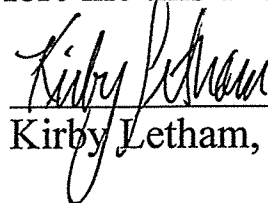
STATE OF OREGON)
) ss.
City of Hines)

I, **Nikki L. Morgan**, do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of Oregon, and the laws thereof, and will faithfully and honorably demean myself in the office of **MAYOR**, to which I have been appointed, to the best of my ability, so help me God.



Nikki L. Morgan

Subscribed and sworn to before me this 12th day of January, 2021.



Kirby Letham, City Administrator

UNITED STATES OF AMERICA
Official Oath of Office

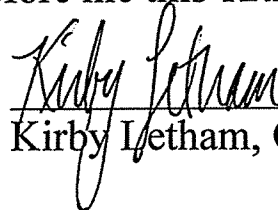
STATE OF OREGON)
) ss.
City of Hines)

I, **Robert C. Beers**, do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of Oregon, and the laws thereof, and will faithfully and honorably demean myself in the office of **CITY COUNCIL - POSITION 1**, to which I have been appointed, to the best of my ability, so help me God.



Robert C. Beers

Subscribed and sworn to before me this 12th day of January, 2021.

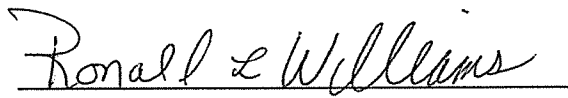


Kirby Letham, City Administrator

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Official Oath of Office

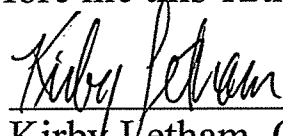
STATE OF OREGON)
) ss.
City of Hines)

I, **Ronald L. Williams**, do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of Oregon, and the laws thereof, and will faithfully and honorably demean myself in the office of **CITY COUNCIL - POSITION 2**, to which I have been appointed, to the best of my ability, so help me God.



Ronald L. Williams

Subscribed and sworn to before me this 12th day of January, 2021.

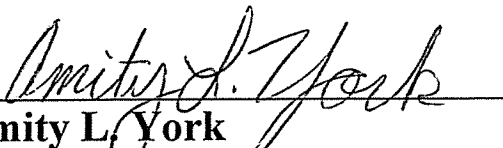


Kirby Letham, City Administrator

UNITED STATES OF AMERICA
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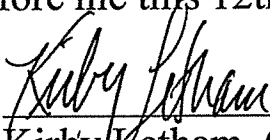
STATE OF OREGON)
) ss.
City of Hines)

I, **Amity L. York**, do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the State of Oregon, and the laws thereof, and will faithfully and honorably demean myself in the office of **CITY COUNCIL - POSITION 3**, to which I have been appointed, to the best of my ability, so help me God.



Amity L. York

Subscribed and sworn to before me this 12th day of January, 2021.



Kirby Letham, City Administrator

**MINUTES FROM
A MEETING OF THE HINES COMMON COUNCIL
December 8, 2020**

Present:

Mayor:

Nikki Morgan

Council:

Councilors Marsallai Quick, Robert Beers, Raymond Breshears, and Misty Shepherd were present.

Councilors Gary Miller and Ron Williams were excused as absent.

City Staff:

City Administrator Letham, Chief DeLange, Chief Spence and Public Works Acting Superintendent Lewellen

Public Audience:

Lola Johnson, Amie Scott, Amity York, Jordan Zwygart and Kylee Murphy. (No one joined the meeting via teleconference.)

***Mayor Nikki Morgan called the meeting to order at 6:30 pm and led the flag salute.**

Approval of the December 8, 2020 Agenda

Councilor Beers made a motion to approve the agenda for December 8, 2020 as presented. Councilor Breshears seconded the motion. All ayes, the motion carried.

Approval of the November 10, 2020 Meeting Minutes

Councilor Beers made a motion to approve the meeting minutes from November 10, 2020. Councilor Breshears seconded the motion. All ayes, the motion carried.

Accounts Payable for November 16, 2020, November 25, 2020 and December 8, 2020

Councilor Quick asked for clarification on the IFA and Chaves Consulting payments from the November 24, 2020 A/P run. Administrator Letham explained that the IFA payment is the annual payment for the master water project plan and that the Chaves payment is the monthly payment for the utility software. *Councilor Beers made a motion to approve the A/P for November 16, 2020 in the amount of \$13,011.00, for November 25, 2020 in the amount of \$927,957.38, November 25, 2020 in the amount of \$12,362.89 and December 8, 2020 in the amount of \$144,797.60. Councilor Breshears seconded the motion. All ayes, the motion carried.*

2019/2020 Audit Report – Zwygart John & Associates CPAs, PLLC: Jordan Zwygart

Zwygart John & Associates performed the audit for the fiscal year ending June 30, 2020. Jordan Zwygart presented an overview of the audit performed for the City.

Department Reports

Chief DeLange – Reported that November was slow for the police department. Still seeing import/export of marijuana. Traffic cases are up. There has been some weather-related accidents, but nothing major.

Chief Spence – 5 calls to 911 since last month. 3 were issues with smoke alarms and the department replaced them. 1 was a CO alarm, which was a battery issue. They were called back from a crash on Hwy 20, and there was a hazmat spill they handled in town.

Public Works, Acting Superintendent Lewellen – Contractors have left for the winter. They are pumping approximately 200K gallons of water/day currently. Lagoon is handling approximately 135K gallons per day. Have been burning weeds around the lagoon and burned a debris pile out there. Plows and grader are ready for snow. Well #3 is ready. There are a few more tests that must be run before being brought back online. They've removed 3 dead deer in the last 2 weeks.

City Administrator Letham – The City is doing the Christmas light contest again. Voting will be done December 20th. Treasurer Scott added that as the Christmas Jamboree was canceled this year, the Chamber of Commerce is partnering with both Hines and Burns to provide the prizes this year. Administrator Letham reminded the Council of upcoming trainings: League of Oregon Cities (LOC) on December 15th and Portland State is providing training on December 12th. The glass barrier has been installed at the front counter in the office. Caselle has been ordered. A transition phone call has been setup for December 17th. He also wanted the Council to know that the City has seen a steady stream of building permit requests.

Public Comment – Non-Agenda Items Only (Speaking time limits may apply)

Kylee Murphy – Ms. Murphy expressed concern about a street cut the contractor did at the intersection of E. Hanley and Hwy 20 and wanted to bring it to the Council's attention.

Old Business:

Resolution 2297 – A Resolution Temporarily Suspending Water Usage Charges

Administrator Letham read Resolution No. 2297 in its entirety. No. 2297 is a resolution of the City of Hines to temporarily suspend water usage charges for a time until the new water meter and financial systems are up and running. The City would still charge for the base rate however it would suspend the rates charged for amounts of water consumed. *Councilor Breshears made a motion to approve Resolution No. 2297 as read. Councilor Beers seconded the motion. All ayes, the motion carried.*

CARES-CRF Program Follow-Up

The City received a \$50,000 CARES-CRF grant. \$15K has awarded to businesses in Hines that showed a reduction in revenue due to the impact of COVID-19. Administrator Letham advised the Council that he is looking at technology upgrades for City Hall to assist with social distancing requirements.

S. Hilltop Lot (Ty Volle) – Review of Staff Report

Administrator Letham introduced the Staff Report that he created regarding the S. Hilltop Lot currently owned by Mr. & Mrs. Volle. The Staff Report presents 6 options to the Council regarding this property. The recommendation by the Staff Report is that the City purchase the lot from Mr. Volle. This purchase would protect the water line that runs through this lot immediately and into the future. The Council has requested Administrator Letham to speak with Mr. Volle about selling the lot. He will report back to the Council at a later date.

Lola Johnson, Director of the Chamber of Commerce:

Shop Harney program is going great. They are doing drawings amongst the gift card purchasers to promote the program. They are also trying to promote a Shop From the Couch virtual program. Many of the businesses are prepared yet, but she is hoping to have it in place before Valentines' Day. There have been a few hiccups but that is expected with a new program. Currently there are 53 businesses registered to accept cards. Lots of advertising going on. Both cities accept it for utility payments. Monday December 14th there will be a sendoff for Joe Kingpin. He is leaving for a 6-month deployment. Begins at Arrowhead Park in Burns and will go out to the BLM. A new music store has opened at 29 W. Washington in Burns. They will have band instruments for students to rent, provide music lessons etc. Chamber nominations will be accepted through December 16th with winners picked December 18th. The awards will be done two days with each winner having a private award ceremony with friends and family.

New Business:

Stop Sign at S. Roanoke and W. Hanley

There have been a few requests to install a stop sign at the corner of S. Roanoke and W. Hanley. The new stop sign would create a three-way stop at that intersection. It would require traffic travelling eastbound to stop at that intersection. Currently, this topic is for discussion purposes. Council members had concerns regarding cars and/or buses coming down the hill during the winter and possibly sliding on ice as they try to stop. Council to continue this topic at a future meeting.

Resolution No. 2298 – Transfer Between Objects of Expenditure

Administrator Letham read Resolution No. 2298 in its entirety. Resolution No. 2298 transfers monies between objects of expenditure in the 2020-2021 budget. *Councilor Quick made a motion to approve Resolution No. 2298 as read. Councilor Beers seconded the motion. All ayes, the motion carried.*

Public Comment Period (Speaking time limits may apply):

Administrator Letham introduced Councilor Elect Amity York.

Mayor and Council Comments

Councilor Shepherd – None

Councilor Quick - None

Councilor Beers – None

Councilor Breshears – This was the final Council meeting for Mr. Breshears. The Council, City Administrator and Department Heads thanked him for his service to the City of Hines.

Mayor Morgan – None

Next Council Meeting is scheduled for January 12, 2021 at 6:30pm.
Ms. York will be sworn in at that meeting.

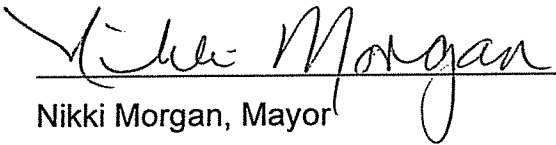
Adjournment:

There being no further business, Councilor Beers made a motion to adjourn the meeting. Councilor Breshears seconded the motion. All ayes, the motion carried. Meeting adjourned at 8:01pm.

Respectfully Submitted:

Kirby Letham
City Administrator

ACCEPTED AND APPROVED BY THE CITY COUNCIL ON JANUARY 12, 2021.


Nikki Morgan, Mayor

[illegible]

	January 12, 2021												
VENDOR	COMMENTS	City Hall	Police	Fire	Parks	Water	Sewer	Streets	TOTAL				
A PARTS STORE	OIL FOR SMALL ENGINE			15.38					15.38				
ANDERSON PERRY	DRAW #27					46237.86			46,237.86				
BIG R BURNS	MIP (SW), BOOTS (W), ADAP	8.95		132.78		279.98	1.89		423.60				
BOX R WATER	COLIFORME/COLI TESTING (2)					73.00			73.00				
BURNS TIMES HERALD	DRUG SPONSOR PAGE	25.00							25.00				
CENTURYLINK	PHONE BILL	239.09		61.63		30.82			362.36				
CITY OF BURNS	MUNICIPAL JUDICIAL SERVICE	300.00							300.00				
COLEY'S GLASS COMPANY	GLASS BARRIER - CARES gra	1673.45							1,673.45				
EBAR OIL & COMPANY	POLICE FUEL / FIRE BIODIESEL		239.31	51.30					290.61				
ED STAUB & SONS	DYED KERO / CARDLOCK			312.18		182.01	181.01	23.93	699.13				
GRANT-HARNEY TRAINING ASSOCIATION	19/20 & 2/21 MEMBERSHIP DUES			100.00					100.00				
HARNEY COUNTY CHAMBER OF COMMERCE	DECEMBER TRT FUNDS	2431.56							2,431.56				
HARNEY COUNTY CLERK	EASEMENT RECORDING	101.00							101.00				
HARNEY COUNTY TREASURER	COUNTY PORTION OF FINES	48.00							48.00				
HARNEY COUNTY VET CLINIC	IMPOUNDS		65.00						65.00				
MALHEUR MACHINERY	PALLET FORKS												
MICHAEL MITCHELL	ADVANCED ROADSIDE IMPAIRMENT DETECT		251.80						251.80				
ONE CALL CONCEPTS	LOCATES					4.80			4.80				
OREGON TRAIL ELECTRIC	POWER BILL	276.92		367.31	351.72	3371.88	493.92	1186.12	6,047.87				
PETTY CASH	LIGHTING CONTEST WINNER	75.00							75.00				
QUILL	1 YR SUBSCRIPTION / PRINT	24.00		109.99					133.99				
THE HINES MARKET	PROPANE , DIESEL					26.88	24.39	168.32	219.59				
WARRINGTON CONSTRUCTION	PAYMENT #5					460753.28			460,753.28				
									0.00				
									0.00				
									0.00				
									0.00				
									0.00				
									0.00				
									0.00				
C01									0.00				
Totals		5,202.97	556.11	1,150.57	714.03	511,060.51	1,094.33	1,740.67	521,519.19				
Grand Total		521,519.19							521,519.19				

City Admin Report

- 1- Christmas Lighting Contest went well
- 2- Christmas Parade
- 3- CKHS extended to June giving time for bathroom & projects.
- 4- ~~Mr. [unclear]~~ of Caselle

TO: Hines City Council

FROM: Kirby Letham, City Administrator

DATE: January 12, 2021

SUBJECT: Discussion – Mosquito Control Proposal

Attachment(s)

- Three Rivers Proposal Packet

DISCUSSION:

Historically, the City of Hines took measures to control the Mosquito's in order minimize the impact on resident's recreation and reduce potential health risks.

Due to budgeting cutbacks and concerns with broadcasting pesticide sprays, the City of Hines quit aerial spraying.

The concern about mosquito's has surfaced again. Several Council members have received requests from citizens to implement Mosquito control again. Councilor Beers and previous Council members thoroughly researched the topic. Their work led us to speak with Edward Horvath of Three Rivers Mosquito & Vector Control.

Mr. Horvath has put together a proposal and will be present at the City Council meeting to answer questions. His proposal bids the project for one year at \$12,500.00. The City has budgeted \$12,500.00 for Mosquito control in the City Hall Budget.

POSSIBLE MOTION(S):

"I make a motion to accept the mosquito control proposal as presented by Three Rivers Mosquito & Vector Control in the amount of \$12,500.00"

OR

"I make a motion to table the proposal for further discussion."

TO: Hines City Council
FROM: Kirby Letham, City Administrator
DATE: January 12, 2021
SUBJECT: Discussion – Deer Population Control

Attachment(s)

- Ordinance 312 – Prohibiting The Feeding of Wild Mammals
- SB-373
- Permit Oregon Administrative Rules – Draft
- Resolution 2252 – Declaring Deer Population a Nuisance
- Urban Deer Reduction Plan Cody Police Department

DISCUSSION:

This agenda item reintroduces the discussion on Deer Population Control.

Background:

In 2015, the City became aware of the problems caused by citizens who would feed and attract wild animals into residential areas, even into their yards. The City Council passed Ordinance #312 banning the practice of feeding all wild mammals, including deer.

In fall of 2017, the Oregon Legislature passed SB-373. This Senate Bill required ODFW to develop and adopt a “pilot program for urban deer population control.” ODFW did develop a pilot program as seen in the “Draft” permit OAR. By the fall of 2018, ODFW worked with the cities of Burns and Hines to develop and plan to implement this pilot program here. Burns would have been the “test pilots” so to speak.

The draft outlined three basic steps to start the program:

- 1) Adopt an ordinance prohibiting feeding of deer;
- 2) adopt a resolution declaring that deer population have risen to levels that constitute a public nuisance;
- 3) the city can then petition ODFW for kill permits to reduce deer population levels within city limits.

With Ordinance 312 and Resolution 2252, the City of Hines had met the first two requirements to initiate the program. In December 2018 and early 2019, several Council meetings were held to discuss moving forward with actually acquiring kill permits and moving forward with thinning of the deer population. During these meetings, strong and heated opinions on both sides of the issue were given from the public. Also, two amateur polls were given to the public. Because these polls were unable to gather a fair and unbiased poll of the residents, the topic was tabled and hasn't been discussed until now.

So, the question remains, should the City move forward in the program developed by ODFW, or should the City not be involved in this program?



ORDINANCE NO. 312

AN ORDINANCE PROHIBITING THE PRACTICE OF FEEDING, BAITING OR MAINTAINING WILD MAMMALS IN THE AREA SUBJECT TO THE JURISDICTION OF THE CITY OF HINES, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Hines Charter provides that the City of Hines shall have all the power that the constitution, statutes and common law of the United States and the State of Oregon now or hereafter, expressly or implied, grant or allow the City, the City shall be vested with the power within its limits of authority to perform all public services; and

WHEREAS, citizens of Hines value wildlife and want to maintain healthy and wild populations of deer, elk, raccoon, bear and other wild mammals that are not dependent upon or hazardous to humans; and

WHEREAS, feeding deer, elk, raccoon, bear and other wild mammals results in artificially high concentrations of animals, increases human-wildlife conflicts, and compromises the health and safety of humans and wildlife; and

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of Hines to prohibit the feeding, baiting or maintenance of wild mammals in the City of Hines and the area subject to the jurisdiction of the City of Hines.

NOW THEREFORE, THE CITY OF HINES DOES ORDAIN:

The following is hereby added to Chapter 6 of Hines Municipal Code, as follows:

Feeding of deer, elk, raccoons and potentially habituated wildlife prohibited.

A. As used in this section:

1. "Agent/Officer" means any person authorized to enforce City code under HMC 1.
2. "Attractant(s)" means any substance, including but not limited to, food, garbage or salt lick, which draws wild mammals to a particular location.
3. "Person" means any natural person, corporation, limited-liability company, partnership, joint venture, firm, association, trust, unincorporated organization, government or governmental agency, or political subdivision, or any other entity.
4. "Person in charge of property" means owner, agent, occupant, lessee, tenant or other person having possession of, or in control of, property.
5. "Potentially habituated wildlife" as defined by ORS 496.731(1)(b), meaning

bear, cougar, coyote or wolf.

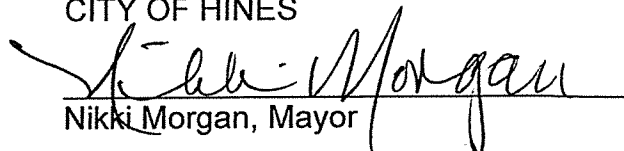
6. "Wildlife" or "wild mammal" includes any animal which is not normally domesticated, including bear, cougar, coyote, wolf, deer, elk, raccoon or skunk.

- B. Feeding, baiting or maintaining wild mammals is hereby declared to be a public nuisance and unlawful, including hand feeding or setting out of food to be left attended or unattended, which creates or has the potential to create a hazard to public health or safety, by attracting wild mammals.
- C. A person who knowingly places, deposits, distributes, stores or scatters food, garbage or any other attractant, so as to constitute a lure, attraction or enticement for wild mammals or potentially habituated wildlife (bear, cougar, coyote or wolf) may be issued a written notification by any authorized City agent/officer, requiring the person to remove the food, garbage or other attractant within 48 hours of notification.
- D. A person who receives a written notification under subsection (B) of this section shall remove the food, garbage or other attractant as directed, and desist from repeating this practice. A citation may be issued for violation of this ordinance.
- E. In the event that any part of the City experiences the presence of wild mammal populations that threaten the health and welfare, or endanger the property, of the City's citizens, the City may take any steps authorized by the appropriate regulatory agency to disperse or control the offending wild mammals. This Ordinance specifically does not refer to the feeding of birds or squirrels, placing of a bird feeder that can be accessed only by birds or squirrels; the feeding of livestock, or of wildlife kept under a valid State permit. It specifically is not intended to penalize residents whose vegetation is eaten by wild mammals.
- D. Violation – Penalty. As otherwise allowed under Hines Municipal Code, any violation of this section may be considered a nuisance and is punishable as a violation, with a fine of up to \$250 for each offense. Each day the nuisance is maintained may be considered to constitute a separate offense.

ADOPTED by the Hines Common Council by a vote of 5-0, on this 17th day of November, 2015.

APPROVED BY:

CITY OF HINES


Nikki Morgan, Mayor

ATTESTED TO BY:


Joan Davies, City Administrator

Senate Bill 373

Sponsored by Senator HANSELL, Representative BARRETO (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires State Fish and Wildlife Commission to adopt pilot program for urban deer population control.

Requires State Department of Fish and Wildlife to report to Legislative Assembly on implementation of pilot program during 2027 regular session.

Sunsets January 1, 2029.

A BILL FOR AN ACT

Relating to urban deer population control.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, "food bank or other charitable organization" has the meaning given that term in ORS 315.154.

(2) The State Fish and Wildlife Commission shall develop and adopt by rule a pilot program for urban deer population control that:

(a) Allows a city to petition the State Department of Fish and Wildlife for a determination that deer populations within city limits have risen to levels that constitute a public nuisance; and

(b) In cities where the department determines that deer populations constitute a public nuisance, allows a local government body or an appropriate agent to take deer for the purpose of reducing deer population levels within city limits.

(3) In developing the pilot program under this section, the commission shall consult with:

(a) The governing bodies of cities where high urban deer populations are a concern; and

(b) Food banks or other charitable organizations that serve the governing bodies described in paragraph (a) of this subsection.

(4) Rules for the pilot program adopted by the commission must include, but need not be limited to:

(a) Provisions for the means and manner by which deer may be taken under the pilot program, which must include a prohibition on taking deer by dart or lethal injection;

(b) Provisions for ensuring, to the extent feasible, that the edible portions of any deer taken under the pilot program are distributed, at the expense of the local government, to a local food bank or other charitable organization;

(c) A requirement that, if the hides and antlers of a deer taken under the program are not sold by the local government to persons licensed under ORS 498.019, that the hides and antlers must be surrendered to the department; and

(d) Provisions for ensuring that number of deer taken under the pilot program do not exceed the number necessary to be taken to reduce the deer population to a level that no longer constitutes a public nuisance.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

(5) Prior to exercising any power granted by the pilot program adopted under this section, the governing body of a city shall adopt by ordinance restrictions on placing, depositing, distributing, storing or scattering food, garbage or any other attractant so as to knowingly constitute a lure, attractant or enticement for deer.

SECTION 2. (1) The State Department of Fish and Wildlife shall first allow a local government to engage in activities pursuant to the pilot program adopted under section 1 of this 2017 Act no later than January 1, 2019.

(2) The department shall prepare and submit a report in the manner provided in ORS 192.245 on the implementation of the urban deer population control pilot program, that may include recommendations for legislation, to the committees of the Legislative Assembly related to the environment and natural resources during the 2027 regular session of the Legislative Assembly.

SECTION 3. Sections 1 and 2 of this 2017 Act are repealed on January 1, 2029.

DRAFT OARs PERMIT

*This copy has been re-formatted to make it easier to read. You may have a copy of the original draft if you need one.

635-043-0250

Purpose of the Urban Deer Population Control Pilot Program

The purpose of these rules is to describe the procedures and requirements for issuing kill permits to take deer within urban boundaries, thereby allowing cities the ability to reduce deer populations in response to public nuisance as defined in OAR 498.012, health or safety concerns, and/or property damage.

Stat. Auth.: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, and 498.012

Stats Implemented: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, and 498.012

635-043-0260

Permit to Control Urban Deer Application Requirements

Before requesting a kill permit to conduct urban deer population control, the city must:

- (1) Adopt and enforce an ordinance restricting placing, depositing, distributing, storing, or scattering food, garbage or any other attractant so as to knowingly constitute a lure, attractant or enticement for deer.
- (2) Adopt an ordinance, resolution or order declaring that deer populations have risen to levels that constitute a public nuisance.
- (3) Following the passage by a city of subsections (1) and (2) of this section, the city can petition the Department for kill permits necessary to reduce deer population levels within city limits.

Stat. Auth.: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, and 498.012

Stats Implemented: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, and 498.012

635-043-0270

Department and City Responsibilities

(1) In cities where the Department determines the deer population does constitute a public nuisance as defined in ORS 498.012, or it presents health, safety or property damage concerns, the Department will:

- (a) Designate dates when take is allowed.

(b) Determine the number and sex of deer to be taken. The number of deer taken should not exceed the number necessary to reduce the deer population to a level that no longer constitutes a public nuisance.

(c) Issue the appropriate kill permit(s) to the city.

(2) The city is responsible to:

(a) Designate areas within city limits where deer are to be taken.

(b) Designate the manner of taking deer, which may be by use of firearms or by live capture;

(A) It is unlawful to use any poisoning, immobilizing, or tranquilizing drug or chemical to take or euthanize deer for purposes of population control.

(B) If live capture methods are used, traps must be checked at least once per day, animals must be immediately euthanized and not relocated or released.

(C) Cities and agents must follow Department approved capture methodology, and handling requirements.

(D) Methods for humane euthanasia must comply with most recent version of American Veterinary Medical Association standards;

(E) Non-lead ammunition must be used if animals are euthanized with a firearm.

(c) Designate an agent(s) with appropriate qualifications to take deer.

Stat. Auth.: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, and 498.012

Stats Implemented: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, and 498.012

635-043-0280

Agent Authorization to Take Deer on Other than City Owned Property

(1) Any agent of the city who takes a deer on property other than city owned property must have in possession written authority to act as the agent of the landowner or lawful occupant of the land which includes:

(a) The date of issuance of the authorization;

(b) The name, address, telephone number and signature of the person granting the authorization;

(c) The name, address and telephone number of the person to whom the authorization is granted;

(d) The expiration date of the authorization, which shall be no later than one year from the date of issuance of the authorization.

(2) Any agent who takes deer under this program must immediately report the taking to the Department or a person authorized to enforce the wildlife laws. At a minimum, the reported information must include:

- (a) Name and phone number of the person reporting the take;
- (b) The kill permit number(s);
- (c) Number and sex of animals taken (including antler points if bucks are taken);
- (d) Location/address where take occurred;
- (e) Time of take;
- (f) Destination of carcasses.
- (g) Status of biological samples (if requested by the Department to take samples).

Stat. Auth.: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, and 498.012

Stats Implemented: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, and 498.012

635-043-0290

Salvage of Deer

(1) As defined in ORS 315.154, and used in this section “food bank or other charitable organization” means any organization located in the state, including but not limited to a gleaning cooperative, that is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code, and has as a principal or ongoing purpose the distribution of food to children or homeless, unemployed, elderly or low-income individuals.

(2) Any deer taken, to the extent feasible, shall be salvaged and delivered to a “food bank or other charitable organization” for distribution. Any processing and distribution fees shall be at the expense of the city.

(3) The Commission is not liable for any loss or damages arising out of the recovery, possession, transportation, or consumption of deer pursuant to a kill permit.

(4) The city may sell hides and antlers from deer taken under this program within thirty days of take to persons licensed under ORS 498.019 to offset the cost of the program. Antlers not sold must be surrendered to the Department within forty-five days of take. Antler sales must comply with 635-200-0050(4).

Stat. Auth.: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, and 498.012

Stats Implemented: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, and 498.012



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I, Derrin Robinson, County Clerk for Harney County, Oregon certify that the instrument identified herein was recorded in the Co. Clerk's records.

Derrin E. Robinson, Harney County Clerk



RESOLUTION NO. 2252

RESOLUTION OF THE CITY OF HINES

DECLARING THAT DEER POPULATIONS HAVE RISEN TO LEVELS CONSTITUTING A PUBLIC NUISANCE SUFFICIENT TO ALLOW THE CITY TO PETITION THE STATE DEPARTMENT OF FISH AND WILDLIFE FOR ASSISTANCE IN REDUCING DEER POPULATION LEVELS WITHIN CITY LIMITS

WHEREAS, Senate Bill 373 authorizes the Oregon State Fish and Wildlife Commission to develop a pilot program for urban deer population control;

WHEREAS, deer population within the city limits of the City of Hines have risen to levels constituting a public nuisance where the increased deer population and deer browsing in the city limits is causing damage to landscapes, impacting flower and vegetable gardens and bird feeders in addition to damage to trees and other plants resulting in the reduced yield of such trees;

WHEREAS, the increased deer population is causing damage to shrubs and saplings caused by bucks rubbing the bark of such trees with their antlers;

WHEREAS, the increased deer population in the city limits creates a greater threat to spread various tick born illnesses such as Lyme disease and ehrlichiosis and other diseases and parasites;

WHEREAS, the increased deer population inside city limits has resulted in deer attacks and harm to pets and potential threat to children or other residents resulting from does with fawns or bucks during the season of the rut; and

WHEREAS, increased deer populations in urban areas has also led to increased traffic threats and vehicular accidents within the city limits.

NOW, THEREFORE, THE CITY HINES RESOLVES AS FOLLOWS:

Deer populations have risen to levels constituting a public nuisance creating a threat to the property, peace, health or safety of the public requiring the need to reduce such deer population levels within the city limits; and

As a result of the declaration of the public nuisance set forth herein, the City of Hines shall petition the Oregon State Department of Fish and Wildlife for assistance in reducing deer population levels within the city limits through the pilot program for urban deer population control established by Senate Bill 373. The City of Hines

APPROVED AND ADOPTED at a meeting of the city council held on the 11th day of December, 2018.

Attested to by:

KIRBY LETHAM, City Administrator

CITY OF HINES

By:

NIKKI MORGAN, Mayor

2016/17 Proposed Urban Deer Reduction Plan

Cody Police Department

PURPOSE:

The City Of Cody has established an Urban Deer Task Force to consider ways to handle the deer population in the City of Cody.

As of September 17, 2016, Cody City Council, while considering the approval of a lethal reduction program to address the local urban deer population, has instructed the Cody Police Department to draft a preliminary operational plan, first year budget and to pursue the Chapter 56 permit from the Wyoming Game and Fish Department.

GOALS:

Urban deer reduction goals are identified as follows:

- 1) Maintain public safety while conducting deer reduction operations.
- 2) Reduce the urban deer population if determined appropriate by City Council, under the regulation of the Wyoming Game and Fish Department.
- 3) Utilize effective, humane methods of lethal reduction.
- 4) Provide interested citizens with venison from harvested deer so they are not wasted.

PROCEDURES:

Legal Authority

The Wyoming Game and Fish Department manages wildlife in Wyoming. The Wyoming Game and Fish Department may issue Title 56 permits. The permit, if granted, would specify the number of deer to be taken in a given timeframe and list additional conditions and direction imposed by Wyoming Game and Fish Department.

Police Function

The Cody Police Department would be utilized for the systematic lethal culling of urban deer (see method section for details).

Selected members of the Cody Police Department participating in the deer reduction program will be trained in the administrative procedures required and in firearms proficiency with the selected firearm and equipment.

Method

The Cody Police Department will utilize police officers trained in the administrative and operational procedures unique to this program, to shoot deer using weapons and at locations detailed below.

The basic process would involve using bait to lure deer into areas where they could be safely shot. The biological samples for Chronic Wasting Disease testing would be collected, and the deer will be donated to interested citizens for processing and consumption pending the outcome of CWD testing.

Training

Participating officers will complete training specific to this program. Topics will include administrative reporting requirements under the Chapter 56 Permit and as determined by the Cody Police Department, biological sampling for CWD testing, distribution of harvested deer to interested citizens, and firearms competency with the selected equipment.

Manpower

The Cody Police Department will utilize two officers at a time to harvest deer. The primary officer will operate the firearm, while the second will act as a safety officer. The role of the safety officer will be to maintain watch of the surrounding area and background as the first officer readies for the shot.

The Cody Police Department will utilize the Code Enforcement Officer (CEO) to assist with baiting operations, scouting/monitoring deer activity, and with establishing access to privately owned land as needed.

Site Selection

Keeping the goal of public safety in mind, the locations selected to harvest deer are of primary importance. The following are some considerations:

- Permission; sites will either be city owned land or on private land with the owner's permission (NOTE: deer will not be harvested on public roadways, or from any land that is not owned by the city of Cody without the permission of the landowner or their authorized agent).
- Background; sites will provide a clear/safe background to allow the use of firearms.
- Each site that is selected for the operation will have a day-time safety evaluation conducted by Police Department personnel. Operation plans will be developed for each selected location.
- Effectiveness; efforts will be made to identify and use sites in problem areas.

Equipment

The department will primarily utilize an AR 15 style rifle that is commonly issued as a patrol rifle. The department will use .223 caliber soft point ammunition, which has been found effective for this purpose.

The rifle will be suppressed to minimize the sound of gunshot(s) in city limits and to ensure discrete operations.

A low magnification optic will be utilized to aid with accurate shot placement.

If operations occur after dark, night vision or thermal imagers will be used by the safety officer to ensure there is a clear background and field of fire.

Public Safety

The Cody Police Department will not discount public safety in the name of reducing the urban deer population.

There is inherent risk in discharging firearms within city limits. Public safety will not be compromised. With proper site selection, day-time safety evaluations, the oversight of a safety officer, and ultimately the decision of the primary officer to discharge the firearm, public safety will be maintained.

Ethics

Taking the life of an animal is a serious matter. Every effort should be made to take only well placed, effective shots, so as to quickly and humanely dispatch the deer.

In the event that a deer is wounded, every effort will be made to follow up and recover the deer in a safe and humane manner.

Transportation

Officers will operate a vehicle marked with City of Cody emblems, or will operate the Cody Police Department's Code Enforcement truck. Harvested deer will be covered and out of the view of the public during transport.

Distribution of deer

Local citizens who are interested in taking possession of whole, non-field dressed harvested deer, and who agree to accept responsibility for processing, will be able to submit their name and contact information to the City Of Cody. Once a deer is harvested, interested citizens will be contacted to take possession of the deer.

Citizens will be required to complete and comply with an affidavit of informed consent regarding CWD testing, which requires they do not consume, or allow others to consume, venison from harvested deer until test results are available.

Chronic Wasting Disease (CWD) Testing

Once a deer is killed, Chronic Wasting Disease (CWD) testing will occur by collecting a biological sample from the deer, and submitting the sample to the Wyoming Game and Fish Department for testing. Results are typically available within 3 days. The Cody Police Department will notify the participating recipient of the results. The deer will be disposed of if it tests positive for CWD, in compliance with the Informed Consent agreement.

Professional Processing

The Zero Box, a local processor, charges \$150.00 for processing field dressed, unskinned deer. The Zero Box commonly takes deer from private parties that pay for processing, but that want only to donate the venison. The processed venison (usually ground into burger) is distributed to those who are referred from the Cody Cupboard.

This should be a contingency option if no citizens are able to respond to take possession of harvested deer. This would require that Cody Police Officer(s) complete the field dressing of unclaimed deer, and coordinate storage of the deer until it could be transported to the Zero Box.

Disposal

If CWD test is positive, the deer and venison will be disposed of in accordance with the Informed Consent agreement.

A dumpster designated for the disposal of the entrails and non-consumable parts of the deer will be provided for the use of participating citizens, so as to limit the chance of improper disposal on nearby public lands or in local residential dumpsters.

Administrative Reporting

Each deer harvested will be tagged and documented in accordance with the Wyoming Game and Fish Department's Chapter 56 permit system.

Each harvested deer will be documented with a Cody Police Department form designed to record the details of each harvest.

A final, end of season report will be completed in compliance with the Chapter 56 Permit.

Overtime reports will be completed to document and track wages associated with the program.

Program Review, On-going Evaluation and Future Considerations

Review and monitoring of the program will be ongoing. Items of future consideration include;

- Cost per deer taken evaluation.
- Citizen Satisfaction survey.
- Partnering with faith based and non-profit organizations to process and donate harvested deer to those in need.
- Update Cody Web site and Cody PD Face Book with program detail and information.

TO: Hines City Council
FROM: Kirby Letham, City Administrator
DATE: January 12, 2021
SUBJECT: Discussion – Explanation of a “Work Session”

Attachment(s)

- None

DISCUSSION:

When a Council meets in a Work Session, the rules change a little. A Work Session allows for two important things to happen.

First, a work session allows the Council to openly discuss topics, set rules of order for future meetings, and set priority for City staff. However, no votes to make policy or legislation may happen during this meeting.

Second, the work session is not a time for public comment. During a work session, the public may be present and listen, but will not be allowed to offer comment.

The City Administrator suggests the Council begin implementing a regular work session each month, during the second meeting of each month. This would allow for topics to be presented, discussed, and refined. Then at the first meeting of the next month, any topics that the Council feels is worthy of becoming legislation, the appropriate ordinances and/or resolutions can be approved.

Also, in the event that pressing legislation must be approved on the 2nd Tuesday, a special session of the Council meeting could be convened immediately after the work session.

