



Eugene City Council

500 E 4th Ave., Suite 302

Eugene, OR 97401

541-682-5010 • 541-682-5414 Fax

www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

July 8, 2024

7:30 p.m. CITY COUNCIL MEETING

City Council meetings will continue to be held in hybrid format using in person and virtual meeting technology. Information about online or other options for access and participation will be available at <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

**Meeting of July 8, 2024;
Her Honor Mayor Lucy Vinis Presiding**

Councilors

Matt Keating, President

Jennifer Yeh

Mike Clark

Lyndsie Leech

Randy Groves, Vice President

Alan Zelenka

Greg Evans

Emily Semple

7:30 p.m. CITY COUNCIL MEETING

1. CEREMONIAL MATTERS

2. COMMITTEE REPORTS AND ITEMS OF INTEREST

3. CONSENT CALENDAR 1

A. Approval of City Council Minutes

- May 15, 2024 Work Session
- June 16, 2024 Public Hearing

B. Approval of City Council Tentative Agenda

4. ACTION: An Ordinance Adopting Hazardous Substance User Fees.

5. PUBLIC COMMENT

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at www.eugene-or.gov.

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Ceremonial Matters

Meeting Date: July 8, 2024
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 1
Staff Contact: Cherish Bradshaw
Contact Telephone Number: 541-682-8340

ISSUE STATEMENT

This item is to acknowledge awards and achievements and inform the public of proclamations by the Mayor. No action is required by the City Council.

BACKGROUND

Per City Council Operating Agreements, at the first regular meeting of each month, the first agenda item shall be used to acknowledge special recognition or awards given to the City of Eugene or for the Mayor to read proclamations which serve to encourage and educate the community. Proclamations shall be made and placed on the agenda at the discretion of the Mayor.

The following proclamations for the month of July will be read during the July 8 meeting:

- July 26, 2024 – The 34th Anniversary of the Americans with Disabilities Act (ADA)

Current and previous proclamations are available on the City's [Proclamation webpage](#).

At the July 8 meeting there will be two additional ceremonial items:

- Mayor's Youth Advisory Council
- Eugene Water & Electric Board

ATTACHMENTS

- A) The 34th Anniversary of the Americans with Disabilities Act (ADA) Proclamation

FOR MORE INFORMATION

Staff Contact: Cherish Bradshaw, Assistant, Mayor and City Council
Telephone: 541-682-8340
Staff E-Mail: cabradshaw@eugene-or.gov

OFFICE OF THE MAYOR
City of Eugene, Oregon

PROCLAMATION

WHEREAS: The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990, establishing a clear and comprehensive mandate for the elimination of discrimination to ensure the civil rights of people with disabilities; and

WHEREAS: The ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing opportunities for full participation and inclusion in community life; and

WHEREAS: Continued commitment to the principles of the ADA is necessary to help individuals with disabilities reach their full potential; and

WHEREAS: The City of Eugene encourages community members to reaffirm the principles of equity, inclusion, and belonging as laid out in the ADA. The City continues its commitment and efforts to reach full ADA compliance so that every person in our city has the opportunity to succeed; and

NOW, THEREFORE, be it resolved that I, Lucy Vinis, Mayor of the City of Eugene, Oregon, do hereby proclaim July 26, 2024 to be

“The 34th Anniversary of the Americans with Disabilities Act (ADA)”

in Eugene and encourage all community members to commemorate the ADA, recognizing and celebrating the progress that has been made as well as committing to ADA principles.

Mayor Lucy Vinis
City of Eugene
July 26, 2024

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of City Council Minutes

Meeting Date: July 8, 2024
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3A
Staff Contact: Natalie Venhuda
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This is a routine item to approve City Council minutes.

BACKGROUND

Per City Council Operating Agreements, written minutes shall be taken for all City Council meetings in accordance with the Oregon Attorney General's Public Records and Meetings Manual. The minutes must give a true reflection of the matters discussed but need not be a full transcript, verbatim or recording.

As a matter of courtesy and efficiency a councilor should notify the Mayor and other councilors that they intend to propose an amendment to the minutes and should propose replacement text in advance of the meeting at which those minutes are scheduled to be approved. If the proposed amendment is a simple factual, grammatical, or spelling correction, the amendment may be proposed without consulting the minutes recorder. If the proposed amendment is substantive in nature or seeks to clarify the speaker's intent, the councilor should notify the minutes recorder and request verification of the proposed amendment.

SUGGESTED MOTION

Move to approve the minutes for the public hearing and work session on May 15, 2024 and June 17, 2024.

ATTACHMENTS

- A. May 15, 2024 Work Session
- B. June 17, 2024 Public Hearing

FOR MORE INFORMATION

Staff Contact: Natalie Venhuda, City Council Coordinator
Telephone: 541-682-8497
Staff E-Mail: nvenhuda@eugene-or.gov

MINUTES

Joint Work Session of The Eugene City Council and The Eugene Planning Commission Eugene, Oregon 97401

May 15, 2024
12:00 p.m.

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Lyndsie Leech, and Randy Groves

Councilors Absent: Greg Evans

Commissions Present: Ken Beeson, Diane Behling, Tiffany Edwards, Lisa Fragala, Dan Isaacson, Jason Lear, Chris Ramey

Mayor Vinis opened the May 15, 2024, work session of the Eugene City Council in a virtual format.

Commissioner Edwards opened the May 15, 2024 work session of the Eugene Planning Commission in a virtual format.

1. **WORK SESSION: Joint City Council/Planning Commission Meeting and Urban Growth Strategies Overview**

City Manager, Sarah Medary, introduced Planning Director, Alissa Hunter, who provided information on projects that will be coming to the Planning Commission and City Council over the next few years, with a focus on the Urban Growth Strategies project.

Councilor Discussion:

- Councilor Groves – asked what percentage of Eugene’s residential buildable lands inventory is in the hills versus the flatlands; noted interest from manufactures in West Eugene, but they couldn’t find big enough land parcels; noted the Clear Lake Industrial Area is not shovel ready and asked how many available parcels are 100 acres or more; noted living wage jobs are one half of affordable housing; noted utilizing Career and Technical Education training will cultivate a well-rounded community; noted fostering commercial development is part of addressing the City’s financial shortfalls.
- Commissioner Edwards – asked if the City has a plan to respond to rezoning or expansion opportunities; asked if the City has annexation strategies for those who want to voluntarily annex into the City.
- Councilor Keating – noted appreciation for staff’s framing of the expansion discussion; asked about the overlap of Envision Eugene and Onward Eugene; asked who should be part of any initial conversations with potential partners interested in relocating to Eugene; noted interest in a third Urban Renewal District and inquired about the Planning Commission’s conversation on it; asked how Council can

encourage building commercial property with residential areas above from a policy perspective; noted Eugene needs more affordable housing at all income levels.

- Commissioner Ramey – asked how the Urban Growth Strategies project factors into coordinating land use and transportation planning; asked if staff has looked across planning communities for best practices that Eugene could implement.
- Councilor Clark – noted a local State Senator helped pass the legislation needed for Eugene to annex islanded properties; noted the value of having a locally based legislator that understands annexation issues; noted 48 percent of the City's buildable lands inventory is unbuildable due to lack of utility capacity; asked what percentage of that land will be improved using Senate Bill 1530 funds; asked what percentage of Eugene's buildable inventory will still be unserved after project completion; asked if the potential Urban Growth Boundary (UGB) extension can be done with upcoming infrastructure plans to avoid incorporating unserved and unbuildable lands.
- Commissioner Lear – asked for the timeline for a Metro Plan Amendment to accomplish a rezone; asked if there is potential to make changes responsively as opportunities arise.
- Councilor Zelenka – asked for the maximum slope for buildable lands in the hills; asked about costs associated with making buildable lands shovel-ready with new infrastructure buildout; asked what the current policy is for building infrastructure on unserved buildable inventory lands; asked who funds infrastructure buildout for a manufacturer's desired lot; asked how residential housing numbers work into the process; noted Eugene lacks market-based affordable housing; asked what the City can do in planning besides subsidies to encourage affordable housing.
- Commissioner Isaacson – thinks more joint meetings will be beneficial to receive feedback from Council; noted interest in having a Planning Commission work session to provide Council more information on the issue.
- Councilor Clark – asked if there is a more effective way to do an expansion to prevent bringing in land that cannot be served; noted he wants to make better decisions compared to the Council-made plans in 2015.
- Commissioner Beeson – noted the Planning Commission's work leads to housing requirements, land use code, and housing needs; noted interest in looking inside the UGB and base zones for additional housing capacity; asked how the City can get input from impacted constituents.
- Councilor Zelenka – noted the Housing Tools and Strategy Process focused on streamlining the housing development process but failed to create more affordable housing; noted the City needs different processes to get more affordable housing; noted developers are responsible for paying for land that cannot be served as growth should pay for itself; cautioned against funding pre-development infrastructure; asked for the projected multifamily and single-family split.
- Commissioner Behling – noted concern about the lack of affordable housing and the obstacles preventing it.

- Councilor Semple – noted concern for affordable housing; noted an increase in community outreach.
- Commissioner Fragala – noted concern for affordable housing; asked where there is room for innovative approaches in the process.
- Councilor Leech – thinks it is important to hear from the Planning Commission throughout the process to ensure there is alignment; noted interest in learning about the requirements for engagement and how Council can guide it.
- Mayor Vinis – noted staff are conducting a larger employment study as not all needed employment is in manufacturing; noted interest in looking at other employment efficiencies.

Mayor Vinis adjourned the meeting at 1:30 p.m.

Commissioner Edwards adjourned the meeting at 1:30 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Natalie Venhuda)

Link to the webcast of this City Council meeting [here](#).

MINUTES

Eugene City Council Public Hearing Eugene, Oregon 97401

**June 17, 2024
5:30 p.m.**

Councilors Present: Emily Semple, Matt Keating, Alan Zelenka, Jennifer Yeh, Mike Clark, Greg Evans, Lyndsie Leech, and Randy Groves.

Mayor Vinis opened the June 17, 2024, public hearing of the Eugene City Council in virtual format.

1. PUBLIC HEARING: An Ordinance Adopting Hazardous Substance User Fees.

Mayor Vinis opened the public hearing.

City Manager, Sarah Medary, introduced the topic and provided background information.

There were no speakers for the public hearing.

Mayor Vinis closed the public hearing.

2. PUBLIC HEARING: An Ordinance Concerning Charges for Stormwater And Parks Service And Amending Section 6.406 Of The Eugene Code, 1971.

Mayor Vinis opened the public hearing.

City Manager, Sarah Medary, introduced the topic and provided background information.

1. Tiffany Edwards – noted concerns expressed by members of the Eugene Area Chamber of Commerce Local Government Affairs Council.

Mayor Vinis closed the public hearing.

Mayor Vinis adjourned the meeting at 5:39 p.m.

Respectfully submitted,

Katie LaSala
City Recorder

(Recorded by Natalie Venhuda)

Link to the webcast of this City Council meeting [here](#).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Approval of Tentative Working Agenda

Meeting Date: July 8, 2024
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 3B
Staff Contact: Katie LaSala
Contact Telephone Number: 541-682-5010

ISSUE STATEMENT

This is a routine item to approve the City Council Tentative Working Agenda.

BACKGROUND

Per City Council Operating Agreements, at each regular meeting of the Council, the City Manager shall present the Tentative Agenda. This shall be placed on the Consent Calendar. If there are any concerns about the items on the Tentative Agenda, it may be removed at the request of any councilors from the Consent Calendar and discussed separately.

COUNCIL OPTIONS

The council may choose to approve, amend or not approve the tentative agenda.

SUGGESTED MOTION

Move to approve the items on the Tentative Working Agenda.

ATTACHMENTS

A. City Council Tentative Working Agenda

FOR MORE INFORMATION

Staff Contact: Katie LaSala, City Recorder
Telephone: 541-682-5010
Staff E-Mail: klasala@eugene-or.gov



City Council Tentative Agenda

Updated July 2, 2024

Materials and information about how to access meetings available at: <https://www.eugene-or.gov/3360/Webcasts-and-Meeting-Materials>

July 2024					
Date	Day	Time	Title	Length	Dept. Contact
8-July	Monday	5:30 pm	ESF Governance (Work Session)	90 mins	Kristie Hammitt, CS Chief Caven, ESF
<i>Work Session Location: New City Hall</i>					
8-July	Monday	7:30 pm	Ceremonial Matters Committee Reports and Items of Interest Toxics Program Fees (Possible Action) Public Comment		Travis Worthington, ESF
<i>Meeting Location: New City Hall</i>					
10-July	Wednesday	12 pm	Results of Engagement and Strategies for Building Decarbonization (Work Session) City Manager Update (Work Session)	60 mins 30 mins	Danielle Klinkebiel, PW Sarah Medary, CS
<i>Work Session Location: Virtual Only</i>					
15-July	Monday	5:30 pm	Downtown Riverfront Sign Code Amendment (Public Hearing)		Dylan Huber-Heidorn, PDD
<i>Public Hearing Location: New City Hall</i>					
17-July	Wednesday	12 pm	Overview of New Construction Decarbonization and Fossil Fuel Reduction Strategies (Work Session) Topic Pending Confirmation (Work Session)	60 mins 30 mins	Ian Penn, PW Staff
<i>Work Session Location: Virtual Only</i>					
22-July	Monday	5:30 pm	Executive Session Pursuant to ORS 192.660(2)(i) City Manager Annual Evaluation (Work Session)		Staff
<i>Work Session Location: New City Hall</i>					



Work Session



Action



Public Hearing



Public Comment



Consent Calendar



Committee Reports/Items of Interest



Ceremonial Matters



Pledge of Allegiance

22-July	Monday	7:30 pm	 Ceremonial Matters  Committee Reports and Items of Interest  Resolution to update Transportation SDC Project List (Consent Calendar 1)  Resolution Annexing Land on Stults Avenue (Stults Ave; A24-3) (Consent Calendar 2)  Resolution Annexing Land on Sandra Lane (Clinton Reeve; A24-4) (Consent Calendar 2)  Resolution Annexing right-of-way Identified as Hunsaker Lane between River Road and Ross Lane (Hunsaker Lane; A 24-6) (Consent Calendar 2)  Resolution Annexing right-of-way Identified as South Willamette Street between Spencer Crest Drive and Eugene's Urban Growth Boundary (South Willamette Street; A 24-7) (Consent Calendar 2)  Resolution Annexing right-of-way Identified as Maxwell Road between Prairie Road and Northwest Expressway (Maxwell Road; A 24-8) (Consent Calendar 2)  Public Comment		Rob Inerfeld, PW Brai Black, PDD Nick Gioello, PDD Jeff Gepper, PDD Jeff Gepper, PDD Jeff Gepper, PDD
Meeting Location: New City Hall					
24-July	Wednesday	12 pm	 Strategic Plan Annual Report (Work Session)  City Manager Update (Work Session)	60 mins 30 mins	Jason Dedrick, CS Sarah Medary, CS
Work Session Location: Virtual Only					

Note: Council Summer Break July 25 – September 8

UPCOMING PUBLIC HEARINGS			
Date/Time	Topic/Title	Description	Staff Contact
July 15, 5:30pm	Downtown Riverfront Sign Code Amendment	The City Council will hold a public hearing to consider a proposed land use code amendment to increase the allowable number of projecting signs for certain properties in the Downtown Riverfront by amending the Central Commercial Sign Standards. The proposed ordinance will be posted online: https://www.eugene-or.gov/1781/Proposed-Ordinances	Dylan Huber-Heidorn DHuber-Heidorn@eugene-or.gov 541-682-5475

Approved Work Session Polls to be Scheduled	Councilor	Date Approved
Gas Stations – Oct 18, 2023; <i>follow-up work session TBD</i>	Keating	4/15/22
Mental Health and Substance Abuse (MH/SA) Services/Programs in Oregon - <i>TBD</i>	Zelenka/Leech	2/29/24

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Action: An Ordinance Adopting Hazardous Substance User Fees.

Meeting Date: July 8, 2024
Department: Eugene Springfield Fire
www.eugene-or.gov

Agenda Item Number: 4
Staff Contact: Travis Worthington
Contact Telephone Number: 541-682-8428

ISSUE STATEMENT

In accordance with provisions of Section 54, Article VII of the Eugene City Charter and Section 3.694 of the City Code, the cost of running the Eugene Toxics Right-to-Know Program must be fully funded by fees assessed to local manufacturing businesses that are hazardous substance users. The proposed ordinance that is the subject of this action would adopt a rate of \$62.28 per full-time-equivalent employee (FTE), up to the maximum of \$2,000.00 per entity as provided by State law.

BACKGROUND

Each year, beginning in 1998, Council has approved fees to support the Eugene Toxics Right-to-Know Program, first by resolution, and later by ordinance due to changes in state law. Throughout the life of this program, the City has always assessed fees based on the number of persons employed by businesses required to be in the program. This is because the City is prohibited by State law from charging fees based on the quantity of chemicals used.

Until 2004, the methodology was to poll businesses at the beginning of each calendar year and ask them to calculate and report their FTE for the preceding calendar year, then divide the program's revenue requirement for the upcoming fiscal year by the total number of FTE reported, and bill accordingly. In 2004, a state-imposed fee cap of \$2,000 per entity took effect (in accordance with ORS 453.370(2)(b)). Since that time, businesses are still polled for their FTE figures, the program's revenue requirement is still divided by the total number of FTE reported, and businesses are billed accordingly.

To balance the financial impact on businesses that have not yet reached the \$2,000.00 state-imposed fee cap while maintaining reasonable staffing levels in the Fire Marshal's Office, in 2023 the Toxics Board voted to recommend a fee of \$62.28 per FTE. This fee supported a budget of \$118,126.00 for the program in Fiscal Year 2024. Although program fees have fluctuated over the years, peaking at \$82.69 per FTE in 2013, the average per FTE rate since 2010 has been approximately \$59.00. In 2024, 36 of 74 regulated businesses met the \$2,000.00 cap.

Due to quorum issues, the Toxics Board has not recommended a fee amount in 2024, so the fee most recently recommended by the Toxics Board continues to be \$62.28 per FTE, not to exceed \$2,000 for any single facility for the 2024 calendar year.

July 8, 2024 Meeting – Item 4

RELATED CITY POLICIES

In alignment with the four focus areas of the City's strategic plan, the Eugene Toxics Right-to-Know Program and Toxics Board support all people and aid in responsibly managing our physical assets and natural resources. They address urgent community needs by providing timely information on environmental hazards, enhance public awareness through communication and outreach, promote inclusivity in decision-making, and ensure efficient and effective operations. Through prudent management of people, time, and money, the Toxics Board fosters sustainable stewardship of Eugene's natural resources.

Section 54, Article I of the City Charter reads as follows:

The people of Eugene do hereby find that:

- A. Exposure to toxic chemicals can damage human health and the environment; and*
- B. Citizens have a fundamental right to know the identity and amounts of toxic chemicals that are released into the workplaces, air, water, soil, and environment of their community.*

The Eugene Toxics Right-to-Know Program requires businesses who meet certain criteria to provide information to the public concerning the use and disposition of federally listed hazardous substances. The program is overseen by the Toxics Board, which makes policy recommendations governing the program and is authorized to enforce the reporting requirements and impose penalties.

PREVIOUS COUNCIL DIRECTION

[June 17, 2024 Public Hearing](#)

A public hearing was conducted to receive comments on An Ordinance Adopting Hazardous Substance User Fees. No comments were received from either City Council members or the Public.

COUNCIL OPTIONS

1. Adopt the ordinance as proposed in Attachment A to this AIS.
2. Direct the City Manager to make specific modifications to the ordinance and to schedule City Council action on the modified ordinance.
3. Take no action.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends Option 1, adoption of the ordinance as provided in Attachment A.

SUGGESTED MOTION

Move to adopt An Ordinance Adopting Hazardous Substance User Fees as provided in Attachment A to this AIS.

ATTACHMENTS

- A. An Ordinance Adopting Hazardous Substance User Fees.
- B. Toxics Right-to-Know Program Workplan for the fiscal year commencing July 1, 2025
- C. Toxics Right-to-Know Program User Fee History

FOR MORE INFORMATION

Staff Contact: Travis Worthington, Deputy Chief Fire Marshal
Telephone: 541-682-8428
wworthington@eugene-or.gov

ORDINANCE NO. _____

AN ORDINANCE ADOPTING HAZARDOUS SUBSTANCE USER FEES.

The City Council of the City of Eugene finds that:

A. Pursuant to Article VII of Amendment IV to the Eugene Charter of 2002 (the “Amendment”), the City Council has previously adopted a series of Resolutions and Ordinances establishing fees to be paid by hazardous substance users within the City with the most recent being Ordinance No. 20691.

B. In accordance with other requirements of the Amendment, the City Council, by ordinance, has adopted the City’s Hazardous Substance Tracking Instructions, which provide guidance to hazardous substance users in completing and submitting the reports required by the Amendment.

C. Pursuant to ORS 453.370(2)(a), the City must adopt the hazardous substance user fee schedule via ordinance after notice and public hearing. The City published and posted notice of the public hearing to be held on June 17, 2024, concerning the proposed ordinance adopting hazardous substance user fees, and such hearing was held before the Eugene City Council on that date.

D. Pursuant to ORS 453.370(2)(b), the City cannot adopt a fee schedule that imposes a fee of more than \$2,000 for any single facility in any calendar year.

E. In 2023, the Toxics Board recommended a fee of \$62.28 per FTE, not to exceed \$2,000 for any single facility for the 2023 calendar year, in order to cover the expenses of the program for the fiscal year commencing July 1, 2024. The Toxics Board has not recommended a different fee amount in 2024, so the fee most recently recommended by the Toxics Board continues to be \$62.28 per FTE, not to exceed \$2,000 for any single facility for the 2024 calendar year.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. A fee of \$62.28 per FTE, not to exceed \$2,000 for any single facility for the 2024 calendar year, is hereby imposed as the fee to be paid by hazardous substance users within the City of Eugene.

Section 2. No enforcement action shall be taken against any reporting company for failure to pay until after September 1, 2024.

Section 3. As used in this Ordinance, the terms “FTE” and “hazardous substance users” have the meanings ascribed to them in Section 3.692 of the Eugene Code, 1971.

Section 4. The fees collected pursuant to this Ordinance shall be used for the purpose of operating the Toxics Right-to-Know Program created by Amendment IV to the Eugene Charter of 2002 and implemented by subsequent ordinances of the City.

Passed by the City Council this

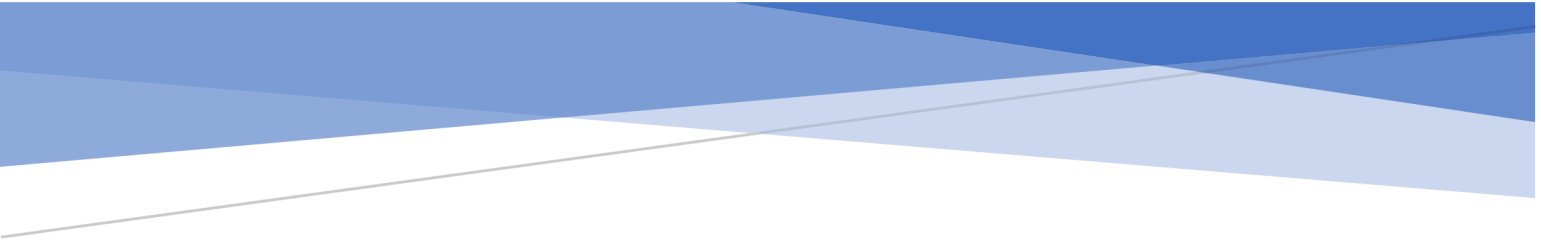
_____ day of _____, 2024

City Recorder

Approved by the Mayor this

_____ day of _____ 2024

Mayor



TOXICS RIGHT-TO-KNOW WORKPLAN

Fiscal Year '24

Travis Worthington - Deputy Chief Fire Marshal

Program Manager, City of Eugene
1320 Willamette St., Eugene, OR 97401

Introduction

The Toxics Right-to-Know Program started in 1996 by amendment to the Eugene City Charter. The Program was created to facilitate the collection and distribution of information related to the use and disposition of federally listed hazardous substances, by qualifying businesses. Since 1998 the program has been funded through the assessment of fees paid by businesses which are: physically located within the Eugene city limits, use any quantity of listed hazardous substances, have at least 10 full time equivalent (FTE) employees, and operate within the #2,000-3,999 SIC codes.

Each of the first six section of the workplan has a summary, a list of general tasks, and an estimate of staff time allotment. Tasks are grouped by similarity and by synergy (a decrease in time spent on one can lead to an increase in another). Due to the interaction between tasks the time allotment is given by section. The seventh section covers proposed projects to be worked on or explored during the course of the year.

For fiscal year '24, the Workplan has been created with a 100% staffing model. The Toxics Program will fully fund 100 percent (100%) of staffing personnel costs (e.g. wages, benefits, taxes) and receive a direct proportional amount of staff time over the course of the fiscal year.

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Budget, Fees, & Workplan

The Program facilitates the annual requirement for the Toxics Board to recommend a program fee schedule to the City Council. The Program develops: the annual budget with the Fire Administration, annual Workplan with the Fire Marshal's Office and Toxics Board, and a fee schedule for the Toxics Board approval. The workplan and budget are utilized as supporting documentation for the proposed annual fee schedule. By charter mandate the fee schedule is to fully fund the program through collected fees.

1. Facilitate process to assist Toxics Board recommend the annual hazardous substance user fees.¹
2. Work with Fire Marshal and the Toxics Board to develop a work plan and facilitate process to provide recommendation to City Manager and City Council for adoption as part of the annual hazardous substance user fee.²
3. Facilitate process to assist City Council approve the annual hazardous substance user fees; and prepare and submit necessary paperwork and attend associated City Council Public Hearings and Meetings.³

Estimated Budget, Fees, & Workplan Total = 20%

¹ Article VI, Section 6.2.B.1

² Article VI, Section 6.3

³ Article VII, Section 7.A

Education, Outreach & PR

Providing orientations and educational sessions with new businesses and board members along with informational presentations to community members is a critical element of the program. By ensuring full understanding of the scope and purpose of the program, businesses are more likely to comply with the mandate of the program.

1. Maintain content on the Toxics Board and Toxics Program's webpages.⁴
2. Provide an orientation of the Toxics Program for new Toxics Board members, manufacturing business representatives, environmental justice and advocacy representatives and interested members of the public.⁴
3. Build and maintain good working relationships between the Toxics Program Manager and Toxics Board members, the manufacturing business community, the environmental justice and advocacy community and other program stakeholders.⁴
4. Conduct public education and outreach efforts to increase transparency, understanding and awareness of the program; including issue news releases to keep the media and community informed; collaborate with the University of Oregon and Oregon State University, and to provide graduate students with internship opportunities; hold ongoing informational work sessions to give businesses and the community opportunities to learn and ask questions about the program, and provide feedback; Monitor the Toxics Board's email box, and facilitate responses accordingly.⁴

Estimated Education, Outreach, & PR Total = 20%

⁴ Necessary to support charter amendment

Compliance and Auditing

As much as possible, the program attempts to proactively encourage compliance. Through proper guidance and education, provided to businesses within the program, coupled with auditing of submitted data the need for more extreme activities from non-compliance has been kept to a minimum. The charter mandated activities, for when a business is non-compliant, have been budgeted at under 1% of program staff time since they are on an as needed basis and rarely needed.

1. Work with businesses in the program to assist them in successfully meeting Charter Amendment hazardous substance reporting requirements and Charter mandated deadline of April 1st: including providing information and assistance.⁵
2. Report to the Fire Marshal the names of any hazardous substance users in non-compliance with hazardous materials balance reports requirements.⁶
3. Publish names of non-complying entities in the daily newspaper.⁷
4. Investigate evidence of reports not filed in compliance with the Charter Amendment.⁸
5. Audit the accuracy of hazardous materials balance reports for the Fire Marshal: including follow-up work with businesses to assist them in reconciling errors accurately (site audits are permitted, not required); Conduct site visits of newly identified businesses as part of Toxics Program representative orientation; Work with the Toxics Board to update procedure to implement a more comprehensive audit process, including cross-referencing data reported under other programs.⁹
6. Work with businesses in the program to assist them in reporting FTE, which the annual fee is based upon; Work with Toxics Board to implement procedure to verify accuracy of number of reported FTE; Perform data entry, print and send invoices to businesses in the program; and Assist businesses in the program meeting the Charter-mandated deadline of May 1st for payment of invoices.¹⁰
7. Enforce reporting requirements and impose penalties for noncompliance.¹¹
8. Order non-complying repeat offenders to cease and desist using hazardous substances in the City of Eugene.¹²
9. Members of the Public: Petition the Toxics Board against hazardous substance users or persons for failure to comply with the Charter Amendment.¹³

Estimated Compliance & Auditing Total = 20%

⁵ Article IV, Section 4

⁶ Article VI, Section 6.2.C

⁷ Article VI, Section 6.2.D

⁸ Article VI, Section 6.2.E

⁹ Article VI, Section 6.2.F

¹⁰ Article VII, Section 7.A

¹¹ Article VIII, Section 8.1

¹² Article VII Section 8.2.E

¹³ Article VIII, Section 8.3

Program Management

Beyond the previous sections there are many tasks that must be completed to maintain an effective and efficient program. The Program operates in a balance between needs of the Board, facilitating the program mandates, and needs of the Fire Marshal's Office. Annual reporting, process evaluation and improvement, program research, and much more must take place for the program to operate and optimum efficacy.

1. Facilitate process to assist Toxics Board provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library's computer systems; and work with Information Technology staff to build or purchase a more efficient records and data management program/system.¹⁴
2. Collaborate with other City staff and community organizations on relevant citywide projects and processes (e.g.: participate as a member of the Lane County Local Emergency Planning Committee (LEPC); participate in the Envision Eugene planning process).¹⁵
3. Facilitate process to assist Toxics Board make hazardous materials balance reports available at the Eugene Public Library.¹⁶
4. Facilitate process to help Toxics Board file an annual report on the effectiveness of the program, and any recommendations for improvements: including preparing draft report for Toxics Board review, edits and approval, and submitting to City Council on the Toxics Board's behalf.¹⁷
5. Monitor applicable Federal regulatory program websites and state program databases to keep related local program information current and accurate.¹⁵
6. Conduct inventory processes to identify covered entities and implement processes and procedures to proactively identify covered entities in the future because with each business that is successfully identified, it extends the financial burden across industry more fairly and equitably and lowers the cost per full-time equivalent (FTE) employee and the cost to smaller businesses.¹⁵
7. Conduct ongoing continuous improvement program and process analyses and make recommendations to Toxics Board for improvements as necessary.¹⁵

Estimated Program Management Total = 20%

¹⁴ Article IV, Section 4

¹⁵ Necessary to support charter amendment

¹⁶ Article V, Section 5.1.F

¹⁷ Article VI, Section 6.2.B.3

Board Support

A critical element of the program operations is to support the Toxics Right-to-Know Board to facilitate effective operation. The Program facilitates: communication of recommendations from the Board to the City Council and City Manager, posting and filling of Board vacancies, coordination of Board meetings, and other special projects as developed by the Board.

1. Facilitate process to ensure Toxics Board members are appointed; including filling vacancies on the Toxics Board due to mid-term resignations; Prepare and submit necessary paperwork and attend City Council Public Hearings and Meetings for new Toxics Board member candidate interviews and appointments.¹⁸
2. Facilitate process to assist City Council enact reasonable ordinances necessary for carrying into execution the provisions of the Charter Amendment upon recommendation of the Toxics Board (not already specifically shown above).¹⁹
3. Facilitate Toxics Board meetings and completion of projects and processes to ensure compliance with the Charter Amendment (including Toxics Board meeting preparation, attendance and follow-up).²⁰
4. Facilitate process to assist the Toxics Board recommend and the City Manager conduct Administrative Rule processes for updates to the Hazardous Substance Tracking Instructions and List of Reportable Chemicals; and publish and distribute Hazardous Substance Tracking Instructions and List of Reportable Chemicals to reporting businesses in the program; publish corresponding Citizen Guide.²⁰

Estimated Board Support Total = 20%

¹⁸ Article VI, Section 6.1

¹⁹ Article X, Section 10

²⁰ Necessary to support charter amendment.

Appendix A – Program Task Matrix

Attachment B

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER, OR NECESSARY TO SUPPORT CHARTER AMENDMENT				STAFF TASKS		APPROXIMATE % OF STAFF TIME		PROGRAM AREA AND TASK NUMBER
Charter Mandate – Article VI, Section 6.2.B.1 and Article VII, Section 7.B: Toxics Board: Recommend annual hazardous substance user fees	Charter Mandate – Article VI, Section 6.3: City Manager: Work with the Toxics Board jointly to determine the appropriate support services for the program	Charter Mandate – Article VII, Section 7.B: City Council: Facilitate process to assist City Council approve the annual hazardous substance user fees; and prepare and submit necessary paperwork and attend associated City Council Public Hearings and Meetings	3%	Budget, Fees, & Workplan #2	Work with Fire Chief and the Toxics Board to develop a work plan, and facilitate process to provide recommendation to City Manager and City Council for adoption as part of the annual hazardous substance user fee	3%	Budget, Fees, & Workplan #2	Budget, Fees, & Workplan #3
Necessary to Support Charter Amendment	Necessary to Support Charter Amendment	Maintain content on the Toxics Board and Toxics Program's webpages	3%	Education, Outreach, & PR #1	Provide an orientation of the Toxics Program for new Toxics Board members, manufacturing business representatives and interested members of the public	3%	Education, Outreach, & PR #2	Education, Outreach, & PR #3
Necessary to Support Charter Amendment	Necessary to Support Charter Amendment	Build and maintain good working relationships between the Toxics Program Manager and Toxics Board members, the manufacturing business community, the environmental justice and advocacy community and other program stakeholders	3%	Education, Outreach, & PR #3	Conduct public education and outreach efforts to increase transparency, understanding and awareness of the program; including issue news releases to keep the media and community informed; collaborate with the University of Oregon and Oregon State University, and to provide graduate students with internship opportunities; hold ongoing informational work sessions to give businesses and the community opportunities to learn and ask questions about the program, and provide feedback; Monitor the Toxics Board's email box, and facilitate responses accordingly	5%	Education, Outreach, & PR #4	
Charter Mandate – Article IV, Section 4: Hazardous Substance Users: File annual, public, hazardous materials balance report; and file a signed declaration certifying that the hazardous materials balance reports filed are accurate and complete		Work with businesses in the program to assist them in successfully meeting Charter Amendment hazardous substance reporting requirements and Charter-mandated deadline of April 1 st ; including providing information and assistance	6%	Compliance and Auditing #1	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	3%	Compliance and Auditing #2	

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT	STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
Charter Mandate – Article VI, Section 6.2.D: Toxics Board: Publish names of non-complying entities in the daily newspaper	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	3%	Compliance and Auditing #3
Charter Mandate – Article VI, Section 6.2.E: City Fire Marshal: Investigate evidence of reports not filed in compliance with the Charter Amendment	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	3%	Compliance and Auditing #4
Charter Mandate – Article VI, Section 6.2.F: City Fire Marshal: Audit the accuracy of the reporting processes of each hazardous substance user in an order such that all hazardous substance users are audited in a random order at least once every three years	Audit the accuracy of hazardous materials balance reports for the Fire Marshal: including follow-up work with businesses to assist them in reconciling errors accurately (site audits are permitted, not required); Conduct site visits of newly identified businesses as part of Toxics Program representative orientation; Work with Toxics Board to update procedure to implement a more comprehensive audit process, including cross-referencing data reported under other programs	3%	Compliance and Auditing #5
Charter Mandate – Article VII, Section 7.A and Article VII, Section 7.C: Hazardous Substance Users: Pay an annual fee to cover program expenses	Work with businesses in the program to assist them in reporting FTE, which the annual fee is based upon; Work with Toxics Board to implement procedure to verify accuracy of number of reported FTE; Perform data entry, print, and send invoices to businesses in the program; and Assist businesses in the program meeting the Charter-mandated deadline of May 1 st for payment of invoices	5%	Compliance and Auditing #6
Charter Mandate – Article VIII, Section 8.1: Toxics Board: Enforce reporting requirements and impose penalties for noncompliance	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	3%	Compliance and Auditing #7
Charter Mandate – Article VIII, Section 8.2.E: City Manager: Order non-complying repeat offenders to cease and desist using hazardous substances in the City of Eugene	Percentage of staff time is currently zero because work is done to assist businesses understanding program requirements on a proactive basis to avoid this situation from occurring	3%	Compliance and Auditing #8
Charter Mandate – Article VIII, Section 8.3: Members of the Public: Petition the Toxics Board against hazardous substance users or persons for failure to comply with the Charter Amendment	Percentage of staff time is currently zero because historically, this situation has not occurred; however, if it were to occur, staff time would need to be reallocated accordingly to manage the process	3%	Compliance and Auditing #9
Charter Mandate – Article V, Section 5.1.C and Article VI, Section 6.2.A: Toxics Board: Provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library's computer systems	Percentage of staff time is currently zero because online data entry system for hazardous materials balance reports has been developed and implemented	3%	Program Management #1
Necessary to Support Charter Amendment	Facilitate process to assist Toxics Board provide forms for hazardous materials balance reports to be filed electronically that are compatible with the Eugene Public Library's computer systems; and work with	3%	Program Management #1

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT
IV OF THE EUGENE CHARTER; OR NECESSARY TO
SUPPORT CHARTER AMENDMENT

STAFF TASKS	APPROXIMATE % OF STAFF PROGRAM AREA AND TASK NUMBER	
Information Technology staff to build or purchase a more efficient records and data management program/system		
Necessary to Support Charter Amendment	3%	Collaborate with other City staff and community organizations on relevant citywide projects and processes (e.g.: participate as a member of the Lane County Local Emergency Planning Committee (LEPC); participate in the Envision Eugene planning process)
Charter Mandate – Article V, Section 5.1.F: Toxics Board: Make hazardous materials balance reports available at the Eugene Public Library for seven years	3%	Facilitate process to assist Toxics Board make hazardous materials balance reports available at the Eugene Public Library
Charter Mandate – Article VI, Section 6.2.B.3: Toxics Board: File an annual report on the effectiveness of the program, and any recommendations for improvements	3%	Facilitate process to help Toxics Board file an annual report on the effectiveness of the program, and any recommendations for improvements: including preparing draft report for Toxics Board review, edits and approval, and submitting to City Council on the Toxics Board's behalf
Necessary to Support Charter Amendment	3%	Monitor applicable Federal regulatory program websites and state program databases to keep related local program information current and accurate
Necessary to Support Charter Amendment	3%	Conduct inventory processes to identify covered entities, and implement processes and procedures to proactively identify covered entities in the future because with each business that is successfully identified, it extends the financial burden across industry more fairly and equitably and lowers the cost per full-time equivalent (FTE) employee and the cost to smaller businesses
Necessary to Support Charter Amendment	3% 3%	Facilitate Toxics Board meetings and completion of projects and processes to ensure compliance with the Charter Amendment (including Toxics Board meeting preparation, attendance and follow-up); and conduct ongoing continuous improvement program and process analyses, and make recommendations to Toxics Board for improvements as necessary
Charter Mandate – Article VI, Section 6.1: City Council: Appoint Toxics Board members	3%	Facilitate process to ensure Toxics Board members are appointed; including filling vacancies on the Toxics Board due to mid-term resignations; Prepare and submit necessary paperwork and attend City Council Public Hearings and Meetings for new Toxics Board member candidate interviews and appointments
Charter Mandate – Article X, Section 10: City Council: Enact reasonable ordinances necessary and proper for carrying into execution the provisions of the Charter	3%	Facilitate process to assist City Council enact reasonable ordinances necessary for carrying into execution the provisions of the Charter Amendment upon recommendation of the Toxics Board (not already specifically shown above)

Attachment B

EXPLICITLY MANDATED BY SECTION 54, AMENDMENT IV OF THE EUGENE CHARTER; OR NECESSARY TO SUPPORT CHARTER AMENDMENT	STAFF TASKS	APPROXIMATE % OF STAFF TIME	PROGRAM AREA AND TASK NUMBER
Amendment upon recommendation of the Toxics Board			
Necessary to Support Charter Amendment	Facilitate process to assist the Toxics Board recommend and the City Manager conduct Administrative Rule processes for updates to the Hazardous Substance Tracking Instructions and List of Reportable Chemicals; and publish and distribute Hazardous Substance Tracking Instructions and List of Reportable Chemicals to reporting businesses in the program; publish corresponding Citizen Guide	3%	Board Support #4
	TOTAL APPROXIMATE % OF STAFF TIME	50%	



Program Fee History

November 1996 Eugene City Charter, Section 54, Amendment IV adopted (Section 54, Amendment IV, Article VII, Section 7(D)). For the fiscal year 1997 and 1998 – The program was supported by the City of Eugene’s General Fund in accordance with the Eugene City Charter (Section 54, Amendment IV, Article VII, Section 7(D)).

- ❖ 1998 fee -- \$500/facility + \$16.12/FTE (Charged to reporting businesses)¹
- ❖ 1999 fee -- \$500/facility + \$7.92/FTE (Charged to reporting businesses)²
- ❖ 2000 fee -- \$14.31/FTE³
- ❖ 2001 fee -- \$12.54/FTE
- ❖ 2002 fee -- \$10.79/FTE
- ❖ 2003 fee -- \$13.92/FTE
- ❖ 2004 fee -- \$31.65/FTE up to \$2,000⁴
- ❖ 2005 fee -- \$30.94/FTE up to \$2,000
- ❖ 2006 fee -- \$31.30/FTE up to \$2,000
- ❖ 2007 fee -- \$37.38/FTE up to \$2,000
- ❖ 2008 fee -- \$46.20/FTE up to \$2,000
- ❖ 2009 fee -- \$52.38/FTE up to \$2,000
- ❖ 2010 fee -- \$55.48/FTE up to \$2,000
- ❖ 2011 fee -- \$53.34/FTE up to \$2,000
- ❖ 2012 fee -- \$79.00/FTE up to \$2,000
- ❖ 2013 fee -- \$82.69/FTE up to \$2,000
- ❖ 2014 fee -- \$56.75/FTE up to \$2,000
- ❖ 2015 fee -- \$56.08/FTE up to \$2,000
- ❖ 2016 fee -- \$48.29/FTE up to \$2,000
- ❖ 2017 fee -- \$63.12/FTE up to \$2,000
- ❖ 2018 fee -- \$65.43/FTE up to \$2,000
- ❖ 2019 fee -- \$62.23/FTE up to \$2,000
- ❖ 2020 fee -- \$56.13/FTE up to \$2,000
- ❖ 2021 fee -- \$62.80/FTE up to \$2,000
- ❖ 2022 fee -- \$26.10/FTE up to \$2,000
- ❖ 2023 fee -- \$62.28/FTE up to \$2,000
- ❖ 2024 fee -- \$62.28/FTE up to \$2,000

¹ Beginning spring 1998, program is supported by fees assessed each spring, per the City Charter. This continues to be the case.

² Because of the 05/05/99 Oregon Court of Appeals decision, all fees paid in 1998 and 1999 were refunded; due to the City assessing fees based on quantity.

³ In 2000 an additional class of businesses that did not meet the 2,640-pound reporting threshold but did meet the other three criteria to be considered hazardous substance users. This class of businesses are categorized as non-reporting businesses under the program. From then all fees were assessed to both reporting and non-reporting businesses.

⁴ State-imposed fee cap of \$2,000 per facility took effect 7/1/03 (ORS 453.370(2)(b)).

EUGENE CITY COUNCIL AGENDA ITEM SUMMARY



Public Comment

Meeting Date: July 8, 2024
Department: Central Services
www.eugene-or.gov

Agenda Item Number: 5
Staff Contact: Natalie Venhuda
Contact Telephone Number: 541-682-8497

ISSUE STATEMENT

This item allows members of the public the opportunity to express opinions and provide information to the council. Comments presented during the public comment period should be on city-related issues and should not address items which have already been heard by a Hearings Official, items on the present agenda as a public hearing item, or items related to a quasi-judicial matter after the official record has been closed.

BACKGROUND

Per City Council's operating agreement, speakers at the public comment period will be limited to two and a half minutes and the total time will be limited to 90 minutes total. Speakers will be randomized, and no persons will be allowed to submit a "Request to Speak" form more than 30 minutes prior to the start of the meeting. Persons wishing to speak must sign up to do so not later than 5 minutes after the meeting has been opened by the Mayor or presiding officer.

At the end of the public comment period each member of the Council has the opportunity to respond to comments made. The time allocated to each member of the Council for such responses shall be up to three minutes.

FOR MORE INFORMATION

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