



**Revised**

**NOTICE OF PUBLIC MEETING  
CITY OF ALBANY  
CITY COUNCIL WORK SESSION  
Council Chambers  
333 Broadalbin Street SW  
Monday, February 8, 2016  
4:00 p.m.**

**AGENDA**

**OUR MISSION IS**

*“Providing quality public services for a better Albany community.”*

**OUR VISION IS**

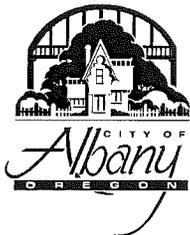
*“A vital and diversified community that promotes a high quality of life, great neighborhoods, balanced economic growth, and quality public services.”*

Rules of Conduct for Public Meetings

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the meeting.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive of the meeting.

- 4:00 p.m. CALL TO ORDER
- 4:00 p.m. ROLL CALL
- 4:05 p.m. BUSINESS FROM THE PUBLIC
- 4:10 p.m. MUNICIPAL COURT ANNUAL REPORT AND JUDGE’S CONTRACT REVIEW – Bob Scott. [Pages 2-9]  
*Action Requested: Information, discussion, and direction.*
- 4:30 p.m. STORMWATER UTILITY DISCUSSION – Jeni Richardson. [Page 10]  
*Action Requested: Information, discussion, and direction.*
- 5:30 p.m. **LEVY RENEWAL DISCUSSION – Jim Delapoer. [Pages 11-15]**  
*Action Requested: Information, discussion, and direction.*
- 5:35 p.m. BUSINESS FROM THE COUNCIL
- 5:45 p.m. CITY MANAGER REPORT
- 5:50 p.m. ADJOURNMENT

*City of Albany Web site: [www.cityofalbany.net](http://www.cityofalbany.net)*



TO: Albany City Council

VIA: Wes Hare, City Manager

FROM: Stewart Taylor, Finance Director *ST*

DATE: February 2, 2016, for the February 8, 2016, City Council Work Session

SUBJECT: Presentation of the 2015 Annual Report by Municipal Court Judge Robert Scott and Review of Annual Contract and Resolution Appointing Municipal Court Judge Pro Tems.

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Presentation of the 2015 Annual Report by Municipal Court Judge Robert Scott; and Council review of contract renewal and resolution appointing Municipal Court Judge Pro Tem. The contract and the resolution will be on the February 10, 2016, Consent Calendar for adoption.

Discussion:

The contract renewal for Municipal Court Judge Robert Scott and the resolution for Pro Tem Judges is reviewed annually.

In previous contracts, Judge Scott's compensation was increased annually by the cost-of-living adjustment granted to non-bargaining employees during the previous year.

Budget Impact:

There will be an increase to the budget of \$990, as non-bargainers received a 2.5% cost-of-living adjustment on July 1, 2015.

ST:md  
Attachment

ALBANY MUNICIPAL COURT  
 JUDGE'S ANNUAL REPORT FOR  
 THE CALENDAR YEAR 2015

The following is the annual judge's report on the status of the Albany Municipal Court for the 2015 calendar year.

**1. CASE STATISTICAL COMPARISON FOR 2013, 2014 AND 2015**

<u>A. CASES FILED</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>DIFFERENCE</u> <u>2014-2015</u>
Criminal non-traffic	1327	1500	1284	(216)
Criminal traffic	123	146	146	0
Contempt	92	114	177	63
Violation non-traffic	167	339	312	(27)
Violation traffic	2459	3762	3382	(380)
Parking	189	186	318	132
Dangerous dog hearings	0	1	2	1
Restitution hearings	<u>8</u>	<u>5</u>	<u>4</u>	<u>(1)</u>
TOTAL CASES	4365	6053	5625	(428)

**B. WARRANTS ISSUED**

Bench (FTA-FTC)	2302	2743	2921	178
Arrest	<u>139</u>	<u>122</u>	<u>222</u>	<u>100</u>
TOTAL WARRANTS	2441	2865	3143	278

In the 2008 calendar year, 8,834 total cases were filed in Municipal court, the highest number filed during my time as judge. In 2013, the total cases filed were 4,365, the lowest number during my time as judge. The 5,625 number of cases filed in 2015, reflects a modest, but relatively insignificant, decrease in our case load from 2014. The court's current staff has remained at 3 full-time and 2 part-time clerks for several years, and that staff level remains adequate to handle the current caseload. There is no backlog of cases.

## **2. REVENUE COMPARISON BY CALENDAR YEAR**

<u>ITEM</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>DIFFERENCE 2014-2015</u>
Total Revenue	\$661,587	\$838,414	\$874,830	\$36,416
City Share	553,632	694,917	727,316	32,399
State Share	102,524	119,339	119,016	(323)
County Share	5,431	24,158	28,498	4,340

## **3. CONCLUSION**

From a caseload standpoint, and from a revenue and expenditures standpoint, 2015 was an unremarkable year. Cases are down slightly, revenues are up slightly. The court took in \$5,080.00 more than it expended.

At the end of June, 2015, the court's supervising clerk, Mary Stankey, retired. Her constant good humor, and her knowledge of the history and policies of the City and its court have been missed, but her duties are now primarily in the capable hands of September Ridgeway. I believe that transition has been seamless.

I am happy to report that for the first time since I have been judge, we will have a clerk that is fluent in Spanish. I anticipate her ability will make my job much easier and will be of great benefit to the members of the Hispanic community who have business with the court.

Once again, I thank you for the opportunity to serve as your Municipal Judge.

Respectfully submitted,

Robert T. Scott  
Albany Municipal Judge

## CONTRACT TO PROVIDE MUNICIPAL COURT SERVICES

THIS AGREEMENT is made and entered into this ~~25th day~~ DATE of February ~~2015-2016~~ by and between the CITY OF ALBANY, Oregon, a municipal corporation, hereinafter referred to as "CITY" and ROBERT T. SCOTT, Attorney at Law.

### WITNESETH:

WHEREAS, the CITY desires the services of ROBERT T. SCOTT as Municipal Judge, pursuant to Section 23 of the Charter of the CITY OF ALBANY; and

WHEREAS, ROBERT T. SCOTT desires to serve in said capacity; and

WHEREAS, the Internal Revenue Service defines a Judge as a public official and an employee of the government for whom he or she serves and, therefore, the CITY is responsible for withholding and paying Federal income tax, social security and Medicare taxes, and issuing a Form W-2 Wage and Tax Statement to the public official; and WHEREAS, it is the desire of both parties hereto to establish and set forth their mutual responsibilities one to the other.

NOW, THEREFORE, in consideration of the mutual promises contained herein, it is hereby agreed as follows:

Duties. The CITY hereby contracts with ROBERT T. SCOTT to perform all functions and duties specified in Section 23 of the Charter of the CITY OF ALBANY and to perform such other legally permissible and proper duties and functions as said position shall require. These duties shall include, but are not limited to, the following:

- a. Provide an overview of the Municipal Court judicial function, including pretrial conferences, scheduling of pro tem judges, and annual reviews of the financial condition of the Municipal Court system;
- b. Preside over criminal, traffic, parking cases, arraignments, trials, and hearings and set forth the courtroom calendar;
- c. Develop and carry out policies for trial procedures, including the adoption of an appropriate bail schedule;
- d. Coordinate with the City Attorney to reduce or eliminate backlog of pending cases;
- e. Review annually, data gathered by the CITY regarding cases generated by the Albany Police Department which are being filed in the Municipal Court;
- f. Prepare an annual report concerning Municipal Court operations and personally present that report to the Council;
- g. Annually review and recommend changes to the Albany Municipal Code which relate to Municipal Court; and
- h. Make recommendations to the CITY to improve the financial or other operating conditions of the Court.

Independent. In performing the duties of Municipal Court Judge, ROBERT T. SCOTT shall serve as a 0.25 FTE Nonbargaining employee of the CITY. However, the CITY shall have no right or responsibility to control or influence the manner in which he carries out his judicial responsibilities, save and except that

ROBERT T. SCOTT agrees to carry out his duties in a timely, consistent, and impartial manner. ROBERT T. SCOTT shall have no management or administrative responsibility or authority over other City employees.

Pro Tem Services. While it is agreed that ROBERT T. SCOTT shall personally serve as Municipal Judge and shall be available to fill the duties of that office generally not less than eighty percent of the time, it is anticipated that ethical conflicts, scheduling conflicts, vacations, illness, etc., will occasionally require the employment of pro tem municipal judges. It is understood that it is in the interest of both parties to maintain an active pool of pro tem judges so that the work for the Municipal Court will not be interrupted when ROBERT T. SCOTT must be absent from that position. Therefore:

- a. On or before the 1<sup>st</sup> of January of each and every year this contract remains in effect, ROBERT T. SCOTT shall submit to the City Council the names of those persons whom he wishes to nominate as pro tem judges for the 12 months following the date of such appointment. These persons shall all be members of the Oregon State Bar, in good standing, and must be satisfactory to the City Council of the CITY. Upon receiving such list of proposed pro tem judges, the City Council shall, at its next regularly scheduled meeting, or as soon thereafter as may be convenient, review the list of persons nominated by ROBERT T. SCOTT and approve or deny their appointment as pro tem municipal judges. Any pro tem municipal judge shall also be an independent contractor and not an employee of the City of Albany and shall exercise the same functions, duties, powers, and responsibilities as those assumed by ROBERT T. SCOTT pursuant to this agreement.
- b. When the services of pro tem judges are required because Robert T. Scott is on vacation, ill, or has a scheduling conflict, the City shall pay the pro tem judges' fees for services rendered, up to a maximum expenditure of \$3,000 during the calendar year ~~2015~~2016. Robert T. Scott shall be responsible for negotiating with the pro tem judges and setting their per hour fee for services rendered, which shall not exceed \$150 per hour. In the event the total cost of pro tem services exceeds \$3,000 in the calendar year ~~2015~~2016, ROBERT T. SCOTT shall pay the excess over \$3,000 and shall hold the City harmless therefrom.

When a conflict of interest requires the services of a pro tem judge, or when Albany Municipal Court business or the professional development of the Municipal Judge requires that ROBERT T. SCOTT be away from the Court, compensation of a pro tem judge shall be at the same rate as established for other pro tem use, and shall be paid by the City. The amount so paid shall not be included in the \$3,000 contracted for by the City in the preceding paragraph.

- c. ROBERT T. SCOTT shall make a reasonable effort to maintain a pool of at least three pro tem municipal judges that all will be reasonably familiar with Municipal Court procedures should their service be necessary.
- d. ROBERT T. SCOTT shall instruct all pro tems concerning procedures and customary sentences in order to promote uniformity to the greatest extent possible.

Term. This Agreement shall commence January 1, ~~2015~~2016, and shall continue until December 31, ~~2015~~2016. This contract may be renewed annually upon the terms set forth herein or upon any other terms mutually acceptable to both parties. Notwithstanding the foregoing, ROBERT T. SCOTT shall serve at the pleasure of the City Council. No rights, responsibilities, salary, or other benefits shall extend beyond the term of this Agreement and nothing in this Agreement shall be deemed to vest in ROBERT T. SCOTT any property interest in the duties, responsibilities, or compensation provided in this contract or any right to the continuation thereof. Either party may, at any time, terminate this Agreement, with or without cause, upon thirty (30) days' written notice, in which event ROBERT T. SCOTT shall be entitled to all compensation then due.

Compensation. Effective January 1, ~~2015~~2016, ROBERT T. SCOTT would be entitled to have his compensation increased by the cost-of-living adjustment granted to the Nonbargaining employees

during the previous calendar year, ~~2014~~2015.

For his service during the calendar year ~~2015~~2016, ROBERT T. SCOTT shall be paid gross compensation of ~~\$6,598~~ 6,763 per month. All other benefits and conditions of employment will be consistent with those of a 0.25 FTE Nonbargaining employee.

Hours of Work. It is recognized that the hours devoted by the judge in the performance of his responsibilities may vary with the caseload of the Court. The judge shall file a monthly timesheet with the Court Clerk describing the amount of time he is devoting to his judicial duties.

Periodic Review. The City Council may review the performance and compensation of the Municipal Court Judge by such method and at such times as the Council shall deem appropriate.

Dues and Subscriptions. The Municipal Court Judge shall maintain membership in the Oregon Municipal Judges Association and all fees required for such membership shall be paid by the CITY. In addition, the CITY encourages the Municipal Judge to participate in national, regional, and state and local associations and organizations necessary and desired for his continued professional growth and advancement and to improve his performance as Municipal Judge of the CITY OF ALBANY. Should the Municipal Judge desire to incur any expenditure for any of the proposed activities outlined above, he may obtain prior consent from the Mayor of the CITY OF ALBANY, in which event the CITY shall be obligated to reimburse for such pre-authorized expenses, or the Municipal Judge may submit a request for reimbursement without prior authorization, in which event the CITY, in the exclusive exercise of discretion, may reimburse for such expenses.

Professional Development. The CITY agrees to reimburse the Municipal Judge for registration, travel, and subsistence expenses for professional and office travel, meetings, and occasions deemed necessary or desirable to continue the professional development of the Municipal Judge. The procedures for reimbursement shall be the same as those for Nonbargaining employees.

General Provisions. This Agreement shall constitute the entire agreement between the parties and supersedes any previous agreements or understandings. If any provisions or a portion thereof contained in this Agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect. No other benefits, consideration, or compensation of any kind shall be due from CITY to ROBERT T. SCOTT or any pro tem judge other than as set forth herein.

CITY OF ALBANY:

JUDGE:

By \_\_\_\_\_  
Sharon Konopa, Mayor

\_\_\_\_\_   
Robert T. Scott, Municipal Judge

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPOINTING MUNICIPAL COURT JUDGE PRO TEMS AND REPEALING  
RESOLUTION NO. 6393.

WHEREAS, an active pool of pro tem judges shall be maintained so that the work for the Municipal Court will not be interrupted when the Judge is absent from his position; and

WHEREAS, the contract between the City of Albany and Judge Robert T. Scott specifies that he shall submit to the City Council the names of persons whom he wishes to nominate as pro tem judges for the duration of a new contract; and these persons shall be members of the Oregon State Bar and in good standing.

NOW, THEREFORE, BE IT RESOLVED that the following persons are hereby appointed as Judge Pro Tems for the Albany Municipal Court of the City of Albany, Oregon:

- Doug Moore
- Gary Norman
- Mark Taleff
- Paul Kuebrich

BE IT FURTHER RESOLVED that Resolution No. 6393 is hereby repealed.

DATED AND EFFECTIVE THIS 10<sup>TH</sup> DAY OF FEBRUARY 2016.

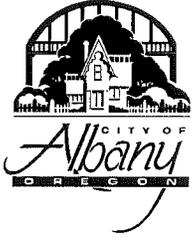
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Mayor

ATTEST:

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City Clerk



TO: Albany City Council  
VIA: Wes Hare, City Manager  
FROM: Jeff Blaine, P.E., Public Works Engineering & Community Development Director *AB*  
Chris Bailey, Public Works Operations Director *JB for*

DATE: January 28, 2016, for the February 8, 2016, City Council Work Session

SUBJECT: Stormwater Utility Discussion – Understanding & Council Direction

RELATES TO STRATEGIC PLAN THEME: ● Great Neighborhoods  
● A Safe City  
● An Effective Government

Action Requested:

Staff requests that Council provide direction on next steps to develop a stormwater utility.

Discussion:

This memo and accompanying presentation represents the start of what could be a series of discussions needed to develop the formation of a stormwater utility in Albany. The purpose of this presentation is to provide Council a high level understanding of stormwater utility development and to receive Council direction on next steps.

A series of discussions and presentations took place in 2015 to provide a look at Albany's stormwater program today and anticipated challenges in the future. During these meetings, we learned that we will need stormwater funding to:

- fully develop stormwater programs under upcoming stormwater regulations;
- conduct basic O&M activities and perform condition assessments that help identify failing pipes;
- repair/replace failing pipes;
- install pipes identified through the Stormwater master planning process needed to add capacity and reduce flooding; and
- ensure a fair, equitable, dependable revenue source to fund only stormwater management activities.

At the November 9, 2015, Work Session, Council directed staff to proceed with discussions about developing a stormwater utility. At Monday's Work Session, staff and consultants will review the steps required for stormwater utility development and a typical roadmap to adoption. If Council would like to continue to consider a stormwater user fee, staff envisions a series of presentations with Council over a period of time in order to develop and implement a defensible stormwater utility fee.

Budget Impact:

There is no budget impact at this time.

JB:kw

c: Mark A. Yeager, P.E., Utility Services Manager (via e-mail)  
Staci Belcastro, P.E., City Engineer (via e-mail)  
Jeni Richardson, P.E., Civil Engineer III (via e-mail)  
Jeff Babbitt, Senior Accountant (via e-mail)

RESOLUTION \_\_\_\_\_

**A RESOLUTION OF ALBANY, LINN AND BENTON COUNTIES, OREGON, CALLING FOR AN ELECTION TO SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF RENEWING A LEVY AT \$1.15 PER \$1,000 ASSESSED VALUE FOR AMBULANCE, FIRE, AND POLICE OPERATIONS BEGINNING IN FISCAL YEAR 2016-2017 FOR FIVE YEARS.**

WHEREAS, the Budget Committee of the City of Albany found that revenues are needed to enhance essential services provided for everyone's use and protection beginning in the Fiscal Year 2003-2004 and recommended that a five-year public safety operating levy be submitted to the legal voters of the City of Albany; and

WHEREAS, the City Council of the City of Albany supports the value of continuing to provide quality services to the citizens of the City.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALBANY, AS FOLLOWS:

Section 1. Date of Election. A levy election with the question set forth in Section 2 of this resolution shall be submitted in the manner prescribed herein to the legal voters residing within the City of Albany, on the 17<sup>th</sup> day of May 2016.

Section 2. Form of Question. Shall Albany impose \$1.15 per \$1,000 assessed value for Ambulance, Fire, Police operations for five more years beginning in 2016-2017? This measure renews current local option taxes.

Section 3. Project Description. The City plans to use tax revenue from this measure to continue funding for Firefighter/EMTs, fire marshal and emergency services positions to maintain fire prevention and public education at current levels, and continue funding for Police Officers, Community Service Officers, and communications and crime analyst positions together with related equipment and training. Taxes will also continue to be used to pay inflationary operating costs for the Fire/Ambulance and Police Departments.

Section 4. Hours of Election. The election shall be conducted as a mail-in election.

Section 5. Notice of Election. Notice of the levy election shall be given by the County Clerks and City Elections Officer, as provided in the general election laws of the State of Oregon and the Charter of the City of Albany.

Section 6. Ballot Form. The City Attorney has reviewed a Notice of Levy Election and Ballot Title in substantially the form attached hereto as Exhibit A.

DATED AND EFFECTIVE THIS 10<sup>th</sup> DAY OF FEBRUARY 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Exhibit "A"**

CAPTION

Renewal of the Ambulance, Fire, and Police Local Option Tax

QUESTION

Shall Albany impose \$1.15 per \$1,000 assessed value for Ambulance, Fire, Police operations for five more years beginning 2016-2017? This measure renews current local option taxes.

SUMMARY

The City plans to use tax revenue from this measure to continue funding for Firefighter/EMTs, fire marshal, and emergency services positions to maintain fire prevention and public education at current levels, and continue funding for Police Officers, Community Service Officers, and communications and crime analyst positions together with related equipment and training. Taxes will also continue to be used to pay inflationary operating costs for the Fire/Ambulance and Police Departments.

The proposed rate will net approximately \$3,141,908 in 2016-2017, \$3,465,628 in 2017-2018, \$3,794,926 in 2018-2019, \$3,984,671 in 2019-2020, and \$4,183,905 in 2020-2021 for a total of \$18,571,038.

The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessors at the time of estimate and may reflect the impact of early payment discounts, compression and the collection rate.

**AN ORDINANCE OF ALBANY, LINN AND BENTON COUNTIES, OREGON, CALLING FOR AN ELECTION TO SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF RENEWING A LEVY AT \$1.15 PER \$1,000 ASSESSED VALUE FOR AMBULANCE, FIRE, AND POLICE OPERATIONS BEGINNING IN FISCAL YEAR 2016-2017 FOR FIVE YEARS; AND DECLARING AN EMERGENCY.**

WHEREAS, the Budget Committee of the City of Albany found that revenues are needed to enhance essential services provided for everyone’s use and protection beginning in the Fiscal Year 2003-2004 and recommended that a five-year public safety operating levy be submitted to the legal voters of the City of Albany; and

WHEREAS, the City Council of the City of Albany supports the value of continuing to provide quality services to the citizens of the City.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY ORDAIN AS FOLLOWS:

Section 1. Date of Election. A levy election with the question set forth in Section 2 of this ordinance shall be submitted in the manner prescribed herein to the legal voters residing within the City of Albany, on the 17<sup>th</sup> day of May 2016.

Section 2. Form of Question. Shall Albany impose \$1.15 per \$1,000 assessed value for Ambulance, Fire, Police operations for five more years beginning in 2016-2017? This measure renews current local option taxes.

Section 3. Project Description. The City plans to use tax revenue from this measure to continue funding for Firefighter/EMTs, fire marshal and emergency services positions to maintain fire prevention and public education at current levels, and continue funding for Police Officers, Community Service Officers, and communications and crime analyst positions together with related equipment and training. Taxes will also continue to be used to pay inflationary operating costs for the Fire/Ambulance and Police Departments.

Section 4. Hours of Election. The election shall be conducted as a mail-in election.

Section 5. Notice of Election. Notice of the levy election shall be given by the County Clerks and City Elections Officer, as provided in the general election laws of the State of Oregon and the Charter of the City of Albany.

Section 6. Ballot Form. The City Attorney has reviewed a Notice of Levy Election and Ballot Title in substantially form attached hereto as Exhibit A.

Section 7: Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor’s Signature

Attest:

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City Clerk

**Exhibit "A"**

CAPTION

Renewal of the Ambulance, Fire, and Police Local Option Tax

QUESTION

Shall Albany impose \$1.15 per \$1,000 assessed value for Ambulance, Fire, Police operations for five more years beginning 2016-2017? This measure renews current local option taxes.

SUMMARY

The City plans to use tax revenue from this measure to continue funding for Firefighter/EMTs, fire marshal, and emergency services positions to maintain fire prevention and public education at current levels, and continue funding for Police Officers, Community Service Officers, and communications and crime analyst positions together with related equipment and training. Taxes will also continue to be used to pay inflationary operating costs for the Fire/Ambulance and Police Departments.

The proposed rate will net approximately \$3,141,908 in 2016-2017, \$3,465,628 in 2017-2018, \$3,794,926 in 2018-2019, \$3,984,671 in 2019-2020, and \$4,183,905 in 2020-2021 for a total of \$18,571,038.

The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessors at the time of estimate and may reflect the impact of early payment discounts, compression and the collection rate.

## House Bill 4086

Sponsored by Representative RAYFIELD, Senator GELSNER, Representative OLSON; Representatives BARKER, BARNHART, EVANS, GILLIAM, HOLVEY, LIVELY, PILUSO, WITT, Senator ROSENBAUM (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.

Provides for temporary lockout benefits, equal to weekly unemployment benefit amount of individual's most recent unemployment benefit claim, to individual who is unemployed due to lockout. Caps temporary lockout benefits at lesser of 26 times weekly benefit amount of individual's most recent unemployment benefit claim or amount paid before lockout ends. Provides that employer shall be charged for temporary lockout benefits in manner provided for charging employers for regular benefits. Provides for retroactive payment of temporary lockout benefits to individuals unemployed due to lockout at time of passage of measure.

Declares emergency, effective on passage.

### A BILL FOR AN ACT

1  
2 Relating to unemployment benefits of individuals who are unemployed due to lockouts; and declaring  
3 an emergency.

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

5 **SECTION 1.** Section 2 of this 2016 Act is added to and made a part of ORS chapter 657.

6 **SECTION 2.** (1) As used in this section, "temporary lockout benefits" means benefits  
7 payable as provided in this section to individuals who are unemployed due to a lockout as  
8 defined in ORS 662.205.

9 (2) An individual is eligible to receive temporary lockout benefits for a week in an amount  
10 equal to the weekly benefit amount of the individual's most recent unemployment benefit  
11 claim if:

12 (a) Prior to the week, the individual has received all of the regular benefits that were  
13 available to the individual under this chapter;

14 (b) The individual is not eligible for any other benefits, including benefits provided under  
15 any federal law extending benefits beyond those provided for as regular benefits; and

16 (c) At the time of filing an initial or additional claim, the individual is unemployed due  
17 to a lockout at the individual's place of employment.

18 (3) The maximum temporary lockout benefit amount an individual may receive under this  
19 section is 26 times the weekly benefit amount of the individual's most recent unemployment  
20 benefit claim.

21 (4) Notwithstanding subsections (2) and (3) of this section, temporary lockout benefits  
22 otherwise payable to an individual under this section may not be paid for weeks that begin  
23 after the week in which the lockout ends.

24 (5) An employer shall be charged for temporary lockout benefits in the manner provided  
25 in this chapter for charging employers for regular benefits.

26 **SECTION 3.** (1) Section 2 of this 2016 Act applies to weeks that begin on or after the ef-  
27 fective date of this 2016 Act.

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.

1 (2)(a) Notwithstanding subsection (1) of this section, with respect to individuals who are  
2 unemployed due to a lockout on the effective date of this 2016 Act and who are otherwise  
3 eligible to receive temporary lockout benefits, section 2 of this 2016 Act applies to weeks that  
4 begin before, on or after the effective date of this 2016 Act.

5 (b) Temporary lockout benefits that are retroactively payable by operation of this sub-  
6 section must be claimed by the eligible individual, in the manner prescribed in this chapter  
7 for claiming regular benefits, within 60 days after the effective date of this 2016 Act.

8 SECTION 4. (1) If the United States Secretary of Labor serves notice that the provisions  
9 of section 2 of this 2016 Act fail to meet the requirements of the Social Security Act or the  
10 Federal Unemployment Tax Act, section 2 of this 2016 Act shall no longer be of any force or  
11 effect.

12 (2) The Director of the Employment Department shall notify the Legislative Counsel as  
13 soon as practicable after receipt of the notice described in subsection (1) of this section.

14 SECTION 5. This 2016 Act being necessary for the immediate preservation of the public  
15 peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect  
16 on its passage.

17

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