

RESOLUTION NO. 2783

**A RESOLUTION adopting a process for establishing and a mechanism for maintaining Council Policies.**

Findings

- A. The City Council has adopted various policies over the years through a variety of means, making them difficult to track, implement, and update.
- B. As a part of the City's Strategic Plan, staff has reviewed all of the current Council policies adopted by resolution, motion, and historical practice, and has determined that a standard process for adoption and tracking needs to be established to create a consistent manner of tracking Council policies.
- C. A variety of policies have been adopted by Council Resolution, which is the most appropriate way to establish Council policies.
- E. Appendix A of this resolution will maintain a list of policies adopted by the City Council, with ensuing exhibits that spell out the policy being adopted.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

1. The City recognizes the need for a standard process for adopting City Council policies and a means for documenting, maintaining and making those policies accessible.
2. The policies included in Appendix A are adopted as Council policies. Appendix A shall be maintained by the City Recorder and shall be posted on the City website.
3. Future Council Policies shall be adopted by a resolution amending Appendix A to this resolution.
4. All resolutions previously adopted for the policies included in Exhibit A are superseded by this resolution and the policies listed in Appendix A. To the extent that any policies are amended by this resolution, the amendments apply after the effective date of this resolution.
5. This resolution takes effect immediately upon passage.

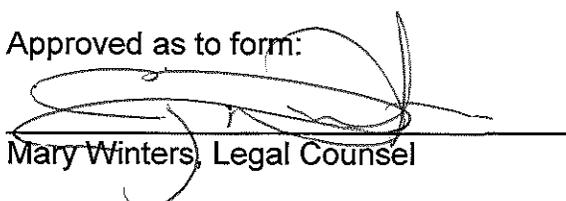
Adopted by the City Council the 19<sup>th</sup> day of May, 2010.

YES: 6

NO: 0

Authenticated by the Mayor the 19th day of May, 2010.

Approved as to form:

  
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Mary Winters, Legal Counsel

Attest:

  
\_\_\_\_\_  
Kathie Eckman, Mayor

  
\_\_\_\_\_  
Patricia Stell, City Recorder

## APPENDIX A

<b>Exhibit</b>	<b>Policy Title</b>	<b>Date of Original Approval</b>	<b>Most Recent Amendment</b>
1	<b>Investment Policy</b> (Council Motion)	April 19, 1989 (updated annually)	June 17, 2009
2	<b>Emergency Management Policy</b> (Resolution 2707)	July 2, 2008	
3	<b>Deadly Force Plan Policy</b> (Resolution 2676)	February 20, 2008	
4	<b>Identity Theft Prevention</b> (Resolution 2733)	April 15, 2009	
5	<b>Fiscal Policies</b> (Council Motion)	November 9, 2009	
6	<b>Fire Response to Emergencies Outside of the District Policy</b> (Council Motion)	August 7, 1995	May 19, 2010

**City of Bend  
Investment Policy**

**I. PURPOSE**

The City of Bend, Oregon (hereinafter referred to as the City) was incorporated in 1905 and operates under the council-manager form of government. Policy-making and legislative authority are vested in the governing council, which consists of a mayor and six-member council. The governing council is responsible, among other things, for passing ordinances, adopting the budget, appointing committees and hiring the City Manager. Bend has a population of 80,995 and is located one hundred sixty five miles southeast of Portland, Oregon, in the center of Oregon.

The average monthly balance of funds invested in the City's general portfolio, excluding proceeds from bond issues, is approximately \$50 - 60 million. The highest balances in the portfolio occur between November and January after property taxes are collected.

The purpose of this Investment Policy is to establish the investment objectives, delegation of authority, standards of prudence, eligible investments and transactions, internal controls, reporting requirements, and safekeeping and custodial procedures necessary for the prudent management and investment of the funds of the City of Bend.

This Policy has been adopted by the City Council of Bend, Oregon on June 17, 2009 and replaces the City's previous Investment Policy dated April 19, 1989 as revised October 21, 1992, January 5, 2000, June 5, 2002, May 21, 2003, June 16, 2004, June 1, 2005, June 21, 2006, June 20, 2007, and June 18, 2008.

**II. SCOPE**

- A. This policy applies to activities of the City of Bend (the City) with regard to investing the financial assets of all funds except for funds held in trust for the Pension Portfolio and deferred compensation funds for the Employees of the City which have separate rules. In addition, funds held by trustees or fiscal agents are excluded from these rules; however, all funds are subject to regulations established by the State of Oregon.

**III. OBJECTIVES**

The City's principal investment objectives are:

- A. Preservation of capital and protection of investment principal.  
B. Conformance with federal, state and other legal requirements.  
C. Maintenance of sufficient liquidity to meet operating requirements that are reasonably anticipated.  
D. Diversification to avoid incurring unreasonable risks regarding specific security types or individual financial institutions.  
E. Attainment of a market value rate of return throughout budgetary and economic cycles.

**IV. DELEGATION OF AUTHORITY**

- A. The ultimate responsibility and authority for the investment of City funds resides with the City Council. The City hereby designates the Finance Director as the Investment Officer for the City's funds. The Investment Officer shall invest City funds in accordance with ORS Chapter 294,

Public Financial Administration, and with this Investment Policy. This Policy shall constitute a "written order" from City Council per ORS 294.035. The Investment Officer, with the consent of the City Manager, may further delegate the authority to invest City funds to additional City Finance personnel.

- B. Subject to required procurement procedures, the City may engage the support services of outside professionals in regard to its financial program, so long as it can be demonstrated or anticipated that these services produce a net financial advantage or necessary financial protection of the City's resources. External service providers shall be subject to Oregon Revised Statutes and the provisions of this Investment Policy.
- C. In order to optimize total return through active portfolio management, resources shall be allocated to the cash management program. This commitment of resources shall include financial and staffing considerations.

#### **V. PRUDENCE AND INDEMNIFICATION**

- A. The standard of prudence to be used, by the Investment Officer, in the context of managing the overall portfolio is the prudent investor rule which states: *Investments will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.*
- B. The City's Investment Officer (ORS 294.004 (2)) and staff acting in accordance with this Investment Policy, written procedures, and Oregon Revised Statutes 294.035 and 294.040 and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price change or other loss in accordance with ORS 294.047.

#### **VI. SAFEKEEPING AND CUSTODY**

Securities purchased by the City shall be held in a segregated account for the City's benefit by a third party financial institution serving as safekeeping and custody agent. The safekeeping agent shall issue a monthly statement to the City listing the specific investments held, issuer, coupon, maturity, CUSIP number, and other pertinent information. For each transaction, the broker or securities dealer shall issue a confirmation ticket to the City listing the specific instrument, issue, rating, coupon, maturity, CUSIP number, purchase or sale price, yield, transaction date, and other pertinent information.

#### **VII. ACCOUNTING METHOD**

The City shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including but not necessarily limited to, the Governmental Accounting Standards Board (GASB); the American Institute of Certified Public Accountants (AICPA); and the Financial Accounting Standards Board (FASB).

#### **VIII. INTERNAL CONTROLS**

The Investment Officer shall maintain a system of written internal controls which shall be reviewed and tested by the independent auditor at least annually or upon any extraordinary event, i.e., turnover of key personnel, the discovery of any inappropriate activity.

**IX. REPORTING REQUIREMENTS**

The Investment Officer will provide periodic reports to upper management and City Council (or designated sub-committee) showing the make-up of the investment portfolio and average interest rate as well as the monthly interest rate earned by the Local Government Investment Pool. The reports will be used to ensure adequate portfolio diversification, both by type and maturity dates. A monthly cash flow projection will be used to ensure portfolio maturities coincide with projected cash flow needs.

**X. INVESTMENT POLICY ADOPTION**

This Investment Policy will be formally adopted by the City Council. If investments exceeding a maturity of eighteen months are contemplated, further review and comment by the Oregon Short-Term Fund Board will be sought; and thereafter this policy will be readopted annually even if there are no changes.

**XI. QUALIFIED INSTITUTIONS**

- A. The City shall maintain a list of all authorized financial institutions and dealers that are approved for investment purposes. Any firm is eligible to make an application to the Investment Officer and upon due consideration and approval, will be added to the list. Additions and deletions to the list will be made at the City's discretion. All qualified institutions shall provide evidence of insurance covering invested City funds. Such insurance may include FDIC, F.S.L.I.C. and S.I.P.C. Further, there should be in place, proof as to all the necessary credentials and licenses held by employees of the brokers/dealers who will have contact with the City of Bend as specified by but not necessarily limited to the National Association of Securities Dealers (NASD), Securities and Exchange Commission (SEC), etc.
- B. Securities dealers not affiliated with a bank shall be required to have an office located in Oregon.

**XII. INVESTMENT MATURITY**

- A. Maturity limitations will depend upon whether the funds being invested are considered short-term or long-term funds. All funds will be considered short term, and limited to maturities not exceeding 18 months, except those reserved for capital projects, funded depreciation, funds held for debt retirement, claims reserves and endowment funds. Funds reserved for these specific purposes will be limited to maturities not exceeding 7 years.
- B. Investment maturities shall be scheduled to coincide with projected cash needs and following maturity guidelines:

Less than 30 days	10%
Less than 1 year	50%
Less than 18 months	65%
Less than 7 years	100%

**XIII. PORTFOLIO DIVERSIFICATION**

- A. All investments of the City shall be made in accordance with Oregon Revised Statutes: ORS 294.035 (Investment of surplus funds of political subdivisions; approved investments), ORS 294.040 (Restriction on investments under ORS 294.035), ORS 294.135 (Investment maturity dates), ORS 294.145 (Prohibited conduct for Investment Officer including

not committing to invest funds or sell securities more than 14 business days prior to the anticipated date of settlement), ORS 294.805 to 294.895 (Local Government Investment Pool). Any revisions or extensions of these sections of the ORS shall be assumed to be part of this Investment Policy immediately upon being enacted.

- B. The City will diversify the investment portfolio to avoid incurring unreasonable risks, both credit and interest rate risk, inherent in overinvesting in specific instruments, individual financial institutions or maturities.

<u>Instrument Diversification:</u>	<u>Maximum % of Portfolio*</u>
U.S. Treasury Obligations	100%
Federal Instrumentality Securities	100%
Commercial Paper and Corporate Indebtedness	35%
Banker's Acceptances	25%
Local Government Investment Pool( <i>up to Statutory limit</i> )	100%
Time Certificates of Deposit	25%
Repurchase Agreements	100%
Obligations of the States of Oregon, California, Idaho, and Washington	25%

*\*As determined on the settlement date.*

#### XIV. COMPETITIVE TRANSACTIONS

The Investment Officer will obtain quotes before purchasing or selling an investment. The Investment Officer will select the quote, which provides the highest rate of return within the maturity required and within the parameters of this policy.

#### XV. MONITORING, ADJUSTING, AND EVALUATING THE PORTFOLIO

The Investment Officer will routinely monitor the contents of the portfolio, the available markets and the relative values of competing instruments and will adjust the portfolio accordingly.

#### XVI. LIST OF AUTHORIZED INVESTMENTS

U.S. Treasury Obligations: Treasury Bills, Treasury Notes, Treasury Bonds and Treasury Strips with maturities not exceeding seven years from the date of purchase.

Federal Instrumentality Securities: Debentures, discount notes, callable securities and stripped principal or coupons with final maturities not exceeding seven years from the date of purchase issued by the following only: Federal National Mortgage Association (FNMA), Federal Farm Credit Banks (FFCB), Federal Home Loan Banks (FHLB), Federal Home Loan Mortgage Corporation (FHLMC), Student Loan Marketing Association (SLMA), Resolution Funding Corporation (RFCORP), Financing Corporation (FICO), and Tennessee Valley Authority (TVA).

Commercial Paper issued by a commercial, industrial or utility business or issued by or on behalf of a financial institution with maturities not exceeding 270 days from the date of purchase. Commercial paper must be rated at least A-1 by Standard and Poor's, or P-1 by Moody's, or F-1 by Fitch at the time of purchase

by each service which rates the commercial paper. If the commercial paper issuer has senior debt outstanding, the senior debt must be rated by each service that publishes a rating on the issuer of at least A by Standard and Poor's, or A by Moody's, or A by Fitch. Ownership of commercial paper and corporate bonds shall be limited to a combined total of thirty-five percent of the portfolio, with no more than five percent of the portfolio held in any one issuer or its affiliates or subsidiaries.

Corporate Bonds issued by a commercial, industrial or utility business or issued by or on behalf of a financial institution with final maturities not exceeding seven years from the date of purchase. Authorized corporate bonds shall be limited to obligations of United States dollar denominated corporations organized and operating within the United States. The debt must be rated at least AA by Standard and Poor's, or Aa by Moody's, or AA by Fitch. Ownership of corporate bonds and commercial paper shall be limited to a combined total of thirty-five percent of the portfolio, with no more than five percent of the portfolio held in any one issuer or its affiliates or subsidiaries.

Bankers Acceptances which are (a) guaranteed by and carried on the books of a financial institution located and licensed to do banking business in the State of Oregon; or a financial institution located in the States of California, Idaho or Washington that is wholly owned by a bank holding company that owns a financial institution that is located and licensed to do banking business in the State of Oregon. (b) Banker's acceptances shall be eligible for discount by the Federal Reserve System; and (c) the institution issuing a letter of credit shall have a short term rating of at least A-1 by Standard and Poor's or P-1 by Moody's, or F-1 by Fitch. Maturities shall be limited to 180 days from the date of purchase and ownership of bankers acceptances shall not exceed twenty-five percent of the portfolio, with no more than ten percent of the portfolio held in any one issuer.

State of Oregon Local Government Investment Pool organized pursuant to ORS 294.805 through 294.895. Participation in the Pool shall not exceed the maximum limit annually set by ORS 294.810, which as of March, 2009 was \$42,523,082. This limit may temporarily be exceeded by local governments for 10 business days due to pass-through funds.

Time Deposit Open Accounts, Certificates of Deposit, and Savings Accounts in insured institutions as defined in ORS 706.008 that are located and licensed to do banking business in the State of Oregon. Certificates of Deposit that are purchased in amounts exceeding Federal Insurance may only be purchased from well capitalized financial institutions.

Certificates of deposit that are purchased by the City shall be FDIC insured or collateralized through the state collateral pool in accordance with ORS 295.015 and ORS 295.018. Ownership of time certificates of deposit shall be limited to twenty-five percent of the portfolio, with no more than five percent with any one financial institution at the time of purchase, and maturities shall not exceed 18 months.

Repurchase Agreements with maturities of 90 days or less collateralized by U.S. Treasury securities with the maturity of the collateral not exceeding seven years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the City approved Master Repurchase Agreement. The purchased securities shall have an original minimum market value including accrued interest of 102 percent of the dollar value of the transaction, as prescribed by written policy of the Oregon Short Term Fund Board. Collateral shall be held delivery versus payment in the City's custodian bank as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily. Broker/dealers and Financial Institutions must have an executed Master Repurchase Agreement with the City.

Repurchase Agreements shall be entered into only with:

- City approved Primary Dealers reporting to the Market Reports Division of the Federal Reserve Bank of New York; or
- City approved depository banks, which have a Sheshunoff Public Peer Group Rating of 30 or better in the most recent publication of Sheshunoff Bank Quarterly.
- Primary Dealers approved as counterparties shall have a short term rating of at least A-1 or the equivalent, and a long term rating of at least A or the equivalent. The Investment Officer shall maintain a copy of the City's approved Master Repurchase Agreement.

Obligations of the States of Oregon, California, Idaho, and Washington: Lawfully issued debt obligations of these states and their political subdivisions that have a long-term rating of AA or an equivalent rating or better or are rated in the highest category for short-term municipal debt by a nationally recognized rating agency. Such obligations are authorized only if there has been no default in payment of either the principal or the interest of obligations of the issuing entity within five years preceding investment, ORS 294.040. Ownership of such obligations shall be limited to twenty-five percent of the portfolio, with no more than ten percent of the portfolio held in any one issuer. Maturities for these obligations shall not exceed seven years.

As of the date of this Policy, all of the above securities, deposits and transactions have been approved by the State Treasurer pursuant to ORS 294.046. Such securities are further outlined as permitted investments for governmental entities in a memorandum from the State Treasurer dated September 9, 1997 (revised). It is the intent of the City that the foregoing list of authorized securities is strictly interpreted. Any deviation from this list must be pre-approved in writing by the City Manager.

## XVII. GLOSSARY OF TERMS

**Accrued Interest:** The interest accumulated on a security since the issue date or since the last coupon payment. The buyer of the security pays the market price plus accrued interest.

**Arbitrage:** Effecting sales and purchases simultaneously in the same or related securities to take advantage of a market inefficiency.

**Basis Point:** One-hundredth of 1 percent. One hundred basis points equals 1 percent.

**Bear Market:** A period of generally pessimistic attitudes and declining market prices. Compare Bull Market.

**Bond:** An interest-bearing security issued by a corporation, government, governmental agency, or other body. It is a form of debt with an interest rate, maturity, and face value, and it is usually secured by specific assets. Most bonds have a maturity of greater than one year and generally pay interest semiannually. See Debenture.

**Bond Anticipation Notes (BANs):** Short-term notes sold by states and municipalities to obtain interim financing for projects that will eventually be financed by the sale of bonds.

**Bond Discount:** The difference between a bond's face value and a selling price, when the selling price is lower than the face value.

**Broker:** An intermediary who brings buyers and sellers together and handles their orders, generally charging a commission for this service. In contrast to a principal or a dealer, the broker does not own or take a position in securities.

**Bull Market:** A period of generally optimistic attitudes and increasing market prices. Compare Bear Market.

**Buyer's Market:** A market in which supply is greater than demand, giving buyers an advantage.

**Call:** An option to buy a specific asset at a certain price within a certain period of time.

**Callable:** A bond or preferred stock that may be redeemed by the issuer before maturity for a call price specified at the time of issuance.

**Call Date:** The date before maturity on which a bond may be redeemed at the option of the issuer.

**Collateral:** Securities or other property that a borrower pledges as security for the repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

**Commercial Paper:** Short-term, unsecured, negotiable promissory notes issued by businesses.

**Commission:** Broker's or agent's fee for purchasing or selling securities for a client.

**Coupon Rate:** The annual rate of interest that the issuer of a bond promises to pay to the holder of the bond.

**Coupon Yield:** The annual interest rate of a bond, divided by the bond's face value and stated as a percentage. This usually is not equal to the bond's current yield or its yield to maturity.

**Current Maturity:** The amount of time left until an obligation matures. For example, a one-year bill issued nine months ago has a current maturity of three months.

**Current Yield:** The coupon payments on a security as a percentage of the security's market price. In many instances the price should be gross of accrued interest, particularly on instruments where no coupon is left to be paid until maturity.

**CUSIP:** The Committee on Uniform Security Identification Procedures, which was established under the auspices of the American Bankers Association to develop a uniform method of identifying municipal, U.S. government, and corporate securities.

**Dealer:** An individual or firm that ordinarily acts as a principal in security transactions. Typically, dealers buy for their own account and sell to a customer from their inventory. The dealer's profit is determined by the difference between the price paid and the price received.

**Delivery:** Either of two methods of delivering securities: delivery vs. payment and delivery vs. receipt (also called "free"). Delivery vs. payment is delivery of

securities with an exchange of money for the securities. Delivery vs. receipt is delivery of securities with an exchange of a signed receipt for the securities.

**Discount:** The reduction in the price of a security; the difference between its selling price and its face value at maturity. A security may sell below face value in return of such things as prompt payment and quantity purchase. "At a discount" refers to a security selling at less than the face value, as opposed to "at a premium," when it sells for more than the face value.

**Fannie Mae:** Trade name for Federal National Mortgage Association (FNMA).

**Finance Committee.** Subcommittee of the City Council appointed by the Mayor on an annual basis.

**Freddie Mac:** Trade name for Federal Home Loan Mortgage Corporation (FHLMC).

**Full Faith and Credit:** Indicator that the unconditional guarantee of the United States government backs the repayment of a debt.

**General Obligation Bonds (GOs):** Bonds secured by the pledge of the municipal issuer's full faith and credit, which usually includes unlimited taxing power.

**Ginnie Mae:** Trade name for the Government National Mortgage Association (GNMA).

**Government Bonds:** Securities issued by the federal government; they are obligations of the U.S. Treasury. Also known as "governments."

**Interest:** Compensation paid or to be paid for the use of money. The rate of interest is generally expressed as an annual percentage.

**Interest Rate:** The interest payable each year on borrowed funds, expressed as a percentage of the principal.

**Investment Banking:** A term used to describe the financing of the capital requirements of an enterprise, as opposed to the working capital requirements of a business. Investment bankers buy and sell securities, such as stocks, bonds, and mortgages. They act as the intermediaries between the investor and the corporation or government that needs to finance its operations. An investment bank charges a fee for services relating to securities, such as advisory, negotiation, and distribution services. See Syndicate; Underwriter.

**Investment Portfolio:** A collection of securities held by a bank, individual, institution, or government agency for investment purposes.

**Investment Securities:** Securities purchased for an investment portfolio, as opposed to those purchased for resale to customers.

**Investor:** A person who purchases securities with the intention of holding them to make a profit.

**Liquidity:** The ease at which a security can be bought or sold (converted to cash) in the market. A large number of buyers and sellers and a high volume of trading activity are important components of liquidity.

**Mark to Market.** Adjustment of an account or portfolio to reflect actual market price rather than book price, purchase price or some other valuation.

**Mortgage Bond:** A bond secured by a mortgage on property. The value of the property used as collateral usually exceeds that of the mortgage bond issued against it.

**Municipals:** Securities, usually bonds, issued by a state or its agencies. The interest on "munis" is usually exempt from federal income taxes and state and local income taxes in the state of issuance. Municipal securities may or may not be backed by the issuing agency's taxation powers.

**National Association of Securities Dealers (NASD):** A self-regulatory organization that regulates the over-the-counter market.

**Par Value:** The value of a security expressed as a specific dollar amount marked on the face of the security, or the amount of money due at maturity. Par value should not be confused with market value.

**Pool:** A collection of mortgages assembled by an originator or master servicer as the basis for a security. Pools are identified by a number.

**Portfolio:** A collection of securities held by an individual or institution.

**Prudent Man Rule:** A long-standing common-law rule that requires a trustee who is investing for another to behave in the same way as a prudent individual of reasonable discretion and intelligence who is seeking a reasonable income and preservation of capital.

**Quotation, or Quote:** The highest bid to buy or the lowest offer to sell a security in any market at a particular time. See Bid and Asked.

**Sallie Mae:** Trade name for the Student Loan Marketing Association (SLMA).

**Spread:** The difference between two figures or percentages. For example, the difference between the bid and asked prices of a quote or between the amount paid when a security is bought and the amount received when it is sold.

**Trade Date:** The date when a security transaction is executed.

**Trader:** Someone who buys and sells securities for a personal account or a firm's account for the purpose of short-term profit.

**Trading Market:** The secondary market for bonds that have already been issued. See Secondary Market.

**Treasury Bill (T-Bill):** An obligation of the U.S. government with a maturity of one year or less. T-bills bear no interest but are sold at a discount.

**Treasury Bonds and Notes:** Obligations of the U.S. government that bear interest. Notes have maturities of one to ten years; bonds have longer maturities.

**Yield:** The annual rate of return on an investment, expressed as a percentage of the investment. Income yield is obtained by dividing the current dollar income by the current market price for the security. Net yield, or yield to maturity, is the current income yield minus any premium above par or plus any discount from par in the purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

**Yield to Maturity:** The average annual yield on a security, assuming it is held to maturity; equals to the rate at which all principal and interest payments would be

discounted to produce a present value equal to the purchase price of the bond.  
Also called net yield.

**CITY OF BEND  
EMERGENCY MANAGEMENT POLICY**

**I. PURPOSE**

The "Emergency Management Policy" identifies the guiding principles for the City of Bend related to emergency management. The Policy provides direction for the Emergency Operations Plan, which is the emergency response plan for the City. This Policy has been approved by City Council Resolution No. 2707. All sections of the Emergency Operations Plan will comply with the policies contained herein.

**II. AUTHORITY**

The Emergency Management Policy is set forth by the Bend City Council pursuant to:

Local

- Bend Code 1.520 Emergency Management
- Resolution 2680 (2008), establishing the National Incident Management System (NIMS)

State of Oregon

- Oregon Revised Statutes (ORS) Chapter 401

**III. COMMAND AND MANAGEMENT**

**A. National Incident Management System (NIMS) and Incident Command System (ICS)**

- Resolution 2680 – Adopted on March 5, 2008 established the National Incident Management System as the City's formal approach to emergency management in the City of Bend
- The Incident Command System (ICS) structure will be utilized for managing emergency response activities in the City of Bend
- The NIMS Implementation Plan identifies the steps that need to be taken and timelines for achieving compliance with NIMS principles and requirements

**B. Executive Responsibility**

- The City Council, as the governing body for the City of Bend, is responsible for adopting an Emergency Management Policy that will guide staff in their emergency management efforts.
- The City Manager and/or designee is responsible for implementation of the **Emergency Operations Policy**. This includes managing regular reviews of the Policy and accordingly reviewing and updating the Emergency Operations Policy and the Emergency Operations Plan.
- In the event of an emergency, the Incident Commander is responsible for managing the incident response. At the conclusion of the response period, the Incident Commander will submit a report to the City Manager and Councilors.

**C. Chain of Command in an Emergency**

- The Incident Commander is responsible for managing the Incident Command System during an emergency response period. At the time in which the Commander finds that the potential for all local resources to be exhausted, the Incident Commander will contact the City Manager to submit a declaration of emergency to Deschutes County
- In the event that the City Manager is out of town or unavailable, the Acting City Manager will be contacted (*see the EOP for the succession of authority list*)
- Prior to declaring an emergency, the City Manager will make every reasonable effort to contact City Councilors to inform them of the need to declare an emergency
- The City Manager will submit the declaration of emergency to the Deschutes County Emergency Manager for County Commissioner approval
- At its next City Council meeting, the Council shall consider whether to ratify the declaration of emergency.
- The Deschutes County Emergency Manager will provide additional resources to the City of Bend. In the event that Central Oregon resources have been exhausted, the Deschutes County Emergency Manager will contact the State of Oregon for additional resources.
- In the event that the State of Oregon's resources have been exhausted, the Governor of the State of Oregon shall submit a request for federal resources to the President of the United States.

**D. Components of an Emergency Declaration**

The City's declaration of a state of emergency shall:

- a) State the nature of the emergency;
- b) Designate the geographic boundaries of the area which is subject to the emergency controls; and
- c) State any special regulations imposed as a result of the state of emergency.
- d) State the duration of time during which the area so designated shall remain an emergency area.
- e) Authorize specific emergency powers for the duration of the emergency period set forth in the declaration.

**IV. GUIDING POLICY STATEMENTS**

It is the policy of the City of Bend to safeguard life and property by making maximum use of all available resources, public and private, to minimize the effects of environmental, technological, civil, and political emergencies.

**A. Emergency Preparedness Policies**

- 1) The City of Bend is committed to proactive planning in preparation for emergency incidents. These preparedness efforts are critical and provide for important relationships and discussions to occur with partners prior to an emergency situation.

- 2) The City Manager will appoint an Emergency Preparedness Coordinator as the single point of contact for the City for internal City departments and external community partners. This will provide continuity throughout the planning process and provide for a strong relationship with local, regional, and state emergency management organizations.
- 3) The City Emergency Preparedness Coordinator will form a Emergency Preparedness Task Force with members from the City's Police, Fire, and Public Works Departments to coordinate internal preparedness and response activities.

**B. Emergency Response Policies**

- 1) Essential City services will be maintained as long as conditions permit.
- 2) An emergency will require prompt and effective response and recovery operations by City departments, disaster relief, volunteer organizations, and the private sector.
- 3) Environmental, technological, and civil emergencies may be of such magnitude and severity that County, State, and Federal assistance is required.
- 4) County and State support of City emergency operations will be based on the principal of self-help. The City will be responsible for utilizing all available local and mutual aid resources prior to requesting assistance from either Deschutes County Emergency Management or the State of Oregon.
- 5) When an emergency situation exists, all City Departments will put their emergency operations plans and operating guidelines into limited or full operation, as necessary.
- 6) In the event of an emergency, the Incident Commander has the authority to re-assign City personnel to assist in response.
- 7) Operational situation and status reports will be made by incident management staffs based upon severity of the emergency or anticipated emergency to include:
  - a) Estimated time and location of impact
  - b) Date, time, and location of the actual emergency
  - c) For emergencies with minimum or no warning-date, time, location, known or estimated number of injuries or casualties, and estimated damage at time of report
  - d) Date and time of activation of department emergency operations

Such reports will be forwarded to the City Council by the City Manager, as well as Department Directors, EOC staff, and affected jurisdictions as appropriate.

- 8) Access to emergency services shall not be denied on the grounds of race, color, national origin, sex, age, or disability. The needs of vulnerable populations shall be identified and planned for as directed by policy makers and according to federal regulations and guidance. Deschutes County Office of Emergency Management is currently developing a vulnerable population list, in cooperation with public and private organizations, which will guide emergency responders in their efforts to assist vulnerable populations in the region. Developing partnerships and working with local organizations to help identify those citizens at risk will continue to be an important component of our cooperative emergency preparedness efforts. Special populations may include, but are not limited to:
- a) People with disabilities
  - b) Non-English speakers
  - c) Elderly Adults
  - d) The incarcerated
  - e) The hospitalized

The City has the following programs in place for special populations:

- a) TTY contact and captioned cable alert for people with hearing disabilities
  - b) Spanish/English outreach programs in the Police Department, identified language skills of City employees
  - c) Access to City facilities and Red Cross shelter facilities
  - d) Routine fire inspections of adult assisted living facilities, rest homes, nursing homes and hospitals
  - e) Identified transportation assistance for the people with disabilities
- 9) Emergency response often requires decisions to be made quickly under adverse conditions. Emergency conditions may require actions which are not listed in the EOP, or which run counter to guidelines suggested. Decisions, when based on information available to the Incident Commander and which appeared reasonable at the time, will not give rise to a civil liability claim after an incident, even if a different course of action in retrospect appears better. Government entities complying with the EOP shall not be liable for injury, death, or loss of property except in cases of willful misconduct or gross negligence.
- 10) Assistance to jurisdictions and agencies with whom the City has contracted obligations will be rendered using the same priorities as those used to respond to incidents within the City. Response will be provided according to the provisions of the contract, and the guidelines established by the Emergency Operations Plan of the jurisdiction or agency.

- 11) City Departments shall retain their identity and autonomy during a declared state of emergency. Each hazard identified within this plan has one or more departments identified as "lead agencies." In general, the lead agencies will be responsible for taking the lead in response to their identified hazard. However, all departments share planning responsibilities in all phases and all activity levels, and will work cooperatively to achieve the overall objectives set by the emergency management organization.
- 12) Unified Command will be predominately used for decision making in the event of multiple jurisdictional responses.
- 13) **Levels of Activity:** Since accidents and emergency incidents occur frequently, but rarely with the scope and complexity which would require the implementation of the City EOP, activation will be based on the following definitions and criteria:

**Level I** The normal organization and procedures of City departments, including police, fire, and public works, that do not require implementation of the EOP.

**Level II** An incident that has special or unusual characteristics requiring response by more than one City Department, or which is beyond the scope of available local resources, may require partial implementation of the EOP.

**The following incidents require an automatic Level II activation:**

- a) Mass Casualty Incidents (MCI)
- b) Urban interface fires
- c) Aircraft accident (which is also a mass casualty incident)
- d) Moderate to major hazardous materials incidents within the City of Bend
- e) Community Emergency Response Team operations within the City of Bend
- f) Any evacuation expected to last more than 4 hours

**Level III** An incident that requires the coordinated response of local, regional, state, and federal resources to save lives and protect the property of a large portion of the population. Such an emergency may require the sheltering or relocation of the affected population. Under such conditions, the EOP shall be implemented.

**The following incidents require an automatic Level III activation:**

- a) Train accident with hazardous materials
- b) Earthquake involving obvious structural damage
- c) Major civil disorder
- d) Wildland Urban Interface Conflagration

DEADLY  
PHYSICAL  
FORCE  
PLAN

Deschutes County  
Use of Deadly Physical Force  
Planning Authority

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Members of the Planning Authority

- Co-chair – Mike Dugan – Deschutes County DA
- Co-chair – Sheriff Larry Blanton
- Chief Ron Roberts – City of Redmond Police Department
- Sergeant Tom Kipp – Oregon State Police
- Detective Mike Tabor – Bend PD (Labor Union Representative)
- Tom York - Citizen

On January 31<sup>st</sup>, 2008, this Plan was approved by a unanimous vote of the Planning Authority, and submitted for approval to governing bodies of the following jurisdictions:

Deschutes County-----	Approved/Disapproved (date)
Black Butte Ranch Police Department	
Deschutes County Sheriff's Office	
Sunriver Police Department	
City of Bend-----	Approved/Disapproved (date)
City of Redmond-----	Approved/Disapproved (date)

## Preamble

The use of deadly physical force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. The purpose of this Plan is not to set the standards for the use of such force, or to be a substitute for agency policy regarding use of force, but rather to provide a framework for a consistent response to an officer's use of deadly physical force that treats the law enforcement officer fairly, and promotes public confidence in the criminal justice system.

## Section 1: Administration

- (1) In the event that a member of the planning authority is unable to continue to serve, a replacement shall be appointed as provided in Section 2(1) of Senate Bill 111, Oregon Laws 2007.
- (2) There shall be six voting members of the Planning Authority. The approval of the Plan, elements or revisions thereof, shall be by majority vote.
- (3) The presence of 2/3 of the voting members shall be required in order to hold any vote.
- (4) Any meeting of a quorum of the voting members of the Planning Authority is subject to Oregon's open meeting law.

## Section 2: Applicability of the Plan

- (1) This plan shall be applicable, as set forth herein, to any use of deadly physical force, that results in a death of a person, by a police officer acting in the course of and in furtherance of his/her official duties, occurring within Deschutes County.

## Section 3: Definitions

- Parent Agency-** Means the law enforcement organization or organizations employing the involved officer or officers.
- Plan -** Means the final document approved by the Planning Authority, adopted by two-thirds of the governing bodies employing law enforcement agencies, and approved by the Attorney General. Any approved revisions shall become a part of the Plan.

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<b>Deadly Physical -- Force</b>	Means physical force that under the circumstances in which it is used is readily capable of causing death or serious physical injury.
<b>Physical Injury-</b>	Means impairment of physical condition or substantial pain that does not amount to "serious physical injury."
<b>Involved Officer-</b>	Means the person whose official conduct, or official order, was the cause in fact of the death of a person. "Involved Officer" also means an officer whose conduct was not the cause in fact of the death, but who was involved in the incident before or during the use of deadly physical force, and this involvement was reasonably likely to expose the officer to a heightened level of stress or trauma.
<b>LEA of Primary Responsibility</b>	Means the agency with jurisdictional authority where an officer involved incident takes place, however, it may or may not be the parent agency for involved officer(s). The Law Enforcement Agency (LEA) of Primary Responsibility may relinquish the role upon consultation with the District Attorney and agreement from another agency to assume the role.

#### Section 4: Immediate Aftermath

- (1) When an officer uses deadly physical force that results in a death of a person the officer shall immediately take whatever steps are reasonable and necessary to protect the safety of the officer and any member of the public.
  - (a) After taking such steps, the officer shall immediately notify his or her agency of the use of deadly physical force.
  - (b) Thereafter, the officer, if able, shall take such steps as are reasonably necessary to preserve the integrity of the scene and to preserve evidence.
  - (c) Upon request, the officer shall provide information regarding the circumstances as necessary to protect persons and property, preserve any evidence, and to provide a framework for the investigation.

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## Section 5: Investigation Protocols

- (1) There will be two investigations regarding officer involved critical incidents that occur in Deschutes County. A Criminal Investigation will be conducted by a Law Enforcement Agency (LEA) of Primary Responsibility to determine if any criminal conduct occurred during a critical incident. The Parent Agency of the involved officer(s) will conduct a secondary personnel investigation regarding the policies of the parent agency.
- (2) The LEA of Primary Responsibility will designate an Incident Commander. All the criminal investigative activities shall be directed and coordinated by the Incident Commander. The primary responsibility of the Incident Commander is direction and coordination of the entire investigation. The Incident Commander may appoint personnel from the LEA of Primary Responsibility or other partner agencies to his/her command staff.
- (3) The Incident Commander shall ensure that at least one officer not employed by the Parent Agency of involved officer(s) is assigned as an active investigative participant until the conclusion of the investigation.
- (4) The Incident Commander may activate and enlist the assistance of all or part of the Tri-County, (Jefferson, Crook, Deschutes), Major Incident Team to assist in the investigation. (The Tri-County Major Incident Team Memorandum of Understanding will be attached to this plan.) The Incident Commander may enlist other specialized investigators such as, but not limited to, the Oregon State Police Crime Laboratory, scale diagram specialists, polygraph examiners, medical personnel, the Medical Examiner, The State Medical Examiners Office, firearm experts, use of force experts and other officers experienced in the criminal investigation of critical incidents to assist in the investigation.
- (5) The Incident Commander shall ensure that the investigation, at a minimum, shall consist of:
  - (a) Eyewitness interviews.
  - (b) Evidence collection.
  - (c) Scene documentation.
  - (d) Background interviews.
  - (e) Involved Officer interview(s)
- (6) The Incident Commander shall ensure that the investigation is documented in written reports and that the reports are filed with the LEA of Primary

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Responsibility, the District Attorney and at the discretion of the District Attorney, with the Parent Agency.

### Section 6: Criminal Investigation

When the use of deadly physical force results in a death of any person, in addition to the requirements of Section 4 (1) of this Plan, and notwithstanding agency policy, the following provisions apply:

- (1) Upon the arrival of additional officers, sufficient to manage the scene, each Involved Officer shall be relieved of the above duties set forth in Section 4 (1) of the Plan, and the duties shall be re-assigned to uninvolved police personnel.
- (2) As soon as practicable, each Involved Officer shall leave the scene, as directed by his or her supervisor, and be offered an opportunity for medical treatment as necessary. If the officer is not in need of medical treatment, the officer shall be taken to a local police or sheriff's office. If requested by the Involved Officer, the officer's union representative shall be notified.
- (3) As soon as practicable, the duty weapon of any officer who fired their weapon or who was in the immediate vicinity where weapons were fired, shall be seized by investigators, and replaced with a substitute weapon, if appropriate.
- (4) Interview of an "Involved Officer":

As used in this section "interview" refers to formal interview of the officer by assigned investigative personnel that occurs a reasonable time after the incident, and after the officer has had an opportunity to consult with counsel, if so desired.

- (a) The waiting period does not preclude an initial on-scene conversation with the officer to assess and make an initial evaluation of the incident.
- (b) The on-scene supervisor shall take immediate action to stabilize the situation, ensure notification of the appropriate staff and agencies, and shall obtain a preliminary statement from the involved officer as soon as possible. The purpose in obtaining this statement will be to obtain public safety information (e.g. outstanding suspects, location of evidence, direction of travel, etc.).
- (c) The scene shall be secured and managed consistent with the control of any other major crime scene. Only personnel necessary to conduct the investigation shall be permitted access to the scene. When it is determined that no evidence will be contaminated or destroyed, the

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officer (s) involved may conduct a "walk through" to assist in the investigation.

- (5) For at least 72 hours immediately following an incident in which the use of deadly physical force by a police officer resulted in the death of a person, a law enforcement agency shall not return an Involved Officer to duties that might place the officer in a situation in which the officer has to use deadly force.
  - (a) Officer (s) involved in discharging his or her firearm that results in a death to any person shall immediately be placed on administrative leave until such time as sufficient information exists to determine the justification in the use of deadly physical force and that the officer (s) have had an opportunity for mental health counseling with an outcome that no issues would preclude the officer (s) from performing the duties of a police officer.
- (6) In the 6 months following a use of deadly physical force incident that results in a death, the Parent Agency shall offer each Involved Officer a minimum of two opportunities for mental health counseling. The officer shall be required to attend at least one session of mental health counseling.
  - (a) At agency expense, the involved officer (s) shall be scheduled for an appointment with a licensed mental health counselor for a counseling session with a follow-up session scheduled at a date determined by the mental health professional.
  - (b) The counseling sessions are not to be considered fitness for duty evaluations, and are to be considered privileged between the officer and counselor.
- (7) After consultation with the involved officer, the Parent Agency or officer shall notify the officer's family according to the Agency's General Order, or other policy regarding such notification.
- (8) As soon as practicable after the arrival of a supervisor, notification shall be made to the District Attorney as provided in Section 7 (1) of this Plan.
  - (a) This provision does not prevent the Parent Agency from requiring additional notification requirements within their respective agency policies.

- (9) The assignment of outside investigative personnel does not preclude the Parent Agency involved from conducting a concurrent investigation for administrative purposes as established by that agency. Such investigations may be necessary for civil preparation, determination of policy violations or training issues.
- (10) In order to preserve the integrity of the investigation and prosecution, if one occurs, the incident commander or his designee shall notify all involved officers to refrain from making public statements about the investigation, until such time as the investigation has concluded and the District Attorney has made a determination regarding the criminal responsibility of all involved persons.
- (11) The Parent Agency shall designate a representative to make an initial public statement about the incident. Such statement shall include:
  - (a) The time and place of the incident.
  - (b) The condition of any suspect.
  - (c) The nature of the use of deadly physical force.
- (12) Prior to a final determination being made by the District Attorney, the District Attorney and the LEA of Primary Responsibility shall consult with each other and make a public release of information as is deemed appropriate.

#### Section 7: District Attorney

- (1) When an incident of the use of deadly physical force by an officer occurs, and death of a person results, the agency shall, as soon as practicable notify the District Attorney's Office.
  - (a) Notification shall be made to the District Attorney, Chief Deputy, or other senior member of the District Attorney's staff.
- (2) When a use of deadly physical force by an officer occurs, and death of a person results, the District Attorney, and/or a senior member of his staff, will consult with the agency regarding the investigation and implementation of the other elements of this plan.

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- (3) The District Attorney has the sole statutory and constitutional duty to make the decision on whether to present a matter to a Grand Jury.
  - (a) Preliminary Hearings will not be used as a method of reviewing an officer's use of deadly force.
  - (b) The District Attorney will consult with the investigating agency and make the decision on whether to present the case to a Grand Jury.
    - (1) The timing of the decision will be made by the District Attorney at such time as he has determined that sufficient information is available to competently make the decision.
  - (c) If the District Attorney decides to present a case to the Grand Jury, the District Attorney shall promptly notify the investigating agency, the involved officer's agency, and the involved officer's representative.
  - (d) If the District Attorney decides that the investigation reveals that the officers use of deadly force was justified under Oregon law, and that Grand Jury review is unnecessary, the District Attorney shall so notify the Agency, the involved officer, the involved officer's representative, and the public.

### Section 8: Debriefing

The use of deadly physical force by an officer has the potential to create strong emotional reactions which have the potential to interfere with an officer's ability to perform his/her duties. These reactions may be manifested immediately, or over time. Further, these reactions may occur not only in an officer directly involved in the incident, but also in other officers within the Parent Agency.

The requirements of this section provide a minimum framework, and are not intended to take the place of Parent Agency policy rules and regulations. Agencies are encouraged to develop formal procedures to deal with an officer's stress response following a use of deadly force incident.

- (1) At the conclusion of the investigation the Incident Commander shall ensure that adequate time is allotted for a full critique of the operational effectiveness of the investigation and the plan. The critique shall be held in private and shall be attended by investigators or other personnel who were actively involved in the investigation.

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- (2) If any item of significance is found as a result of the critique, the Incident Commander shall submit an after-action report to the LEA of Primary Responsibility and the Deschutes County Deadly Force Planning Authority.
- (3) The Incident Commander shall assure that the appropriate information is collected and provided to the District Attorney. The District Attorney will then submit the report to the Attorney General's Office. The report must include the date, time and location of the incident, the name, gender, race, ethnicity and age of the decedent, and a brief description of the circumstances surrounding the incident.

### Section 9: Education, Training, Outreach

- (1) The Board and Department of Public Safety Standards and Training requires 8 hours per year, 24 hours over a 3 year period of training from either the "firearms" or "use of force" subject areas. Each agency subject to this Plan shall require that a minimum of 4 hours per year, 12 hours over a 3 year period, of that training be on the use of force. The training must include education on the agency's use of force policy and the Deadly Physical Force Plan. This training may also include, but is not limited to:
  - a. Defensive Tactics.
  - b. Tactical Shooting.
  - c. SWAT training.
  - d. Use of force in making an arrest.
  - e. Use of non-lethal force.
  - f. Range 3000.
  - g. In-Service and Briefing Training.

Each agency shall have a written policy and monitoring system to ensure that the standards are met.

- (2) Upon adoption of this Plan, to the extent they are fiscally able, each agency shall take steps to publicize the Plan to their respective communities, by providing information to the media, general public, community organizations, citizens academy's and quasi-governmental bodies.

- (3) At least once per calendar year the District Attorney's Office shall provide their Attorneys training on the use of force by law enforcement officers, the investigation of such incidents and the Deadly Physical Force Plan.
- (4) At least once per calendar year, the Planning Authority shall conduct outreach intended to educate the media, government bodies and members of the Deschutes County community in the use of force by law enforcement officers and the investigation of such incidents.
- (5) Prior to the adoption of this Plan, the Planning Authority shall take steps to engage the Deschutes County community in a discussion regarding the purpose of the Plan, and the elements contained therein. Such steps shall include, but are not limited to general public release of the draft, discussion with the media, providing the draft to agency employees, union representatives, elected officials, and members of relevant boards or commissions.

### Section 10: Fiscal Impact

- (1) At the conclusion of each fiscal year following the adoption of the Plan, each agency shall submit to the administrator of the Plan, a report outlining the fiscal impact of each element of the Plan as described in sections (a) to (e) of Section 2 (4) of Senate Bill 111, Oregon Laws 2006.

### Section 11: Plan Review

- (1) The Planning Authority will meet annually to review and discuss the operation of the Plan.
- (2) If a revision of the Plan becomes advisable, the Planning Authority shall meet and discuss such a revision. If the Planning Authority adopts a revision, such revision shall be submitted for approval as provided by statute.

### Section 12: Agency Policies

Use of Force policies, from all law enforcement agencies covered under this plan, is attached.

**Attached Policies**

- #1 6 Pages Tri-County Major Incident Team Memorandum of Understanding
- #2 6 Pages Bend PD "Officer Involved Deadly Force Investigation"
- #3 6 Pages Bend PD "Use of Force"
- #4 5 Pages Black Butte Ranch PD "Use of Force"
- #5 8 Pages Black Butte Ranch PD "Use of Force, Specific Instrumentality"
- #6 5 Pages Deschutes County SO "Use of Force"
- #7 6 Pages Deschutes County SO "Deputy Involved Deadly Force Investigations"
- #8 12 Pages Redmond PD "Response to Resistance/Aggression"
- #9 9 Pages Redmond PD "Critical Incident Stress Management"
- #10 11 Pages Sunriver PD "Use of Force"
- #11 17 Pages Sunriver PD "Use of Force, Specific Instrumentality"
- #12 10 Pages Sunriver PD "Officer Involved Use of Force Investigation"
- #13 8 Pages Department of State Police "Use of Force"

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**This plan has been approved by the Deschutes County Planning Authority Board on  
January 31, 2008.**

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**Sheriff Larry Blanton  
Co-Chair**

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**District Attorney Mike Dugan  
Co-Chair**

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**CITY OF BEND  
IDENTITY THEFT PREVENTION POLICY**

**I. PURPOSE**

To outline procedures for compliance with Senate Bill 583 (ORS 646A.622), the Oregon Identity Theft Protection Act (OITPA) and to establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACT Act) of 2003 and 2007.

**II. SCOPE**

This policy applies to all employees, officers and contractors.

**III. POLICY**

It is the policy of the City of Bend to protect personal information and comply with the OITPA and the Red Flag Program requirements of the Fair and Accurate Credit Transaction Act (FACTA) Act of 2003.

**IV. DEFINITIONS**

**Identify theft** means fraud committed or attempted using the identifying information of another person without authority.

**Covered account** means:

- An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
- Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

**Red flag** means a pattern, practice or specific activity that indicates the possible existence of identity theft.

**V. OBJECTIVES**

**A. Safeguarding Personal Information**

The City of Bend shall implement and maintain reasonable safeguards to protect the security and confidentiality of personal information, including its proper disposal. Personal information includes an employee, customer's name or number alone or in combination with a social security number (SSN), Oregon driver's license or Oregon identification card, address or home telephone number, driver's license or identification issued by another state, financial, credit, or debit card numbers along with a security or access code.

**B. Social Security Number (SSN) Protection**

Printing SSNs on any mailed materials not requested by the employee or customer unless redacted; or on cards used to access products, services, or city buildings (such as ID cards); or publicly posting or displaying SSNs

is prohibited. Unless specifically required, the City will only use the last for digits of a social security number for identification purposes.

- Exemptions include requirements by the State of Oregon; federal laws, including statute, such as W2s, W4s, 1099s, etc.; records that are required by law to be made available to the public; records for use for internal verification or administrative processes; and records used for enforcing a judgment or court order.

C. Notification of Security Breach

In the event that personal identifying information has been subject to a security breach, the city will provide notification of the breach to the customer or the employee as soon as possible in writing, electronically if that is the primary manner of communication with the customer or employee or by telephone if the person is contacted directly. The exception is if the notification would impede a criminal investigation.

XI. **RESPONSIBILITIES**

- A. The City Manager will designate a responsible party for the Identity Theft Prevention Program.
- B. Information Technology Department (IT)  
IT is responsible to establish technical controls to safeguard personal information stored in electronic format and to document safeguard practices in writing, as identified in the City of Bend Acceptable Use Policy.
- C. Human Resources Department (HR)  
HR is responsible to include this Identity Theft Protection Policy with other city policies at the time of the new employee orientation.
- D. Department Heads  
Department heads are responsible to assess compliance and document appropriate safeguard practices. Department heads are responsible to assure staff is trained in the concepts provided in "Protecting Personal Information – A Business Guide." <http://www.ftc.gov/infosecurity> and <http://www.ftc.gov/bcp/edu/microsites/idtheft/>
- E. Employees  
Employees are responsible to comply with this policy and any internal processes.

XII. **PROGRAM**

- A. The City of Bend establishes an Identity Theft Prevention Program to detect, prevent and mitigate identity theft. The Program shall include procedures to:
  - Identify relevant red flags for covered accounts it offers or maintains and incorporate those red flags into the program;
  - Detect red flags that have been incorporated into the Program;
  - Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
  - Ensure the Program is updated periodically to reflect changes in risks to customers and to the safety and soundness of the creditor from identity theft.
- B. The program shall, as appropriate, incorporate existing policies and procedures that control reasonably foreseeable risks.

**XIII. REDACTING INFORMATION ON PUBLIC RECORDS**

- A. All public record requests fulfilled by the City of Bend will redact the following information when the document is not requested by the individual or customer:
- Social Security Number
  - Date of birth
  - Home address and home telephone number
  - Drivers license number or Identification Card number issued by Oregon or any other state.
  - Financial reports
  - Security or access codes and passwords

**IX. NONCOMPLIANCE**

Noncompliance may result in formal disciplinary action up to and including termination of employment. Employees should contact their supervisor if they have questions about compliance with this policy.

**X. PROGRAM MODIFICATIONS OR CHANGES**

The Identity Theft Program must be periodically reviewed and updated. These updates will not be required to go before Council if the changes are of an insubstantial nature.

# CITY OF BEND FISCAL POLICIES



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## PURPOSE

The City of Bend is committed to responsible fiscal management through financial integrity, prudent stewardship of public assets, planning, accountability and full disclosure. The broad purpose of the Fiscal Policies is to enable the City to achieve and maintain a long-term stable and positive financial condition. These policies are adopted by Council as the basic framework for overall financial management of the City, to guide day-to-day and long-range fiscal planning and decision making, and to achieve the following general financial goals:

1. Provide an adequate financial base to sustain a sufficient level of municipal services to maintain the social well being and physical conditions of the City.
2. Deliver cost effective and efficient services to citizens.
3. Provide and maintain essential public facilities, utilities, and capital equipment.
4. Protect and enhance the City's credit rating so as to obtain the lowest cost of borrowing and also to assure taxpayers and the financial community that the City is well managed and financially sound.
5. Provide the financial stability needed to navigate through economic downturns, adjust to changes in the service requirements of the community and respond to other changes as they affect the City's residents.
6. Adhere to the highest standards of financial management and reporting practices as set by the Government Finance Officers Association, the Governmental Accounting Standards Board and other professional standards.
7. Fully comply with finance related legal mandates, laws and regulations

To achieve these goals, fiscal policies generally cover areas of revenue management, operating and capital budgeting, financial planning and forecasting, investment and asset management, debt management, accounting and financial reporting, reserves and internal controls. These policies are reviewed and updated every other year as part of the biennial budget preparation process.

## REVENUE POLICIES

1. The City will strive for and maintain a diversified and stable revenue system to prevent undue or unbalanced reliance on any one source of funds. This revenue diversity will shelter the City from short-run fluctuations in any one revenue source.
2. One-time revenues will be used only for one-time expenditures. The City will avoid using temporary revenues to fund mainstream services or for budget balancing purposes.
3. User fees and charges will be established for services provided that benefit specific individuals or organizations. User fees and charges will be set at a level sufficient to recover full cost of service whenever practical to minimize subsidization by taxpayers. The City will systematically review user fees and charges to take into account the effects of additional service costs and inflation.
4. Unless prohibited by law, certain fees may be deferred by Council action when it can be demonstrated that a direct public benefit will be obtained. In addition, the Council may direct that certain fees be paid on behalf of applicants and Council's action will include a determination of the source of funds to pay such fees.
5. All fees, charges or assessments that are deferred for later payment will be evidenced by a promissory note or agreement. The City may charge periodic interest, processing fees and additional interest and penalties for delinquencies as appropriate.
6. Water, Water Reclamation (Sewer) and Stormwater funds will be self-supporting through user fees. Fee adjustments will be based on five year financial plans. The water and water reclamation utility rates should be set to yield a minimum 1.50 debt coverage ratio.
7. All potential grants shall be evaluated for matching requirements and on-going resource requirements before acceptance. Grants may be rejected to avoid commitments beyond available funding.
8. The City will not respond to long-term revenue shortfalls with deficit financing and borrowing to support on-going operations. Expenses will be reduced to conform to the long-term revenue forecasts and/or revenue increases will be considered.
9. Revenues will be estimated realistically and prudently. Revenues of a volatile nature will be estimated conservatively. The City will estimate its revenues by an objective, analytical process using best practices as defined by the Government Finance Officers Association.

## OPERATING BUDGET POLICIES

1. The City will prepare a biennial budget with the participation of all Departments.
2. All budgetary procedures will conform to existing state and local regulations. Oregon budget law requires each local government to prepare a balanced budget and Oregon Administrative Rules state: 1) the budget must be constructed in such a manner that the total resources in a fund equal the total of expenditures and requirements for that fund, and 2) the total of all resources of the district must equal the total of all expenditures and all requirements for the district.
3. The budget process will be coordinated so that major policy issues and department goals and objectives are identified and incorporated into the budget.
4. A cost allocation plan will be developed and incorporated into the City budget. The cost allocation plan will be the basis for distribution of general government and internal service costs to other funds and capital projects.
5. The operating budget will be constrained to the total amount approved by the Budget Committee and as adjusted and adopted by the City Council.
6. The City Council shall adopt the budget at the fund, departmental or program level as a total dollar amount for all appropriations except contingency, unappropriated ending fund balance and reserves, which shall be stated separately.
7. The full time equivalent (FTE) for each operating fund or department shall be brought before City Council for adoption with the budget, and any changes mid-budget cycle shall also be authorized by the City Council.
8. All supplemental appropriations for programs or additional personnel (appropriations requested after the original budget is approved) will be analyzed by the Finance Department and will only be approved after consideration of availability of revenues.
9. Oregon budget law provides a means to adjust the budget for emergency expenditures or unforeseen circumstances. All resolutions adjusting the budget will be prepared by the Finance department for Council approval to ensure compliance with budget laws.
10. A mid-biennial review process will be conducted by the City Manager in order to make any necessary adjustments to the adopted budget.
11. The City will submit the Adopted Budget Document to obtain the Award for Distinguished Budget Presentation from the Government Finance Officer's Association (GFOA).
12. Monthly reports comparing actual to budgeted expenditures will be prepared by the Finance Department and distributed to the City Manager and City Council. Significant budget to actual variances will be investigated.

## EXPENDITURE CONTROL POLICIES

1. Expenditures will be controlled through appropriate internal controls and procedures. Management must ensure expenditures comply with the legally adopted budget. Each Department or Division Manager or Director will be responsible for the administration of his/her department/division budget. This includes accomplishing the goals and objectives incorporated into the budget and monitoring each department/division budget for compliance with spending limitations.
2. The City Manager will administer expenditure control at the category level and program or divisional level. Additionally, the City Manager may give authorization to mandate this level of control down to any line item level. Expenditures anticipated to be in excess of these levels require approval of the City Manager, Budget Officer or Finance Director. Any increase in a budget category anticipated to exceed \$100,000 requires City Council approval.
3. All purchases of goods and services must comply with the City's Purchasing Policies, guidelines and procedures and with State laws and regulations.
4. Before the City purchases any major asset or undertakes any operating or capital arrangements that create fixed costs or ongoing operational expenses, the implications of such purchases or arrangements will be fully determined for current and future years.
5. All compensation planning and collective bargaining will include analyses of total cost of compensation which includes analysis of salary increases, health benefits, pension contributions, fringe benefits and other personnel costs. The City will only propose operating personnel costs which can be supported by on-going operating revenues.
6. The City will make every effort to control expenditures to ensure City services and programs provided to its citizens and taxpayers are cost effective and efficient.

## CAPITAL IMPROVEMENT POLICIES

1. A five year Capital Improvement Program (CIP) encompassing all City facilities shall be prepared and updated annually. A public hearing will be held to provide for public input on the CIP. The five year CIP will be incorporated into the City's budget and long range financial planning processes.
2. Projects included in the CIP shall have complete information on the need for the project, description and scope of work, total cost estimates, future operating and maintenance costs and how the project will be funded.
3. An objective process for evaluating CIP projects with respect to the overall needs of the City will be established through a ranking of CIP projects. The ranking of projects will be used to allocate resources to ensure priority projects are completed effectively and efficiently.
4. Changes to the CIP such as addition of new projects, changes in scope and costs of a project or reprioritization of projects will require City Council or City Manager approval.
5. The City will maintain its physical assets at a level adequate to protect the City's capital investment and to minimize future operating maintenance and replacement costs. The City recognizes that deferred maintenance increases future capital costs, thus placing a burden on future residents. Therefore, the budget will provide for adequate maintenance and the orderly replacement of capital plant and equipment from current revenues when possible.
6. The City will determine the least costly funding method for its capital projects and will obtain grants, contributions and low cost state or federal loans whenever possible.
7. The City will establish capital equipment reserves to provide for funding of vehicles and equipment. The City will also establish major repairs and replacement reserves to provide for funding of major repairs and replacements.
8. The City will utilize "pay-as-you-go" funding for capital improvement expenditures considered recurring, operating or maintenance in nature. The City may also utilize "pay-as-you-go" funding for capital improvements when current revenues and adequate fund balances are available or when issuing debt would adversely affect the City's credit rating.
9. The City will consider the use of debt financing for capital projects under the following circumstances:
  - a. When the project's useful life will exceed the terms of the financing
  - b. When resources are deemed sufficient and reliable to service the long-term debt
  - c. When market conditions present favorable interest rates for City financing
  - d. When the issuance of debt will not adversely affect the City's credit rating and coverage ratios

## FINANCIAL PLANNING POLICIES

1. The City will prepare a long term financial plan to promote responsible planning for the use of resources. The long term financial plan will include projected revenues, expenditures and reserve balances for the next five years.
2. The City's financial plan should be strategic, reflecting the Council's and the community's priorities for service while providing resources that realistically fund routine operations.
3. Long term projections of revenues and expenditures will be realistic, conservative and based on best practices established by the Government Finance Officers Association.

## ECONOMIC DEVELOPMENT FUNDING POLICIES

1. The City may employ economic development incentives to encourage value-added development and accrue public benefits to the City of Bend. Public benefits may include but not limited to, the following:
  - a. A benefit that materially enhances the financial position of the City by increasing its employment base or assessed valuation.
  - b. A contribution to the basic infrastructure of the City that is greater than that which would be required of the development alone
  - c. A benefit that increases access to other public services
2. Economic development incentives may include formation of improvement or redevelopment districts, reimbursement, deferral of certain fees and charges, use of discount lease rates or other forms of financial incentives. All such incentives will be fully evaluated by the Finance Department as to the costs, risks and level of benefit as well as the financial impact of such incentives on the City's operating and capital budgets.
3. The fiscal impact evaluation will be presented to Council along with City Manager's recommendation. The City Council shall make the final decision concerning proposed economic development incentives including any repayment of incentives if performance requirements are not met.
4. Funding for economic development incentives must be identified before approval of all such incentives.
5. A development incentive shall not be provided if the development does not provide sufficient public benefit or if the cost and risks to the City will have a materially adverse impact on the City's finances or operations.

## **PENSION AND RETIREMENT FUNDING POLICIES**

1. All current pension liabilities shall be funded on an annual basis.
2. In addition to providing pension benefits, the City provides certain health and dental care benefits for retired employees. Funding the liability for future retiree benefits will be determined by City Council action.

## **CASH MANAGEMENT AND INVESTMENT POLICIES**

1. The Finance Director or their designee shall invest all City funds according to four criteria, in order of their importance: (1) legality, (2) safety, (3) liquidity, and (4) yield.
2. The City shall maintain and comply with a written Investment Policy that has been approved by City Council.
3. The City will consolidate or pool cash balances from various funds for investment purposes and will allocate investment earnings to each participating fund.
4. The City's investment securities will be protected through third party custodial safekeeping.
5. Quarterly investment reports summarizing investment holdings and compliance with the City's Investment Policy will be provided to City Council.

## ACCOUNTING AND FINANCIAL REPORTING POLICIES

1. The City will comply with the following accounting and reporting standards:
  - a. Generally Accepted Accounting Principles (GAAP) developed by Governmental Accounting Standards Board,
  - b. Government Accounting, Auditing and Financial Reporting standards prescribed by the Government Finance Officer's Association (GFOA),
  - c. Government Accounting Standards, issued by the Comptroller General of the United States,
  - d. Oregon Revised Statutes relating to Municipal finance and
  - e. U.S. Office of Management and Budget (OMB) Circular A-133,
2. Monthly financial reports summarizing financial activity by fund will be presented to the City Manager and City Council.
3. A system of internal controls and procedures will be maintained to provide reasonable assurance of the safeguarding of assets and proper recording of financial transactions and compliance with applicable laws and regulations.
4. In accordance with State law, a comprehensive financial audit including an audit of federal grants will be performed annually by an independent public accounting firm with the objective of expressing an opinion on the City's financial statements and assessing the accounting principals used and evaluating the internal controls in place.
5. The City will prepare its financial statements and maintain its accounting and internal control systems in accordance with applicable standards with the goal of obtaining an unqualified opinion from its auditors.
6. The City will prepare a Comprehensive Annual Financial Report (CAFR) and submit its CAFR to the GFOA's "Certificate of Achievement for Excellence in Financial Reporting" program.
7. All departments will provide notice of all significant events and financial and related matters to the Finance Director for the City's annual disclosures to the municipal markets as required by SEC Regulation 15-C-2-12. Full disclosure will be provided in the financial statements and bond representations. Significant events include delinquencies and defaults related to the City's bonds, adverse tax opinions or events affecting the tax exempt status of bonds, the release, substitutions or sale of property securing repayment of bonds and other events having a significant impact on the City's finances and outstanding bonds. The Finance Director will notify all Nationally Recognized Municipal Securities Information Repositories of these significant events.
8. The City's asset capitalization policy is to capitalize and depreciation assets greater than \$5,000 with a useful life beyond one year. Capital assets costing less than \$5,000 or having a useful life of one year or less will be treated as operating expenditures.

## DEBT MANAGEMENT POLICIES

1. The Finance Director structures all debt issuances and oversees the on-going management of all City debt. Debt includes general obligation bonds, lease purchase obligations, revenue bonds, special assessment obligations, promissory notes, equipment financing agreements and any other contractual arrangements that obligate the City to make future principal and interest payments.
2. No debt shall be issued for which the City is not confident that a sufficient specifically identified revenue source is available for repayment. The Finance Director shall prepare an analysis of the source of repayment prior to issuance of any debt.
3. The City will not use long-term debt to fund current operations, to balance the budget or to fund projects that can be funded from current resources.
4. The City may utilize short-term debt or interfund loans as permitted, to cover temporary shortage due to timing of cash flows which may result from delay in receipting grant proceeds or other revenues and delay in issuance of long term debt.
5. When issuing long-term debt, the City will ensure that the debt is soundly financed by:
  - a. Incurring debt only when necessary for capital improvements too large to be financed from current available resources,
  - b. Insuring that capital projects financed through long term debt shall be financed for a period not to exceed the useful life of the project,
  - c. Determining that the benefits of the project financed exceed the cost of financing including interest costs,
  - d. Analyzing source of repayment, debt coverage ratios and the impact of debt service on annual fixed costs prior to issuance of long term debt.
6. All bond issuances and promissory notes will be authorized by resolution of the City Council.
7. The City will comply with all statutory debt limitations imposed by the Oregon Revised Statutes.
8. The City will strive to maintain its current credit ratings which are (as provided by Moody's Investor Services): Aa3 for General Obligation Bonds, A1 for Full Faith and Credit Obligations, A1 for Water Revenue Bonds and A1 for Sewer Revenue Bonds.
9. The City will strive to maintain debt coverage ratios and percentages that uphold the City's credit rating. Water and Water Reclamation (Sewer) debt coverage ratios should be maintained at a minimum of 1.50.
10. The City will comply with all bond covenants, arbitrage requirements, disclosure and other requirements specified by law.

## RESERVE POLICIES

1. The City will maintain sufficient contingency and reserves in each fund for the ability to:
  - a. Mitigate short-term volatility in revenues
  - b. Mitigate short-term economic downturns (2 years or less)
  - c. Absorb unanticipated operating needs that arise during the fiscal year but were not anticipated during the budget process
  - d. Sustain city services in the event of an emergency
  - e. Meet operating cash flow requirements before the collection of property taxes, grant proceeds and other operating revenues
  - f. Absorb unexpected claim or litigation settlements
  - g. Purchase vehicle and equipment without the need to finance such purchases
  - h. Meet major facility and equipment repair and replacement needs
  - i. Meet future capital project needs so as to minimize future debt obligations and burden on future citizens
  - j. Meet requirements for debt reserves
2. General Fund Reserves – the City will maintain General Fund undesignated reserves of at least 20% of the operating budget of the General Fund.
3. Development Funds – The City will maintain undesignated reserves of at least 50% (or 6 months) of the operating budget for development related funds.
4. Risk Management Fund – The City will maintain reserves in its Risk Management Fund for self insurance and major accidents, disasters and catastrophic events. Use of such reserves will be limited to significant expenditures not covered by the City's insurance and that are too large to be absorbed in the department or fund's operating budget.
5. Water, Water Reclamation and Stormwater Funds – The City will maintain undesignated reserves of at least 25% (or 3 months) of the operating budget for its utility funds.
6. All Other Operating Funds – The City will maintain undesignated reserves of at least 16% (or 2 months) of the operating budget in all other operating funds unless it can be demonstrated that less than 16% is adequate to meet the needs of the operation.
7. The City will use reserves on a one-time or temporary basis for purposes described above. In the event that reserve funds decrease to levels below the levels established by this policy, the City will develop a plan to restore reserves to the required levels.

## GENERAL FUND STABILIZATION FUND POLICY

1. The City will maintain and manage a General Fund Stabilization Fund in accordance with this policy.
2. The purpose of the General Fund Stabilization Fund will be to provide for severe economic downturns or major unforeseen events (as determined by Council action) where a significant portion of revenues supporting critical basic operations are projected to decline for more than 2 years or permanently, and such decline cannot be absorbed by the department or fund. In these events, the City will need time to affect reductions, consolidate operations, reprioritize critical programs or implement an alternate revenue source. The General Fund Stabilization Fund will provide temporary support to minimize the impacts to citizens who rely on these critical operations.
3. The General Fund Stabilization Fund will also be maintained to protect and enhance the City's credit rating. In the event that the City's General Fund Reserves temporarily fall below desired levels, the General Fund Stabilization Fund will serve to ensure that the City's credit rating is not adversely affected.
4. The General Fund Stabilization Fund will be funded annually as follows:
  - a. 50% of investment earnings of the General Fund
  - b. 50% of investment earnings of all other funds except as prohibited by law
  - c. Excess revenues and/or additional allocations from the General Fund as recommended by the Finance Director and/or City Manager and approved by City Council. Examples of excess revenues include one-time payments from franchisees as a result of an audit, refunds or other one-time discretionary payments not anticipated to be needed for current operations.
5. The General Fund Stabilization Fund will only be used to provide temporary support for critical basic services and operations meeting the criteria established by this policy. In no event will the General Fund Stabilization Fund be used to fund new programs or to fund expenditures that should otherwise be funded with operating revenues, contingencies and reserves.
6. All request for use of the General Fund Stabilization Fund will include the following:
  - a. Projection of revenues indicating decline for more than 2 years or permanent decline as a result of economic downturn or unforeseen event
  - b. Analysis that revenue decline is so significant that it cannot be absorbed in the department or fund's operating budget through increases in other revenues or reduction of current expenditures
  - c. Determination that critical basic services and operations will be affected and citizens will be negatively impacted
  - d. Determination that request meets any other criteria determined by Council
  - e. Plan of action and long term financial solution to address the revenue shortfall
7. All requests for use of the General Fund Stabilization Fund will be presented to Council along with City Manager's recommendation. The City Council shall make the final decisions concerning appropriation of funds from the General Fund Stabilization Fund.

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**City of Bend  
Fire Response to Emergencies Outside of the District Policy**

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**I. PURPOSE**

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To establish a policy to determine whether and how the Fire Department will respond to requests for service outside the City's protection boundaries.

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**II. Response of Fire or Rescue Equipment Outside of the Fire Protection District:**

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Bend Fire Department equipment shall not be dispatched outside of its fire protection district boundaries, except under the following conditions:

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¶ The following are general guidelines for all officers in the department to assist them in their performance of their duties to determine response to emergencies outside our fire protection district boundaries.¶

- Mutual aid to other fire departments and forest protection district, when requested.
- In accordance with invocation of the State of Oregon Conflagration Act.
- If the City is contractually obligated or authorized to respond.
- When it is necessary to protect property in Bend's protective district or in separate contract service areas that will be endangered by an uncontrolled fire outside of the district or contract area.
- When City of Bend property is involved or endangered (City sewer plant, water intake buildings).
- When the City Manager orders fire equipment to be dispatched.
- When a response is authorized under Section 3 of this policy.

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**III. AUTHORIZED RESPONSES**

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The Fire Chief or designee may authorize a response, when:

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- Life is endangered. When this situation exists, crews will only remain at the scene long enough to effect rescue and extinguish the fire. Salvage and extensive overall operations will not be conducted.
- A condition exists that will be hazardous to the public if left unattended.
- To assist ambulance crews to accidents outside of our boundaries where fire is involved or there is a great potential for fire. Crews will only stay the least amount of time needed and will return to the district boundaries.
- To assist in special or technical rescue operations.

When rescue is needed and no fire is involved, it is recommended that the rescue crew be sent in an ambulance with a rescue tool.

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**IX. NOTIFICATION OF OFFICIALS**

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In all cases where fire apparatus is dispatched out of the district, the Chief or designee shall be notified.

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