

RESOLUTION NO. 12-2018

A RESOLUTION OF THE CITY OF MADRAS ESTABLISHING A NOXIOUS WEED GRANT PROGRAM.

WHEREAS, the City of Madras ("City") recognizes that the eradication of noxious weeds within City protects the health, safety, and welfare of City's residents and visitors; and

WHEREAS, pursuant to Ordinance No. 875, noxious weeds identified on the current Jefferson County noxious weeds list are a nuisance, persons in charge of property are prohibited from creating or maintaining a nuisance, and City may abate such nuisances and charge the costs to the property owner; and

WHEREAS, City recognizes that the obligation to eradicate noxious weeds may place a financial burden on certain persons in charge of property; and

WHEREAS, City desires to alleviate some of the financial burden for noxious weed eradication, and avoid City abatement of such nuisances, by providing financial assistance through the Noxious Weed Grant Program (the "Program") established under this Resolution No. 12-2018 (this "Resolution").

NOW, THEREFORE, the City of Madras resolves as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Program Establishment. City hereby approves and establishes the Program on the terms and conditions set forth in this Resolution.
3. Program Eligibility. Program funds shall only be used for: (a) work on properties within the City limits and (b) work directed towards treatment of noxious weed identified on the current Jefferson County noxious weed list. Notwithstanding anything in this Resolution to the contrary, no reimbursements will be made for labor performed by a person with an interest in the subject property. Costs incurred by a person with an interest in the subject property to acquire materials (sprays, etc.) may be reimbursed. For purposes of this resolution "person" shall include a natural person, partnership, corporation, limited liability partnership, limited liability company, co-operative, governmental entity, or any other entity in law or fact.

4. Applications.

4.1 Commencing on July 1, 2018, eligible property owners may apply for funding through the Program by completing such forms and submitting such additional submittals required by the Public Works Director (collectively, the "Application"). Each Application must be filed with the Public Works Director and contain the following minimum information:

(a) The date of the Application and the owner's/applicant's name, address, contact information, and signature; and

(b) The address of the subject property and the description of the noxious weeds to be addressed; and

(c) A brief description of the work to be performed with respect to the noxious weeds (i.e., spraying, pulling).; and

(d) Pictures of the area where work will be performed; and

(e) Any other information that the Public Works Director deems necessary or appropriate to enable a complete review of the Application and determine whether the property qualifies for Program funds.

4.2 Applications must be received and approved by the Public Works Director prior to the commencement of any work. City will not accept any retroactive applications.

4.3 A property owner may only apply for one Program grant per property, per calendar year.

5. Application Review.

5.1 Complete Applications will be reviewed by the Public Works Director. The Public Works Director is authorized to make an investigation of the property subject to the Application and conduct any other investigation or inquiry the Public Works Director deems necessary or appropriate to determine whether the Application is complete and whether the subject property qualifies for Program funds.

5.2 After the Public Works Director completes a review of the Application, the Public Works Director will determine whether the Application qualifies for Program funds. If the Application qualifies for Program funds, and subject to available Program funds, the Director may issue written notice of approval to the applicant. The Public Works Director may impose any conditions or restrictions on the approval deemed necessary or prudent by the Public Works Director. If the Public Works Director determines that the Application does not qualify for Program funds, or if there is insufficient funding, the Director will notify the applicant in writing that the Application has been denied and identify the reason for the denial. The decision of the Public Works Director shall be final.

5.3 Application reviews will be performed periodically (i.e. weekly, monthly at the discretion of the Public Works Director) commencing from July 1 of each calendar year until there are no more Program funds available for the budget cycle. No priority will be afforded based on the time an Application is submitted relative to other Applications in the same review period. The Public Works Director has discretion to establish review criteria for submitted Applications but shall prioritize first-time applicants and/or properties and Applications that will result in the greatest reduction in noxious weeds.

6. Funding.

6.1 All grant awards and reimbursements are subject to the availability of Program funds in each approved City budget. Once the budgeted amount has been expended for the then current budget cycle, no further Applications will be approved and/or reimbursements issued. The lack of sufficient funds to cover the number of applications received by City in any given year will not excuse persons in charge of property from the responsibility to eliminate noxious weeds and other nuisances from their property.

6.2 Subject to full compliance with all terms and conditions of the approved Application and this Resolution, City will grant Program funds to the selected applicants in the amount of (a) the actual costs for labor and/or materials (including purchases made by a person with an interest in the subject property) to remediate noxious weeds or (b) one hundred dollars (\$100.00), whichever is less.

6.3 Disbursement of the funds will only be made after the applicant has completed the work identified in the approved Application to the satisfaction of the Public Works Director. The applicant must then submit a request for reimbursement ("Reimbursement Request") on forms and in such manner as the Public Works Director may prescribe within sixty (60) days of City's acceptance of the work. All Reimbursement Requests must be accompanied with invoices, receipts, or other documentation acceptable to the Public Works Director identifying the actual costs of the work performed.

6.4 If the Reimbursement Request is approved, and the applicant has satisfied all terms and conditions of the approved Application and this Resolution, the Public Works Director will mail the approved Program funds to the applicant. If the Director determines that the Reimbursement Request should be denied, the Director will notify the applicant in writing that the Reimbursement Request has been denied and the reasons for the denial.

7. Authority of Public Works Director. The Public Works Director is authorized to promulgate additional rules, regulations, policies, and procedures to implement the Program. All references in this Resolution to the "Public Works Director" shall refer to the administrative head of the City's public works department and include his or her designees.

8. Indemnification. Each property owner/applicant/person in charge of property will defend, indemnify, and hold City and City's officers, employees, agents, and contractors harmless for, from, and against any and all damages, costs, expenses, fines, losses, and/or liabilities of any kind, including, without limitation, attorney fees, arising out of or related to, whether directly or indirectly, the performance of any work eligible for Program funds or otherwise performed to comply with this Resolution and City's ordinances, whether by the applicant, the property owner, the person in charge of property or any other person, including, without limitation, any injury, death, and/or damage to persons or property.


9. Effective Date. This Resolution will be deemed effective on May 8, 2018; provided, however, the Program will not become effective until July 1, 2018. The provisions of this Resolution are severable.

10. Miscellaneous. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution.

[signatures on next page]

ADOPTED by the Council and signed by the Mayor on this 24th day of April, 2018.

Ayes: 5
Nays: 0
Abstentions: 0
Absent: 1
Vacancies: 0



Royce Embanks, Mayor

ATTEST:



Karen J. Coleman, City Recorder