

CONTRACTOR'S APPLICATION FOR PAYMENT

Owner:	<u>City of Ione, Oregon</u>		
Engineer:	<u>Anderson Perry & Associates, Inc.</u>		
Contractor:	<u>Swaggart Brothers Inc.</u>		
Project:	<u>Wastewater System Improvements - 2024</u>		
Application No.:	<u>12</u>	Application Date:	<u>9/30/2025</u>
Application Period:	From <u>9/1/2025</u>	to	<u>9/30/2025</u>

1. Original Contract Price	\$8,378,708.00
2. Net Change by Change Orders	\$ (696,981.63)
3. Current Contract Price (Line 1 + Line 2)	\$ 7,681,726.37
4. Total Work Completed and Materials Stored to Date (see attached)	\$ 4,342,758.10
5. Retainage Withheld (5%)	\$ (217,137.91)
6. Retainage Paid	\$ -
7. Liquidated Damages Withheld	\$ -
8. Less Previous Applications for Payments	\$ (3,880,550.82)
9. Amount Due This Application	\$ 245,069.38

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment; (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective; (4) Record Drawings and required job photos are up-to-date, accurate, and complete for Work performed; and (5) certified payroll forms are current and account for all applicable personnel.

Contractor: <u>Swaggart Brothers Inc.</u>	
By (signature): <u></u>	Title: <u>ASST. PM Superintendent</u>
Name (printed): <u>Matt Brewer BRENT MORRIS</u>	Date: <u>September 30, 2025</u>

Recommended by Engineer By (signature): <u></u> Name (printed): <u>Bill Ledbetter</u> Title: <u>Construction Administrator</u> Date: <u>September 30, 2025</u> Concurred with by Funding Agency By (signature): _____ Name (printed): _____ Title: _____ Date: _____	Approved by Owner By (signature): _____ Name (printed): <u>Jesse Shoemake</u> Title: <u>Mayor</u> Date: _____
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Progress Estimate

Contractor's Application for Payment

Owner: City of Ione, Oregon
 Engineer: Anderson Perry & Associates, Inc.
 Contractor: Swagart Brothers Inc.
 Project: Wastewater System Improvements - 2024

Application No.: 12 Application Period: From 09/01/25 to 09/30/25 Application Date: 09/30/25

Bid Item No.	Description	Contract Information			Previous		This Period (Calculated)		Total to Date (Basis of Payment)		
		Qty.	Unit	Unit Price	Value of Bid Item	Qty.	Amount	Qty.	Amount	Qty.	Amount
Original Contract											
1	Mobilization/Demobilization	1	L.S.	\$825,000.00	\$825,000.00	87.92%	\$725,370.70	0.00%	\$0.00	87.92%	\$725,370.70
2	Temporary Protection and Direction of Traffic/Project Safety/Quality Control	1	L.S.	\$182,011.00	\$182,011.00	54%	\$98,285.94	0%	\$0.00	54%	\$98,285.94
3	Job Photos	150	Each	\$6.50	\$975.00	104	\$676.00	10	\$65.00	114	\$741.00
4	6-inch Polyvinyl Chloride (PVC) Gravity Sewer Line (0'-6' Deep) *(Per CO 1.2, revised Unit Price = \$40.48, revised quantity = 10,770)	11,600	L.F.	\$40.00	\$464,000.00	420	\$17,001.60	56	\$2,266.88	476	\$19,268.48
5	6-inch PVC Gravity Sewer Line (6'-10' Deep)	6,300	L.F.	\$41.50	\$261,450.00	5,360	\$222,440.00	2,538	\$105,327.00	7,898	\$327,767.00
6	6-inch PVC Gravity Sewer Line (10'-14' Deep)	600	L.F.	\$52.00	\$31,200.00	24	\$1,248.00	0	\$0.00	24	\$1,248.00
7	Sanitary Sewer Manhole (0'-6' Deep)	6	Each	\$13,000.00	\$78,000.00	6	\$78,000.00	0	\$0.00	6	\$78,000.00
8	Sanitary Sewer Manhole (6'-10' Deep)	7	Each	\$15,000.00	\$105,000.00	7	\$105,000.00	0	\$0.00	7	\$105,000.00
9	Sanitary Sewer Drop Manhole (6'-10' Deep)	9	Each	\$15,000.00	\$135,000.00	9	\$135,000.00	0	\$0.00	9	\$135,000.00
10	Sanitary Sewer Drop Manhole (10'-14' Deep)	1	Each	\$16,000.00	\$16,000.00	1	\$16,000.00	0	\$0.00	1	\$16,000.00
11	End Main Line Cleanout	27	Each	\$700.00	\$18,900.00	9	\$6,300.00	3	\$2,100.00	12	\$8,400.00
12	Main Line Double Cleanout	3	Each	\$1,800.00	\$5,400.00	0	\$0.00	14	\$25,200.00	14	\$25,200.00
13	Sewer Main Line Angle Connection	2	Each	\$400.00	\$800.00	13	\$5,200.00	0	\$0.00	13	\$5,200.00
14	Sewer Main Line Three-way Wye Connection	1	Each	\$500.00	\$500.00	1	\$500.00	0	\$0.00	1	\$500.00
15	Sewer Main Line 90-degree Bend	6	Each	\$700.00	\$4,200.00	0	\$0.00	0	\$0.00	0	\$0.00
16	Sewer Main Line 45-degree Bend	3	Each	\$400.00	\$1,200.00	4	\$1,600.00	0	\$0.00	4	\$1,600.00
17	4-inch PVC Sewer Service Line	12,900	L.F.	\$25.00	\$322,500.00	251	\$6,275.00	0	\$0.00	251	\$6,275.00
18	Sewer Service Line Cleanout	395	Each	\$252.00	\$99,540.00	0	\$0.00	0	\$0.00	0	\$0.00
19	Sewer Service Line Connection to Main Line	163	Each	\$372.00	\$60,636.00	41	\$15,252.00	32	\$11,904.00	73	\$27,156.00
20	1,000-gallon Residential Septic Tank - Type A	110	Each	\$8,400.00	\$924,000.00	18	\$151,200.00	0	\$0.00	18	\$151,200.00
21	1,000-gallon Residential Septic Tank - Type B	46	Each	\$15,086.00	\$693,956.00	46	\$693,956.00	0	\$0.00	46	\$693,956.00
22	1,500-gallon Residential Septic Tank - Type A	2	Each	\$12,000.00	\$24,000.00	0	\$0.00	0	\$0.00	0	\$0.00
23	1,500-gallon Residential Septic Tank - Type B	7	Each	\$17,000.00	\$119,000.00	7	\$119,000.00	0	\$0.00	7	\$119,000.00
24	Decommission Existing Septic Tank	159	Each	\$1,700.00	\$270,300.00	2	\$3,400.00	0	\$0.00	2	\$3,400.00
25	West School Sewer Service	1	L.S.	\$200,000.00	\$200,000.00	100%	\$200,000.00	0%	\$0.00	100%	\$200,000.00
26	East School Sewer Service	1	L.S.	\$102,000.00	\$102,000.00	95%	\$96,900.00	0%	\$0.00	95%	\$96,900.00
27	Restaurant 1 Sewer Service	1	L.S.	\$127,000.00	\$127,000.00	0%	\$0.00	0%	\$0.00	0%	\$0.00
28	Sports Complex Sewer Service	1	L.S.	\$80,000.00	\$80,000.00	0%	\$0.00	84%	\$67,200.00	84%	\$67,200.00
29	Market Sewer Service	1	L.S.	\$140,000.00	\$140,000.00	0%	\$0.00	0%	\$0.00	0%	\$0.00
30	Main Lift Station	1	L.S.	\$780,000.00	\$780,000.00	0.42%	\$3,300.00	37.00%	\$288,600.00	37.42%	\$291,900.00
31	4-inch High Density Polyethylene Effluent Foremain	7,140	L.F.	\$31.00	\$221,340.00	7,688	\$238,340.00	0	\$0.00	7,688	\$238,340.00
32	Effluent Foremain Air Release Valve	1	Each	\$8,500.00	\$8,500.00	1	\$8,500.00	0	\$0.00	1	\$8,500.00
33	Highway 74 Directional Drill	1	L.S.	\$140,000.00	\$140,000.00	100%	\$140,000.00	0%	\$0.00	100%	\$140,000.00
34	Effluent Drainfield	1	L.S.	\$1,370,000.00	\$1,370,000.00	100%	\$1,370,000.00	0%	\$0.00	100%	\$1,370,000.00
35	Water-Sewer Crossing	17	Each	\$2,000.00	\$34,000.00	2	\$4,000.00	0	\$0.00	2	\$4,000.00
36	Repair of Unmarked Water Main	3	Each	\$2,250.00	\$6,750.00	0	\$0.00	0	\$0.00	0	\$0.00
37	Repair of Unmarked Water Service Line	6	Each	\$1,100.00	\$6,600.00	3	\$3,300.00	0	\$0.00	3	\$3,300.00
38	Rock Excavation	200	C.Y.	\$150.00	\$30,000.00	302.12	\$45,318.00	0.00	\$0.00	302.12	\$45,318.00
39	Additional Potholing	200	Hour	\$180.00	\$36,000.00	212	\$38,160.00	0	\$0.00	212	\$38,160.00
40	Concrete Curb Restoration	25	L.F.	\$180.00	\$4,500.00	0	\$0.00	0	\$0.00	0	\$0.00
41	Concrete Sidewalk Restoration	25	S.Y.	\$70.00	\$1,750.00	0	\$0.00	0	\$0.00	0	\$0.00
42	Lawn Restoration	2,000	S.Y.	\$1.00	\$2,000.00	0	\$0.00	0	\$0.00	0	\$0.00

Progress Estimate

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Contractor: Swaggart Brothers Inc.
Project: Wastewater System Improvements - 2024

Application No.: 12 Application Period: From 09/01/25 to 09/30/25 Application Date: 09/30/25

Bid Item No.	Description	Contract Information				Previous		This Period (Calculated)		Total to Date (Basis of Payment)	
		Qty.	Unit	Unit Price	Value of Bid Item	Qty.	Amount	Qty.	Amount	Qty.	Amount
43	Asphalt Surface Restoration	3,000	S.Y.	\$90.00	\$270,000.00	0	\$0.00	0	\$0.00	0	\$0.00
44	Gravel Surface Restoration	11,000	S.Y.	\$13.00	\$143,000.00	4,443	\$57,759.00	0	\$0.00	4,443	\$57,759.00
45	Agricultural Surface Restoration	1,700	S.Y.	\$1.00	\$1,700.00	1,700	\$1,700.00	0	\$0.00	1,700	\$1,700.00
46	Existing Fence Restoration	500	L.F.	\$60.00	\$30,000.00	0	\$0.00	0	\$0.00	0	\$0.00
Original Contract Totals					\$8,378,708.00		\$4,608,982.24		\$502,662.88		\$5,111,645.12

Progress Estimate

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Bid Item No.	Description	Contract Information			Previous		This Period (Calculated)		Total to Date (Basis of Payment)		
		Qty.	Unit	Unit Price	Value of Bid Item	Qty.	Amount	Qty.	Amount	Qty.	Amount
Change Orders											
1.1	Mobilization/Demobilization cost increase.	1	L.S.	\$101,201.00	\$101,201.00	100%	\$101,201.00	0%	\$0.00	100%	\$101,201.00
1.2	Decrease of 830 linear feet (LF) of 6-inch polyvinyl chloride (PVC) gravity sewer line (0'-6' deep) from I-Line. Unit Price increased to \$40.48. *(See note in Bid Item 4)	1	L.S.	(\$28,030.40)	(\$28,030.40)	0%	\$0.00	0%	\$0.00	0%	\$0.00
1.3	Removal of all sanitary sewer manholes (0'-6' deep).	1	L.S.	(\$78,000.00)	(\$78,000.00)	100%	(\$78,000.00)	0%	\$0.00	100%	(\$78,000.00)
1.4	Removal of all sanitary sewer manholes (6'-10' deep).	1	L.S.	(\$105,000.00)	(\$105,000.00)	100%	(\$105,000.00)	0%	\$0.00	100%	(\$105,000.00)
1.5	Removal of all sanitary sewer drop manholes (6'-10' deep).	1	L.S.	(\$135,000.00)	(\$135,000.00)	100%	(\$135,000.00)	0%	\$0.00	100%	(\$135,000.00)
1.6	Removal of all sanitary sewer drop manholes (10'-14' deep).	1	L.S.	(\$16,000.00)	(\$16,000.00)	100%	(\$16,000.00)	0%	\$0.00	100%	(\$16,000.00)
1.7	Increase of 23 main line double cleanouts.	1	L.S.	\$41,400.00	\$41,400.00	0%	\$0.00	0%	\$0.00	0%	\$0.00
1.8	Decrease of 1,100 LF of 4-inch PVC sewer service line to the Swanson and King residences.	1	L.S.	(\$27,500.00)	(\$27,500.00)	0%	\$0.00	0%	\$0.00	0%	\$0.00
1.9	Decrease of seven sewer service cleanouts to the Swanson and King residences.	1	L.S.	(\$1,764.00)	(\$1,764.00)	0%	\$0.00	0%	\$0.00	0%	\$0.00
1.10	Decrease of two sewer service line connections to the Swanson and King residences.	1	L.S.	(\$744.00)	(\$744.00)	0%	\$0.00	0%	\$0.00	0%	\$0.00
1.11	Increase of 43 1,000-gallon Type A residential septic tanks.	1	L.S.	\$361,200.00	\$361,200.00	0%	\$0.00	0%	\$0.00	0%	\$0.00
1.12	Removal of all 1,000-gallon Type B residential septic tanks.	1	L.S.	(\$693,956.00)	(\$693,956.00)	100%	(\$693,956.00)	0%	\$0.00	100%	(\$693,956.00)
1.13	Increase of seven 1,500-gallon Type A residential septic tanks.	1	L.S.	\$84,000.00	\$84,000.00	0%	\$0.00	0%	\$0.00	0%	\$0.00
1.14	Removal of all 1,500-gallon Type B residential septic tanks	1	L.S.	(\$119,000.00)	(\$119,000.00)	100%	(\$119,000.00)	0%	\$0.00	100%	(\$119,000.00)
1.15	Removal of three decommissionings of existing septic tanks from I-Line.	1	L.S.	(\$5,100.00)	(\$5,100.00)	0%	\$0.00	0%	\$0.00	0%	\$0.00
1.16	Change in design of the West School sewer service.	1	L.S.	(\$27,970.00)	(\$27,970.00)	100%	(\$27,970.00)	0%	\$0.00	100%	(\$27,970.00)
1.17	Change in design of the Restaurant 1 sewer service.	1	L.S.	(\$44,749.00)	(\$44,749.00)	0%	\$0.00	0%	\$0.00	0%	\$0.00
1.18	Change in design of the Market sewer service.	1	L.S.	(\$77,227.00)	(\$77,227.00)	0%	\$0.00	0%	\$0.00	0%	\$0.00
1.19	Reduced cost for Highway 74 directional drill.	1	L.S.	(\$30,214.00)	(\$30,214.00)	100%	(\$30,214.00)	0%	\$0.00	100%	(\$30,214.00)
1.20	Change in design of the effluent drainfield distribution tank.	1	L.S.	(\$23,529.00)	(\$23,529.00)	100%	(\$23,529.00)	0%	\$0.00	100%	(\$23,529.00)
1.21	Change 5,000-gallon fiberglass reinforced plastic septic tank at Sports Complex sewer service to 3,000-gallon concrete septic tank. No cost associated with this change.	1	L.S.	\$0.00	\$0.00	0%	\$0.00	0%	\$0.00	0%	\$0.00
2.1	Highway 74 directional drill modifications.	1	L.S.	\$16,240.75	\$16,240.75	100%	\$16,240.75	0%	\$0.00	100%	\$16,240.75
3.1	Dosing septic tank installation at site No. 100.	1	L.S.	\$6,490.24	\$6,490.24	100%	\$6,490.24	0%	\$0.00	100%	\$6,490.24
4.1	Main Lift Station manhole.	1	L.S.	\$19,729.65	\$19,729.65	0%	\$0.00	65%	\$12,824.27	65%	\$12,824.27
5.1	Effluent drainfield electrical trench work.	1	L.S.	\$9,962.12	\$9,962.12	100%	\$9,962.12	0%	\$0.00	100%	\$9,962.12
6.1	Southwest school septic tank pumping.	1	L.S.	\$1,525.17	\$1,525.17	100%	\$1,525.17	0%	\$0.00	100%	\$1,525.17
6.2	East school septic tank modifications.	1	L.S.	\$11,152.72	\$11,152.72	100%	\$11,152.72	0%	\$0.00	100%	\$11,152.72
6.3	Southwest school and shop septic tank modifications.	1	L.S.	\$36,426.00	\$36,426.00	0%	\$0.00	0%	\$0.00	0%	\$0.00
7.1	Imported rock backfill for main lift station tanks.	1	L.S.	\$19,401.00	\$19,401.00	100%	\$19,401.00	0%	\$0.00	100%	\$19,401.00
7.2	General Contractor 5 percent markup per the Contract.	1	L.S.	\$970.05	\$970.05	100%	\$970.05	0%	\$0.00	100%	\$970.05
8.1	Change Order (CO) price adjustment to CO No. 6.	1	L.S.	\$7,103.07	\$7,103.07	100%	\$7,103.07	0%	\$0.00	100%	\$7,103.07
Change Order Totals					(\$696,981.63)		(\$1,054,622.88)		\$12,824.27		(\$1,041,798.61)

Progress Estimate

Contractor's Application for Payment

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		Qty.	Unit	Unit Price	Value of Bid Item	Qty.	Amount	Qty.	Amount	Amount
1	Invoice No. 168666174 - 6-inch SDR35 PVC Sewer Pipe	1	L.S.	\$62,382.32	\$62,382.32	0%	\$0.00	0%	\$0.00	\$0.00
2	Invoice No. 16864624 - 4-inch High Density Polyethylene Pipe	1	L.S.	\$27,590.40	\$27,590.40	0%	\$0.00	0%	\$0.00	\$0.00
3	Invoice No. 16865585 - 6-inch SDR35 PVC Sewer Pipe	1	L.S.	\$26,557.44	\$26,557.44	11.40%	\$3,028.78	-11.40%	(\$3,028.78)	\$0.00
4	Invoice No. 16883247 - 8-inch pipe and valve box accessories	1	L.S.	\$2,225.87	\$2,225.87	100%	\$2,225.87	-100%	(\$2,225.87)	\$0.00
5	Order No. 08380557 - 1,000-gallon septic tanks	117	Each	\$1,680.63	\$196,633.71	99	\$166,382.37	0	\$0.00	\$166,382.37
6	Invoice No. 2239 - Septic tanks	1	L.S.	\$155,455.00	\$155,455.00	94.94%	\$147,595.50	-26.42%	(\$41,066.28)	\$106,529.22
7	Invoice No. 025038 - Reese manhole	1	L.S.	\$1,250.00	\$1,250.00	100%	\$1,250.00	-100%	(\$1,250.00)	\$0.00
8	Invoice No. 0011543-3(8) 30 gpm pumps	1	L.S.	\$40,966.51	\$40,966.51	100%	\$40,966.51	-100%	(\$40,966.51)	\$0.00
9	Invoice No. 0011543-3 - Main Lift Station Flowmeter	1	L.S.	\$5,125.00	\$5,125.00	100%	\$5,125.00	-100%	(\$5,125.00)	\$0.00
10	Invoice No. 16912668 - HD Fowler Miscellaneous	1	L.S.	\$8,436.80	\$8,436.80	100%	\$8,436.80	-100%	(\$8,436.80)	\$0.00
11	Invoice No. 16937353 - Air Release	1	L.S.	\$2,562.51	\$2,562.51	100%	\$2,562.51	-100%	(\$2,562.51)	\$0.00
12	Invoice No. 25-64 - Reese Concrete Main L.S. Coated MH	1	L.S.	\$9,910.00	\$9,910.00	100%	\$9,910.00	-100%	(\$9,910.00)	\$0.00
13	Invoice No. 0011543-3 - Main Lift Station 20,000-gallon Tanks	1	L.S.	\$56,366.51	\$56,366.51	100%	\$56,366.51	-100%	(\$56,366.51)	\$0.00
14	Invoice No. 08390774 - HD Fowler Package for Collection System	1	L.S.	\$9,233.13	\$9,233.13	94.58%	\$8,733.13	-94.58%	(\$8,733.13)	\$0.00
15	Invoice No. 213217 - Drainfield and Main Lift Station	1	L.S.	\$77,848.00	\$77,848.00	100%	\$77,848.00	-100%	(\$77,848.00)	\$0.00
Total Materials Stored to Date					\$682,543.20		\$530,430.98		(\$257,519.39)	\$272,911.59
Original Contract, Change Orders, and Materials Stored to Date										
Project Totals					\$ 8,364,269.57		\$ 4,084,790.34	-	\$257,967.76	\$ 4,342,758.10
Percent of Contract Price Completed to Date										52.98%

Bid Item Adjusted via Change Order No. 1
 Bid Item Removed via Change Order No. 1
 Increase/Decrease in Bid Item Quantities via Change Order No. 1
 Change in design via Change Order No. 1

PO Box 277
Heppner, OR 97836

Date	Invoice #
9/30/2025	2255

Bill To
Swaggart Brothers Inc. PO Box 49 Hermiston, OR 97838

P.O. No.	Terms	Project
24002.1	Net 30	Ione Wastewater System Im...

[illegible]

PROJECT MONITORING REPORT	1. Type of Request 2. Report No. 12 Final Partial X					
3. REPORT PERIOD 9/30/2025	4. BORROWER INFORMATION Name: City of Ione, Oregon (Wastewater System Improvements - 2024) Address: P.O. Box 361, Ione, Oregon 97843					
BUDGET ITEMS	STATUS OF BUDGET					
(All entries under Column "b" must be justified with an attachment) (All entries under column "e" must be documented with an attached invoice)	(a) Budgeted Amounts	(b) Budget Change	(c) Revised Budget	(d) Previous Total	(e) This Period	TOTAL (d)+(e)
a. Admin Expense, Regulatory Report	\$5,000	\$9,995	\$14,995	\$14,995.00		\$14,995.00
b. Preliminary Expense(Engineer)			\$0			\$0.00
c. Land, Structures, Right-of-Way	\$50,000	(\$43,919)	\$6,081	\$6,081.00		\$6,081.00
d. Engineering Design, Construction Ad	\$500,000	\$217,963	\$717,963	\$627,936.81	\$12,392.15	\$640,328.96
e. Other Engineer Fees -Add Services	\$40,000	\$16,500	\$56,500	\$44,617.99	\$92.50	\$44,710.49
f. Project Inspection Fees	\$285,000		\$285,000	\$208,328.09	\$16,402.90	\$224,730.99
g. Interest	\$20,000	(\$10,000)	\$10,000			\$0.00
h. Legal & Bond Counsel	\$30,000	(\$10,000)	\$20,000			\$0.00
i. Contingencies	\$427,000	(\$268,854)	\$158,146			\$0.00
Construction	\$4,282,000	(\$4,282,000)	\$0			\$0.00
Schedule: Swaggert Brothers Inc		\$7,681,726	\$7,681,726	\$3,880,550.82	\$245,069.38	\$4,125,620.20
Environ Report & Archaeological Report	\$55,000	\$6,278	\$61,278	\$61,277.93		\$61,277.93
1200-C Permit (Engineering)	\$8,000	\$3,037	\$11,037	\$11,037.00		\$11,037.00
Cultural Monitoring (Engineering)	\$50,000	(\$50,000)	\$0			\$0.00
k. TOTAL PROJECT COST	\$5,752,000	\$3,270,726	\$9,022,726	\$4,854,824.64	\$273,956.93	\$5,128,781.57
l. Funding Allocation						
State Legislative Funds		\$1,000,000	\$1,000,000	\$721,439.19	\$273,956.93	\$995,396.12
2) Rural Development Loan	\$1,815,000		\$1,815,000			\$0.00
3) Rural Development Grant	\$1,981,000		\$1,981,000			\$0.00
Borrower			\$0			\$0.00
5) Other: School District	\$800,000.00		\$800,000	\$800,000.00		\$800,000.00
6) Other: City Budgeted Funds	\$1,156,000.00	\$270,726	\$1,426,726	\$1,333,385.45		\$1,333,385.45
DEQ		\$2,000,000	\$2,000,000	\$2,000,000.00		\$2,000,000.00
m. Total Project Funding (equals line k)	\$5,752,000	\$3,270,726	\$9,022,726	\$4,854,824.64	\$273,956.93	\$5,128,781.57
n. Percentage of Completion						
5. CERTIFICATION						
<i>I certify that to the best of my knowledge and belief costs or disbursements shown are in accordance with the terms of the project and that an inspection has been performed and all work is in accordance with the terms of the construction contract.</i>						
BORROWER	Signature of Authorized Certifying Official			Date Submitted:		
	Jesse Shoemake, Mayor			Telephone: 541-422-7414		
6. RURAL DEVELOPMENT ACCEPTANCE						
<i>This form and attachments have been reviewed and are accepted by Rural Utilities Service unless otherwise noted. This review and acceptance by RUS does not attest to the correctness of the amounts, the quantities shown, or that the work has been performed under the terms of the agreements or contracts.</i>						
RURAL DEVELOPMENT	Signature of Authorized Certifying Official			Date Submitted:		
	LaDonn McElligott, Community Program Director			Telephone: 541-624-3087		

Engineering Design - \$350,000 Construction Admin - \$150,000
 Environmental Report - \$40,000 Archaeological Report - \$15,000
 Legal Fee Local Attorney - \$17,000 Legal Bond Counsel - \$13,000
 Other Engineering Additional Services= \$40,000; BABAA \$20,000; O&M Manual \$10,000; Record Drawings \$10,000. Added Collection System Realignment Costs to this budget item (\$16,500).
 CO No. 2 - \$16,240.75 (Paid for in AFP No. 4)
 CO No. 3 - \$6,490.24 (Paid for in AFP No. 6)
 CO No. 4 - \$19,729.65 (65% Paid for in AFP No. 12)
 CO No. 5 - \$9,962.12 (Paid for in AFP No. 6)
 CO No. 6 - \$49,103.89 (6.1 and 6.2 paid for in AFP No. 7)
 Engineering Amendment No. 4 signed 6/9/2025 (\$120,000.00)
 Engineering Amendment No. 5 signed 8/20/2025. Added \$115,000 to engineering fees, line d. Reallocated funds from lines c, g, h, and Cultural Monitoring to lines d and i.
 CO No. 7 - \$20,371.05 added (Paid for in AFP No. 11)
 CO No. 8 - \$7,103.07 added (Paid for in AFP No. 11)



Engineering

Surveying

Natural Resources

GIS

Please remit payment to:
P.O. Box 1107
La Grande, OR 97850
(541) 963-8309

City of Lone
Elizabeth Peterson
P.O. Box 361
Lone, OR 97843

Invoice No: 81500
Invoice Date: September 18, 2025
Project No: 38-16 - City of Lone, Oregon -
Wastewater System Improvements -
2023

Invoice Total	28,887.55
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Professional Services through September 15, 2025**Invoice Summary**

Description	Contract Amount	% Comp	Prior Billed	Total Billed	Remaining	Current Billed
070 - Construction Engineering	270,000.00	-	244,941.12	257,333.27	12,666.73	12,392.15
071 - Resident Project Representative	285,000.00	-	208,328.09	224,730.99	60,269.01	16,402.90
072 - Collection System Realignment	16,500.00	-	16,354.24	16,354.24	145.76	-
080 - AIS / BABA Compliance	20,000.00	-	19,626.25	19,718.75	281.25	92.50
206 - O & M Manual	10,000.00	-	8,596.25	8,596.25	1,403.75	-
209 - Record Drawing	10,000.00	-	-	-	10,000.00	-
226 - Cultural Resources	61,850.00	-	46,322.93	46,322.93	15,527.07	-
	673,350.00		544,168.88	573,056.43		28,887.55

Construction Engineering**Professional Personnel**

	Hours	Rate	Amount
Senior Engineer IX	9.50	250.00	2,375.00
Senior Engineer VII	.50	235.00	117.50
Project Engineer III	18.75	160.00	3,000.00
Prof. Land Surveyor V	2.00	205.00	410.00
Survey Crew Chief II	5.00	125.00	625.00
Survey Technician II	4.00	95.00	380.00
Senior Technician IX	23.50	185.00	4,347.50
Technician IV	.25	95.00	23.75

Total Professional Services**11,278.75****Expenses**

	Amount
Auto Mileage	74.20

Unit Billing

Auto Mileage	220.0 Miles @ 0.70	154.00
Truck Mileage	962.0 Miles @ 0.85	817.70
GPS Total Station	1.5 Hours @ 45.00	67.50

Total Units**Task Total****12,392.15****Resident Project Representative****Professional Personnel**

	Hours	Rate	Amount
Senior Technician IX	19.50	185.00	3,607.50
Senior Technician IV	87.00	140.00	12,180.00

Total Professional Services**15,787.50**

Project	38-16	Invoice	81500
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Expenses		Amount	
Per Diem			204.00
Total Expenses			
Unit Billing			
Truck Mileage	484.0 Miles @ 0.85		411.40
Task Total			16,402.90
AIS / BABA Compliance			
Professional Personnel	Hours	Rate	Amount
Senior Technician IX	.50	185.00	92.50
Task Total			92.50
		Total this Invoice	28,887.55

City of Ione
Profit & Loss Budget vs. Actual-General Fund
July through September 2025

	Jul - Sep 25	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
001 · Est Beginning Fund Balance	645,000.00	645,000.00	0.00
103 · Interest	135.49	750.00	-614.51
104 · State Liquor	1,448.58	6,100.00	-4,651.42
105 · Public Utility Franchise	5,385.21	25,500.00	-20,114.79
106 · Cigarette Tax	49.63	200.00	-150.37
107 · License & Permits	99.91	200.00	-100.09
109 · Other	34.94	0.00	34.94
110 · Donation (Miscellaneous)	0.00	1,500.00	-1,500.00
125 · Property Tax	329.03	82,750.00	-82,420.97
127 · RV Park Reservation	2,459.88	4,500.00	-2,040.12
138 · Building Rent	975.00	3,900.00	-2,925.00
148 · CREZ Funds	0.00	200,000.00	-200,000.00
Total Income	655,917.67	970,400.00	-314,482.33
Gross Profit	655,917.67	970,400.00	-314,482.33
Expense			
A-PERSONAL SERVICES			
201 · Maintenance	8,788.55	45,000.00	-36,211.45
202 · City Clerk	7,815.00	38,285.00	-30,470.00
203 · Payroll Tax			
OR - Unemployment Company	0.00	2,150.00	-2,150.00
Paid Family Leave	0.00	575.00	-575.00
203 · Payroll Tax - Other	1,660.65	18,900.00	-17,239.35
Total 203 · Payroll Tax	1,660.65	21,625.00	-19,964.35
204 · Employee Benefits	7,099.61	30,000.00	-22,900.39
206 · Temporary Labor	4,000.00	16,000.00	-12,000.00
208 · Worker's Comp	347.92	3,000.00	-2,652.08
248 · Worker's Benefit Fund	2.80	90.00	-87.20
Total A-PERSONAL SERVICES	29,714.53	154,000.00	-124,285.47
B-MATERIALS & SERVICES			
209 · City Scholarship	2,500.00	2,500.00	0.00
211 · Legal, Accounting, and Planning	443.14	20,000.00	-19,556.86
212 · Utilities	1,565.44	16,000.00	-14,434.56
214 · Office Supplies	2,573.22	7,000.00	-4,426.78
215 · Insurance & Bonding	7,602.50	15,000.00	-7,397.50
219 · Other Operating Expenses	405.20	7,500.00	-7,094.80
220 · Garbage	423.35	5,000.00	-4,576.65
221 · City Park Maintenance	7,193.86	20,000.00	-12,806.14
223 · Maintenance & Supplies	211.35	12,000.00	-11,788.65
244 · Fuel (Gas, Diesel, Propane and other Fuels)	913.59	6,000.00	-5,086.41
Total B-MATERIALS & SERVICES	23,831.65	111,000.00	-87,168.35
D-TRANSFER FUNDS			
274 · Capital Outlay	0.00	55,000.00	-55,000.00

City of Ione
Profit & Loss Budget vs. Actual-General Fund
July through September 2025

	Jul - Sep 25	Budget	\$ Over Budget
Total D-TRANSFER FUNDS	0.00	55,000.00	-55,000.00
288 · Transfer to Special Capital Out	0.00	540,000.00	-540,000.00
300 · Other Unclassified Contingency	0.00	100,000.00	-100,000.00
301 · Unappropriated Funds	0.00	10,400.00	-10,400.00
Total Expense	53,546.18	970,400.00	-916,853.82
Net Ordinary Income	602,371.49	0.00	602,371.49
Net Income	602,371.49	0.00	602,371.49

City of Ione
Profit & Loss Budget vs. Actual-Water & Waste Water Fund
July through September 2025

	Jul - Sep 25	Budget	\$ Over Budget
Ordinary Income/Expense			
Income			
001 · Est Beginning Fund Balance	395,500.00	395,500.00	0.00
114 · Water Utility Collection			
Commercial Water Utility Sales	23,550.00	100,000.00	-76,450.00
Wastewater Utility Collection	0.00	15,000.00	-15,000.00
114 · Water Utility Collection - Other	33,492.43	107,000.00	-73,507.57
Total 114 · Water Utility Collection	57,042.43	222,000.00	-164,957.57
129 · Water Service	124.89	1,000.00	-875.11
305 · Returned Check Charges	15.00		
Total Income	452,682.32	618,500.00	-165,817.68
Gross Profit	452,682.32	618,500.00	-165,817.68
Expense			
A-PERSONAL SERVICES			
201 Water Maintenance	5,668.00	30,000.00	-24,332.00
202 · City Clerk	6,085.00	25,000.00	-18,915.00
203 · Payroll Tax			
OR - Unemployment Company	0.00	1,000.00	-1,000.00
Paid Family Leave	0.00	250.00	-250.00
203 · Payroll Tax - Other	1,198.50	10,600.00	-9,401.50
Total 203 · Payroll Tax	1,198.50	11,850.00	-10,651.50
204 · Employee Benefits	3,944.23	14,000.00	-10,055.77
206 · Temporary Labor	3,000.00	12,500.00	-9,500.00
208 · Worker's Comp	174.05	1,750.00	-1,575.95
248 · Worker's Benefit Fund	0.73	100.00	-99.27
Total A-PERSONAL SERVICES	20,070.51	95,200.00	-75,129.49
B-MATERIALS & SERVICES			
211 · Legal, Accounting, and Planning	625.00	5,000.00	-4,375.00
212 · Utilities	667.62	3,700.00	-3,032.38
214 · Office Supplies	803.38	3,500.00	-2,696.62
215 · Insurance & Bonding	6,083.52	2,500.00	3,583.52
219 · Other Operating Expenses	0.00	5,000.00	-5,000.00
222 · Power and Pumping	3,608.81	35,000.00	-31,391.19
223 · Maintenance & Supplies	3,373.92	25,000.00	-21,626.08
224 · Water Testing	418.00	4,500.00	-4,082.00
225 · Contract Services	0.00	3,500.00	-3,500.00
244 · Fuel (Gas, Diesel, Propane and other Fuels)	0.00	1,500.00	-1,500.00
246 · Education and Certification	2,277.72	6,700.00	-4,422.28
Total 246 · Education and Certification	2,277.72	6,700.00	-4,422.28
Total B-MATERIALS & SERVICES	17,857.97	95,900.00	-78,042.03
C-CAPITAL OUTLAY			
251 · Improvements	0.00	30,000.00	-30,000.00
257 · New Development	0.00	30,000.00	-30,000.00
Total C-CAPITAL OUTLAY	0.00	60,000.00	-60,000.00

City of Ione
Profit & Loss Budget vs. Actual-Water & Waste Water Fund
July through September 2025

	Jul - Sep 25	Budget	\$ Over Budget
288 · Transfer to Special Capital Out	0.00	231,000.00	-231,000.00
291 · Loan Payment Interest	0.00	15,600.00	-15,600.00
293 · Loan Payment Principal	0.00	20,000.00	-20,000.00
299 · US Bank Administrative fee	0.00	800.00	-800.00
300 · Other Unclassified Contingency	0.00	100,000.00	-100,000.00
66910 · Bank Service Charges	15.00		
Total Expense	37,943.48	618,500.00	-580,556.52
Net Ordinary Income	414,738.84	0.00	414,738.84
Net Income	414,738.84	0.00	414,738.84

Profit & Loss Budget vs. Actual-Special Water Account Fund

July through September 2025

	<u>Jul - Sep 25</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
001 · Est Beginning Fund Balance	0.00	74,729.00	-74,729.00
103 · Interest	147.07	1,218.00	-1,070.93
Total Income	<u>147.07</u>	<u>75,947.00</u>	<u>-75,799.93</u>
Gross Profit	147.07	75,947.00	-75,799.93
Expense			
285 · Bank Service Charge	10.00		
301 · Unappropriated Funds	0.00	75,947.00	-75,947.00
Total Expense	<u>10.00</u>	<u>75,947.00</u>	<u>-75,937.00</u>
Net Ordinary Income	<u>137.07</u>	<u>0.00</u>	<u>137.07</u>
Net Income	<u><u>137.07</u></u>	<u><u>0.00</u></u>	<u><u>137.07</u></u>

City of Ione
Profit & Loss Budget vs. Actual-State Street Fund
July through September 2025

	<u>Jul - Sep 25</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
001 · Est Beginning Fund Balance	51,640.00	51,640.00	0.00
116 · State Highway Apport.	6,754.06	26,500.00	-19,745.94
Total Income	<u>58,394.06</u>	<u>78,140.00</u>	<u>-19,745.94</u>
Gross Profit	58,394.06	78,140.00	-19,745.94
Expense			
A-PERSONAL SERVICES			
202 · City Clerk	0.00	5,000.00	-5,000.00
203 · Payroll Tax			
OR - Unemployment Company	0.00	300.00	-300.00
Paid Family Leave	0.00	75.00	-75.00
203 · Payroll Tax - Other	133.07	2,480.00	-2,346.93
Total 203 · Payroll Tax	<u>133.07</u>	<u>2,855.00</u>	<u>-2,721.93</u>
204 · Employee Benefits	394.40	3,000.00	-2,605.60
205 · Street Maintenance	1,582.00	7,500.00	-5,918.00
208 · Worker's Comp	58.19	1,000.00	-941.81
248 · Worker's Benefit Fund	0.10	30.00	-29.90
Total A-PERSONAL SERVICES	<u>2,167.76</u>	<u>19,385.00</u>	<u>-17,217.24</u>
B-MATERIALS & SERVICES			
211 · Legal, Accounting, and Planning	0.00	1,500.00	-1,500.00
215 · Insurance & Bonding	1,519.78		
223 · Maintenance & Supplies	1,444.70	6,255.00	-4,810.30
227 · Street Repair & Maint.	0.00	10,000.00	-10,000.00
228 · Street Lights	1,234.50	16,000.00	-14,765.50
Total B-MATERIALS & SERVICES	<u>4,198.98</u>	<u>33,755.00</u>	<u>-29,556.02</u>
300 · Other Unclassified Contingency	0.00	25,000.00	-25,000.00
Total Expense	<u>6,366.74</u>	<u>78,140.00</u>	<u>-71,773.26</u>
Net Ordinary Income	<u>52,027.32</u>	<u>0.00</u>	<u>52,027.32</u>
Net Income	<u><u>52,027.32</u></u>	<u><u>0.00</u></u>	<u><u>52,027.32</u></u>

City of Ione
Profit & Loss Budget vs. Actual-State Revenue Sharing
July through September 2025

	<u>Jul - Sep 25</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
001 · Est Beginning Fund Balance	19,000.00	19,000.00	0.00
122 · State Revenue Sharing	798.24	3,000.00	-2,201.76
Total Income	<u>19,798.24</u>	<u>22,000.00</u>	<u>-2,201.76</u>
Gross Profit	19,798.24	22,000.00	-2,201.76
Expense			
A-PERSONAL SERVICES			
204 · Employee Benefits	394.42		
Total A-PERSONAL SERVICES	<u>394.42</u>		
301 · Unappropriated Funds	0.00	22,000.00	-22,000.00
Total Expense	<u>394.42</u>	<u>22,000.00</u>	<u>-21,605.58</u>
Net Ordinary Income	<u>19,403.82</u>	<u>0.00</u>	<u>19,403.82</u>
Net Income	<u><u>19,403.82</u></u>	<u><u>0.00</u></u>	<u><u>19,403.82</u></u>

City of Ione
Profit & Loss Budget vs. Actual-Special Capital Outlay
July through September 2025

	<u>Jul - Sep 25</u>	<u>Budget</u>	<u>\$ Over Budget</u>
Ordinary Income/Expense			
Income			
101 · Cash on Hand	292,975.00	292,975.00	0.00
DEQ Interim Loan	0.00	1,815,000.00	-1,815,000.00
USDA Wasterwater Grant	0.00	1,981,000.00	-1,981,000.00
USDA Wastewater Loan	0.00	1,815,000.00	-1,815,000.00
103 · Interest	0.00	25.00	-25.00
115 · Transfer from General Fund	0.00	540,000.00	-540,000.00
117 · State Grant	691,230.00	1,000,000.00	-308,770.00
123 · Transfer from Water Utility	0.00	231,000.00	-231,000.00
Total Income	<u>984,205.00</u>	<u>7,675,000.00</u>	<u>-6,690,795.00</u>
Gross Profit	984,205.00	7,675,000.00	-6,690,795.00
Expense			
B-MATERIALS & SERVICES			
211 · Legal, Accounting, and Planning	1,935.16	10,000.00	-8,064.84
225 · Contract Services	467,044.82	4,900,000.00	-4,432,955.18
Total B-MATERIALS & SERVICES	<u>468,979.98</u>	<u>4,910,000.00</u>	<u>-4,441,020.02</u>
H-Wastewater Project Expenses	189.99		
256 · Engineering Fees	269,444.58	350,000.00	-80,555.42
262 · Repayment of DEQ Loan	0.00	1,815,000.00	-1,815,000.00
300 · Other Unclassified Contingency	0.00	600,000.00	-600,000.00
Total Expense	<u>738,614.55</u>	<u>7,675,000.00</u>	<u>-6,936,385.45</u>
Net Ordinary Income	<u>245,590.45</u>	<u>0.00</u>	<u>245,590.45</u>
Net Income	<u><u>245,590.45</u></u>	<u><u>0.00</u></u>	<u><u>245,590.45</u></u>

September 2025 Deposits

Date	General	General EFT	Capital Outlay	Streets	Water	EFT Water	State Revenue	Comments	Total Deposit
9/2/2025		\$59.94							\$59.94
9/4/2025						\$211.12			\$211.12
9/5/2025		\$915.00							\$915.00
9/8/2025	\$342.30		\$281,803.00		\$940.49			<i>Rent, Cigarette Tax, POM</i>	\$283,085.79
9/9/2025	\$350.00				\$817.30	\$95.10			\$1,262.40
9/10/2025						\$177.39			\$177.39
9/11/2025						\$56.82			\$56.82
9/12/2025					\$1,232.45				\$1,232.45
9/15/2025					\$1,129.10				\$1,129.10
9/15/2025	\$1,790.02							<i>CBEC Franchise Fee, OLCC</i>	\$1,790.02
9/16/2025					\$573.78	\$225.72			\$799.50
9/17/2025						\$67.17			\$67.17
9/18/2025						\$50.05			\$50.05
9/23/2025	\$151.83			\$2,463.91	\$4,002.64			<i>RV Park Reservations, ODOT</i>	\$6,618.38
9/24/2025					\$260.10	\$164.59			\$424.69
9/26/2025	\$59.94							<i>RV Park Reservations</i>	\$59.94
9/29/2025						731.44			\$731.44
9/30/2025	\$46.16							<i>Interest</i>	\$46.16
	\$2,740.25	\$974.94	\$281,803.00	\$2,463.91	\$8,955.86	\$1,779.40	\$0.00	Total	\$298,717.36

September 2025 Checks

<i>Date</i>	<i>Check Number</i>	<i>Payee</i>	<i>Amount</i>
09/02/2025	EFT	QuickBooks Payroll Service	4,983.37
09/16/2025	EFT	QuickBooks Payroll Service	4,795.62
09/30/2025	EFT	QuickBooks Payroll Service	3,923.60
09/03/2025	EFT	IRS	2,687.56
09/08/2025	EFT	CIS	3,944.22
09/04/2025	12099	Airborne Tree	6,750.00
09/04/2025	12100	CenturyLink	371.45
09/04/2025	12101	Desert Springs Bottled Water Company	20.75
09/04/2025	12102	Morrow County Grain Growers, Inc.	97.42
09/04/2025	12103	Pettyjohn's Builders Supply	103.15
09/04/2025	12104	Visa	2,597.29
09/04/2025	12105	Anderson Perry & Associates	36,783.75
09/04/2025	12107	Umpqua Research Company	42.00
09/04/2025	12108	Umpqua Research Company	42.00
09/09/2025	12109	Swaggert Brothers	57,617.90
09/09/2025	12110	Waste Connections	145.40
09/17/2025	12111	HD Fowler Company	30.00
09/18/2025	12112	Anderson Perry & Associates	28,887.55
09/18/2025	12113	KIE Supply	1,482.51
Total Checks			\$155,305.54



City of lone <cityofloneor@gmail.com>

Estimate 1051 from Blue Mountain Plumbing, LLC

Blue Mountain Plumbing, LLC <quickbooks@notification.intuit.com>
Reply-To: bluemtnplumbing@gmail.com
To: cityofloneor@gmail.com

Tue, Sep 16, 2025 at 7:10 PM

ESTIMATE 1051 DETAILS

Blue Mountain Plumbing, LLC**\$29,200.00****Review and approve**

Powered by QuickBooks

Dear City of lone,

Please find your estimate details here. Feel free to contact us if you have any questions. We look forward to working with you.

Have a great day!

Blue Mountain Plumbing, LLC

Address

City of lone
PO Box 361
lone, OR 97843

P.o. number**Booster Pump Shed****14 Plumbing****\$29,200.00**

Replace section of 6" PVC from flange at booster pump to where pipe penetrates concrete leaving booster shed. All PVC sch. 40 piping will be redone in 6" sch.80 with sch.80 fittings and adapters. Install 2) new 53 gal 1 1/4" pressure tanks with boiler drains at each tank a new 2" hammer Rester at end of line mounted to wall to absorb shock in system, emergency backup 2" relief valve to pop off at high pressure to regulate pressure.

1 X \$29,200.00

Exclusions: Any tile, HVAC or carpentry work, appliances such as washer, dryer, water softeners, dishwasher, refrigerator, shower doors, or anything not specified in this bid or plans.

Total \$29,200.00

Thank you for your business.

CCB# 214459 We accept all major debit/credit cards, cash or check

Review and approve

Blue Mountain Plumbing, LLC

PO Box 778 Heppner, OR 97836

+15415710505 bluemtnplumbing@gmail.com

If you receive an email that seems fraudulent, please check with the business owner before paying.



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Estimate_1051_from_Blue_Mountain_Plumbing_LLC.pdf

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BAUM SMITH^{LLC}

ATTORNEYS AT LAW

September 18, 2025

VIA EMAIL ONLY

CITY OF IONE

email: cityofioneor@gmail.com

RE: CITY ATTORNEY SUBMISSION
OUR FILE NO. 5484-001

Dear City Council:

My name is Wyatt S. Baum. This letter contains the information I am submitting as our firm's Proposal for City Attorney Services.

FIRM EXPERIENCE

A. Description of Baum Smith, LLC.

Baum Smith, LLC is a La Grande, Oregon based law firm serving all of Eastern Oregon and beyond. Our lawyers, Wyatt Baum, Brent Smith, and Stephen Dilk have distinguished themselves in the areas of Municipal Law, Agriculture Law, Business Planning, Business Litigation, Civil Litigation, Criminal Defense, Employment Law, Estate Planning, Insurance Defense, Personal Injury, Family Law, and Real Estate transactions and litigation.

B. General Experience of Firm.

Our clients include public entities, individuals, families and small and large businesses. We value our relationships with our clients. We know our clients need both an aggressive advocate and honest advice. We are dedicated to providing our clients with timely, efficient, high quality legal representation. We are committed to honesty and professionalism with our clients, colleagues, and the courts.

Our lawyers have tried cases to a judge or jury in every county in Eastern Oregon and in the United States District Court for the District of Oregon. We handle some of the largest litigation matters in Eastern Oregon including those involving public utility land condemnation.

Our firm works in a team-oriented atmosphere. We pool our knowledge and work collaboratively to best meet the needs of our clients. However, a benefit of our firm is

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the overall division of work. While our firm has three attorneys, I am the attorney handling the transactional work and day-to-day needs of our municipal clients.

We are sensitive to the issue of time with our clients, both in our response time, but also the amount of time we are spending and the overall effect on the municipality's budget. We endeavor to ensure our municipal clients receive the highest quality work without having to stretch the budget.

C. Proposed Attorney, Team

I will be the primary attorney for the City, but all attorneys and resources of the firm will be available to the City as needed. The remaining attorneys of the firm are Brent H. Smith and Stephen Dilk. Brent Smith and I are partners of the firm. Stephen Dilk is an associate attorney.

I received my B.A. from Brigham Young University-Idaho in 2006 and my Juris Doctorate from Willamette University in 2010. I am a member in good standing of the Oregon State Bar and the U.S. District Court of Oregon. I am a member of the Government Law Section of the Oregon State Bar Association, the Oregon City Attorney Association, Oregon County Counsel Association, and the Oregon Municipal Judges Association. I am also a member of OSBA. I am the former President of the Union County Bar Association. Since becoming a member of the bar, I have focused my practice on municipal law.

Brent Smith received his B.A. from Southern Utah University in 2002 and received his Juris Doctorate from University of Utah in 2006. Brent was admitted to the Oregon State Bar and the U.S. District Court of Oregon in 2006. He was admitted to the United States Court of Appeals in 2013. Brent is currently a member in good standing of the Oregon State Bar, Union County Bar Association, Oregon Trial Lawyers Association and a member of the American Board of Trial Advocates. His practice consists of Civil Litigation, Property Law, Personal Injury, Business Law, Insurance Law, and Employment Litigation.

Stephen Dilk is an associate practicing with Baum Smith, LLC, in La Grande, Oregon. He attended the University of Rochester (B.A. History and Anthropology, 2008), Eastern Carolina University (M.A. Maritime History and Archaeology, 2011), and Lewis and Clark Law School (J.D. magna cum laude, 2024 with a Certificate in Environmental and Natural Resources Law). Before attending law school, Mr. Dilk earned a Paralegal Certificate from Colorado Mountain College and worked as a paralegal for over five years. Mr. Dilk was admitted to the Oregon State Bar and the U.S. District Court of

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Oregon in 2024 and 2025 respectively. He is currently a member in good standing of the Oregon State Bar, Union County Bar Association, and the Wallowa County Bar Association. His practice consists of Civil Litigation, Property Law, Personal Injury, Business Law, Family Law, and Insurance Law.

As well as the attorneys listed above, we also employ Emily Hodgson as a paralegal. Emily has over 28 years of experience working in law offices, nearly 16 of which have been at our firm. Emily has a deep breadth of experience in many areas of the law and currently focuses on cases involving civil litigation, property law, business law, and contract law. Additionally, Kortny Henderson has been a paralegal in our office since 2018. Kortny has worked in all facets of law practiced at our firm.

D. Experience with Public Bodies.

I have been practicing with Baum Smith LLC and its predecessor firm, Baum Smith & Eyre, LLC since the Fall of 2010. During the past 15 years, approximately 55% of my practice involves the representation of local public bodies. The remaining 45% is divided between a general litigation practice and transactional work.

Since most of my clients are smaller municipalities, I typically serve as their sole legal advisor. This requires me to be proficient in a wide range of governmental/municipal law areas. I have substantial experience with contract law, public record and meeting laws, torts, civil rights, employment, labor, land use, intergovernmental agreements, and other areas of practice as they relate to municipalities. Many of these areas overlap with the work I provide to area school districts.

My representation of public bodies requires attendance at commissioner, council, and board meetings and close work with administrative and department heads, whether it be the city administrators, school superintendents, board chairs, or department heads. This includes giving oral advice in public settings as needs arise to specific legal questions. Since I work so closely with the governing bodies, it is my job either to identify or work closely with the senior administrator to identify, investigate, and address any issues involving my clients. Facets of these responsibilities include, but are not limited to, drafting policy or ordinances, risk management, drafting and negotiating contract terms, reviewing contracts, revising and updating organizational documents, employee relations, community relations, litigation management, and labor negotiations.

As a public body adviser, significant time is spent researching and presenting my analysis to public bodies. Examples of this include:

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1. Legal research, drafting and giving a presentation of an intergovernmental agreement creating a regional county coalition for northeast Oregon;
2. Drafting various ordinances and resolutions to meet the needs of clients;
3. Drafting ordinances governing the relationship between municipalities and non-profit organizations;
4. Reviewing land use applications and providing opinions on individual land use requests and enforce land use codes;
5. Acquire and dispose of real property, including the drafting of contracts, deeds, and encumbrances between municipalities and school districts; and
6. Draft franchise and use ordinances to address the evolving nature of municipal relationships with telecommunication companies and other entities using cities' rights-of-way;
7. Revising and drafting public contracting rules and regulations for public bodies including ordinances and resolutions to enact said rules;
8. Provide continuing legal advice on public records and meeting laws through presentations, opinion letters and meetings;
9. Revising and updating by-laws and other organizational documents;
10. Advising boards created by intergovernmental agreements and revising intergovernmental agreements to meet the evolving needs of clients;
11. Drafting land use documents and negotiating purchases of real property and rights in real property for municipal clients.
12. Handling complaints against public employees and officers from investigation to representation at contested matters.
13. Respond to various OCR complaints and works with public body administration, staff and employees to gather documents, draft responses and represent the public body through the OCR process.
14. Working with DEQ and EPA on resolving various environmental issues including representing clients at contested case hearings.

I also have substantial experience in assisting public bodies navigate numerous and burdensome public record requests and public record retention issues. Associated with this is assisting public bodies navigate situation with high conflict constituents. This includes working closely in drafting responses to complaints filed with the Office of Civil Rights.

I have assisted public bodies in amending the comprehensive land use plans and run land use hearings and appealed issues to LUBA.

Smaller public bodies do not always have well-developed human resources departments and as such my clients rely heavily upon me as their legal counsel to assist them in

interpretation and implementation of employment law issues. Most often this takes the form of counseling the administration through discipline or termination processes from investigation to implementation of due process. I have been involved with numerous termination and disciplinary proceedings including employees and staff and work with CIS to ensure proper process and procedures are followed.

I have more than ten years of experience providing general employment law advice to my municipal clients, including workplace accommodations, implementation of OFLA/FMLA leave, the FLSA, ADA, and Paid Leave Oregon. This has involved both union and non-union employees. On several occasions I have revised or rewritten the employment manuals for my municipal clients as well as for other corporate and non-profit clients. This required not only an understanding of employment law, but also the ability to educate my clients on implementation of these laws, and knowledge of the different rights that affect private versus public employees.

I routinely assist in the preparation of public contracting proposals and drafting public contracts. I have also assisted various municipalities in acquiring different services from non-profit corporations to meet the needs of residents. I routinely assist municipalities in going out for public improvement contracts and contracts for personal services.

I have successfully litigated cases for municipalities in Circuit Court and when appropriate facilitated the settlement of those cases outside of the courtroom. Our firm's litigation practice has given me extensive experience both as plaintiff's counsel and as defense counsel for such companies as Mutual of Enumclaw and Smith Frozen Foods. In addition to myriad tort claims, on behalf of my clients I have pursued or defended claims including, but not limited to, quieting title to real property, abatement issues, discrimination in employment, including retaliatory termination and sexual harassment, as well as failure to reinstate injured employees and wage claim issues. This has helped when representing municipalities and anticipating potential issues that could arise from such litigation. Although I have represented municipalities in a variety of litigation cases, if we believe it will be beneficial to our clients, I can reach out to my partner, Brent Smith, for additional support.

As legal counsel for the La Grande School District, I am also part of their labor negotiating team and serve as the spokesmen during negotiations with both LEA and OSEA.

I am relied on by my municipal clients to provide advice regarding all parliamentary issues. Each of the boards, councils, and commissions I represent have adopted Roberts Rules of Order for their public meetings, and when I am requested to be present at the meetings, I provide such counsel when necessary.

Realizing public bodies present the need for quick responses from their legal counsel, I strive to assure a quick turnaround with documents and questions and work closely with the municipality to make sure its needs are met in a timely fashion.

ACCESSIBILITY AND RESPONSIVENESS

I pride myself on making sure there is open and honest communication with our public body clients and a quick turnaround to meet the needs of the clients. I strive to respond to an issue on the same day it is reported to me, and almost always no later than 24-48 hours. It is important to me my clients know their issues are being addressed and thoughtfully and thoroughly considered. If a specific deadline is given by a client, it is invariably met. If a delay is anticipated, those delays along with the reason for the delay are communicated to the municipality immediately to make sure their needs are being met.

I would be available to the City whenever needed to the extent no existing calendaring conflicts prevent that availability. Typically, I can accommodate short notice schedules for attendance at any meeting that must occur immediately. Additionally, I can be available by remote means to attend meetings. The remaining members of the firm would also be available in the event circumstances prevent my attendance or response.

TECHNICAL RESOURCES

Our firm uses Microsoft Office 365 software, including the Phone System feature through Teams and Outlook for email, allowing for access to my office phone line and email account through my personal mobile phone and/or any computer with internet access. This means if I am away from the office, I will still be able to retrieve my voice mail and email messages.

CLIENTS/CONFLICTS OF INTEREST

A listing of the municipal clients currently represented or recently represented include Union County, Union County Sheriff's Department, Union County Public Works, Union Wallowa Railroad, City of La Grande, City of Elgin, City of Imbler, City of Enterprise, City of Joseph, City of Lostine, City of Seneca, City of Condon, City of North Powder, City of Powers, City of Moro, City of Wallowa, La Grande School District, Ontario School District, Dayville School District, Long Creek School District, Island City Sanitary Sewer District, the Blue Mountain Translator District, Tri-County Cooperative Weed Management Board, and Frontier Regional 911.

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I do not have any current direct conflicts with the City. Potential conflicts consist of my current municipal clients as set forth above. This would be a factor if any intergovernmental action were to occur between these bodies.

PROPOSED FEE STRUCTURE

The City would be billed on a monthly basis based on a reduced hourly rate of \$275 per hour. Paralegal work done for the City would be billed at the rate of \$150 per hour. Time is billed by tenths of an hour (e.g. .1 = 6 minutes). There are certain minimum billing charges: telephone calls – .20; correspondence – .30; review of any letters or documents – .20; and preparation of documents – 1.0. The City will also be charged for all expenses incurred, including without limitation intended, excessive postage, filing fees, and mileage reimbursement at the standard mileage rates determined by the Internal Revenue Service.

The City would not be required to cover any training or conference costs. It is important to note, however, I attend League of Oregon Cities conference annually in addition to other conferences including those sponsored by the Oregon Trial Lawyers Association, Oregon School Board Association, Oregon County Counsel Association.

REFERENCES

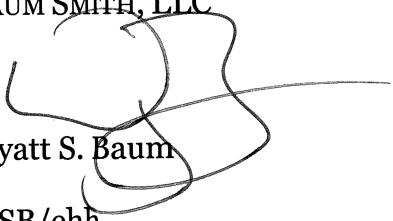
- Lacey McQuead
City Administrator
City of Enterprise
102 E. North St
Enterprise, OR 97828
Phone: (541) 426-4196
- Merle Comfort
La Grande School Board Member
IMESD Board of Directors, Board Vice Chair
209 Scorpio Drive
La Grande, OR 97850
Phone: (541) 963-5309
- Shelley Burgess
Union County Administrator
1106 K Avenue
La Grande, OR 97850
Phone: (541)963-1001

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I look forward to answering any further questions you may have that would assist you in your decision-making process.

Very truly yours,

BAUM SMITH, LLC



Wyatt S. Baum

WSB/ehh