



CITY OF BEND

**SHARED MICROMOBILITY DEVICE (BIKE SHARE)
PILOT PROGRAM**

ADMINISTRATIVE REGULATIONS

Policy No. ADM 2022-3

Bend Code Chapter 1.30.005 provides for ‘City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.’ All regulations, policies and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and council ordinances.

The following policy conforms to the above stated standards.

Authorized by City Manager:

Reviewed by Legal Counsel:

DocuSigned by:
Eric King
409FF33EB4E64D3...

DocuSigned by:
Mary Winters
FOC398BD345A438...

Eric King, City Manager

Mary Winters, City Attorney

Dated: 5/26/2022

Dated: 5/26/2022



TITLE: SHARED MICROMOBILITY DEVICE (BIKE SHARE) PILOT PROGRAM

POLICY NO.: ADM 2022-3

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1. Purpose

Under the authority of Bend Code 1.30.005, I am adopting these Administrative Regulations to establish the City's Shared Micromobility Pilot Program policies, regulations and guidelines, and to establish permit requirements for a pilot bike share program. The program consists of dockless e-bikes to be picked up and dropped off at specific, identified geofenced areas/bike racks within the city of Bend.

Bend Code Section 7.60.005(B) provides that no shared micromobility business may provide service or operate within the city without a valid license or permit, or upon receiving approval under a pilot-permitting or pilot-licensing program. The purpose of these Regulations is to permit and govern a pilot program to test the deployment and use of dockless e-bikes in a bike share program ("Shared Micromobility Devices") within the city of Bend (the "City").

In September, 2020, the City Council adopted a 2040 Transportation System Plan ("TSP") as part of the Bend Comprehensive Plan, which recognizes micromobility devices (e.g., small-wheeled vehicles such as bikes, e-bikes, e-scooters, etc.) that provide increased travel options are an important part of its transportation system and that demand for such services will likely increase in the future. The TSP references a desire to consider and test emerging shared micromobility techniques and technologies, including using pilot or demonstration projects as efficient opportunities to regulate new companies and technologies on a trial basis, with provisions to protect public safety and promote community well-being, sustainability and equity while supporting a new shared micromobility service. The TSP directed the City to create guidelines to require shared micromobility providers using City rights-of-way ("ROW") to use open data standards to report anonymized, accurate, complete, and timely information on use, compliance, and other aspects of operations. (TSP, pages 31-32).

In order to provide flexibility and quickly adapt to changing environments, the micromobility program will be implemented through these Administrative Regulations. The Regulations are subject to amendment during the Pilot Program as the City works with the Operator to make data-driven decisions to deliver a safe transportation option and define effective solutions to identified challenges as the process evolves.

The operation of a Shared Micromobility Device program is a privilege, not a right. Participation in the Pilot Program is granted through selection of a sole source operator, and issuance of an approved operator permit.

A key to the Pilot Program's success will be an open and productive partnership between the City and the selected Operator that facilitates the Operator being responsive to legitimate community concerns about safety, accessibility and equitable access to the Program, and coordination with other public entities like OSU-Cascades and Cascades East Transit ("CET") related to enhanced mobility goals.

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The City is planning a Pilot Program for the regulation of Shared Micromobility Devices beginning in the spring/summer of 2022 through December 2024 (the "Pilot Period"). The Pilot Period will help the City determine whether these identified Shared Micromobility Devices can support the City's Pilot Program Objectives and Goals.

The City intends to provide only one permit to one company for the Pilot Period or a future renewed or extended Pilot Period. If a permanent permitting program is implemented, the Bend Municipal Code will be amended accordingly to allow additional operators.

2. Pilot Program Goals and Objectives.

The Pilot Program seeks to meet the following policy goals and objectives:

- Diversify micromobility options for residents, employees and visitors to Bend.
- Comply with the action items specified in the TSP related to micromobility.
- Offer sustainable options that support the City's Climate Action Plan.
- Protect public health and safety by assuring safety of micromobility device users and other users of the transportation system.
- Reduce parking demand in dense areas of the City by offering another mode of transportation for short trips.
- Leverage transit services offered by CET to increase ridership and decrease single occupancy automobile trips.
- Provide micromobility options in areas and to populations typically underserved by other public transportation services or with low auto ownership.
- Avoid sidewalk, pathway and Americans with Disabilities Act (ADA) blockages.
- Maximize user awareness for safe and legal behaviors for operating a shared micromobility device.
- Create an enforceable framework for managing shared micromobility services.
- Ensure the selected Operator responds to pervasive issues and service complaints.
- Obtain data on rider origin/destination, trip length, and frequency to inform future infrastructure investments.

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3. Authority

These Regulations are authorized by and implement according to Bend Charter Sections 4, 5 and 24; Bend Code Sections 1.30.005 and 7.60.005; and Bend Code Chapters 3.50, 6.10 and 12.15. The provisions of these Regulations complement, but do not replace, any provisions in the Bend Code. In case of a conflict, the Bend Code will prevail over these Regulations.

4. Definitions

- A. **“ADA Ramp”** means a combined ramp and landing to accomplish a change in level at a curb in order to provide access to pedestrians using wheelchairs.
- B. **“Co-located Shared Micromobility Device”** means two or more Shared Micromobility Devices parked adjacent to one another.
- C. **“Crosswalk”** means any crosswalks either “marked” or “unmarked.” A “marked crosswalk” is any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway. An “unmarked crosswalk” is the imagined extension of a sidewalk or shoulder across a street at an intersection. An unmarked crosswalk exists at all intersections unless specifically marked otherwise.
- D. **“Operator”** means the entity that is the named holder of a permit issued pursuant to these Regulations.
- E. **“Right-of-Way” (“ROW”)** means property subject to public use for existing or future streets, curbs, planting strips, or sidewalks. For the purpose of these Regulations, ROW includes public off-street parking locations.
- F. **“Shared Electric Micromobility Device”** (“*Shared Micromobility Device*” or “*Devices*”) means a vehicle that:
 - i. Is designed to be operated on the ground with a wheel diameter no greater than 20 inches;
 - ii. Has handlebars and a foot support or seat for the user;
 - iii. Can be propelled by an electric motor or human propulsion; and
 - iv. Is made available by the Operator for rent or public shared use in the ROW.
- G. **“Street”** means all that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, alleys and sidewalks.

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- H. **"User"** means the person who is in actual physical control of a Shared Micromobility Device.
- I. **"Neighborhood Mobility Points" ("NMPs")** means designated areas in City ROW, City parking facilities, or private properties, created and approved as mobility points per City street design guidelines.
- J. **"Permit"** means a Shared Bike Share Right of way permit

5. Program Scope and Scale.

- A. Number of Operators. One Operator will be selected to operate within the City during the Pilot Period. Once selected, Operator will be expected to obtain a permit as set forth in these Regulations. Operator is expected to begin operation within four weeks of permit issuance. No other Shared Micromobility Device company may operate in the City during the Pilot Period.
- B. Number of Devices. The City expects that there will be a minimum of 200, but no more than 300 Shared Micromobility Devices allowed initially, although the number will be as stated in the Permit. The number of Devices may fluctuate during the Pilot Period depending on how the Program is working and if it's meeting its goals.
- C. Type of Devices. Only pedal assisted e-bikes are permitted to operate under the Program permit.
- D. Site Selection. Operator must meet with the City to identify the location of sites; the parties will agree on the number and location of the selected sites for the Program.
- E. Timing of Program. The Program will last approximately through spring 2024, with possible amendment to the term of the Program as it is being evaluated. Formal evaluation of the Program will begin at its conclusion and after review of the data collection, and a report and recommendation to the City Council will be made at that time to consider a permanent program with corresponding Code adoption.

6. General Permit Requirements

- A. Permits for Operation of a Shared Micromobility Device for the selected Operator will include the following:
 - i. A completed permit application form;
 - ii. A data-sharing agreement acceptable to the City;
 - iii. Payment of all applicable fees;

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- iv. Evidence of insurance pursuant to Section 7 of these Regulations;
 - v. An acceptable communication and outreach plan for the purpose of informing customers of applicable legal requirements governing Shared Micromobility Devices, including helmet requirements and prohibitions on traveling on sidewalks and parking or leaving Shared Micromobility Devices in a manner that impedes pedestrian or vehicular traffic;
 - vi. An acceptable privacy policy that safeguards Users' information, including personal, financial, and travel information, to the extent permissible under Oregon Open Public Records law;
 - vii. An acceptable User equity plan that includes discounted pricing and increasing adoption among low-income and historically underserved members of the community;
 - viii. A plan to implement the use of an adaptive micromobility device for users with disabilities. The Adaptive Micromobility Device Program must be implemented within sixty days of the initial deployment;
 - ix. An approved economic opportunity plan for hiring individuals and/or creating economic opportunities for people from historically underserved communities;
 - x. As requested by the City, the Operator may also be required to submit plans related to maintenance, operations, cleaning, disposal, and repair of Shared Micromobility Devices; a safety history report from all other cities in which the Operator provides or has provided Shared Micromobility Device services, with information on crashes, injuries, and device placement or rider conduct that reduces safety or impedes access for people with disabilities using the ROW; and/or a data breach history report including the date, location, and type of data accessed during the time the Operator has offered Shared Micromobility Devices.
 - xi. A copy of its City of Bend Business Registration; and
 - xii. A copy of its Oregon Secretary of State Business Registration;
- B. The application will be denied if there is a material misstatement or omission in the application or any associated documents. After a permit has been issued, the permit may be suspended or revoked if the City determines that there were any misstatements or omissions in the original application, if the Operator is acting in any way inconsistent with the application or its plans

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described in the application, or if circumstances have changed so that the information in the application is no longer true.

7. Insurance Requirements

- A. **Liability Policy.** The Operator shall secure and maintain a primary commercial general liability policy reflecting limits of no less than \$2 million per occurrence and \$2 million in the aggregate for covered claims arising out of, but not limited to, bodily injury and property damage in the course of the Operator's operations under its permit.
- B. **Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.
- C. **Subject to Approval by the City Attorney's Office.** The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.
- D. **Continuous and Uninterrupted Coverage.** The Operator shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if the insurance company later backdates it, is subject to a civil penalty and may lead to suspension or revocation of the permit.
- E. **Additional Insured and Notification of Policy Changes.** The Operator shall provide certificates of insurance and endorsement forms naming the City of Bend and its officers, agents, and employees as additional insured entities. The Operator and/or insurer shall give at least thirty calendar days' notice to the City before a policy is canceled, expires, or has a reduction in coverage.
- F. **Indemnification.** The Operator agrees to indemnify, defend, and hold the City of Bend and its elected officials, officers, employees, and agents harmless from and against all claims arising from, in whole or in part, the Operator's operations under its permit.
- G. **Technology Errors and Omissions; Cyber Liability.** Operator shall maintain liability insurance covering acts, errors, or omissions, including negligent acts, arising out of the performance or failure to perform professional services related to the products and services under the permit. The Operator shall maintain insurance that covers any and all claims and losses with respect to data, network risks, and infringement of Intellectual Property Rights. Such insurance shall include limits of coverage of not less than \$2,000,000 written on a per occurrence basis. If coverage is written on claims-made basis, coverage shall remain in effect for not less than three years following the date

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of termination or expiration of the permit. Evidence of coverage must be sent to the City for three years following termination or expiration of the permit.

H. Education of Users. Operator agrees that the City is not responsible for educating Users regarding helmet requirements and other applicable laws. Neither is the City responsible for educating Users on how to ride or operate a Shared Micromobility Device. Operator agrees to educate Users regarding laws applicable to riding and operating a Shared Micromobility Device in the City and to instruct Users to wear helmets and otherwise comply with all applicable laws.

8. Data Reporting, Sharing and Privacy Requirements

A. Operator must provide the City access to anonymized, real-time Shared Micromobility Device data and other data in a format and frequency approved by the City as defined in an approved data-sharing agreement. Required data may include, but is not limited to, the following:

- i. for all individual trips that start, end, or pass through Bend, as requested by the City:
 - a. Number of trips that have occurred (broken down by hour);
 - b. Route info, including where riders come from and go to;
 - c. Trip volumes for specific streets and corridors;
 - d. Distance of a typical trip;
 - e. Length of a typical trip;
 - f. Distribution of vehicles throughout the city;
 - g. Difference in vehicle usage behavior by time of day;
 - h. Demographics of shared mobility users (age, income, race, and gender);
 - i. Travel behavior changes, including mode shift and first- and last-mile access;
 - j. Equity and accessibility issues; and
 - k. Safety-related data (for shared bikes).

B. Operator must clearly communicate to City and the public what data is being collected about its users, how it is being used, and for how long.

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Communications should be readily available and easy for the public to understand.

- C. Operator shall provide a standardized dashboard interface for City staff and designated third parties to review the data.
- D. Reports on aggregated usage, maintenance, rebalancing, customer service, incidents and other key performance indicators shall be provided to the City and designated third parties on a monthly basis.
- E. Operator will issue regular surveys to their users to assess how the service is impacting mode choice.
- F. Monthly reports should be submitted to the City to determine if Operator's fleet should increase or decrease based on the "dynamic cap." Judgement of cap increase is solely at the City's discretion. If rides are greater than four rides per day but complaints/incidents occur with greater frequency, the City may opt to retain the minimum number of devices in service until operational complaints are addressed/remediated.
- G. Device Technology. Devices must offer state-of-the art shared micromobility technology. Operator must provide the necessary technology to track Devices, determine device utilization, enhance customer service, and educate users about safe riding and the rules of the road.
 - i. At a minimum, each device must provide the necessary technology to provide real-time location tracking and recorded origin and destination. Devices must be capable of location-based speed regulation and parking restriction.
- H. The Operator shall notify the City and all required Users of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.
- I. Upon request, the Operator shall provide data identified by the City to verify compliance with requirements pursuant to these Regulations.
- J. Operator shall provide the City with account logins for City oversight.

9. Safety and Equipment Requirements

- A. Operator must provide a certification to the City that each Shared Micromobility Device has met all conditions of the City's certification requirements, the Oregon Vehicle Code, and any United States Department of Transportation safety requirements. Shared Micromobility Devices not meeting all such conditions will not be allowed to operate.

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- B. The maximum speed of all Shared Micromobility Devices must be limited to 20 mph.
- C. All Shared Micromobility Devices must meet all specifications for brakes, reflectors and lighting.
- D. Operator shall provide a mechanism for Users to notify the company that there is a safety or maintenance issue with a Shared Micromobility Device.
- E. Operator shall continuously maintain their Shared Micromobility Devices, including repair, regular maintenance, and maintaining a full charge.
- F. Operator shall be responsible for educating Users of all state and local laws governing Shared Micromobility Devices.
- G. Operational rules shall be printed prominently on Devices (no riding on sidewalks, helmets must be worn, etc.)
- H. Every device shall have prominently displayed, clearly visible service contact information, including a toll-free phone number and email address for customer service contact information or to report issues, and the Operator's name.
- I. A unique identification number shall be prominently displayed on every device.
- K. Additional safety requirements may be outlined in the permit.
- L. Each Shared Micromobility Device must be durable – able to last five years under normal usage with routine maintenance.
- M. Each device must be capable of standing upright when parked.
- N. Each device must have GPS accessible by the City.

10. Operating Requirements

- A. Deployment and Fleet Minimum. An Operator must:
 - i. Deploy Shared Micromobility Devices within four-weeks of permit issuance;
 - ii. Show how and whether Devices made an impact city-wide and were deployed to historically underserved areas east of NE 8th Street. Deploy Devices throughout the Program in all areas. Accept modifications to the permit changing the minimum and maximum numbers of Shared Micromobility Devices to take in to account demand and usage.

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- iii. Operator must deploy a minimum of 200 Shared Micromobility Devices.
- iv. Operator will agree to enforcement of Shared Micromobility Devices parked outside agreed on locations and Micromobility Points throughout the City.

B. Lighting requirements:

- i. All Shared Micromobility Devices must have reflectors.
- ii. All Shared Micromobility Devices should be equipped with a bright white headlight.
- iii. All Shared Micromobility Devices should be equipped with a red taillight.

C. Operator may stage Shared Micromobility Devices in NMPs. This applies to any initial deployment or any rebalancing or replacement. Operator's Users may park Devices within NMPs only.

D. Shared Micromobility Devices must be parked:

- i. Within a City-designated Device Parking Area or NMPs.
- ii. On private property, with the permission of the owner, provided that staging of Shared Micromobility Devices on private property may be only on industrial, commercial, and multi-family properties.
- iii. Shared Micromobility Devices cannot be parked outside the areas mentioned above.

E. Parking Enforcement.

- i. The City will train its parking enforcement officers of the new privileges associated with the Shared Micromobility Program and equip them with approved designated service area maps.
- ii. Shared Micromobility Devices are subject to all other traffic and parking regulations outlined in Bend's Municipal Code.
- iii. Parking enforcement officers will issue citations to Shared Micromobility Devices for violations as they would to private automobiles and motorcycles. This includes Devices parked or dropped off outside designated NMPs.

F. Customer Service and Remediation for Complaints and Obstructions.

- i. Shared Micromobility Devices must not obstruct the ROW. Should a Shared Micromobility Device obstruct the ROW, the Operator must address each request from the City to move the Shared Micromobility Device promptly within the timeframe identified by the City.

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- ii. Operator must actively engage with City staff to resolve issues and provide solutions to improve service performance throughout the duration of the Pilot Program. Operator is responsible for promptly responding to City inquiries and requests, addressing public complaints, and resolving any operational issues that may arise.
 - iii. Operator must provide a customer service hotline, email or text number, enabling members of the public to report misuse or damaged devices, and to receive general customer support.
 - iv. Customer service for the public shall be available 7 a.m. to 10 p.m., seven days a week.
 - v. Operator must provide a public safety hotline to allow City staff to direct contact with Operator 24-hours a day for emergencies and device relocation, with a response time of two hours or less.
 - vi. Operator must respond to non-emergency consumer complaints unrelated to location of parked Shared Micromobility Devices within 24-hours from the time the complaint is logged with the Operator.
 - vii. Operator will appoint a local liaison to work directly with City staff.
- G. Operator must disclose to the User that anonymized data listed in Subsection 8A will be shared with the City. Disclosure may be further enumerated in the data sharing agreement.
- H. **User Education Requirements.** Operator must educate Users on the safe operation of a Shared Micromobility Device. Additional User education may be required through the Pilot Period, at the discretion of the City. Operator shall use best efforts to ensure that Users comply with all applicable laws. Consistent failure by Users to comply with applicable laws may be grounds for permit suspension or revocation. At a minimum, the Operator shall inform Users of state and local laws governing the use of motorized devices, including but not limited to, applicable requirements for helmets, Oregon Bicycle laws, no bicycles on a sidewalk in the Downtown district or Centennial Parking Garage, and parking.
- I. All service rates, including discounted rates, shall be established by the Operator, reported to the City, and made available in a clear and transparent way to the User.
- 11. Permit Revocation or Suspension**
- A. The City may revoke or suspend a permit, effective immediately, for reasons including, but not limited to, the following:
- i. A failure to comply with these Regulations;
 - ii. A failure to comply with the permit;
 - iii. A determination that the operation of Shared Micromobility Devices by the Operator poses a risk to public safety, whether for reasons of the

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- safety of the battery, motor, design or other issues with the Shared Micromobility Devices deployed by the Operator;
 - iv. A determination that the operation of Shared Micromobility Devices by the Operator conflicts with the City's obligation to manage the ROW responsibly;
 - v. The Operator sells or shares confidential and individual User data;
 - vi. The Operator does not pay required fees, surcharges or penalties;
 - vii. The Operator blocks or alters the presentation of any information or denies access to its company application by any City employee authorized to enforce the provisions of the associated permit and these Regulations, or for the purpose of thwarting or interfering with any City employee's enforcement or oversight of the associated permit or these Regulations; and
 - viii. Consistent failure by the Users to comply with applicable laws.
- B. The City may allow the temporary continuation of a permit that is otherwise subject to revocation or suspension if, in the determination of the City, the public welfare would not suffer.

12. Permit Fees and Per-Trip Surcharges

- A. The Operator must pay an application fee of \$500.00. The application fee is structured to recoup the staff time required in the preparation of the Pilot Program and its pertinent documents, along with the operator selection process. It is due at the time of application submission and is non-refundable.
- B. The Operator must pay a Pilot Period Permit Fee of \$5,000.00. This is to cover the micromobility division administrative costs including but not limited to oversight and administration, data analysis, and auditing of the program.
- C. Operator must maintain a public property maintenance fund deposit of \$2,500, which is used if City staff is required to move/remove Devices from the ROW, to remediate parking or riding issues, and to maintain clear travel. Operator must maintain this balance quarterly.

13. Ceasing Operations.

In the event that the Operator is no longer willing or able to operate within the City, the Operator must provide the City with at least 30 days' written notice of its intent to cease operations in the City. Once the Operator ceases operations, it must immediately surrender its permit and remove all of its Devices and associated equipment from the ROW and private properties.

Certificate Of Completion

Envelope Id: 2CBF81A74148420E959A49090BCA4717	Status: Completed
Subject: Please DocuSign: ADM 2022-3 Shared Micro Mobility.pdf	
Source Envelope:	
Document Pages: 14	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Brenda Mingus
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	710 NW Wall St.
	Bend, OR 97703
	bmingus@bendoregon.gov
	IP Address: 98.142.36.35

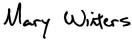
Record Tracking

Status: Original	Holder: Brenda Mingus	Location: DocuSign
5/26/2022 4:41:04 PM	bmingus@bendoregon.gov	

Signer Events

Mary Winters
 mwinters@bendoregon.gov
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

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Timestamp

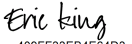
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 Using IP Address: 98.142.36.35

Electronic Record and Signature Disclosure:

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 ID: dc86ddcd-3f38-4438-8d28-ee6e784ece3d
 Company Name: City of Bend

Eric King
 eking@bendoregon.gov
 City Manager
 City of Bend
 Security Level: Email, Account Authentication (None)

DocuSigned by:

 409FF33EB4E64D3...

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 Company Name: City of Bend

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
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Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Bend (we, us or City) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you may be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below. Paper copies may also be requested from City by contacting Procurement.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

Notices and disclosures may be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we may provide electronically to you through the DocuSign system required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. You can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact the City:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To advise the City of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at dgalanaugh@bendoregon.gov and in the body of such request you must state: your previous email address, your new email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to dgalanaugh@bendoregon.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number.

To withdraw your consent with the City

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;**
- ii. send us an email to dgalanaugh@bendoregon.gov and in the body of such request you must state your email, full name, mailing address, and telephone number.**

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here:
<https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and**
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and**
- Until or unless you notify the City as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by the City during the course of your relationship with the City.**