

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 14-R-1044

A RESOLUTION OF THE CITY OF BROOKINGS DIRECTING THE CITY ATTORNEY TO DRAFT A BALLOT TITLE FOR PLACEMENT ON THE MAY 19, 2015 ELECTION, ENACTING A FUEL TAX.

WHEREAS, Oregon Revised Statute 319.950 authorizes a City to enact a fuel tax by voter approval; and

WHEREAS, the City of Brookings, in 2009, contracted for the preparation of a Pavement Management System (PMS) report which was updated in 2013. Said report identified the street improvement needs within the City, estimated at \$2.157 million with an estimated annual funding need of \$250,000 over a period of 10 years, in order to repair and rehabilitate said streets; and

WHEREAS, if the preventative maintenance and rehabilitation work called for in the PMS is not addressed in a timely manner, street maintenance costs will significantly increase due to resulting street damage requiring more extensive street reconstruction; and

WHEREAS, the City Council has enacted a System Replacement Fee (SRF) to fund street reconstruction and major repair needs. Said SRF, paid by City water and sewer utility customers, currently generates some \$131,000 annually, an amount which is insufficient to fund the needs identified in the PMS; and

WHEREAS, Federal Law now requires that pedestrian facilities adjacent to roads that are reconstructed or which undergo major repair be upgraded as needed to bring such pedestrian facilities into compliance with Americans With Disabilities Act (ADA) standards, and that such upgrades may result in adding 20 percent to the cost of a street improvement project; and

WHEREAS, it is the desire of the Brookings City Council to develop a funding source that is sufficient to undertake the street improvement program identified in the PMS and, further, to make the improvements needed to comply with ADA requirements; and

WHEREAS, it is also the desire of the City Council to shift the source for funding said improvements from City water and sewer utility customers to street and highway users, including non-resident street and highway users;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brookings, Curry County, Oregon, as follows:

1. The City Council shall submit to the City's voters a measure, to be placed on the May 19, 2015 election ballot, authorizing the City to levy a local fuel tax.
2. Said ballot measure shall contain the following elements:
 - a. The maximum tax rate shall be four cents (\$0.04) per gallon of fuel sold.
 - b. Provide that the target for the amount of revenue that may be collected during any fiscal year shall be \$300,000, and that the \$300,000 target shall be adjusted annually by the

- Engineering News Record Construction Cost Index for the preceding, May to May, twelve (12) month period.
- c. In the event the rate generates revenue in excess of the adjusted \$300,000 in any fiscal year, the City Council shall reduce the tax rate in the following fiscal year so as not to exceed the adjusted \$300,000 revenue goal.
 - d. Require that the Streets System Replacement Fee be repealed and cannot be re-enacted during the period when the local fuel tax is in effect.
 - e. The duration of the local fuel tax shall be 3 years.
 - f. The City Manager shall establish, subject to the approval of the City Council, rules and regulations for the administration of the tax collection.
 - g. The City shall establish a "Fuel Tax Fund" in its annual budget where revenues and expenditures shall be shown.
 - h. The City Manager shall prepare an annual report to the City Council on the expenditure of fuel tax funds.
 - i. Fuel tax revenues shall only be used for street maintenance, repair and rehabilitation. Such work may include sidewalk, bicycle, storm drain and utility relocation associated with a street improvement project.
 - j. the Fuel tax shall not be collected on the sale of aircraft fuel or "red diesel" fuel and any other fuel expected by State law.
- 3. The election will be conducted by the Curry County Elections Department.
 - 4. The City Attorney is directed to prepare a ballot title for said measure.

Passed by the City of Brookings, Oregon on the 14th day of July, 2014;
effective the same date.

Signed by the Mayor this 16th day of July, 2014.

Attest:

Ron Hedenskog
Mayor Ron Hedenskog

Joyce Heffington
City Recorder Joyce Heffington