

City of Brookings

MEETING AGENDA

CITY COUNCIL

Monday, July 13, 2015, 7:00pm

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415

The City Council will meet in **Executive Session at 6:00 PM**, in the City Manager's office, under authority of ORS 192.660(2)(f), "to consider information or records that are exempt by law," and under the authority of ORS 192.660 (2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions."

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Proclamation – Kite Festival Week [pg. 3]
2. Reappointment of Tim Patterson to the Tourism Promotion Advisory Committee. [pg. 4]
3. Reappointment of George Watwood to the tourism Promotion Advisory Committee. [pg. 7]
4. July Yard of the Month awards:
 - a. Best Residential – Shirley York, 314 Birch Street
 - b. Best Commercial – Dollar General, 1300 Easy Street

E. Resolutions

1. Resolution establishing City policy for responding to drought emergency. [City Manager, pg. 10]
 - a. Resolution 15-R-1067 [pg. 12]
 - b. *Brookings and the Drought* [pg. 15]
 - c. County Resolution [pg. 19]
 - d. *Helping Communities Address Water Needs*, by Governor Brown [pg. 28]
 - e. *Oregon's Water Resources*, by Tom Byler, Director, OWRD [pg. 30]
 - f. *The Local Impact of Drought*, Local Focus article [pg. 32]
 - g. *Waste Not Want Not*, Local Focus article [pg. 36]
 - h. *Common Water Curtailment Practices for Cities* [pg. 38]
 - i. Brookings Municipal Code Section 13.05.250 [pg. 39]
 - j. New desalination technology article [pg. 42]
 - k. Letter from Dr. Amy Childress, University of Southern California [pg. 43]

F. Oral Requests and Communications from the audience: Public Comments on non-agenda items – 5 minute limit per person.*

G. Staff Reports

1. Funding request for Lighted Arch at Azalea Park. [City Manager, pg. 44]
 - a. Email from Klaus Gielisch [pg. 45]

- b. Excerpt from April 27, Council meeting minutes. [pg. 46]
- 2. Discussion and direction regarding House Bill 3400. [Mayor Hedenskog, pg. 47]
 - a. Summary of HB 3400 [pg. 48]
 - b. Staff Measure Summary [pg. 49]
 - c. Revenue Impact of Proposed Legislation [pg. 52]
 - d. Fiscal Impact of Proposed Legislation [pg. 53]
 - e. Article from *The Oregonian* [pg. 56]
- 3. Discussion and direction regarding House Joint Resolution 21. [Councilor Pieper, pg. 59]
 - a. HJR 21 [pg. 60]
 - b. Mail Tribune article dated June 29, 2015 [pg. 68]
 - c. House Committee on Revenue Staff Measure Summary [pg. 70]
 - d. Legislative Revenue Office Revenue Impact Report [pg. 71]
 - e. Legislative Fiscal Office Fiscal Impact Report [pg. 72]
 - f. Letter to House Committee from County Assessor Jim Kolen [pg. 73]
- 4. Accept Davis Wright Tremaine, LLP voucher in the amount of \$5,159.00 for June, 2015. [City Manager, pg. 74]

H. Consent Calendar

- 1. Approve Council minutes for June 22, 2015. [pg. 75]
- 2. Authorize the City Manager to execute Contract Amendment #3 to the Intergovernmental Agreement for Implementation of Coos and Curry Counties Household Hazardous Waste Management Plan adding the City of Powers as a member. [pg. 81]
- 3. Accept Public Art Committee minutes for May 4, 2015. [pg. 86]
- 4. Accept Tourism Promotion Advisory Committee minutes for May 21, 2015. [pg. 87]
- 5. Accept June 2015 Vouchers in the amount of \$157,235.00. [pg. 89]

I. Remarks from Mayor and Councilors

J. Adjournment

*Obtain Public Comment Forms and view the agenda and packet information on-line at www.brookings.or.us, at City Hall and at the local library. Return completed Public Comment Forms to the City Recorder before the start of meeting or during regular business hours.

All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least ten days advance notification. Please contact 469-1102 if you have any questions regarding this notice.

City of Brookings *Proclamation*

WHEREAS, the theme of the 23rd annual Southern Oregon Kite Festival, to be held July 18th and 19th at the Port of Brookings-Harbor, is "Wizards of Wind;" and

WHEREAS, this free event is one of the most highly sought after and unique kite festivals in the United States as kite flyers participate by "invitation only," and, thanks to generous donations from businesses and individuals of the Brookings-Harbor and the Wild Rivers Coast area, are considered to be guests of the community; and

WHEREAS, over 30 national and international award winning kite flyers and kite makers, who can often be seen walking around the kite field perimeter displaying their kites up close to spectators, will be on hand to perform their amazing, musically choreographed routines, with no competitive pressure; and

WHEREAS, in addition to the amazing kite demonstrations, kite festival activities will include: the second annual Kite Flying Demonstration on Friday evening in the Brookings-Harbor High School gymnasium, the popular Kite Auction Banquet on Saturday evening, kite building workshops and kite flying parades for children aged 3 and up, as well as food, beverage, crafts and merchandise vendors on Saturday and Sunday; and

WHEREAS, thousands of south coast area residents and out-of-town guests of all ages, will attend the Southern Oregon Kite Festival to enjoy the fun and excitement of the kite pilots' awe-inspiring aerial skills; and

WHEREAS, the Southern Oregon Kite Festival is a non-profit organization comprised of volunteers who are dedicated to providing a spectacular, family-oriented event for the citizens of Brookings-Harbor and their guests;

NOW THEREFORE, I, Ron Hedenskog, Mayor of the City of Brookings, do hereby declare the week of July 13th, 2015, as

Southern Oregon Kite Festival Week

In Witness Whereof, I, Mayor Ron Hedenskog, do hereto set my hand and cause the official seal of the City of Brookings, Oregon, to be affixed this 13th day of July, 2015.



Mayor Ron Hedenskog



CITY OF BROOKINGS

JUN 18 2015

RECEIVED.....



City of Brookings

898 Elk Drive, Brookings, OR 97415

Phone: (541) 469-2163 Fax: (541) 469-3650

www.brookings.or.us

APPLICATION TO SERVE ON A CITY OF BROOKINGS
COMMISSION, COMMITTEE OR BOARD

PART I. Contact Information:

Name: Tim Patterson Date: 6.18.15
Physical Address: 17960 Gardner Ridge Rd
Mailing Address: PO Box 82 97415
Email Address: Tim@yeezy.com Phone: 541 661 0457

PART II. Position Selection, Requirements and Restrictions: (Please answer all that apply)

1. Commission/Committee applying for:

	<u>Composition (i)</u>	<u>Term (ii)</u>
<input type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii)	5 Electors, 2 UGB	4 yrs
<input type="checkbox"/> Budget Committee	5 Electors	3 yrs
<input type="checkbox"/> Parks and Recreation Commission	4 Residents, 1 UGB	2 yrs
<input type="checkbox"/> Public Art Committee (iii)	3 Residents, 2 UGB	3 yrs
<input type="checkbox"/> Traffic Safety Committee	2 Residents	2 yrs
<input checked="" type="checkbox"/> Tourism Promotion Advisory Committee (iii)	4 Residents, 3 Curry	3 yrs
<input type="checkbox"/> Other (please specify):		

2. **City residents:** How long have you lived in the City of Brookings? 0 (yrs/mths)

Planning & Budget Applicants: Are you a City elector (registered voter)? Yes ☒ No ☐

3. **UGB residents:** How long have you lived in the UGB?: 25 (yrs/mths)

4. **What is your current occupation?** retired

NOTES:

(i) *Membership requirements:*

- Residents must reside inside City limits; resident/UGB status determined by physical address.
- Electors are registered voters of the City of Brookings (verified by County Elections Officer)
- UGB members must reside within the Brookings Urban Growth Boundary or Area. (Contact the Planning Department at (541) 469-1137 for assistance in determining UGB status).

(ii) *Term:* Appointments to fill mid-term vacancies will be for the remainder of that term.

(iii) *Other restrictions:*

- No more than two (2) Planning Commissioners may be principally involved, as individuals, members or partners, in the buying, selling or development of real estate for profit. No two (2) members shall be involved in the same kind of business or profession.
- The three Curry TPAC members must own property, own a business or be employed in the City.
- Three (3) Public Art Committee members must have an art background.

PART III. Background Information : *Attach additional pages if needed:*

1. List your **related** experience and/or background to the position you are applying for:

TPAC Committee

2. List any unrelated work history, educational background, and volunteer experience you may have:

3. Briefly describe your **interest in this position** and what you **hope to accomplish**:

Continue current committee direction.

PART IV. Volunteer Agreement : *Please read and check off the following before signing:*

- ☒ I acknowledge that I will not be under the direct supervision and control of the City in connection with the voluntary services for which I have applied.
- ☒ I acknowledge that I will receive no compensation or expense reimbursement from the City in connection with any volunteer services for which I have applied.
- ☒ I understand and agree that my volunteer service will be donated to the City at times other than my regular work hours.
- ☒ I understand that if the position I applied for requires me to be an elector of the City of Brookings, that the City has permission to verify my status as a registered voter.
- ☒ I agree to release the City from all matters relating to the voluntary service for which I have applied, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from the voluntary service described herein. (*Planning Commission applicants, see ** below*)
- ☒ I agree to release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of the voluntary service set forth herein.
- ☒ By signing this application voluntarily and in the presence of the witness listed below, I, the Applicant, do hereby acknowledge that I have read and agree to the terms stated above and that I understand and acknowledge that this document will become public information and may be distributed to the public and news media as part of a City Council Agenda Packet.

Tim Patterson
Applicant (print name)

Tim Patterson
Applicant's Signature

6-17-15
Date

CYNTHIA CH
Witness (print name)

[Signature]
Witness's Signature

6/17/15
Date

****Planning Commissioners holding office on April 1st of each year are required to file an Annual Statement of Economic Interest with the Oregon Government Ethics Commission (OGECE). You may view a sample form at http://www.oregon.gov/OGECE/forms_publications.shtml. Official forms are provided by OGECE.**

Submit completed applications by mail or in person to the City Recorder, 898 Elk Drive, Brookings, OR 97415. Regular City business hours are 9:00am – 4:30pm, Monday–Friday.

Commission and Committee contact information:

Planning Commission: 541-469-1135
Parks and Recreation Commission: 541-469-1103
Traffic Safety Committee: 541-469-1103

Public Art Committee: 541-469-1135
Budget Committee: 541-469-1123
Tourism Promotion Advisory Committee
541-469-1102

CITY OF BROOKINGS

JUN 18 2015

RECEIVED.....



City of Brookings

898 Elk Drive, Brookings, OR 97415

Phone: (541) 469-2163 Fax: (541) 469-3650

www.brookings.or.us

APPLICATION TO SERVE ON A CITY OF BROOKINGS
COMMISSION, COMMITTEE OR BOARD

PART I. Contact Information:

Name: George B. Watwood III Date: 6-18-2015
Physical Address: 97050 Dodge Ave Brookings OR 97415
Mailing Address: P.O. Box 10067
Email Address: skip@century21agate.com Phone: 541-661-1504

PART II. Position Selection, Requirements and Restrictions: (Please answer all that apply)

1. Commission/Committee applying for:

	<u>Composition (i)</u>	<u>Term (ii)</u>
<input type="checkbox"/> Planning Commission/Commission for Citizen Involvement (iii)	5 Electors, 2 UGB	4 yrs
<input type="checkbox"/> Budget Committee	5 Electors	3 yrs
<input type="checkbox"/> Parks and Recreation Commission	4 Residents, 1 UGB	2 yrs
<input type="checkbox"/> Public Art Committee (iii)	3 Residents, 2 UGB	3 yrs
<input type="checkbox"/> Traffic Safety Committee	2 Residents	2 yrs
<input checked="" type="checkbox"/> Tourism Promotion Advisory Committee	TBD	TBD
<input type="checkbox"/> Other (please specify):		

2. **City residents:** How long have you lived in the City of Brookings? _____ (yrs/mths)

Are you a City elector (registered voter)? ☐ Yes ☒ No

3. **UGB residents:** How long have you lived in the UGB?: 14 (yrs/mths)

4. **What is your current occupation?** Realtor

NOTES:

(i) *Membership requirements:*

- Resident and UGB status are determined by physical address.
- Residents must reside within the City limits.
- Electors are registered voters of the City of Brookings (verified by County Elections Officer)
- UGB members must reside within the Brookings Urban Growth Boundary or Area. (Contact the Planning Department at 541-469-1137 to determine if you are in the UGB).

(ii) *Term:* Appointments to fill mid-term vacancies will be for the remainder of that term.

(iii) *Other restrictions:*

- No more than two (2) Planning Commissioners may be principally involved, as individuals, members or partners, in the buying, selling or development of real estate for profit. No two (2) members shall be involved in the same kind of business or profession.
- Three (3) Public Art Committee members must have an art background

PART III. Background Information : *Attach additional pages if needed:*

1. List your **related** experience and/or background to the position you are applying for:

2. List your **work history and educational background**, as well as any volunteer experience that is **not** related to the position for which you are applying:

3. Briefly describe your **interest in this position** and what you **hope to accomplish**:

PART IV. Volunteer Agreement : *Please read and check off the following before signing:*

- ☒ I acknowledge that I will not be under the direct supervision and control of the City in connection with the voluntary services for which I have applied.
- ☒ I acknowledge that I will receive no compensation or expense reimbursement from the City in connection with any volunteer services for which I have applied.
- ☒ I understand and agree that my volunteer service will be donated to the City at times other than my regular work hours.
- ☒ I understand that if the position I applied for requires me to be an elector of the City of Brookings, that the City has permission to verify my status as a registered voter.
- ☒ I agree to release the City from all matters relating to the voluntary service for which I have applied, including compliance, if any is required, with social security, withholdings, insurance and all other regulations and reportings governing such matters. I assume full responsibility for any injuries or damages suffered by or arising from the voluntary service described herein. (*Planning Commission applicants, see ** below*)
- ☒ I agree to release, indemnify and hold the City harmless from and against any and all actions, causes of action, claims, demands, liabilities, losses, damages or expenses, of whatsoever kind and nature, including attorney fees, which City may sustain or incur as a result of errors or omissions in the performance of the voluntary service set forth herein.
- ☒ By signing this application voluntarily and in the presence of the witness listed below, I, the Applicant, do hereby acknowledge that I have read and agree to the terms stated above and that I understand and acknowledge that this document will become public information and may be distributed to the public and news media as part of a City Council Agenda Packet.

George B. Watwood III
Applicant (print name)

[Signature]
Applicant's Signature

6-18-2015
Date

[Signature]
Witness (print name)

Lauri Ziemer
Witness's Signature

6-18-2015
Date

****Planning Commissioners** holding office on April 1st of each year are required to file an Annual Statement of Economic Interest with the Oregon Government Ethics Commission (OGE). You may view a sample form at http://www.oregon.gov/OGE/forms_publications.shtml. Official forms are provided by OGE.

Submit completed applications by mail or in person to the City Recorder, 898 Elk Drive, Brookings, OR 97415. Regular City business hours are 9:00am – 4:30pm, Monday–Friday.

Commission and Committee contact information:

Planning Commission: 541-469-1135
Parks and Recreation Commission: 541-469-1103
Traffic Safety Committee: 541-469-1103

Public Art Committee: 541-469-1135
Budget Committee: 541-469-1123
Tourism Promotion Advisory Committee
541-469-1101

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: July 13, 2015

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Resolution Establishing City Policy for Responding to Drought Emergency

Recommended Motion:

Adopt Resolution 15-R-1067, adopting a Drought Response Policy.

Financial Impact:

Unknown at this time.

Background/Discussion:

The Curry County Board of Commissioners has adopted a Resolution declaring an emergency and requesting the Governor to declare a State of Emergency in Curry County due to drought conditions. Chetco River water flows are reportedly at historic lows for this time of year. Water withdrawal by the City has not met the established criteria for undertaking voluntary or mandatory water curtailment. The City is exploring alternative water sources of supply and storage.

Staff is seeking policy direction with respect to responding to the drought. To this end, staff has prepared a draft Resolution which:

1. Acknowledges the existence of a drought.
2. Defines who City water customers are.
3. Directs the City to work with the County in responding to emergency water requests from non-City water customers.
4. Provides summary information concerning the City's water source of supply and usage.
5. Acknowledges that City water customers have already reduced consumption by 40 per cent in the last 15 years.
6. Calls for voluntary conservation and directs the City to undertake conservation measures, including leak detection surveys.
7. Directs the City Manager to explore and pursue alternatives to increasing water storage and developing additional drought-resilient sources of supply.

The City has adopted a two-part "trigger" criteria for activating its water curtailment program. One of the criteria is the flow of water in the Chetco River; that trigger being 100 cfs for voluntary conservation and 80 cfs for mandatory curtailment. This first criterion has been met. However, the second criterion is the amount of water the City withdraws from its Ranney collector at the Chetco River; that criterion is 4.5 cfs. This second criteria has not been met as the City's peak day demand in 2015 was 2.7 cfs on May 22.

The County is the lead agency in coordinating the local drought response. The City has received a number of inquiries from homeowners in the area whose private wells have gone dry about purchasing water from the City. In the past, the City has sold water to individuals and a local water hauler business. Last year, the City sold water to a local water hauler for delivery to Harbor Water customers after the Harbor Water District experienced salt water intrusion into their system. We also recently learned that Harris Beach State Park has provided City-supplied water to unincorporated area residents. Inasmuch as the County has declared that drought conditions exist in Curry County and has declared a drought emergency, the City Manager recommends that all such requests for emergency water be coordinated through the County Emergency Manager.

The City has contracted with Civil West Engineering to undertake an alternative water source study. This report with recommendations is due in October. However, staff has requested an advance cost estimate on one project which may be included in the City's National Disaster Resilience Competition proposal due in September. This project involves the reactivation of the City's "old" water source of supply on the Chetco River. The City abandoned this location in 1989 after salt water intrusion was detected, but the City still has a water right at this location for 6.0 cfs. The concept for this project is to pump water from a Ranney collector for storage at an expanded Ferry Creek Reservoir. The estimated capacity of the existing reservoir is 12 million gallons. Civil West has provided several conceptual alternatives for expanding the capacity of the reservoir to 49 million gallons. Cost estimates are preliminary at this time; in the \$7 million range. With an average day demand of 900,000 gallons, this project could increase the City's storage capacity from about four days to about 40 days.

Civil West President Garrett Pallo has prepared an article at the City's request entitled "Brookings and the Drought." This article which notes that the City's water system is quite drought resilient, but also expresses caution with respect to future, has been posted on the City's website and has been provided to the Curry Coastal Pilot. It is quite informative and the City may wish to distribute it as widely as possible to City water customers and others.

The City Manager has also initiated discussion with representatives of Humboldt State University and the University of Southern California who are developing a new saltwater desalination technology. A test plant is being developed at Humboldt Bay. The results of testing this new technology are not expected for two years. A group of researchers may travel to Brookings later this summer for a preliminary evaluation as to whether Brookings would be a good location for a prototype desalination plant. The new technology reportedly addresses both the environmental effects of discharging the salty brine and the high energy demand associated with desalination, both of which have made desalination an economically unfeasible option.

Attachment(s):

- a. Resolution 15-R-1067
- b. *Brookings and the Drought*
- c. County Resolution
- d. *Helping Communities Address Water Needs* article by Governor Brown
- e. *Oregon's Water Resources* article by Tom Byler, Director, OWRD
- f. *The Local Impact of Drought* article from Local Focus magazine
- g. *Waste Not Want Not* article from Local Focus magazine
- h. *Common Water Curtailment Practices for Cities*
- i. Brookings Municipal Code Section 13.05.250
- j. New desalination technology article
- k. Letter from Dr. Amy Childress, University of Southern California

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 15-R-1067

A RESOLUTION OF THE CITY OF BROOKINGS ADOPTING A DROUGHT RESPONSE POLICY.

Whereas, the Curry County Board of Commissioners (County) has adopted a resolution declaring a local drought emergency and requesting the Governor to declare a State of Emergency in Curry County due to drought conditions; and

Whereas, the City of Brookings, (City) has determined by ordinance, as codified under Brookings Municipal Code (BMC) Section 13.05.250, that, "It is the policy of the City of Brookings to provide clean, healthful and plentiful water to its residents." Said section of the BMC further provides a policy for water curtailment, "To address the impact of a potential water shortage on the City's residents and the ability of the Chetco River to serve as a viable habitat to important fishery resources;" and

Whereas, said water curtailment policy provides for four stages of reduced water use based upon the flow of water in the Chetco River and the amount of water withdrawal. The purpose of said water curtailment, as provided in BMC Section 13.05.250(A), is to "limit water withdrawal from the Chetco River to a daily average of 5.1 cfs whenever the three day average flow of the river is below 80 cfs;" and

Whereas, the three-day average flow of the Chetco River dropped below 80 cfs on July 3, 2015; and

Whereas, the three-day average withdrawal of water by the City as of July 3, 2015, was 2.1 cfs, approximately 50 per cent of criteria established by law requiring curtailment action; and

Whereas, the City provides water service to 3,340 regular customers connected through City-owned meters to the City water system, approximately 329 of said customers being located outside of the City Limits. Together, said City water customers within the City Limits and outside the City Limits are City Water Service Customers; and

Whereas, the Chetco River is the City's sole source of water supply; and

Whereas, the Chetco River flow is considered to be at a historic low for the early summer period; and

Whereas, the City source of supply was designed and has proven to be resilient to low flow events, with the source being a Ranney Collector system drawing from the groundwater aquifer located below the Chetco River; and

Whereas, the City has a water storage capacity of 3,628,600 gallons, which is equal to approximately two days of peak day demand and four days of average day demand; and

Whereas, water flow below 80 cfs in the Chetco River has been a recurring event for a number of years, but has generally occurred in the August or September calendar period; and

Whereas, it is the responsibility of the County to take the lead in responding to drought by coordinating local responses and requesting state assistance;

Now, Therefore Be It Resolved that the City Council of the City of Brookings does hereby find, determine and direct as follows:

1. A drought condition exists in Curry County.
2. Such drought condition may have an effect on the City water source of supply.
3. The amount of water being diverted from the Chetco River is approximately 1.0 per cent of the total river flow.
4. City Water Service Customers have already taken action to reduce consumption, with average residential use having been reduced by over 40 per cent...from 133 gallons per day to 77.8 gallons per day, since 2000.
5. The City has made improvements to its water system to reduce its unaccounted-for water use to less than 10 per cent.
6. Even though the criteria established in the BMC precipitating voluntary and mandatory conservation and curtailment has not been met, the City Council finds that it is in the best interest of the community and consistent with the City's water goals as articulated in BMC Section 13.05.250 to call for voluntary conservation by the City Water Service Customers.
7. In its own water use at City facilities, the City will follow the guidelines prescribed in BMC 13.05.250(B)(2) except that the City's municipal swimming pool shall remain in full operation.
8. The City Manager is directed to coordinate with Curry County in responding to incidents resulting from the drought emergency. Such response may include:
 - a. Providing water to other public water systems within Curry County.
 - b. Providing water to residents of Curry County who are not City Water Service Customers.
 - c. Wildfire response.

All such actions shall be in response to a request for assistance received from Curry County.

9. The City Manager is directed to undertake a public information campaign to inform the public about the City's water system and water conservation measures.

10. The City Manager is directed to undertake a leak detection program to identify and repair water leaks within the City's water system.

11. The City Manager is directed to pursue funding through the State of Oregon, the National Disaster Resiliency Competition and other sources for the construction of improvements to the City water system which would make the City water system even more resilient to drought, with a goal of increasing water storage supply to at least 30 days of average daily use.

12. The City Manager is directed to fully explore alternative, long-term sources of water supply, including utilization of sources where the City has existing, unused water rights, and new technologies.

Be it therefore further resolved that this Drought Response Policy shall remain in effect until such time as the City Council deems it is no longer necessary.

Passed by the City Council _____, 2015 ; effective the same date.

Attest:

Mayor Ron Hedenskog

City Recorder Joyce Heffington

BROOKINGS and the DROUGHT

By: Garrett Pallo, P.E.

Many areas in the U.S. have been struggling with drought for some time. In recent years, western states, like Oregon, have struggled with drought conditions. With less than normal rain and snow fall, many Oregon community water suppliers are concerned. The Chetco Watershed, which supplies the City of Brookings municipal water supply, is no exception. The City of Brookings is well aware of this concern and has taken proactive steps, in recent years, to address and plan for the drought concerns on the southern Oregon coast.

Chetco Watershed



The Chetco Watershed, as shown in Figure 1, drains into three rivers: the Chetco, Pistol and Winchuck Rivers. Overall, the total acreage of the watershed is 405,300 acres (633 square miles). Within the watershed is the Chetco River Sub-basin (see Figure 2), which drains only the Chetco River and is the main area of interest for Brookings residents. This sub-basin is approximately 352 square miles and the river itself is 56 miles long.

Based on a watershed assessment completed for the sub-basin, approximately 70% of the watershed is located at an elevation below 2,500 feet. The remaining 30% is located at elevations between 2,500-5,000 feet. This suggests that the majority of the watershed is supplied by rainwater and only 30% is supplemented by snow pack which typically occurs above 2,500 feet.

Figure 1 – Overall map of the Chetco Watershed

As of May 1, 2015, the mountain snowpack has melted across most of the Western U.S. Only specific areas of high elevation in the Rockies have retained any snowpack to provide for runoff in the coming months. This presents a problem for the Chetco River Basin, though the greater concern is the lack of rainfall which is the main source of water for the Chetco River.

In addition to understanding how water enters the river basin via rain and snow melt, it is important to understand how water exits the river. A significant amount of water leaves the river through evaporation, especially during the warmer and dry summer months. Still much more water exits the river through the natural process of infiltration into the surrounding soils, rock, and groundwater table one each side and below the river. How much water leaves the river through evaporation and infiltration is difficult to say, though it is significant compared to the amount of water that remains in the river to its terminus at the Pacific Ocean.



Figure 2 – Map of the Chetco Sub-basin within the Chetco Watershed

In addition to these natural processes that remove water from the river channel, there are many human-related water demands and diversions of river water. This includes water use for irrigation and agricultural purposes, private potable water systems, industrial water demands, and the municipal water demands at communities like the City of Brookings and the Harbor Water District. In addition to the natural water needs in the river for fish, wildlife, and vegetation, there are many other needs placed on the water flowing in the Chetco River.

The City of Brookings, as well as the Harbor Water District, each utilize water intakes known as Ranney Collectors. Ranney collectors are designed to withdraw water from the groundwater aquifer located below a river or lake through horizontal lateral screens. The water flows from the screens to a central well or caisson for pumping to water customers. The advantages of the Ranney style collector is that it does not withdraw water directly from the river and does not pose a threat to juvenile fish. Also, the water quality obtained by the Ranney collector is superior due to the natural filtration obtained from the gravels below the river. While the water diverted through the Ranney collector is, in fact, recharged by Chetco River water, the water is not removed

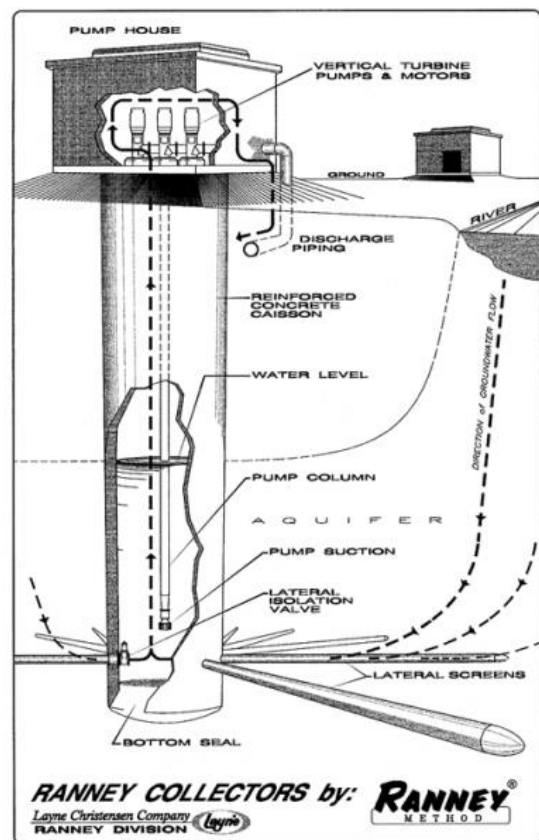


Figure 3 – Ranney Collector Schematic

directly from the river by tapping into the groundwater supplies located in the shallow aquifer beneath the river bottom.

River flows are regularly measured along the Chetco River. The river flows from June 5-11, 2015 are summarized in Figure 3, “7-day Record of Chetco River Flows”. The chart shows the historical minimum flows along with the current minimum flows for each day listed. As shown on the graph, the recent river flows are below historical minimums.

While river levels are below historic low flow levels, it is important to recognize the proportional amount of water that the City of Brookings diverts compared to total river flows. Figure 4, “Total Chetco River Flow”, shows that the average percentage of water diverted by the City during these drought conditions is approximately 1% of the total river flows.

Though the effects of the City’s use of Chetco River water is negligible, the City is still responsible to make “beneficial use” of this water. This beneficial use is a requirement of the State Water Resources Department. With this in mind, the City has implemented water conservation and curtailment policies, while also maintaining and improving the water system in order to achieve the most beneficial use of all the water diverted from the Chetco River. This includes the implementation of conservation and curtailment planning.

The City’s engineering consultant has been tasked with updating the Brookings Water Management and Conservation Plan. This update will bring current conservation measures in line with current water demands. This plan will

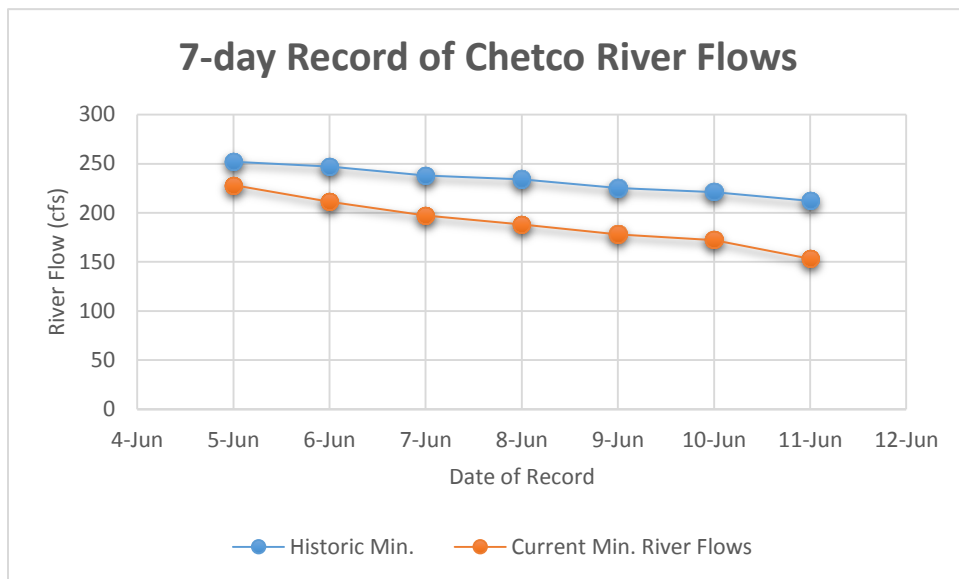


Figure 4 – Record of the Chetco River flows during a seven day period in 2015

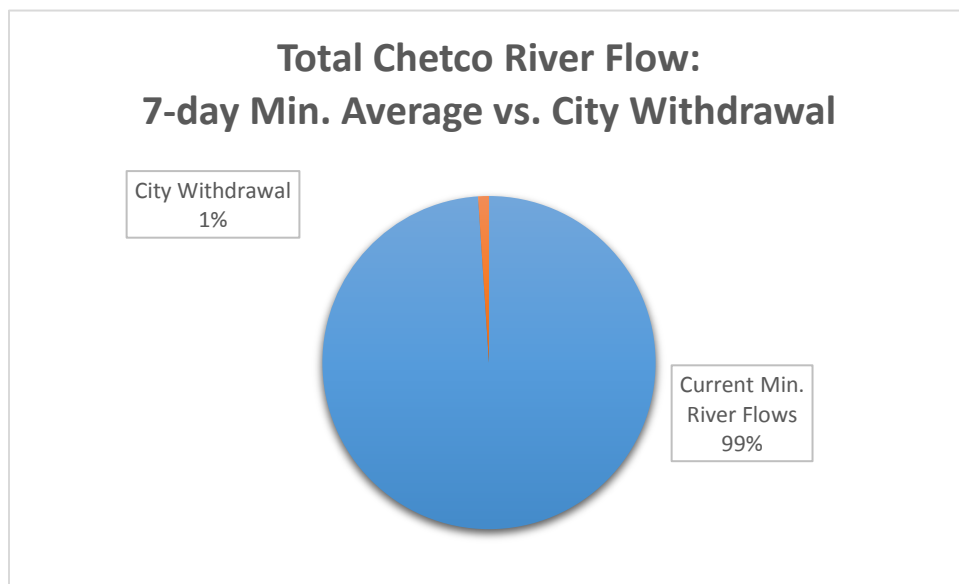


Figure 5 – Chart of the City of Brookings water withdrawal compared to total river flow

also include an updated water curtailment plan. The curtailment plan gives the City the tools they need to control water use within the City during drought conditions.

Currently, an alternative water supply study is also being prepared by the City's engineering consultant. This is a preemptive effort that will provide the City with options of how to supplement the existing water supply if the level of the Chetco River continues to decrease or other emergencies arise. This plan will provide recommendations for additional water storage, water supply and other solutions to ensure safe drinking water for Brookings residents.

The City has also taken proactive measures that reduce the amount of water diverted from the river. The City Public Works Department has made numerous improvements and repairs to the water system. The leak repair program, along with metering improvements, has reduced water loss levels from 20% in 2000 to less than 10% by 2012. In recent years actual consumption per resident has also decreased. Since 2000, average residential use has dropped over 40% from 133 gallons to 77.8 gallons. This consumption decrease has allowed the City to divert less water from the Chetco River.

As cities and counties around Oregon grapple with drought in their respective watersheds, it is evident that this concern is not localized to the City of Brookings. The City is working hard to reduce the amount of water they need to divert from the Chetco River and be responsible stewards of this precious natural resource.

IN AND FOR THE COUNTY OF CURRY, OREGON

WHEREAS, these drought conditions will have severe and negative economic and health impacts to Curry County and Curry County does not have the resources to assist with the depth of the needed adequate infrastructure, negative farming and agricultural corollaries, residential health concerns, and increased

catastrophic wildfire dangers associated with the current drought condition due to the lack of adequate rainfall; and

WHEREAS, the Curry County Board of Commissioners has determined that extraordinary measures must be taken to protect the health and welfare of County residents, mitigate their economic hardships as well as those placed upon the agriculture industries and to be proactive to the threat of catastrophic wildfires, caused by the lack of adequate rainfall within Curry County.

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY RESOLVES:

that a Local Drought Emergency is declared within Curry County; and

THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY FURTHER RESOLVES:

that Curry County does not possess the adequate resources to appropriately respond to the local emergency that is declared for the purposes of assessment, evaluation and acquiring the ability to provide the appropriate resources where needed; and

THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY FURTHER RESOLVES:

to request with this resolution, that the Honorable Kate Brown; Governor of Oregon, declare a State of Emergency and consider Curry County an "emergency area" as provided for in ORS 401.165 and provide such assistance as requested by Curry County and available by the State of Oregon; and

THE BOARD OF CURRY COUNTY COMMISSIONERS HEREBY FURTHER RESOLVES:

to request with this resolution, that the Honorable Kate Brown; Governor of Oregon, request additional assistance from Tom Vilsack, United States Secretary of Agriculture, and issue a Disaster Declaration for Curry County.

DATED this 24th day of June, 2015.

BOARD OF CURRY COUNTY COMMISSIONERS

Susan Brown, Chair

Drafted By:
Commissioner David Brock Smith

Thomas Huxley, Vice Chair

David Brock Smith, Commissioner





Approved as to Form:
M. Gerard Herbage
Curry County Legal Counsel

Oregon's Drought Council* Drought Declaration Status

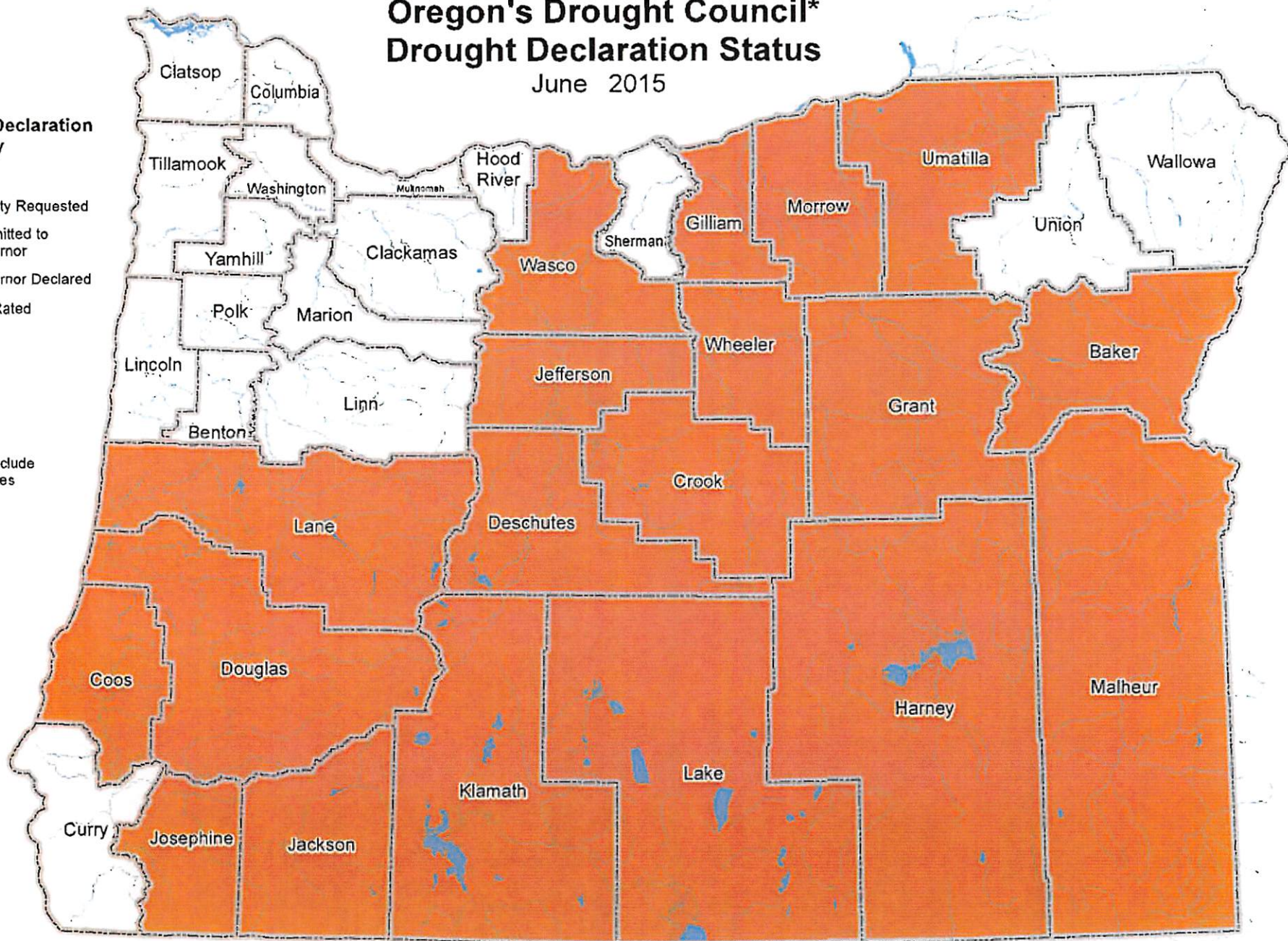
June 2015

Drought Declaration by County

Status

-  County Requested
-  Submitted to Governor
-  Governor Declared
-  Not Rated

*Members Include
State Agencies



Oregon Water Resources Department
725 Summer St. NE Suite A
Salem, OR 97301
<http://www.wrd.state.or.us/>

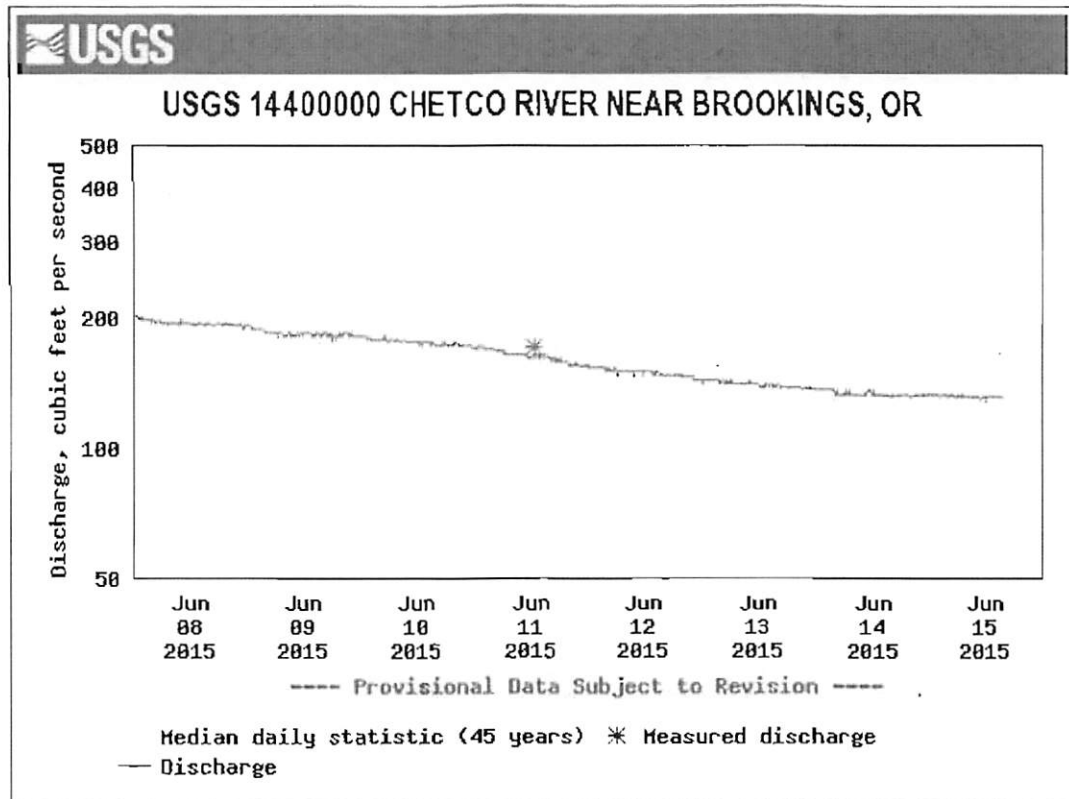
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



0 20 40 60 80 100 Miles

Updated: 6/12/2015 11:24 AM
Projection: Oregon Lambert, NAD 83

Exhibit A





Curry County Soil and Water Conservation District

Post Office Box 666 - Gold Beach, OR 97444 - Phone (541)247-2755 - Fax (541)247-0408

June 10, 2015

Re: Drought Declaration for Curry County

Dear Curry County Commissioners:

I am writing on behalf of the Curry County Soil and Water Conservation District (SWCD) Board of Directors in support of the Board of Commissioners asking the Governor of Oregon to issue a drought declaration for our county. The Curry SWCD has received notification that such a declaration will make it possible for cropland, rangeland and forestry producers in our county to apply for special drought assistance funding from the Natural Resource Conservation Service (NRCS). These funds can be utilized by producers for drought mitigation activities such as implementing emergency soil erosion measures, installing emergency livestock watering facilities, and creating fuel breaks for wildfire prevention.

We greatly appreciate your willingness to consider this action that will aid producers in Curry County.

Sincerely,

Liesl Coleman
District Manager



FACT SHEET

UNITED STATES DEPARTMENT OF AGRICULTURE
FARM SERVICE AGENCY

July 2012

Emergency Disaster Designation and Declaration Process

Overview

Agriculture-related disasters and disaster designations are quite common. One-half to two-thirds of the counties in the United States have been designated as disaster areas in each of the past several years, even in years of record crop production.

The Secretary of Agriculture is authorized to designate counties as disaster areas to make emergency loans (EM) to producers suffering losses in those counties and in counties that are contiguous to a designated county. In addition to EM eligibility, other emergency assistance programs, such as FSA disaster assistance programs, have historically used disaster designations as an eligibility requirement trigger.

The Farm Service Agency (FSA) streamlined the USDA Disaster Designation process to make assistance more readily available and with less burdensome paperwork.

Types of Disaster Designations

FSA administers four types

of disaster designations:

- USDA Secretarial disaster designation (This designation is most widely used).
- Presidential major disaster and Presidential emergency declarations,
- FSA Administrator's Physical Loss Notification and,
- Quarantine designation by the Secretary under the Plant Protection Act or animal quarantine laws as defined in § 2509 of the Food, Agriculture, Conservation and Trade Act of 1990 (mentioned in 7 CFR part 761, which includes a definition of "quarantine" in accordance with 7 U.S.C. 1961).

What Does a Disaster Designation Specify?

A disaster designation specifies:

- The disaster that resulted in the designation;
- The incidence period (dates) of that disaster;
- The specific counties included in the designation.

Procedures for Severe Drought

The streamlined process provides for nearly an automatic designation for any county in which drought conditions, as reported in the U.S. Drought Monitor (<http://droughtmonitor.unl.edu/>) when any portion of a county meets the D2 (Severe Drought) drought intensity value for eight consecutive weeks. A county that has a portion of its area in a drought intensity value of D3 (Extreme Drought) or higher at any time during the growing season also would be designated as a disaster area.

Benefits of the Streamlined Disaster Designation Process

The new process helps reduce paperwork and documentation requirements at the local FSA level, making the process more efficient and timely. Individual producer losses would still need to be documented for Emergency Loan (EM) Program eligibility.

FACT SHEET

Emergency Disaster Designation and Declaration Process

July 2012

Highlights of the New Rule Governing Secretarial Disaster Designations

- The new rule governing disaster designations:
 - Streamlines the USDA Secretarial designation process by eliminating steps from the current process;
 - Preserves the ability of a state governor or Indian Tribal Council to request a Secretarial Disaster Designation;
 - Removes the requirement that a request for a disaster designation be initiated only by a state governor or Indian Tribal Council;
 - Further streamlines the disaster designation process for severe drought occurrences by utilizing the U.S. Drought Monitor as a tool to automatically trigger disaster areas with no further documentation;
 - Does not impose any new requirements on producers or the public.
- For all other natural disaster occurrences and

those drought conditions that are not considered severe, the county must either show a 30 percent production loss of at least one crop or a determination must be made by surveying producers that other lending institutions will not be able to provide emergency financing.

Location of Regulation Governing Disaster Designation Process

The rule is contained in the Federal Register dated July 13, 2012, at <http://www.gpo.gov/fdsys/pkg/FR-2012-07-13/html/2012-17137.htm>.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD), or (866) 377-8642 (English Federal-relay), or, or (800) 845-6136 or. USDA is an equal opportunity provider and employer.



OREGON WATER RESOURCES DEPARTMENT

State Drought Declaration Process & Emergency Tools

State Drought Declaration Process

Drought declarations for an area typically go through a three-part process before securing a state drought declaration from the Governor. First, a county commission submits a request for a state drought declaration to the Office of Emergency Management. Second, the Water Availability Committee, chaired by the Water Resources Department, meets to discuss information on weather and water supply conditions and subsequently make recommendations to Oregon's Drought Council. Chaired by the Office of Emergency Management, the Drought Council assesses the impact of drought conditions and makes recommendations to the Governor's Office on whether to declare drought in an area.

The Governor may then choose to issue an Executive Order declaring a drought emergency. State drought declarations are typically issued at a county scale. The primary benefits of a state drought declaration from the Governor are that it creates greater awareness of drought conditions; facilitates coordination between state agencies; and allows the Water Resources Department to provide existing water right holders with access to emergency water management tools. These tools are outlined below.

The Governor or the Oregon Water Resources Commission can also direct state agencies and political subdivisions to implement a water conservation plan or water curtailment plan.

Emergency Drought Tools for Water Right Holders

A state drought declaration allows the Water Resources Department to offer certain tools to water right holders in a drought-declared county. These tools have an expedited review process, reduced fee schedule, and are intended to be short-term emergency authorizations, not permanent solutions to deal with water supply challenges. Water right holders seeking long-term solutions should first contact their watermaster to help identify what options may exist.

- **Temporary Emergency Water Use Permit**

An approved emergency water use drought permit allows a water user to temporarily replace water not available under an existing water right. The most common drought permit allows the use of groundwater as an alternative to an existing surface water right. A well-prepared application generally takes approximately ten business days to process. Emergency water use permits are issued through an expedited process and are valid for one year or the term of the drought declaration, whichever is shorter.

- **Temporary Transfer**

A water user can apply to change the type of use, place of use, or the location of the diversion under an existing water right. A temporary drought transfer takes place under an expedited process, and is in effect for the duration of the drought declaration or up to one year, whichever is shorter.

- **Temporary Instream Lease**

Once approved, a water user can convert all or a portion of a water right to an instream use for a period of one year or the term of the drought declaration, whichever is shorter.

- **Temporary Substitution**

Any person holding both a primary right originating from a surface water source and a supplemental right from a groundwater source may apply to temporarily use the supplemental right instead.

- **Special Option Agreements**

A water-right holder can enter into an agreement that authorizes the use of water at locations, from points of diversion, and for uses other than those described in the water right. Typically, the agreement remains in place until terminated by the parties, and provides additional water-supply options in times of drought.

- **Temporary Exchange of Water**

The Water Resources Commission can approve a temporary exchange of existing rights, such as using stored-water instead of a direct-flow surface-water right.

- **Human Consumption or Stock Water Use Preference**

The Water Resources Commission has authority to grant a temporary preference to water rights for human consumption and/or stock watering uses. The preference is given over other uses regardless of the priority date (seniority) of water rights associated with the other uses. In order for the preference to go into effect, the Water Resources Commission must approve temporary rules instituting the preference.

For More Information

The Water Resources Department maintains a Drought Watch website that provides the status of current water conditions and state drought declarations, as well as information on drought tools and what you can do to use water wisely.

Drought Watch - www.drought.oregon.gov

Water Resources Department staff are available to answer questions about emergency applications, the state declaration process, and general water supply conditions.

Emergency Water Use Permits	Tim Wallin	503-986-0891
Instream Leases	Laura Wilke	503-986-0884
Transfers, Substitutions & Exchanges	Kelly Starnes	503-986-0886
Special Options & Preferences	Tom Paul	503-986-0882
Water Availability Committee	Keith Mills	503-986-0840
Media Inquiries	Racquel Rancier	503-302-9235



Helping Communities Address Water Needs

By Governor Kate Brown

Although Oregon has faced drought in the past, this year feels different. Our neighbors to the south are in the fourth year of drought, and much of California is in exceptional drought—the highest intensity possible. In Oregon, despite a few rain storms, dry conditions are spreading north and west to parts of the state that we typically think of as immune from drought. Across the state, we see record low snowpack, dry forests, and rapidly falling stream flows.

Water is the lifeblood of Oregonians—from the salmon that we have worked so hard to restore, to the farms and forest lands that define our Oregon landscape. As your governor, I am working to coordinate both short-term and longer-term efforts to prepare for and respond to drought.

Drought Declarations

In Oregon, counties take the initial lead in responding to drought—coordinating local responses and requesting a state drought declaration when local resources are insufficient. Cities should work closely with their county emergency managers and commissioners to ensure that they understand current and expected impacts so that state resources can be requested in a timely fashion.

A county request for a drought declaration is sent to Oregon Emergency Management, where it is reviewed by the state's Water Availability Committee before being considered by the State Drought Council. The Water Availability Committee coordinates technical review of water and weather conditions, while the Drought Council focuses on the impacts of drought.

Recommendations of the Drought Council are forwarded to the Natural Resources office in the Office of the Governor for a final review. If a state drought declaration is warranted, I issue an executive order, which directs further coordination by state agencies and authorizes additional water management tools.

Drought Action Team

While the Drought Council is responsible for recommending whether an area should receive a state drought declaration, that is only one available resource related to drought conditions. The federal government also provides resources for drought-stricken areas, particularly for farmers and ranchers. Furthermore, two federal agencies manage key components

of our water resources—the Bureau of Reclamation (which supplies many irrigation users) and the U.S. Army Corps of Engineers, which manages key reservoirs in the Willamette basin.

Recognizing the need for effective communication and the sharing of resources, I have formed a Drought Action Team, consisting of a number of federal, state and local entities, and stakeholder groups. The League of Oregon Cities, the Special Districts Association of Oregon, and the Association of Oregon Counties are participating in this effort. This team is meeting monthly, sharing information, helping anticipate local needs, and working to develop a communications program to engage all Oregonians in the important work to conserve and apply our limited water resources in a responsible manner.

**YOU DON'T
PROFIT FROM
SICK EMPLOYEES.
WHY DOES
YOUR HEALTH
PROVIDER?**

Discover a better way.
kp.org/choosebetter

KAISER PERMANENTE  **thrive**

All plans offered and underwritten by
Kaiser Foundation Health Plan of the Northwest.
500 NE Multnomah St., Suite 100, Portland, OR 97232.
©2015 Kaiser Foundation Health Plan of the Northwest

520KFA-15/5-15

“ Although this year’s drought has drawn attention to Oregon’s water needs, it is important to recognize that even in normal water years, Oregon faces water challenges. ”

Looking to the Future

Although this year’s drought has drawn attention to Oregon’s water needs, it is important to recognize that even in normal water years, Oregon faces water challenges. Drought is a reminder that water is something that we all depend on, and that using water efficiently (particularly during times of shortages) is the best way we have of stretching our limited supplies. Whether your water comes from a well, a reservoir, or a stream—saving water can help others who rely on water for their livelihoods as well as preserving our precious fisheries.

In addition to short-term efforts that respond to severe drought, we need to do more to help communities address their long-term water needs. To that end, my budget proposes significant new funding for communities to begin planning how to meet their water needs, along with funding to analyze the feasibility of specific project proposals, and funding for project development.

Needs and future solutions for each Oregon community will be unique. Some may find that water conservation and efficiency are the lowest-cost options, just as we have seen in the energy field. In other places, there will be a need for new, environmentally-responsible water storage, whether that is a reservoir or below ground. In many places, collecting additional scientific information about groundwater resources will be a crucial first step.

Collectively, my proposed budget will, if approved by the Legislature, provide more than \$50 million to assist communities in understanding and meeting water supply needs. I view this as an important step, but only a first step, in what will be a long-term partnership between the state, the federal government, communities, and water users in meeting Oregon’s future water needs. As we look to our neighbors to the south, please help me work with the Legislature, our federal partners, and others to make sure that Oregon is prepared to face our water future in a responsible manner. ■

Meet SS Investigations

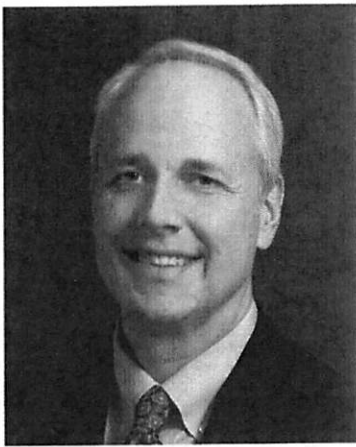
541-554-5558

PO Box 42032 Eugene, OR 97404

steve@ssprivateinvestigations.com

www.ssprivateinvestigations.com

Providing complete investigative services for city and county governments, universities and school districts throughout Oregon. Specializing in workplace, personnel, background and lawsuit defense investigations. Steve Swenson is a retired Oregon police captain with over 35 years of investigative experience and expertise. Licensed, insured and bonded. OR PI-ID 66833.



Oregon's Water Resources Challenges and Opportunities

By Tom Byler, Director, Oregon Water Resources Department

The best part about working for the Oregon Water Resources Department is that every day is an opportunity to work on issues related to our most important resource—water. Our economy, quality of life, and environment all rely on water resources to thrive. Water is critical for a wide range of uses—microprocessors and data centers, crops and nurseries, drinking water and washing, and streamflows for fish and wildlife—to name a few.

Water Resources Department staff work with water users to help address needs of today and into the future. Our ability to meet needs becomes more difficult in dry years, when there is less water than is typically available.

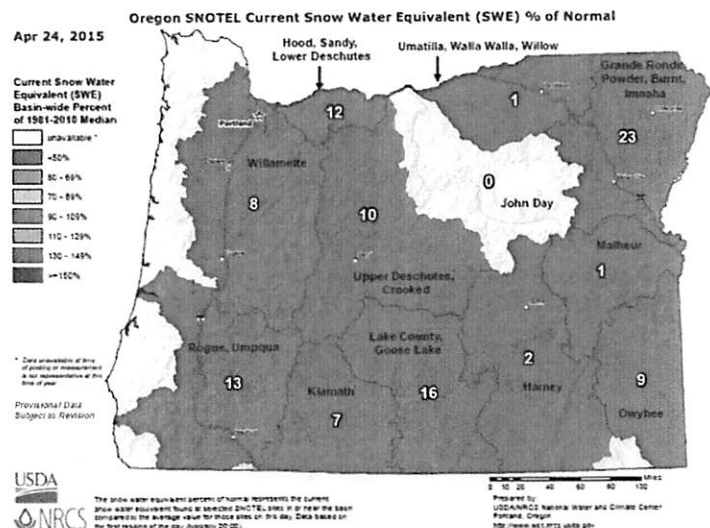
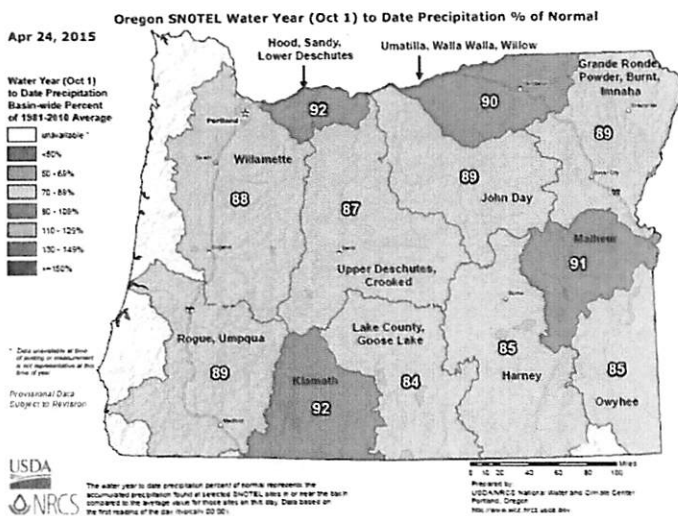
Oregon's Challenging Water Year

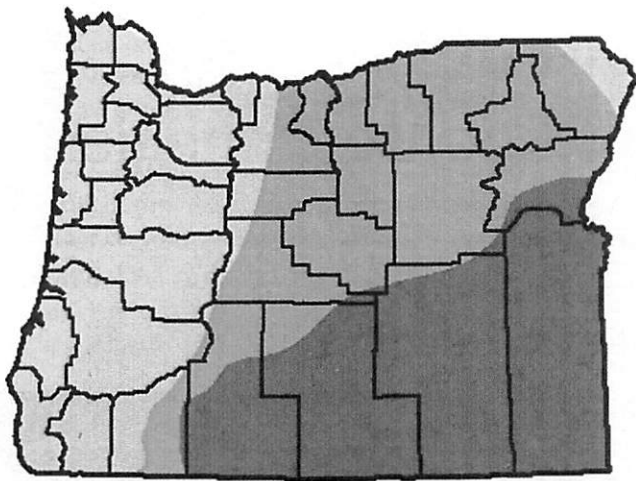
The current water year is looking to be particularly challenging. For most parts of the state, precipitation has ranged from 80-90 percent of normal. Despite that, streamflow conditions in many areas are very low. This is due, in part, to abnormally warm winter temperatures that resulted in significantly reduced snowpack in Oregon's higher elevations—the lowest state-wide snowpack on record. The maps below illustrate the substantial difference between precipitation (left) and snowpack (right) this year.

Snowpack can serve as a natural storage reservoir, slowly melting to augment streamflows in late spring and early summer. The reduced snowpack this year already has impacted streamflows and water supplies. Streamflows have generally been below normal on many of Oregon's rivers, which is expected to continue through the summer along with drier and warmer weather conditions.

As a result, over the past several months, dry conditions have been spreading across the state and many areas are now experiencing at least moderate drought conditions. The map on page 17 is from the U.S. Drought Monitor for Oregon on May 5, 2015. Dry conditions exist in all parts of the state, with the intensity of drought indicated by increasingly darker colors.

As of May 2015, Governor Brown has declared drought emergencies in the following 15 counties: Baker, Wheeler, Crook, Harney, Klamath, Lake, Malheur, Deschutes, Grant, Jackson, Josephine, Lane, Morrow, Umatilla and Wasco.





Drought Severity

-  Abnormally Dry
-  Drought - Moderate
-  Drought - Severe
-  Drought - Extreme
-  Drought - Exceptional

Some water providers have a Water Management and Conservation Plan (WMCP), which outlines what a water provider intends to do for water conservation, or in instances where curtailment is necessary. Making sure that staff are familiar with and implementing the WMCP can help municipal water providers deal with low water conditions.

Third, encourage those who use municipal water to conserve and use it more efficiently. Simple actions like including conservation tips and messaging on water bills

can build awareness. There are many resources, including the Department's website, to find tips on water conservation strategies.

Looking Forward

Oregon needs to get serious about its water future. That is why the Governor's Recommended Budget (GRB) supports investments in water projects to help the state meet its water needs. The GRB includes funding for water that will grow our economy and support healthy ecosystems and communities, while furthering implementation of the state's 2012 Integrated Water Resources Strategy. The GRB proposes a suite of packages to provide grant and loan funds to help meet Oregonians' water needs and support all three stages of an Integrated Water Resources Development Program: place-based planning, feasibility analysis, and project development. These three programs, if funded, will further help address the water needs of our communities. ■

Responding to Drought - Recommended Actions

Over the past several months, the drought has certainly advanced across Oregon. In looking towards our neighbors to the south, there are many lessons to be learned. While we are not in as dire a situation as California, we still do need to manage our water resources properly. Toward that end, there are several actions we recommend for all municipal water users.

First, it is important for a municipal provider, or really, any water right holder to have a basic understanding of the water rights system. It is important for a municipal water provider to understand Oregon water law and their water rights. It is also helpful to know what other water rights are senior, in order to determine the likelihood of regulation and the reliability of the water source. The local watermaster can assist with any questions about water rights and water distribution.

Second, plan ahead for water shortages to help mitigate impacts to businesses and others in your community.

CASELLE

Your Software Partner



We never stop getting to know you. We're committed to supporting you long before you become part of the Caselle community.

Meet Wade. He'll guide you through the RFP process, identify your unique needs, and make getting to know your community a top priority.

Government Accounting Software



Let's talk about your community's software needs.

800.228.9851

email: pww@caselle.com

Or visit us online at www.caselle.com

The Local Impact of Drought

Cities devise, hone drought response strategies as water levels continue to drop

By Melody Finnemore

Many of Oregon's municipal leaders expected a drought this summer, given the year's mild winter, low snowpack and abnormally dry conditions. What took some by surprise, however, is that low water levels typically seen in August and September had already occurred by May. By mid-May, 15 of the state's 36 counties had declared drought emergencies.

Cities throughout Oregon have initiated measures to preserve and protect their respective water supplies. The measures range from public education campaigns to advanced water tracking technology, to unique means of storing backup supplies. With no end to the drought in sight, cities are exploring innovative ways to ensure a continued supply.

Proactive Community Engagement Key to Ashland's Drought Response Strategies

The city of Ashland experienced its worst drought on record last year, and with its snowpack even lower this year, began preparing the community early on.

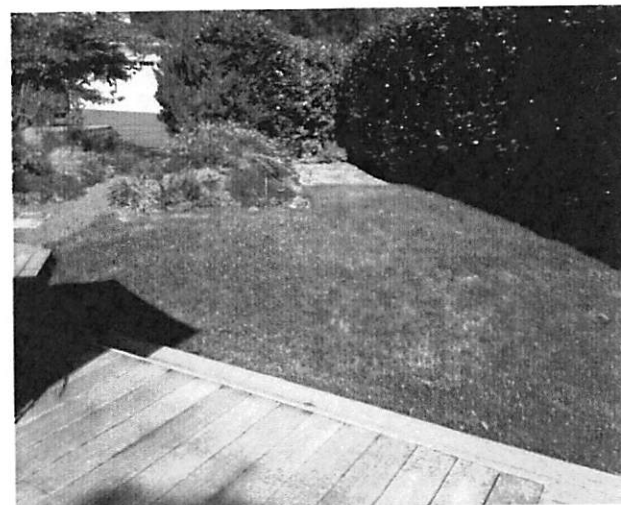
"It's really important to start early and engage the community before you get into trouble," said Public Works Director Michael Faught.

Ashland Water Conservation Specialist Julie Smitherman said the city's proactive approach involved several public presentations to explain the situation to residents and provide information about how to conserve water. The city also gave away low-flow shower heads and other household devices that decrease water use. The campaign's result was a 30 percent voluntary reduction.

"There are ways to reduce water use, even very small ways, without impacting your quality of life," Smitherman said.

Ashland also became the first city in Oregon to implement a lawn replacement program, in which residents receive a rebate of 75 cents per square foot for up to 1,000 square feet, 50 cents for up to 2,000 square feet, and 25 cents for up to 3,000 square feet. The rebate helps residents replace their grass with drought-resistant plants and low-volume drip systems, among other conservation techniques.

Since the program began last June, more than 100 people have applied and Smitherman says she expects that number to grow this summer. The average savings is 10,000 to 15,000 gallons of water per summer, and that could rise to 30,000 gallons, she says.



Ashland's lawn replacement program has been very popular with residents. The rebate program helps residents replace their grass with drought-resistant plants and low-volume drip systems.

Ashland, which for many years has offered free irrigation evaluations to help residents determine how to water their lawns, gardens and flowers more efficiently, provides tips online about landscaping with drought-tolerant plants at www.ashlandsaveswater.org. In addition, the city has implemented a pilot project in which it is replacing grass with artificial turf and drought-tolerant plants on median strips and other city-owned grassy areas.

To augment Ashland's supply if necessary, Faught says the city also has installed an emergency line that connects its water supply with Medford's.

Beaverton Invests in Infrastructure with Long-Term View on Water Supply

Beaverton, which has used an aquifer storage and recovery (ASR) system since 1999, has recently invested in low-energy loans and credits for new aquifers that are critical to its long-term supply and capacity needs, says Mayor Denny Doyle.

"In case something happens to our water supply, we'll have about six months of water underground if we need it," he says.

In March, Beaverton switched its water service from its main transmission line to water primarily pumped from the ASR for four weeks when the seven-mile transmission line that normally carries all of the drinking water was moved because of the Cornelius Pass Road expansion. It was the first time the city had relied principally on its aquifers for that long.

The underground wells provide about 30 percent of Beaverton's drinking water during the summer, and serve as a backup, emergency water supply. The city is planning to replace one of its ASRs and drill three new ones, including an underground storage facility and pumping station on Cooper Mountain, says Principal Engineer David Winship.

"These are basalt rock aquifers, so we drill down into the basalt and we're actually storing water in deep basalt that has porous zones. It's much more resilient than treatment plants, reservoirs and other facilities," he says.

While the wells have improved the city's ability to bolster its water reserves, the drought is still a concern because Beaverton relies on the Tualatin River for its water supply. Doyle says Beaverton has joined other cities as part of the Willamette Water Supply Program, which would allow it to purchase water if needed.

"Our approach is to stay ahead of the game, and we're looking 20 to 40 years down the road. We want to have multiple sources of water so we're not at the mercy of weather and other factors," he says.

New Technology Helps Bend Monitor Water Use, Potential Leaks

Mike Buettner, water conservation program manager for the city of Bend's Engineering & Infrastructure Planning Department, counts the city fortunate to have a flexible, dual-source supply that provides low-cost surface water from Bridge Creek and groundwater from the Deschutes regional aquifer.

The city also has an established water management and conservation plan, located online at www.waterwisetips.org, which includes guidance on how to handle water supply curtailment in the event of drought, a terror attack, a natural disaster or other emergency.

Bend's water management and conservation measures include a state-of-the-art automated metering infrastructure, or smart meters that provide hourly, real-time reports on community water consumption.

"That's an enormous tool in the toolbox for us," Buettner says. "It provides a boatload of water consumption data for us to analyze and track. One of the opportunities and challenges is how do we take this great water consumption data and make it work for us?"

One option is to use the data to analyze which residential meters don't return to zero during off hours, which could indicate leaks ranging from toilet leaks to more significant irrigation

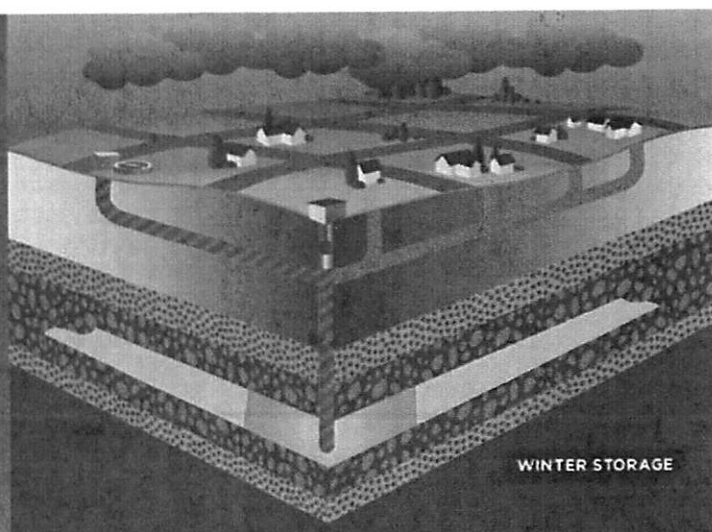
(continued on page 20)

Beaverton's Aquifer Storage and Recovery (ASR) System

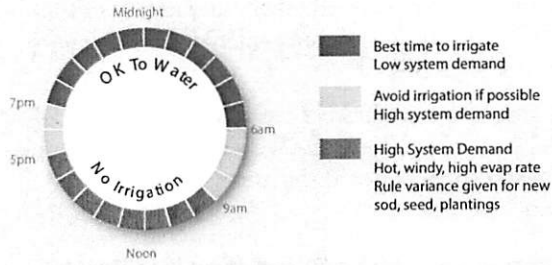
- 1 Sustainable
- 2 Preserves in-stream flow
- 3 Supports native groundwater system
- 4 Cost beneficial-Delays new infrastructure
- 5 Environmentally friendly
- 6 Emergency back-up

WINTER STORAGE: Water is pulled from the Tualatin River, treated to drinking water standards and then transported by pipe to the ASR site. There it is pumped into the aquifer and stored.

SUMMER RECOVERY: The treated water stored in the aquifer is now pumped out, re-chlorinated, and put into a pipe to be delivered to homes and businesses in Hillsboro, as well as areas served by Beaverton and Tualatin Valley Water District.



Bend Code 14.20.050 Irrigation Hours



Irrigation is not allowed between the hours of 9:00 a.m. and 5:00 p.m.

The city of Bend's water conservation efforts include allowing irrigation only during evening and overnight hours when the demand on the system is low.

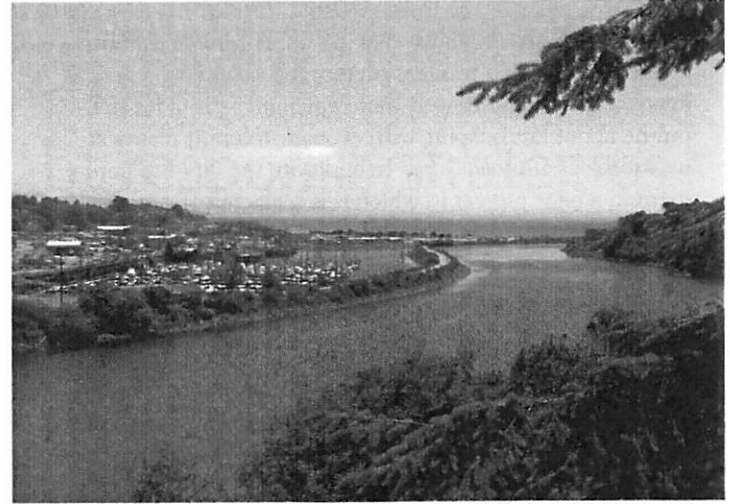
mainline breaks, he says. The city also will implement software upgrades during the next year, which will allow it to conduct advanced analytics that will aid its water conservation program.

"This is an exciting time in the 'Internet of Things,' and technology is finally penetrating the water consumption world," Buettner said. "Energy use has been at the forefront and water is catching up quickly. Drought conditions certainly speed that up."

Bend soon will launch two pilot programs designed to promote water conservation. The first targets the 24,000 residential meters that represent about 60 percent of water use in the community. Half of that percentage is used for outdoor irrigation, with spikes in demand each summer. The residential pilot program involves a sprinkler inspection program that will utilize mobile technology to help homeowners assess their irrigation system and how to increase its efficiency.

The second pilot program is designed for large irrigators such as the Bend-LaPine School District and the Bend Park and Recreation District. The program involves working with the water and landscape managers for these organizations to implement water budgets based on historical needs and opportunities for increased efficiency, including drought-resistance plants, Buettner says.

"Really, the ultimate goal of that whole program is to help those organizations with the business case for how to reinvest in their water management and landscape systems," Buettner said.



The city of Brookings currently relies solely on the Chetco River for its water supply, but is studying the feasibility of reactivating the Ferry Creek Reservoir.

Brookings Explores Reservoir Retrofit, Improved Desalination Technology

With an eye toward creating a reliable backup supply of water that is protected from saltwater intrusion, the coastal city of Brookings is studying the feasibility of reactivating the Ferry Creek Reservoir that was part of the original community water supply as far back as 1913 but hasn't been operational for about 30 years, said City Manager Gary Milliman.

If it is determined to be a workable option, the city would activate the old intake system seasonally. Ferry Creek Reservoir previously held up to 13 million gallons of water, and a retrofit could possibly include enlarging it. Brookings currently relies solely on the Chetco River for its water supply. The feasibility report is expected to be completed in October, Milliman says.

Brookings and Reedsport partnered with the Oregon Department of Administrative Services to prepare a proposal about the project for the National Disaster Resilience Competition. They submitted the proposal in March and expect to learn in June about whether they were selected to submit a second phase of project applications.

"We plan on submitting this project as a resiliency building project under that federal grant program," Milliman said.

Brookings also will partner with researchers at the University of Southern California and Humboldt State University who are jointly undertaking a pilot project at Humboldt Bay to develop a prototype desalination plant that incorporates new technology. The technology addresses the environmental problems caused by the discharge of brine and the high energy use associated with reverse osmosis plants.

"They plan to have results from that study within two years, and we have indicated an interest in partnering with them to look at developing the new technology into a municipal plant in Brookings," Milliman says.

"Water supply is an issue we've been concerned about for some years, more from a disaster preparedness aspect than anything else," he adds. "We've taken major steps over the last five years to improve disaster preparedness within our community, and this is another component of that."

New Irrigation Plan Taking Shape for Agricultural Water Users in Hermiston

Hermiston grows some of Oregon's most important crops, including watermelon, potatoes and onions. Water for irrigation, and the potential lack of it, is a constant concern for the community, says City Manager Byron Smith.

Among its strategies for providing an ample water supply, Hermiston is nearing the completion of an upgrade to its water treatment plant that will allow the plant to produce Class A wastewater that can be directly applied to farmland to produce food. The upgrade to change the treatment technology at the plant cost \$27 million and took about two years following a long effort to obtain approvals, Smith says.

"Before that we had another couple of years of getting people to buy into the idea that we could put our wastewater directly into an irrigation district canal," he says. "It was a challenge, especially with our regulators. The (Environmental Protection Agency) and (Department of Environmental Quality) were both pretty reluctant to begin with."

While the city was still awaiting its permit from the DEQ in mid-May, Smith expects the project to move forward based on the agency's indications that it would approve the new treatment plant. Smith says he hopes for the plant to be operational by the end of the growing season this fall. It will mark the first time an Oregon city has put wastewater directly into an irrigation canal, and it will produce about 1.5 million gallons of water per day.

"Drought is a fairly regular concern here, so that's one of the reasons this approach was even looked at. The irrigation district sometimes gets limited in what they can take out of the (Columbia) river, so this gives them a more sure source of water."

Westfir Awaits Expedited Approvals for Emergency Fix

The small city of Westfir (population 255) has been struggling with a big water problem since a dam on the North Fork river valley was removed, and the drought has compounded the issue, says Mayor Matt Meske.

In April, Westfir's City Council declared a water emergency due in part to the low river level and a dwindling supply at its normal intake area. "Our water levels are currently at August and



Watermelons are one of Hermiston's biggest crops. The city recently upgraded their wastewater treatment plant to allow Class A wastewater to be directly applied to farmland for irrigation.

September levels, and it's only May," said City Recorder Larisa Worthington. "We are in an emergency situation where we may not be able to provide any water for our citizens at all."

The city tested a well that had been capped and discovered the water contains a high level of arsenic. It could treat that water to make it potable, but that option might be cost prohibitive, Meske says.

Westfir is encouraging residents to abide by mandatory restrictions on irrigation and outdoor uses, and voluntary reductions inside their homes. It also is working with Lane County's Emergency Management Department on possibly trucking water into the city.

A categorical exclusion would allow Westfir to install another pump in the river to bring water to the existing intake area. U.S. Senator Ron Wyden has intervened on Westfir's behalf to accelerate the approvals process as the city finalizes the design and prepares to put the project out to bid.

"I think lowering the intake pipe is a great short-term solution, but as far as the long term I would like to see Westfir on a well at some point," Meske says.

As the summer days grow hotter and an increasing number of Oregon counties declare drought emergencies, communities throughout the state will continue to seek effective strategies for protecting and conserving this invaluable resource that everyone relies on.

Ms. Finnemore is a Portland-area freelance writer. Contact her at precisionpdx@comcast.net. ■

Waste Not, Want Not: Conservation and Curtailment Measures in Times of Drought



Even before this year's drought, many municipal water providers had plans in place for how to curtail their water use in times of shortage. Water Management and Conservation Plans (WMCP), which are often a condition of approval for a new water use permit or for an extension of time to develop an existing permit, describe how a city will manage its water needs both generally and in times of shortage, including an explanation of the conservation and curtailment measures that a city will undertake to meet current and future needs. Even cities that have not yet been required to adopt a WMCP can benefit from implementing conservation measures and planning for curtailment given Oregon's water supply this year. In severe, continuing drought conditions, or in anticipation of those conditions, the governor may order a city to implement a water conservation or curtailment plan, or both. Given that possibility, having an ordinance and plan in place before water shortages occur will allow cities to respond quickly to changing circumstances.

Conservation Measures

Cities that foresee upcoming shortages can implement conservation measures to proactively reduce their water needs. Conservation can take many forms, from implementing measures to reduce municipal use to encouraging conservation by city residents. Conservation measures for municipal water use might include identifying and repairing leaks in water mains, reservoirs and tanks; improving efficiency of irrigation of city parks and other green spaces; and testing and repairing source meters. A city might also encourage conservation by its residents by offering free leak detection visits for customers; providing information about or incentives for purchasing water-efficient appliances or planting drought-resistant plants; and implementing a public education plan to inform customers about how to use water more efficiently.

Curtailment Plan

Although a city may implement voluntary conservation measures to address impending shortages, as a drought worsens, a city may determine that it needs to turn to mandatory water use restrictions, or, as noted above, the governor may require a city to impose certain restrictions. In those cases, cities may need to implement a curtailment plan. A water curtailment plan, which is a required element of a WMCP, generally is designed to allow a city to adjust to the impacts of a water

shortage by reducing demand and possibly relying on an alternative supply.

A curtailment plan can address not only the types of restrictions that a city will impose, but also the triggers for those varying types of restrictions. Those triggers, which may be based on changes in supply, demand, capacity, or some combination of those or other factors, provide a clear indication of when the city will impose and enforce restrictions on water use. In addition, a curtailment plan can address how any unrestricted water will be rationed among water users with different needs.

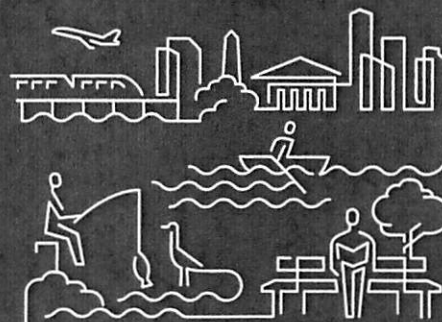
Examples of curtailment actions, ranging from mild to severe, include setting watering schedules, requiring hand irrigation, closing public pools or commercial car washes, and restricting or banning outdoor use. In some cases, cities may be able to

(continued on page 26)

We look a little different.

**Because at CH2M, we are a
little different.**

Visit www.ch2m.com



www.ch2m.com



© 2015 CH2M HILL

ch2m.



impose emergency water rates to encourage reduced consumption, but any city considering taking that approach should work closely with its city attorney.

In addition to setting the types of curtailment action and the associated triggers, a city should determine who will decide when the city will use the curtailment plan and the process for enforcing the restrictions in the plan. The Oregon Water Resources Department (OWRD) recommends that a city adopt an ordinance allowing it to declare a water supply emergency, and, as part of that ordinance, that a city delegate authority to a designated individual or agency to enact and enforce a curtailment plan when an emergency has been declared. Enforcement mechanisms may vary. OWRD has suggested that violations of the ordinance could result in fines, installation of a flow restrictor, or termination of water service. OWRD has created a sample ordinance that is available on the League's website, as explained below.

When undertaking enforcement of a curtailment plan, a city should be aware of covenants, conditions, and restrictions that may impose conflicting limits on a property owner's use of his or her property. For example, some property owners may be required to keep their lawns green. Although the Oregon courts have recognized that a local ordinance enacted to protect the public health, safety, and welfare may be able to override a restrictive covenant, a city enforcing a curtailment ordinance against a property owner subject to a restrictive covenant should work closely with its city attorney to determine the possible implications of the enforcement.

Available Resources

Cities interested in learning more about water management and conservation can consult the "Water Management & Conservation" page in the League's A-Z index, available at www.orcities.org. Among the many resources available on that page is a publication prepared by the Oregon Water Resources Department, in partnership with the League and other entities, which provides guidance on WMCPs for municipal water suppliers. That publication, titled "Water Management and Conservation Plans: A Guidebook for Oregon Municipal Water Suppliers," includes the sample curtailment ordinance referenced above, as well as information about curtailment plans and the other elements of a WMCP. ■

SAVE THE DATES

Oregon Water and Wastewater Infrastructure Finance Workshops

Where:

Klamath Falls, July 28 at Oregon Institute of Technology

Newport July 30 at Oregon Coast Community College

Who Should Attend: The workshops are targeted for small water and wastewater systems, however all are welcome to participate. Elected officials, mayors and board members are particularly encouraged to attend, along with managers, city recorders, administrative staff, public works staff and operators.

Topics: This annual event will feature the latest on funding programs and resources for water and wastewater projects, opportunities to meet agency representatives to discuss your plans and projects, sessions on sustainable and effective utility management, asset management, rates and public education, and project development. We also plan to conduct a "One-Stop" funding meeting.

Resources: Sponsored by Rural Community Assistance Corporation (RCAC), funded by USDA Rural Development, in partnership with League of Oregon Cities; Business Oregon Infrastructure Finance Authority (IFA); Oregon Department of Environmental Quality (DEQ); Oregon Health Authority (OHA); Oregon Association of Water Utilities (OAWU); Indian Health Services (IHS); and U.S. Environmental Protection Agency (EPA). There will be valuable information on agency programs, assistance for planning and developing projects, and tools and guides on how to effectively manage systems.

Please join us again this year for Oregon Water and Wastewater Infrastructure Finance Workshops to help keep your infrastructure project moving forward!



Rural Community
Assistance Corporation
www.rcac.org

For more information please contact:

Chris Marko, Rural Community Assistance Corporation (RCAC)
phone: 503-228-1780
cell: 503-459-7769
email: cmarko@rcac.org

Common Water Curtailment Practices for Cities



In general, the state's curtailment plan requirements (OAR 690-086-0160) call for actions that are increasingly restrictive as water shortages persist and worsen. The rules require water suppliers to have a water curtailment plan with at least three stages of alert that correspond to pre-determined levels of severity of shortage. The plan must also identify specific curtailment actions that will be implemented at each stage of alert, ranging from notice to the public of a potential shortage, increasing through limiting non-essential water use, to rationing and/or prohibiting certain uses at more severe stages of water shortage.

According to the Oregon Water Resources Department, the following are the most common water curtailment actions for the different stages of curtailment:

Mild Water Supply Shortage:

- Public education through posting pre-prepared water conservation messages and links to conservation tips on the city's website and at key city offices and other public areas.
- Posting of information/contacting local media to publicize the potential for water shortage.
- Encourage customers to voluntarily reduce water usage by a certain amount (e.g., 15%).
- Encourage customers to minimize landscape watering/irrigation between certain times (e.g., 8:00 a.m. to 6:00 p.m.)
- Encourage customers to use timing devices when watering with hoses.
- Reduce water use at city facilities and/or parks, as determined by city manager.

Moderate Water Supply Shortage:

- Limit outdoor watering and irrigation to a mandatory odd/even water schedule.
- Further reduce (or stop) non-essential water use at city facilities and/or parks, as determined by city manager.
- Prohibit washing vehicles (except those that must be cleaned to maintain public health or safety, or except those washed at commercial washing facilities that recycle wash water).
- Prohibit use of water for fountains or ponds used for aesthetic purposes.
- Prohibit use of water to wash sidewalks, walkways, streets, driveways, parking lots, or other hard surfaces, except those that must be cleaned to maintain public health or safety.
- Encourage restaurants to avoid serving water unless requested.

STAGE 2 WATER RESTRICTIONS	One Day Watering ONLY			
	RESIDENTIAL ODD ADDRESS	RESIDENTIAL EVEN ADDRESS	COMMERCIAL, MULTIFAMILY ODD ADDRESS	COMMERCIAL, MULTIFAMILY EVEN ADDRESS
	AUTOMATIC IRRIGATION SYSTEMS: BEFORE 10 A.M. HOSE-END SPRINKLERS, SOAKERS: BEFORE 10 A.M. or AFTER 7 P.M.			
	Saturday	Sunday	Tuesday	Friday

REPORT VIOLATIONS TO 3-1-1

An example of Stage 2 water restrictions limiting outdoor watering and irrigation.

- Encourage lodging facilities to reduce water usage by providing procedures for guests to opt for less frequent laundering of towels and bed linens.
- Encourage fire department to limit or avoid training exercises that use water.
- Discontinue water line testing and flushing of mains, except for emergency purposes.

Extreme/Emergency Water Supply Shortage:

- Restrict all use of city-supplied water to essential uses only, such as human or animal consumption, maintaining human health, and fire-fighting.
- Prohibit all outdoor water usage and irrigation (except with written approval for new lawns, turf or grasses seeded before issuance of the Emergency Stage Alert).
- Prohibit filling of swimming pools and hot tubs.
- Prohibit water use from fire hydrants for construction purposes, fire drills/training, or any purpose other than fire-fighting.
- Implement temporary rate surcharges (during shortage) to incentivize use of less water.
- Prohibit all non-essential uses and enforce under the city's water curtailment ordinance.
- Limit the amount of water allowed to each customer per day, imposing strict fines for exceeding the limit.
- Moratorium of new water connections.

13.05.250 Water curtailment.

It is the policy of the city of Brookings to provide clean, healthful, and plentiful water to its residents. To address the impact of a potential water shortage on the city's residents and the ability of the Chetco River to serve as a viable habitat to important fishery resources, the following rules shall apply.

A. Implementation. In order to limit water withdrawal from the Chetco River to a daily average of 5.1 cfs whenever the three-day average flow of the river is below 80 cfs, the following guideline for levels of curtailment may be implemented. The city may implement levels of curtailment at other times as determined necessary:

Grade 1: River flow is below 100 cfs and water withdrawal is above 4.5 cfs.

Grade 2: River flow is below 80 cfs and water withdrawal is above 4.5 cfs.

Grade 3: River flow is below 80 cfs and water withdrawal is above 4.7 cfs.

Grade 4: River flow is below 80 cfs and water withdrawal is above 5.0 cfs.

1. River flows shall be a three-day average using a USGS approved method of measurement conducted by a trained person and measured at a location approved by Oregon Water Resources.
2. Water withdrawal shall be a 24-hour average. Water withdrawal shall be metered and data shall be available to the public.

B. Levels of Water Curtailment.

1. Grade 1: Voluntary Curtailment.

- a. Press release shall be sent to local media encouraging water conservation.

2. Grade 2: Limited Water Restrictions. The following activities or actions are restricted or prohibited under a Grade 2 water restriction:

- a. Watering, sprinkling or irrigating lawn, grass or turf during the odd days of the month except:

- i. New lawn, grass or turf that has been seeded or sodded 90 days prior to declaration of a water shortage may be watered as necessary until established; and

- ii. High-use athletic fields that are used for organized play;

- b. Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation, or trees except from 6:00 p.m. to 10:00 a.m.;

- c. Washing, wetting down, or sweeping with water, sidewalks, walkways, driveways, parking lots, open ground or other hard surfaced areas except:

- i. Where there is a demonstrable need in order to meet public health or safety requirements, such as (A) to alleviate immediate fire or sanitation hazards, (B) for dust control to meet air quality requirements mandated by the Oregon Department of Environmental Quality;

- ii. Power washing of buildings, roofs and homes prior to painting, repair, remodeling or reconstruction, and not solely for aesthetic purposes;

d. Washing trucks, cars, trailers, tractors or other land vehicles or boats or other water-borne vehicles, except by commercial establishments or fleet washing facilities which recycle or reuse the water in their washing processes, or by bucket and hose with shut-off mechanisms except:

i. Where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning, such as (A) clean garbage trucks, (B) vehicles that transport food and other perishables, or (C) otherwise required by law. Owners/operators of these vehicles are encouraged to utilize establishments which recycle or reuse the water in their washing process;

e. Cleaning, filling or maintaining decorative water features, natural or manmade, including but not limited to: fountains, lakes, ponds and streams, unless the water is recirculated through the decorative water feature. Water features which do not include continuous or constant inflowing water are not included;

f. Wasting water by leaving unattended hoses running;

g. Supplying water for above or in-ground swimming pools; and

h. Other actions deemed necessary by the city manager.

3. Grade 3: Moderate Water Restrictions.

a. Where not otherwise restricted under a Grade 2 water restriction, all Grade 1 water restrictions apply;

b. Watering of any lawn, grass or turf, regardless of age or usage;

c. Watering, sprinkling or irrigating flowers, plants, shrubbery, groundcover, crops, vegetation, or trees;

d. Washing of vehicles other than in establishments which recycle their water; and

e. Power washing of buildings, regardless of purpose.

4. Grade 4: Severe Water Restrictions.

a. Where not otherwise restricted under Grade 3 water restrictions, Grade 1 and 2 water restrictions apply;

b. A maximum daily allotment of water per residential water user set by the city manager;

c. Any restriction, which is identified by the fire chief.

C. Variances. Customers not capable of immediate water restrictions shall submit a written request for a variance. The written request will be granted at the discretion of the city manager. The following information must be provided to the city in requesting a variance:

1. Name and address;

2. Purpose of water use;

3. Specific provision from which the petitioner is requesting relief;

4. Description of the relief desired;
5. Period of time for which the variance is sought;
6. Economic value of the water use;
7. Damage or harm to the petitioners or others if petitioner complies with the water restrictions;
8. Restrictions with which the petitioner can comply;
9. Steps petitioner is taking to achieve full compliance; and
10. Any other pertinent information.

D. Notification. Upon declaration of any grade of water restriction, the city manager or designee shall:

1. Mail the appropriate written notice to each service address inside and outside the city limits declaring the grade of water restriction, findings of fact and conclusions supporting the declaration, and the effective dates of the water restriction;
2. Publish the same notice in at least one local newspaper of general circulation;
3. Notify other area newspapers, radio and television stations by a press release;
4. Post the declaration at City Hall, Library, Post Office, Fire Hall and at least one other place in the city where citizens might be expected to congregate;
5. If available, place a notice on the Fire Department Reader Board;
6. Failure of any water user to receive actual notice of the declaration of a water restriction or emergency or the actions deemed necessary by the city manager or city council to address the water shortage shall not relieve the user of obeying the restrictions.

E. Enforcement.

1. Warning. Each violation shall receive a warning. The letter of warning shall be in writing, shall specify the violation, may require compliance measures, and shall be served upon the resident either personally, by office or substitute service, or by certified or registered mail, return receipt requested.
2. Citation. After the resident has received a warning letter, any subsequent violation shall be treated as a civil violation pursuant to BMC 13.05.270.

F. Penalties.

1. First violation: warning letter.
2. Second violation: Class C violation, subject to a fine of up to \$100.00 per day.
3. Third violation: Class B violation, subject to a fine of up to \$250.00 per day. [02-O-553 § 2.]

WATER WOES

New desalination technology could answer California's drought woes

Submitted by
Humboldt State

Could desalination be the answer to California's drought? As parts of the state become drier, scientists are looking at ways to turn seawater into drinkable water.

Desalination has made headlines in recent months as a possible solution to the state's water shortage. But in addition to being expensive, its byproduct — salty brine — can harm marine life once it's reintroduced into the ocean.

A team of researchers from Humboldt State University and the University of Southern California is hoping to address those concerns with a new process called Reverse Osmosis-Pressure Retarded Osmosis (RO-PRO).

Andrea Achilli is developing a new desalination system that will turn seawater into drinkable water at the Samoa Pulp Mill.

They recently received

a \$600,000 grant from the California Department of Water Resources to develop a portable, prototype RO-PRO system in Samoa, which could lower the cost of desalination and reduce its impact on the environment.

"The high cost and environmental impact of desalination are major issues preventing it from becoming a reliable, drought-resistant water supply," said Andrea Achilli, an environmental resources engineering professor at Humboldt State, who holds a patent on the technology with researchers from the University of Southern California and Colorado School of Mines. "What our system does is address those problems head-on."

The difference

Desalination plants typically use reverse osmosis, a process that pushes saltwater through a membrane to create purified, drinkable water. But in addition to being costly, and energy-

intensive, reverse osmosis can negatively impact the environment.

The portable, prototype RO-PRO system could lower the cost of desalination and reduce its impact on the environment.

What makes Achilli's system so different is that it uses both reverse osmosis and its opposing process, pressure-retarded osmosis. In PRO, freshwater and seawater are combined in a pressurized chamber, creating water pressure that spins a turbine. Instead of spinning a turbine, when combined with RO, that energy can then be directly used to power the entire system.

According to researchers, the process uses 30 percent less energy than traditional desalination methods.

Another benefit of the system is that the highly-concentrated saltwater is eventually diluted back to seawater, reducing environmental harm. "If used

on a large scale, it could have a positive environmental effect and result in significant cost and energy savings," Achilli says.

Samoa site

Once the system is completed, it will be housed and tested at the Samoa Pulp Mill, where water from the Mad River meets the Pacific Ocean. The mill is owned by the Humboldt Bay Harbor District, which is gifting use of its property and electricity for one year. During that time, researchers will test the system and its efficiency to determine whether it's suitable for wider use. After that, they plan to incorporate the technology into existing desalination facilities around the state.

"Eventually, we'd like to see the technology built into new desalination plants in California and elsewhere," Achilli says.

For more information contact Andrea Achilli at andrea.achilli@humboldt.edu or 707-826-3608.

December 12, 2014

Heidi Moawad
Office of the Governor
Public Safety & Human Services Policy Advisor
254 State Capitol
Salem, Oregon 97301-4047

Re: Intent to Participate

Dear Ms. Moawad:

This letter is to confirm the intent of the University of Southern California, Sonny Astani Department of Civil and Environmental Engineering to collaborate with the State of Oregon on eligible activities as proposed in the State of Oregon's Community Development Block Grant - National Disaster Resilience (CDBG-NDR) application. This collaboration is contingent upon the award of funds from the United States Department of Housing and Urban Development for the CDBG-NDR competition.

Specifically, our Department would be interested in partnering with the State of Oregon and the City of Brookings on the possible development of an innovative reverse osmosis-pressure retarded osmosis (RO-PRO) water treatment facility that would fulfill the needs of the Brookings Harbor Community for a resilient domestic water supply. Our environmental engineering program is actively involved in research associated with advanced technologies for water treatment, water reclamation/reuse, and removal of endocrine disrupting chemicals. Our research efforts are directed at development of sustainable technologies, experiment-based mathematical modeling, and environmental nanotechnology. Most recently, we are partnering with Humboldt State University in California to develop a portable, prototype RO-PRO system in Samoa, California, which would lower the cost of desalination and reduce its impact on the environment. This technology could be a good fit for coastal communities like Brookings whose historic water sources of supply are now impacted by drought and climate change conditions, and are vulnerable to tsunami impacts.

Furthermore, this collaboration can include the USC Tsunami Research Center (TRC), which is actively involved with all aspects of tsunami research including inundation field surveys; numerical and analytical modeling; and hazard assessment, mitigation and planning. TRC has developed tsunami inundation maps for California and the tsunami code MOST, now used by NOAA. MOST is the only validated code used in the U.S. for tsunami hazard mapping with detailed inundation predictions. TRC has surveyed most "modern" tsunamis since 1992.

It is understood that this letter is only an expression of our intent to collaborate should CDBG-NDR funds be awarded.

Sincerely,

Amy Childress

Amy Childress
Professor and Director of the Environmental Engineering Program
Department of Civil and Environmental Engineering

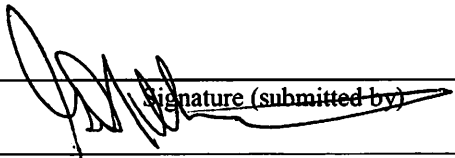


CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: July 13, 2015

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Funding for Lighted Arch at Azalea Park

Recommended Motion:

This matter had been referred earlier to the Tourism Promotion Advisory Committee (TPAC) for a recommendation to the City Council. TPAC did not recommend funding for this project. Staff is seeking direction from the City Council.

Financial Impact: \$3,603 in Transient Occupancy Tax funds. Note that the TPAC has not yet developed a budget for fiscal 2015-16.

Background/Discussion:

At its meeting of April 27, 2015, the City Council approved one of two requests from Nature's Coastal Holiday (NCH) for an expenditure of Transient Occupancy Tax funds for Christmas lights at Azalea Park.

Natures Coastal Holiday (NCH) was seeking \$7,113 to fund two projects: 1) \$3,510 for rehabilitation of the older bell decorations that were on display in downtown Brookings some years ago and 2) \$3,603 for extending the annual display at Azalea Park to include a lighted tunnel between the snack shack and the Capella.

The City Council had referred the funding request to the Tourism Promotion Advisory Committee which recommended funding the bell project only. The City Council approved this recommendation, but also invited NCH to return after the beginning of the new fiscal year to renew their request for funding the lighted tunnel.

The lighted tunnel would be 55 feet long and would be comprised of 12 arch structures.

These proposals were presented to the City Council/Budget Committee on March 24, and the Council/Committee referred the proposals to TPAC for a recommendation. The Council/Committee indicated that any funding for these projects should come from Transient Occupancy Tax revenues.

Attachment(s):

- a. Email from Klaus Gielisch.
- b. Excerpt from April 27 City Council meeting minutes.

Gary Milliman

From: Klaus Gielisch
Sent: Tuesday, June 09, 2015 4:18 PM
To: Gary Milliman; Pam Deraita; Lorie Botnen
Subject: Funding for Avenue of the Arches

June 9, 2015

Hi Gary,

Nature's Coastal Holiday Inc. was asked to return after the beginning of the fiscal year to reapply for funding of the Avenue of the Arches Project in Azalea Park. The thinking was that the TPAC committee felt they needed to wait until they knew how much money they had to work with in the new fiscal year.

Our initial path for our two proposals, the Brookings Bells, and the Avenue of the Arches, went to the city budget committee, TPAC committee, and finally a city council meeting. I'm wondering if we need to go the same route, or can we submit directly to TPAC?

What would you recommend?

Yours Sincerely,

Klaus Gielisch
President
Natures Coastal Holiday

Excerpt from April 27 minutes

Authorization to expend Transient Occupancy Tax (TOT) revenues to fund Christmas decoration proposals and execute agreements with Nature's Coastal Holiday (NCH) and Coastal Christmas in Brookings (CCB) as recommended by the Tourism Promotion Advisory Committee.

City Manager Milliman delivered the staff report.

Councilor Pieper, looking at the next item on the agenda, asked Milliman if there was an over-allocation of funding in this fiscal year and asked if TPAC realized that. Milliman said it was an over-allocation and TPAC was aware of that. Pieper then said that Oktoberfest was important as it was new and should be first in-line to receive funding. He said NCH had been operating for some time and asked if NCH could wait until after July 1st. Klaus Gielisch, NCH President, said they wanted to get to work on them as soon as possible but they could wait.

Councilor Hamilton thought NCH and CCB could wait until July to start their work.

Milliman said Council could approve the requests contingent on releasing funds July 1st.

Councilor Hodges said \$8,000 seemed a lot for Christmas decorations but it was a lot of work as well and he thought they might need to get going on them now.

Moir Fossom wanted to make it clear that the NCH light arch was separate from the bells, which were going in downtown, and Milliman pointed out that TPAC had recommended funding for the bells but not for the arch requested for NCH.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute an agreement with Nature's Coastal Holiday providing \$3,510 in Transient Occupancy Tax funds payable on or after July 1, 2015, to rehabilitate 15 large lighted bells for display in the business district during the Christmas holiday season.

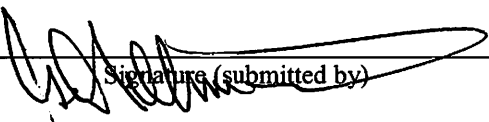
Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute an agreement with Coastal Christmas in Brookings providing \$5,000 in Transient Occupancy Tax funds for lights to be installed and operated on trees and light poles in the business district during the Christmas holiday season.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: July 13, 2015

Originating Dept: Mayor Hedenskog


Signature (submitted by)

City Manager Approval

Subject: House Bill 3400

Recommended Motion:
Discussion and direction to staff.

Financial Impact:
Unknown.

Background/Discussion:
This item was placed on the agenda at the request of Mayor Hedenskog.

House Bill 3400 is a massive (125 pages) piece of legislation drafted to implement Measure 91, which legalizes the recreational use of marijuana. We have not included a copy of the entire Bill in this packet, but have included the summary and analysis reports prepared by the Joint Committee on Implementing Measure 91 staff.

Of interest to Mayor Hedenskog is a provision within HB 3400 that would authorize cities to refer a three per cent point of sale tax on the sale of marijuana to the voters. The local tax would be collected by the Oregon Liquor Control Commission and would be in addition to the State's 17 per cent tax. This section of the Bill does not become operative until January 1, 2016

HB 3400 was approved by the House of Representatives on a vote of 52-4 and is now pending in the Senate.

The City Council adopted an Ordinance in 2014 authorizing the enactment of a 5.0 per cent tax on the sale of recreational marijuana. According to the League of California Cities, the provision in HB 3400 authorizing cities to seek voter approval of a 3.0 per cent tax would override existing local ordinances.

Attachment(s):

- a. Summary of HB 3400.
- b. Staff Measure Summary.
- c. Revenue Impact of proposed Legislation.
- d. Fiscal Impact of Proposed Legislation.
- e. Article from *The Oregonian*.

A-Engrossed House Bill 3400

Ordered by the House June 22
Including House Amendments dated June 22

Sponsored by Representatives LININGER, OLSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Directs Oregon Health Authority to develop and maintain database of information related to producing and processing of marijuana by persons responsible for marijuana grow sites under Oregon Medical Marijuana Program.]

[Requires person responsible for marijuana grow site under program to submit to authority certain information related to producing and processing marijuana.]

[Specifies number of mature marijuana plants that may be produced at single address.]

[Makes other changes to Oregon Medical Marijuana Act, including changes to harmonize Oregon Medical Marijuana Act with chapter 1, Oregon Laws 2015.]

[Becomes operative January 1, 2016.]

Makes changes to Ballot Measure 91 (2014). Establishes licensure qualifications for marijuana producers, marijuana processors, marijuana wholesalers and marijuana retailers. Directs Oregon Liquor Control Commission to adopt certain rules related to licensure. Provides commission with additional enforcement powers over licensees, including use of seed to sale tracking system. Directs commission to establish canopy sizes for marijuana producers. Establishes land use law with respect to marijuana producers. Establishes that cannabinoid edibles are subject to laws of this state related to processing food. Requires individuals who perform certain type of work for or on behalf of marijuana retailers to obtain valid permit from commission. Provides for time, place and manner of regulation of licensees by local governments. Authorizes governing body of local governments to refer to electors ordinance under which 3 percent tax may be imposed on sale of marijuana items. Becomes operative January 1, 2016.

Makes changes to Oregon Medical Marijuana Act. Limits amount of plants that may be grown at address where marijuana grow sites are located. Requires registration of marijuana processing sites. Requires marijuana grow sites, marijuana processing sites and medical marijuana dispensaries to submit information to Oregon Health Authority related to amount of marijuana held and transferred. Provides for time, place and manner of regulation of registrants by local governments. Becomes operative March 1, 2016.

Aligns provisions of Ballot Measure 91 (2014) with provisions of Oregon Medical Marijuana Act.

Provides for uniform testing of marijuana items transferred by medical marijuana dispensaries and sold by marijuana retailers. Directs authority to adopt rules related to testing marijuana. Directs authority to accredit laboratories. Directs commission to license laboratories. Becomes operative January 1, 2016.

Provides for uniform packaging, labeling and dosage of marijuana items transferred by medical marijuana dispensaries and sold by marijuana retailers. Directs authority to adopt rules related to labeling marijuana items and establishing dosage units for marijuana items. Directs commission to adopt rules related to packaging of marijuana items. Becomes operative January 1, 2016.

Provides for certification of private and public researchers of cannabis by commission. Becomes operative November 15, 2015.

Reduces crime classifications related to manufacture, delivery and possession of marijuana. Effective on passage.

Provides for cannabis education program. Effective on passage.

Authorizes local governments, under certain conditions and processes, to adopt ordinances prohibiting establishment of marijuana businesses registered with authority or licensed by commission. Specifies that local government that adopts any such ordinance may not impose any tax on sale of marijuana items. Effective on passage.

Declares emergency, effective on passage.

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY

MEASURE: HB 3400 A
CARRIER: Sen. Ferrioli
Sen. Burdick

Joint Committee On Implementing Measure 91

Fiscal: Fiscal impact issued
Revenue: No revenue impact, statement issued (Indeterminate Impact)

Action Date: 06/15/15

Action: Do Pass The A-Eng Bill.

Meeting Dates: 03/30, 05/20, 05/27, 06/01, 06/03, 06/08, 06/15

Vote:

Senate

Yeas: 5 - Beyer, Burdick, Ferrioli, Kruse, Prozanski

House

Yeas: 5 - Buckley, Helm, Lininger, Olson, Wilson

Prepared By: Adam Crawford, Committee Administrator

WHAT THE MEASURE DOES: Requires Oregon Liquor Control Commission (OLCC) to adopt rules restricting size of mature marijuana canopy. Specifies canopy limits are not applicable to premises licensed to propagate immature plants. Allows OLCC to adopt rules creating tiered system for mature marijuana canopy. Allows OLCC to create license allowing medical marijuana growers to sell immature marijuana plants and usable marijuana to growers, wholesalers, processors and retailers if medical marijuana grower meets specific conditions. Specifies grower licensed by OLCC and registered with Oregon Health Authority (OHA) may not possess more plants than allowable by OHA regulations and must use OLCC seed-to-sale tracking system. Requires licensed marijuana producers (growers), marijuana wholesalers (wholesalers), marijuana processors (processors), and marijuana retailers (retailers) be 21 years of age and resident of Oregon for two years. Repeals provision on January 1, 2020. Allows OLCC to require segregated areas for premises that hold multiple licenses. Requires OLCC to develop seed-to-sale tracking system. Requires growers, wholesalers, processors and retailers licensed by OLCC to use seed-to-sale tracking system when transferring marijuana. Establishes authority for OLCC marijuana regulatory specialists, including authority to inspect, arrest, seize and issue citations. Prohibits inspectors from conducting investigations or inspections for purpose of ensuring compliance with Oregon Medical Marijuana Act (OMMA). Allows OLCC to impose civil penalty of not more than \$5,000 per violation. Requires OLCC to establish system for awarding permits to retail workers participating in sale, possession or securing of marijuana at retail establishment. Requires growers, wholesalers, processors and retailers to maintain surety bond and liability insurance. Defines terms.

Allows city and county governing body to adopt ordinances prohibiting operation or establishment of medical marijuana processors, dispensaries as well as recreational growers, processors, wholesalers or retailers so long as that city or county had at least 55 percent of its electors vote against Measure 91. Requires city or county governing body to adopt ordinance within 180 days of effective date. Provides exemptions from ordinance for medical marijuana processors or retailers if certain conditions are met. Removes exemption if registration of medical marijuana dispensary or processing site is revoked. Requires governing body to submit ordinance to electors for approval. Requires city or county to notify OHA if ordinance is passed.

Establishes Legislative Assembly as sole body with authority to tax and regulate marijuana unless otherwise expressly permitted by state law. Allows cities and counties to establish up to three percent tax on marijuana sold by retailers if approved by electors at statewide election. Establishes Marijuana Control and Regulation Fund.

Allows governing body of city or county to adopt regulations on growers, processors, wholesalers and retailers. Requires regulations be consistent with city and county comprehensive plan, zoning ordinances and public health and safety laws. Confirms marijuana is crop for purposes of exclusive farm use law. Prohibits new dwellings and farm stands in conjunction with marijuana crop on land zoned for exclusive farm use.

Requires OHA and OLCC to require all marijuana items sold by either medical marijuana dispensaries or retailers be tested prior to sale or transfer. Requires OHA, in consultation with OLCC and Oregon Department of Agriculture (ODA), to establish standards for testing marijuana items. Requires OLCC to establish rules for licensing testing lab.

Requires OHA to establish rules for accrediting testing lab. Provides exemptions from testing requirement. Allows OHA to impose civil penalty for violations not exceeding \$500 per day.

Requires OHA and OLCC to require all marijuana items transferred or sold be packaged and labeled in manner that ensures public health and safety. Requires OHA, in consultation with OLCC and ODA, to establish standards for packaging and labeling marijuana items. Prohibits ODA from establishing standards for marijuana as food additive, or considering marijuana an adulterant. Allows OHA to enter into agreement with OLCC to inspect and ensure compliance with labeling and packaging requirements. Provides exemptions from packaging and labeling requirements. Allows OHA to impose civil penalty for violations not exceeding \$500 per day.

Establishes Task Force on Cannabis Environmental Best Practices (Task Force). Establishes Task Force roster and rules. Requires Task Force to study use of electrical and water usage associated with growing marijuana. Requires Task Force to report to committee of Legislative Assembly responsible for regulating cannabis no later than September 15, 2016.

Allows OLCC, in conjunction with OHA and ODA, to establish program identifying and certifying private and public researchers of cannabis.

Requires OHA, State Board of Education and Alcohol and Drug Policy Commission to develop curricula on marijuana abuse prevention. Requires OHA to report to Legislative Assembly on or before February 1, 2016 and on or before February 1 of every odd numbered year thereafter.

Provides exemption to specified licensees from criminal laws of Oregon relating to possession, delivery or manufacture of marijuana. Modifies conditions and class of felony or misdemeanor for specified marijuana laws regarding possession, delivery and production of marijuana.

Requires OLCC to report to Legislative Assembly on or before February 1 of every odd numbered year approximate amount of marijuana produced and sold and whether supply of marijuana in Oregon is commensurate with demand. Requires OLCC to examine available research on influence of marijuana on ability of person to operate vehicle and report to interim committees of Legislative Assembly related to judiciary on or before January 1, 2017.

Requires medical marijuana registry identification cardholders (cardholders), medical marijuana growers (growers), medical marijuana processors (processors) and medical marijuana dispensaries (dispensaries) be registered with OHA. Provides exemptions for licensing. Describes OHA licensing process for cardholders, growers, processors and dispensaries. Requires Oregon residency to receive registry identification card. Requires at least two years of Oregon residency for growers, processors and those persons responsible for dispensaries. Requires OHA to confirm growers, processors, person responsible for marijuana dispensaries are 21 years of age and residents of Oregon for at least two years until January 1, 2020. Limits grower to 24 mature plants if grow site is within city limits and in location zoned for residential use or 96 mature plants if grow site is not in previously described area, so long as grow site was registered with OHA prior to January 1, 2015. Limits grower to 12 mature plants if grow site is within city limits and in location zoned for residential use or 48 mature plants if grow site is not in previously described area if grower registers grow site after December 31, 2014. Limits amount of usable marijuana grower may possess to 12 pounds per outdoor plant or 6 pounds per indoor plant. Requires grower to reduce plant count if specific events occur. Establishes tracking system for growers, processors and dispensaries. Allows OHA to inspect only marijuana grow sites of persons designated to produce marijuana for other cardholders. Allows cardholder to reimburse person responsible for grow site for all costs associated with production of marijuana. Requires OHA to establish by rule, public health and safety standards for processor of cannabinoid edibles, concentrates and extracts. Allows OHA to provide information regarding grow site, processing site or dispensary to law enforcement or regulatory agency of city or county. Prohibits OHA from providing specified information. Requires OHA to provide information to law enforcement agencies if OHA suspends registration, revokes registry or takes disciplinary action against grower, processor or dispensary. Specifies those convicted of Class A or B felony relating to manufacture or delivery of controlled substance may not be designated as person responsible for grow site for two years.

Allows local governments to enact reasonable regulations on grow sites, processing sites and dispensaries. Allows dispensary to remain at current location if school is established within 1,000 feet of dispensary. Allows marijuana processing facilities to be located in residential areas so long as processor does not process cannabinoid extracts.

Establishes January 1, 2016 or March 1, 2016 as operative date for specified parts of measure. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Oregon Medical Marijuana Act provisions
- Requirements for tracking of marijuana
- Recreational marijuana regulatory agencies
- Interaction between medical and recreational markets
- Supply of marijuana currently grown in Oregon

EFFECT OF COMMITTEE AMENDMENT:

Replaces measure.

BACKGROUND:

In 1998, Oregon voters approved Ballot Measure 67 to allow medical use of marijuana within specified limits. The Oregon Medical Marijuana Program (OMMP) under the Oregon Health Authority (OHA) administers the program regulating medical marijuana. The Oregon Medical Marijuana Act (OMMA) governs the OMMP and has been frequently modified since its passage. In 2014, Oregon voters approved Ballot Measure 91 (Measure 91) to allow the recreational sale and use of marijuana.

House Bill 3400 A would require the OHA to create a database that would track the production, processing and transfer of medical marijuana. The measure requires OLCC to create a seed-to-sale tracking system for recreational marijuana and set limits on the size of recreational grow site canopies for mature marijuana plants. House Bill 3400 A also vests sole authority to tax or impose fees on either medical or recreational marijuana with the Legislative Assembly. The measure would also limit the number of plants allowable under the OMMA at individual grow sites within city limits zoned for residential use and at all other sites. House Bill 3400 A also allows local governing boards to adopt ordinances prohibiting marijuana operations within their jurisdiction. However, if a local jurisdiction prohibits any marijuana operation, they cannot receive any funds from marijuana taxation. The measure creates standards for testing laboratories. The measure also requires OHA and OLCC to create rules regarding the packaging and labeling of marijuana items in the medical and recreational markets.

**REVENUE IMPACT OF
PROPOSED LEGISLATION
Seventy-Eighth Oregon Legislative
Assembly
2015 Regular Session
Legislative Revenue Office**

Bill Number:	HB 3400-A
Revenue Area:	Marijuana Revenue
Economist:	Mazen Malik
Date:	06-19-2015

***Only Impacts on Original or Engrossed
Versions are Considered Official***

The revenue impact of this measure is indeterminate for the following reasons:

The impact of this amendment is to allow counties and cities to opt out of both medical and commercial marijuana. The opt-out of medical marijuana will not have much impact on revenue; however, the commercial opt-out is likely to impact state tax revenue.

It is not clear which counties and/or cities will immediately opt out. The counties with 55% "No" votes on Measure 91 represent about 8% of the state population. Not all cities and counties in this group are guaranteed to pass an ordinance, and the mobility of consumers still gives the other counties access as an open conduit, thus a 5% negative impact on revenue is a likely floor of this amendment. For an upper range estimate, if those counties with a no vote equal to 49.5% choose to further send the opt-out to referendum, and further if 50% of those counties or more are assumed to opt out. This would affect about 14.5 % of the state population. Given the ability of these residents in the opt-out counties to purchase in nearby legal markets, the overall impact would be close to 10% of the general marijuana tax revenue. Thus, the likely range of impact is anywhere from 5% in the short term to about 10% over a longer range. For a reference point, a 1% change in revenue in a fully phased-in and functioning legalized marijuana market is expected to be about \$250,000.

The measure as amended delegates the OLCC to set by rule the size of canopy and grow operation, as well as balance between indoor and outdoor grow operations, however, the OLCC might need to identify quantities of supply, calibrate it with market demand, and/or influence the price of marijuana sold in Oregon. This represents a risk to revenue by oversupply or shortages as well as price fluctuations. All these interactions can have different effects on revenue from taxes levied on marijuana.

The other possible effect on revenue is the costs of different programs and licensing requirements. The measure allows for fees to cover costs of licensing and other testing, but it might not cover other costs of regulations. If those costs are to be covered from the tax proceeds, then the amounts available for transfer to different programs might be negatively impacted.

The impact of the fines and penalties are also a source of uncertainty. The use of these amounts to cover administration costs as well as the amounts expected to go to the CFA are a source of uncertainty.

The local government additional tax should not have a major disturbance of the tax revenue due to the state, however, if all localities adopt that additional tax that might be considered an additional overall tax increase meaning that overall revenue might be reduced proportional to the price sensitivity of the consumer.

FISCAL IMPACT OF PROPOSED LEGISLATION

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

Measure: HB 3400 - A

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Theresa McHugh
Reviewed by: Linda Ames, Michelle Deister, Paul Siebert, Julie Neburka, Steve Bender, John Borden
Date: June 21, 2015

Measure Description:

Specifies regulations to facilitate the sale, distribution and taxation of recreational marijuana and makes changes to the Oregon Medical Marijuana Act.

Government Unit(s) Affected:

Oregon Health Authority, Oregon Liquor Control Commission, Department of Agriculture, Oregon State Police, Board of Pharmacy, Oregon Judicial Department, Department of Revenue, Cities, Counties

Summary of Expenditure Impact:

See Analysis below

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

HB 3400-A outlines responsibilities and authorities for the implementation of Oregon's recreational marijuana program. The measure also outlines the responsibilities and authorities related to Oregon's medical marijuana program.

Provisions of the bill relating to the recreational marijuana program include the following:

- Authorizes the Oregon Liquor Control Commission (OLCC) to adopt rules to implement the law, including rules to protect public health and safety;
- Requires licensed marijuana growers, wholesalers, processors and retailers to be at least 21 years old, be a resident of Oregon for two years, maintain a surety bond and liability insurance and meet other requirements as specified;
- Requires OLCC to adopt rules limiting the size of a mature marijuana canopy and allows the agency to adopt rules creating a tiered system for such canopy;
- Requires OLCC to develop a seed to sale tracking system, which must be used by licensees when transferring marijuana;
- Specifies the amount of cannabinoid concentrates which can be made, processed, stored or delivered;
- Allows OLCC to create a license for medical marijuana growers to sell immature marijuana plants and useable marijuana under specified conditions;
- Grants OLCC the authority to establish fees to cover the agency's costs to implement the law;
- Provides authority for OLCC to inspect, arrest, seize and issue citations to violators of the law and grants the agency civil penalty authority, but prohibits inspections for the purpose of ensuring compliance with the Oregon Medical Marijuana Act;
- Requires OLCC to implement a permitting program for workers in retail marijuana establishments;
- Establishes the Marijuana Control and Regulation Fund;

- Allows counties and cities to adopt regulations on growers, processors, wholesalers and retailers as specified, and to establish a tax on retail marijuana sales of up to 3 percent if such tax is approved by electors at a statewide election;
- Establishes the 13-member Task Force on Cannabis Environmental Best Practices to be staffed by OLCC; and
- Other conditions and requirements.

Provisions of the bill relating to the medical marijuana program include the following:

- Authorizes OHA to adopt rules to implement the law, including rules to protect public health and safety;
- Requires medical marijuana registry identification cardholders and medical marijuana growers, processors and dispensaries to be registered with OHA;
- Outlines the OHA licensing process and establishes standards and requirements;
- Sets limits on the number of plants and the amount of usable marijuana that may be possessed;
- Requires OHA to establish a tracking system for growers, processors and dispensaries;
- Specifies when OHA may conduct inspections;
- Limits fees to \$20 for veterans diagnosed with post-traumatic stress syndrome;
- Allows local governments to adopt regulations on producers, processors, wholesalers, dispensaries and retailers as specified;
- Grants OHA the authority to impose civil penalties; and
- Other conditions and requirements.

In addition, the measure requires OHA and OLCC, with the assistance of the Oregon Department of Agriculture (ODA) to establish testing requirements and standards for the packaging and labelling of marijuana items. OHA, OLCC and ODA are also authorized to enter into agreements to implement and enforce the law, and are granted the authority to possess, seize or dispose of marijuana as necessary.

Estimated costs to OLCC for the implementation of Ballot Measure 91 range from the \$7.1 million that was included in the Governor's budget to a more recent analysis that indicated the costs will be approximately \$10.5 million. The changes to the implementation of Ballot Measure 91 included in this measure are expected to increase that estimate by approximately \$600,000 to pay for staff and costs for the permitting program and work related to the Marijuana Control and Regulation Fund, as well as for expenses related to the staffing of task forces and study groups as required by the bill. It is unknown how much time and assistance OHA will require of OLCC related to the medical marijuana program, but OLCC expects such costs would be minimal and the work would be absorbable within current business processes. OLCC notes that they expect that any costs would be covered by revenue collected by OHA and would be addressed as part of an interagency agreement. It should be noted that costs related to a number of the new requirements are indeterminate and it is likely that adjustments will need to be made in the future to the agency's budget to reconcile resources with the detailed implementation plan.

OHA indicates that they expect to incur costs of just under \$12 million in 2015-17 and \$6.7 million in 2017-19 to implement the bill. In earlier bills considered this Session regarding the medical marijuana program that had similarities to this measure, OHA estimated that there would be total costs of approximately \$10.5 million in 2015-17, which would drop to approximately \$6.5 million in 2017-19, as a result of a reduction in one-time costs that would be incurred in 2015-17. Of the \$10.5 million, \$6.3 million was for staffing costs, with the majority of the new positions (25) to be located in the Public Health Division to regulate, track, and inspect marijuana growers and processors. Of the total amount of new FTE that was estimated, 2.77 FTE (3 positions) would be located in DHS and the remaining positions (15) would be technology-related to develop a tracking system and administrative positions to provide program support. Just as with OLCC cost estimates, costs related to a number of the new requirements are indeterminate and it is likely that adjustments will need to be made in the future to reconcile resources with the detailed implementation plan.

Work is ongoing to refine the cost estimates provided above in order to make the necessary adjustments to the agencies' 2015-17 budgets. Some costs will remain indeterminate until rules are adopted to

implement this measure and Ballot Measure 91. Potentially, costs could be lower or higher than estimated depending on how both the medical and recreational marijuana programs operate under the new provisions, as well as how the market responds to the programs. It should be noted that analysis is ongoing to identify opportunities to reduce overall costs, including having OLCC and OHA work together on a single tracking system.

ODA anticipates costs of \$212,641 in 2015-17 to cover the costs to the agency for the implementation of Ballot Measure 91. This includes the cost of one vehicle and one additional position. The 2017-19 cost would be reduced to \$187,641, reflecting the elimination of the one-time cost for a vehicle in 2015-17. It is anticipated that some of the work that would be required of ODA under HB 3400-A is consistent with work that was anticipated in the agency's budget request related to the implementation of Ballot Measure 91. However, ODA's budget has been approved by the Joint Committee on Ways and Means without any funding related to implementation of Ballot Measure 91. ODA notes that it is unknown how much additional time and assistance will be required of the agency, and, as a result, the costs for additional work that may be generated by HB 3400-A is indeterminate at this time.

The measure modifies the law regarding marijuana offenses, which is likely to increase the number of motions filed to set aside a felony marijuana conviction, although the number of motions is indeterminate. The Oregon State Police (OSP) note that there are currently 78,319 marijuana offense convictions included in the Oregon Computerized Criminal History file that have the potential to become eligible for the set aside process. Depending on the number of set asides that are requested and the timing of those requests, OSP may need to return to the Legislature for additional staff and an increase in Other Funds expenditure limitation. The Judicial Department believes that the changes in the law under HB 3400-A will result in costs of slightly over \$145,000 due to increased judge and staff time. Other agencies potentially impacted by the bill are expected to incur minimal or no costs to implement the measure.



Remaining marijuana offenses are being reduced by Oregon Legislature

Jeff Mapes | The Oregonian/OregonLive By Jeff Mapes | The Oregonian/OregonLive

Email the author | Follow on Twitter

on June 27, 2015 at 8:00 AM, updated June 29, 2015 at 10:53 AM

Is it any worse to sell a teenager a joint than a six-pack of beer?

That question is at the heart of the debate in the Oregon Legislature over how far to go in lowering marijuana penalties now that voters have approved recreational use of the drug for adults.

Legislation is moving through Salem that would reduce penalties for a number of marijuana-related crimes so it is handled more like alcohol than an outlaw drug.

"We ought to treat marijuana as we treat beer and wine," says Sen. Floyd Prozanski, D-Eugene, a key supporter of reducing marijuana crimes. "We're seeing a change in how this particular substance should be viewed and how it would be regulated."

Supporters of lower penalties say they want to move away from a war-on-drugs mentality and help marijuana offenders erase previous convictions that have made it harder to get jobs, housing and education.

Law enforcement officials and legislators – who are often wary of reducing crime sentences – have largely accepted the reductions. But Prozanski wasn't able to persuade fellow legislators to drop the penalty for furnishing pot to a minor from a felony to a misdemeanor, as is the case for alcohol.

"Anything involving a minor is where things get very sensitive," says Kevin Campbell, a lobbyist for the Oregon police chiefs, who predicts that "we'll still be looking at all of this" for the next several years.

Rep. Andy Olson, R-Albany and a retired state cop, negotiated many of the changes with Prozanski and agreed to lower the charge for providing marijuana to a minor from a Class A felony – the most serious category – to a Class C felony, which carries lower penalties and is easier for judges to treat as a misdemeanor.

"I couldn't get there right now" to treat giving pot to teenagers the same way you do as with booze, Olson says. "We're going to continue that discussion in the February session."

The two legislators' handiwork was inserted into House Bill 3400, a sweeping marijuana regulatory bill that passed the House Wednesday on a 52-4 vote – a sign of how relatively non-controversial the changes were. The bill still must clear the Senate.

RECLASSIFYING MARIJUANA CRIMES

Here is a before and after look at changes in marijuana crimes, either through Measure 91 or in

The legislation also would make it easier for people with marijuana convictions to have them cleared from their record.

"We want to make sure it's no longer going to stigmatize them and shut a lot of doors that should be open," says Rep. Ann Lininger, D-Lake Oswego and co-chair of the marijuana committee. "If a young person makes a mistake, we want them to have a second chance."

While Measure 91 contained some sentence reductions, marijuana advocates pressed Lininger and her colleagues for additional changes. So did the Bus Project, which mobilized young left-of-center activists to contact legislators in favor more lenient expungement policies.

"I want people to work where they want to work, live where they want to, have a gun if they want to protect themselves," says Justin Myers, 27, who helped the Bus Project campaign.

Myers pleaded guilty to a felony marijuana possession charge after he after caught with a handful of plants in his closet. He faced more serious charges because his younger sister had just moved into his Clackamas County mobile home with their father.

Myers, who served four days in jail and was on probation, says he drifted from one temporary job to another for years because employers often would not consider him because of his felony conviction.

Now he works at a medical marijuana dispensary, one business that didn't have an issue with his conviction. And he has adjusted to the point that he hasn't wanted to spend the money to hire a lawyer and get his conviction cleared.

The impact of drug convictions has hit some communities hard, however. Rep. Lew Frederick, D-Portland, one of two African-Americans in the Legislature, says he can barely go grocery shopping without someone stopping him who want to talk about his work to change the approach to drug crimes.

He managed to get some of his wording in HB 3400, which he promoted with an impassioned speech.

"Every time marijuana use has been studied it has been found to be fairly evenly distributed across not just racial and ethnic communities but also across economic circumstances," he told colleagues. "Every time incarceration for marijuana offenses has been studied it has been shown to be drastically skewed toward communities of color and poor communities."

legislation moving toward approval in Salem. Possession of one ounce in public or eight ounces at home is legal as of July 1.

Possession of more than 8 oz.

Before: Class C felony

After: Class A misdemeanor

Unlawful delivery

Before: B felony

After: A misdemeanor

Delivery to minor

Before: A felony

After: C felony

Manufacture by minor

Before: B felony

After: C Felony

Minor possessing over 8 oz.

Before: C felony

After: A misdemeanor

"Whatever the explanations for this may be," Frederick added, "the fact is that these laws have turned large numbers of black or brown or poor citizens into criminals, while others have toked up in safety for decades."

Clatsop County District Attorney Josh Marquis, who campaigned heavily against Measure 91, argues that Oregon had already gone a long way toward reducing and even eliminating prison sentences for marijuana use. "Most pot crimes could be set aside even before Measure 91 passed," he says, adding that he was skeptical of the need for another big round of reductions.

However, Marquis says he and many other law enforcement officials critical of the marijuana initiative didn't think it would be productive to lobby the Legislature much on this issue. "I think there is an exhaustion factor," he says, adding that he felt like "we'd be banging our head against the wall."

Still, Marquis says he is primarily concerned with preserving existing penalties for intoxicated driving and for dealing marijuana to minors. "Selling dope to high school kids certainly seems like a considerably more serious crime" than furnishing them with alcohol, he says, citing research showing the danger of marijuana to developing brains.

Crime statistics show that law enforcement is already beginning a shift away from marijuana crimes, a move many officials say will accelerate as legal pot use becomes commonplace for adults.

Figures from the Oregon Criminal Justice Commission showed that just 55 offenders entered a state prison in 2014 for crimes primarily related to marijuana, a small fraction of the more than 14,000 in the state corrections system. An additional 98 served local jail sentences for marijuana-related crimes.

Arrests for marijuana crimes have also dropped to under 150 a month and are now at their lowest since the commission started keeping these statistics in 2006, according to research analyst Kelly Officer.

"In my mind, this is a public health problem," says Doug Harclerod, a former Lane County district attorney who now lobbies for the district attorneys' association. "My view is we don't need to be sucking the cops back in to enforcing marijuana law."

--Jeff Mapes

jmapes@oregonian.com

503-221-8209

@Jeffmapes

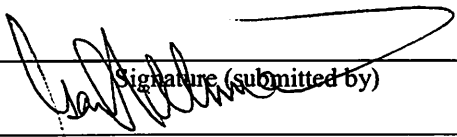
© 2015 OregonLive.com. All rights reserved.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: July 13, 2015

Originating Dept: Councilor Pieper



Signature (submitted by)

City Manager Approval

Subject: House Joint Resolution 21

Recommended Motion:

Discussion and direction to staff; possible letter to legislators.

Financial Impact: See below.

Background/Discussion: This item was placed on the agenda at the request of Councilor Pieper.

House Joint Resolution 21 (HJR) would place a Constitutional Amendment on the 2016 statewide primary election ballot that would provide that a rate of ad valorem property tax imposed by counties for any property tax year may not be less than \$2.00 per \$1,000 of assessed valuation.

As amended, the proposed Amendment would apply the State's 36 counties where the county property tax rate is currently less than \$2.00, including Curry County where the rate is \$0.5996. *Note: There is some indication that the scope of the legislation may be reduced to only those counties where the existing county tax rate is less than \$2.00.* The basic concept behind the proposal is that a Constitutional Amendment setting a minimum tax would likely pass on a statewide ballot as the most populous counties already have rates at \$2.00 or above, and there is concern that statewide general revenues paid by residents of higher-rate counties funds may be needed to assist fiscally challenged counties. Measures to increase local property tax rates in many of the low-tax-rate counties have been rejected by county voters. Thus, by using the tactic of a Constitutional Amendment, local voters opposing higher local tax rates can be circumvented.

HJR 21 was approved by the House Revenue Committee on a vote of 5-4 and is awaiting action in the House Rules Committee. Supporters of record include the Association of Oregon Counties, Curry County Commissioner David Brock Smith and Curry County Assessor Jim Kolen.

Attachment(s):

- a. HJR 21
- b. Mail Tribune article dated June 29, 2015.
- c. House Committee on Revenue Staff Measure Summary.
- d. Legislative Revenue Office Revenue Impact Report.
- e. Legislative Fiscal Office Fiscal Impact Report.
- f. Letter to House Committee from Curry County Assessor Jim Kolen

House Joint Resolution 21

Sponsored by COMMITTEE ON REVENUE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Proposes amendment to Oregon Constitution that provides that rate of ad valorem property taxes imposed by county for any property tax year may not be less than \$2.00 per thousand dollars of assessed value and excepts \$2.00 per thousand dollars minimum from compression under Ballot Measure 5 (1990).

Refers proposed amendment to people for their approval or rejection at next primary election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. The Constitution of the State of Oregon is amended by creating a new section 16 to be added to and made a part of Article XI, and by amending section 11, Article XI, such sections to read:

Sec. 11. (1)(a) For the tax year beginning July 1, 1997, each unit of property in this state shall have a maximum assessed value for ad valorem property tax purposes that does not exceed the property's real market value for the tax year beginning July 1, 1995, reduced by 10 percent.

(b) For tax years beginning after July 1, 1997, the property's maximum assessed value shall not increase by more than three percent from the previous tax year.

(c) Notwithstanding paragraph (a) or (b) of this subsection, property shall be valued at the ratio of average maximum assessed value to average real market value of property located in the area in which the property is located that is within the same property class, if on or after July 1, 1995:

(A) The property is new property or new improvements to property;

(B) The property is partitioned or subdivided;

(C) The property is rezoned and used consistently with the rezoning;

(D) The property is first taken into account as omitted property;

(E) The property becomes disqualified from exemption, partial exemption or special assessment;

or

(F) A lot line adjustment is made with respect to the property, except that the total assessed value of all property affected by a lot line adjustment shall not exceed the total maximum assessed value of the affected property under paragraph (a) or (b) of this subsection.

(d) Property shall be valued under paragraph (c) of this subsection only for the first tax year in which the changes described in paragraph (c) of this subsection are taken into account following the effective date of this section. For each tax year thereafter, the limits described in paragraph (b) of this subsection apply.

(e) The Legislative Assembly shall enact laws that establish property classes and areas sufficient to make a determination under paragraph (c) of this subsection.

(f) Each property's assessed value shall not exceed the property's real market value.

(g) There shall not be a reappraisal of the real market value used in the tax year beginning July

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 1, 1995, for purposes of determining the property's maximum assessed value under paragraph (a) of
2 this subsection.

3 (2) The maximum assessed value of property that is assessed under a partial exemption or spe-
4 cial assessment law shall be determined by applying the percentage reduction of paragraph (a) and
5 the limit of paragraph (b) of subsection (1) of this section, or if newly eligible for partial exemption
6 or special assessment, using a ratio developed in a manner consistent with paragraph (c) of sub-
7 section (1) of this section to the property's partially exempt or specially assessed value in the man-
8 ner provided by law. After disqualification from partial exemption or special assessment, any
9 additional taxes authorized by law may be imposed, but in the aggregate may not exceed the amount
10 that would have been imposed under this section had the property not been partially exempt or
11 specially assessed for the years for which the additional taxes are being collected.

12 (3)(a)(A) The Legislative Assembly shall enact laws to reduce the amount of ad valorem property
13 taxes imposed by local taxing districts in this state so that the total of all ad valorem property taxes
14 imposed in this state for the tax year beginning July 1, 1997, is reduced by 17 percent from the total
15 of all ad valorem property taxes that would have been imposed under repealed sections 11 and 11a
16 of this Article (1995 Edition) and section 11b of this Article but not taking into account Ballot
17 Measure 47 (1996), for the tax year beginning July 1, 1997.

18 (B) The ad valorem property taxes to be reduced under subparagraph (A) of this paragraph are
19 those taxes that would have been imposed under repealed sections 11 or 11a of this Article (1995
20 Edition) or section 11b of this Article, as modified by subsection (11) of this section, other than taxes
21 described in subsection (4), (5), (6) or (7) of this section, taxes imposed to pay bonded indebtedness
22 described in section 11b of this Article, as modified by paragraph (d) of subsection (11) of this sec-
23 tion, or taxes described in section 1c, Article IX of this Constitution.

24 (C) It shall be the policy of this state to distribute the reductions caused by this paragraph so
25 as to reflect:

26 (i) The lesser of ad valorem property taxes imposed for the tax year beginning July 1, 1995, re-
27 duced by 10 percent, or ad valorem property taxes imposed for the tax year beginning July 1, 1994;

28 (ii) Growth in new value under subparagraph (A), (B), (C), (D) or (E) of paragraph (c) of sub-
29 section (1) of this section, as added to the assessment and tax rolls for the tax year beginning July
30 1, 1996, or July 1, 1997 (or, if applicable, for the tax year beginning July 1, 1995); and

31 (iii) Ad valorem property taxes authorized by voters to be imposed in tax years beginning on
32 or after July 1, 1996, and imposed according to that authority for the tax year beginning July 1,
33 1997.

34 (D) It shall be the policy of this state and the local taxing districts of this state to prioritize
35 public safety and public education in responding to the reductions caused by this paragraph while
36 minimizing the loss of decision-making control of local taxing districts.

37 (E) If the total value for the tax year beginning July 1, 1997, of additions of value described in
38 subparagraph (A), (B), (C), (D) or (E) of paragraph (c) of subsection (1) of this section that are added
39 to the assessment and tax rolls for the tax year beginning July 1, 1996, or July 1, 1997, exceeds four
40 percent of the total assessed value of property statewide for the tax year beginning July 1, 1997
41 (before taking into account the additions of value described in subparagraph (A), (B), (C), (D) or (E)
42 of paragraph (c) of subsection (1) of this section), then any ad valorem property taxes attributable
43 to the excess above four percent shall reduce the dollar amount of the reduction described in sub-
44 paragraph (A) of this paragraph.

45 (b)(A) For the tax year beginning July 1, 1997, the ad valorem property taxes that were reduced

1 under paragraph (a) of this subsection shall be imposed on the assessed value of property in a local
 2 taxing district as provided by law, and the rate of the ad valorem property taxes imposed under this
 3 paragraph shall be the local taxing district's permanent limit on the rate of ad valorem property
 4 taxes imposed by the district for tax years beginning after July 1, 1997, except as provided in sub-
 5 section (5) of this section.

6 (B)(i) Notwithstanding subparagraph (A) of this paragraph, the permanent limit on the
 7 rate of ad valorem property taxes imposed by a county may not be less than \$2.00 per thou-
 8 sand dollars of assessed value as determined by law.

9 (ii) For any property tax year in which the total rate of all ad valorem property taxes
 10 imposed by a county that would otherwise be subject to section 11b of this Article, as modi-
 11 fied by subsection (11) of this section, is less than \$2.00 per thousand dollars, the county shall
 12 impose operating taxes subject to the permanent limit established under sub-subparagraph
 13 (i) of this subparagraph in the amount necessary to bring the total rate up to \$2.00 per
 14 thousand dollars.

15 (iii) Section 11b of this Article, as modified by subsection (11) of this section, does not
 16 apply to the first \$2.00 per thousand dollars of a county's property taxes that would other-
 17 wise be subject to section 11b of this Article. For purposes of this sub-subparagraph, the
 18 county's property taxes shall be allocated to the \$2.00 per thousand dollars minimum in this
 19 order: first, the county's operating taxes subject to the permanent limit established under
 20 sub-subparagraph (i) of this subparagraph, and then, if the operating tax rate is less than
 21 \$2.00 per thousand dollars, the local option taxes of the county, proportionally, until the \$2.00
 22 per thousand dollars minimum is reached.

23 (c)(A) A local taxing district that has not previously imposed ad valorem property taxes and that
 24 seeks to impose ad valorem property taxes shall establish a limit on the rate of ad valorem property
 25 tax to be imposed by the district. The rate limit established under this subparagraph shall be ap-
 26 proved by a majority of voters voting on the question. The rate limit approved under this subpara-
 27 graph shall serve as the district's permanent rate limit under paragraph (b) of this subsection.

28 (B) The voter participation requirements described in subsection (8) of this section apply to an
 29 election under this paragraph.

30 (d) If two or more local taxing districts seek to consolidate or merge, the limit on the rate of
 31 ad valorem property tax to be imposed by the consolidated or merged district shall be the rate that
 32 would produce the same tax revenue as the local taxing districts would have cumulatively produced
 33 in the year of consolidation or merger, if the consolidation or merger had not occurred.

34 (e)(A) If a local taxing district divides, the limit on the rate of ad valorem property tax to be
 35 imposed by each local taxing district after division shall be the same as the local taxing district's
 36 rate limit under paragraph (b) of this subsection prior to division.

37 (B) Notwithstanding subparagraph (A) of this paragraph, the limit determined under this para-
 38 graph shall not be greater than the rate that would have produced the same amount of ad valorem
 39 property tax revenue in the year of division, had the division not occurred.

40 (f) Rates of ad valorem property tax established under this subsection may be carried to a
 41 number of decimal places provided by law and rounded as provided by law.

42 (g) Urban renewal levies described in this subsection shall be imposed as provided in subsections
 43 (15) and (16) of this section and may not be imposed under this subsection.

44 (h) Ad valorem property taxes described in this subsection shall be subject to the limitations
 45 described in section 11b of this Article, as modified by subsection (11) of this section.

1 (4)(a)(A) A local taxing district other than a school district may impose a local option ad
 2 valorem property tax that exceeds the limitations imposed under this section by submitting the
 3 question of the levy to voters in the local taxing district and obtaining the approval of a majority
 4 of the voters voting on the question.

5 (B) The Legislative Assembly may enact laws permitting a school district to impose a local op-
 6 tion ad valorem property tax as otherwise provided under this subsection.

7 (b) A levy imposed pursuant to legislation enacted under this subsection may be imposed for no
 8 more than five years, except that a levy for a capital project may be imposed for no more than the
 9 lesser of the expected useful life of the capital project or 10 years.

10 (c) The voter participation requirements described in subsection (8) of this section apply to an
 11 election held under this subsection.

12 (5)(a) Any portion of a local taxing district levy shall not be subject to reduction and limitation
 13 under paragraphs (a) and (b) of subsection (3) of this section if that portion of the levy is used to
 14 repay:

15 (A) Principal and interest for any bond issued before December 5, 1996, and secured by a pledge
 16 or explicit commitment of ad valorem property taxes or a covenant to levy or collect ad valorem
 17 property taxes;

18 (B) Principal and interest for any other formal, written borrowing of moneys executed before
 19 December 5, 1996, for which ad valorem property tax revenues have been pledged or explicitly
 20 committed, or that are secured by a covenant to levy or collect ad valorem property taxes;

21 (C) Principal and interest for any bond issued to refund an obligation described in subparagraph
 22 (A) or (B) of this paragraph; or

23 (D) Local government pension and disability plan obligations that commit ad valorem property
 24 taxes and to ad valorem property taxes imposed to fulfill those obligations.

25 (b)(A) A levy described in this subsection shall be imposed on assessed value as otherwise pro-
 26 vided by law in an amount sufficient to repay the debt described in this subsection. Ad valorem
 27 property taxes may not be imposed under this subsection that repay the debt at an earlier date or
 28 on a different schedule than established in the agreement creating the debt.

29 (B) A levy described in this subsection shall be subject to the limitations imposed under section
 30 11b of this Article, as modified by subsection (11) of this section.

31 (c)(A) As used in this subsection, "local government pension and disability plan obligations that
 32 commit ad valorem property taxes" is limited to contractual obligations for which the levy of ad
 33 valorem property taxes has been committed by a local government charter provision that was in
 34 effect on December 5, 1996, and, if in effect on December 5, 1996, as amended thereafter.

35 (B) The rates of ad valorem property taxes described in this paragraph may be adjusted so that
 36 the maximum allowable rate is capable of raising the revenue that the levy would have been au-
 37 thorized to raise if applied to property valued at real market value.

38 (C) Notwithstanding subparagraph (B) of this paragraph, ad valorem property taxes described in
 39 this paragraph shall be taken into account for purposes of the limitations in section 11b of this Ar-
 40 ticle, as modified by subsection (11) of this section.

41 (D) If any proposed amendment to a charter described in subparagraph (A) of this paragraph
 42 permits the ad valorem property tax levy for local government pension and disability plan obli-
 43 gations to be increased, the amendment must be approved by voters in an election. The voter par-
 44 ticipation requirements described in subsection (8) of this section apply to an election under this
 45 subparagraph. No amendment to any charter described in this paragraph may cause ad valorem

1 property taxes to exceed the limitations of section 11b of this Article, as amended by subsection (11)
2 of this section.

3 (d) If the levy described in this subsection was a tax base or other permanent continuing levy,
4 other than a levy imposed for the purpose described in subparagraph (D) of paragraph (a) of this
5 subsection, prior to the effective date of this section, for the tax year following the repayment of
6 debt described in this subsection the local taxing district's rate of ad valorem property tax estab-
7 lished under paragraph (b) of subsection (3) of this section shall be increased to the rate that would
8 have been in effect had the levy not been excepted from the reduction described in subsection (3)
9 of this section. No adjustment shall be made to the rate of ad valorem property tax of local taxing
10 districts other than the district imposing a levy under this subsection.

11 (e) If this subsection would apply to a levy described in paragraph (d) of this subsection, the
12 local taxing district imposing the levy may elect out of the provisions of this subsection. The levy
13 of a local taxing district making the election shall be included in the reduction and ad valorem
14 property tax rate determination described in subsection (3) of this section.

15 (6)(a) The ad valorem property tax of a local taxing district, other than a city, county or school
16 district, that is used to support a hospital facility shall not be subject to the reduction described in
17 paragraph (a) of subsection (3) of this section. The entire ad valorem property tax imposed under
18 this subsection for the tax year beginning July 1, 1997, shall be the local taxing district's permanent
19 limit on the rate of ad valorem property taxes imposed by the district under paragraph (b) of sub-
20 section (3) of this section.

21 (b) Ad valorem property taxes described in this subsection shall be subject to the limitations
22 imposed under section 11b of this Article, as modified by subsection (11) of this section.

23 (7) Notwithstanding any other existing or former provision of this Constitution, the following
24 are validated, ratified, approved and confirmed:

25 (a) Any levy of ad valorem property taxes approved by a majority of voters voting on the
26 question in an election held before December 5, 1996, if the election met the voter participation re-
27 quirements described in subsection (8) of this section and the ad valorem property taxes were first
28 imposed for the tax year beginning July 1, 1996, or July 1, 1997. A levy described in this paragraph
29 shall not be subject to reduction under paragraph (a) of subsection (3) of this section but shall be
30 taken into account in determining the local taxing district's permanent rate of ad valorem property
31 tax under paragraph (b) of subsection (3) this section. This paragraph does not apply to levies de-
32 scribed in subsection (5) of this section or to levies to pay bonded indebtedness described in section
33 11b of this Article, as modified by subsection (11) of this section.

34 (b) Any serial or one-year levy to replace an existing serial or one-year levy approved by a
35 majority of the voters voting on the question at an election held after December 4, 1996, and to be
36 first imposed for the tax year beginning July 1, 1997, if the rate or the amount of the levy approved
37 is not greater than the rate or the amount of the levy replaced.

38 (c) Any levy of ad valorem property taxes approved by a majority of voters voting on the ques-
39 tion in an election held on or after December 5, 1996, and before the effective date of this section
40 if the election met the voter participation requirements described in subsection (8) of this section
41 and the ad valorem property taxes were first imposed for the tax year beginning July 1, 1997. A levy
42 described in this paragraph shall be treated as a local option ad valorem property tax under sub-
43 section (4) of this section. This paragraph does not apply to levies described in subsection (5) of this
44 section or to levies to pay bonded indebtedness described in section 11b of this Article, as modified
45 by subsection (11) of this section.

(8) An election described in subsection (3), (4), (5)(c)(D), (7)(a) or (c) or (11) of this section shall authorize the matter upon which the election is being held only if:

(a) At least 50 percent of registered voters eligible to vote in the election cast a ballot; or

(b) The election is a general election in an even-numbered year.

(9) The Legislative Assembly shall replace, from the state's General Fund, revenue lost by the public school system because of the limitations of this section. The amount of the replacement revenue shall not be less than the total replaced in fiscal year 1997-1998.

(10)(a) As used in this section:

(A) "Improvements" includes new construction, reconstruction, major additions, remodeling, renovation and rehabilitation, including installation, but does not include minor construction or ongoing maintenance and repair.

(B) "Ad valorem property tax" does not include taxes imposed to pay principal and interest on bonded indebtedness described in paragraph (d) of subsection (11) of this section.

(b) In calculating the addition to value for new property and improvements, the amount added shall be net of the value of retired property.

(11) For purposes of this section and for purposes of implementing the limits in section 11b of this Article in tax years beginning on or after July 1, 1997:

(a)(A) The real market value of property shall be the amount in cash that could reasonably be expected to be paid by an informed buyer to an informed seller, each acting without compulsion in an arm's length transaction occurring as of the assessment date for the tax year, as established by law.

(B) The Legislative Assembly shall enact laws to adjust the real market value of property to reflect a substantial casualty loss of value after the assessment date.

(b) The \$5 (public school system) and \$10 (other government) limits on property taxes per \$1,000 of real market value described in subsection (1) of section 11b of this Article shall be determined on the basis of property taxes imposed in each geographic area taxed by the same local taxing districts.

(c)(A) All property taxes described in this section are subject to the limits described in paragraph (b) of this subsection, except for taxes described in paragraph (d) of this subsection.

(B) If property taxes exceed the limitations imposed under either category of local taxing district under paragraph (b) of this subsection:

(i) Any local option ad valorem property taxes imposed under this subsection shall be proportionally reduced by those local taxing districts within the category that is imposing local option ad valorem property taxes; and

(ii) After local option ad valorem property taxes have been eliminated, all other ad valorem property taxes shall be proportionally reduced by those taxing districts within the category, until the limits are no longer exceeded.

(C) The percentages used to make the proportional reductions under subparagraph (B) of this paragraph shall be calculated separately for each category.

(d) Bonded indebtedness, the taxes of which are not subject to limitation under this section or section 11b of this Article, consists of:

(A) Bonded indebtedness authorized by a provision of this Constitution;

(B) Bonded indebtedness issued on or before November 6, 1990; or

(C) Bonded indebtedness:

(i) Incurred for capital construction or capital improvements; and

1 (ii)(I) If issued after November 6, 1990, and approved prior to December 5, 1996, the issuance
2 of which has been approved by a majority of voters voting on the question; or

3 (II) If approved by voters after December 5, 1996, the issuance of which has been approved by
4 a majority of voters voting on the question in an election that is in compliance with the voter par-
5 ticipation requirements in subsection (8) of this section.

6 (12) Bonded indebtedness described in subsection (11) of this section includes bonded indebt-
7 edness issued to refund bonded indebtedness described in subsection (11) of this section.

8 (13) As used in subsection (11) of this section, with respect to bonded indebtedness issued on
9 or after December 5, 1996, "capital construction" and "capital improvements":

10 (a) Include public safety and law enforcement vehicles with a projected useful life of five years
11 or more; and

12 (b) Do not include:

13 (A) Maintenance and repairs, the need for which could reasonably be anticipated.

14 (B) Supplies and equipment that are not intrinsic to the structure.

15 (14) Ad valorem property taxes imposed to pay principal and interest on bonded indebtedness
16 described in section 11b of this Article, as modified by subsection (11) of this section, shall be im-
17 posed on the assessed value of the property determined under this section or, in the case of specially
18 assessed property, as otherwise provided by law or as limited by this section, whichever is applica-
19 ble.

20 (15) If ad valorem property taxes are divided as provided in section 1c, Article IX of this Con-
21 stitution, in order to fund a redevelopment or urban renewal project, then notwithstanding sub-
22 section (1) of this section, the ad valorem property taxes levied against the increase shall be used
23 exclusively to pay any indebtedness incurred for the redevelopment or urban renewal project.

24 (16) The Legislative Assembly shall enact laws that allow collection of ad valorem property
25 taxes sufficient to pay, when due, indebtedness incurred to carry out urban renewal plans existing
26 on December 5, 1996. These collections shall cease when the indebtedness is paid. Unless excepted
27 from limitation under section 11b of this Article, as modified by subsection (11) of this section,
28 nothing in this subsection shall be construed to remove ad valorem property taxes levied against the
29 increase from the dollar limits in paragraph (b) of subsection (11) of this section.

30 (17)(a) If, in an election on November 5, 1996, voters approved a new tax base for a local taxing
31 district under repealed section 11 of this Article (1995 Edition) that was not to go into effect until
32 the tax year beginning July 1, 1998, the local taxing district's permanent rate limit under subsection
33 (3) of this section shall be recalculated for the tax year beginning on July 1, 1998, to reflect:

34 (A) Ad valorem property taxes that would have been imposed had repealed section 11 of this
35 Article (1995 Edition) remained in effect; and

36 (B) Any other permanent continuing levies that would have been imposed under repealed section
37 11 of this Article (1995 Edition), as reduced by subsection (3) of this section.

38 (b) The rate limit determined under this subsection shall be the local taxing district's permanent
39 rate limit for tax years beginning on or after July 1, 1999.

40 (18) Section 32, Article I, and section 1, Article IX of this Constitution, shall not apply to this
41 section.

42 (19)(a) The Legislative Assembly shall by statute limit the ability of local taxing districts to
43 impose new or additional fees, taxes, assessments or other charges for the purpose of using the
44 proceeds as alternative sources of funding to make up for ad valorem property tax revenue re-
45 ductions caused by the initial implementation of this section, unless the new or additional fee, tax,

1 assessment or other charge is approved by voters.

2 (b) This subsection shall not apply to new or additional fees, taxes, assessments or other charges
3 for a government product or service that a person:

4 (A) May legally obtain from a source other than government; and

5 (B) Is reasonably able to obtain from a source other than government.

6 (c) As used in this subsection, "new or additional fees, taxes, assessments or other charges" does
7 not include moneys received by a local taxing district as:

8 (A) Rent or lease payments;

9 (B) Interest, dividends, royalties or other investment earnings;

10 (C) Fines, penalties and unitary assessments;

11 (D) Amounts charged to and paid by another unit of government for products, services or prop-
12 erty; or

13 (E) Payments derived from a contract entered into by the local taxing district as a proprietary
14 function of the local taxing district.

15 (d) This subsection does not apply to a local taxing district that derived less than 10 percent
16 of the local taxing district's operating revenues from ad valorem property taxes, other than ad
17 valorem property taxes imposed to pay bonded indebtedness, during the fiscal year ending June 30,
18 1996.

19 (e) An election under this subsection need not comply with the voter participation requirements
20 described in subsection (8) of this section.

21 (20) If any provision of this section is determined to be unconstitutional or otherwise invalid,
22 the remaining provisions shall continue in full force and effect.

23 **SECTION 16. (1) The amendment to section 11 of this Article by House Joint Resolution**
24 **21 (2015) applies to property tax years beginning on or after July 1, 2016.**

25 **(2) This section is repealed on January 2, 2017.**

26
27 **PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the
28 people for their approval or rejection at a special election held throughout this state on the
29 same date as the next primary election.
30

MAIL TRIBUNE
06/29/15

LEGISLATURE

Bill would raise taxes in 13 counties

Jackson County above proposed \$2 minimum; bill still in committee

By Jim Moore
Grants Pass Daily Courier

A potentially historic bill in the Oregon House would

dramatically improve the financial landscape for Josephine County and a dozen other cash-strapped Oregon counties.

If approved by Oregon voters, House Joint Resolution 21 would amend the state Constitution by setting a minimum permanent property tax

rate in all 36 counties of \$2 per \$1,000 of assessed value.

There is no catch, but in point of fact the law would apply only to the 13 counties in the state with permanent rates of less than \$2.

SEE BILL, A5.

Oregon's least-taxed counties

House Joint Resolution 21 would raise the minimum permanent property tax rate to \$2 per \$1,000 of assessed value. Jackson County would not be affected, but many nearby counties would.

County	Permanent tax rate*	Percent increase	Descuttes	56%
Jackson	\$2.0099	N/A	Linn	\$1.2736 57%
Klamath	\$1.7326	15%	Douglas	\$1.1124 80%
Polk	\$1.7160	17%	Coos	\$1.0799 85%
Clatsop	\$1.5338	30%	Curry	\$0.5996 234%
Tillamook	\$1.4986	33%	Josephine	\$0.5867 241%
Hood River	\$1.4171	41%	*per \$1,000 assessed property value	
Columbia	\$1.3956	43%	— Source: Josephine County assessor, bit.ly/1goBnzH	
Lane	\$1.2793	56%		

BILL

From Page A1

Jackson County, with its tax rate of just over \$2, would not be affected, but the law would give a big boost to Josephine County, which has the lowest tax rate in the state at just 59 cents.

"This is a new concept in and of itself," said Gil Riddell, policy director with the Association of Oregon Counties. "This would force a change constitutionally."

By contrast, the permanent rates of both rural Wheeler and Sherman counties in Eastern Oregon exceeds \$8 per \$1,000 of assessed value. In heavily populated Multnomah County, the rate is \$4.34 per \$1,000.

The bill is being touted by county officials across the state, including in Curry County, which has the second-lowest rate in the state at 60 cents.

The other 11 counties affected are Coos, Douglas, Hood River, Deschutes, Clatsop, Polk, Klamath, Lane, Columbia, Tillamook and Linn.

Mindful of local resistance to tax measures, Josephine County officials are remaining neutral despite the apparent financial benefits to the county, which has seen federal timber subsidies steadily decline from a high of \$12 million in 2008 to \$4.8 million this year.

"We're not supporting it and we're not against it," said Keith Heck, chairman of the Josephine County Board of Commissioners.

"You can't respond to anything until it's there," he added, referring to the long path the bill has to take before even going before voters.

Once thought to be a non-starter, the bill gained attention and possibly traction when it moved out of the House Revenue Committee on June 12 and was sent to the Rules Committee with no recommendation.

For it to pass, however, it must first get out of the Rules

Committee, then go to the full House for a vote, then on to the Senate.

From there it would be placed on the primary ballot in May 2016, where it would be subjected to a referendum vote by the entire state.

The Josephine County Board of Commissioners may be sitting on the sidelines, but officials in other counties have been lobbying hard for it.

Riddell said the spearhead behind the bill is Commissioner David Brock Smith of Curry County, which recently rejected its own public safety levy. Smith did not return calls from the Daily Courier for comment.

County officials in Benton, Columbia, Lincoln, and Marion have also publically endorsed the bill. Of those, only Columbia County would see its permanent property tax rate of \$1.39 per \$1,000 increase.

There could be a local controversy if the question passes statewide but fails in Josephine County. Josephine County is a home rule county, which basically means the county has the right to prevent state government from intervening with its operations.

However, County Legal Counsel Wally Hicks says the county derives its home rule authority through the Oregon Constitution, which trumps the county charter.

The bill is currently sitting in the House Rules Committee, where Rep. Carl Wilson, R-Grants Pass, is a member. He doesn't anticipate any action on the bill in the near future.

"There is no talk about scheduling it," Wilson said. "Ordinarily, as a courtesy I would be informed that something is going move."

And if it comes to a vote?

"I have told everybody I am opposing it," Wilson said. "I don't believe people in Portland, in Salem and in the (Willamette) Valley should make policy decisions for us"

There are some Josephine County residents who support HJR21, however, and Wilson's legislative office provided the Daily Courier with copies of seven letters from Josephine County residents that were sent to the representative.

Five of those letters, including one from former county commissioner Dwight Ellis, are in support of HJR21. Two are opposed, with one warning of a tax revolt if the law passes.

"Things WILL get ugly," promised emailer "wildfishye," adding, "ANY CONFISCATION OF PRIVATE PROPERTY FOR UNPAID BACK TAXES WILL BE MET WITH ARMED RESIDENTS PROTECTING THEIR PRIVATE PROPERTY!"

Meanwhile, the local organization known as SOS, which is short for Securing Our Safety, is lobbying for the bill — with a subtle, but important, change to the language.

The group, which has been steadfast in its support for a public safety levy in Josephine County, is advocating an amendment declaring that a county's permanent rate authority be set at \$2 per \$1,000 of assessed value, rather than mandating that the rate may not be less than \$2 per \$1,000.

The distinction is that, under the SOS proposal, if a county happens to receive unanticipated revenue (such as timber money in the case of Josephine County) then the Board of Commissioners would be able to levy a lesser rate.

—Reach reporter Jim Moore
at 541-474-3721 or jmoore@thedailycourier.com.

STAFF MEASURE SUMMARY**House Committee On Revenue****Fiscal:** Fiscal impact issued**Revenue:** No revenue impact, statement issued (Indeterminate Impact)**Action Date:** 06/11/15**Action:** Without Recommendation As To Passage, Refer To Rules By Prior Reference.**Meeting Dates:** 05/06, 06/11**Vote:**

Yeas: 5 - Barnhart, Lininger, Read, Smith Warner, Vega Pederson

Nays: 4 - Bentz, Davis, Johnson, Whitsett

Prepared By: Kyle Easton, Economist

WHAT THE MEASURE DOES:

Submits to the people for their approval or rejection proposed amendment to Oregon Constitution to be voted on at next primary election. Proposed amendment would require permanent limit on rate of ad valorem property taxes imposed by a county to not be less than \$2.00 per thousand of assessed value (AV). Requires county taxing district to impose not less than \$2.00 per thousand dollars in AV of district operating taxes. Removes application of constitutional limits contained in Article XI, section 11b (Measure 5 limits) from applying to first \$2.00 per thousand county operating taxes. If necessary, requires compression of county local option taxes first, followed by permanent taxes. Applies to property tax years beginning on or after July 1, 2016.

ISSUES DISCUSSED:

- Addressing budgetary needs as part of need for revenue changes
- Two broad interests of public: property tax limits & services desired
- City Club of Portland property tax report
- Poll results of public's support for taxes in general
- Forcing upon local governments and populations property taxes at levels perhaps unsupported by populations with tax below minimum level
- History of bad things happening because of low tax and subsequent low level of county provided services
- Number of counties below limits that have attempted to raised taxes but not received voter support
- Effect of recent PERS decision and assumption new revenues automatically go to services
- Extent of county commissioner support for testimony provided by Association of Oregon Counties
- Number of voters that own property in Oregon
- Prior session passed bill for fiscally distressed counties
- Local assessment and CAFFA funding

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Before Measure 50, local governments and voters set levies, and tax rates were the result of dividing levies by assessed value. Under Measure 50, permanent tax rates replaced most levies, making the permanent rates central to the property tax system. District permanent rates were established based upon district tax levy amounts being levied at the time. District permanent rates are fixed and cannot be increased without a constitutional amendment.

**REVENUE IMPACT OF
PROPOSED LEGISLATION
Seventy-Eighth Oregon Legislative
Assembly
2015 Regular Session
Legislative Revenue Office**

Bill Number:	HJR 21
Revenue Area:	Property Tax
Economist:	Kyle Easton
Date:	6/11/2015

***Only Impacts on Original or Engrossed
Versions are Considered Official***

The revenue impact of this measure is indeterminate for the following reasons:

The resolution as amended would submit to the people for their approval or rejection at a special election held throughout the state on the same date as the next primary election an amendment to the Oregon Constitution. As this joint resolution submits the proposed constitutional amendment to the people for their approval or rejection, no direct impact on property tax revenue exists. Under procedures established in ORS 250.125 and 250.127, a financial impact committee is created for each state measure submitted to the ballot through the initiative and referendum processes. For this reason, an impact upon revenues if this joint resolution was adopted is not included.

The constitutional amendment would require the permanent limit on rate of ad valorem property taxes imposed by a county to not be less than \$2.00 per thousand of assessed value. County taxing districts that are imposing less than \$2.00 per thousand in combination of permanent and local option taxes will be required to increase imposed permanent taxes until not less than \$2.00 per thousand dollars in combined taxes (permanent + local option) is being imposed. This will result in increased property tax revenue for county taxing districts that are currently imposing less than \$2.00 per thousand of combined permanent and local option taxes.

The constitutional amendment would also remove the first \$2.00 per thousand imposed by county taxing districts from constitutional tax limits (Measure 5 tax limits). This component of the amendment would have two effects that could lead to increased property tax revenues for non-education related districts and levies. The first effect would be to allow county taxing districts to impose \$2.00 per thousand without any loss to compression. The second effect would result from removing the first \$2.00 of county imposed taxes from the general government constitutional taxing limit of \$10.00 per thousand. This could potentially reduce compression loss for all general government taxing districts.

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HJR 21

Seventy-Eighth Oregon Legislative Assembly – 2015 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

Prepared by: Kim To
Reviewed by: Steve Bender
Date: 6/10/2015

Measure Description:

Proposes amendment to Oregon Constitution that provides that rate of ad valorem property taxes imposed by county for any property tax year may not be less than \$2.00 per thousand dollars of assessed value and excepts \$2.00 per thousand dollars minimum from compression under Ballot Measure 5 (1990).

Government Unit(s) Affected:

Secretary of State (SOS)

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

House Joint Resolution 21 refers for voters' approval a Constitutional amendment that provides that rate of ad valorem property taxes imposed by county for any property tax year may not be less than \$2.00 per thousand dollars of assessed value.

Because the measure is referred to voters at the next regular general election, the fiscal impact to the Secretary of State's office is the state's portion of incremental costs incurred for an already-funded election. The Secretary of State prepares and distributes the voters' pamphlet and collects a \$500 filing fee for each argument submitted in support or opposition of a ballot measure. Typically, these filing fees cover slightly more than one-half of the cost of producing and mailing the voters' pamphlet. The remaining costs are paid by the General Fund.

At this time, the fiscal impact to the Secretary of State's office is indeterminate because the cost of producing and distributing the voters' pamphlet is determined by the total number of initiatives and legislative referrals on the ballot, and by the number of arguments submitted in support or opposition of these ballot measures, and this information will not be known until after election filing deadlines. The Legislative Fiscal Office (LFO) assumes that the Secretary will seek General Fund support from the Emergency Board or Legislative Assembly if the actual voters' pamphlet costs exceed currently budgeted election expenditures.

Under procedures established in ORS 250.125 and 250.127, a financial impact committee is created for each state measure submitted to the ballot through the initiative and referendum processes. For this reason, LFO does not include an estimate of the fiscal impact that would result if this joint resolution were to be adopted by a vote of the people.

CURRY COUNTY ASSESSOR/TAX COLLECTOR

94235 MOORE STREET, SUITE 221
GOLD BEACH, OREGON 97444
1-800-242-7601



Jim Kolen
Assessor/Tax Collector

Phone (541) 247-3257

MAC K ARCH ON THE CURRY COAST

May 4, 2015
Re: HJR 21

Honorable Chairman Barnhart and House Representatives,

With the loss of SRS payments Curry County has suffered severe reductions to all departments. Specifically the Assessor/Tax Collection Department has been cut back from a 13.2 FTE level in 2006 to just 7.5 FTE today.

At today's levels Curry County is not achieving some of the mandates required by Oregon Constitution and Statute of assessment and tax collection. This county is performing the most basic of services, however is only able to mount a minimal maintenance reappraisal (maintenance) effort.

Maintenance is the cyclical reappraisal of every property in a county. During maintenance the assessor is able to appraise all properties within the area equitably as compared to each other. It is during maintenance that the assessor discovers changes occurring within neighborhoods that impact area values or changes where a property owner did not or was not required to get a building permit.

Currently this office is appraising properties which have not been appraised for almost 20 years. If resources remain unchanged it could easily be 30 to 40 years until we see these properties again. We are finding previously undiscovered property changes in these areas showing average assessed value increase of six percent. In recent years we have found **several** homes that have been built without permits or inspections.

Increases in assessed value mean an identical increase in tax revenue for the affected districts including schools. Since revenue collected for schools at the local level replaces revenue from the state, a more timely reappraisal effort in counties that are struggling financially will have the added benefit of easing the strain on the state budget.

The Curry County Assessor/Tax Collector is currently working in a coalition of seven SW Oregon counties to improve efficiencies and share resources in the areas of Business Personal Property Tax and Commercial Appraisal. The goal is to share people that perform highly technical functions and save counties money by each county not having to employ higher paid and highly skilled personnel. This project is in its early stages and shows promise for counties to increase areas to work together increasing efficiency and saving money. Still efficiencies and cooperation will not make up for all the areas which have been cut in recent years.

Curry County can not expect that the federal government will honor its obligation regarding O&C lands and should not expect the state or other counties to step in and pay for our county's services. Thank you for your consideration of any solution to be referred to the voters that would assist Curry and other counties to take control of their own destiny.

Jim Kolen, Curry County Assessor

Report Criteria:

Report type: Summary

Vendor: Vendor Number = 5382

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/15	06/25/2015	75366	5382	Davis Wright Tremaine LLP	10-00-2005	5,159.00
Grand Totals:						5,159.00

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

City of Brookings

CITY COUNCIL MEETING Minutes

City Hall Council Chambers, 898 Elk Drive, Brookings, OR 97415
Monday, June 22, 2015

The City Council met in Executive Session at 6:00 PM in the City Manager's office under authority of ORS 192.660 (2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions," under ORS 192.660(2)(f), "to consider information or records that are exempt by law, and under ORS 192.660(2)(h), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed."

Call to Order

Mayor Hedenskog called the meeting to order at 7:00 PM.

Roll Call

Council present: Mayor Ron Hedenskog, Councilors Jake Pieper, Brent Hodges and Bill Hamilton; a quorum present. Councilor Kelly McClain was absent.

Staff present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director LauraLee Snook, Planning Manager Donna Colby-Hanks, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Report Jane Stebbins and approximately 20 others.

Public Hearings

Legislative public hearing in the matter of LDC-2-15, approval to add provisions for amateur communication facilities to Brookings Municipal Code.

City Attorney Rice opened the hearing at 7:03 PM.

Under exparte, Mayor Hedenskog stated he had contact with two citizens with amateur and emergency services radio experience, Councilor Pieper stated that he had two casual conversations with Mr. Warren regarding the matter, and Councilor Hamilton stated that he had one casual conversation regarding the matter.

Hearing no declarations of conflict or personal interest, nor objections as to jurisdiction, City Attorney Rice reviewed the guidelines and Planning Manager Colby-Hanks reviewed the staff report and entered Exhibit E into the record.

Public Comments:

Bruce Warren, 96506 Susan Place, said radio towers had safety built in to them and he was unaware of any case of a tower falling over. The City's regulations, as written, he said, were restrictive and prohibitive. He said he had an approximate one-third acre lot and due to the set-backs he could not put a tower on his property; the only way it would happen was if LUBA decided to bring Brookings into compliance with state and federal law.

Mayor Hedenskog asked why the tower needed to be 70 feet tall and how far it could reach and Warren said a 70 feet tower provides the angle of propagation for distance in any direction and would be able to reach "the world."

Councilor Hodges asked why a 45 foot antenna wouldn't work and Warren said it wouldn't be tall enough. It would work to some extent, Warren said, but would be unreliable due to mountain ranges.

Councilor Pieper asked Warren to explain the differences between the reach of a 45 foot antenna as opposed to a 70 foot antenna and the dimensions of a 70 foot pole. Warren said a 45 foot antenna would reach anywhere in Oregon and many other states, but not reliably. He said the concrete base for a 70 foot tower was 10' x 10' x 5', the base diameter of the pole was 28 inches, and at the top, 18 to 20 inches.

Councilor Hamilton asked if a 45 foot antenna could reach all of Oregon in an emergency situation and Warren said it would likely reach Salem and Medford in an emergency, but not reliably.

Kathleen Knight, 17316 Holmes Drive, said having a 70 foot tower between your house and an ocean view would devalue the property. She said there were health and safety issues and there should be a reasonable inspection schedule and set back requirements to protect the health and safety of the neighbors. She said if the tower owner moved, and a new owner didn't want the tower, the tower should have to be taken down by the previous owner. She also said the tower owner should have strong ties to local emergency organizations.

Ron Sloniker, 17265 Garvin Court, said he doesn't want to look at a tower from his deck and asked if Warren could put footings in the easement and Colby-Hanks said, he could not.

Cindy Young, 17188 S. Passley Road, said towers should be kept as low as possible and she was concerned with sound and rust.

Jim Metcalfe, 17225 Garvin Court, expressed concerns regarding assurances Warren had made after moving into the house that he would not put in a 26 foot tower if the neighbors didn't want it.

Jim Brock, 17275 Garvin Court, said there were tentacles that would extrude from the antenna. He said a 70 foot antenna in a residential neighborhood was unreasonable and he wasn't clear as to the legal precedent requiring the City to accommodate that height. He suggested that a new code be created that addressed health, safety and aesthetics with a reasonable height.

Dave Bergmann, 96510 Susan Place, said he had nothing against amateur radio operators but of the 60 ham operators in the area, none had a 70 foot antenna. He said there were other things to consider besides having a larger antenna than anyone else.

Colby-Hanks said antennas are exempt from set-backs and it made sense to add scheduled maintenance as a requirement. She then pointed out that the will apply to everyone, not just Warren's property. She said the regulations stipulated that the owner of an amateur radio tower had to have a license and if it was not used in six months, the tower had to be removed.

Kathleen Knight said the removal requirement would have to be disclosed in the real estate transaction so a new buyer would be aware of the additional cost, which is why she suggested it should be the sellers responsibility to remove it.

City Attorney Rice said FCC and ORS regulations stipulate that any restrictions to heights below 70 feet had to meet clearly defined objectives of health, safety and aesthetics and applications had to be considered at on a case-by-case basis. The point of the regulations, she said, was to give the City some authority in dealing with applications of this nature.

David Bergman said there were a lot of unknowns regarding the effects of a tower and once it's in, it will be to late.

Mayor Hedenskog closed the public testimony portion of the hearing at 7:55 pm.

Councilor Hodges said he would not want a 70 foot tower in his back yard. He asked if all of the 1000 properties with the required set-backs could put up a 70 foot tower and Colby-Hanks said she believed there were 30 operators with the appropriate FCC license inside the City limits. Hodges then said the skyline would be pretty dismal with thirty, 70 foot towers in the City; the City had gone to great lengths to increase the scenic views by undergrounding power lines. On a farm in a rural area, if the neighbors didn't mind, he said he wouldn't have a problem, but he felt it would devalue property values.

Councilor Pieper said as he understood it, if the City had clearly defined aesthetics they could restrict tower height and if more clearly defined objectives were needed, then it would be a good idea to define them. He said he couldn't see having a 70 foot tower in his backyard.

City Attorney Rice said the City couldn't have a blanket "we don't want them" regulation; each application had to be considered on its own merits. She said they could provide better aesthetic provisions as guidance for considering each application.

Mayor Hedenskog asked about outright uses and Colby-Hanks said larger lots in the R-1-12 and SR zones, which are 12,000 square feet and 20,000 square feet respectively allow an outright use for a maximum height of 45 feet when conditions and restrictions were met.

Councilor Pieper asked how tall the City's emergency communications tower was and City Manager Milliman said 150 foot.

Mayor Hedenskog asked if the Planning Commission understood the regulation's goal and Colby-Hanks said each related criteria was in the Commission's staff report. Hedenskog then said he needed time to read through the materials again.

Councilor Hamilton said an amateur radio operator had told him about a type of antenna called a "big stick" that matches the color of the sky and doesn't need guidewires at 50 feet in height. He said he would also like more time to review the materials.

Mayor Hedenskog said he would like to see an outright use of 5 – 10 feet above a house's highest point and he would like to see it clearly defined in the code that the tower, if it were to fall, needed to be contained entirely within the property.

Councilor Pieper moved, a second followed and Council voted unanimously to continue the hearing [in the matter of LDC-2-15] to the August 10, 2015 City Council meeting.

Public Comments : Non - Agenda Items

Connie Hunter said that KCIW was scheduled to be up and running in August and Councilor Hamilton asked when and where the board met. Hunter said it would be meeting the next Monday at 3pm at 609A Chetco Avenue.

Staff Reports

Approval to halt action on the Airport Infrastructure Project until the issue of South Coast Lumber Company's access is resolved and direction to the City Attorney concerning possible recourse to protect the public's right to use Airport Road.

City Manager Milliman provided the staff report.

Commissioner Susan Brown said she appreciated the Council's frustration but the project was a go. FAA, she said, had affirmed, in writing, South Coast Lumber Company's (SCLC) use of the road. The hold up, Brown said, was because SCLC wanted more rights than the FAA would provide and the County could not guarantee any rights than FAA had not already provided.

Milliman asked Brown where the County's letter to SCLC and Brown said they could write a letter but it wouldn't say more than the FAA's letter said.

Mayor Hedenskog said the City has some blame in this, because we should have halted the project as soon as the issue regarding Airport Road came up and fixed that problem first and Brown said no one has stopped SCLC's use. Hedenskog said the County could fix this easily by declaring it a public road and Brown said she would ask County Counsel if it could be made a public road.

Milliman asked if the County had sent a letter to SCLC and Brown said SCLC already had the letter from the FAA; another letter was unnecessary.

City Attorney Rice said SCLC perceived the letter from FAA to say it wouldn't take away any access rights, "right now," but there is nothing that says FAA can't take away SCLC's rights. Brown said there was no reason why SCLC couldn't continue its existing use and their concern was that there may some additional use in the future.

Mayor Hedenskog said the County could write a letter granting the current use in perpetuity and include language denying any additional uses.

Brown said the County was dependent on FAA keeping the airport open and had to protect its rights.

Councilor Pieper said it was a shame that the City was joined with the County on this project. He said he couldn't believe it was this complicated and couldn't understand why the County wouldn't try harder to get this project going.

Councilor Hodges said when someone says "at this time," they can change the restrictions at will and are protecting themselves. And if County owns the property, he said, he just couldn't understand why the County couldn't write the letter to SCLC.

Councilor Hamilton said the concern with "at this time" would be that 5 or 10 years down the road there's a new commission that doesn't see it the same way this one does. He also said if he were SCLC he would also want a letter from the County.

Mayor Hedenskog said he'd had an issue with the County's bizarre behavior which included charging for the City for the easements, when the project was going to benefit

its own property. He said he contended that it all came down to a long-standing vendetta on the part of a couple of commissioners, one who is no longer on the board.

City Manager Milliman said the project cannot go forward without the easements from SCLC, and the County, as the property owner, needed to resolve the issues with SCLC.

Councilor Hodges asked what was holding up the letter from the County if the project was a "go?" Brown said the letter the City had asked the County to sign wasn't penned by the County, and the letter wanted more than what SCLC now had. She said they were asking for the access without limitations or restrictions and they didn't have that now.

Rice said SCLC was not asking for more, just the same access they've had in the past, and FAA wasn't going to guarantee that access for the future. Milliman said there was nothing in the proposed letter provided to the County that expanded SCLC's use. Brown said that was the way it was perceived by the County.

Brown asked if there was a way to write the letter that would make a difference and Hedenskog asked if she needed help. Brown said, "Always," and Hedenskog suggested that they sit down with Rice and work something out.

Councilor Hamilton asked Brown if the County's was concerned or feared that FAA might retaliate if the letter were sent and Brown said the concern was that the FAA could change their restrictions which would change the terms in the letter and then the County would be liable if they'd given SCLC a guarantee.

Milliman pointed out that they had a congressional delegation willing to back up the County's action with the FAA and Brown asked if they would put that in writing. Milliman said, "Maybe you should ask them. You're the County."

Councilor Pieper moved, a second followed and Council voted unanimously to take no further action on this project until: 1) The access issue between Curry County and South Coast Lumber Company is resolved and/or 2) Curry County has secured written clarification from the FAA on the use of Airport Road for access to the industrial site located northeast of the airport operations area and restrictions on the County's ability to lease the subject property for private development.

Councilor Pieper moved, a second followed and Council voted unanimously to direct the City Attorney to look into possible [legal] recourse to protect the public's right to use Airport Road.

Resolutions

Resolution 15-R-1062 approving appropriation transfers for insurance proceeds received in the Wastewater Fund.

Director Howard gave the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 15-R-1062 approving appropriation transfers for insurance proceeds received in the Wastewater Fund.

Resolution 15-R-1063 transferring appropriations from contingency to Legislative/Administration in the General Fund.

Director Howard presented the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 15-R-1063 transferring appropriations from contingency to Legislative/Administration in the General Fund.

Resolution 15-R-1064 approving appropriation transfers in Water, Water Loan, Water System Replacement, Wastewater System Replacement and Stormwater System Replacement Funds.

Director Howard delivered the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 15-R-1064 approving appropriation transfers in the Water Fund, Water Loan Fund, Water System Replacement Fund, Wastewater System Replacement Fund, and the Stormwater System Replacement Fund.

Resolution 15-R-1066 approving appropriation transfers in the Streets Fund, Water Fund, and Wastewater Fund.

Director Howard provided the staff report.

Councilor Pieper moved, a second followed and Council voted unanimously to adopt Resolution 15-R-1066 approving appropriation transfers in the Streets Fund, Water Fund, and Wastewater Fund.

Consent Calendar

1. Approve Council minutes for June 8, 2015.
2. Accept Parks & Recreation Commission minutes for March 19, 2015.
3. Receive monthly financial report for May 2015.

Councilor Hodges moved, a second followed and Council voted unanimously to approve the Consent Calendar as written.

Remarks from Mayor and Councilors

Councilor Hamilton complimented Dan Palicki on the work he's done with Safety City, which, he said, was getting better every year. He thanked the public for supporting the no-cost program.

Adjournment

Mayor Hedenskog moved, a second followed and Council voted unanimously by voice vote to adjourn at 9:26 PM.

A meeting of the Urban Renewal Agency immediately followed.

Respectfully submitted:

ATTESTED:
this _____ day of _____ 2015:

Ron Hedenskog, Mayor


Joyce Heffington, City Recorder

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: July 13, 2015

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Amended Household Hazardous Waste Intergovernmental Agreement

Recommended Motion:

Motion to authorize City Manager to execute Contract Amendment #3, for Intergovernmental Agreement for Implementation of Coos and Curry Counties Household Hazardous Waste Management Plan adding the City of Powers as a member.

Financial Impact:

None.

Background/Discussion:

The City of Brookings is a participant in an Intergovernmental Agreement (IGA) for Household Hazardous Waste program management. The City of Powers has recently voted to join the IGA. An amendment to the IGA is needed to accept Powers.

Attachment(s):

- a. Contract Amendment #3, for IGA Household Hazardous Waste Management Plan

CONTRACT AMENDMENT #3

INTERGOVERNMENTAL AGREEMENT FOR IMPLEMENTATION OF COOS AND CURRY COUNTIES HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PLAN

This Intergovernmental Agreement Amendment #3 is entered into on the date last set forth below by and between Coos and Curry Counties, political subdivisions of the State of Oregon, acting by and through their respective Board of Commissioners, and the Cities of Bandon, Brookings, Coos Bay, Coquille, Gold Beach, Lakeside, Myrtle Point, North Bend, and Port Orford, acting by and through their elected officials, city managers or administrators (collectively referred to as "Cities").

WHEREAS, Coos and Curry Counties and Cities have a Intergovernmental Agreement for implementation of Coos and Curry Counties Household Hazardous Waste Management Plan, dated April 05, 2011, and filed at 2011 C&A #77 in the Records of the Coos County Clerk; and

WHEREAS, Coos and Curry Counties and Cities have an Amendment to the original Intergovernmental Agreement for implementation of Coos and Curry Counties Household Hazardous Waste Management Plan, adding the City of Lakeside as a participant, and filed with the County Clerk on January 22, 2015 as CJ 2015-000030 in the Records of the Coos County Clerk; and

WHEREAS, Coos and Curry Counties and Cities have an Amendment #2 to the original Intergovernmental Agreement for implementation of Coos and Curry Counties Household Hazardous Waste Management Plan, adding the City of North Bend as a participant, and filed with the County Clerk on May 20, 2015 as CJ 2015-000264 in the Records of the Coos County Clerk; and

WHEREAS, the parties desire to amend the Intergovernmental Agreement to include the City of Powers as a participant in the Household Hazardous Waste Program;

WHEREAS, the Household Hazardous Waste Management Steering Committee approved the amendment on June 18, 2015;

NOW, THEREFORE, IT IS HEREBY AGREED that the Intergovernmental Agreement shall be amended and reformed as follows:

INTERGOVERNMENTAL AGREEMENT FOR IMPLEMENTATION OF THE COOS AND CURRY COUNTIES HOUSEHOLD HAZARDOUS WASTE MANAGEMENT PLAN

This Intergovernmental Agreement is entered into on the date last set forth below by and between Coos and Curry Counties, political subdivisions of the State of Oregon, acting by and through their respective Board of Commissioners and the Cities of Bandon, Brookings, Coos Bay, Coquille, Gold Beach, Lakeside, Myrtle Point, North Bend, Port Orford, and **Powers**, acting by and through their elected officials, city managers or administrators (collectively referred to as "Cities").

15. NOTIFICATION. All notices required to be given or authorized to be given hereunder shall be in writing and either personally delivered or sent by certified United States mail to the other Party at the address shown below.

Coos County:

Cheryl Westgaard, Business Operations
Manager, Solid Waste Department
250 N. Baxter
Coquille, OR 97423

Curry County:

M. Gerard Herbage, County Counsel
Curry County Office of Legal Counsel
94235 Moore Street, Suite 123
Gold Beach, Oregon 97444

City of Bandon:

Chris Good, City Manager
P.O. Box 67
Bandon, OR 97411

City of Brookings:

Gary Milliman, City Manager
898 Elk Drive
Brookings, OR 97415

City of Coos Bay:

Rodger Craddock, City Manager
500 Central Avenue
Coos Bay, OR 97420

City of North Bend:

Terence O'Connor
P.O. Box B
North Bend, OR 97459

City of Coquille:

Ben Marchant, City Manager
851 N. Central Blvd.
Coquille, OR 97423

City of Gold Beach

Jodi Fritts-Matthey, City Administrator
29592 Ellensburg Ave.
Gold Beach, OR 97444

City of Myrtle Point:

Darin Nicholson, City Manager
424 Fifth Street
Myrtle Point, OR 97458

City of Port Orford:

Terrie Richards, City Administrator
P.O. Box 310
Port Orford, OR 97465

City of Lakeside:

Curtis Kelling, City Recorder/Manager
P.O. Box L
915 North Lake Road
Lakeside, OR 97449

City of Powers

Stephanie R. Patterson, City Recorder
PO Box 250
Powers, OR 97466

AND IT IS FURTHER AGREED that in all other respects the terms and conditions of the original contract and amendments thereto shall continue in full force and effect;

AND IT IS FURTHER AGREED, that this Amendment may be executed in counterparts and by the different parties hereto on separate counterparts, each of which when so executed and delivered shall be an original, but all of which shall together constitute one and the same instrument.

**COOS COUNTY
BOARD OF COMMISSIONERS**

Chair

Commissioner

Commissioner

Date

**CURRY COUNTY
BOARD OF COMMISSIONERS**

Chair

Commissioner

Commissioner

Date

SIGNATURES CONTINUE ON NEXT PAGE

City of Bandon

Signature

Date: _____

Print Name, Title

City of Coos Bay

Signature

Date: _____

Print Name, Title

City of Coquille

Signature

Date: _____

Print Name, Title

City of Gold Beach

Date: _____

Signature

Print Name, Title

City of Myrtle Point

Date: _____

Signature

Print Name, Title

SIGNATURES CONTINUE ON NEXT PAGE

City of Port Orford

Signature

Print Name, Title

Date: _____

City of Brookings

Signature

Print Name, Title

Date: _____

City of Lakeside

Signature

Print Name, Title

Date: _____

City of North Bend

Signature

Print Name, Title

Date: _____

City of Powers

Signature

Print Name, Title

Date: _____

CITY OF BROOKINGS
Public Arts Committee – May 4, 2015

To inspire art through visual presence and community education.

Members Present: Chair Judy May-Lopez, Scott Clapson, Michelle Hanna, Destiny Schwartz
Also present: Tony Baron, City of Brookings), Rob Olmos

Meeting called to order at 5:33 p.m. Motion by Scott and seconded by Destiny to approve the March minutes. Motion carried.

Old Business:

Account Reminder - \$500 needs to be kept available for the three murals in progress (Fleet Street, Salon Dolce and Food Bank).

Salon Dolce: Destiny reported the panels are cut. She needs to purchase primer and caulking and is on track.

Lovell Building: Chelle reported she has been working on the mural, is on track to finish in June, and is again rounding up people to help. She estimates two afternoons are all that is needed to finish the mural. Chelle will check on the paint at City Hall and let Tony know if any other supplies are still needed.

Food Bank: Chelle had talked with her recently on how best to transfer the image to the mural boards. She will contact Erika for an update on this project.

Discussion Ron Cole presented Pastels in the Park project to the Azalea Park Foundation, and PAC could possibly collaborate with them on this during the Art in Stout Park the first weekend of August. The committee liked the idea of this project – however this is not a good weekend and the idea may be used at a future date.

Central Building: Judy will send out information on this mural.

New Business:

Rob Olmos introduced himself – he is interested in possibly joining PAC.

ACTION ITEMS

- Chelle check on paint/supplies at City Hall
 - Finish mural by June
 - Contact Erica
 - Destiny - Mural to be finished this spring
- Judy – still checking on Nature's Coastal Holiday photos for Council Chambers.
 - Checking with Lynn Guild on the Pilot building mural
 - Checking with Curtis on Central Building mural

Meeting adjourned at 6:15 p.m. Next meeting scheduled June 1, 5:30 p.m.

Respectfully submitted,



Judy May-Lopez, Committee Chair

TOURISM PROMOTION ADVISORY COMMITTEE (TPAC) MINUTES
Thursday – May 21, 2015

CALL TO ORDER

Meeting called to order at 4:10 PM

1. ROLL CALL

Present: Committee members, Barbara Ciaramella, Candice Michel, Bob Pieper, Skip Watwood and Chair Tim Patterson. Also present, PW Admin Asst. Lauri Ziemer

Absent: Committee member Emma Keskeny

2. APPROVAL OF MINUTES

Motion made to approve the minutes of April 16, 2015; motion seconded and Committee voted; the motion carried unanimously.

3. PUBLIC COMMENT – None

4. ACTION ITEMS

- a. **541Run.com Event Proposal** – Jon Carlson advised that the event date has been changed to Sunday, October 4th and he is hoping for 400-600 people. Barbara suggested a theme run to attract runners to the event. Candice questioned if the event will bring out of town people to fill beds and requested Jon provide more information on projected income and expenses. Jon plans to promote the run on social media, at local events and to advertise for more exposure to draw people from other areas. **Motion made by Candice Michel to table the proposal until next month when Jon can provide more budget details; motion seconded and Committee voted; the motion carried unanimously.**
- b. **Participation in Brookings Harbor Chamber Map/Brochure** – Bob Pieper questioned if the Chamber would fulfill their obligation to create and finish the map/brochure as in the past they have not completed and/or participated in projects that were initiated. **Motion made by Skip Watwood to approve participation in the Brookings Harbor Chamber of Commerce 2015-17 map publication at a cost not to exceed \$595 utilizing Transient Occupancy Tax funds; motion seconded.** Discussion pursued, committee thought the map/brochure was redundant as the Pilot already produces a city map with advertisers, and wondered since the Chamber only allows Chamber members to advertise if it was discrimination to non-members businesses. Discussed why the Chamber submitted the proposal to City Council first and the short time frame provided. Discussed the QR Code and that the advertising is to direct tourist to City Hall and the City Website for visitor information and that the chamber map/brochure will go out in chamber relocation packets. Committee agreed the exposure was the ultimate goal. **Motion seconded and Committee voted; the motion carried unanimously.**
- c. **Brookings Brochure** – Rob Spooner from Oregon Coast Magazine advised the he would be able to help with the design of a straight forward brochure and suggested an eight panel, simple fold, 8.5 x 14" size that could be printed for @\$8000/40,000 copies. Committee discussed sharing the design and printing costs of the brochure four ways between the Chamber, Port, County and City and only have the brochure distributed locally, mailings and for conferences. **Motion made by Candice Michel to have Barbara Ciaramella pursue amassing information on a brochure and the possibilities of sharing costs; motion seconded and Committee voted; the motion carried unanimously.**

5. INFORMATIONAL ITEMS

- a. **Rob Spooner, Oregon Coast Magazine** - Rob Spooner from the Oregon Coast Magazine - Mile By Mile Guide advised that there is no print advertising for Brookings-Harbor in the guide

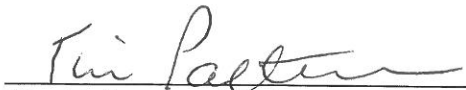
this year as the Chamber no longer advertises in the publication. The magazine still includes Brookings in the mile by mile descriptions and businesses still pay for their own advertising. The next guide will be published in February 2016 and a two page ad layout runs \$2200-2300. Candice suggested partnering with the Port and Barbara advised she was meeting with the port and would ask if they would be interested in partnering in the costs of a print ad for next year's publication. **Motion made by Candice Michel to have Barbara Ciaramella contact the Port to see if they are interested in sharing the expense for a print ad in next year's Mile by Mile Guide; motion seconded and Committee voted; the motion carried unanimously.**

- b. 2015-16 Promotion Proposals** – Committee reviewed the suggestions presented in the CAR and agreed the items worth considering. #1 - thought the previous videos were very good and reviewed the Internet Hit info provided in agenda packet. Thought some yearly events were worth making individual 60 second videos or possibly combining a 120 second video with two events. Would like more info. #2 – would like more info on costs. #3 – No. #4 – Yes. #5 – Yes. #6 – Yes, probably 5 & 6 could be combined. #7 – Yes, already doing with Chamber and Port and willing to consider partnering with other businesses.
- c. Google Plus Page Advisory Services** – Tim Patterson would like to continue this item for the next agenda to discuss Google-Plus page Advisory Services RFP which would assist business owners to establish a Google Plus page to help customers find their business on the internet.
- d. Tourism Grows Economy** – info reviewed, no discussion.
- e. Century Building Centennial Celebration Event Evaluation** – reviewed and appreciated that the event coordinators submitted the evaluation.
- f. Council Action on TPAC Recommendations** – no discussion.
- g. TPAC Budget and Internet Hit Info** – no discussion.

6. SCHEDULE NEXT MEETING - Next meeting scheduled for June 18 at 4:00 pm. Tim would like to include a discussion on allowing Tourism event proposal funds to be loaned as opposed to granting.

7. ADJOURNMENT - no further business before the Committee, the meeting adjourned at 6:10 pm.

Respectfully submitted,



Tim Patterson, Chair
(approved at June 18, 2015 meeting)

Report Criteria:

Report type: Summary

Vendor: Vendor Number = {<>} 5382

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/15	06/04/2015	75229	4363	Black & Rice LLP	10-00-2005	2,077.50
06/15	06/04/2015	75230	313	Brookings Vol Firefighters	10-00-2005	2,250.00
06/15	06/04/2015	75231	5144	Tim Brush	20-00-2005	50.00
06/15	06/04/2015	75232	715	Budge McHugh Supply	20-00-2005	2,930.70
06/15	06/04/2015	75233	5070	Canon Solutions America	10-00-2005	530.93
06/15	06/04/2015	75234	528	Caselle, Inc	25-00-2005	889.33
06/15	06/04/2015	75235	193	Central Equipment Co, Inc	10-00-2005	129.33
06/15	06/04/2015	75236	3834	Clean Sweep Janitorial Service	20-00-2005	947.00
06/15	06/04/2015	75237	1745	Coastal Paper & Supply, Inc	10-00-2005	136.59
06/15	06/04/2015	75238	183	Colvin Oil Company	25-00-2005	2,651.64
06/15	06/04/2015	75239	1357	Curry County Clerk	10-00-2005	450.00
06/15	06/04/2015	75240	4746	Curry County Treasurer	10-00-2005	571.00
06/15	06/04/2015	75241	173	Curry Equipment	20-00-2005	902.86
06/15	06/04/2015	75242	166	Dan's Auto & Marine Electric	10-00-2005	414.26
06/15	06/04/2015	75243	185	Del Cur Supply	25-00-2005	261.18
06/15	06/04/2015	75244	1	Blue Chip Properties	20-00-2005	221.25
06/15	06/04/2015	75245	1	Dora Espiritu	20-00-2005	236.40
06/15	06/04/2015	75246	1	Michelle Slate	20-00-2005	212.87
06/15	06/04/2015	75247	3342	Fastenal	10-00-2005	61.76
06/15	06/04/2015	75248	2186	Ferguson	15-00-2005	4,643.54
06/15	06/04/2015	75249	5432	First Community Credit Union	25-00-2005	812.99
06/15	06/04/2015	75250	298	Freeman Rock, Inc	10-00-2005	80.25
06/15	06/04/2015	75251	4646	Frontier	30-00-2005	531.25
06/15	06/04/2015	75252	5065	Gold Beach Lumber	10-00-2005	997.85
06/15	06/04/2015	75253	5478	Harbrook Jewelers	10-00-2005	714.00
06/15	06/04/2015	75254	199	Richard Harper	10-00-2005	400.00
06/15	06/04/2015	75255	3408	IDEXX Distribution Inc	25-00-2005	641.21
06/15	06/04/2015	75256	4171	In-Motion Graphics	10-00-2005	19.50
06/15	06/04/2015	75257	162	Kerr Hardware	10-00-2005	703.41
06/15	06/04/2015	75258	328	Les Schwab Tire Center	15-00-2005	112.26
06/15	06/04/2015	75259	4269	Milliman, Gary	10-00-2005	67.50
06/15	06/04/2015	75260	283	Muffler & More	15-00-2005	140.00
06/15	06/04/2015	75261	4487	Net Assets Corporation	10-00-2005	180.00
06/15	06/04/2015	75262	3935	Northern California Glove	25-00-2005	170.00
06/15	06/04/2015	75263	279	One Call Concepts, Inc	15-00-2005	31.68
06/15	06/04/2015	75264	5155	Oregon Department of Revenue	10-00-2005	1,765.94
06/15	06/04/2015	75265	252	Paramount Pest Control	10-00-2005	90.00
06/15	06/04/2015	75266	5101	Pitney Bowes Reserve Acct	10-00-2005	500.00
06/15	06/04/2015	75267	322	Postmaster	25-00-2005	850.00
06/15	06/04/2015	75268	187	Quality Fast Lube & Oil	15-00-2005	48.50
06/15	06/04/2015	75269	5477	Southern Oregon Neurology PC	25-00-2005	300.00
06/15	06/04/2015	75270	5051	SWOFIA	10-00-2005	175.00
06/15	06/04/2015	75271	5480	Sprinkle, Audra	10-00-2005	157.00
06/15	06/04/2015	75272	5479	Stimec, Brandy	10-00-2005	205.00
06/15	06/04/2015	75273	169	Waste Connections Inc	25-00-2005	918.47
06/15	06/11/2015	75274	4734	Aramark Uniform Services	10-00-2005	101.00
06/15	06/11/2015	75275	3034	BAVCO Apparatus & Valve Co	20-00-2005	243.55
06/15	06/11/2015	75276	3996	Beery Elsner & Hammond LLP	10-00-2005	661.50
06/15	06/25/2015	75277	5475	Best Western Plus Cascade Inn & Suites	30-00-2005	.00 V
06/15	06/11/2015	75278	4939	BI- Mart Corporation	25-00-2005	481.04
06/15	06/11/2015	75279	4471	Bug E Boyz	10-00-2005	95.00
06/15	06/11/2015	75280	4193	C & K Market, Inc	10-00-2005	138.30

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/15	06/11/2015	75281	2364	C & S Fire-Safe Services	10-00-2005	118.00
06/15	06/11/2015	75282	5070	Canon Solutions America	20-00-2005	611.67
06/15	06/11/2015	75283	193	Central Equipment Co, Inc	25-00-2005	396.85
06/15	06/11/2015	75284	3015	Charter Communications	30-00-2005	495.00
06/15	06/11/2015	75285	5436	Civil West Engineering Services Inc	56-00-2005	10,015.50
06/15	06/11/2015	75286	5118	Cruise Master Prisms INC	10-00-2005	323.55
06/15	06/11/2015	75287	259	Da-Tone Rock Products	25-00-2005	700.74
06/15	06/11/2015	75288	5356	Delta Construction Co.	57-00-2005	22,000.00
06/15	06/11/2015	75289	1	Rafael Cavazos	20-00-2005	300.00
06/15	06/11/2015	75290	1	Sheri Gordon	20-00-2005	300.00
06/15	06/11/2015	75291	1	Clementina Lake	20-00-2005	300.00
06/15	06/11/2015	75292	1	Wayne Sheffield	20-00-2005	300.00
06/15	06/11/2015	75293	5156	Desi's Tree Trimming	10-00-2005	1,000.00
06/15	06/11/2015	75294	5482	Dimmick, Jacob	10-00-2005	83.00
06/15	06/11/2015	75295	4357	Downtown Commerical Center	10-00-2005	360.00
06/15	06/11/2015	75296	5125	Jordan Fanning	10-00-2005	108.00
06/15	06/11/2015	75297	3342	Fastenal	20-00-2005	211.13
06/15	06/11/2015	75298	153	Ferrellgas	15-00-2005	558.84
06/15	06/11/2015	75299	5078	Geotechnical Resources, Inc	15-00-2005	320.00
06/15	06/11/2015	75300	198	Grants Pass Water Lab	20-00-2005	304.00
06/15	06/11/2015	75301	139	Harbor Logging Supply	10-00-2005	282.86
06/15	06/11/2015	75302	2814	Ron Hedenskog	10-00-2005	12.19
06/15	06/11/2015	75303	4969	Holmes, Bryan	10-00-2005	83.00
06/15	06/11/2015	75304	5319	Justin Holmes	10-00-2005	83.00
06/15	06/11/2015	75305	4980	iSecure	10-00-2005	33.00
06/15	06/11/2015	75306	1397	L N Curtis & Sons	10-00-2005	4,541.31
06/15	06/11/2015	75307	3781	Tracy LeJeune	30-00-2005	74.00
06/15	06/11/2015	75308	5364	North Central Laboratories	25-00-2005	204.53
06/15	06/11/2015	75309	3159	NorthCoast Health Screening	25-00-2005	747.00
06/15	06/11/2015	75310	3603	Norwest Safety	20-00-2005	259.50
06/15	06/11/2015	75311	4781	OHA Cashier	25-00-2005	135.00
06/15	06/11/2015	75312	5390	O'Reilly Automotive, Inc	10-00-2005	46.14
06/15	06/11/2015	75313	1920	Pitney Bowes, Inc.	10-00-2005	122.38
06/15	06/11/2015	75314	3751	Proficient Automotive Repair	25-00-2005	300.00
06/15	06/11/2015	75315	2699	Public Works Supply	15-00-2005	183.44
06/15	06/11/2015	75316	207	Quill Corporation	10-00-2005	478.23
06/15	06/11/2015	75317	5347	Red Lion Hotel Pendleton	10-00-2005	505.00
06/15	06/11/2015	75318	5347	Red Lion Hotel Pendleton	10-00-2005	412.00
06/15	06/11/2015	75319	1840	Rogue Federal Credit Union	25-00-2005	1,140.72
06/15	06/11/2015	75320	5246	Rogue Scuba	10-00-2005	75.00
06/15	06/11/2015	75321	5481	Sourwood Running LLC	10-00-2005	2,500.00
06/15	06/11/2015	75322	5143	Superior Landscape Maintenance	10-00-2005	500.00
06/15	06/11/2015	75323	5415	TCS Uniform & Apparel	10-00-2005	43.00
06/15	06/11/2015	75324	5398	University of Oregon	25-00-2005	5,500.00
06/15	06/11/2015	75325	5483	Uribe, Jimmy	10-00-2005	83.00
06/15	06/11/2015	75326	861	Village Express Mail Center	20-00-2005	88.55
06/15	06/11/2015	75327	2122	Cardmember Service	10-00-2005	3,888.26
06/15	06/11/2015	75328	169	Waste Connections Inc	10-00-2005	3,287.49
06/15	06/11/2015	75329	4808	Neil Watson	10-00-2005	108.00
06/15	06/18/2015	75330	5487	Applied Measurement Professionals Inc	20-00-2005	95.00
06/15	06/18/2015	75331	1373	Cascade Fire Equipment	10-00-2005	293.84
06/15	06/18/2015	75332	3015	Charter Communications	10-00-2005	84.94
06/15	06/18/2015	75333	183	Colvin Oil Company	25-00-2005	3,739.33
06/15	06/18/2015	75334	317	DCBS - Fiscal Services	10-00-2005	348.42
06/15	06/18/2015	75335	1	Donnie & Lynn Duncan	20-00-2005	90.00
06/15	06/18/2015	75336	1	Enrique & Lin Flores	20-00-2005	193.80

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/15	06/18/2015	75337	1	Randall Horn	20-00-2005	87.41
06/15	06/18/2015	75338	1	Charles L Johnson	20-00-2005	42.19
06/15	06/18/2015	75339	1	Mike & Rebecca Kretz	20-00-2005	190.03
06/15	06/18/2015	75340	1	Sandra Robinson	20-00-2005	69.59
06/15	06/18/2015	75341	1	Ryan Spicer	20-00-2005	181.36
06/15	06/18/2015	75342	5156	Desi's Tree Trimming	10-00-2005	400.00
06/15	06/18/2015	75343	2640	Dyer Partnership Inc., The	57-00-2005	27,885.00
06/15	06/18/2015	75344	749	Emerald Pool & Patio	10-00-2005	1,346.85
06/15	06/18/2015	75345	2186	Ferguson	15-00-2005	4,155.00
06/15	06/18/2015	75346	5471	Foremost Medical Equipment LLC	10-00-2005	687.64
06/15	06/18/2015	75347	4171	In-Motion Graphics	10-00-2005	199.00
06/15	06/18/2015	75348	5488	Johnson, Kaye	10-00-2005	300.00
06/15	06/18/2015	75349	1397	L N Curtis & Sons	10-00-2005	387.76
06/15	06/18/2015	75350	5484	Lakin, Katelynn	10-00-2005	205.00
06/15	06/18/2015	75351	5485	Lamar, Lawrence	10-00-2005	157.00
06/15	06/18/2015	75352	5331	Lincoln Aquatics	10-00-2005	832.42
06/15	06/18/2015	75353	5486	NovoPrint USA Inc	32-00-2005	595.00
06/15	06/18/2015	75354	5008	Online Information Services	10-00-2005	115.52
06/15	06/18/2015	75355	427	Oregon Pacific Company	10-00-2005	204.48
06/15	06/18/2015	75356	1920	Pitney Bowes, Inc	10-00-2005	83.00
06/15	06/18/2015	75357	207	Quill Corporation	10-00-2005	227.39
06/15	06/18/2015	75358	3	James Homan	20-00-2005	26.34
06/15	06/18/2015	75359	3	Horton Bros Inc	20-00-2005	22.29
06/15	06/18/2015	75360	3	Clay Vaughn	20-00-2005	54.25
06/15	06/18/2015	75361	4135	Jim Watson	10-00-2005	46.00
06/15	06/25/2015	75362	3034	BAVCO Apparatus & Valve Co	20-00-2005	487.90
06/15	06/25/2015	75363	3622	Boardwalk Mail Services	25-00-2005	21.49
06/15	06/25/2015	75364	4532	Brookings Harbor High School	50-00-2005	3,600.00
06/15	06/25/2015	75365	1740	Code Publishing Company Inc	10-00-2005	504.90
06/15	06/25/2015	75367	1	James E Bruggeman	20-00-2005	69.50
06/15	06/25/2015	75368	1	Robert Fitton	20-00-2005	11.34
06/15	06/25/2015	75369	1	Jeffrey McMoran	20-00-2005	7.57
06/15	06/25/2015	75370	1	Moeller	20-00-2005	45.00
06/15	06/25/2015	75371	1	Cynthia Telford	20-00-2005	152.05
06/15	06/25/2015	75372	5333	Double D Electric	10-00-2005	982.93
06/15	06/25/2015	75373	4646	Frontier	10-00-2005	128.11
06/15	06/25/2015	75374	5489	Fullan, Eric J	25-00-2005	1,647.93
06/15	06/25/2015	75375	154	Hagen's Dry Cleaners	10-00-2005	32.75
06/15	06/25/2015	75376	4171	In-Motion Graphics	10-00-2005	36.00
06/15	06/25/2015	75377	2119	Law Enforcement Systems, Inc	10-00-2005	90.95
06/15	06/25/2015	75378	202	League of Oregon Cities	10-00-2005	380.75
06/15	06/25/2015	75379	328	Les Schwab Tire Center	10-00-2005	905.26
06/15	06/25/2015	75380	3159	NorthCoast Health Screening	25-00-2005	75.00
06/15	06/25/2015	75381	3561	Oil Can Henry's	10-00-2005	161.00
06/15	06/25/2015	75382	2699	Public Works Supply	25-00-2005	1,666.43
06/15	06/25/2015	75383	187	Quality Fast Lube & Oil	10-00-2005	64.00
06/15	06/25/2015	75384	207	Quill Corporation	25-00-2005	203.98
06/15	06/25/2015	75385	3	Enrique & Lin Flores	20-00-2005	99.00
06/15	06/25/2015	75386	3	Sandra Robinson	20-00-2005	46.94
06/15	06/25/2015	75387	380	Stadelman Electric Inc	10-00-2005	1,580.98
06/15	06/25/2015	75388	5415	TCS Uniform & Apparel	10-00-2005	199.96
06/15	06/25/2015	75389	142	Tidewater Contractors Inc	15-00-2005	569.40
06/15	06/25/2015	75390	797	Town & Country Animal Clinic	61-00-2005	71.00
06/15	06/25/2015	75391	4203	Ultramax	10-00-2005	990.00
06/15	06/25/2015	75392	5490	Vacasa	10-00-2005	260.22
06/15	06/25/2015	75393	944	Verizon	10-00-2005	160.02

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
06/15	06/25/2015	75394	861	Village Express Mail Center	10-00-2005	100.47
06/15	06/25/2015	75395	2468	Cliff Weeks	61-00-2005	55.91
06/15	06/25/2015	75396	151	Western Communications, Inc.	10-00-2005	1,008.20
06/15	06/25/2015	75397	4220	Woof's Dog Bakery	61-00-2005	48.99
Grand Totals:						157,235.00

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Report type: Summary

Vendor.Vendor Number = {<>} 5382