

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON


In the Matter of an Resolution Supporting)
Initiating the Formation of a Countywide) Resolution No. 05-R-736
Public Transit Service District)

WHEREAS, the City of Brookings would be benefited by the formation of the Curry County Public Transit Service District as outlined in the "Curry County Public Transit Service District Master Plan" which is attached hereto and incorporated by reference herein;


NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brookings does hereby approve that the area within the boundaries of the City of Brookings be included in the proposed Curry County Public Transit Service District, and,

BE IT FURTHER RESOLVED, that the City of Brookings approves the draft order of the Curry County Board of Commissioners, which is attached hereto and incorporated by reference herein, which will initiate the formation of the Curry County Public Transit Service District.

PASSED by the Brookings Common Council and signed by the Mayor this 12th day of April, 2005, and becomes effective 12th day of April, 2005.


Pat Sherman
Mayor

ATTEST by City Recorder this 13 day of April, 2005.


Paul Hughes
City Recorder

CURRY COUNTY
PUBLIC TRANSIT SERVICE
MASTER PLAN

INTRODUCTION

The Curry County Board of Commissioners is scheduled to initiate the formation of the Curry County Public Transit Service District on April 20, 2005, as authorized by ORS 198.835. The district will be a county service district. All cities in the county approved formation of the district on condition that the district not be empowered to levy property taxes or incur bonded indebtedness. If formed, the Curry County Board of Commissioners will be the governing body.

A service district is a municipal corporation established under ORS 451.410 to 451.610 to provide service facilities in a county. ORS Section 451.010(1)(h) authorizes formation of a service district for public transportation, including public depots, public parking and the motor vehicles and other equipment necessary for the transportation of persons. "Service facilities" as defined in ORS 451.410(7), means public service installations, works or services to be provided by the district.

The Board is scheduled to adopt an order on April 20, 2005, which will set a first hearing on the proposed formation on May 25, 2005. A second hearing is tentatively scheduled for June 20, 2005. At that time the Board may enter an order creating the district without an election (ORS 198.810) since the district will not be authorized to levy taxes or incur bonded indebtedness. An election could still be held if written requests for an election are filed at or before the hearing by not less than 15 percent of the electors or 100 electors, whichever is the lesser number, registered in the proposed district. As required by ORS 451.110 to 451.140, the Board will also consider adoption of this Master Plan for the development and operation of service facilities.

MISSION

The mission of the Curry County Public Transit Service District is to provide regular, safe, reliable and affordable transportation to senior citizens, persons with disabilities, and the general public of Curry County.

HISTORY OF TRANSIT SERVICE IN CURRY COUNTY

A number of years ago Curry County initiated the operation of the Curry County Public Transit System to be used by senior citizens, the disabled and the general public. In 1997, through an agreement with the County, Chetco Senior Center, Inc. assumed the administrative responsibilities of the program that had previously been performed by South Coast Business Employment Corporation. Since 1997, Chetco Senior Center, Inc. has continued and greatly expanded the scope of the program to the benefit of the residents of Curry County. The relative responsibilities of the County and the Chetco Senior Center, Inc. are outlined in an agreement on file with the Curry County Clerk.

The County's agreement with Chetco Senior Center, Inc. states in part that the County is to provide liability insurance for all vehicles used by Curry Public Transit, and that Chetco Senior Center is to reimburse the County for this expense. The County's relatively new insurance carrier has recently indicated a concern that Chetco Senior Center Inc. is not part of the County and may not be properly considered an agent of it. This factor could limit the County's insurance availability and could jeopardize Curry Public Transit's ability to obtain insurance. This is significant because the cost of insurance for the public transit system on a stand-alone basis is cost prohibitive. Following this development, the County explored various options. The most favorable option was found to be the formation of a county public transit service district, which would have access to reduced insurance rates as a municipal corporation. This option under similar circumstances was recently adopted in Coos County with reportedly favorable results.

DESCRIPTION OF CURRY COUNTY

Curry County is located in the southwestern corner of the State of Oregon. The area of the County is approximately 1664 square miles with a maximum length in a north-south direction of about 66 miles, and a maximum width in an east-west direction of about 42 miles. Major features of the County include the lower one-third of the Rogue River drainage basin, Cape Blanco as the most westerly point of the 48 contiguous states, and the Kalmiopsis Wilderness. Curry County is topographically rugged with steep mountain ridges separated by deep narrow canyons and valleys. Moderate topographic features exist only along the coastal terraces and along larger river valleys.

The primary transportation link through the county is U.S. 101 that transects the county in a north-south direction along the coast. Other improved secondary roads penetrate the inland areas of the county along the major rivers, however, no improved roads cross the county in an east-west direction.

According to the population research center, Portland State University, Curry County has a population of 21,813. Gold Beach is the county seat with a population of

1,897. The other cities and their populations are Brookings with 5,447 people, and Port Orford with a population of 1,153.

Curry County developed as a timber, fishing and trade center. Its timber-based economy has been very adversely affected by economic recession and reduction in timber harvests on private and federal lands. The fishing industry has also been adversely impacted by reduction in harvest quotas, fishing boat buyouts and regulations. Attempts to diversify the local economy with tourism and personal services have been somewhat successful, but the employment picture remains somewhat stagnant, with outward migration of family wage earners being balanced by retirement-aged people moving into the area. This influx has helped to stabilize the population of Curry County. New residents are generally over 55 years of age, seeking retirement, or semi-retirement from professional occupations. The 2000 census indicates that Curry County's population of 55 and older is now 40.6% of the total, while 38% is between 25 and 54 years of age. Predictions indicate that the influx of "senior citizens" will continue for the foreseeable future and will in fact increase in numbers as the "baby boomers" reach retirement age.

GOVERNMENT

Curry County is a general law county governed by an elected three-member board of county commissioners. The Board is responsible for policy under State law, for budgetary control and for the general operation of the County. Elected officials, including the assessor, county clerk, sheriff, surveyor and treasurer, share in the operation of county government, with input from citizen boards and commissions.

The incorporated municipalities of Curry County are each governed by an elected city council and elected mayor. Each of these municipalities has appointed city managers.

LEVEL OF SERVICE TO BE PROVIDED BY THE DISTRICT

As of January 1, 2005, the service in Curry County for public transportation was provided by Curry Public Transit, and operated by Chetco Senior Center under contract with Curry County. Demand service (Dial-A-Ride) is provided in the three incorporated cities and their surrounding areas. Demand service is available ten hours a day Monday-Friday in Brookings and Gold Beach, and it is available four hours a day Monday-Friday in Port Orford. Curry Public Transit also operates the Coastal Express division, which provides fixed route, scheduled service on U.S. Highway 101 between Crescent City, California, and Coos Bay/North Bend, Oregon. The service will deviate up to 1.5 miles off of 101 with prior notice for pickup or drop off.

Although services are subject to change, it is expected that the above-referenced services will continue in place after formation of the district.

All vehicles are ADA compliant. All drivers are fully qualified and trained in defensive driving, passenger sensitivity, first aid, CPR, blood borne pathogens and drug and alcohol abuse. In addition, all drivers and dispatchers are subjected to pre-

employment drug and record check screening and are subject to random drug and alcohol testing.

The service described in this Master Plan is provided under agreement with the Public Transit Division of the Oregon Department of Transportation. It is supported by grant funds from State and Federal sources. As more and more seniors move to Curry County, and as the local population grows, the need for public transit will continue to increase.

FEASABILITY

The projected budget set forth in Appendix "A" reflects anticipated revenue and expenditures for the period July 1, 2005-June 30, 2006. The figures may be subject to alteration. The district shall be financed solely through rider fees, donations, fundraisers, sale of equipment, grants, operating subsidies, and other such non-property tax sources.

PURCHASING AND FINANCES

The district will comply with Oregon public contracting law as found in ORS 279, 279A, 279B and 279C. The district also adopts Curry County's "Local Contract Review Board Rules" as found in Order No. 12053, and which may be amended from time to time.

Pursuant to ORS 451.485(2), the governing body of the district may determine the manner of financing the construction, maintenance and operation of the service facilities. As stated above, the district is being formed on condition that it not have the power to levy taxes, impose assessments, or incur bonded indebtedness. If efforts in the future attempt to empower the district with taxing authority, such as by referendum or vote, the intent is that the district shall be dissolved, and a new one with such powers be formed to replace it. The district will be subject to ORS Chapter 294, regarding local budget law. It will be treated as a component unit of the County for audit purposes. The district will prepare quarterly reports of all fiscal and operational activities, which will be made available for review by the governing body and the county treasurer.

Pursuant to ORS 451.580(1), "Except as otherwise provided in ORS 451.410 to 451.610, all moneys received by a district shall be paid to the county treasurer and deposited by the county treasurer in an appropriate district fund. The county treasurer, when ordered by a district governing body, shall establish separate accounts in the district fund or separate funds in the county treasury for the segregation of sinking or reserve funds or accounts, of operating funds or accounts or of any other funds or accounts found necessary or expedient by the district. However, no moneys received by a district shall be used for any purpose other than for carrying out the purposes of ORS 451.410 to 451.610 and all funds, facilities, personnel or supplies of the county used for those purposes shall be charged to the appropriate district fund or account."

Subsection 2 of ORS 451.580 provides for an exception to the requirement that a district pay district moneys to the county treasurer for deposit. It provides that “the governing body of a county, with the consent of the county treasurer if the county treasurer is an elected officer, may order a service district established under ORS 451.410 to 451.610 to hold and manage its own moneys in one or more district funds or accounts deposited in a financial institution as defined in ORS 706.008. The order must provide for the transfer of any moneys of the district then held or later received by the county treasurer for the district. Thereafter, the district shall be solely responsible for the management of moneys of the district and shall designate a district officer or employee to assume the duties and responsibilities otherwise imposed upon the county treasurer.”

Although the Board of Curry County Commissioners retains its statutory option in subsection two above, it will initially provide that deposits of money of the district shall be in accordance with subsection one.

Safeguards are provided by ORS 451.580(3). It provides that “Moneys deposited by the district in a district fund or account may be withdrawn or paid out only upon a proper order and warrant or upon a check signed by the district officer or employee designated to assume the duties and responsibilities otherwise imposed upon the county treasurer. The order must:

- (a) Specify the name of the person to whom the moneys are to be paid;
- (b) Specify the fund or account from which the moneys are to be paid;
- (c) State generally the purpose for which the moneys are to be paid; and
- (d) Be entered in the record of the proceedings of the district.”

CITIZEN PARTICIPATION

A County public transit advisory board with accompanying bylaws is already in existence. However, upon formation of the district, an advisory board will be re-established, and a new set of bylaws will be adopted. The public transit advisory board will allow for citizen input and advice to the governing body regarding public transit issues.

BOUNDARIES OF THE DISTRICT

The boundaries of the Curry County Public Transit Service District shall be the boundaries of Curry County as set forth in ORS 201.080. This will include all cities and unincorporated areas. Services may be provided outside of the boundaries of the district.

GOVERNING BODY

The Curry County Board of Commissioners shall be the governing body and ultimate authority for all matters with regard to operation of the district.

DAY-TO-DAY OPERATION OF THE DISTRICT

Pursuant to ORS 451.550 “For the purpose of carrying out the powers granted to the district under the provisions of ORS 451.410 to 451.610, the district may:

(1) Supervise, manage, control, operate and maintain service facilities.

(5) Employ and pay necessary agents, employees and assistants.”

AMENDMENT PROCEDURES

This master plan should be periodically reviewed by the governing body. With the concurrence of the cities as well as the Transit Advisory Committee, changes may be implemented as are deemed reasonable and necessary.

OTHER MATTERS

ORS 451.568 provides that “Public transportation facilities and services provided by, or pursuant to a contract with, a county service district created for the purpose of public transportation are exempt from the provisions of ORS Chapter 825.”

Appendix "A"

**PRELIMINARY BUDGET FISCAL YEAR 2006
CURRY PUBLIC TRANSIT/COASTAL EXPRESS****INCOME PROJECTIONS**

FAREBOX	\$40,000
CONTRACT SERVICES AND FREIGHT	40,000
ADVERTISING (INTERIOR & EXTERIOR OF BUSES)	8,000
SPECIAL TRANSPORTATION FUND (FORMULA)	42,383
DEPT. HUMAN SERVICES (MEDICAD MATCH)	44,000
STF OPERATIONS GRANT (DEMAND SERVICE)	95,222
STF DISCRETIONARY GRANT (INTER-CITY)	108,225
VEHICLE MAINTENANCE GRANTS	<u>23,254</u>
TOTAL INCOME FOR OPERATIONS	\$401,084

EXPENSE PROJECTIONS

ADMINISTRATION & DISPATCH	\$ 47,383
DRIVER WAGES AND TAXES	160,650
DIESEL FUEL	45,000
GASOLINE	42,000
INSURANCE (LIABILITY, COLLISION, WORKER COMP)	32,000
RENT, UTILITIES & PHONES	36,000
MAINTENANCE & REPAIRS	<u>26,000</u>
TOTAL EXPENSES	\$389,033

CAPITAL PURCHASE GRANTS

1 14 PASSENGER BUS & PREPARATIONS	\$57,427
1 12 PASSENGER BUS & PREPARATIONS	54,286
COMPUTORS AND COMMUNICATIONS EQUIP.	<u>6,695</u>
TOTAL CAPITAL PURCHASE REQUESTS	\$118,408



BEFORE THE BOARD OF COUNTY COMMISSIONERS
IN AND FOR THE COUNTY OF CURRY, OREGON

In the Matter of an Order)
Initiating the Formation)
of a Countywide Public)
Transit Service District) ORDER NO. _____

WHEREAS, Chetco Senior Center Inc. has requested that the Board of Curry County Commissioners initiate proceedings to form a countywide Public Transit Service District; and

WHEREAS, formation of the district would result in substantial savings on insurance coverage; and

WHEREAS, pursuant to ORS 198.835, the Board of Curry County Commissioners may initiate the formation of a district by order; and

WHEREAS, the Board agrees to initiate formation on the condition that the proposed district will not have the authority to levy taxes or incur bonded indebtedness; and

WHEREAS, without expressing the approval of the formation of the district at this time, the Board desires to initiate formation to provide an opportunity for the public to hear, discuss, and consider the proposal; and

WHEREAS, certified copies of resolutions from each city within the proposed district approving the initiation of formation are attached hereto and incorporated by reference as Exhibit "A"; and

WHEREAS, it is appropriate that the Board should hold a public hearing on this matter in order to consider the proposed formation and to determine what the boundaries of the district should be; and

WHEREAS, notice of this hearing should be posted in at least three public places and published by two insertions in a newspaper, and the notice should state:

A. The Board of Curry County Commissioners has entered an order declaring its intention to initiate formation of a public transit service district, which will not have authority to levy taxes or incur bonded indebtedness.

B. The district is for the purpose of providing countywide public transit services and, when appropriate, to provide for related operations outside of district boundaries.

C. The name of the district shall be the "Curry County Public Transit Service District", or a name similar thereto, with the same boundaries as Curry County.

D. The time and place of the hearing on the petition.

E. At the hearing all interested persons may appear and be heard.

NOW, THEREFORE, THE BOARD OF CURRY COUNTY COMMISSIONERS
ORDERS AS FOLLOWS:

1. That the Board declares its intention to initiate the formation of the Curry County Public Transit Service District pursuant to ORS Chapters 451 and 198, without taxing or bonding authority, and with the boundaries being that of Curry County, as defined in ORS 201.080.

2. The hearing will be held in the Commissioners' Hearing Room, Courthouse Annex, 94235 Moore Street, Gold Beach, Oregon, 97444, at 9:30 A.M. on May 25, 2005.

3. Notices with the information referenced above shall be posted in three conspicuous public places in accordance with ORS 198.730(3), and shall be published in two insertions of the Curry County Reporter in accordance with ORS 198.730(2).

4. The Curry County Public Services Department shall submit a recommendation based upon the criteria in ORS 198.805(1) and ORS 199.462, prior to the date of said hearing, regarding the proposed formation.

DATED this 20th day of April, 2005.

BOARD OF CURRY COUNTY COMMISSIONERS

Ralph H. Brown, Chair

Lucie La Bonté, Vice Chair

Marlyn Schafer, Commissioner

Approved as to Form:

M. Gerard Herbage
Curry County Legal Counsel