

# City of Brookings

## MEETING AGENDA

### **CITY COUNCIL**

**Monday, March 25, 2013, 7:00pm**

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

The City Council will meet in **Executive Session at 6:30pm** in the City Manager's office under 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. Reappointment of Gerald Wulkowilz to the Planning Commission. [pg. 4]

#### **E. Oral Requests and Communications from the audience**

Public Comments on non-agenda items – 5 minute limit per person.\*

#### **F. Staff Reports**

1. Authorization to execute a second Golf Course lease amendment or to authorize a 30-day extension with development of lease termination agreement.[City Manager, pg. 8]
  - a. Claveran Group letter dated December 21, 2012 [pg. 10]
  - b. Draft Second Amendment to the First Amended Lease Agreement. [pg. 11]
  - c. Steve Muir letter dated March 9, 2013 [pg. 14]
  - d. Fact Sheet [pg. 15]
2. Review and discussion of proposed County Public Safety Property Tax Levy. [City Manager, pg. 16]
  - a. Notice of receipt of Ballot Title [pg.22]
  - b. Curry County 2.1 Budget (Exhibit A) [pg. 23]
  - c. Public Safety Levy (Exhibit B) [pg. 24]
  - d. Summary of GF w PS Levy (Exhibit C) [pg. 25]
  - e. Memo to Council re: LPSCC meeting with revised 2.1 budget [pg. 27]
  - f. Public Safety Levy, City of Brookings analysis [pg. 28]
  - g. Public Safety Levy Worksheet (McClain) [pg. 29]
  - h. Oregonian article [pg. 30]
  - i. Wyden press release [pg. 35]
  - j. Daily Courier article [pg. 36]
  - k. Email from Commission Chair Smith [pg. 37]
3. Authorization for the Mayor to send a letter to the Oregon House Committee on Rules and Governor Kitzhaber regarding House Bill 3453. [City Manager, pg. 40]
  - a. HB 3453 [pg. 42]

4. Review and discussion regarding an alternative approach to criminal prosecution and juvenile services. [City Manager, pg. 46]
  - a. February 11, 2013 Council Agenda Report [pg.48]
5. Approval of six possible motions related to County government financing and restructuring. [City Manager, pg. 53]
  - a. Public Safety Levy Analysis using \$810,000 current General Fund offset [pg. 57]
  - b. Curry County Citizens Committee Final Report [pg. 58]
  - c. Commissioner Compensation Survey [pg. 68]
  - d. Hood River County email on Commissioners salaries [pg. 69]
  - e. History of County Government/Home Rule Counties/General Law Counties (source: Association of Oregon Counties). [pg. 70]
  - f. Hood River County Home Rule Charter. [pg. 71]
6. Approval of revisions to Brookings Municipal Code Chapter 13.05 and adoption of Backflow Program. [Public Works, pg. 85]
  - a. Oregon Administrative Regulations Chapter 333-061; Table 48 & 49 [pg. 86]
  - b. Draft revised BMC Chapter 13.05.190 and 13.05.195 [pg. 92]
7. Decision regarding the City's continued participation in the Community Development Block Grant Application for the Brookings Head Start Program. [City Manager, pg. 102]
  - a. August 27, 2012 Council Agenda Report [pg. 104]
  - b. Page 2 of a typical "Section 3 Plan" [pg. 105]
  - c. March 19, 2013 email from ORCCA Executive Director Michael Lehman [pg. 106]
8. Authorization for City Manager to execute Cooperative Improvement Agreement Amendment with the State for the Harris Beach Multi-use Bike Path project. [Public Works, pg. 107]
  - a. Amended agreement [pg. 108]
9. Award of contract for Storm Drain and Sewer System TV Inspection, Cleaning, mapping and trenchless point repair services to C-More Pipe for a total cost not to exceed \$172,234. [Building Official, pg. 111]
  - a. Bid Proposal [pg. 113]
  - b. Repair Chart (excerpt from January 28, 2013 CAR) [pg. 114]
  - c. Excerpt from June 28, 2010 TV inspection [pg. 115]

#### **G. Public Hearings/Ordinances/Resolutions/Final Orders**

1. Resolution 13-R-1000 suspending sandwich board sign regulation with certain conditions, from May 15 to October 15, 2013. [Planning, pg. 116]
  - a. Brookings Municipal Code Section 17.88.100(f) [pg. 117]
  - b. Resolution 13-R-1000 [pg. 119]
2. Resolution 13-R-1001 extending the Charter Communications Franchise Agreement to August 31, 2013. [City Manager, pg. 120]
  - a. Resolution 13-R-1001 [pg. 121]
  - b. Franchise Extension Agreement [pg. 122]
  - c. Letter dated March 5, 2013 from Charter [pg. 123]

## **H. Consent Calendar**

1. Approve Council minutes for February 25, 2013. [pg. 124]
2. Approve Council minutes for March 11, 2013. [pg. 128]
3. Receive February 2013 Financial Report. [pg. 131]

## **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](http://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 advance notification. Please contact 469-1102 if you have any questions regarding this notice.



## City of Brookings

898 Elk Drive, Brookings, OR 97415

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

[www.brookings.or.us](http://www.brookings.or.us)

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

#### PART I. Contact Information:

Name: GERARD M. WULKOWICZ Date: 3/7/13  
Physical Address: 18916 TULE ROAD  
Mailing Address: 16916 TULE ROAD  
Email Address: GMWULK@CHARTER.NET Phone: 541-469-7102

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

1. <u>Commission/Committee applying for:</u>	<u>Composition (i)</u>	<u>Term (ii)</u>
<input checked="" type="checkbox"/> Planning Commission/ <del>Commission for Citizen Involvement (iii)</del>	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 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?: 9/33 (yrs/mths)

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

#### 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 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. *DIES NOT APPLY*
- ☒ 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.

GERALD WULKOWICZ  
Applicant (print name)

  
Applicant's Signature

3/7/13  
Date *bfm*

Jordan Fanning  
Witness (print name)

  
Witness's Signature

3/7/13  
Date

**\*\*Planning Commissioners holding office on April 1<sup>st</sup> 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](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

~~4~~

I am retired and have lived in Brookings for five years. I have kept abreast of City/Urban Growth Zone development issues through a subscription to the Curry Coastal Pilot. I feel I can contribute to the beneficial resolution of future planning issues through my professional input. Although I live outside the Brookings limit, my property has an irrevocable annexation agreement attached so I have a vested interest in guiding the City of Brookings in making informed decisions. I feel that if appointed to the Planning Commission I can not only bring my expertise to the Commission but also assist other members by sharing my experience in the Civil Engineering sector.

My first 17 years of employment with the Cook County Highway Department included drainage design and construction plan preparation; and, coordination, impact assessment and permit review/approval of municipal and private utilities on County highways and in unincorporated Cook County areas. Additionally, I also participated in Subdivision and PUD permit reviews from a drainage aspect including detention requirements.

My last 11 years with the Highway Department were as Head of the Advance Planning and Agreements Division whose duties, in part, included highway condition assessment, planning and project scheduling, resource allocation and preparation of a 5 year highway construction program. During this period, I also sat on the Work Program Committee of the Chicago Area Transportation Study (CATS see [www.catsmpo.com](http://www.catsmpo.com)), the Metropolitan Planning Organization (MPO) for Northeastern Illinois whose duties included the distribution of Federal Highway Funds and preparation of a 5 year Transportation Plan (TIP). I also participated in the development and publication of the 2000-2020 Long Range Transportation Plan for Northeastern Illinois.

In short, I can assimilate and interpret standards, criteria and building codes, I can read technical schematics as well as construction plans and I have been in a decision making position. I also have experience and am comfortable with both structured planning and the ethereal aspect of long range planning including the need for practicality and the restraints cause by the availability of resources.

4.

May 28, 1945 D.O.B.

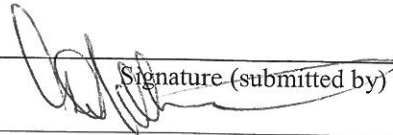
- 1963 Graduate H.S.; Fenwick H.S., Oak Park, IL
- 1965-67 U.S. Army- Vietnam Veteran – Army Commendation Medal for Valor, Air Medal w/ 1<sup>st</sup> thru 10<sup>th</sup> Oak Leaf Cluster – Honorable Discharge
- 1971 Bachelor of Science, Geological Sciences, Univ. Illinois-Chicago
- 1973 Masters of Science, Environmental Geology and Hydrology, Univ. Illinois-Chicago. Published "Chloride Balance in an Urban Basin" G.S.A. Vol.5, No. 7, Oct. 1973
- 1974-84 Cook County Highway Department (www.co.cook.il.us), Drainage Division, Highway Engineer I, II, & III – Design highway storm sewers, waterway hydraulic openings and storm water pumping stations.
- 1984-92 Cook County Highway Department, Drainage Division, Highway Engineer IV, Utility Section Head – highway/utility impact assessment, design and construction conflict coordination, utility permit review w/ electrical, telephone, natural gas, petroleum pipeline, water utilities as well as municipal infrastructure.
- 1992-02 Cook County Highway Department, Advance Planning and Agreements Division, Highway Engineer V, Division Head – Oversee funding distribution, highway condition assessment, maintain highway inventory, coordinate Department/County Board Agenda, develop intergovernmental agreements, publish 5 year highway construction program.
- 1992-01 Served as Alternate Cook County Representative to the Work Program Committee of the Chicago Area Transportation Study (CATS), the MPO for Northeastern Illinois.
- 2002 to date Retirement.
- 2007 to ~~DATE~~ Joined and am active in TRASH DOGS
- 2009 to ~~DATE~~ BROOKINGS PLANNING COMMISSION

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: City Manager

  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: Golf Course Lease Amendment

Recommended Motion:

Alternate #1: Motion to authorize the Mayor to execute the Second Amendment to the First Amended Lease Agreement between the City of Brookings, Oregon, and The Claveran Group, LLC.

Alternate #2: Motion to authorize a 30-day extension for the current lease payment and authorize the City Manager to work with The Claveran Group LLC principal investor, Steve Muir, to develop a possible lease termination and transfer agreement.

Alternate #3: Take no action; this would leave the current payment amount and due date in place.

Financial Impact:

An immediate reduction in lease revenue of \$20,000 annually and increasing through the term of the lease agreement. Additional costs associated with providing maintenance and professional services for the golf course.

Background/Discussion:

Following a review of the report and recommendations contained therein on the Salmon Run Golf Course prepared by the consulting firm Golf Convergence, the City proposed a change in lease terms with The Claveran Group LLC on December 25, 2012. This proposal is described in the attached letter to Steve Muir, controlling interest holder in The Claveran Group LLC, and the attached draft Second Amendment to the First Amended Lease Agreement.

The City received no response to this proposal until the City Manager met with Salmon Run Golf Course Manager Ed Murdock on February 20, 2013, at which time the City Manager was informed that the proposed lease amendment had been rejected. Murdock also informed the City Manager at that time that The Claveran Group would not be making its 2013-14 lease payment, which was due on February 2, 2013, in the amount of \$35,000.

On March 8, 2013, Murdock contacted the City Manager to ask if the City would be willing to reduce the lease payment to \$15,000. The City Manager contacted Muir and requested that any such request be made in writing. Attached is a letter dated March 9, 2013, from Muir whereby he states that "Salmon Run" agrees to accept the change to the lease agreement dated December 21, 2012, which, in part, reduces the annual lease payment to \$15,000 annually.

Subsequent to receiving the lease reduction payment requests, Muir has confirmed that he is in negotiation concerning a possible transfer of the lease agreement to another party.

Attachment(s):

- a. Letter dated December 21, 2012, to The Claveran Group
- b. Draft Second Amendment to the First Amended Lease Agreement
- c. Letter dated March 9, 2013, from Steve Muir
- d. Fact Sheet





# City of Brookings

898 Elk Drive, Brookings, OR 97415  
(541) 469-1101 Fax (541) 469-3650 TTL (800) 735-1232  
[gmilliman@brookings.or.us](mailto:gmilliman@brookings.or.us)

**GARY MILLIMAN**

*City Manager*

Credentialed City Manager  
International City Management Association

ICMA Career Excellence Award 2012  
ICMA Management Innovation Award 1979

Steve Muir  
The Claveran Group LLC  
99040 South Bank Chetco River Road  
Brookings, OR 97415

December 21, 2012

Dear Mr. Muir,

Please find enclosed a proposed amendment to the existing Lease Agreement.

This proposed amendment represents a substantial change to the lease terms with respect to the annual amount of rent. The proposal establishes 2013 as a new base year with an annual rent of \$15,000 to be adjusted thereafter for the existing term of the lease by the CPI. In this first year alone, this represents a rental reduction of \$20,000, and annual reductions thereafter are even more substantial.

The proposal also provides that the City will assist the Claveran group with roadside mowing, pursuing the development of a driving range, and preparing a vegetation management plan.

The City Council has been directly involved in crafting this proposed amendment and I am confident that it would gain their final approval.

Please contact me should you have any questions concerning this matter.

Respectfully,

Cc: Mayor and City Council  
City Attorney

**SECOND AMENDMENT TO THE FIRST AMENDED LEASE AGREEMENT  
BETWEEN THE CITY OF BROOKINGS, OREGON  
AND THE CLAVERAN GROUP, LLC**

This Second Amendment to the First Amended Lease Agreement (“Amendment”) is hereby entered into by and between the City of Brookings, an Oregon municipal corporation (“Lessor”), and The Claveran Group, LLC (“Lessee”) to amend the First Amended Lease Agreement effective \_\_\_\_\_, 2013.

WHEREAS, the City of Brookings and The Claveran Group first entered into a lease agreement in 1998;

WHEREAS, the City of Brookings and The Claveran Group have been discussing and negotiating changes to the lease terms over the last couple of years;

WHEREAS, the City of Brookings hired a golf course consultant to evaluate the operation of the golf course and the terms of the lease agreement in 2012; and

WHEREAS, the City of Brookings and The Claveran Group have come to agreement on the terms contained in this Amendment.

**NOW, THEREFORE, the parties agree as follows:**

**1. Amendments.**

**1-A.** Article 4 (“PAYMENTS TO LESSOR”) of the First Amended Lease Agreement is amended to read in full as follows:

**1.00 Rent:**

*The annual rent is FIFTEEN THOUSAND DOLLARS (\$15,000.00) adjusted annually for inflation using the CPI-U. If the CPI-U is negative, the rent will not increase or decrease but remain the same as the previous year. Rent must be paid in advance on or before February 1st of each year. Rent payments will be made to the City of Brookings and delivered to 898 Elk Drive, Brookings, OR 97415. The first rent payment under this Amendment will be due February 1, 2013.*

**2.00 Late Payment of Rent:**

If lessee fails to pay any rent when due and payable, the unpaid amount will bear interest from the due date to the date of payment at *the rate of 10% per annum.*



**1-B.** Section 3.00 (“Construction Requirements”) of Article 6 (“CONSTRUCTION AND ALTERATIONS”) of the First Amended Lease Agreement is amended to include Section 3.09 as follows:

*3.09 Lessor will assist Lessee with the development of a driving range by securing and maintaining a lease for property (for a nominal amount only) from South Coast Lumber Company and by consenting to the development of such driving range on all permit applications.*

**1-D.** Article 12 (“MAINTENANCE AND REPAIR”) of the First Amended Lease Agreement is amended to include Section 3.00 (“Lessor’s Obligation”) as follows:

*3.00 Lessor’s Obligation:*

*3.01 Lessor will mow all roadsides within the golf course determined by City staff to be accessible by City equipment in the same manner and on the same schedule as it mows the roadsides of City streets.*

*3.02 Lessor will provide technical assistance to Lessee for the development of a vegetation management master plan for the golf course. The vegetation management master plan has a target completion date of December 31, 2013.*

**2. Lease Agreement.** All provisions of the First Amended Lease Agreement and the Amendment to the First Amended Lease Agreement unaffected by this Amendment remain operative and binding upon the parties.

**3. Governing Law.** This Agreement will be governed by the laws of the State of Oregon as applied to agreement entered into and to be performed entirely within the State.

**4. Counterparts.** This Agreement may be executed in two or more counterparts, each of which is to be deemed an original.



March 9, 2013

Mr. Gary Milliman, City Manager  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Mr. Milliman,  
Salmon Run agrees to accept the change to the Lease Agreement dated December 21, 2012, reducing the lease payment to \$15,000 as per year.

Regards,

A handwritten signature in blue ink, appearing to read "Steve Muir".

Steve Muir  
Salmon Run

Cc: Ed Murdock

## **CITY OF BROOKINGS GOLF COURSE LEASE AGREEMENT FACT SHEET**

**Name of Lessee: The Claveran Group LLC**

**Name of Business: Salmon Run Golf Course**

**Initial Date of Lease: February 17, 1998**

**First Lease Payment Due: February 2, 2010**

**First Lease Payment Amount Due: \$30,000**

**First Lease Payment Date was deferred by City Council to: February 2, 2012**

**First Lease Payment was reduced from \$30,000 to \$15,000 by the City Council in 2012 and the proceeds of the reduced lease payment were used to retain the services of a consultant, Golf Convergence, to evaluate the golf course as a going business and make recommendations for changes in operations, facilities and lease terms.**

**Date of First Lease Payment: February 6, 2012**

**Second Lease Payment Due: February 2, 2013**

**Second Lease Payment Amount: \$35,000**

**Date of Second Lease Payment: Not yet received.**

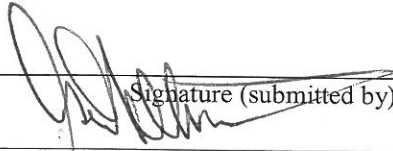
**Lease Agreement provides that failure to make lease payment within 60 days of date due is a material breach of contract.**

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: Proposed County Public Safety Property Tax Levy

Recommended Motion:  
None.

Financial Impact:  
See below.

Background/Discussion:

The purpose of this Council Agenda Report is to assist the City Council in its discussion of the proposed public safety tax levy that is scheduled for discussion at the joint Commission/Council meeting.

The Curry County Board of Commissioners has placed the following measure on the May 14, 2013, ballot:

“Shall Curry County Levy \$1.84 City and \$1.97 Rural per \$1,000 assessed value for law enforcement for five years beginning 2013-14?”

The full text of the measure is attached.

At the joint workshop of January 28, Commission Chair David Brock Smith distributed the document entitled “Curry County 2.1 Budget Draft”, attached as Exhibit A. This document purports to show what services the County would continue to provide utilizing the \$2.1 million it receives in General Fund revenue.

Also attached, as Exhibit B, is a document entitled “Public Safety Levy” dated February 4, 2013, that was reportedly received from Commission Chair David Brock Smith by the Cities of Port Orford and Gold Beach. This document, which the City received on February 13, 2013, purports to analyze the relative cost of providing County law enforcement services to residents of the unincorporated area and the incorporated cities. This document served as the basis to establish the proposed “split rate” levy of \$1.97 in the unincorporated area and \$1.84 in the unincorporated area that was approved by the Board of Commissioners on February 13, the same day Brookings officials received Exhibit B.

The proposed public safety tax levy would remove the entire County law enforcement budget...expenditures and revenues...from what is now the County General Fund budget. This

would leave the remaining \$2.1 million in General Fund revenue available to fund general government services.

## ANALYSIS OF THE TWO DOCUMENTS

1. Exhibit A contains \$810,092 in expenditures that are also shown in Exhibit B. If the tax measure is approved, how will the \$810,092 in Exhibit A be reallocated? According to Commissioner Brown, at least part of the answer to this question is found in Exhibit C "Summary GF w PS levy." Note that with the public safety levy, the Commissioners budget increases from \$330,454 in Exhibit A to \$438,386 with the passage of the levy. Other non-public safety Exhibit A departments that would see an increase in expenditures from the "2.1 budget" include Elections, Assessor and Surveyor. There are also several services listed in Exhibit C that are not listed in Exhibit A, and several services on Exhibit A appear to be consolidated into a "Non-Departmental" budget. Finally, Exhibit C includes \$400,000 in capital projects including \$200,000 for building repairs (not the jail), a \$160,000 repayment to the County Road Fund and a \$40,000 match for a Brookings Airport improvement project, currently in progress. *The aforementioned \$400,000 in capital expenditures are "one time" expenditures. How would the \$400,000 be used in subsequent years?*

According to Commission Chair David Brock Smith, who met with the City Manager on March 14, the \$810,000 would be reallocated to various departments as shown in Exhibit C. Some of the funds would be used for repairs to County buildings and to reimburse the County Road Fund for money advanced to pay for law enforcement in fiscal 2012-13. Other funding would be used to increase staffing in various departments, including Assessor and the Commissioner's Office, and adding a second Veterans Service Officer.

2. The rationale behind the City/unincorporated area split percentages is not explained. Who developed this allocation, and what is the basis for determining the split?

According to Commission Chair Smith, he developed the cost allocation and property tax split formula.

3. Earlier discussions related to a levy that would maintain current services. Exhibit B includes 12 road deputies, not the current five.

According to Commission Chair Smith, the Sheriff recommended that a minimum of 12 road deputies would be needed in order to provide adequate basic law enforcement services in the County, operating on a concept that this would maintain four deputies on duty at all times; two in "north County" and two in "south County." Note that the long-standing and proven formula for 24-hour police services is five officers to maintain one officer on duty 24/7. This takes into consideration time off for vacations, sick leave, court, training, vacancies, etc. Using this formula, the County would need 20 deputies to achieve the aforementioned goal.

4. Exhibit B allocates 5.0 per cent of the cost of Sheriff Road Deputies to cities. Presumably this is for the cost of providing mutual aid? Should we then be billing a portion of City Patrol Officer time to the County?

5. Exhibit B allocates 50 per cent of the cost of the Harbor Sheriff substation to cities (all cities). What is the rationale for this?

According to Commissioner Smith, at least 50 per cent of the use of the Harbor substation is by City residents seeking concealed weapons permits, civil paper services and other Sheriff services.

6. In Exhibit B, 80 per cent of the cost of “juvenile administration” is allocated to cities. What is the rationale for this large allocation? Could it be that it is related to the fact that all schools are located in cities and, thus, City police departments are responsible to initiating juvenile crime actions for both residents and non-residents? County Juvenile Officer Ken Dukek responded to a City Manager inquiry concerning this as follows:

*“We report all of our data to the Juvenile Justice Information System (JJIS) that is maintained by the Oregon Youth Authority. The information was obtained by running a report through JJIS requesting the number of referrals from each Law Enforcement Agency in Curry County for that given calendar year. The reason behind that specific referral report is that the contact is initiated from each particular law enforcement agency that then requires action from our department back to the referring agency, in other words it is their case and as we process it they (local law enforcement) stay with the case until it has completed the court process. This is purely referral based (or incident based) and is also an “unduplicated count”, meaning that each referral is a contact. The importance of the unduplicated count is that in some cases a youth or youths may be charged with more than one crime in any one contact, so if a youth was charged with three crimes – it is only reported as one contact. “Duplicated counts” would have a higher ratios and would not be indicative of the information I was seeking. Simply put, I ran a report that indicated which agency for each contact (whether one or more crimes per incident it only counts as one contact) during the calendar year. While youth may certainly not reside in the city that have a contact with a Brookings Police Officer, the same could be applied to a youth that is cited in the County that resides in Brookings. I can tell you that more than 50% of our total staff time is dedicated to South County, obviously including Harbor and the County. “*

7. What is the actual cost of Emergency Services to the General Fund? In Exhibit A, it is listed as \$49,183 while in Exhibit B it is listed as \$65,730. What portion of the Emergency Services cost is paid for by State/Federal funding and has this been adjusted into the numbers in the Exhibits?
8. In Exhibit B, 18 per cent of communications costs are allocated to cities. The County provides dispatching for Gold Beach and Port Orford, but not for Brookings. By including this in the levy, Brookings will be paying a portion of the dispatching costs for the other two cities. Is the \$77,720 shown the amount the cities of Gold Beach and Port Orford currently pay for dispatching services?
9. Exhibit B allocates \$161,030 in expenditures to maintain existing County-owned communications towers to the public safety levy. According to Sheriff Bishop this cost is currently being paid from Secure Rural Schools Act Title II funds. According to Sheriff Bishop, approximately \$227,000 in Title II funds remain available. Title III funds may be used for emergency management, search and rescue and fire suppression.



## THE JAIL

Staff contacted Sheriff Bishop about the January 28, 2013, statement by Commission Chair Smith that, as a part of the earlier “2.1 budget” outline, the County would be closing the jail and contracting for three beds at Coos County. Staff specifically asked about what the impact on the City would be if the County closed the Curry County Jail. Bishop advised staff that he understands that the three Coos County beds would be available exclusively for parole and probation, and not to house prisoners awaiting trial or new arrestees. For 2012, Curry County has averaged 42 inmates per day. Bishop said that, if Curry County closed its jail, he would recommend that the City continue to deliver prisoners to the County facility in Gold Beach because it is the County’s responsibility to provide a jail. They have not developed a contingency plan, although they have received a quote for the cost of housing prisoners at the Coos County jail at \$92 per day, not including medical costs. He has also confirmed that Curry County judges will not allow prisoners to be arraigned or tried in Coos County, which means that the Sheriff would need to provide transport service between Coquille and Gold Beach. Bishop said that the existing jail needs \$300-400,000 in repairs to resolve health and safety problems, and that the jail could continue to operate for “at least 10 years” once these problems are resolved. The jail operations budget is approximately \$1.1 million.

## ALTERNATIVE SPREADSHEETS

The Board of Commissioners has already voted to put the \$1.97/1.84 split rate tax levy on the May 2013 ballot and it may be too late to change the measure to some other formula.

Nonetheless, City staff has developed the attached alternative split tax rate scenario.

The City staff scenario segregates total County public safety costs into two categories: 1) services that benefit the entire County, such as District Attorney and Juvenile, and 2) services that predominantly benefit the unincorporated area, such as Sheriff’s patrol. Costs associated with Item 1 are spread evenly across all County property taxpayers, and the additional cost of services provided by the County to unincorporated area residents as shown as an additional tax rate that would be applied in the unincorporated area. **The resultant rate split would be \$2.36/1.23.**

Councilor McClain has also developed an alternate split rate (\$2.35/1.22) scenario, which is attached.

Note that any of the aforementioned rates could possibly be reduced by as much as 18 per cent if the \$810,092 allocated for public safety in Exhibit A were applied as offsetting revenue in Exhibit B or the alternative spreadsheet scenarios. The rates could also be reduced if the tax levy budget were modified to maintain current Sheriff patrol staffing levels, rather than doubling current levels, and continuing to pay the communications towers expenses from the County Road Fund.

## STATE PERSPECTIVE

See separate Council Agenda Report on House Bill 3453, which would authorize the State to restructure local government in the event of a County fiscal emergency.

Mayor Hedenskog and I attended a meeting of south coast (Curry and Coos County) small cities on February 13. At that meeting, Governor's representative Jeff Griffin made a presentation concerning "what happens and what does not happen in the event of a County fiscal failure." Some notes:

- There has been some discussion of merging Coos County and Curry County. This would require approval by a majority of the voters in Coos County and a majority of the voters in Curry County. House Joint Resolution 2 has been introduced in the Oregon Legislature which would authorize the State to place such a matter on the ballot in each County. If the counties are consolidated, the County property tax rate would be adjusted to generate the same amount of property tax revenue to the new County as was received by the two counties. In this case, the Curry County tax rate would increase, and the Coos County tax rate would decline. Essentially, we would then have a larger County that still has inadequate revenue to sustain itself.
- There is no State statute that authorizes the State to take over County services. (Legislation authorizing bankruptcy has now been introduced).
- The Governor opposes using State funds to backfill any losses in County revenue.
- ORS 205.095 and ORS 205.100 establish a process for declaring a public safety emergency. This authorizes the County to request and receive state technical assistance with reorganization; the County would be billed for these services.
- Pending in the Legislature is HB 2206/SB 15 which would authorize the Oregon Department of Revenue to take over local property tax assessment and collection. Under this proposal, all taxing districts...including cities...would be assessed a fee for assessment and collection services. The fee could be as high as 20 per cent of the amount of taxes collected.
- Proposed SB 173 would allocate \$2.0 million in State grant funding to assist counties and cities in studying the feasibility of, and facilitating the consolidation of, City/County services. Locally, these funds could be used to facilitate the consolidation of 9-1-1/dispatching services; facilitation work would include identifying and allocating costs of operating a consolidated dispatch center to the various users (i.e. Sheriff, cities, fire districts, ambulance).

## **FEDERAL PERSPECTIVE**

On February 15, U.S. Senator Ron Wyden issued a press release announcing his plans to seek an extension of the Secure Rural Schools program for at least another year (see attached). According to Wyden's Deputy State Director, Mary Gautreaux, there is support for this proposal from the Senate Finance Committee leadership. However, to get the measure through Congress, the proponents will need to identify offsetting cuts in federal expenditures, which has become all the more difficult with the current controversy concerning sequester and upcoming debt ceiling increase debates. If legislation is ultimately approved, funding would be available some time in 2014.

The County measure placed on the May ballot provides: "The Board of Commissioners will reduce this tax in any year in which Federal Safety Net Related Payments are received."

“Federal Safety Net Related Payments” is not defined, but presumably would include SRS funds. The ballot measure does not require that the amount of the tax be reduced proportionately to the amount of federal funding received.

**Attachment(s):**

- a. Notice of Receipt of Ballot Title
- b. Curry County 2.1 Budget (Exhibit A)
- c. Public Safety Levy (Exhibit B)
- d. Summary of GF w PS levy (Exhibit C)
- e. Memo to Council re: LPSCC meeting with revised 2.1 budget
- f. Public Safety Levy, City of Brookings Analysis
- g. Public Safety Levy Worksheet (McClain)
- h. Oregonian article
- i. Wyden press release
- j. Daily Courier article
- k. Email letter from Commission Chair Smith

## NOTICE OF RECEIPT OF BALLOT TITLE

Notice is hereby given that on Tuesday, May 21, 2013 a measure election will be held in Curry County, Oregon. Notice is also given that an Order with a ballot title for a measure referred by Curry County has been submitted to the County Clerk of Curry County on February 13, 2013.

### Measure

**Caption:** County Law Enforcement Five Year Split Rate Operating Levy

**Question:** Shall Curry County Levy \$1.84 City and \$1.97 Rural per \$1,000 assessed value for law-enforcement for five years beginning 2013-2014?

This measure may cause property taxes to increase more than three percent.

**Summary:** Curry County's proposed discretionary resource budget of \$2.1 million will not sustain County Law Enforcement Services.

This proposed 5 year local option tax provides funding for:

Dispatch, 911, Jail Operations, Criminal Investigations, Crime Prevention, Search & Rescue, Marine Patrol, Civil Process, Juvenile Detention Services, Drug Enforcement, Prevention and Education, Traffic Safety, School Resource Programs, Sheriff Patrols, Adult Parole and Probation, Wild Land Fire and Tsunami Evacuations, Emergency Services, Juvenile Probation, Adult and Juvenile Prosecution, Child Advocacy, Victims Assistance.

This measure proposes split rates. While the above law enforcement services benefit all residents, the taxpayers in Brookings, Gold Beach and Port Orford will pay a lower rate because cities fund police departments.

This proposed local option tax, dedicated to Curry County Law Enforcement Services, is estimated to raise \$4,524,962 in 2013-2014, \$4,660,711 in 2014-2015, \$4,800,532 in 2015-2016, \$4,944,548 in 2016-2017, and \$5,092,885 in 2017-2018.

The Board of Commissioners will reduce this tax in any year in which Federal Safety Net Related Payments are received.

An elector may file a petition for review of this ballot title in the Curry County Circuit Court not later than 5:00 p.m. February 25, 2013 per ORS 250.195. An elector filing a petition under this section shall notify the county clerk in writing that the petition has been filed. The notice shall be given not later than 5:00 p.m. on the next business day following the day the petition is filed.

Reneé Kolen, Curry County Clerk  
By: Shelley Denney, Supervisor of Elections  
Publish: February 20, 2013

**A**  
**1**

Curry County 2.1 Budget  
Draft

Department	Elected	# FTE	Cost to GF
BOC	3-EO	.85-fte	330,454
Clerk-Elections/Recording	1-EO	2.85-fte	209,853
Treasurer	1-EO		109,110
Assessor, Tax & GIS	1-EO	5.2-fte	252,487
Tax Collection			28,000
DA, Victims Assist.	1-EO	2-fte	188,068
Surveyor	1-EO		10,613
Sheriff	1-EO		151,271
Patrol/Civil		2-fte	-
Incarceration	50000	DOC Funds	100,791
Marine & Forest Patrol		2-fte	-
Parole & Probation		6-fte	-
Juvenile		5.2-fte	320,779
Emergency Services		1-fte	49,183

**Admin Services costs are not included in the above numbers.**

County Counsel	.3 + .9-fte	74,657
Information Technology	1.5-fte	26,200
Telecom	0.3-fte	73,200
Accounting	1-fte	63,363
Payroll	1-fte	30,737
Occupancy -space utilities minor maint	1.5-fte	89,062
Bldg Repair & Const	.5-fte	66,614
Economic Development	1.25-fte	-
Insurance		60,000

Total

2,184,442

# Public Safety Levy

2/4/2013

**B**

Public Safety Departments	Non-Incorp %	Non-Incorp	Incorp	Incorp %	Public Safety
<b>1.37-424.20 Communication Tow</b>	85%	136,876	24,155	15%	161,030
<b>Public Safety Building major repa</b>	50%	50,000	50,000	50%	100,000
1.10-415.30 DA Office	42%	127,999	176,761	58%	304,760
1.10-421.20 Civil & Criminal	42%	194,872	269,108	58%	463,980
1.10-421.20 Sheriff - Patrol 6	95%	674,510	35,501	5%	710,010
1.10-421.20 Sheriff - Patrol 6	95%	674,510	35,501	5%	710,010
1.10-421.21 SAR	90%	4,500	500	10%	5,000
1.10-421.22 MJ Eradication	50%	-	-	50%	-
1.10-421.23 Marine Patrol	80%	12,416	3,104	20%	15,520
1.10-421.24 Forest Patrol	80%	-	-	20%	-
1.10-421.25 Harbor Sub Station	50%	9,345	9,345	50%	18,690
1.10-421.26 Jail	46%	485,691	570,159	54%	1,055,850
1.10-421.51 Communications	82%	354,060	77,720	18%	431,780
1.10-421.90 Animal Control	50%	2,610	2,610	50%	5,220
1.10-423.50 Parole and Probation	49%	11,677	12,153	51%	23,830
1.10-429.10 Em Svc	55%	36,152	29,579	45%	65,730
1.10-423.60 Juvenile Admin	20%	90,710	362,840	80%	453,550
<b>Public Safety Levy</b>		<b>2,865,925</b>	<b>1,659,035</b>		<b>4,524,960</b>
		Non-Incorp 62%	Incorp 38%		
		1,564,310,043	969,489,051		Assessed
		\$ 1.97	\$ 1.84		Rate
		3,081,691	1,783,860		
		93%	93%		collection
<b>Public Safety Levy</b>		<b>2,865,970</b>	<b>1,658,990</b>		<b>4,524,960</b>



## Summary GF w PS levy

2/19/2013

	Revenue						Expenditures						
	Grants & Contracts	Title III	Fees & Other	Public Safety	GF Discretionary	Total Revenue	PS	M&S	Cap Debt	Other	Ad Svcs 497,068	Total Expense	Net
<b>Public Safety Departments</b>													
1.37-424.20 Communication Tower		110,000	17,910	161,030		288,940		115,741	155,000		16,919	287,660	1,280
Public Safety Building major repair				100,000		100,000			65,000		4,062	69,062	30,938
1.10-415.30 DA Office	27,200		21,500	304,760		353,460	263,217	64,967		4,510	20,791	353,484	(24)
1.10-421.20 Civil & Criminal	4,000		55,900	463,980		523,880	471,197	65,100		4,487	33,795	574,579	(50,699)
1.10-421.20 Sheriff - Patrol				710,010		710,010	468,000	120,000	80,000		41,745	709,745	265
1.10-421.20 Sheriff - Patrol				710,010		710,010	468,000	120,000	80,000		41,745	709,745	265
1.10-421.21 SAR		75,000	10,000	5,000		90,000		84,500			5,281	89,781	219
1.10-421.22 MJ Eradication				-		-					-	-	-
1.10-421.23 Marine Patrol	186,706	40,000		15,520		242,226	179,072	46,820		1,609	14,217	241,718	508
1.10-421.24 Forest Patrol				-		-					-	-	-
1.10-421.25 Harbor Sub Station				18,690		18,690		17,900			1,119	19,019	(329)
1.10-421.26 Jail	192,000		57,000	1,055,850		1,304,850	907,329	251,550	60,000	9,432	76,760	1,305,071	(221)
1.10-421.51 Communications	136,800		82,000	431,780		650,580	519,274	58,200	20,000	4,527	37,621	639,621	10,959
1.10-421.90 Animal Control				5,220		5,220		4,000		662	291	4,953	267
1.10-423.50 Parole and Probation	304,883		71,009	23,830		399,722	341,162	32,000		3,257	23,523	399,943	(221)
1.10-429.10 Em Svc	66,071	75,000		65,730		206,801	65,634	127,650		640	12,119	206,042	759
1.10-423.60 Juvenile Admin	154,742	28,356	14,500	453,550		651,148	466,233	108,515	23,256	9,165	37,943	645,112	6,036
<b>Total Public Safety</b>	1,072,402	328,356	329,819	4,524,960	-	6,255,537	4,149,118	1,216,943	483,256	38,289	367,931	6,255,537	0
				Property Taxes	1,402,800								
				Fed Timber harvest	250,000								
				State Shared	151,000								
				CCEC / other	297,817								
				General Fund Discretionary	2,101,617								
				Discretionary Balance available	-								
General Fund Discretionary													
<b>General Fund Departments</b>													
1.10-411.10 Commissioners			2,970		435,416	438,386	392,700	19,200		701	25,784	438,386	0
1.10-411.30 BOPTA	1,100				3,257	4,357	3,966	100		34	256	4,357	0
1.10-414.00 Elections			24,000		193,897	217,897	133,416	56,283	14,478	904	12,816	217,897	(0)
1.10-415.15 Tax Collection	24,100		6,500		77,070	107,670	62,663	38,101		573	6,333	107,670	0
1.10-415.16 Treasurer	2,800		625		104,826	108,251	87,581	14,278		25	6,367	108,251	0
1.10-415.17 Assessor	139,500		29,450		365,671	534,621	392,143	107,954		3,079	31,445	534,621	0
1.10-415.18 GIS Ops.	15,000	60,000	42,000		7,346	124,346	13,859	6,883	96,152	138	7,314	124,346	0
1.10-415.40 Recording			144,100		34,623	178,723	152,736	14,442		1,033	10,512	178,723	(0)
1.10-419.15 Surveyor			41,100		19,136	60,236	48,064	8,629			3,543	60,236	0
1.10-423.61 Juvenile Healthy Start					-	-					-	-	-
1.10-432.10 Solid Waste			68,400		(46,697)	21,703	16,659	3,593		174	1,276	21,703	0
1.10-466.36 RSVP Office	44,406		5,750		9,056	59,212	48,349	6,907		473	3,483	59,212	0
1.10-466.37 Veterans	33,452				99,542	132,994	116,275	8,370		527	7,822	132,994	(0)
1.10-413.90 Non-Departmental	ral legal, Pro Svcs, Ins, dues, consultants				207,186	207,186	50,000	125,000		20,000	12,186	207,186	(0)
1.10-490.10 Cap Outlay - Other Ex					25,000	25,000			25,000			25,000	-
Tran To - 2.33 Bldg R&M & Const Projects					200,000	200,000			200,000			200,000	-
2.14 Tran To - Fair					19,288	19,288				19,288		19,288	-
2.17 Tran To Planning					60,000	60,000				60,000		60,000	-
2.17 Tran To Building					48,000	48,000				48,000		48,000	-
2.17 Tran To Environmental					6,000	6,000				6,000		6,000	-
1.30 Tran To Brookings Airport	ch for FAA improvement grants				40,000	40,000				40,000		40,000	-
1.27 Tran To Econ Development	ring staffint to 1.5fte				33,000	33,000				33,000		33,000	-
1.15 Tran To - ROAD	ay \$700,000				160,000	160,000				160,000		160,000	-
<b>Non-Public Safety</b>	260,358	60,000	364,895	-	2,101,617	2,786,870	1,518,413	409,740	335,630	393,949	129,137	2,786,870	0
<b>Totals</b>	1,332,760	388,356	694,714	4,524,960	2,101,617	9,042,407	5,667,532	1,626,683	818,886	432,238	497,068	9,042,407	0

10



# Summary GF Public Safety

2/19/2013

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Public Safety Departments	Non-Incorp %	Non-Incorp	Incorp	Incorp %	Public Safety
1.37-424.20 Communication Towers	60%	159,642	106,428	40%	266,070
1.10-415.30 DA Office	50%	117,005	117,005	50%	234,010
1.10-421.20 Civil & Criminal	51%	230,336	221,304	49%	451,640
1.10-421.20 Sheriff - Patrol 6	95%	707,741	37,250	5%	744,990
1.10-421.20 Sheriff - Patrol 6	95%	707,741	37,250	5%	744,990
1.10-421.21 SAR	75%	3,825	1,275	25%	5,100
1.10-421.22 MJ Eradication	50%	-	-	50%	-
1.10-421.23 Marine Patrol	50%	7,910	7,910	50%	15,820
1.10-421.24 Forest Patrol	62%	-	-	38%	-
1.10-421.25 Harbor Sub Station	54%	10,287	8,763	46%	19,050
1.10-421.26 Jail	29%	305,930	749,000	71%	1,054,930
1.10-421.51 Communications	80%	343,568	85,892	20%	429,460
1.10-421.90 Animal Control	61%	3,245	2,075	39%	5,320
1.10-423.50 Parole and Probation	55%	13,360	10,931	45%	24,290
1.10-429.10 Em Svc	50%	33,500	33,500	50%	67,000
1.10-423.60 Juvenile Admin	48%	221,899	240,391	52%	462,290
		2,865,988	1,658,972		4,524,960

Total departmental budget to be allocated.

Allocation between Incorporated and Non-Incorporated

Total Assessed Property Values	Non-Incorp	Incorp	Assessed Property Value
Levy Rate	62%	38%	Rate
Property Taxes Assessed	1,564,310,043	969,489,051	<<- Tax Assessed
Collection Rate	1.9700	1.8400	collection rate
Property Taxes Collected	3,081,708	1,783,841	
	93%	93%	
	2,865,990	1,658,970	4,524,960
	(2)	2	
	1.97	1.84	Assessed Rate
	1.83	1.71	Collected Rate

Property Taxes Collected



**GARY MILLIMAN**  
*City Manager*

Credentialed City Manager  
International City Management Association

# MEMORANDUM

*Office of the City Manager*

**TO:** Mayor and Council

**DATE:** March 19, 2013

**SUBJECT:** March 19 meeting of Local Public Safety Coordinating Council

I attended today's meeting of the Local Public Safety Coordinating Council (LPSCC). Also in attendance were Lt. Dotson, County Juvenile Officer Ken Dukek, Undersheriff Bob Rector, Judge Cindy Beeman, Commission Chair David Brock Smith and representatives from Oregon State Police, the District Attorney and Curry Health Services.

Commissioner Smith addressed the County fiscal crisis and the proposed tax levy. He distributed a revised version of the "2.1 Budget" (copy attached) dated March 15, 2013. I compared this to the "2.1 Budget" distributed January 28. There are a few minor line item changes, but the most significant difference is that this document includes a list of "Services Not Available in \$2.1 million." Smith explained that this was a list of services that would be curtailed if the proposed property tax levy fails in May.

Referencing this document, I asked Smith why "cities will need to transport to Coquille" if the County was not going to contract for any jail cells there (the outline says they will contract for three, but would not be available for holding or incarceration. An earlier report indicated that these cells would be available for parole and probation only). He had no response.

I also noted on this document that one of the services to be cut is the \$40,000 match from the County General Fund for FAA grant-funded improvements to the Brookings Airport. It is not clear as to whether this would be the match required for the current project, or for future projects.

Smith reported that he had not vetted this new 2.1 budget document with the Sheriff because the Sheriff was out of town last week. Rector said that "The Sheriff would draft a very different picture of the 2.1 budget."

Smith reported that if the tax levy fails on May 21, the County would be laying off 50-65 employees on May 22. He invited any interested parties to attend the County Budget Committee workshops scheduled for March 25-29.

Smith said he was in Salem all day on Monday meeting with the Governor's Chief of Staff working on amendments to HB 3453 and that the Governor was personally lobbying for the Bill. He said the latest amendments would remove the County Commissioners from the emergency declaration decision process.

Dukek reported that the Juvenile Department had lost \$42,000 in State grant funding because of a new distribution formula at the State level.

Rector reported that they are now down to four road deputies and two marine deputies. He said they had to return grant funding for forest patrol because the amount of funding was insufficient to hire a full time deputy. OSP reported that they now have four patrol officers and two fish/wildlife officers assigned to Curry County, with a part-time Sergeant. This is down from six patrol officers, three fish/wildlife officers and a full time Sergeant a year ago.

Dukek proposed the development of a reporting system whereby all law enforcement agencies would report statistics like jail bed days, major and minor crimes, and other statistics that would be developed into an annual report. There was general agreement.

I reported that the City Council would be taking up several matters related to County finances, the law enforcement levy and County organization at the March 25 City Council meeting and invited all to attend.

Curry County 2.1 Budget  
Draft

3/15/2013

Services Not available in \$2.1m

Department	Elected	# FTE	Cost to GF	
BOC - Governance	3-EO	.85-fte	330,454	District Attorney - prosecution of less serious crimes minor offenses, animal abuse.
Clerk-Elections/Recording	1-EO	2.85-fte	209,853	Sheriff - minor crimes not investigated.
Treasurer - taxes to cities, libraries	1-EO		109,110	Sheriff - patrol deputies
Assessor, Assessment & Taxation	1-EO	5.2-fte	252,487	Sheriff - domestic / minor disturbance response
Tax Collection			28,000	Sheriff - Jail - max 3 to Coos County
Surveyor	1-EO		10,613	-No local holding / incarceration.
DA, Victims Assist.	1-EO	2-fte	188,068	-Cities will need to transport to Coquille
Sheriff	1-EO		151,271	Sheriff - 911 Emergency Dispatch
Patrol/Civil		2-fte	-	-Fire, Medical
Incarceration - 100,791K Actual with 50K of DOC Grant Funds			50,791	-Vehicle accident
<del>Marine &amp; Forest Patrol</del>		2-fte	-	-
Parole & Probation		4-fte	-	-
Emergency Management		1-fte	49,183	Sheriff - Harbor sub station closed.
Juvenile		5.2-fte	320,779	Sheriff - limited staff for Search & Rescue
				Sheriff - Marine reduced whitewater rescue capability.
				Sheriff - reduced Emergency response
<b>Admin Services costs are not included in the above numbers.</b>				Sheriff - No nuisance animal control enforcement.
County Counsel		.3 + .9-fte	74,657	Juvenile -
Information Technology		1.5-fte	26,200	
Telecom		0.3-fte	73,200	
Accounting		1-fte	63,363	No General Fund support for:
Payroll		1-fte	30,737	Planning land use, flood mitigation & zoning services.
Occupancy -space utilities minor maint		1.5-fte	89,062	Building permits & inspections
Bldg Repair & Const		.5-fte	66,614	Septic permits & inspections
Economic Development		1.25-fte	-	County Fair support
Insurance			60,000	Brookings Airport FAA grant improvments

Total

2,184,442

**Public Safety Levy**  
**City of Brookings' Analysis 2/19/2013**

				<u>Tax Rate</u>		<u>Public</u>
				<u>Unincorp</u>	<u>Incorp</u>	<u>Safety</u>
<b>Public Safety Departments</b>						
1.37-4.24.20	Communications Tower					161,030
<b>Public Safety major repairs</b>						100,000
1.10-415.30	DA Office					304,760
1.10-421.20	Civil & Criminal					463,980
1.10-421.21	SAR					5,000
1.10-421.23	Marine Patrol					15,520
1.10-421.26	Jail					1,055,850
1.10-421.90	Animal Control					5,220
1.10-423.5	Parole and Probation					23,830
1.10-429.10	Em Svc					65,730
1.10-423.60	Juvenile Admin					453,550
Services shared by unincorporated and incorporated				1.13	1.13	<u>2,654,470</u>
				<u>Non-Incorp</u>		
1.10-421.20	Sheriff - Patrol 6	100%	710,010			710,010
1.10-421.20	Sheriff - Patrol 6	100%	710,010			710,010
1.10-421.25	Harbor Sub Station	100%	18,690			18,690
1.10-421.51	Communications	100%	354,060 a			<u>354,060</u>
Services provided to unincorporated areas only						<u>1,792,770</u>
				1.23		<u>1,792,770</u>
Total Net Tax Revenues to be raised by Levy calculation						4,447,240
a - Directly billed to Cities of Gold Beach and Port Orford; should not be part of levy calculation						<u>77,720</u>
						<u>4,524,960</u>
Total Levy Tax Rate				<u>2.36</u>	<u>1.13</u>	
				<u>Non-Incorp</u>	<u>Incorp</u>	<u>Total</u>
				62%	38%	
Assessed Value				1,564,310,043	969,489,051	2,533,799,094
Collection rate						93%



McCLAIN

## Public Safety Levy Worksheet

		Un-Incorp %	Un-Incorp	Incorp	Incorp %	Total
1.37-434.20	Communication Tower	85.0%	136,876	24,155	15.0%	161,030
Public Safety	Building Major Repair	58.0%	58,000	42,000	42.0%	100,000
1.10-415.30	DA Office	58.0%	176,761	127,999	42.0%	304,760
1.10-421.20	Civil & Criminal	58.0%	269,108	194,872	42.0%	463,980
1.10-421.20	Sheriff Patrol 6	100.0%	710,010	0	0.0%	710,010
1.10-421.20	Sheriff Patrol 6	100.0%	710,010	0	0.0%	710,010
1.10-421.21	SAR	90.0%	4,500	500	10.0%	5,000
1.10-421.22	MJ Eradication	50.0%	0	0	50.0%	0
1.10-421.23	Marine Patrol	80.0%	12,416	3,104	20.0%	15,520
1.10-421.24	Forest Patrol	80.0%	0	0	20.0%	0
1.10-421.25	Harbor Sub Station	100.0%	18,690	0	0.0%	18,690
1.10-421.26	Jail	58.0%	612,393	443,457	42.0%	1,055,850
1.10-421.51	Communications	85.0%	367,013	64,767	15.0%	431,780
1.10-421.90	Animal Control	58.0%	3,028	2,192	42.0%	5,220
1.10-423.50	Parole & Probation	58.0%	13,821	10,009	42.0%	23,830
1.10-429.10	Emergency Services	100.0%	65,730	0	0.0%	65,730
1.10-423.60	Juvenile Administration	58.0%	263,059	190,491	42.0%	453,550
Budget Allocation		75.6%	3,421,415	1,103,545	24.4%	4,524,960
Assessed Value		61.7%	1,564,310,043	969,489,051	38.3%	2,533,799,094
Cost per Assessed 1,000			\$2.19	\$1.14		
Collection Rate			93.0%	93.0%		
Public Safety Levy to achieve budget			\$2.35	\$1.22		
Population		58.0%	13,340	9,660	42.0%	23,000

**OregonLive.com**

Everything Oregon

## Oregon lawmakers prepare for worst-case scenarios in near-broke timber counties

By [Yuxing Zheng, The Oregonian](#)

on February 27, 2013 at 7:21 PM, updated February 27, 2013 at 9:40 PM

SALEM -- The [Curry County](#) sheriff's budget for the next fiscal year amounts to two deputies and three jail beds -- in neighboring Coos County.

County officials will ask voters for more money in May with a public safety levy. If voters reject it, the problems of this sparsely populated county in Oregon's southwest corner could become the problems of the entire state.

Lawmakers in Salem are preparing for the worst. An unprecedented number of bills in the Oregon Legislature aim to lay the groundwork for financially distressed counties to declare a fiscal emergency and to allow the state to provide required services such as tax collection, elections and public safety. Other bills would allow counties to merge or to declare bankruptcy, which they're currently prohibited from filing.

If officials tap state resources to operate county functions in southwest Oregon, that would likely mean that tax dollars from more prosperous, heavily taxed Portland-area counties get shipped to the timber-reliant counties, which have some of the lowest permanent property tax rates in the state.

"I think we're at a point now where the federal government isn't going to be able to bail us out this time," said David Brock Smith, chairman of the Curry County Board of Commissioners. "We need to help ourselves."

Officials in Curry, Coos, Douglas, Josephine, Jackson, Lane and other timber-reliant counties face [the prospect of financial insolvency in coming years as county timber payments from the federal government end](#). The counties relied heavily on the payments, intended to compensate for the drop in logging in federal forests, to formulate county budgets.

The most immediate concern is public safety. One bill expected to be introduced through the House Rules Committee next week spells out how the governor could declare a "public safety fiscal emergency" and create an

### More

[Continuing coverage of the county payments program created in 2000 to reimburse counties for lost income from the sale of timber on federal lands.](#)

### Search for solution continues

WASHINGTON -- This was supposed to be the year that Congress approved a new, permanent mechanism for



intergovernmental agreement to provide some of those services.

[Other bills](#) seek to allow the secretary of state's office to provide elections functions, the Department of Revenue to provide property tax assessment and collection, the Oregon Department of Veterans' Affairs to provide local veterans services, and the Department of Consumer and Business Services to provide building inspections. Most bills would first require the local governing board to request that the governor make an emergency designation.

"I don't think it'd be responsible for the Legislature to not have a plan in the unfortunate case of insolvency," said Rep. [Bruce Hanna](#), R-Roseburg.

Hanna is sponsoring [House Bill 2924](#), which would allow a county to file for bankruptcy. He acknowledged the bill is "controversial" but said bankruptcy is a necessary last resort.

"If you had insolvency without the ability to get relief, you don't push the envelope to the edge as far as allowing a county to reorganize debt," said Hanna, who sits on a House task force for timber-dependent counties. "Bankruptcy would give them that. It's, to a degree, the last straw."

The state [Department of Administrative Services](#) would help coordinate state management of services for distressed counties. Under [a bill passed in the 2012 Legislature](#), a county board could request the governor declare a fiscal emergency, prompting the creation of a fiscal assistance board that could authorize the state to take over certain services.

Some of the bills under consideration would allow state agencies to charge counties administrative fees to cover the cost of providing certain services. But it's unlikely a broke county could fully compensate the state, leaving various state agencies -- and taxpayers from across the state -- footing the rest of the bill.

"There are many arguments to be made about how much

sending federal dollars to financially strapped rural counties like Curry, Lane and Josephine.

But that promise is fading, slowed by gridlock in Congress and differences among stakeholders in Oregon.

As a result, Sens. Ron Wyden, D-Ore., and Max Baucus, D-Mont., have proposed another one-year extension of slightly less than the \$105 million the program sent to Oregon counties last fiscal year.

An extension would buy time to build support for a more permanent solution.

One plan offered by Oregon Reps. Peter DeFazio and Greg Walden and Kurt Schrader would convert 1.5 million acres of Oregon and California Railroad Grant, the so-called O&C lands, to a public trust. A committee selected by the governor would manage the property commercially, with some revenue going to counties. The rest of the O&C land would be managed as a conservation area.

The lawmakers continue to work on the idea, but it hasn't gotten much traction in Congress. [The effort sustained a hit Feb. 6 when a panel of timber executives, environmentalists and leaders from Oregon's most financially strapped counties appointed by Gov. John Kitzhaber couldn't agree on how to solve the logging tug-of-war.](#)

With that plan sputtering, Wyden is floating another more ambitious idea.

According to Wyden spokesman Keith Chu, Wyden would combine a collection of currently separate revenue-generating programs into one unit that would underwrite assistance to rural counties.

The fund would include timber, onshore and offshore oil and gas leases, mineral extraction and renewable sources of power.

Chu said that Wyden still supports the O&C approach and the combined fund is not intended to be a substitute.

The new fund would have much more money from many more sources and it would presumably expand political



does every citizen in Oregon have a stake in at least a base level of service delivery across the state," said Michael Jordan, director of the Department of Administrative Services. "You could make the equity argument that most of the income tax revenue comes from the Portland metro area, but pick a service, and at least in education's case, that money has been formulaically distributed across the state."

support because a much larger slice of the country would be involved.

-- [Charles Pope](#)

Timber-dependent counties not only have large swaths of untaxable federal forests but also lower incomes. Josephine County, for example, has an annual median household income of \$37,824, compared with \$50,726 in Multnomah County. The counties also have some of the lowest permanent tax rates, which voters have been reluctant to raise.

Voters in Josephine County, which has the state's lowest permanent tax rate at \$0.59 per \$1,000 of assessed property value, rejected a law enforcement property tax levy in May 2012. [The rejection forced the sheriff's office to release inmates, eliminate its major crimes unit and reduce the number of patrol deputies to six.](#)

Curry County spun off its human services department into a nonprofit at the beginning of the month, said Smith, the county chairman.

Commissioners there are hoping voters in May will approve a five-year public safety levy that would raise \$4.5 million annually. Otherwise, the county will have a \$2.1 million general fund budget for the next fiscal year, which starts July 1. [Commissioners in spring 2012 even considered a local sales tax.](#)

If the state ultimately steps in to provide services, Smith fears residents will lose local control while forking over precious tax dollars to the state to cover administrative charges.

"Curry County is the first one on the cliff," Smith said. "The parachute has been deployed. We're just trying to figure out where to land."

-- [Yuxing Zheng](#)  
[@yuxingz](#)

### **Permanent property tax rates by county**

1. (lowest) Josephine: \$0.59
2. Curry: \$0.60
3. Coos: \$1.08
4. Douglas: \$1.11
7. Lane: \$1.28
14. Jackson: \$2.01
16. Washington: \$2.25
24. Clackamas: \$2.98
33. Multnomah: \$4.34
36. (highest) Sherman: \$8.71

Rates are per \$1,000 of assessed property value and do not include local-option levies.

*Source: Association of Oregon Counties*

# Baucus and Wyden Pledge to Extend Secure Rural Schools Program

Friday, February 15, 2013

**Washington, D.C.—** Senator Max Baucus (D-MT) and Senator Ron Wyden (D-OR) pledged on Friday to extend the Secure Rural Schools program for at least another year, buying time to craft a long-term solution for rural communities.

Baucus, who chairs the powerful Senate Finance Committee, has strongly supported the program in the past, and said he will again work to ensure the lifeline for resource-dependent communities does not disappear.

**"These investments are the lifeline that keeps teachers in the classroom, lights on at the road department and emergency crews on the job in Montana counties,"** Baucus said. **"And they are rightfully due to rural counties that are home to large areas of federal lands. Now is not the time to pull the rug out from under them."**

Wyden, who chairs the Energy and Natural Resources Committee, has worked for years to provide stability to rural Oregon communities, and authored the original Secure Rural Schools and County Self-Determination Act in 2000.

**"Maintaining the federal government's historic obligation to rural Oregon and to rural America has always been my top legislative priority,"** Wyden said. **"As the chairman of the Energy and Natural Resources Committee, I plan to throw my weight behind an extension of this program, to make sure rural counties are not left in the lurch."**



**Ron Wyden**  
@RonWyden

Follow

Renewing Secure Rural Schools ensures rural counties aren't left in a lurch & is my & Chairman Baucus' top priority. [1.usa.gov/XcWPmE](http://1.usa.gov/XcWPmE)

10:41 PM - 15 Feb 13

7 RETWEETS 1 FAVORITE



# Detective: Grants Pass is 'wasteland of criminals'

*Longtime officer quits force  
amid frustration about the  
city's criminal justice system*

By **SHAUN HALL**  
Grants Pass Daily Courier

Grants Pass police Detective Mike Vorberg has called it quits, saying he is disappointed with the state of the local criminal justice system.

"Evil is winning here," Vorberg said in a resignation letter. "There is a profound amount of heartbreak that comes with watching your hometown become a wasteland of criminals. For the first time in my life, I no longer want to be a resident here."

Vorberg has gone to work for the police department in Tulatin. He was born and raised locally, graduated from Grants Pass High School and went to work for the Josephine County Sheriff's Office at age 21. He worked eight years there and worked the past seven years with the Grants Pass Department of Public Safety. His resignation letter is dated Jan. 21.



**Vorberg**

"Evil is  
winning here."

## Wasteland

from Page 1A

"In my 15 years of being a cop, I have investigated thousands of drug crimes, hundreds of deaths and dozens of murders," Vorberg wrote. "I have been in over 200 meth labs and have fought for my life on a few occasions. I have seen murdered children, and unspeakable things that people should never have to see. I have been shot at, punched, kicked, spit on, bled on, and called every name in the book. And still, I would proudly die for the people we serve."

But then came last May's defeat of a Josephine County public safety levy.

"The people we serve shocked me," he continued. "In our most desperate hour of need for help and support, they told us they did not support us. They voted no to justice, an idea as basic a necessity as shelter. They voted no to a functioning jail and prosecutor's office. They effectively made the Grants Pass Department of Public Safety an engine with no car."

Justice system services have been slashed in the wake of cuts in federal subsidies to the county and last spring's failure of a property tax proposal to fill the resulting gap. Now, the Josephine County Jail holds 100 inmates, down from 150 a year ago and a total potential capacity of 262; and sheriff's patrols have been cut to 40 hours per week, with Oregon State Police filling some of the gap. Last fall, prosecutions dropped by about half of previous levels, although staffing has increased slightly. Also, the county's juve-

nile detention center and shelter closed, with rented detention beds in Medford now being used to fill that gap.

Vorberg said the jail could not take people arrested for burglary, assault, robbery and drug dealing.

"We have had hundreds of cases of legitimate criminal charges rejected by the District Attorney's Office due to budget cuts and staffing cuts," he said.

"It is troubling how passionately certain members of the voting majority could fight so hard against us, the 'good guys,'" he continued. "For most citizens, crime is out of sight and out of mind."

"For us with our thumbs on the pulse of crime at home, it is ever in our sight and doubly on our mind."

District Attorney Stephen Campbell praised Vorberg.

"He was one of the best detectives I've worked with," he said. "To lose him is not good."

Vorberg said he regretted leaving a department he loves, but that he has "another family I must think of first." He estimated it would take generations for the county to recover.

Vorberg will be replaced on the department's five-person detective division by former Detective Pete Jenista.

"Mike's loss was difficult," division supervisor Sgt. Dan Evans said. "We lost a lot of experience. A lot of what we do back here is about connections. You lose that."

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Reach Daily Courier reporter  
Shaun Hall at 541-474-3813 or  
shall@thedailycourier.com.



## Gary Milliman

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**From:** Joyce Heffington  
**Sent:** Wednesday, March 06, 2013 8:49 AM  
**To:** Gary Milliman; Bill Hamilton; Brent Hodges; Jake Pieper; Kelly McClain; Ron Hedenskog  
**Subject:** FW: Please Pass on to your Mayor, Administrators and Councilors-Crime increases in Oregon county following public safety cuts (Josephine County)  
**Attachments:** JOCOUNTY.pdf

Please see below.

Joyce Heffington  
City Recorder

---

**From:** David Brock Smith [mailto:smithd@co.curry.or.us]  
**Sent:** Tuesday, March 05, 2013 4:05 PM  
**To:** Joyce Heffington; mmurphy@portorford.org; Jodi Fritts  
**Subject:** Please Pass on to your Mayor, Administrators and Councilors-Crime increases in Oregon county following public safety cuts (Josephine County)

## Will Curry County realize the lessons learned from its neighbor Josephine County?

Good Afternoon,

Below is a March 2, 2013 article by the Associated Press regarding Josephine County's public safety issues. One would say that words cannot express my deep concerns for our county's future and the immediate severity of the situation we all face. Although, words must express this situation, and not only my words but others as well. Even though it comes at a very unfortunate cost to our neighboring Josephine County to the east and their citizens, we are blessed to bear witness to our future if we do nothing to help ourselves. The citizens of Josephine County, another Federal Timber dependent county like ours, failed to pass their modest Law Enforcement Levy in May of 2012 and were forced to make dramatic cuts to personnel in July which is exactly what we are facing in Curry County. They have seen crime skyrocket, burglaries upwards to 50% while prosecutions down by 42%, drug cartels (and yes to those that are uninformed we do have drug cartels in Southern Oregon) have been positioning themselves into communities and are watching what happens to Curry County Law Enforcement. Former Josephine County Sheriff and currently resigning Grants Pass Detective Mike Vorberg has stated publicly, "Grants Pass is a wasteland of criminals and evil is winning here", he goes onto say, "It is troubling how passionately certain members of the voting majority could fight so hard against us, the 'good guys' ". Detective Vorberg is leaving Grants Pass where he grew up and has lived and worked as a peace officer all his life for better pay, benefits and job security in Tualatin. He continues, "The people we served shocked me....they voted no to justice, an idea as basic a necessity as shelter. They voted no to a functioning jail and prosecutors office. They effectively made the Grants Pass Department of Public Safety an engine with no car". This last public statement is the reality of the situation we all face. If the City of Grants Pass, with all of its resources and public safety cannot function without the county's law enforcement services than how are the Cities of Brookings, Gold Beach or Port Orford going to be able to have functioning public safety services, they will not. The reality of this serious situation is no one has come to their aid, there has been no significant federal timber payments to come close to shoring up the fiscal hole left even after drastic cuts. The state has not stepped in to help, although Josephine is fortunate to have some State Police presence (12) where we are left with 4 troopers county wide. Sheriff Bishop also just informed me that another experienced and dedicated Patrol Deputy will soon be leaving the Sheriff's Department for a better job, but more importantly, job security, leaving our Sheriff's Patrol at four Deputies to cover 1746 square miles. I have grave concerns for the future of our county if we do not take the steps needed and presented to you for our own Public Safety stability. I have fears of property values plummeting while homeowner's insurance rates skyrocket, tourism; our



county's economic driver, tanks, once word of a lawless Curry County spreads, and our friends and neighbors decide to move, taking children from our already financially distressed schools. Folks, I don't want to raise your or my taxes and you must realize we cannot cut our way out of the lack of Federal Timber revenue to make up the budget needed to fund the basic levels of Public Safety to our citizens. Your county elected officials and staff are working hard to find ways to not only cut but also to generate revenue that will fund public safety services. Your Board is working on those plans now but we need a funding bridge for them to come to fruition. We cannot afford to have Josephine County's reality our own as our cuts will be much worse and we must understand that in order to have healthy cities and communities, we must have a healthy county and to do this we must support the Local Law Enforcement Levy in May.

Respectfully,

David Brock Smith, Chair  
Curry County Board of Commissioners  
94235 Moore St., Suite 122  
Gold Beach, OR 97444  
541-247-3296  
[SmithD@co.curry.or.us](mailto:SmithD@co.curry.or.us)

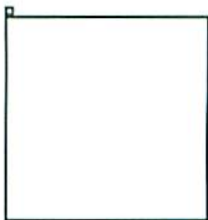


By [The Associated Press](#)

on March 02, 2013 at 1:56 PM

[Print](#)

[Email](#)



[View full size](#) The Josephine County Sheriff's Office Major Crimes unit was dismantled last year after all of the employees there, including several detectives, were laid off. It was part of the county's response to voter defeat of a law enforcement property tax levy. Now crime is up and prosecutions are down in the county. *Beth Nakamura/The Oregonian*

Crime is up and prosecutions are down in Josephine County and the city of Grants Pass since deep cuts to the jail and the district attorney's office were forced by voters who refused to raise their taxes to make up for the expiration of a federal timber subsidy.

The Grants Pass Daily Courier reported that burglaries were up 50 percent in Grants Pass and 45 percent in the rest of the [southern Oregon county](#) in 2012, compared with the previous year. Prosecutions were down 42 percent.

[Grants Pass Public Safety](#) Director Joe Henner said the county is seeing a failing criminal justice system.

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[More](#)

"We're seeing increased crime," Henner said. "Our officers are saying they're having more hostile and violent encounters with suspects, who are challenging them and fighting."

Henner added that the numbers are likely to get worse.

Midway through last year, deep cuts affected jail, prosecution and rural patrol services, plus juvenile department services. "A full year (of statistics) likely would show greater call increases," Henner said.

Liquor store owner Jack Ingvaldson said there is "anarchy in the alleys" of downtown.

"I'm putting in gates to keep them out," he said. "I'm a pretty compassionate guy. I donate. But at what time does one run out of patience?"

At the district attorney's office, about 1,000 fewer misdemeanor and felony cases were prosecuted last year, compared with the previous year, according to **District Attorney Stephen Campbell**. Last year, about 1,400 cases were prosecuted versus 2,400 prosecutions the previous year.

"I lost four attorneys (out of nine)," he said. "And that's not a full year, either. I didn't lose those attorneys until July 1." Since then, a full-time and part-time attorney have been rehired.

Realtor Gerard Fitzgerald said the county is getting a reputation that threatens its economic future.

"People will not buy a house in an unsafe community," Fitzgerald said. "Once a community gets a reputation, it takes a long time to turn that around. If we get branded, it will be very, very serious. Right now, I don't think we have a reputation in Oregon as an unsafe community."

Risk to reputation is a particular concern because people from California move here and visit here, generating jobs, he said.

"If you cannot attract economic growth, then we do not have the jobs," Fitzgerald said. "We have a service economy. We now may have something that could threaten that service economy. We need to find a permanent, stable method of funding."

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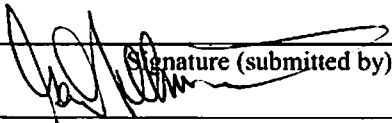


# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

---

Subject: House Bill 3453

Recommended Motion:

Motion to authorize the Mayor to send a letter to the Oregon House Committee on Rules and Governor John Kitzhaber requesting that cities in the Counties affected by HB 3453 be included in any future meetings which involve crafting the provisions of this Bill; that the City opposes any provision or interpretation of this Bill which would result in dissolution of the City or diverting its resources, without compensation, to providing services to other units of government; and that the City is willing to enter into discussions with the State and the County concerning possible intergovernmental agreements whereby the City would provide public safety services to areas of the unincorporated territory of Curry County.

Background/Discussion:

The Oregon House of Representatives Committee on Rules, at the request of Governor John Kitzhaber, has introduced House Bill (HB) 3453 which:

*"Provides that Governor may proclaim, in affected counties, public safety fiscal emergency, with unanimous agreement of President and Minority Leader of Senate and Speaker and Minority Leader of House of Representatives. Allows for consolidation or merger of units of local government and for intergovernmental agreements for purpose of providing services. Allows for imposition of income tax assessments on residents of affected counties, with maximum rate to be specified in proclamation and with approval of county governing board."*

The full text of the Bill (as of its date of introduction) is attached. HB 3453 would be effective upon passage.

Essentially, HB 3453 would authorize the Governor, with the consent of the legislative leadership, to exercise emergency powers to respond to a fiscal emergency affecting public safety in counties that no longer have the resources to provide public safety services.

While it remains unclear as to how the authorities granted under this legislation would be implemented, City staff has interpreted the Bill as presently drafted to allow actions such as:

1. Requiring the County to enter into an intergovernmental agreement with the City of Brookings to provide law enforcement services within a specified area of the unincorporated territory; and requiring the City to perform those services.
2. Creating a new law enforcement district and imposing an income tax assessment to pay for the cost of the district providing services.

3. Mandating the consolidation of all four local law enforcement agencies in the County into one.

When asked “Does HB 3453 authorize the Governor to consolidate City Police Departments and the County Sheriff’s Department even if the cities are unwilling to enter into an intergovernmental agreement?” the response from the League of Oregon Cities legislative analyst Chris Frick was “Yes, as the way the Bill is written now, I think it could dictate a merger.”

However, HB 3453 may authorize the State and the County to go even further. According to Curry County Commission Chair David Brock Smith, HB 3453:

*“This adds the final piece necessary for county solvency by going beyond funding public safety, by consolidating other ‘units of government’ such as cities and other taxing districts into the County with their resources.”* Curry Coastal Pilot March 16, 2013

Essentially, Commissioner Smith’s interpretation of HB 3453 is that it would enable the State to disincorporate the Cities of Brookings, Gold Beach and Port Orford...as well as any other unit of local government...into one local government entity: the County.

Attachment(s):

- a. HB 3453

# House Bill 3453

Sponsored by COMMITTEE ON RULES

## 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**.

Provides that Governor may proclaim, in affected counties, public safety fiscal emergency, with unanimous agreement of President and Minority Leader of Senate and Speaker and Minority Leader of House of Representatives. Allows for consolidation or merger of units of local government and for intergovernmental agreements for purpose of providing services. Allows for imposition of income tax assessment on residents of affected counties, with maximum rate to be specified in proclamation and with approval of county governing body.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to public safety fiscal emergencies; creating new provisions; amending ORS 203.055; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. The purposes of sections 2 to 8 of this 2013 Act are to reduce the loss of life, injury to persons or property and suffering that result from public safety fiscal emergencies and to provide for recovery and relief assistance. These public safety objectives are to be accomplished by creating cooperation among units of local government and granting the Governor the power to act on behalf of units of local government. The provisions of this section shall be liberally construed.**

**SECTION 2. (1) If the Governor, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives agree unanimously that a public safety fiscal emergency has occurred or is imminent, the Governor may proclaim a public safety fiscal emergency.**

**(2) The Governor shall specify in a proclamation made pursuant to this section each county in which the public safety fiscal emergency has occurred or is imminent. The area specified in the proclamation shall be as small as necessary to allow for an effective response to the emergency.**

**(3) A proclamation made pursuant to this section shall state any units of local government to be consolidated or merged for the purpose of providing services in the interest of public safety and the maximum rate of an income tax assessment, if any, that may be imposed to fund public safety services.**

**(4) As used in sections 2 to 8 of this 2013 Act, "local government" has the meaning given that term in ORS 174.116.**

**SECTION 3. (1) Whenever the Governor has proclaimed a public safety fiscal emergency pursuant to section 2 of this 2013 Act, the Governor may, on behalf of a unit of local government within the area covered by the proclamation, enter into a written intergovernmental agreement with any other unit of local government, whether inside or outside the**

**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 area covered by the proclamation, for the performance of any or all functions and activities  
2 that a unit of local government that is party to the agreement, its officers or agencies have  
3 authority to perform.

4 (2) ORS 190.010 applies to the performance of a function or activity pursuant to an  
5 intergovernmental agreement entered into under subsection (1) of this section.

6 **SECTION 4.** (1) An intergovernmental agreement entered into under section 3 of this 2013  
7 Act shall specify the functions or activities to be performed and by what means they shall  
8 be performed.

9 (2) Where applicable, the intergovernmental agreement shall provide for:

10 (a) Apportionment among the parties to the agreement of the responsibility for providing  
11 funds to pay for expenses incurred in the performance of the functions or activities.

12 (b) Apportionment of fees or other revenue derived from the functions or activities and  
13 the manner of accounting for the fees or other revenue.

14 (c) The transfer of personnel and the preservation of their employment benefits.

15 (d) The transfer of possession of or title to real or personal property.

16 **SECTION 5.** (1) A unit of local government that is designated, in an intergovernmental  
17 agreement entered into under section 3 of this 2013 Act, to perform functions or activities  
18 is vested with all powers, rights and duties relating to those functions and activities that are  
19 vested by law in each party to the agreement, its officers and agencies.

20 (2) An officer designated in an intergovernmental agreement entered into under section  
21 3 of this 2013 Act to perform duties, functions or activities of two or more public officers  
22 shall be considered to be holding one office.

23 **SECTION 6.** (1) An intergovernmental entity created by an intergovernmental agreement  
24 entered into under section 3 of this 2013 Act may, according to the terms of the agreement,  
25 adopt all rules necessary to carry out the intergovernmental entity's powers and duties un-  
26 der the intergovernmental agreement.

27 (2) As provided in section 7 of this 2013 Act, counties that comprise an intergovernmental  
28 entity created by an intergovernmental agreement may impose an income tax assessment  
29 within the area specified in the proclamation made pursuant to section 2 of this 2013 Act.  
30 The purpose of the assessment shall be to carry on the operations and pay the obligations  
31 of the intergovernmental entity.

32 (3) The debts, liabilities and obligations of an intergovernmental entity shall be, jointly  
33 and severally, the debts, liabilities and obligations of the parties to the intergovernmental  
34 agreement that created the intergovernmental entity, unless the agreement specifically  
35 provides otherwise.

36 (4) A party to an intergovernmental agreement creating an intergovernmental entity may  
37 assume responsibility for specific debts, liabilities or obligations of the intergovernmental  
38 entity.

39 (5)(a) Moneys collected by or credited to an intergovernmental entity may not inure to  
40 the benefit of any private person. Upon dissolution of the intergovernmental entity, title to  
41 all assets of the intergovernmental entity shall vest in the parties to the intergovernmental  
42 agreement that created the intergovernmental entity.

43 (b) The intergovernmental agreement creating the intergovernmental entity must pro-  
44 vide a procedure for:

45 (A) The disposition, division and distribution of any assets acquired by the intergovern-

1 mental entity during the term of the intergovernmental agreement that created the inter-  
2 governmental entity; and

3 (B) The assumption of any outstanding indebtedness or other liabilities of the intergov-  
4 ernmental entity by the parties to the intergovernmental agreement that created the inter-  
5 governmental entity.

6 (6) ORS 190.110 applies to all parties to, and all intergovernmental entities created by,  
7 an intergovernmental agreement entered into under section 3 of this 2013 Act.

8 **SECTION 7.** (1) To carry out the purposes of sections 2 to 8 of this 2013 Act, counties  
9 within the area covered by the proclamation made pursuant to section 2 of this 2013 Act may  
10 impose a tax:

11 (a) Upon the entire taxable income of every resident of the area who is subject to tax  
12 under ORS chapter 316 and upon the taxable income of every nonresident that is derived  
13 from sources within the area which income is subject to tax under ORS chapter 316; or

14 (b) On or measured by the net income of a mercantile, manufacturing, business, finan-  
15 cial, centrally assessed, investment, insurance or other corporation or entity taxable as a  
16 corporation doing business, located, or having a place of business or office within or having  
17 income derived from sources, within the area which income is subject to tax under ORS  
18 chapter 317 or 318.

19 (2) A tax imposed pursuant to this section shall require the approval of the governing  
20 bodies of each county within the area.

21 (3) The tax may be imposed and collected as a surtax upon the state income or excise tax.

22 (4) Any tax imposed pursuant to subsection (1) of this section shall require a nonresident,  
23 corporation or other entity taxable as a corporation having income from activity both within  
24 and without the area taxable under subsection (1) of this section to allocate and apportion  
25 such net income to the area in the manner required for allocation and apportionment of in-  
26 come under ORS 314.280 and 314.605 to 314.675.

27 (5) If a county adopts an ordinance under this section, the ordinance shall be consistent  
28 with any state law relating to the same subject, and with rules and regulations of the De-  
29 partment of Revenue prescribed under ORS 305.620.

30 (6) An ordinance adopted under this section may not declare an emergency.

31 **SECTION 8.** (1) A public safety fiscal emergency proclaimed pursuant to section 2 of this  
32 2013 Act terminates after 18 months unless the Governor, the President and Minority Leader  
33 of the Senate and the Speaker and Minority Leader of the House of Representatives unan-  
34 imously agree to extend the public safety fiscal emergency for a stated amount of time up  
35 to 18 additional months. The Governor shall proclaim the extension.

36 (2) The Governor shall terminate a public safety fiscal emergency by proclamation when  
37 the emergency no longer exists or the threat of an emergency has passed.

38 (3) The public safety fiscal emergency proclaimed by the Governor may be terminated  
39 at any time by action of the Legislative Assembly.

40 (4) Prior to the termination of a public safety fiscal emergency, the local governments  
41 that are parties to an intergovernmental agreement entered into under section 3 of this 2013  
42 Act may adopt an ordinance ratifying the creation of the intergovernmental entity to con-  
43 tinue the entity beyond the termination of the emergency. The ratifying ordinance shall be  
44 consistent with ORS 190.085.

45 (5) Nothing in this section shall prohibit a unit of local government from entering into

1 **an intergovernmental agreement under ORS 190.003 to 190.130 during a public safety fiscal**  
2 **emergency.**

3 **SECTION 9.** ORS 203.055 is amended to read:

4 203.055. (1) **Except as provided in subsection (2) of this section,** any ordinance, adopted by  
5 a county governing body under ORS 203.035 and imposing, or providing an exemption from, taxation  
6 shall receive the approval of the electors of the county before taking effect.

7 **(2) A tax may be imposed pursuant to section 7 of this 2013 Act upon receipt of the ap-**  
8 **proval of the county governing body.**

9 **SECTION 10.** The Legislative Assembly finds and declares that providing a coordinated  
10 and comprehensive response to a local or regional public safety fiscal emergency is a matter  
11 of state concern. Notwithstanding any provision of a county charter, a tax imposed pursuant  
12 to section 7 of this 2013 Act may be imposed upon receipt of the approval of the county  
13 governing body.

14 **SECTION 11.** This 2013 Act being necessary for the immediate preservation of the public  
15 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect  
16 on passage.  
17

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# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: City Manager

  
Signature (submitted by)

City Manager Approval

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Subject: Alternative Approach to Criminal Prosecution/Juvenile Services

Recommended Action:

None. Additional Research needed.

Financial Impact: Preliminary estimate of \$300-350,000.

Background/Discussion:

At the City Council meeting of January 28, 2013, Curry County Commission Chair David Brock Smith indicated that, under the "2.1 million budget" the District Attorney's office staffing would be reduced to a level where it would be unable to prosecute non-Measure 11 crimes and juvenile probation services would be substantially reduced. This matter was discussed further at the City Council meeting of February 11, 2013, and the City Manager was authorized to investigate and prepare a preliminary budget for the implementation of an alternative plan for providing law enforcement, prosecution and prisoner services in the event of a County curtailment of these services.

The City Manager has conferred with District Attorney Everett Dial and Juvenile Probation Director Ken Dukek considering the possibility of the City contracting for criminal prosecution and juvenile services in the event these services are substantially curtailed by the County. Following are the City Managers preliminary findings.

Both stated that, subject to review by County Counsel and approval of the Board of Commissioners, the County could enter into an intergovernmental agreement whereby the City would contract with the County to provide juvenile probation and prosecution services for Brookings criminal cases. Dial also stated that the City could possibly retain its own attorney who would be deputized by the District Attorney to prosecute Brookings criminal cases.

Dial, whose position is funded by the State, said he would continue to handle some non-Measure 11 cases, depending upon workload, if his current staffing level of two Deputy District Attorneys and two support staff was reduced. His initial reaction to City staff inquiry concerning the resources necessary to prosecute non-Measure 11 cases was that the Brookings caseload could be handled by one prosecutor and less than a full time support staff person. He said that the prosecutor and support staff should be located in Gold Beach for efficiency in travelling to and from court and access to other resources. The weighted cost of a Deputy District Attorney is about \$80,000 annually. There would be additional cost associated with providing staff support, office, travel, etc. Dial emphasized that none of this would work if there is no jail.



Dukek said that current service demand for supervision and court services for Brookings cases is approximately one full time employee (not including legal secretary and administration) and the cost is \$56,320. He estimated the cost of supplies and mileage at approximately \$8,500. He further estimated the cost of administrative overhead and legal secretary work at approximately \$40,000. Prevention services are estimated at approximately \$25,000. Community Service Work is estimated at approximately \$30,000. He estimated a total current service demand cost at \$160-\$170,000.

\$350,000 equals a property tax rate of \$0.60/\$1,000.

## MEASURE 11 CASES

**Measure 11** was a citizens' initiative passed in 1994 in Oregon. This statutory enactment established mandatory minimum sentencing for several crimes. The sentencing judge cannot give a lesser sentence than that prescribed by Measure 11, nor can a prisoner's sentence be reduced for good behavior. Prisoners cannot be paroled prior to serving their minimum sentence.

The measure applies to all defendants aged 15 and over, requiring juveniles 15 and over charged with these crimes to be tried as adults.

Minimum sentences mandated by Measure 11		
Crime	Minimum sentence	
Murder	25 years	
1st degree Manslaughter	10 years	
2nd degree Manslaughter	6 years, 3 months	
1st degree Assault	7 years, 6 months	
2nd degree Assault	5 years, 10 months	
1st degree Kidnapping	7 years, 6 months	
2nd degree Kidnapping	5 years, 10 months	
1st degree Rape	8 years, 4 months	
2nd degree Rape	6 years, 3 months	
1st degree Sodomy	8 years, 4 months	
2nd degree Sodomy	6 years, 3 months	
1st degree Unlawful sexual penetration	8 years, 4 months	
2nd degree Unlawful sexual penetration	6 years, 3 months	
1st degree Sexual abuse	6 years, 3 months	
1st degree Robbery	7 years, 6 months	
2nd degree Robbery	5 years, 10 months	

### Attachments:

- a. February 11, 2013 Council Agenda Report

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: February 11, 2013

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: County Fiscal Crisis

Recommended Motion:

Authorize staff to investigate and prepare a preliminary budget for the implementation of an alternative plan for providing law enforcement, prosecution and prisoner services as described in the Plan B discussion section of the Council Agenda Report dated February 11, 2013.

Financial Impact: See below.

Background/Discussion:

At the City Council meeting of January 28, several Councilors requested information concerning the possible impact of the County service/staffing reduction budget on City services. It was also suggested that I provide the Council with a briefing on the work of the Curry County Citizen's Committee and any other recommendations relating to the County fiscal crisis.

### PROPOSED COUNTY BUDGET

At the January 28 workshop with County Commissioners, Commission Chair David Brock Smith distributed a one page draft document entitled "Curry County 2.1 Budget."

Commissioners indicated that this was a representation of what the County budget would look like from a staffing level should they be restricted to operating on non-federal General Fund revenues totaling \$2.1 million annually.

Commissioners commented that among the basic assumptions in this proposal were:

- The District Attorney would only prosecute Measure 11 (mandatory sentencing/serious felony) crimes.
- The County would close the jail and contract with Coos County for three beds; Curry County currently operates with 43 beds.
- The number of Sheriff road deputies would be reduced to two.

Staff has reviewed the budget outline and has the following comments:

1. This document does not describe the total size of the County budget and operation; it purports to show only those positions funded through the General Fund. For example, there is no listing for Sheriff dispatchers, Road Department or planning/building services. Staff assumes that this is because these functions are paid for from other special funds, such as 9-1-1 or fees. **However**, the budget outline does include several positions other

that are funded in large part by non-General Fund revenues, such as Economic Development. Essentially, this budget outline does not accurately reflect the proposed overall staffing level of the County and sources of funds available to support those employees.

2. The budget outline indicates that the three existing members of the Board of Commissioners would be retained. The 2012-13 budget shows the salary for three Commissioners at \$182,307, not including benefit costs. Of the “Departments” listed, the Board of Commissioners is the largest. As presented, one might interpret the County operation as having three full-time commissioners/administrators managing a budget of \$2.1 million with 35.35 employees and nine full time elected officials.

By comparison, the City General Fund budget for 2012-13 is about \$4.5 million (including about \$2.2 million in property tax revenue). The City operates with one full time chief administrative officer with a base salary of \$105,000, 31.6 full time employees paid from the General Fund and five volunteer City Councilors.

3. If prosecutions are limited to Measure 11 crimes, how will other offenders be handled? How will this affect the staffing and State funding of the Superior Court?
4. With no jail staff, how will prisoners be transported back and forth to court from Coos County?
5. There is no Sheriff’s detective listed in the budget.

## **IMPACT ON CITY OF BROOKINGS**

### **GENERAL GOVERNMENT**

- How will basic services be affected such as collecting and distributing property tax, recording documents, conducting elections? Will the City be required to pay for these services? If these services are disrupted, it could create problems with cash flow, meeting statutory dates for elections, recording documents such as construction easements (which would impact street projects and private development) and other administrative systems.
- The County constantly being in fiscal crisis and not having consistent management is a deterrent to service consolidation. How can the City enter into contractual agreements with the County if there is no assurance that the County could fulfill its obligations in either funding its share or providing the service? The County and the cities are paying more overall for services because the County’s fiscal future is unclear.

### **LAW ENFORCEMENT**

- The City would need to review its policies on providing mutual aide and responding to emergency calls in the unincorporated area. We are already receiving more calls for service as the number of road deputies declines. How we deal with those calls will require careful consideration and direction to City police supervisors and communications officers. Supervisors are already beginning to restrict responses to the unincorporated area.
- The City would need to maintain a higher level of staffing in order to respond to major crimes and investigations.

- With diminished law enforcement resources in the unincorporated area, the incidence of crime is likely to increase in areas adjacent to the City. Some residual of this will cross over into the City as criminals are not necessarily cognizant of City boundaries.
- The absence of road deputies could foster a perception in the criminal community that Curry County is “lawless” and a good place to harbor their type of business. Again, the City can’t “bar the door” and completely keep these people out of town.
- Closing the jail could set up a legal conflict between the City and the County. The Sheriff is required to provide a jail. If the City is required to transport arrestees to jail in Coos County, who pays for transporting them there? Who pays for housing them there? Who pays for shuttling the prisoners back and forth to court in Gold Beach? It is likely that all but the most dangerous offenders will be cited and released.

**The Brookings Police Department made 491 arrests during 2012, 346 of whom were taken into physical custody, and 249 of whom were transported to County Jail. Also during 2012, 74 youth were arrested or taken into protective custody and 65 crime reports were referred to the Juvenile Department.**

- Reducing the District Attorney’s office will result in less prosecutions, more plea bargains, and could substantially reduce the deterrent element of the criminal justice system. If there are only minor or no consequences for acting badly, the bad guys will act badly, resulting in more calls for police services and more criminal impacts on City residents.
- The same holds true if the Juvenile Department is reduced to a level of ineffectiveness.
- Animal control services have already been eliminated. While the volume of stray dog calls is low, there are currently no resources available to respond to vicious dog or animal abuse reports, other than Brookings Police who are not trained in animal control.

## **FIRE AND RESCUE**

- If there is no search and rescue unit in the Sheriff’s Office, who “picks up the slack”? Most likely the fire departments, including the Brookings Fire Department.
- The Brookings Fire Department also serves as the Fire Department for the Upper Chetco and Brookings Rural Fire Districts. Absence of road deputies has several impacts on the fire department in the unincorporated areas served by the Brookings Fire Department:
  - Firefighters will be called upon more frequently to perform duties such as traffic control at traffic accidents.
  - There will be a greater period of time between the time the firefighters/ambulance arrive and law enforcement arrives at locations which may have involved a crime, such as hit-and-run accidents, domestic violence and arson fires. This will result in a delay in rendering emergency medical assistance in some cases.
  - New policies will need to be developed concerning firefighter response to incidents which may involve a violent situation when no law enforcement officer is available.

- The City will need to assess whether the amount of funds it currently receives from the rural fire districts, and whether the size of its paid and volunteer staffing, is sufficient to provide what may become a higher level of service.

## **PLANNING AND BUILDING**

- We are already experiencing the impacts of reduced staffing in County Planning and Building. Unincorporated area residents, or contractors working in the unincorporated area, contact the City Planning and Building staff for information on County and State codes, knowing that our City staff is also knowledgeable in these areas. This is likely to increase.
- The City has one Building Inspector who is qualified to perform inspections and plan reviews in most areas. However, the County Building Inspector provides service in the City during periods of sick and vacation leave, and one County inspector has an inspection certificate in an area of expertise that the City inspector does not. We would need to rely upon State inspection resources based in Coquille or Coos Bay for backup support.

## **ECONOMIC DEVELOPMENT**

- A County fiscal failure would have a significant negative impact on economic development efforts. While economic development pursuits are already difficult due to issues beyond Curry County's control, the County and the cities would find it even more difficult to recruit new private investment. Prospective residents and employers look at the quality of local services and are reluctant to make investments in communities where they perceive there is a lack of security for their investment, their family and the employees.
- Brookings is the economic center of the south coast of Curry County. Residents of the unincorporated area contribute to the City's economy, and the ability of other institutions, like schools, to provide a broader range of services to both City and unincorporated area residents. Growth in the unincorporated area as well as the City contributes to the overall economic well being of business and government agencies providing services to the broader community.

## **CITIZEN'S COMMITTEE RECOMMENDATIONS**

The Curry County Citizens Committee, appointed by the Board of Commissioners, made 19 recommendations...several of them alternative recommendations...for restructuring County government, increasing revenue and reducing expenditures. A few of these recommendations have been implemented at some level, including (13) increasing permit and license fees and (10) state assumption of some services. The County has also reduced its overall workforce by creating non-profit organizations to perform some County services and transferring assets to those new agencies.

However, most of the Committee recommendations have not been fully pursued. For example, the top recommendation was to initiate the process of transitioning the County form of government to a Commissioner/Administrator form. This would involve the employment of a full-time, professional Chief Administrative Office to manage the day-to-day affairs of the



County and allow part-time or volunteer Commissioners to focus on policy-making and long-term strategies.

The Committee felt that before any tax measure was put before the public, the County needed to demonstrate to the voters that they had made their best efforts to reduce the size of County government, convert as many services as possible to fee-based, and to enact a form of government that would improve operational efficiencies.

### **CITY MANAGER OBSERVATIONS**

The City Manager has issued a number of reports and white papers concerning the County fiscal crisis over the past two years. Please give special attention to the October 24, 2011, report to the City Council on the County Fiscal Crisis and the "Curry Citizens Committee Fiscal Emergency Ideas" whitepaper, both of which are attached. Most of the recommendations in the October 24, 2011, memorandum are still valid, although time is fast running out to have any additional meaningful involvement of citizen's advisory committees. It is time for decision making.

### **PLAN B**

Included in the October 24, 2011, memorandum is a suggested "Plan B" for sustaining essential services for the citizens of Brookings. The essential elements of Plan B would be for the City to hire two additional police officers (since this memorandum, the City has hired one); and fund the employment of a Deputy District Attorney and Secretary to handle the prosecution of Brookings "non-Measure 11" criminal cases.

The City currently operates a "temporary holding facility," which is not a jail. Jail's are highly regulated and labor intensive to maintain. According to Chief Wallace, the maximum amount of time anyone should be held in the Brookings holding facility is four hours. To avoid substantial liability, there should be an employee on duty whose sole function is to monitor the temporary holding facility when someone is in custody there. This could be handled by on-call, non-sworn employees...perhaps reserves paid on an hourly basis...who could also serve on-call to handle prisoner transportation to the jail/court.

If the City were to fund Plan B, the level of law enforcement...extending through to and including prosecutions...would be higher in Brookings than anywhere else in the County. This proposal requires further study and analysis, and should be vetted through the budget process.

### Attachment(s):

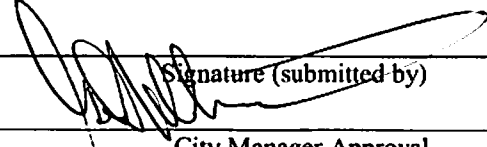
- a. Curry County 2.1 Budget.
- b. Curry County Citizens' Committee Recommendations February 1, 2012
- c. "Does Curry County Have a Fiscal Crisis?" presentation prepared by County staff.
- d. Memo regarding forms of County government in Oregon, February 1, 2012
- e. County Fiscal Crisis, October 24, 2011.
- f. City Manager opening comments to Curry County Citizens' Committee, 2011.
- g. City Manager white paper on Economic Development, 2012.
- h. Report to the Board of Commissioners from the Law Enforcement Blue Ribbon Committee, September 25, 2009.
- i. "Taking Stock of Form and Structure in County Government", Public Management magazine, December, 2008.
- j. "Shared Services", Public Management magazine, May, 2011.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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**Subject:** County Government Financing and Restructuring

**Recommended Motion:**

1. Motion to request the Curry County Board of Commissioners to place a three-year property tax levy measure on the November 2013 ballot which would:
  - a. Establish a split rate tax levy of \$1.93 in the unincorporated area and \$0.92 in the incorporated cities.
  - b. Require that all of the proceeds from such tax be used to fund County public safety services including Sheriff, District Attorney, Juvenile, Emergency Services and Jail.
  - c. Require that both tax rates be reduced on a dollar-for-dollar basis equal to the amount of any federal safety net related payments received.
  - d. Require that the unincorporated area tax rate be reduced on a dollar-for-dollar basis equal to the amount of unrestricted Transient Lodging Tax revenue received by the County.
2. Motion to request that the Curry County Board of Commissioners place a Transient Lodging Tax measure on the November 2013 budget which would:
  - a. Levy a tax rate of 6.0 per cent in the unincorporated area of the County.
  - b. Require that 30 per cent of all proceeds be used to fund County law enforcement services.
  - c. Require that 70 per cent of all proceeds be used to fund tourism related services as required by State Law.
3. Motion to direct the City Attorney to prepare a draft measure for the November 2013 Countywide ballot which would:
  - a. Change the form of Curry County government from a General Law County to a Home Rule (Charter) County.
  - b. Provide for a Commission/Administrator form of governance and management.
  - c. Provide for five elected County Commissioners who would be compensated initially at \$15,000 for the Chair and \$12,000 for each Commissioner, and authorizing annual salary adjustments to be approved by the non-Commission members of the County Budget Committee and not to exceed the increase in the Consumer Price Index.
  - d. Provide the draft measure to any parties who may be interested in gathering signatures to place the measure on the November 2013 ballot.
4. Motion to send a letter to Curry County Sherriff John Bishop notifying him that the City is prepared to enter into negotiations for the development of an intergovernmental agreement for 9-1-1 and emergency services dispatching, with the City to be the contract provider of said services.



5. Motion to authorize the Mayor to sign a letter to Representative Wayne Krieger and Governor John Kitzhaber requesting that they introduce and support legislation that would authorize Counties in fiscal crisis to use all Transient Lodging Tax proceeds from the unincorporated area to fund law enforcement services.
6. Motion to authorize the Mayor, Council President and City Manager to meet with the leadership of the Cities of Gold Beach and Port Orford to pursue their support for the above listed proposals.

**Background/Discussion:**

In its final report to the Curry County Board of Commissioners in February, 2012, the Curry County Citizen's Committee (CCCC) made 19 recommendations for restructuring County government and addressing the County fiscal crisis. To date, the only one of the recommendations that has been pursued is the placement of a property tax levy on the May, 2013, ballot. Not wishing to interfere in County government internal affairs, the City did not take a position on any of the recommendations. However, with the passage of time and the threat of State legislation that would negatively impact the City municipal government, the City Council may wish to become more involved in providing leadership in this matter.

**Recommendation #1** of the CCCC was that:

*"Commissioners immediately initiate the process of transitioning the County form of government to a Commission/Administrator form. This would involve the employment of a full-time, professional Chief Administrative Officer to manage the day-to-day affairs of the County and allow part-time volunteer Commissioners to focus on policy-making and long-term strategies. The Committee felt that greater efficiencies and cost-savings could be obtained with a full-time professional managing internally. Commissioners would have more time to devote to strategy and to advocate for the changes we need at the state and federal levels in order to make us financially viable and stable for the long-term."*

The Commission has taken no action to address this recommendation. While the City cannot put a measure on the countywide ballot, the City Could craft a measure that could be utilized by private parties as the basis for a Charter election. Key elements of the proposed measure might include 1) providing for a five-member Commission and an appointed Chief Administrative Officer, and 2) setting base compensation for Commissioners and limiting compensation increases based upon the CPI. Five Commissioners would provide broader representation of constituents.

Attached is a 2011 survey of Commissioner compensation in Counties of like size to Curry. Note that five of the seven Counties operate under a Commission/CAO form of government. In those Counties having five Commissioners, the average compensation of the Board Chair is \$14,867, and for Commissioner is \$11,885.

**Recommendation #12** of the CCCC was that:

*"Commissioners develop a tax structure that recognizes the disparities in incorporated and unincorporated areas and allows time and adequate funding to transition to a long-term strategy of implementing shared services or taxing districts."*

This recommendation was complementary to **Recommendation #2:**

*“The Committee recommends a concept of a joint city/county structure for law enforcement as a long-term strategy. The Commission should form an intergovernmental task force of representatives of federal, state, county and city law enforcement leaders to determine how to better utilize existing resources, provide for better coordination and provide adequate and efficient public safety for the citizens of the County.”*

By enacting a three-year split rate tax levy using the City’s formula, basic law enforcement services in Curry County will be sustained and slightly enhanced, while providing sufficient time for exploring a long-term strategy for providing quality law enforcement services to all Curry County residents. Such a strategy could include consolidation of law enforcement services under a single law enforcement agency or creating law enforcement service districts in the unincorporated area that would have their own tax rate and contract with the adjoining city for services.

The split rate of \$1.93/0.92 proposed by City staff is based upon a cost sharing analysis prepared by the City Manager and Finance/Human Services Director, in consultation with the Police Chief. The initial cost sharing analysis indicated a rate of \$2.36/1.13. However, a further analysis of the budget numbers provided by the County indicates that there would be sufficient funds available for the County to sustain current law enforcement services by using approximately \$810,000 from current General fund revenues in addition to the tax levy proceeds. \$810,000 is approximately 18 per cent of the total amount of funds needed to support the proposed County law enforcement budget. Thus, the recommendation in this report is that the City-developed proposed tax rates be reduced by about 18 per cent.

**Recommendation #11** of the CCCC was:

*“That the County pursue a Transient Lodging Tax”* noting that the Counties of Clatsop, Deschutes, Hood River, Jefferson, Lane and Lincoln all collect a Transient Lodging Tax within the unincorporated area alone.

State Law requires that 70 per cent of all proceeds from a new Transient Lodging Tax be used for tourism related services, leaving 30 per cent available for general government purposes. The CCC also recommended that the County pursue a change in State Law to allow a greater portion of the TLT in counties experiencing a fiscal emergency to be used for non-tourism proportion services, such as law enforcement.

The County could place a measure on the November 2013 ballot to enact a TLT in the unincorporated area only, and direct that the 30 per cent be used to fund County law enforcement services. As noted above, a companion property tax levy measure could provided that any unrestricted TLT proceeds be used to reduce the property tax levy rate in the unincorporated area.

**Recommendation #3** of the CCCC was to consolidate the two existing 9-1-1 and emergency dispatch centers currently operated by the Curry County Sheriff’s Department and the City of Brookings Police Department. City staff believes that such a consolidation could be implemented in the short term, and that the location of the consolidated 9-1-1 center should be at the Brookings Police Station as the current location of the County 9-1-1 center is in a tsunami inundation zone. Staff recommends that the City notify Sheriff Bishop that the City is ready to

meet immediately to develop an intergovernmental agreement for 9-1-1 and emergency dispatching services.

**Policy Considerations:**

The above described plan of action would go a long way toward implementing five of the 19 CCCC recommendations. Most of these recommendations require the cooperation of the Curry County Board of Commissioners

**Attachment(s):**

- a. Public Safety Levy Analysis using \$810,000 current General Fund offset.
- b. Curry County Citizens Committee Final Report.
- c. Commissioner Compensation Survey.
- d. County of Hood River email on Commissioner salaries.
- e. History of County Government/Home Rule Counties/General Law Counties (source: Association of Oregon Counties).
- f. Hood River County Home Rule Charter.

**Public Safety Levy**  
**City of Brookings' Analysis 3/18/2013**

				<u>Tax Rate</u>		<u>Public</u>
				<u>Unincorp</u>	<u>Incorp</u>	<u>Safety</u>
<b>Public Safety Departments</b>						
1.37-4.24.20	Communications Tower					161,030
<b>Public Safety major repairs</b>						100,000
1.10-415.30	DA Office					304,760
1.10-421.20	Civil & Criminal					463,980
1.10-421.21	SAR					5,000
1.10-421.23	Marine Patrol					15,520
1.10-421.26	Jail					1,055,850
1.10-421.90	Animal Control					5,220
1.10-423.5	Parole and Probation					23,830
1.10-429.10	Em Svc					65,730
1.10-423.60	Juvenile Admin					453,550
						(483,528)
Services shared by unincorporated and incorporated				0.92	0.92	<u>2,170,942</u>
				<u>Non-Incorp</u>		
1.10-421.20	Sheriff - Patrol 6	100%	710,010			710,010
1.10-421.20	Sheriff - Patrol 6	100%	710,010			710,010
1.10-421.25	Harbor Sub Station	100%	18,690			18,690
1.10-421.51	Communications	100%	354,060 a			354,060
						(326,564)
Services provided to unincorporated areas only						<u>1,466,206</u>
Total Net Tax Revenues to be raised by Levy calculation						3,637,148
a - Directly billed to Cities of Gold Beach and Port Orford; should not be part of levy calculation						<u>77,720</u>
						<u>3,714,868</u>
Total Levy Tax Rate				<u>1.93</u>	<u>0.92</u>	
				<u>Non-Incorp</u>	<u>Incorp</u>	<u>Total</u>
				62%	38%	
Assessed Value				1,564,310,043	969,489,051	2,533,799,094
Collection rate						93%

# Curry County Citizens' Committee

## Recommendations

February 1, 2012

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## Executive Summary

The Curry County Citizens Committee reviewed and analyzed many suggestions of ways to reduce expenditures and increase revenue gathered from various sources throughout the community and narrow them down to an initial list of those most likely to

contribute to the County's financial well-being. The Committee, working through three work groups attempted to identify a combination of ideas that would reduce expenditures, improve efficiency and thereby reduce cost and bring increased revenue to the county in the short term as well as including suggestions that might take longer to develop but would eventually provide a more long-term sustainable County government. Those work groups focused on structure/governance, expenditures and revenues.

The members of each work group reviewed and discussed each suggestion in detail and determined by consensus which ideas best met the criteria for inclusion. Those concepts were presented to the entire Citizens Committee for consideration. It is important that the community views the Committee proposals as feasible, plausible and necessary both in the context of meeting the public services needs of our community, but to also sustain and protect our unique natural heritage for future generations.

Following more than 30 hours of meetings with County officials, site visits to County facilities, presentations by representatives of the Association of Oregon Counties, the Governor's Office, the County's law enforcement tax measure advisor and private equity advisors, workgroup meetings and hearing public comment, the Committee utilized a consensus process to indicate the level of support for the following 19 recommendations. The level of Committee support for each of the recommendations is indicated as one of the following shown in parenthesis:

- Consensus: A full and unanimous endorsement or range of varying levels of endorsement but with no outright vetoes.
- Majority: A majority of the Committee members supported the recommendation, although there were members who either could not support the recommendation or they had major concerns that could not be resolved in this process.
- Minority: A minority of the Committee members supported the recommendation.

Each and every idea presented was discussed with equal weight, using criteria including possible constraints, adequacy, effectiveness, efficiencies to be gained and any potential side effects. Our consensus is that no one solution offers a "silver bullet" and that it will likely take more than one of these revenue producing enterprises and significant cuts in expenditures to solve this financial crisis. Additionally, any proposed tax increase will require a dedicated educational component to ensure the citizens of the County understand the magnitude of the financial crisis and also fully understand the solutions being brought forward for consideration.



## Recommendations

### **Recommendation 1. Form of Government** *(Consensus)*

The Committee recommends that the Commissioners immediately initiate the process of transitioning the County form of government to a Commission/Administrator form. This would involve the employment of a full-time, professional Chief Administrative Officer to manage the day-to-day affairs of the County and allow part-time or volunteer Commissioners to focus on policy-making and long-term strategies. The Committee felt that greater efficiencies and cost savings could be obtained with a full-time professional managing internally. Commissioners would have more time to devote to strategy and to advocate for the changes we need at the state and federal levels in order to make us financially viable and stable for the long-term, some of which are contained in this report. As a long-term strategy, the Committee also recommends that the Commissioners analyze the advantages and disadvantages of creating a Charter form of governance.

### **Recommendation 2. Law Enforcement Services** *(Consensus)*

The Committee recommends a concept of a joint city/county structure for law enforcement as a long-term strategy. The Commission should form an intergovernmental task force inclusive of representatives of federal, states, county and city law enforcement leaders to determine how to better utilize existing resources, provide for better coordination and provide adequate and efficient public safety for the citizens of the County.

### **Recommendation 3. Consolidating 9-1-1** *(Consensus)*

The Committee recommends consolidating the 9-1-1 and emergency services dispatch centers currently operated by the Curry County Sheriff's Department and the City of Brookings Police Department. It is estimated that such a consolidation could save \$200,000 to \$400,000 annually.

### **Recommendation 4. County Employee Compensation** *(Consensus)*

The Committee recommends that the County conduct an in-depth evaluation of work flow processes, positions, compensation, benefits and potential unemployment costs to identify opportunities for gaining efficiencies and cost savings. We also recommend that the County immediately draft a letter as to the intent of renegotiating both collective bargaining agreements as to not risk missing the advance deadline for the intent of renegotiation and subsequent yearly rollover. This will allow the County to properly prepare for changes that are needed to coincide with our overall financial situation.

### **Recommendation 5. November Election (*Majority*)**

The Committee recommends, by majority, that any tax or levy measure be placed before the voters in November 2012, and not in May 2012. The Committee believes that there is not sufficient time to effectively and adequately create a dialogue about any proposed measure presented in May. In addition, scheduling any ballot measure for November would give the County Budget Committee adequate time to develop its proposal for FY 2012-13.

### **Recommendation 6. Budget Committee (*Consensus*)**

The Committee recommends that the County Budget Committee be expanded to include representatives from the Citizens Committee. Zero Based Budgeting and Priority Based Budgeting techniques should be the foundation in the preparation of the FY2012-13 budget. The Budget Committee should convene and begin work on the FY 2012-13 budget as soon as possible.

### **Recommendation 7. Budget Development (*Consensus*)**

The County Budget Committee should develop a FY 2012-13 budget without regard to mandates; targeting services to be curtailed that are non-essential or that place the General Fund at risk. Even after review of the documentation provided and much deliberation, the Committee was unclear as to what services are mandated, by what authority and what mandated services were supported by the general populace. The Committee recommends that the FY 2012-13 budget be prepared with no anticipated tax increase; while preserving the existing level of reserve funds to the greatest extent possible. If SRS funds are received, those funds should be reserved for carryover to FY 2013-14.

### **Recommendation 8. Engage Employee Unions (*Consensus*)**

Invite employee unions to begin collective bargaining immediately to help address the fiscal crisis. County employees are among the most important stakeholders and therefore must be part of the solution.

### **Recommendation 9. Vehicle Maintenance and Use (*Consensus*)**

Review current practices and internal charges for the maintenance of County vehicles. Consider, in some cases, changing to a mileage reimbursement method for private vehicle use for County business by employees instead of providing a County-owned vehicle.

## **Recommendation 10. Shift Services to State (*Consensus*)**

Consider turning non-essential services over to the State or other entities. Regardless of the usefulness of a service or that they usually pay into the General Fund, if their regular source of funding were to be disrupted the General Fund would be pressured to make up the balance. This poses a significant risk that the County has little control over and should therefore seek to minimize the exposure.

## **Recommendation 11. Transient Lodging Tax (*Consensus*)**

The Committee recommends that the county pursue a Transient Lodging Tax. Clatsop, Deschutes, Hood River, Jefferson, Lane, and Lincoln counties all collect a transient lodging tax in their unincorporated areas. Washington, Wallowa, Union, Multnomah, Lake, Klamath, Grant, and Clackamas collect a transient lodging tax county-wide regardless of whether their cities are also collecting a transient tax. The rate is between 5.0 and 9.0 per cent. According to Oregon Travel Impacts 2011

([http://www.deanrunyan.com/doc\\_library/ORImp.pdf](http://www.deanrunyan.com/doc_library/ORImp.pdf)), nearly 100 cities and counties in Oregon impose local lodging taxes which are independent of the state lodging tax. Significant revenue could be derived from a county-wide tax collected by bed and breakfast establishments, cabins, campgrounds, condominiums, hotels, inns, lodges, RV sites, vacation rentals, and more.

Current state law (ORS 320.350) requires local governments to dedicate 70 percent of receipts from transient lodging taxes enacted or increased after July 1, 2003, to fund tourism promotion or tourism-related facilities and 30 percent to fund city or county services or to finance or repay the debt of tourism-related facilities.

Also recommend amending state law to give counties the authority to use existing revenues more flexibly and to enact new revenue options with the approval of county voters. One example would be to allow all transient lodging tax receipts to be used by counties and cities for “tourism-related services, including emergency services, law enforcement and roads.”

## **Recommendation 12. Develop a Fair and Equitable Tax Structure to Fund a Reasonable Level of Public Safety(*Consensus*)**

The Committee recommends that the Commissioners develop a tax structure that recognizes the disparities in incorporated and unincorporated areas and allows time and adequate funding to transition to a long-term strategy of implementing shared services or taxing districts. One of the major recommendations in the FFP Task Force Report on what counties and county taxpayers can do to help themselves is the formation of county service districts and enactment of local option levies. The FFP Report indicates that Deschutes County, for example, formed a county service district encompassing the unincorporated area and levied a property tax to support Sheriff patrol. Other options were considered by the Committee; however, the Committee felt that the long-term goal of

shared services outlined in Recommendation 2 needed adequate time for deliberation; and in the meantime, some form of short-term funding may be necessary in order to maintain at least a minimum level of services for public safety.

### **Recommendation 13. Permit & License Fees** *(Consensus)*

Analyze county permit, fee, and license schedules to determine which could be adjusted. Determine new sources of permitting and fees, such as a County Business License. Unlike the three incorporated cities within Curry County, the County itself does not currently require a business license in the unincorporated areas. Since this would only require the adoption of a County ordinance it is not voter-approval based, thereby avoiding the difficulties of an additional ballot measure. Additional new fee possibilities include telephone franchise fees. An advantage is that review of fees could be started immediately.

### **Recommendation 14. Brookings Airport Improvements** *(Consensus)*

Improvements to the Brookings Airport would encourage development in the area. Funds/grants may be available from state/federal emergency management programs, if the airport is designated as an emergency and evacuation airport by the Federal Aviation Administration (FAA) and Oregon Department of Aviation (ODA). Improvements would also make the airport more attractive for redevelopment and allow the county/city/port to create development-ready space for commercial/industrial use. The first step in this recommendation is to apply to the FAA and ODA for the emergency airport status.

### **Recommendation 15. County Surplus Assets Sale, Lease or Re-purpose** *(Consensus)*

Inventory and review all County assets to determine if there are any assets that are excess to the county needs and not required for any foreseeable County use. Determine whether that asset should be sold, leased or re-purposed. This could include the sale and lease-back of County-owned structures; an investor could purchase the asset, fund the improvements and lease the asset back to the County. Advantages of selling/leasing property are immediate cash flow, reduction of maintenance, using private capital to make needed improvements and addressing liability issues immediately.

### **Recommendation 16. Forestland/Timberland Tax Review** *(Consensus)*

There are two components to this.

1. Review & collect under reported delinquent taxes. Identify forest/timber/agricultural properties that are already being used as residential or look for any tax delinquent acreage and monitor compliance with “harvest and grow” requirements to insure that the lower property tax rate is valid.

2. Identify forest grazing/agricultural properties that can be converted to other uses. Identify parcels of land that are designated as Forest Grazing and/or agricultural, but are too small to be used as such and should, therefore, be changed to R-5 or R-2. Land owners could then sell the land (fees) to potential residents (property taxes) and the residents on this land would create a larger tax base.

### **Recommendation 17. County Sales Tax (*Majority*)**

The Committee recommends, by majority, that a County sales tax strategy that excludes groceries and pharmacy purchases be pursued. Implementing a countywide sales tax would increase revenue, spread the tax burden on residents and visitors alike, and provide a dependable revenue stream. However, statutory authorization by the Legislature is generally required for a local government to impose a local sales tax increase. The state statutes that authorize local government to create taxes of this type may also set specific conditions or requirements such as a condition that a two-thirds vote of the governing body is required to place a sales tax measure on the ballot. These specific conditions or requirements would need further review and analysis.

### **Recommendation 18. Increase Property Tax (*Consensus*)**

If a modest Property Tax is presented to the voters, it should be coupled with other revenue generating suggestions and major expenditure cuts should be considered, and if a comprehensive approach is presented, the measure might pass.

### **Recommendation 19. Fractional Equities Tax Prepayment Program (*Minority*)**

There are about 2,200-2,500 fully owned (no mortgage) homes in Curry County. The Fractional Equities Program allows homeowners to prepay their taxes with equity from their home for a certain period of time, i.e. five years or for life. The framework for this could be ready within three months. This could generate a significant amount of upfront money, but the County may develop a future cash flow problem if the money is not well managed. Since the County's role is tax collector, all taxing entities would have to agree to this program.

### **Summary**

- Federal Government has unilaterally retracted its decades-long agreement to provide ongoing financial support to local governments causing undue hardship
- It is the consensus of this committee that Curry County must find new, sustainable ways of providing and funding the public services that citizens expect and need.

- No single action will solve all our financial problems.
- The reference information used by the committee will be posted to the county website
- A careful analysis is needed to find a combination that:
- Meets current projected budget shortfall in short term
- Looks to the future, but begins now, to craft long-term solutions for economic sustainability
- Seeks solutions that go beyond continually asking the citizens of the County for more revenue through taxes
- As this report represents a “snap shot” in time, we respectfully request that the Board of Commissioners continue reaching out to this Committee and the citizens of the County as we partner to find ways of building a better future for our County and the people who reside here and will want to reside here in the future. Many members of the Committee bring vast knowledge, experience and expertise and are willing to assist.

Finally, there were many good suggestions that were brought forward that have not initially been recommended by the Committee that should be seriously looked at in the future.

The Committee wishes to acknowledge the pro bono work of Oregon Consensus, a program of the Mark Hatfield School of Government at Portland State University, in facilitating the work of the Committee.

### Curry County Citizens’ Committee

David Bassett	David Frazier	Brian Hodge
Leroy Blodgett	Randall Gerlach	Mark Hollinger
Tom Denning	Frank Hageman	Bob Horel
Phillip Dickson	Ken Hall	Tom Huxley
Paul Fossum	Terry Hanscam	Daneille Kitchel



Susan Lunsford

Pete Peters

Sam Scaffo

Gary Milliman

Dominic Petrucelli

Christine Stallard

Tim Patterson

Bruce Raleigh

### Additional Ideas/Suggestions

***NOTE: Although many of these may be useful in the future they did not at this time meet the criteria immediate recommendation. For example, some need much more research, some are very long term or dependent upon a change of law. They should not be discounted, but may in the future move from a list of ideas, to a list of practical recommendations.***

1. Allow Mineral Mining of Pacific City
2. Beverage/Prepared Food Tax
3. Bio Fuel Plant
4. Borrow Money From Road Fund
5. Cape Blanco Airport Emergency Services
6. Cost Recovery
7. County Business Asset Tax
8. County Coalition
9. County Seized Land – Residential use. HUD CAF funding -
10. Curry County Carbon Tax
11. Federal Forest County And Schools Stabilization Act Of 2010
12. Franchise Fees
13. Gold Beach To Grants Pass Road
14. Hospital District Boundary Change To Allow Hospital in Brookings
15. O&C Lands Returned To County For Management
16. Oregon Forested Communities Plan
17. Re-institute Economic Development Department
18. Real Estate Transfer Tax
19. Renewable Energy Development – Including Wind Farms
20. Service Specific Donation – Allows Citizens To Donate To Certain Areas Of Their Interest
21. Tax On Private Timber Lands
22. Timber Harvest Tax
23. Graduated Taxes Based Upon Age – Possible Age Related Rebate

24. Pay For Service, i.e. County Bills for Law Enforcement.

25. County Park Project

26. Redeemable Ground Rent

27. Explore Creation of a Council of Governments or Other  
Intergovernmental Agencies to Share the Cost of Providing Common  
Services.

**Oregon Counties 20,000-40,000**  
**General Law/Charter**  
**Commissioner/CAO Salary Survey 01/02**

County	Population	CAO		Commission Member #	Commission Chair	Commission Members	CAO
Clatsop	37,860	Y		5	\$ 12,600	\$ 10,080	\$ 127,428
Curry	21,160		N	3	60,769	60,769	NA
Hood River	21,850	Y		5	17,134	13,698	123,698
Jefferson	22,865	Y		3	30,164	30,164	100,274
Tillamook	26,170		N	3	76,074	76,074	NA
Union	25,495	Y		3	60,768	60,768	70,404
Wasco	24,280	Y		3	37,998	37,998	95,917

Average no CAO	\$ 68,422	\$ 68,422	
Median with CAO	30,164	30,164	
Average with CAO	31,733	30,542	
Average per capita with CAO	1.20	1.15	
Per Capita Curry	2.87	2.87	
Average CAO	NA	NA	\$ 103,544
Average w/CAO & 5 Commissioners	\$ 14,867	\$ 11,889	

CAO=County Administrative Officer

## Gary Milliman

---

**From:** Sandi Borowy [sandi.borowy@co.hood-river.or.us]  
**Sent:** Monday, March 18, 2013 10:33 AM  
**To:** Gary Milliman  
**Subject:** RE: Commission Compensation

Gary –

We have 5 on our commission – one chairperson and four commissioners – they are not “full-time” for salary purposes. FY 12/13 the chair is budgeted \$17,139 – the other four \$13,707 each. No PERS or other benefits – just FICA/Medi, SUTA and workers comp.

There is a Salary Sub-Committee in our Budget Committee – made up of only the public members, no elected. They approve what our elected officials receive – 5 commission members, Sheriff and Justice of the Peace.

I hope this helps – let me know if you need anything else.

Sandi Borowy  
Director of Budget & Finance  
Treasurer/Tax Collector  
Hood River County  
601 State Street  
Hood River, OR 97031  
office (541)387-6824  
fax (541)387-6894

---

**From:** Gary Milliman [<mailto:gmilliman@brookings.or.us>]  
**Sent:** Monday, March 18, 2013 8:31 AM  
**To:** Sandi Borowy  
**Subject:** Commission Compensation

Good morning. My City Council has asked that I contact Hood River County to inquire as to how your Commissioners are compensated. We are a County of like size and our Council is engaged in a discussion about a possible home-rule Charter. I have downloaded your Charter and see how the Commissioner compensation is determined. What is the current compensation?

Thank you.

Gary Milliman  
City Manager  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415  
541-469-1101; Fax 541-469-3650



## **History of County Government**

The word county is from the French word “conte.” Meaning “the domain of a count.” However, the American county, as defined by Webster, is “the largest territorial division for local government within a state...” That definition is based on the Anglo-Saxon county of England dating back to about the time of the Norman Conquest. Counties were brought to America by the colonists and were later established in the central and western parts of the nation by the pioneers as they moved westward.

Counties used to function almost exclusively as agents of the state government. Their every activity had to be either authorized or mandated by state law. A 1958 constitutional amendment authorized Oregon counties to adopt “home rule” charters. A 1973 state law granted all counties power to exercise broad home rule authority, with or without a charter. As a result, the National Advisory Commission on Intergovernmental Relations identified county government in Oregon as having the highest degree of local discretionary authority of any state in the nation.

Currently, Oregon has three forms of county government:

### ***Home Rule Counties***

Home rule counties write their own charter, and may do whatever their charter allows. Nine Oregon counties have adopted home rule charters. That means voters have the power to adopt and amend their own county government organization. Home rule counties operate under a three- to five-member board of commissioners

### ***General Law Counties***

General law counties have the ability to write ordinances on any subject not preempted by the state. General law counties operate under a three- to five-member board of commissioners.

# HOOD RIVER COUNTY

Fruit • Recreation • Industry



## HOME RULE COUNTY CHARTER

*A Small County With a Big Mission:  
Providing Quality of Life for All*

Originally adopted 1964  
Revised 1965  
Revised 1984  
Revised 1998  
Revised 2008

Original adopted 1964  
Revised 1965  
Revised 1984  
Revised 1998  
Revised 2008



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## **PREAMBLE**

We the people of Hood River County in the State of Oregon, having established the original Home Rule Charter in 1965 in accordance with the provisions of the Constitution and laws of the State of Oregon, hereby repeal the Hood River County Charter of 1998 and adopt and establish as our charter and form of government this Home Rule Charter for Hood River County.

In this Charter references to County pertain to HOOD RIVER COUNTY, and references to State pertain to the STATE OF OREGON

## **ARTICLE I. POWERS**

### **Section I. General Grant of Powers**

(1) Except as this Charter provides to the contrary, the County has authority over matters of County concern to the fullest extent now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Oregon.

(2) Except as this Charter provides to the contrary and subject to the powers of initiative and referendum residing in the people of the County:

- (a) The legislative power of the County is vested in, and exercisable only by the elected legislative body known as the Board of Commissioners.
- (b) All other powers of the County not vested by this Charter elsewhere are vested in the Board of Commissioners and are exercisable only by it or persons acting under its delegated authority.

(3) This Charter shall be liberally construed to the end that, within the limits imposed by this Charter or the constitutions or laws of the United States or the State of Oregon, the County shall have all powers necessary or convenient for the conduct of its affairs. No enumeration of powers shall be construed to be exclusive or to restrict the authority that the County would have if the particular power were not mentioned.

### **Section II. Specific Legislative Powers**

(1) In addition to the other duties and powers herein provided; the Board of Commissioners shall have the power to:

- (a) Enact ordinances according to the provisions of this Charter.
- (b) Adopt a County Administrative Code.
- (c) Appoint Boards, commissions and committees.
- (d) Appoint a County Administrator, County Counsel(s) and Auditor.

(2) The County offices, departments or institutions shall exercise their functions under the authority of the Board of Commissioners under direction and supervision of the County Administrator.

### **Section III. Limitation of Powers**

No Commissioner including the Chair shall have the authority to make statements or act independently on behalf of the County without the express authorization of the Board of Commissioners.

## **ARTICLE II. BOARD OF COMMISSIONERS**

### **Section I. Commissioners**

The Board of Commissioners shall consist of the Chair of the Board of Commissioners and four County Commissioners. The Chair of the Board of Commissioners shall be a registered voter of the County and shall be elected at large. The County Commissioners shall be registered voters of the County and residents of the districts from which nominated, and one Commissioner shall be elected by each district.

### **Section II. Districts**

There shall be four districts established for the election of Commissioners.

### **Section III. Boundaries**

The Board of Commissioners may change the boundaries of Commissioner Districts by ordinance in conformance with the concept of one person, one vote. The procedure for this process shall be set forth in the Administrative Code.

### **Section IV. Eligibility**

(1) To qualify for an elective office of County Commissioner a person:

- (a) Shall be a legal voter of the County.
- (b) Shall be a resident of the County, and shall have resided in the County one year immediately prior to filing for office.
- (c) No person employed by Hood River County shall be eligible to serve as a member of the Board of Commissioners.
- (d) For the purposes of this section a member of the Board of Commissioners is not an employee of Hood River County.

### **Section V. Election of Chair and Commissioners**

- (1) The voters shall elect the Chair at each November general election.
- (2) The voters from odd-numbered districts shall elect Commissioners at the November general election of non-presidential election years.

(3) The voters from even-numbered districts shall elect Commissioners at the November general election of presidential election years.

(4) Newly elected or appointed Commissioners shall, before the commencement of their term, take an Oath to uphold the constitution of the United States, State of Oregon, Charter, and Ordinances of the County of Hood River.

## **Section VI. Term of Office**

The term of office for the Chair shall be two years, and the term for Commissioners shall be four years. Terms of office shall begin the first day of the ensuing year following election.

## **Section VII. Vacancy of Office**

(1) A vacancy of office on the Board of Commissioners shall occur for the following reasons: death, resignation, incapacity to act, taking up residence outside his or her district, conviction of a felony, un-excused absence for three consecutive regularly scheduled Board meetings, other reasons of ineligibility and declaration by the Board of a vacancy:

- (a) If the vacancy is in the position of Chair the remaining Board members shall appoint a member of the Board to the position to serve for the vacated un-expired term. In the event that no Commissioner will accept the appointment or a majority vote is not obtained then a special election shall be held to fill the position for the un-expired term; such special election shall be held within 60 days of the date of the vacancy.
- (b) If the vacancy is in the position of Commissioner, the remaining Board members shall appoint a resident of the vacant district to fill the un-expired term of the vacated position.

## **Section VIII. Organization**

At the first meeting of each calendar year the Board of Commissioners shall elect a Vice-Chair who shall serve in the absence of the Chair.

## **Section IX. Powers and Duties of the Chair of the Board of Commissioners**

(1) The Chair of the Board of Commissioners shall:

- (a) Preside over meetings of the Board of Commissioners.
- (b) Preserve order at meetings of the Board of Commissioners.
- (c) Enforce the rules of the Board of Commissioners.
- (d) Determine the order of business for meetings of the Board of Commissioners.
- (e) Call special meetings and executive sessions of the Board.
- (f) Vote on all questions before the Board of Commissioners.
- (g) Have power to make motions and second motions.



## **Section X. Quorum**

Three Commissioners of the Board of County Commissioners shall constitute a quorum.

## **Section XI. Meetings**

The Board of Commissioners shall meet regularly at least once each month and at such time and place as the Board of Commissioners may prescribe by rule. Special meetings may be called by the Chair or by three Commissioners upon notice to each member. All meetings shall be open to the public except for executive sessions as allowed by State law.

## **Section XII. Voting**

No action of the Board of Commissioners shall be valid or binding unless adopted by the affirmative vote of three or more members. All voting shall be by recorded roll call vote.

## **Section XIII. Compensation**

Members of the Board of Commissioners shall receive reasonable compensation as determined annually by the lay members of the budget committee.

# **ARTICLE III. ADMINISTRATIVE FUNCTIONS**

## **Section I. Powers and Duties of the County Administrator**

(1) The County Administrator shall:

- (a) Be appointed by the Board of Commissioners.
- (b) Serve at the will of the Board.
- (c) Be the head of the administrative branch of County Government.
- (d) Be responsible to the Board of Commissioners for the proper Administration of all affairs of Hood River County.
- (e) Be responsible for carrying out the policies established by the Board of Commissioners.
- (f) Be responsible for the employment and termination of all County employees; for all departments of the County with the exception of the department of law enforcement and department of justice.

# **ARTICLE IV. DEPARTMENT OF LAW ENFORCEMENT**

## **Section I. Powers and Duties of the Sheriff and the Department of Law Enforcement**

(1) The Sheriff of Hood River County shall be the Director of Law Enforcement and shall be an elected official residing within the County.

(2) A candidate for the position of Sheriff shall:

- (a) Possess the minimum qualifications required of a Sheriff under State law.
- (b) Be a minimum of 25 years of age.
- (c) Be bondable.

(3) The candidate receiving the most votes at the November general election of presidential election years shall be elected Sheriff.

(4) The Sheriff of Hood River County shall be responsible for:

- (a) The enforcement of State law and County ordinances, except for the function of tax collection.
- (b) The handling of criminal and civil processes as prescribed by State law and County ordinance.
- (c) Performing the duties and responsibilities as set forth in the County Administrative Code.
- (d) The employment or termination of deputies and other personnel of the department in conformance with the County Administrative Code.

(5) In the event of vacancy in office, the Chief Deputy shall serve as Sheriff until the Board of Commissioners appoint a qualified successor. The vacancy shall be filled by the appointee until the next general election. The position shall then be filled by election for the remainder of the term.

(6) The Sheriff shall devote full time to the duties of the office during the Sheriff's tenure. This requirement may be enforced by the Board of Commissioners.

## **ARTICLE V. DEPARTMENT OF JUSTICE**

### **Section I. Policies and Procedures**

(1) The Department of Justice shall include the District Attorney, the Justice Courts and Judges as provided by State law.

(2) The election, tenure of office, salary, and procedure for filling vacancies in judicial offices shall be as provided by State law.

(3) The practice and procedure as to prosecution, trial and punishment of County offenses shall be the same as similar crimes or offenses defined or made punishable by State law. As used

in this section, County offense means any crime or offense defined or made punishable by County ordinances or this Charter.

## **Section II. Powers and Duties of the District Attorney, Justice of the Peace and County Counsel**

(1) The District Attorney of Hood River County shall be the Director of the District Attorney's office and shall be an elected official residing within the County.

(2) The District Attorney of Hood River County is a state elected official and shall be responsible for:

(a) The enforcement of State law with the exception of the function of tax collection.

(b) Performing the duties and responsibilities as set forth in State law and the County Administrative Code.

(c) The employment or termination of deputies and other personnel of the department in

conformance with the County Administrative Code.(3) The Justice of the Peace of Hood

River County shall be the Director of the Justice Court office and shall be an elected official residing within the County.

(4) The Justice of the Peace for Hood River County shall be responsible for:

(a) The trial of any cases involving violation of County ordinances or State laws in all areas

of the County which may be referred to the Justice Court.

(b) Performing the duties and responsibilities as set forth in State law and the County Administrative Code.

(c) The employment or termination of personnel of the department in conformance with the County Administrative Code.

(5) County Counsel responsibilities may include:

(a) Acting as civil counsel to the Board of Commissioners

(b) Enforcement of County Ordinances.

## **ARTICLE VI. EXPENSE AND CAPITAL BUDGETS**

(1) Budgets shall be made and approved in accordance with the local budget law of the State.

(2) Expenditure items which do not appear in the regularly published budget may be included by filing a supplemental budget.

## **ARTICLE VII. COUNTY ADMINISTRATIVE CODE**

(1) The County Administrative Code shall govern the operation of the various County offices, departments and institutions. It shall prescribe the powers and duties of elected and appointed County officials and employees and shall prescribe the procedures and systems of operation and management of all offices, departments and institutions of the County.

(2) The Board of Commissioners may enact, amend, revise or repeal provisions of the County Administrative Code.

(3) It shall be the responsibility of the Board of Commissioners to compile and maintain the County Administrative Code in a systematic manner properly indexed and current.

(4) The Board of Commissioners shall review the County Administrative Code periodically to assure its accuracy and completeness.

## **ARTICLE VIII. ORDINANCE PROCEDURE**

### **SECTION I. Introduction**

(1) An ordinance may be introduced by any Commissioner at any regular or special meeting of the Board.

(3) Publication of all proposed ordinances shall require prior approval by the Board of Commissioners.

### **SECTION II. Publication**

(1) Copies of the proposed ordinance shall be distributed to each Commissioner, news media representatives and interested citizens upon request.

(2) The Board shall promptly publish the proposed ordinance indicating the time and place for a public hearing and its consideration by the Board of Commissioners.

### **SECTION III. Public Hearings**

(1) The public hearing on the proposed ordinance shall be held at least one week after publication.

(2) At the hearing, copies of the proposed ordinance shall be made available to all persons present and all interested persons shall have the opportunity to be heard.

(3) After the hearing, the Board of Commissioners may adopt, amend or reject the proposed ordinance.

(4) Any substantive changes to the proposed ordinance shall constitute an amendment requiring publication and public hearing prior to adoption.

(5) Grammatical, clerical, typographical errors or omissions shall not constitute amendments requiring publication or hearing.

#### **SECTION IV. Enactment**

(1) Except as otherwise provided in this Charter, every adopted ordinance shall become effective thirty-one days after adoption or at any later date specified therein. As used in this section, the term "published" shall be the same as provided by State law as it applies to the publishing of budgets for tax supported institutions.

(2) Each adopted ordinance and resolution shall be given a serial number and date of adoption.

(3) The ordinance shall then be entered into a separate properly indexed record and made available to the public.

(4) Except as otherwise provided for by State law, the procedures set out in this Charter shall govern the enactment of all County Ordinances.

#### **SECTION V. Emergency Ordinance**

(1) To meet a public emergency affecting life, health or property the Commissioners may adopt an emergency ordinance provided that:

- (a) The ordinance does not levy taxes, or authorize the borrowing of money.
- (b) Upon adoption the ordinance shall be published in the next available issue of the designated newspaper.
- (c) The ordinance, including any amendments made after its adoption, shall be automatically repealed on the one hundred eighty-first day following the date of its adoption.

### **ARTICLE IX. ELECTIONS**

#### **SECTION I. Non-Partisanship**

All Elective County offices of the Board, Commission and Sheriff shall be non-partisan for the purposes of filing for office, election to office and performance of the duties and responsibilities of the office.

#### **SECTION II. Nominations**

(1) Candidates for County elected offices shall be nominated at the primary election. The name of the candidate receiving the majority of the votes cast for that office will be placed on the November general election ballot.



(2) If no candidate receives a majority of the votes, the names of the two candidates receiving the greatest number of votes will be placed on the November general election ballot. The candidate receiving the greatest number of votes in the November general election shall be the candidate elected to the position.

(3) The method of nominating a candidate for the position of Chair of the Board or Sheriff of Hood River County shall be:

(a) To file with the official in charge of elections within the filing period specified by State

Law, a nominating petition signed by not fewer than ten legal voters of each Commissioner district; or

(b) To pay a filing fee of \$50 within the filing period specified by State law.

(4) The method of nominating a candidate for a position of Commissioner shall be:

(a) To file with the official in charge of elections, within the filing period specified by State

law a nominating petition signed by not fewer than twenty legal voters of the district in

which the candidate resided at the time of filing; or

(b) To pay a filing fee of \$50 within the filing period specified by State law.

## **ARTICLE X. GENERAL PROVISIONS**

### **SECTION I. Contracts and Purchases**

(1) Purchases or contracts shall be as set forth in the County Administrative Code as required by State law.

### **Section II. Audits**

(1) A complete independent financial audit of the records of the County shall be performed in accordance with State and Federal law on an annual basis.

(2) The complete audit shall be filed with the Board of Commissioners, the State of Oregon and made available for public inspection.

## **ARTICLE XI. PROHIBITIONS**

### **Section I. Non-Discrimination**

No person shall be discriminated against with respect to any County position or appointive office because of race, religion, age, ethnic origin, gender, sexual orientation, veteran's status, disability or other classes protected by State law.

## **Section II. Ethical Requirements**

Any person holding elected or appointed offices under this Charter shall comply with ethical standards as set forth in Oregon laws.

## **ARTICLE XII. TRANSITIONAL PROVISIONS**

### **Section I. Effective Date**

This Charter shall become effective on the thirtieth day following its adoption.

### **Section II. Continuity**

(1) The elected and appointed County officials in office at the time this Charter is adopted shall continue in office and perform their present powers and duties at existing salaries until changed by the Board of Commissioners.

(2) All rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue except as modified by this Charter and in each case shall be continued by the appropriate County department.

### **Section III. Repealer Clause**

All rules, regulations or policies are repealed to the extent that they are inconsistent with or interfere with the effective operations of this Charter.

### **Section IV. Severability**

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

### **Section V. Review**

The Board of Commissioners shall appoint a Charter Review Committee to review the Charter at least every ten years hereafter or more often as deemed necessary by the Board.

### **Section VI. Amendments**

This Charter may be amended by the vote of the people as set forth by State Law.

### **Section VII. Definitions**

As used in this Charter the word "shall" is considered mandatory and the word "may" is

considered permissive. Words in the present tense include the future; the singular includes the plural; plural usage includes the singular.

Hood River County  
Charter Review Committee


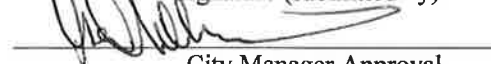
Ron Rivers, Chair  
Will Carey, Vice-Chair  
Jean Mclean  
Paul Cummings  
Paul Blackburn  
Bill Pattison  
Teunis J. Wyers  
Ron Guth  
Wally Eakin  
Jason Shaner  
Bob Benton

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: PWDS, Public Works

  
Signature (submitted by)  
  
City Manager Approval

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Subject: Cross Connection Control / Backflow Program

Recommended Motion: A motion to approve the attached revisions to Brookings Municipal Code (BMC) Chapter 13.05 and adopt the backflow program as submitted.

Financial Impact: The financial impact is twofold. There is an impact to City staffing needed to administer the program. There is also a subsequent financial impact to customers who will now be required to annually have their backflow devices tested and/or the customers who were identified as needing a backflow who currently do not have one.

Background/Discussion: Staff provided information regarding the implementation of a formal cross connection program at City Council Workshops on January 7 and February 4, 2013. The Oregon Administrative Rules (OAR) requiring this program were adopted effective February 26, 1982. In 1988, the City Council adopted the State requirements by reference with Ordinance No. 88-O-432. The text from this adopting ordinance can be found in BMC, Chapter 13.05.190, Water.

In the February 4, 2013 Workshop, City Council expressed concern that the City *Standard Operating Procedures and Guidelines* drafted by Backflow Management Inc. (BMI) may be in excess of what the State requires. Staff has reviewed the OAR's relating to cross connections and the draft revisions of BMC Chapter 13.05. Several items in the draft ordinance exceeded the minimum required by the OAR and have been stricken. The City Attorney provided additional suggested revisions, all have been incorporated into the revisions.

Policy Considerations: Cross connection devices have been required for new projects by the plumbing code and the BMC. However, the State through OAR 333-061, requires tracking and annual inspection verification by providers of water with more than 300 service connections. Although the City has been providing the annual reports to the State, the tracking component has been absent. With the adoption of this ordinance and the program outline in the *Standard Operating Procedures and Guidelines* provided by BMI, the City will be enabled to implement and enforce a Cross Connection Control Program that complies with OAR 333-061.

Attachment(s): OAR Chapter 333-061 and Table 48 & 49  
Draft revised Chapter 13.05.190 and 13.05.195

## **Oregon Administrative Rule**

**333-061-0070**

### **Cross Connection Control Requirements**

(1) Water suppliers shall undertake cross connection control programs to protect the public water systems from pollution and contamination.

(2) The water supplier's responsibility for cross connection control shall begin at the water supply source, include all public treatment, storage, and distribution facilities under the water supplier's control, and end at the point of delivery to the water user's premise.

(3) Water suppliers shall develop and implement cross connection control programs that meet the minimum requirements set forth in these rules.

(4) Water suppliers shall develop a procedure to coordinate cross connection control requirements with the appropriate local administrative authority having jurisdiction.

(5) The water supplier shall ensure that inspections of approved air gaps, approved devices, and inspections and tests of approved backflow prevention assemblies protecting the public water system are conducted:

(a) At the time of installation, any repair or relocation;

(b) At least annually;

(c) More frequently than annually for approved backflow prevention assemblies that repeatedly fail, or are protecting health hazard cross connections, as determined by the water supplier;

(d) After a backflow incident; or

(e) After an approved air gap is re-plumbed.

(6) Approved air gaps, approved devices, or approved backflow prevention assemblies, found not to be functioning properly shall be repaired, replaced or re-plumbed by the water user or premise owner, as defined in the water supplier's local ordinance or enabling authority, or the water supplier may take action in accordance with subsection (9)(a) of these rules.

(7) A water user or premise owner who obtains water from a water supplier must notify the water supplier if they add any chemical or substance to the water.

(8) Premise isolation requirements:

(a) For service connections to premises listed or defined in Table 48 (Premises Requiring Isolation), the water supplier shall ensure an approved backflow prevention assembly or an approved air gap is installed; [Table not included. See ED. NOTE.]

(A) Premises with cross connections not listed or defined in Table 48 (Premises Requiring Isolation), shall be individually evaluated. The water supplier shall require the installation of an approved backflow prevention assembly or an approved air gap commensurate with the degree of hazard on the premise, as defined in Table 49 (Backflow Prevention Methods); [Table not included. See ED. NOTE.]

(B) In lieu of premise isolation, the water supplier may accept an in-premise approved backflow prevention assembly as protection for the public water system when the approved backflow prevention assembly is installed, maintained and tested in accordance with the Oregon Plumbing Specialty Code and these rules.



(b) Where premise isolation is used to protect against a cross connection, the following requirements apply;

(A) The water supplier shall:

(i) Ensure the approved backflow prevention assembly is installed at a location adjacent to the service connection or point of delivery;

(ii) Ensure any alternate location used must be with the approval of the water supplier and must meet the water supplier's cross connection control requirements; and

(iii) Notify the premise owner and water user, in writing, of thermal expansion concerns.

(B) The premise owner shall:

(i) Ensure no cross connections exist between the point of delivery from the public water system and the approved backflow prevention assemblies, when these are installed in an alternate location; and

(ii) Assume responsibility for testing, maintenance, and repair of the installed approved backflow prevention assembly to protect against the hazard.

(c) Where unique conditions exist, but not limited to, extreme terrain or pipe elevation changes, or structures greater than three stories in height, even with no actual or potential health hazard, an approved backflow prevention assembly may be installed at the point of delivery; and

(d) Where the water supplier chooses to use premise isolation by the installation of an approved backflow prevention assembly on a one- or two-family dwelling under the jurisdiction of the Oregon Plumbing Specialty Code and there is no actual or potential cross connection, the water supplier shall:

(A) Install the approved backflow prevention assembly at the point of delivery;

(B) Notify the premise owner and water user in writing of thermal expansion concerns; and

(C) Take responsibility for testing, maintenance and repair of the installed approved backflow prevention assembly.

(9) In community water systems, water suppliers shall implement a cross connection control program directly, or by written agreement with another agency experienced in cross connection control. The local cross connection program shall consist of the following elements:

(a) Local ordinance or enabling authority that authorizes discontinuing water service to premises for:

(A) Failure to remove or eliminate an existing unprotected or potential cross connection;

(B) Failure to install a required approved backflow prevention assembly;

(C) Failure to maintain an approved backflow prevention assembly; or

(D) Failure to conduct the required testing of an approved backflow prevention assembly.

(b) A written program plan for community water systems with 300 or more service connections shall include the following:

(A) A list of premises where health hazard cross connections exist, including, but not limited to, those listed in Table 48 (Premises Requiring Isolation); [Table not included. See ED. NOTE.]

(B) A current list of certified cross connection control staff members;

(C) Procedures for evaluating the degree of hazard posed by a water user's premise;

(D) A procedure for notifying the water user if a non-health hazard or health hazard is identified, and for informing the water user of any corrective action required;

(E) The type of protection required to prevent backflow into the public water supply, commensurate with the degree of hazard that exists on the water user's premise, as defined in Table 49 (Backflow Prevention Methods); [Table not included. See ED. NOTE.]

(F) A description of what corrective actions will be taken if a water user fails to comply with the water supplier's cross connection control requirements;

(G) Current records of approved backflow prevention assemblies installed, inspections completed, backflow prevention assembly test results on backflow prevention assemblies and verification of current Backflow Assembly Tester certification; and

(H) A public education program about cross connection control.

(c) The water supplier shall prepare and submit a cross connection control Annual Summary Report to the Authority, on forms provided by the Authority, before the last working day of March each year.

(d) In community water systems having 300 or more service connections, water suppliers shall ensure at least one person is certified as a Cross Connection Control Specialist, unless specifically exempted from this requirement by the Authority.

(10) Fees: Community water systems shall submit to the Authority an annual cross connection program implementation fee, based on the number of service connections, as follows:

Service Connections -- Fee:

15-99 -- \$30.

100-999 -- \$75.

1,000-9,999 -- \$200.

10,000 or more -- \$350.

(a) Billing invoices will be mailed to water systems in the first week of November each year and are due by January first of the following year;

(b) Fees are payable to Oregon Health Authority by check or money order;

(c) A late fee of 50 percent of the original amount will be added to the total amount due and will be assessed after January 31 of each year.

(11) In transient or non-transient non-community water systems, the water supplier that owns and/or operates the system shall:

(a) Ensure no cross connections exist, or are isolated from the potable water system with an approved backflow prevention assembly, as required in section (12) of this rule;

(b) Ensure approved backflow prevention assemblies are installed at, or near, the cross connection; and

(c) Conduct a cross connection survey and inspection to ensure compliance with these rules. All building permits and related inspections are to be made by the Authority of Consumer and Business Services, Building Codes Division, as required by ORS 447.020.

(12) Approved backflow prevention assemblies required under these rules shall be assemblies approved by the University of Southern California, Foundation for Cross Connection Control and Hydraulic Research, or other equivalent testing laboratories approved by the Authority.

(13) Backflow prevention assemblies installed before the effective date of these rules that were approved at the time of installation, but are not currently approved, shall be permitted to remain in service provided the assemblies are not moved, the piping systems are not significantly remodeled or modified, the assemblies are properly maintained, and they are commensurate with the degree of hazard they were installed to protect. The assemblies must be tested at least annually and perform satisfactorily to the testing procedures set forth in these rules.

(14) Tests performed by Authority-certified Backflow Assembly Testers shall be in conformance with procedures established by the University of Southern California, Foundation for Cross Connection Control and Hydraulic Research, Manual of Cross Connection Control, 9th Edition, December 1993, or other equivalent testing procedures approved by the Authority.

(15) Backflow prevention assemblies shall be tested by Authority-certified Backflow Assembly Testers, except as otherwise provided for journeyman plumbers or apprentice plumbers in OAR 333-061-0072 of these rules (Backflow Assembly Tester Certification). The Backflow Assembly Tester shall provide a copy of each completed test report to the water user or premise owner, and the water supplier:

(a) Within 10 working days; and

(b) The test reports will be in a manner and form acceptable to the water supplier.

(16) All approved backflow prevention assemblies subject to these rules shall be installed in accordance with OAR 333-061-0071 and the Oregon Plumbing Specialty Code.

(17) The Authority shall establish an advisory board for cross connection control issues consisting of not more than nine members, and including representation from the following:

(a) Oregon-licensed Plumbers;

(b) Authority-certified Backflow Assembly Testers;

(c) Authority-certified Cross Connection Specialists;

(d) Water Suppliers;

(e) The general public;

(f) Authority-certified Instructors of Backflow Assembly Testers or Cross Connection Specialists;

(g) Backflow assembly manufacturers or authorized representatives;

(h) Engineers experienced in water systems, cross connection control and/or backflow prevention; and

(i) Oregon-certified Plumbing Inspectors.

**333-061-0070****Cross Connection Control Requirements**

TABLE 48 PREMISES REQUIRING ISOLATION* BY AN APPROVED AIR GAP OR REDUCED PRESSURE PRINCIPLE TYPE OF ASSEMBLY HEALTH HAZARD	
1.	Agricultural (e.g. farms, dairies)
2.	Beverage bottling plants**
3.	Car washes
4.	Chemical plants
5.	Commercial laundries and dry cleaners
6.	Premises where both reclaimed and potable water are used
7.	Film processing plants
8.	Food processing plants
9.	Medical centers (e.g., hospitals, medical clinics, nursing homes, veterinary clinics, dental clinics, blood plasma centers)
10.	Premises with irrigation systems that use the water supplier's water with chemical additions (e.g., parks, playgrounds, golf courses, cemeteries, housing estates)
11.	Laboratories
12.	Metal plating industries
13.	Mortuaries
14.	Petroleum processing or storage plants
15.	Piers and docks
16.	Radioactive material processing plants and nuclear reactors
17.	Wastewater lift stations and pumping stations
18.	Wastewater treatment plants
19.	Premises with piping under pressure for conveying liquids other than potable water and the piping is installed in proximity to potable water piping
20.	Premises with an auxiliary water supply that is connected to a potable water supply
21.	Premises where the water supplier is denied access or restricted access for survey
22.	Premises where the water is being treated by the addition of chemical or other additives

\* Refer to OAR 333-061-0070(8) premise Isolation Requirements.

\*\* A Double Check Valve Backflow Prevention Assembly could be used if the water supplier determines there is only a non-health hazard at a beverage bottling plant.

TABLE 49  
BACKFLOW PREVENTION METHODS  
USED FOR PREMISE ISOLATION

DEGREE OF IDENTIFIED HAZARD	
Non-Health Hazard (Pollutant)	Health Hazard (Contaminant)
BACKSIPHONAGE OR BACKPRESSURE	BACKSIPHONAGE OR BACKPRESSURE
Air Gap (AG)	Air Gap (AG)
Reduced Pressure Principle Backflow Prevention Assembly (RP)	Reduced Pressure Principle Backflow Prevention Assembly (RP)
Reduced Pressure Principle-Detector Backflow Prevention Assembly (RPDA)	Reduced Pressure Principle-Detector Backflow Prevention Assembly (RPDA)
Double Check Valve Backflow Prevention Assembly (DC)	
Double Check-Detector Backflow Prevention Assembly (DCDA)	

**Draft revisions of Chapter 13.05.190 and 13.05.195**

Original proposed deleted text is ~~stricken~~.

Original proposed new text is included in Chapter 13.05.195.

**In response to concerns expressed by Council at previous meetings and workshops that the City program not require more than OAR requires.**

Added text is **bold**

Deleted text is ~~double-stricken~~.

**13.05.190 Discontinuance of service.**

**A. On Customer Request.**

Each customer about to vacate any premises supplied with water service by the city shall give the city written notice of his intentions at least two days prior thereto, specifying the date service is to be discontinued; otherwise, he will be responsible for all water supplied to such premises until the city shall receive notice of such removal. At the time specified by the customer that he expects to vacate the premises where service is supplied or that he desires service to be discontinued, the meter will be read and a bill rendered which is payable immediately. In no case will the bill be less than the monthly base rate.

**B. Nonpayment of Sewer and Water Service Charges.**

If the sewer service charges provided for in Chapter 13.15 BMC are not paid when due by any such person, firm, or corporation whose premises are served or who are subject to the charges herein provided, water service provided to that customer by the city may be discontinued because of the default in the payment of the sewer service charges. As an additional alternative method of collection, if such rates and charges are not paid when due by any such person, firm, or corporation, the amounts so unpaid may be certified by the city recorder to the county assessor of Curry County, Oregon, and shall be by him assessed against the premises served as provided by law and shall be collected and paid over to the city in the same manner as other taxes are assessed, collected, and paid over, with interest. Interest on unpaid bills shall run from the due date thereof at the rate adopted by resolution of the city council. Such unpaid charges may also be recovered in an action at law in the name of the city, with interest as aforesaid.

**C. Improper Customer Facilities.**

**1. Unsafe Facilities.**

The city may refuse to furnish water and may discontinue services to any premises without prior notice where plumbing facilities, appliances, or equipment using water are dangerous, unsafe, or not in conformity with the plumbing code of the state of Oregon.

~~**2. Cross Connections.**~~

~~A cross connection is defined as any physical connection between the city system and another source.~~

~~3. The Oregon State Board of Health and the U.S. Public Health Service prohibit cross connections. The requirements of OAR 333-61-070 are hereby adopted by this reference and included as if set out herein.~~

~~4. The city will not permit any cross connection and will discontinue service to any premises where a cross connection or a potential cross connection exists. Service will not be restored until the cross connection or potential cross connection is eliminated. Customers using water from one or more sources in addition to receiving water from the city on the same premises shall maintain separate~~



~~systems for each; and the city's water supply facilities shall be separated from any and all other systems by an air gap or approved backflow prevention device as provided by OAR 333-61-070.~~

**D. Water Waste.**

Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the city may discontinue service if such conditions are not corrected after due notice by the city.

**E. Service Detrimental to Others.**

The city may refuse to furnish water and may discontinue service to any premises where excessive demands by one customer will result in inadequate service to others.

**F. Fraud or Abuse.**

The city will refuse or discontinue service to any premises where it is deemed necessary to protect the city from fraud or abuse. Discontinuance of service from one or both of these causes will be made immediately upon receipt of knowledge by the city that the condition or conditions exist.

**G. Unauthorized Turn-on.**

Where water service has been discontinued for any reason and the water is turned on by the customer or other unauthorized person, the water may then be shut off at the main or the meter removed. The charges for shutting off the water at the main or removing the meter shall be computed at actual cost to the city plus 15 percent overhead, but not less than \$50.00. These charges shall be billed to the offending customer and water shall not be furnished to the premises or customer until such charges are paid and the city has reasonable assurance that the violation will not reoccur.

**H. Noncompliance with Regulations.**

The city may, without notice, discontinue service to a customer's premises for failure to comply with any of the provisions of this chapter, the city's resolutions, and regulations of the city where such failure to comply constitutes a threat to public health, safety or general welfare. [Ord. 88-O-432; Ord. 66-O-190 § 21.]

### **13.05.195 Water Quality - Cross Connection Control Program**

**A. Definitions.**

1. "AUXILIARY SUPPLY" means any water source or system other than the City of Brookings Water System.
2. "APPROVED BACKFLOW PREVENTION ASSEMBLY" or "BACKFLOW ASSEMBLY" or "ASSEMBLY" means an assembly to counteract backpressure and/or prevent back-siphonage. This assembly must appear on the list of approved assemblies issued by the Oregon Health Authority.
3. "BACKFLOW" means the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system of the City of Brookings.
4. "CERTIFIED BACKFLOW ASSEMBLY TESTER" shall mean a person who has successfully completed and maintains all requirements as established by the Oregon Health Authority to be a tester in the state of Oregon.

5. "CERTIFIED CROSS CONNECTION CONTROL SPECIALIST" shall mean a person who has successfully completed and maintains all requirements as established by the Oregon Health Authority to be a Specialist in the state of Oregon.
6. "CITY WATER SYSTEM" shall refer to and mean the City of Brookings Water System, maintained by the City of Brookings, which shall include, wells, treatment mechanisms or processes, pumping stations, reservoirs, supply trunk or feeder lines, service lines, meters and all other appurtenances, device lines and items necessary to the operation of the system and to supply water service to individual property or premises and shall include the City of Brookings potable water with which the system is supplied.
7. "CONTAMINATION" means the entry into or presence in a public water supply system of any substance which may be deleterious to health and/or quality of the water.

8. "CROSS CONNECTION" means any physical arrangement where a potable water supply is connected, directly or indirectly, with any other non-drinkable water system or auxiliary system, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp coolers or any other device which contains, or may contain, contaminated water, sewage or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices or other temporary or permanent devices through which or because of which backflow may occur, are considered to be cross connections.

9. "DEGREE OF HAZARD" means the NON-HEALTH HAZARD or HEALTH HAZARD classification that shall be assigned to all actual or potential cross connections.

10. "DOUBLE CHECK VALVE BACKFLOW PREVENTION ASSEMBLY", "DOUBLE CHECK ASSEMBLY", "DOUBLE CHECK" or "DCVA" means an assembly which consists of two (2) independently-operating check valves which are spring-loaded or weighted. The assembly comes complete with a resilient seated shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness.

11. "DOUBLE CHECK DETECTOR ASSEMBLY" or "DCDA" means an assembly which consists of two independently operating check valves which are spring-loaded or weighted. The assembly comes complete with a shut-off valve on each side of the checks, as well as test cocks to test the checks for tightness. It shall also be provided with a factory bypass arrangement with a meter and a minimum of an approved double check assembly.

12. "HEALTH HAZARD" means an actual or potential threat of contamination of a physical, chemical or biological nature to the public potable water system or the consumer's potable water system that would be a danger to health.

13. "IN-PREMISES PROTECTION" means the appropriate backflow prevention within the consumer's water system at or near the point at which the actual or potential cross connection exists.

14. "MOBILE UNITS" shall mean units that are temporary in nature, connecting to the water system through a legally-permitted hydrant, hose bibb, or other appurtenance of a permanent nature that is part of the City of Brookings water system or a permanent water service to a premises. Examples can include but are not limited to the following: water trucks, pesticide applicator vehicles, chemical mixing units or tanks, waste hauler's trucks or units, sewer cleaning equipment, carpet or steam cleaning equipment other than homeowner use, rock quarry or asphalt/concrete batch plants or any other mobile equipment or vessel that poses a threat of backflow in the City of Brookings Water System. Uses that are excluded from this definition are recreational vehicles at assigned sites or parked in accordance with other City of Brookings policies pertaining to recreational vehicles and homeowner devices that are used by the

property owner in accordance with other provisions of this, or other, City of Brookings policies pertaining to provision of water service to a premises.

15. "NON-HEALTH HAZARD" shall mean the classification assigned to an actual or potential cross connection that could allow a substance that may be objectionable, but not hazardous to one's health, to backflow into the potable water supply.

16. "OHA" shall mean Oregon Health Authority.

17. "OAR" shall mean Oregon Administrative Rule.

18. "PERSON(S)" shall mean a natural person (individual), corporation, company, city, partnership, firm, Limited Liability Company, Joint Venture Company or city, and other such entity.

19. "POLLUTION HAZARD" means an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system, but which would not constitute a health or system hazard, as defined. The maximum intensity of pollution to which the potable water system could be degraded under this definition would cause minor damage to the system or its appurtenances.

20. "PREMISES" means any piece of property to which water service is provided, including, but not limited to, all improvements, mobile structures and other structures located upon it.

21. "PREMISES ISOLATION" means the appropriate backflow prevention at the service connection between the public water system and the premises. This location will be at or near the property line and downstream from the service connection meter.

22. "REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY" or "REDUCED PRESSURE PRINCIPLE ASSEMBLY" or "RP ASSEMBLY" shall mean an assembly containing two independently-acting approved check valves together with a hydraulically-operated, mechanically-independent pressure differential relief valve located between the check valves, and at the same time, below the first check valve. The assembly shall include properly located test cocks and two tightly closing shut-off valves.

23. "REDUCED PRESSURE DETECTOR ASSEMBLY" or "RPDA" shall mean an approved assembly consisting of two approved reduced pressure backflow assemblies, set in parallel, equipped with a meter on the bypass line to detect small amounts of water leakage or use. The assembly should include properly-located test cocks and two tightly closing shut off valves.

24. "RESIDENT" means a person or persons living within the area(s) served by the City of Brookings Water System.

25. "RETROFITTING" means to furnish a service connection with parts or equipment made available after the time of construction or assembly installation.

26. "SPECIALIST" means an Oregon Health Authority-certified Cross Connection Specialist, either employed with the City of Brookings or contracted by the City of Brookings.

27. "SOP Manual" shall mean the City's Standard Cross Connection Control Program Operating Procedures and Guidance Manual.

28. "SUBMERGED HEADS" means irrigation sprinkling or delivery devices that are located below the surface of the landscaped area in which they are installed.

29. "SUPERVISOR" shall mean the Public Works Supervisor or his/her designee.

30. "THERMAL EXPANSION" means the pressure created by the expansion of heated water.

31. "UNAPPROVED SUBSTANCE" means any substance, gas, or liquid other than the city's drinking water or the city's used drinking water.

32. "USED WATER" means any water supplied by the city to a customer's property after it has passed through the service connection and is no longer under the control of the city.

## **B. Purpose**

The purpose of this Ordinance is to protect the water supply and distribution system of the City of Brookings from contamination or pollution due to any existing or potential cross connections and to comply with the Oregon Administrative Rule Chapter 333-061-~~0070, 0071, 0072, 0073 and 0074~~ or as amended.

**C. Application and Responsibilities**

This Ordinance applies throughout the City of Brookings Water System and to every premises and property served by the City of Brookings Water System. It applies to all premises, regardless of date of connection to the City of Brookings Water System. Every owner, occupant or person in control of any concerned premises is responsible for the terms and provisions contained in this Ordinance.

**D. Cross Connections Regulated**

1. No cross connections shall be created, installed, used or maintained within the area(s) served by the City of Brookings Water System, except in accordance with this Ordinance.
2. The Specialist shall carry out or cause surveys to be carried out to determine if any actual or potential cross connection exists. If found necessary, an assembly commensurate with the degree of hazard will be required at the service connection.
3. The owner, occupant or person in control of any given premises is responsible for all cross connection control within the premises.
4. All premises found ~~on in~~ **OAR 333-061-0070 Table 48 of the OAR** shall install a Reduced Pressure Backflow Assembly at the service connection in accordance with this Ordinance.
5. It is the responsibility of the property owner/~~occupant~~ to purchase, install, test, repair and maintain all backflow assemblies.
6. If there is a change in ownership of any and all property within the City's service area, it shall be the responsibility of the new owner to determine that all assemblies are in compliance with this Ordinance.

**E. Backflow Prevention Assembly Requirements**

1. A Specialist employed by, or under contract with, the City of Brookings, shall determine the type of backflow assemblies to be installed within the City of Brookings Water System. All assemblies shall be installed at the service connection unless it is determined by the Specialist and approved by the Supervisor that in-premises protection would be adequate. **Such in premise protection must be installed, maintained and tested in accordance with the Oregon Plumbing Specialty Code.**
2. An approved assembly shall be required **for all premises identified in OAR 333-061-0070, Table 48.** ~~in each of the following circumstances, but the Specialist is in no way limited to the following circumstances:~~
3. **Premises with cross connections not listed or defined in Table 48 shall be individually evaluated by a Specialist. The City shall require the installation of an approved assembly commensurate with the degree of hazard on the premises, as defined in OAR 333-061-0070, Table 49. Any such premises shall be required to install an approved assembly under the following circumstances:**
  - a. In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to permit entry into potable water system, the potable water system shall be protected by an approved air gap separation or an approved reduced pressure principle backflow prevention assembly.

- b. When the nature and extent of any activity at a premises, or the materials used in connection with any activity at premises, or materials stored at a premises, could contaminate or pollute the potable water supply.
  - c. When a premises has one (1) or more cross connections, as that term is defined in **13.05.195(A)**.
  - d. When internal cross connections are present that are not correctable.
  - e. When intricate plumbing arrangements are present making it impractical to ascertain whether cross connections exist.
  - f. When the premises has a repeated history of cross connections being established or re-established.
  - g. When entry ~~to the premises~~ is restricted **to the premises and where the survey report form indicated a possible cross connection may exist. so that for cross connections cannot be made with sufficient frequency to assure cross connections do not exist.**
  - h. When materials are being used such that, if backflow should occur, a health hazard could result.
  - i. When an appropriate cross connection survey report form has not been filed with the City of Brookings Supervisor.
  - j. Any and all used water return systems.
  - k. If an in-premises assembly has not been tested or repaired as required by this Ordinance, the installation of a reduced pressure principle assembly will be required at the service connection.
  - l. There is piping or equipment for conveying liquids other than potable City of Brookings water and that piping or other equipment is under pressure and installed and operated in a manner that could cause a cross connection.
  - m. When installation of an approved backflow prevention assembly is deemed by a Specialist to be necessary to accomplish the purpose of this Ordinance **and OAR 333-061-0070.**
  - n. The use of any type of chemical spray attachment connected to the premises plumbing, including garden hose fertilizers and pesticide applicators, is not allowed within the City of Brookings Water System without proper protection from the potential of backflow occurring.
  - o. The use of any type of radiator flush kits attached to the premises plumbing is not allowed within the City of Brookings Water System without proper protection from backflow occurring.
  - p. Wherever reclaimed water or separate irrigation water is used on premises.
  - q. When there is a premises with an auxiliary water supply which **has the potential to be** ~~is~~ interconnected to the City of Brookings Water Service or supply system.
4. **When a premise is required to install an approved assembly, the City shall:**
- a. **Ensure the approved assembly is installed at a location adjacent to the service connection or point of delivery; and**
  - b. **Ensure any alternate location used must be with the approval of the City and must meet the City's cross connection control requirements.**
5. **When a premise is required to install an approved assembly, the premise owner shall:**

- a. Ensure no cross connections exist between the point of delivery from the City water system and the approved backflow prevention assemblies, when these are installed in an alternate location; and
- b. Assume responsibility for testing, maintenance, and repair of the installed approved backflow prevention assembly to protect against the hazard.

**F. ~~New Construction~~ Discontinuation of Water Service - Noncompliance with Program**  
Water Service may be disconnected to a premise for any of the following reasons:

1. Failure to remove or eliminate an existing unprotected or potential cross connection;
2. Failure to install a required approved backflow prevention assembly;
3. Failure to maintain an approved backflow prevention assembly; or
4. Failure to conduct the required testing of an approved backflow prevention assembly.

- ~~1. On all new non-residential construction, an approved backflow assembly shall be installed at the service connection. The type of the assembly will be commensurate with the degree of hazard as determined by a Specialist.~~
- ~~2. When a building is constructed on commercial premises, and the end use of the building is not determined or could change, a reduced pressure principle backflow prevention assembly shall be installed at the service connection to provide protection of the public water supply in the event of the most hazardous use of the building.~~

**G. Retrofitting**

Retrofitting shall be required at all service connections where an actual or potential cross connection exists, and wherever else the City of Brookings deems retrofitting necessary to comply with the OAR, this Ordinance and the City's SOP Manual.

**H. Irrigation Systems**

All irrigation systems shall be protected according to the Uniform Plumbing Code. In the event any system is equipped with an injector system, a reduced pressure principle assembly will be required at the service connection.

**I. Thermal Expansion**

If a closed system has been created by the installation of a backflow prevention assembly, or other appurtenances, it is the responsibility of the property owner, the occupant, or person in control of the property to eliminate the possibility of damage from thermal expansion in accordance with the Plumbing Code. **The City will notify the premise owner and water user, in writing, of thermal expansion concerns.**

**J. Mobile Units- Portable Water Trucks**

Any mobile unit or apparatus, as defined in Section **13.05.195(A)(14)** ~~8-20-010 Subsection (14)~~ of this Ordinance, which uses the water from any premises within the City of Brookings Water System, shall first obtain a **business license permit** from the City of Brookings and be inspected to assure an approved air gap or reduced pressure principle assembly is installed on the unit.

**K. Installation Requirements**

1. All backflow prevention assembly installations shall follow the requirements as stipulated by the City of Brookings **SOP Manual** and ~~current~~ OAR Chapter 333, Division 061 ~~and the City's SOP Manual.~~



2. If the premises isolation assembly is allowed to be installed at an alternate location, the City of Brookings must have access to the assembly. No connections can be made between the meter and the backflow assembly.
3. The type of backflow prevention assembly required shall be commensurate with the degree of hazard that exists and must, at all times, meet the standards of the Oregon Health Authority. All backflow prevention assemblies required under this section shall be of a type and model approved by the OHA.

**L. Pressure Loss**

Any decrease in water pressure caused by the installation of a backflow assembly shall not be the responsibility of the City of Brookings.

**M. Fire Systems**

An approved double check detector assembly shall be the minimum protection on all new fire sprinkler systems using piping material that is not approved for potable water use, and/or that does not provide for periodic flow-through. A reduced pressure principle detector assembly must be installed, if any solution other than potable water can be introduced into the sprinkler system.

Retrofitting on fire sprinkler systems will be required in each of the following circumstances:

1. Where improper maintenance has occurred
2. On all health hazard systems
- ~~3. Wherever a Specialist deems necessary~~
4. Wherever required by the OAR

In the event an assembly is installed on a designated lateral, a detector assembly commensurate with the degree of hazard will be required.

**N. Temporary Meters and Hydrant Valves**

Backflow protection will be required on all temporary meters and hydrant valves before any use. The type of assembly will be commensurate with the degree of hazard and will be determined on a case-by-case basis by a City of Brookings Specialist.

**O. Oregon Plumbing Specialty Code**

As a condition of water service, customers shall install, maintain, and operate their piping and plumbing systems in accordance with the ~~current~~ Uniform Oregon Plumbing **Specialty Code**, ~~or as amended~~. If there is a conflict between this Ordinance and the ~~Plumbing Code~~, the ~~more stringent~~ **supersedes Code shall prevail**.

**P. Right-of-Way Encroachment Permit**

All backflow assemblies must be installed in accordance with ~~the BMC, Chapter 19, Engineering Requirements and Standard Specifications~~. **Applicants proposing to install their backflow device in the City right-of-way must obtain and comply with a "Right to Use" permit.** ~~Right-of-Way Encroachment stipulated by the City's "Right to Use" Encroachment Document.~~

**Q. Access to Premises**

**For premises where surveys indicate a possible cross connection, A** authorized personnel of the City of Brookings, with proper identification and **not less than 48 hours** ~~sufficient~~ notice, shall have access during ~~reasonable~~ **the hours of eight a.m. to five p.m.** to all parts of a premises and within the structure

to which water is supplied. However, if any owner, occupant or person in control refuses authorized personnel access to a premise, or to the interior of a structure, during these hours for inspection, a reduced pressure principle assembly must be installed at the service connection to that premise.

#### **R. Annual Testing and Repairs**

All backflow prevention assemblies installed within the area(s) **receiving water service from** ~~served by~~ the City of Brookings shall be tested immediately upon installation, and at least annually thereafter by an OHA certified backflow assembly tester. All such assemblies found not functioning properly shall be promptly repaired or replaced at the expense of the owner, occupant or person in control of the premises. In the event an assembly is moved, repaired or replaced it must be retested immediately. All repairs on backflow assemblies within the City of Brookings service area must be performed according to all State and County regulations.

#### ~~**S. Maintenance of Assemblies**~~

- ~~1. Backflow prevention assemblies shall be maintained, tested and repaired in accordance with the requirements set out in this Ordinance, the City's SOP Manual, the OAR and all applicable State agency's regulations. The assembly owner is responsible for protecting their assembly from freezing and vandalism.~~
- ~~2. In the event an assembly is not properly tested and repaired, the City of Brookings will have the assembly tested and repaired and apply all costs associated with this to the assembly owner's utility bill.~~

#### ~~**TS. Responsibilities of Backflow Prevention Assembly Testers**~~

1. All backflow assembly testers operating within the City of Brookings Water System service area shall be certified in accordance with all applicable regulations of the OHA and must abide by the requirements of this Ordinance and the City's SOP Manual.
2. Persons certified as backflow assembly testers shall agree to abide by all requirements of the United States Occupational Safety and Health Administration ("OSHA") and Oregon Occupational Safety and Health Administration ("OR-OSHA").
3. It is the responsibility of backflow assembly testers to submit records of all backflow assembly test reports to the City of Brookings within 10 days of completing the test.
4. **All backflow assembly testers providing service to premises served with City of Brookings water are required to have a current Brookings business license.**

#### **U. Costs of Compliance**

All costs associated with purchase, installation, surveys, testing, replacement, maintenance, parts and repairs of the backflow prevention assembly, and all costs associated with enforcement of this **ordinance document**, are the financial responsibility of the property owner, occupant, or other person in control of the premises.

#### **V. Recovery of Costs**

Any water customer violating any of the provisions of this Ordinance and who causes damage to or impairs the City of Brookings Water System, including, but not limited to, allowing contamination, pollution, any other solution or used water to enter the City of Brookings Water System, shall be liable to the City of Brookings for any expense, loss or damage caused by such violation. The City of Brookings shall collect from the violator the cost incurred by the City of Brookings for any cleaning, purifying, repair or replacement work or any other expenses caused by the violation. Refusal to pay the assessed costs shall constitute a violation of this Ordinance and shall **be resolved by enforcement as provided in**

**BMC 8.15.090, General Abatement Procedure** result in the termination of service. All cost associated with any disconnect or reconnect fees resulting from the enforcement of this Ordinance are the sole responsibility of the property owner.

**W. Termination of Service**

1. Failure on the part of any owner, occupant or person in control of the premises to install a required assembly, have it tested a minimum of annually and repaired if necessary, and/or to discontinue the use of all cross connections and to physically separate cross connections in accordance with this Ordinance is sufficient cause for the discontinuance of public water service to the premises pursuant to Oregon Administrative Rule chapter 333-061-0070, or as amended. In the case of an extreme emergency or where an immediate threat to life or public health is found to exist, discontinuance or termination of public water service to the premises shall be immediate.
2. In lieu of termination of service, the City of Brookings may, at the property owner's expense, **have installed** a reduced pressure assembly at the meter **based on the level of risk**. Testing, maintenance and repair of the assembly will be the responsibility of the property owner.

**X. Falsifying Information**

Any person who knowingly makes any false statement, representation, record, report or other document filed or required to be maintained pursuant to this Ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any backflow assembly, device or method required under this Ordinance shall be subject to civil and/or criminal penalties provided by state law.

**Y. Constitutionality and Saving Clause**

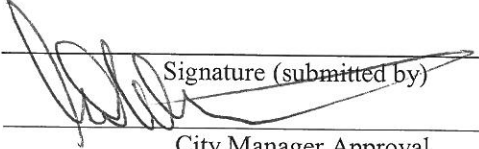
Should any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, are for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portions of this Ordinance, or its application to other persons or circumstances, shall not be affected; thereby, it being the intent of the City of Brookings Water System in adopting and approving this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: City Manager

  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: Community Development Block Grant/Head Start Project

Recommended Motion:

**Alternate 1:** Motion to cease participation in the Community Development Block Grant (CDBG) application for the Brookings Head Start program.

**Alternate 2:** Motion to authorize Mayor to sign revised CDBG application for the Brookings Head Start program with the understanding that the City may withdraw its application unless an agreement acceptable to the City is approved transferring all responsibility for project administration, budget compliance, state/federal program management requirements, general liability and responsibility for reimbursement of the project is not used for Head Start purposes to Coos Curry Douglas Business Development Corporation and Oregon Coast Community Action and, further, authorizing the City Manager to provide sufficient staff resources to administer the construction of the project at the City's expense.

Financial Impact:

Undetermined at this time. This matter was only brought to the City's attention two days prior to the City Council agenda deadline and staff has not had the opportunity to fully investigate the costs associated with managing this project.

Background/Discussion:

At the request of Oregon Coast Community Action (ORCCA) the City submitted an application for federal funding under the Community Development Block Grant (CDBG) program to fund the \$1.5 million acquisition and renovation of a building in which a Head Start program would be conducted. The property in question is the former Southwestern Oregon Community College (SWOCC) at 420 Alder Street. ORCCA and Coos Curry Douglas Business Development Corporation (CCD), which paid for the application preparation, proposed that the City serve as the "pass through" public agency as ORCCA is not eligible to receive CDBG funds directly.

The City Council approved the application and it was first submitted in August, 2012 (see attached). During two rounds of review of the application by the Oregon Infrastructure Financing Authority (IFA), the application was either rejected or delayed as issues such as asbestos abatement and City policies relating to use of force at civil demonstrations were resolved. SWOCC has agreed to complete the asbestos abatement at their own cost.

In late February new issues were raised by IFA regarding ownership of the project and assurances by the City that the property would be used for Head Start purposes for the next five years. The new deadline for resubmitting the application is March 29, 2013.

City Staff has repeatedly requested that ORCCA and/or CCD provide a subgrantee agreement whereby ORCCA would be responsible for managing the project and accepting all non-compliance risks, and the City's role would be limited to receiving and remitting the CDBG funding for the project to ORCCA and CCD for purchase, construction and administration.

On March 18, 2013, City Staff participated in a telephone call at the request of IFA with representatives of ORCCA, CCD and IFA concerning this project as City Staff has become concerned about the continuing delays and expansion of City responsibilities with respect to the project. IFA representatives advised City Staff that:

1. The City would be required to be the initial owner of the property, and that the property would be re-conveyed to ORCAA after the renovation work was completed.
2. The City is responsible for budget compliance; we had no role in preparing the budget.
3. The City would be required to manage the construction, including all bidding, labor compliance and construction inspection. Nothing was included in the grant budget to pay for this cost.
4. The \$25,000 listed in the budget for administration will actually go to CCD as they will be providing all of the parties with technical assistance for federal contract compliance.
5. The City will need to prepare and adopt:
  - a. A "Limited English Proficiency Plan"
  - b. A "Section 3 Plan" (see attached).
6. If the property ceases to be used as a Head Start program facility at anytime within five years after completion of the renovation project, the City would be required to return the grant funding.

Note that ORCCAs total contribution to this project is \$1,000.

Thus, under the project as now defined:

1. ORCCA ultimately receives title to a property valued at \$1.5 million.
2. CCD is fully compensated for "administration."
3. SWOCC receives \$313,000 as the sales price for the property.
4. 175 "people" would be served by the renovated facility.
5. The City...handles all construction management, adopts new federally-mandated policies, assumes all of the risk for failure of the program...and receives no compensation.

If the City is to assume construction management for this project, the responsibility would rest primarily with the Public Works/Development Services Department which is already operating at capacity. The Building Officials would serve as project manager, but other employees would be involved in advertising and selecting an architect and contractor. We may need to augment staff to accomplish this function. Some attorney cost would be needed relating to contract agreements.

Attachment(s):

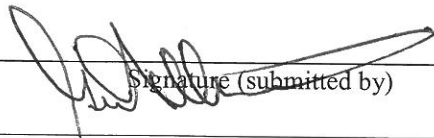
- a. April 27, 2012, CAR.
- b. Page 2 of a typical "Section 3 Plan."
- c. Email from ORCCA Executive Director Michael Lehman, dated March 19, 2013

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: August 27, 2012

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

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Subject: Community Development Block Grant

Recommended Motion:

Motion to authorize staff to work with Oregon Coast Community Action and Southwestern Oregon Community College in the preparation of a Community Development Block Grant application to fund the acquisition and remodel of the former SWOCC building on Alder Street for use as a Head Start facility.

Financial Impact: The City will serve as the “pass through” agency for the grant funding and will recover associated administrative costs through the grant award.

Background/Discussion:

Oregon Coast Community Action (ORCCA) and Southwestern Oregon Community College (SWOCC) have requested that the City apply for funding on their behalf under the Community Development Block Grant (CDBG) program to fund the acquisition and remodeling of the former SWOCC building on Alder Street for use as a Head Start program facility.

CDBG is a federally-funded program administered by the Oregon Infrastructure Financing Authority (IFA). CDBG funding can be used for public facilities and housing improvements, primarily for persons with low and moderate incomes. While the City of Brookings is, generally, not eligible for CDBG funding due to the overall median income of residents of the City, certain projects can meet eligibility requirements when the income of a majority of their clients fall within the CDBG low/moderate income guidelines. In this case, ORCCA has estimated that 100 per cent of the program beneficiaries would be of low or moderate income. ORCCA estimates that the project will serve 175 people annually, including at least 52 children and their families.

The application being contemplated would request \$1,495,000 in CDBG funding for the project. There is no local match required.

The City is required to consider this application at two public meetings, one where the project is identified and publicly discussed, followed by a public hearing on the application. The application has been placed on the August 27, 2012, City Council agenda for initial discussion and will be noticed for public hearing at the City Council meeting of September 10, 2012.

The Planning Commission approved a Conditional Use Permit for the Head Start project in May.

Attachment(s):

- a. Project Notification and Intake Form and Budget

## **SECTION 3 PLAN**

### **General Policy Statement**

It is the policy of the City/County of \_\_\_\_\_ to require its contractors to make a good faith effort to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or marital status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

The City/County of \_\_\_\_\_ implements this policy through the awarding of contracts to contractors, vendors, professional service providers/consultants and suppliers, to create employment and business opportunities for residents of the City/County of \_\_\_\_\_ and other qualified low- and very low-income persons.

The policy will ensure that in good faith the City/County of \_\_\_\_\_ will have a reasonable level of success in the recruitment, employment, and utilization of Section 3 residents and other eligible persons and Section 3 business concerns working on contracts partially or wholly funded with the United States Department of Housing and Urban Development (HUD) monies. The City/County of \_\_\_\_\_ shall examine and consider a contractor's, professional service provider/consultant or vendor's potential for success by providing employment and business opportunities to Section 3 residents and business concerns prior to acting on any proposed contract award.

### **Good Faith Effort**

At a minimum, the following tasks must be completed to demonstrate a good faith effort with the requirements of Section 3. The City/County of \_\_\_\_\_ and each contractor, subcontractor, professional services provider, vendor or supplier seeking to establish a good faith effort as required should be filling all training positions with persons residing in the target area.

1. Send notices of job availability subcontracting opportunities subject to these requirements to recruitment sources, organizations and other community groups capable of referring eligible Section 3 applicants, including Works Source Oregon.
2. Include in all solicitations and advertisements a statement to encourage eligible Section 3 residents to apply.
3. When using a newspaper of major circulation to request bids/quotes or to advertise employment opportunities to also advertise in minority-owned newspapers.
4. Maintain a list of all residents from the target area who have applied either on their own or by referral from any service, and employ such persons, if otherwise eligible and if a trainee position exists. (If the contractor has no vacancies, the applicant, if otherwise eligible, shall be listed for the first available vacancy). A list of eligible applicants will be maintained for future vacancies.

Any construction contractor, professional services provider, vendor or supplier must certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed were not filled to circumvent the contractor's obligation under 24 CFR Part 135.



## **Gary Milliman**

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**From:** mlehman@orcca.us  
**Sent:** Tuesday, March 19, 2013 5:17 PM  
**To:** Eileen Ophus  
**Cc:** t.loomis@ccdbusiness.com; Bryant A; Margaret Barber; Gary Milliman  
**Subject:** Brooking Head Start

Eileen - thank you for the update. Having just come out of County government, I truly appreciate Mr. Milliman's concern about finances. From ORCCA's standpoint, there is not a lot of financial benefit in this project for us. We get a new building that will be great to operate out of. But, it does nothing for our balance sheet nor impact our operational costs.

The biggest thing it does for us is to give us a permanent structure to operate out of which does a good job of assuring that we will be offering Head Start in the Brookings community for many years to come. I am sure that if this deal falls through we will find location to rent. However, at some point in the future, without a permanent base of operation, it may be difficult to continue to provide Head Start in the Brookings Community.

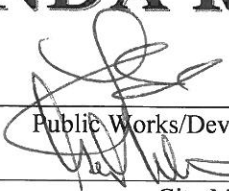
Again, I truly understand that the City of Brooking may need to pull the plug on this project. We will continue to look for a permanent location in the community.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: PW/DS



Public Works/Development Services Director

City Manager Approval

---

Subject: Cooperative Agreement Amendment 1 – Harris Beach Multi Use Bike Path

Recommended Motion: Motion to authorize the City Manager to execute a Cooperative Improvement Agreement Amendment with the State of Oregon.

Financial Impact: There is no financial impact to the City of Brookings. All project costs are paid for by the State of Oregon as indicated in the Cooperative Agreement Amendment #1. This amended agreement demonstrates an increase in budget cost paid by the State through federal transportation enhancement funding.

Background/Discussion:

The proposed project scope has not changed and includes a 10 foot wide multi use path from Dawson Street via the abandoned Old Coast Highway to the entrance of Harris Park State Beach. Construction costs have been refined during design, and have increased due to the need for a more extensive retaining wall south of Dawson Road. This stretch of bike trail is adjacent to a creek, experiences a steep decline, and has soil characteristics dictating a more extensive retaining wall and footing design. The extent of retaining wall was not identified in the grant application phase because more detailed geotechnical investigation occurred only after the grant approval. The original budget for the entire project was \$1,017,000 which is now revised to \$1,497,000 by this amendment. The financial terms of the amendment demonstrate ODOT's support for the proposed bike path.

The project is currently in plan review stage and still on schedule for construction in summer 2014.

Policy Considerations: None

Attachment(s): a. Cooperative Agreement Amendment 1

**AMENDMENT NUMBER 01**

**COOPERATIVE IMPROVEMENT AGREEMENT**

Harris Beach Multi-Use Path: Ransom Avenue-Dawson Road

The **STATE OF OREGON**, acting by and through its Department of Transportation, hereinafter referred to as "State," and the **STATE OF OREGON**, acting by and through its Parks and Recreation Department, hereinafter referred to as "OPRD," and the **CITY OF BROOKINGS**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into an Agreement on June 18, 2012. Said Agreement covers construction of a multi-use path.

It has now been determined by State, OPRD and Agency that the Agreement referenced above shall be amended to increase the total cost of the Project. Except as expressly amended below, all other terms and conditions of the Agreement are still in full force and effect.

**TERMS OF AGREEMENT, Paragraph 2, which reads:**

2. The Project will be conducted as a part of the Transportation Enhancement Program under Title 23, United States Code, which incorporated SAFETEA-LU. The total Project cost is estimated at \$1,018,000, which is subject to change. The Enhancement Funds are estimated at \$912,631, with State providing the match and any non-participating costs, including all costs in excess of the available federal funds. The Enhancement funds will be used for all phases of the Project.

**Shall be deleted in its entirety and replaced with the following:**

2. The Project will be conducted as a part of the Transportation Enhancement Program under Title 23, United States Code, which incorporated SAFETEA-LU. The total Project cost is estimated at \$1,497,000, which is subject to change. The Enhancement Funds are estimated at \$912,631, with State providing the match and any non-participating costs, including all costs in excess of the available federal funds. The Enhancement funds will be used for all phases of the Project.

This Amendment may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

**THE PARTIES**, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2012-2015 Statewide Transportation Improvement Program, (Key #17880) that was adopted by the Oregon Transportation Commission on March 21, 2012 (or subsequently approved by amendment to the STIP).

**City of Brookings**, by and through its  
elected officials

By \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Date \_\_\_\_\_

APPROVED AS TO LEGAL  
SUFFICIENCY

By \_\_\_\_\_

City Attorney

Date \_\_\_\_\_

**STATE OF OREGON**, by and through  
its Parks and Recreation Department

By \_\_\_\_\_

Date \_\_\_\_\_

Agency Contact:  
Loree Pryce  
Public Works Director  
898 Elk Drive  
Brookings OR 97415  
(541) 469-1151

**STATE OF OREGON**, by and through  
its Department of Transportation

By \_\_\_\_\_  
Highway Division Administrator

Date \_\_\_\_\_

APPROVAL RECOMMENDED

By \_\_\_\_\_  
Technical Services Mgr./Chief Engineer

Date \_\_\_\_\_

By \_\_\_\_\_  
Region Manager

Date \_\_\_\_\_

APPROVED AS TO LEGAL  
SUFFICIENCY

By \_\_\_\_\_  
Assistant Attorney General

Date \_\_\_\_\_

State Contact:  
Elizabeth Stacey  
ODOT Region 3 Project Leader  
3500 NW Stewart Pkwy  
Roseburg, OR 97470  
(541) 957-3542  
Elizabeth.stacey@odot.state.or.us

Agency/State  
Agreement No. 28101

[lpryce@brookings.or.us](mailto:lpryce@brookings.or.us)

OPRD Contact:

Brent Siebold  
Park Manager  
1655 HWY 101 N  
Brookings, Oregon 97415  
(541) 469-2021  
Brent.Siebold@state.or.us

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: PWDS

  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

Subject: Award contract for storm drain and sewer systems TV inspection, cleaning, mapping and trenchless point repair services.

Recommended Motion: To authorize the City Manager to execute a public improvement contract for cleaning and TV inspection of 5 miles of storm drain pipe and 3 miles of sanitary sewer pipe to C-More Pipe Services a basic bid amount of \$56,955 for storm drain TV inspection and \$35,279 for sewer TV inspection. In addition, authorize the City Manager an additional contingency not to exceed amount of \$80,000, for as needed inflow and infiltration (I/I) repairs as identified in the TV inspection and GIS mapping as needed for the Storm Drain Master Plan Update currently in process. The total amount of the contract shall not exceed \$172,234.

Financial Impact: There are adequate funds budgeted in fiscal year 2012-13 wastewater system replacement (WWSRF) and storm restoration funds from storm damage resolution 13-R-996 adopted by City Council January 28, 2013 (SWSRF). Due to the unexpected damages from the November 20, 2012 storm event, WWSRF CIP funds for sewer rehabilitation were reallocated to Beach Avenue Lift Station and a special City Council workshop was organized to address the shortfall in SWSRF funds. City Council adopted additional storm water funds at the January 28, 2013 meeting under Resolution 13-R-996.

Please refer to the following summary table(s).

	Approved Projects	Fund	Amount
1	Sewer rehabilitation - CIP 2012/13	WWSRF	\$ 100,000
2	I/I point repairs - CIP 2012/13	WWSRF	\$ 50,000
3	Storm restoration - Master Plan - Resolution 13-R-996	SWSRF	\$ 150,000

	Revised Project	Fund	Amount
1a	Beach Lift Station	WWSRF	\$ 64,721
1b	TV inspection - base bid	WWSRF	\$ 35,279
	<i>Subtotal 1a-1b</i>		<i>\$ 100,000</i>
2	I/I Point Repairs - contingency	WWSRF	\$ 50,000
3a	Dyer Storm Water Master Plan Update	SWSRF	\$ 55,500
3b	TV inspection - base bid	SWSRF	\$ 56,955

3c	Mapping, Point Repairs - contingency	SWSRF	\$ 30,000
Subtotal 3a-3c			\$ 142,455

Background/Discussion: In order to verify the condition of our existing storm and sewer pipes, TV inspection is the first key step to evaluate pipe condition, plan repairs and prevent future failure. While researching TV inspection companies, staff discovered some of these contractors also provided GIS mapping and trenchless technology repairs. Trenchless technology repairs include chemical grouting of holes and voids, lining sewer manholes from storm water intrusion, and installing cured in place plastic resin (CIPP) up to 4 feet, 8-inch diameter sections.

Approximately 5 miles of storm drains will be inspected which is roughly 33 percent of the entire storm drain system. The TV inspection locations are being determined by City staff based on age and known areas of storm water issues. Approximately 3 miles of sewer mains will be inspected which is roughly 10 percent of the entire sewer main system. The rehabilitation work was presented as a contingency unit price. The City would have the ability to select where and what type of rehabilitation work and complete the repairs while the Contractor is already mobilized in Brookings.

Attachment c is a report prepared during the last sewer main inspection, conducted upstream of Oak Street in 2010. Attachment c shows the pipe has two voids, or holes, and would be a good candidate for the chemical grout application. Only Pacific Street and Mendy Street have been rehabilitated since the last TV inspection. The 2010 TV inspections identified many more areas to “fix” therefore it is more effective to fix the repairs while they are being identified.

Due to unexpected expenses from the Beach Lift Station emergency restoration, a majority of the \$100,000 sewer rehabilitation budget was reassigned to Beach Lift Station repairs. The City committed to I/I reduction by adopting an I/I reduction plan in October of 2012 so it was imperative to retain some of rehabilitation CIP funding for I/I reduction measures. Also note, TV inspection and trenchless technology repairs are all approved DEQ I/I reduction measures.

Request for bids were sent to 3 companies that specialize in TV inspection, trenchless technology repair and mapping; C-More Pipe, ProPipe and Iron Horse, the only responsive bid received was from C-More Pipe.

Policy Considerations: This project is consistent with City Council goals to reduce I/I, and prevent road and pipe failure by planning for repair of the worse pipe conditions identified in the TV inspection.

Attachment(s):

- a. Bid Schedule from C-more pipe
- b. Excerpt from January 28, 2013 City Council report
- c. Excerpt from TV inspection 6/28/2010



# C-More Pipe Services

## PROPOSAL

C-More Pipe Services Co.  
9350 Rickreall Rd.  
Rickreall, OR 97371  
(503) 623-1319

Attention	Job Number	PO Number	Job Phone
LauraLee Snook			541-469-1131
Proposal submitted to:	Phone	Fax	Date
City of Brookings			3/5/2013
Street	Job Name		
898 Elk Dr.	Evaluate & Mapping of Sewer System Contract #13-008		
City	State	Zip	Job Location
Brookings	OR	97415	Brookings, OR

We hereby submit applications and estimates for – REVISED FOR QUANTITY CHANGE:

### BID SCHEDULE STORM SEWER

Item	Description	Quantity	Unit	Unit Cost	Item Cost
1	Mobilization	1	LS	\$ 2,975.00	\$ 2,975.00
2	TV video and evaluation	26,400	LF	\$ 0.95	\$25,080.00
3	Cleaning	26,400	LF	\$ 1.00	\$26,400.00
4	GIS mapping	1	LS	\$ 2,500.00	\$2,500.00

TOTAL: \$ 56,955.00

### BID SCHEDULE SANITARY SEWER

Item	Description	Quantity	Unit	Unit Cost	Item Cost
1	Mobilization	1	LS	\$ 2,975.00	\$ 2,975.00
2	TV video and evaluation	15,840	LF	\$ 0.90	\$ 14,256.00
3	Cleaning	15,840	LF	\$ 0.95	\$ 15,048.00
4	GIS mapping	1	LS	\$ 3,000.00	\$ 3,000.00

TOTAL:\$ 35,279.00

### BID ALTERNATIVE

Item	Description	Quantity	Unit	Unit Cost	Item Cost
1	Mobilization	1	LS	\$ 2,975.00	\$ 2,975.00
2	Rehabilitation CIPP Basis 8"x48"	5	4LF	\$ 1,650/ea	\$ 6,600.00
3	Rehabilitation Grout	100	Joint	\$ 45.00	\$ 4,500.00
4	Rehabilitation Grout	25	Lateral	\$ 325.00	\$ 8,125.00
5	Rehabilitation Grout	1	Gallon	\$ 16.50	\$ 16.50
6	Manhole Rehabilitation	1	LS	\$ 1,000.00	\$ 1,000.00
7	Traffic Control	1	Per Hr	\$ 75.00	\$ 75.00
8	Performance Bond	1	LS	\$ 3,816.00	\$ 3,816.00

TOTAL: \$ 23,291.50

Category	Project	Description	Fund/Payment Method				
			SWSRF	WWSRF	WSRF	SSRF	GFR
Emergency Repair/Clean Up		<b>Fund Balance</b>	\$ 338,347	\$ 875,647	\$ 400,052	\$ 424,433	\$ 282,652
	Mill Beach Culvert	Replace failed 48" culvert/restore road	60,000				
	Beach Lift Station	Temporary repairs, portable pumps		25,000			
	Ransom Culvert	Replace failed 60" culvert/restore road	110,000				
	Oil Can	Storm drain failure/clean & shore up	35,000				
	Water Mains	Water main repairs, various locations			4,500		
	Eastwood	Slope failure/temporary bypass			25,000		
	Storm Supplies	2,500 sand bags, repair Vactor, etc.					18,000
	Earthwork	Repair damaged slopes, various locations					25,000
	Clean-up	Street sweep, clean debris					15,000
	Ransom Drain Inlet	Install storm drain inlet	6,800				
	Engineering	Dyer, Roberts, GRT, etc	1,450				
		<b>Fund Totals</b>	213,250	25,000	29,500	0	58,000
		<b>Category Total</b>	\$325,750				
Restoration		<b>Surcharges</b>	Total Cost	SWSRF	WWSRF	WSRF	SSRF
	Mill Beach Culvert	Restore Pavement	8,500				8,500
	Ransom	Restore Pavement, sidewalk	34,550				34,550
	Ransom	Restore fence/wall	15,000	15,000			
	Beach LS	Restore pavement, electrical, stabilize hillside	350,000		350,000		
	Oil Can	Restore pipe	312,000	312,000			
	Eastwood	Relocate pipe from slope failure area	25,000			25,000	
	Master Plan	Systemwide inspection/mapping/improv. Plan	150,000	150,000			
		<b>Category Total</b>	\$895,050	\$477,000	\$350,000	\$25,000	\$43,050
Mitigation		<b>Rate Totals per month</b>	\$2.35				
		<b>Bond Rate</b>	Per \$1,000 AV	10 years =	\$0.26	6 years =	\$0.39
	Old County Rd @ Fir	Re-route stormwater through Azaela Park	250,000				
	Napa/Lucky Lane	Upsize/replace storm drain	176,000				
	City Hall Alley	Consolidate City/clinic system	75,000				
	Buena Vista Loop	Modify catch basin/new catch basin	12,000				
		<b>Category Total</b>	\$513,000				

**GRAND CATEGORY TOTAL \$1,733,800**

SWSRF = Storm Water System Replacment Fund  
WWSRF = Wastewater System Replacement Fund  
WSRF = Water System Replacement Fund

SSRF = Streets System Replacment Fund  
GRF = General Fund Reserve



**PROPIPE, INC.**  
28655 SW BOONES FERRY RD.  
WILSONVILLE, OR 97070  
Tel: 800-975-9449, Fax: 503-685-9754

## Inspection report

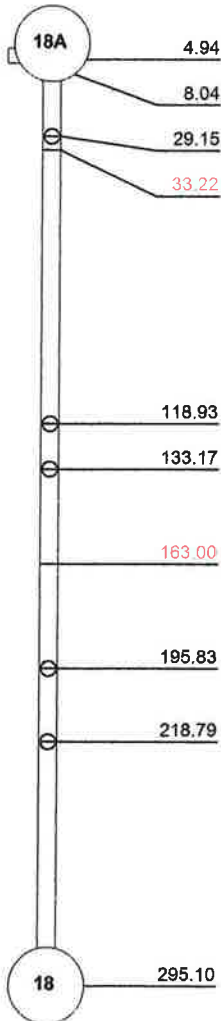
Date: <b>06/28/2010</b>	P.O.#:	Weather: <b>1 Dry</b>	Surveyed By: <b>JOHN GRAHAM</b>	section number: <b>50</b>	PSR:
Total Pipe Length:	Survey Customer:	System Owner:	Clean Date:	Pre-Cleaned: <b>J Jetting</b>	Map Grid #:

Street: <b>ART ST</b>	Flow Control:	Start MH: <b>18A</b>
City: <b>BROOKINGS</b>	Year Renewed	End MH: <b>18</b>
Location Code:	Tape/Media #: <b>1</b>	Total length: <b>295.1 ft</b>
Purpose:	Dia/Height: <b>C Circular 8</b>	
Use:	Material: <b>RCP Reinforced Concrete Pipe</b>	Pipe length:
Drain. Area:	Lining:	
	Category:	

Comment:

Location details:

1:725      position      code      observation      MPEG      photo      grade

	4.94	AMH	Upstream Manhole, Survey Begins	00:00:11		
	8.04	TFA	Tap Factory Made Active, at 02 o'clock, 4", within 8 inch: YES	00:00:42		
	29.15	TFA	Tap Factory Made Active, at 12 o'clock, 4", within 8 inch: YES	00:02:21		
	33.22	HVV	Hole Void Visible, at 05 o'clock, within 8 inch: YES	00:02:23		S 5
	118.93	TFA	Tap Factory Made Active, at 12 o'clock, 4", within 8 inch: YES	00:06:50		
	133.17	TBA	Tap Break-In Active, at 12 o'clock, 4", within 8 inch: YES	00:07:46		
	163.00	HSV	Hole Soil Visible, from 02 to 04 o'clock, within 8 inch: YES	00:09:24		S 5
	195.83	TBA	Tap Break-In Active, at 01 o'clock, 4", within 8 inch: YES	00:11:42		
	218.79	TBA	Tap Break-In Active, at 01 o'clock, 4", within 8 inch: YES	00:13:07		
	295.10	AMH	Downstream Manhole, Survey Ends	00:16:53		

QSR	QMR	SPR	MPR	OPR	SPRI	MPRI	OPRI
6200	0000	10	0	10	5	0	5

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: PWDS  
Planning

Donna Colby-Hanks  
Signature (submitted by)  
[Signature]  
City Manager Approval

---

**Subject:** Suspension of code requirement for a sign permits for sandwich board signs and the limitation of sandwich boards signs to businesses whose entrance does not have street frontage.

**Recommended Motion if the City Council desires to temporarily suspend enforcement:** Motion to suspend the criteria of Brookings Municipal Code, Chapter 17.88.100(F) which requires a sign permit for sandwich board signs and limits the signs to businesses whose entrance does not front on a street and adopt the Resolution No. 13-R-1000.

**Financial Impact:** None.

**Background/Discussion:** The Tourism Promotion Advisory Committee recommended that City Council consider lifting the sandwich board sign regulations. The Committee felt that with virtually unlimited use of sandwich board signs from May 15 to October 15 of each year, the number of tourists stopping in Brookings would increase significantly.

This matter has also been raised by several individual Councilors and was discussed at the March 4, 2013 City Council Workshop. Staff was directed to present the matter to the City Council at a regular meeting for discussion and decision.

Staff contacted several other coastal communities to ascertain if sandwich board signs are allowed and under what circumstances. Of the coastal communities contacted, all allow sandwich board signs, most required permits, all limited to one sign, and all limited the size between 6 and 12 square feet. Staff contacted Oregon Department of Transportation (ODOT) for input. ODOT advised there have been issues with vehicle doors being damaged by hitting signs that are put at the curb, adjacent to parking spaces.

One option is to suspend the requirement for a sign permit for sandwich board signs and the limitation of these signs to businesses whose entrance does not front on a street. This suspension could follow the recommendation of the Tourism Promotion Advisory Committee and be effective from May 15, 2013, to October 15, 2013. This period of time would provide an opportunity for other issues or benefits not considered to be identified.

There are four additional criteria in Chapter 17.88.100(F) as follows:

1. Only one such sign shall be permitted for each business and shall not exceed two feet in width and four feet in height.
2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.

3. Placement of sign must leave at least 36 inches of continuous unobstructed sidewalk area to provide accessibility for pedestrians.
4. Signs shall be displayed only at such times as the business they are intended to identify is open for business.

Staff recommends these criteria remain in effect. They provide assurances that American's with Disabilities Act requirements are met and safety is taken into account.

After October 15th, the City could evaluate the benefits to the local businesses versus the negative visual impacts the signs have to tourists and citizens. If the evaluation indicates benefits outweigh the impacts, this information would provide details to draft a code revision that would best serve the advertising needs while limiting the negative impacts. The City Attorney has advised this suspension could be accomplished by resolution.

Policy Considerations: None.

Attachment(s): BMC Section 17.88.100(F)  
Resolution No. 13-R-1000

## **Brookings Municipal Code**

### **Chapter 17.88 Signs**

#### **17.88.100 General standards for signs in all zones.**

F. Sandwich Board Signs. Sandwich board signs may be permitted in commercial zones if the business entrance does not have street frontage (alleys are not considered street frontage) and provided the following conditions are met:

1. Only one such sign shall be permitted for each business and shall not exceed two feet in width and four feet in height.
2. Each sign must be sufficiently weighted at the bottom to prevent toppling by wind.
3. Placement of sign must leave at least 36 inches of continuous unobstructed sidewalk area to provide accessibility for pedestrians.
4. Signs shall be displayed only at such times as the business they are intended to identify is open for business. [Ord. 08-O-608 § 2.]

# **CITY OF BROOKINGS**

**STATE OF OREGON**

## **RESOLUTION 13 -R-1000**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKINGS Suspending enforcement of a portion of Brookings Municipal Code (BMC) Section 17.88.100(F) .**

**WHEREAS**, the City of Brookings adopted Ordinance No. 08-O-608, effective June 26, 2008, which requires approval of a sign permit for a sandwich board signs and limits sandwich board signs to businesses whose entrance does not have street frontage; and

**WHEREAS**, the Tourism Promotion Advisory Committee has recommended that the City Council consider lifting the sandwich board sign regulations effective May 15, 2013, through October 15, 2013, in an effort to increase the number of tourists stopping in Brookings; and

**WHEREAS**, this temporary suspension will provide a opportunity for other issues or benefits not considered to be identified;

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Brookings, Curry County, Oregon, that enforcement of the portion BMC Section 17.88.100(F) which requires a sign permit for sandwich board signs and which limits sandwich board signs to businesses whose entrance does not have street frontage is suspended from May 15, 2013, through October 15, 2013. After October 15, 2013, the Tourism Promotion Advisory Committee shall evaluate the benefits versus the negative impacts and make a recommendation to City Council. The criteria found in BMC Section 17.88.100(F)(1)(2)(3)(4) shall remain in effect.

Passed by the City Council March 25, 2013; effective the same date.

Attest:

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Mayor Ron Hedenskog

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City Recorder Joyce Heffington

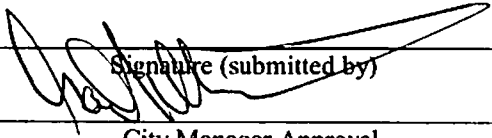


# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: March 25, 2013

Originating Dept: City Manager

  
\_\_\_\_\_  
Signature (submitted by)  
\_\_\_\_\_  
City Manager Approval

---

**Subject:** Charter Cable Franchise Extension

**Recommended Motion:**

Adopt Resolution 13-R-1001, extending the Franchise Agreement with Falcon Telecable, DBA Charter Communications, to August 31, 2013, or until a new franchise agreement is negotiated, whichever comes first, and repealing Resolution 12-R-975 in its entirety.

**Financial Impact:**

None

**Background/Discussion:**

The City of Brookings and Curry County have been engaged in negotiations with Charter Cable in the development of a new franchise agreement. The current agreement expired August 22, 2010. The City previously approved extensions through February 21, 2011, November 30, 2011 and February 29, 2013.

The progress of negotiations has been slow. Numerous changes in federal regulations affecting cable franchises have occurred since the current franchise agreement was approved in 2003. The City and County have jointly retained consulting services to assist with the development of a new agreement. A series of revised draft franchise agreements have been exchanged.

**Attachment(s):**

- a. Resolution 13-R-1001
- b. Franchise Extension Agreement
- c. Letter dated March 5, 2013, from Charter Communications.

# **CITY OF BROOKINGS**

## **RESOLUTION 13-R-1001**

**A RESOLUTION OF THE CITY OF BROOKINGS EXTENDING THE FRANCHISE AGREEMENT WITH FALCON CABLE SYSTEM COMPANY II, L.P., D.B.A. CHARTER COMMUNICATIONS, TO AUGUST 31, 2013, OR UNTIL A NEW FRANCHISE AGREEMENT IS NEGOTIATED, WHICHEVER COMES FIRST, AND REPEALING RESOLUTION 12-R-975 IN ITS ENTIRETY.**

**WHEREAS**, Falcon Cable System Company II, L.P., d.b.a. Charter Communications (Charter) currently holds a ten-year cable franchise with the City of Brookings, (City) Oregon, granted by Ordinance No. 00-O-539, (Franchise) on August 21, 2000 and amended by Ordinance No. 03-O-539 on July 28, 2003; and

**WHEREAS**, Charter's Franchise with the City expired on August 22, 2010; and

**WHEREAS**, the City and Charter are involved in informal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended and the parties continue to reserve all rights under the formal procedures of Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto; and

**WHEREAS**, the agreement was last extended to February 28, 2013 under Resolution 12-R-975; and

**WHEREAS**, Charter has requested that the City further extend the existing franchise agreement to August 31, 2013 while franchise negotiations continue; and

**WHEREAS**, it is in the public interest to further extend the current Franchise for an additional period of time so that cable service to the public will not be interrupted;

**NOW, THEREFORE**, the City of Brookings hereby resolves to extend the Franchise Agreement with Charter through August 31, 2013, or until a new Franchise Agreement is negotiated, whichever comes first.

**BE IT FURTHER RESOLVED**, that the Mayor of the City of Brookings is authorized to sign the attached Franchise Extension Agreement and that Resolution 12-R-975 is hereby repealed in its entirety.

PASSED by the City Council of the City of Brookings, March 25, 2013; effective the same date.

Attested by:

---

Mayor Ron Hedenskog

---

City Recorder Joyce Heffington

**FRANCHISE EXTENSION AGREEMENT  
CITY OF BROOKINGS, OREGON**

WHEREAS, Falcon Telecable, a California Limited Partnership, locally known as Charter Communications ("Charter") currently holds a cable franchise with the City of Brookings, Oregon ("City"), granted by Ordinance No. 00-0-539 ("Franchise") on August 22, 2000 and amended by Ordinance No. 03-0-539 on July 28, 2003; and

WHEREAS, the City extended the term of the Franchise until November 30, 2011; and thereafter until February 28, 2013; and

WHEREAS, the City and Charter have begun informal renewal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended and the parties continue to reserve all rights under the formal procedures of Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto; and

WHEREAS, Charter has requested that the City extend the existing franchise while a new franchise continues to be negotiated; and

WHEREAS, it is in the public interest to further extend the current Franchise for an additional period of time so that cable service to the public will not be interrupted.

NOW, THEREFORE, the Franchise of Charter shall be extended through August 31, 2013, or until a new Franchise Agreement is negotiated, whichever comes first. All other terms and conditions of the existing Franchise shall remain the same. The parties continue to reserve all rights under the formal procedures of Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2013

City of Brookings, Oregon

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

ACCEPTED this \_\_\_\_ day of \_\_\_\_\_, 2013

Falcon Telecable, a California Limited Partnership, l/k/a  
Charter Communications

By: Charter Communications VII, LLC its  
General Manager

By: Charter Communications Inc., its Manager

By: \_\_\_\_\_

Printed Name: Robert E. Quicksilver

Title: Executive Vice-President, Chief Administrative  
Officer

Charter Communications



March 5, 2013

VIA CERTIFIED MAIL/  
RETURN RECEIPT REQUESTED

Mr. Gary Milliman  
City Manager  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Dear Mr. Milliman:

As you know, the current Franchise Agreement entered into by and between the City of Brookings, Oregon ("City") and Falcon Telecable, a California Limited Partnership, locally known as Charter Communications ("Charter") is through February 28, 2013.

To allow for time for negotiation between the City and Charter for a new cable franchise agreement, Charter kindly requests that the City enter into an Agreement with Charter to extend the term of our current Franchise Agreement until August 31, 2013 or until the terms of the new cable franchise agreement are finally negotiated, whichever comes first. Thus, please find enclosed two (2) original draft Agreements to extend our current franchise agreement (i.e., Franchise Extension Agreement in the City of Brookings, Oregon.) Once the City has had a chance to review and approve the enclosed, I kindly request that the City have a duly authorized representative sign and date each Agreement. Please return both signed Agreements to my attention for final execution by Charter. Once Charter has signed the enclosed Agreements, Charter will then return one (1) fully executed copy of the Agreement to the City for its records.

If you have any questions and/or comments regarding the enclosed, please feel free to contact me directly at (360) 258-5108.

Thank you for your attention to this matter and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mary Roehr'.

Mary Roehr  
Manager, Government Relations  
Charter Communications NW KMA

Enclosures

222 NE Park Plaza Drive, Suite #231  
Vancouver, WA 98684

# City of Brookings

## CITY COUNCIL MEETING Minutes

**Monday, February 25, 2013**

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

The City Council met Executive Session at 6:30pm, 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.

### **Call to Order**

Mayor Hedenskog called the meeting to order at 7:02pm.

### **Roll Call**

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

Staff Present: City Manager Gary Milliman, Finance & Human Resources Director Janell Howard, Public Works & Development Director Loree Pryce, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Three others; no media was present.

### **Ceremonies/Appointments/Announcements**

Mayor Hedenskog announced that the Brookings Vision Council asked to have their "Catch the Wave" proclamation removed from this agenda.

### **Staff Reports**

*Authorization to contract with Pace Engineers, Inc. to update the Brookings Water Master Plan and conduct SCADA/Telemetry Feasibility Study.*

Director Pryce gave the staff report.

Councilor McClain said he would like a better understanding of the work involved. There has been little development over the past few years, he said, and given staff's experience with existing systems, it seemed like a lot of money to spend.

Pryce said the last update included five year old projects. Updates provided the level of confidence necessary to plan and budget for future needs, she said, and the new study would also have a SCADA (system control) component. City Manager Milliman added that the City had made a number of infrastructure improvements since the last update and staff had several questions about existing infrastructure that needed to be addressed.

McClain asked if the City lacked the in-house talent to perform the work and Milliman said the City had the talent, but lacked the capacity. Pryce added that the City's ability to provide a GIS base map, which was not available previously, reduced the cost of the proposed study.

Mayor Hedenskog asked if the update would be electronic so it could go into the GIS system and if there was a state requirement for the update. Pryce said they would model certain areas, and the City would get that data and that while there was no state requirement, the

state did recommend a new study be conducted every five years. Information from the study would also be used in the System Development Charge update.

**Councilor Hodges moved, Councilor Hamilton seconded, and Council voted 4 to 1, to authorize the City Manager to execute a professional services contract with Pace Engineers, Inc. to update the City's Water Master Plan and conduct SCADA/Telemetry Feasibility Study, in an amount not to exceed \$65,000 with Mayor Hedenskog and Councilors Hodges, Hamilton and Pieper voting "Yes," and Councilor McClain voting "No."**

*Authorization to contract with Dyer Partnership to update the Storm Water Master Plan.*

Director Pryce provided the staff report and said the biggest advantage of the update would be to provide correct flow data from a 25 year storm event. The data gathered, she added, would help to correctly size storm drains and would also provide GIS data. The last update was in 2008, but staff recommended performing the update a year early to aid in design work needed to fix problems from the last winter's storm event.

Councilor Hodges asked if the study would help with inflow and infiltration (I & I) issues and Pryce said I & I was a separate effort.

Councilor McClain said recent damages were the result of storm drains being clogged by debris, not insufficient pipe size, and he was finding it difficult to understand how this update would help. Pryce said staff needed current data in order to find solutions to existing issues. Catch basins, she added, also needed to be appropriately sized.

Councilor Pieper said Council had adopted a storm damage resolution in January covering this and once Council provides direction to staff, budget and plan for it, the Council needs to follow through.

Mayor Hedenskog asked if the November storm had an official classification and Pryce said NOAA had indicated it was greater than a 25-year storm event.

Councilor Hamilton noted a difference between the project amount not to be exceeded in the recommended motion and the cost stated in the report and Pryce said \$55,500 was the correct amount.

**Councilor Hodges moved, Councilor Pieper seconded, and Council voted 4 to 1, to authorize the City Manager to execute a professional services contract with Dyer [Partnership] to update the City's Storm Water Master Plan in an amount not to exceed \$55,500, with Mayor Hedenskog and Councilors Hodges, Hamilton and Pieper voting "Yes," and Councilor McClain voting "No."**

*Approval of Tourism Promotion Advisory Committee recommendations for 2012-13 Transient Occupancy Tax (TOT) and referring non-TOT recommendations to a Council Workshop.*

City Manager Milliman reviewed the staff report.

Councilor McClain asked if the City was committed to using TOT funds in a particular way and Milliman said that 25% had to be used for tourist promotion.

City Attorney Rice said the funds had to be used to promote tourism as defined by state law.

Milliman said the TOT funds were primarily intended to be used for outreach and it would be difficult to justify its use for facility construction.

McClain said 80% of the Committee's recommendations were similar to past Chamber activities and that he was more interested in doing something different, like beautification, to help get some of the 10,000 people driving through the City each year to pull over and stay.

Councilor Pieper said that, while he agreed with McClain about wanting something new, the Council had appointed a group of stakeholders to recommend what they thought was best way to spend the funds, and that he would support the Committee's recommendations.

Councilor Hamilton said he would like to see brochures at visitor centers and other places where people stop to get information. He also said he liked the idea of lifting sandwich board regulations.

Mayor Hedenskog said he also thought Council should modify the sandwich board sign rule and Milliman said sandwich board sign regulations were to be a subject of discussion at the next workshop.

Pieper asked if Council wanted to require event organizers to pay back incentive funds and after some discussion, it was generally agreed not to require repayment.

Committee member Bob Pieper said this year's recommendations were "just to get the ball rolling," and that he thought beautification should fall under tourism.

Committee member Tim Patterson said the non-TOT recommendations were ideas they were asking Council to support. He also said the intent for repayment of incentive funds was to encourage event organizers to repay them rather than to require repayment. The repaid funds would then be used to fund future events. The effectiveness of events, he said, also needed to be evaluated.

**Councilor Pieper moved, Councilor Hodges seconded, and Council voted 4 to 1 to approve the Tourism Promotion Advisory Committees recommendations with respect to the utilization of 2012-13 Transient Occupancy Tax revenues except for recommendations to have event organizers required to be repay the moneys they receive in three years and refer non-Transient Occupancy Tax revenue recommendations to a City Council workshop with Mayor Hedenskog and Councilors Hodges, Hamilton and Pieper voting "Yes," and Councilor McClain voting "No."**

*Adoption of 2013 City of Brookings Strategic Plan.*

City Manager Milliman provided the staff report.

**Councilor Hodges moved, a second followed and Council voted unanimously to adopt the City of Brookings 2013 Strategic Plan.**

#### **Consent Calendar**

1. Approve Council minutes for February 11, 2013.
2. Receive monthly financial report for January, 2013.

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



**Adjournment**

Councilor Pieper moved, a second followed and Council voted unanimously to adjourn by voice vote at 8:17pm.

Respectfully submitted:

ATTESTED:

this \_\_\_\_\_ day of \_\_\_\_\_ 2013:

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Ron Hedenskog, Mayor

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Joyce Heffington, City Recorder

# City of Brookings

## CITY COUNCIL MEETING Minutes

**Monday, March 11, 2013**

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

### **Call to Order**

Mayor Hedenskog called the meeting to order at 7:02pm.

### **Roll Call**

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

Staff Present: City Manager Gary Milliman, City Attorney Martha Rice, Parks & Technical Services Supervisor Tony Baron, and City Recorder Joyce Heffington.

Others Present: Pilot Reporter Jane Stebbins and two others.

### **Public Hearings/Ordinances/Resolutions/Final Orders**

*Ordinance amending Brookings Municipal Code to provide an exception for unleashed dogs in designated areas of City-owned parks.*

Supervisor Baron provided the staff report.

Councilor Hodges asked if staff had received requests for an unleashed dog area and Baron said people frequently had to be reminded to keep their dogs on leashes; the change would allow a provision for a designated park area. Baron said there were no unleashed dog areas inside City limits.

Councilor Hamilton suggested the back area of Stout Park as a good location.

Mayor Hedenskog asked if the Parks & Recreation Commission would be providing a proposal providing an area, signage, and rules and regulations and Baron said they would and added that there were good models available.

**Councilor Pieper moved, a second followed and Council voted unanimously to do a first reading of Ordinance 13-O-708 by title only.**

Mayor Hedenskog read the title.

**Councilor Hodges moved, a second followed and Council voted unanimously to do a second reading of Ordinance 13-O-708 by title only.**

Mayor Hedenskog read the title.

**Councilor Pieper moved, a second followed and Council voted unanimously to adopt Ordinance 13-O-708, amending Brookings Municipal Code Subsection 12.25.012 (A)(8), Rules and Regulations Specific to City-owned Parks.**

### **Staff Reports**

*Status report on Brookings Airport Area Annexation.*

City Manager Milliman gave the staff report, adding that Commission had approved the Consent for Annexation on March 6<sup>th</sup> and added that the condition that the City confer with

the County, as owner, and develop a plan for improvements was not unusual and staff did not see it as onerous.

Councilor McClain asked if there was any requirement to immediately run sewer lines up to the Airport and Milliman said that would not happen until June. He added that there was no requirement but he thought there was an expectation that the City would go forward. McClain then asked if the timeline would be affected and Milliman said he did not think it would.

Mayor Hedenskog asked if a traffic study would be undertaken and Milliman said he didn't know. Hedenskog asked if it would be part of the annexation and Milliman said he believed it would.

McClain asked how the Mayor how he felt about moving forward without an IGA with the County and Hedenskog said he felt satisfied and that he thought preliminary engineering was a small initial commitment. The Consent to Annexation, he said, indicated that the County was interested in entering into an IGA.

*Authorization for Mayor to sign letters in opposition to House Bills 2206 and 2168, reallocating local property tax revenues and allocating proceeds from property sold for delinquent property taxes, respectively.*

City Manager Milliman provided the staff report.

Councilor McClain said he found it "troubling" that the State and County thought it was okay to burden the cities. Revenues, he said, needed to be distributed equitably and added that it was important for people to realize that City residents also pay County taxes.

Mayor Hedenskog pointed out that the County had historically benefitted from timber revenues while the City's had not.

**Councilor Pieper moved, a second followed and Council voted unanimously to authorize the Mayor to authorize Mayor Hedenskog to execute a letter in opposition to House Bill 2206 relating to State reallocation of local property tax revenues and to execute a letter in opposition to House Bill 2168 relating to the allocation of proceeds from the sale of property sold for delinquent property taxes.**

### **Consent Calendar**

1. Approve Special Council Meeting minutes for February 19, 2013.
2. Accept February, 2013, Vouchers in the amount of \$283,025.60.

### **Remarks from Mayor and Councilors**

Mayor Hedenskog remarked that he'd heard from four to five citizens about receiving delinquent bills from previous owners and Councilor McClain said he had received two similar complaints.

Councilor Pieper said that he thought this was a landlord issue, not an owner issue, and anyone citizens were welcome to bring these issues to Council if unsatisfactorily resolved by staff.

Councilor McClain said citizens should not have to go to Council over another property owner's bill.

City Attorney Rice said the City would need to have a lien placed prior to the property changing hands in order to collect.

**Executive Session and Adjournment**

Council adjourned into Executive Session in the City Manager's office under ORS 192.660(2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions," at 7:40pm.

Respectfully submitted:

ATTESTED:

this \_\_\_\_\_ day of \_\_\_\_\_ 2013:

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Ron Hedenskog, Mayor

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Joyce Heffington, City Recorder

CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2013

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	2,537,268.00	36,426.38	245,426.89	2,291,841.11	9.7
LICENSES AND PERMITS	94,500.00	11,043.48	84,993.11	9,506.89	89.9
INTERGOVERNMENTAL	589,500.00	.00	115,918.59	473,581.41	19.7
CHARGES FOR SERVICES	177,500.00	2,273.97	102,066.86	75,433.14	57.5
OTHER REVENUE	86,000.00	4,763.75	59,508.45	26,491.55	69.2
TRANSFERS IN	193,929.00	.00	.00	193,929.00	.0
	<u>3,678,697.00</u>	<u>54,507.58</u>	<u>607,913.90</u>	<u>3,070,783.10</u>	<u>16.5</u>
<u>EXPENDITURES</u>					
JUDICIAL:					
PERSONAL SERVICES	14,048.00	796.12	7,539.70	6,508.30	53.7
MATERIAL AND SERVICES	8,300.00	300.00	2,754.95	5,545.05	33.2
CAPITAL OUTLAY	2,000.00	.00	.00	2,000.00	.0
	<u>24,348.00</u>	<u>1,096.12</u>	<u>10,294.65</u>	<u>14,053.35</u>	<u>42.3</u>
LEGISLATIVE/ADMINISTRATION:					
PERSONAL SERVICES	158,373.00	8,239.34	115,946.82	42,426.18	73.2
MATERIAL AND SERVICES	81,800.00	3,539.18	77,818.90	3,981.10	95.1
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>240,173.00</u>	<u>11,778.52</u>	<u>193,765.72</u>	<u>46,407.28</u>	<u>80.7</u>
POLICE:					
PERSONAL SERVICES	1,779,367.00	101,225.55	1,153,404.96	625,962.04	64.8
MATERIAL AND SERVICES	150,740.00	10,569.16	79,255.74	71,484.26	52.6
CAPITAL OUTLAY	401,100.00	17,773.48	333,892.39	67,207.61	83.2
TRANSFERS OUT	15,000.00	.00	.00	15,000.00	.0
	<u>2,346,207.00</u>	<u>129,568.19</u>	<u>1,566,553.09</u>	<u>779,653.91</u>	<u>66.8</u>
FIRE:					
PERSONAL SERVICES	168,625.00	7,514.32	106,253.24	62,371.76	63.0
MATERIAL AND SERVICES	122,500.00	4,009.54	43,636.37	78,863.63	35.6
CAPITAL OUTLAY	79,580.00	.00	30,579.01	49,000.99	38.4
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>370,705.00</u>	<u>11,523.86</u>	<u>180,468.62</u>	<u>190,236.38</u>	<u>48.7</u>
PLANNING AND BUILDING:					
PERSONAL SERVICES	191,352.00	9,102.67	118,017.15	73,334.85	61.7
MATERIAL AND SERVICES	66,000.00	1,609.75	8,350.76	57,649.24	12.7
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>257,352.00</u>	<u>10,712.42</u>	<u>126,367.91</u>	<u>130,984.09</u>	<u>49.1</u>

CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2013

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
PARKS & RECREATION:					
PERSONAL SERVICES	54,854.00	9,643.03	98,204.47	( 43,350.47)	179.0
MATERIAL AND SERVICES	78,900.00	2,912.33	42,786.06	36,113.94	54.2
CAPITAL OUTLAY	10,000.00	.00	1,953.01	8,046.99	19.5
TRANSFERS OUT	.00	.00	.00	.00	.0
	143,754.00	12,555.36	142,943.54	810.46	99.4
ADMINISTRATIVE SERVICES:					
PERSONAL SERVICES	114,228.00	7,625.10	115,533.87	( 1,305.87)	101.1
MATERIAL AND SERVICES	32,600.00	1,624.43	16,523.98	16,076.02	50.7
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	146,828.00	9,249.53	132,057.85	14,770.15	89.9
SWIMMING POOL:					
PERSONAL SERVICES	56,449.00	.00	40,248.53	16,200.47	71.3
MATERIAL AND SERVICES	41,180.00	144.40	24,267.25	16,912.75	58.9
CAPITAL OUTLAY	10,000.00	.00	3,879.02	6,120.98	38.8
	107,629.00	144.40	68,394.80	39,234.20	63.6
NON-DEPARTMENTAL:					
MATERIAL AND SERVICES	157,500.00	9,468.08	53,773.09	103,726.91	34.1
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	67,000.00	.00	.00	67,000.00	.0
CONTINGENCIES AND RESERVES	690,201.00	.00	.00	690,201.00	.0
	914,701.00	9,468.08	53,773.09	860,927.91	5.9
	4,551,697.00	196,096.48	2,474,619.27	2,077,077.73	54.4
	( 873,000.00)	( 141,588.90)	( 1,866,705.37)	993,705.37	(213.8)

CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2013

STREET FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
INTERGOVERNMENTAL	510,000.00	31,802.88	242,139.07	267,860.93	47.5
OTHER REVENUE	300.00	1,335.00	3,573.33	( 3,273.33)	1191.1
TRANSFER IN	.00	.00	.00	.00	.0
	<u>510,300.00</u>	<u>33,137.88</u>	<u>245,712.40</u>	<u>264,587.60</u>	<u>48.2</u>
<u>EXPENDITURES</u>					
EXPENDITURES:					
PERSONAL SERVICES	121,992.00	6,819.14	73,527.46	48,464.54	60.3
MATERIAL AND SERVICES	195,600.00	4,515.61	52,632.26	142,967.74	26.9
CAPITAL OUTLAY	208,300.00	32,749.15	143,232.94	65,067.06	68.8
TRANSFERS OUT	24,610.00	.00	.00	24,610.00	.0
CONTINGENCIES AND RESERVES	65,798.00	.00	.00	65,798.00	.0
	<u>616,300.00</u>	<u>44,083.90</u>	<u>269,392.66</u>	<u>346,907.34</u>	<u>43.7</u>
	<u>616,300.00</u>	<u>44,083.90</u>	<u>269,392.66</u>	<u>346,907.34</u>	<u>43.7</u>
	<u>( 106,000.00)</u>	<u>( 10,946.02)</u>	<u>( 23,680.26)</u>	<u>( 82,319.74)</u>	<u>( 22.3)</u>



CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2013

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
SOURCE 03	.00	.00	.00	.00	.0
CHARGES FOR SERVICES	1,395,000.00	( 16,617.65)	907,257.62	487,742.38	65.0
OTHER INCOME	2,000.00	3,260.00	42,202.54	( 40,202.54)	2110.1
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>1,397,000.00</u>	<u>( 13,357.65)</u>	<u>949,460.16</u>	<u>447,539.84</u>	<u>68.0</u>
<u>EXPENDITURES</u>					
WATER DISTRIBUTION:					
PERSONAL SERVICES	596,281.00	29,555.97	334,497.48	261,783.52	56.1
MATERIAL AND SERVICES	325,250.00	17,062.01	223,859.98	101,390.02	68.8
CAPITAL OUTLAY	68,300.00	20.02	12,779.44	55,520.56	18.7
	<u>989,831.00</u>	<u>46,638.00</u>	<u>571,136.90</u>	<u>418,694.10</u>	<u>57.7</u>
WATER TREATMENT:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	.00	.00	.00	.00	.0
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	379,002.00	.00	.00	379,002.00	.0
CONTINGENCIES AND RESERVES	138,667.00	.00	.00	138,667.00	.0
	<u>517,669.00</u>	<u>.00</u>	<u>.00</u>	<u>517,669.00</u>	<u>.0</u>
DEPARTMENT 24:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>1,507,500.00</u>	<u>46,638.00</u>	<u>571,136.90</u>	<u>936,363.10</u>	<u>37.9</u>
	<u>( 110,500.00)</u>	<u>( 59,995.65)</u>	<u>378,323.26</u>	<u>( 488,823.26)</u>	<u>342.4</u>

CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2013

WASTEWATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
CHARGES FOR SERVICES	2,650,500.00	( 71,235.62)	1,787,195.45	863,304.55	67.4
OTHER REVENUE	3,000.00	.00	420,279.18	( 417,279.18)	14009.
TRANSFER IN	.00	.00	.00	.00	.0
	<u>2,653,500.00</u>	<u>( 71,235.62)</u>	<u>2,207,474.63</u>	<u>446,025.37</u>	<u>83.2</u>
<u>EXPENDITURES</u>					
WASTEWATER COLLECTION:					
PERSONAL SERVICES	426,141.00	31,557.54	294,179.92	131,961.08	69.0
MATERIAL AND SERVICES	250,100.00	7,125.36	85,238.45	164,861.55	34.1
CAPITAL OUTLAY	24,900.00	.00	2,384.49	22,515.51	9.6
	<u>701,141.00</u>	<u>38,682.90</u>	<u>381,802.86</u>	<u>319,338.14</u>	<u>54.5</u>
WASTEWATER TREATMENT:					
PERSONAL SERVICES	436,275.00	20,636.78	248,163.64	188,111.36	56.9
MATERIAL AND SERVICES	466,600.00	32,782.73	287,685.73	178,914.27	61.7
CAPITAL OUTLAY	302,400.00	870.00	67,445.41	234,954.59	22.3
TRANSFERS OUT	1,075,705.00	.00	.00	1,075,705.00	.0
CONTINGENCIES AND RESERVES	239,379.00	.00	.00	239,379.00	.0
	<u>2,520,359.00</u>	<u>54,289.51</u>	<u>603,294.78</u>	<u>1,917,064.22</u>	<u>23.9</u>
	<u>3,221,500.00</u>	<u>92,972.41</u>	<u>985,097.64</u>	<u>2,236,402.36</u>	<u>30.6</u>
	<u>( 568,000.00)</u>	<u>( 164,208.03)</u>	<u>1,222,376.99</u>	<u>( 1,790,376.99)</u>	<u>215.2</u>

CITY OF BROOKINGS  
FUND SUMMARY  
FOR THE 8 MONTHS ENDING FEBRUARY 28, 2013

URBAN RENEWAL AGENCY FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
<u>REVENUE</u>					
TAXES	509,838.00	.00	13,191.91	496,646.09	2.6
INTERGOVERNMENTAL	.00	.00	.00	.00	.0
OTHER REVENUE	1,000,500.00	.00	329.05	1,000,170.95	.0
	<u>1,510,338.00</u>	<u>.00</u>	<u>13,520.96</u>	<u>1,496,817.04</u>	<u>.9</u>
<u>EXPENDITURES</u>					
GENERAL:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	70,000.00	.00	15,226.22	54,773.78	21.8
CAPITAL OUTLAY	1,372,397.00	.00	.00	1,372,397.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
TRANSFERS OUT	417,941.00	.00	.00	417,941.00	.0
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>1,860,338.00</u>	<u>.00</u>	<u>15,226.22</u>	<u>1,845,111.78</u>	<u>.8</u>
DEPARTMENT 20:					
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
DEPARTMENT 22:					
MATERIAL AND SERVICES	.00	.00	.00	.00	.0
DEBT SERVICE	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
DEPARTMENT 24:					
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.00</u>	<u>.0</u>
	<u>1,860,338.00</u>	<u>.00</u>	<u>15,226.22</u>	<u>1,845,111.78</u>	<u>.8</u>
	<u>( 350,000.00)</u>	<u>.00</u>	<u>( 1,705.26)</u>	<u>( 348,294.74)</u>	<u>( .5)</u>

# March 2013

March 2013						
Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2013						
Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6
14	8	9	10	11	12	13
21	15	16	17	18	19	20
28	22	23	24	25	26	27
	29	30				

	Monday	Tuesday	Wednesday	Thursday	Friday
Feb 25 - Mar 1	<b>Feb 25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>Mar 1</b>
Mar 4 - 8	<b>4</b> 11:00am 12:00pm CC - VIPS 4:00pm 6:00pm CC - Council Wkshp 7:00pm 10:00pm FH-FireTrng	<b>5</b> 9:00am 10:00am CC - Site Plan 7:00pm 10:00pm CC-Planning Comm	<b>6</b> 12:00pm 1:00pm CC - Stout Park 6:00pm 8:00pm CC-Budget Workshop 7:00pm 9:00pm FH-PoliceResrvs	<b>7</b> 10:00am 4:00pm CC - Muni Court	<b>8</b>
Mar 11 - 15	<b>11</b> 2:00pm 3:00pm CC - Staff 7:00pm 10:00pm FH-FireTrng 8:00pm 10:30pm CC-Council	<b>12</b> 9:00am 10:00am CC - Site Plan	<b>13</b> 10:00am 11:00am FH-BRFD 5:30pm 7:30pm CC - Victims Impact	<b>14</b> 9:00am 10:30am CC-Crm Stoppers 3:00pm 4:00pm CC - Staff 4:00pm 6:00pm CC - TPAC	<b>15</b>
Mar 18 - 22	<b>18</b> 11:00am 12:00pm CC-VIPS 7:00pm 10:00pm FH-FireTrng	<b>19</b> 9:00am 10:00am CC - Site Plan	<b>20</b>	<b>21</b>	<b>22</b>
Mar 25 - 29	<b>25</b> 7:00pm 9:00pm CC-Council 7:00pm 10:00pm FH-FireTrng	<b>26</b> 9:00am 10:00am CC - Site Plan	<b>27</b>	<b>28</b> 11:00am 12:00pm CC- Public Art Comm	<b>29</b>

# April 2013

April 2013						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2013						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

	Monday	Tuesday	Wednesday	Thursday	Friday
Apr 1 - 5	<b>Apr 1</b> 11:00am 12:00pm CC - VIPS 4:00pm 6:00pm CC - Council Wkshp 7:00pm 10:00pm FH-FireTrng	<b>2</b> 9:00am 10:00am CC - Site Plan 7:00pm 10:00pm CC-Planning Comm	<b>3</b> 12:00pm 1:00pm CC - Stout Park 8:00pm 10:00pm FH-PoliceResrvs	<b>4</b> 10:00am 4:00pm CC - Muni Court	<b>5</b>
Apr 8 - 12	<b>8</b> 7:00pm 10:00pm FH-FireTrng 7:00pm 9:30pm CC-Council	<b>9</b> 9:00am 10:00am CC - Site Plan	<b>10</b> 10:00am 11:00am FH-BRFD	<b>11</b> 9:00am 10:30am CC-Crm Stoppers 3:00pm 4:00pm CC - Staff	<b>12</b>
Apr 15 - 19	<b>15</b> 11:00am 12:00pm CC-VIPS 7:00pm 10:00pm FH-FireTrng	<b>16</b> 9:00am 10:00am CC - Site Plan	<b>17</b> 10:00am 3:00pm CC - Staff	<b>18</b> 11:00am 12:00pm CC- Public Art Comm	<b>19</b>
Apr 22 - 26	<b>22</b> 7:00pm 9:00pm CC-Council 7:00pm 10:00pm FH-FireTrng	<b>23</b> 9:00am 10:00am CC - Site Plan	<b>24</b>	<b>25</b> 7:00pm 9:00pm CC-Parks & Rec	<b>26</b>
Apr 29 - May 3	<b>29</b> 7:00pm 10:00pm FH-FireTrng	<b>30</b> 9:00am 10:00am CC - Site Plan	<b>May 1</b>	<b>2</b>	<b>3</b>