

City of Brookings WORKSHOP Agenda

CITY COUNCIL

Thursday January 4, 2017, 4:00pm

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

A. Call to Order

B. Roll Call

C. Topics

1. Tourism Promotion and the Chamber of Commerce [City Manager, Pg. 2]
 - a. Past Council reports and minutes [Pg. 3]
2. TPAC Funding Criteria [City Recorder, Pg. 12]
 - a. Ordinance 14-O-732 [Pg. 14]
 - b. BMC Chapter 2.57 [Pg. 17]
 - c. BMC Chapter 3.10.150 [Pg. 20]
 - d. August 26, 2016 TPAC Minutes [Pg. 21]
 - e. December 21, 2017 TPAC Budget Status [Pg. 22]
 - f. Sample Request for Proposals [Pg. 23]
 - g. Sample Event Proposal Funding Evaluation Form [Pg. 25]
3. Council of Governments Agreement [City Manager, Pg. 26]
 - a. Draft Agreement [Pg. 28]

D. Council Member Requests for Workshop Topics

E. Adjournment

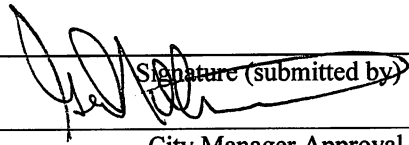
All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

CITY OF BROOKINGS

Council WORKSHOP Report

Meeting Date: January 4, 2018

Originating Dept: City Manager


Signature (submitted by)

City Manager Approval

Subject: Tourism Promotion and the Chamber of Commerce

Background/Discussion:

The City Manager has been serving as an ex-officio member of the Brookings Harbor Chamber of Commerce Board of Directors. Last month, the City Manager met with newly-appointed Chamber Director Brandon Hodges and Mayor Pro Tem Brent Hodges to discuss a possible renewal of a City/Chamber relationship in the area of tourism promotion. While the former Chamber Board had voted some months ago to cease the Chambers tourism promotion activities, it appeared through my meeting attendance that there is renewed interest. The Chamber Board recently met to discuss the future of the organization, including its role in tourism promotion.

The City contracted with the Chamber to provide tourism promotion services for many years. This relationship ceased in 2012 as a result of unwillingness by the then Chamber leadership to execute a single-year contract renewal and develop a new promotion plan. See the attached packet for history.

The City created the Tourism Promotion Advisory Committee to make recommendations on the use of Transient Occupancy Tax revenues and opened a visitor information station at Brookings City Hall. The City has also devoted staff time to tourism promotion, negotiating advertising contracts, designing graphics, responding to public inquiries and participating in regional tourism promotion efforts.

The Chamber Board may be interested in making a proposal to provide tourism promotion services by contract, and would like to meet informally with the City Council to discuss this matter. Thus, a workshop has been scheduled.

Attachment(s):

- a. Past Council Workshop and Agenda Reports and related Minutes

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: May 7, 2012

Signature (submitted by)

Originating Dept: City Manager

City Manager Approval

Subject: Tourism Promotion

Background/Discussion:

At its meeting of April 23, 2012, the City Council voted to enter into a one-year contract with the Brookings Harbor Chamber of Commerce for tourism promotion. Staff has been notified by the Chamber leadership that they are not willing to entertain a contract term of less than five years, and will cease tourism promotion activities on behalf of the City effective June 30, 2012. According to Chamber Executive Director Les Cohen and President Ken Bryan, a longer term agreement is needed in order for the Chamber to effectively plan promotional campaigns and take advantage of lower-cost media "buys."

As a part of the action on the agreement, the City Council initiated discussion of the manner in which the City utilizes the proceeds of the Transient Lodging Tax for tourism promotion. Questions were raised at recent City Council and Budget Committee meetings as to how other entities fund tourism promotion.

Brookings has a Transient Lodging Tax of 6.0 per cent which generated \$137,331 in fiscal year 2010-11. Of this amount, 25 per cent is allocated for tourism promotion. The City has contracted to the Chamber of Commerce for these services since 1992; the dollar amount paid to the Chamber in 2010-11 was \$35,095.

Following is a discussion about how other nearby cities approach this matter.

GOLD BEACH

Gold Beach has a Transient Lodging Tax of 6.0 per cent which generated about \$333,000 in fiscal 2010-11. Of this amount, 75 per cent is allocated to a "Community Promotion Fund." The proposed 2012-13 Community Promotion Fund budget is attached. For the past several years, this function has been performed entirely by City employees: a full-time Executive Director, a full-time Visitor Center Manager and three part-time visitor center workers. The visitor center...which is owned by the City...is open seven days a week during the tourist season, and six days a week during the winter.

The proposed 2012-13 Community Promotion Fund budget is \$293,150, over eight-times the amount allocated to tourism promotion by Brookings.

The City recently terminated the Executive Director and has issued a Request for Proposals to provide marketing and promotion services; see attached.

The City has a five-member Council-appointed Promotion Committee and is currently considering expanding the Committee to seven members and restructuring the membership.

DEL NORTE COUNTY

Both the City of Crescent City and Del Norte County have a TLT (known as a Transient Occupancy Tax or TOT in California).

The County TOT rate is 8.0 per cent and generates about \$320,000 annually. This fiscal year, the County is contributing \$84,340 (about 26 per cent) to the Chamber of Commerce to support the Visitor's Bureau, which undertakes tourism marketing. The County also contributes \$2,500 to the Klamath Chamber of Commerce.

In Crescent City, the 10.0 per cent TOT generates approximately \$890,000 annually. In the 2012-13 proposed budget, the City is allocating \$36,000 to the Chamber of Commerce and \$40,000 to the Visitor's Bureau, for a total of \$76,000, for tourism promotion and operation of the visitor's center; about 8.5 per cent of TOT proceeds. The Visitor Bureau allocation is being reduced from the current \$50,000.

Fourteen agencies in Del Norte County are participating in planning and funding the development of a new visitor center on Highway 101 just south of downtown Crescent City, with a targeted opening of 2016.

The Tri-Agency Economic Development Commission in Del Norte County (County, City and Port) is facilitating a review of the manner in which tourism promotion and visitor services activities are provided and funded in Del Norte County.

COOS BAY

The City of Coos Bay utilized approximately \$1.6 million in Urban Renewal funding to construct a new downtown visitor information center.* The City owns the building and contracts with the Chamber of Commerce to staff the visitor information center at a cost of \$60,000 annually, and also pays about \$20,000 annually for utilities and maintenance.

In addition to the City's visitor information center, the City also has an intergovernmental agreement with the City of North Bend and the Coquille Tribe for tourism promotion activities provided by the Coos Bay/North Bend Visitors Convention Bureau. About 29 per cent of the City's TLT revenues are used for this purpose; the dollar amount is about \$121,000 annually.

In total, Coos Bay is spending about \$200,000 annually on visitor/tourism promotion.

*There is no mention of a visitor information center or tourism promotion in the City of Brookings Urban Renewal Plan. Only projects or program areas included in the Plan are eligible for the use of Urban Renewal funds.

Coos County does not levy a TLT.

BANDON

Bandon has a TLT rate of 6.0 per cent which generates approximately \$364,000 annually. The City allocates 20.7 per cent, or approximately \$79,000, to the Chamber of Commerce for tourism promotions. The City owns and maintains a visitor center, and plans to build a new visitor center using Urban Renewal funds; the Chamber occupies the building and pays utilities. The City amended its Urban Renewal Plan last year to include a visitor center as a project and increase the total amount of indebtedness. While the City has been providing funding to the Chamber at the same level for many years, they entered into their first written agreement in 2011 after the City Council held a workshop with the Chamber Board to discuss the Chamber's tourism promotion plan. TLT receipts have declined from a high of about \$380,000.

FORT BRAGG

Fort Bragg, California, is a community of like size to Brookings, but has considerably more motels within the City Limits. Fort Bragg has a TOT of 10.0 per cent which generates about \$1.3 million annually...about 10 times more than Brookings. For 2012-13, the City allocated \$6,896 to the Chamber of Commerce and \$61,165 to its Promotions Committee for tourism and event promotion. The Chamber staffs a visitor center in the downtown business district with a combination of paid staff and volunteers, and produces a lodging/dining/attractions/events brochure. The Promotions Committee organizes community events.

Fort Bragg is heavily dependent upon TOT revenues to fund its general City operations, with TOT revenues accounting for 32 per cent of total General Fund revenues.

Mendocino County also levies a TOT; they provide funding to the Mendocino Promotional Alliance. The Alliance is a non-profit organization formed by a consortium of the Lodging Association, Farm Bureau, Chambers of Commerce and Winegrowers Association, with participation by major tourism attractions (like the Skunk Train). Current budget information was not available as of this writing, but the County was about \$300,000 annually 10 years ago. The program has been very successful.

OTHER BROOKINGS NOTES

According to Chamber management, none of the funds provided through the City TLT appropriation has been used to maintain their existing office or visitor center located at the Port of Brookings Harbor. Chamber management also noted that no TLT funds are used to pay for Chamber of Commerce overhead; that all TLT funds are used for direct promotional/advertising costs.

Attachment(s):

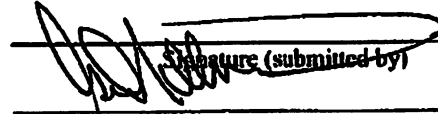
- a. Gold Beach Community Promotion Fund budget
- b. Gold Beach report on "Rooms Available / Rented"
- c. Gold Beach Motel Tax revenue breakdown.
- d. Gold Beach marketing and promotion services RFP.
- e. Coos Bay North Bend Visitor and Convention Bureau Budget.
- f. Del Norte visitor center news article.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: April 23, 2012

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Chamber of Commerce Agreement

Recommended Motion:

Alternative Motions:

1. Authorize the City Manager to execute the Agreement between the City of Brookings and the Brookings Harbor Chamber of Commerce for tourism promotion services for the period July 1, 2012 through June 30, 2017.
2. Authorize the City Manager to execute the Agreement between the City of Brookings and the Brookings Harbor Chamber of Commerce for tourism promotion services for the period July 1, 2012 through June 30, 2017, and reduce the overall amount paid to the Chamber by \$5,000 in fiscal 2012-13 to fund the downtown Christmas decoration program as proposed by the Brookings Merchants Association.

Financial Impact:

The entire amount of the Transient Lodging Tax funds required in the Brookings Municipal Code to be set aside for tourism promotion would be allocated to the Brookings-Harbor Chamber of Commerce as the City's agent for tourism promotion.

Background/Discussion:

The agreement between the City and the Brookings Harbor Chamber of Commerce dated July 1, 2007, is scheduled to expire on June 30, 2012. The agreement provides that the City pays to the Chamber an amount equal to 25 per cent of the Transient Lodging Tax (TLT) collected by the City. Under the terms of the agreement, the Chamber uses those funds to provide a program to promote tourism and local and special events. The program is generally described to include advertising, mailings, billboards and other advertising methods. The agreement also provides that the Chamber is to operate a Visitor Information Center during certain days and hours as specified. The agreement limits the amount of City funding to be used for payroll costs to 30 per cent of the total funds provided.

During the term of the existing agreement, the City has paid the following amounts to the Chamber of Commerce:

FY 2007-08	44,609	FY 2009-10	35,247
FY 2008-09	40,076	FY 2010-11	35,095

According to financial documents provided by the Chamber, approximately 59 per cent of the Chamber's tourism promotion budget is derived from the City's appropriation of TLT revenues.

All other Chamber revenues used to support tourism promotion are derived through fundraising events and activities, and through voluntary financial contributions from the Best Western Beachfront Inn and several of the RV parks located in the unincorporated area. Attached is the Chamber's marketing plan.

The City enacted a TLT in 1980. The local ordinance establishing the tax provides that 25 per cent of the proceeds are to be used to promote tourism. The 2011-12 budget projects Transient Occupancy Tax revenue of \$138,000; 25 per cent of this amount would be \$34,500. The term "promote tourism" is not defined in the ordinance.

The State has made substantial revisions to TLT regulations since 1980, including provisions requiring that 70 per cent of any tax levied after 2003 be used for "tourism promotion or tourism related facilities." While this provision does not legally apply to the Brookings tax, ORS 320.300 defines "tourism promotion" as 1) advertising, publicizing or distributing information for the purpose of attracting and welcoming tourists, 2) conducting strategic planning and research necessary to stimulate future tourism development, 3) operating tourism promotion agencies and 4) marketing special events and festivals designed to attract tourists.

Staff met with representatives of the Chamber on April 2 and April 18 to discuss a new agreement. The following specific items were discussed:

1. There has been a decline in TLT revenues in every year since the inception of the agreement. The Chamber attributes this decline to general economic conditions. It was noted that a number of motels have reduced their rates in order to sustain occupancy, and this has resulted in reduced TLT revenues.
2. The Chamber has developed a marketing plan (attached). This plan outlines the various approaches they plan to take to promote tourism for the area. Assumptions on occupancy/TLT revenue growth were developed by Chamber President Ken Bryan, owner of the Wild Rivers Motorlodge. Bryan said that this information is reflective of increased bookings activities for this coming summer.
3. The method of distribution of revenues to the Chamber is cumbersome. A new formula was developed which is easier for administration.
4. The Chamber has experienced a shortage of volunteers to maintain the visitor center hours as specified in the agreement. They are currently seeking new additional volunteers.
5. The Chamber's new website and promotions have contributed to promotion of early season lodging bookings and members are optimistic about a stronger summer season.
6. Funding received from the TLT is largely used to fund cooperative promotions with regional tourism promotion agencies. By participating in tourism promotion consortiums, the Chamber is able to secure broader coverage at a lower cost.
7. The amount of funding provided to the Brookings Chamber for tourism promotion is significantly less than funding provided in Gold Beach or Crescent City; Del Norte County's tourism promotion program also receives funding from the County.
8. The visitor center is not located within the City, and is not located on Highway 101. Staff noted that several coastal cities are relocating or expanding their visitor centers to provide for better visibility and accessibility from Highway 101. The Chamber leadership reported that a) there is a high volume of people visiting Sporthaven beach and there is ample parking at their current location, b) they have looked at downtown locations and none are conducive to providing adequate convenient parking for RVs, c) if

a visitor center is located on one side of the road or another, visitors travelling in the other direction are missed, d) some years ago they developed supplemental information sites, including the Central Building, e) they own the existing building. They expressed a willingness to consider other sites, but emphasized convenient parking access for recreational vehicles as a major consideration.

There has been some discussion at the Budget Committee about allocating \$5,000 from the tourism allocation to the Brookings Merchants Association to fund their Christmas decoration project. Staff asked for information from the Chamber as to how this would affect the Chambers tourism promotions effort, and we received the following response from Chamber Executive Director Les Cohen:

"The Chamber would have to drop one or more of the below activities/promotions, each of which plays a crucial role in the promotion of the Brookings-Harbor area:

- **Postage for visitor information and relocation packets - \$5,704.39**
- **Outdoor Sportsmen Shows (Roseburg, Medford) and Tourism Conferences - \$1,230.07**
- **Oregon Coast Magazine (6 issues) including Mile-by-Mile Guide - \$5,522.30**
- **Travel Oregon Website Advertising - \$5,075.50**
- **The Oregon Travel Planner - \$6,600.00**
- **Festival and Event Advertising - \$7,803.17**
- **2011 Winter TV Campaign in northern California and Rogue Valley as a part of a South Coast Partnership with additional matching funds from Travel Oregon - \$13,515.00"**

The proposed agreement does not include a provision to reduce the funding allocation to the Chamber. Staff has provided an alternative motion should the City Council decide to implement the proposal discussed by the Budget Committee on funding for the Christmas decoration program.

Ken Bryan will be available at the City Council meeting.

Attachment(s):

- a. **Cover Letter from Chamber of Commerce**
- b. **Agreement with the Brookings Harbor Chamber of Commerce**
- c. **Chamber Tourism Marketing Plan**

for Base Bid and Alternatives #1 and #2 to Tidewater Contractors, Inc., the lowest responsible bidder, in an amount not to exceed \$399,434.

Authorization to execute an agreement with ODOT to upgrade to a pedestrian activated flashing beacon at the crosswalk in front of the Redwood Theatre.

Director Pryce gave the staff report.

Councilor Hedenskog moved, a second followed and Council voted unanimously to accept the ODOT upgrade [of a pedestrian activated flashing beacon] to the crosswalk in front of the Redwood Theatre.

Authorization to execute Amendment #1 to the ODOT 2011 Fund Exchange Agreement.

Director Pryce provided the staff report.

City Manager Milliman added that the fund exchange allows the City to trade federal dollars for state dollars which are less costly to administer.

Councilor Hodges moved, a second followed and Council voted unanimously to execute Amendment #1 to ODOT, 2011 Fund Exchange Agreement #27580.

Authorization to execute an agreement with Brookings Harbor Chamber of Commerce for either 1) tourism promotion services for July 1, 2012 through June 30, 2017, or 2) tourism promotion services for the same period with an overall reduction of \$5,000 in fiscal year 2012-13 to fund a downtown holiday decoration program proposed by the Brookings Merchants Association (BMA).

City Manager Milliman provided the staff report.

Ken Bryan, 215 Cypress Street, Chamber Chair read the Chamber letter which was included in the packet and requested renewal of the existing agreement with noted changes for the next five years.

Candace Michel, 1253 Rowland Lane, BMA Treasurer, generally commented that the BMA had not requested the City to take the \$5,000 they were requesting for holiday decorations from the Chamber's funds. Michel added, "We do not want to make enemies and that's what this had done."

Tim Patterson, 621 Chetco Avenue, generally commented that the City should limit the Chamber contract to one year, review the process being used to allocate tourism funding, and use a neutral third party to evaluate City sponsored events.

Councilor Hodges asked what funds could be used to fulfill the \$5,000 request made by the BMA and City Manager Milliman said that any general fund could be used for a general government purpose. Councilor Hodges added that the Chamber and BMA should work together to decide where the money should go.

Councilor Pieper said that the Chamber is doing a good job and he expected they would continue to do so, but he said he had an issue with contracting this service to one entity over such a long period of time without a competitive process. He said he was ready to look at allocating tourism funds to another organization in addition to the Chamber.

Councilor Hedenskog said he thought it might be time to look at forming a tourism committee and that he was willing to shorten the contract period. He said he wondered what might would happen at the Budget Committee level if Council decided to allocate \$5,000 of the City's tourism dollars. Hedenskog also said that the idea of taking \$5,000 from the tourism budget to pay for holiday decorations had not come from the BMA, but rather from him or someone else during a public meeting.

In response to Hedenskog's question about the allocation at the Budget Committee level, Director Howard said that Council is the ultimate decision making body, and Council could decide at any time in the budget year to allocate this funding in a number of ways.

Councilor Gordon said that transient room tax dollars are used by the Chamber to promote local tourism and once tourists are here they spend their money here and that BMA member businesses benefit from tourists brought here through the Chamber's efforts the same as any other business. Gordon said that he did not think there was another local organization that could provide the same level of service the Chamber provides for the same amount of funding and added that the Chamber spends a lot more on tourism that is expressed in the transient room tax dollars provided by the City.

Mayor Anderson mentioned that some of the motels are transitioning from short-term rentals to long-term rentals, which is a new use in this area, and he wasn't sure how the City was monitoring this situation. Anderson said he thought the City was missing dollars. He also said that the City used to have holiday lighting and felt that it enhanced the tourist experience during the holiday season.

Councilor Hodges said he would support a shorter contract term, and while he thought holiday decorations were a good idea, he also thought a fund raiser might be a better way to obtain funding. He then asked about the appearance of \$5,000 for holiday decorations as a separate line item on the budget.

City Manager Milliman said the \$5,000 line item had been included so that Council could consider funding that project as part of a balanced budget.

Councilor Pieper said that the Chamber is included as a line item on the budget as well, while other contracted items are not and he wanted to make it clear that the Budget Committee does not decide with whom the City contracts. He also said that he was willing to look at other ways to handle tourism funding in the future, but not this year. He said he was agreeable with limiting the contract to one year.

Councilor Gordon said he could agree with the limitation on the contract period but he was not in favor of taking \$5,000 from the Chamber funding for holiday decorations.

In response to the Mayor's comments about room rentals, City Manager Milliman said that in one of his previous cities, an audit was undertaken to determine compliance with the City's tax codes. Milliman suggested that further Council discussion take place on this topic before moving forward.

Councilor Pieper moved, Councilor Hedenskog seconded, and the motion failed, 2 to 3, with Councilor Pieper and Councilor Hedenskog voting "Yes" and Mayor Anderson, Councilor Gordon and Councilor Hodges voting "No," to authorize execution of an agreement with the Brookings Harbor Chamber of

Commerce for tourism promotion services for July 1, 2012 through June 30, 2013, with an overall reduction of \$5,000 in fiscal year 2012-13 to fund a downtown holiday decoration program proposed by the Brookings Merchants Association.

Councilor Hodges moved, Councilor Gordon seconded, and the motion passed, 3 to 2, with "Yes" votes from Mayor Anderson, Councilor Gordon and Councilor Hodges and "No" votes from Councilor Pieper and Councilor Hedenskog, to authorize execution of an agreement with Brookings Harbor Chamber of Commerce for tourism promotion services for July 1, 2012 through June 30, 2013,

Consent Calendar

1. Approve Council minutes for March 26, 2012.
2. Approve Council minutes for March 29, 2012.
3. Approve Council minutes for April 9, 2012.
4. Approve reinstatement of Yard of Month Program in two categories and the purchase of two new signs.
5. Accept March, 2012 Vouchers in the amount of \$419,201.
6. Receive monthly financial report for March, 2012.

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

Adjournment

Councilor Gordon moved, a second followed and Council voted unanimously to adjourn by voice vote at 8:52pm.

Respectfully submitted:

ATTESTED:
this _____ day of _____ 2012:

Approved by Council May 14, 2012

Ron Hedenskog, Mayor

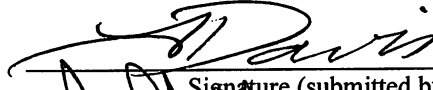
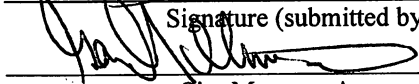
Joyce Heffington, City Recorder

CITY OF BROOKINGS

Council WORKSHOP Report

Workshop Date: January 4, 2018

Originating Dept: City Recorder


Signature (submitted by)

City Manager Approval

Subject: Tourism Promotion Advisory Committee (TPAC) Funding Criteria

Recommendation: Direction to Staff

Financial Impact: None

Background/Discussion:

Councilor Triglia has requested staff bring to Council Workshop a discussion of TPAC funding criteria.

TPAC was created in 2014 by Ordinance 14-O-732 with its primary role to advise the City Council on the use of transient occupancy tax (TOT) revenues allotted for tourism promotion pursuant to BMC Chapter 3.10.

To assist TPAC with establishing its criteria for recommending funding, staff called a special meeting on August 26, 2016 with one action item on the agenda – TPAC Mission and Goals. At this meeting, TPAC members determined its goals were to “Increase overnight stays with emphasis on October through April.” TPAC also established guidelines for how to use its budgeted funds, determining 30 percent would be allocated for advertising and media; 60 percent would be allocated for event funding; and 10 percent would be allocated for capital. TPAC has continued that practice into FY 17-18. The December 21, 2017 TPAC budget status is attached.

In October of 2016, staff developed the Event Proposal Funding Evaluation form intended to be used by each individual TPAC member to evaluate each TPAC RFP. The practice never took hold and has fallen by the wayside.

Nonetheless, staff believes this committee makes a conscientious effort to evaluate each proposal pursuant to its missions and goals, to be cognizant of its budgetary limitations, and to separate “need” from “want” with regard to proposal funding requests. With some regularity, the phrase “Does this put heads in beds?” is used when evaluating a request.

If Council wishes for more staff oversight or intervention, it could be done at the point of application. Staff could first review the application to determine if it falls within the Goals and Mission perimeters established by TPAC and/or City Council, rejecting those that do not. Currently all submitted applications go to TPAC for evaluation. Staff believes the current method is the more transparent method, diminishing the appearance of bias, etc.

Another option Council could consider is establishing a funding cap which could be applied toward a one-time event or over a multiple-year request. For example, Council could set a \$5,000 cap. An organization could ask for all \$5,000 in one request or could ask for \$2,500 the first year, \$1,500 the next, and \$1,000 the third, but would no longer be able to request funding after reaching its \$5,000 limit in the third year.

A final option would be to disband TPAC and return tourism promotion services to the Brookings-Harbor Chamber of Commerce which will also be discussed at this workshop.

Attachment(s):

- a. Ordinance 14-O-732
- b. BMC Chapter 2.57
- c. BMC Chapter 3.10.150
- d. August 26, 2016 TPAC Minutes
- e. December 21, 2017 TPAC Budget Status
- f. Sample Request for Proposals
- g. Sample Event Proposal Funding Evaluation form

IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON
ORDINANCE 14-O-732

IN THE MATTER OF ORDINANCE 14-O-732, AN ORDINANCE ADDING CHAPTER 2.57, TOURISM PROMOTION ADVISORY COMMITTEE, TO BROOKINGS MUNICIPAL CODE TITLE 2, ADMINISTRATION AND PERSONNEL.

Sections:

- Section 1. Ordinance identified.
- Section 2. Adds Chapter 2.57

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance adds Chapter 2.57, Tourism Promotion Advisory Committee, to Brookings Municipal Code Title 2, Administration and Personnel.

Section 2. Adds Chapter 2.57 : Chapter 2.57 is added to read as follows:

Chapter 2.57
TOURISM PROMOTION ADVISORY COMMITTEE

Sections:

- 2.57.010 Name.
- 2.57.020 Mission and goals.
- 2.57.030 Powers and duties.
- 2.57.040 Organization.

2.57.010 Name.

The Brookings City Council hereby creates the Tourism Promotion Advisory Committee.

2.57.020 Mission and goals

- A. The primary role of the Tourism Promotion Advisory Committee is to advise the City Council on the use of transient occupancy tax (TOT) revenues allotted for tourism promotion pursuant to BMC Chapter 3.10.
- B. Nothing in this chapter shall be interpreted as authorizing the City to conduct a tourism promotion campaign.
- C. It is the goal of the City Council to expend tourism promotion funds in a coordinated and efficient manner with funding to be provided for a few selected projects and events each year.

2.57.030 Powers and duties.

A. Duties and Responsibilities.

- 1. The Tourism Promotion Advisory Committee is an advisory body to the City Council. It has no authority to spend or approve the expenditure of City funds. Its recommendations are made to the City Council through its minutes.

2. Committee members shall serve at the pleasure of the City Council.
3. Committee membership is honorary and without compensation.
4. All Committee meetings shall be open to the public and held in a place that is handicapped accessible.
5. Committee minutes, as prepared by staff and approved by the Committee, shall be submitted to the City Council for acceptance. The minutes shall be approved, with or without amendments, additions or corrections, by affirmative action of the Committee at its next meeting.

2.57.040 Organization.

A. Membership.

1. The Committee shall consist of seven voting members to be appointed by the Mayor with approval of the City Council.
2. Insofar as possible, City residents shall have precedence over other applicants.
 - a. All members of the Committee shall be residents of Curry County. At least four of the seven members shall be residents of the City of Brookings. Non-city residents must have an economic interest, such as property ownership, business ownership, or employment, within the City. These members shall not be officials or employees of the city.
 - b. No member of any other City Council-appointed board, Committee or committee shall simultaneously serve on the Tourism Promotion Advisory Committee.
3. Meeting minutes shall be recorded by the City Manager, or his/her designee.

B. Terms of Appointment/Removal/Vacancies.

1. Terms shall be initially staggered so that three members serve a term of three years, two members serve a term of two years and two members serve a term of one year. Thereafter, all terms shall be for three years.
2. No member shall be eligible to serve for more than two full terms on the Committee.
3. Vacancies created by a mid-term resignation or termination shall be filled by appointment as provided under BMC Section 2.57.040 (A)(1).
4. Members may be removed by a majority vote of the City Council for any reason and at any time during the member's term of appointment. Failure of a member to attend at least 50 percent of regularly scheduled meetings during a 12 month period, shall result in automatic termination, unless the absences have been excused by the Committee's chair.

C. Election of Officers.

1. At the last meeting of each calendar year, a chair and vice-chair shall be elected from the voting members of the Committee to serve a one-year term.
2. Newly elected officers shall take their seats at the first meeting of the next calendar year.
3. No member shall serve more than two consecutive years in any one office.

D. Quorum/Rules/Meetings.

1. A majority of appointed Committee members shall constitute a quorum.

2. The Committee shall meet at least once each quarter, at a time and place as may be fixed by consensus of the voting members, and at other times as deemed necessary by the City Manager when action is required on referrals from the agency. All meetings shall be open to the public and noticed in accordance with State Public Meeting Law (ORS Chapter 192).
3. Voting by the Committee on all matters shall be consistent with the process adopted by the City Council under BMC 2.05.160, with the exception that the staff member taking the minutes shall call the names of each member and record the votes.
4. Recommendations made by the Committee shall be submitted to the City Council in the manner prescribed by City administrative regulation.

E. Staffing

1. The City Manager or his/her designee, shall provide staff support to the Committee in the same manner as staff provides support to other committees and commissions to include;
 - a. Preparation of reports containing recommendations for projects to achieve the goal of promoting tourism.
 - b. Review and make recommendations for funding special events.
 - c. Transmitting recommendations from the Committee to the City Council.
2. All projects, programs and contracts funded through allocation of TOT funds shall be administered by the City Manager or his/her designee.

First Reading:

May 27, 2014

Passage:

May 27, 2014

Second Reading:

May 27, 2014

Effective Date:

June 26, 2014

Signed by me in authentication of its passage this

28th

, day of

May

, 2014

ATTEST:

Ron Hedenskog
Mayor Ron Hedenskog

Joyce Heffington
City Recorder Joyce Heffington

Chapter 2.57

TOURISM PROMOTION ADVISORY COMMITTEE

Sections:

2.57.010 Name.

2.57.020 Mission and goals.

2.57.030 Powers and duties.

2.57.040 Organization.

2.57.010 Name.

The Brookings city council hereby creates the tourism promotion advisory committee. [Ord. 14-O-732 § 2.]

2.57.020 Mission and goals.

A. The primary role of the tourism promotion advisory committee is to advise the city council on the use of transient occupancy tax (TOT) revenues allotted for tourism promotion pursuant to Chapter 3.10 BMC.

B. Nothing in this chapter shall be interpreted as authorizing the city to conduct a tourism promotion campaign.

C. It is the goal of the city council to expend tourism promotion funds in a coordinated and efficient manner with funding to be provided for a few selected projects and events each year. [Ord. 14-O-732 § 2.]

2.57.030 Powers and duties.

A. Duties and Responsibilities.

1. The tourism promotion advisory committee is an advisory body to the city council. It has no authority to spend or approve the expenditure of city funds. Its recommendations are made to the city council through its minutes.

2. Committee members shall serve at the pleasure of the city council.

3. Committee membership is honorary and without compensation.

4. All committee meetings shall be open to the public and held in a place that is handicapped accessible.

5. Committee minutes, as prepared by staff and approved by the committee, shall be submitted to the city council for acceptance. The minutes shall be approved, with or without amendments, additions or corrections, by affirmative action of the committee at its next meeting. [Ord. 14-O-732 § 2.]

2.57.040 Organization.

A. Membership.

1. The committee shall consist of seven voting members to be appointed by the mayor with approval of the city council.
2. Insofar as possible, city residents shall have precedence over other applicants.
 - a. All members of the committee shall be residents of Curry County. At least four of the seven members shall be residents of the city of Brookings. Non-city residents must have an economic interest, such as property ownership, business ownership, or employment, within the city. These members shall not be officials or employees of the city.
 - b. No member of any other city council-appointed board, committee or commission shall simultaneously serve on the tourism promotion advisory committee.
3. Meeting minutes shall be recorded by the city manager, or his/her designee.

B. Terms of Appointment/Removal/Vacancies.

1. Terms shall be initially staggered so that three members serve a term of three years, two members serve a term of two years and two members serve a term of one year. Thereafter, all terms shall be for three years.
2. No member shall be eligible to serve for more than two full terms on the committee.
3. Vacancies created by a mid-term resignation or termination shall be filled by appointment as provided under subsection (A)(1) of this section.
4. Members may be removed by a majority vote of the city council for any reason and at any time during the member's term of appointment. Failure of a member to attend at least 50 percent of regularly scheduled meetings during a 12-month period shall result in automatic termination, unless the absences have been excused by the committee's chair.

C. Election of Officers.

1. At the last meeting of each calendar year, a chair and vice-chair shall be elected from the voting members of the committee to serve a one-year term.
2. Newly elected officers shall take their seats at the first meeting of the next calendar year.
3. No member shall serve more than two consecutive years in any one office.

D. Quorum/Rules/Meetings.

1. A majority of appointed committee members shall constitute a quorum.
2. The committee shall meet at least once each quarter, at a time and place as may be fixed by consensus of the voting members, and at other times as deemed necessary by the city manager when action is required on referrals from the agency. All meetings shall be

open to the public and noticed in accordance with State Public Meeting Law (ORS Chapter 192).

3. Voting by the committee on all matters shall be consistent with the process adopted by the city council under BMC 2.05.160, with the exception that the staff member taking the minutes shall call the names of each member and record the votes.

4. Recommendations made by the committee shall be submitted to the city council in the manner prescribed by city administrative regulation.

E. Staffing.

1. The city manager or his/her designee shall provide staff support to the committee in the same manner as staff provides support to other committees and commissions to include:

- a. Preparation of reports containing recommendations for projects to achieve the goal of promoting tourism.
- b. Review and make recommendations for funding special events.
- c. Transmitting recommendations from the committee to the city council.

2. All projects, programs and contracts funded through allocation of TOT funds shall be administered by the city manager or his/her designee. [Ord. 14-O-732 § 2.]

3.10.150 Use of transient room tax.

A. The city shall use 25 percent of the transient room tax collections each year to promote tourism.

B. The city finds and declares that expenditure of a portion of the transient room tax collections for tourism promotion will serve a public purpose. The city will derive economic benefits through attraction of visitors to the area. It is in the public interest to promote quality, integrity and reliability in all tourism and tourism related services and in information offered to visitors. Travel and recreation industries are important to the area as a whole, and tourist facilities and attractions serve the recreational and cultural needs of all visitors and residents. Further, the travel and recreation industries have become increasingly important to the economic growth of the area and will become more important in the future because of increased leisure time and declining employment opportunities in other traditional Oregon industries. There is a need to encourage communication and cooperation between the public and private sectors to promote the orderly growth and implementation of tourism-related objectives. It is important that visitors to the area be informed of the scenic and historic attractions, entertainment and recreation opportunities, restaurant facilities, lodging facilities and other matters of special interest. The area on the whole will benefit by attraction of tourists. [Ord. 07-O-581 § 2; Ord. 93-O-342.A § 2; Ord. 80-O-342 § 15.]

TOURISM PROMOTION ADVISORY COMMITTEE (TPAC) MINUTES
Friday – August 26, 2016

CALL TO ORDER

Meeting called to order at 4:00 PM

1. ROLL CALL

Present: Committee members Angie Christian, Candice Michel, Mary Geyer, Bob Pieper, Skip Watwood, and Chair Tim Patterson

Also present: Gary Milliman, City Manager and Teri Davis, City Recorder

2. ACTION ITEMS

- a. TPAC Mission and Goals –** Committee discussed committee goals and mission. Mary suggested hiring a marketing consultant to determine effective advertising.

Basic Goal – Increase overnight stays with emphasis on October thru April.
Committee requested monthly motel occupancy rates.

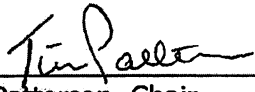
- b. Who is the target market?**

- c. How to spend budgeted monies?** Target 25% on summer events, 75% on off season events. Committee discussed many separate percentage budgets for events, media advertising (social, print, video), consultant and capital (tent, attractions). Committee voted and agreed to budget 60% on events, 30% on media advertising, and 10% on capital.

Motion made by Candice Michel to adopt the mission goals and budget as presented, seconded by Mary Geyer; motion seconded and Committee voted; the motion carried unanimously.

- 3. ADJOURNMENT** - no further business before the Committee, the meeting adjourned at 5:00 pm.

Respectfully submitted,



Tim Patterson, Chair
(approved at September 29, 2016 meeting)

TPAC EXPENSES FY 2017-18

\$47,929 BUDGETED	30% ADVERTISING MEDIA TV - INTERNET - PRINT	60% EVENTS	10% CAPITAL	Travel & Training	Operating Supplies
	Dollar budgets determined on TPAC agreed percentages of \$47,929 budget (32-10-6090)				
% BUDGETED	\$ 14,379	\$28,757	\$4,793	\$1,000	\$1,000
July		\$ (2,000) Fungi Fest			
August	\$ (2,500) Salmon Run Videos	\$ (2,050) Salmon Run Videos			
September				\$ (106.49)	
October					
November		\$ (2,000) Coastal Christmas			
December	\$ (6,000) Spectrum Digital				
January	\$ 6,000 Transfer In	\$ (6,000) Transfer to Advertising			
		\$ (2,000) Wild Rivers Coast Foundation for Dance			
		\$ (1,500) Fish Cleaning Station at Port			
* Pending	\$ (10,800)	\$ (1,745)			
REMAINING FUNDS	\$ 1,079	\$ 11,462	\$ 4,793	\$894	\$1,000

***Pending Budget Allocations 2017-18**

\$ 4,800	Go App	\$ 1,745	Travel & Adventure Show
\$ 6,000	Spectrum 2018	\$ 1,745	
<u>\$ 10,800</u>			

**TPAC Goals: Increase overnight stays with emphasis on October thru April.
Budget 60% on events, 30% on media advertising, and 10% on capital.**



REQUEST FOR PROPOSALS

CITY OF BROOKINGS TOURISM EVENT INCENTIVES

The City of Brookings (City) requests proposals from individuals and/or organizations interested in undertaking events with the purpose of increasing tourism.

Specifically, the City is interested in the development of new events or the addition of events to current events that would increase out of area visitor attendance. The City is offering incentives to assist event organizers in promoting and advertising their events.

Submission Deadline

To be considered, respondents must submit in person, regular mail or email a cover letter and this proposal to:

"Tourism Event Proposal"

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

email: gmilliman@brookings.or.us

Proposals will be accepted on an ongoing basis and must be received at least **60 days prior** to the date of the proposed event. Incomplete submittals will not be considered.

Process

The City will consider proposals from all interested parties presenting the requested information and otherwise demonstrating the ability to fully fund, manage and execute the proposed event. All proposals will be reviewed by the City's Tourism Promotion Advisory Committee. Proposals will be evaluated based upon event sustainability. Priority will be given to first time events.

Right to Reject All Proposals

The City reserves the right to accept, reject, withdraw, or amend any and/or all proposals, or any component part thereof, deemed to be in the best interest of the City or in the best interest of the desired outcome. All costs incurred in the preparation and presentation of a response to this RFP, in the submission of additional information, and/or in any other aspect of a proposal prior to the award of a written contract shall be the sole responsibility of the respondent/proposer. The City also reserves the right to request additional information or clarification from all respondents/proposers until all funding has been awarded.

Once submitted, the proposal and supporting materials become the property of the City of Brookings and are available to the public.

Permitting/Insurance Requirements

Events to be held on City property will require an approved Event Permit and/or Parks Use Application, as applicable. Certificates of Insurance are also a requirement for events held on City property. Permits may be obtained following the award of funding and are available at the Visitor's Office window in City Hall and on the City's website under "Forms & Guidelines."

Questions

Please direct questions to Lauri Ziemer, 541-469-1103; lziemer@brookings.or.us

Event Title: _____		Amount Requested \$ _____	
Event Description: _____			
Event Date/s: _____			
Location: _____		Location secured? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Event Goals: _____			
Please explain how this event will be sustained after the first year: _____			
Sponsors/Investors: _____			
Budget			
Income		Expenses	
Fees Collected	\$ _____	Facility/Venue Costs	\$ _____
Admissions	\$ _____	Insurance	\$ _____
Concessions	\$ _____	Advertising	\$ _____
	\$ _____	Supplies	\$ _____
	\$ _____		\$ _____
	\$ _____		\$ _____
TOTAL	\$ _____	TOTAL	\$ _____
Methodology for evaluating events success in terms of bringing visitors to the Brookings area: _____			
Contact Person: _____		Phone: _____	
Organization: _____		Address: _____	
If more space is required please attach additional pages			

Event Proposal Funding Evaluation

Tourism Promotion Advisory Committee (TPAC)

Event Name: _____

Event Coordinator: _____ Phone: _____

Event Location: _____

Event Date: _____

Amount Requested? _____

1. Off-season Event? Yes _____ No _____
(October - April)

2. New Event? Yes _____ No _____

3. Multi-day Event? Yes _____ No _____

If yes,
how many? _____

4. Target Market? (Circle all that apply)

Rogue Valley	Foodies	Water Sports Enthusiasts
Northern California	Shoppers	Golfers
International	Music Enthusiasts	Bicyclists
Families	Prospective Residents	Beachcombers
Seniors	Prospective Businesses	Fishing Enthusiasts
Couples	Median Income	Sports (tournaments)
RVers	High Income	Spectators/Festival goers

5. Estimated Attendance? >150 _____ <150 _____

6. Does proposal include an advertising/promotion plan?

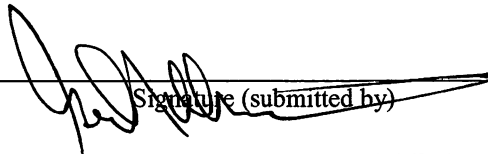
Yes _____ No _____

CITY OF BROOKINGS

Council WORKSHOP Report

Meeting Date: January 4, 2018

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Intergovernmental Agreement with Lane County Council of Governments

Background/Discussion:

The Community Planner who had been with the City for eight months resigned in October. We conducted a recruitment to fill the position and only had a few applicants, none of whom had the level of land use planning experience and knowledge desired. Additionally, the level of planning activity has diminished. The Planning Commission has only met three times since July 1 and even then had very light agendas:

- a. The Transportation System Plan, which is now fully adopted.
- b. A two-lot subdivision.
- c. A conditional use permit for a short term vacation rental.

Management believes that existing staff can handle day-to-day planning affairs and that it would be more cost-effective to contract for the processing of more complex applications, special studies and BMC revisions. We currently have a vacation rental CUP application pending, which staff feels they can process without additional assistance.

Curry County currently contracts with the Lane Council of Governments (LCOG) for certain planning services and County officials report that this arrangement has worked well. Management contacted both LCOG and the Rogue Valley Council of Governments (RVCOG) to explore possible contract services. Both COGs provide contract planning services to many of the smaller cities within their geographic areas. LCOG expressed interest in providing the service and indicated that they have the capacity to do so. RVCOG has more limited planning staffing and did not follow-up on the matter. Staff has prepared an intergovernmental agreement with LCOG that mirrors...with a few exceptions...the LCOG agreement with Curry County.

The way this would work is that applications would be accepted and initially reviewed by City staff and then sent to LCOG for processing. Applicants would interact directly with LCOG staff, who would also be available for initial consultations. We would provide a work station at City Hall that applicants could use to interact with LCOG staff via Skype and Go To Meeting if they chose to do so. For Planning Commission and/or City Council meetings, LCOG staff would make presentations either in-person or via Skype...depending upon the complexity of the application. All work would be assigned on a Task Order basis with and a cost estimate provided in advance.

LCOG staff would also be available to provide technical assistance to staff on an as-needed basis. The arrangement would be similar to that through which we contract for engineering and legal services.

Note that the County has adjusted its land use application fee schedule to actual cost recovery.

For larger projects generated by applicants, such as development master plans, and for Code revisions, such as the revision needed for riparian setback development standards, the City would contract with a private consulting service on a project basis.

Attachment(s):

- a. Draft Agreement with LCOG.

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE
CITY OF BROOKINGS OREGON AND
THE LANE COUNCIL OF GOVERNMENTS
FOR PROFESSIONAL LAND USE PLANNING SERVICES**

RECITALS

- A. The Parties to this Agreement are the City of Brookings, Oregon, a political subdivision of the State of Oregon and Lane Council of Governments, an organization of governments in Lane County, Oregon, hereafter referred to as LCOG.
- B. ORS 190.010 provides that units of local governments may enter into agreements for the performance of any and all functions and activities that any party to the agreement, its officers, or agents have the authority to perform.
- C. Subject to the terms of this Agreement, LCOG will provide professional planning services specified in Section II for Applications requiring processing through the City of Brookings.
- D. LCOG will serve as a land use planning and development resource for City of Brookings.

AGREEMENT

I. GENERAL PROVISIONS

A. Definitions as Used in this Agreement

"Applicants" mean individuals or business entities who submit a land use Application to the City of Brookings.

"Application" means a land use application for development activity submitted to the City of Brookings.

"Council" means the City of Brookings City Council.

"Development Services Department" means the City department responsible for the administrative and quasi-judicial processing of Applications.

"Development Services Department staff" means the Parks and Planning Manager, Building Official, and Administrative Assistant employed by the City of Brookings in the Development Services Department.

"City" means the City of Brookings, a political subdivision of the State of Oregon.

"Development Activity" means any use of proposed use of land that requires disturbance of the vegetation or soils or which requires action of the City to allow the construction or modification of structures or other improvements or to allow the division of the land.

"Site Plan" means the City of Brookings Site Plan Committee.

"Task Order" means a mutually agreed upon assignment to undertake a project or study.

"City Manger" means the City Manager of the City of Brookings.

"Planning Commission" means the City of Brookings Planning Commission.

"Project" means development activity.

B. Authority

The City Manager shall administer this agreement for LCOG to process Applications for the City. LCOG shall provide Development Services Department staff (DSDS) with a written estimate as to time, materials and travel for processing of each Application prior to DSDS authorization for LCOG to proceed with processing of any Application.

The DSDS shall confer with and direct LCOG regarding each step of an Application processing. LCOG may confer with DSDS regarding logistics related to an Application such as but not limited to preparation of notices, collection of material for use in evaluating an Application or interfacing with the public regarding Application processing and procedures.

Engagement with individual Commission and City Council members is limited to written and verbal contact that includes the DSDS.

II. SCOPE OF SERVICES

LCOG shall:

- a. Review and become familiar with Applications.
- b. Review Applications for completeness and mail completeness letter.
- c. Answer questions and inform citizens regarding Applications and Projects.
- d. Prepare simple reports based on a template provided by the City.
- e. Represent Application staff reports and provide oral presentations with facts, analysis and findings to the Planning Commission and City Council. This includes preparation of Planning Commission Orders based on a template provided by the City and responses to questions and requests for information from public and state agencies. To the greatest extent possible and as may be acceptable to the Commission/Council, such presentations shall be by remote electronic means, such as Skype.
- f. Meet all statutory Application deadlines (unless work is halted (as per Section IV(E)(3))).
- g. Participate remotely in Site Plan meetings as requested by City.
- h. Provide additional services as authorized by written Task Order (Attachment C) in accordance with the following:
 1. If the services to accomplish a task can be defined and limited, City and LCOG shall develop description of the task, a detailed scope of services and a related maximum fee for providing such services.

2. If the services to accomplish a task cannot be defined, limited or quantified, LCOG shall work on a time and materials basis and provide a description of work performed by each staff member monthly with accompanying invoices. Invoices will be prepared and submitted monthly, but total cost for the task shall not exceed the maximum.
- i. Provide technical assistance to staff on minor matters not requiring a written description or Task Order.

III. CITY RESPONSIBILITIES

- a. Mailing of all required public hearing notices
- b. For Projects requiring Planning Commission review, posting of the project staff report and information on the project on the City web site in a timely manner prior to the Planning Commission meeting.
- c. Advising LCOG of all project deadlines.
- d. DSDS review and approval of reports for Administrative Permits.
- e. DSDS review and approval of Planning Commission staff reports prior to distribution to the Planning Commission and the public.
- f. Upon request, provide copies of City land use documents, templates of previous staff reports, and other documents, necessary for LCOG to make recommendations and/or complete staff reports. If historical information is required, City staff will, at no charge, assist LCOG in gaining access to records of past City planning activities as necessary for LCOG to complete any analysis or develop work products.
- g. Preparation of Planning Commission meeting minutes.
- h. Keep the application record upon completion (final deliverables from LCOG).

IV. OTHER PROVISIONS

A. LCOG Status and Subcontracting

- 1) LCOG is not considered a City employee for purposes of compensation, benefits or other personnel related matters. LCOG is an independent contractor to the City.
- 2) LCOG is retained due to special qualifications to perform services as described in Section III. LCOG shall not assign this Agreement, any part thereof, or any compensation due there under to any party in a subcontractor arrangement, without the written consent of the City Manager.

B. Indemnification. LCOG shall hold harmless the City from and against all claims, damages, losses and expenses including costs and attorney fees arising out of the performance of the services described herein, or the failure to perform such services, caused in whole or in part by any negligent act or omission of LCOG, except to the extent caused by the sole negligence, active negligence or willful misconduct of the City. If any action or proceeding is brought against the City entities by reason of any claims as above provided, LCOG, upon notice from the City, shall fund the legal defense of the City.

C. Insurance Requirements.

- 1) LCOG shall maintain in full force and effect, at all times during the performance of this Agreement, General Liability, including contractual liability, business auto liability, broad form property damage, and products and completed operations, all of which shall include coverage for both bodily injury and property damage, with a combined single limit of two million dollars (\$2,000,000) per occurrence.
- 2) Workman's Compensation coverage shall be at statutory limits.
- 3) Error and Omissions Liability – each occurrence/annual aggregate in the amount of \$2,000,000. City need not be named as an additional insured on professional errors and omissions insurance policies.
- 4) All insurance policies required by this section shall not be cancelled, limited, or non-renewed without first giving 30 days written notice to the City. Additionally, the policy shall specifically contain language substantially similar to the following clause: "This insurance shall not be cancelled until after thirty days' notice has been given to the City of Brookings."
- 5) Certificates of Insurance evidencing the coverages required by the clauses in this agreement shall be filed with the City prior to the effective date of this Agreement. This is a condition precedent to the formation of any obligation by the City to compensate LCOG under this agreement.

D. Files and Paper and/or Electronic Records

- 1) The City will provide LCOG all application forms, report forms, and other related materials to be used in the conduct of its land use planning procedures.
- 2) All written material and electronic documentation prepared as a result of this agreement related to Applications are the property of the City. In the event this agreement is terminated or at the end of the appeal period for each Project, all written material and electronic documentation shall be delivered immediately to the City. LCOG may retain one copy of each document for LCOG's records, but shall have no proprietary rights to them.

E. Compensation

1. Billing rate. LCOG will provide services in accordance with the Rate Schedule attached hereto. This rate is inclusive of supplies and materials necessary to perform the services identified in the Attachment A Scope of Work except as set forth otherwise in this agreement. Rates are subject to change annually.
2. Travel reimbursement. City will reimburse LCOG for the actual cost of employee travel to/from Brookings in accordance with the LCOG Travel Authorization Form attached hereto as Attachment B.
3. Schedule for payment. LCOG will submit invoices to the City Manager on a monthly basis for the work completed during the previous month prior to the 15th of the succeeding month.
4. Available funds and procedure. At the date of Application, Applicants shall provide a deposit for the work of the City and LCOG to process their Application. LCOG shall advise when the value of LCOG work on the project has reached 70% of the Application deposit and halt work until applicant has provided additional funds for LCOG and City services.

F. Conflict of Interest

LCOG shall disclose any actual or potential conflict of interest that may exist relative to the services to be provided pursuant to this Agreement.

G. Ownership of Work Product

All work products of LCOG which result from this Agreement are the exclusive property of the City. Reuse of work product by the City for purposes outside the scope of service of this Agreement shall be without liability to LCOG.

V. TERM AND TERMINATION

This Agreement shall be valid upon signature by both parties. This Agreement may be terminated by either party (LCOG or the City) without cause under the following procedure:

- a. The party requesting termination shall notify the other party in writing of its intention to terminate thirty days before the effective date of termination. In such event, or upon request of the City, LCOG shall assemble all City documents (files, records, policy documents, correspondence, and any paperwork related to application to the City) in LCOG's possession and put them in order for proper filing and closing, and deliver said document to the City.
- b. In the event of termination, LCOG shall be paid for work performed to the termination date.
- c. City shall make the final determination as to the portion of tasks completed and compensation to be made.

VI. MODIFICATION

No modification of this Agreement shall be valid unless in writing and signed by the parties. If any provision of this Agreement is held by any court of competent jurisdiction to be invalid, such invalidity shall not affect any other provisions of this Agreement, and this Agreement shall be construed as if the invalid provision had never been included in the Agreement.

VII. DISPUTES

If a dispute should arise regarding the performance of this Agreement or compensation for work performed under this Agreement, the parties hereby agree to make good faith and reasonable attempts to settle the dispute through subsequent agreement between LCOG principal and City. In the event that a dispute continues, LCOG is required to continue performing under this Agreement pending resolution of the dispute. Nothing in this procedure shall prohibit the parties from seeking legal remedies available to them after they have made a good faith and reasonable attempt to resolve the dispute pursuant to the provisions of this section. In the event of litigation arising out of the performance of the obligations of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and other litigation expenses.

VIII. AGREEMENT CONTAINS ALL UNDERSTANDINGS

This agreement represents the entire Agreement between LCOG and the City and supersedes all prior agreements, either written or oral. This Agreement may only be amended by written instrument, signed by both the City and LCOG. No oral agreement or representation by any officer, agent, or employee of either party made during or after the execution of this Agreement shall become a part of this Agreement except to the extent such oral agreement or representation is expressly reflected in this written Agreement or a written amendment to this Agreement.

IN WITNESS WHEREOF, this Agreement between LCOG and City of Brookings is signed and executed this ____ day of _____, 20__.

Gary Milliman
City Manager
City of Brookings
898 Elk Drive, Brookings, Oregon
97415, Phone: 541-469-1101

Date

Brendalee Wilson
Executive Director
Lane Council of Governments
859 Willamette St., Suite 500
Eugene, OR 97401

Date

**ATTACHMENT A
RATE SCHEDULE**

LCOG Staff Type	Current Hourly Rate
Principal Planner	\$ 105
Senior Planner	\$ 102
*Assistant Planner	\$ 63
GIS Assistant	\$ 78
Attorney	\$ 114
GIS Senior Analyst	\$ 106
Resource Development Associate	\$ 97
Administrative Assistant	\$ 66
<p><i>*The majority of work is expected to be carried out by an LCOG Assistant Planner with oversight and review by a Senior or Principal Planner. Other assistance will be utilized only with the express approval of the City of Brookings. Rates are current as of December, 2017. Rates are rounded to the nearest dollar Rates are subject to periodic change.</i></p>	

Attachment B



Travel Authorization Form (10/2017)

Name of Traveler: _____ Supervisor: _____ Date: _____

Location of Conference/ Meeting: _____ Purpose: _____

Departure Date: _____ Return Date: _____

Subfund/Contract (if applicable): _____

*Must have Executive Director's prior approval to use Indirect

	Estimated Costs	Fiscal Office Use
Air/Bus/Rail	\$	
Auto Rental/Taxi/Shuttle	\$	
Hotel	\$	
Registration Fees	\$	
Other	\$	
Meals*	\$	
Private Auto - Number of Miles _____ X \$0.535 / Mile	\$	
ESTIMATED TOTAL:	\$	

***For Meals, use these per Diem amounts:**

Primary Destination	County	Per Diem*
Portland	Multnomah	\$64
Bend, Clackamas	Deschutes, Clackamas	\$59
Beaverton	Washington	\$59
Salem, all other places	Marion, all other counties	\$51
Eugene, Florence	Lane	\$59
For travel outside Oregon, use Federal Per Diem rates. (see Payroll for assistance)		

*Through September 2018.

Per Diem (Apply the percentage to the appropriate Per Diem Rate):

No allowance is provided for a meal when the employee is attending an official business meeting and the meal is an agenda item and is provided without a fee. No allowance is provided for a meal when a meal is included as part of the registration fee(s) for a conference or meeting. NOTE: Complimentary meals provided by a hotel do not affect the per diem meal allowance; no reduction is required.

Breakfast: 25% of the daily meal per diem. _____ # of meals X \$ _____ (25% of per diem) = \$ _____

*Must be on travel status for two hours or more before the beginning of your scheduled work shift

Lunch: 25% of the daily meal per diem. _____ # of meals X \$ _____ (25% of per diem) = \$ _____

*Must be on travel status for one hour before or after 12:00 noon

Dinner: 50% of the daily meal per diem. _____ # of meals X \$ _____ (50% of per diem) = \$ _____

*Must be on travel status for two hours or more beyond the end of your scheduled work shift

TOTAL MEALS ESTIMATE:	(1) \$
--------------------------------------	---------------

(3). EXCEPTIONS (Attach All Receipts)

Employees may be reimbursed for actual costs of some meals. For example, when an employee attends a business meeting where the meal is an agenda item but not included in the fee and the selection and the cost of the meal are beyond the control of the employee, the employee will be reimbursed for the actual cost of that meal. If this is the case, please attach your receipt with this completed form.

COST OF EXCEPTION MEAL(S) ESTIMATE:	(2) \$
--	---------------

TOTAL ESTIMATE FOR MEALS (1) + (2):	\$
--	-----------

Additional Instructions:

Employee's Signature: _____

Date: _____

Supervisor's Approval: _____

Date: _____

Division Approval: _____ *Date:* _____

Executive Director's Approval: _____

Date: _____

City of Brookings – Contract Task Order

Contract Title: _____

Contractor: _____

Contract #: _____ TO # _____ Project Manager: _____

This Contract Task Order, described under the terms below, is made and entered into this
_____ day of _____ by and between the City of Brookings,

hereinafter referred to as "City," and _____

hereinafter referred to as "Contractor," with an effective date of _____

The terms of this Task Order are as described in the attached Exhibit "A" which is a proposal
to _____

Total fees not to exceed \$ _____

Completion Date (if applicable) : _____

CITY OF BROOKINGS

By: _____

Name: _____

Title: _____

Address: _____

By: _____

Name: Gary Milliman

Title: City Manager

Address: 898 Elk Drive

Brookings, OR 97415