

Vancouver

City of Brookings MEETING AGENDA

CITY COUNCIL

Monday, December 13, 2010, 7:00pm

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

Council will meet in **Executive Session at 6:15 pm**, in the City Manager's office, under the authority of ORS 192.660(2)(h), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed," and under the authority of ORS 192.660 (2)(e), "to conduct deliberations with persons designated by the governing body to negotiate real property transactions."

A. Call to Order

B. Pledge of Allegiance

C. Roll Call

D. Ceremonies/Appointments/Announcements

1. Border Coast Airport Regional Authority Commendation. [pg. 5]

E. Public Hearings/Ordinances/Resolutions/Final Orders

1. Ordinance amending Section 8.15.080, Noise Prevention, of Brookings Municipal Code Chapter 8.15, Nuisances, Title 8, Health and Safety, in its entirety. [Building, Advance Packet]
 - a. Ordinance 10-O-674
2. A continuation of the hearing on File LDC-3-10, revising Chapter 17.170, Street Standards, Title 17, Land Development, Brookings Municipal Code. [Planning, Advance Packet]
 - a. Draft language
3. Public Hearing on File No. CP-2-10, revisions to Goal 11, Public Facilities, and Goal 14, Urbanization, of the Brookings Comprehensive Plan. [Planning, Advance Packet]
 - a. Goal 11, Public Facilities and Services
 - b. Goal 14, Urbanization
 - c. Public Facilities Plan
4. Ordinance amending Sections 2.63.020.B and 2.63.030.D of Brookings Municipal Code Chapter 2.63, Urban Renewal Advisory Commission, Title 2, Administration and Personnel. [City Manager, Advance Packet]
 - a. Ordinance 10-O-673
 - b. Language revisions
 - c. November 8, 2010, Agenda Report
5. Resolution establishing uniform parking regulations for City-designated public parking spaces in the downtown area. [City Manager, pg. 9]

a. Resolution 10-R-945 [pg. 11]

6. Resolution finding that the public interest will be served by the sale of City property, located at 220 Wharf Street, to the Urban Renewal Agency, and setting a time and date for a public hearing. [City Manager, pg.12]

a. Resolution 10-R-947 [Pg. 13]

F. Oral Requests and Communications from the audience: Public Comments – 5 minute limit per person.*

G. Staff Reports

1. Tax incentive application for a business proposing to locate in Brookings. [Planning, pg. 14]
 - a. Tax exemption program description. [pg. 15]
2. Financial agreement for Biosolids Dewatering Project. [AS Director, pg.16]
 - a. Request for Proposal. [pg. 17]
3. Five Year Major Maintenance Project List. [City Manager, pg. [pg. 19]
 - a. Revised Project List. [pg. 20]
4. Intergovernmental Agreement for the Household Hazardous Waste Management Plan. [City Manager, pg. 21]
 - a. Intergovernmental Agreement. [pg. 23]

H. Consent Calendar

1. Approve Council minutes for November 8, 2010. [pg.39]
2. Approve Council minutes for November 17, 2010. [pg. 43]
3. Accept Parks and Recreation minutes for October 28, 2010. [pg. 46]
4. Accept November, 2010, Vouchers in the amount of \$944,255.47. [pg. 48]
5. Receive monthly financial report for October, 2010. [pg. 52]

I. Remarks from Mayor and Councilors

J. Adjournment

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

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

December 2010

December 2010							January 2011						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30	31					

	Monday	Tuesday	Wednesday	Thursday	Friday
Nov 29 - Dec 3	Nov 29	30	Dec 1	2	3
			10:00am CC- Site Plan 11:00am CC - Downtown Meeting 7:00pm FH-PoliceResrvs	12:00pm Cc - Pubic Art 3:00pm CC - Staff (SC)	
Dec 6 - 10	6	7	8	9	10
	11:00am CC - VIPS 4:00pm CC - Council Wkshp 7:00pm CC - Staff 7:00pm FH-FireTrng	7:00pm CC-Planning Comm	10:00am FH-BRFD 10:00am CC - Site Plan 11:00am CC - Downtown Meeting 12:00pm CC - Stout Park 2:30pm CC-Storm Drain Precon 4:00pm CC - Traffic Safety Committee 5:00pm CC - Victims Impact Panel 6pm	9:00am CC-Crm Stoppers 12:00pm CC-Public Art Committee (CC) 1:00pm CC - Court 3:00pm CC-URAC 7:00pm CC - Staff	
Dec 13 - 17	13	14	15	16	17
	7:00pm FH-FireTrng 7:00pm CC-Council	10:00am CC - Staff	10:00am CC - Site Plan 11:00am CC - Downtown Meeting	7:00pm CC-Parks & Rec Comm	11:30am CC - Staff
Dec 20 - 24	20	21	22	23	24
	11:00am CC-VIPS 7:00pm FH-FireTrng	10:00am CC - South Coast Friends 7:00pm CC - PC (TENTATIVE)	10:00am CC - Site Plan 11:00am CC - Downtown Meeting 12:00pm CC - Stout Park 3:00pm CC - Staff		Christmas - Closed (closest workday to 12)
Dec 27 - 31	27	28	29	30	31
	7:00pm FH-FireTrng		10:00am CC - Site Plan 11:00am CC - Downtown Meeting		New Years - Closed (closest workdayto 1)

P3

January 2011

January 2011							February 2011						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28					
30	31												

	Monday	Tuesday	Wednesday	Thursday	Friday
Jan 3 - 7	Jan 3 11:00am CC - VIPS 4:00pm CC - Council Wkshp 7:00pm FH-FireTrng	4 7:00pm CC-Planning Comm	5 10:00am CC- Site Plan 11:00am CC - Downtown Meeting 7:00pm FH-PoliceResrvs	6 3:00pm CC - Staff (SC)	7
Jan 10 - 14	10 7:00pm FH-FireTrng 7:00pm CC-Council	11	12 10:00am FH-BRFD 10:00am CC- Site Plan 11:00am CC - Downtown Meeting 12:00pm CC - Stout Park	13 9:00am CC-Crm Stoppers 1:00pm CC - Court 3:00pm CC-URAC	14 12:00pm Staff
Jan 17 - 21	17 <u>Martin Luther King Day - City Hall Closed</u> 11:00am CC-VIPS 7:00pm FH-FireTrng	18 7:00pm Planning commission meet continuation of DDP-1-10	19 10:00am CC- Site Plan 11:00am CC - Downtown Meeting	20	21
Jan 24 - 28	24 7:00pm CC-Council 7:00pm FH-FireTrng	25	26 10:00am CC- Site Plan 11:00am CC - Downtown Meeting 12:00pm CC - Stout Park	27 7:00pm CC-Parks & Rec Comm	28
Jan 31 - Feb 4	31 7:00pm FH-FireTrng	Feb 1	2	3	4

P4

BORDER COAST REGIONAL AIRPORT AUTHORITY



150 Dale Rupert Road
Crescent City, CA 95531

Telephone: (707)464-7288
Fax: (707) 464-1023

LETTER OF COMMENDATION

On this day, the 4th of November, 2010, the Governing Board of the Border Coast Regional Airport Authority issues this Commendation to the City of Brookings and Curry County for their efforts in securing Oregon Department of Transportation *ConnectOregon III* Rural Airport grant funding to support projects at the Del Norte County Regional Airport.

It was in this spirit of regional support and cooperation that the Joint Powers Authority for the Del Norte County Regional Airport was initially created. The efforts extended by these Oregon representatives of the Airport Authority have shown what can be accomplished by a focused regional effort to maintain and improve a key, critical public use transportation facility; a facility which is essential to the economic viability of the entire region.

It is the intent of this Board that the efforts herein acknowledged are representative of the future collaborative efforts of this Joint Powers Airport Authority.

Again, we commend and thank you for your hard work.

Sincerely,

David Finigan, Chair
Border Coast Regional Airport Authority

C&K Markets: Parent Company of Ray's Food Place, Shop Smart, Price Less Foods and Pharmacy Express...the 20th largest privately held company in Oregon with HQ in Brookings.

"If the proposed improvements are made to the Del Norte County Airport, our customers, vendors and employees would have convenient access to commercial air services. This would allow us to attract more highly skilled employees, encourage our growth, and solidify our position as one of the largest employers in Curry County. Although located in California, Oregon's support of the Del Norte County Airport project is necessary, because it would lead to direct economic benefits for C&K and other businesses and residents of the Southern Oregon Coast." Douglas A. Nidiffer, President and Chief Executive Officer.

Coos-Curry Electric Cooperative Inc. is the electric service provider for Curry and southern Coos Counties, including the cities of Brookings, Gold Beach, Port Orford and Coquille.

"An improved Del Norte County Regional airport facility would improve Del Norte and Curry counties' economic development by enticing new business to the area. Both counties would benefit from the growth, new construction and creation of jobs. As one of the largest employers in Curry County, Coos Curry Electric Cooperative employees must travel several hours to access the nearest commercial airport providing an air carrier for passenger transportation services." Roger Meader, General Manager and Chief Executive Officer.

South Coast Lumber Company and its affiliates is the largest employer in Brookings.

"The Brookings-Harbor area of Curry County Oregon has few options for commercial air travel and an upgrade to the Del Norte County Airport would improve air travel for locals as well as making travel to Del Norte and Curry County easier and more comfortable for tourists." James Bruggerman, Operations Manager, South Coast Lumber Company and Affiliates.

CAL/OR Insurance Specialists is a leading Curry County insurance services company.

"This airport is vital to me, my business and the people of Curry County. We anticipate that jobs will be created both during the construction phase of the project and also at the airport. We will also have other businesses that will begin and grow as a result of the improved airport." Deborah E. Krambeal, President, CAL/OR Insurance Specialists Inc.

Flora Pacifica Inc is a family owned business that has been in operation for 20 years in Curry County producing floral agricultural products.

"The proposed improvements are badly needed for the growth and development of this region. Adequate airport facilities are needed to move perishable products to distant markets quickly. In addition to the movement of product, we often have a need for customers to travel here to work with designers in crating product designs or we need to travel to trade shows or to consult with customers.

The proposed improvements to the Del Norte County Airport would be of immeasurable benefit to all of the people on both sides of the state line." Donald R. Mitchell, Chief Executive Officer, Flora Pacifica Inc. Jan Loren has been a Brookings real estate broker for 23 years.

Blue Pacific Realty is one of the largest real estate brokerages in Curry County.

"I have been in business in this area for 35 years and one of the major problems for our area in attracting new businesses and residents has been the difficulty of easy air transportation. The passenger terminal at this airport is small, outdated and lacks the common amenities provided in most terminals. This is our local airport, less than 30 minutes from Brookings. If the proposed improvements are made to the Del Norte County Airport our clients and customers would have convenient access to commercial air service as would all of the residents of Curry County." Jeanette K. McVay, Principal Broker, Blue Pacific Realty.

"I can say with no hesitation that improved access to commercial air service in our area is crucial for this community to be a healthy, thriving and growing community. Over the years I have met a large number of wonderful people who decided not to move to our area because travel in and out was so limited. Many of these people could have contributed greatly to our area with low impact businesses, cultural interest and trade that could have enhanced the Southern Oregon Coast. With an aging population, McNamara Field is also an essential lifeline to medical services for Curry County residents." Jan Loren, Broker, Blue Pacific Realty.

U.S. Borax Inc is a major property owner in Curry County, and has an approved Master Plan of Development for a project including 1,000 housing units, a community college (currently under construction) and commercial area.

"Adequate transportation facilities are important to the economy of Brookings and Curry County, and will be a major factor in the success of our project. In the 1960's, we donated the land for Highway 101 and Boardman State Park. This clearly demonstrates our commitment to the area and to adequate transportation facilities. Today, the need is for development of the regional Del Norte County Airport. Our market research indicates that many of our buyers will be from the San Francisco and Los Angeles areas, and will utilize air transportation." Dennis M. Boyle, Director, Land Operations, U.S. Borax Inc.

Curry County Economic and Community Development Department.

"Curry County Economic and Community Development's 2007 Business Retention and Expansion Survey indicated that more than 40 per cent of the business in the county consider access to air services as "poor." Del Norte Regional Airport has proposed a solution to improve air service to our region and this department supports their efforts wholeheartedly." Susan Brown, Director, Curry County Economic and Community Development.

Southwestern Oregon Community College is constructing a 27,000 square foot classroom and support services building on 10 acres in Brookings to house its Curry County Campus.

“Without access improvements, Curry County will continue to be as isolated as before, limiting expansion opportunities for our businesses and employment opportunities for our residents. Improved commercial air service would be a big step forward to improving access. While this airport is sited in California, it serves as the regional airport for central and south Curry County and is essential to the economic development of the region as a whole.” Janet Pretti, Dean, Curry Campus, Southwestern Oregon Community College.

Brookings Harbor Chamber of Commerce.

“The Brookings-Harbor Chamber of Commerce Board of Directors believe that Curry County and Del Norte County have a common interest in providing quality regional air service to its residents; and these counties desire to promote tourism and economic development in our community and realize that air transportation is a vital component of this endeavor.” Les Cohen, President and Chief Executive Officer, Brookings-Harbor Chamber of Commerce.

America’s Wild Rivers Coast.

“Critical to our success and the consequent economic betterment of our business communities is the expansion and improvement of the passenger terminal at Del Norte County Airport.” Aaron Funk, President, America’s Wild Rivers Coast.

Brookings Merchants Association.

“Residents and visitors alike expect and depend on convenient, affordable air transportation when selecting an area to locate a new home, business or just seeing the sights. Having quality regional air service adds a critical element to our area’s improved economic health and well being.” Candice Michel, Chairperson, Brookings Merchants Association.

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: December 13, 2010

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Resolution regulating parking lot hours.

Motion:

Adopt Resolution 10-R-945, establishing parking restrictions in downtown parking lots.

Financial Impact:

Minimal cost of purchase and posting signs.

Recommendation:

Establish uniform parking regulations for all City public parking lots.

Background/Discussion:

The City currently owns four properties in the downtown area that are designated for public parking. Additional properties may be purchased/leased for public parking in the future.

Several instances involving vehicles being parked for long periods of time (multiple days without being moved) or stored in the parking lots have recently occurred. In one instance, a vehicle parked in the Center Street lot was covered with a tarp several days each week over several weeks.

There are signs posted in the Central Building parking lot which limit parking to two hours during the hours of 6:00 a.m. and 6:00 p.m. Signs at the Rush parking lot and Fleet Street, which functions as a public parking lot, provide a restriction of four hours during the hours of 8:00 a.m. and 5:00 p.m. Signs for the parking lot at 629 Chetco provide a restriction of two hours during the hours of 8:00 a.m. and 5:00 p.m. There is no record of how these restrictions were implemented. Enforcement is by complaint.

City Public Parking Lots

1. Center Street north of Chetco (east side). Spaces are not marked. *
2. Central Building (18 spaces)
3. 629 Chetco (Pine Cone, Ken's Tavern, Movino Wine Bar). (11 spaces)
4. East end of Rush parking lot + Fleet Street. (35 spaces)

The City also owns the parking lots at the civic center, a portion of the parking lot at Ray's Market located adjacent to the fountain, and a portion of the parking lot in front of Kerr's Ace Hardware. The Kerrs and Rays parking lots are not signed as public parking lots.

Brookings Municipal Code Chapter 10.05.020 provides the Council the authority, by resolution, to establish the time limit for legal parking in limited parking areas and to designate city-owned or leased property on which public parking will be permitted.

Currently, parking on the street along Chetco Avenue is limited to two hours between the hours of 8:00 a.m. and 5:00 p.m. Resolution 10-R-945 would apply this same restriction to the four above listed City parking lots.

***Staff is currently working with the URAC, ODOT and the adjacent property owner to explore a possible re-design of this parking lot.**

Attachments:

- a. Resolution 10-R-945

**CITY OF BROOKINGS
CURRY COUNTY, OREGON**

RESOLUTION 10-R-945

A RESOLUTION ESTABLISHING UNIFORM PARKING REGULATIONS FOR CITY-DESIGNATED PUBLIC PARKING SPACES IN THE DOWNTOWN AREA.

WHEREAS, the City of Brookings owns public properties in the downtown area that are designated for public parking and may designate additional owned, leased or purchased properties for such purpose in the future; and

WHEREAS, one of the City Council's goals is to implement a plan for addressing downtown parking needs as proposed in the City's Downtown Parking Implementation Plan, adopted in October, 2009; and

WHEREAS, there have been several instances where vehicles have been parked or stored in City-designated public parking spaces in the downtown area for long periods of time, thereby limiting the short-term use of essential parking spaces; and

WHEREAS, the City desires to establish uniform parking regulations in City-designated public parking spaces in the downtown area so that long-term parking in these spaces is not permitted; and

WHEREAS, parking along Chetco Avenue is currently limited to two hours between the hours of 8:00 a.m. and 5:00 p.m., and the City desires to apply these same time restrictions to City-designated public parking spaces in the downtown area; and

WHEREAS, the City Council, pursuant to Brookings Municipal Code Chapter 10.05.020, has the authority to establish, by resolution, a time limit for legal parking in limited areas and to designate City-owned or leased property on which public parking will be permitted;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brookings that parking in City-designated parking spaces in the downtown area, as described below, is hereby limited to two hours between the hours of 8:00 a.m. and 5:00 p.m., and staff is directed to provide signage posting these limits, accordingly;

1. Center Street parking lot north of Chetco Avenue (east side).
2. Central Building parking lot.
3. 629 Chetco parking lot.
4. East end of Rush parking lot and along Fleet Street.

Passed by the City Council _____, 2010 and made effective the same date.

Attest:

Mayor Larry Anderson

City Recorder Joyce Heffington

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: December 13, 2010

Originating Dept: City Manager


Signature (submitted by)

City Manager Approval

Subject: Resolution 10-R-947 Regarding Sale of City Property

Recommended Motion:

Motion to adopt Resolution 10-R-947, finding that the public interest will be served by the sale of City property, located at 220 Wharf Street, to the Urban Renewal Agency, and setting a time and date for a public hearing.

Financial Impact:

Bi Mart has proposed purchasing the property for \$615,000. Proceeds of the sale would be placed in the City's General Fund.

Background/Discussion:

This Resolution makes findings that the sale of the City property at 220 Wharf Street to the Brookings Urban Renewal Agency is in the City's best interest, and sets a public hearing on the proposed sale for December 27, 2010.

If the property is sold to the Agency, the Agency plans to re-sell the property to Bi Mart under a development agreement.

Attachment(s):

- a. Resolution 10-R-947

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 10-R-947

A RESOLUTION OF THE CITY OF BROOKINGS FINDING THAT THE PUBLIC INTEREST WILL BE SERVED BY THE SALE OF CITY PROPERTY, LOCATED AT 220 WHARF STREET, TO THE URBAN RENEWAL AGENCY AND SETTING A TIME AND DATE FOR A PUBLIC HEARING.

WHEREAS, the City of Brookings owns a certain parcel of land identified as Map No. 41-13-06DD TL 800, comprising 1.99 acres, and commonly referred to as 220 Wharf Street, Brookings, Oregon 97415 (“Property”); and

WHEREAS, the Property is currently being utilized by the City for material storage; and

WHEREAS, the location and zoning (IP) of the Property render it capable of development for a higher and more beneficial use to the community; and

WHEREAS, the Property is located within the City’s Urban Renewal Area; and

WHEREAS, the City’s Urban Renewal Agency desires to purchase the Property for the purpose of reselling the Property to a buyer willing to develop the Property in accordance with the City’s Urban Renewal Plan; and

WHEREAS, such development will encourage and stimulate the local economy by creating jobs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brookings that:

1. The City Council finds that the public interest will be furthered by the sale of the Property to the Urban Renewal Agency.
2. The City Recorder is directed to publish notice in the Curry Coastal Pilot, a newspaper of general circulation, of the proposed sale and public hearing in accordance with ORS 221.725.
3. The date and time for the public hearing on the proposed sale of the Property is Monday, December 27, 2010 at 7:00 p.m.

Passed by the City Council _____, 2010 and made effective the same date.

Attest:


Mayor Larry Anderson

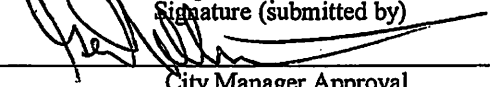
City Recorder Joyce Heffington

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: December 13, 2010

Originating Dept: Planning



Signature (submitted by)


City Manager Approval

Subject: Consider an application to the Oregon Business Development Department for approval of a tax incentive for a business proposing to locate in Brookings.

Recommended Motion: Motion stating the Council has no objection to the Oregon Investment Advantage application for a proposed hosted PBX telephone service in the City of Brookings.

Financial Impact: None

Background/Discussion: The City received an "Application for Preliminary Certification: Oregon Investment Advantage". A business dealing with sales and support of a Hosted PBX telephone service is planning to locate in Brookings and has applied to the Oregon Business Development Department for the Oregon Investment Advantage tax incentive program.

This income tax exemption program helps businesses start or locate in most Oregon counties with a 10-year income tax holiday. Companies setting up operations in a qualifying county are eligible for a 10-year waiver on all income/excise taxes related to those operations, potentially avoiding state business tax liability for that period. General eligibility requirements include:

- the creation of at least five new full-time, year-round jobs;
- facility operations need to be the first of their kind in Oregon for that company; and
- facility operations cannot compete within the local economy.

The County, City, and Port have an opportunity to object to this application if it competes with existing businesses or is incompatible with development standards. Staff is not aware of other similar businesses in the area and the proposed location is compatible with zoning requirements.

Attachment: A. Oregon Investment Advantage Tax Exemption Program description.

OREGON INVESTMENT ADVANTAGE TAX EXEMPTION

BUSINESS DEVELOPMENT TAX EXEMPTION

A 10-year taxable income exemption for a certified business in an eligible location. It is different from the property tax abatement in an Oregon enterprise zone, but in a number of places, the two benefits can be combined.

ELIGIBLE LOCATIONS

The site of the facility to be exempt must be:

- Inside a county that presently or during one of the past two years was qualified in terms of annual unemployment or per capita income, based on the most recently available statistics as applied to the year running from July 1 through June 30; and
- On land zoned for industrial uses or located inside the "urban growth boundary" (UGB) of a city with a population of 15,000 or less.

Meeting both of the above geographic criteria matters *only* at the time "preliminary certification" is made.

BUSINESS OPERATION CRITERIA

There is no restriction in size of the investment or the firm. Any type of business activity, in any industrial or commercial sector, may qualify.

All of the following criteria must be met:

- The same business does not operate another facility anywhere in Oregon that is the same

as the proposed/qualifying facility—business operations must be new to this state.

- Business operations do not compete with existing businesses in the local area where the facility is located.
- Facility results in the hiring of five or more new full-time, year-round employees.
- The above five new employees must each, at a minimum, receive annual "compensation" (including all nonmandatory financial benefits) that is equal to or greater than the following:
 - 150 percent of local income* or
 - 100 percent of local income*, if employees at the facility receive health insurance coverage that is equivalent to or better than that of local city, port or county personnel.

The above compensation requirements do not apply to certified facilities for which preliminary certification is approved (issued) by the department on or after January 1, 2006, through December 31, 2010, in accordance with Oregon Laws 2005.

*Local income means the most recently available figure for per capita personal income in the county, where the facility will be located, at the time of the application for preliminary certification.

APPLICATION AND TIMING

To be certified for this exemption, there are two application forms, completed by the business/taxpayer and submitted to the Oregon Economic and Community Development Department.

1. **Preliminary Certification**, before hiring or any construction, modifications or installations of new property/improvements at the location of the facility that will be the subject of the exemption; and
2. **Annual Certification**, within 30 days after each of up to ten income tax/fiscal years, beginning with the year when the facility/project is acquired or completed, hiring is done and business operations have begun, and concluding with the ninth consecutive tax year directly following that first year.

References:

**Oregon Revised Statute (ORS)
Chapter 285C, Chapter 316,
Chapter 317**

[www.leg.state.or.us/ors/home.htm]

Oregon Laws 2005, Chapter 595

OAR 123 Division 155

[[arcweb.sos.state.or.us/rules/
number_index.html](http://arcweb.sos.state.or.us/rules/number_index.html)]

department web site

[www.oregon4biz.com/OIA.htm]

OREGON


ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT


775 Summer Street NE, Ste 200 Salem, OR 97301-1280 • Phone 503-986-0123 • TTY 1-800-735-2900 • Fax 503-581-5115 • econ.oregon.gov

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: December 13, 2010

Originating Dept: ASD



Signature (submitted by)


City Manager Approval

Subject:

Financing of the Wastewater Biosolids Dewatering Project

Recommended Motion:

Authorize the City Manager and the Administrative Services Director to negotiate specific terms and sign necessary documents with Umpqua Bank to finance the Biosolids Dewatering Project.

Financial Impact:

City has budgeted adequate funds to pay for the annual debt service. A continuing commitment would be required by the Budget Committee and City Council for the life of the financing.

Background/Discussion:

On November 8, 2010, the City Council authorized the City Manager to proceed with contracting for construction engineering services and advertise for bids for the Class B Biosolids Dewatering Project.

The City currently spends about \$250,000 annually for transportation and disposal of biosolids. When the Dewatering Project is complete, we will continue to spend about \$250,000 annually. However, this will include the repayment of debt to construct this project and significantly less hauling and disposal costs.

Staff solicited proposals for the financing of this project from all banks and credit unions with a local branch. We had multiple inquiries, but only one formal proposal, from Umpqua Bank.

The terms proposed are \$1,800,000 over 15 years. The interest rate is 3.5% fixed for five years. At five years, the interest rate shall be adjusted based on the FHLB index, with a tax-exempt floor of 3.5%.

Attachment:

- a. Request for Proposal



CITY OF BROOKINGS

REQUEST FOR PROPOSAL

To Prospective Financial Institutions:

The City of Brookings, Oregon, is requesting proposals for financing of the Biosolids dewatering equipment at the Wastewater Treatment Plant. See "Scope of Services" below.

CITY OF BROOKINGS OVERVIEW

The City of Brookings is a full service municipal corporation providing public safety, community development, utility, financial, parks, administration, streets, water, and sewer services. The City operates under a charter, which was approved by the voters in November 1992 and effective on January 01, 1993. The Charter provides for a Council-Manager form of government and provides such services as are authorized by the Charter.

PROJECT SUMMARY

The City of Brookings plans to add a sludge dewatering unit to the Biosolids treatment system at their wastewater treatment facility. A life cycle cost analysis was performed between a belt press and screw press. The screw press was shown to be more cost effective to purchase and operate during the estimated life of the equipment. A new screw press will be incorporated into the Biosolids treatment process. The new facility will include a building to house the screw press, pumps, loading facility and auxiliary piping and appurtenances.

The City currently has its liquid Biosolids transported to the City of Grants Pass. Yearly trucking costs currently exceed the anticipated debt service for constructing the new Class B sludge dewatering facility and disposal of the dewatered sludge.

SCOPE OF SERVICES FOR FINANCING

Loan Amount: \$1,800,000

Purpose: Biosolids dewatering equipment for the Wastewater Treatment Plant.

Maturity Date: 15 years

Please provide the following information in your response:

- **Interest Rate:** Also, please state whether it is fixed, variable or a combination of the two. If rate is variable or fixed, but adjusted at a certain date, please indicate any changes in the rate and what index the rate(s) will be based on.
- **Payment terms**
- **Fees**
- **Prepayment provisions, if any.**
- **Collateral requirements**
- **Other requirements of financing, if any.**

CONTACT INFORMATION

City of Brookings
Administrative Services Director
Financing RFP
898 Elk Drive
Brookings, OR 97415
Phone: 541-469-1123
Fax: 541-469-3650
Email: jhoward@brookings.or.us

Responses will be accepted until 3:00 p.m. (PST) on Friday, November 5, 2010. No late proposals will be considered. Receipt is made when delivered to the above address either in person, via mail, fax, or email. Postmark date does not constitute receipt. The City is not responsible for delivery. If other than hand delivery, please feel free to confirm receipt.

SELECTION CRITERIA

Evaluation consideration will include the following:

1. **The ability to understand the City of Brookings' needs**
2. **Prior experience with tax-exempt financing.**
3. **Financing terms.**
4. **Cost, although a significant factor, may not be the dominant factor. Cost is particularly important when all of the other evaluation criteria are relatively equal.**

The City of Brookings reserves the right to reject any and all proposals, and has the right, in its sole discretion, to accept the proposal it considers most favorable to the City's interest and the right to waive minor irregularities in procedure.

The City plans on issuing a letter of intent by November 30, 2010, and completing financing as soon as construction contract is awarded (estimated to be December 2010). Please contact us at the above numbers and/or address if you have any questions.

CITY OF BROOKINGS
COUNCIL AGENDA REPORT

Meeting Date: December 13, 2010

Originating Dept: City Manager



City Manager Approval

Subject: Five Year Street Major Maintenance Program

Recommended Motion:

Approve Five Year Street Major Maintenance Program dated November 4, 2010.

Financial Impact:

Expenditure of \$252,105 in the current fiscal year, as budgeted.

Background/Discussion:

As part of the 2010-11 budget process, the City Council discussed developing a street improvement program at a spending level of \$250,000 annually based upon the 2008-2009 Pavement Management System.

Staff has reviewed the prioritization of projects in the Pavement Management System and has conducted additional field work in connection with the development of a priority list. This list will be updated annually as conditions may change. For example, the inclusion of Woodland Street in the first year rather than later years, as originally proposed, was influenced by damage to the street resulting from recent water system improvement work.

Attachment(s):

- a. Revised Major Maintenance Project List

MAJOR MAINTENANCE PROJECT LIST – updated 11-4-10

Year	Name	From	To	Cost	Subtotal/ Year
1	Valley Street	Hillside Drive	Chetco Avenue	78,000	
1	Woodland	Del Norte	culdesac	13,660	
1	Ross Road	Elk Drive	Chetco Avenue	53,000	
1	Alder Street	Pine Street	Redwood Street	15,000	
1	Ransom Avenue	Chetco Avenue	Pioneer	97,000	
				<i>Subtotal</i>	\$ 256,660
2	5 th Street	Elk Drive	Easy Street	157,489	
2	Fir Street	Oak Street	Old County Road	148,000	
				<i>Subtotal</i>	\$ 305,489
3	Old County Road	Pacific Avenue	Rosichelli Lane	176,000	
3	Mill Beach Road	Allen Lane	Macklyn Cove Dr	2,745	
3	Memory Lane	Railroad Street	Tanbark Road	57,617	
				<i>Subtotal</i>	\$ 236,362
4	Richard Street	Easy Street	Richard Street	6,974	
4	Hassett Street	Pioneer	Seventh Street	221,000	
				<i>Subtotal</i>	\$ 227,974
5	Sandy Lane	Macklyn Cove Drive	culdesac	42,118	
5	7 th Street	Pioneer Lane	Meadow Lane	21,627	
5	Mendy Street	Pacific Avenue	termination	24,102	
5	Kevin Place	Hassett Street	Ransom Avenue	44,586	
5	1st Street	Ransom Avenue	Easy Street	31,847	
5	Easy Manor Drive	Easy Street	Easy Street	80,355	
5	Hub Street	Arnold Lane	culdesac	7,470	
				<i>Subtotal</i>	\$ 252,105

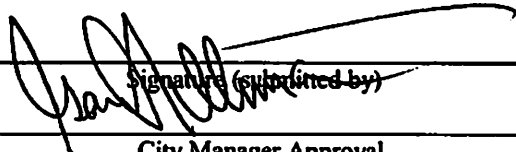
Updated 11-4-10

CITY OF BROOKINGS

COUNCIL AGENDA REPORT

Meeting Date: December 13, 2010

Originating Dept: City Manager



Signature (submitted by)

City Manager Approval

Subject: Intergovernmental Agreement for Household Hazardous Waste Management Plan

Recommendation: Authorize the Mayor to execute an Intergovernmental Agreement for the implementation of the Coos and Curry Counties Household Hazardous Waste Management Plan and appoint a City delegate to the steering committee.

Background/Discussion:

Coos and Curry Counties, in partnership with the Oregon Department of Environmental Quality (DEQ), have recently produced a plan for management of common household products known as household hazardous waste. This type of waste is often found in household cupboards, garages or basements and includes such items as pesticides, poisons, corrosive cleaners, fuels, paints, used oil, antifreeze or even mercury-containing items like thermostats, thermometers and florescent bulbs. If not managed properly, these waste products can endanger public health, contaminate the environment and threaten public and private drinking water supplies.

Development of the Household Hazardous Waste Management Plan (HHWMP) was conceived by the Bay Area Rotary Club and supported by a DEQ grant. Following months of review by a joint county planning committee, the HHWMP was adopted by the Coos County Board of Commissioners in March 2008, and the Curry County Board of Commissioners in July, 2008. The City Council reviewed the plan at its May, 2009 workshop.

Under the HHWMP, Coos and Curry Counties, in partnership with the 10 cities and waste haulers located within these counties, will manage hazardous waste from households and businesses that generate less than 220 pounds of hazardous waste per month. Proper management of household hazardous waste in Coos and Curry counties will help protect critical resources and ensure a healthy and safe environment for residents. In turn, this can help reduce long-term regional costs associated with environmental compliance, improve worker and community safety, and avoid contamination.

The HHWMP calls for construction of a permanent facility for drop-off and processing of household hazardous waste at the Beaver Hill Disposal Site located on Highway 101 between Bandon and Coos Bay. The plan also calls for each county to hold up to four collection events for household and small business hazardous waste disposal each year. Promotion of existing services for recycling used motor oil, antifreeze, automotive and other batteries, as well as used paint, will also be expanded to help keep overall costs down.

In order to implement the plan, cities are being asked to enter into an Intergovernmental Agreement (IGA) between the counties and cities. The IGA designates Coos County as the lead

agency for this regional service, and includes representatives from all signed parties as voting members. Execution of the IGA must take place to create a steering committee to oversee the program and address long-term funding. If approved, the Mayor will appoint a voting delegate to the steering committee. This delegate can be a Council or staff member.

No fees will be charged for dropping off household hazardous waste at Beaver Hill or satellite collection events. Businesses may pay market rates for disposal of their hazardous waste, depending on the determined fee structure. Funding sources include DEQ grant funds for facility construction and an increase in disposal fees of \$3.27 per ton of waste disposed at Beaver Hill and transfer station in the two counties.

The impact on garbage rates will depend on container size and service levels, but the average increase will only be about 28 cents per household waste container, per month, or \$3.40 per year. Commercial customers will pay an additional rate of 39 cents per waste container yard, per month. These amounts will cover the increase in estimated disposal fees. Actual rates will depend on program participation and volume of waste collected.

When this matter was first considered, a key concern of the City Council was the method by which the proposed \$3.27 per ton surcharge would be levied and administered. The Agreement proposed at that time provided for the estimated \$3.27 surcharge, but that amount was subject to increase upon the approval of the new IGA Board if some of the jurisdictions opted not to participate in the program; thus setting up a situation where a higher-than-acceptable-to-Brookings fee might be established and the City would not be able to withdraw from the IGA for a period of five years. A revised IGA, considered at the Council Workshop of December 6, 2010, has been prepared (attached) which includes a provision that the initial rate of \$3.27 may be increased annually by a "consensus of all voting members of the Steering Committee." The Agreement provides that each party to the Agreement may appoint one representative to the Steering Committee. Thus, the rate cannot be increased unless the Brookings representative votes to approve the increase.

The following actions have been taken on the Agreement by the local agencies in Coos and Curry Counties:

Coos County	-	Approved
Curry County	-	Approved
North Bend	-	Hearing, No action taken
Coos Bay	-	Approved
Myrtle Point	-	Approved
Gold Beach	-	Approved
Bandon	-	Approved
Port Orford	-	Approved
Powers	-	Disapproved
Lakeside	-	Disapproved
Brookings	-	No action

Attachment(s):

- a. Intergovernmental Agreement

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

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

Recitals

WHEREAS, it is in the interest of public health, safety and the environment to provide alternatives to disposal of hazardous waste generated by households, conditionally exempt small quantity generators (CEGs); and

WHEREAS, Coos County and Curry County and Cities jointly prepared, and, subsequently each County adopted in the year 2008, a Household Hazardous Waste Management Plan; and

WHEREAS, the State of Oregon has declared it a matter of statewide concern to promote intergovernmental cooperation for the purpose of furthering economy and efficiency in local government; and

WHEREAS, counties and cities have the authority pursuant to ORS chapter 190 to enter into intergovernmental agreements to provide services and facilities through the joint and cooperative exercise of powers, privileges and authority; and

WHEREAS, these Counties and Cities desire to enter into an agreement regarding their respective rights and obligations as between themselves; and

WHEREAS, Coos County and Curry County, and the individual Cities desire to enter into this Intergovernmental Agreement for the purpose of setting forth their mutual agreements and undertakings by which they will cooperatively undertake to finance, acquire, construct and operate the Household Hazardous Waste Program;

NOW, THEREFORE, in consideration of mutual undertakings and agreements contained herein, the Parties hereto agree as follows:

1. PURPOSE. The purpose of this Intergovernmental Agreement (IGA) is to establish and implement a workable program to provide for the collection and proper management of common hazardous wastes from households and CEGs,

and agricultural activities, collectively referred to as "HHW Collection", throughout the cities and counties of the Parties.

2. DEFINITIONS OF TERMS. For the purposes of this Intergovernmental Agreement, all other terms used in this Agreement, future contracts and Steering Committee decisions shall have the meanings as specified in the Household Hazardous Waste Management Plan, dated March 28, 2008 and adopted by Coos County and Curry County in the year 2008.

2.1 Administrative Expenses means expenses reasonably incurred by the Lead Agency as a consequence of fulfilling its responsibilities, authorities and duties described in this Agreement. Examples include staff time, legal expenses, contractor expenses, copying/duplication, and other necessary services associated with activities including development of this Agreement, selection of contractors, construction management/oversight, and contract management.

2.2 Collection Facilities means the occupied area, buildings, roadways, parking lots, temporary and permanent structures, fences, gates, drainage facilities and related appurtenances constructed and used exclusively for the collection and storage of hazardous waste from households and conditionally exempt generators, as well as agricultural pesticide wastes, prior to collection and final disposition by a Household Hazardous Waste Contractor(s).

It also includes any reference to "permanent collection facility" and "satellite collection event" as referenced in the adopted Household Hazardous Waste Management Plan and this Agreement.

2.3 Construction Costs means the actual or anticipated costs, including designs therefore, for construction of a permanent collection facility, including but not limited to permitting and acquiring other regulatory approvals, clearing, grading, paving, preparing access roads and parking areas, concrete work and foundations, buildings, roofing, fencing, signs, phone, electrical, landscaping, rubbish containers, security alarm, and other appurtenances thereof.

2.4 Household Hazardous Waste Contractor(s) means a licensed and permitted waste management firm(s) hired under contract to construct and/or operate Collection Facilities, provide collection services, and/or properly manage, transport and/or dispose of the collected wastes.

2.5 Household Hazardous Waste Management Plan (Plan) means the Plan, dated March 28, 2008, that has been adopted by Coos County and Curry County, and Cities.

2.6 Household Hazardous Waste Program means the services described

in the adopted Household Hazardous Waste Management Plan, including the provision of a permanent collection facility and satellite collection events for household hazardous waste, hazardous waste from conditionally exempt generators, and waste agricultural pesticides.

2.7 Household Hazardous Waste Program Fund means a dedicated fund, managed by the Lead Agency, from which monies may only be used for the implementation of the Household Hazardous Waste Program.

2.8 Member means a representative of a Party to this Agreement, who serves on the Steering Committee and has an official vote.

2.9 Operating Costs means the actual or anticipated costs incurred in the operation of Collection Facilities, subsequent to the construction of said facilities, including but not limited to: site attendance, clerical work, administration, auditing, facilities maintenance, advertising and publicity, insurance, bonding, utilities, electrical, payments to contractors, disposal fees and costs for Household Hazardous Wastes or any other wastes, and any other operational purposes.

2.10 Parties mean Coos County, Curry County, Cities of Bandon, Coos Bay, Coquille, Gold Beach, Myrtle Point, Port Orford, and any City or Municipality that may enter into this Agreement by written amendment at a later date. Party means any one of the Parties to this Intergovernmental Agreement.

3. LEAD AGENCY. Coos County will assume the role as Lead Agency for the management and implementation of this Plan. The Lead Agency will provide a voting Member of the Steering Committee.

3.1 Responsibilities of Lead Agency. Coos County, through its designated representative, shall be responsible for the day-to-day administration of the Household Hazardous Waste Program, with advice by the Steering Committee.

3.2 Authority and Duties of the Lead Agency. The Lead Agency will be responsible for the following:

(a) Determining processes for selecting contractors and conducting public procurement processes.

(b) Negotiating contracts and/or leases for services (including both construction of facilities and operations).

(c) Administering the contracts for services, including oversight of the contractor(s) to ensure full compliance.

- (d) Reviewing contractors' invoices, paying the contractors, and settling any disagreements regarding compensation.
- (e) Maintaining accounting records of revenues, expenses and funds available.
- (f) Managing the development of an annual budget.
- (g) Managing the hiring, training and maintenance of staff and volunteers.
- (h) Keeping required records.
- (i) Coordinating meetings of the Steering Committee and providing a Chair of the Steering Committee.
- (j) Obtaining advice from the Steering Committee for the annual program budget, any limits on program participation, decisions regarding the implementation and requirements of pre-registration for collection services, scheduling and location of collection services, any user fees charged to residents desiring to use collection facilities at times other than regularly-scheduled collection events, and of other classes of users desiring to participate in collection services in excess of participation limits imposed for the purposes of annual budgeting.
- (k) Coordinating the education and outreach activities either directly or overseeing the activities of the contractor.
- (l) Requiring that the contractors comply with all relevant regulations.
- (m) Maintaining ownership of the collection facility through the initial five years of operation.
- (n) Being responsible for applying for and administering current and future grants and other funding sources for the Household Hazardous Waste Program.

3.3 Contract Authorization. Coos County, as Lead Agency, advised by the Steering Committee, is hereby authorized to enter into contracts for the provision of regional services, as described in the Household Hazardous Waste Management Plan, on behalf of all Parties. The contract(s) shall include provisions for the construction of a permanent collection facility and for HHW Collection. Such contract(s) shall include, at a minimum:

- (a) The contractor must indemnify and hold harmless all IGA Parties against liability for the provision of all services including operation of the

collection facility and events, storage, transportation, and off-site processing and/or disposal of all materials;

(b) Insurance requirements, including that the Contractors' certificates of insurance must name each Party of this IGA as an additional insured;

(c) Requirements for storage, transportation, manifesting, waste removal, waste disposition, and record keeping, including that all waste be transported by licensed transporters to permitted processing and/or disposal facilities;

(d) Identification of the waste "generator" (responsible for signing manifests) of all hazardous wastes accepted by the Contractor at the site(s);

(e) Standards for accounting, billing, compensation, and reporting, including the development of an annual program report and a requirement that the Contractor supply complete manifest documentation for all hazardous wastes received and transported through and including final disposal;

(f) Contractor not assign any rights nor subcontract any of his/her obligations without the prior written consent of the Lead Agency; and

(g) Contractor will perform any agreement as an independent contractor with complete control over his/her employees, agents and operations.

4. COMPENSATION FOR LEAD AGENCY.

Lead Agency administrative expenses will be reimbursed from the Household Hazardous Waste Fund. The administrative expenses will be reimbursed at the rate of 10% of total annual Household Hazardous Waste Funds collected.

5. STEERING COMMITTEE ESTABLISHED. A Steering Committee shall be established to make recommendations to the Lead Agency and advise on the implementation of the Plan. Each Party to this Agreement may designate a representative to serve as their voting Member of the Steering Committee.

In addition, the Steering Committee shall contain one representative from the Oregon Department of Environmental Quality (DEQ) as a non-voting member.

5.1 Responsibilities of the Steering Committee. Responsibilities shall include:

(a) Establish bylaws and procedures.

(b) Participate in contractor selection.

(c) Review and advise the annual program budget. This may include recommendations regarding how much money to maintain in reserve/contingency funds, as well as any limits on the number of household, CEG, and/or agricultural pesticide users, if needed in order to control costs. The Steering Committee may also recommend to shift educational efforts and/or impose participation limits if program evaluation reveals that certain categories of users are "over-using" the system and inequities (for example, between counties) are developing.

(d) Review and advise regarding pre-registration requirements, hours and days of operations, and coordination of promotional activities.

(e) Review and advise user fees (if any) charged to waste generators who use the facilities in-between regularly-scheduled collection days, or who desire to use collection services in excess of participation limits established by the Steering Committee and/or described in the Household Hazardous Waste Management Plan.

(f) Review the contractor's annual report and reimbursement schedules.

5.2 Recommendations of the Steering Committee. Recommendations made by the Steering Committee regarding review and approval of program budgets, participation limits (if any), pre-registration standards, scheduling of services, and approval of user fees are to advise the Lead Agency.

5.3 Steering Committee Chair. The Steering Committee shall be chaired by the representative of the Lead Agency. The Chair shall be the principal officer of Steering Committee. The duties and powers of the Chair shall include:

- (a) Scheduling Committee meetings;
- (b) Preserving order at Committee meetings;
- (c) Enforcing the rules of the Steering Committee;
- (d) Determining the order of business for the Committee;
- (e) The right to require written motions prior to Committee consideration; and,
- (f) Keeping or causing to be kept permanent records of all Committee proceedings, including minutes of all meetings of the Steering Committee, as well as all official documents, resolutions, and actions of the Committee. Minutes of that meeting shall be distributed to the Committee

as soon as practicable.

5.4 Steering Committee Vice-Chair. At the Steering Committee's first meeting, the Committee shall elect a Vice-Chair from among the Members of the Committee. The Vice-Chair shall assume the duties and powers of the Chair in the Chair's absence.

5.5 Steering Committee Meetings. The Steering Committee shall meet regularly, at least two (2) times each year. Special meetings may be called by the Chair or by a majority of the Members of the Steering Committee.

(a) Written notice of all meetings shall be served on all Members of the Committee not less than twenty-four (24) hours prior to the meeting, and shall contain the time and place of meeting and an agenda of subjects to be considered. A facsimile or email notice shall be accepted as appropriate written notice of all meetings.

(b) All meetings shall be conducted in accordance with Public Meetings law.

(c) A quorum shall consist of a majority of the voting Members of the Committee. If neither the Chair nor Vice-Chair is present at a meeting, there shall be no quorum. No action of the Steering Committee shall be valid or binding unless adopted by the affirmative vote of a majority of the voting Members present, provided there is at least a quorum present.

6. IMPLEMENTATION. As Parties to this IGA, the Parties agree to the following commitments:

6.1 Increase in Disposal Rates. Coos County, Curry County, and the Cities agree to increase disposal rates on waste originating from each respective County and City to fund construction, operation and administrative costs of the Household Hazardous Waste Program as described in the Household Hazardous Waste Management Plan and approved by the Steering Committee. In 2011, the Disposal Rate Increase shall be \$3.27 per ton. This rate was calculated based on the waste generated by all residents in Coos County and Curry County. Coos County, Curry County and the Cities agree to increase collection rates, without regard to where the waste is disposed. The Disposal Rate Increase, and any associated incinerator rates, landfill rates, transfer station rates, and/or garbage collection rates, must be effective no later than May 1, 2011.

Thereafter, on an annual basis the Steering Committee shall review the disposal rate increase to determine if the current rates provide sufficient funding to meet the demands of the Program. Only upon the consensus of all voting members of the Steering Committee, and the approval of the

governing body of each Party, will the disposal fees be increased or decreased from the initial disposal rate increase indicated herein. If the Steering Committee cannot reach a consensus the fees will remain as set and program services adapted to meet current funding levels.

6.2 Use of Funds Collected From Disposal Rate Increase. All money collected from the Disposal Rate Increase will be deposited in a dedicated fund, administered by Coos County and called the Household Hazardous Waste Management Fund. Except for administrative expenses, monies in this fund are to be used only for the implementation of regional activities described in the Household Hazardous Waste Management Plan as may be amended. If the budget does not meet expectations, the Lead Agency shall notify the Steering Committee, but in no event shall the Lead Agency be responsible for funding any portion of the Household Hazardous Waste Program with its own funds.

6.3 IGA Party Commitments. All Parties hereby agree to pass through this Hazardous Waste Program Disposal Rate Increase by increasing incinerator rates, landfill rates, transfer station rates, and/or garbage collection rates accordingly, to become effective no later than May 1, 2011. This provides for the disposal rate increase to be passed back to all users of the system, regardless of whether they have subscription collection or self-haul to the transfer stations, landfills or incinerator.

6.3.1 Payment Schedule. Each Party agrees to either pay, where the Party is directly collecting the Disposal Rate Increase or require the collector, where the Party does not collect the Disposal Rate Increase, to pay the Disposal Rate Increase into the Household Hazardous Waste Management Fund. For waste disposed at Coos County's Beaver Hill or Joe Ney sites, payment shall be made monthly and the County will deposit the Disposal Rate Increase received in the Household Hazardous Waste Fund.

For all other waste generated within Coos County, Curry County, and Cities and disposed at sites other than Coos County's Beaver Hill or Joe Ney sites, payment shall be made on the following schedule:

Period	Payment Due
May 1 – July 31	August 15
August 1 – October 31	November 15
November 1 – January 31	February 15
February 1 – April 30	May 15

6.3.2 IGA Party Reports. Each Party agrees to either submit reports or

require the collector to submit reports along with the Disposal Rate Increase to the Lead Agency that documents the tonnage of waste generated within the Party's own jurisdiction.

6.3.3 IGA Party Breach. Failure by the Parties to pass or approve the Household Hazardous Waste Program Disposal Rate Increase or to pay the Disposal Rate Increase according to the schedule in 6.3.1 will result in a breach of this Agreement.

6.4 Satellite Collection Events. Only citizens living in Coos and Curry County and participating cities will be able to drop off waste at the satellite collection events or at the permanent collection facility. Satellite collection events will be scheduled according to the HHW Plan. In the event that the Household Hazardous Waste Management Fund is insufficient for all of the scheduled satellite collection events, the Lead Agency, advised by the Steering Committee, will select the satellite collection events to best serve the Parties.

The Parties agree to the following commitments for providing satellite collection events:

6.4.1 Coos County. Coos County will manage the provision of services at satellite collection events held in Coos County and Curry County including staffing, collection and transportation services. Coos County will coordinate with Curry County, Cities, and solid waste franchisees to promote and conduct these events.

6.4.2 Availability of Funds. When sufficient start up funds are available in the Household Hazardous Waste Management Fund to provide the goods and services provided as discussed below in 6.4.3, the Steering Committee will determine location of events. For Curry County, if the County and at least one city located in Curry County participates in this IGA, at least one event per year will be held in Curry County if funding is sufficient. For Coos County, if Coos County and at least one city located in Coos County participates in this IGA, at least one event per year will be held in Coos County if funding is sufficient.

6.4.3 Participating Counties and Cities. Coos County, Curry County, and Cities shall be responsible for the following related to satellite collection events held within its own jurisdiction:

- a. Promotion of the event. This may include public service announcements in the media, website if available, and announcements at public meetings. The Lead Agency through the Household Hazardous Waste Management Fund will provide participating counties and cities flyers and a reasonable number of

- copies.
- b. Provision of volunteers/staff to direct traffic at the event. The Lead Agency and/or the contractor will provide training to volunteers and staff.
 - c. Provision of a suitable, paved location to hold the event.
 - d. Provision of traffic cones/barricades to ensure proper traffic flow at the event. If participating counties and cities do not have sufficient cones and barricades, the Lead Agency through the Household Hazardous Waste Management Fund will provide the necessary cones and barricades.
 - e. Provision of signage directing citizens to the event. The Lead Agency through the Household Hazardous Waste Management Fund will provide signage to be used at these events.
 - f. Provision of drop boxes for waste and cardboard recycling for the event. Participating counties and cities will coordinate with their franchise provider to provide such drop boxes. Lead Agency through the Household Hazardous Waste Management Fund will reimburse the franchise provider for the drop boxes, if requested. Any waste generated by preparing and conducting the event, or waste incidental to HHW, shall be disposed of by the participating county or city and the cost of disposal shall be reimbursed by the Household Hazardous Waste Management Fund.
 - g. Provision of restroom or portable toilet facilities for staff at the event. The Lead Agency will reimburse the participating county or city out of the Household Hazardous Waste Management Fund for cost of portable toilet facilities, if nearby restrooms are unavailable or were not donated.
 - h. Provision of safety vests for volunteers and others assisting at the event will be provided by the Lead Agency. The safety vests will be purchased out of the Household Hazardous Waste Management Fund and loaned to the participating counties and cities for the event.
 - i. Keeping accurate vehicle counts of participants at each event.
 - j. Coordinate provision of a safety orientation to all volunteers and staff working at the event. The Contractor will provide a safety orientation for the volunteers.
 - k. Provision of a table and volunteer/staff at the reuse location, if a product reuse opportunity is provided. Contractor will assist with making the decision if product is to be allowed for reuse.
 - l. Distribution of any customer surveys or educational handouts specific to each County and/or City. The Lead Agency will provide the customer surveys or educational handouts. These handouts will be paid for from the Household Hazardous Waste Management Fund.

7. SHARING OF LIABILITY AND INDEMNIFICATION

7.1 Contractor Requirements. Section 3.3 of this Agreement describes the Lead Agency's responsibilities to require insurance of the Lead Agency's contractor(s) as well as indemnification by the Lead Agency's contractor(s) of all Parties of this Agreement. These requirements are intended to protect the Parties from liability arising out of the provision of hazardous waste collection services.

7.2 Procedure to Assign Liability. In the event that liability does arise out of HHW Collection activities conducted under this Agreement, including but not limited to any and all liability imposed by State or Federal law or regulation, such as fines, penalties, clean up expenses, legal fees and other costs and expenses resulting from any such action or any such proceeding by virtue of any Federal or State law or regulation, the following procedure shall apply:

(a) A Party shall be liable for any damages, penalties, costs or attorney fees arising out of that Party's activities, and shall indemnify, defend and hold harmless all other Parties.

(b) Liability not attributable to Contractor or a Party shall be shared jointly by all Parties of this Agreement. Parties shall share liability equally for all fines, penalties, costs, expenses and reasonable attorney's fees.

7.3 Liability of Lead Agency. Notwithstanding Section 7.2 of this Agreement, any liabilities incurred by the Lead Agency shall be based on the negligence of the Lead Agency and the Lead Agency shall not be liable for damages incurred solely due to its designation as Lead Agency. All liability not directly attributable to the Lead Agency's negligence shall be shared in the manner set forth in Section 7.2 (b).

7.4 Survival of Obligations. The obligations under this section shall survive the termination of this Agreement.

8. ADDITIONAL USERS. The Parties anticipate other municipalities or agencies (such as other cities, counties, or Native American tribes) may desire to participate in the Household Hazardous Waste Program. The Lead Agency may, with the approval of the Steering Committee, allow the disposal of HHW at the permanent facility or at collection events by residents of municipalities or agencies who are not a party to this Agreement, upon payment of a disposal fee set by the Steering Committee.

Other agencies may at later time become a party to this Agreement by execution of a written amendment; provided that the agency agrees to be bound by the terms and conditions of this agreement, and assume all associated additional

costs of their participation and any associated liability.

9. INSPECTION OF PREMISES AND RECORDS.

9.1 Inspection of Premises. The officials of any Party may inspect the Household Hazardous Waste sites and facilities during hours when the facilities are open for business, or at such other times as the Lead Agency or Contractor(s) may allow.

9.2 Inspection of Records. The officials of any Party may examine any records relating to the Household Hazardous Waste facility and Program, upon reasonable request to the Committee and at a time convenient to the Lead Agency without unreasonable delay. The examination shall be allowed promptly. Such examination shall be made at the expense of the examining Party. Such examination of any of the Household Hazardous Waste Contractor's records shall be in accordance with the terms and conditions of the contractor's agreement with the Lead Agency.

10. TERM OF AGREEMENT; TERMINATION; WITHDRAWAL OF PARTIES

10.1 Term of Agreement. This IGA becomes effective upon the last date at which all parties have signed this agreement. It shall remain in full force and effect for five (5) consecutive calendar years in which services at the permanent collection facility are provided or until June 30, 2016 whichever is later. Thereafter, unless terminated as provided herein, the Agreement shall automatically renew annually.

10.2 Terminating Agreement. By affirmative vote of a majority of the Parties to the Agreement at the time of the vote, this Agreement may be terminated for any reason after five (5) consecutive calendar years of services at the permanent collection facility are provided or after June 30, 2016, whichever is later. The termination date shall be at the conclusion of any calendar year (January 1 to December 31) in which the vote is taken.

10.3 Withdrawal of Parties. After five (5) consecutive calendar years of services at the permanent collection facility are provided or after June 30, 2016, whichever is later any Party may terminate at the end of any calendar year its participation in the Household Hazardous Waste Program and this Agreement, by giving notice to the Steering Committee at least one hundred eighty (180) days prior to the end of such calendar year. Any amount paid or owed to the Household Hazardous Waste Program Fund will remain in the fund.

10.4 Withdrawal of Lead Agency. In the event that Coos County chooses to terminate their participation in this Agreement after June 30, 2016 or after five (5) consecutive calendar years of services at the permanent

collection facility are provided then the entire Agreement will be terminated, as described in Section 10.6.

10.5 Disposition of Program Property and Funds. In the event of termination of this Agreement the lead agency shall:

(a) Administer and monitor any closure or sale of the permanent collection facility; including any related costs to the extent of the remaining funds available in the Household Hazard Waste Fund.

(b) Pay all outstanding obligations.

(b) Within 30 days of termination, cease the collection of revenues through the disposal rate increase levied on waste from affected jurisdictions.

(c) Terminate any outstanding contracts for service that name the Parties, or amend such contracts to remove reference to the Parties.

(d) Prepare an accounting of all Administrative Expenses incurred by the Lead Agency as a result of termination of this Agreement.

(e) Once the preceding actions have been completed, but no more than 12 months following termination of the Agreement, the Lead Agency will distribute any remaining assets in the Household Hazardous Waste Program Fund as follows. All remaining monies will be distributed to Parties in amounts proportional to the population of each Party divided by the population of all Parties, using populations contained in the Household Hazardous Waste Management Plan. Similarly, if the Household Hazardous Waste Program's debts exceed assets, Parties will share obligations by the same proportionality.

11. MODIFICATION. This Agreement shall not be modified or amended in any manner except by an instrument in writing and signed by all the Parties participating at that time.

12. ASSIGNMENT. No Party to this Agreement shall assign its right or obligations under this Intergovernmental Agreement.

13. SEVERABILITY. If any provision of this Agreement shall be declared illegal, void or unenforceable, the other provisions shall not be affected, but shall remain in full force and effect.

14. GOVERNING LAW. This Agreement shall be governed by federal law and the laws of the State of Oregon. Venue shall be within Coos County, Oregon.

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

Coos County:

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

City of Coquille:

Terence O'Connor, City Manager
851 N. Central Blvd.
Coquille, OR 97423

Curry County:

M. Gerard Herbage, County Counsel
Curry County Office of Legal Counsel
P.O. Box 746
Gold Beach, Oregon 97444

City of Gold Beach:

Ellen Barnes, City Administrator
29592 Ellensburg Ave.
Gold Beach, OR 97444

City of Bandon:

Matt Winkel, City Manager
P.O. Box 67
Bandon, OR 97411

City of Myrtle Point:

John Walsh, City Manager
424 Fifth Street
Myrtle Point, OR 97458

City of Coos Bay:

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

City of Port Orford:

Michael Murphy, City Administrator
P.O. Box 310
Port Orford, OR 97465

IN WITNESS WHEREOF, the Parties have executed this Intergovernmental Agreement.

**COOS COUNTY
BOARD OF COMMISSIONERS**

**CURRY COUNTY
BOARD OF COMMISSIONERS**

Chair

Chair

Commissioner

Commissioner

Commissioner

Commissioner

Date: _____

Date: _____

*****SIGNATURES CONTINUED ON NEXT PAGE*****

City of Bandon

Signature

Date: _____

Print Name, Title

City of Brookings

Signature

Date: _____

Print Name, Title

City of Coos Bay

Signature

Date: _____

Print Name, Title

City of Coquille

Signature

Date: _____

Print Name, Title

City of Gold Beach

Signature

Date: _____

Print Name, Title

*****SIGNATURES CONTINUED ON NEXT PAGE*****

City of Myrtle Point

Signature

Date: _____

Print Name, Title

City of Port Orford

Signature

Date: _____

Print Name, Title

City of Brookings MEETING Minutes

CITY COUNCIL

Monday, November 8, 2010, 7:00pm

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

Council met in Executive Session at 6:00pm, under the 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 Anderson called the meeting to order at 7:00pm.

Roll Call

Council Present: Mayor Larry Anderson, Councilors Ron Hedenskog, Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present.

Staff Present: City Manager Gary Milliman, Administrative Services (AS) Director Janell Howard, Building Official LauraLee Snook, Planning Director Dianne Morris, Utilities Superintendent Ray Page, Human Resources/Accountant Vicki English, City Attorney Martha Rice and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 12 public.

Ceremonies/Appointments/Announcements

AS Director Howard introduced new employee, Human Resources/Accountant Vicki English.

Mayor Anderson proclaimed the second Saturday in December as Worldwide Candle Lighting Day.

Mayor Anderson announced the 2010 Oregon Coastal Management Achievement Award for Public Access, received by the City from the Oregon Department of Land Conservation and Development for its work on public access.

Staff Reports

Noise prevention regulations.

Building Official Snook reviewed the staff report regarding proposed noise prevention language to be incorporated into the Brookings Municipal Code.

Councilors Pieper and Hedenskog said that they would like to see 7:00am to 7:00pm or daylight hours; Hedenskog added that further restrictions might be added for weekends and holidays.

Councilor Hodges said that he would like to see 7:00am to 9:00pm and the same for holidays and weekends to allow more work to be done with special arrangements for concrete work, if possible.

Councilor Gordon said that he thought daylight hours would change with the seasons and provide contractors the hours they needed.

Councilor Hodges said that daylight hours would be more difficult to enforce; a fixed hour restriction would be preferable. Mayor Anderson agreed, and added that he would prefer the hours of 7:00am to 7:00pm. Hodges then said that he could agree with 7:00am to 8:00pm.

Mayor Anderson, citing his 26 to 27 years of experience working with concrete, said that he would like to see an exemption for concrete work due to the variables involved and the difficulty staff would have enforcing regulation violations in the very early morning and weekend hours.

Councilor Hedenskog asked if the Mayor was proposing that no authorization be required for an exemption to work concrete before or after hours, or if he was proposing an outright exemption for concrete pours.

Mayor Anderson said that he did not think it was realistic to expect the City Manager to have to respond to requests for exemptions, some of which might occur on the weekend.

Councilor Pieper said that authorization could extend to City Manager's designee, and that he's heard from roofers that they have the same problems. Pieper said the problem, as he viewed it, was in trying to narrow the exemption down to specific aspects of concrete work and that he would rather give the City Manager or his designee the authority to approve exemptions as needed rather than to provide a blanket exemption to a specific aspect of construction.

Councilor Hedenskog moved, a second followed and Council, with a "No" vote from Councilor Pieper, and "Yes" votes from Mayor Anderson and Councilors Gordon, Hedenskog and Hodges, voted to set the hours for noise reduction to 7:00am to 7:00pm on weekdays, and 8:00am to 7:00pm on weekends.

Mayor Anderson moved, a second followed and Council, with a "No" vote from Councilor Pieper, and "Yes" votes from Mayor Anderson and Councilors Hedenskog, Hodges and Gordon, voted to exempt concrete pours and roofing work as weather and/or temperature would affect their work being carried out to be exempt from this ordinance.

City Welcome Sign design and location.

Planning Director Morris reviewed the staff report regarding the design and location of a City Welcome Sign.

Councilor Pieper said that if this is the only time this would come before Council, he would be reluctant to approve it without written specifications regarding material, colors and size.

Morris said that the size is regulated by the state, and the proposed size would be approximately 9 feet tall by 20 feet wide. The state's application requires that the size, materials and location be specified. The total size of the sign cannot exceed 200 square feet.

Mayor Anderson asked if the Committee would be choosing from samples and Morris said that it would.

Pete Chasar, 935 Marina Heights Road, said they would not be able to control the color of the stone, but that otherwise it would be as represented in the picture provided in the packet and the approximate size would be 9 feet tall by 18 feet wide.

Mayor Anderson said that Council members had already received criticism regarding the proposed sign and suggested that Council provide preliminary approval with final color selection brought back to Council for final approval.

Councilor Pieper moved, a second followed and Council voted unanimously to approve the basic design and location [of the City sign] and direct staff to apply for the required permit from ODOT and to bring the matter to Council for final approval at a later date.

Municipal Judge Pro Tem Agreement.

City Manager Milliman reviewed the staff report regarding a proposed contract for Municipal Judge Pro Tem services stating that Judge Fallman would fill the position without compensation.

Councilor Gordon moved, a second followed and Council voted unanimously to authorize the Mayor to execute an Agreement for services with James Fallman to serve as Municipal Judge Pro Tem.

Class B Biosolids Dewatering Project – contract for engineering services and advertise for bids.

City Manager Milliman reviewed the staff report.

Councilor Hodges moved, a second followed and Council voted unanimously to authorize the City Manager to proceed with contracting for construction engineering services and advertise for bids for the Class B Biosolids Dewatering Project.

Oak Street Interceptor Project - contract for engineering services and advertise for bids.

City Manager Milliman reviewed the staff report.

Mayor Anderson asked why the cost of the 8" lining was not included in the estimate and if the 18" pipe was going to provide the necessary capacity for the other lines coming into that location. Milliman responded that he could not remember why the cost of the 8" lining was excluded, and that the size of the 18" pipe was the size recommended by the City Engineer. Mayor Anderson said his concern was that 18" pipe would be sufficient for possible future development.

Councilor Hedenskog stated that he had been hoping that Council would get the data for the systems inflow and infiltration (I & I).

Staff was directed to move this item to a Workshop to respond to Mayor Anderson's questions and Hedenskog's request for I & I data.

Consent Calendar

- Approve Council minutes for October 25, 2010.
- Accept Planning minutes for October 5, 2010.
- Accept Parks and Recreation minutes for September 23, 2010.
- Accept October Vouchers in the amount of \$617,134.62.

Councilor Pieper 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 7:48pm.

A meeting of the Urban Renewal Agency immediately followed.

Respectfully submitted:

ATTESTED:
this ____ day of _____ 2010:

Larry Anderson, Mayor

Joyce Heffington, City Recorder

City of Brookings

Special MEETING Minutes

CITY COUNCIL

Wednesday, November 17, 2010

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

Call to Order

Mayor Anderson called the meeting to order at 12:00pm (noon).

Roll Call

Council Present: Mayor Larry Anderson, Councilors Ron Hedenskog, Dave Gordon, Jake Pieper, and Brent Hodges; a quorum present.

Staff Present: City Manager Gary Milliman, Administrative Services Director Janell Howard, City Attorney Martha Rice, Technical Services Superintendent Richard Christensen, Utilities Superintendent Ray Page, and City Recorder Joyce Heffington.

Others Present: Curry Coastal Pilot Reporter Arwyn Rice and Dyer Project Manager Mike Erickson.

Action Item

Authorization to contract with the Dyer Partnership for design engineering and project management services for storm drain project, and to contract for its construction as an emergency public works project.

City Manager Milliman provided a brief review of the staff report and introduced the Project Engineer, Mike Erickson, who provided commentary for a video depicting the deteriorating condition of approximately 140 feet of the storm drain pipe, a summary of sink hole issues, and responded to questions from Council regarding the condition of the pipe and proposed project. A copy of the summary is attached.

Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to execute Task Order 23 with the Dyer Partnership for the City Hall Storm Drain Reroute/Sink Hole Restoration Project; instruct the Administrative Services Director to develop all necessary budget adjustment documents to provide for funding of the City Hall Storm Drain Reroute/Sink Hole Restoration Project and return to the City Council with a recommendation for the actions necessary to make the appropriate budget adjustments to accommodate the project; [and to] authorize the City Manager to procure construction services for the installation of replacement storm drain pipe in accordance with the emergency procurement provisions of ORS 279B.080.

Executive Session

Council convened in executive session at 12.44pm in the City Manager's office, under the authority of ORS 192.660(2)(h), "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be

filed." In attendance were the full Council, City Manager Milliman, City Attorney Martha Rice and Curry Pilot Reporter Arwyn Rice. The session was closed at 12:55pm.

Adjournment

Councilor Gordon moved, a second followed and Council voted unanimously to adjourn by voice vote at 12:56pm.

Respectfully submitted:

ATTESTED:
this _____ day of _____ 2010:

Larry Anderson, Mayor

Joyce Heffington, City Recorder

SUMMARY OF SINK HOLE ISSUES

- 1. COLLAPSE OF 36" CONCRETE STORM DRAIN PIPE CAUSED SINK HOLE.**
- 2. FURTHER TELEVISION INSPECTION ON UPSTREAM PORTION OF EXISTING 30" / 36" STORM DRAIN PIPE SHOWS IMMINENT FAILURE OF REMAINING PORTIONS OF THE EXISTING PIPE. (SEE VIDEO)**
- 3. DEPTH OF EXISTING SYSTEM AVERAGES 25 FEET WHICH COMPOUNDS NECESSARY REPAIRS.**
- 4. DEBRIS FROM THE SINKHOLE HAS PARTIALLY PLUGGED THE DOWNSTREAM COMPONENTS OF THE EXISTING STORM DRAIN SYSTEM, REDUCING CAPACITY. AS A RESULT, THE CITY HAS RETAINED SPECIALIZED CLEANING EQUIPMENT TO REMOVE THIS DEBRIS FROM THE PIPE. DUE TO THE DEPTH INVOLVED, CONVENTIONAL VACTOR TRUCKS ARE UNABLE TO REMOVE THIS MATERIAL. THE PROCESS IS FAIRLY TIME-CONSUMING AND IS EXPECTED TO TAKE APPROX. 2 WEEKS TO CLEAN.**
- 5. UNTIL THE DOWNSTREAM PIPE HAS BEEN CLEANED OF DEBRIS, THE CITY NEEDS TO HAVE BACKUP DEWATERING PUMPS AVAILABLE TO REDUCE POTENTIAL FLOODING ON THE UPSTREAM PORTION OF THIS SYSTEM (BEHIND CITY HALL). COMPOUNDING THIS ISSUE IS THE LACK OF ALTERNATE STORM DRAIN SYSTEMS THAT CAN BE USED TO ROUTE THE STORM WATER TO.**
- 6. ESTIMATED COSTS HAVE BEEN ESTABLISHED FOR THE THREE COMPONENTS THAT ARE CURRENTLY TAKING PLACE. THESE INCLUDE:**
 - ▶ CLEANING OF STORM DRAIN PIPE APPROX. \$25,000**
 - ▶ REPAIR OF SINK HOLE APPROX. \$85,000**
 - ▶ NEW STORM DRAIN REROUTE \$385,000**
- 7. SCHEDULE FOR CORRECTION WORK INCLUDING NEW STORM DRAIN REROUTE ARE BEING EXPEDITED. IT IS ANTICIPATED THAT NEW STORM DRAIN REROUTE WILL TAKE 45 – 60 DAYS TO COMPLETE. COORDINATION WITH AFFECTED AGENCIES IS ON-GOING WITH VERBAL APPROVAL ON PROPOSED REROUTE.**

MINUTES
BROOKINGS PARKS AND RECREATION COMMISSION
October 28, 2010

CALL TO ORDER

Chair Brown called the meeting to order at 7:00 pm followed by the Pledge of Allegiance.

ROLL CALL

Present: Commissioners Tony Baron, Tony Parrish, Don Vilelle, Chair Patricia Brown.

Also present: City Manager Gary Milliman, Parks Facilities Planner (RARE) Cody Erhart.

APPROVAL OF MINUTES

- A. Correct Commissioner Reports/Comments by Commissioner Parrish to read "Stout Mt. Railway." **Motion made by Commissioner Baron to approve the minutes of September 23, 2010 as corrected; motion seconded and Commission voted, the motion carried unanimously.**

PUBLIC APPEARANCES

None

REGULAR AGENDA

- A. *Confirming rescheduling of November and December 2010 meetings* – due to holidays the November meeting will be rescheduled to November 18th and the December meeting will be rescheduled to December 16th.
- B. *Review Swimming Pool Season Pass* – Administrative Services Director Janell Howard advised she was reviewing the cost of the season, ten swim and daily swimming pool pass costs. Pools in general do not generate enough funds to support themselves from admittance fees. Installation of pool cover and new pump have saved some money. Commission questioned the number of resident/non-resident pool users and wondered if it was possible to keep track in the future. Commissioner Baron questioned whether if lowering the cost of the season or ten swim pass might encourage more people to purchase passes creating more income without increasing pool costs/expenses. It was suggested to offer a discount for purchasing passes before swim season starts or mid-season passes. Commissioner Vilelle requested costs and numbers on pool usage this past season.
- C. *Parks and Recreation District Formation* – City Manager Gary Milliman discussed the list created of citizens who would possibly be interested in forming a park and recreation district steering committee. To narrow down the list from the 46 individuals submitted he suggested each commissioner contact the individuals they recommended to see if they would be interested in serving on the committee. A list of those individuals interested will be compiled and commissioners will forward to City Council a suggested list of committee members.

INFORMATION UPDATES/DISCUSSION ITEMS

- A. *Lower Stout Park* – Commissioner Parrish advised work is progressing; dirt is being moved, trees/plants ready to be planted, soil samples being taken, water table there is very high which means moving water feature over to higher side or preferred choice is to use the actual cistern as the base, also will be asking CCEC for donation for a transformer/electrical hookup. Wondered if City parking lot in Stout Park could be put on City wish list for sealing and they are also working with Cody on a new brochure.

COMMISSIONER REPORTS/COMMENTS

Commissioner Parrish – advised of vandalism on the Stout Mt. Railroad tracks; it has been repaired.

Commissioner Vilelle – advised that he sees three offenders of the leash law every morning at Chetco Point Park. Gary will check into the effective date of the new ordinance and advise authorities.

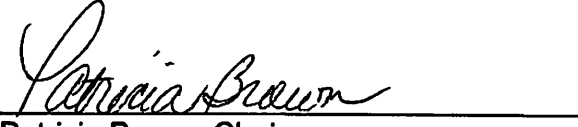
STAFF REPORTS

Parks Facilities Planner (RARE) Cody Erhart – reviewed his task of updating the Parks Master Plan and his plans to accomplish that.

ADJOURNMENT

With no further business before the Commission, the meeting adjourned at 7:43 pm. Next meeting scheduled for November 18, 2010.

Respectfully submitted,



Patricia Brown, Chair
(approved at November 18, 2010 meeting)

Report Criteria:

Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
11/10	11/02/2010	64858	542	Oregon Department of Justice	10002005	25.00- V
11/10	11/04/2010	64889	3948	America's Body Comapny	10002005	88.16
11/10	11/04/2010	64890	800	American Red Cross	10002005	8.00
11/10	11/04/2010	64891	342	Applied Industrial Technology	10002005	180.35
11/10	11/04/2010	64892	2505	Aramark	10002005	145.00
11/10	11/04/2010	64893	303	Associated Bag Company	10002005	238.98
11/10	11/04/2010	64894	3236	AT&T Mobile	10002005	144.72
11/10	11/04/2010	64895	4719	Bandon Inn	10002005	71.27
11/10	11/04/2010	64898	148	B-H Chamber of Commerce	10002005	3,339.66
11/10	11/04/2010	64897	1522	Blumenthal Uniforms	10002005	246.47
11/10	11/04/2010	64898	3622	Boardwalk Mail Services	10002005	19.03
11/10	11/04/2010	64899	416	Brookings Lock & Safe Co	10002005	135.44
11/10	11/21/2010	64900	313	Brookings Vol Firefighters	10002005	.00 V
11/10	11/04/2010	64901	715	Budge McHugh Supply	10002005	129.20
11/10	11/04/2010	64902	4193	C & K Markets	10002005	154.51
11/10	11/04/2010	64903	193	Central Equipment Co, Inc	10002005	148.80
11/10	11/04/2010	64904	1840	Chetco Federal Credit Union	10002005	3,053.00
11/10	11/04/2010	64905	4697	Chris Fromme Company	10002005	800.00
11/10	11/04/2010	64906	3834	Clean Sweep Janitorial Service	10002005	835.00
11/10	11/04/2010	64907	822	Coast Auto Center	10002005	141.88
11/10	11/04/2010	64908	1745	Coastal Paper & Supply, Inc	10002005	172.58
11/10	11/04/2010	64909	1740	Code Publishing Company Inc	10002005	193.05
11/10	11/04/2010	64910	182	Coos-Curry Electric	10002005	20,557.74
11/10	11/04/2010	64911	1674	Correct Equipment Inc	10002005	2,437.30
11/10	11/04/2010	64912	173	Curry Equipment Company	10002005	19.00
11/10	11/04/2010	64913	185	Del Cur Supply	10002005	19.92
11/10	11/04/2010	64914	1	Kast, Valerie	10002005	2.29
11/10	11/04/2010	64915	1	Risberg, Gerald	10002005	43.71
11/10	11/04/2010	64916	1	Timmons, Dartene	10002005	12.44
11/10	11/04/2010	64917	371	Dept. of Environmental Quality	10002005	6,976.00
11/10	11/04/2010	64918	153	Ferrellgas	10002005	336.36
11/10	11/04/2010	64919	4646	Frontier	10002005	211.34
11/10	11/04/2010	64920	269	Grainger	10002005	117.59
11/10	11/04/2010	64921	1130	H.D. Fowler	10002005	4,625.35
11/10	11/04/2010	64922	525	Haglund, Mark	10002005	12.00
11/10	11/04/2010	64923	139	Harbor Logging Supply	10002005	27.00
11/10	11/04/2010	64924	199	Harper, Richard	10002005	300.00
11/10	11/04/2010	64925	2416	ITT Water & Wastwater U.S.A. INC	10002005	2,780.58
11/10	11/04/2010	64926	162	Kerr Hardware	10002005	813.25
11/10	11/04/2010	64927	4667	Lance Kessler Construction	10002005	5,873.34
11/10	11/04/2010	64928	328	Les Schwab Tire Center	10002005	7.78
11/10	11/04/2010	64929	2940	McLennan Contractors LLC	10002005	127,601.39
11/10	11/04/2010	64930	4269	Milliman, Gary	10002005	67.50
11/10	11/04/2010	64931	4443	Napa Auto Parts	10002005	60.55
11/10	11/04/2010	64932	685	Neilson Research Corporation	10002005	1,285.00
11/10	11/04/2010	64933	1330	Northwest Uniforms, Inc	10002005	630.00
11/10	11/04/2010	64934	2283	NW Technical, Inc	10002005	3,500.00
11/10	11/04/2010	64935	4224	Oce Imagistics, Inc.	10002005	344.84
11/10	11/04/2010	64936	4277	OFSI	10002005	246.00
11/10	11/04/2010	64937	3561	Oil Can Henry's	10002005	160.00
11/10	11/04/2010	64938	4324	OMFOA	10002005	100.00
11/10	11/04/2010	64939	426	Oregon Apparatus Repair Inc	10002005	2,482.14
11/10	11/04/2010	64940	4428	Page, Raymond	10002005	172.00

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
11/10	11/04/2010	64941	252	Paramount Pest Control	10002005	42.00
11/10	11/04/2010	64942	3834	Pollard Water.com - East	10002005	284.41
11/10	11/04/2010	64943	322	Postmaster	10002005	750.00
11/10	11/04/2010	64944	378	Quality Control Services	10002005	305.00
11/10	11/04/2010	64945	187	Quality Fast Lube & Oil	10002005	34.00
11/10	11/04/2010	64946	4718	R & G Excavating, Inc.	10002005	342,947.63
11/10	11/04/2010	64947	3	Gardner, Angela	10002005	13.72
11/10	11/04/2010	64948	3	Watwood, Becky	10002005	43.43
11/10	11/04/2010	64949	4383	Robert N. Black, Attorney	10002005	2,426.75
11/10	11/04/2010	64950	3309	Roberts & Associates	10002005	5,109.00
11/10	11/04/2010	64951	3369	Schwabe Williamson & Wyatt PC	10002005	195.00
11/10	11/04/2010	64952	3499	Simplot Grower Solutions	10002005	485.00
11/10	11/04/2010	64953	2443	Sirennet.Com	10002005	529.99
11/10	11/04/2010	64954	316	South Coast Storage & Industry	10002005	548.00
11/10	11/04/2010	64955	380	Stadelman Electric Inc	10002005	3,652.76
11/10	11/04/2010	64956	1197	Teledyne Isco Inc	10002005	763.85
11/10	11/04/2010	64957	2383	The Innfield Restaurant	10002005	19.50
11/10	11/04/2010	64958	142	Tidewater Contractors Inc	10002005	213,091.71
11/10	11/04/2010	64959	990	United Parcel Service	10002005	40.64
11/10	11/04/2010	64960	136	United Pipe & Supply Co Inc	10002005	12,240.00
11/10	11/04/2010	64961	2863	Verizon Wireless	10002005	287.69
11/10	11/04/2010	64962	861	Village Express Mail Center	10002005	19.90
11/10	11/04/2010	64963	2122	Cardmember Service	10002005	3,998.88
11/10	11/18/2010	64964	2505	Aramark	10002005	120.20
11/10	11/18/2010	64965	4719	Bandon Inn	10002005	71.27
11/10	11/18/2010	64966	4570	Barlow's Printing Co	10002005	136.40
11/10	11/18/2010	64967	1314	Bernie Bishop Mazda	10002005	70.00
11/10	11/18/2010	64968	1522	Blumenthal Uniforms	10002005	123.90
11/10	11/18/2010	64969	2121	Bound Tree Medical LLC	10002005	388.07
11/10	11/18/2010	64970	313	Brookings Vol Firefighters	10002005	2,250.00
11/10	11/18/2010	64971	4193	C & K Markets	10002005	21.72
11/10	11/18/2010	64972	528	Caselle, Inc	10002005	2,038.00
11/10	11/18/2010	64973	370	CCIS	10002005	55.42
11/10	11/18/2010	64974	3015	Charter Communications	10002005	84.90
11/10	11/18/2010	64975	629	Chemsearch	10002005	173.10
11/10	11/18/2010	64976	1108	City of Grants Pass	10002005	22,150.30
11/10	11/18/2010	64977	183	Colvin Oil Company	10002005	7,323.75
11/10	11/18/2010	64978	182	Coos-Curry Electric	10002005	275.89
11/10	11/18/2010	64979	389	Cummins Northwest LLC	10002005	1,875.85
11/10	11/18/2010	64980	151	Curry Coastal Pilot	10002005	394.08
11/10	11/18/2010	64981	196	Curry Transfer & Recycling	10002005	858.50
11/10	11/18/2010	64982	4711	Del Norte Office Supply	10002005	75.10
11/10	11/18/2010	64983	1	Adamek, Kevin	10002005	59.92
11/10	11/18/2010	64984	1	Blondell, Heather	10002005	19.45
11/10	11/18/2010	64985	1	Desiree, Casteel	10002005	45.00
11/10	11/18/2010	64986	1	Ciceric, Walter	10002005	2.80
11/10	11/18/2010	64987	1	Gerkin, Claudia	10002005	1.83
11/10	11/18/2010	64988	1	Johnson/Alexander	10002005	13.01
11/10	11/18/2010	64989	1	Maclean, Ann	10002005	36.44
11/10	11/18/2010	64990	1	Optimum Property Management	10002005	12.93
11/10	11/18/2010	64991	1	Riddle, Josh & Virginia	10002005	7.33
11/10	11/18/2010	64992	1	Rubalcava, Leah	10002005	78.87
11/10	11/18/2010	64993	1	Russell, H.J.	10002005	38.16
11/10	11/18/2010	64994	1	Shirley/Chin, Mary Bruce	10002005	26.87
11/10	11/18/2010	64995	1	Southey, Alan	10002005	25.87
11/10	11/18/2010	64996	1	Thompson Brandon	10002005	35.96

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
11/10	11/18/2010	64987	1	Wascom	10002005	13.39
11/10	11/18/2010	64988	2340	Diamond Communications, Inc	10002005	182.61
11/10	11/18/2010	64989	4585	Doctor "D" Autocare	10002005	862.40
11/10	11/18/2010	65000	4357	Downtown Commerical Center	10002005	200.00
11/10	11/18/2010	65001	4720	Forbes Draperies	10002005	85.00
11/10	11/18/2010	65002	4846	Frontier	10002005	1,488.83
11/10	11/18/2010	65003	269	Grainger	10002005	755.48
11/10	11/18/2010	65004	188	Grants Pass Water Lab	10002005	1,116.80
11/10	11/18/2010	65005	154	Hagen's Dry Cleaners	10002005	39.00
11/10	11/18/2010	65006	139	Harbor Logging Supply	10002005	228.44
11/10	11/18/2010	65007	4721	International Code Council, Inc	10002005	142.50
11/10	11/18/2010	65008	2416	ITT Water & Wastwater U.S.A. INC	10002005	779.80
11/10	11/18/2010	65009	262	Kim Hunnicutt Court Reporting	10002005	27.00
11/10	11/18/2010	65010	299	Lorings Sporting Goods	10002005	200.40
11/10	11/18/2010	65011	123	Motorola	10002005	250.00
11/10	11/18/2010	65012	4487	Net Assets Corporation	10002005	310.00
11/10	11/18/2010	65013	329	New Hope Plumbing	10002005	97.00
11/10	11/18/2010	65014	3159	Northcoast Health Screening	10002005	200.00
11/10	11/18/2010	65015	3935	Northern California Glove	10002005	201.98
11/10	11/18/2010	65016	4224	Oce Imagistics, Inc.	10002005	51.27
11/10	11/18/2010	65017	279	One Call Concepts, Inc	10002005	49.88
11/10	11/18/2010	65018	683	OR Assoc Chiefs of Police	10002005	125.00
11/10	11/18/2010	65019	375	OR Department of Revenue	10002005	392.00
11/10	11/18/2010	65020	2088	OR Dept Environmental Quality	10002005	788.00
11/10	11/18/2010	65021	4722	Oregon Assoc of Municipal Recorders	10002005	50.00
11/10	11/18/2010	65022	4559	Oregon Assoc. of Clean Water Agencies	10002005	550.00
11/10	11/18/2010	65023	252	Paramount Pest Control	10002005	42.00
11/10	11/18/2010	65024	3834	Pollard Water.com - East	10002005	381.06
11/10	11/18/2010	65025	3063	Rettke, Tim	10002005	88.00
11/10	11/18/2010	65026	3954	Riverside Manufacturing Co	10002005	100.30
11/10	11/18/2010	65027	169	Roto Rooter	10002005	198.00
11/10	11/18/2010	65028	3475	SIS-Q Communications	10002005	1,043.10
11/10	11/18/2010	65029	380	Stadelman Electric Inc	10002005	889.40
11/10	11/18/2010	65030	486	Dept of Forestry	10002005	519.77
11/10	11/18/2010	65031	2840	The Dyer Partnership Inc	10002005	72,991.36
11/10	11/18/2010	65032	3220	The Radar Shop	10002005	83.50
11/10	11/18/2010	65033	787	Town & Country Animal Clinic	10002005	52.00
11/10	11/18/2010	65034	4203	Ultramax	10002005	417.00
11/10	11/18/2010	65035	138	United Pipe & Supply Co Inc	10002005	305.66
11/10	11/18/2010	65036	1738	University of Oregon	10002005	4,750.00
11/10	11/18/2010	65037	4370	Verizon Business	10002005	265.43
11/10	11/18/2010	65038	861	Village Express Mail Center	10002005	141.20
11/10	11/18/2010	65039	2178	Watershed, Inc	10002005	70.98
11/10	11/18/2010	65040	4604	Wright's Generator Service, LLC	10002005	1,678.00
11/10	11/29/2010	65041	528	Casella, Inc	10002005	1,993.00
11/10	11/29/2010	65042	1840	Chetco Federal Credit Union	10002005	30,579.01

Grand Totals:

944,255.47

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Report type: Summary

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2010

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
REVENUE					
TAXES	2,434,480.00	28,986.16	132,013.26	2,302,476.74	5.4
LICENSES AND PERMITS	90,500.00	4,855.28	53,179.61	37,320.39	58.8
INTERGOVERNMENTAL	581,000.00	14,132.05	51,885.47	529,114.53	8.9
CHARGES FOR SERVICES	140,800.00	9,562.57	35,105.36	105,694.64	24.9
OTHER REVENUE	85,000.00	4,274.93	67,512.73	17,487.27	79.4
TRANSFERS IN	734,553.00	.00	.00	734,553.00	.0
	<u>4,068,343.00</u>	<u>61,810.99</u>	<u>339,686.43</u>	<u>3,728,646.57</u>	<u>8.4</u>
EXPENDITURES					
JUDICIAL:					
PERSONAL SERVICES	12,134.00	.00	.00	12,134.00	.0
MATERIAL AND SERVICES	5,650.00	470.00	2,347.26	3,302.74	41.5
	<u>17,784.00</u>	<u>470.00</u>	<u>2,347.26</u>	<u>15,436.74</u>	<u>13.2</u>
LEGISLATIVE/ADMINISTRATION:					
PERSONAL SERVICES	241,495.00	14,824.60	81,467.75	180,027.25	33.7
MATERIAL AND SERVICES	99,630.00	16,000.38	31,777.18	67,852.82	31.9
CAPITAL OUTLAY	12,000.00	558.00	3,523.00	8,477.00	29.4
	<u>353,125.00</u>	<u>31,382.98</u>	<u>116,767.93</u>	<u>238,357.07</u>	<u>33.1</u>
POLICE:					
PERSONAL SERVICES	1,678,899.00	98,713.10	542,848.83	1,136,050.17	32.3
MATERIAL AND SERVICES	150,500.00	11,865.95	53,510.70	96,989.30	35.6
CAPITAL OUTLAY	401,100.00	3,053.00	26,518.93	374,581.07	6.6
TRANSFERS OUT	28,120.00	.00	.00	28,120.00	.0
	<u>2,258,619.00</u>	<u>113,732.05</u>	<u>622,878.46</u>	<u>1,633,740.54</u>	<u>27.6</u>
FIRE:					
PERSONAL SERVICES	189,762.00	12,053.42	63,237.65	126,524.35	33.3
MATERIAL AND SERVICES	115,100.00	8,258.80	37,947.61	77,152.39	33.0
CAPITAL OUTLAY	38,600.00	.00	.00	38,600.00	.0
TRANSFERS OUT	10,000.00	.00	.00	10,000.00	.0
	<u>353,462.00</u>	<u>20,310.22</u>	<u>101,185.26</u>	<u>252,276.74</u>	<u>28.6</u>
PLANNING AND BUILDING:					
PERSONAL SERVICES	302,154.00	19,010.80	98,577.66	203,576.34	32.6
MATERIAL AND SERVICES	70,950.00	2,841.75	12,092.93	58,857.07	17.0
CAPITAL OUTLAY	3,000.00	244.98	244.98	2,755.02	8.2
TRANSFERS OUT	5,000.00	.00	.00	5,000.00	.0
	<u>381,104.00</u>	<u>22,097.53</u>	<u>110,915.57</u>	<u>270,188.43</u>	<u>29.1</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2010

GENERAL FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
PARKS & RECREATION:					
PERSONAL SERVICES	97,855.00	4,048.18	22,398.82	75,456.18	22.9
MATERIAL AND SERVICES	72,400.00	2,599.18	8,501.56	63,898.44	11.7
CAPITAL OUTLAY	34,000.00	4,000.00	4,000.00	30,000.00	11.8
TRANSFERS OUT	.00	.00	.00	.00	.0
	<u>204,255.00</u>	<u>10,645.34</u>	<u>34,900.38</u>	<u>169,354.62</u>	<u>17.1</u>
ADMINISTRATIVE SERVICES:					
PERSONAL SERVICES	285,020.00	14,928.81	83,666.39	181,353.61	31.6
MATERIAL AND SERVICES	38,100.00	1,442.12	7,938.69	30,161.31	20.8
CAPITAL OUTLAY	.00	.00	.00	.00	.0
	<u>303,120.00</u>	<u>16,388.93</u>	<u>91,605.08</u>	<u>211,514.92</u>	<u>30.2</u>
SWIMMING POOL:					
PERSONAL SERVICES	53,008.00	(22.93)	40,225.78	12,780.22	75.9
MATERIAL AND SERVICES	36,600.00	600.83	8,503.81	28,096.09	23.2
CAPITAL OUTLAY	8,000.00	.00	.00	8,000.00	.0
	<u>97,606.00</u>	<u>577.90</u>	<u>48,729.69</u>	<u>48,876.31</u>	<u>49.9</u>
NON-DEPARTMENTAL:					
MATERIAL AND SERVICES	171,000.00	11,204.43	40,301.36	130,698.64	23.6
CAPITAL OUTLAY	2,000.00	.00	.00	2,000.00	.0
TRANSFERS OUT	70,000.00	.00	.00	70,000.00	.0
CONTINGENCIES AND RESERVES	846,268.00	.00	.00	846,268.00	.0
	<u>889,268.00</u>	<u>11,204.43</u>	<u>40,301.36</u>	<u>848,966.64</u>	<u>4.5</u>
	<u>4,856,343.00</u>	<u>226,789.38</u>	<u>1,169,630.99</u>	<u>3,686,712.01</u>	<u>24.1</u>
	<u>(790,000.00)</u>	<u>(164,878.39)</u>	<u>(829,934.56)</u>	<u>39,934.56</u>	<u>(105.1)</u>

CITY OF BROOKINGS
 FUND SUMMARY
 FOR THE 4 MONTHS ENDING OCTOBER 31, 2010

STREET FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
REVENUE					
INTERGOVERNMENTAL	378,000.00	25,499.62	95,832.63	282,167.37	25.4
OTHER REVENUE	300.00	395.37	33,897.77	(33,597.77)	11299.
TRANSFER IN	70,000.00	.00	.00	70,000.00	.0
	<u>448,300.00</u>	<u>25,894.99</u>	<u>129,730.40</u>	<u>318,569.60</u>	<u>28.9</u>
EXPENDITURES					
EXPENDITURES:					
PERSONAL SERVICES	53,751.00	3,870.85	20,033.00	33,718.00	37.3
MATERIAL AND SERVICES	185,200.00	6,714.88	51,308.05	133,891.95	27.7
CAPITAL OUTLAY	143,300.00	36,634.98	53,350.12	89,949.88	37.2
TRANSFERS OUT	95,321.00	.00	.00	95,321.00	.0
CONTINGENCIES AND RESERVES	36,728.00	.00	.00	36,728.00	.0
	<u>514,300.00</u>	<u>47,220.71</u>	<u>124,691.17</u>	<u>389,608.83</u>	<u>24.2</u>
	<u>514,300.00</u>	<u>47,220.71</u>	<u>124,691.17</u>	<u>389,608.83</u>	<u>24.2</u>
	<u>(68,000.00)</u>	<u>(21,325.72)</u>	<u>5,039.23</u>	<u>(71,039.23)</u>	<u>7.6</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2010

WATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
REVENUE					
SOURCE 03	.00	.00	.00	.00	.0
CHARGES FOR SERVICES	1,225,000.00	102,167.47	486,189.74	738,810.26	39.7
OTHER INCOME	704,000.00	2,062.57	921,150.05	(217,150.05)	130.9
TRANSFERS IN	.00	.00	.00	.00	.0
	<u>1,929,000.00</u>	<u>104,230.04</u>	<u>1,407,339.79</u>	<u>521,660.21</u>	<u>73.0</u>
EXPENDITURES					
WATER DISTRIBUTION:					
PERSONAL SERVICES	422,201.00	28,859.47	150,189.56	272,011.44	35.6
MATERIAL AND SERVICES	478,900.00	26,061.59	111,750.07	367,149.93	23.3
CAPITAL OUTLAY	919,300.00	89,295.29	103,571.22	815,728.78	11.3
	<u>1,820,401.00</u>	<u>144,216.35</u>	<u>365,510.85</u>	<u>1,454,890.15</u>	<u>20.1</u>
WATER TREATMENT:					
PERSONAL SERVICES	.00	420.43	1,455.96	(1,455.96)	.0
MATERIAL AND SERVICES	.00	9,597.58	25,144.48	(25,144.48)	.0
CAPITAL OUTLAY	.00	.00	.00	.00	.0
TRANSFERS OUT	594,826.00	.00	.00	594,826.00	.0
CONTINGENCIES AND RESERVES	133,773.00	.00	.00	133,773.00	.0
	<u>728,599.00</u>	<u>10,018.01</u>	<u>26,600.45</u>	<u>701,998.55</u>	<u>3.7</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>2,549,000.00</u>	<u>154,234.36</u>	<u>392,111.30</u>	<u>2,156,888.70</u>	<u>15.4</u>
	<u>(820,000.00)</u>	<u>(50,004.32)</u>	<u>1,015,228.49</u>	<u>(1,635,228.49)</u>	<u>163.8</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2010

WASTEWATER FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
REVENUE					
CHARGES FOR SERVICES	2,341,000.00	194,451.44	805,148.63	1,535,851.37	34.4
OTHER REVENUE	1,704,000.00	302.57	302.57	1,703,697.43	.0
TRANSFER IN	.00	.00	.00	.00	.0
	<u>4,045,000.00</u>	<u>194,754.01</u>	<u>805,451.20</u>	<u>3,239,548.80</u>	<u>19.9</u>
EXPENDITURES					
WASTEWATER COLLECTION:					
PERSONAL SERVICES	400,637.00	24,577.53	127,708.19	272,928.81	31.9
MATERIAL AND SERVICES	252,500.00	21,363.38	80,719.49	171,780.51	32.0
CAPITAL OUTLAY	50,400.00	5,614.29	13,613.07	36,786.93	27.0
	<u>703,537.00</u>	<u>51,555.20</u>	<u>222,040.75</u>	<u>481,486.25</u>	<u>31.6</u>
WASTEWATER TREATMENT:					
PERSONAL SERVICES	385,727.00	23,335.45	129,758.35	255,970.65	33.6
MATERIAL AND SERVICES	663,600.00	64,679.66	270,404.66	393,195.34	40.8
CAPITAL OUTLAY	1,703,900.00	.00	2,384.49	1,701,515.51	.1
TRANSFERS OUT	989,129.00	.00	.00	989,129.00	.0
CONTINGENCIES AND RESERVES	383,107.00	.00	.00	383,107.00	.0
	<u>4,125,463.00</u>	<u>88,015.11</u>	<u>402,545.50</u>	<u>3,722,917.50</u>	<u>9.8</u>
	<u>4,829,000.00</u>	<u>139,570.31</u>	<u>624,586.25</u>	<u>4,204,413.75</u>	<u>12.9</u>
	<u>(784,000.00)</u>	<u>55,183.70</u>	<u>180,864.95</u>	<u>(984,864.95)</u>	<u>23.1</u>

CITY OF BROOKINGS
FUND SUMMARY
FOR THE 4 MONTHS ENDING OCTOBER 31, 2010

URBAN RENEWAL AGENCY FUND

	BUDGET	PERIOD ACTUAL	YTD ACTUAL	REMAINING BUDGET	PCNT
REVENUE					
TAXES	456,583.00	.00	5,224.60	451,358.40	1.1
INTERGOVERNMENTAL	.00	.00	.00	.00	.0
OTHER REVENUE	6,000.00	.00	.00	5,000.00	.0
	<u>461,583.00</u>	<u>.00</u>	<u>5,224.60</u>	<u>456,358.40</u>	<u>1.1</u>
EXPENDITURES					
GENERAL:					
PERSONAL SERVICES	.00	.00	.00	.00	.0
MATERIAL AND SERVICES	155,000.00	28,236.75	103,013.11	51,986.89	66.5
CAPITAL OUTLAY	2,500,395.00	258,524.94	761,227.55	1,738,167.45	30.4
DEBT SERVICE	.00	.00	.00	.00	.0
TRANSFERS OUT	236,188.00	.00	.00	236,188.00	.0
CONTINGENCIES AND RESERVES	.00	.00	.00	.00	.0
	<u>2,891,583.00</u>	<u>284,761.69</u>	<u>864,240.66</u>	<u>2,027,342.34</u>	<u>29.9</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>2,891,583.00</u>	<u>284,761.69</u>	<u>864,240.66</u>	<u>2,027,342.34</u>	<u>29.9</u>
	<u>(2,430,000.00)</u>	<u>(284,761.69)</u>	<u>(859,016.06)</u>	<u>(1,570,983.94)</u>	<u>(35.4)</u>

BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: **November 2010**

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDC's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
0	Single Family Dwelling (SF)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	7	\$1,675,880.19	6	\$1,502,860.00
1	Single Family Addition (SF)	\$128.96	\$401.91	\$15.48	\$0.00	\$5,000.00	13	\$475,180.71	11	\$431,754.00
0	Single Family Garage-Carport (SF)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$31,507.00	2	\$26,404.00
0	Two Family Residential (TF)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Multi-Family Residential Apts (MFR)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$1,133,877.00
0	Commercial New (C)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$13,098,600.00	0	\$0.00
0	Commercial Addition-Change (C)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$2,400.00	7	\$237,512.00
0	Churches (C)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$94,000.00
0	School Repair-Addition (S)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Building Removal (B)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$0.00	0	\$0.00
4	Misc.-Retaining Wall-Fence (M,RW)	\$841.16	\$702.01	\$100.94	\$0.00	\$48,920.00	43	\$1,159,727.00	70	\$396,181.00
5	Total Building Permits	\$970.12	\$1,103.92	\$116.42	\$0.00	\$53,920.00	68	\$16,443,294.90	98	\$3,822,588.00
1	Mechanical Permits	\$20.80	\$0.00	\$2.50	N/A	N/A		N/A		N/A
0	Plumbing Permits	\$0.00	N/A	\$0.00		N/A		N/A		N/A
0	Mfg Home Install - Permit Fee	\$0.00	N/A	\$0.00	N/A	N/A		N/A		N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	\$0.00	N/A	N/A		N/A		N/A
5	TOTAL PERMITS	\$990.92	\$1,103.92	\$118.92	\$0.00	\$53,920.00	68	\$16,443,294.90	98	\$3,822,588.00
	Total Year to Date Calculated Fees									

P 59

Exhibit C
Supplemental Packet For CP-2-10

Hearing Date: December 13, 2010 6:00 pm City Council Chambers

Enclosed:

Doc. #	Received:	From	pg no.	# of pgs	Description
C-1	11/16/1999	Planning Dept	1	2	Special master plan map
C-2	12/10/2010	Gary Milliman	3	3	email from Martha Pagel
C 3	12/13/2010	Courtney Johnson	7	6	letter from CRAG law center

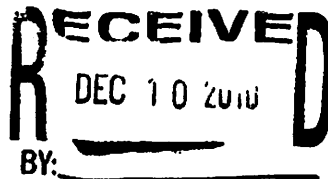
EXHIBIT C-1

APPENDIX A:
SPECIAL MASTERPLAN AREAS MAP

Dianne Morris

From: Gary Milliman
Sent: Friday, December 10, 2010 4:21 PM
To: Dianne Morris
Subject: FW: Response to Comments

Gary Milliman
City Manager



From: Pagel, Martha [mailto:MPagel@SCHWABE.com]
Sent: Friday, December 10, 2010 4:07 PM
To: Gary Milliman
Subject: Response to Comments

Gary:

You asked me to review and respond to water-related comments submitted by Oregon Coast Alliance regarding the Lone Ranch Phase II development.

The comments raise a general concern that the City does not have sufficient water rights to serve the proposed new development. ORCA argues that the City's recently-issued Certificate of water right under Permit S-31293 has been challenged by the filing of a Petition for Reconsideration that alleges several deficiencies in the process:

- 1) that the City relied on an "unsupported" Claim of Beneficial Use
- 2) that the City's claim was "contradicted" by the City's own statements
- 3) that there are "serious questions" concerning coordination with ODFW and the sufficiency of instream flow
- 4) that the City is using an "illegal" point of diversion

Although OWRD has not yet taken action on the Petition for Reconsideration, I expect the petition will be denied. As described below, based on my review of the OWRD record and petition, I believe the certificate was properly issued and that OWRD will stand by the decision. Even if the certificate were reconsidered, the City has sufficient water rights for the proposed development.

Background and General Response

The City currently holds Certificate 83682 for 4.0 cfs withdrawal from the Chetco River. This certificated is fully vested and valid in perpetuity. The City also holds certificate 86530 for 1.54 cfs of additional withdrawal from the Chetco as partial perfection of Permit S-31293. This certificate was issued in September, 2010, and was recently challenged by the filing of a Petition for Reconsideration. In addition to the two certificates, the City is entitled to use of 4.62 cfs from the Chetco under the as-yet undeveloped portion of Permit S-31293 that was not included in Certificate 86530. (Note: Permit S-31293 was originally issued for a total of 10.0 cfs. In order to become eligible for "partial perfection" of Permit S-31293, the City agreed to reduce the total

12/13/2010

authorized amount under the permit to 6.16 cfs. As a result of the OWRD action approving the partial perfection, the total authorization under Permit S-31293 was reduced to 6.16, of which 1.54 was certificated under 86530 and the remaining 4.62 was preserved under Permit S-31293.)

The authorized point of diversion (POD) under the City's two Chetco certificates and Permit S-31293 is the City's Ranney Collector, which was constructed in approximately 1988. This POD location is shown in OWRD records for each of these water rights. Before the City constructed the Ranney collector in 1988, the City (through its consulting engineers) submitted a written request to the Oregon Water Resources Department (OWRD) to establish the Ranney Collector as the new point of diversion for its Chetco water rights. OWRD approved the requested change in a letter dated May 20, 1988. The decision was never challenged and since that time, OWRD records have reflected the location of the Ranney collector as the authorized point of diversion.

Only the issuance of Certificate 86530 has been challenged. Therefore, even if the allegations were correct -- which they are not -- and even if OWRD granted the reconsideration -- which we do not expect it to do -- the City would still be entitled to continued use and development under Permit S-31293. The permit remains fully valid and available for use, even while the City's extension application is pending. (See discussion below.) This would seem to provide ample water supply for the proposed development.

Response to Specific Comments

- 1) "Unsupported" claim of beneficial use: The City submitted its claim of beneficial use to OWRD in the proper form and with proper documentation which OWRD reviewed in detail before approving the claim.
- 2) The City's Claim of Beneficial Use is "contradicted" by City staff comments: The Claim of Beneficial Use was not contradicted. The City's Claim indicates that water is pumped 17 hours per day at maximum capacity. The petition for reconsideration asserts this is contradicted by a statement from City staff that the pump operates 24 hours per day at maximum capacity. Both statements are correct. The pump is "on" and therefore operates 24 hours per day, but it has an automatic shut-off that results in actual pumping of water for approximately 71% of the time (or 17 hours per day) at peak operation.
- 3) "Serious questions" about the coordination with ODFW or impact on instream flows: This assertion relates to the fact that there is an extension application still pending before OWRD for further development under Permit S-31293. The extension applies only to the portion of water under the permit that was not fully developed in 1998 (when the last extension period expired.) ODFW is involved in the process because OWRD is required to consult with ODFW before approving an extension application. ODFW acknowledges and agrees that the extension applies only to the undeveloped portion. There was no requirement or expectation for OWRD to consult with ODFW before issuing a certificate for the portion of the permit that was developed prior to the extension. Issues relating to instream flow needs will be further addressed in the extension process. In the meantime, instream flow is protected under the City's existing ordinance relating to by-pass flows.
- 4) "Illegal" point of diversion: As described in the Background information above, the City's point of diversion was approved by OWRD in 1988. The petition for reconsideration argues that at the time this change was approved in 1988, there was no express statutory process for amending a water right permit. This is correct, but it does not mean that OWRD lacked authority to make changes. OWRD routinely authorized changes under its general authority relating to permit issuance. In the mid 1990s a new law was enacted that describes a specific process by which permit holders may make changes in the place of use or point of diversion by giving notice to OWRD. This new statutory process replaced the informal

letter approvals that OWRD prior to the law change. However, enactment of the new notice process did not mean that OWRD lacked authority prior to 1995 to authorize changes, or that changes authorized before the law change were invalid. OWRD stands behind its 1988 approval as reflected in its issuance of the two certificates recognizing the point of diversion.

I hope this meets your needs. Please let me know if you have questions or if you would like me convert this to a letter or memo, rather than an e-mail response.

Thanks,
Martha

MARTHA O. PAGEL | Attorney at Law
SCHWABE, WILLIAMSON & WYATT
530 Center St. NE, Ste. 400, Salem, OR 97301
Direct: 503-540-4260 | Fax: 503-796-2900 | Cell: 503-507-7293 | Email: mpagel@schwabe.com
Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com
Legal advisors for the future of your business®
www.schwabe.com

To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

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C R A G
LAW CENTER

Courtney Johnson
Staff Attorney
courtney@crag.org

December 13, 2010

917 SW Oak
St. Suite 417
Portland, OR
97205

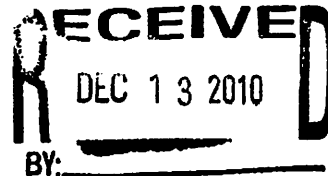
Tel:
503.525.2724

Fax:
503 296.5454

Web:
www.crag.org

Via Electronic Mail

City of Brookings City Council
c/o Dianne Morris, Planning Director
City Hall
898 Elk Drive
Brookings, Oregon 97415
dmorris@brookings.or.us



Re: File No. CP-2-10: Proposed Amendments to the *City of Brookings Comprehensive Plan*

Dear City Council and Chair,

This office represents Oregon Shores Conservation Coalition and its members living in Brookings-Harbor (collectively "Oregon Shores"). On behalf of Oregon Shores I submit these comments regarding the City's proposed amendments to the City of Brookings Comprehensive Plan pursuant to the revised *Urban Growth Area Joint Management Agreement (JMA)* between the City and Curry County. Please include this letter in the record for this matter and notify me of any decisions made regarding this matter. In the event new evidence is submitted at the hearing or if further text changes are proposed, Oregon Shores requests a continuance in order to respond.

Oregon Shores understands that the intent of these amendments is to incorporate relevant changes to comprehensive plan policies consistent with the June 30, 2010 revisions to the JMA. In general, Oregon Shores believes that the proposed amendments are consistent with the revisions to the JMA. Oregon Shores has concerns regarding portions of the amendments. Oregon Shores requests clarification of the purpose of some amendments, and provides suggestions for minor modification in order to ensure consistency and clarity in the comprehensive plan.

Proposed Amendments to Chapter 11: Public Facilities

The proposed amendments to Chapter 11 includes the addition of language regarding provision of water services to properties in the Urban Growth Area “that want to annex” unless City voters authorize another water provider to serve. (Goal 11 Finding 6(B)(2)(c).¹ Oregon Shores is concerned that this language is potentially ambiguous in that it does not make clear at what stage in the annexation process water service must be decided. Does this provision intend to require water service to any property in the UGA whenever a property owner states that they “want to annex” to the City? Oregon Shores suggests that this language be clarified to be consistent with the City Charter but also to make clear the procedure and at what stage in the annexation process the issue of water service must be decided. For example, “want to annex” could be replaced with “submits an application for annexation to the City.”

Proposed Amendments to Chapter 14: Urbanization

The proposed amendments to Chapter 14 – *Urbanization*, include amending Finding 1 describing the lands included in the 1995 expansion of the UGB: “The remaining acreage is either steep hillsides or located within the Chetco River flood plain and ~~cannot be developed.~~ *has constraints that must be dealt with prior to development.* (See Urban Growth Boundary Map)”

Oregon Shores believes that the existing current version of the finding is consistent with the JMA and its new revisions. The proposed amendment is not necessary to render the Comprehensive Plan consistent with the revised JMA. Further, Oregon Shores believes that the proposed amendment is not consistent with the City’s past findings and practices with regard to the unbuildable lands included within the UGB expansion.

Oregon Shores requests that the City explain why this amendment is being proposed and identify what section of the revised JMA requires this amendment.

Oregon Shores is concerned that this language is ambiguous. Particularly, the language “must be dealt with” does not describe any acknowledged application process or identify what will be required to in order for the constraints to be “dealt with.” Oregon Shores requests that the City clarify the intent and meaning of this proposed amendment.

¹ Oregon Shores notes that as proposed there are 2 findings numbered “6.” It appears that this finding regarding entities that will provide services outside of the city limits within the UGB should be Finding 7.

Further, when the Urban Growth Boundary was expanded to include the Harbor Hills, it was understood at that time that much of the area of the hills was unbuildable due to steep slopes and soil conditions. The language used to describe these areas during that process was “unbuildable.” If amendment is necessary, Oregon Shores suggests the following language:

“The remaining acreage is either steep hillsides or located within the Chetco River flood plain and ~~cannot be developed~~ *is unbuildable.*”

The proposed amendments entirely delete policy 12 from the Urbanization policies. Oregon Shores asks that the City explain why deleting this policy is consistent with the revisions to the JMA. Policy 12 describes the agreement that conversion of urbanizable land to urban land within the UGA must occur in an orderly and well planned manner that considers the economic and environmental issues identified as part of the UGB amendment. This policy remains relevant and consistent with the revised JMA. Oregon Shores suggests that the City should not delete Policy 12 from the Goal 14 policies.

Adoption of the Public Facilities Plan

Oregon Shores notes several inaccuracies in the Public Facilities Plan with respect to the City of Brookings water system and the Harbor Water People’s Utility District water rights. The Public Notice indicates that the Planning Commission reviewed this Plan in November, 2010, and the draft is dated September 2010. Attached is an order from the Oregon Water Resources Department reducing the water right associated with permit S-31293 from 10.00 cubic feet per second (cfs) to 6.16 cfs. In addition, the Public Facilities Plan references the City’s claim of beneficial use to support its partial perfection application for Permit S-31293. This permit and the Harbor Water PUD’s water rights on the Chetco River have protested extensions pending. Oregon Shores requests that the inaccuracies in the water rights be corrected prior to adoption of the Public Facilities Plan.

Harbor Hills Special Plan Area

Oregon Shores notes that there is no proposal for the delineation of the Harbor Hills Special Plan Area. Without actually identifying the location and boundaries of the special plan area, the requirement to adopt Special Plans prior to issuance of development permits within the Special Planned Area loses its meaning.

The intent of the policy is to protect the Special Plan Area of the Harbor Hills and require plans prior to development of that area. In order to achieve that intent, the City and County must first actually delineate the Special Plan Area. Otherwise, members of the public, developers, and City and County representatives will not be able to enforce policies to protect this area.

If no one knows where the Special Plan area is, how will anyone know whether a Special Plan must be adopted prior to development?

Oregon Shores does not believe it is the intent of the City to avoid designation of the Harbor Hills Special Plan Area or to allow development without first adopting plans for the preservation of the area of concern. Oregon Shores requests that the City delineate the boundaries of the Harbor Hills Special Plan Area concurrent with adoption of these amendments in order to ensure that future development is adequately planned to protect this sensitive area.

The Harbor Hills Special Plan Area should be delineated in a manner consistent with the Curry County designation of the area of special environmental concern. In addition, the area should be delineated use LIDAR data identifying areas of rapidly moving landslides and geologic hazard assessment information in order to protect human health and safety and the Harbor Bench Farm District from adverse impacts from development-caused landslides.

It is important to remember that when the Urban Growth Area was expanded to include the Harbor Hills, it was understood at that time that much of the area of the hills was unbuildable due to steep slopes and soil conditions. These concerns are directly related to protection of the Harbor Bench Farm District. The JMA revisions reflect the intent of the City and County to plan for protection of the Harbor Hills Special Area. In order to achieve this goal, Oregon Shores believes the area must actually be delineated and a map showing the boundaries of the Special Plan Area be adopted concurrently with these amendments.

Conclusion

Thank you for the opportunity to provide these comments.

Sincerely,



Courtney Johnson

On Behalf of Oregon Shores

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

CURRY COUNTY

IN THE MATTER OF DIMINUTION AND)
PARTIAL PERFECTION OF WATER RIGHT)
PERMIT S-31293 IN THE NAME OF THE) **ORDER**
CITY OF BROOKINGS)

STATEMENT

On July 16, 2010, the Water Resources Department received a request from the City of Brookings (City) to diminish and partially perfect the use of water under water right permit S-31293.

FINDINGS OF FACT

Permit S-31293 allows for the use of 10.0 cubic feet per second (cfs) from the Chetco River for municipal use.

The City has provided notice to the Department that it intends to develop a total of 6.16 cfs rather than the 10.0 cfs under Permit S-31293. The City has requested that the permit be diminished to 6.16 cfs.

The City has requested partial perfection of permit S-31293 and issuance of a water right certificate. The request was accompanied by the survey required under ORS 537.230(3). The survey shows, to the satisfaction of the Director, that the appropriation has been partially perfected in accordance with the provision of the Water Rights Act.

ORS 537.260 allows, without loss of priority or cancellation to the permit, the incremental perfection of the water right permit in an amount of not less than 25 percent, pursuant to ORS 537.260 and OAR 690-320-0040.

The Department finds that the City has perfected 1.54 cfs. The quantity of water is equal or greater than the 25 percent of the original quantity of water allowed under permit S-31293.

OAR 690-320-0040(5) allows municipal suppliers that incrementally perfect less than the full quantity of water to request further extension of time to complete construction and apply water to beneficial use for the remaining, unperfected quantity of water.

**NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW OR
RECONSIDERATION**

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

ULTIMATE FINDING OF FACT

The City is now entitled to a certificate in the amount of 1.54 cfs. The Director has determined the permittee has complied with the requirements to partially perfect permit S-31293 pursuant to ORS 537.250 and 537.260.

ORDER

The rate of water authorized under Permit S-31293 is diminished to 6.16 cfs from the Chetco River.

The Department finds that there is 4.62 cfs remaining to be perfected and that a certificate in the amount of 1.54 cfs be issued to the City of Brookings.

Dated September 15, 2010.



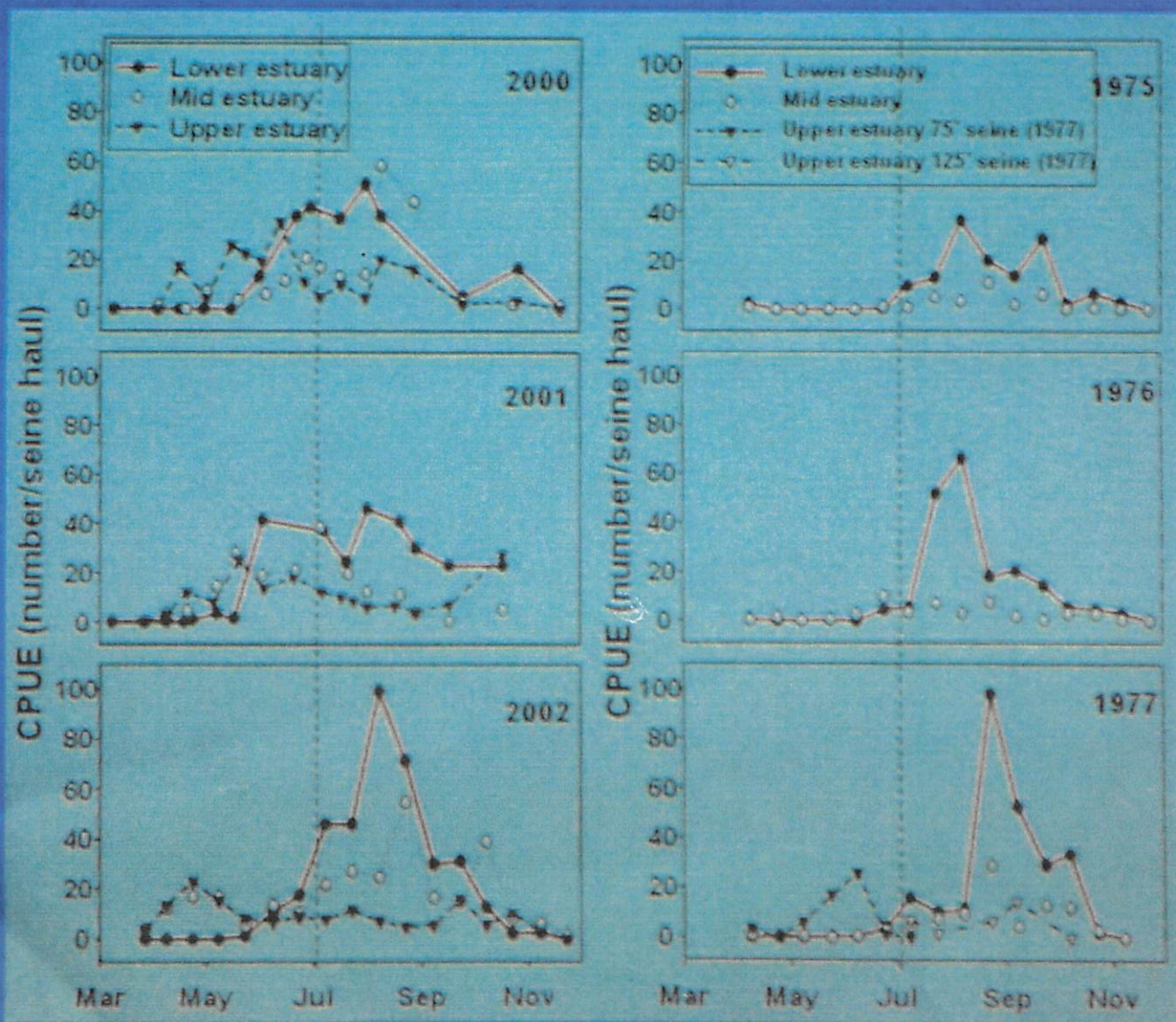
Dwight W. French
Administrator Water Rights and Adjudications, for
Phillip C. Ward, Director
Water Resources Department

Exhibit D

Materials Submitted at 12-13-10 hearing for CP-2-10

Doc. #	Received:	From	# of pgs	Description
D-1	12/13/2010	Carl Page	2	Photo & chart
D-2	12/13/2010	Thomas Huxley	6	Testimony dated 12-13-10 & 12-07-10 (no attachments included)
D-3	12/13/2010	Yvonne Maitland	5	letter with attachment

Life history diversity has expanded with increased estuarine rearing opportunity





December 13, 2010

Thomas C. Huxley
15877 Pelican Bay Drive
Brookings, OR 97415

City of Brookings
898 Elk Drive
Brookings, OR 97415

Re: Testimony - Brookings (File CP-2-10) Proposed Comprehensive & Public Facilities Plan Changes

Council members Anderson, Gordon, Hedenskog, Hodges, Pieper,

Please include this testimony into the above subject record and incorporate by reference all documents into this public record listed in Attachment A. Please also include the attached testimony dated December 7, 2010 "Curry County Comp. & Brookings (File CP-2-10) Pub. Facilities Plan Changes" into the public record. Public records listed in Attachment A may be referenced in brackets () as source documents within the body of this testimony.

I will dispense with objecting to specific changes in for example, City of Brookings Attachment B (Goal 14) in revising 2,228 acres from "cannot be developed" to essentially will be developed. That the city planning director presumes to have sole authority and power to make such recommendations to the governing body for approval that will ultimately affect a large citizen base and vast areas of land is just flat scary. I will not dwell on the continued use of what is currently 17 year-old population forecast data known by city and county officials today to be inaccurate when compared to current census data.

The following comments are limited to storm and surface water runoff and, one map.

* Introductory section of the digital file (City of Brookings) Storm and Surface Water Facilities Plan for the Brookings-Harbor Area. Council members should review the portion of the nearly \$140,000 (2007) study referring to Macklyn Creek drainage. (A-1)

* Citizen safety concerns were voiced December 8, 2008 in Brookings during a joint city and county public hearing on adopting the "Storm and Surface Water Facilities Plan for Brookings-Harbor Area" (PLAN). Written testimony was provided emphasizing very specific citizen concerns. All concerns were ignored by all members of the city and county governing bodies. December 29, 2008 a major landslide occurred at the exact location addressed by citizens as a significant concern December 8, 2008. Members of the City of Brookings and Curry County governing bodies along with numerous state officials were provided two e-mails January 11, 2009 with attachments detailing the carnage from the landslide. January 12, 2009 the City of Brookings governing body and then City of Brookings attorney John Trew refused to allow citizens to provide written or oral testimony on the PLAN or the landslide stating the record had been closed. (A-2; A-3)

* A public records request (CP-2-10) Nov. 30, 2010 resulted in receipt of a cover page and map that are apparently to be included in the final draft of the Public Facility Plan (Attachment C: CP-2-10). Neither the map nor the text legends were legible. The map (A-6) was cut off on the right hand side of the page. The cover page for the map was dated over one year in the future (2011). (A-7)

Brookings planning dept. staff were advised of these facts. Planning Director Morris responded to questions providing (electronically) a revised map cover page (A-8) with a revised date of November 19, 1999 and the following explanation regarding legibility of the map. (A-5)

"Due to the large area covered by this map it is necessarily not very legible but serves as a depiction of the City and UGA." What?

The geographic area covered has nothing whatsoever to do with the quality of graphics or text in a document. This ten-plus year old document that is not legible (not even the map legend text) is being provided to council members (8.5" x 11") with a recommendation for approval.

It's been my personal experience over the last four years, especially with respect to slope stability and stormwater runoff that both the City of Brookings and the county governing body along with the respective planning directors and counsel have been instrumental in proposing and/or approving legislation without understanding or comprehending the technical and safety issues .

There has been a repeated and reckless disregard on the part of the city and county officials with respect to citizens safety which at some point in time, given the two recent catastrophic events addressed in this testimony will turn ugly, causing property damage and putting citizens at risk of injury or death. This road map (testimony) will hopefully help the victims when this occurs.

Sincerely,

Thomas Huxley

ATTACHMENT A

- A-1: A - Covers-TOC-Addenda-Summary.pdf
- A-2: Email - City, County & State - Re. 12-29-2009 Landslide Jan. 11, 2009 (1 of 2)
- A-3: Email - City, County & State - Re. 12-29-2009 Landslide Jan. 11, 2009 (2 of 2)
- A-4: Legal Letter March 18, 2009: Re: Measures Necessary to Control Landslides and Storm/Surface Water Runoff on Harbor Hills. Recipients - City; County; State officials
- A-5: Email - Brookings Planning Dept. - Map & Cover Page (Pub. Facilities Plan) 12-6 to 12-8-10.
- A-6: PFP Adendum A Map.pdf (City of Brookings 12/7/2010)
- A-7: Cover page for map.doc (City of Brookings 12/7/2010)
- A-8: Cover page for map.doc (City of Brookings - Revised 12/8/2010)

December 7, 2010

Thomas C. Huxley
15877 Pelican Bay Drive
Brookings, OR 97415

Curry County Commissioners
29821 Ellensburg Avenue
Gold Beach, Oregon 97444

Cc: Curry County Counsel Herbage

Re: Testimony - Curry County Comp. & Brookings (File CP-2-10) Pub. Facilities Plan Changes

Commissioners Nowlin; Rhodes; Waddle,

Please include this public testimony into the record and incorporate by reference all documents into this public record listed in Attachment A. Some documents in Attachment A may refer to previous county commissioners LaBonté and Schafer, previous Brookings City attorney Trew and Council member Kitchen. Some documents in Attachment A may also refer to Brookings City Council members Anderson, Gordon, Hedenskog and Pieper.

Comments and examples below are limited for testimony length and, to the specific document titled "PUBLIC FACILITY PLAN - DRAFT SEPT 2, 2010" (Attachment C) and the subject of storm and surface water runoff. Testimony or record sources are referenced in brackets (). Example: (A-3).

1) ALL existing data with respect to pre and post-development stormwater flow rates was intentionally deleted by the City of Brookings (Morris) and Curry County (Pratt) Planning Directors from the 1999 Brookings Public Facilities Plan when submitting the "Storm & Surface Water Facilities Plan for Brookings-Harbor Area" (PLAN) to the respective governing bodies for adoption. Morris acknowledged having no knowledge of the PLAN or having ever read the PLAN. (A-6; A-11)

2) "Stormwater discharges shall be maintained at current levels." (Attachment C)

3) "There should be no post-development net increase in storm drainage discharge downstream." (Attachment C)

4) "The capacity of the downstream drainage infrastructure is improved to convey the increased flow." (Attachment C)

5) "An onsite detention facility is constructed for each individual development. The goal for a regional or onsite detention facility is that the runoff from the post-development condition be reduced to flow equaling the pre-development conditions." (Attachment C)

First, the only existing pre and post-development flows were intentionally deleted. Second, why is the downstream infrastructure improved to convey the increased development flow if it is not to be increased? Third, the current infrastructure is inadequate to handle current stormwater flow. Fourth, no competent individual would recommend or construct detention facilities on unstable hillsides subject to mass movement such as the western slopes of the Harbor Hills especially given the enormous current runoff flows.

6) Correspondence from the Oregon Department of Land Conservation and Development (DLCD). "I would like to clarify my concerns regarding the Storm and surface Water Facilities Plan for Brookings-Harbor area." "The study only included stormwater modeling for current conditions. The results of the model run showed that the model was not adequately calibrated to reflect the known current conditions." "It was the intent of this phase of the project to establish a model that could be used to predict future scenarios for storm flow and impacts on surface water that could result from future development. The model was not sufficiently developed to be used in this manner."
(A-3)

7) "The Addendum [Stormwater PLAN] also clearly raises important questions about the feasibility of using recommended best management practices for mitigating stormwater impacts to surface water quality and ground water quantity in areas of steep, unstable slopes." "The additional information and analysis contained in the Addendum did not substantially advance resolution of the water quality mitigation challenges that are expected to result from development and increased impervious surfaces in the Harbor Hills." (A-3)

* "Appropriate for the local community' gets at my concern that the steep unstable slope [Harbor Hills] will severely limit options for detention, infiltration and treatment of stormwater." (A-4)

Translation Commissioners; You need to comprehend what is put before you and not simply vote to approve a particular issue just because your planning director or counsel recommends you do so.

* Brooking Water Storage: "With the completion of the 1.6 million gallon Seacrest reservoir in 2009 [cost around \$2.5 million], the current available storage is 3.6656 million gallons, or 1.78 times the peak day demand. The sizing of the Seacrest reservoir was reduced from a proposed 2.0 mg due to site constraints." (Attachment C)

Note: Cylinder 100 feet diameter x 27 feet tall holds approximately 1.6 million gallons of water.

* Storm Water Facilities Map - South of Chetco 9-10-1998.pdf (A-5)

* Pre and Post Storm Water Flow S. of Chetco Nov. 16, 1999.pdf (A-10)

Let's do a little basic math using figures in (A-10) above for two basins; #17 & #17a (portion of the western slopes of the Harbor Hills).

The difference between Pre vs. Post stormwater flows total 481 cubic feet per second.

$481 \times 60 \text{ seconds} = 28,860 \text{ cubic feet per minute.}$

$28,860 \times 60 \text{ (minutes per hour)} = 1,731,600 \text{ cubic feet per hour.}$

$1,731,600 \times 24 \text{ (hours per day)} = 41,558,400 \text{ cubic feet per day.}$

$41,558,400 \times 7.5 \text{ (gallons per cubic foot)} = 311,688,000 \text{ gallons per day}$

$311,688,000 / 1,600,000 \text{ (Seacrest reservoir)} = 195 \text{ Tanks} - 100 \text{ feet diameter} \times 27 \text{ feet tall.}$

Put this into a visual perspective and place 195 tanks 100 feet in diameter side by side and they will stretch nearly 4 miles.

* Just how do you create a landslide? (A-8)

For further details on the question above go to <http://www.runawayfreighttrain.com> (A-12)

* Administrative Decision AD-1003 in April 2010 provided approval for development in a geologic hazard area on the western slopes of the Harbor Hills. The geologists report recommended use of a "dry well" (similar function as a retention pond) with the following comments. *"From a Geotechnical perspective, directing runoff into a drywell is feasible. However, due to the low infiltration rate of the subsoils, the dry well is likely to overflow during intense and prolonged storms."* After repeated questions to planning department staff went unanswered, the following was submitted to Curry Counsel Herbage. "My first question for you Mr. Herbage is: Where does the water from the drywell go when (not if) it overflows during intense and prolonged storms?" Herbage did not reply. (A-17)

* One last and very current stormwater event might give you "That sinking feeling", Curry Coastal Pilot, November 10, 2010. This news article reported that the sinkhole occurred in the early morning hours of November 7, 2010 right in front of City Hall (how appropriate) and grew to an estimated 30 feet x 50 feet by 25 feet deep by Tuesday, November 9, 2010. This massive hole was caused by just one 36 inch diameter culvert failure (Macklyn Creek drainage). There was not an excessive amount of rain at the time for this area.

Has the City of Brookings staff and governing body learned anything from the nearly \$140,000 Storm and Surface Water Facilities Plan for Brookings-Harbor Area study completed in 2007? You be the judge. The opening summary section of the study report states under **PROBLEM AREAS** "The plan discusses 25 specific problem areas in detail. The most notable problem areas occur in the Macklyn Creek drainage area and the Harbor Bench." This is followed by a one-page listing of recommended capital improvements for Brookings totaling eleven items. Four of the eleven are priority I. Three of those are identified as Macklyn Creek and north edge of the City Hall parking lot. The only priority on the list identified by name vs. sub-basin was Macklyn Creek. The recommendation; "Detailed stormwater study of the Macklyn Creek drainage" with an estimated cost of \$30,000 to \$50,000 depending on final scope.

A copy of the study was requested in a public records request. A phone message from city staff regarding the request stated "I'm just calling to let you know that I received your public records request form and I talked to the city manager and he said that particular study does not exist because it was on the recommended capital improvement project and it is not a high priority at this point so there is no detailed storm water study of Macklyn Creek drainage."

The two catastrophic events mentioned in this testimony have been ignored. Fortunately no one has been injured or killed (yet). As the county (and city) behavior has not changed, it is not a matter of if, but rather when a more serious incident will occur.

Sincerely,

Thomas Huxley

ATTACHMENT A

- A-1: Curry County Commissioners – The Runaway Freight Train – 2-15-2007.pdf
- A-2: Curry County Commissioners – The Runaway Freight Train – 3-2-2007.pdf
- A-3: DLCD E-Mail - Comments to Stormwater Plan – May 10 & June 28, 2007
- A-4: DLCD E-Mail to HGE – Unstable Slopes 6-20-2007
- A-5: Storm Water Facilities Map – South of Chetco 9-10-1998.pdf
- A-6: Testimony – City & County Joint Public Hearing 12-8-2008.pdf
- A-7: [Email] 12-11-07 County Planning Dept. Missing Files – AD#0514 – Tax Lot #4113-10-00306
- A-8: How to Create a Landslide in Curry County – July 2009.pdf
- A-9: Public Testimony AD-1003 March 15, 2010.pdf
- A-10: Pre & Post Storm Water Flow S. of Chetco Nov. 16, 1999.pdf
- A-11: Letter to [Planning] Commissioners 10-21-2008.pdf
- A-12: Culvert Images Hwy. 101 Aug. & Dec. 2008.pdf
(Located in Gallery 3) – <http://www.runawayfreighttrain.com>
- A-13: Audio Tape (county) – Brookings Town Hall Meeting (Harbor Hills) July 18, 2007
- A-14: Email (1 of 2) – City; County & State – Re. 12-29-2008 Landslide Jan. 11, 2009
- A-15: Email (2 of 2) – City; County & State – Re. 12-29-2008 Landslide Jan. 11, 2009
- A-16: Email – Herbage – AD-1003 (11 Pages 4-12-2010) April 26, 2010
- A-17: Email – Herbage – AD-1003 (11 Pages 4-12-2010) April 27, 2010

Harbor Community Action Committee
P.O. Box 7102
Brookings, OR 97415
(541-412-1200)

Mayor and City Council
City of Brookings
898 Elk Street
Brookings, OR 97415

December 13, 2010.

Re.: Proposed Text Amendments to the City Comprehensive Plan

Dear Mayor and Council,

Thank you for the opportunity to comment on behalf of myself and Harbor Community Action Committee (HCAC). There are serious concerns regarding Harbor Hills; public safety and specific land use issues that we would like to bring to the City's attention.

HCAC has always supported public safety issues regarding steep slopes, drainage, erosion, rapidly moving landslide hazards and imposed residential development restrictions. These concerns are of sufficient importance to require the boundary delineation of the Master Plan Area and Area of Special Environmental Concern on Harbor Hills zoned forestry and grazing.

The original JMA Map for the Brookings UGB is in the Court Book Attachments Vault, 102 Document 032 and includes the designation of the Area of Special Environmental Concern. Twelve years later, the boundary delineation within the Master Plan Area of the Harbor Hills is still waiting to be adopted.

Statewide GOAL 7 Areas Subject to Natural Disasters and Hazards.
Harbor Hills Hazard maps:

1. The 1976 DOGAMI bulletin 90 Map – Land Use Geology of Western Curry County, designated a large portion of the Western Slopes as a Mass Movement Area, potential “earthflow and slump topography.” Because of the hazard designation and concerns related to drainage, the subject property was also designated as an area of “Special Environmental Concern.”
2. DOGAMI Provisional Map designated much of the Harbor Hills Area as an area of potential “rapidly moving landslide” hazards and acknowledged it as a Further Review area.
3. Harbor Hills are part of the Statewide Landslide Inventory Data for Oregon (SLIDO) map.

4. The steep portion of the Harbor Hills which was mapped as a mass movement hazard area was included in the UGB for locational reasons under Goal 14, Factor 3 to provide corridors for roads and utilities. **The city and county did not include the area within the UGB to provide buildable land for housing, commercial or industrial uses.** The Department of Land Conservation and Development (DLCD) and the Land Conservation and Development Commission (LCDC) were very clear as to the intent to protect the western slope of the Harbor Hills and the unique farmlands on the Harbor Bench.

[Attachment Memorandum – March 28, 1996 – Page 28].

5. The ‘unbuildable’ land on the western slopes of Harbor Hills, was also acknowledged by the Court of Appeals (1998) and intervenor briefs by city, county and developers. All parties agreed to the ‘unbuildable’ residential land restrictions.

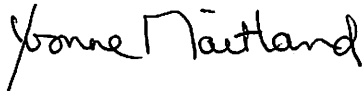
HCAC members want to be assured that the Area of Special Environmental Concern is properly created, boundaries delineated and used as an instrument of planning. The delineation of the Area should occur as part of the required JMA amendment process. Therefore, our members respectfully request that the Mayor, City Council and Planning Staff address the issue and include the required delineation of the Harbor Hills in the Comprehensive Plan Amendments.

At the City of Brookings and Board of Commissioners Joint JMA hearing, June 10, 2010 the statement was made that the county is actively seeking funding so DOGAMI can interpret the LiDAR map. Full compliance with GOAL 7 is required before any development can occur in the Harbor Hills.

The City and County have an obligation and inherent responsibility to protect the public and property from acknowledged hazards. HCAC appreciates the City of Brookings Mayor and Council’s consideration and resolution of this critical matter.

Please include this testimony into the record and incorporate by reference my comments dated June 10, 2010 - Joint City & County JMA hearing. Thank you.

Sincerely,



Yvonne Maitland
Secretary HCAC

Attachment: Memorandum – March 28, 1996 - page 28
Court of Appeals – February 11, 1998 – pages 1 & 2

City of Brookings

March 28, 1996

-28-

"Mass movement in the uplands, along the Chetco River, and on the steeper slopes of the terrace units is localized and is commonly the result of over-steepening by erosion or excavation. The placing of fill on steep slopes should be avoided. Slope erosion can be minimized by proper layout and design of roads, preservation and establishment of vegetation where possible, and efforts to reduce land disturbance during construction." (DOGAMI. *Land Use Geology of Curry County*, pp. 114-115.)

The steep portion of the Harbor Hills which was mapped as a mass movement hazard area was included in the UGB for locational reasons under Goal 14. Factor 3 to provide Corridors for roads and utilities (*Findings*, pp. 13-23, especially pp.15 and 22). The city and county did not include the area within the UGB to provide buildable land for housing, commercial or industrial uses. The DOGAMI report implicitly accepts the development of roads within such areas by recommending "proper layout and design of roads," above. The city and county have addressed the issue of mass movement hazard by designating the area as a "Master-Plan Area" (*Brookings Urban Growth Boundary and Surrounding Committed Areas Map*). The master plan requirement will allow the city and county to prohibit development in areas which are hazardous while allowing development to cluster in areas which are safe.

The city and county have addressed applicable portions of Goal 7. The city and county have considered DOGAMI's hazard inventory map. To this point, they have only adopted a UGB. The UGB does not designate the mass movement area for development other than the contemplated road and utilities which provide the rationale for including the area in the boundary. The DOGAMI report does not preclude the development of roads and utilities in this area. Several steps remain to be completed before the city and county will have a comprehensive plan for the new UGB in compliance with the Statewide Planning Goals. These are:

- update of the comprehensive plan and ordinances, periodic review task #3;
- adoption of a public facilities plan, periodic review task #4;
- adoption of a transportation systems Plan, periodic review task #5; and
- adoption of a Master Plan for the Harbor Hills.

The department's remand *Order #00546* (pp. 41-42) requires a local plan policy to state that a master plan is a plan amendment, not part of a development permit application. The result of the steps above is that full compliance with Goal 7, as well as other goals, is required before any development can occur in the Harbor Hills.

FILED: February 11, 1998

IN THE COURT OF APPEALS OF THE STATE OF OREGON

FRED HUMMEL, PEG REAGAN, RICHARD
CALKINS, NORMAN YOCK, WINHARBOR
FARMS, CITIZENS FOR ORDERLY
DEVELOPMENT and 1000 FRIENDS OF
OREGON,

Petitioners,

v.

LAND CONSERVATION AND DEVELOPMENT
COMMISSION,

Respondent,

and
CITY OF BROOKINGS, CURRY COUNTY,
ITZEN ENTERPRISES, INC., HARBOR
CONSTRUCTION, LTD., RESERVATION
RANCH and U.S. BORAX,

Intervenors.

(96-WKTASK-00610; CA A93624)

Judicial Review from Land Conservation and Development Commission.

Argued and submitted June 12, 1997.

Mary Kyle McCurdy argued the cause for petitioners. With her on the brief was Mike Collmeyer.

John T. Bagg, Assistant Attorney General, argued the cause for respondent. With him on the brief were Hardy Myers, Attorney General, and Virginia L. Linder, Solicitor General.

Stephen T. Janik, Linly Ferris Rees and Ball Janik LLP filed the brief for intervenor City of Brookings.

M. Gerard Herbage filed the brief for intervenor Curry County.

Kenneth D. Helm and O'Donnell Ramis Crew Corrigan & Bachrach filed the brief for intervenor Itzen Enterprises, Inc.

Allen L. Johnson argued the cause for intervenors Harbor Construction, LTD., Reservation Ranch and U.S. Borax. With him on the brief was Johnson, Kloos & Sherton, P.C.

Before Warren, Presiding Judge, and Edmonds and Armstrong, Judges.

WARREN, P.J.

Affirmed.

WARREN, P.J.

Petitioners seek review of an order of respondent Land Conservation and Development Commission (LCDC) on the expanded urban growth boundary (UGB) that the City of Brookings (the city) adopted as part of the periodic review of its comprehensive plan and land use ordinances. In its order LCDC generally approved the expanded UGB but also remanded the periodic review work task concerning the UGB to the city and to intervenor Curry County for certain modifications. Petitioners attack that order to the extent that LCDC approved the expansion of the UGB; the modifications that it required are not in issue. We affirm.⁽¹⁾

The city is located in the extreme southwest corner of the state. It lies on the northwest side of the Chetco River, which enters the Pacific Ocean at the city's western border. The unincorporated community of Harbor lies directly across the river from the city. The city's current comprehensive plan, which LCDC acknowledged on January 27, 1983, established a UGB that includes the Brookings city limits, the community of Harbor, and a number of additional areas on the edges of those boundaries. That UGB presently contains over 9,000 residents. The Brookings area is expected to grow to over 16,000 people within the next 20 years.

In part because of the anticipated growth, the Department of Land Conservation and Development (DLCD) notified the city in mid-1992 to begin the periodic review process. In late July 1993, DLCD approved the city's periodic review program (work program), which identified a number of specific tasks (work tasks) and gave priorities and target dates for each. The numbered work tasks are: (1) to amend the UGB, among other things in order to provide a 20 year supply of vacant buildable land (priority A); (2) to establish an urban reserve boundary (priority B); (3) to amend the comprehensive plan and land use ordinances to deal with a number of issues, including the extension of the UGB resulting from work task 1 (priority C); (4) to adopt a public facilities plan for the new UGB, including providing for extending public services to the newly included areas (priority D); and (5) to develop a transportation system plan (priority D). Each work task had a separate target date for completion. The later tasks depended in part on the earlier ones; for instance, the city was not to begin work on numbers 4 and 5 until it had completed number 1.

In its preliminary work on work task 1, the city concluded that, in order to accommodate the anticipated population growth and other needs, it had to add 899 acres of buildable land to the existing UGB. The city found some difficulty in locating the needed land because of the geographical character of the Brookings area, which is a narrow flatland between rugged hills on the east and the ocean on the west. Much of the urbanizable flat land was already inside the existing UGB. The city was able to find part of the needed additional land by expanding the UGB to include existing exception areas and a limited amount of resource land on the relatively flat areas north of the city. That additional land, however, was not sufficient to meet the city's need.

It was difficult, if not impossible, for the city to extend the UGB on flat land south of its previous limits, although it did add a few pre-existing exception areas. Other than in those locations, the flat land south of Harbor, known as the Harbor Bench, is a small but highly productive agricultural area that, because of a unique combination of soil and climate, is, for all practical purposes, the only source of Easter lily bulbs and hydrangea stock in the country. The city could not include that agricultural land in the UGB.⁽²⁾ East of Harbor and the Harbor Bench are the Harbor Hills, which have rugged, unbuildable western slopes and which are the source of the aquifer that supplies the agricultural areas on the Harbor Bench. The Harbor Hills rise directly from the Harbor Bench and are currently zoned forest grazing.

The city decided that the best location for additional vacant buildable acres was in the Harbor Hills. It therefore included a large portion of those hills, beginning directly east of the Harbor Bench agricultural lands and continuing over the top of the hills and down the other side, in the expanded UGB. It recognized that, because of their topography, the western slopes of that portion are not buildable. However, the city found that other sections of the area contain a significant amount of land that is buildable at a variety of price levels. It justified including the unbuildable land in the UGB on the grounds that that land was necessary in order to provide urban services to the buildable land and that excluding it would create a confusing boundary, with non-UGB land surrounding UGB land in an illogical pattern.