

City of Brookings

# WORKSHOP AGENDA

## City Council

Monday, January 4, 2010, 4:00pm

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

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**1. Call to Order**

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**2. Roll Call**

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<b>3. Topics</b>	<b>Page</b>
• Building Code Violations	<b>1</b>
• 4 <sup>th</sup> of July Event	<b>9</b>
• Sewer Capacity, NE Brookings/HSD	<b>10</b>
• Sewer & Water Transfer Fees	<b>18</b>
• Charter Amendment	<b>22</b>

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**4. Council Member Requests for Workshop Topics**

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**5. Adjournment**

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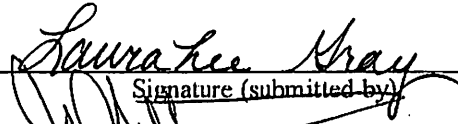
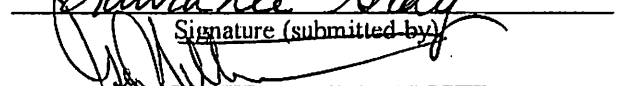
All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 469-1102 if you have any questions regarding this notice.

# CITY OF BROOKINGS

## COUNCIL WORKSHOP REPORT

Meeting Date: 01/04/10

Originating Dept: Building

  
Signature (submitted by)  
  
City Manager Approval

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Subject: Changes to Brookings Municipal Code, Chapter 15.05, Building Codes

Background/Discussion: These proposed changes to BMC 15.05 are required in order to be in compliance with Senate Bill 915 which became effective January 01, 2010. This bill prohibits a jurisdiction from issuing citations to municipal court for building code violations as we have done in the past. The proposed changes to all but the first section of BMC 15.05 are from a modal ordinance provided by the League of Oregon Cities.

Attachment(s):

Staff report  
Senate Bill 915  
BMC 15.05 with proposed changes in bold italics

**CITY OF BROOKINGS**  
**STAFF REPORT**

SUBJECT: Changes to BMC 15.05

REPORT DATE: 01/04/09

**GENERAL INFORMATION**

Effective January 01, 2010, Senate Bill 915 mandates that any monetary penalty assessed for building code violation be assessed as a civil penalty. It also prescribes the process that must be adhered to in order to assess a civil penalty. Proposed changes are as follows:

1. Reorganize sections to reflect changes to ordinance and add section 15.05.050, unpaid penalties.
2. Section 15.05.010, Adopting of Codes, these are housekeeping changes unrelated to SB 915. There are several appendixes in the Oregon Codes which are offered for adoption by the local authority, of these we have historically adopted appendix J, grading. There are additional appendixes that have been adopted by the State of Oregon which are required to be adopted by local jurisdiction. This addition of the language "adopted by the State of Oregon" to subsection "A", makes it clear that we adopt those appendixes that are required to be adopted. In subsection H staff has added the language "State of Oregon" to the referenced code book.
3. Section 15.05.020, 030 and 040 are stricken in entirety and replaced with the model ordinance language.
4. Section 15.05.050 is a new section consisting of model ordinance language that details the process for enforcement for unpaid penalties.

**RECOMMENDATION**

Approval of the changes to Chapter 15, Section 15.05 as presented.

**Enrolled  
Senate Bill 915**

Sponsored by Senator MORSE

CHAPTER .....

AN ACT

Relating to the regulation of structures.

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

**SECTION 1.** Section 2 of this 2009 Act is added to and made a part of ORS chapter 455.

**SECTION 2.** (1) The Legislative Assembly finds and declares that enforcement of the state building code in a fair, equitable and uniform manner throughout this state is a matter of state concern.

(2) If a municipality administers a building inspection program under ORS 455.148 or 455.150, a monetary penalty assessed under the program for a violation must be assessed as a civil penalty. This subsection does not prohibit a municipality from charging a violator an increased permit fee or investigative fee, seeking injunctive relief from a violation or taking any enforcement action that does not include a monetary penalty. This subsection does not limit the terms or conditions of any voluntary agreement for the resolution of a violation.

(3) A municipality may not assess a civil penalty for a violation under a building inspection program unless the municipality provides to the party that is subject to the civil penalty:

(a) Notice that:

(A) Describes the alleged violation, including any relevant code provision numbers, ordinance numbers or other identifying references;

(B) States that the municipality intends to assess a civil penalty for the violation and states the amount of the civil penalty;

(C) States that the party may challenge the assessment of a civil penalty; and

(D) Describes the means and the deadline for informing the municipality that the party is challenging the assessment of the civil penalty; and

(b) A municipal administrative process other than a judicial proceeding in a court of law, that affords the party an opportunity to challenge the civil penalty assessment before an individual, department or body that is other than the municipality's building inspector or building official.

(4) If the municipality assesses a civil penalty for a violation under a building inspection program, the amount of the civil penalty assessed for the violation may not exceed the maximum civil penalty amount authorized for an equivalent specialty code violation under ORS 455.895.

(5) The costs incurred by a municipality in providing notice and administrative process under this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

**SECTION 3.** Section 2 of this 2009 Act applies to a civil penalty assessed on or after the effective date of this 2009 Act for a violation occurring before, on or after the effective date of this 2009 Act.

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**Passed by Senate May 4, 2009**

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Secretary of Senate

.....  
President of Senate

**Passed by House June 2, 2009**

.....  
Speaker of House

**Received by Governor:**

.....M.,....., 2009

**Approved:**

.....M.,....., 2009

.....  
Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2009

.....  
Secretary of State

## Chapter 15.05 BUILDING CODES

### Sections:

- 15.05.010 Adoption of codes.
- 15.05.020 Violations; ***Penalties; Remedies***
- 15.05.030 Penalties. ***Authority to impose administrative civil penalty***
- 15.05.040 Filing of infractions. ***Appeal Procedure***
- 15.05.050 ***Unpaid Penalties***

### **15.05.010 Adoption of codes.**

From the effective date of the ordinance codified in this chapter, the construction, alteration, repair, demolition, moving, use or occupancy of a structure within the jurisdiction of the city of Brookings shall comply with the standards and requirements of the following codes, as now exist or as hereafter amended, each of which are hereby adopted by this reference into the ordinances of the city of Brookings:

- A. The Oregon Structural Specialty Code, including the appendices ***adopted by the State of Oregon*** and Appendix J; provided, however, that ORS 455.320 shall not be applicable;
- B. The Oregon Mechanical Specialty Code;
- C. The Oregon Plumbing Specialty Code;
- D. The Oregon Residential Specialty Code specifically adopting and including Section 104.8, Liability;
- E. The Oregon Fire Code;
- F. The Uniform Code for the Abatement of Dangerous Buildings;
- G. The Manufactured Dwelling Standards;
- H. The ***State of Oregon*** Parks and Camps Rules.  
[Ord. 07-O-588 § 2; Ord. 06-O-575; Ord. 96-O-349.D § 3; Ord. 93-O-349.C §§ 2 – 5; Ord. 90-O-349.B § 1; Ord. 90-O-349.A §§ 2, 3, 4; Ord. 86-O-408 § 2; Ord. 81-O-349 § 1.]

### **15.05.020 Violations.**

~~A. No person shall violate or aid in the violation of a final order concerning the application of a code provision herein adopted in any particular case made by the city administrative officer, appeals board, building official or inspector, or their designated representatives.~~

~~B. No person shall engage in or aid a person in the activity for which an authorization is required by a code provision herein adopted or other regulation established by this chapter without first obtaining authorization.~~

***A. No person, firm, corporation or other entity however organized shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain a building or structure in the City, or cause the same to be done, contrary to or in violation of this code.***

***B. Violation of a provision of this ordinance shall be subject to an administrative civil penalty not to exceed \$5000.00 for a single violation or \$1000.00 per day for continuing violation and shall be processed in accordance with the procedures set forth in this code.***

**C. Each day that a violation of a provision of this ordinance exists constitutes a separate violation.**

**D. In addition to the above penalties, a condition caused or permitted to exist in violation of this ordinance is a public nuisance and may be abated by any of the procedures set forth under law.**

**E. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available to the City under any ordinance, statute or law. [Ord. 81-0-349 § 3.]**

**15.05.030 Penalties. Authority to impose administrative civil penalty.**

**Pursuant to Chapter ~~1.05~~ BMC. [Ord. 07-0-588 § 3; Ord. 81-0-349 § 4.]**

**A. Upon a determination by the building official that any person, firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted there under, the building official may issue a notice of civil violation and impose upon the violator and/or any other responsible person an administrative civil penalty as provided by subsections (A) to (K) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.**

**B. Prior to issuing an order to correct a violation under this section, the building official may pursue reasonable attempts to secure voluntary correction.**

**C. Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the building official shall issue an order to correct a violation to one or more of the responsible persons. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be 15 days.**

**D. Following the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the building official may issue a notice of civil violation and impose an administrative civil penalty to each responsible persons to whom an order to correct was issued.**

**E. Notwithstanding subsections (B) and (C), the building official may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional or a repeat of a similar violation.**

**F. In imposing an administrative civil penalty authorized by this section, the building official shall consider:**

**1. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;**

**2. Any prior violations of statutes, rules, orders, and permits;**

**3. The gravity and magnitude of the violation;**

**4. Whether the violation was repeated or continuous;**

**5. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;**

**6. The violator's cooperativeness and efforts to correct the violation**

**7. Any relevant rule of the building official.**

**G. Any notice of a civil violation that imposes an administrative civil penalty under this section shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state.**

**Every notice shall include:**

**1. Reference to the particular code provision, ordinance number, or rule involved;**

**2. A statement of the matters asserted or charged;**

**3. A statement of the amount of the penalty or penalties imposed;**

**4. The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (E), a statement of the basis for concluding that the violation was knowing, intentional, or repeated;**

**5. A statement of the party's right to appeal the civil penalty to the City Manager, a description of the process the party may use to appeal the civil penalty; and the deadline by which such an appeal must be filed.**

**H. Any person, firm, corporation or other entity however organized who is issued a notice of civil penalty may appeal the penalty to the City Manager. The provisions of Section 15.05.040 of this code shall govern any requested appeal.**

**I. A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Manager pursuant to, and within the time limits established by, Section 15.05.040.**

**J. Each day the violator fails to remedy the code violation shall constitute a separate violation.**

**K. The civil administrative penalty authorized by this section shall be in addition to:**

**(1) Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and (2) Any other actions authorized by law provided that the City shall not issue a citation to Municipal Court for a violation of this Chapter.**

#### **15.05.040 Filing of infractions. Appeals Procedures**

~~The building official, enforcement officials designated by the building official, and the city attorney may sign any infraction and file such in the municipal court of the city of Brookings.~~



**A. A person, firm, corporation or other entity however organized aggrieved by an administrative action of the building official taken pursuant to any section of this code that authorizes an appeal under this section may, within 15 days after the date of notice of the action, appeal in writing to the City Manager. The written appeal shall be accompanied by a \$150.00 appeal fee and shall include:**

- 1. The name and address of the appellant;**
- 2. The nature of the determination being appealed;**
- 3. The reason the determination is incorrect; and**
- 4. What the correct determination of the appeal should be.**

**If a person, firm, corporation or other entity however organized appeals a civil penalty to the City Manager the penalty shall become final, upon issuance of the City Managers decision affirming the imposition of the administrative civil penalty.**

**B. If a notice of revocation of a license or permit is the subject of the appeal, the revocation does not take effect until final determination of the appeal. Notwithstanding this paragraph, an emergency suspension shall take effect upon issuance of, or such other time stated in, the notice of suspension.**

**C. Unless the appellant and the City agree to a longer period, an appeal shall be heard by the City Manager within 30 days of the receipt of the notice of intent to appeal. At least 10 days prior to the hearing, the City shall mail notice of the time and location thereof to the appellant.**

**D. The City Manager shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Manager deems appropriate. At the hearing, the appellant may present testimony and oral argument personally or by counsel. The burden of proof shall be on the building official. The rules of evidence as used by courts of law do not apply.**

**E. The City Manager shall issue a written decision within 10 days of the hearing date. The written decision of the City Manager is final.**

**F. Other than as provided in this subsection, the appeal fee is not refundable. The City Manager may make a determination on the motion of the appellant that the appeal fee shall be refunded to the appellant upon a finding by the City Manager that the appeal was not frivolous.**

**G. Failure to pay a penalty imposed hereunder within ten days after the penalty becomes final as provided in subsection (A) shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by Section 15.05.050, other provisions of this code, or state statutes.**

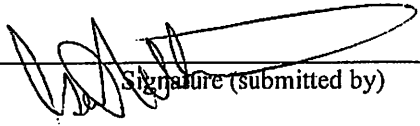
#### **15.05.050 Unpaid Penalties**

**A. Failure to pay an administrative penalty imposed pursuant to this code within ten days after the penalty becomes final shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (B) below, other provisions of this code, or state statutes.**

**CITY OF BROOKINGS**  
**Council WORKSHOP Report**

Workshop Date: January 4, 2010

Originating Dept: City Manager

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

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Subject: Fourth of July Event Proposal

Background/Discussion:

Former Mayor Tom Davis has requested to meet with the Council to discuss his concept for a Fourth of July celebration event.

In general, his concept includes a parade, car show and community event at one of the schools.



# MEMORANDUM

*Office of the City Manager*

**GARY MILLIMAN**  
City Manager

**TO:** Mayor and Council

**DATE:** October 30, 2009

**SUBJECT:** Sewer Capacity – Northeast Brookings/HSD

Attached is a memorandum dated October 14, 2009, from City Engineer Steve Major relating to the availability of sewer service in northeast Brookings and the Harbor Sanitary District. This report was prepared following receipt of a proposed annexation of the Tribble property which lays along North Bank Chetco River Road.

The report has significant implications for new development in the northeast area of the City of Brookings, the area served by the Harbor Sanitary District, and areas along the Chetco River which may seek annexation to the City.

The City and the Harbor Sanitary District (HSD) share the use of an existing 20-inch sewer main (sewer interceptor) that starts at Chetco Avenue and terminates at the wastewater treatment plant. There is an existing agreement between the City and HSD that allocates the capacity of this interceptor to 34 per cent City and 66 per cent HSD.

The basic findings are that:

1. HSD is very close to their allocated capacity on the interceptor which brings wastewater from the District to the City collection system. At times, HSD is using more than 90 per cent of their allocated capacity.
2. The City Engineer estimates that the City is utilizing 85-90 per cent of its allocated capacity on this same interceptor.
3. The amount of development that could occur on lands already within the City limits and that would be served by this interceptor would cause the City to exceed its allocated capacity by as much as 77 per cent.

The City Engineer recommended that the City install a portable flow meter to collect flow data that will enable the City to more accurately assess flow capacity. This flow meter has been ordered.

The City's Wastewater Facilities Plan calls for the construction of a parallel 18-inch sewer main to handle the projected increase in flows from both the HSD and City. The estimated cost of this project (in the 2008 HGE report) is \$984,000. A very short segment of this main (on Willow between Hemlock and Railroad) is scheduled for construction in the Downtown Street Improvement Project. The Plan lists this project as a low priority, projecting that the

need for construction would arise in 2012-17. The City currently has approximately \$750,000 available in a combination of SDC and System Replacement Funds which could be used toward the cost of constructing this project. This project is not budgeted in 2009-10.

I plan to provide a copy of the Dyer Partnership report to HSD and advise them that they are close to exceeding their allocated share of the use of the interceptor. Additionally, each new development proposal within the City that will use the subject interceptor will need an evaluation as to whether a connection to the sewer system will push the City over its allocated capacity.

I am scheduling this matter for discussion at the January City Council workshop.



THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS, INC.

1330 Teakwood Avenue  
Coos Bay, Oregon 97420  
Ph: (541) 269-0732  
Fx: (541) 269-2044  
www.dyerpart.com

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## MEMORANDUM

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DATE October 14, 2009  
TO Gary Milliman, City Manager  
City of Brookings  
FROM Steve Major, P.E. *SM*  
City Engineer  
PROJECT NAME Miscellaneous Engineering  
Tribble Development/Harbor Interceptor Analysis  
PROJECT NO. 145.00E

RECEIVED

OCT 15 2009

Per.....

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As part of the pre-application process for the Tribble development, the City has the responsibility of evaluating the remaining capacity, if any, of the City/Harbor Sanitary District (HSD) interceptor and to recommend a point of entry into the City's existing conveyance system. This analysis is divided into four sections; site visit, hydraulic analysis, connection alternatives and conclusions and recommendations. Each section is described as follows:

### Site Visit

A site visit was conducted on August 26, 2009 with Public Works personnel to physically review the Tribble site, other existing developments along North Bank Chetco River Road and potential connection points. Existing developments between the Tribble site and US Highway 101 include the Thompson Road area, Chetco River Resort and Riverside RV Resort.

The City's Planning Department also provided a map of other undeveloped or under developed areas that could have an impact on the capacity question. These locations include the Allsup property, Bridge Street area, Constitution Way area, Lundeen Road area, Old County Road, Pacific Terrace Drive, Thompson Road Area, and Walton Subdivision. Of these areas, the only area that would not directly affect the interceptor is the Walton Subdivision. Figure 1 identifies all of the areas that could contribute flow to the interceptor.

The information generated from the site visit and subsequent conversations with city personnel is summarized in the attached Existing and New Developments table. This table lists the zone designation, land area (if known), potential dwelling units, average daily flow and comments for each of the listed areas above. The Allsup property is the only potential development that has estimated dwelling units. This is due to the zoning designation of tourist commercial where the density of dwellings is not defined by area.

### City/Harbor Interceptor Capacity Analysis

The City/Harbor interceptor consists of a 20-inch diameter PVC pipe that starts at Chetco

Avenue and Oak Street and terminates at the wastewater treatment facility. The "As-Built" drawings indicated the minimum or limiting slope of the pipe to be 0.002 foot/foot. With a Hazen-Williams friction coefficient of 130, the capacity of the pipe, without surcharging, is 4.85 million gallons per day (MGD) or 3,370 gallons per minute (gpm).

Per the City's Wastewater Facilities Plan, March 10, 2008, Section 5.7.3, there is an existing agreement between the City and HSD that allocates capacity of the interceptor to 34 percent and 66 percent, respectively. The associated flows for these percentages are 1,146 gpm and 2,224 gpm or 1.65 MGD and 3.2 MGD, respectively.

Flow records from the city's wastewater treatment facility were examined for the period of July, 2003 to present. The highest flows for this period were recorded in December 2003 and January 2004. The average flows for HSD for these two months were 0.637 MGD and 0.609 MGD, respectively. Closer examination of the District's records showed a peak day flow of 1.16 MGD on December 11 and 12, 2003.

HSD's main pump station was recently updated. This pump station has a new maximum pumping rate of 2,070 gpm. For the peak day flow of 1.16 MGD, this pump station would have had to operate for approximately 9.3 hours in a 24 hour period. High flow situations can occur at flow rates less than the peak day. Any time the HSD pump station operates in the high flow mode, they are within seven percent to their allocated capacity.

The city's contribution is harder to define since there is no flow meter on the line(s) that connects to the interceptor. The area that is served by the interceptor includes basins 3B, 3C1 and 3C2 as defined in the Wastewater Facilities Plan. Refer to Figure 2. Development within the four basins is relatively dense. Several high flow generators such as the schools are located within this area. All of the collection lines except for two short segments are 8-inch diameter pipe.

There could potentially be five new pump stations constructed to serve the Bridge Street area, Chetco River Resort, Riverside RV Resort, Lundeen Road area and the Tribble Development. Thompson Road area could gravity feed to the Tribble Development pump station or use a STEP system. A pump station was constructed to serve the Constitution Way area and Allsup property located next to Constitution Way. The capacity of the pumps for this station is approximately 270 gpm. Flows from Pacific Terrace Drive and Old County Road would flow by gravity into the existing conveyance system.

The attached Flow Summary summarizes the flows for the existing and five new pump stations and the gravity flow systems. It also has an infiltration and flow (I/I) component. Instantaneous flow measurements for I/I were taken on March 7, 2007 at the intersection of Chetco Avenue and Oak Street. A total of 134 gpm was measured. All of the developments could generate a total flow of 1289 gpm or an increase in existing flows of 1,019 gpm.

The areas being considered would exceed the City's allocated capacity of 1,146 gpm when fully developed. If the Constitution Way pump station and I/I flow contributions were removed from the City's total allocation there would be approximately 740 gpm or 1.0 MGD remaining to serve the existing and a portion of the new developments.

### **Connection Alternatives**

There are two feasible alternatives for a new force main on North Bank Chetco River Road to connect to the existing wastewater conveyance system. These alternatives are summarized as follows:

- Connect to the existing 8-inch diameter gravity line at the end of Fir Street.
- Connect to the existing 8-inch diameter gravity line at the end of Myrtle Street.

### **Conclusions and Recommendations**

The capacity of the City/HSD interceptor has been analyzed on a gpm and daily flow basis. The gpm basis provides a more realistic analysis of how the system should be sized. There are flow events that will be less than the stated maximum flow per day capacity but will equal or exceed the gpm rating. This is partly due to the diurnal nature of when flow enters into the system. The conclusions and recommendations are based on the gpm analysis and are summarized as follows:

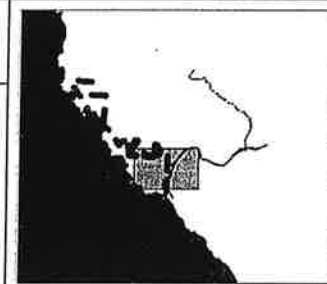
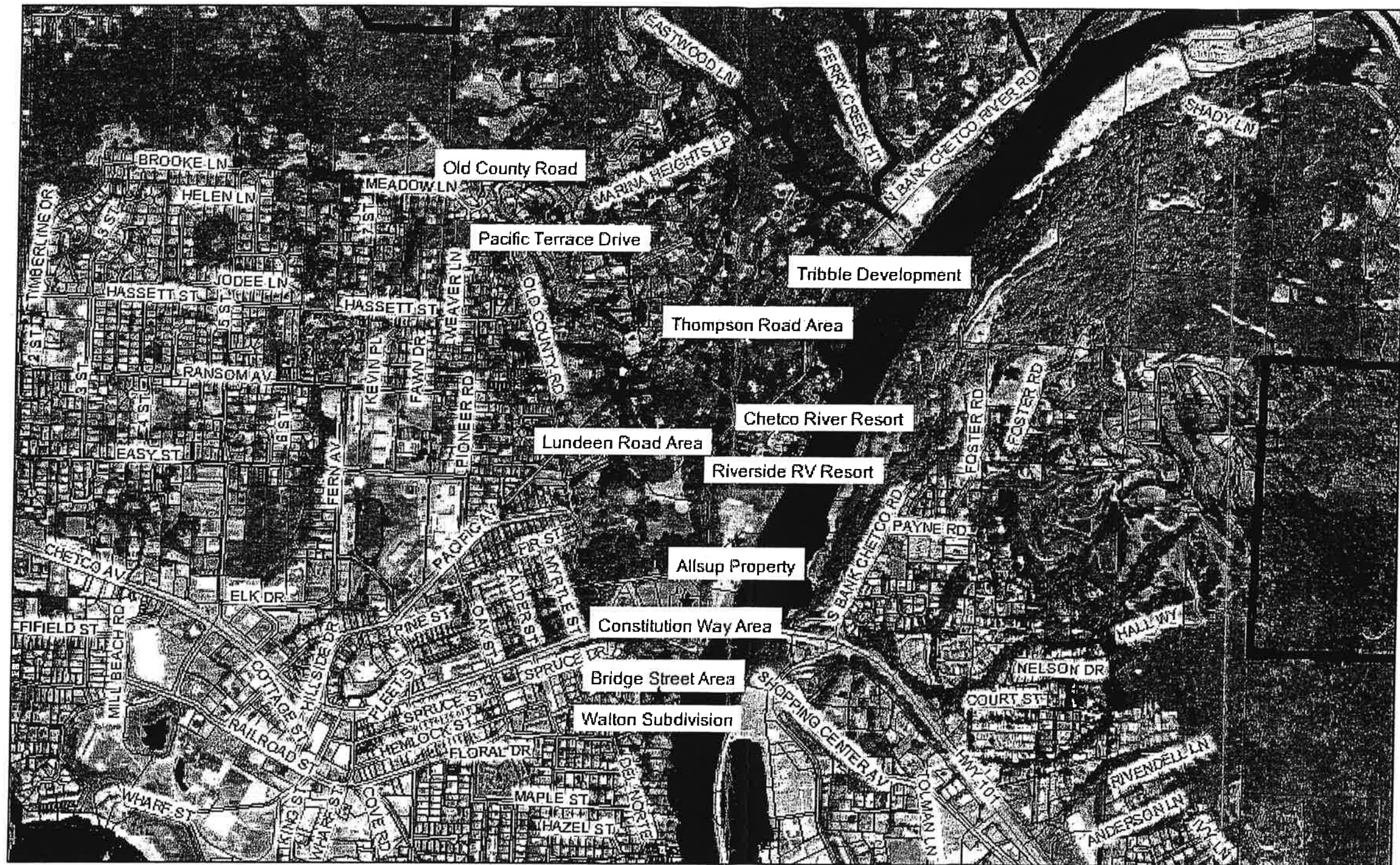
- With the upgrades to the HSD's main pump station, they are very close to their allocated capacity. Each time they are in the high flow mode they are at approximately 93 percent of their allocated flows.
- Although flows are not metered from Basin 3, due to the amount of existing development within this Basin, I estimate the City is utilizing between 85 and 90 percent of their allocated capacity.
- A portable flow meter should be installed in the manhole at Chetco Avenue and Oak Street to start collecting flow data. This data is needed to accurately assess capacity concerns.
- The City is rapidly approaching its allocated share of the HSD interceptor. Future projected flows would exceed the existing allocation by approximately 77 percent.
- The City needs to investigate capacity increasing alternatives to serve the undeveloped or under developed areas in Basin 3.
- The anticipated flows from the Tribble development, by themselves, will not overload the existing system.
- Other developments within the area are very interested in connecting. Providing service for the entire area will exceed the City's allocated flow for the interceptor. How much of the area can be serviced can not be determined until more accurate flow data is obtained.
- The recommended connection points for a new force main on North Bank Chetco River Road are at the end of Myrtle or Fir Streets.

If you have any questions or concerns after your review, please give me a call.

Enclosures

cc: Dianne Morris w/encl  
John Cowan w/encl





- Legend**
- RIVERS
  - ROADS
  - PARCELS
  - CITY LIMITS
  - URBAN GROWTH BOUNDARY
  - SPECIAL PROVISIONS
  - OCEAN
  - ORTHOIMAGE



Map center: 42° 3' 36" N, 124° 16' 16" W

This map is a public resource of general information. Use this information at your own risk. Curry County makes no warranty of any kind, expressed or implied, including any warranty of merchantability, fitness for any particular purpose or any other matter.

THE DYER PARTNERSHIP  
ENGINEERS & PLANNERS

DATE: OCT, 2009

PROJECT NO.: 145.00E

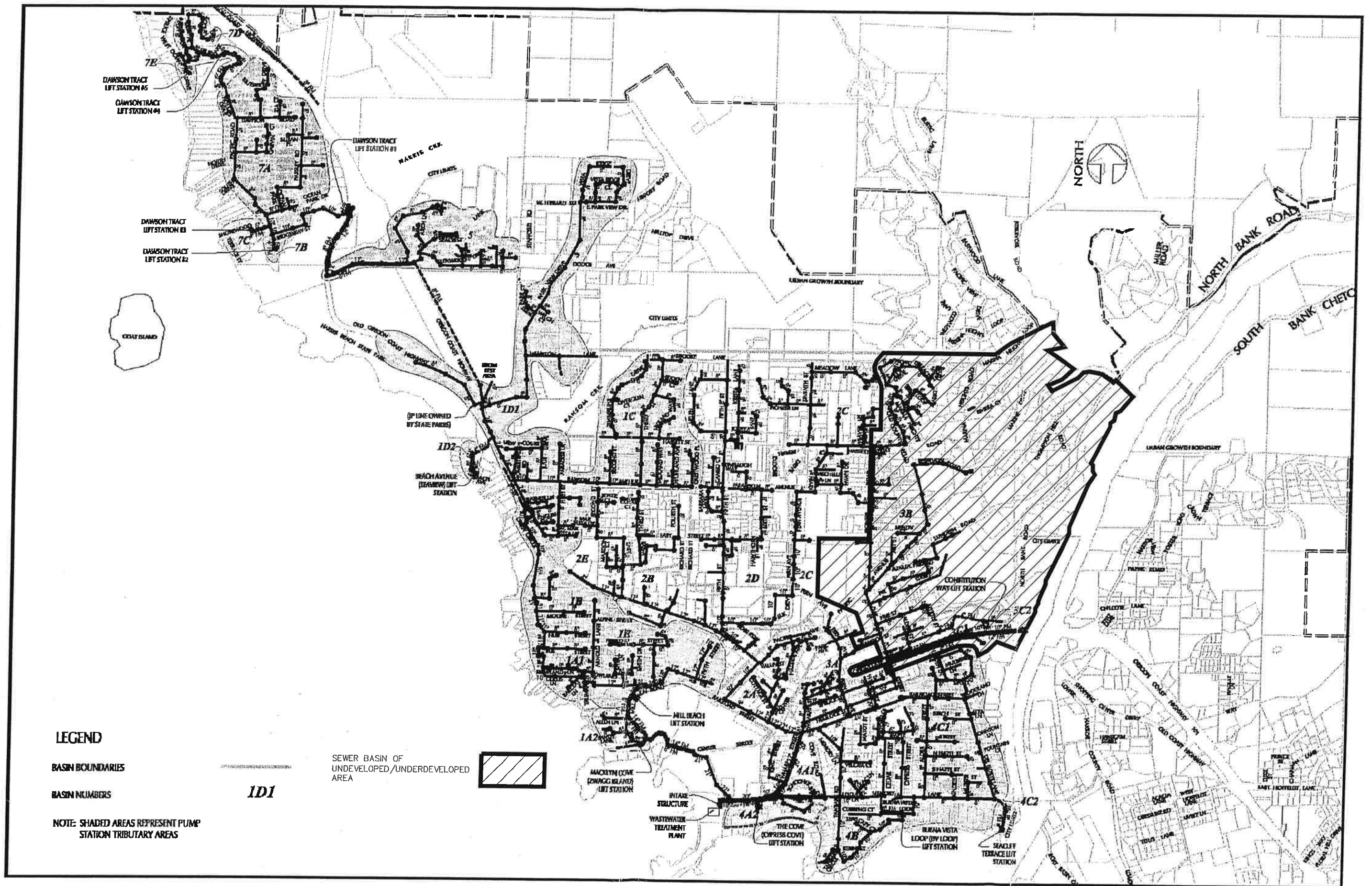
CITY OF BROOKINGS

TRIBBLE DEVELOPMENT / HARBOR INTERCEPTOR ANALYSIS - UNDEVELOPED AND UNDERDEVELOPED AREAS

FIGURE NO.

1





**CITY OF BROOKINGS**  
**HARBOR INTERCEPTOR ANALYSIS**  
**EXISTING AND NEW DEVELOPMENTS**  
 Project No. 145.00E

Item	Description	Zone	Area (Acres)	Dwelling Units	Flow (gpd)	Comments
1	Allsup Property	C-4	14	150	21,900	Served by Constitution Way PS, Assumed DU
2	Bridge Street Area	R-3	3	46	6,716	Would be served by separate PS
3	Chetco River Resort	C-1	4.8	36	5,256	Connect to new force main on N. Bank Chetco Rd
4	Constitution Way Area	R-3	3.7	58	8,468	Served by Constitution Way PS
5	Lundeen Road Area	R-1-6	12	52	7,592	Connect to new force main on N. Bank Chetco Rd
6	Old County Road	R-1-12	32	60	8,760	Could be gravity system
7	Pacific Terrace Drive	SR		22	3,212	Vacant lots, served by existing gravity system
8	Riverside RV Resort	C-1		19	2,774	Connect to new force main on N. Bank Chetco Rd
9	Thompson Road Area	R-2		23	3,358	Could be STEP system or connect to another PS
10	Tribble Development	R-3		59	8,614	New PS with force main on N. Bank Chetco Rd
11	Walton Subdivision	R-1		18	2,628	Will not affect Harbor Interceptor
Total				543	79,278	

Note: Flow based on 146 gallons per day per dwelling unit per City's SDC Update, November 18, 2008.

**CITY OF BROOKINGS**  
**HARBOR INTERCEPTOR ANALYSIS**  
**FLOW SUMMARY**  
 Project No. 145.00E

Item	Description	Flow (gpm)	Comments
1	Constitution Way PS	270	Existing PS serving Allsup & Constitution Way area
2	Bridge Street PS	140	New PS to serve this property only
3	Chetco River Resort PS	140	New PS to serve this property only
4	Lundeen Road Area PS	140	New PS to serve this property only
5	Old County Road	85	Gravity flow
6	Pacific Terrace Drive	30	Gravity flow
7	Riverside RV Resort PS	140	New PS to serve this property only
8	Thompson Road Area	70	If served by Step system
9	Tribble Development PS	140	New PS to serve this property & Thompson Rd (?)
10	Infiltration/Inflow	134	Higher during storm events
Total		1289	

Note: City's allocated capacity of the Harbor interceptor line is 1,146 gpm

CITY OF BROOKINGS  
 SYSTEM DEVELOPMENT CHARGE  
 CALCULATION SHEET - May 2009

**DEVELOPMENT TYPE**

**RESIDENTIAL**

CONDO/ TOWNHOUSE PER HOUSING UNIT  
 ROOMING/BOARDING HOUSE PER ROOM UNIT  
 MUTI-FAMILY / APARTMENT PER HOUSING UNIT  
 VACATION RENTAL HOUSE PER HOUSING UNIT  
 SINGLE FAMILY DWELLING PER HOUSING UNIT

( 17 )

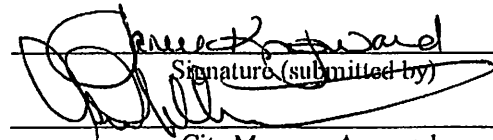
WASTEWATER		STORM D	TOTAL SDC COST	2% Admin Fee	TOTAL COST
1,000 S.F. or Units	EDU Basis	Cost = EDU x \$8,423			
0	0.90	\$0	\$1,351	\$27.02	\$1,378.02
0	0.25	\$0	\$676	\$13.51	\$689.01
59	0.90	\$447,261	\$448,612	\$8,972.25	\$457,584.55
0	0.75	\$0	\$1,013	\$20.26	\$1,033.26
0	1.00	\$0	\$1,351	\$27.02	\$1,378.02

# CITY OF BROOKINGS

## COUNCIL WORKSHOP REPORT

Meeting Date: January 4, 2010

Originating Dept: ASD

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

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Subject:

Utility Funds budgeted transfers.

Recommended Motion:

Discussion and direction for 2010-11 budget process.

Financial Impact:

2009-10 transfers from Utility Funds to the General Fund is \$446,657 (\$218,348 water and \$228,309 sewer).

Background/Discussion:

The transfer from Utility Funds to the General fund was discussed during the 2009-10 budget process. The Budget Committee and City Council approved the budget using the allocation prepared by staff for 2009-10 (attached). However, there was consensus that it should be reviewed in more detail during the year and this workshop is the beginning of that process.

The 2009-10 transfer includes two parts – (1) an allocation of administrative costs, and (2) a franchise fee. The administrative costs are allocated by position and the percentage varies on position based on the time spent in each function. In addition, the City calculates a franchise fee based on estimated water and sewer revenue. The total of these two calculations is transferred from the Utility Funds to the General Fund annually.

Also attached is a table with data from other cities that shows whether or not they allocate administrative costs to utility funds and franchise their utilities. And if so, how much (percent or amount).

Attachment(s):

Allocation used for Brookings, 2009-10.  
Table of comparable data for other cities.

City of Brookings  
Transfers to General Fund  
(Administration Allocation and Franchise Fee)  
FY 2009-10

		<sup>*</sup> <u>Admin Allocation</u>	<u>Fund Subtotal</u>	<u>Franchise Fee</u>	<u>2009-10 Total</u>	<u>2008-09</u>	<u>Difference</u>
Streets		45,675	45,675	0	<b>45,675</b>	42,945	2,730
Water:	Distribution	100,133				106,351	
	Treatment	68,534	168,668	49,680	<b>218,348</b>	56,960	55,037
Wastewater:	Collections	68,534				182,790	
	Treatment	68,534	137,069	91,240	<b>228,309</b>	182,790	(137,271)
					492,332	571,836	(79,504)

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\* See separate page for detailed administrative allocation.

Franchise Fee:

	<u>Revenue</u>	<u>4.0%</u>
Water	1,242,000	49,680
Sewer	2,281,000	91,240

**CITY OF BROOKINGS  
FISCAL YEAR 2009-2010  
SALARY & BENEFIT ALLOCATIONS**

Employee	Full Salary & Benefits	General Fund	Street Fund	Water Distribution	Water Treatment	WW Collection	WW Treatment	Urban Renewal Fund	Total
City Manager	140,838	47.00% 66,194	5.00% 7,042	10.00% 14,084	10.00% 14,084	10.00% 14,084	10.00% 14,084	8.00% 11,267	100.00% 140,838
Admin Asst.	67,138	40.00% 26,855	5.00% 3,357	10.00% 6,714	10.00% 6,714	10.00% 6,714	10.00% 6,714	15.00% 10,071	100.00% 67,138
Inter-departmental Aid	19,483	49.00% 9,547	5.00% 974	10.00% 1,948	10.00% 1,948	10.00% 1,948	10.00% 1,948	6.00% 1,169	100.00% 19,483
Admin Svc's Director	120,653	49.00% 59,120	5.00% 6,033	10.00% 12,065	10.00% 12,065	10.00% 12,065	10.00% 12,065	6.00% 7,239	100.00% 120,653
Asst. Admin Svc's Director	75,288	53.00% 39,903	5.00% 3,764	10.00% 7,529	10.00% 7,529	10.00% 7,529	10.00% 7,529	2.00% 1,506	100.00% 75,288
Acct Clerk A/P	53,264	53.00% 28,230	5.00% 2,663	10.00% 5,326	10.00% 5,326	10.00% 5,326	10.00% 5,326	2.00% 1,065	100.00% 53,264
City Planner	97,381	71.00% 69,141	5.00% 4,869	5.00% 4,869	5.00% 4,869	5.00% 4,869	5.00% 4,869	4.00% 3,895	100.00% 97,381
Senior Planner	73,078	71.00% 51,885	5.00% 3,654	5.00% 3,654	5.00% 3,654	5.00% 3,654	5.00% 3,654	4.00% 2,923	100.00% 73,078
Building Official	89,506	52.00% 46,543	5.00% 4,475	20.00% 17,901	5.00% 4,475	5.00% 4,475	5.00% 4,475	8.00% 7,160	100.00% 89,506
Planning/Bldg Secretary	18,400	72.00% 13,248	5.00% 920	5.00% 920	5.00% 920	5.00% 920	5.00% 920	3.00% 552	100.00% 18,400
Fire Chief	107,361	90.00% 96,625	-	10.00% 10,736	-	-	-	-	100.00% 107,361
Asst. Fire Chief	74,371	90.00% 66,934	-	10.00% 7,437	-	-	-	-	100.00% 74,371
Police Dispatch	444,898	90.00% 400,408	2.00% 8,898	2.00% 8,898	2.00% 8,898	2.00% 8,898	2.00% 8,898	-	100.00% 444,898
<b>Total</b>	<b>1,381,659</b>	<b>965,086</b>	<b>45,675</b>	<b>100,133</b>	<b>68,534</b>	<b>68,534</b>	<b>68,534</b>	<b>45,679</b>	<b>1,381,659</b>

**City of Brookings**  
**Water and Sewer Transfer Fees**  
**Comparison with Other Cities**  
**December 2009**

	<u>Types of Utilities</u>	<u>Allocate Administrative Costs to Utility Funds</u>	<u>Percentage or Amount</u>	<u>Franchise City Utilities</u>	<u>Franchise Percentage</u>
Bandon	Water,Sewer,Electric	Yes	75-82%	Yes	6%
<b>Brookings</b>	<b>Water,Sewer</b>	<b>Yes</b>	<b>20-40%</b>	<b>Yes</b>	<b>4%</b>
Coos Bay	Sewer,stormwater	Yes	20-80%	No	n/a
Hood River	Water,Sewer,stormwater	Yes	\$200,000	No*	n/a
Junction City	Water,Sewer,stormwater, sanitation	Yes		No**	n/a
LaGrande	Water,Sewer	Yes	\$200,000	Yes	5%
Molalla	Water,Sewer,stormwater	Yes	\$45,000	Yes	5%
Monmouth	Water,Sewer,Electric	Yes	75-84%	Yes	3%
North Bend	Sewer,stormwater	Yes	15-55%	No	n/a

\* Discontinued this year; was previously 5%.

\*\* Considering franchise fee of 5 - 7%.





# MEMORANDUM

*Office of the City Manager*

**GARY MILLIMAN**  
City Manager

**DATE:** November 23, 2009

**TO:** Mayor and Council

**SUBJECT:** Charter Amendment

Attached is a letter we requested from our bond counsel, K&L Gates.

The letter states that Chapters XI and XII of the City Charter are no longer needed. Both Charter sections were enacted to facilitate the issuance of bonds, which have now been paid-off. This type of procedure to guarantee bonds is no longer used as State Law now grants municipalities the same authority.

Hopefully, this will assist with efforts to repeal these Chapters of the Charter at a future election.

By copy of this memorandum I am requesting that the City Recorder advise the Council on the process and time line for placing the repeal of Chapters XI and XII on the next available ballot.

Cc: City Recorder

NOTICE OF MEASURE ELECTION

CITY OF BROOKINGS, OREGON

Notice is hereby given that on August 9, 1988, an election will be held in the City of Brookings, Curry County, Oregon. The polls will be open from 7:00 a.m. to 8:00 p.m. The following shall be the ballot title for the measure submitted to the electors thereof:

CAPTION: AN ACT TO AMEND THE BROOKINGS CITY CHARTER FOR WATER

QUESTION: Shall the Brookings City Charter be amended to allow  
issuance of general obligation water bonds in the  
amount of \$1,300,000.00?

EXPLANATION: The City Council has determined the necessity for  
relocating the municipal water intake outside the zone of ocean  
influence. This act will amend the Brookings City Charter to  
provide for issuance and sale of not to exceed \$1,300,000.00 in  
general obligation water bonds to provide funds for relocating,  
constructing, equipping and connecting the municipal water intake  
upstream beyond the zone of ocean influence. It will provide for  
the payment of principal and interest of said bonds from ad  
valorem taxes and water revenues. The act authorizes the City to  
secure federal aid, loans or grants and provides that the debt  
limitation of the City Charter shall not apply to said bonds.

Bob Kerr  
Bob Kerr, Mayor

Mayor  
Title

K&L|GATES

K&L Gates LLP  
222 SW Columbia Street  
Suite 1400  
Portland, OR 97201-6632  
T 503.228.3200 www.klgates.com

November 20, 2009

Harvey W. Rogers  
D (503) 226-5721  
harvey.rogers@klgates.com

**VIA E-MAIL**

Ms. Janell Howard  
Administrative Services Director  
City of Brookings  
898 Elk Drive  
Brookings, OR 97415

Re: Chapters XI and XII of the Brookings City Charter

Dear Ms. Howard:


You have asked whether the City of Brookings may request its voters to repeal Chapters XI and XII of the City Charter. Chapter XI of the City Charter authorized the City to issue \$1.3 million of bonds to finance the City's water system. Chapter XII of the City Charter authorized the City to issue \$3.2 million of bonds to finance the City's wastewater system. Those chapters also grant the City certain powers in connection with its utility systems. Existing statutes currently grant the city equivalent powers.

You have advised us that the bonds described in Chapters XI and XII have all been issued and have all been repaid.

Chapters XI and XII do not grant the City any continuing authority that is not duplicated by statute. Chapters XI and XII of the City Charter may therefore be repealed.

Very truly yours,

K&L GATES LLP



By  
Harvey W. Rogers

HWR:kel

JACITIES\Brookings\Letter on Chapters XI and XII of the charter (FINAL).doc



# City of Brookings

898 Elk Drive, Brookings, OR 97415

(541) 469-1102 Fax (541) 469-3650

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

**CITY RECORDER**

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

## MEMORANDUM

**To:** City Council

**Cc:** City Manager

**Date:** November 23, 2009

**RE:** Election Process for Charter Amendment

In response to the City Manager's request, I have reviewed the procedure and timelines for placing a Charter Amendment on the ballot in 2010.

There are 4 election dates in 2010; March 9, May 18, September 21 and November 2<sup>nd</sup>. Placing a ballot on the March and September ballots would require the City to bear the full expense of the election, the actual cost of which would be unknown until the election was completed. The last time the City placed a measure on a non-general election ballot was in September, 2005; the cost at that time was approximately \$6,600. The cost for placing a measure on either the May or November ballot would be minimal (the cost of the filing fee).

The process for getting a measure placed on the ballot is as follows:

- Instruct the City Attorney to prepare a ballot title.
- Prepare resolution for ballot title adoption.
- Adopt the resolution and instruct City Recorder to file.
- File ballot title with the County Clerk.
- Place public notice in the paper announcing challenge period (7 days).
- Certify to the County that the challenge period has been completed.

The filing deadlines for the 4 elections are as follows:

Election Dates	Filing Deadlines	City Pays Election Costs
March 9	January 7	Yes
May 18	March 18	No
September 21	July 22	Yes
November 2	September 2	No

Actions at a minimum of two Council meetings, in advance of filing with the County, will be required to move the ballot forward.