

# AGENDA

## City of Brookings

### Common Council Meeting

Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
**Monday, April 27, 2009, 7:00 p.m.**

- I. **Call to Order**
- II. **Pledge of Allegiance**
- III. **Roll Call**
- IV. **Ceremonies/Appointments/Announcements**
  - A. Five (5) Year Anniversary – Planning Director Dianne Morris. *Page 7*
- V. **Public Hearings and Ordinances** *(See Advance Packet)*
  - A. Public hearing in the matter of File No. **CP-1-09**, a proposed amendment to the City's Comprehensive Plan, and an amendment to Chapter 15.15, Flood Damage Prevention of the Brookings Municipal Code, City initiated. *Planning*
  - B. Ordinance **09-O-634**, adopting revisions to Goal 7 of the City of Brookings Comprehensive Plan, and amending, in its entirety, Chapter 15.15, Flood Damage Prevention, of Title 15, Building and Construction, of the Brookings Municipal Code. *Planning*
  - C. Public hearing in the matter of File No. **LDC-2-09**, an amendment to Chapter 17.04-Development Permit Procedures, of the Brookings Municipal Code, City initiated. *Planning*
  - D. Ordinance **09-O-632**, amending Chapter 17.04, Development Permit Procedures, of Title 17, Land Development Code, of the Brookings Municipal Code, in its entirety. *Planning*
  - E. Public hearing in the matter of File No. **LDC-3-09**, an amendment to Chapter 17.140-Amendments, of the Brookings Municipal Code, City initiated. *Planning*
  - F. Ordinance **09-O-631**, amending Chapter 17.140, Amendments, of Title 17, Land Development Code, of the Brookings Municipal Code, in its entirety. *Planning*
  - G. Public hearing in the matter of File No. **LDC-5-09**, a proposed amendment to Chapter 17.28, Multiple-Family Residential (R-3) District, of the Brookings Municipal Code, City initiated. *Planning*
  - H. Ordinance **09-O-633**, adding Section 17.28.020 (D), Permitted Uses, to Chapter 17.28, Multi-family Residential (R-3), of Title 17, Land Development Code, of the City of Brookings Municipal Code. *Planning*
  - I. Ordinance **09-O-630**, amending Chapter 2.65, Traffic Safety Committee, of Title 2, Administration and Personnel, of the Brookings Municipal Code, in its entirety. *City Manager*
- VI. **Oral Requests and Communications from Audience:** Public Comments – limit to **5 minutes per person**. Turn in completed **public comment form** before start of meeting or to the City Manager's office during regular business hours. Obtain forms at City Hall or at [www.brookings.or.us](http://www.brookings.or.us).
- VII. **Regular Agenda**
  - A. City Attorney Services. *City Manager/Page 9*
  - B. Interdepartmental Assistant Position Description. *City Manager/Page 33*
  - C. Solid Waste Container Color Pallet. *City Manager/Page 39*

**VIII. Consent Calendar**

A. Approval of Council Minutes for April 13, 2009. *Page 43*

**IX. Remarks from Mayor and Councilors**

A. Mayor

B. Councilors

**X. Adjournment**

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.

# April 2009

April 2009						
S	M	T	W	T	F	S
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12	13	14	8	9	10	11
19	20	21	15	16	17	18
26	27	28	22	23	24	25
			29	30		

May 2009						
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10	11	12	13	14	8	9
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		April 1	2	3	4
		Let Joyce know...			5
6	7	8	9	10	11
PW Calendar 8:00am Check Tickler					12
13	14	15	16	17	18
8:00am Check Tickler		Check TULIP Ins P & R Agenda			19
20	21	22	23	24	25
Capella Wedding Mail/email P & R Agendas 8:00am Check Tickler 8:30am Check Warranty Bonds		P & R Meet Prep			26
27	28	29	30		
Warranty Bond 8:00am Check Tickler		Capella Wedding	8:00am Pilot Calendar		

# May 2009

May 2009						
S	M	T	W	T	F	S
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31						

June 2009						
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21	22	23	24	25	26	27
28	29	30				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				May 1	2
					3
4	5	6	7	8	9
8:00am Check Tickler					10
					11
11	12	13	14	15	16
8:00am Check Tickler		AMF Banners			17
					18
18	19	20	21	22	23
8:00am Check Tickler 9:00am Email to Lauralee - nominating 17231 So. Passley Road for Yard of Month from call in 9-2008		P & R Agenda		Mail/email P & R Agendas 8:00am Check Warranty Bonds	24
					25
25	26	27	28	29	30
8:00am Check Tickler		P & R Meet Prep		8:00am Pilot Calendar	31
					32

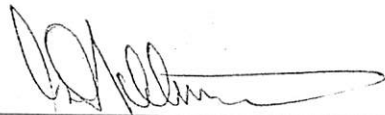
# CERTIFICATE OF APPRECIATION

Awarded to

*Dianne Morris*

For Five Years of Dedicated Service to the  
Citizens of the City of Brookings.

\_\_\_\_\_  
Mayor Larry Anderson



\_\_\_\_\_  
City Manager, Gary Milliman



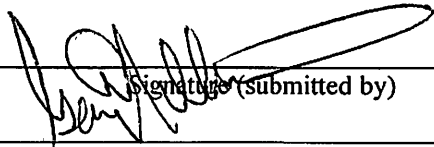
Honored this 27th day of April, 2009

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: April 27, 2009

Originating Dept: City Manager

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

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Subject: City Attorney Services

Recommended Motions:

- 1) Motion to accept resignation of City Attorney John Trew and retain his services on an as-needed basis until such time as a new City Attorney is appointed.
- 2) Motion to appoint a City Council subcommittee to work with City Manager in preparation of a draft Request for Proposals for City Attorney Services.

Financial Impact:

City legal costs are driven by the level of activity requiring legal services. The City Council recently reduced the level of attendance of the City Attorney at meetings as a cost-reduction measure.

Background/Discussion:

City Attorney John Trew has submitted a letter of resignation to the City Council.

The City Manager has obtained City Attorney Request for Proposal documents from three other Oregon Cities. The City Manager recommends that the City Council appoint a subcommittee to meet with the City Manager to prepare a Request for Proposal for City Attorney services, with the RFP to be placed on the Council agenda for approval at its meeting of May 11, 2009.

The City Attorney is an appointee of the City Council.

The City contracts for specialized legal services in the areas of personnel, land use and water rights. The City Attorney serves as general counsel to the City Council and city staff.

Attachment(s): 1) Letter of resignation dated April 10, 2009.  
2) Sample RFPs.



JOHN B. TREW  
CAROL POLI CYPHERS

## TREW & CYPHERS LLP

ATTORNEYS AT LAW  
222 E. 2nd Street  
P.O. Box 158  
Coquille, Oregon 97423-0158  
-----  
(541) 396-3171  
FAX (541) 396-5723  
E-mail: [johnntrew@verizon.net](mailto:johnntrew@verizon.net)

ESTABLISHED BY  
A. J. SHERWOOD  
IN 1886  
HARRY A. SLACK, SR.  
(1900-1988)  
HARRY A. SLACK, JR.  
(RETIRED 1991)

April 10, 2009

### CONFIDENTIAL MEMORANDUM

To: The Brookings City Council, Mayor  
and City Manager

Re: *City Attorney*

For several months I have been wrestling with the change in the relationship between me as the Brookings City Attorney and the Council and City Manager. Historically, Brookings considered the City Attorney as another member of the City's team. I think of it as a risk management team. Unlike special districts with limited responsibilities a city has broad obligations and responsibilities that bring into play a range of legal concerns. Attempting to be a one-person city attorney creates many challenges. That is why I recommend that the Council employ special counsel on such matters as water rights and sometimes land use planning.

For the first time since becoming the Brookings City Attorney, I feel I am no longer fulfilling my ethical obligation to the Council and to the citizens of Brookings. The Council, Mayor, City Manager, City Staff and the citizens of Brookings may have the impression that an attorney is involved in the operations of the City and is attempting to protect the City's legal interests. That is no longer the case.

I have attempted to work within the system where I am rarely contacted but within which I do receive a packet and attend monthly meetings as directed. I review the monthly packet carefully and call and seek clarification and information regarding agenda items that I feel may have legal ramifications. The City Manager and Staff are always cooperative in that regard, but many times it appears as though items are removed from the agenda or postponed because of the City Attorney. The reason is that I am not consulted, and the burden is on me to make contact and request clarification and information.

It is my understanding that the Council and Mayor now wish to retain my services on what has been described as an "as needed" basis. I am advised that I will be contacted when someone determines there is a legal issue. The problem with that approach is that the reason to have a city attorney is for the attorney to have the responsibility of recognizing as well as dealing with legal questions.

I have been putting off this correspondence for some time due to the fact that I have such a long relationship with the City and have enjoyed working with many Council persons, Mayors and City Staff over a long period of time. However, as I worried about this issue between the hours of 3:30 a.m. and 5:00 a.m. this morning, I concluded that I must advise you of my concerns.

RECEIVED

APR 14 2009

Confidential Memorandum  
April 10, 2009  
Page 2 of 2

It is my understanding from discussions with the Mayor that the City is not displeased with the quality of my work nor does the Mayor and Council feel that I have not fully fulfilled my responsibilities as City Attorney. If my understanding is incorrect, I would appreciate any comments, criticisms or suggestions regarding my responsibilities.

I am willing to offer my services to the City on an "as needed" basis. I understand that position to be that others will be deciding when there is a legal question or legal issue and then contact me with specific questions or requests for help. I am perfectly happy with that relationship, but it is not a relationship that is one of a city and a city attorney.

I request that the Council accept my resignation as the Brookings City Attorney. I strongly urge the City to obtain the services of an attorney and allow her or him to work as a member of the City's team. I will be happy to offer assistance on an "as needed" basis, but that is far different from representing a city as the city attorney.

Respectfully submitted,



JOHN TREW

JBT:jl



# **CITY OF CASCADE LOCKS REQUEST FOR PROPOSALS CITY ATTORNEY SERVICES**

## **Proposal Due Date: JULY 1, 2008**

The City of Cascade Locks invites proposals for contracted City Attorney services. Proposals are due to the City Recorder's Office by 2:00 p.m. on July 1, 2008. Faxed proposals should be submitted by 10:00 a.m. on July 1, 2008 to assure proper receipt. The City seeks services encompassing the traditional scope of work including legal counsel, opinions, consultation and coordination with special counsel. Attendance at a variety of meetings will be required, including staff meetings and Council meetings as specified. This will include prosecuting services.

For a copy of the RFP package, contact the City of Cascade Locks by phone, Kathy Woosley, 541-374-8484 or e-mail [kwoosley@cascade-locks.or.us](mailto:kwoosley@cascade-locks.or.us).

**Delivery:** Proposals may be mailed, faxed, or hand-delivered to the City of Cascade Locks City Administrator. Please see the RFP document for specific information regarding delivery.

**Pre-Proposal Conference:** A Pre-Proposal conference will be held at the City of Cascade Locks, Council Chambers (located at 140 WaNaPa Street) on June 20, 2008 at 2:00PM. Attendance by interested Proposers is not mandatory, and will not be required in order to submit a proposal. Driving directions are available by calling 541-374-8484.

**Communications:** Restrictions on communications and requests for information are delineated within the RFP package. All communications are to be directly through the City Administrator's Office, and under restricted conditions.

### **Minimum Qualifications:**

- (a) Each attorney in the proposed team must possess a Juris Doctorate degree and have graduated from a law school accredited by the American Bar Association;
- (b) Each attorney in the proposed team must be a member in good standing of the Oregon State Bar Association;
- (c) The proposed designated City Attorney must have a minimum of five years experience in the field of municipal law with particular experience in land use, municipal utilities, contracts, citizen initiatives, and public work construction. The City of Cascade Locks reserves the right to reject any or all proposals, waive technicalities or irregularities, and to accept any proposal if such action is believed to be in the best interest of the City.

Publish: Hood River News, the Oregonian, the League of Oregon Cities, Oregon State Bar Bulletin.

## **Overview**

### **Introduction**

For information about the City of Cascade, visit <http://www.cascade-locks.or.us>.

The City of Cascade Locks has 14.5 Full Time Employees, and operates under a Council-City Administrator form of government. The City Council consists of six members elected at large and a separately elected Mayor. The Mayor serves as the head of the Council. The City Administrator directs all City operations. The City has utilized the services of the Law Offices of Annala, Carey & Baker, PC. for more than forty five years. The City anticipates the permanent replacement to be selected through this process and available full-time no later than July 15, 2008. Mr. Carey typically worked an average of 12+ hours per month on City matters, which included 2 Council Meetings each month. It is anticipated that

these City Attorney services could initially demand at least 15 hours per month, reducing to 10 hours per month in the future. The City anticipates that submitted proposals will identify a lead City Attorney that works virtually on an as requested basis on City business and will maintain central responsibility, and further anticipates one or multiple assisting attorney(s), depending upon the size, structure, specialties and preferences of the proposing firm. Proposer's are welcome to submit alternative approaches, but this is the model that the City anticipates to be most successful to City practices. The City has four central departments (Administrative Services, Public Works, City Light, Fire and EMS Services, and Ordinance Enforcement). Each department works actively with the City Attorney for advice and counsel. Individual departments may frequently initiate the work, although the City Administrator retains the core responsibility for legal functions, coordination/prioritization(as needed) of these services, and the legal budget.

### **Scope of Work**

1. Provides legal advice, counsel, services, training, consultation, and opinions to the City Administrator, City Council, commissions/committees, and all levels of the City government, on a wide variety of civil assignments, including but not limited to land use planning, laws against discrimination, construction of public works, purchasing and procurement, leasing, purchase and sale of property, employment legal matters, public disclosure issues, open records law, and tort law. The City Attorney's advice includes methods to avoid civil litigation.
2. Furnishes legal representation at all City Council business meetings, and at other meetings as needed.
3. Appears before courts and administrative agencies to represent the City's interests.
4. Prepares/reviews ordinances and resolutions, contracts and other documents for legal correctness and acceptability.
5. Serves as the municipal prosecutor on an as needed basis.
6. Coordinates with other special counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal issues among special counsel.
7. Assists City officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, prohibited transactions and the appearance of prohibited transactions.
8. Assists City officials and employees to understand the legal roles and duties of their respective offices and interrelationships with others.
9. Provides the Mayor and City Council with guidance as to the City's Adopted Council Procedures and related procedural matters relating to Council meetings.
10. Prepares legal opinions at the request of the City or the Council.
11. Provides the City Administrator, Mayor and City Council, and administration advice and a legal perspective on various governmental issues.
12. Performs other legal services and tasks, as assigned by the City Administrator.

### **Specifications**

1. The appointed City Attorney attends City Council business meetings on an as needed basis. These are scheduled for the second and fourth Monday night of every month, from 7:00 p.m. until close, which could typically be from 10:00 to midnight.
2. The City Attorney is a key member of the City Risk Management Team. The same individual should consistently attend conferences and training regarding risk management, although the City does not have a preference whether this person is the City Attorney or an assisting attorney.
3. The City Attorney attends staff led meetings as requested/needed. Ideally, this would be the designated City Attorney, who is a key member of the City Management Team.
4. The City Attorney's services must be readily available by phone, cell phone, fax and e-mail.

5. Timeliness of response and accessibility to the City Attorney is an important aspect of the service. Accessibility and responsiveness for the proposed designated City Attorney is of greatest importance, although these elements will also be considered in relation to assistant attorney(s) as well.
6. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone. The City does not offer space for offices in a City location. The City may be able to assist in certain ways to promote efficient coordination among offices, such as mail delivery services or copy services; these details will be managed following award.

### **Contract Term**

The City anticipates a two-year contract, with options for two-year renewals. Renewal of the contract will require Council reauthorization.

### **Schedule**

The City provides the following schedule. This is for information only and will be adjusted as needed. Proposers are encouraged to reserve flexibility for interviews from July 1, 2008 to July 14, 2008, as the City will not be able to allow much advance notice when scheduling initial interviews.

RFP Release Date: June 10, 2008

RFP Conference: June 20, 2008

RFP Submission: July 1, 2008

Interviews: July 4 through July 14

Council Consideration: July 14, 2008

Anticipated Start Date: July 15, 2008

## **How to Respond**

Please provide seven copies of a written response, responding to each inquiry in the order below. Please attach one set of business cards for your team with the original.

1. Vendor Business History. Please complete and submit Attachment A.
2. Firm Experience
  - A. Provide a narrative description of the firm.
  - B. Describe the general experience of the firm.
  - C. Identify other municipal clients.
  - D. Identify experience with municipal issues including land use, zoning, growth management, environmental law, complicated agreements including interlocal agreements, public works, personnel, and other municipal specialties.
3. Proposed Attorney, Team
  - A. Name and describe the attorney(s) and/or team proposed. Clearly identify the lead City Attorney and name assisting attorney(s).
  - B. Provide a resume or similar description for each team member, with considerable detail in the experience and qualifications of the lead City Attorney and any significant assisting attorney(s).
  - C. Specify the organization structure applicable to this contract, including who the lead City Attorney is, and the relationship of any assisting attorney(s) to that lead City Attorney.
  - D. If specialty attorney(s) or additional resources are available through your firm (in addition to the named team) to meet special or unusual needs, please identify such individuals and specialties as well.
4. Accessibility and Responsiveness
  - A. Identify the accessibility of the proposed designated City Attorney, and the response time that the individual offers to the City. Specifically identify the lead-time required for attending scheduled or ad-hoc meetings.
  - B. Identify the same for any assisting attorney(s).

5. **Proposed Fee Structure.** Propose a compensation package, inclusive of all service costs. The City is open to a variety of approaches, including hourly rates or a flat monthly rate with add-ons. The City will select the finalist by considering the proposed compensation as a "best and final offer," although the City reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the City, including cost.
6. **References**
  - A. Provide three references for the lead City Attorney. The City prefers references that include municipal government experience.
  - B. Inclusion of the reference in your proposal is also agreement that the City may contact the named reference.
  - C. The City may contact any companies or individuals, whether offered as references or others, to obtain information that will assist the City in evaluating the Proposer. The City retains the right to use such information to make selection decisions. Submittal of a proposal is agreement that the City may contact and utilize such information.

## **Evaluation and Selection**

### **Evaluation Process**

The City reserves the right to award the contract to that proposal that best meets the needs and interest of the City. The following steps are anticipated.

**Step 1:** Receipt and review of minimum qualifications

**Step 2:** City Committee scoring of written proposals

**Step 3:** Initial reference and information checks

**Step 4:** City Council and City Administrator interviews

**Step 5:** City Council Confirmation process

### **Scoring and Evaluation of the Written Proposal.**

Written proposals will be scored by panelists as follows.

30 Experience of proposed designated City Attorney, particularly municipal law experience

20 Cost

20 Accessibility and Responsiveness of both City Attorney and assisting attorney(s)

15 Depth and stability of firm or practice

10 Attorney(s) knowledge of special municipal legal issues

5 Overall presentation

100 Total

Those respondents that receive the highest scores and also achieve successful reference and information checks will be invited to interview:

**Contract Negotiations:** The City of Cascade Locks reserves the right to negotiate all elements which comprise the apparent successful proposal to ensure that the best possible consideration is afforded to all concerned. City representatives and the selected finalist will review in detail, all aspects of the requirements and the proposal. During the review of the most favorable, apparent successful proposal, the Proposer may offer and the City may accept revisions to the proposal.

## Attachment A: Submittal Form

### Business Statement

*Please complete and submit with your proposal response.*

1. Name of Business:
2. Business Address:
3. Phone: Business Fax: E-Mail(of proposer):
4. Business Classification (check all that apply): Individual, Partnership, Corporation, Women or Minority Owned
5. Federal Tax Number (a SSN or Federal Tax Number):
6. Name of Owner:
7. Does firm maintain insurance in amounts specified below? Yes: ☐ No: ☐ If no, describe differences.  
*A. General Liability insurance of at least \$1,000,000 per occurrence; \$1,000,000 aggregate, Combined Single Limit (CSL); Automobile liability of at least \$1,000,000 per accident CSL Professional Liability of at least \$ 1,000,000*
8. Are there claims that are pending against this insurance policy? Yes: ☐ No: ☐ If yes, describe.
9. During the past five years, has the firm, business, or any attorney in the firm or business, been involved in any (1) bond forfeiture, (2) litigation personally involving the firm, business or any attorney in the firm or business (other than dissolution of marriage), or (3) claims filed with any insurance carrier concerning the firm, business, or any attorney in the firm or business, and/or (4) Bar Association complaints? Yes: ☐ No: ☐ If yes, attach an explanation.
10. Has company been in bankruptcy, reorganization or receivership in last five years? Yes: ☐ No: ☐
11. Has company been disqualified or terminated by any public agency? Yes: ☐ No: ☐
12. Has the proposed designated City Attorney practiced municipal law a minimum of 5 years? Yes: ☐ No: ☐
13. Is each proposed attorney accredited and in good standing with the State Bar? Yes: ☐ No: ☐
14. Proposal Offers shall be good and valid until the City completes award or rejections of quotes. Failure to concur with this condition may result in rejection of the offer. Does the firm accept this condition? Yes: ☐ No: ☐ (if no, state the desired exception: )

*Having carefully examined all the documents of the solicitation, including the instruction, the undersigned proposes to perform all work in strict compliance with the above-named documents, as well as in compliance with all submitted proposal information.*

FIRM NAME: FID #:

SIGNATURE:

PRINT NAME:

**CITY OF FOREST GROVE**

**REQUEST FOR PROPOSALS  
TO PROVIDE CITY ATTORNEY SERVICES**

Date Due: **September 18, 2007**

Time Due: **4:00 P.M.**, local time

**City Recorder's Office**

1924 Council Street

P.O. Box 326

Forest Grove, OR 97116

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- I-1 Request for Proposal
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- I-4 Official Contacts
- I-5 Proposal Due Date
- I-6 Proposal Withdrawal
- I-7 Pre-Proposal Conference
- I-8 Cancellation, Delay or Suspension of Solicitation; Rejection of Proposals
- I-9 Irregularities
- I-10 Multiple Contracts
- I-11 Incurred Costs
- I-12 Ownership of Documents
- I-13 Confidentiality of Information
- I-14 Public Record
- I-15 Equal Opportunity Policy for Contractors
- I-16 Independent Contractor
- I-17 Insurance

### **SECTION II PROPOSAL FORM AND CONTENT**

- II-1 Proposal Submittal
- II-2 Proposal Form and Content
  - 1. Letter of Transmittal
  - 2. Table of Contents
  - 3. Executive Summary
  - 4. Statement of Understanding
  - 5. Proposed Attorneys, Paralegals and Qualifications
  - 6. References
  - 7. Additional Information
  - 8. Fee Schedule



**SECTION III  
EVALUATION/SELECTION OF PROPOSALS**

- III-1 Evaluation Criteria
- III-2 Clarifications
- III-3 Interviews
- III-4 Method of Selection
- III-5 Notice of Intent to Award
- III-6 Agreement

**SECTION IV  
BACKGROUND & SCOPE OF WORK**

Discussion of Background & Scope of Work

Advertisement

**CITY OF FOREST GROVE**  
**City Attorney Services**

**REQUEST FOR PROPOSALS**

The City of Forest Grove invites qualified individuals or firms to submit proposals to provide **City Attorney Services** based upon the scope of work contained in the Request for Proposal. The intent is to select one firm to provide services with the probable exception of bond counsel services. Sealed proposals, in writing, will be received by Anna Ruggles, City Recorder, City of Forest Grove, 1924 Council Street, P.O. Box 326, Forest Grove OR 97116, until Tuesday, September 18, 2007 at 4:00 P.M. local time. Facsimile or electronically transmitted proposals will not be accepted.

The complete Request for Proposal is on file with and may be obtained from Anna Ruggles at the address above, or by e-mail at [aruggles@ci.forest-grove.or.us](mailto:aruggles@ci.forest-grove.or.us), or by calling 503-992-3235. The Request for Proposal can also be obtained from the City's website [www.ci.forest-grove.or.us](http://www.ci.forest-grove.or.us) under the City Hall tab.

The City of Forest Grove's programs, services, employment opportunities, and volunteer positions are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, handicap, or political affiliation.

Publish August 22, 2007

## **SECTION I GENERAL INFORMATION**

### **I-1     Request for Proposal**

The City of Forest Grove invites qualified individuals or firms to submit proposals for City Attorney Services as described in the scope of work set forth in Section IV of this Request for Proposal (RFP).

### **I-2     Compliance with Rules**

Proposers responding to this RFP must follow the procedures and requirements stated within this RFP. Except as otherwise provided in this RFP, the applicable provisions of Oregon Administrative Rules Chapter 137, Division 47, shall apply to all personal service contracts of the City of Forest Grove. Adherence to these rules and the procedures and requirements of this RFP will ensure a fair and objective analysis of your proposal. Failure to comply with or complete any part of this RFP may result in rejection of your proposal.

### **I-3     Schedule of Request for Proposal Events**

RFP Advertised	<b><u>August 22, 2007</u></b>
Proposal Due	<b><u>September 18, 2007</u></b>
Review Proposal and Select Finalists	<u>September 28, 2007</u>
Finalist Interviews with City Council	<u>October 8, 2007</u>
Evaluate and Rank Finalists	<u>October 12, 2007</u>
Select Firm for Negotiations	<u>October 12, 2007</u>
Complete Contract Process	<u>October 31, 2007</u>
Final Council Approval	<u>November 12, 2007</u>

Bolded dates are firm dates. Other dates are approximate and subject to change.

### **I-4     Official Contacts**

Questions regarding the scope of services must be directed to:

Anna Ruggles, City Recorder  
City of Forest Grove  
1924 Council Street  
P.O. Box 326  
Forest Grove, Oregon 97116  
(503) 992-3235  
FAX (503) 992-3207  
E-Mail: [aruggles@ci.forest-grove.or.us](mailto:aruggles@ci.forest-grove.or.us)

I-5 Proposal Due Date

**One original (1) and Eight (8)** copies of the proposal must be delivered to Anna Ruggles, City of Forest Grove, 1924 Council Street, P.O. Box 326, Forest Grove, Oregon 97116, no later than September 18, 2007 at 4:00 P.M. local time. Proposals should be marked "RFP for City Attorney Services." Facsimile or electronically transmitted proposals will not be accepted. Late proposals will be kept by the City, but not considered for award. Proposals must be sealed and clearly addressed and marked with the RFP title.

I-6 Proposal Withdrawal

Any proposal may be withdrawn at any time. A duly authorized representative of the firm shall execute the request. Withdrawal of a proposal will not prejudice the right of the proposer to file a new proposal.

I-7 Pre-Proposal Conference

Not required for this proposal.

I-8 Cancellation, Delay or Suspension of Solicitation; Rejection of Proposals

The City may cancel, delay or suspend this solicitation if in the best interest of the City as determined by the City. The City may reject any or all proposals, in whole or in part, if in the best interest of the City as determined by the City. The City reserves the right to reject any or all proposals not in compliance with public bidding procedures.

I-9 Irregularities

The City reserves the right to waive any non-material irregularities or information in the RFP or in any proposal.

I-10 Multiple Contracts

The intent is to select one individual/firm to provide all services with the probable exception of bond counsel services. The City reserves the right to contract out services to more than one firm.

I-11 Incurred Costs

The City is not liable for any costs incurred by a proposer in the preparation and/or presentation of a proposal. The City is not liable for any cost incurred by a proposer in protesting the City's selection decision.

I-12 Ownership of Documents

Any material submitted by a proposer shall become the property of the City. Materials submitted after a contract is signed will be subject to the ownership provision of the executed contract.

I-13 Confidentiality of Information

All information and data furnished to the proposer by the City and all other documents to which the proposer's employees have access during the preparation and submittal of the proposal shall be treated as confidential to the City. Any oral or written disclosure to unauthorized individuals is prohibited.

I-14 Public Record

All proposals and information submitted by proposers are not open for public inspection until after the notice of intent to award a contract is issued. Except for exempt materials, all proposals and information submitted by proposers will be available for viewing after the evaluation process is complete and the notice of intent to award is sent to all participating parties.

Proposals that contain information that meets the definition of trade secrets or otherwise can be considered a public record exempt from disclosure under Oregon's Public Records Law shall be clearly identified and kept separate by the proposers.

Sample work or documents illustrating previous work experience will be returned to proposers after the evaluation and award process.

I-15 Equal Opportunity Policy For Contractors

The City of Forest Grove requires all Proposers to comply with equal opportunity policies. The City of Forest Grove's programs, services, employment opportunities, and volunteer positions and contracts are open to all persons without regard to race, religion, color, national origin, sex, age, marital status, handicap, or political affiliation. A copy of the City's policy is available upon request.

I-16 Independent Contractor

The firm shall be recognized by both parties as an "independent contractor(s)." All persons employed by the firm to furnish services in accordance with any contract resulting from this RFP will be employees (or subcontractors) of the firm and not the City.

I-17 Insurance

The firm shall commence no work under this contract until all insurance requirements have been met. The apparent successful Proposer shall provide all required proofs of insurance to the City of Forest Grove Administrative Services Department within ten (10) business days of notification of award. Failure to present the required documents within ten (10) business days may be grounds for proposal rejection.

The Contractor, its subcontractors, and any and all employers providing work, labor or materials under this Contract are subject employers under the Oregon Worker's Compensation law and shall comply with ORS 656.017, which requires them to provide worker's compensation coverage that satisfies Oregon law for all their subject workers. Proposers who perform the work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than \$100,000 each accident.

The firm shall obtain at firm's expense and keep in effect during the term of this contract the following:

**Comprehensive or Commercial General Liability Insurance** covering bodily injury and property damage. This insurance shall include personal injury coverage, contractual liability coverage for the indemnity provided under this contract and products/completed operations liability. Combined single limit per occurrence shall not be less than \$500,000 or equivalent. Each annual aggregate limit shall not be less than \$1,000,000 when applicable.

**Automobile Liability Insurance.** This coverage may be written in combination with the Comprehensive or Commercial General Liability Insurance. Combined single limit per occurrence shall not be less than \$1,000,000 or equivalent.

**Professional Liability Insurance** covering any damages caused by an error, omission or any negligent acts by the Contractor. Combined single limit per occurrence shall not be less than \$500,000 or the equivalent. Annual aggregate limit shall not be less than \$1,000,000.

## **SECTION II PROPOSAL FORM AND CONTENT**

### **II-1 Proposal Submittal**

Proposals shall be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the RFP, and should be easily reproducible. Emphasis should be on completeness and clarity of content and cost effectiveness of the proposal.

All pages of the proposal must be numbered consecutively. The proposal shall not exceed fifteen (15) pages in length. Resumes and licenses shall not count against this page limit. The proposal must be organized in accordance with the list of proposal contents.

### **II-2 Proposal Form and Content**

Proposers should include the following items in their proposals addressing the scope of work in Section IV. All items must fall within the maximum page count. Proposal and cost schedule shall be valid and binding for sixty (60) days following the proposal due date and will become part of the contract that is negotiated with the City.

#### **1. Letter of Transmittal**

All proposals must include a cover letter addressed to Anna Ruggles, City Recorder, and signed by a duly constituted official legally authorized to bind the applicant to both its proposal and cost schedule. The cover letter must include name, address, and telephone number of the proposer submitting the Proposal and the name, title, address, telephone number, FAX number and email address of the person, or persons to contact whom are authorized to represent the proposer and to whom correspondence should be directed.

#### **2. Table of Contents**

Include a clear identification of the material by section and by page number.

#### **3. Executive Summary**

The proposer may use this section to introduce the Proposal or to summarize the key provisions of the Proposal. Provide a statement describing why you are qualified to perform this work.

#### **4. Statement of Understanding**

The proposer shall include a detailed statement of understanding of the city attorney services to be provided. If there are services listed in this RFP that you will not be able to provide, describe those services in this section.

#### **5. Proposed Attorney(s), Paralegals and Qualifications**

- a. Describe your background and history; include number of years in business and scope of services.



- b. Describe your municipal legal services, training, experience, and current government clients; include number of years.
- c. List the in-charge attorney, other attorneys, and paralegals who will provide services to the City. Provide proof that each attorney is licensed to practice in the State of Oregon and is an active member in good standing with the Oregon Bar Association. Include a description of education, certificates or licenses, professional background, experience, skills, expertise and training for the type of services required.
- d. Provide a statement describing the capability of your firm to respond to time-sensitive or short notice requests and/or complicated issues.
- e. Provide at least two examples of complex issues you have successfully handled for municipal or other public agency clients.
- f. Provide the date you would be able to begin providing City Attorney services to the City of Forest Grove; include how you propose to familiarize yourself with the laws, rules, regulations, and operating procedures relative to the conduct of business for the City of Forest Grove in order to efficiently and effectively assume responsibilities.

#### 6. References

Provide contact information for three municipal clients, current and/or prior, so reference checks can be conducted.

#### 7. Additional Information

Any other information that the proposer feels applicable to the evaluation of the Proposal or of their qualification for accomplishing the audit services should be included in this section. You may use this section to address those aspects of your services that distinguish your firm from other firms.

If there is no additional information to present, state, "There is no additional information we wish to present."

#### 8. Fee Schedule

- a. Provide a proposed hourly rate schedule for all positions (i.e., City Attorney, Staff Attorney, and Paralegal) and the fee for attending City Council meetings, include travel time, per meeting. If the hourly rate is charged for attending City Council meetings, please indicate that the regular hourly rate is charged for City Council meetings.
- b. What out-of pocket costs are billed separately? What is the rate for those out-of-pocket costs?
- c. Do you charge a monthly retainer fee? If yes, what is that fee? The City prefers not to have a retainer fee.

### **SECTION III EVALUATION/SELECTION OF PROPOSALS**

#### **III-1 Evaluation Criteria**

The following information will be taken into consideration during the evaluation process:

- a. Meets qualifications identified in the Request for Qualifications and Proposals.
- b. Included complete and clear responses to items in the Content of Response section.
- c. Familiarity with laws and regulations governing Oregon local governments and operating procedures relative to conduct of City business.
- d. Demonstrated expertise the following areas as it relates to municipalities:
  - 1) land use and zoning law
  - 2) labor law
  - 3) construction law
  - 4) real estate law
  - 5) water law
  - 6) environmental law
- e. Adequate local facilities, available support staff, and range of services offered.
- f. Demonstration of workload capacity and a level of experience commensurate with the level of service required by the City.
- g. The professional reputation for providing high-quality services, ability to work cooperatively with City Council, City Manager, department directors and media.
- h. Demonstrates sound judgment, integrity, and reliability as determined by the references provided.
- i. Cost of providing basic and hourly services as per the submitted hourly rate schedule. Please note that the proposed fees are one factor in determining the successful proposer; however, it is balanced against the other criteria.
- j. Results of interview.

#### **III-2 Clarifications**

The City reserves the right to seek clarification of each proposal submitted. The City also reserves the right to require other evidence of technical, managerial, financial, or other abilities prior to selection.

### III-3 Interviews

In connection with the evaluation, the City may invite one or more applicants to make an oral presentation to the City Council at a time and location to be announced and may require the submission of supplemental material intended to substantiate or clarify information previously submitted.

### III-4 Method of Selection

The City Council and City Manager will review the submitted proposals. After review, they may select finalists for interviewing and choose a finalist. After completing negotiations and contract process, the City Manager will make recommendation to City Council to appoint a City Attorney and award a contract. The City Attorney serves at the pleasure of the City Council and may be removed at any time by a majority vote of the Council. The successful attorney or firm will be the one that in the judgment of the City Council best demonstrates the ability to cover the broadest range of legal services that includes the assigned tasks and any combination of the specialized services currently provided by outside firms, in a cost-effective manner.

### III-5 Notice of Intent to Award

Upon completion of the evaluation process, the City Manager will advise the proposers of its number one selection.

### III-6 Agreement

The contract will define the extent of services to be rendered, method and amount of compensation.

When an agreement is reached, a contract for the work will be prepared and executed upon City Council approval. The successful proposer agrees to enter into a contract with the City. The City reserves the right to negotiate a final contract that is in the best interest of the City.

## **SECTION IV BACKGROUND & SCOPE OF WORK**

**Background:** The City of Forest Grove is located in Western Washington County and contains a population of approximately 20,380. The City Council consists of a Mayor and six (6) council members elected from the City at large. The Mayor is a voting member of the City Council. The City Attorney, City Manager, City Auditor, and Municipal Judge are appointed by the City Council and all serve at the pleasure of the City Council. The City of Forest Grove operates under the Council-Manager form of government. City staff of approximately 150 employees includes the City Manager, City Recorder, Human Resources Manager, and department directors for Administrative Services, Community Development, Engineering/Public Works, Fire, Library, Light and Power, Parks and Recreation, and Police.

**Purpose of Request for Proposals:** The City of Forest Grove is soliciting Request for Qualifications and Proposals for the performance of a variety of legal services. Currently, the City Attorney provides all legal services needed by the City except for land use, some labor services (mostly police and fire), bond counsel, and electric utility.

**Services to be provided:** Typical services to be provided may include, but are not limited to, the following:

- Attend City Council meetings and executive sessions, typically held the second and fourth Monday evening of each month.
- Review Council packet material and comment as needed.
- Act as Parliamentarian at Council meetings.
- Provide legal advice on land use interpretation and other legal advice as needed at Planning Commission meetings and Council meetings and executive sessions.
- Provide legal advice and contract review for human resources issues and labor negotiations
- Review contracts, intergovernmental agreements, developer/construction agreements relative to public utilities (water, sewer, electric) and other general activities.
- Prepare and/or review new or amended contracts, ordinances, and resolutions.
- Ensure that current and future City ordinances comply with State statutes.
- Provide litigation support, including monitoring all matters involving litigation affecting the City. Represent the City in all actions, suits, or proceedings in which the City is a party or is legally interested upon request by City Manager.
- Perform legal work pertaining to property acquisitions, condemnations, forfeiture activities, public improvements, public rights of ways, easements, and matters relating to special assessments and public utilities.
- Consult and provide formal legal advice to staff upon request by City Manager.

# **REQUEST FOR STATEMENTS OF INTEREST AND QUALIFICATIONS**

For Legal Services

**BACKGROUND** - The City of Port Orford is located in southwest Oregon, along the Pacific Coast approximately 70 miles north of the California Border. The City's current population is estimated at 1,225. There is a good potential for rapid growth in the future.

**PURPOSE OF REQUEST FOR QUALIFICATIONS** - The City of Port Orford is soliciting statements of interest and qualifications for the performance of a variety of legal services. The City Attorney currently provides all legal services needed by the City except for occasional services that require unusual expertise not ordinarily within the scope of City Attorney services, such as condemnation counsel in the acquisition of real property and as bond counsel.

Responsibilities include:

- Reviewing staff prepared ordinances, resolutions, contracts, orders, agreements and other legal documents – on occasion draft such documents.
- Conducts legal research, prepares memoranda and provides advice and interpretations of laws and ordinances to City Council and City staff.
- Attends meetings of the City Council and on rare occasions other municipal meetings as requested by Council or City Administrator – these meetings are often conducted in the evening.
- Assists in the development of legislation and administrative policies.
- Ensures that all current and future City ordinances are in compliance with State statutes, current and future.
- Experience, training and licensing:
  - ☐ Minimum of five years of legal experience as a member of a City Attorney staff, or in private practice representing cities or equivalent.
  - ☐ Graduation from an accredited law school.
  - ☐ Licensed to practice in the State of Oregon.
  - ☐ A member in good standing with the Oregon State Bar Association.

**STATEMENT OF INTEREST AND QUALIFICATIONS REQUIREMENTS** - It is requested that prospective consultants submit the following:

1. Resume and qualifications, including description of past, related experience.
2. List of references, including telephone numbers, for similar jobs.
3. Fee schedule.

**TIME AND PLACE FOR RESPONDING** - Responses must be received on or before August 8, 2007, 4:00 p.m., and should be addressed to:

City of Port Orford  
P.O. Box 310  
Port Orford, Oregon 97465

Or hand delivered to City Hall, 555 West 20<sup>th</sup> Street, Port Orford, Oregon 97465.

Fax 541-332-3830

[mmurphy@portorford.org](mailto:mmurphy@portorford.org)

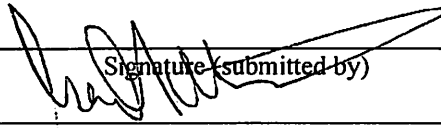
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# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: April 27, 2008

Originating Dept: City Manager

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

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Subject: Position Description: Interdepartmental Assistant

Recommended Motion: Motion to approve position description for Interdepartmental Assistant.

Financial Impact: None.

Background/Discussion:

The City Manager recently reviewed the duties and responsibilities assigned to the part-time Interdepartmental Aide. This employee primarily provides staff support to the Public Works Director and the Parks and Recreation Commission, but also performs general administrative support duties for other departments, including the City Manager, as-needed.

Following the review, the City Manager prepared a position classification description for Interdepartmental Assistant, which more clearly defines the duties and responsibilities of this position.

This is a part-time, 19 hour per week position.

Attachment(s): 1) Interdepartmental Aide position description.  
2) Interdepartmental Assistant position description.



**CITY OF BROOKINGS**  
**INTERDEPARTMENTAL AIDE**

**GENERAL STATEMENT OF DUTIES:**

An employee in this classification performs secretarial and clerical duties for the city manager, city council and other departments, under the supervision of the administrative secretary. The work performed requires the frequent handling of sensitive and confidential information, considerable contact with management and employees, and an overall knowledge of city operations. The employee does related work as required.

**SUPERVISION RECEIVED:**

Work is performed under the general supervision of the administrative secretary.

**SUPERVISION EXERCISED:**

No supervisory duties are involved with this position.

**EXAMPLES OF DUTIES & RESPONSIBILITIES:**

1. Provides professional support to various departments as needed including typing memos, letters, resolutions, ordinances and reports; faxing, copying and collating; answering phones and other related tasks as requested.
2. Assists various departments with department-related tasks as needed, including filing, receptionist, mail distribution, cash receipting and posting.
3. Under the supervision of the administrative secretary, prepares city newsletter in a timely manner to meet publishing deadlines including working with staff members to obtain articles, and editing and layout of newsletter.
4. Assists administrative secretary with web page activities including creating, updating, and publishing using appropriate software.
5. Uses Council Chamber television equipment to prepare, update and edit community events calendar for broadcast on cable television.
6. Does independent research and provides information as requested for a variety of departments.
7. Establishes and maintains effective relationships with peers.
8. Establishes and maintains effective relationships with Mayor, Councilors, appointed officials and City Manager.

**CITY OF BROOKINGS**  
**INTERDEPARTMENTAL AIDE**

9. Works in a safe manner and encourages safety.
10. Interacts positively with the general public.

**KNOWLEDGE, ABILITY AND SKILL REQUIREMENTS:**

**KNOWLEDGE OF:** Rules of effective English usage and grammar; general office practices and procedures; document processing utilizing Microsoft Office; filing systems; Microsoft Front Page.

**ABILITY TO:** Operate standard office equipment, including but not limited to, operation of computer, typewriter, copy machine, fax, postage machine, folding machine, and laminator. Conduct independent research; organize and summarize information; publish reports.

**SKILL IN:** Establishing priorities and organizing own work load; maintaining confidentiality; dealing effectively with frequent interruptions and several situations at one time; communicating effectively both verbally, by telephone, and in writing.

**EDUCATIONAL/EXPERIENCE REQUIREMENTS**

Minimum high school graduate or equivalent education.

**COMPENSATION TYPE:** Hourly

**EXEMPTION STATUS:** Non-exempt

**JOB GRADE:** Entry level through step 7

**CITY OF BROOKINGS**  
**INTERDEPARTMENTAL ASSISTANT**

**GENERAL STATEMENT OF DUTIES:**

An employee in this classification performs clerical support for the City Manager, City Council and Department Directors, under the supervision of the City Manager. The work performed requires the frequent handling of sensitive and confidential information, considerable contact with management and employees, and an overall knowledge of City operations. The employee does related work as required.

**SUPERVISION RECEIVED:**

Work is performed under the general supervision of the City Manager.

**SUPERVISION EXERCISED:**

No supervisory duties are involved with this position.

**EXAMPLES OF DUTIES & RESPONSIBILITIES:**

1. Provides professional and clerical support to the City Manager, to include typing memos, letters, resolutions, ordinances and a variety of other documents and reports; faxing, copying and collating; answering the phone, and other related tasks as required.
2. Performs independent research and provides information as requested by the City Manager and by Department Directors, as needed.
3. Assists Department Directors with routine and non-routine department-related tasks to include purchasing, cataloging and maintaining construction documents and databases; handling Public Works related customer complaints and information requests; preparing memos, letters and other reports; filing and other duties, as needed.
4. Prepares City publications, including Public Service Announcements and a variety of informational brochures and flyers, working with staff and the public to obtain data, photographs and other information, as needed.
5. Prepares job recruitment announcements, advertising, mailings, schedule interviews and physicals and checks job references for hiring of Public Works employees.
6. Prepares annual Water Consumer Confidence Report, including research and compilation of information, copying and bulk mailing distribution.
7. Provides staff support to the American Music Festival to include meeting attendance, creation of print media, receipting and tracking of donations; coordinates event preparation with the committee, performing artists and Public Works Department.

8. Prepares agendas and minutes for Parks and Recreation Commission meetings and other meetings as required by the City Manager.
9. Schedules park use and administer park and facility use permits. Coordinates volunteer staffing for Capella by the Sea, as necessary.
10. Assists with web page maintenance, including creating, updating, and publishing information and photos to the website.
11. Assists in scheduling, preparing, updating and editing City meeting calendar in Outlook, and televised events calendar for broadcast on cable television.
12. Assists with City event planning, as needed.
13. Establishes and maintains effective relationships with peers, supervisors, volunteers and the public.
14. Works in a safe manner and encourages safety.
15. Performs other duties as required.

#### **KNOWLEDGE, ABILITY AND SKILL REQUIREMENTS:**

**KNOWLEDGE OF:** Rules of effective English usage and grammar; general office practices and procedures; document processing utilizing Microsoft Office; filing systems; Microsoft Front Page.

**ABILITY TO:** Operate standard office equipment, including but not limited to: computer, typewriter, copy machine, fax, postage machine, folding machine, and laminator. Conduct independent research; organize and summarize information; publish reports.

**SKILL IN:** Establishing priorities and organizing own work load; maintaining confidentiality; dealing effectively with frequent interruptions and several situations at one time; communicating effectively both verbally, by telephone, and in writing; familiarity with publishing, web page, word processing, spreadsheet and GIS software applications.

#### **EDUCATIONAL/EXPERIENCE REQUIREMENTS**

Minimum high school graduate or equivalent education.

**COMPENSATION TYPE:** Hourly

**EXEMPTION STATUS:** Non-exempt

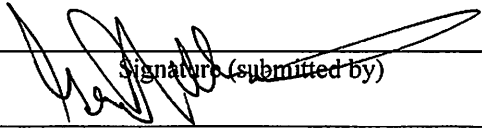
**JOB GRADE:** Grade 6 through step 7

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: April 27, 2009

Originating Dept: City Manager

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

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Subject: Solid Waste Collection Container Color Pallet

Recommended Motion: Motion to approve recommendation by Urban Renewal Advisory Committee requesting Curry Transfer and Recycling to utilize one of the three colors on the color pallet approved by the URAC to repaint CTR-maintained solid waste collection containers and recycling collection containers located within the boundaries of the Urban Renewal Area, with painting to occur in the normal cycle of container repainting.

Financial Impact:

None.

Background/Discussion:

The Urban Renewal Advisory Committee has had extensive discussion concerning the appearance of solid waste and recycling collection containers located in the downtown area. These discussions have included possible guidelines for fencing/screening of containers, encouraging users to consolidate containers and repainting containers to make them less visually obtrusive. It was noted that the owners of Chetco Pharmacy have recently had the containers located in their parking lot repainted to match the color of their building.

As a part of the effort to improve the appearance of downtown Brookings, the URAC is recommending that the City/Agency request that CTR repaint existing containers, in the course of their normal cycle of refurbishment, one of the three colors shown in the attachment from Pete Chasar.

Attachment(s): Color pallet proposed by URAC.

MEMO: 3/16/09  
TO: Gary Milliman  
FROM: Pete Chasar  
RE: Dumpster color program

COPY: Pete Smart, LauraLee Gray

On Friday I spoke with Pete Smart of CTR, informing him that the Urban Renewal Advisory Committee would like to proceed with a dumpster color change program, especially for the downtown Brookings area.

I also mentioned that I would be resubmitting to him swatches with the colors suggested for this program. Those colors are:

- a beige/tan and a dark brown for standard trash receptacles (a customer can choose one or the other);
- a dark forest green for recycle receptacles.

(Please see attached swatches.)

Pete Chasar, Vice-chair  
469-2377 pjc@chasar.com



RECEIVED

MAR 16 2009

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**MINUTES**  
**City of Brookings**  
**Common Council Meeting**  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
**Monday, April 13, 2009**

Council met in Executive Session at 6:00pm, in the City Manager's Office, under authority of ORS 192.660(2)(f), to consider information or records that are exempt by law and under 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 regards to water rights. In attendance were the Mayor, Councilors Hedenskog, Gordon, Kitchen and Pieper, City Manager Milliman and Public Works Director Cowan. Attorney Martha Pagel participated via telephone conference.

**Call to Order**

Mayor Anderson called the meeting to order at 7:02pm.

**Roll Call**

Council Present: Mayor Larry Anderson, Councilors Hedenskog, Gordon, Kitchen and Pieper; a quorum present.

Staff Present: City Manager Gary Milliman, Public Works Director John Cowan, Interim Administrative Services Director Janell Howard, Chief Treatment Plants Operator Ray Page, Utility Services Technician Michael Batty and City Recorder Joyce Heffington.

Other Present: Curry Coastal Pilot Reporter Arwyn Rice and approximately 38 public.

Mayor Anderson moved the Curry Transfer and Recycling (CTR) Rate item to the bottom of the Regular Agenda at CTR's request.

**Ceremonies/Appointments/Announcements**

Mayor Anderson recognized Michael Batty, Public Works Utility Services Technician, for 25 year years of service. The Mayor also presented coaching staff and members of the Brookings Harbor High School Basketball Team with certificates of commendation for their outstanding performance as 4A State Basketball Champions.

Mayor Anderson proclaimed April as Alcohol Awareness and Early Childhood Awareness Month. Karlie Wright, representing the Curry County Commission on Children and Families, was on hand to accept the proclamations.

**Public Comments**

Karen Holmes, 1041B Chetco Avenue, Brookings, generally expressed concern for the economy and provided information to Council regarding an economic stimulus program she has been working on called "Lift the Public." Holmes further requested support from the City in getting the government to create a new non-profit designation for businesses participating in the program.

Mayor Anderson directed the City Manager to look into the program and report back to them with his findings.

**Regular Agenda**

City Manager Milliman generally stated that the proposed Kidtown Revitalization project would be funded by the Ford Family Foundation, and introduced Rob Carrillo from the Ford Institute Leadership Class who provided information regarding the project.

**Councilor Gordon moved, a second followed and Council voted unanimously to authorize Wild Rivers Coast Leadership Class of the Ford Family Foundation Leadership Institute to undertake an accessibility improvement project at Kidtown and authorize the [preparation of a letter supporting the project for the] Mayor to sign.**

City Manager Milliman reviewed the proposal to increase fees for summer pool use, generally stating that non-residents will see a higher increase than residents and that the pool requires more resources than it generates in revenue.

**Councilor Kitchen moved, a second followed and Council voted unanimously to adopt swimming pool use fees as recommended by the Parks and Recreation Commission.**

City Manager Milliman reviewed proposed changes to the Administrative Services Director job description to bring it in line with the current responsibilities and duties of the position.

**Councilor Pieper moved, a second followed and Council voted unanimously to approve the updated position description for the Administrative Services Director.**

City Manager Milliman briefly reviewed the proposed Personnel Policy Handbook, generally stating that it would replace the current, outdated, Employee Handbook, bringing it in-line with federal and state regulations and other human resource related matters.

**Councilor Kitchen moved, a second followed and Council voted unanimously to approve the Personnel Policy Handbook with the addition of the correction [noted in the memo dated April 10, 2009 regarding section 12.3, Performance Recognition].**

City Manager Milliman generally stated that it was time to consider the reinstatement of Yard of the Month Program, to begin in June.

**Councilor Hedenskog moved, a second followed and Council voted, with a "No" vote from Councilor Gordon, to renew the Yard of the Month [program], May through September.**

City Manager Milliman reviewed the proposal to apply for loan funding for specific water system improvements under the Safe Drinking Water Revolving Loan Program, pointing out that at the suggestion of Oregon Economic and Community Development Department (OECDD), the amount requested would be \$50,000 more than stated to allow sufficient more funding for administration. Users would see an approximate \$1.15 per month increase in their water bills.

Mayor Anderson generally stated that using SDC fees to help defray the cost to the user, as suggested in the staff report, would be an important component of the program.

**Councilor Pieper moved, a second followed and Council voted unanimously to authorize the City Manager to submit an application for loan and grant funding for water system improvements totaling \$3,358,200.00 in American Recovery and Reinvestment Act funds under the Safe Drinking Water Revolving Loan Program, and authorize the City Manager to execute all related loan agreements.**

City Manager Milliman generally stated that due to significant moisture damage at the Wastewater Treatment Plant, creating potentially hazardous working conditions, management dealt with the situation as an emergency, solicited bids and contracted with the lowest responsible bidder.

Councilor Kitchen announced that he would abstain from the vote due a conflict of interest.

**Councilor Gordon moved, a second followed and Council voted unanimously to confirm the contract with Bug E Boyz Construction Services, for the moisture remediation project at the Wastewater Treatment Plan in the amount of \$35,350.50.**

City Manager Milliman generally stated that the proposed 2.9% rate increase for Curry Transfer and Recycling (CTR) is a scheduled increase.

Steve Bismarck, 270 Allen Lane, Brookings, generally requested that Council consider approving the CTR rate increase on a pro-rata basis but revising the policy to allow a trash pick-up schedule that would allow customers to have a less-than-weekly trash pick-up, as a means of reducing costs to both those users who produce a minimum of waste, and CTR, who will need to make fewer stops.

Pete Smart, owner of CTR, generally stated that the practice proposed by Bismarck not only had the potential to encourage garbage hoarding, creating health and safety related issues, but would also be impractical and cost prohibitive in terms of administration and the ability to recoup upfront costs.

Mayor Anderson generally stated that as the City grows, he sees the potential need for mandatory trash pick-up for all residents as a means of discouraging people from leaving garbage behind, stockpiling garbage in bags, or dumping garbage in someone else's trash receptacle.

Councilor Kitchen generally stated that residents should be required to subscribe for trash service and would like to see a different method for charging commercial users who have to use the dump in the course of doing business.

Councilor Hedenskog generally stated that he understands Bismarck's position on the need to provide incentives for recycling, and that he shares a receptacle with another household.

**Councilor Gordon moved, a second followed and Council voted unanimously to approve a new rate schedule to be effective July 1, 2009, for refuse collection and recycling services provided by Curry Transfer and Recycling, such schedule reflecting a 2.9 percent increase in rates.**

#### **Consent Calendar**

- A. Approval of Council Minutes for March 9, and March 23, 2009.
- B. Acceptance of Planning Commission Minutes for December 2, January 6, February 10, and March 3, 2009.
- C. Acceptance of Parks and Recreation Commission Minutes for February 26, 2009.
- D. Approval of Vouchers for March, 2009 in the amount of \$319,861.23.
- E. Approve postponement of the Annual Ethics Review.
- F. Approve rescheduling of May 25<sup>th</sup> City Council meeting to Tuesday, May 26<sup>th</sup> due to conflict with Memorial Day holiday.
- G. Receive February Financial Report.

**Councilor Kitchen 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 by voice vote to adjourn at 8:25pm.

Respectfully submitted:

ATTESTED:  
this \_\_\_\_\_ day of \_\_\_\_\_ 2009:

\_\_\_\_\_  
Larry Anderson, Mayor

\_\_\_\_\_  
Joyce Heffington, City Recorder