

# AGENDA

City of Brookings

## SPECIAL CITY COUNCIL MEETING

Brookings City Hall Council Chambers

898 Elk Drive, Brookings Oregon

**Thursday, August 21, 2008, 7:00pm**

**I. Call to Order**

**II. Pledge of Allegiance**

**III. Roll Call**

**IV. Public Hearing – Continuation from July 16, 2008**

In the matter of File No. APP-1-08, an appeal of the Planning Commission's denial for the request of an extension of time for 2 years for an approved Master Plan of Development, known as Lone Ranch Master Plan, a 553 acre parcel located on the easterly side of Highway 101 and north of Carpenterville Road; Assessor's Map 40-14 & Index; Tax lots 2400, 2401, and a portion of 2402; U.S. Borax, Applicant and Appellant; Burton Weast, Representative; File MPD-1-04 Extension. The criteria to decide this matter is found in Chapter 17.70.120, Effective Period of Master Plan of Development (MPoD) Approval, and Chapter 17.152, Appeal to the City Council, of the Brookings Municipal Code. *Planning Director Morris [Exhibits J, K & L]*

**VI. Adjournment**

**NOTE: Due to the absence of Councilor Hedenskog, Mayor Anderson will be opening the hearing at 7:00pm and continuing it to the Monday, August 25<sup>th</sup> City Council meeting. Council will not be deliberating at this time.**

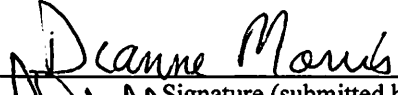
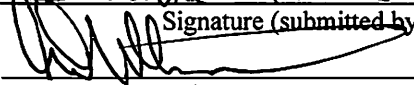
All public meetings are held in accessible locations. Auxiliary aids will be provided upon request with advance notification. Please contact 469-1102 if you have any questions regarding this notice.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: August 21, 2008

Originating Dept: Planning

  
Signature (submitted by)  
  
City Manager Approval

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Subject: A request for an extension of time for two years to an approved Master Plan of Development (MPoD), known as Lone Ranch Master Plan.

Recommended Motion: Overturn the Planning Commission decision to deny the request for extension of time for MPD-1-04, Lone Ranch Master Plan, thereby APPROVING the requested extension. This extension of time shall run from the date the MPoD is due to expire on October 25, 2008 for two years until October 25, 2010. The original conditions of approval will remain in force.

Financial Impact: None.

Background/Discussion: The City Council conducted a hearing on July 16, 2008, concluded the public testimony portion of the hearing, and left the record open for additional written comment and rebuttal. These materials have been given to the Council in supplemental packets, Exhibits J, K, & L. In Exhibit L the Applicant addresses the criteria and written concerns in the document titled "Proposed Findings and Conclusions of Law". Staff finds in consideration of all the materials in the record the Applicant has adequately addressed the criteria to support the above recommended motion.

At the continued hearing on August 21, 2008 the first order of business for the Council must be making a clear statement regarding the Council's understanding of what the criteria means. 17.70.120, Brookings Municipal Code, authorizes the granting of an extension of time when "conditions have not changed". Dave Perry, Department of Land Conservation and Development (DLCD), in his letter dated July 30, 2008, has stated the meaning succinctly and in keeping with statements from the Applicant and Staff regarding the meaning. Dave stated, "the city code (BMC 17.70.120) requires that an extension request be reviewed in light of changes in the circumstances that may significantly undermine the validity of the city's original decision". Once the Council has clearly stated their understanding of what the criteria means, deliberations can begin and a decision can be made on this extension request.

Policy Considerations: None.

# AGENDA

## City of Brookings

### Common Council Meeting

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

Monday, August 25, 2008, 7:00 p.m.

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Public Hearings – Continuance
  - A. In the matter of File No. APP-1-08, an appeal of the Planning Commission's denial for the request of an extension of time for 2 years for an approved Master Plan of Development, known as Lone Ranch Master Plan, a 553 acre parcel located on the easterly side of Highway 101 and north of Carpenterville Road; Assessor's Map 40-14 & Index; Tax lots 2400, 2401, and a portion of 2402; U.S. Borax, Applicant and Appellant; Burton Weast, Representative; File MPD-1-04 Extension. The criteria to decide this matter is found in Chapter 17.70.120, Effective Period of Master Plan of Development (MPoD) Approval, and Chapter 17.152, Appeal to the City Council, of the Brookings Municipal Code. *Planning Director Morris [pg. 7]*
- V. Oral Requests and Communications from Audience
  - A. Council Liaison Reports
  - B. Public Comments – limit to a maximum of **5 minutes per person**. A completed **public comment form** must be filled out and turned in **prior to the start of the meeting**. Forms are available in the City Manager's office and may be downloaded from the City's website at [www.brookings.or.us](http://www.brookings.or.us). Completed forms may be turned in to the City Manager's office during regular business hours. Comments **will be restricted** to the topics indicated on the form. All remarks and questions must be addressed to **the presiding officer, only**. Comments will be **respectful**. Harsh or abusive language will not be tolerated.
- VI. Regular Agenda
  - A. Request to authorize the Mayor to execute a letter supporting the Four Ports Group participation as the community nominating team reviewing proposals for Ocean Marine Reserves designations. *Port Commissioner Jim Relaford [pg. 9]*
- VII. Consent Calendar
  - A. Approval of Council Meeting Minutes for August 11, 2008. *[pg. 15]*
  - B. Approval of street closure request for Duck Derby celebration on Spruce Street between Center & Wharf on Saturday, September 6, 2008 from 8am to 5pm. *[pg. 17]*
- VIII. Ordinances/Resolutions/Final Orders
  - A. Resolution 08-R-906, a resolution authorizing the City's Election Officer to submit to the Curry County Elections office the ballot title amending Chapter XI, Section 42 of the City Charter. *City Manager Milliman [pg. 21]*
- 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.

## August 2008

August 2008							September 2008						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
3	4	5	6	7	1	2	7	1	2	3	4	5	6
10	11	12	13	14	8	9	14	8	9	10	11	12	13
17	18	19	20	21	15	16	21	15	16	17	18	19	20
24	25	26	27	28	22	23	28	22	23	24	25	26	27
31					29	30		29	30				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				August 1	2
					3
4	5	6	7	8	9
9:00am CC- VIPS/Volunteers in Police Service 4:00pm CC - Council Workshop 7:00pm FH-FireTng/ChShrp	7:00pm CC - Planning Commission	10:00am CC- Site Plan Com Mtg 1:30pm Tower/staff 5:00pm CC - Joint URAC/CC 7:00pm FH-PoliceReserves	9:00am CC- Staff Meeting 3:00pm CC SafetyComMtg		10
11	12	13	14	15	16
(S) 7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg	9:00am CC - Union Negotiations 9:00am FH - Union Negotiations	10:00am CC- Site Plan Com Mtg 10:00am FH - Brookings Rural Fire Dept 12:00pm CC - Stout Park Subcommittee	9:00am CC-Crm Stoppers 1:00pm CC - Court 3:00pm CC Urban Renewal Advisory Committee		Art Festival
18	19	20	21	22	23
9:00am CC-VIPS/Volunteers in Police Service 11:00am Garden Club - BW Bkgs Inn 7:00pm FH-FireTng/ChShrp	9:30am CC - County Promotional Alliance 12:00pm CC - Police 2:00pm Site Plan 7:00pm CC-Planning Comm		7:00pm CC -Lone Ranch Hearing - Cont.		CC - Fire training
25	26	27	28	29	30
7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg & Lone Ranch Hearing		10:00am CC- Site Plan Com Mtg	7:00pm CC-Parks & Rec Comm		31

CC - Council Chambers  
FH - Fire Hall  
CM - City Manager's Office

Meeting dates and times are subject to change.

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# September 2008

September 2008						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October 2008						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
September 1 <b>LABOR DAY - closed</b> 9:00am CC- VIPS/Volunteers in Police Service 4:00pm CC - Council Workshop 7:00pm FH-FireTng/ChShrp	2 7:00pm CC - Planning Commission	3 10:00am CC- Site Plan Com Mtg 7:00pm FH-PoliceReserves	4 3:00pm CC SafetyComMtg	5	6
8	9	10	11	12	13
7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg		9:30am Traffic Safety Committee 10:00am CC- Site Plan Com Mtg 10:00am FH - Brookings Rural Fire Dept 12:00pm CC - Stout Park 5:00pm CC - Victims Impact	9:00am CC-Crm Stoppers 1:00pm CC - Court 3:00pm CC Urban Renewal Advisory Committee		14
15	16	17	18	19	20
9:00am CC-VIPS/Volunteers in Police Service 11:00am Garden Club - BW Bkgs Inn 7:00pm FH-FireTng/ChShrp	7:00pm CC - Planning Comm (TENT)	10:00am CC- Site Plan Com Mtg 1:30pm CC - LDC Meeting			21
22	23	24	25	26	27
8:00am CC -8am-5pm ICS Training 300/400 7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg	8:00am CC -to 5pm ICS Training 300/400	8:00am CC - 8am-5pm ICS Training 300/400 10:00am CC- Site Plan Com Mtg 1:30pm CC - LDC Meeting	8:00am CC - 8am-5pm ICS Training 300/400 7:00pm CC-Parks & Rec Comm		28
29	30				
7:00pm FH-FireTng/ChShrp					

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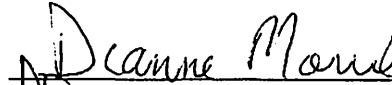

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# CITY OF BROOKINGS

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Originating Dept: Planning

  
Signature (submitted by)  
  
City Manager Approval

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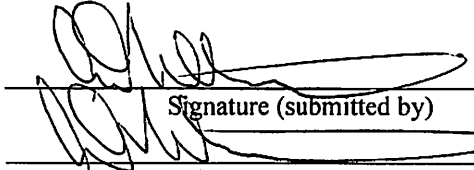
Policy Considerations: None.

# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: August 25, 2008

Originating Dept: City Manager

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

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Subject: Four Ports Group Marine Reserve Review Request

Recommended Motion: Port Commissioner Relaford is requesting a motion to authorize Mayor to execute a letter of support for the "Four Ports Group" to be recognized as the community nominating team to review proposals for Marine Reserve designations.

Financial Impact: None

Background/Discussion: Port of Brookings Harbor Commissioner Jim Relaford has requested a letter from the City in support of the formation of the "Four Ports Group" to provide local review and analysis of any nominated Marine Reserve sites located within southern Coos County and Curry County. The Four Ports Group would consist of the Port Commissions of Brookings, Bandon, Port Orford and Gold Beach.

The Gold Beach City Council has endorsed the concept. Port Orford and Bandon have not yet considered the matter. Port Orford recently adopted a Resolution endorsing the concept of a Port Orford Stewardship Area, which includes certain environmental and economic objectives.

Staff recommends that the City Council discuss the level of involvement the City wishes to pursue in the Marine Reserves issue. Perhaps it is appropriate for the Ports to be the lead agencies in this issue; perhaps it is appropriate for the cities and the County to be involved in the issue from a broader economic perspective.

Policy Considerations: Governor Kulongoski has, by Executive Order, directed the Oregon Ocean Policy Advisory Council (OPAC) to recommend not more than nine sites along the Oregon coast for the establishment of Marine Reserve areas. The Executive Order provides that OPAC is to give priority consideration to marine reserve designation nominations developed by coastal community nominating teams comprised of coastal community members, ocean users and other interested parties. The Port Commissions of Brookings, Bandon, Gold Beach and Port Orford are seeking designation as a regional coastal community nominating team. **Policy considerations include whether the City desires participation in this issue, and whether the City feels that other stakeholder groups, such as Chambers of Commerce, should be a part of the community nominating team.**

Attachment(s): 1) Resolution from Port of Brookings Harbor.  
2) Resolution from City of Gold Beach  
3) City of Port Orford Resolution endorsing the concept of a Port Orford Community Stewardship.



CURRY COUNTY OREGON  
The Port of Brookings Harbor

Resolution No. \_\_\_\_

A RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING PARTICIPATION IN THE FOUR PORTS  
GROUP FOR THE PURPOSE OF PROVIDING REVIEW AND COMMENT OF MARINE RESERVES AND WAVE  
ENERGY SITE NOMINATIONS AND APPOINTING A PORT COMMISSIONER TO REPRESENT THE PORT ON  
THE GROUP

**WHEREAS,** By Executive Order No. 08-07, Governor Kulongoski has directed and ordered Oregon's Ocean Policy Advisory Council (OPAC) to recommend not more than nine sites on the Oregon Coast for the purpose of establishing Marine Reserves.(Page two, Section3b)

**WHEREAS,** By the same Executive Order, Governor Kulongoski has directed OPAC to implement this process by January 1, 2009 ( Page two, Section 3a)

**WHEREAS,** By the same Executive Order, Governor Kulongoski has directed OPAC to "Give priority consideration to marine reserve designation nominations developed by coastal community nominating teams comprised of coastal community members, ocean users and other interested parties.

**WHEREAS,** The Ports of Bandon, Port Orford, Gold Beach and Brookings Harbor desire to form an organization (The Four Ports Group) whose purpose would be to provide the community review and analysis of any nominated Marine Reserve sites potentially located in southern Coos County and Curry County and further to present that analysis and commentary formally to OPAC prior to OPAC decisions with regard to site recommendations.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Port of Brookings Harbor approves and encourages participation in this group (Four Ports Group) ; and
2. The Port of Brookings Harbor endorses the purpose for which it is being formed; and
3. The Port of Brookings Harbor, further, appoints one Port Commissioner to be its representative on the Group; and
4. The Commissioner so appointed will report regularly to the Commission on the deliberations of the FOUR PORTS Group

APPROVED

ATTESTED

Jim. Reklard  
FAX 1-800-627-0049

RESOLUTION R0809-3

8-19  
Bill & Errol  
will this work?  
OK For you?  
So Sept 8<sup>th</sup> going  
to be?  
ok.  
Shirley

**A RESOLUTION AUTHORIZING THE ORGANIZATION OF THE  
FOUR PORTS GROUP FOR THE PURPOSE OF PROVIDING  
REVIEW AND COMMENT OF MARINE RESERVES AND WAVE  
ENERGY SITE NOMINATIONS AND APPOINTING A PORT  
COMMISSIONER TO REPRESENT THE PORT ON THE GROUP**

**RECITALS:**

1. By Executive Order No. 08-07, (Page 2, Section 3b) Governor Kulongoski has directed and ordered Oregon's Ocean Policy Advisory Council (OPAC) to recommend not more than nine sites on the Oregon Coast for the purpose of establishing Marine Reserves.
2. By the same Executive Order (Page 2, Section 3a) Governor Kulongoski has directed OPAC to implement this process by January 1, 2009.
3. By the same Executive Order, Governor Kulongoski has directed OPAC to "Give priority consideration to marine reserve designation nominations developed by coastal community nominating teams comprised of coastal community members, ocean users and other interested parties".
4. The Ports of Bandon, Port Orford, Gold Beach and Brookings Harbor desire to form an organization (The Four Ports Group) whose purpose would be to provide the community review and analysis of any nominated Marine Reserves sites potentially located in southern Coos County and Curry County and further to present that analysis and commentary formally to OPAC prior to OPAC decisions with regard to site recommendations.

**NOW, THEREFORE BE IT RESOLVED:**

1. The City of Gold Beach approves and encourages the Port's participation in the Four Ports Group; and
2. The City of Gold Beach endorses the purpose for which it is being formed; and
3. The City of Gold Beach appoints the Four Port Group to be its representative; and
4. The Commissioner so appointed will report regularly to the City on the deliberations of the FOUR PORTS GROUP.

Approved by the Gold Beach City Council on the 8<sup>th</sup> day of September 2008.

\_\_\_\_\_  
Karl Popoff, Mayor

ATTEST:

\_\_\_\_\_  
Shirley Walker, Recorder

RESOLUTION R0809-3

9/8/08

## RESOLUTION 2009-02

### A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD, ENDORSING THE CONCEPT OF A PORT ORFORD COMMUNITY STEWARDSHIP AREA AND SETTING FORTH THE OBJECTIVES OF THE COMMUNITY STEWARDSHIP AREA

WHEREAS the marine ecosystem adjacent to Port Orford encompasses outstanding biodiversity and nearshore habitats, and represents a vital ecological, economic, social, cultural, and recreational resource for the community; and

WHEREAS many Port Orford residents and businesses depend directly on local fisheries, including groundfish, crab, salmon, tuna, blackcod, and halibut for their livelihood; and

WHEREAS state and federal fisheries management alone do not always produce optimal outcomes (from both an economic and a conservation perspective) for Port Orford commercial fishermen and the community at large; and

WHEREAS marine ecosystems in Oregon are increasingly threatened by pollution, habitat degradation, energy development, and other impacts; and

WHEREAS the *goal* of the Port Orford Community Stewardship Area is a sustainable fishery and marine ecosystem that provides optimal economic, ecological, and social benefits to the Port Orford community; and

WHEREAS the *principles* of the Port Orford Ocean Resource Team (POORT) are to empower fleet members and other citizens with information and to support inclusive, bottom-up efforts related to management, science, and marketing; and

WHEREAS the U.S. Commission on Ocean Policy in its 2004 Report to Congress advocates for a "bottom-up" approach that consists of broad voluntary participation, as part of a national policy framework,

NOW, THEREFORE, BE IT RESOLVED that the City Council of Port Orford, by virtue of the authority vested in this body by the City Charter and the State of Oregon, does hereby endorse the concept of a *Port Orford Community Stewardship Area* that encompasses the community's traditional fishing grounds and proximate watersheds; and

BE IT FURTHER RESOLVED that the City of Port Orford pledges its support for advancing the following objectives of the Port Orford Community Stewardship Area:

- Enhancing scientific understanding of the Port Orford nearshore marine ecosystem through research & monitoring
- Maintaining fishing access and a diversity of harvest opportunities for local fishermen
- Protecting key habitats and stock sustainability through an area-based management approach that may include a properly funded and actively managed marine reserve and/or marine protected area
- Promoting watershed stewardship through education, partnership building, water quality monitoring, and local government planning
- Supporting economic development opportunities including branding & marketing of local seafood and establishment of a nearshore research institute.
- Engaging citizens in the bottom-up stewardship of their coast and ocean.

APPROVED by the Common Council of the City of Port Orford and effective this 21<sup>st</sup> day of August, 2008.

SIGNED by the Mayor of Port Orford this \_\_\_\_\_ day of August 2008.

\_\_\_\_\_  
Jim Auburn, Mayor  
City of Port Orford, OR, Curry County

ATTEST:

\_\_\_\_\_  
Beverley Manes, City Recorder  
City of Port Orford, OR, Curry County

**MINUTES**  
**City of Brookings**  
**Common Council Meeting**  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon 97415  
Monday, August 11, 2008

**Call to Order**

Mayor Anderson called the meeting to order at 7:00pm.

**Roll Call**

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

Staff Present: City Manager Gary Milliman, City Recorder Joyce Heffington.

Other: Curry Coastal Pilot Reporter Arwyn Rice and approximately 5 public.

**Ceremonies/Appointments/Announcements**

Mayor Anderson announced Yard of the Month Awards for August as follows:

- Yard of the Month: Mick and Pam Schrum, 924 Midland Way.
- Most Improved Property: Edna Wilsdon, 540 Velopa Court.
- Commercial Property: Rodney and Eileen Minnier, O'Holleran's.

**Council Liaison Reports**

- Mayor Anderson attended one high school and six City meetings.
- Councilor Hedenskog attended two City meetings.
- Councilor Pieper attended two City and one County meeting.
- Councilor Kitchen attended three City and one Coos Curry Electric Cooperative meeting.
- Councilor Gordon attended two City meetings.

**Public Comments**

Bob Menshew, 1349 Chetco Avenue, commented on City spending, generally stating that the City could not afford to keep spending.

**Regular Agenda**

City Manager Milliman reviewed the recommendation to adopt the Azalea Park Master Plan.

**Councilor Gordon moved, a second followed and Council voted unanimously to adopt the Azalea Park Master Plan as recommended by the Parks and Recreation Commission and with the addition of other delineation of buffer and other areas.**

Pete Chasar presented a concept proposal for the hardscape of Lower Stout Park to feature such elements as terraced grounds, water fall, ADA compliant walkway and stone, semi-circular benches. Funding for the project, Chasar stated, would be sought from private and agency funding as much as possible.

**Councilor Kitchen moved, a second followed, and Council voted unanimously to approve in concept the proposal for Lower Stout Park as shown in the models presented by Chasar.**

At Councilor Kitchen's request, the possibility of amending the Alcohol Prohibition Ordinance to allow a permitting process for certain activities in the park and other public places was discussed.

**Councilor Kitchen moved, and second followed to amend the Alcohol Prohibition Ordinance to allow permitted drinking on public property. The motion failed, three votes to two, with Councilor Kitchen and Councilor Pieper voting "Yes" (to amend) and Councilor Gordon, Councilor Hedenskog and Mayor Anderson voting "No" (not to amend).**

City Manager Milliman reviewed the recommendation to reclassify and adopt the job description for the Planning Director position and approve a pay grade increase.

**Councilor Kitchen moved, a second followed and Council voted unanimously to adopt the job description for the position of Planning Director, reclassify the position of Planning Director to salary Grade 20 on the miscellaneous employee salary chart, and place Planning Director Dianne Morris on Step Five of Grade 20 effective with the first pay period following August 11.**

#### **Consent Calendar**

- Approval of City Council Minutes for July 28, 2008.
- Acceptance of Planning Commission Minutes for July 1, 2008.
- Acceptance of Parks & Recreation Commission Minutes for June, 26, 2008.
- Approval of vouchers for August, 2008 in the amount of \$1,069,297.62.

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

#### **Resolution**

City Manager Milliman reviewed the staff report regarding the need to revise the previously adopted resolution regarding the Police Levy Tax Measure due to feedback from the County Elections Office.

**Councilor Hedenskog moved, a second followed and Council voted unanimously to adopt Resolution 08-R-904 [sending the Police Levy Tax Ballot measure to the City Elections Officer for filing].**

#### **Adjournment**

**Councilor Gordon moved, a second followed and Council voted unanimously by voice vote to adjourn at 8:09pm.**

Respectfully submitted:

ATTESTED:

this \_\_\_\_\_ day of \_\_\_\_\_ 2008:

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

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

# CITY OF BROOKINGS POLICE DEPARTMENT

Chris Wallace, Chief of Police



**To:** City Manager Gary Milliman  
**From:** Chief Chris Wallace 27813/201  
**Date:** August 19<sup>th</sup> 2008  
**Subject:** Temporary Street Closure

Mr. Milliman,

I have reviewed Mr. Bishop's request to temporarily close the area on Spruce Street between Center and Wharf on September 6, 2008, from 8:00am to 5:00pm. From a Law Enforcement prospective I have no concerns regarding his request and applaud him for supporting our local Rotary. I have also spoken with Brookings Fire Chief William Sharp regarding Mr. Bishop's request. Chief Sharp didn't express any concerns in granting approval. I would suggest a representative from Brookings Public Works supply the appropriate number of barricades to safely block both ends of the street to assure no vehicle traffic attempts to gain entry into the temporarily restricted area.

Sincerely,

  
Chief Chris Wallace

Cc: Fire Chief William Sharp  
Mr. Rick Bishop



898 ELK DRIVE  
Brookings, Or. 97415  
[www.brookings.or.us](http://www.brookings.or.us)

Phone: (541) 469-3118  
Fax: (541) 412-0253

**America's  
Wild Rivers  
Coast**  
161 MILES OF NATURE'S BEST



POB 1062 / 365 WHARF ST. BROOKINGS OR 97415  
800-707-3126 541-469-3126 F) 541-469-9090  
www.bbmazda.com

8-11-08

City of Brookings  
898 Elk Dr  
Brookings OR 97415

To Whom It May Concern:

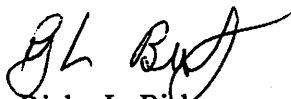
I would like to request the closure of Spruce St. between Center & Wharf St. on 9-6-08 from 8:00am to 5:00pm. There will be parking available at the Service Department Parking lot and around the dealership for this event.

I am a participating sponsor in the Wild Rivers Ducky Derby and September 6, 2008 is my day with the "Duck" and I would like to celebrate this event. Since this is to benefit the local Rotary and other non-profit organizations I would like to do my part to help them out this year.

There will be entertainment and activities for all including catering and drinks. (all will be non-alcoholic) The Brookings Harbor High School Cheerleaders will be here helping to adopt out more ducks and to help keep the spirit of giving high. Chetco Federal Credit Union will be on site to lend me a hand as well.

I look forward to making this event a huge success and any assistance that the City can provide me will be greatly appreciated.

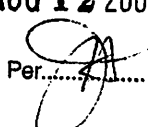
Sincerely;

  
Ricky L. Bishop  
President/Owner

RLB/mms

RECEIVED

AUG 12 2008

Per. 



# MAPQUEST

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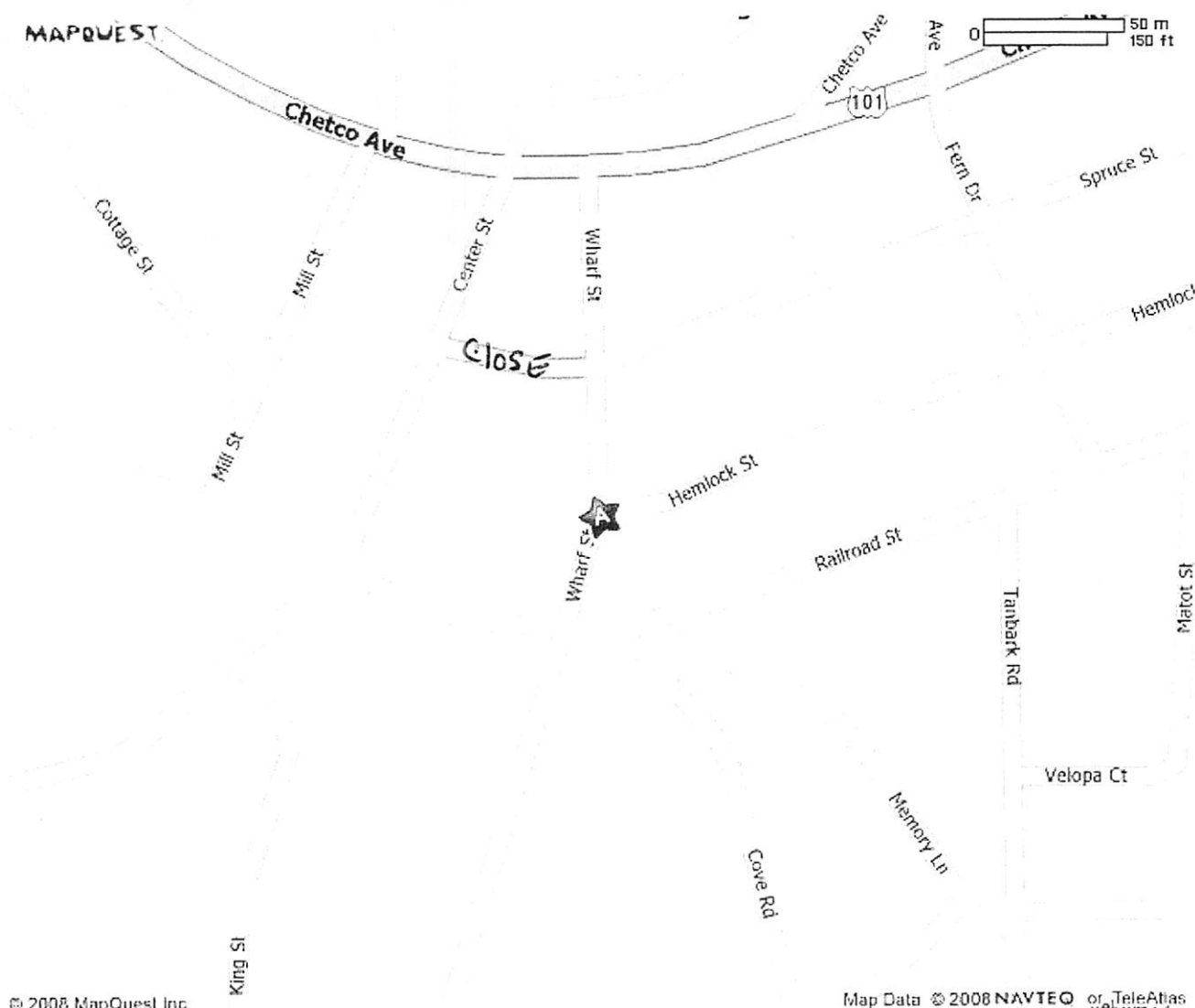
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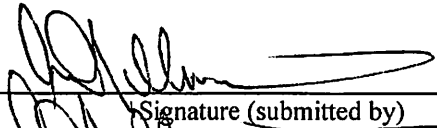

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# CITY OF BROOKINGS

## COUNCIL AGENDA REPORT

Meeting Date: August 25, 2008

Originating Dept: City Manager

  
Signature (submitted by)  
  
City Manager Approval

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Subject: Water Service Charter Amendment

Recommended Motion: Adopt Resolution 08-R-906 placing Charter amendment regarding water service on November 2008 ballot.

Financial Impact: Administrative costs associated with preparing a ballot measure.

Background/Discussion:

The City is currently working with Curry County and various special districts located within the City of Brookings Urban Growth Boundary (UGB) to develop Urban Services Agreements. The goal of this effort is to develop a transition plan for providing urban services in the event the City boundaries are extended to incorporate properties within the UGB.

There are several existing entities that already provide "urban services" to properties within the UGB, including fire districts, the Harbor Sanitary District, and the Harbor Water District. City and County management staff have been discussing how these agencies and the services they provide might be affected by an annexation of a portion of the territory served by them into the City Limits.

Specifically with regard to the water and sewer utility providers, it is important to note that they operate physical facilities located within streets and right-of-ways. While the Harbor Sanitary District delivers sewage to the City for treatment, thus providing an interconnect between the two systems, the Harbor Water District operates an entirely independent system. Management staff does not see the need for the City to assume the operation of these two utility systems if areas they currently serve are annexed.

Indeed, by allowing the Harbor Water District to continue as the water service provider in newly annexed areas, the City would avoid the cost of developing new water sources of supply and maintenance of the distribution system south of the Chetco River.

The City Charter currently provides in Chapter XI, Section 42:

*"The right to furnish the inhabitants of said City with water shall be forever vested in the City of Brookings, and no franchise, right or privilege shall hereafter be granted to or contract made with any person or corporation by said City to furnish or supply said City or its inhabitants with water, without*

*the authorization of the legal voters of said City. ”*

This section was enacted as a part of a Charter section authorizing the City to sell \$1.3 million in bonds to pay for water system improvements in 1989. Management believes that the purpose of this section was to prohibit the City from selling or contracting the operation of the water system after the bonds were sold as a part of the security for the bond holders; the City would retain authority to set rates as needed to pay the debt service, and the facilities constructed with the proceeds of the bonds would remain the property of the City and an asset supporting the bonds.

There is no similar provision with respect to wastewater (sewer) service.

At its meeting of July 28, 2008, the City Council instructed the City Attorney to prepare the title and question for the ballot measure. The City Manager worked with the City Attorney to prepare the wording, which has been reviewed by the County Elections Department. The proposed Measure would provide eliminate the current Charter provision as stated above.

Policy Considerations:

It is not unusual for a public agency or private company to provide utility services within a City. The City has participated in the establishment of an Urban Growth Boundary, and it is good public policy to develop a transition plan for properties within the UGB that may become a part of the City. The current City Charter presents an impediment to such a transition when the properties involved are served by the Harbor Water District. The water service restriction provision was, apparently, made a part of the Charter not for the purpose of restricting growth, but to protect bond holders.

Attachment(s): 1) Resolution 08-R-906

IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON

**A RESOLUTION OF THE CITY OF  
BROOKINGS AUTHORIZING THE CITY'S  
ELECTIONS OFFICER TO SUBMIT TO  
THE CURRY COUNTY ELECTIONS  
OFFICE THE BALLOT TITLE AMENDING  
CHAPTER XI, SECTION 42 OF THE CITY  
CHARTER.**

**RESOLUTION 08-R-906**

WHEREAS, the City of Brookings is in the process of developing Urban Service Agreements with special districts located within the City's Urban Growth Boundary; and

WHEREAS, the goal of this effort is to develop a transition plan for providing urban services in the event City boundaries are expanded due to annexation; and

WHEREAS, the City Charter does not restrict the provision of sewer services by separate districts within its City limits; and

WHEREAS, it is in the City's best interest to allow existing water districts to continue to supply water services to areas within the Urban Growth Boundary even after they are annexed in order to avoid the cost of developing, maintaining and operating new water sources; and

WHEREAS, at its meeting of July 28, 2008, the City Council did unanimously vote to put before the citizens of the City of Brookings a measure that would amend Chapter XI, Section 42 of the City Charter,

**NOW THEREFORE, BE IT RESOLVED:**

The City Council of the City of Brookings, Curry County, Oregon, does hereby authorize the City's Elections Officer to submit to the Curry County Elections office for final approval, a ballot title, prepared by the City and reviewed and approved by the City Attorney, to read as follows:

**CAPTION**

Amend the City Charter regarding provision of water service.

**QUESTION**

Shall language in the Brookings City Charter, Section 42, allowing only City to furnish water to City inhabitants be repealed?

**SUMMARY**

Section 42 of the City Charter provides, in part:

“The right to furnish the inhabitants of said City with water shall be forever vested in the City of Brookings, and no franchise, right or privilege shall hereafter be granted to or contract made with any person or corporation by said City to furnish or supply the said City or its inhabitants with water, without the authorization of the legal voters of said City.”

This Measure would remove the above language from the Charter.

The change would enable the City to annex areas receiving water service from other public agencies without the expense of expanding the City water system or obtaining additional water rights.

BE IT FURTHER RESOLVED that the City’s Elections Officer is directed to have the above ballot title placed on the ballot for the general election to be held on November 4, 2008.

Passed by the City of Brookings, Oregon on the \_\_\_\_\_ day of \_\_\_\_\_, 2008; effective the same date.

Signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

ATTEST:

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