

AGENDA

City of Brookings Common Council Meeting

Brookings City Hall, Council Chamber
898 Elk Drive, Brookings, Oregon
Monday, July 24, 2006, 7:00 p.m.

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Ceremonies/Appointments/Announcements**
 - A. Announcements**
 - 1. Michael Wilson - 5 year work anniversary [pg. 5]
 - 2. John Wimberley - 5 year work anniversary [pg. 7]
 - 3. Jim Wheatley - 5 year work anniversary [pg. 9]
- V. Scheduled Public Appearances**
 - A.** Presentation and discussion of Ordinance No. 93-0-342A (transient room tax) - Don Nuss (w/staff report submitted by City Manager, Dale Shaddox) [pg. 11]
- VI. Oral Requests and Communications from the Audience**
 - A. Committee and Liaison reports**
 - 1. Chamber of Commerce
 - 2. Council Liaisons
 - B. Public Comment** – limited to a maximum of 5 minutes per person.
A **public comment card**, located near the southern council door, **must be completed and turned into the Administrative Assistant** prior to the beginning of the meeting or prior to approaching the podium to speak.
- VII. Regular Agenda**
 - A.** Water Projects – Funding status and request approval for NTP to HGE for design of water system booster station and parallel line projects – Public Works Director, Don Wilcox [pg. 53]
 - B.** Approval of City sponsorship with pledge of \$250 for next winter's Brookings/Harbor Health Fair - Councilor Jan Willms
- VIII. Consent Calendar**
 - A. Approval of Council Meeting Minutes**
 - 1. Meeting of July 10, 2006 [pg. 57]

B. Acceptance of Planning Commission Minutes

1. Meeting of June 6, 2006 [pg. 63]
2. Meeting of June 15, 2006 [pg. 67]

IX. Remarks from Mayor and Councilors

- A. Council
- B. Mayor

X. Adjournment

EVENTS

July 2006

July 2006						
S	M	T	W	T	F	S
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					

August 2006						
S	M	T	W	T	F	S
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
					July 1
					2
					3
					4
					5
9:30am CC- VIPS/Volunteers in Police Service/Mar 7:00pm FH-FireTng/ChShrp (Fire Hall)	City Hall CLOSED - 4th of July Ho 8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palic	9:00am CC - Water Line 10:00am CC- Site Plan Com 1:30pm CC Land 7:00pm FH-PoliceReserves	9:00am CC-Crm Stoppers 3:00pm CC SafetyComMtg Kathy Dunn		6
					7
					8
					9
					10
6:00pm Work Session - Fire Mutual Aid Agreem 7:00pm FH-FireTng/ChShrp 7:00pm CC-Council Mtg	10:00am FH-Brookings Rural Fire District-Phil Co 1:00pm Wedding ceremony 7:00pm CC Planning	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code	3:00pm CC Urban Renewal Advisory Committee 3:00pm Safety Committee (Fire Hall)		11
					12
					13
					14
					15
9:30am CC-VIPS/Volunteers in Police Service-BP 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing 6:30pm FH-American Red Cross Mtg/Karen	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land 6:00pm FH Woman's	1:00pm CC-Municipal Court 4:00pm FH - VIPS Helmets		16
					17
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1:00pm CC - Borax 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg		10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code	10:00am CC ODOT Cars mtg 7:00pm CC-Parks & Rec Comm/City Manager		25
					26
					27
					28
					29
					30
					31
7:00pm FH-FireTng/ChShrp (Fire Hall)					CC Traffic School with Marvin 225

7/20/2006 10:22 AM

CC = Council Chambers
 FH = Fire Hall
 CM = City Manager's Office
 AZ = Azalea Park
 BC = Bud Cross
 SP = Stout Park

EVENTS

August 2006

August 2006						
S	M	T	W	T	F	S
6	7	1	2	3	4	5
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2006						
S	M	T	W	T	F	S
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10	11	12	13	14	15	16
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	August 1	2	3	4	5
	8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palicki-X217 7:00pm CC-Planning Commssn	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code 6:00pm FH - Womens Aux 7:00pm FH-PoliceReserves	9:00am CC-Crm Stoppers 3:00pm CC SafetyComMtg Kathy Dunn		6
7	8	9	10	11	12
9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	10:00am FH-Brookings Rural Fire District-Phil Cox-469-5729	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	3:00pm CC Urban Renewal Advisory Committee		13
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7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	8:30am CC-Investigator/Patrol Information Sharing 6:30pm FH-American Red Cross Mtg/Karen 7:00pm CC Planning Commission meeting	10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:30pm CC Land Development Code committee	1:00pm CC-Municipal Court		20
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28	29	30	31		
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7/20/2006 10:22 AM

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 CM = City Manager's Office
 AZ = Azalea Park
 BC = Bud Cross
 SP = Stout Park

CERTIFICATE OF APPRECIATION

Awarded to

Michael Wilson

For 5 Years of Dedicated Service to the
Citizens of the City of Brookings.

Honored this 24th day of July, 2006

Mayor Pat Sherman

City Manager, Dale Shaddox

CERTIFICATE OF APPRECIATION

Awarded to

Jahn Wimberly

For 5 Years of Dedicated Service to the
Citizens of the City of Brookings.

Honored this 24th day of July, 2006

Mayor Pat Sherman

City Manager, Dale Shaddox

CERTIFICATE OF APPRECIATION

Awarded to

Jim Wheatley

For 5 Years of Dedicated Service to the
Citizens of the City of Brookings.

Honored this 24th day of July, 2006

Mayor Pat Sherman

City Manager, Dale Shaddox

City of Brookings
898 Elk Drive
Brookings, OR 97415



COUNCIL AGENDA REPORT

To: Mayor & City Council (Mtg. of 7/24/06)

From: City Manager

Date: July 20, 2006

Re: Don Nuss Presentation Regarding Ordinance 80-O-342 (Transient Room Tax)

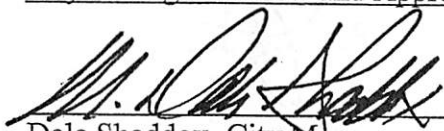
Subject: Considerations of procedure and context during the presentation by Don Nuss regarding the ordinance and the current contract between the City and Brookings-Harbor Chamber of Commerce.

Recommendation: The Council should simply listen and engage in limited discussion at tonight's meeting. This is placed on the agenda as receiving testimony. If the Council wishes to schedule a time for full discussion and possible action on these topics, then I would recommend that a study session be scheduled with representatives of the Chamber of Commerce, and open to receipt of public testimony.

Background /Discussion: Mr. Nuss' presentation, as indicated by the materials submitted by him and included as attachments to this agenda report, will argue for the repeal of the existing ordinance, cancellation of the City's agreement with the Brookings-Harbor Chamber of Commerce and replaced by a different format for the use of Transient Room Tax revenues. This can be a complicated issue and should (if Council desires) be discussed in a noticed public study session format before considering whether to take any action.

Financial Impact(s): None at this time. The City is required by current state law to maintain the current level of expenditure of Transient Room Tax revenues for tourism promotion.

City Manager Review and Approval for placement on Council Agenda:


Dale Shaddox, City Manager

Don Nuss

Coastal Copiers Sales & Leasing
P.O. Box 1581
Brookings Or. 97415
(541) 412-0244

July 10, 2006

898 Elk Drive
Brookings OR 97415

Dear Mayor & Council:

I request approximately 20 minutes of your time at the July 24th City council meeting to discuss City Ordinance No. 93-O-342 A, adopted July 12th 1993, also known as the **promotions** ordinance.

I will give some history about its creation and execution over the last 13 years. I will also discuss alternatives that other cities have found successful.

Thank you for your time and respect in this formal request.

See attachment: Repeal City of Brookings ordinance 93-O-342-A

Sincerely,



Don Nuss
Owner: Coastal Copiers Sales & Leasing

RECEIVED

JUL 10 2006

Per 

CITY OF BROOKINGS



June 2, 2004

Donald E. Nuss III, Chief Petitioner
P.O. Box 1581
Brookings, OR 97415

Mr. Nuss:

I am in receipt of your prospective initiative petition dated May 25, 2004. I have reviewed the text of the proposed initiative and determined that it complies with the procedural constitutional requirements.

I have forwarded the prospective petition to the City Attorney for preparation of the ballot title. You will be notified when the city is in receipt of the ballot title.

If you have any questions please feel free to call me.

Paul Hughes, Elections Official

RECEIVED

JUL 10 2006

Per 

PROSPECTIVE PETITION FOR LOCAL MEASURE

☒ INITIATIVE ☐ REFERENDUM

COUNTY Curry CITY Brookings DISTRICT _____

TO THE COUNTY ELECTIONS FILING OFFICER/CITY RECORDER (AUDITOR):

We, the undersigned, request the (circle one) district attorney/city attorney prepare a ballot title for the attached proposed measure to be submitted to the people of (name of county/city/district) BROOKINGS

DESIGNATING CHIEF PETITIONERS

Every petition shall designate not more than three persons as chief petitioners, setting forth the name, residence address and title (if officer of sponsoring organization) of each.

1. NAME (PRINT) Donald E. Nuss III SIGNATURE Don Nuss III
 RESIDENCE ADDRESS 650 Marden CT
 MAILING ADDRESS (IF DIFFERENT) P.O. Box 1581
 EMAIL ADDRESS AND/OR WEBSITE Don@CoastalCoop.com DAY TELEPHONE 341-412-0244
 SPONSORING ORGANIZATION (IF ANY) n/a

2. NAME (PRINT) _____ SIGNATURE _____
 RESIDENCE ADDRESS _____
 MAILING ADDRESS (IF DIFFERENT) _____
 EMAIL ADDRESS AND/OR WEBSITE _____ DAY TELEPHONE _____
 SPONSORING ORGANIZATION (IF ANY) _____

3. NAME (PRINT) _____ SIGNATURE _____
 RESIDENCE ADDRESS _____
 MAILING ADDRESS (IF DIFFERENT) _____
 EMAIL ADDRESS AND/OR WEBSITE _____ DAY TELEPHONE _____
 SPONSORING ORGANIZATION (IF ANY) _____

INSTRUCTIONS FOR CIRCULATORS

Only active registered voters of the county, city or district may sign a petition.
 All signers on any one signature sheet must be active registered voters of the same county.
 It is advisable to have signers use a pen for signing petitions or for certifying petitions.
 Only one circulator may collect signatures on any one sheet of a petition.
 Each circulator must personally witness all signatures the circulator collects.
 Circulators shall not file a petition knowing it to contain a false signature.
 Circulators shall not knowingly make any false statement to any person who signs it or requests information about it.
 Circulators shall not attempt to obtain the signature of a person knowing that the person signing the petition is not qualified to sign it.
 Circulators shall not offer money or any thing of value to another person to sign or not sign a petition.
 Circulators shall not sell or offer to sell signature sheets.
 Circulators shall not accept compensation to circulate a petition that is based on the number of signatures obtained.
Warning: Violations of the circulator requirements may result in conviction of a felony with a fine of up to \$100,000 and/or prison for up to five years.

RECEIVED

MAY 25 2004

CITY OF BROOKINGS

INSTRUCTIONS FOR SIGNERS

Only active registered voters of the county, city or district may sign a petition. Sign your full name, as you did when you registered to vote.
 Please fill in the date on which you signed the petition, your printed name and your residence address in the spaces provided.
 It is advisable to use a pen for signing petitions.
 It is unlawful to sign any person's name other than your own. Do not sign another person's name under any circumstances.
 It is unlawful to sign a petition more than once.
 It is unlawful for a person to knowingly sign a petition when the person is not qualified to sign it.

STATEMENT ONE OR MORE PETITION CIRCULATORS WILL BE PAID

I/We hereby declare one or more petition circulators will be paid money or other valuable consideration for obtaining signatures of active registered voters on the attached petition or certificate. I/We understand the filing officer must be notified not later than the tenth day after I/we first have knowledge or should have had knowledge that no petition circulator will be paid for obtaining signatures.

Identify Petition

(Name of Candidate or Minor Political Party on Prospective Petition; or
Name of Officeholder on Recall Petition)

Signed* _____

Date signed _____

Date signed _____

Date signed _____

*Statement must be signed by one of the following:

- candidate for nomination;
- chief petitioner for recall petition;
- chief sponsor for certificate of nomination; or
- chief sponsor for minor political party formation petition.

STATEMENT NO PETITION CIRCULATORS WILL BE PAID

I/We hereby declare no petition circulator will be paid money or other valuable consideration for obtaining signatures of active registered voters on the attached petition or certificate. I/We understand the filing officer must be notified not later than the tenth day after I/we first have knowledge or should have had knowledge that one or more petition circulators will be paid for obtaining signatures.

Repeal Section 2 Amendment of City of Brookings Ordinance

Identify Petition

93-0-342-A

(Name of Candidate or Minor Political Party on Prospective Petition; or
Name of Officeholder on Recall Petition)

Signed* Don Mussitt

Date signed 5-25-01

Date signed _____

Date signed _____

*Statement must be signed by one of the following:

- candidate for nomination;
- chief petitioner for recall petition;
- chief sponsor for certificate of nomination; or
- chief sponsor for minor political party formation petition.

RECEIVED

MAY 25 2004

CITY OF BROOKINGS

ORDINANCE NO. 93-O-342.A

AN ORDINANCE AMENDING ORDINANCE NO. 80-O-342 BY THE ADDITION OF SECTION 15 - USE OF TRANSIENT ROOM TAX.

The city of Brookings ordains as follows:

Sections:

Section 1. Ordinance Identified.

Section 2. Amendment - Addition of Section 15 - Use of Transient Room Tax.

Section 1. Ordinance Identified. This ordinance amends Ordinance No. 80-O-342, enacted July 9, 1980, and titled, "An ordinance providing for a six percent (6%) transient room tax for the city of Brookings; providing administrative procedures for collection of same; and further, establishing violations of such and penalties therefor."

Section 2. Amendment - Addition of Section 15 - Use of Transient Room Tax. Ordinance 80-O-342, Section 15, a reserved section for amendments, is hereby added to read as follows:

Section 15 - Use of Transient Room Tax.

A. The City shall use twenty-five percent (25%) of the transient room tax collections each year to promote tourism in the Brookings-Harbor area.

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

8-342A.2.B

Brookings Ordinances

8-342A.2.B

First Reading: July 12, 1993

Second Reading: July 12, 1993

Passage: July 12, 1993

Effective Date: August 10, 1993

Signed by me in authentication of its passage this 12th day of
July, 1993.

Mayor Tom Davis

ATTEST:

Beverly S. Shields
City Recorder

dmm

P:\ORDINANCES\ORDINANCES\1993-O-342.A

2

To: the City of Brookings

Statement of proposed Initiative

Repeal Section 2 Amendment of City of Brookings Ordinance 93-O-342-A - Addition of Section 15-Use of Transient Room Tax identifying twenty five percent (25%) of transient room tax each year to be used to promote tourism in Brookings Harbor

Estimated impact: Adds \$40,000 annually to the City of Brookings general fund.

8-342A.Sections

Brookings Ordinances

8-342A.2.B

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To: the City of Brookings

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8-342A.Sections

Brookings Ordinances

8-342A.2.B

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RECEIVED

MAY 25 2004

CITY OF BROOKINGS

City of Brookings
Curry County, Oregon

CAPTION:

REPEALS SPENDING 25 PERCENT OF ROOM TAX FOR TOURISM PROMOTION.

QUESTION:

SHALL BROOKINGS MUNICIPAL CODE SECTION THAT REQUIRES SPENDING
25 PERCENT OF THE TRANSIENT ROOM TAX FOR TOURISM PROMOTION BE
REPEALED?

SUMMARY:

The initiative seeks to repeal the section of the Brookings Transient Room Tax Ordinance that requires the spending of 25 percent of the Transient Room Tax to promote tourism in the Brookings/Harbor area. The initiative would also repeal a second paragraph of the ordinance that outlines why the City feels it is important to spend 25 percent of the Transient Room Tax to promote tourism.

The major effect of the repeal would be that the Transient Room Tax Ordinance would no longer require that the City spend 25 percent of the Transient Room Tax to promote tourism in the Brookings-Harbor area. However, a recently enacted State statute prohibits a local government from decreasing the percentage of total transient lodging tax revenue spent to fund tourism promotion or tourism related facilities below the percentage of such funds spent by the local government as of July 1, 2003. The City will still be required to spend at least 25 percent of the Transient Room Tax to Fund tourism promotion or tourism related facilities.

RECEIVED

JUN - 9 2004

CITY OF BROOKINGS

Don Weiss III
6-9-4

CITY OF BROOKINGS



June 22, 2004

Donald E. Nuss III, Chief Petitioner
P.O. Box 1581
Brookings, OR 97415

Mr. Nuss:

I am in receipt of your cover and signature sheets related to your prospective initiative petition dated May 25, 2004. I have reviewed the cover and signature sheets and determined that they are in compliance with the requirements for a prospective city initiative petition. You have approval to circulate the initiative petition.

If you have any questions please feel free to call me.

Paul Hughes, Elections Official

RECEIVED

JUN 22 2004

CITY OF BROOKINGS

Curry County/Brookings Oregon.

Cover Sheet

THIS IS A CITY INITIATIVE PETITION

Cover Sheet

CAPTION: REPEALS SPENDING 25 PERCENT OF ROOM TAX FOR TOURISM PROMOTION.

QUESTION: SHALL BROOKINGS MUNICIPAL CODE SECTION THAT REQUIRES SPENDING 25 PERCENT OF THE TRANSIENT ROOM TAX FOR TOURISM PROMOTION BE REPEALED?

SUMMARY: The initiative seeks to repeal the section of the Brookings Transient Room Tax Ordinance that requires the spending of 25 percent of the Transient Room Tax to promote tourism in the Brookings/Harbor area. The initiative would also repeal a second paragraph of the ordinance that outlines why the City feels it is important to spend 25 percent of the Transient Room Tax to promote tourism. The major effect of the repeal would be that the Transient Room Tax Ordinance would no longer require that the City spend 25 percent of the Transient Room Tax to promote tourism in the Brookings-Harbor area. However, a recently enacted State statute prohibits a local government from decreasing the percentage of total transient lodging tax revenue spent to fund tourism promotion or tourism related facilities below the percentage of such funds spent by the local government as of July 1, 2003. The City will still be required to spend at least 25 percent of the Transient Room Tax to Fund tourism promotion or tourism related facilities.

Underlined portion of current ordinance text would be repealed

ORDINANCE NO. 93-O-342.A

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CHIEF PETITIONER:

Donald E. Nuss III

650 Mardon Court

Brookings OR 97415

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Please fill in the date on which you signed the petition, your printed name and your residence address in the spaces provided.

It is advisable to use a pen for signing petitions.

It is unlawful to sign any person's name other than your own. Do not sign another person's name under any circumstances.

It is unlawful to sign a petition more than once.

It is unlawful for a person to knowingly sign a petition when the person is not qualified to sign it.

No Circulators
For This Petition
Are Being Paid

Do not sign this petition more than once.

(It is unlawful to sign a petition more than one time.)

PETITION I.D. _____

PETITION FOR LOCAL ☒ INITIATIVE ☐ REFERENDUM MEASURE
SIGNATURE SHEET

THIS IS A COUNTY/ CITY/
DISTRICT PETITION. SIGNERS
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Curry

COUNTY ONLY

TO THE COUNTY ELECTIONS FILING OFFICER/CITY RECORDER (AUDITOR), COUNTY/CITY/DISTRICT OF Brookings

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(Insert caption of ballot title OR number of ordinance/resolution and date adopted) REPEALS SPENDING 25 PERCENT OF ROOM TAX FOR
TOURISM PROMOTION

SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <u>Donald E. Nuss III</u>	<u>6-22-04</u>	<u>Donald E. Nuss III</u>	<u>650 Mardon CT</u>	<u>Brookings 97415</u>
2. <u>PATRICK T. BREWER</u>	<u>6-22-04</u>	<u>PATRICK T. BREWER</u>	<u>1000 7TH ST.</u>	<u>Brookings 97415</u>
3. <u>VICTORIA MARSH-NUSS</u>	<u>6-22-04</u>	<u>VICTORIA MARSH-NUSS</u>	<u>650 MARDON COURT</u>	<u>Brookings 97415</u>
4. <u>JOAN O'LEARY</u>	<u>6-22-04</u>	<u>JOAN O'LEARY</u>	<u>21 FLORENCE DR.</u>	<u>Brookings 97415</u>
5. <u>T. HISLOP</u>	<u>6-22-04</u>	<u>T. HISLOP</u>	<u>PO BOX 1940</u>	<u>Brookings 97415</u>
6. <u>J. GRIFFITH</u>	<u>-12</u>	<u>J. GRIFFITH</u>	<u>13 FLORENCE DR B.</u>	<u>Brookings 97415</u>
7. <u>RECEIVED</u>	<u>6-</u>			<u>Brookings 97415</u>
8. <u>JUN 22 2004</u>				<u>Brookings 97415</u>
9. <u>CITY OF BROOKINGS</u>				<u>Brookings 97415</u>
10.				<u>Brookings 97415</u>

CIRCULATOR'S CERTIFICATION



THIS CERTIFICATION MUST BE
SIGNED BY THE CIRCULATOR.

I hereby certify every person who signed this sheet did so in my presence and I believe each person is a qualified voter in the county/city/district (ORS 250.165, 250.265, 255.135, 198.750, 221.031). I also hereby certify that I have received no compensation for these signatures.

CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-22-04

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

SHEET NUMBER 1

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

I hereby certify _____ signatures on this petition are those of active registered voters in _____ County/City/District, Oregon.

SIGNATURE OF
COUNTY ELECTION OFFICIAL _____ DATE CERTIFIED _____

No Circulators
For This Petition
Are Being Paid

Do not sign this petition more than once.

(It is unlawful to sign a petition more than one time.)

PETITION I.D. _____

PETITION FOR LOCAL ☐ INITIATIVE ☐ REFERENDUM MEASURE
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(Insert caption of ballot title OR number of ordinance/resolution and date adopted) REPEALS SPENDING 25 PERCENT OF ROOM TAX FOR
TOURISM PROMOTION

SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. Helge Chiles	6/22/04	HELGE CHILES	P.O. Box 682	Brookings 97415
2. Robert L. Grant	6/22/04	ROBERT L. GRANT	35 W. Main St.	Brookings 97415
3. Lois M. Grant	"	LOIS M. GRANT	35 W. Main St.	Brookings 97415
4. Robert G. Sullivan	6-22-04	Robert G. Sullivan	42 Floral Dr	Brookings 97415
5. Adeline J. Sullivan	6-22-04	Adeline J. Sullivan	42 Floral Dr	Brookings 97415
6. Carolyn A. Gimby	6-22-04	CAROLYN A. GIMBY	428 Maple St	Brookings 97415
Margie Jacques	6/22/04	Margie Jacques	426 Maple	Brookings 97415
8. Cathy Lynn Tupy	6/22/04	Cathy Lynn Tupy	304 Oxford St	Brookings 97415
9. Katon Sallander	6/22/04	KATON SALLANDER	306 Oxford St	Brookings 97415
10. Charles Sallander	6/22/04	CHARLES SALLANDER	306 Oxford St	Brookings 97415

CIRCULATOR'S CERTIFICATION



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SHEET NUMBER 2

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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-22-4

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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TOURISM PROMOTION

SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <i>Katherine S. Nobile</i>	5/22/04	KATHERINE S NOBILE	309 Oregon Brookings	Brookings 97415
2. <i>Jane Andrew Munn</i>	5/22/04	JANE ANDREW MUNN	313 Oregon St. Brookings	Brookings 97415
3. <i>REX ATWELL</i>	6/23/04	REX ATWELL	17169 Parkview Dr.	Brookings 97415
4. <i>JAMES WOODBRIDGE</i>	6/23/04	JAMES WOODBRIDGE	1003 1st St. Brookings	Brookings 97415
5. <i>THOMAS T. ANDERSON</i>	6/23/04	THOMAS T. ANDERSON	19133 Sunrise Lane Brookings	Brookings 97415
6. <i>THOMAS T. ANDERSON</i>	06/23/04	THOMAS T. ANDERSON	19133 Sunrise Lane Brookings	Brookings 97415
7. <i>JOHN K. ARCHER</i>	06/23/04	JOHN K. ARCHER	19133 Sunrise Lane	Brookings 97415
8. <i>NICK S. IR</i>	06/23/04	NICK S. IR	19133 Sunrise Lane Brookings	Brookings 97415
9. <i>JOHN S. IR</i>	06/23/04	JOHN S. IR	19133 Sunrise Lane Brookings	Brookings 97415
10. <i>JOHN S. IR</i>	6/23/04	JOHN S. IR	302 T. ST.	Brookings 97415

CIRCULATOR'S CERTIFICATION



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SHEET NUMBER 3

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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-23-04

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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SIGNATURE OF
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TOURISM PROMOTION

SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. Rodney Munier	6-23-04	RODNEY MUNIER	14990 OCEANVIEW DR	Brookings 97415
2. Robert G Baker	6-23-04	ROBERT G BAKER	13641 Hampton Rd	Brookings 97415
3. Sharon Vaughn	6-23-04	SHARON VAUGHN	18148 Rainbow Rock Rd.	Brookings 97415
4. Donna Burgess	6-23-04	DONNA BURGESS	97846 Chukoto Ln.	Brookings 97415
5. ARTHUR R BANKS	6-23-04	ARTHUR BANKS	Po Box 7048	Brookings 97415
6. Michelle L Ambrose	6-23-04	MICHELLE L AMBROSE	214 Lilac Lane	Brookings 97415
7. Joyce E. Mason	6-23-04	JOYCE E. MASON	965 Kiista Lane	Brookings 97415
8. BANEY E. MASON	6-23-04	BANEY E. MASON	1218 Humb. st.	Brookings 97415
9. Carolyn N. Bigelow	"	CAROLYN N. BIGELOW	P.O. Box 1722	Brookings 97415
10. BUNDY W GREEN	6-23-04	BUNDY W GREEN	P.O. Box 4244	Brookings 97415

CIRCULATOR'S CERTIFICATION

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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED _____

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

SHEET NUMBER 41

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <u>[Signature]</u>	6-23-04	Janice Caplan	P.O. Box 186	Brookings 97415
2. <u>[Signature]</u>	6-23-04	Janice R. Ruff	P.O. Box 6952	Brookings 97415
3. <u>[Signature]</u>	6/23/04	E.J. McClan	P.O. Box 7403	Brookings 97415
4. <u>[Signature]</u>	6-23-04	L. Anderson	P.O. Box 1746	Brookings 97415
5. <u>[Signature]</u>	6/23/04	Charles Russell	P.O. Box 1174	Brookings 97415
6. <u>[Signature]</u>	6/23/04	Teri McGregor	1303 Moore St #103	Brookings 97415
7. <u>[Signature]</u>	6/23/04	Mildred E. Burnett	880 Easy St	Brookings 97415
8. <u>[Signature]</u>	6/23/04	Larry Rumbach	97572 Hallway #5	Brookings 97415
9. <u>[Signature]</u>	6/23/04	ELMO MOSMAH	P.O. Box 87	Brookings 97415
10. <u>[Signature]</u>	6/23/04	James R. JOHNSON	Box 254	Brookings 97415

CIRCULATOR'S CERTIFICATION



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SHEET NUMBER 5

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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-23-04

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <u>[Signature]</u>	6-23-04	<u>CAROLYN MANAION</u>	<u>960 Krista Ln</u>	Brookings 97415
2. <u>[Signature]</u>	6-23-04	<u>CLIFORD E. HUCKABY</u>	<u>910 Parker Ln Brookings</u>	Brookings 97415
3. <u>[Signature]</u>	6-23-04	<u>SHARON COVER</u>	<u>[Signature]</u>	Brookings 97415
4. <u>[Signature]</u>		<u>DAN TIPTON</u>	<u>9</u>	Brookings 97415
5. <u>[Signature]</u>				Brookings 97415
6. <u>[Signature]</u>	6-23-04	<u>CHARLOTTE DEESON</u>	<u>240 Jean Viste Rd</u>	Brookings 97415
7. <u>[Signature]</u>	6-23-04	<u>LOUISE SHAW</u>	<u>15823 HWY 101 SO. HARRIS</u>	Brookings 97415
8. <u>[Signature]</u>	6-23-04	<u>J.E. TRODGLAND</u>	<u>P.O. Box 718 Brookings</u>	Brookings 97415
9. <u>[Signature]</u>	6-23-04	<u>GARY FISHER</u>	<u>P.O. Box 1274 Brookings</u>	Brookings 97415
10. <u>[Signature]</u>	6-23-04	<u>SHEILA MOWERY</u>	<u>P.O. Box 575 BKCS</u>	Brookings 97415

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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-23-04

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

SHEET NUMBER

6

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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SIGNATURE OF
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TOURISM PROMOTION

SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <u>G. Driscus</u>	<u>6/23/04</u>	<u>G. Driscus</u>	<u>Box 1221</u>	<u>Brookings</u> <u>97415</u>
2. <u>Robert Roberts</u>	<u>6/23/04</u>	<u>Robert Roberts</u>	<u>Box 7059</u>	<u>Brookings</u> <u>97415</u>
3. <u>Shirley Crockett</u>	<u>6/23/04</u>	<u>Shirley Crockett</u>	<u>Box 796-1-535 Chetco</u>	<u>Brookings</u> <u>97415</u>
4. <u>Richard B. Percifield</u>	<u>"</u>	<u>Richard B. Percifield</u>	<u>18871 Coronet Road</u>	<u>Brookings</u> <u>97415</u>
5. <u>Philip J. Smelowsky</u>	<u>"</u>	<u>Philip J. Smelowsky</u>	<u>16919 5th Street</u>	<u>Brookings</u> <u>97415</u>
6. <u>David G. Fonth</u>	<u>6/23/04</u>	<u>David G. Fonth</u>	<u>513 Pine Street Alley Apt B</u>	<u>Brookings</u> <u>97415</u>
7. <u>Hannah A. Dimerberg</u>	<u>6/23/04</u>	<u>Hannah A. Dimerberg</u>	<u>610 MARDON CT</u>	<u>Brookings</u> <u>97415</u>
8. <u>IRA TOZER</u>	<u>6-23-04</u>	<u>IRA TOZER</u>	<u>615 MARDON CT.</u>	<u>Brookings</u> <u>97415</u>
9. <u>Sonia Tozer</u>	<u>6/23/04</u>	<u>SONIA TOZER</u>	<u>615 MARDON CT</u>	<u>Brookings</u> <u>97415</u>
10. <u>Val L. C.</u>	<u>6-23-04</u>	<u>Val L. C.</u>	<u>625 MARDON CT</u>	<u>Brookings</u> <u>97415</u>

CIRCULATOR'S CERTIFICATION



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SHEET NUMBER 7

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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-23-4

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <u>[Signature]</u>	<u>6/23/04</u>	<u>Tom Van Camp</u>	<u>655 Mardon Ct.</u>	<u>Brookings 97415</u>
2. <u>Robert Scheppler</u>	<u>6/23/04</u>	<u>Robert Scheppler</u>	<u>1201 E. MAR VISTA LN</u>	<u>Brookings 97415</u>
3. <u>Don Smith</u>	<u>6/23/04</u>	<u>DON SMITH</u>	<u>1210 E. MAR VISTA BL</u>	<u>Brookings 97415</u>
4. <u>Martin J Sullivan</u>	<u>6/23/04</u>	<u>MARTIN J SULLIVAN</u>	<u>711 2ND ST.</u>	<u>Brookings 97415</u>
5. <u>R. S. Nesbitt</u>	<u>6/23/04</u>	<u>ROBERT S. NESBITT</u>	<u>711 2ND ST.</u>	<u>Brookings 97415</u>
6. <u>Kristin L Coons</u>	<u>6/23/04</u>	<u>Kristin L. Coons</u>	<u>918 Chetco Ave.</u>	<u>Brookings 97415</u>
7. <u>Malcolm A. Rubin</u>	<u>6/23/04</u>	<u>MALCOLM A. RUBIN</u>	<u>448 HILLSIDE AVE.</u>	<u>Brookings 97415</u>
8. <u>John W. Arnold</u>	<u>6/24/04</u>	<u>JOHN W. ARNOLD</u>	<u>1677th P.O. Box 6095</u>	<u>Brookings 97415</u>
9. <u>R. L. Bishop</u>	<u>6/24/04</u>	<u>R. L. BISHOP</u>	<u>525 Spruce St.</u>	<u>Brookings 97415</u>
10. <u>Dana M E Forster</u>	<u>6/24/04</u>	<u>Dana M E Forster</u>	<u>510 Spruce St #3</u>	<u>Brookings 97415</u>

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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-24-04

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

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TO THE COUNTY ELECTIONS FILING OFFICER/CITY RECORDER (AUDITOR), COUNTY/CITY/DISTRICT OF Brookings

We, the undersigned electors, request this measure be submitted to the electors of the county/city/district for their approval or rejection.
A full and correct copy of this measure was made available for review and we have not previously signed a petition sheet for this measure.

(Insert caption of ballot title OR number of ordinance/resolution and date adopted) REPEALS SPENDING 25 PERCENT OF ROOM TAX FOR
TOURISM PROMOTION

SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <i>Donald R. McDonald</i>	6-24-04	DONALD R. McDONALD	P.O. Box 1216 (1362-A GHEBO AVE.)	Brookings 97415
2. <i>Donald L. Burger</i>	6-24-04	DONALD L. BURGER	P.O. Box 1081 (95433 N. Bay Chester)	Brookings 97415
3. <i>James W. Nuss</i>	6-24-04	JAMES W. NUSS	POB 895 Brookings OR	Brookings 97415
4. <i>Barbara A. Nysted</i>	6-24-04	BARBARA A. NYSTED	427 BUENA VISTA COOP	Brookings 97415
5. <i>Donald P. Kay</i>	6/24/04	DONALD P. KAY	945 BROCK LN. Brookings	Brookings 97415
6. <i>Deborah Harrington</i>	6-24-04	DEBORAH HARRINGTON	POB 7032 326 RAYSON	Brookings 97415
7. <i>Melanie Roberts</i>	6/24/04	MELANIE ROBERTS	POB 6053	Brookings 97415
8. <i>Reginald L. Nuss</i>	6/24/04	REGINALD NUSS	1453 COIT	Brookings 97415
9. <i>Joseph Streda</i>	6-24-04	JOSEPH STREDA	522 PACIFIC #2 BROOKINGS	Brookings 97415
10. <i>James Stuhlfeld</i>	6-24-04	JAMES STUHLFELD	932 WEAVER LANE	Brookings 97415

CIRCULATOR'S CERTIFICATION



THIS CERTIFICATION MUST BE
SIGNED BY THE CIRCULATOR.

SHEET NUMBER 9

I hereby certify every person who signed this sheet did so in my presence and I believe each person is a qualified voter in the county/city/district (ORS 250.165, 250.265, 255.135, 198.750, 221.031). I also hereby certify that I have received no compensation for these signatures.

CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-24-4

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

I hereby certify _____ signatures on this petition are those of active registered voters in _____ County/City/District, Oregon.

SIGNATURE OF
COUNTY ELECTION OFFICIAL _____

DATE CERTIFIED _____

No Circulators
For This Petition
Are Being Paid

Do not sign this petition more than once.

(It is unlawful to sign a petition more than one time.)

PETITION I.D. _____

PETITION FOR LOCAL ☒ INITIATIVE ☐ REFERENDUM MEASURE
SIGNATURE SHEET

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(Insert caption of ballot title OR number of ordinance/resolution and date adopted) REPEALS SPENDING 25 PERCENT OF ROOM TAX FOR
TOURISM PROMOTION

SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <u>Frank P. Scablon</u>	<u>6-24-04</u>	<u>FRANK P. SCABLON</u>	<u>1475 SEACREST DR.</u>	<u>Brookings 97415</u>
2. <u>C E Calmer</u>	<u>6-24-04</u>	<u>C E CALMER</u>	<u>1204 MEADE ST</u>	<u>Brookings 97415</u>
3. <u>William Calmer</u>	<u>6-24-04</u>	<u>WILLIAM CALMER</u>	<u>1207 MOORE ST.</u>	<u>Brookings 97415</u>
4. <u>McL Laitreau</u>	<u>6-24-04</u>	<u>McL LAITREAU</u>	<u>1207 MOORE ST</u>	<u>Brookings 97415</u>
5. <u>Andrea Truelove</u>	<u>6-24-04</u>	<u>Andrea Truelove</u>	<u>421 Winchuck Rd.</u>	<u>Brookings 97415</u>
6. <u>Richard G. Willis</u>	<u>6-24-04</u>	<u>Richard G. Willis</u>	<u>2223 Moore St Brookings</u>	<u>Brookings 97415</u>
7. <u>Victoria V. J. Kessler</u>	<u>6-25-04</u>	<u>Victoria V. J. Kessler</u>	<u>17400 W. Ocean Dr Brookings</u>	<u>Brookings 97415</u>
8. <u>Margaret Washington</u>	<u>6-25-04</u>	<u>MARGARET Washington</u>	<u>1230 Hub St</u>	<u>Brookings 97415</u>
9. <u>Jonica C. Shuck</u>	<u>6-25-04</u>	<u>Jonica C. Shuck</u>	<u>96707 E. Klamath Highway R.</u>	<u>Brookings 97415</u>
10. <u>Dorothy Mertz</u>	<u>6/25/04</u>	<u>DOROTHY MERTZ</u>	<u>510 FERN AVE. Brook.</u>	<u>Brookings 97415</u>

CIRCULATOR'S CERTIFICATION



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SIGNED BY THE CIRCULATOR.

SHEET NUMBER 10

I hereby certify every person who signed this sheet did so in my presence and I believe each person is a qualified voter in the county/city/district (ORS 250.165, 250.265, 255.135, 198.750, 221.031). I also hereby certify that I have received no compensation for these signatures.

CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-25-04

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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SIGNATURE OF
COUNTY ELECTION OFFICIAL _____

DATE CERTIFIED _____

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Are Being Paid

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TOURISM PROMOTION

SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <i>[Signature]</i>	6-25-04	WILLIAM L. MERRITT	1150 S. BROAD ST	Brookings 97415
2. <i>[Signature]</i>	6-25-04	ALICE MULVANEY	720 OLD COUNTY RD #16	Brookings 97415
3. <i>[Signature]</i>	6-25-04	JOHN R. DAY	1546 SECREST LN	Brookings 97415
4. <i>[Signature]</i>	6-25-04	WILLIAM L. MERRITT	16954 S. BROAD ST	Brookings 97415
5. <i>[Signature]</i>	6-25-04	FRANCES VIMANELLO	P.O. BOX 4046 BROOKINGS	Brookings 97415
6. <i>[Signature]</i>	6-25-04	LEWIS J. TOLLE	P.O. BOX 4046	Brookings 97415
7. <i>[Signature]</i>	6-25-04	EDWARD W. FISHER	15609 Hwy 21 S	Brookings 97415
8. <i>[Signature]</i>	6-25-04	MAXINE WELCH	1055 Tropic Ln	Brookings 97415
9. <i>[Signature]</i>	6-26-04	R M WILFONG	331 Railroad St	Brookings 97415
10. <i>[Signature]</i>	6-26-04	Timothy Anderson	311 Railroad St	Brookings 97415

CIRCULATOR'S CERTIFICATION

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THIS CERTIFICATION MUST BE
SIGNED BY THE CIRCULATOR.

CIRCULATOR SIGNATURE

[Signature]

DATE SIGNED

6-26-04

PRINTED NAME OF CIRCULATOR

Donald E. Nuss III

SHEET NUMBER

11

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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SIGNATURE OF
COUNTY ELECTION OFFICIAL

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No Circulators
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Are Being Paid

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TOURISM PROMOTION

SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. Herman Brunmeier	6-26-04	HERMAN BRUNMEIER	215 WOODLAND CT.	Brookings 97415
2. Jan Perrotti	6-26-04	JAN Perrotti	310 Railroad St.	Brookings 97415
3. Lynette Rogers	6-26-04	Lynette Rogers	314 Railroad St.	Brookings 97415
4. Chanel Hayes	6-26-04	Chanel Hayes	P.O. Box 6462 Brookings, OR	Brookings 97415
5. Karen E Brown	6-26-04	Karen E Brown	P.O. Box 6542 Brookings, OR	Brookings 97415
6. Julie Kemp	6-26-04	Julie Kemp	308 Alder St. Brookings	Brookings 97415
7. Dale G. York	6-26-04	Dale G. York	P.O. Box 833 Brookings	Brookings 97415
8. Shirley York	6/26/04	SHIRLEY YORK	314 Birch St 1800x833	Brookings 97415
9. Susan Brickley	6/26/04	Susan Brickley	306 Birch St	Brookings 97415
10. Donna Williams	6/26/04	DONNA WILLIAMS	COURT ST Brookings	Brookings 97415

CIRCULATOR'S CERTIFICATION

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SHEET NUMBER 12

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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-26-04

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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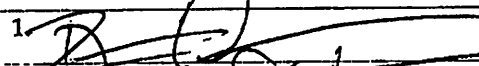




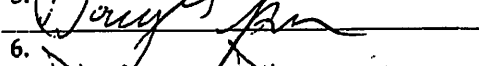
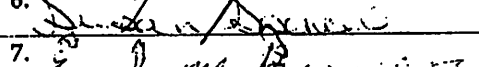
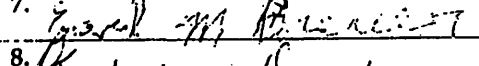
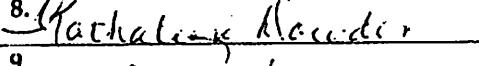
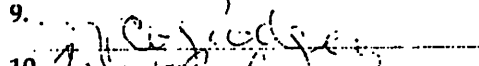
Curry

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TOURISM PROMOTION

	SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1.		6/26/04	ROBERT WILLIAMS	317 Birch St.	Brookings 97415
2.		6/26/04	Vince STRAUSS	312 maple st	Brookings 97415
3.		6/26/04	Gladys L. JONES	231 Del Norte Ln	Brookings 97415
4.		6/26/04	LISA THOMPSON	412 Maple St	Brookings 97415
5.		6/26/04	DOUGLAS R. SMITH	237 Alder St	Brookings 97415
6.		6/26/04	Susan Spencer	237 Alder Street	Brookings 97415
7.		6/26/04	EARL M. BRINKER	216 N. Hazel St	Brookings 97415
8.		6/26/04	KATHALIN D. DWYER	314 N. Hazel St.	Brookings 97415
9.		6/26/04	NEIL RODGERS	325 N. Hazel St	Brookings 97415
10.		6/26/04	NEIL RODGERS	325 N. Hazel St	Brookings 97415

CIRCULATOR'S CERTIFICATION



THIS CERTIFICATION MUST BE
SIGNED BY THE CIRCULATOR.

SHEET NUMBER 13

I hereby certify every person who signed this sheet did so in my presence and I believe each person is a qualified voter in the county/city/district (ORS 250.165, 250.265, 255.135, 198.750, 221.031). I also hereby certify that I have received no compensation for these signatures.

CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-26-4

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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SIGNATURE OF
COUNTY ELECTION OFFICIAL _____

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For This Petition
Are Being Paid

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PETITION I.D. _____

PETITION FOR LOCAL ☒ INITIATIVE ☐ REFERENDUM MEASURE
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SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. George A. Crawford	6-28-04	George A. Crawford	96743 E. Harmon Ave. Rd.	Brookings 97415
2. L. H. S. A. Weller	6-28-04	L. H. S. A. Weller	-732 HELEN LN.	Brookings 97415
3. Donald J. L. Nuss	6/28/04	DONALD J. L. NUSS	149 CHILTON #6	Brookings 97415
4. L. H. S. A. Weller	6/28/04	L. H. S. A. Weller	123 E. LAMBERT, 11/2	Brookings 97415
5. Willie Mac	6/28/04	Willie Mac	111 E. HILL ST	Brookings 97415
6. Marjorie Harris	6/28/04	MARJORIE HARRIS	P.O. Box 109	Brookings 97415
7. Claude C. Meyer, Jr.	6-28-04	Claude C. Meyer, Jr.	P.O. Box 313	Brookings 97415
8. Eugene W. H. S. A. Weller	6/28/04	EUGENE W. H. S. A. Weller	411 Brookings Memory Hall	Brookings 97415
9. Pam Perzullo	7-2-04	PAM PERZULLO	1245 I.R.S.	Brookings 97415
10. Katie Bowers	7-2-04	Katie Bowers	96504 Susan Pl.	Brookings 97415

CIRCULATOR'S CERTIFICATION



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SHEET NUMBER 11

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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 7-2-4

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <i>Emmett Williams</i>	6-23-04	EMMETT WILLIAMS	1249 1st St Brookings	Brookings 97415
2. <i>Elizabeth A. Brewer</i>	6-23-04	ELIZABETH A. BREWER	1000 7th St Brookings	Brookings 97415
3. <i>April G. Higgins</i>	6-24-04	APRIL G. HIGGINS	520 ILEONA CT	Brookings 97415
4. <i>Theresa Kruse</i>	6-24-04	Theresa Kruse	1211 Hub St.	Brookings 97415
5. <i>Mary Lu Kennealy</i>	6/24/04	Mary Lu Kennealy	206 Schooner Bay Dr	Brookings 97415
6. <i>Rosemary Mitchell</i>	6/24/04	Rosemary Mitchell	17412 E Ocean Dr.	Brookings 97415
7. <i>Tiffany C. Perkowski</i>	6/24/04	Tiffany C. Perkowski	P.O. Box 4112 Brookings Or.	Brookings 97415
8. <i>Kishor Chavda</i>	6/24/04	KISHOR CHAVDA	P.O. Box 6577, 1216 CHETANO AVE Brookings, OR 97415	Brookings 97415
9. <i>Kevin Patrick</i>	6/24/04	KEVIN PATRICK	1051 Old County Rd Brookings OR 97415	Brookings 97415
10. <i>Priscilla H. Thomas</i>	6/28/04	Priscilla H. Thomas	544 Custer Ct Brookings, OR 97415	Brookings 97415

CIRCULATOR'S CERTIFICATION



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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 6-24-04

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

SHEET NUMBER 11

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SIGNATURE OF

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SIGNATURE	DATE SIGNED MO/DAY/YR	PRINT NAME	RESIDENCE ADDRESS STREET AND NUMBER	CITY AND ZIP CODE
1. <u>Guillermo A. Pildam</u>	7-2-04	GUILLERMO T ADAME	787 RANSOM ST.	Brookings 97415
2. <u>Christine M. Bozzano</u>	7-2-04	CHRISTINE M BOZZANO	734 FIRST ST.	Brookings 97415
3. <u>Darby C. Free</u>	7-2-04	DARBY C. FREE	658 96 PARK AVE #110	Brookings 97415
4. <u>Sandra Scott</u>	7-2-04	SANDRA SCOTT	18765 Olympic Rd	Brookings 97415
5. <u>Michelle Falert</u>	7-2-04	MICHELLE FALERT	16906 5th St	Brookings 97415
6. <u>Cynthia Broman</u>	7-2-04	CYNTHIA BROMAN	17000 Eastwood Ln	Brookings 97415
7. <u>Michael Shaw</u>	7-12-04	MICHAEL SHAW	709 B 5th St	Brookings 97415
8. <u>Gloria Serra</u>	7-12-04	GLORIA SERRA	97287 Herdier St Rd	Brookings 97415
9. <u>Sharon Kanna</u>	7/12/04	SHARON KANNA	P.O. Box 1554, Brookings	Brookings 97415
10. <u>Margaret Streever</u>	7/12/04	MARGARET STREEVER	421 Fir Brookings	Brookings 97415

CIRCULATOR'S CERTIFICATION



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SHEET NUMBER 16

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CIRCULATOR SIGNATURE Donald E. Nuss III DATE SIGNED 7-21-04

PRINTED NAME OF CIRCULATOR Donald E. Nuss III

CIRCULATOR'S ADDRESS (street, city and zip code) 650 Mardon Court, Brookings, OR 97415

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Oregon's one percent statewide lodging tax.

Tourism is big business in Oregon.

In 2002, travel spending in Oregon reached nearly \$6.2 billion. The tourism industry also directly employs more than 94,500 Oregonians with direct earnings of \$1.6 billion and contributed approximately \$165 million to the state in corporate income, personal income and gas taxes. It also contributed over \$73 million in local lodging, auto rental and meal taxes.

Even though tourism is a vital economic contributor to Oregon's success, all has not been well. An inadequate state tourism marketing budget, extremely competitive market conditions and difficult local tourism funding mechanisms have resulted in overall diminishing market share for the state.

House Bill 2267, which passed during the 2003 legislative session, constructs a comprehensive structure to address the challenges to the industry and provides a long term answer to make Oregon's tourism industry self reliant.

"Oregon's tourism industry is now a real player."

Why was the legislation necessary?

The passage of HB 2267 will usher in a new era for the Oregon tourism industry. To truly understand the magnitude of the shift this bill initiates, it is important to understand the climate prior to HB 2267. Although Oregon is a terrific tourism destination, the state did not have the resources necessary to maintain its current position in the market.

Prior to the bill's passage:

- Oregon's annual tourism marketing budget was ranked forty-sixth when compared to other states.
- Oregon's annual budget was \$3 million compared with the average state tourism budget of \$13 million.
- Oregon was losing market share in its key tourism markets.
- Local tourism marketing budgets were being redirected to address local government budget shortfalls.

The passage of HB 2267 is important because it is a comprehensive overhaul of how Oregon addresses and funds future tourism marketing efforts at both the state and local levels. Its focus from the very beginning was to provide new financial resources to the state while protecting local tourism monies. In effect it keeps tourism resources in the industry.

Keys to the future success of Oregon's tourism industry are the following mandates of the bill:

At the state level, the following will occur:

- A one percent state lodging tax will be initiated. The revenues generated from this new tax will be used exclusively to fund the programs of the Oregon Tourism Commission (OTC). This increases the OTC budget to \$10 million annually, while raising Oregon's marketing budget from forty-sixth to twenty-sixth nationally.
- A regional cooperative marketing program will be constructed to invest revenues into regional tourism programs. OTC was restructured to be more market responsive.

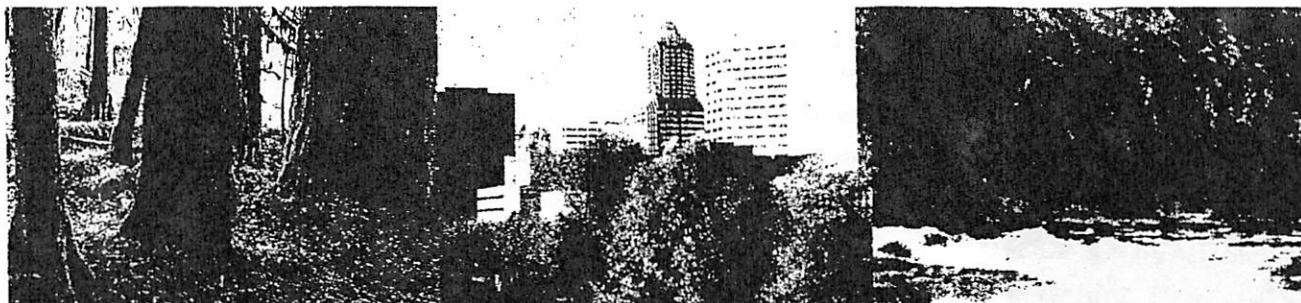
At the local level, the following will occur:

- Local room tax revenues currently dedicated to local tourism efforts must remain tourism assets.
- If an existing tax increases or a new tax is implemented, then a formula for the use of the revenue is mandated.

The result of this transformation is simple and dynamic: Oregon's tourism industry is now a real player. It has a stable funding mechanism at the state and local level that rewards success. At long last, the state's tourism industry will have the opportunity to craft its own destiny.

What are the effective dates of the new statewide lodging tax, and when will funds be received?

The one percent statewide lodging tax will commence on January 1, 2004. The funds will be remitted by the lodging properties to the Oregon Department of Revenue on a quarterly basis. For example, the January-March collections will be remitted in April and then transferred to the Oregon Tourism Commission. The first funds are anticipated to be received by the Oregon Tourism Commission in late May or early June of 2004.





Oregon Tourism Commission: What is the Commission, who serves and how are they appointed?

The Oregon Tourism Commission is the umbrella marketing arm for the state's tourism industry. Their mission is to encourage economic growth and to enhance the quality of life in Oregon through a strengthened economic impact of tourism throughout the state. Nine commissioners oversee the Oregon Tourism Commission – five represent the lodging industry, three represent the tourism industry at-large and one member represents the public at large.

The commissioners are appointed by the Governor and are responsible for directing the actions of the Commission staff and establishing the Commission's budget and strategic marketing plan. Commissioners are appointed to four-year terms and are eligible to serve for two terms.

Persons interested in serving on the Oregon Tourism Commission should contact the Governor's office. There is also a website – www.governor.oregon.gov – that contains the submission form for appointments to all state boards and commissions. In specific instances, nominations may be forwarded by statewide tourism trade associations to the Governor for his consideration.

Questions?

Call Oregon Lodging Association

503.255.5135

How will the statewide lodging tax be collected?

Beginning on January 1, 2004, a statewide lodging tax of one percent will be assessed on the sales of all lodging properties in Oregon. This will include hotels, motels, bed & breakfast establishments, vacation rentals, private RV parks and public RV parks.

The tax will be collected by the Department of Revenue on a quarterly basis. The collections in each quarter will be due to the Department of Revenue within the following 30 days. Tax collections in the first quarter of 2004 (January-March) will be due by the end of April 2004. The lodging industry is working with the Department of Revenue to construct the appropriate process for collection of the tax. Lodging operators are allowed to retain five percent of the state tax proceeds to cover the cost of collecting the tax.

For further information regarding the collections process, please call Don Jones at the Department of Revenue at (503) 945-8420.

How will the funds be used?

One hundred percent of the statewide lodging tax will be appropriated to the Oregon Tourism Commission. The legislation states that at least 80 percent of the statewide lodging tax funds are to be used by the Oregon Tourism Commission to implement their statewide tourism program.

The legislation also enables the Commission to allocate up to 15 percent of the statewide lodging tax revenue to fund a Regional Cooperative Marketing Program (RCMP). The RCMP would distribute funds to the tourism regions to implement regional tourism programs. These funds would be distributed to the regions on a pro-rata basis.

The remaining five percent can be held in reserve, used as a contingency fund or allocated to further enhance marketing efforts. There are also allowances in the legislation for the Commission to implement a competitive matching grants program.

The Commission budget must be submitted to the Governor and Legislative Assembly for their review. Final decisions on the entire Tourism Commission budget, RCMP and Matching Grants Program will be made by the Oregon Tourism Commission during a public meeting.

How does this bill affect local lodging taxes?

Three decades ago local lodging taxes were initiated as a source of funding local marketing efforts. At that time, 100 percent of the local tax revenues went toward tourism purposes. Over the years these funds have been used to finance projects outside the realm of tourism.

HB 2267 impacts local lodging tax rates and is used in the following ways:

- Local lodging taxes assessed as of July 2, 2003:

Local allocations of local lodging taxes are grandfathered at current percentage levels of the total lodging tax collected. The established percentage becomes the minimum annual allocation percentage (example: \$100,000 in total local lodging tax revenues collected with \$50,000 allocated to tourism. In future local budgets, tourism-related activities will receive a minimum of 50 percent of lodging tax revenues collected).

This protects all local existing services and programs that are funded with local room tax revenues and guarantees an established percentage of future lodging tax revenues for local tourism use.

- Increases in local lodging tax rates after July 2, 2003:

Increases in local tax rates may occur if a minimum of 70 percent of the new revenues generated from the increase are used to fund tourism promotion or tourism-related facilities.



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 - Q&A
 - Publications
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 - Statutes/Rules
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 - Related Sites
 - Jobs
 - User Survey
 - Site Map
 - Search
- Publications

State of Oregon Lodging Tax Program

The 2003 Oregon Legislature passed into law HB 2267 to establish a state lodging tax. The tax continuously appropriates monies to the Oregon Tourism Commission (OTC). Revenues generated from this tax will be used to promote tourism programs in Oregon.

Who must pay this tax?

Any person who for business, pleasure, or recreational purposes requires an overnight stay in a hotel, motel, inn, or dwelling unit designed for temporary overnight human occupancy is required to pay this tax. The tax also includes overnight rental of spaces designed for parking recreational vehicles during periods of human occupancy.

Definitions of lodging includes:

- Hotels;
- Motels;
- Bed and breakfast establishments;
- Private and public RV parks;
- Resorts;
- Inns.

How much is the tax?

The tax is 1 percent of the fee charged to the customer for overnight lodging. The tax is collected at the time the fee is paid.

Who must collect this tax?

Every lodging provider in Oregon is responsible for collecting the tax and filing a return with the Department of Revenue.

Registration

Every lodging provider in Oregon must register with the Oregon Department of Revenue. You can get a registration form from the Oregon Department of Revenue, 955 Center St. NE, Salem, OR 97301-2555, or from the Department of Revenue Web site at: www.dor.state.or.us. You may contact a program coordinator at 503-945-8123 or 503-945-8356 for more information.

What records must be kept?

Every lodging provider who collects the tax must keep records, render statements, and comply with rules set by the Department of Revenue with respect to the tax. Records and statements must show whether there is a tax liability.

The lodging provider is allowed to withhold 5 percent of the state lodging tax proceeds to cover the cost of record keeping, reporting, and collecting the tax.

The Department of Revenue may examine the books, papers, or records required to be kept under ORS 305.824 (3).

Reports and payments

Each lodging provider is required to file a return with the Department of Revenue and pay the taxes quarterly, on or before the last day of January, April, July, and October. A return must be filed even if there was no tax collected for the reporting period.

Where the tax dollars go

The money received by the Department of Revenue is paid to the State Treasurer and is credited to the Oregon Tourism Commission. The funds will be used to fund state tourism programs and implement regional tourism programs.

Penalty and interest

If a lodging provider fails to file a return or pay the amount due by the due date, a penalty will be charged equal to 5 percent of the amount due. If the amount due is not paid within three months, an additional penalty of 20 percent will be charged.

Interest will be added to any unpaid amount, figured from the time the fee becomes due. Interest will be at the rate established under Oregon law for each month or fraction of a month.

What is the applicable law?

Oregon Revised Statutes (ORS) 305.824. View the statute at www.leg.state.or.us/ors/305.html

For more information about the tax

Visit the Department of Revenue's State Lodging Tax Program's Web site at www.dor.state.or.us/lodging.html

Join the Department of Revenue's State Lodging Tax e-mail listserve to receive e-mail updates about the tax. Subscribe to the list at <http://webhost.osl.state.or.us/mailman/listinfo/statelodgingtax>.

Questions about how the tax dollars are spent?

Call the Oregon Tourism Commission at 1-800-547-7842 or the Oregon Lodging Association at 503-255-5135.

Any other questions?

Telephone: Salem 503-378-4988

Toll-free within Oregon 1-800-356-4222

TTY (hearing or speech impaired; machine only): 503-945-8617 (Salem) or 1-800-886-7204 (toll-free within Oregon).

Americans with Disabilities Act (ADA): This information is available in alternative formats. Call 503-378-4988 (Salem) or 1-800-356-4222 (toll-free within Oregon).

Asistencia en español. Llame al 503-945-8618 en Salem o llame gratis al 1-800-356-4222 en Oregon.

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Comments or questions about this page can be sent to the Webmaster at:
webmaster.dor@state.or.us

Please do not e-mail the webmaster tax-related questions.

Last revised November 24, 2003.

AN ACT

HB 2267

Relating to tourism; creating new provisions; amending ORS 285A.255, 285A.261, 285A.264, 285A.267, 285A.279, 285A.282, 285A.288 and 305.824; repealing ORS 285A.270, 285A.273, 285A.276 and 285A.285; appropriating money; prescribing an effective date; and providing for revenue raising that requires approval by a three-fifths majority.

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

TRANSIENT LODGING TAXES

(Definitions)

SECTION 1. ORS 305.824 is amended to read:

305.824. [(1)] As used in this section and sections 2 to 8a and 10 to 12 of this 2003 Act:

[(a)] (1) "Collection reimbursement charge" means the amount a transient lodging provider may retain as reimbursement for the costs incurred by the provider in collecting and reporting a [local] transient lodging tax and in maintaining [local] transient lodging tax records.

[(b)] (2) "Conference center" means a facility that:

[(A)] (a) Is owned or partially owned by a unit of local government, a governmental agency or a nonprofit organization; and

[(B)] (b) Meets the current membership criteria of the International Association of Conference Centers.

[(c)] (3) "Convention center" means a new or improved facility that:

[(A)] (a) Is capable of attracting and accommodating conventions and trade shows from international, national and regional markets requiring exhibition space, ballroom space, meeting rooms and any other associated space, including but not limited to banquet facilities, loading areas and lobby and registration areas;

[(B)] (b) Has a total meeting room and ballroom space between one-third and one-half of the total size of the center's exhibition space;

[(C)] (c) Generates a majority of its business income from tourists;

[(D)] (d) Has a room-block relationship with the local lodging industry; and

[(E)] (e) Is owned by a unit of local government, a governmental agency or a nonprofit organization.

[(d)] (4) "Local transient lodging tax" means a tax imposed by a unit of local government on the sale, service or furnishing of transient lodging.

(5) "State transient lodging tax" means the tax imposed under section 2 of this 2003 Act.

[(e)] (6) "Tourism" means economic activity resulting from tourists.

[(f)] (7) "Tourism promotion" means any of the following activities:

[(A)] (a) Advertising, publicizing or distributing information for the purpose of attracting and welcoming tourists;

[(B)] (b) Conducting strategic planning and research necessary to stimulate future tourism development;

[(C)] (c) Operating tourism promotion agencies; and

[(D)] (d) Marketing special events and festivals designed to attract tourists.

[(g)] (8) "Tourism promotion agency" includes:

[(A)] (a) An incorporated nonprofit organization or governmental unit that is responsible for the tourism promotion of a destination on a year-round basis.

[(B)] (b) A nonprofit entity that manages tourism-related economic development plans, programs and projects.

[(C)] (c) A regional or statewide association that represents entities that rely on tourism-related business for more than 50 percent of their total income.

[(h)] "Tourism-related facility" means real property that has a useful life of 10 or more years and that is used to support tourism and to accommodate tourist activities. "Tourism-related facility" includes a conference center, convention center and visitor information center.]

(9) "Tourism-related facility":

(a) Means a conference center, convention center or visitor information center; and

(b) Means other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.

[(i)] (10) "Tourist" means a person who, for business, pleasure, recreation or participation in events related to the arts, heritage or culture, travels from the community in which that person is a resident to a different community that is separate, distinct from and unrelated to the person's community of residence, and that trip:

[(A)] (a) Requires the person to travel more than 50 miles from the community of residence; or

[(B)] (b) Includes an overnight stay.

[(j)] (11) "Transient lodging" means hotel, motel and inn dwelling units that are designed for temporary overnight human occupancy, and includes spaces designed for parking recreational vehicles during periods of human occupancy of those vehicles.

[(k)] (12) "Unit of local government" has the meaning given that term in ORS 190.003.

[(L)] (13) "Visitor information center" means a building, or a portion of a building, the main purpose of which is to distribute or disseminate information to tourists.

[(2) *On and after January 1, 2001, a unit of local government that imposed a local transient lodging tax on December 31, 2000, and allowed a transient lodging provider to retain a collection reimbursement charge on that tax, may not decrease the percentage of local transient lodging taxes that is used to fund collection reimbursement charges.*]

[(3) *A unit of local government that imposes a new local transient lodging tax on or after January 1, 2001, shall allow a transient lodging provider to retain a collection reimbursement charge of at least five percent of all collected local transient lodging tax revenues. The percentage of the collection reimbursement charge may be increased by the unit of local government.*]

[(4) *A unit of local government that increases a local transient lodging tax on or after January 1, 2001, shall allow a transient lodging provider to retain a collection reimbursement charge of at least five percent of all collected local transient lodging tax revenues. The collection reimbursement charge shall apply to all collected local transient lodging tax revenues, including revenues that would have been collected without the increase. The percentage of the collection reimbursement charge may be increased by the unit of local government.*]

[(5) *A unit of local government may not offset the loss of local transient lodging tax revenues caused by collection reimbursement charges required by this section by:*]

[(a) *Increasing the rate of the local transient lodging tax;*]

[(b) *Decreasing the percentage of total local transient lodging tax revenues used to fund tourism promotion or tourism-related facilities; or*]

[(c) *Increasing or imposing a new fee solely on transient lodging providers or tourism promotion agencies that are funded by the local transient lodging tax.*]

(State Transient Lodging Tax)

SECTION 2. (1) A tax of one percent is imposed on any consideration rendered for the sale, service or furnishing of transient lodging. The tax imposed by this subsection shall be in addition to and not in lieu of any local transient lodging tax. The tax shall be collected by the transient lodging provider.

(2) The transient lodging provider shall withhold five percent of the amount the provider collects under subsection (1) of this section for the purpose of reimbursing the provider for the cost of tax collection, record keeping and reporting.

SECTION 3. Every transient lodging provider responsible for collecting the tax imposed by section 2 of this 2003 Act shall keep records, render statements and comply with rules adopted by the Department of Revenue with respect to the tax. The records and statements required by this section must be sufficient to show whether there is a tax liability under section 2 of this 2003 Act.

SECTION 4. (1) Every transient lodging provider is responsible for collecting the tax imposed under section 2 of this 2003 Act and shall file a return with the Department of Revenue, on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due during the quarter. The department shall prescribe the form of the return required by this section. The rules of the department shall require that returns be made under penalties for false swearing.

(2) When a return is required under subsection (1) of this section, the transient lodging provider required to make the return shall remit the tax due to the department at the time fixed for filing the return.

SECTION 5. If the amount paid by the transient lodging provider to the Department of Revenue under section 4 of this 2003 Act exceeds the amount of tax payable, the department shall refund the amount of the excess with interest thereon at the rate established under ORS 305.220 for each month or fraction of a month from the date of payment of the excess until the date of the refund. A refund may not be made to a transient lodging provider who fails to claim the refund within two years after the due date for filing the return to which the claim for refund relates.

SECTION 6. (1) Every transient lodging provider required to collect the tax imposed by section 2 of this 2003 Act shall be deemed to hold the amount collected in trust for the State of Oregon and for payment to the Department of Revenue in the manner and at the time provided by section 4 of this 2003 Act.

(2) At any time the transient lodging provider required to collect the tax fails to remit any amount deemed to be held in trust for the State of Oregon, the department may enforce collection by the issuance of a distraint warrant for the collection of the delinquent amount and all penalties, interest and collection charges accrued thereon. The warrant shall be issued, docketed and proceeded upon in the same manner and shall have the same force and effect as is prescribed with respect to warrants for the collection of delinquent income taxes.

SECTION 7. Unless the context requires otherwise, the provisions of ORS chapters 305, 314 and 316 as to the audit and examination of reports and returns, confidentiality of reports and returns, determination of deficiencies, assessments, claims for refunds, penalties, interest, jeopardy assessments, warrants, conferences and appeals to the Oregon Tax Court, and procedures relating thereto, apply to sections 2 to 8a of this 2003 Act, the same as if the tax were a tax imposed upon or measured by net income. All such provisions apply to the taxpayer liable for the tax and to the transient lodging provider required to collect the tax. As to any amount collected and required to be remitted to the Department of Revenue, the tax shall be considered a tax upon the transient lodging provider required to collect the tax and that provider shall be considered a taxpayer.

SECTION 8. All moneys received by the Department of Revenue pursuant to sections 2 to 8a of this 2003 Act, and interest thereon, shall be paid to the State Treasurer to be held in a suspense account established under ORS 293.445. After the payment of refunds:

(1) Moneys necessary to reimburse the Department of Revenue for the actual costs incurred by the department in administering the state transient lodging tax, not to exceed two percent of state transient lodging tax collections, are continuously appropriated to the department; and

(2) The balance of the moneys received shall be transferred to the account of the Oregon Tourism Commission established under section 23 of this 2003 Act. The moneys transferred under this subsection are continuously appropriated to the Oregon Tourism Commission for the purposes set forth in section 23 of this 2003 Act.

SECTION 8a. (1) Public records of moneys received by the Department of Revenue pursuant to sections 2 to 8a of this 2003 Act are exempt from disclosure under ORS 192.410 to 192.505. Nothing in this section shall limit the use that can be made of such information for regulatory purposes or its use and admissibility in any enforcement proceedings.

(2) If a conflict is found to exist between subsection (1) of this section and ORS 314.835, ORS 314.835 controls.

SECTION 9. Sections 2 to 8a of this 2003 Act apply to transient lodging tax reporting periods beginning on or after January 1, 2004.

(Local Transient Lodging Taxes)

SECTION 10. (1) On or after January 1, 2001, a unit of local government that imposed a local transient lodging tax on December 31, 2000, and allowed a transient lodging provider to retain a collection reimbursement charge on that tax, may not decrease the percentage of local transient lodging taxes that is used to fund collection reimbursement charges.

(2) A unit of local government that imposes a new local transient lodging tax on or after January 1, 2001, shall allow a transient lodging provider to retain a collection reimbursement charge of at least five

percent of all collected local transient lodging tax revenues. The percentage of the collection reimbursement charge may be increased by the unit of local government.

(3) A unit of local government that increases a local transient lodging tax on or after January 1, 2001, shall allow a transient lodging provider to retain a collection reimbursement charge of at least five percent of all collected local transient lodging tax revenues. The collection reimbursement charge shall apply to all collected local transient lodging tax revenues, including revenues that would have been collected without the increase. The percentage of the collection reimbursement charge may be increased by the unit of local government.

(4) A unit of local government may not offset the loss of local transient lodging tax revenues caused by collection reimbursement charges required by this section by:

(a) Increasing the rate of the local transient lodging tax;

(b) Decreasing the percentage of total local transient lodging tax revenues used to fund tourism promotion or tourism-related facilities; or

(c) Increasing or imposing a new fee solely on transient lodging providers or tourism promotion agencies that are funded by the local transient lodging tax.

SECTION 11. (1) A unit of local government that did not impose a local transient lodging tax on July 1, 2003, may not impose a local transient lodging tax on or after July 2, 2003, unless the imposition of the local transient lodging tax was approved on or before July 1, 2003.

(2) A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not increase the rate of the local transient lodging tax on or after July 2, 2003, to a rate that is greater than the rate in effect on July 1, 2003, unless the increase was approved on or before July 1, 2003.

(3) A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not decrease the percentage of total local transient lodging tax revenues that are actually expended to fund tourism promotion or tourism-related facilities on or after July 2, 2003. A unit of local government that agreed, on or before July 1, 2003, to increase the percentage of total local transient lodging tax revenues that are to be expended to fund tourism promotion or tourism-related facilities, must increase the percentage as agreed.

(4) Notwithstanding subsections (1) and (2) of this section, a unit of local government that is financing debt with local transient lodging tax revenues on the effective date of this 2003 Act must continue to finance the debt until the retirement of the debt, including any refinancing of that debt. If the tax is not otherwise permitted under subsection (1) or (2) of this section, at the time of the debt retirement:

(a) The local transient lodging tax revenue that financed the debt shall be used as provided in subsection (5) of this section; or

(b) The unit of local government shall thereafter eliminate the new tax or increase in tax otherwise described in subsection (1) or (2) of this section.

(5) Subsections (1) and (2) of this section do not apply to a new or increased local transient lodging tax if all of the net revenue from the new or increased tax, following reductions attributed to collection reimbursement charges, is used consistently with subsection (6) of this section to:

(a) Fund tourism promotion or tourism-related facilities;

(b) Fund city or county services; or

(c) Finance or refinance the debt of tourism-related facilities and pay reasonable administrative costs incurred in financing or refinancing that debt, provided that:

(A) The net revenue may be used for administrative costs only if the unit of local government provides a collection reimbursement charge; and

(B) Upon retirement of the debt, the unit of local government reduces the tax by the amount by which the tax was increased to finance or refinance the debt.

(6) At least 70 percent of net revenue from a new or increased local transient lodging tax shall be used for the purposes described in subsection (5)(a) or (c) of this section. No more than 30 percent of net revenue from a new or increased local transient lodging tax may be used for the purpose described in subsection (5)(b) of this section.

SECTION 12. If a new or increased local transient lodging tax is imposed on or after July 2, 2003, and before the effective date of this 2003 Act, and the new or increased tax is not otherwise allowed under section 11 of this 2003 Act, the unit of local government imposing the tax, on or before January 1, 2005, shall:

(1) In the case of a new tax, use all of the revenue collected, minus any collection reimbursement charges required under section 10 of this 2003 Act, as prescribed in section 11 (5) and (6) of this 2003 Act.

(2) In the case of an increase in an existing local transient lodging tax, temporarily reduce the rate of tax otherwise allowable under section 11 of this 2003 Act so as to economically achieve a tax refund.

OREGON TOURISM COMMISSION

SECTION 13. ORS 285A.255 is amended to read:

285A.255. As used in ORS 285A.255 to 285A.285, unless the context requires otherwise:

(1) [“Tourism”] “Commission” means the Oregon Tourism Commission.

(2) “Executive director” means the executive director of the Oregon Tourism Commission.

[(2) “Tourism program” means the Oregon Tourism Program of the Economic and Community Development Department.]

SECTION 14. ORS 285A.261 is amended to read:

285A.261. (1) There is established an Oregon Tourism Commission consisting of nine members appointed by the Governor. *[Seven members shall be appointed by the Governor, one member shall be appointed by the President of the Senate and one member shall be appointed by the Speaker of the House of Representatives. At least 30 days prior to the expiration of the term of a member appointed by the Governor, the Travel Industry Council of Oregon may recommend to the Governor at least three industry representatives for appointment to the tourism commission.]* Members of the [tourism] commission are appointed to perform the duties *[described in ORS 285A.264]* of the commission as provided by law. Members *[appointed by the Governor]* are subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.

(2) In appointing members of the [tourism] commission under subsection (1) of this section, the Governor shall:

(a) Appoint members representing the state's various regions and areas of tourism activity.

(b) Appoint *[at least six of the]* three members drawn from *[the]* travel agencies, tour operators, private transportation, restaurants, *[hotels, motels, resorts,]* or businesses or organizations engaged in tourism promotion for cities or counties, cultural attractions, historic attractions, ski facilities *[and]* or related recreational industries. At least 30 days prior to the expiration of the term of a member appointed under this paragraph, the Tourism Industry Council of Oregon may recommend to the Governor one or more tourism industry representatives for the Governor's consideration in filling the vacancy.

(c) Appoint at least one member to represent the public at large.

(d) Appoint five members drawn from the lodging industry. For purposes of this paragraph, the lodging industry consists of hotels, motels, resorts, bed and breakfast facilities, inns, recreational vehicle parks, campgrounds and guest ranches. At least 30 days prior to the expiration of the term of a member appointed under this paragraph, a statewide organization representing the lodging industry may recommend to the Governor one or more lodging industry representatives for the Governor's consideration in filling the vacancy.

[(2)] (3) *[The term of office of each member is four years.]* A member of the commission shall be appointed for a term of four years that begins on July 1. A member shall hold office for the term of the appointment and after the end of the term until a successor is appointed and qualified. Before the expiration of the term of a member, the *[appointing authority]* Governor shall strive to appoint a successor *[whose term begins on July 1 next following]*. A member is eligible for one reappointment except that a member appointed to fill a vacancy for a partial term may be reappointed to fill a total of two full terms in addition to the partial term. If there is a vacancy for any cause, the *[appointing authority]* Governor shall make an appointment to become effective immediately for the unexpired term.

[(3)] (4) A member of the [tourism] commission is entitled to compensation and expenses as provided in ORS 292.495.

[(4)] (5) The [tourism] commission shall select one of its members to chair the [tourism] commission[,] and shall select another member to serve as vice chair, for such terms and with duties and powers necessary to perform the functions of the offices as the [tourism] commission determines.

[(5)] (6) A majority of the members of the [tourism] commission constitutes a quorum for the transaction of business.

[(6)] (7) The *[appointing authority]* Governor may remove a member of the [tourism] commission for

cause as provided in ORS 182.010 or 236.010.

SECTION 15. Notwithstanding ORS 285A.261, the members of the Oregon Tourism Commission serving on the commission on the effective date of this 2003 Act may continue to serve on the commission in accordance with their appointments. The Governor shall designate which members of the commission, of those who were appointed to the commission by the Governor, are intended to meet the requirements of ORS 285A.261 (2)(b).

NOTE: Section 16 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 17. (1) The Oregon Tourism Program is abolished. All records, assets and other property of the Oregon Tourism Program are transferred to the Oregon Tourism Commission.

(2) The rights and obligations of the Oregon Tourism Program legally incurred under contracts, leases and business transactions executed, entered into or begun before the effective date of this 2003 Act are rights and obligations of the Oregon Tourism Commission. For the purpose of succession to these rights and obligations, the Oregon Tourism Commission is a continuation of the Oregon Tourism Program and is not a new authority.

(3) Notwithstanding subsection (1) of this section, the rules of the Economic and Community Development Department that were administered by the Oregon Tourism Program or the Oregon Tourism Commission on the day prior to the effective date of this 2003 Act shall continue in effect and be considered rules of the Oregon Tourism Commission until superseded, amended or repealed by the Oregon Tourism Commission.

(4) The administrator of the Oregon Tourism Commission on the day prior to the effective date of this 2003 Act shall be the initial executive director of the Oregon Tourism Commission.

SECTION 18. (1) Except as provided in subsection (2) of this section, the provisions of ORS 200.035 and ORS chapters 240, 276, 279, 282, 283, 291, 292 and 293 do not apply to the Oregon Tourism Commission. The commission is subject to all other statutes governing a state agency that do not conflict with ORS 285A.255 to ORS 285A.285, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS 183.310 to 183.550. The employees of the commission are included within the Public Employees Retirement System.

(2) Notwithstanding subsection (1) of this section, the following provisions apply to the commission:

(a) ORS 279.800 to 279.830;

(b) ORS 292.495; and

(c) ORS 293.235, 293.240, 293.245, 293.250, 293.611, 293.625 and 293.630.

(3) In carrying out the duties, functions and powers of the commission, the commission may contract with any state agency for the performance of duties, functions and powers as the commission considers appropriate. A state agency may not charge the commission an amount that exceeds the actual cost of those services. ORS 285A.255 to 285A.285 do not require a state agency to provide services to the commission other than pursuant to a voluntary interagency agreement or contract.

(4) The commission shall adopt personnel policies and contracting and purchasing procedures. The Oregon Department of Administrative Services shall review those policies and procedures for compliance with applicable state and federal laws and collective bargaining contracts.

(5) Except as otherwise provided by law, members and employees of the commission are eligible to receive the same benefits as state employees and are entitled to retain their State of Oregon hire dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer of all accumulated state agency leaves.

SECTION 18a. If House Bill 2341 becomes law, section 18 of this 2003 Act is amended to read:

Sec. 18. (1) Except as provided in subsection (2) of this section, the provisions of ORS 200.035 and ORS chapters 240, 276, 279, 282, 283, 291, 292 and 293 and sections 1 to 46, 47 to 87 and 88 to 179, chapter 794, Oregon Laws 2003 (Enrolled House Bill 2341), do not apply to the Oregon Tourism Commission. The commission is subject to all other statutes governing a state agency that do not conflict with ORS 285A.255 to ORS 285A.285, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS 183.310 to 183.550. The employees of the commission are included within the Public Employees Retirement System.

(2) Notwithstanding subsection (1) of this section, the following provisions apply to the commission:

(a) [ORS 279.800 to 279.830] Sections 36 to 44, chapter 794, Oregon Laws 2003 (Enrolled House Bill 2341);

(b) ORS 292.495; and

(c) ORS 293.235, 293.240, 293.245, 293.250, 293.611, 293.625 and 293.630.

(3) In carrying out the duties, functions and powers of the commission, the commission may contract with any state agency for the performance of duties, functions and powers as the commission considers appropriate. A state agency may not charge the commission an amount that exceeds the actual cost of those services. ORS 285A.255 to 285A.285 do not require a state agency to provide services to the commission other than pursuant to a voluntary interagency agreement or contract.

(4) The commission shall adopt personnel policies and contracting and purchasing procedures. The Oregon Department of Administrative Services shall review those policies and procedures for compliance with applicable state and federal laws and collective bargaining contracts.

(5) Except as otherwise provided by law, members and employees of the commission are eligible to receive the same benefits as state employees and are entitled to retain their State of Oregon hire dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer of all accumulated state agency leaves.

SECTION 18b. The amendments to section 18 of this 2003 Act by section 18a of this 2003 Act become operative on March 1, 2005.

SECTION 19. ORS 285A.264 is amended to read:

285A.264. The Oregon Tourism Commission shall perform the following duties:

(1) Serve as a body to advise governmental bodies and agencies and private persons on the development and implementation of state policies and programs relating to tourism and recreation and to assist in the coordination of these activities.

(2) Advise the Governor and direct the *[administrator]* **executive director** of the *[Oregon Tourism Program]* **commission** on all matters pertaining to tourism.

(3) Prepare, approve and periodically revise and submit to the Governor, the Director of the Economic and Community Development Department and tourism industry associations a recommended comprehensive marketing plan for review by the Governor, the Director of the **Economic and Community Development Department** and the tourism industry associations. The comprehensive marketing plan shall be directed toward the accomplishment of at least the following purposes:

(a) Maximizing the return on public and private investment in tourism.

(b) Encouraging longer stays by visitors to Oregon.

(c) Reducing seasonal fluctuations in travel and tourist related industries.

(d) Encouraging visitors to be destination oriented in this state by targeting high-yield visitor segments that may include cultural tourism, agri-tourism, nature-based tourism or sports and adventure tourism.

(e) Encouraging visitors from foreign countries to come to Oregon.

(f) Encouraging Oregonians to vacation in Oregon.

[(4) Develop a biennial budget for all operations of the tourism commission and the tourism program and submit the budget to the Governor.]

(4) Develop a biennial budget for all operations of the commission and submit the budget to the Governor.

(5) Seek and receive the views of all levels of government and the private sector with respect to state programs and policies for the promotion and assistance of tourism.

(6) Prepare and adopt administrative rules necessary for the operation of the programs of the *[tourism]* commission.

(7) Cooperate with educational institutions of the state in the development of educational programs preparing persons for supporting and leadership positions critical to the development of an economically strong and socially beneficial tourism industry in Oregon.

(8) Cooperate with and provide expertise for communities and tourism marketing associations in the development and promotion of their tourism attractions and businesses.

[(9) At the discretion of the tourism commission, exercise directly any power or authority vested in the tourism program.]

(9) Implement the comprehensive marketing plan described in subsection (3) of this section and promote tourism in the State of Oregon.

SECTION 20. To carry out the duties and purposes of the Oregon Tourism Commission, and in addition to other powers granted to the commission under ORS 285A.255 to 285A.285 or other law, the commission may:

(1) Make contracts and execute all instruments necessary or convenient for carrying out the duties

of the commission;

(2) Acquire, own, hold, transfer, encumber or dispose of property of any kind, or any interest in that property;

(3) Enter into agreements or other transactions involving tourism with any federal, state, county or municipal agency or with any person or other entity;

(4) Appoint officers, consultants, agents or advisors, and prescribe their duties;

(5) Appear before boards, commissions, departments or other agencies of municipal or county governments, the state government or the federal government;

(6) Procure insurance against any losses incurred in connection with property of the commission in the amounts and from the insurers as the commission determines is necessary or desirable;

(7) Accept donations, grants, bequests or devises, conditional or otherwise, of money, property, services or other items of value, including any interest or earnings thereon, that may be received from the federal government or any agency of the federal government, any state or municipal government agency, or any institution or person, public or private, to be held, used or applied for any purpose of the commission, in accordance with the terms of the donation, grant, bequest or devise;

(8) Organize, conduct, sponsor, cooperate with or assist the private sector or other state agencies in the conduct of conferences and tours related to Oregon tourism;

(9) Provide and pay for advisory services and technical assistance that may be necessary or desirable to carry out the duties and purposes of the commission;

(10) Exercise any other powers necessary or desirable for the operation and functioning of the commission that is consistent with the purposes of the commission;

(11) Charge for products or services provided and receive revenue from any source to be used for the purposes of the commission;

(12) Enter into agreements and cooperate with political subdivisions of this state, state agencies, other states, the federal government, governments of foreign countries or private individuals, corporations or other persons in the publication or distribution of information relating to tourism, recreational activities and tourism facilities, or other information or materials of interest or service to the traveling public or relating to developing or promoting tourism in this state; and

(13) Accept or provide travel, lodging, meals, entertainment, meetings and other services from or to public or private entities or persons in order to carry out the duties of the commission.

SECTION 21. ORS 285A.267 is amended to read:

285A.267. Upon receipt of a **comprehensive** marketing plan prepared or revised by the Oregon Tourism Commission under ORS 285A.264, the Governor, the Director of the Economic and Community Development Department and tourism industry associations may review the plan. If the Governor, the director or an industry association has any disagreement with the plan or if the Governor, director or an industry association desires anything included in the plan that is not in the plan when submitted, the Governor, director or industry association may submit recommendations for revision by the [tourism] commission.

SECTION 22. (1) The Oregon Tourism Commission shall adopt budgets on a biennial basis using classifications of expenditures and revenue required by ORS 291.206 (1). That portion of the budget that is funded by appropriations from the General Fund or by allocations of lottery funds is subject to review and approval by the Legislative Assembly and to future modification by the Emergency Board or the Legislative Assembly. The remainder of the budget is subject to review and recommendation by the Legislative Assembly.

(2) The commission shall adopt or modify a budget only after a public hearing on the budget. At least 15 days prior to a public hearing, the commission shall give notice of the hearing to all persons known to be interested in the proceedings of the commission and to any person who has requested a notice.

(3) The commission shall follow generally accepted accounting principles and keep such financial and statistical information as is necessary to completely and accurately disclose the financial condition and financial operations of the commission as may be required by the Secretary of State.

(4) The commission shall prepare an annual financial statement of commission revenues and expenses and shall make the statement available for public review.

SECTION 23. (1) All moneys collected, received by or appropriated to the Oregon Tourism Commission shall be deposited into an account established by the commission in a depository bank insured by the Federal Deposit Insurance Corporation. In a manner consistent with the requirements of

ORS chapter 295, the chair of the commission shall ensure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the Federal Deposit Insurance Corporation's coverage.

(2) Subject to the approval of the chair, the commission may invest moneys collected or received by the commission. Investments made by the commission shall be limited to investments described in ORS 294.035 (1) to (9).

(3) Interest earned on any moneys invested under subsection (2) of this section shall be made available to the commission in a manner consistent with the biennial budget of the commission.

(4) State transient lodging tax moneys appropriated to the commission under section 8 of this 2003 Act shall be spent by the commission as follows:

(a) At least 80 percent shall be used to fund state tourism marketing programs.

(b) As much as 15 percent shall be used to implement a regional cooperative tourism marketing program. The program shall:

(A) Require that fund allocations focus on creating new business from out-of-state and international markets;

(B) Utilize a regional allocation formula that distributes revenue to regions, the boundaries of which are established by the commission, in proportion to the amount of transient lodging tax revenues collected in each region;

(C) Distribute revenue to recipients that are selected by the commission as organizations able to conduct tourism-related marketing for each region;

(D) Require that all advertising, publications, CD-ROMs, websites, videos and other tourism promotion materials funded through the regional cooperative tourism marketing program carry the Oregon Tourism Commission logo and marketing tag line; and

(E) Encourage funding recipients to incorporate design elements from commission advertising and promotional campaigns, such as fonts, images and other design elements.

(5) All moneys in the account that are not state transient lodging tax revenues are continuously appropriated to the commission for the purposes of carrying out the functions of the commission.

(6) All expenditures from the account are exempt from any state expenditure limitation.

SECTION 24. All moneys appropriated to the Economic and Community Development Department for the purposes of the Oregon Tourism Commission prior to the effective date of this 2003 Act that remain unspent and unobligated are transferred to the account of the Oregon Tourism Commission established under section 23 of this 2003 Act on the effective date of this 2003 Act.

SECTION 25. ORS 285A.279 is amended to read:

285A.279. (1) The Oregon Tourism Commission shall administer a biennial matching grants program when the Legislative Assembly appropriates moneys therefor. The purpose of the matching grants program is to help develop and improve the economies of communities throughout Oregon by means of the improvement, expansion and promotion of the visitor industry.

(2) The [tourism] commission shall establish the maximum grant amount in the applicant guidelines prepared for the matching grants program in each biennium. No more than 50 percent of the total cost of a project may be paid for with moneys from the program. An applicant must show a minimum one-to-one match from private or public sources other than Economic and Community Development Department or commission programs. The applicant must also show a cash match of at least 50 percent of the amount requested under the matching grants program.

SECTION 26. ORS 285A.282 is amended to read:

285A.282. (1) The Oregon Tourism Commission[*upon the approval of the Governor, shall appoint an administrator of the tourism commission who*] shall appoint an executive director. The appointment shall be subject to the approval of the Governor. The executive director shall serve at the pleasure of the members of the commission.

[*(2) The administrator shall receive such salary as may be provided by law or as fixed by the tourism commission.*]

[*(3) The administrator shall be the administrative head of the Oregon Tourism Program.*]

[*(4) The administrator may recommend rules to the tourism commission for the governance of the tourism program, the conduct of its employees and the assignment and performance of its business and the custody, use and preservation of its records, papers and property.*]

(2) The commission shall set the compensation of the executive director.

(3) The executive director shall direct all administrative functions of the commission. The executive

CITY OF BROOKINGS

City Council Agenda Report



Date: July 19, 2006
To: Mayor & City Council
From: Don Wilcox, Public Works Director *(DTW)*
Through: Dale Shaddox, City Manager

Subject: Water distribution system projects

Recommendation: Issue Notice to Proceed (NTP) to HGE Engineering for design services for two water distribution system projects

Background /Discussion:

Staff has previously recommended to Council the water distribution system improvements necessary to mitigate our current inability to supply adequate maximum day water supply throughout the City. Staff recommends we now begin design of the two high priority water distribution system projects below:

1. Booster station between the Water Treatment Plant (WTP) and 1.5 MG reservoir
2. Parallel raw water transmission line between our Ranney Intake and the WTP.

The remaining water system projects identified as high priority including our 2.0 MG reservoir and other distribution system improvement projects will be presented to Council in the near future for approval to proceed once staff has completed preparation of an overall funding plan for the recommended projects. The Finance Director and PW Director have an appointment on August 8, 2006 with the "One Stop" funding information program facilitated by the State of Oregon for municipal projects to describe our proposed projects toward achieving the best options for the financed portion of the funding of these high priority projects.

Financial Impact(s):

Design costs for the projects identified above are \$14,775 for #1 and \$56,000 for #2 (see attached engineer's estimate and proposed schedules). The City will utilize water system improvement funding included in the current year Budget to cover these design costs. Both of these projects are identified in our system development charge report.

City Manager Review and Approval for placement on Council Agenda:


Dale Shaddox, City Manager



ARCHITECTS
ENGINEERS
SURVEYORS
PLANNERS

375 PARK AVE
COOS BAY
OREGON
97420

541.269.1166
FAX 541.269.1833
CELL 541.404.3791
mored@hge1.com

Richard D. Nored, P.E.
Joseph A. Slack, A.I.A.
Russ Dodge, PLS
Stephen R. Cox

July 19, 2006

City of Brookings
898 Elk Drive
Brookings, OR 97415

Attn: Don Wilcox, P.E.
Public Works Director

Re: Water System Improvements
Project No. 04.84

Dear Don:

In accordance with your request, we have developed a further breakdown of costs for the proposed booster pump station and transmission pipeline. Estimated costs appear as follows:

Booster Pump Station

Construction Cost	\$ 123,100
Design and Surveying	\$ 14,775
Construction Management	\$ 9,850
Contingency	<u>\$ 12,275</u>
TOTAL COST	\$ 160,000

Transmission Pipeline

Construction Cost	\$ 530,770
Design and Surveying	\$ 56,000
Construction Management	\$ 50,150
Contingency	<u>\$ 53,080</u>
TOTAL COST	\$ 690,000

If you have any questions or concerns in this regard, please contact me.

Very truly yours,

**HGE INC., Architects, Engineers,
Surveyors & Planners**

Richard D. Nored, P.E.
President



ARCHITECTS
ENGINEERS
SURVEYORS
PLANNERS

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Richard D. Nored, P.E.
Joseph A. Slack, A.I.A.
Russ Dodge, PLS
Stephen R. Cox

July 18, 2006

City of Brookings
898 Elk Drive
Brookings, OR 97415

Attn: Don Wilcox, P.E.
Public Works Director

Re: Water System Improvements
Project No. 04.84

Dear Don:

In accordance with our discussion of this date, we have worked up a tentative schedule for design and construction of the booster pump station to increase volume from the water treatment plant into the 1.5 MG reservoir, and for replacement of 4,900 lineal feet of 12" transmission main with a new 16" line. The following schedule should be possible, assuming that Notice to Proceed is issued as noted.

Booster Pump Station

Notice to Proceed
Design and Property Acquisition Complete
Submission for OHD Approval
Bid Advertisement for Construction
Open Bids
Award Construction
Begin Construction
Complete Construction

July 25, 2006
December 11, 2006
December 11, 2006
December 27, 2006
January 23, 2007
February 12, 2007
March 1, 2007
July 1, 2007

Transmission Pipeline

Notice to Proceed
Design
Submission for OHD Approval
Bid Advertisement for Construction
Open Bids
Award Construction
Begin Construction
Complete Construction

July 25, 2006
December 15, 2006
December 15, 2006
December 28, 2006
January 23, 2007
February 12, 2007
March 1, 2007
June 1, 2007

If you have any questions or concerns in this regard, please contact me.

Very truly yours,

**HGE INC., Architects, Engineers,
Surveyors & Planners**

Richard D. Nored, P.E.
President

CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
Monday, July 10, 2006, 7:00 p.m.

I. Call to Order

Mayor Pat Sherman called the meeting to order at 7:00 p.m.

II. Pledge of Allegiance

Led by Chief Sharp

III. Roll Call

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Jan Willms and Dave Gordon, Ex Officio Councilor Ashley Gimmell; a quorum present.

Council Absent: Councilor Craig Mickelson

Staff Present:

City Manager Dale Shaddox,
City Attorney John Trew,
Fire Chief William Sharp,
Public Works Director Don Wilcox,
and Administrative Assistant Joyce Heffington

Media Present: Curry Coastal Pilot Reporter Peter Rice

Other:

Chamber of Commerce President Les Cohen,
and approximately 14 other citizens

IV. Ceremonies/Appointments/Announcements

A. Ceremonies

1. *Certificates of Appreciation*

Mayor Pat Sherman presented certificates to representatives of Tidewater Contractors Inc. and Oregon Department of Transportation (ODOT) in appreciation of work performed on the Chetco Avenue highway project. Accepting the awards were Scott Darger for Tidewater and Petr Lavosik, Jim McKinney and Charlie Long for ODOT.

B. Announcements

1. *Yard of the Month* – Jayne & Scott Scalas, 17295 Garvin Court
2. *Most Improved Property* – George Dreiszus, 206 Del Norte
3. *Commercial Property* – Brookings Presbyterian Church, 540 Pacific Ave

Mayor Sherman announced recipients of the Yard of the Month, Most Improved Property and Commercial Property.

V. Oral Requests and Communications from the Audience

A. Committee and Liaison reports

1. Chamber of Commerce

Les Cohen reported that the Oregon Coast Visitors Association came to Brookings, visited Azalea Park and took video that will be used for promotion of the coastal areas. He also attended a meeting of the Oregon State Chamber of Commerce and announced a forum coming up on Thursday concerning federal forest receipts. Cohen reported that there's been an incredible response to the American Music Festival concert series with 400-500 people routinely attending and said that Salmon Derby planning is well underway. Cohen also said that Oregon Business magazine is celebrating 25 years and will be selecting 10 Oregon communities to tour in 2007 and the Chamber will be presenting a proposal. Overall, Cohen said, the feeling is that visitation to the Brookings area is strong.

2. Council Liaisons

The Mayor introduced Ashley Gemmell as the new Student Ex Officio.

Mayor Sherman attended a drug media committee, and mentioned that the City will have a permanent drug information display in City Hall. The Mayor also attended the ASPIRE Program, and Relay 4 Life and Newcomers Club meetings.

Councilor Willms attended the ASPIRE Program, a Sutter Coast Hospital Board Meeting, and an Azalea Park Work Party.

Councilor Anderson attended two land development code meetings.

B. Public Comment

Vikki Nuss, 650 Mardon Court, addressed Council regarding the enforcement of the City's sign ordinance.

Mayor Sherman suggested that Nuss provide specifics.

VI. Regular Agenda

A. Discussion and possible approval of Mutual Aid Agreement (Fire Department)

Chief Bill Sharp requested the Mayor and Councilor's support in moving forward with the signing of the Mutual Aid Agreement in Curry County.

City Attorney Trew advised that there are no legal concerns with the agreement unless it moves to cross county or state lines.

Chief Sharp advised this is not a concern at this time. This agreement only involves agencies in Curry County.

Councilor Anderson moved, a second followed and Council voted unanimously to accept the format of agreement as [Chief] Sharp has shared with us and give the Chief the ability to bring the document back for the Mayor to sign without any additional meetings.

- B. Discussion and possible acceptance/approval of Fire Department grant and contract award.**

Chief Sharp reported that a \$7000 federal grant through the Oregon Department of Forestry was awarded with matching funds of \$4000 coming from the Firefighters Association, leaving a total cost to the City of \$3,000 to replace the pump under the fire tender.

The Council asked questions, Chief Sharp responded, and then asked Council to approve acceptance of the grant and the award of the contract.

Councilor Gordon moved, a second followed, and the Council voted unanimously to accept the grant award and authorize the purchase of the water tender replacement pump.

- C. Discussion and possible approval of contract with Parametrix
D. Discussion and possible approval of contract with Craig Stone & Associates
E. Discussion and possible approval of land use attorney contract with James Spickerman at Gleaves, Swearingen, Potter, & Scott, LLP**

City Manager Shaddox briefed the Council as a staff report on all three contracts, collectively, stating they were are related. Shaddox reported that these three contracts would help the City recover the significant costs, in time and dollars, related to the City's processing of large development applications. Work assigned to the consultants would be only for the larger projects that come to the City and would increase efficiency which is to both the City's and the developer's advantage. Consultants would work under the supervision and direction of City staff with no delegation of authority being given away by the City.

Councilor Willms asked if there is a retainer fee for these consultants and Shaddox said there is not.

Councilor Anderson commented that the consultants provide built in peer review and developers will be pleased with the more timely responses that would result during the application process.

Mayor Sherman asked about specific firms and about the decision making process involved in selecting the appropriate firm and Shaddox said that Stone and Associates is well known to him and that the land use attorney was well researched by Dianne

Snow and both are well-respected in their fields. Shaddox said that consultants would be selected depending on the area of expertise needed, which would be known.

Councilor Gordon asked Shaddox to explain the billing issues in relation to the recent fee schedule and the costs of paying these consultants to do the work. Shaddox said the fees would cover City costs for the average development and enable the City to recoup extraordinary costs on larger scale projects. Resulting costs associated with paying a consultant provide the City greater flexibility than would hiring additional staff or hiring on an as need basis which would result in retention problems or paying staff when there is no work to be done.

Councilor Anderson moved, a second followed and the Council voted unanimously to accept the staff report and recommendation for retaining Parametrix as land use professional service organization for City contract work.

Councilor Willms moved, a second followed, and the Council voted unanimously to accept staff recommendation to contract with Craig Stone and Associates for use as land use planning firm.

Councilor Gordon moved, a second followed and the Council voted unanimously to approve the contract with James Spickerman at Gleaves, Swearingen, Potter & Scott, LLP.

VII. Consent Calendar

- A. Approval of Council Meeting Minutes
 - 1. Meeting of June 26, 2006
- B. Approval of Liquor License Application for **Pine Cone Tavern**
- C. Approval of vouchers for month of June, 2006 (\$260,179.30)

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

VIII. Remarks from Mayor and Councilors

A. Council

Councilor Gordon said he will be out of town for the rest of the week and said commented again on the work performed by Tidewater and ODOT.

Councilor Anderson acknowledged the presence of visitors, Boy Scouts Jed Warren and Eli Warren, who addressed the Council, stating they were fulfilling a requirement to earn merit badges. Councilor Anderson also commented on improvements in properties on Chetco Avenue, complimented staff on sign enforcement, and thanked John Bischoff, who is retiring after 16 years, for all his years of service.

Councilor Willms commented on John Bischoff's departure and the great job Bischoff and the staff did on the HW3 project, as well as the desirable addition of the extra wide pedestrian stripes at Pacific and Chetco Avenues.

Ex Officio Gemmell congratulated Jed and Eli Warren.

B. Mayor

Mayor Sherman commented on the improving looks of City Hall and announced that the landscaping will be improving as well and the plants to be removed will be available to the public.

IX. Adjournment

Councilor Anderson moved and the Council voted unanimously by voice vote to adjourn at 8:06 pm.

Respectfully submitted:

Pat Sherman
Mayor

ATTEST by City Recorder this ____ day of _____, 2006.

Paul Hughes
Administrative Services Director/City Recorder

MINUTES
BROOKINGS PLANNING COMMISSION
June 6, 2006

The regular meeting of the Brookings Planning Commission was called to order by Vice-Chair Collis at 7:04 p.m. in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance.

Commissioners Present:

Jim Collis	Ron Hedenskog
Bill Dundom	Hedda Markham
Randy Gorman	Richard Yock (arrived at 7:07 p.m.)

Commissioners Absent: Bruce Nishioka

Staff Present:

John Bischoff, Director of Planning, Dianne Snow, Deputy City Planner, Donna Colby-Hanks, Senior Planner, and Cathie Mahon, Secretary.

Media: Coastal Pilot reporter, Peter Rice

Other:

Approximately 15 participants in the audience

CHAIR ANNOUNCEMENTS

Due to Chair Nishioka's absence, Vice-Chair Collis assumed the responsibility as Chair and opened the meeting.

MINUTES

By a 5-0 vote (motion: Commissioner Gorman) the Planning Commission approved the minutes of May 2, 2006, as amended.

(Commissioner Yock joined the meeting at 7:07 p.m.)

By a 6-0 vote (motion: Commissioner Dundom) the Planning Commission approved the minutes of May 16, 2006, as written.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON WRITTEN REQUESTS AND COMMUNICATIONS

None.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 6-0 vote (motion: Commissioner Hedenskog) Planning Commission approved File No. M3-05-06, a request for a minor partition to divide a 0.40 acre parcel into two (2) parcels; located at 17163 Parkview Drive; Assessor's Map No. 40-13-31B, tax lot 1900; R-1-6 (Single Family Residential, 6,000 sq.ft. minimum lot size) zone; Janice Palmiter Guernsey; applicant.

- The motion was amended to include a request (as noted in italics) from Dan Crumley:
 - The applicant must coordinate with the County Roadmaster regarding required street improvements, *pay the required fee for these improvements*, and provide documentation to the City that this has been done.

Commissioners Collis, Dundom, and Hedenskog declared ex parte due to a site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request. Vice-Chair Collis stated he has worked with the applicant on *Habitat for Humanity* projects but this acquaintance would not affect his ability to hear the case without bias.

The applicant waived their right to seven (7) additional days in which to submit written testimony.

The action was taken following questions and comments regarding the request from the following:

Paul and Janice Palmiter Guernsey, applicants, 15954 Short Way Brookings, OR 97415
 Don Wilcox, Director of Public Works for the City of Brookings

Entered into the record was a letter, Exhibit A, from:

Dan Crumbly, Curry County Road Master P. O. Box 247 Gold Beach, OR

2. By a 6-0 vote (Motion: Commissioner Dundom) the Planning Commission approved the Final ORDER and Findings of Fact for File No. **M3-5-06** as amended.
3. By a 6-0 vote (Motion: Commissioner Gorman) the Planning Commission denied the request for File No. **M3-6-06**, a request for a minor partition to divide a .99 acre parcel into three residential parcels, located at 1359 Chetco Avenue; Assessor's Map 41-14-01AA, Tax Lots 800 and 801; R-1-6 (Single Family Residential, 6,000 sq.ft. minimum lot size) zone; Gerald Hughes, applicant.

Commissioners Collis, Dundom, Gorman, and Hedenskog declared ex parte due to a site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

Vice-Chair Collis announced a short break from 8:10 p.m. to 8:18 p.m. to give the applicant time to set-up for his *PowerPoint* presentation.

The action was taken following questions and comments regarding the request from the following:

James Pex, applicant representative	997 Seagate Avenue, Coos Bay, OR 97420
Rich Roberts, Roberts & Associates Land Surveying,	P.O. Box 2791 Harbor, OR
Jim Rodine, applicant geologist	294 Edgerton Sunny Valley, OR 97497
Eldon Gossett, Coldwell Realty	703 Chetco Avenue Brookings, OR 97415
Robert Minshew	1349 Chetco Avenue Brookings, OR 97415
Warren Krick	1347 Chetco Avenue Brookings, OR 97415
Yvonne Maitland	15676 Oceanview Drive Brookings, OR 97415
Catherine Wiley	96370 Duley Creek Brookings, OR 97415

Barbara Nysted
Carl Tobin
Jan Krick
Norman Wilson

427 Buena Vista Loop
835 Cameo Court
1347 Chetco Avenue
609 15th Avenue

Brookings, OR 97415
Brookings, OR 97415
Brookings, OR 97415
Modesto, CA

Entered into the record were 2 exhibits:

Exhibit A-a letter from Thomas Guevara, Development Review Planner for ODOT;

Exhibit B-Title of the subject property submitted by James Pex, applicant representative

Planner Bischoff stated a Final Order with the Findings of Fact for the denial will be on the July 11, 2006 Public Hearing agenda.

A short recess was declared by the Vice-Chair at 10:05 p.m. The meeting reconvened at 10:10 with the same commissioners present.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRALS

1. File No. **CR-AD-0618**, a request from Verizon Wireless to place a cell tower at 97115 Hilltop Drive was postponed until the July 11, 2006 meeting.
2. By a 6-0 vote, the Planning Commission will send a favorable recommendation for File No. **CR-AD-0623**, a request for a conditional use approval for a single-family dwelling on a .58 acre parcel, located on the east side of Dodge Avenue; zoned Light Commercial (C-1); Lubosh Kormout, applicant.

COMMENTS by the PLANNING STAFF

- Planning Director Bischoff reminded the Commission the next public hearing will be held on July 11, 2006.
- Planner Snow announced the date for Bischoff's retirement dinner. The no-host dinner will be at the Smugglers Cove, 6:00 p.m. on July 13th.


COMMISSIONERS COMMENTS

None.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed 10:35 p.m.

Respectfully submitted,


James Collis, Vice-Chair
(approved at 7-11-06 meeting)

BROOKINGS PLANNING COMMISSION MINUTES
June 15, 2006

The meeting of the Brookings Planning Commission was called to order by Commissioner Dundom, who was chosen as alternate Chair due to the absence of Chair Nishioka and Vice-Chair Collis. The meeting was called to order at 7:00 p.m. in the Council Chambers at the Brookings City Hall on the above date with the following Commission members and staff in attendance.

Commissioners present:

Bill Dundom Hedda Markham
Ron Hedenskog Richard Yock

Commissioners absent: Jim Collis, Randy Gorman, and Bruce Nishioka

Staff present:

John Bischoff, City Planner, Don Wilcox, Public Works Director; Dianne Snow, Deputy City Planner, and Cathie Mahon, Secretary.

Media: Coastal Pilot reporter, Peter Rice

Other: Approximately 20 participants in the audience

CHAIR ANNOUNCEMENTS

None.

MINUTES

None.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON WRITTEN REQUESTS AND COMMUNICATIONS

1. By a 4-0 vote (motion: Commissioner Hedenskog) the Planning Commission approved a request for relief from a Site Plan Committee requirement of an additional five feet of public right of way along the Pine Street frontage of the Darwin Apartments at 448 Pine Street; Assessor's Map 41-13-05BC, Tax Lot 3101; Ron Grimes, applicant.

The action was taken following questions and answers regarding the request from the following:

Mr. Lovelace, developer for the project, 910 NE D Street Grants Pass, OR.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 4-0 vote (Motion: Commissioner Hedenskog) the Planning Commission upheld File No. **APPC-2-06**, a request for an appeal of the Site Plan Committee decision regarding front yard and rear yard setbacks for a water tank; located at the *Pacific Terrace Subdivision* at Marina Heights Loop and Marina Heights Road; in the SR-20 (Suburban Residential, 20,000 sq.ft. minimum lot size) zone; Assessor's Map No. 40-13-32CC, Tax Lot 1501; Bruce Brothers, applicant; John Babin, representative.

Commissioners, Dundom, Hedenskog and Markham declared ex parte due to a site visit. There was no challenge from the audience as to the jurisdiction of the Commission to hear the request.

The action was taken following questions and comments regarding the request from the following:

John Babin, Bruce Brothers representative	P. O. Box 1600	Brookings, OR 97415
Richard Wise, Bruce Brothers office manager	P. O. Box 61	Brookings, OR 97415
Don Wilcox, City of Brookings Public Works Director		
Meta Kent	97673 Marina Heights Loop	Brookings
Sherry Gallaty	97671 Marina Heights Loop	Brookings
Michael Winger	97670 Marina Heights Loop	Brookings
Eric Eastaff	97679 Marina Heights Loop	Brookings
Brent Bevan	905 Helen Lane	Brookings

A short recess was declared by the Chair at 9:17 p.m. The meeting reconvened at 9:26 p.m. with the same commissioners present.

The following exhibits were entered into the record:

Exhibit A	Letter-Meta & Gary Kent 97673 Marina Heights Loop	1 page
Exhibit B	Letter-Eric & Mollie Eastoff 97679 Marina Heights Loop	1 page
Exhibit C	Letter-Frederick & Veronica Spalding 17048 Westwood Lane	1 page
Exhibit D	Letter and documents Harold & Sherry Gallaty 97671 Marina Heights Loop	3 pages
Exhibit E	Letter-Aquastore NW, Inc (Water Tank Supplier) P. O. Box 1041, Canby, OR	1 page
Exhibit F	Photo of water tank	1 page
Exhibit G	Engineered Storage Products Co. 345 Harvestore Drive DeKalb, IL 60115-9607	25 pages
Exhibit H	FedEx Copy submitted by Richard Wise	1 page
Exhibit I	HGE-March 7, 2006 memo	1 page
Exhibit J	Harold & Sherry Gallaty 4-up photos of water tank	1 page

Exhibit K

13 Exhibits used at public hearing
John Babin, applicant's representative

16 pages

The applicant waived their right to seven (7) additional days in which to submit written testimony.

Planning Director Bischoff announced the Final Order will be at the next meeting.

COMMENTS by the PLANNING STAFF

Planning Director Bischoff reminded the Commission the next meeting will not be on the first Tuesday of July because it fall on the 4th. The next public hearing will be Tuesday, July 11, 2006.


COMMISSIONERS COMMENTS

None.

ADJOURNMENT:

With no further business before the Planning Commission, the meeting closed 11:12 p.m.

Respectfully submitted,


William Dundora, Pro Temp Chair

(approved at 7-11-06 meeting)





8.045.18 **Distribution and Management of Funds.**

The transient room tax

collected will be deposited as follows:

- (a) Fifty-three and nine tenths (53.9%) of the total taxes collected shall be deposited into the General Fund to fund city services.
- (b) Forty-six and one tenth percent (46.1%) of the total taxes collected shall be deposited into the Promote Astoria Fund. The forty-six and one tenth percent (46.1%) includes 2/9 and 1/9 percentages designated in previous ordinances for tourism purposes and also conforms to the requirements of Chapter 818, Oregon Laws 2003.

The tax transferred to the Promote Astoria Fund shall be used for tourism promotion and tourism-related facilities as defined in ORS 320.300 for the City of Astoria and immediate-surrounding areas.

Organizations receiving funds from the Promote Astoria Fund shall enter into a contract with the City that will include a scope of work and budget to be approved annually by the Astoria City Council. The contract will designate how the funds will be expended by contracting organizations.

Contracting organizations shall provide semi-annual financial reports, by August 1 and February 1, covering the six months ended June 30 and December 31, respectively, of each year. These reports shall provide a verified listing of the expenditures with adequate narrative, so the City can be satisfied as to the appropriateness of the expenditures. In addition, the Budget Committee of the City shall review such reports during the budget process and recommend to the City Council the continuance, discontinuance, or changes to a contract each year." [Section 8.045.18 added by Section 2 of Ordinance No. 81-04, passed May 18, 1981; amended by: Ordinance No. 87-10, passed May 18, 1987; Ordinance No. 90-07, section 3, passed April 16, 1990; Ordinance No. 91-15, passed June 17, 1991; Ordinance No. 92-05; passed July 6, 1992; Ordinance No. 93-06, passed July 19, 1993; Ordinance 95-07, passed May 15, 1995; Ordinance No. 95-11, passed July 17, 1995; Ordinance No. 99-12, passed July 6, 1999; Ordinance No. 02-08, passed June 17, 2002; and Ordinance No. 04-09, passed October 18, 2004.]

Utility Taxes

8.050 **Purpose.** The provisions of Sections 8.050 to 8.085 of this code are an exercise of the power to license for revenue.

8.055 **License Required.** A person engaged in the business of selling or furnishing electrical energy shall obtain a license and pay the license fee required in Section 8.060 of this code.

ORDINANCE NO. 245

A JOINT ORDINANCE OF THE CITY OF COOS BAY AND THE CITY OF NORTH BEND RATIFYING THE CREATION OF THE COOS BAY/NORTH BEND TOURISM AND PROMOTIONS COMMITTEE, AN INTERGOVERNMENTAL ENTITY CREATED UNDER THE PROVISIONS OF ORS 190.003-190.110

The City of Coos Bay Ordains as follows:

Section 1. Intent. It is the intent of the City Council of the City of Coos Bay and the City of North Bend to create an intergovernmental entity to be known as the "Coos Bay/North Bend Tourism and Promotions Committee" (the Committee), by ratifying an intergovernmental agreement entitled "AN AGREEMENT ESTABLISHING THE COOS BAY/NORTH BEND TOURISM AND PROMOTIONS COMMITTEE: An Intergovernmental Entity of the City of Coos Bay and the City of North Bend" (the Agreement), as it may be amended from time to time, which is attached hereto as "Exhibit 1."

Section 2. Effective Date. The Agreement shall become effective January 1, 1998. [Amended by Ordinance No. 246, Section 1, enacted November 18, 1997]

Section 3. Purpose. The purpose of the Agreement is to promote the economic development of the City of Coos Bay and the City of North Bend by fostering tourism to the Coos Bay/North Bend area.

Section 4. Powers, Duties and Functions of the Intergovernmental Entity. The Committee shall, to the extent provided by law, have all the powers, duties and functions specifically delegated or necessarily implied to it by the Agreement.

Section 5. Emergency Declared. Because the promotion of economic development by fostering tourism is necessary for the peace, health, and safety of the people of the City of Coos Bay and the City of North Bend and the surrounding area, an emergency is declared to exist, and this ordinance is effective upon its passage by the City Council.

Passed by the City Council and approved by the Mayor October 21, 1997.

Gold Beach

Chapter 3.08	3.08.230	records.
TRANSIENT LODGING TAX	3.08.240	Confidentiality.
Sections:		Disposition and use
	3.08.250	of transient room
3.08.010		tax funds.
3.08.020		Term, powers and
3.08.030		duties of the
3.08.040		transient lodging tax
3.08.050	3.08.255	expenditure
3.08.060	3.08.260	committee.
3.08.070	3.08.265	Grant funding
3.08.080	3.08.270	procedures.
3.08.090	3.08.280	Violation-Penalty.
3.08.100		Administrative
		compensation
3.08.110		Ordinance
3.08.120		retroactive.
3.08.130		Severability.
3.08.140		
3.08.150		
3.08.160		
3.08.170		
3.08.180		
3.08.190		
3.08.200		
3.08.210		
3.08.220		

C. Disclosure of names and addresses of persons making returns;

D. Disclosure of general statistics regarding taxes collected or business done in the City. (Ord. 212-90B § 23, 1990)

3.08.240 Disposition and use of transient room tax funds.

The funds collected under this ordinance shall be retained by the City and allocated to the community Grant Fund. The City Council may appropriate funds collected under this ordinance for tourism development and beautification, as provided by this ordinance. (Ord. 2000-04 § 1, 2000)

3.08.250 Transient lodging tax expenditure committee.

(1) A transient lodging tax expenditure committee may be appointed by the Mayor to advise the council on the expenditure of any transient room tax funds appropriated by the Council for tourism development and beautification. The committee shall be composed of five members who are residents of the City, excluding members of the city council and City employees. (Ord. 2000-04 § 2, 2000)

(2) The members of this committee shall not receive compensation for their services on the committee.

(3) The term of office shall be for two (2) years. No member shall be appointed to more than three consecutive two-year terms without first taking a one-year break in service. After such break in service, the members shall be eligible to be reappointed for up to three (3) additional consecutive two-year terms before another one-term break in service is required.

(4) No member shall vote on a funding petition of any organization which said member is a current member.

(5) Should any member resign or be removed from office as herein provided, the Mayor, with Council approval, shall appoint a replacement member to fill the unexpired term of the replaced or resigned member.

(6) Any member of this committee may be removed from this committee for cause upon written recommendation by the Common Council.

(7) A quorum of three members shall be necessary to conduct the business of this committee.

(8) This committee shall select from its members a Chairperson, Vice Chairperson, and a Secretary who shall serve at the pleasure of this committee.

(9) This committee shall keep a record of its meetings and proceedings and shall keep all minutes, records and files of this committee in the Tax Administrator's office. (Ord. 96-16 § 7, 1996; Ord 212-90B § 25, 1990)

3.08.255 Grant funding procedures.

(A) Any recognized nonprofit organization may file an application for grants of transient room tax funds. The application shall state the name of the organization to be funded, the amount of funds requested, a description of the project to be funded, a statement of the public purpose furthered by the project, the source of matching funds, and such other information as may be required by the City.

(B) No grant made pursuant to this sec-

tion shall exceed fifty percent of the total project cost. No funds shall be disbursed until the grant recipient shows, to the satisfaction of the City, that it has the matching funds in cash or cash equivalent.

(C) All organizations receiving funding under this section shall provide a financial report which included a detailed report of the expenditure of funds received from the City, and sufficient supporting documents to demonstrate to the satisfaction of the City Council that the funds were expended pursuant to the terms of the grant. Reports of uncompleted projects shall be made annually, no later than April 1 of the fiscal year. Reports of complete projects shall be made no later than sixty days after completion of the project.

(D) Any organization previously funded under this section which has not complied with subsection (c) of this section shall not be eligible to receive any further funding until the organization has fully complied with the terms and conditions of subsection (c). Any organization which expends funds for purposes other than identified in the application shall be liable for return of funds, plus interest at the legal rate, until fully paid. (Ord. 2000-04 § 8, 2000)

3.08.260 Violation-Penalty

Any operator or other person who shall fail or refuse to register as required herein, or who shall fail or refuse to furnish any return, supplemental return or other data required by the tax administrator, or with intent to defeat or evade the determination of any amount evade the determination of any amount due hereunder, shall make, render, sign or verify any false or fraudulent report, commits an offense which constitutes a violation of this chapter, punishable by a fine in an amount to

be fixed by a cognizant court, not exceeding five hundred dollars (\$500.00) (Ord. 212-90B § 27, 1990).

3.08.265 Administrative Compensation

The City of Port Orford will be paid 5% of the collected taxes in payment for administering the Transient Lodging Tax. Said payment will be deposited into the General Fund. (Ord. 2003-06 § 5, 2003)

3.08.270 Ordinance retroactive.

The provision of this ordinance shall apply to any funds collected prior to the effective date of this ordinance. (Ord. 200-04 § 4, 2000)

3.08.280 Severability.

The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections. (Ord. 2000-04 § 5, 2000)

Grants Pass

Ordinance No. 4553 amending Ordinance No's. 4412 and 4523 of Chapter 4.05 is hereby repealed and replaced with the following language.

(Ord. 5033 §1, 2000 repealed Chapter 4.05 and replaced it with the following)

(Ord. 5052 §1, 2001 amending Ord. 5033, Chapter 4.05.240.)

Chapter 4.05

TRANSIENT ROOM TAX

Sections:

4.05.010	Definitions.
4.05.020	Tax Imposed.
4.05.030	Rules for Collection of Tax by Operator.
4.05.040	Operator's Duties.
4.05.050	Exemptions.
4.05.060	Operator's Registration Form.
4.05.070	Certificate of Authority.
4.05.080	Collections, Returns and Payments.
4.05.090	Delinquency Penalties.
4.05.100	Deficiency Determinations.
4.05.110	Redemption Petition.
4.05.120	Fraud--Refusal to Collect--Evasion.
4.05.130	Notice of Determinations.
4.05.140	Operator Delay.
4.05.150	Re-determinations.
4.05.160	Security for Collection of Tax.
4.05.170	Liens.
4.05.180	Refunds by City to Operator.
4.05.190	Refunds by City to Transient.
4.05.200	Refunds by Operator to Tenant.
4.05.210	Records Required From Operators.
4.05.220	Examination of Records.
4.05.230	Confidentiality.
4.05.240	Disposition and Use of Transient Room Tax Funds.

4.05.010 Definitions. For purposes of this chapter, the following mean:

- A. "Accrual accounting" means a system of accounting in which the operator enters the rent due from a transient on his records when the rent is earned, whether or not it is paid.

- A. The disclosure to, or the examination of records and equipment by, a City official, employee or agent for collection of taxes for the sole purpose of administering or enforcing the provisions or collecting the taxes imposed by this chapter.
- B. The disclosure, after filing a written request, to the taxpayer, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to any paid tax, unpaid tax or amount of tax required to be collected, or interest and penalties. However, the City Attorney shall approve each disclosure, and the Administrative Services Director may refuse to make a disclosure referred to in this subsection when in the Administrative Services Director's opinion the public interest would suffer.
- C. The disclosure of the names and addresses of persons making returns.
- D. The disclosure of general statistics regarding taxes collected or business done in the City. (Ord. 4412 §23, 1981)

4.05.240 Disposition and Use of Transient Room Tax Funds.

All revenues received from the transient room tax shall be deposited into the Transient Room Tax Fund. (Ord. 4412 §24, 1981; Ord. 4553 §1, 1985; Ord. 5033 §1, 2000; Ord. 5052 §1, 2001)

- A. Effective January 1, 2001 when the Transient Room Tax rate is 8% the net funds available shall be distributed as follows:
 - 1. Of the first 87.5% of such funds receipted, they shall be subsequently transferred from the Transient Room Tax Fund to the City General Fund for 20% funding to Public Safety, 20% funding to Parks Maintenance, and 30% funding to the Tourism program. The remaining 30% of the first 87.5% shall be transferred from the Transient Room Tax Fund to the City General Fund for promoting the City's economic development and downtown area program activities. (Ord. 4412 §24, 1981; Ord. 4553 §1, 1985; Ord. 5033 §1, 2000; Ord. 5052 §1, 2001)
 - 2. Of the remaining 12.5% of Transient Room Tax receipts, 30% shall be subsequently transferred to the Tourism program and 70% shall be transferred to the Lands and Building fund for the acquisition and development of park property. (Ord. 4412 §24, 1981; Ord. 4553 §1, 1985; Ord. 5033 §1, 2000; Ord. 5052 §1, 2001)
- B. Effective January 1, 2002 when the Transient Room Tax rate is 9% the net funds available shall be distributed as follows:

1. Of the first 77.8% of such funds receipted, 80% shall be subsequently transferred from the Transient Room Tax Fund to the City General Fund for 25% funding to Public Safety, 25% funding to Parks Maintenance, and 30% funding to the Tourism program. The remaining 20% of the first 77.8% shall be transferred from the Transient Room Tax Fund to the City General Fund for promoting the City=s economic development and downtown area program activities. (Ord. 4412 §24, 1981; Ord. 4553 §1, 1985; Ord. 5033 §1, 2000; Ord. 5052 §1, 2001)
2. Of the remaining 22.2% of Transient Room Tax receipts, 30% shall be subsequently transferred to the Tourism program and 70% shall be transferred to the Lands and Building fund for the acquisition and development of park property. (Ord. 4412 §24, 1981; Ord. 4553 §1, 1985; Ord. 5033 §1, 2000; Ord. 5052 §1, 2001)

8.815 Administration

(1) Special Fund. The Finance Director shall deposit twenty-five percent of the proceeds of the transient lodgings tax as they are received in a special fund to be known as the "Community Promotions Fund" and the balance of the proceeds shall be deposited in the General Fund. The Community Promotions Fund shall be used for the purpose of promoting, directly or through contract, the use of the City of Medford for recreational, cultural, convention and tourist-related activities and services. However, the city council may by resolution transfer all or part of the balance remaining in the Community Promotions Fund at the end of any fiscal year to the General Fund.

(2) Records Required from Operators; Form. Every operator shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the operator for a period of three years and six months after they come into being.

(3) Examination of Records; Investigations. The Finance Director or any person authorized in writing by him may examine during normal business hours, the books, papers and accounting records relating to room sales of any operator after notification to the operator liable for the tax and may investigate the business of the operator in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid. To assist in this process, the Finance Director may request certified copies of annual tax returns covering operator.

(4) Confidential Character of Information Obtained - Disclosure Unlawful. It shall be unlawful for the Finance Director or any person having an administrative or clerical duty under the provisions of this ordinance to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a Transient Occupancy Registration Certificate, or pay a transient occupancy tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person, provided that nothing in this subsection shall be construed to prevent:

(a) The disclosure to, or the examination of records and equipment by another City of Medford official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this ordinance; or collecting taxes imposed hereunder.

(b) The disclosure after the filing of a written request to that effect, to the taxpayer himself, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest, and penalties; further provided, however, that the city attorney approves each such disclosure referred to in this paragraph when in his opinion the public interest would suffer thereby;

(c) The disclosure of the names and addresses of any persons to whom Transient Occupancy Registration Certificates have been issued.

(d) The disclosure of general statistics regarding taxes collected or business done in the city.

**Agreement to Provide Tourism Promotion Services
between
The City of Ontario & The Chamber of Commerce**

This Agreement entered into between the City of Ontario, a municipal corporation organized under the laws of Oregon, hereinafter referred to as "Ontario" and The Ontario Chamber of Commerce, hereinafter referred to as "Chamber".

Whereas, on March 16, 1987, the City Council enacted Ordinance No. 2212 levying a six percent transient lodging tax to be effective August 1, 1987.

Whereas, the voters of Ontario, on June 30, 1987, through an advisory vote, indicated a desire for the City to levy a tax in the amount of six percent (6%) on the privilege of transient occupancy within the City and authorizing the utilization of a portion not exceeding thirty (30%) percent of the proceeds of the tax for the purpose of tourist promotion.

Whereas, the City Council has deemed it to be in the best interests of the City of Ontario to contract with the Chamber of Commerce to provide the services of promoting tourism and in connection therewith to transfer a portion of the transient room tax dedicated to such to the Chamber to use in accordance with the terms and provisions hereinafter set forth.

For and in consideration of the mutual terms and conditions contained herein, the parties agree as follows:

1. For the purposes contained herein, "tourist promotion" shall mean promotion of recreational, cultural, convention and tourist related services, programs and/or events which have a purpose of attracting visitors to Ontario.
2. This Agreement shall be effective July 1, 1997, and shall continue for a period of one year. Unless written notice of intent to terminate this Agreement is provided during the thirty days ending sixty days prior to the expiration of the one year term, this Agreement shall automatically renew for the following one year term and likewise, if not terminated in writing during the thirty days ending sixty days prior to the end of each subsequent term, the one year renewals shall occur automatically.
3. Ontario shall appropriate thirty percent (30%) of the net proceeds from the six percent (6%) transient occupancy tax during the fiscal year commencing July 1, of each year and ending June 30, of each year. Not less than Thirty Thousand Dollars (\$30,000.00) of such appropriation plus any rollovers from the prior years' Promotion and Event Fund shall be set aside as a segregated, dedicated account in the City of Ontario's financial records, designated as the "Promotion and Event Fund". This fund shall be administered by the Visitor's and Convention Board, as provided herein. The exact amount of such fund shall be established

annually by the Visitor's and Convention Board as part of their annual budget. The balance of the thirty percent (30%) that is not included in the Promotion and Event Fund shall be paid to the Chamber for use as provided herein, together with any unspent carryover from the prior year. Actual payment of such balance that is not included in the Promotion and Event Fund shall be made in twelve consecutive monthly payments as collected. Unspent carryover from the Promotion and Event Fund shall carry over to the subsequent year's Promotion and Event Fund.

4. Chamber shall maintain adequate accounting records of all revenues and expenditures with supporting invoices. Said record shall be maintained by Chamber for a period of three (3) years. Chamber shall deposit all Ontario funds received pursuant to this Agreement in a separate checking account. No funds shall be disbursed from this account except for purposes authorized by this Agreement. Provided, however, that the Chamber may deposit such amount of its own funds in this account as may from time to time be necessary to carry out their duties under this Agreement in the most efficient manner so long as Chamber shall maintain account records which are adequate to indicate the receipt and expenditure of said funds. Provided further, that the Chamber shall be allowed to charge against the account a reasonable share per year for the share of overhead (salaries, benefits, rent, utilities, supplies) attributable to the services performed under the agreement.
5. The Chamber of Commerce shall establish (subject to confirmation by the Ontario City Council) an independent "Visitors and Convention Board", consisting of voting members from the following industries: 1) One member shall represent the retail business industry in the city of Ontario; 2) one member shall represent the retail food industry in the city of Ontario; 3) one member shall represent the hotel/motel industry in the city of Ontario; 4) and one member shall represent the service industry in the city of Ontario; 5) one at large member representing agriculture or other industries impacted by visitors and conventions in the City of Ontario; 6) one member from the City of Ontario; and 7) one member from the Chamber of Commerce. Among those seven individuals, there shall be, to the extent possible, at least one member from the businesses at West Park Plaza and one representative from the downtown area business. The members' terms shall be for three years and shall be staggered such that no fewer than two members and generally no more than three members are appointed each year. The members shall annually select a chairman and treasurer from among the members. The Visitors and Convention Board shall conform to the provisions of the Oregon Public Meetings Law.
6. The Visitors and Convention Board shall be charged with the supervision of the Visitors and Convention Director and budget which shall consist of all the moneys appropriated under this contract. A portion of that budget shall consist of moneys in an amount not less than \$30,000, set aside by Ontario in a "Promotion and Event Fund".
7. The Promotion and Event Fund shall be made available to applicants to promote recreational, cultural, convention, and tourist related services, programs, and/or events which have the purpose of attracting visitors to Ontario. The criteria to be used in determining the approval of the applicants' requests for such funds shall be the following:

1. The project is a tourism-based capital project such as, but not limited to, beautification. Examples of such potential projects might include coordinated refuse bins in shopping areas or enhancements to the highway arterial entrances to the city of Ontario such as shrubs, lighting, or signage.
 2. Multi-night events that would attract attendees from out of the area. Such events should be of a nature that would necessitate overnight lodging in the Ontario area rather than merely being events that would bring local persons into Ontario only to return to their homes the same day.
 3. Projects consisting of special area media promotions. These could include, among others, special brochures or videos or advertising co-op projects designed to extol the virtues of Ontario as a tourism, convention, cultural, or recreational destination.
 4. Projects related to the education and or training of the Visitors and Convention Director or Board members.
-
8. Persons having a project or event described in one or more of the four criteria shall submit an application to the Visitors and Convention Board, seeking financial support for a specific aspect of a project or event. The Visitors and Convention Board shall have the responsibility of approving or rejecting, in whole or in part, the applications. The City of Ontario and the Chamber of Commerce shall have the ability to submit specific project proposals for funding by the Visitors and Convention Board, as can any other applicant.
 9. The Visitors and Convention Board shall annually review the budget and activities funded under this contract and shall have the authority to increase or decrease the amount of funds available for the Promotion and Event Fund within the funding of this Agreement. Provided however, Ontario's specific approval is required before the Promotion and Event Fund can be decreased below \$30,000.00, plus any amount in the Promotion and Event Fund unexpended in prior years and rolled over pursuant to Section 3 of this Agreement. The Visitors and Convention Board shall evaluate the Promotion and Event Fund as to whether it is an efficient method of promoting recreational, cultural, convention, and tourist-related programs or events and whether its return on investment warrants an increase or decrease in the size or structure of the Fund.
 10. The criteria to be used by the Visitors and Convention Board in analyzing the efficiency and return on investments produced by the Promotion and Event Fund shall include the following:
 1. The number of room nights occupied by Ontario area hotels and motels in a particular year relative to prior years or as a trend.
 2. The number of events funded or held with the assistance of the Promotion and Event Fund.

3. Any exit surveys that may be conducted at hotels or motels or at events indicating whether attendees were likely to return and why.
4. The number of conventions assisted by the Promotion and Event Fund.
5. Any other criteria generally accepted in the tourism industry that is determined by the Visitors and Convention Board to be useful in evaluating the efficiency and return on investment of the Visitors and Convention Board's money. The analysis performed by the Visitors and Convention Board in analyzing the efficiency and return on investment shall also take into account regional performance over the same time frames such that if local numbers decrease as a function of a regional trend, the local efficiency and return on investment shall not be unduly penalized.

The Finance Director of Ontario, or any persons authorized in writing by the Director, may examine, during normal business hours, the books and accounting records of the Chamber, relating to the funds and services covered under this Agreement, after reasonable prior notification to Chamber. Information regarding the contents of Chamber of Commerce books, papers, and accounting records shall be considered confidential to the extent they do not involve the Visitors and Convention Board, provided that nothing shall prevent the disclosure to other Ontario officials for the purpose of enforcing any provisions of this Agreement. The Chamber shall provide Ontario with quarterly reports of budget expenditures and programs of work. The records shall be subject to inspection, review, or audit by Ontario personnel, or other personnel duly authorized by Ontario, at all reasonable times. Ontario shall bear the cost of any review or audit it performs at no cost to the Board. The Chamber/Board shall keep records for a period of three years following the end of this fiscal year.

The Chamber/Board shall provide quarterly reports which shall include as a minimum a brief summary of the Board's promotional activities and financial statements reflecting all use of funds provided under this Agreement as follows:

1. Balance sheet as of the last day of the quarter.
2. Statement of revenues, expenses, and changes in fund balance, consolidated for the full quarter.
3. Check register and monthly bank reconciliations for the quarter.
4. Comparison of actual revenues and expenses to budget for the full quarter
5. A brief statement concerning accomplishments as they relate to tile work plan.

13. The Visitors and Convention Board shall prepare an annual work plan setting forth the work, goals, programs, and events the Visitors and Convention Board anticipate emphasizing for the next fiscal year. Said work plan, after review and acceptance by the Chamber of Commerce, shall be submitted to the City Council for comments and review no later than July 15, 1997 and each subsequent March 1 of each subsequent year that this Agreement is in effect.

14. Upon acceptance of the work plan each year, the Visitors and Convention Board shall prepare a program budget for the next fiscal year. The proposed budget, after review and approval by the Chamber of Commerce, shall be submitted to the Ontario City Council no later than July 15, 1497, and each subsequent March 1 of each subsequent year that this Agreement is in effect hereafter, for inclusion in the City's next fiscal year budget documents. So long as the proposed budget provides for expenditures in conformance with the accepted work plan, to the extent the budget does not exceed the thirty percent dedicated to promotion of tourism, of which not less than \$30,000.00 shall be dedicated to the Promotion and Event Fund, City agrees to accept said budget. Upon acceptance of the budget, the Visitors and Convention Board agrees to provide services in accordance with the approved work plan in the next fiscal year.

15. Chamber, in receiving moneys from Ontario and in providing services to Ontario hereunder, shall:

1. At all times be deemed an independent contractor and not an agent nor partner nor joint associate with Ontario. The parties acknowledge that any contracts entered into between Chamber and any third party shall not be an obligation to Ontario, and the Chamber shall not represent that it has the power or authority to contractually hind or obligate Ontario.
2. Cooperate with any governmental agency as directed by Ontario in preparation of various studies and reports related to the Chamber's promotional activities hereunder.
3. Not discriminate in providing services hereunder on the basis of age, race, sex, color, religion, national origin or disability.

16. Chamber shall, upon written request, furnish the Finance Director with all information concerning services performed for Ontario as may be deemed necessary to verify compliance with this Agreement.

17. Chamber agrees to and does indemnify and agree to hold harmless Ontario, from all liabilities except for breach of the terms of this Agreement and payments required to be made by Ontario pursuant to the terms of this Agreement.

18. Chamber shall procure and maintain liability insurance naming the City as an additional insured in the amount specified on the Oregon Tort Claims Act. The Chamber's insurance carrier shall provide the City with proof of insurance coverage and shall immediately notify the City of any changes in or cancellation of insurance coverage.

19. Notwithstanding any other provisions of this Agreement, Ontario shall be obligated to make payments due to Chamber only to the extent money are available and appropriated.

20. Whenever notice is required within this Agreement, said notice shall be deemed provided when written and placed, postage prepaid, in the mail of the United State Postal Service addressed to the other party as follows:

City Manager
City of Ontario
444 S.W. 4th Street
Ontario, OR 97914

Ontario Chamber of Commerce
Visitors and Convention
88 S.W. 3rd Avenue
Ontario, OR 97914

Should either party fail to comply with any terms or conditions set forth in this Agreement, the other party may provide written notice of said breach and the intent to specifically enforce the Agreement. If the breach is not corrected within 14 calendar days following the date of written notice, the Agreement may be specifically enforced or damages requested by suit, action, or proceeding in the appropriate court.

22. This Agreement may be amended or modified only by written agreement, signed by both parties.

23. In the event any suit, action, or proceeding is brought to enforce the terms of this agreement, or any portion hereof, the prevailing party in such suit, action, or proceeding, or any appeal therefrom shall be entitled to reasonable attorney fees in an amount to beset by the court.

24. Equipment purchased, brochures, motion pictures, videotapes, photographs, slides, tapes, mailing lists, advertising copies, computer programs, records, and other work product generated by the Chamber and funded in whole under this Agreement, shall become the property of the City upon termination or expiration of this Agreement.

This Agreement is entered into this ____ day of _____, 1997.

City of Ontario

By: _____
Robert Switzer, Mayor

The Ontario Chamber of Commerce

By: _____
President

Attest:

By: _____
Janice Victoria, City Recorder

Port Orford

Chapter 3.08	3.08.230	records.
TRANSIENT LODGING TAX	3.08.240	Confidentiality.
Sections:	3.08.250	Disposition and use of transient room tax funds.
3.08.010		Term, powers and duties of the transient lodging tax expenditure committee.
3.08.020		Grant funding procedures.
3.08.030	3.08.255	Violation-Penalty.
3.08.040		Administrative compensation
3.08.050	3.08.260	Ordinance retroactive.
3.08.060	3.08.265	Severability.
3.08.070		
3.08.080	3.08.270	
3.08.090		
3.08.100	3.08.280	
3.08.110		
3.08.120		
3.08.130		
3.08.140		
3.08.150		
3.08.160		
3.08.170		
3.08.180		
3.08.190		
3.08.200		
3.08.210		
3.08.220		

C. Disclosure of names and addresses of persons making returns;

D. Disclosure of general statistics regarding taxes collected or business done in the City. (Ord. 212-90B § 23, 1990)

3.08.240 Disposition and use of transient room tax funds.

The funds collected under this ordinance shall be retained by the City and allocated to the community Grant Fund. The City Council may appropriate funds collected under this ordinance for tourism development and beautification, as provided by this ordinance. (Ord. 2000-04 § 1, 2000)

3.08.250 Transient lodging tax expenditure committee.

(1) A transient lodging tax expenditure committee may be appointed by the Mayor to advise the council on the expenditure of any transient room tax funds appropriated by the Council for tourism development and beautification. The committee shall be composed of five members who are residents of the City, excluding members of the city council and City employees. (Ord. 2000-04 § 2, 2000)

(2) The members of this committee shall not receive compensation for their services on the committee.

(3) The term of office shall be for two (2) years. No member shall be appointed to more than three consecutive two-year terms without first taking a one-year break in service. After such break in service, the members shall be eligible to be reappointed for up to three (3) additional consecutive two-year terms before another one-term break in service is required.

(4) No member shall vote on a funding petition of any organization which said member is a current member.

(5) Should any member resign or be removed from office as herein provided, the Mayor, with Council approval, shall appoint a replacement member to fill the unexpired term of the replaced or resigned member.

(6) Any member of this committee may be removed from this committee for cause upon written recommendation by the Common Council.

(7) A quorum of three members shall be necessary to conduct the business of this committee.

(8) This committee shall select from its members a Chairperson, Vice Chairperson, and a Secretary who shall serve at the pleasure of this committee.

(9) This committee shall keep a record of its meetings and proceedings and shall keep all minutes, records and files of this committee in the Tax Administrator's office. (Ord. 96-16 § 7, 1996; Ord 212-90B § 25, 1990)

3.08.255 Grant funding procedures.

(A) Any recognized nonprofit organization may file an application for grants of transient room tax funds. The application shall state the name of the organization to be funded, the amount of funds requested, a description of the project to be funded, a statement of the public purpose furthered by the project, the source of matching funds, and such other information as may be required by the City.

(B) No grant made pursuant to this sec-

tion shall exceed fifty percent of the total project cost. No funds shall be disbursed until the grant recipient shows, to the satisfaction of the City, that it has the matching funds in cash or cash equivalent.

(C) All organizations receiving funding under this section shall provide a financial report which included a detailed report of the expenditure of funds received from the City, and sufficient supporting documents to demonstrate to the satisfaction of the City Council that the funds were expended pursuant to the terms of the grant. Reports of uncompleted projects shall be made annually, no later than April 1 of the fiscal year. Reports of complete projects shall be made no later than sixty days after completion of the project.

(D) Any organization previously funded under this section which has not complied with subsection (c) of this section shall not be eligible to receive any further funding until the organization has fully complied with the terms and conditions of subsection (c). Any organization which expends funds for purposes other than identified in the application shall be liable for return of funds, plus interest at the legal rate, until fully paid. (Ord. 2000-04 § 8, 2000)

3.08.260 Violation-Penalty

Any operator or other person who shall fail or refuse to register as required herein, or who shall fail or refuse to furnish any return, supplemental return or other data required by the tax administrator, or with intent to defeat or evade the determination of any amount due hereunder, shall make, render, sign or verify any false or fraudulent report, commits an offense which constitutes a violation of this chapter, punishable by a fine in an amount to

be fixed by a cognizant court, not exceeding five hundred dollars (\$500.00) (Ord. 212-90B § 27, 1990).

3.08.265 Administrative Compensation

The City of Port Orford will be paid 5% of the collected taxes in payment for administering the Transient Lodging Tax. Said payment will be deposited into the General Fund. (Ord. 2003-06 § 5, 2003)

3.08.270 Ordinance retroactive.

The provision of this ordinance shall apply to any funds collected prior to the effective date of this ordinance. (Ord. 200-04 § 4, 2000)

3.08.280 Severability.

The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections. (Ord. 2000-04 § 5, 2000)

CHAPTER 16

SALEM CULTURAL AND TOURISM PROMOTION ADVISORY BOARD

- 16.010. Board Created
- 16.020. Board Composition
- 16.030. Term of Office of Board
- 16.040. Organization of Board
- 16.050. Fiscal Duties of Board
- 16.060. Duties and Responsibilities
- 16.070. Reserved for Expansion
- 16.080. Administrative Duties of Board

SALEM CULTURAL AND TOURISM PROMOTION ADVISORY BOARD

16.010. BOARD CREATED. For the purpose of (1) encouraging the development of a unified approach to the promotion of Salem, especially among those organizations receiving funding support from the Transient Occupancy Tax, (2) recommending an annual budget to implement such activities, and (3) reviewing and making recommendations on the performance of contractors funded by the Transient Occupancy Tax, there is hereby created a Salem Cultural and Tourism Promotion Advisory Board. (Ord No. 86-83; Ord No. 33-87; Ord No. 10-93)

16.020. BOARD COMPOSITION. (a) The board shall consist of nine appointed members and the city manager or the city manager's designate, who shall be a nonvoting member. The members shall be residents of or have their places of business in the city. One member shall be a representative of the for-profit tourism industry. Appointments shall be made by the council upon recommendation of the mayor. Subsequent members shall be recommended by the mayor after consultation with the board chair. (Ord No. 86-83; Ord No. 33-87; Ord No. 15-90; Ord No. 10-93; Ord No. 33-94; Ord No. 74-94; Ord No. 74-95; Ord No. 51-96)

16.030. TERM OF OFFICE OF BOARD. (a) Except as provided in subsection (b) of this section, members of the board shall each be appointed for terms running for three years, with the further exception that persons appointed to the board to fill vacancies left by members whose terms on the board have not expired shall have as their terms of office the unexpired terms of their immediate predecessors on the board.

(b) The terms of members in office on December 31, 1997 whose terms expired on December 31, 1997 are reinstated and extended to June 30, 1998. The terms of members in office on April 27, 1998 whose terms would otherwise expire on December 31, 1998 are extended to June 30, 1999. The terms of members in office on April 27, 1998 whose terms would otherwise expire on December 31, 1999 are extended to June 30, 2000.

(c) Any vacancy in said board shall be filled by appointment recommended by the mayor and approved by the council for the unexpired portion of the term. Members may be reappointed, except that a member who has served two full three-year terms may not be reappointed until after the expiration of one full year from the date of expiration of his or her immediate previous term of office.

(d) Members of the board shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties. (Ord No. 86-83; Ord No. 33-87; Ord No. 15-90; Ord No. 10-93; Ord No. 51-96; Ord No. 39-98)

16.040. ORGANIZATION OF BOARD. (a) Except for the first year, the Salem Cultural and Tourism Promotion Advisory Board shall elect a chair and a vice-chair from among its members who shall hold office at the pleasure of the board. The first chair and vice-chair will be appointed by the mayor.

(b) The board shall meet at least quarterly at a time and place that it specifies at least five days in advance. The board may meet at other times in accordance with its rules. All meetings of the board shall be open to the public, provided executive sessions may be held pursuant to the provisions of state law.

(c) The board may establish and alter rules and regulations for its own internal government and procedure consistent with the laws of the State of Oregon and with the charter and ordinances of the City of Salem.

(d) The board's plan of internal organization and rules of procedure shall be governed by Robert's Rules of Order as adopted by SRC 2.1640. A record of its proceedings shall be filed with the city recorder. (Ord No. 86-83; Ord No. 33-87; Ord No. 10-93; Ord No. 58-2002)

16.050. FISCAL DUTIES OF BOARD. Each year at a time specified by the city manager, the board shall prepare and submit to the department of finance a preliminary budget for discharging the board's duties and responsibilities for the immediately ensuing fiscal year. The budget shall estimate income and expenditures for the program for that year and be in a form prescribed by the department of finance. (Ord No. 86-83; Ord No. 10-93)

16.060. DUTIES AND RESPONSIBILITIES. It shall be the function of the board to act as an advisory body to the council. To that end, the board shall advise the council on programs and issues affecting the promotion of Salem, particularly in the area of cultural amenities and tourism. The board's functions shall include advice and/or recommendations on:

(a) Allocation of transient occupancy tax revenues to programs and/or projects designed to promote Salem or enhance the quality of life in Salem. The Board shall hold a public meeting to review all requests submitted for funding and formulate recommendations for inclusion in the City's budget process.

(b) Review and recommend requests for proposals (RFP's) for services necessary for the development and promotion of conventions and tourism.

(c) The coordination of activities with other public and private organizations, including all recipients of Transient Occupancy Tax, businesses and business related organizations, arts organizations, historic organizations, and any other organizations or agencies involved in the promotion of Salem and/or the enhancement of the quality of life in Salem.

(d) Quality of performance provided by organizations contracting for services funded by Transient Occupancy Tax revenues. The board shall review and comment on all quarterly/mid-year/annual reports filed with the city by recipients of those revenues.

(e) The conduct of such other related functions as may be deemed necessary or beneficial to promote convention and tourism business in the city of Salem. (Ord No. 86-83; Ord No. 33-87; Ord No. 10-93; Ord No. 40-2004)

16.070. Reserved for Expansion

16.080. ADMINISTRATIVE DUTIES OF BOARD. Administration of the program mentioned in SRC 16.010 shall be the responsibility of the Salem Cultural and Tourism Promotion Advisory Board and be carried out within the constraints indicated elsewhere in this code. The City of Salem shall be the fiscal and internal administrative agent for the Salem Cultural and Tourism Promotion Advisory Board and the board shall operate in conformance with city administrative procedures including those pertaining to the following:

(a) Personnel, including recruitment, selection, classification, and pay for any commission personnel;

(b) Receipt, disbursement, and accounting for monies;

- (c) Maintenance of general books, cost accounting records, and other financial documents;
- (d) Purchasing; and
- (e) Budget administration. (Ord No. 86-83; Ord No. 33-87; Ord No. 10-93)

Seaside

TITLE III: ADMINISTRATION

Chapter

30. CITY COUNCIL

31. BOARDS, COMMISSIONS, AND COMMITTEES

32. TAXATION AND FINANCE

33. IMPROVEMENT DISTRICTS

34. CITY POLICY

35. ALCOHOLIC BEVERAGE LICENSES

CHAPTER 31: BOARDS, COMMISSIONS, AND COMMITTEES

Section

Promotions Committee

- 31.001 Establishment
- 31.002 Membership
- 31.003 Terms of office
- 31.004 Appointment of officers
- 31.005 Meetings and removal of members
- 31.006 Powers and duties
- 31.007 Rules and procedures
- 31.008 Grievance procedure

Building Board of Appeals

- 31.020 Created
- 31.021 Appointment of members
- 31.022 Rules and regulations

Civic and Convention Center Commission

- 31.035 Creation
- 31.036 Members
- 31.037 Officers
- 31.038 Meetings; removal of members
- 31.039 Duties of Commission
- 31.040 Assistance of city officers, board or commission members

Community Center and Senior Commission

- 31.050 Establishment
- 31.051 Membership
- 31.052 Terms of office
- 31.053 Officers
- 31.054 Meetings; removal of members
- 31.055 Powers and duties
- 31.056 Rules of procedure

Improvement Commission

- 31.080 Establishment; membership and meetings

- 31.081 Transfer of authority

Planning Commission

- 31.105 Establishment
- 31.106 Membership
- 31.107 Terms of office
- 31.108 Powers and duties
- 31.109 Rules of procedure

Public Safety Committee

- 31.150 Establishment
- 31.151 Membership
- 31.152 Terms of office
- 31.153 Appointment of officers
- 31.154 Meetings and removal of members
- 31.155 Duties
- 31.156 Powers

Seaside Public Airport Committee

- 31.170 Establishment
- 31.171 Membership
- 31.172 Terms of office
- 31.173 Appointment of officers
- 31.174 Meetings and removal of members
- 31.175 Duties
- 31.176 Powers

PROMOTIONS COMMITTEE

§ 31.001 ESTABLISHMENT.

There is hereby established the Seaside Promotions Committee for the city.
(Ord. 95-30, passed 7-10-95; Am. Ord. 2002-13, passed 1-7-03)

§ 31.002 MEMBERSHIP.

The Committee shall consist of seven members who are not employees of the city and shall be residents, or owners or employees of businesses within the city limits.
(Ord. 95-30, passed 7-10-95; Am. Ord. 97-09, passed 4-28-97; Am. Ord. 99-06, passed 4-26-99; Am. Ord. 2002-13, passed 1-7-03)

§ 31.003 TERMS OF OFFICE.

The Promotions Committee's term of office shall commence on June 1 of the first year of his/her appointment and run for three years. Any portion of a term exceeding one-half the period of the term shall be considered a full term.
(Ord. 95-30, passed 7-10-95; Am. Ord. 95-45, passed 11-13-95)

§ 31.004 APPOINTMENT OF OFFICERS.

(A) Each year, at the first meeting of the Committee, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson.

(B) One of the Committee members will serve as Secretary. Minutes of all meetings will be filed with the City Council.
(Ord. 95-30, passed 7-10-95)

§ 31.005 MEETINGS AND REMOVAL OF MEMBERS.

(A) The Committee shall hold a regular meeting at least once each month of the calendar year. The meetings shall be open to the public.

(B) Any person appointed by the City Council to serve on this Committee who misses three or more regularly scheduled meetings during a 12-month period shall be notified by letter that the position must be vacated. The individual may appeal the decision to the City Council.
(Ord. 95-30, passed 7-10-95)

§ 31.006 POWERS AND DUTIES.

The Committee shall have the powers and duties which are now or may hereafter be assigned to it by Charter, ordinance, resolution or order of this city and in addition it will:

(A) Establish a plan of action and determine policy for the marketing of the city.

(B) Prepare an annual budget to be submitted to the City Budget Committee for consideration.

(C) Recommend and make suggestions to the City Council concerning matters relating to the marketing of the city and our tourism based economy.

(D) Receive directions from the Council concerning matters relating to the marketing of the city and the promotion of the tourism economy.
(Ord. 95-30, passed 7-10-95)

§ 31.007 RULES AND PROCEDURES.

Except as otherwise established by the City Council, the Seaside Promotions Committee may adopt rules governing the conduct of its business.
(Ord. 95-30, passed 7-10-95)

§ 31.008 GRIEVANCE PROCEDURE.

Questions and concerns by local business and citizens arising from the decisions and recommendations of the Promotions Committee will be first directed in writing to the City Manager. Upon receipt of the inquiry the City Manager will have five working days to respond in writing to the request. If the individual making the inquiry feels the question or concern is not resolved at this level, they can appeal this decision to the City Council within ten days from the date of the decision by the City Manager.
(Ord. 95-30, passed 7-10-95)

or decision of the Tax Administrator.

2003 S-4

22

Seaside - Administration

(2) To approve, modify or disapprove all forms, rules and regulations prescribed by the Tax Administrator in the administration and enforcement of this subchapter; and such forms, rules and regulations adopted or promulgated after November 1, 1973, shall be subject to and become effective only on such approval.

1 Representative selected from bed and

(3) To hear and determine, in such manner as shall be just, any protest, which may be made by any person who may be interested, to any form, rule or regulation approved or prescribed by the Committee.

(4) To grant for good cause applications for extensions of time in excess of one month for making any return or payment of tax, and to prescribe rules therefor.

(5) To make such investigations as it deems advisable regarding the imposition and administration of the transient lodgings tax, and report its findings to the City Council; to act in an advisory capacity to the legislative body on matters pertaining to the transient lodgings tax and enforcement problems, and to recommend to the council the adoption, amendment or repeal of legislation pertaining thereto.
(Ord. 73-41, passed 9-10-73; Am. Ord. 93-19, passed 6-14-93)

§ 32.17 TRANSIENT ROOM TAX ORDINANCE REVIEW COMMITTEE.

(A) An ad hoc committee may be appointed by the City Council from time to time to review the room tax ordinance for adequacy, applicability, appropriateness, and fairness. The Committee will be commissioned anew for each review and membership composed as follows:

2 Representatives selected from RV parks,

- 1 City Councilor
- 1 City Finance Officer
- 1 Chamber of Commerce Representative
- 1 Convention Center Commission Representative
- 1 Hotel/motel representative

**FUNDING AGREEMENT BETWEEN THE CITY OF WOODBURN AND THE
WOODBURN AREA CHAMBER OF COMMERCE**

THIS AGREEMENT is made and entered into this 5th day of March 2004 by and between the City Of Woodburn ("City"), an Oregon municipal corporation, and the Woodburn Area Chamber of Commerce ("Chamber"), an Oregon non-profit corporation.

WITNESSETH

Whereas, Ordinance No. 2290 amended the City's Transient Occupancy Tax Ordinance, so that 2/9 (22.222%) of anticipated transient occupancy tax funding is available for distribution by the City through competitive grants to agencies who promote tourism and/or economic development among their major activities; and

Whereas, the City Council adopted Resolution No's. 1651 and 1739 established the guidelines, procedures and a process for obtaining City Tourism and Economic Development Grant Funds; and

Whereas, the Woodburn Area Chamber of Commerce submitted an application for said Tourism and Economic Development Grant Funding, and it was determined that the Chamber meets grant eligibility criteria and the Chamber's application satisfies Grant guidelines; and

Whereas, a committee comprised of representatives of regional tourism and economic development organizations reviewed the Chamber's application and determined the proposed work program supports the City's tourism and economic development goals and will benefit the City of Woodburn; and

Whereas, the City Council on February 23, 2004 awarded the Chamber a Tourism and Economic Development grant in an amount not-to-exceed \$48,970 and pursuant to execution of a grant agreement between the Chamber and the City.

Now Therefore, in consideration of the terms, conditions and covenants contained herein, the parties agree as follows:

1. TERM:

The term of this Agreement shall be from January 1, 2004 to December 31, 2004.

2. DESCRIPTION OF PROJECT. City and Chamber agree that Chamber shall satisfactorily perform by December 31, 2004 all work described in the Chamber's November 2003 proposal and incorporated into this agreement as "Exhibit A".

3. PRODUCTS

- a. Documents or other products produced using this grant must indicate that all, or portion, of the funding for the work was provided by a City Of Woodburn Tourism and Economic Development Grant.
- b. Chamber agrees to provide copies of all final products produced under this grant to the City. Hard copy test products may be submitted to the City or text products can be submitted on double-sided HD 3.5 inch computer disk for IBM PC compatible computers or other form acceptable to City. City may display appropriate products on its "homepage"

4. GRANT:

The Chamber will receive a grant totaling a maximum of \$48,970. Payment of this grant is contingent upon available funding; Chamber's satisfactory completion of the work program described in Exhibit A; expenditure of, and request for, reimbursement for all cost items summarized in Exhibit A; and compliance with the provisions of this Agreement. Chamber's grant will be made in four payments following the submission to and acceptance by the City of the program progress and expenditure reports required in Section 11 of this Agreement. Chamber may request an advance of up to 25 percent of the total grant set forth herein. Granting or denying such request shall be at the sole and absolute discretion of City.

5. PAYMENT:

It is mutually understood that Chamber's grant is based on estimated transient occupancy tax proceeds. For fiscal year 2003-04, those proceeds are estimated at \$50,000 (2/9 of total estimated TOT proceeds). If actual taxes collected are less than estimated, City may provide the Chamber only that share of the grant that is proportional to the actual transient occupancy taxes collected. The City may amend this Agreement no later than sixty (60) calendar days prior to the expiration date of this Agreement to reflect any such reduction in funds. The Chamber understands that, contingent upon the City receiving sufficient funds, the City shall reimburse the Chamber for actual costs incurred in carrying out activities pursuant to this Agreement. Chamber acknowledges and agrees that no reimbursement payments will be made to Chamber until the properly completed program progress and expenditure reports required at Section 11 of this Agreement have been submitted to and accepted by City. Expenditure reports shall include documentation to substantiate charges. These reports shall be submitted on a timely basis to ensure reimbursement.

6. MODIFICATION BY CITY UPON NOTICE:

The City may unilaterally modify this Agreement upon written notice to the Chamber under the following circumstances:

1. There is a decrease in Transient Occupancy Tax funding levels.

2. An adjustment in the Agreement is required to implement an approved plan or plan modification.
3. Funds awarded to the Chamber are not expended within the term of this Agreement. If after consultation with the Chamber, City determines that funds will not be spent in a timely manner, such funds for that reason shall revert to the City.
4. Changes in State or Federal law or regulation requiring a change in the provisions of this Agreement.

Chamber may request approval to amend its Work Plan and Budget by providing written justification for the amendment, along with a proposed modified Work Plan and Budget, to the City. Said justification shall be received by the City no later than sixty (90) calendar days prior to the expiration date of this Agreement. The amendment must be signed by both parties.

7. INSURANCE:

The Chamber shall provide proof of liability insurance with a minimum combined single limit of not less than one million dollars (\$1,000,000), and workers' compensation insurance issued by an insurance carrier licensed to underwrite workers' compensation insurance in the State of Oregon. Insurance must be fully in effect throughout the duration of this contract. Chamber will name City as an additionally insured on all policies of insurance required by this contract.

8. INDEMNIFICATION AND WARRANTIES:

Chamber shall indemnify and hold harmless City, its elected officials, officers, agents and employees from and against any and all claims arising from any breach or default in the performance of any obligation on Chamber's part to be performed under the terms of this Agreement or arising from any intentional or negligent act(s) of the Chamber or any of Chamber's partners, joint venturers, agents, contractors, or employees, collectively referred to as "Chamber" in this section, and from and against all costs, attorneys' fees, expenses, and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon; and in case any action or proceeding be brought against City by reason of any such claim, Chamber upon notice from City shall defend the same at Chamber's expense by counsel satisfactory to City. Chamber, as a material part of the consideration to City, hereby assumes all risk of damage to property or injury to persons resulting from Chamber's performance or failure to perform under this agreement and Chamber hereby waives all claims, if any it may then have, in respect thereof against City.

9. NOT AN AGENT OF THE CITY:

Chamber understands and agrees that it is the recipient of grant funds under this Agreement and is not an agent of the City. Chamber shall not have the authority, express or implied, to act on behalf of, bind or obligate the City or any City department, City agent or City employee in any way without the written consent of the City.

10. USE OF FUNDS:

The Chamber agrees that it will use Tourism and Economic Development Grant funds only for contracted services and shall perform these tasks, services and activities as provided for in the Work Plan attached hereto as Exhibit A.

11. REPORTING RESPONSIBILITIES:

Chamber agrees to submit quarterly progress and expenditure reports for the periods ending March 31, June 30, and September 30, 2004. Progress reports shall identify and quantify all efforts made by Chamber during each applicable period to accomplish the project work tasks. Expenditure reports shall be accompanied by photocopies of all original documents/invoices for all charges included on the report.

The Chamber also agrees to submit final program progress and final financial closeout reports within fifteen (15) days after termination of this agreement. The final progress report shall identify and quantify all efforts made by Chamber from October 1 through December 31, 2004 to accomplish project work tasks. The financial closeout report shall itemize all grant- reimbursable expenses incurred October 1, 2004 through December 31, 2004 and all program expenses for the life of the grant. The report shall be accompanied by photocopies of all original documents/invoices for all charges incurred October 1, 2004 through December 31, 2004. The financial closeout report shall be submitted on forms provided by the City.

The Chamber further agrees to submit a program evaluation report within forty-five (45) days of the expiration of this agreement. Such report shall identify and quantify all work program tasks and objectives completed during the term of this contract and detail and quantify the impact of completed program objectives on tourism and economic development in Woodburn. The evaluation report shall also itemize and quantify any uncompleted program work tasks or goals, provide justification for failure to complete any such tasks or goals, and forward recommendations for how those tasks or goals might be successfully completed in the future. Eligibility for subsequent funding is contingent upon receipt by City of such reporting, and Chamber's success in meeting program goals and completing program tasks.

12. RECORD KEEPING RESPONSIBILITIES:

The Chamber shall comply with and meet all program requirements, regulations and reporting deadlines of this Agreement and be responsible for the proper and lawful administration and control of all funds in accordance with the grant requirements and audit guidelines. The Chamber shall establish such fiscal controls and fund accounting procedures as may be deemed necessary by the City to assure the proper disbursement of, and accounting for, funds paid to the Chamber under this Agreement.

13. AUDIT:

At City's discretion, Chamber may be subject to, and may be required to submit a copy to the City of a project specific audit of its accounts within ninety (90) days of grant expiration. An

independent accounting firm, at Chamber's sole expense, shall conduct such an audit. The cost of such an audit shall be considered a cash match, for the purpose of meeting grant requirements.

14. NOTICES:

All notices allowed or required to be given under this Agreement may be personally delivered or may be delivered by deposit in the United States Postal Service, postage prepaid, return receipt requested, and shall be deemed effective upon receipt. Notices to City shall be addressed to:

City of Woodburn
Ms. Mary Tennant
City Recorder
270 Montgomery Street
Woodburn, OR 97071

Woodburn Area Chamber of Commerce
Mr. Jerry Wheeler, Sr.
Executive Director
Country Club Road
Woodburn, OR 97071

15. DEFAULT:

- a. Upon the occurrence of any default of the provisions of this Agreement, City shall give written notice of said default to Chamber. If Chamber does not cure the default within thirty (30) days of the date of Notice (time to cure), then Chamber shall be in default. The time to cure may be extended in the discretion of City and shall not constitute a waiver under this Agreement.
- b. Notices given under this paragraph shall specify the alleged default and the applicable contract provision and shall demand that Chamber perform the provisions of this agreement within the applicable period of time. No such notice shall be deemed a termination of this Agreement unless City so elects in such notice, or the City so elects in a subsequent written notice after the time to cure has expired.

16. RIGHT TO REQUIRE PERFORMANCE:

The failure of City at any time to require performance by Chamber of any of the provisions under this Agreement, shall not affect the right of City thereafter to enforce same nor shall waiver by City of any breach of any of the provisions under this Agreement be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.

17. WAIVER OR DEFAULT:

No waiver of any default by any party to this Agreement shall be deemed to be a waiver of any subsequent default. Waiver of breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach, and shall not be construed to be a modification of the terms of this Agreement unless stated to be such, in writing, by all concerned parties and attached to the original Agreement. City's consent to or approval of any act shall not be deemed to render unnecessary the obtaining of City's consent to or approval of any subsequent act by Chamber.

18. ENTIRE AGREEMENT:

This Agreement contains the entire agreement between the parties relating to the transactions contemplated hereby and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein.

19. ASSIGNMENT:

This Agreement is not assignable.

20. ATTORNEY'S FEES:

Should any party hereto employ an attorney for the purpose of enforcing or construing this Agreement, or seeking to obtain a judgment based on this Agreement, in any legal proceeding whatsoever, including insolvency, bankruptcy, arbitration, declaratory relief or other litigation, including appeals or rehearing, the prevailing party shall be entitled to receive from the other party or parties thereto reimbursement for all attorneys' fees and all costs, including but not limited to service of process, filing fees, court and court reporter costs, investigative costs, expert witness fees, and the cost of any bonds, whether taxable or not. Should any judgment or final order be issued in that proceeding, said reimbursement shall be specified therein.

21. DELEGATION OF AUTHORITY:

City hereby appoints the City Administrator as its authorized representative to administer the terms and conditions of this Agreement. The terms and conditions of this Agreement shall constitute the standards by which the City Administrator shall administer this Agreement.

22. CORPORATE AUTHORITY:

Chamber represents and warrants that the individual executing this Agreement on behalf of Chamber is duly authorized to execute and deliver this Agreement on behalf of said corporation, in accordance with a duly adopted resolution of the Board of Directors of said corporation or in accordance with the Bylaws of said corporation, and that this Agreement is binding upon said corporation in accordance with its terms. Chamber shall, within thirty (30) days after execution of this Agreement, deliver a certified copy of a resolution of the Board of Directors of said corporation authorizing or ratifying the execution of this Agreement to the City Recorder of the City Of Woodburn, 270 Montgomery Street, Woodburn, OR 97071.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement on the day and date first above shown.

City Of Woodburn:

Woodburn Area Chamber of Commerce

John C. Brown
City Administrator

Jerry Wheeler, Sr.
Executive Director

Approved as to form

By:

N. Robert Shields, City Attorney