

# Agenda

City of Brookings  
Common Council Meeting  
Brookings City Hall Council Chambers  
898 Elk Drive, Brookings Oregon  
April 25, 2005 7:00 p.m.

**Beginning at 6:00 p.m., before the regularly scheduled Common Council meeting, City Attorney John Trew will conduct a review of the State of Oregon *Ethics Guide for Public Officials* as required in Section 17.A of City Ordinance 00-O-535.**

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Ceremonies/Appointments/Announcements
  - A. Ceremonies
    - 1. Proclamation – Arbor Day [Page 5]
  - B. Announcements
    - 1. Councilor Johns Kern Resignation [Page 7]
- V. Scheduled Public Appearances
  - A. Ed Murdock, Salmon Run  
Golf Course Update
- VI. Oral Requests and Communications from the Audience
  - A. Committee and Liaison reports
    - 1. Council Liaisons
  - B. Unscheduled
- VII. Staff Reports
  - A. City Manager
    - 1. Request for use of municipal downtown parking lot for Brookings Sun N' Fun Expo May 21, 2005 [Page 9]
    - 2. Burn Limitations [Page 11]
    - 3. Brookings Rural Fire District Contract [Page 13]
    - 4. Bio-Solids Update [Page 17]
    - 5. Other

VIII. Consent Calendar

A. Approval of Council Meeting Minutes

1. Minutes of April 12, 2005, regular Council meeting [Page 19]

End Consent Calendar

IX. Ordinances/Resolutions/Final Orders

A. Resolutions

1. No. 05-R-737 Adopting Public Contracting Rules and Prescribing Rules of Procedure for Public Contracting [Page 27]

X. Remarks from Mayor and Councilors

A. Council

B. Mayor

XI. Adjournment

# Events Calendar

## April 2005

April 2005							May 2005						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
3	4	5	6	7	8	9	1	2	3	4	5	6	7
10	11	12	13	14	15	16	8	9	10	11	12	13	14
17	18	19	20	21	22	23	15	16	17	18	19	20	21
24	25	26	27	28	29	30	22	23	24	25	26	27	28

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				April 1	2
				6:00pm CC- Citizens Police Academy-Marvin Parker ext 2259	3
4	5	6	7	8	9
9:30am CC- VIPS/Volunteers in Police Service/Marvin Parker 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palic 9:30am KURY Radio Community Focus 7:00pm CC-Planning Commssn	12:00pm Comnity Agencies mtg (Chetco Sr.Ce 2:30pm CC-SafetyComMtg/ Kathy Dunn 6:00pm CC-Citizens Police Academy-Marvin 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/EWait 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray	6:00pm CC- Citizens Police Academy-Marvin Parker ext 2259	10:00am CC-Town Hall Meeting-Rep Krieger and Sen. Kruse 503-
					10
11	12	13	14	15	16
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm Public Presentation on Biosolids Alternatives-Chetco Public Library	9:30am KURY Radio Community Focus Talk Show w/City 10:00am FH-Surburban Fire District-Phil Cox-469-5729 7:00pm CC-Council Mtg	CC-Downtown Subcommittee-tour 9:00am CC-PDT meeting 12:00pm CC-Open House for Walt Cook and Donna Colby-Hanks 1:00 to 6:00pm CC-Citizens Police Academy-Marvin	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Economic Development Committee-Ed Wait,	6:00pm Curry county Jail-Citizens Police Academy-Marvin Parker ext 2259	10:00am Mayor's Walk--Arnold Street Neighborhood-Meet
					17
18	19	20	21	22	23
9:30am CC-VIPS/Volunteers in Police Service-BPalicki 6:00pm CC-American Red Cross Mtg/Karen 7:00pm FH-FireTng/ChShrp (Fire Hall)	8:30am CC-Investigator/Patrol Information Sharing Meeting-Barbara Palic 9:30am KURY Radio Community Focus 7:00pm CC-Tentative Plan Comm/Council Work	3:30pm CC - AMF American Music Festival Mgt. 6:00pm CC-Citizens Police Academy-Marvin Parker ext 2259	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:00pm CC-Municipal Court 2:00pm CC-CEP (Citizens for Emergency Prepared	6:00pm CC- Citizens Police Academy-Marvin Parker ext 2259	
					24
25	26	27	28	29	30
6:00pm CC & PC-Ethics Mtg. 7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	2:30pm CC-Downtwon Subcommittee-Toni Mefford 6:00pm FH-Citizens Police Academy-Marvin 6:00pm CC Budget Committee Meeting	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ LBlodgett	6:00pm CC- Citizens Police Academy-Marvin Parker ext 2259	

CC = Council Chambers  
FH = Fire Hall

# Events Calendar

## May 2005

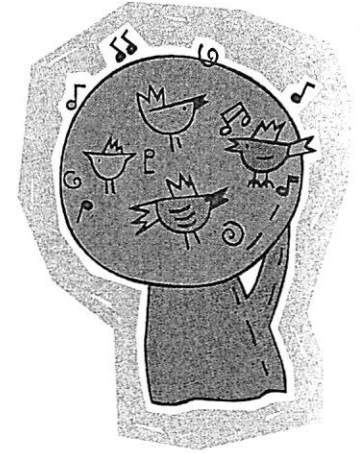
May 2005						
S	M	T	W	T	F	S
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29	30	31				

June 2005						
S	M	T	W	T	F	S
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					May 1
2	3	4	5	6	7
9:30am CC- VIPS/Volunteers In Police Service/Mar 3:00pm CC City Council Work Session HWY 101 Sol 7:00pm FH-FireTng/ChShrp	8:30am CC-Investigator/Patrol Information Sharing 9:30am KURY Radio Community Focus 7:00pm CC-Planning	12:00pm Connity Agencies mtg (Chetco Sr.Ce 2:30pm CC-SafetyComMtg/ 6:00pm CC-Citizens Police 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/EWait 9:00am CC-Crm Stoppers 10:00am CC- Site Plan Com Mtg/LauraLee Gray	6:00pm CC- Citizens Police Academy-Marvin Parker ext 2259	8
9	10	11	12	13	14
CC-Elections Drop Box-Kim-541 247-3297					
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus 10:00am FH-Surburban Fire District-Phil Cox-46		8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com 7:00pm CC-Economic		15
16	17	18	19	20	21
9:00am CC-Elections Drop Box-Kim-541 247- 9:30am CC-VIPS/Volunteers 6:00pm CC-American Red 7:00pm FH-FireTng/ChShrp	7:00am CC-Elections Drop Box-Kim-541 247- 8:30am CC-Investigator/Patrol Information Sharing 9:30am KURY Radio	7:00pm CC-Healthcare Subcommittee	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 1:00pm CC-Municipal Court		22
23	24	25	26	27	28
7:00pm FH-FireTng/ChShrp (Fire Hall) 7:00pm CC-Council Mtg	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)	2:30pm CC-Downtwon Subcommittee-Toni Mefford	8:15am CC-CmtyDevDpt Staff mtg/EWait 10:00am CC- Site Plan Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec		29
30	31				
7:00pm FH-FireTng/ChShrp (Fire Hall)	9:30am KURY Radio Community Focus Talk Show w/City Staff/Council (KURY 95.3)				

CC = Council Chambers  
FH = Fire Hall

# PROCLAMATION



**WHEREAS**, a holiday known as Arbor Day is observed by many cities around the world as a time to recognize the value of trees and

**WHEREAS**, in Oregon an entire week in April is so celebrated as Arbor Week to acknowledge the importance of trees in our lives, and

**WHEREAS**, we in Brookings have a fine variety of trees that add to the quality of life we enjoy and

**WHEREAS**, we are blessed with beautiful blossoming trees every spring, with a variety of majestic trees in our city that provide habitat for the birds and wildlife, and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and rain, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and

**WHEREAS**, trees, wherever they are planted, are a source of joy,


**NOW THEREFORE**, I, Pat Sherman, Mayor of the City of Brookings, do hereby Proclaim April 29 as

## ARBOR DAY

**FURTHER**, I urge all citizens to plant and preserve trees to gladden the heart and promote the well-being of this and future generations.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Brookings to be affixed this 25th day of April, 2005.



  
Pat Sherman  
Mayor

# CITY OF BROOKINGS



April 14, 2005

TO: Mayor Sherman, City Councilors and Citizens of Brookings

FROM: Frances Johns-Kern, City Councilor

I have had the opportunity to serve as city councilor for almost seven years. I was first appointed to the council in 1997, elected in 1998 and elected again in 2002. I have thoroughly enjoyed these years working with the various councilors, city staff and citizens of Brookings. My term is due to expire at the end of 2006. Unfortunately, due to personal reasons, I find myself in a position of not being able to complete this term. Therefore, I must resign from my position on the city council effective immediately.

As I said I have enjoyed my years working with the City. I hope to continue to enjoy more years volunteering for many community activities. One of my personal goals as a city councilor was, and still is, to have a covered swimming pool for the residents of Brookings. Please keep me in mind when considering this project. I am ready and willing to help in anyway. Of course, I will still be available for any other activity which I can contribute my time and energy.

This is a very emotional time for me and it is with mixed emotions I submit my resignation. I am sure you will find a willing and capable replacement to fill the position and you can count on me if help is needed.

Thank you, good luck and God bless you in everything you do.

Sincerely,

Frances Johns-Kern

# CITY OF BROOKINGS



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## STAFF REPORT

Date: April 21, 2005  
To: Mayor Sherman & City Councilors  
From: Leroy Blodgett, City Manager  
Subject: Brookings Sun N' Fun Expo request

## REPORT

Lana Walker is planning an event to promote outdoor activities in the area. She would like to hold the event in the downtown parking lot. It is tentatively schedule for May 21<sup>st</sup> from 10:00 am to 2:00 pm. Because it is the first time for the event it is unknown how much participation there will be or how much space it will require. We do have some concern of using the downtown parking spaces for events, however, this is only a one day event and afterwards we can evaluate if it causes any problems.

## STAFF RECOMMENDATION

Allow the Brookings Sun N' Fun Expo to use a portion of the downtown public parking lot for the event on May 21, 2005.

PO Box 4005  
648 Chetco Ave.  
Brookings, OR 97415



**EYE CENTER**  
Of Brookings, LLC

541-469-6923  
fax: 541-469-6769  
e-mail: dr\_doug\_walker@hotmail.com

**Re: Brookings Sun N' Fun Expo**

Date: Saturday, May 21<sup>st</sup>, 2005

Time: 10am – 2pm

Location: Parking Lot outside Eye Center

This event is to be held in conjunction with the Eye Centers' annual 'Summer Sunglass Show'. The purpose of this event is to educate the community about all of the wonderful outdoor activities, clubs, organizations, and merchants available to Brookings residents and visitors. It will focus on the 'Outdoor Enthusiast'.

Booths, tents, tables, and vehicles will be used for display. A hotdog vender has been commissioned for the 4 hour period. Some outdoor entertainment has also been arranged.

On the morning of the 21<sup>st</sup>, we request assistance in blocking off the parking lot to help facilitate the setup of this event.

We appreciate your support in what we know will be an enjoyable and educational event in our community.

Please contact Lana Walker at 541-412-8223 if you have any questions.

Thank you,

A handwritten signature in cursive script, appearing to read 'Lana Walker'. The signature is fluid and elegant, with a large initial 'L'.

Lana Walker - Chair  
Dr. Douglas Walker  
Dr. John Rush

# CITY OF BROOKINGS



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## STAFF REPORT

Date: April 19, 2005  
To: Mayor Sherman & City Councilors  
From: Leroy Blodgett, City Manager  
Subject: Burn Barrels & Open Burns

## REPORT

At a recent council work session staff was requested to put continuing of burn barrels & open burns on the agenda as a discussion item. Below are the regulations for any burning in the city limits:

### BURNING PERMIT REGULATIONS And Information

#### BURNING PERMIT CLASSIFICATIONS

BURN BARREL PERMIT:	Requires a metal barrel or other container with a heavy 1/4 inch mesh screen of at least 16-gauge wire and a ground area of approx. 20-feet in diameter cleared of all burnable materials. Hose should be nearby. FIRE IS TO BE OUT BY 10:00 am. A permit is good for the fire season.
CLASS "B" PERMIT:	Open burning of a pile of yard trimmings equal in size to a pickup load or less. No Construction/Building materials or land clearing burning permitted. Burning is allowed from sunrise to 4 PM. Fire does not have to be out by 4 PM. However! No stoking or starting of fires after 4:00 pm. Must have water hose and shovel available. Permit good for the 2 days only.

Burning is allowed between sunrise and sunset. No fire is to be started or stoked after dark. Burning is not allowed on windy days. Open burns should be allowed to burn down by 4:00 pm. Burn barrels to be out by 10:00 am.

Burn piles should be given time to allow for drying. Materials should be free of mud and dirt to allow the fire to burn freely. Smoldering fires that create a large amount of smoke are

discouraged, and such fires shall either be extinguished or conditioned to burn freely. This includes burn barrels.

What can be burned?

Wood debris- yard debris/trimmings, paper/cardboard.

Materials which cannot be burned include:

Rubber, Asphalt, Paint, Oil, Tires, Kitchen Garbage, Disposable Diapers, Plastics, and anything else which will create a black smoke or an offensive odor.

For the welfare and safety of the public the Fire Department may cancel or suspend any permit.

A permit does not relieve the permittee from the responsibilities for fire damage, and the permittee may be held liable for such damage.

#### STAFF RECOMMENDATION

I understand this is only a discussion item. Therefore, staff has not made any recommendation.

# CITY OF BROOKINGS



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## STAFF REPORT

Date: April 21, 2005  
To: Mayor Sherman & City Councilors  
From: Leroy Blodgett, City Manager  
Subject: Brookings Rural Fire District Contract

## REPORT

The City of Brookings currently provides fire protection service to Upper Chetco and Brookings Rural (formally Suburban Rural) fire districts. Upper Chetco pays for service based on the amount of taxes it collects. Brookings Rural pays based on the City Fire Department budget. Brookings Rural is currently billed about \$42,000 per year, but only collects approximately \$36,000 per year in property tax so they have not been able to pay in full the amount billed. The proposed contract changes the basis for payment to 95% of the taxes collected or approximately \$34,000. There would not be any hardship on the City because this is all they have been able to pay in the past.

## STAFF RECOMMENDATION

Approve the proposed contract to provide fire protection service to the Brookings Rural Fire District.

## AGREEMENT

THIS AGREEMENT is made and entered into on the date subscribed hereto below, between the CITY OF BROOKINGS, a duly organized Oregon municipal corporation, hereafter referred to as the "CITY" and the BROOKINGS RURAL FIRE DISTRICT, a duly organized rural fire protection district, hereafter referred to as the "DISTRICT" as authorized by ORS 190.010.

The parties agree as follows:

I. Term and Termination: The term of this Agreement will begin on the \_\_\_\_\_ day of \_\_\_\_\_ 2005 and end on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. This Agreement may be terminated by either party giving a six-month written notice of termination.

II. The CITY'S Obligations.

A. The CITY agrees to provide fire protection to the DISTRICT, including the use of available pumpers, tankers and sufficient personnel to operate that apparatus. If the demands of the DISTRICT exceed the available apparatus and personnel which the CITY can provide, the CITY agrees to invoke any current mutual and automatic aid agreements as may be necessary to provide fire protection to the DISTRICT. The CITY shall have the right to determine priority for providing fire suppression and/or other emergency service to the DISTRICT and that determination shall be the responsibility of the commanding officer. Further, the commanding officer may, in the exercise of best judgment and discretion, decline to commit apparatus or personnel to a position which would dangerously imperil such resources or negatively impact to an unacceptable level, the ability of the CITY to provide service for its patrons.

B. The CITY shall provide fire protection throughout the DISTRICT and at all times conduct its operations under this Agreement in a safe and professional manner.

C. The CITY may through the County Building Inspector review building and construction plans within the DISTRICT.

D. The CITY shall investigate all fires within the DISTRICT.

E. The CITY shall use its most current operating procedures to

maintain fire protection within the DISTRICT, thereby assisting the DISTRICT in retaining or upgrading its present insurance class rating.

F. The CITY shall provide fire protection in the DISTRICT, twenty four (24) hours per day, seven (7) days per week, subject to the condition, that sufficient apparatus and personnel be available to assure adequate fire protection to the CITY. The CITY shall not be liable to the DISTRICT for interruption or failure of service cause by circumstances beyond the control of the CITY.

III. Compensation. The DISTRICT shall pay the CITY each year during the term of this agreement an annual fee equal to 95% of the property taxes collected for the District. The annual fee includes the cost of undertaking to provide fire protection service to the District. The CITY may assess fees for services for each response made to individual property owners as authorized by State law.

A. DISTRICT shall collect the property tax at the maximum rate allowed.

B. The annual fee shall be due by January 31<sup>st</sup> of each year for the taxes received through January. Any additional taxes received subsequent to January 31<sup>st</sup> shall be paid no later than June 30<sup>th</sup>. If the annual fee is not paid promptly when due, according to the terms of this Agreement, the CITY may terminate this Agreement and its duties and obligations hereunder upon ten (10) days written notice thereof to The DISTRICT.

C. The annual fee paid on or before January 31<sup>st</sup> of each year is considered compensation for undertaking to provide fire protection services for that calendar year. Should the contract begin or terminate on a date other than January 1<sup>st</sup>, the annual fee paid will be prorated based upon the number of months fire protection is provided by the CITY.

IV. The DISTRICT'S Obligations. The DISTRICT shall provide the CITY with evidence that the DISTRICT'S board of directors has taken all necessary steps to approve and carry out this Agreement.

V. Hold Harmless. The parties agree that neither the CITY nor any of the CITY'S officers, agents, representatives, employees or volunteers shall be liable to the DISTRICT, or any other person, for any claim for injury, damage, loss or expense growing out of or resulting directly or indirectly from the performance of this Agreement, including, but not limited to, a claim for alleged failure to afford firefighting or fire protection apparatus or services, court costs and attorneys fees. Nothing in this Agreement, including any provisions for hold harmless, is intended to create any liability or obligations to pay claims on any single incident in excess of the amounts set forth in

the Oregon Tort Act. Specifically as to actions to which the Tort Claims Act would apply, the CITY, by this Agreement, is assuming no contractual liability in any form in excess of those limitations.

CITY OF BROOKINGS, an Oregon Municipal Corporation

By \_\_\_\_\_  
Pat Sherman, Mayor

Date: \_\_\_\_\_

By \_\_\_\_\_  
William J. Sharp, Fire Chief

Date: \_\_\_\_\_

Board Representative – BROOKINGS RURAL FIRE DISTRICT

By \_\_\_\_\_  
Michael Zoretch, Board Chairman

Date: \_\_\_\_\_

# CITY OF BROOKINGS



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## STAFF REPORT

Date: April 21, 2005  
To: Mayor Sherman & City Councilors  
From: Leroy Blodgett, City Manager  
Subject: Bio-Solids update

## REPORT

I made contact with Bill Peterson, Grants Pass City Manager, regarding the possibility of hauling our bio-solids to their composting facility. Bill appeared very receptive to the concept and suggested I first send a written request to their Utility Director. I sent that letter and expect to have a firm quote from him within the next 3-4 weeks. We have a quote from Roto Router of 9¢ per gallon to haul the material to Grants Pass. That would equate to approximately \$135,000 for the first year which is slightly less than the engineers estimate. This cost would dramatically decrease once the dewatering equipment is installed. We also have a quote of \$122,000 for temporary dewatering of 1,500,000 gallons. It is staff's opinion that it is more cost effective to not have the temporary dewatering.

In May we will begin land application on the DEQ approved forest sites. Joe Ingwerson is also continuing to look for alternative sites in the local area. By using these other sites and use of the storage tank at the wastewater plant we will not need additional sites until June, 2005. I would like to set up a tour with City Council when the application takes place during the first week of May. This would give you the opportunity to observe the forest application process and any odor associated with the application.

Depending on how long it takes to complete negotiations and a contract with the City of Grants Pass we may need to apply on fields A, B, E & F on the Smith ranch. One option which might be considered is to continue minimal applications on those fields. The majority would be hauled to the Grants Pass site. This would give us the opportunity to install monitoring wells and gather test results to determine if there is any impact to the ground water or river. It would also guarantee what was used on the fields and keep the option open for use, if needed, in the future.

Things are moving fairly quickly and I hope to have complete estimate of costs and time lines by the next council meeting on May 9, 2005.

**CITY OF BROOKINGS  
COMMON COUNCIL MEETING MINUTES  
City Hall Council Chambers  
898 Elk Drive, Brookings, OR 97415  
April 12, 2005 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 School Superintendent, Chris Nichols.

**III. Roll Call**

Council Present: Mayor Pat Sherman, Council President Larry Anderson, Councilors Frances Johns Kern, Craig Mickelson, and Dave Gordon, a quorum present.

Council Absent: None

Staff Present:

City Manager Leroy Blodgett,  
Community Development Director Ed Wait  
Administrative Secretary Linda Barker  
Administrative Assistant Donna Colby-Hanks

Media Present: Curry Coastal Pilot Reporter Brian Bullock

Other:

Approximately 70 other citizens

**IV. Ceremonies/Appointments/Announcements**

**A. Ceremonies**

**1. Presentation of Certificate of Appreciation to Debbie Fries**

Sgt. Cooper introduced Debbie and Mayor Sherman presented a certificate of appreciation to her for 15 years of service.

**2. Proclamation – National Volunteer Week**

Chris Nichols, Brookings School Superintendent, accepted a proclamation declaring April 17 through April 23, 2005 National Volunteer Week. Ms. Nichols thanked all the volunteers for their work and encouraged everyone to volunteer.

*B. Announcements*

1. *Introduction of New Public Works Director, Walt Cook*  
Leroy introduced Walt Cook's position as part of the reorganization of the City of Brookings. Walt said it was a 25 year journey to get here and he feels this is a great opportunity.
2. *Introduction of New Administrative Assistant, Donna Colby-Hanks*  
Leroy introduced Ms. Colby-Hanks and she stated she was ready for the challenge.
3. *Yard of the Month/Most Improved Property for April*  
Doug and Dottie Doane at 426 Memory Lane, received the honors for Yard of the Month. Walt and Lidiya Jurczenko, 301 South Hazel Street, were awarded the Most Improved Property award.

Mayor Sherman informed the audience the city will begin a Commercial Property of the Month award. She requested citizens of the community either stop by city hall or phone in their nominations.

**V. Oral Requests and Communications from the Audience**

*A. Committee and Liaison reports*

*1. Council Liaisons*

Councilor Mickelson attended the Tsunami Summit in Salem and OCZMA where members discussed ocean reserves for rock fish.

Councilor Anderson attended a watershed meeting, an emergency preparedness meeting, and a community agencies meeting.

*B. Unscheduled*

Sherman asked for a show of hands for speakers who would like to speak on transportation solutions or on the bio-solids issue. She instructed the transportation issue input would be under unscheduled and bio-solids would be later on the agenda.

Speaking to the Highway 101 solutions transportation issues:

Patti Patterson, 445 Pine Street, Brookings, was concerned about the future if Alt. 5 were chosen.

Rex Atwell, 17169 Parkview Drive, Brookings, was concerned with speed limits and safety of shoppers.

Mel Bonham, P.O. Box 2819, was concerned with the loss of parking for businesses and felt Alt.4 was the best choice.

Terry Patterson 609 Chetco Ave., Brookings, favored Alt. 4 as it didn't affect parking and visitor safety as much as Alt. 5.

Elliot Schwarz, P.O. Box 6667, Brookings, stated he felt Alt. 4 was a better solution than Alt. 5. However, he thought Alt. 6 (Railroad Avenue would become HWY 101) offered some advantages.

Cindi Beaman, P.O. Box 8002, Brookings, was concerned with the results of the telephone surveys and asked the Council to reconsider its decision.

Dan Nachel, P.O. Box 1238, Brookings, was concerned that Alt. 4 would destroy elderly couples' homes and add a higher volume of traffic by the library.

K.C. Erb, P.O. Box 425, Brookings, was concerned with infrastructure keeping up with growth. He felt Alt. 4 would be better able to handle the traffic.

Jim Benson, 315 Memory Lane, Brookings, was concerned with the loss of homes and the increase in truck noise as results of Alt. 4

Joyce Tromble, 825 Midland Way, Brookings, felt Alt. 4 would be the most pedestrian and parking friendly.

Bev Nachel, P.O. Box 1238, Brookings, stated she felt the people of Brookings didn't want the couplet and discussed projects to improve the area with Alt. 5.

Tim Patterson, P.O. Box 82, Brookings, felt Alt. 6 would have the greatest potential to fulfill the vision of studies done in 2000 and 2002. Patterson felt Alt. 4 would be better than Alt. 5.

Jeff Holmes, 17350 Holmes Drive, Brookings, felt Alt. 5 would be better able to handle the increase in traffic expected in the future.

Pete Chasar, 935 Marina Heights Road, Brookings, felt parking concerns could be addressed and was more concerned with the expense. He felt Alt. 5 was the best choice.

Marianne Runyan, P.O. Box 6537, Brookings, was concerned with the speed limits not being increased and felt if Alt. 4 was used there would be no way to go back.

Leslie Wolf, 17440 Bluff, Brookings, was in favor of Alt. 6 but would vote for Alt. 4 over Alt. 5 as she felt it would be easier to move the traffic.

Yvonne Maitland, 15676 Oceanview Drive, Brookings, was in favor of Alt. 5 and encouraged everyone to do something for the community.

Barbara Nysted, 427 Buena Vista Loop, Brookings, stated concerned citizens needed to be involved from the beginning of the process and was disappointed this was being revisited.

Jim Collis, 17346 Holmes Drive, Brookings, stated knowledgeable people would make the necessary recommendations and he would like to see each Alt. temporarily installed to see how well they functioned.

## VI. Staff Reports

### A. *Public Works Department*

#### 1. *Award of Bid for Dump Truck*

City Manager Blodgett reviewed the staff report.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to accept the bid for a Sterling Truck by Papé Machinery in the amount of \$62,600.00.**

### B. *City Manager*

#### 1. *Biosolids Disposal Alternatives*

Mayor Sherman announced public input had been submitted previously and only information regarding the alternatives was being requested. City Manager Blodgett reviewed the staff report.

Jerry Jacopetti, 1049 Wharf Street, Brookings, expressed his concerns about the proximity of the site to the water intake. He stated our greater responsibility is to health and welfare of the community and we should err on the side of protection.

Tamara Pettinger, 239 Memory Lane, Brookings, stated she was representing friends with small children and these problems have been ignored for many years. Her biggest concern was the site being next door to the drinking water.

Cam Lynn, P.O. Box 1334, Brookings, stated the decision needs to be based on facts. He said the idea of spreading the bio-solids close to water makes people uncomfortable; however, he interpreted the facts to show there was no problem.

Brian Berny, 99800 South Bank Chetco River Road, Brookings, stated it doesn't make sense to apply bio-solids anywhere near the water.

Doug Lewis, 17886 Rainbow Rock Road, Brookings, requested the issue be voted on using facts not emotion and expressed concern with the additional fuel needed to haul the bio-solids to Grants Pass.

Vince Strauss, 312 Maple Street, Brookings, questioned spending money on a solution when the facts don't show we have a problem.

Ed Gross, 177 Julia Way, Brookings, stated he is a retired soil scientist and has heard very little factual information. He explained the breakdown process of bio-solids.

Keith Smith, 99590 North Bank Chetco River Road, Brookings, stated his ranch, a 3<sup>rd</sup> generation operation, has been using bio-solids as a fertilizer for 25 years. He didn't feel the application created an odor or fly problem and suggested more testing.

Tim Patterson, P.O. Box 82, Brookings, stated he drives the Gardner Ridge Road four times a week and there was a very strong odor last summer.

Tom Moody, 550 Velopa Court, Brookings, stated people have moved next to a farm and don't like the odor. He suggested the issue be decided using the facts.

Marianne Runyan, P.O. Box 657, Brookings, suggested people should go to the farm and observe the bio-solids being applied and requested qualified people determine whether this resource was safe to use by the farmer.

Frank Dunn, 315 South Hazel, Brookings, stated the decision needs to be made after reviewing the facts. He doesn't believe there is a problem with the water which comes from the north fork.

Stuart Ehrenreich, 97666 North Bank Chetco River Road, Brookings stated there was a lack of adequate water testing and there were not a lot of facts. He explained the testing was accomplished only during high water and the water flows fluctuate greatly. He suggested whatever alternative was voted on needs to be coupled with more intense testing.

Susan Lynch, 99544 North Bank Chetco River Road, Brookings, stated she felt it was unwise to continue to use this site and problems with the accuracy of facts make it difficult to choose an alternative.

Jim Benson, 315 Memory Lane, Brookings, questioned the reason for the discussion as there was not a problem. He stated other contaminants are put in the river by bears, raccoons, and salmon.

Frank Smith, 97882 Marks Lane, Brookings, stated he did not see any problems with the river and questioned the expense of hauling bio-solids out of town. He stated burning the bio-solids as more costly but more effective in the future.

Lorie Wraith, P.O. Box 6645, Brookings, stated she lives on Gardener Ridge and the odor was much worse this past summer. She suggested the best alternative would be to dewater and haul to Grants Pass.

Pauline Olsen, 317 Memory Lane, Brookings, stated the garden club visited the site the day after the bio-solids were spread and didn't recall any odor.

Jeff Holmes, 17350 Holmes Drive, Brookings, stated the bio-solids should not be spread close to the city well. He suggested adopting the program of hauling if an appropriate site couldn't be found.

Kathleen Tomko, 318 Memory Lane, Brookings, felt the problem wouldn't be solved by changing the program and more testing needed to be done.

Kim Stubbs, 16905 Crown Terrace, Brookings, was concerned about the safety of the drinking water and felt more tests needed to be completed.

Mayor Sherman requested a five minute recess at 9:13 pm and the meeting reconvened at 9:21 pm.

Mayor Sherman closed the meeting to public testimony. Steve Wilson, Brown and Caldwell Consultants, Paul Kennedy, DEQ bio-solid expert, and Jon Gasik, Medford DEQ attended the meeting to answer questions from the Council.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to further explore alternative 3.1 (dewater and haul bio-solids to Grants Pass) and bring back an implementation plan to the April 25, 2005 City Council Meeting.**

Gasik stated he would contact the appropriate person regarding the formation of a Well Water Protection Committee.

A recess was taken at 10:35 pm and the meeting reconvened at 10:41 pm.

2. *Relief from damages caused by unscheduled water turn-off—Elliot Schwarz, Suzy Q's Bakery*  
City Manager Blodgett reviewed staff report. Elliot Schwarz and the Council discussed the cause of the damage to Suzy Q's Bakery.

**Councilor Gordon moved, a second followed, and the Council voted unanimously to pay damages in the amount of \$801.46 to the claimant.**

## VII. Consent Calendar

- A. *Approval of Council Meeting Minutes*
  1. *Minutes of March 28, 2005, regular Council meeting*
- B. *Acceptance of Parks and Recreation Commission Meeting Minutes*
  1. *Minutes of February 24, 2005, regular Commission meeting*
  2. *Minutes of March 16, 2005, special Commission meeting*
- C. *Approval of vouchers for the month of March, 2005, (\$434,836.72)*

**End Consent Calendar**

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

## VIII. Ordinances/Resolutions/Final Orders

- A. *Resolutions*
  1. *Resolution No. 05-R-735, a resolution recommending Alt. 5 as the preferred alternative for the Downtown Brookings-Highway 101 Transportation Solution*  
Council discussed the community and their concerns with Alternative 5. Mayor Sherman stated the Stakeholders Committee studied all the issues, pros and cons and gave their recommendation.

**Councilor Anderson moved, a second followed, the Council voted 2-3 (voting for: Councilor Anderson and Mayor Sherman; voting against: Councilors Johns Kern, Gordon, and Mickelson) to approve 05-R-735 (a resolution recommending Alt. 5 as the preferred alternative for the Downtown Brookings-Highway 101 Transportation Solution) as written. Motion failed.**

**Councilor Gordon moved, a second followed, the Council voted 3-2 (voting for: Councilors Mickelson, Gordon, and Johns Kern; voting against: Councilor Anderson and Mayor Sherman) to recommend to PDT to follow Alternative 4. Motion carried.**

2. *Resolution No. 05-R-736, a resolution support initiating the formation of a Countywide Public Transit Service District*

City Manager Blodgett reviewed Countywide Public Transit Service District Resolution.

**Councilor Anderson moved, a second followed, and the Council voted unanimously to support, 05-R-736, initiating the formation of a Countywide Public Transit Service District.**

IX. Remarks from Mayor and Councilors

A. *Council*  
None

B. *Mayor*  
None

X. Adjournment

With no further business before it the Council adjourned the meeting at 11:20 p.m.

Respectfully submitted:

Pat Sherman  
Mayor

ATTEST by City Recorder this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Paul Hughes  
Finance Director/City Recorder

## **TREW, CYPHERS & MEYNINK**

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JOHN MEYNINK

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HARRY A. SLACK, JR.  
(RETIRED 1991)

### **MEMORANDUM**

**TO:** Leroy Blodgett, City Manager  
Mayor and Council Members  
Brookings City Council

**FROM:** John B. Trew  
City Attorney

**DATE:** April 8, 2005

**RE:** Local Public Contracting Rules

Attached find a draft resolution and a draft of proposed public contracting rules. March 14, 2005, I recommended that the council adopt Resolution 05-R-734. I advised the council that the resolution would be temporary and that it did not change the City's then existing procedures. The resolution was temporary, but upon further study I found that it did change to some degree the then existing policy. The resolution increased the authority of the staff to make certain purchases of goods and services without council approval.

The attached draft rules are intended to give the City greater flexibility as allowed under current state law. The rules authorize some procedures that may never be used by the City (i.e. page 2, paragraph 2. E Textbook purchases). Council members will want to review the suggested rules keeping in mind that they have the final word on adoption of the rules

Council members may wish to focus on two issues. How much authority to delegate to the "purchasing agent" and to what dollar amount. The council could require that every purchasing decision come before the Council. I don't recommend that alternative. Also, note that the public improvement projects including most construction contracts, public works projects, will continue to be covered by state law and the Attorney General's Model Rules, will continue to require formal bids and council approval.

The question of delegating to a "purchasing manager", the city manager in the draft rules, is covered in Paragraph 4. Public Contracts - Authority of Purchasing Manager, pages 3-4 and paragraph 6. D. Contracts for Goods and Services, page 9.

I would appreciate it if council members would let Leroy or me know if you have any questions or concerns. I would prefer to address any questions before the April 25, 2005 meeting. The rules could then be ready for final council consideration at the April 25, 2005 meeting.

RESOLUTION 05-R-737

A RESOLUTION OF THE CITY OF BROOKINGS ADOPTING PUBLIC CONTRACTING RULES  
AND PRESCRIBING RULES OF PROCEDURE FOR PUBLIC CONTRACTING.

WHEREAS, the City of Brookings ("City") is a municipal corporation which is subject to Oregon's public contracting rules; and

WHEREAS, in 2003 the Oregon Legislature substantially revised the Oregon Public Contracting Code, and most of these revisions will take effect March 1, 2005; and

WHEREAS, of March 1, 2005 the City's existing public contracting rules will become void, and the City is required to adopt new public contracting rules consistent with the revised Public Contracting Code; and

WHEREAS, ORS 279A.065(5) provides that a local contracting agency may adopt its own rules of procedure for public contract that:

(A) Specifically state that the model rules adopted by the Attorney General do not apply to the contracting agency; and

(B) Prescribe the rules of procedure that the contracting agency will use for public contracts, which may include portions of the model rules adopted by the Attorney General;

WHEREAS, the City desires to repeal all previous resolutions regarding the City's public contracting rules;

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

1. That, except as otherwise provided herein, the City hereby adopts the provisions of ORS 279A, 279B and 279C and the Oregon Attorney General's Model Public Contracting Rules ("Model Rules") as the contracting rules for the City, as such Model Rules now exist or are later modified.

2. That the City affirmatively adopts the public contracting rules described in Exhibit A which is attached to this Resolution and incorporated hereby by reference. The Rules described in Exhibit A shall be in addition to, and shall supersede any conflicting provisions in, the Model Rules.

3. That the City shall regularly review changes in the Public Contracting Code and the Model Rules to ensure that the Rules adopted in Exhibit A are consistent with current law.

The foregoing Resolution was duly adopted by the City of Brookings, Oregon on the 25<sup>th</sup> day of April, 2005. The effective date of this resolution is April 25, 2005.

PASSED by the council and signed by the Mayor this 25<sup>th</sup> day of April, 2005.

\_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Paul Hughes, City Recorder

## **Exhibit A**

### **1. Public Contracts – City of Brookings Policy.**

- A. **Short Title.** The provisions of Resolution and all rules adopted under this Resolution may be cited as the City of Brookings's Public Contracting Regulations.
- B. **Purpose of Public Contracting Regulations.** It is the policy of the City of Brookings in adopting the Public Contracting Regulations to utilize public contracting practices and methods that maximize the efficient use of public resources and the purchasing power of public funds by:
  - (1) Promoting impartial and open competition;
  - (2) Using solicitation materials that are complete and contain a clear statement of contract specifications and requirements; and
  - (3) Taking full advantage of evolving procurement methods that suit the contracting needs of the City of Brookings as they emerge within various industries.
- C. **Interpretation of Public Contracting Rules.** In furtherance of the purpose of the objectives set forth in subsection B, it is the City of Brookings's intent that the City of Brookings Public Contracting Regulations be interpreted to authorize the full use of all contracting powers and authorities described in ORS Chapters 279A, 279B and 279C.

### **2. Application of Public Contracting Regulations.**

In accordance with ORS 279A.025, the City of Brookings's public contracting regulations and the Oregon Public Contracting Code do not apply to the following classes of contracts.

- A. **Between Governments.** Contracts between the City of Brookings and a public body or agency of the State of Oregon or its political subdivisions, or between the City of Brookings and an agency of the federal government.
- B. **Grants.** A grant contract is an agreement under which the City of Brookings is either a grantee or a grantor of moneys, property or other assistance, including loans, loan guarantees, credit enhancements, gifts, bequests, commodities or other assets, for the purpose of supporting or stimulating a program or activity of the grantee and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions. *The making or receiving of a grant is not a public contract subject to the Oregon Public Contracting Code; however, any grant made by City of Brookings for the purpose of constructing a public improvement or public works project shall impose conditions on the grantee that*

*ensure that expenditures of the grant to design or construct the public improvement or public works project are made in accordance with the Oregon Public Contracting Code and these regulations.*

- C. **Legal Witnesses and Consultants.** Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which the City of Brookings is or may become interested.
- D. **Real Property.** Acquisitions or disposals of real property or interests in real property.
- E. **Textbooks.** Contracts for the procurement or distribution of textbooks.
- F. **Oregon Corrections Enterprises.** Procurements from an Oregon corrections enterprises program.
- G. **Finance.** Contracts, agreements or other documents entered into, issued or established in connection with:
  - (1) The incurring of debt by the City of Brookings, including any associated contracts, agreements or other documents, regardless of whether the obligations that the contracts, agreements or other documents establish are general, special or limited;
  - (2) The making of program loans and similar extensions or advances of funds, aid or assistance by the City of Brookings to a public or private Person for the purpose of carrying out, promoting or sustaining activities or programs authorized by law other than for the construction of public works or public improvements;
  - (3) The investment of funds by the City of Brookings as authorized by law, or
  - (4) Banking, money management or other predominantly financial transactions of the City of Brookings that, by their character, cannot practically be established under the competitive contractor selection procedures, based upon findings.
- H. **Employee Benefits.** Contracts for employee benefit plans as provided in ORS 243.105(1), 243.125 (4), 243.221, 243.275, 243.291, 243.303 and 243.565.
- I. **Exempt Under State Laws.** Any other public contracting specifically exempted from the Oregon Public Contracting Code by another provision of law.
- J. **Federal Law.** Except as otherwise expressly provided in ORS 279C.800 to 279C.870, applicable federal statutes and regulations govern when federal funds

are involved and the federal statutes or regulations conflict with any provision of the Oregon Public Contracting Code or these regulations, or require additional conditions in public contracts not authorized by the Oregon Public Contracting Code or these regulations.

**3. Public Contracts – Regulation by City of Brookings.**

Except as expressly delegated under these regulations, the City of Brookings reserves to itself the exercise of all of the duties and authority of a contract review board *and a contracting agency* under state law, including, but not limited to, the power and authority to:

A. **Solicitation Methods Applicable to Contracts.** Approve the use of contracting methods and exemptions from contracting methods for a specific contract or certain classes of contracts;

B. **Brand Name Specifications.** Exempt the use of brand name specifications for public improvement contracts;

C. **Waiver of Performance and Payment Bonds.** Approve the partial or complete waiver of the requirement for the delivery of a performance or payment bond for construction of a public improvement, other than in cases of emergencies;

D. **Electronic Advertisement of Public Improvement Contracts.** Authorize the use of electronic advertisements for public improvement contracts in lieu of publication in a newspaper of general circulation;

E. **Rulemaking.** Adopt contracting rules under ORS 279A.065 and ORS 279A.070 including, without limitation, rules for the procurement, management, disposal and control of goods, services, personal services and public improvements; and

F. **Award.** Award all contracts that exceed the authority of the Purchasing Manager.

**4. Public Contracts - Authority of Purchasing Manager.**

A. **General Authority.** The City Manager shall be the purchasing manager for the City of Brookings and is hereby authorized to make purchases for goods or services up to the sum of \$1,000 without obtaining quotes and without any other approval. The City Manager is authorized to make purchases for goods and services not to exceed \$25,000 after attempting to obtain three oral or written quotes without any other approval. A written record shall be maintained of the actual oral or written quotes or the attempt to obtain oral or written quotes.

B. **Delegation of Purchasing Manager's Authority.** Any of the responsibilities or

authorities of the purchasing manager under this Resolution may be delegated.

C. **Mandatory Review of Rules.** Whenever the Oregon State Legislative Assembly enacts laws that cause the attorney general to modify its Model Rules, the City of Brookings shall review the Public Contracting Regulations, other than the Model Rules, and recommend to the City of Brookings any modifications.

5. **Public Contracts – Definitions.** The following terms used in these regulations shall have the meanings set forth below.

**Award** means the selection of a person to provide goods, services or public improvements under a public contract. The award of a contract is not binding on the City of Brookings until the contract is executed and delivered by the City of Brookings.

**Bid** means a binding, sealed, written offer to provide goods, services or public improvements for a specified price or prices.

**Contract price** means the total amount paid or to be paid under a contract, including any approved alternates, and any fully executed change orders or amendments.

**Contract review board or local contract review board** means the City of Brookings City Council.

**Cooperative procurement** means a procurement conducted by or on behalf of one or more contracting agencies.

**Disposal** means any arrangement for the transfer of property by the City of Brookings under which the City of Brookings relinquishes ownership.

**Emergency** means circumstances that create a substantial risk of loss, damage or interruption of services or a substantial threat to property, public health, welfare or safety; and require prompt execution of a contract to remedy the condition.

**Energy savings performance contract** means a contract with a qualified energy service company for the identification, evaluation, recommendation, design and construction of energy conservation measures that guarantee energy savings or performance.

**Findings** are the statements of fact that provide justification for a determination. Findings may include, but are not limited to, information regarding operation, budget and financial data; public benefits; cost savings; competition in public contracts; quality and aesthetic considerations, value engineering; specialized expertise needed; public safety; market conditions; technical complexity; availability, performance and funding sources.

**Goods** means any item or combination of supplies, equipment, materials or other personal property, including any tangible, intangible and intellectual property and rights

and licenses in relation thereto.

**Informal solicitation** means a solicitation made in accordance with the City of Brookings's Public Contracting Regulations to a limited number of potential contractors, in which the City of Brookings attempts to obtain at least three written or oral quotes or proposals.

**Invitation to bid** means a publicly advertised request for competitive sealed bids.

**Model Rules** means the public contracting rules adopted by the Attorney General under ORS 279A.065.

**Offeror** means a person who submits a bid, quote or proposal to enter into a public contract with the City of Brookings.

**Oregon Public Contracting Code** means ORS chapters 279A, 279B and 279C.

**Person** means a natural person or any other private or governmental entity, having the legal capacity to enter into a binding contract.

**Proposal** means a binding offer to provide goods, services or public improvements with the understanding that acceptance will depend on the evaluation of factors other than, or in addition to, price. A Proposal may be made in response to a request for proposals or under an informal solicitation.

**Personal services contract** means a contract with an independent contractor predominantly for services that require special training or certification, skill, technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services include, but are not limited to, the services of architects, engineers, land surveyors, attorneys, auditors and other licensed professionals, artists, designers, computer programmers, performers, consultants and property managers. The City of Brookings shall have discretion to determine whether additional types of services not specifically mentioned in this paragraph fit within the definition of personal services.

**Public contract** means a sale or other disposal, or a purchase, lease, rental or other acquisition, by the City of Brookings of personal property, services, including personal services, public improvements, public works, minor alterations, or ordinary repair or maintenance necessary to preserve a public improvement.

**Public improvement** means a project for construction, reconstruction or major renovation on real property by or for the City of Brookings. "Public improvement" does not include:

- (1) Projects for which no funds of the City of Brookings are directly or indirectly

used, except for participation that is incidental or related primarily to project design or inspection; or

- (2) Emergency work, minor alteration, ordinary repair or maintenance necessary to preserve a public improvement.

**Purchasing Manager** means the City Manager or designee appointed by the City of Brookings to exercise the authority of the purchasing manager under these public contracting regulations.

**Qualified pool** means a pool of vendors who are pre-qualified to compete for the award of contracts for certain types of contracts or to provide certain types of services.

**Quote** means a price offer made in response to an informal or qualified pool solicitation to provide goods, services or public improvements.

**Request for proposals** means a publicly advertised request for sealed competitive proposals.

**Services** means and includes all types of services (including construction labor) other than personal services.

**Solicitation** means an invitation to one or more potential contractors to submit a bid, proposal, quote, statement of qualifications or letter of interest to the City of Brookings with respect to a proposed project, procurement or other contracting opportunity. The word "solicitation" also refers to the process by which the City of Brookings requests, receives and evaluates potential contractors and awards public contracts.

**Solicitation documents** means all informational materials issued by the City of Brookings for a solicitation, including, but not limited to advertisements, instructions, submission requirements and schedules, award criteria, contract terms and specifications, and all laws, regulations and documents incorporated by reference.

**Standards of responsibility** means the qualifications of eligibility for award of a public contract. An offeror meets the standards of responsibility if the offeror has:

- (1) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to indicate the capability of the offeror to meet all contractual responsibilities;
- (2) A satisfactory record of performance. The City of Brookings shall document the record of performance of an offeror if the City of Brookings finds the offeror to be not responsible under this paragraph;
- (3) A satisfactory record of integrity. The City of Brookings shall document the record of integrity of an offeror if the City of Brookings finds the offeror to be not responsible under this paragraph;

- (4) Qualified legally to contract with the City of Brookings;
- (5) Supplied all necessary information in connection with the inquiry concerning responsibility. If an offeror fails to promptly supply information requested by the City of Brookings concerning responsibility, the City of Brookings shall base the determination of responsibility upon any available information or may find the offeror non-responsible; and
- (6) Not been debarred by the City of Brookings, and, in the case of public improvement contracts, has not been listed by the Construction Contractors Board as a contractor who is not qualified to hold a public improvement contract.

**Surplus property** means personal property owned by the City of Brookings which is no longer needed for use by the department to which such property has been assigned.

**6. Public Contracts - Solicitation Methods for Classes of Contracts.** The following classes of public contracts and the method(s) that are approved for the award of each of the classes are hereby established by the City of Brookings.

**A. Public Improvement Contracts.**

- (1) **Any Public Improvement.** Unless otherwise provided in these regulations or approved for a special exemption, public improvement contracts in any amount may be issued only under an invitation to bid.
- (2) **City-Funded Privately-Constructed Public Improvements.** The City of Brookings may contribute funding to a privately-constructed public improvement project without subjecting the project to competitive solicitation requirements if all of the following conditions are met with respect to the entire public improvement project:
  - (a) The City of Brookings makes a finding that it is in the best interest of the City of Brookings to contribute to the project;
  - (b) The City of Brookings must comply with all applicable laws concerning the reporting of the project to the Bureau of Labor and Industries as a public works project;
  - (c) The general contractor for the project must agree in writing to comply with all applicable laws concerning reporting and payment of prevailing wages for the project;
  - (d) The funds contributed to the project may not provide a

pecuniary benefit to the owner of the development for which the project is being constructed, other than benefits that are shared by all members of the community;

(e) The performance of the general contractor and the payment of labor for the project must be secured by performance and payment bonds or other cash-equivalent security that is acceptable to the City of Brookings to protect the City of Brookings against defective performance and claims for payment; and

(f) The contract for construction of the project must be amended, as necessary, to require the general contractor to maintain adequate workers compensation and liability insurance and to protect and provide indemnification to the City of Brookings for all claims for payment, injury or property damage arising from or related to the construction of the project.

**B. Personal Services Contracts.**

- (1) **Any Personal Services Contract.** Personal services contracts in any amount may be awarded under a publicly advertised request for competitive sealed proposals.
- (2) **Personal Service Contracts Not Exceeding \$25,000.** Contracts for personal services for which the estimated contract price does not exceed \$25,000 may be awarded using an informal solicitation for proposals.
- (3) **Personal Service Contracts for Continuation of Work.** Contracts of not more than \$25,000 for the continuation of work by a contractor who performed preliminary studies, analysis or planning for the work under a prior contract may be awarded without competition if the prior contract was awarded under a competitive process and the City of Brookings determines that use of the original contractor will significantly reduce the costs of, or risks associated with, the work.

**C. Hybrid Contracts.** The following classes of contracts include elements of construction of public improvements as well as personal services and may be awarded under a request for proposals, unless exempt from competitive solicitation.

- (1) **Design/Build and CM/GC Contracts.** Contracts for the construction of public improvements using a design/build or construction manager/general contractor construction method shall be awarded under a request for proposals. The determination to construct a project using a design/build or construction manager/general contractor construction method must be approved by the City of Brookings, based upon facts that support a finding that the construction of the improvement under the proposed method is

likely to result in cost savings, higher quality, reduced errors, or other benefits to the City of Brookings.

- (2) **Energy Savings Performance Contracts.** Unless the contract qualifies for award under another classification, contractors for energy savings performance contracts shall be selected under a request for proposals in accordance with the City of Brookings's Public Contracting Regulations.

**D. Contracts for Goods and Services.**

- (1) **Any Procurement.** The procurement of goods or services, or goods and services in any amount may be made under either an invitation to bid or a request for proposals.
- (2) **Procurements Between \$5,000 and \$25,000.** The procurement of goods or services, or goods and services, for which the estimated contract price is between \$5,000 and \$25,000 may be made after attempting to obtain three oral or written quotes.
- (3) **Procurements between \$25,001 and \$100,000.** The procurements of goods or services, or goods and services, for which the estimated contract price is between \$25,001 and \$100,000 may be made after attempting to obtain three oral or written quotes and approval of contract review board.

**E. Contracts Subject to Award at City's Discretion.** The following classes of contracts may be awarded in any manner which the City of Brookings deems appropriate to the City of Brookings's needs, including by direct appointment or purchase.

- (1) **Advertising.** Contracts for the placing of notice or advertisements in any medium.
- (2) **Amendments.** Contract amendments shall not be considered to be separate contracts if made in accordance with the Public Contracting Regulations.
- (3) **Animals.** Contracts for the purchase of animals.
- (4) **Contracts Up to \$5,000.** Contracts of any type for which the contract price does not exceed \$5,000.
- (5) **Copyrighted Materials; Library Materials.** Contracts for the acquisition of materials entitled to copyright, including, but not limited to works of art and design, literature and music, or materials even if not entitled to copyright, purchased for use as library lending materials.
- (6) **Equipment Repair.** Contracts for equipment repair or overhauling,

provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.

- (7) **Government Regulated Items.** Contracts for the purchase of items for which prices or selection of suppliers are regulated by a governmental authority.
- (8) **Insurance.** Insurance and service contracts as provided for under ORS 414.115, 414.125, 414.135 and 414.145.
  - (9) **Non-Owned Property.** Contracts or arrangements for the sale or other disposal of abandoned property or other personal property not owned by the City of Brookings.
- (10) **Sole Source Contracts.** Contracts for goods or services which are available from a single source may be awarded without competition.
- (11) **Specialty Goods for Resale.** Contracts for the purchase of specialty goods by City of Brookings for resale to consumers.
- (12) **Sponsor Agreements.** Sponsorship agreements, under which the City of Brookings receives a gift or donation in exchange for recognition of the donor.
- (13) **Structures.** Contracts for the disposal of structures located on City of Brookings-owned property.
- (14) **Renewals.** Contracts that are being renewed in accordance with their terms are not considered to be newly issued Contracts and are not subject to competitive procurement procedures.
- (15) **Temporary Extensions or Renewals.** Contracts for a single period of one year or less, for the temporary extension or renewal of an expiring and non-renewable, or recently expired, contract, other than a contract for public improvements.
- (16) **Temporary Use of City-Owned Property.** The City of Brookings may negotiate and enter into a license, permit or other contract for the temporary use of City of Brookings owned property without using a competitive selection process if:

- (a) The contract results from an unsolicited proposal to the City of Brookings based on the unique attributes of the property or the unique needs of the proposer;

- (b) The proposed use of the property is consistent with the City

of Brookings's use of the property and the public interest; and

(c) The City of Brookings reserves the right to terminate the contract without penalty, in the event that the City of Brookings determines that the contract is no longer consistent with the City of Brookings's present or planned use of the property or the public interest.

(17) **Used Property.** The City of Brookings may contract for the purchase of used property by negotiation if such property is suitable for the City of Brookings's needs and can be purchased for a lower cost than substantially similarly new property. For this purpose the cost of used property shall be based upon the life-cycle cost of the property over the period for which the property will be used by the City of Brookings. The City of Brookings shall record the findings that support the purchase.

(18) **Utilities.** Contracts for the purchase of steam, power, heat, water, telecommunications services, and other utilities.

F. **Contracts Required by Emergency Circumstances.**

(1) **In General.** When the City of Brookings determines that immediate execution of a contract within the City of Brookings's authority is necessary to prevent substantial damage or injury to persons or property, the City may execute the contract without competitive selection and award or City approval, but, where time permits, the City shall attempt to use competitive price and quality evaluation before selecting an emergency contractor.

(2) **Reporting.** The City of Brookings shall, as soon as possible, in light of the emergency circumstances, (1) document the nature of the emergency; the method used for selection of the particular contractor and the reason why the selection method was deemed in the best interest of the City of Brookings and the public.

(3) **Emergency Public Improvement Contracts.** A public improvement contract may only be awarded under emergency circumstances if the City of Brookings has made a written declaration of emergency. Any Public Improvement Contract award under emergency conditions must be awarded within 60 Days following the declaration of an emergency unless the City of Brookings grants an extension of the emergency period. Where the time delay needed to obtain a payment or performance bond for the contract could result in injury or substantial property damage, the City of Brookings may waive the requirement for all or a portion of required performance and payment bonds.

G. **Federal Purchasing Programs.** Goods and services may be purchased without competitive procedures under a local government purchasing program administered by the United States General Services Administration ("GSA") as provided in this subsection.

- (1) The procurement must be made in accordance with procedures established by GSA for procurements by local governments, and under purchase orders or contracts submitted to and approved by the City of Brookings.
- (2) The price of the goods or services must be established under price agreements between the federally approved vendor and GSA.
- (3) The price of the goods or services must be less than the price at which such goods or services are available under state or local cooperative purchasing programs that are available to the City of Brookings.
- (4) If a single purchase of goods or services exceeds \$25,000, the City of Brookings must obtain informal written quotes or proposals from at least two additional vendors (if reasonably available) and find, in writing, that the goods or services offered by GSA represent the best value for the City of Brookings. This paragraph does not apply to the purchase of equipment manufactured or sold solely for military or law enforcement purposes.

H. **Cooperative Procurement Contracts.** Cooperative procurements may be made without competitive solicitation as provided in the Oregon Public Contracting Code.

I. **Surplus Property.**

- (1) **General Methods.** Surplus property may be disposed of by any of the following methods upon a determination by the Purchasing Manager that the method of disposal is in the best interest of the City of Brookings. Factors that may be considered by the Purchasing Manager include costs of sale, administrative costs, and public benefits to the City of Brookings. The Purchasing Manager shall maintain a record of the reason for the disposal method selected, and the manner of disposal, including the name of the person to whom the surplus property was transferred.

(a) **Governments.** Without competition, by transfer or sale to another City of Brookings department or public agency.

(b) **Auction.** By publicly advertised auction to the highest bidder.

(c) **Bids.** By public advertised invitation to bid.

(d) **Liquidation Sale.** By liquidation sale using a commercially recognized third-party liquidator selected in accordance with rules for the award of personal services contracts.

(e) **Fixed Price Sale.** The Purchasing Manager may establish a selling price based upon an independent appraisal or published schedule of values generally accepted by the insurance industry, schedule and advertise a sale date, and sell to the first buyer meeting the sales terms.

(f) **Trade-In.** By trade-in, in conjunction with acquisition of other price-based items under a competitive solicitation. The solicitation shall require the offer to state the total value assigned to the surplus property to be traded.

(g) **Donation.** By donation to any organization operating within or providing a service to residents of the City of Brookings which is recognized by the Internal Revenue Service as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

- (2) **Disposal of Property with Minimal Value.** Surplus property which has a value of less than \$500, or for which the costs of sale are likely to exceed sale proceeds may be disposed of by any means determined to be cost-effective, including by disposal as waste. The official making the disposal shall make a record of the value of the item and the manner of disposal.
- (3) **Restriction on Sale to City Employees.** City employees shall not be restricted from competing, as members of the public, for the purchase of publicly sold surplus property, but shall not be permitted to offer to purchase property to be sold to the first qualifying bidder until at least three days after the first date on which notice of the sale is first publicly advertised.
- (6) **Conveyance to Purchaser.** Upon the consummation of a sale of surplus personal property, the City of Brookings shall make, execute and deliver, a bill of sale signed on behalf of the City of Brookings, conveying the property in question to the purchaser and delivering possession, or the right to take possession, of the property to the purchaser.

7. **Public Contracts - Informal Solicitation Procedures.** The City of Brookings may use the following procedure for informal solicitations in lieu of the procedures set forth in the Model Rules.

A. **Informally Solicited Quotes and Proposals.**

- (1) **Solicitation of Offers.** The City of Brookings shall deliver or otherwise make available to potential offerors, a written scope of work, a description

of how

quotes or proposals are to be submitted and description of the criteria for award.

- (2) **Award.** The City of Brookings shall attempt to obtain a minimum of three written quotes or proposals before making an award. If the award is made solely on the basis of price, the City of Brookings shall award the contract to the responsible offeror that submits the lowest responsive quote. If the award is based on criteria other than, or in addition to, price, the City of Brookings shall award the contract to the responsible offeror that will best serve the interest of the City of Brookings, based on the criteria for award.
- (3) **Records.** A written record of all persons solicited and offers received shall be maintained. If three offers cannot be obtained, a lesser number will suffice, provided that a written record is made of the effort to obtain the quotes.

## BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: **March 2005**

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
5	Single Family Dwelling	\$3,929.50	\$2,554.19	\$275.07	\$39,395.00	\$1,138,942.00	7	\$1,595,802.00	7	\$1,649,297.00
0	Single Family Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$110,260.00	8	\$280,806.00
1	Single Family Garage-Carport	\$209.00	\$135.86	\$14.63	\$0.00	\$26,371.00	4	\$104,981.00	0	\$0.00
1	Two Family Residential	\$920.50	\$598.33	\$64.44	\$12,768.00	\$294,464.00	5	\$1,717,616.00	1	\$264,636.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$0.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
2	Commercial Addition-Change	\$15,285.00	\$15,967.66	\$1,068.55	\$0.00	\$5,912,000.00	4	\$5,949,000.00	8	\$163,714.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	2	\$439,000.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$16,870.00	0	\$0.00
2	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$0.00	0	\$0.00
3	Misc.-Retaining Wall-Fence	\$551.50	\$438.11	\$38.61	\$0.00	\$128,000.00	5	\$131,046.00	1	\$6,800.00
14	Total Building Permits	\$20,875.50	\$19,694.15	\$1,461.29	\$52,163.00	\$7,499,777.00	30	\$9,625,575.00	28	\$2,804,253.00
9	Mechanical Permits	\$264.70	N/A	\$18.53	N/A	N/A	21	N/A	25	N/A
7	Plumbing Permits	\$428.40	N/A	\$29.99	N/A	N/A	12	N/A	8	N/A
1	Mfg Home Install - Permit Fee	\$160.00	N/A	\$11.20	N/A	N/A	2	N/A	1	N/A
1	Mfg Home Install - Administrative Fee	\$30.00	N/A	\$30.00	N/A	N/A	2	N/A	1	N/A
32	TOTAL PERMITS	\$21,756.60	\$19,694.15	\$1,551.00	\$52,163.00	\$7,499,777.00	67	N/A	63	\$2,804,253.00
	Total Year to Date Calculated Fees	\$30,352.30	\$24,926.70	\$2,150.46	\$118,993.00	\$9,625,575.00				
	2004 YTD Calculated Fees	\$11,063.50	\$10,717.61	\$802.35	\$72,388.00	\$751,408.00				

# URBAN RENEWAL DISTRICT - BUILDING DEPARTMENT ACTIVITIES SUMMARY

For the Month of: March 2005

No.	Building	Permit Fee	Plan Check Fee	Surcharge	SDF's	Value Current Month	No. to Date	Total to Date	No. Last Yr	Total Last Year
1	Single Family Dwelling	\$1,140.00	\$741.00	\$79.80	\$7,879.00	\$317,942.00	1	\$317,942.00	0	\$0.00
0	Single Family Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	2	\$17,288.00
0	Single Family Garage-Carport	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1	\$33,129.00	0	\$0.00
0	Two Family Residential	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	1	\$264,636.00
0	Multi-Family Residential Apts	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Commercial New	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
2	Commercial Addition-Change	\$15,275.00	\$15,967.66	\$1,069.25	\$0.00	\$5,912,000.00	3	\$5,937,000.00	5	\$47,814.00
0	Churches	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	2	\$439,000.00
0	School Repair-Addition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Building Removal	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
0	Misc.-Retaining Wall-Fence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	0	\$0.00
3	Total Building Permits	\$16,415.00	\$16,708.66	\$1,149.05	\$7,879.00	\$6,229,942.00	5	\$6,288,071.00	10	\$768,738.00
2	Mechanical Permits	\$77.00	\$0.00	\$5.39	N/A	N/A	2	N/A	5	N/A
1	Plumbing Permits	\$47.60	N/A	\$3.33	N/A	N/A	1	N/A	1	N/A
0	Mfg Home Install - Permit Fee	\$0.00	N/A	\$0.00	N/A	N/A	0	N/A	0	N/A
0	Mfg Home Install - Administrative Fee	\$0.00	N/A	N/A	N/A	N/A	0	N/A	0	N/A
6	TOTAL PERMITS	\$16,539.60	\$16,708.66	\$1,157.77	\$7,879.00	\$6,229,942.00	8	\$6,288,071.00	16	\$768,738.00
	Total Year to Date Calculated Fees	\$16,921.10	\$16,956.64	\$1,184.48	\$7,879.00	\$6,288,071.00				
	2004 YTD Calculated Fees	\$2,781.10	\$2,087.27	\$194.67	\$28,526.00	\$768,738.00				