

AGENDA
City of Brookings
Common Council Meeting
City Hall Council Chambers
898 Elk Drive
Brookings, OR 97415
April 9, 2001
7:00 p.m.

Whew, eggs &
winter flowers ~
Plenty for a little



Brookings Bunny

to jump over in April on the
Southern Oregon coast!

agenda

CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
April 9, 2001
6:30 p.m.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ETHICS REVIEW

- A. City Attorney
1. Ethics Guide for Public Officials Review

V. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

- A. Announcements
1. "Kudos" letter from citizen regarding water/sewer problem
B. Proclamation
1. Emergency Preparedness Month
2. Spring Clean-up Month - April 16 through May 5, 2001

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

- A. Committee and Liaison reports
1. Chamber of Commerce
2. Businesses for a Better Brookings
3. Port of Brookings-Harbor
4. Council Liaisons
B. Unscheduled

VII. STAFF REPORTS

- A. Finance Department
1. Approval of auditing proposal

- B. *City Manager*
 - 1. *Chamber of Commerce Special Requests for Azalea Festival*
 - a. *Request to sell alcohol on City property-Azalea Park for Chamber Mixer*
 - b. *Other "in-house" requests*
 - 2. *Downtown visitor center*
 - 3. *Vacation rentals*
 - 3. *Other*
- C. *Community Development Department*
 - 1. *Approval for I & I engineering by City Engineer*
 - 2. *Authorization for bids on continuation of Oak Street Project*

VIII. CONSENT CALENDAR

- A. *Approval of Council Meeting Minutes*
 - 1. *Minutes of March 26, 2001, Regular Council Meeting*
- B. *Acceptance of Parks and Recreation Commission Minutes*
 - 1. *Minutes of February 22, 2001, Regular Commission Meeting*
- C. *Acceptance of Planning Commission Minutes*
 - 1. *Minutes of March 6, 2001, Regular Commission Meeting*
- D. *Approval of Vouchers (\$213,528.18)*
(end Consent Calendar)

IX. REMARKS FROM MAYOR AND COUNCILORS

- A. *Council*
- B. *Mayor*

X. ADJOURNMENT

Memo



To: Mayor, Council, Parks & Recreation Commission, Planning Commission,
Budget Committee, City Manager, and Department Heads
From: Sharon A. Ridens, Administrative Secretary
Date: April 4, 2001
Subject: Ethics Guide for Public Officials review

In accordance with our procedural ordinance #00-O-535,

“Section 17. Conflicts of interest. Members of the council and all other persons who serve the city in any capacity (e.g., officer, employee, agent, or otherwise) shall perform their duties in accordance with Oregon's ethics laws as provided in ORS Chapter 244.

A. During a regular council meeting in the month of April each year the city attorney shall review the latest edition of the Ethics Guide for Public Officials with council and staff.”

Therefore, City Attorney John Trew will be presenting said review at our April 9, 2001, Council meeting, beginning at 6:30 p.m. You are asked to be at that meeting for this review, noting the earlier than normal time, with the regular Council meeting continuing at approximately 7:00 p.m.

If you have any questions, or cannot attend, please advise. Thank you ~ Sharon

pc: City Attorney John Trew

Mayor Bob Hagbom
Brookings City Hall
898 Elk Dr.
Brookings, OR 97415

4-2-01

Dear Mayor:

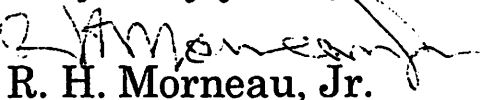
Last night the condominiums where I live, Macklyn Cove, experienced a sewer problem. By calling the police department I made contact with two city employees, Mark Haglund and Mike Batty, who responded.

You should know it was late on a Sunday night, raining, both were asleep at home and after being roused had to get dressed and come to work. Despite this they were uniformly good natured. Further, both knew all about the equipment for which they were responsible. They obviously care about doing their jobs well.

You ought to, as far as it is in your power, insure they are compensated at a level which insures their continued service with the city.

Would you please express to both of them my appreciation for their efforts on behalf of the owners of our condos.

Very truly yours,


R. H. Morneau, Jr.

15

received
4-3-01

PROCLAMATION



WHEREAS, the American people have always valued industriousness and self-sufficiency as well as knowledge, training and execution of preparedness methods and strategies, and

WHEREAS, our federal and state government through such agencies as FEMA, the National Guard, and by mandate, the American Red Cross, has always provided able assistance to those who experience disruption, upheaval, and confusion, or otherwise suffer as a result of a disaster, and

WHEREAS, in the event of a national or global emergency, our government's resources may be unduly burdened or insufficient to meet the needs of all who require some level of assistance or intervention, and

WHEREAS, increasing awareness of possible disasters from earthquakes, floods, hurricanes, tornadoes, and other natural disasters, and the possibility for some disruptions to normal way of life due to energy concerns make overall individual and community readiness a wise and prudent decision, and

WHEREAS, individual preparedness will richly reward those who are prepared and be of no negative consequence, if little or no demand on those resources is made;

NOW THEREFORE, I, Bob Hagbom, Mayor of the City of Brookings, do hereby proclaim the month of April 2001, as

"EMERGENCY PREPAREDNESS MONTH"

and do encourage all of our citizens in Brookings to prepare themselves to the level of their comfort, ability, and protection, for periods of time, when an individual, local, national, or global emergency might occur.

In Witness Whereof, Signed And Sealed this 9th day of April, 2001, in the City of Brookings, Oregon.

Bob Hagbom
MAYOR

PROCLAMATION



WHEREAS, the Brookings-Harbor area has attained wide recognition for its natural beauty and friendliness; and

WHEREAS, the citizens of the Brookings-Harbor area are known for their civic pride; and

WHEREAS, a large number of visitors visit our area during the spring;

NOW, THEREFORE, I, Bob Hagbom, Mayor of the City of Brookings, do hereby proclaim the last 2 weeks of April and first week of May as

**“SPRING CLEAN-UP MONTH
IN BROOKINGS-HARBOR”**

**And ask all citizens to pitch-in,
join the Brookings-Harbor Clean-Up Program
sponsored by Curry Transfer & Recycling, Curry Coastal Pilot,
KURY Radio, Fred Meyers, Mory’s, and the City of Brookings
and show pride in our community.**

**IN WITNESS WHEREOF, I have hereunto set my hand and caused
the seal of the City of Brookings to be affixed this 9th day of April
2001.**

**Bob Hagbom
MAYOR**



Staff Report

To: Mayor Hagbom & City Councilors
From: Leroy Blodgett, City Manager
Date: April 4, 2001
Re: Auditor Proposals

BACKGROUND

The City requested proposals to provide audit services of the City's financial statements. We received proposals from Wall & Wall of Coos Bay and Moss-Adams of North Bend. Finance Director, Randy Reed and I interviewed representatives and checked references of both firms.

We feel both firms are qualified and capable of providing the services required. The most significant difference in the two firms is their size. Moss-Adams is a regional office based out of Seattle. Wall & Wall is a local family operated firm.

The fee proposal from each firm is as follows:

Moss-Adams - Maximum audit fees not to exceed \$17,750 plus out of pocket travel expense. "The bid is for two years ending June 30, 2001 and June 30, 2002. As the City of Brookings is required to implement GASB 34 in the year 2003, we will negotiate a separate contract for implementation of GASB 34, dependent on the amount of time required to bring the City in compliance."

Additional services will be provided at the following hourly rates:

Partner	\$130
Manager	\$ 95
Senior Staff	\$ 75
Staff	\$ 60
Clerical	\$ 40

Wall & Wall - Maximum audit fees not to exceed \$15,685 all-inclusive .

"The methodology to be utilized in determining expected all-inclusive maximum fees for audit services for the ensuing two years ending June 30, 2002 and 2003, would be calculated using the same percentage increase as the Portland Consumer Price Index, for the respective period, and utilizing the above fiscal 2001 amount as the base year."

Additional services will be provided at the following hourly rates:

Senior Partner	\$ 95
Partner	\$ 85
Staff Accountant	\$ 65
Assistants	\$ 45
Clerical	\$ 20

STAFF RECOMMENDATION

Based on the qualifications, interviews, references and fee proposals staff recommends the Council authorize staff to enter into an agreement with Wall & Wall to provide annual audit services for the City.



CHAMBER OF COMMERCE
"Working To Help Our Businesses Grow"

March 19, 2001

Mr. Leroy Blodgett
City of Brookings
898 Elk Drive
Brookings, OR 97415

Dear Leroy:

In anticipation of the 62nd Azalea Festival, scheduled for the Memorial Day Weekend, May 25th through the 28th, 2001, the Brookings-Harbor Chamber of Commerce asks the City to permit the following requests:

1. The closure of the Frontage Road in the area bordering Highway 101, in front of Chetco Pharmacy, Video and More and Western Bank (see attached map), from 5 p.m., Friday, May 25 to 7:00 p.m., Monday, May 28, 2001.

2. The closure of Ross Lane - the area between Mory's and the entrance to Chetco Pharmacy & Gifts (see attached map), for the same time frame as in request #1.

BOTH OF THESE CLOSURES ARE TO INSURE PEDESTRIAN SAFETY. AN ADEQUATE EMERGENCY VEHICLE LANE WILL BE MAINTAINED.

3. Request for a sufficient number of city barricades for both closures.

4. The waiving of the City's Sidewalk Sale Ban during the time frame stated in request #1. We believe that by allowing merchants along Chetco Avenue to create an atmosphere of interest and festivity, more foot traffic will be generated and retail and restaurant sales will benefit.

5. Waiving requirement for the need for a Brookings Business License for Azalea Festival Street and Crafts Fair participants.

6. Waving the fee for the use of the Azalea Park Garden Area on Friday, May 25, 2001, for the Azalea Festival Mixer, and "Stage Under The Stars" for the Park Program component of the festival on Saturday, May 26, 2001 (please see attached "Park Use Application Form").


7. Declaring "No Parking" on Chetco Avenue during the hours of 8:00 a.m. through Noon, on Saturday, May 26, 2001, to coincide with the parade.

Page Two – 2001 Azalea Festival Requests

8. Use of parking area south of City Hall (between City Hall and the Elks Lodge), for use by non-profit organizations, to set up booths to promote their organizations as an expansion of the Street Fair. Access for emergency vehicles will be maintained.
9. Use of public right of way by fountain area adjacent to parking lot in front of Ray's #1, Hwy 101.

With the above requested assistance from the City of Brookings we are confident that this year's Azalea Festival, our community's 62nd, with its theme of "Brookings-Harbor Treasures" will again be a big success.

Sincerely,


Les Cohen
Executive Director

enclosures

xc: Chris Wallace, Interim Chief, Brookings Police Department



APPLICATION TO POSSESS AND CONSUME ALCOHOLIC BEVERAGES ON CITY OF BROOKINGS PUBLIC PROPERTY

- ◆ GROUP OR ORGANIZATION NAME Brookings-Harbor Chamber of Commerce
- ◆ CONTACT PERSON Les Cohen
- ◆ DAYTIME PHONE NUMBER 469-3181
- ◆ ADDRESS PO Box 940, Brookings OR 97415
- ◆ PUBLIC LOCATION REQUESTED Agavea Park Gardens
- ◆ DATE REQUESTED Friday, May 25, 2001
- ◆ TIME REQUESTED 5:00 - 8:00 pm
- ◆ TYPE OF ALCOHOLIC BEVERAGES INVOLVED beer and wine
- ◆ PURPOSE OF GATHERING Agavea Festival after hours business mixer

As an official representative of the above named group I request a temporary permit to possess and consume alcoholic beverages on public premises in accordance with Brookings Ordinance No. 79-0-315, Sec. 4., which I have reviewed. I understand our organization must meet all State of Oregon requirements for serving alcohol and must provide insurance as shown on the attachment.

Les Cohen
Representative Signature

3/20/01
Date Signed

FOR CITY PERSONNEL USE ONLY: Completed App. received: <u>3/5/01</u>	
Forwarded to: Date Sent - _____ to <input checked="" type="checkbox"/> Community Dev/PubWrks:	(circle one) APPROVE / DO NOT APPROVE-date/initials: <u>OK /sr</u>
Date Sent - _____ to <input checked="" type="checkbox"/> Chief of Police:	(circle one) APPROVE / DO NOT APPROVE-date/initials: <u>CAUTIOUS</u>
Date Sent - _____ to <input checked="" type="checkbox"/> Fire Chief:	(circle one) APPROVE / DO NOT APPROVE-date/initials: <u>OK /sr</u>
Date Sent - _____ to <input type="checkbox"/> Finance Dept:	(circle one) APPROVE / DO NOT APPROVE-date/initials: <u>OK</u>
Date Sent - _____ to <input type="checkbox"/> City Manager:	

DEPARTMENT HEADS: Please consider any applicable City ordinance requirements, initial, & date; PC's to follow after final approval.

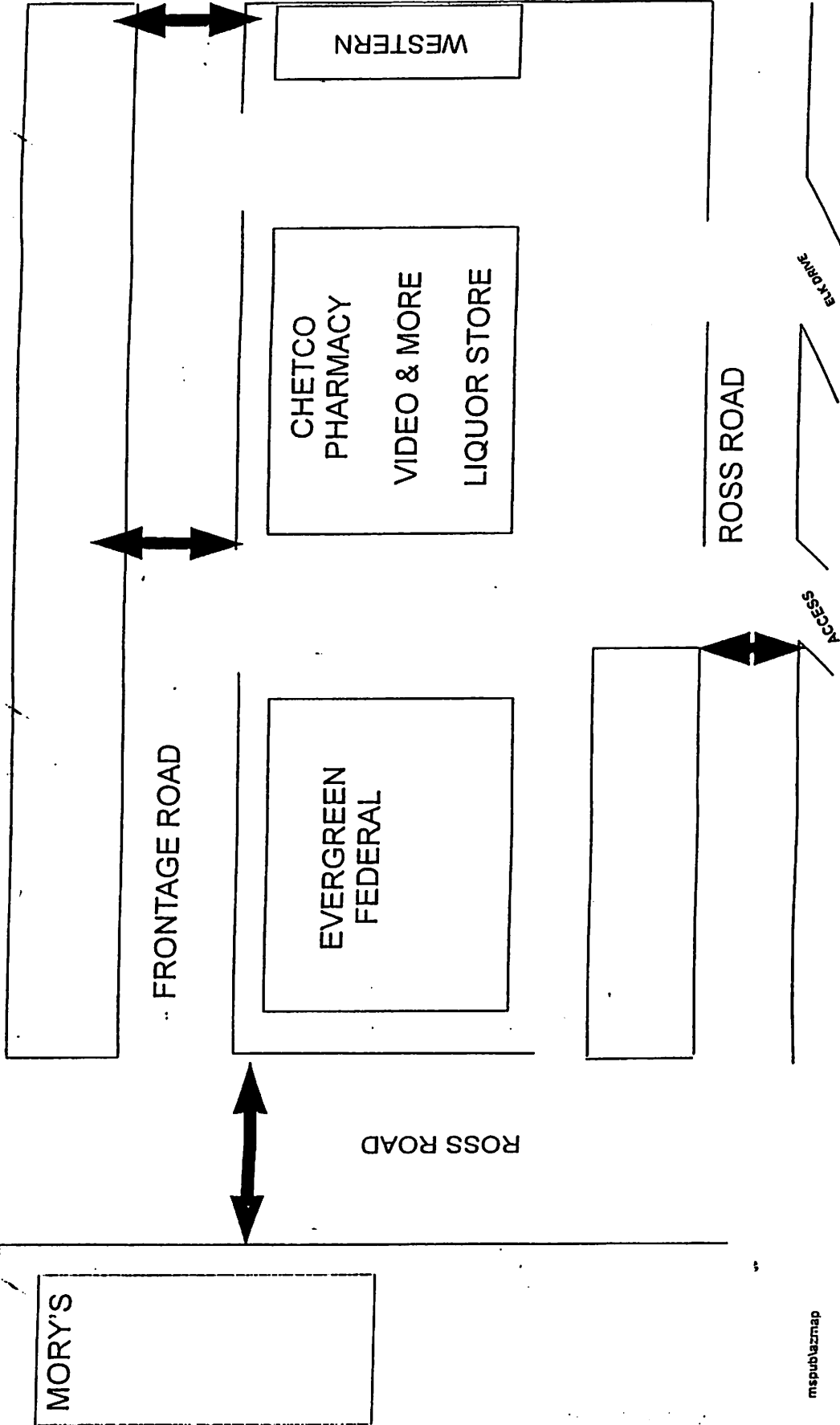
As City Manager, I, Leroy Blodgett, having reviewed the aforementioned application do hereby recommend / do not recommend to the common council of the City of Brookings approval of said application in the name of Chamber of Commerce for purposes of possessing and consuming alcoholic beverages on City property as provided on application.

L Blodgett /sr
City Manager

4/5/01
Date Signed

CITY COUNCIL: APPROVED DISAPPROVED on _____ day of _____, 20__

HIGHWAY 101



FIFTH STREET

WESTERN

CHETCO
PHARMACY
VIDEO & MORE
LIQUOR STORE

ROSS ROAD

BYPASS

ACCESS

FRONTAGE ROAD

EVERGREEN
FEDERAL

MORY'S

ROSS ROAD

mispublazmap

Memorandum

TO: Mayor and City Council
FROM: John Bischoff, Planning Director
THROUGH: Leroy Blodgett, City Manager
DATE: April 4, 2001



Issue: Vacation rentals.

Background: The city has recently received the attached letter of complaint about a single family home being used as a vacation rental. The complaints include late night arrivals, noise, large groups with many cars, lack of respect for neighbors, and damage to a garden due to children, dogs and in one case a car backing into the neighbor's, garden.

Although other communities along the Oregon coast have experienced significant problems related to vacation rentals, to staff's knowledge, this is the only complaint that the city has received. In response to problems arising from vacation rentals a number of cities have established ordinances that either totally prohibit them or place regulatory standards on them. If they are allowed or recognized as pre-existing non-conforming uses, most cities require a permit, apply standards and impose a bed tax.

At this time the number of dwelling units being used as vacation rentals within the city is unknown. Whether the dwelling subject to the complaint is an isolated case or a harbinger of things to come, is also unknown. If the Council determines that the vacation rental issue has the potential of becoming more problematic, there are two options in which staff can proceed as follows:

Regulation.

- Establishing which zones they are allowed.
- Requiring a permit to operate a vacation rental
- Set standards for operation.
- Impose bed tax.

Prohibit Outright.

- Must recognize existing rentals and can:
- Require a permit.
- Set standards for operation.
- Impose bed tax.
- If desired, establish a sunset date at which all such use would cease.

Remedies for the specific complaints received by the city, in leu of any other regulatory ordinance, if they continue to occur, would fall under the city's nuisance ordinance and would most likely be handled by the police at the time of occurrence.

Recommendation: Direct staff and City Attorney to investigate the feasibility of creating an ordinance to regulate vacation rentals within the city.

Barbara A. Nysted
427 Buena Vista Loop
Brookings, OR 97415
Home Phone (541) 469-3711

March 15, 2001

received
3-15-01

Mr. Leroy Blogott
898 Elk Drive
Brookings, OR 97415

Dear Mr. Blogott,

This letter is pursuant to a conversation with you on March 6, 2001. This conversation was with regard to R1 zoning and the issue of vacation rentals.

I left your office and went to see City Planner, John Bishoff. I asked Mr. Bishoff if there was any city ordinance with regard to vacation rentals in a residential neighborhood. He apprised me that there are currently no restrictions but that it had become a problem in other seaside communities and that ordinances were passed to protect property owners from this intrusion of a business within a residential neighborhood and that such situations could merit restrictions in Brookings also. He further instructed me to write a letter to you in which I should state clearly my issues and you would present the matter to city council.

I feel it prudent to state clearly at this point that I feel fairly certain that the city has no way of knowing that a business is being carried on in a residential neighborhood without being apprised. Hence, this letter.

Almost nine years ago, I purchased the property known as 427 Buena Vista Loop in Brookings. I purchased this property for many reasons including the fact that it was a nice, quiet and hidden residential neighborhood with little traffic and zoned R1.

Approximately four years ago, a property; adjacent to my home and that shares a driveway with two other properties including mine, was sold to a family from Medford. These people have a business in Medford and their children attend school there also. I was of the impression that they had purchased the property known as 431 Buena Vista Loop as a weekend and vacation home for themselves. However, since the time of purchase, the owner and his family have spent very little time here and further, have listed it as a vacation rental with Property Management of Brookings and I think it safe to assume they also advertise for renters.

During the past four years, the peace and quiet I had previously enjoyed has been seriously compromised by this thriving and monetarily lucrative business. Renters arriving late at night using bright headlights looking for the address which is difficult to find since the home is not situated on the main part of Buena Vista Loop. It actually sits down a long drive and behind my home; making it difficult to find. These weekend or week renters have no vested interest in the

3-19-01
cc - J. Bishoff, J. Treu

neighborhood and thus, they have little or no respect for the neighbors. Due to the close proximity of the rental to my home, I am most affected by this business. The absentee owners charge \$250 per night and I am guessing this is the reason that it is seldom rented by a single family but, instead, the renters come in groups to defray the cost. I have found children and dogs in my garden, I have had a baseball come flying onto my deck while I was resting.

Last weekend, there was a softball tournament in Brookings and there were six cars that showed up after 10 pm on Friday night. These people were outside partying even though it was rather cold. They were in and out all weekend; each time every car leaving and returning. Does this sound like a motel. I feel as though I have a motel right next door with only approximately 100 feet separating the properties. Yesterday, a renter backed her car over plants on my property. I was clearly not happy when I approached her about what she had done and she said "Don't get excited." I told her that I own the property and work hard to make my gardens and do not appreciate people who show so little regard for personal property. I phoned Property Management and was asked how much money I wanted to replace the plants. I was adamant about the fact that I was not looking for monetary compensation; but, that I wanted them to make it adamantly clear to the renters that they need to show respect for the neighbors and the neighbors property. Those plants were planted almost nine years ago and cannot be easily replaced due to size and further, I am insulted to think that all my hard work is thought to be so easily compensated with money. This winter, a neighbor caught renters making use of another neighbors seasoned madrone firewood stacked clearly not on the rental property. The owner of the firewood was compensated with \$50 for this abuse. At the time, the neighbor was concerned that we could not trust these renters to not steal other things. My point here is that I seriously doubt that a full time neighbor (even a long term renter or lease holder) would consider stealing his neighbors firewood.

On several occasions, I have spoken with the renters in an attempt to make them understand that this is my home and I dislike the noise and other intrusions. The response I get is indifference in the form of comments like "We cannot tell you how little we care how you feel" or "Hey, we are on vacation." These are just a few of the issues caused as a result of the vacation rental business carried on in my neighborhood which is zoned "non commercial".

The record will show that the rental of this property has escalated since even two years ago and even during this past winter, was rented many weekends. In my opinion, and that of many people I have spoken with, this is a viable business and does not have any place in a R1 zone. My understanding of this neighborhood zoning is that R1 means single family residential. Not a commercial business. There is no way this vacation rental can be considered anything less than a business and yet, here is the motel type establishment in a residential neighborhood. I cannot say enough about how outrageous this appears to me and others. If it was a "Bed and Breakfast", not only would the owners be present to monitor the actions of their guests; but also, the owners would be required to have the proper licensing and be obligated to abide with the requirements for such a business. However, none of these issues are a problem for my absentee neighbors as they are not required to be licensed and it is my belief that they could not operate a "B & B" in this R1 zone. This highly lucrative business is of no benefit to the city of Brookings and the owners pay only the property taxes for a single family residence in a residential zone. In my

(3)

opinion, in order for the City of Brookings to maintain the integrity of its zoning, such misuse of single family residential property must be eliminated. Had I known such a problem would arise in this R1 zone, I would never have purchased. As I have previously stated, John Bishoff indicated that just such issues have arisen in other coastal communities in Oregon and the city passed ordinances to protect homeowners from such businesses in residential neighborhoods.

This situation not only compromises the peaceful environment I previously enjoyed, but, also may cause devaluation of my property in particular due to the proximity of this business. I would be remiss in not disclosing to prospective buyers that there is a vacation rental business right in the back yard and the adverse effects of such a business.

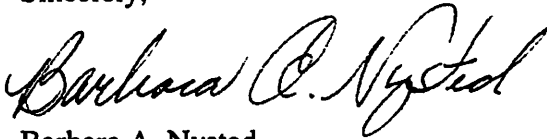
In conclusion, I am requesting a hearing with the City Council in regard to this matter at the earliest convenience. I would also appreciate being notified of a date when this matter would be on the Council agenda.

I realize that I could simply appear at a Council meeting and table this issue as public input. However, I prefer to state clearly my issues in advance and give you the opportunity to look into this matter yourself and to add it to the Council agenda.

I shall look forward to hearing from you in the near future.

Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Nysted".

Barbara A. Nysted

TO: Mayor, City Council
FROM: Dennis Barlow,
Public Works Supervisor
DATE: April 4, 2001
ISSUE: Request for approval for I & I
engineering by City Engineer

Community Development Department



In fiscal year 2000-2001 the city budgeted monies for inflow and infiltration (I & I) repairs to the wastewater collection system. Since this project is not being done on an emergency basis the work will need to be engineered.

The Community Development Department seeks approval to contact HGE, Inc. to arrange for engineering for the I & I project and then to go out to bids for the construction of the repairs.

TO: Mayor, City Council
FROM: Dennis Barlow,
Public Works Supervisor
DATE: March 22, 2001
ISSUE: Going out to bids for continuation of
Oak Street Project

Community Development Department



In October, 2000, the city entered into an agreement with ODOT which assists in funding the costs associated with all phases of construction of storm drainage and sidewalks on Oak Street from Spruce Street to Railroad Avenue. The State will provide \$28,850 and \$30,000 has been budgeted for this project in the current fiscal year.

At this time we are ready to go ahead with the project and are asking approval from the Council to go out to bids.

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
March 26, 2001
7:00PM**

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:03 p.m.

II. PLEDGE OF ALLEGIANCE

Led by Administrative Secretary Sharon Ridens

III. ROLL CALL

Council Present: Mayor Bob Hagbom, Council President Larry Curry, Councilors Frances Johns, and Lorraine Kuhn, a quorum present.

Council Absent: Councilor Rick Dentino, excused

Staff Present: City Manager Leroy Blodgett, Wastewater Treatment Plants Chief Operator, and Administrative Secretary Sharon Ridens

Media Present: Shelley Jelinek, Curry Coastal Pilot

Other: Chamber of Commerce Executive Director Les Cohen, Planning Commission Chair Richard Gyuro, and approximately 7 other citizens.

IV. CEREMONIES/APPOINTMENTS ANNOUNCEMENTS

A. Appointments

1. *Planning Commission Position No. 4*
2. *Planning Commission Position No. 6*

Mayor Hagbom submitted the names of Richard Gyuro and Vikki Nuss to be reappointed to the Planning Commission for Positions No. 4 and 6.

Councilor Johns moved, Councilor Johns seconded, and the Council voted unanimously to re-appoint Richard Gyuro and Vikki Nuss to Positions No. 4 and 6, respectively, of the Planning Commission.

Mayor Hagbom thanked applicant Charles Stanton, who was present, for his sincere interest in serving the citizens of Brookings.

V. SCHEDULED PUBLIC APPEARANCES

A. *City Engineer Richard Nored of HGE, Inc. - Water System Master Plan and Water Conservation Management Plan presentation*

City Manager Leroy Blodgett introduced City Engineer Richard Nored of HGE, Inc. to provide a brief summary of the Water Ststen Master Plan and Water Conservation Management Plan. Mayor stated he would want to schedule a work-session for the near future to address these issues.

Nored advised Council a preliminary draft had been furnished approximately one year ago, then a finalized draft, and recently a final report was provided. At this meeting, the presentation is a highlight summary of what the final report says. This study provides a water system master plan and water conservation plan. Nored stated this is the first comprehensive analysis of the water system in Brookings, since 1976, and first comprehensive layout of water service level boundaries. Service level boundaries are important to assure water pressure to all residents of Brookings. Nored proceeded to present breakdown of needs and where those needs will take us for the future.

Discussion ensued, but Hagbom discussed the Harbor community's water use effecting our water system, which will be brought up at the future work session to be planned.

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. *Committee and Liaison reports*

1. *Chamber of Commerce*

Executive Director Les Cohen of 324 So. Hazel, Brookings, was pleased to report the successful resurrection of the Beachcomber's Festival. He stated there were over 1000 people in attendance, and sees the festival becoming better each year. Cohen felt the time factor of Spring Break for schools in Oregon and California contributed this year and will in the future, for the success of this festival. He reported citizens had expressed their pleasure of the whale lights, which were a demonstration project. The time duration for the project has been extended through the month of May. Cohen ended his report by extending an invitation to the Council for April 7, 2001, at 1:00 p.m., for the dedication of the Oregon Heritage Tree Commemoration Ceremony, honoring the Bombsight Redwood, which Fujita planted in 1992. Additionally, Council was informed the Council General of Japan would be present, along with state and agency representatives including State Rep. Messerle. The ceremony will be at the Historical Marker Wayside at the triangle on Constitution Avenue and will be followed by a convoy tour to the tree site in the Siskiyou National Forest.

2. *Businesses for a Better Brookings*

There was no report.

3. *Port of Brookings-Harbor*

There was no report.

4. *Parks and Recreation Commission*

There was no report.

6. *Council Liaisons*

Councilor Johns attended the recent school board meeting, noting students and parents had behaved in a mannerly manner and had said properly their intent, which make more points with the Board than at previous meetings. This allowed the Board to respond positively and postpone action. The School Board advised they were pleased with positive behavior leading to better communication. Johns also attended the Parks and Recreation Commission and the Skate Park meeting, where she was pleased there were six skateboarders present. She congratulated the Richard Gyuro for being the Chamber of Commerce's Volunteer of the year.

Councilor Kuhn attended HOPE (Healthy Opportunity for a Positive Environment) meeting and explained the make up of the organization to Council.

Councilor Curry continues to attend the Coos Curry Douglas Business Development Corporation each month.

Mayor Hagbom reminded Council members to be sure their Oregon Standards and Practices Commission Forms were completed and post marked no later than April 16, 2001. He advised the League Of Oregon Cities had sent notices offering workshops to review the ethics standards, however each year our own City Attorney reviews them with us. This will occur at the April 9, 2001, meeting. Hagbom stated he thought it was more important financially for our Councilors to attend the November Conference, which will include the ethics review, rather than try to attend both. Hagbom reported he had received quite an "education" from a recent workshop he attended through LOC, and felt he needed to apologize to our local library, Chetco Public Library, because he had learned not only are they "well and alive," but they are increasing in large numbers throughout our state and nation. Some discussion ensued regarding the importance of libraries.

B. *Unscheduled*

Richard Gyuro of 276 Allen Lane, Brookings, acknowledge Brookings citizen Peter Spratt who had received the Business of the Year award from the Chamber of

Commerce. Spratt was congratulated by Council.

Don Nuss, 808 Pioneer Rd, Brookings thanked the Chamber of Commerce for the successful Beachcomber's Festival. Nuss stated he was looking forward to the downtown study and made comments on the tourism application, noting concern over addendum C - item #12 of the contract. He asked Council in regards to the bed tax to require an auditing and separate checking accounts. There were no questions or comments from Council.

VII. STAFF REPORTS

A. City Manager

1. Consider tourism promotions proposals

City Manager Blodgett presented the Chamber of Commerce proposal for tourism, noting the request for proposal had been advertised with a deadline of March 20, 2001 at 4:00 p.m. Blodgett stated no other proposals other than the Chamber's had been received at that time nor had the City received any other requests for the proposal form. He stated the Chamber's proposal meets all criteria of requests and recommended Council direct staff to negotiate a contract. Discussion ensued between Council.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to direct staff to negotiate a contract with the Brookings-Harbor Chamber of Commerce to provide promotions for the City of Brookings and present the draft contract for consideration at the April 23, 2001 regular Council meeting.

2. Other

City Manager Blodgett reported the Chetco Bridge lighting project is continuing to be worked on by ODOT with estimated costs of engineering around \$5000. However, some emergency situations have come up on Interstate Hwy I-5, which have higher priorities (bridges regarding weight restrictions) than the lighting of our bridge. But ODOT promises, we are not forgotten. Blodgett reported ODOT had received the final speed study at the north of town and will be reducing the speed limit to 35 mph from Ransom to about the Harris Beach Rest Area, indicating the remainder area will remain the same.

Blodgett reported the revamping of the City's Web Site is almost to the stage of publication. Our City staff have been working hard with Jim Relaford of PRN, Inc. who has provided us with lots of information and assistance. There will be links with the Chamber, the Port, Salmon Run Golf Course, and others - such as the League of Oregon Cities. Blodgett stated, it's very exciting to see it come together, and is hopeful the site will be published by Saturday @ www.brookingsor.org. He asked the Council

and public to know the site is not complete and will probably never be completed. It will always be developing as the go along with our activities. City Manager Blodgett announced the costs of \$3000 for the site will include the training of 3 staff to maintain it, with the exception of photos.

The City Happenings Newsletter goes out this Thursday, March 29th, and Blodgett asked Council to advise Sharon, if they had anything for the publication. Mayor Hagbom advised if anyone isn't getting it and wants it to contact the offices.

Blodgett concluded reporting on Community Development Director Leo Lightle's health conditions is very good and that staff was looking forward to his return.

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. Minutes of March 12, 2001, Regular Council Meeting
(end Consent Calendar)

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to approve the consent calendar as presented.

Mayor Hagbom explained the purposes for the Executive Session, per ORS192.660 (1)(e) - to conduct deliberations with persons designated to negotiate real property transactions and ORS192.660 (1)(d) - to conduct deliberations with persons designated to carry on labor negotiations. He recessed the meeting at 8:25 p.m., and went into Executive Session at 8:35 p.m.

EXECUTIVE SESSION - ORS192.660 (1)(e) To conduct deliberations with persons designated to negotiate real property transactions

EXECUTIVE SESSION - ORS192.660 (1)(d) To conduct deliberations with persons designated to carry on labor negotiations

Mayor Hagbom closed the Executive Session at 8:52 p.m., and the Regular Common Council meeting was reconvened at 8:53 p.m. He asked for any motions regarding discussions from the Executive Session.

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to direct the City Manager to work on negotiations on real property.

IX. REMARKS FROM MAYOR AND COUNCILORS

A. Council

There was no further discussion or remarks.

B. Mayor

Mayor Hagbom stated he and City Manager Blodgett attended the recent Open House for the new Curry County Human Services office, which was not only a nice setting but informative.

City Manager Blodgett advised Council the City had applied for a \$50,000 Rural Investment Board grant, and it had been approved. A like grant was available through the US Forestry Department, who had asked the City to apply and Blodgett stated we will. These funds can be used for additional parking projects.

XII. ADJOURNMENT

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to adjourn the meeting at 8:59 p.m.

Respectfully submitted:

Bob Hagbom
Mayor

ATTEST:

Randy Reed
Finance Director/City Recorder

PARK AND RECREATION COMMISSION MEETING

February 22, 2001

Roll Call

Present: Williams, Fritz, Canfield, Mickelson, Prevenas, Shute, Frost. Absent: Johns.

Minutes

A motion was made and passed 6-0 to approve the minutes of January 25, 2001 meeting as written.

Election of Officers

Chair: Motion was made by Prevenas to elect Fritz as Chair and thanked Mickelson for years of dedicated service. Second by Canfield. Motion passed 6-0

Secretary: Motion was made by Canfield to elect Frost. Second by Shute. Motion passed 6-0.

Public Appearances

Don Nuss Jr. brought the commission a proposal for 2-3 benches to be built as an Eagle Scout project for the Chetco Point Park. This project was pre-approved by the Scouts. Nuss presented (1) Project Agenda and (2) Drawings for the benches, to be made using harvested logs, and would be in keeping with the natural setting. The project also included designs for a metal fence, to be reviewed at the site by Mickelson, trail enhancement, and a trash can box plan. Committee agreed this would be acceptable and Mickelson would be working with Nuss in this project. Williams thanked Nuss and other youth for their contributions to the community.

Stout Park

Commissioner Shute reported that she will be working on a State Grant to match existing money to implement plans for a water sprinkler project in the park. Shute discussed the idea of having money dedicated through Budget Committee for Stout Park and would also like to consider plans for future lighting for the park which would help to discourage drug areas. Shute will meet with City Manager Blodgett to discuss the deficit in the Stout Trust Fund. Fund is currently down from \$15,000 to \$12,000.

Chetco View Park

Commissioner Mickelson reported visits to the site to establish parking areas in a pie shaped portion of the park. Rest rooms were addressed and a temporary solution using porta-pots was considered. Discussion on increased use of the park due to upswing in tourism and park improvements has created a need for a sanitary solution.

A motion was brought to the floor, by Prevenas, to request City Manager to include funds for porta-pots in the 2001-2002 City Budget. Second by Commissioner Shute. Motion passes 6-0.

Softball/Soccer Fields

Commissioner Prevenas reported School District plans to develop property south of new building for a play area/soccer field. This may not effect City Funds. Will bring pictures/plans to next meeting.

Park Master Plan

Commissioner Fritz reported plans to apply for grants. Fritz met with Scott Graves of the Curry Coastal Pilot Newspaper and inquired about a survey looking into public opinion on park lighting, safety, appearance and future plans. Fritz will ask for comments and ideas from Commissioners.

Skate Park

Commissioner Shute reported there would be a full board vote in the March 29, 2001 City Meeting. Deamland Team could start in September or November and project would be completed in 30 days. A grant is in process. Next Skate Park Meeting: March 15, 2001. Commissioner Johns expected to attend.

SAY

There was no report.

Liaison Reports

Commissioner Williams reported a drainage problem in Azalea Park. Elmo Williams added 30 yards top soil, 10 sand, 10 gravel and 20 sacks manure. The oval bed was removed, area built-up and plants moved to assist drainage. Plans for planting 750 cosmos, 750 petunias and 200 dahlias in March. Trees in the shade areas will need to be trimmed and there is a possibility this would need to be contracted out.

Continued
Parks and Recreation Commission Meeting
February 22, 2001

Staff Announcements
Nothing new to report.

Commissioner Comments
No Report

Motion to adjourn passed

Respectfully submitted, D. Frost

Dori Frost
2/26/01

MINUTES
BROOKINGS PLANNING COMMISSION
REGULAR MEETING
March 6, 2001

The regular meeting of the Brookings Planning Commission was called to order by Chair Richard Gyuro at 7:02 p.m. in the Council Chambers at Brookings City Hall on the above date with the following Commission members and staff in attendance.

Jim Collis	Richard Gyuro	John Bischoff, Planning Director
Randy Gorman	Judi Krebs	Linda Barker, Secretary
Ted Freeman, Jr.	Vikki Nuss	

Commissioner Howe was not present at the meeting.

CHAIRPERSON ANNOUNCEMENTS

Chair Gyuro welcomed Randy Gorman, the newest appointee to the Planning Commission. Commissioner Gorman was appointed by the City Council December 11, 2000, to replace Rick Dentino who was elected to the City Council. There was no Planning Commission meeting in January and Commissioner Gorman was unable to attend the February meeting as he was home ill.

MINUTES

By a 3-0 vote (motion: Commissioner Freeman, second: Commissioner Collis, Commissioners Gorman, Nuss and Krebs abstaining as they were not present at the February 6, 2001, meeting) the Planning Commission approved the minutes of the February 6, 2001, regular meeting as corrected.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON FINAL ORDERS

None

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

1. By a 6-0 vote (motion: Commission Krebs, second: Commissioner Nuss) the Planning Commission approved as presented the final map for the first phase (7 lots) of a 27-lot subdivision (File No. SUB-1-99 PUD) known as Oceanside Estates II Subdivision; located on the east side of Dawson Road approximately 800 feet south of Holmes Drive; zoned R-1-6, Single-Family Residential, 6,000 sq. ft. minimum lot size; Pacific-West Associates, Inc. applicants; John C. Babin, representative.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION IN THE PUBLIC HEARINGS

1. By a 6-0 vote (motion: Commissioner Krebs, second: Commissioner Freeman) the Planning Commission approved as written (File No. M3-2-01) a request for a minor partition to divide a 51,570 sq. ft. parcel into two lots of 24,032 and 27,538 sq. ft. in size; located in the southwest corner of Ransom Avenue and First Street; zoned R-2 (Two-family Residential); Gerald and Mary Strom, applicant.

Before the Public Hearing started all Commissioners present declared ex parte contact due to a site visit. Commissioner Freeman also declared he had sold products to the applicant in the past and this caused no bias. There was no challenge from the audience as to the jurisdiction of the Commission to hear this request.

This action was taken following questions or comments regarding the request from the following:

Gerald Strom 15715 Napa Lane Brookings Oregon

The applicant waived his right to seven (7) additional days in which to submit written argument. The public hearing was closed at 7:35 p.m.

2. By a 6-0 vote (motion: Commissioner Freeman, second: Commissioner Gorman) the Planning Commission approved the Final ORDER and Findings of Fact for File No. M3-2-01 as written.
3. By a 6-0 vote (motion: Commissioner Krebs, second: Commissioner Nuss) the Planning Commission approved with changes to conditions (File No. M3-3-01) a request for a minor partition to divide a 0.80 acre parcel into two lots of 7,125 and 26,877 sq. ft in size; located on the east side of Pioneer Road approximately 240 feet south of Hassett Street, more specifically 820 Pioneer Road; zoned R-2 (Two-family Residential); Kurt Kessler, representative.

Condition 1 was amended to dedicate a *five (5)* foot wide strip of land on the east side of Pioneer Road instead of a *foot* wide strip of land. In Condition 1 the wording *subject parcel frontage* was changed to read *subject parent parcel* and in Condition 2 the wording *subject property* was changed to read *subject parent parcel*. Conditions 6 and 7 were added:

Condition 6: The applicant shall provide a drainage plan for the entire parent parcel.

Condition 7: The northeast corner of Parcel 1 as shown on the approved preliminary plat map, shall be redesigned to provide a 45° angle beginning 10 feet west of the corner.

Commissioner Krebs' motion, which was approved by the Commission, was to add conditions 7 and 8; however, this was due to a numbering error in the staff report. This was brought to the Commission's attention at the conclusion of the next public hearing (File No. CUP-1-01) and the Commission agreed the new conditions should be numbered 6 and 7.

Before the public hearing began all Commissioners present declared ex parte contact as a result of a site visit. Commissioner Nuss, who lives at 808 Pioneer Road, declared her husband had discussions with the property owner and she had discussed drainage issues on the site with Planning Director Bischoff. This caused no bias. Commissioner Freeman declared the applicant has been a customer of his firm and this caused no bias. Chair Gyuro declared he is a supporter of the Chamber of Commerce and the applicant has done work for that organization however this caused no bias. There was no challenge from the audience to the Planning Commission's jurisdiction to hear this request.

This action was taken following questions or comments regarding the request from the following:

Kurt Kessler

PO Box 6335

Brookings Oregon

The applicant waived his right to seven (7) additional days in which to submit written argument. The public hearing was closed at 7:58 p.m.

4. By a 6-0 vote (motion: Commissioner Collis, second: Commissioner Freeman) the Planning Commission approved the Final ORDER and Findings of Fact for File No. M3-3-01 as amended.
5. By a 6-0 vote (motion: Commissioner Freeman, second: Commissioner Collis) the Planning Commission approved as written (File No. CUP-1-01) a request for conditional use permit to establish a dwelling group of three duplex units and one single family unit for a total of seven residential units; located on the east side of Pioneer Road approximately 240 feet south of the intersection of Hassett Street, more specifically Parcel 2 of Partition File No. M3-3-01; zoned R-2 (Two-family Residential); Kurt Kessler, applicant.

Before the public hearing began all Commissioners present declared ex parte contact as a result of a site visit. Commissioners Nuss, Freeman and Gyuro again declared their contacts with the applicant and that these caused no bias. There was no challenge from the audience to the Planning Commission's jurisdiction to hear this request.

This action was taken following questions or comments regarding the request from the following:

Kurt Kessler

PO Box 6335

Brookings Oregon

The applicant waived his right to seven (7) additional days in which to submit written argument. The public hearing was closed at 8:34 p.m.

6. By a 6-0 vote (motion: Commissioner Krebs, second: Commissioner Freeman) the Planning Commission approved the Final ORDER and Findings of Fact for File No. CUP-1-01 as written.

THE PLANNING COMMISSION TOOK THE FOLLOWING ACTION ON COUNTY REFERRALS

1. By a 6-0 vote (motion: Commissioner Krebs, second: Commissioner Freeman) the Planning Commission will send a favorable recommendation based on the ODF&W letter and the planning staff recommendations on (File No. CR-AD-0109) a request for a riparian setback variance to allow for the construction of a shop building on the 1.50 acre subject property; located on the easterly side of Highway 101 approximately 930 feet south of Benham Lane, more specifically 15765 Highway 101 South; zoned County RC (Rural Commercial); Charles and Lila Moore, applicants.

Commissioners Gyuro, Freeman, Krebs, Collis and Gorman declared ex parte contact as a result of a site visit.

This action was taken following questions or comments regarding the request from the following:

Charles Moore

PO Box 3125

Harbor Oregon

UNSCHEDULED PUBLIC APPEARANCES

None

REPORT OF THE CITIZENS ADVISORY COMMITTEE

None

MESSAGES AND PAPERS FROM THE CITY MANAGER

None

MESSAGES AND PAPERS FROM THE MAYOR

None

REPORT OF THE PLANNING DIRECTOR

Director Bischoff reported the City applied for a \$50,000 rural development grant with a \$20,000 local match. The grant would be used to develop a master plan for development of the core area which is essentially that area covered by the PROUD Study. He attended, along with other city officials, a workshop pertaining to establishing tax increment districts.

He reported he may be bringing a change to the Land Development Code to the Commission next month to allow outdoor sales of items such as storage sheds from paved areas. Staff has discussed this possible change in site plan committee and therefore no action has been taken regarding the sheds for sale in the lot next to Carpenter Auto Sales.

The City and the Department of Land Conservation and Development received several letters of objection to the Urban Growth Boundary Remand. To save processing and review time the matter will be taken directly to the Land Conservation and Development Commission where it will be heard either May 3 or 4.

PROPOSITIONS AND REMARKS FROM COMMISSION MEMBERS

Commission Krebs asked that the Planning Commission receive a copy of the City Council Goals and a memo explaining the change in application of Deferred Improvement Agreements. She stated the DIA change may trigger changes in the Land Development Code. Bischoff said the LDC gives the option to grant DIAs so changes in the code may not be necessary.

Commissioner Nuss questioned staff about the seemingly mobile carports that have been installed at 602 Easy Street. Bischoff reported these meet the buildings code requirements and are anchored into the ground. The property owner is also building another rental unit on the lot.

Commissioner Collis inquired whether, in addition to the Commission informational packet as prepared now, the Planning Commission could receive a resume of the planning preceding the packet preparation: information on the site plan committee meeting or subdivision committee meeting held in conjunction with the application. Director Bischoff explained what information is discussed in

site plan and that many of the conditions of approval come from the site plan committee.

Commissioner Krebs mentioned watching the City Council meeting on Cable Channel 4 and seeing Building Official LauraLee Gray receive commendations from the Mayor for the good job she had done last year as president of the Southern Oregon Association of Building Officials.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

BROOKINGS PLANNING COMMISSION



Richard Gyuro, Chair

Per	Date	Check No	Vendor No	Payee	Check GL Account Number	Amount
03/01	03/01/2001	40309	167	American Sigma	10-00-2005	146.50
03/01	03/01/2001	40310	100	Anchor Lock & Key	10-00-2005	300.00
03/01	03/01/2001	40311	150	Any Time Coffee Service	10-00-2005	20.50
03/01	03/01/2001	40312	993	ATCO International	10-00-2005	174.40
03/01	03/01/2001	40313	1198	B & B Decking & Fencing	10-00-2005	54.03
03/01	03/01/2001	40314	138	Becco, Inc	10-00-2005	49.95
03/01	03/01/2001	40315	148	B-H Chamber of Commerce	10-00-2005	801.68
03/01	03/01/2001	40316	416	Brookings Lock & Safe Co	10-00-2005	25.00
03/01	03/01/2001	40317	313	Brookings Vol Firefighters	10-00-2005	61.95
03/01	03/01/2001	40318	418	C.E.D.	10-00-2005	162.22
03/01	03/01/2001	40319	1201	Carolyn Duerr	10-00-2005	24.07
03/01	03/01/2001	40320	528	Caselle, Inc	10-00-2005	2,300.00
03/01	03/01/2001	40321	370	CCIS	10-00-2005	3,789.66
03/01	03/01/2001	40322	745	Chetco Senior Center	10-00-2005	180.00
03/01	03/01/2001	40323	820	CMI Business Systems	10-00-2005	193.45
03/01	03/01/2001	40324	183	Colvin Oil Company	10-00-2005	1,448.24
03/01	03/01/2001	40325		Information Only Check	10-00-2005	.00 V
03/01	03/01/2001	40326	182	Coos-Curry Electric	10-00-2005	4,315.62
03/01	03/01/2001	40327	195	Cury Transfer & Recycling	10-00-2005	8,622.80
03/01	03/01/2001	40328	1179	Daryl Bogardus	10-00-2005	15.78
03/01	03/01/2001	40329	130	Day-Timers Inc	10-00-2005	37.48
03/01	03/01/2001	40330	284	Day-Wireless Systems	10-00-2005	4,677.48
03/01	03/01/2001	40331	1060	Dept of Administrative Service	10-00-2005	89.00
03/01	03/01/2001	40332	196	DHR Child Support Unit	10-00-2005	203.08
03/01	03/01/2001	40333	250	DHR Child Support Unit	10-00-2005	278.31
03/01	03/01/2001	40334	1180	Don & Myrna Klupenger	10-00-2005	20.25
03/01	03/01/2001	40335	316	Donald & Roberta Chandler	10-00-2005	548.00
03/01	03/01/2001	40336	1203	Donna Valance	10-00-2005	16.79
03/01	03/01/2001	40337	543	Eagle Equipment	10-00-2005	46.50
03/01	03/01/2001	40338	499	Fastenal Company	10-00-2005	57.00
03/01	03/01/2001	40339	152	FedEx	10-00-2005	110.24
03/01	03/01/2001	40340	113	Fred Meyer	10-00-2005	118.80
03/01	03/01/2001	40341	198	Grants Pass Water Lab	10-00-2005	133.00
03/01	03/01/2001	40342	1189	Haley Farms Nursery	10-00-2005	1,049.60
03/01	03/01/2001	40343	131	HGE, Inc	10-00-2005	486.00
03/01	03/01/2001	40344	1204	Hubert Spurlock Jr	10-00-2005	26.44
03/01	03/01/2001	40345	1200	James R Stuart	10-00-2005	18.26
03/01	03/01/2001	40346	1207	Jeanne Nelson	10-00-2005	555.64
03/01	03/01/2001	40347	578	John Cowan	10-00-2005	77.00
03/01	03/01/2001	40348	328	Les Schwab Tire Company	10-00-2005	77.46
03/01	03/01/2001	40349	1205	Mac Hansen	10-00-2005	25.32
03/01	03/01/2001	40350	1016	Mark Carroll Signs & Graphics	10-00-2005	360.00
03/01	03/01/2001	40351	1190	Mike Batty	10-00-2005	77.00
03/01	03/01/2001	40352	766	Mike Watson	10-00-2005	86.00
03/01	03/01/2001	40353	910	OR Department of Justice	10-00-2005	115.38
03/01	03/01/2001	40354	144	OR Teamster Employers Trust	10-00-2005	7,311.08
03/01	03/01/2001	40355	189	OR Teamster Employers Trust	10-00-2005	15,144.38
03/01	03/01/2001	40356	860	Oregon Fire Chiefs Assn	10-00-2005	170.00
03/01	03/01/2001	40357	1037	Pacific Airgas	10-00-2005	2,583.01
03/01	03/01/2001	40358	888	Paul's Floor Maintenance	10-00-2005	800.00
03/01	03/01/2001	40359	205	PERS Retirement	10-00-2005	8,357.41
03/01	03/01/2001	40360	322	Postmaster	10-00-2005	500.00
03/01	03/01/2001	40361	187	Quality Fast Lube & Oil	10-00-2005	51.90
03/01	03/01/2001	40362	181	Ramcell of Oregon	10-00-2005	160.50
03/01	03/01/2001	40363	1195	Randy Mitchem	10-00-2005	37.43
03/01	03/01/2001	40364	214	Regence Life & Health Ins	10-00-2005	227.90
03/01	03/01/2001	40365	199	Richard Harper	10-00-2005	300.00

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Account Number	Amount
03/01	03/01/2001	40366	875	Swiyah Ranson	10-00-2005	37.10
03/01	03/01/2001	40367	213	Teamsters Local Union 223	10-00-2005	495.00
03/01	03/01/2001	40368	1202	Thomas & Sandra Clark	10-00-2005	8.38
03/01	03/01/2001	40369	142	Tidewater Contractors Inc	10-00-2005	731.53
03/01	03/01/2001	40370	273	Traffic Safety Supply Co, Inc	10-00-2005	448.64
03/01	03/01/2001	40371	1206	Travis Atkins	10-00-2005	45.00
03/01	03/01/2001	40372	696	Trojan Technologies	10-00-2005	3,289.00
03/01	03/01/2001	40373	295	Tsunami Computer Service	10-00-2005	19.95
03/01	03/01/2001	40374	136	United Pipe & Supply Co Inc	10-00-2005	192.36
03/01	03/01/2001	40375	268	US Filter Company	10-00-2005	81.01
03/01	03/01/2001	40376	1196	USF Reddaway	10-00-2005	149.21
03/01	03/01/2001	40377	991	Verizon Northwest	10-00-2005	150.94
03/01	03/01/2001	40378	1199	Weaverville Victorian Inn	10-00-2005	360.80
03/01	03/01/2001	40379	524	Westin Salishan Lodge	10-00-2005	504.56
03/01	03/01/2001	40380	269	WW Grainger	10-00-2005	471.45
03/01	03/01/2001	40381	707	ZEP Manufacturing	10-00-2005	77.32
03/01	03/09/2001	40382	103	Amazing Computers	10-00-2005	472.50
03/01	03/09/2001	40383	303	Associated Bag Company	10-00-2005	281.41
03/01	03/09/2001	40384	527	AWWA Short School	10-00-2005	270.00
03/01	03/09/2001	40385	415	Baudville Inc	10-00-2005	13.90
03/01	03/09/2001	40386	110	Brookings Auto Parts	10-00-2005	70.97
03/01	03/09/2001	40387	276	Brookings Harbor Medical Ctr	10-00-2005	214.00
03/01	03/09/2001	40388	313	Brookings Vol Firefighters	10-00-2005	2,083.33
03/01	03/09/2001	40389	109	Buy.com	10-00-2005	20.00
03/01	03/09/2001	40390	418	C.E.D.	10-00-2005	366.30
03/01	03/09/2001	40391	178	Chetco Pharmacy & Gift	10-00-2005	42.69
03/01	03/09/2001	40392	820	CMI Business Systems	10-00-2005	65.00
03/01	03/09/2001	40393	182	Coos-Curry Electric	10-00-2005	11,789.72
03/01	03/09/2001	40394	1210	Country Home Products	10-00-2005	1,579.30
03/01	03/09/2001	40395	151	Curry Coastal Pilot	10-00-2005	263.00
03/01	03/09/2001	40396	173	Curry Equipment Company	10-00-2005	168.35
03/01	03/09/2001	40397	195	Curry Transfer & Recycling	10-00-2005	20.03
03/01	03/09/2001	40398		Information Only Check	10-00-2005	.00 V
03/01	03/09/2001	40399	166	Dan's Auto & Marine Electric	10-00-2005	530.36
03/01	03/09/2001	40400	185	Del Cur Supply	10-00-2005	6.80
03/01	03/09/2001	40401	499	Fastenal Company	10-00-2005	161.30
03/01	03/09/2001	40402	754	First Response	10-00-2005	127.50
03/01	03/09/2001	40403	1095	Frank Cembellin	10-00-2005	45.00
03/01	03/09/2001	40404	119	Gall's Inc	10-00-2005	479.61
03/01	03/09/2001	40405		Information Only Check	10-00-2005	.00 V
03/01	03/09/2001	40406	139	Harbor Logging Supply	10-00-2005	216.85
03/01	03/09/2001	40407	1212	Intermountain Notary Institute	10-00-2005	138.00
03/01	03/09/2001	40408	126	John Bischoff	10-00-2005	166.34
03/01	03/09/2001	40409	1038	Julie Watson	10-00-2005	170.00
03/01	03/09/2001	40410		Information Only Check	10-00-2005	.00 V
03/01	03/09/2001	40411		Information Only Check	10-00-2005	.00 V
03/01	03/09/2001	40412		Information Only Check	10-00-2005	.00 V
03/01	03/09/2001	40413		Information Only Check	10-00-2005	.00 V
03/01	03/09/2001	40414		Information Only Check	10-00-2005	.00 V
03/01	03/09/2001	40415	162	Kerr Hardware	10-00-2005	724.42
03/01	03/09/2001	40416	997	Kurt Kessler	10-00-2005	45.00
03/01	03/09/2001	40417	386	Lab Safety Supply Inc	10-00-2005	141.90
03/01	03/09/2001	40418		Information Only Check	10-00-2005	.00 V
03/01	03/09/2001	40419	328	Les Schwab Tire Company	10-00-2005	595.30
03/01	03/09/2001	40420	1214	Lorene Hearn	10-00-2005	2.56
03/01	03/09/2001	40421	155	Mory's	10-00-2005	50.90
03/01	03/09/2001	40422	911	Nancy Corrigan	10-00-2005	18.04

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Account Number	Amount
03/01	03/09/2001	40423	140	Newman Traffic Signs	10-00-2005	167.33
03/01	03/09/2001	40424	894	North Bend Medical Center	10-00-2005	3.13
03/01	03/09/2001	40425	1037	Pacific Airgas	10-00-2005	79.00
03/01	03/09/2001	40426	252	Paramount Pest Control	10-00-2005	35.00
03/01	03/09/2001	40427	293	Petty Cash	10-00-2005	155.34
03/01	03/09/2001	40428	1029	Purchase Power	10-00-2005	1,019.00
03/01	03/09/2001	40429		Information Only Check	10-00-2005	.00 V
03/01	03/09/2001	40430	207	Quill Corporation	10-00-2005	643.20
03/01	03/09/2001	40431	180	Ray's Food Place	10-00-2005	87.56
03/01	03/09/2001	40432	1099	Reliance Corp Appliance	10-00-2005	398.00
03/01	03/09/2001	40433	585	Siskiyou Tees	10-00-2005	1,649.88
03/01	03/09/2001	40434	1213	Stephen Brown/Diana Griffith	10-00-2005	1.81
03/01	03/09/2001	40435	612	Strahm's Sealcoat	10-00-2005	255.00
03/01	03/09/2001	40436	142	Tidewater Contractors Inc	10-00-2005	94.39
03/01	03/09/2001	40437	821	Toshiba America Info Systems	10-00-2005	310.00
03/01	03/09/2001	40438	161	United Communications Inc	10-00-2005	658.27
03/01	03/09/2001	40439	136	United Pipe & Supply Co Inc	10-00-2005	218.53
03/01	03/09/2001	40440	1197	Whitney Equipment	10-00-2005	122.60
03/01	03/12/2001	40441	1015	Leroy Blodgett	10-00-2005	317.15
03/01	03/15/2001	40442	1215	Agri-Check, Inc	10-00-2005	155.00
03/01	03/15/2001	40443	150	Any Time Coffee Service	10-00-2005	21.00
03/01	03/15/2001	40444	817	Auto Additons, Inc	10-00-2005	230.67
03/01	03/15/2001	40445	256	B & B Excavation	10-00-2005	450.00
03/01	03/15/2001	40446	174	Barbara Palicki	10-00-2005	108.00
03/01	03/15/2001	40447	146	Bay West Supply, Inc	10-00-2005	62.06
03/01	03/15/2001	40448	138	Becco, Inc	10-00-2005	110.95
03/01	03/15/2001	40449	354	Bill Pratt	10-00-2005	42.04
03/01	03/15/2001	40450	1118	Brookside Florist	10-00-2005	62.50
03/01	03/15/2001	40451	192	Brown & Caldwell	10-00-2005	33,891.10
03/01	03/15/2001	40452	418	C.E.D.	10-00-2005	39.49
03/01	03/15/2001	40453	1222	CA Narcotics Officers Assoc	10-00-2005	60.00
03/01	03/15/2001	40454	149	Carpenter Auto Center	10-00-2005	2.65
03/01	03/15/2001	40455	820	CMI Business Systems	10-00-2005	33.65
03/01	03/15/2001	40456	183	Colvin Oil Company	10-00-2005	992.26
03/01	03/15/2001	40457	1194	Davidson's	10-00-2005	873.92
03/01	03/15/2001	40458	196	DHR Child Support Unit	10-00-2005	203.08
03/01	03/15/2001	40459	250	DHR Child Support Unit	10-00-2005	278.31
03/01	03/15/2001	40460	437	DoubleTree Lloyd's Center	10-00-2005	257.58
03/01	03/15/2001	40461	145	EBS Trust	10-00-2005	61.00
03/01	03/15/2001	40462	105	First Impressions	10-00-2005	245.00
03/01	03/15/2001	40463	343	FNW Queen Pump	10-00-2005	215.43
03/01	03/15/2001	40464	154	Hagen's Dry Cleaners	10-00-2005	72.85
03/01	03/15/2001	40465	394	Internet Technologies Inc	10-00-2005	130.00
03/01	03/15/2001	40466	1219	James S Stewart	10-00-2005	29.77
03/01	03/15/2001	40467	530	Kay Park Recreation	10-00-2005	5,271.06
03/01	03/15/2001	40468	271	Larry Curry	10-00-2005	66.95
03/01	03/15/2001	40469	681	Linda Barker	10-00-2005	111.65
03/01	03/15/2001	40470	1208	Linda Cupps	10-00-2005	578.43
03/01	03/15/2001	40471	690	Margo Hanscam Prop Mgmt	10-00-2005	28.81
03/01	03/15/2001	40472	424	Munnell & Sherrill	10-00-2005	125.85
03/01	03/15/2001	40473	334	North Coast Electric	10-00-2005	61.66
03/01	03/15/2001	40474	910	OR Department of Justice	10-00-2005	115.38
03/01	03/15/2001	40475	375	OR Department of Revenue	10-00-2005	30.50
03/01	03/15/2001	40476	205	PERS Retirement	10-00-2005	8,344.57
03/01	03/15/2001	40477	1173	Positive Promotions	10-00-2005	169.93
03/01	03/15/2001	40478	187	Quality Fast Lube & Oil	10-00-2005	254.65
03/01	03/15/2001	40479	181	Ramcell of Oregon	10-00-2005	151.55

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Account Number	Amount
03/01	03/15/2001	40480	1128	Randy Reed	10-00-2005	149.34
03/01	03/15/2001	40481	1218	Rick Dentino	10-00-2005	39.00
03/01	03/15/2001	40482	1216	Rose Marie Peasley	10-00-2005	60.00
03/01	03/15/2001	40483	169	Roto Rooter of Curry County	10-00-2005	67.20
03/01	03/15/2001	40484	1138	SaveLives.com	10-00-2005	60.00
03/01	03/15/2001	40485	1220	Shelley Fox	10-00-2005	41.97
03/01	03/15/2001	40486	1217	SW Oregon Community College	10-00-2005	60.00
03/01	03/15/2001	40487	142	Tidewater Contractors Inc	10-00-2005	126.75
03/01	03/15/2001	40488	179	Trew, Cyphers & Meynink	10-00-2005	2,950.00
03/01	03/15/2001	40489	978	U.S. Bank	10-00-2005	3,234.64
03/01	03/15/2001	40490	268	US Filter Company	10-00-2005	302.36
03/01	03/15/2001	40491	991	Verizon Northwest	10-00-2005	1,442.03
03/01	03/15/2001	40492	861	Village Express Mail Center	10-00-2005	8.00
03/01	03/15/2001	40493	253	Xerox Corporation	10-00-2005	70.00
03/01	03/22/2001	40494	190	Bankcard Center	10-00-2005	320.76
03/01	03/22/2001	40495	1224	Barbara Gossett	10-00-2005	69.01
03/01	03/22/2001	40496	1229	Becky Hodges	10-00-2005	29.59
03/01	03/22/2001	40497	1231	Bruce Spotswood	10-00-2005	31.71
03/01	03/22/2001	40498	370	CCIS	10-00-2005	7,338.19
03/01	03/22/2001	40499	305	Chief Supply	10-00-2005	517.68
03/01	03/22/2001	40500	182	Coos-Curry Electric	10-00-2005	2,827.49
03/01	03/22/2001	40501	371	DEQ Business Office	10-00-2005	137.47
03/01	03/22/2001	40502	1226	Dick & Sharon Leger	10-00-2005	21.59
03/01	03/22/2001	40503	1227	Dick Leger	10-00-2005	21.59
03/01	03/22/2001	40504	498	Dictaphone Corp	10-00-2005	1,080.75
03/01	03/22/2001	40505		Information Only Check	10-00-2005	.00 V
03/01	03/22/2001	40506	499	Fastenal Company	10-00-2005	152.65
03/01	03/22/2001	40507	105	First Impressions	10-00-2005	153.79
03/01	03/22/2001	40508	119	Gall's Inc	10-00-2005	79.98
03/01	03/22/2001	40509	282	GFOA	10-00-2005	125.00
03/01	03/22/2001	40510	198	Grants Pass Water Lab	10-00-2005	152.00
03/01	03/22/2001	40511		Information Only Check	10-00-2005	.00 V
03/01	03/22/2001	40512	114	HPS Electrical Apparatus	10-00-2005	2,688.24
03/01	03/22/2001	40513	1228	John Sennett III	10-00-2005	20.62
03/01	03/22/2001	40514	997	Kurt Kessler	10-00-2005	45.00
03/01	03/22/2001	40515	121	Lane County RIS	10-00-2005	4,788.01
03/01	03/22/2001	40516	339	Mike Cooper	10-00-2005	113.00
03/01	03/22/2001	40517	1223	Mike Whipple	10-00-2005	23.06
03/01	03/22/2001	40518	329	New Hope Plumbing	10-00-2005	256.50
03/01	03/22/2001	40519	140	Newman Traffic Signs	10-00-2005	77.49
03/01	03/22/2001	40520	279	One Call Concepts, Inc	10-00-2005	62.10
03/01	03/22/2001	40521	888	Paul's Floor Maintenance	10-00-2005	800.00
03/01	03/22/2001	40522	441	PBCC	10-00-2005	290.80
03/01	03/22/2001	40523	1232	Public Sector Job Bulletin	10-00-2005	23.00
03/01	03/22/2001	40524	278	Ron Plaster	10-00-2005	1,000.00
03/01	03/22/2001	40525	1225	The Phone Connection	10-00-2005	19.95
03/01	03/22/2001	40526	914	The Tea Room Cafe	10-00-2005	132.35
03/01	03/22/2001	40527	136	United Pipe & Supply Co Inc	10-00-2005	119.91
03/01	03/22/2001	40528	1230	Wayne Stolp	10-00-2005	45.00
03/01	03/22/2001	40529	1162	Wicklender-Zulawski & Assoc	10-00-2005	395.00
03/01	03/30/2001	40530	150	Any Time Coffee Service	10-00-2005	72.75
03/01	03/30/2001	40531	1176	Atofina Chemicals Inc	10-00-2005	5,485.52
03/01	03/30/2001	40532	1224	Barbara Gossett	10-00-2005	24.52
03/01	03/30/2001	40533	174	Barbara Palicki	10-00-2005	292.00
03/01	03/30/2001	40534	1233	Bart Kast Builder	10-00-2005	106.35
03/01	03/30/2001	40535	146	Bay West Supply, Inc	10-00-2005	54.08
03/01	03/30/2001	40536	200	Bob Hagbom	10-00-2005	387.97

M = Manual Check, V = Void Check

Per	Date	Check No	Vendor No	Payee	Check GL Account Number	Amount
03/01	03/30/2001	40537	335	Branom Instrument Co	10-00-2005	95.38
03/01	03/30/2001	40538	1236	Carla Smart	10-00-2005	5.82
03/01	03/30/2001	40539	820	CMI Business Systems	10-00-2005	126.09
03/01	03/30/2001	40540	586	Cole-Parmer Instrument Co	10-00-2005	47.13
03/01	03/30/2001	40541	183	Colvin Oil Company	10-00-2005	1,441.21
03/01	03/30/2001	40542	182	Coos-Curry Electric	10-00-2005	787.86
03/01	03/30/2001	40543	1238	Detective Orlin White	10-00-2005	17.00
03/01	03/30/2001	40544	196	DHR Child Support Unit	10-00-2005	203.08
03/01	03/30/2001	40545	250	DHR Child Support Unit	10-00-2005	278.31
03/01	03/30/2001	40546	688	EMED Co, Inc	10-00-2005	79.16
03/01	03/30/2001	40547	105	First Impressions	10-00-2005	224.85
03/01	03/30/2001	40548	113	Fred Meyer	10-00-2005	118.80
03/01	03/30/2001	40549	282	GFOA	10-00-2005	30.00
03/01	03/30/2001	40550	1237	Harold Terry	10-00-2005	20.79
03/01	03/30/2001	40551	1235	IIMC	10-00-2005	95.00
03/01	03/30/2001	40552	262	Kim Hunnicutt Court Reporting	10-00-2005	216.00
03/01	03/30/2001	40553	1015	Leroy Blodgett	10-00-2005	322.10
03/01	03/30/2001	40554	433	NCL of Wisconsin	10-00-2005	256.79
03/01	03/30/2001	40555	140	Newman Traffic Signs	10-00-2005	66.99
03/01	03/30/2001	40556	910	OR Department of Justice	10-00-2005	115.38
03/01	03/30/2001	40557	377	Oregonian Publishing Company	10-00-2005	815.92
03/01	03/30/2001	40558	205	PERS Retirement	10-00-2005	7,829.44
03/01	03/30/2001	40559	187	Quality Fast Lube & Oil	10-00-2005	79.85
03/01	03/30/2001	40560	1239	Quinlan Publishing Group	10-00-2005	151.89
03/01	03/30/2001	40561	443	State of Oregon	10-00-2005	110.35
03/01	03/30/2001	40562	1234	Sylvester Malabag	10-00-2005	46.78
03/01	03/30/2001	40563	142	Tidewater Contractors Inc	10-00-2005	322.11
03/01	03/30/2001	40564	273	Traffic Safety Supply Co, Inc	10-00-2005	689.16
03/01	03/30/2001	40565		Information Only Check	10-00-2005	.00 V
03/01	03/30/2001	40566	136	United Pipe & Supply Co Inc	10-00-2005	2,429.62
03/01	03/30/2001	40567	1020	Vailey Electrical Contractors	10-00-2005	641.41
03/01	03/30/2001	40568	991	Verizon Northwest	10-00-2005	150.94
03/01	03/30/2001	40569	861	Village Express Mail Center	10-00-2005	223.92
03/01	03/30/2001	40570	108	VWR Scientific	10-00-2005	179.84
03/01	03/30/2001	40571	269	WW Grainger	10-00-2005	138.84
Totals:						<u>213,528.18</u>

BUILDING DEPARTMENT ACTIVITIES SUMMARY
For Month of March, 2001

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
4	Single Family Dwelling	\$2,914.50	\$1,894.43	\$0.00	\$17,868.00	\$870,882.00	10	\$2,201,474.00	12	\$1,508,983.30
4	Single Family Addition	\$991.00	\$644.16	\$69.37	\$0.00	\$183,490.00	7	\$192,690.00	3	\$111,493.00
2	Single Family Garage-Carport	\$179.00	\$116.36	\$12.53	\$0.00	\$21,922.00	7	\$74,968.80	1	\$11,000.00
1	Two Family Residential	\$535.50	\$348.08	\$37.49	\$7,340.00	\$140,842.00	2	\$371,906.00	0	\$0.00
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
0	Commercial Addition-Change	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	2	\$21,500.00	2	\$12,495.00
1	Churches	\$44.50	\$28.93	\$3.12	\$0.00	\$3,317.00	1	\$3,317.00	0	\$0.00
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	4	\$0.00
0	Misc.-Retaining Wall-Fence	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$0.00	6	\$18,548.00
12	Total Building Permits	\$4,664.50	\$3,031.96	\$326.52	\$25,208.00	\$1,220,453.00	29	\$2,865,855.80	28	\$1,662,519.30
9	Mechanical Permits	\$231.55	N/A	\$16.21		N/A	21	N/A	21	N/A
7	Plumbing Permits	\$380.80		\$26.66	\$0.00	N/A	16	N/A	15	N/A
0	Manufactured Home Permits	\$0.00		\$0.00	\$0.00	N/A	2	N/A	0	N/A
28	TOTAL PERMITS	\$5,276.85	\$3,031.96	\$369.38	\$25,208.00	\$1,220,453.00	68	\$2,865,855.80	64	\$1,662,519.30
	Total Year to Date Calculated Fees	\$12,255.30	\$6,855.33	\$857.87	\$68,284.00					
	2000 YTD Calculated Fees	\$8,313.85	\$4,751.86	\$581.97	\$53,604.00					

In February, 2001 Harbor issued permits for 1.0 EDUs.

During the Month of March, 2001, Brookings issued permits for 5.60 new sewer connections. The City of Brookings now has 436.96 EDU Units connected to the Brookings Wastewater System since the signing of the MAO.

Handed out @ 4/9/01 Council Mtg

TREW, CYPHERS & MEYNINK

JOHN B. TREW
CAROL P. CYPHERS
JOHN MEYNINK

ATTORNEYS AT LAW
222 E. 2nd Street
P.O. Box 158
Coquille, Oregon 97423-0158

(541) 396-3171
FAX (541) 396-5723
e-mail: trewcyphers@harborside.com

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

MEMORANDUM

TO: Mayor
City Council
City Manger
Planning Commission

FROM: John B. Trew
City Attorney

DATE: April 9, 2001

RE: Government Ethics

COPY

I am providing each of you copies of several sections of Chapter 244 of the Oregon Revised Statutes dealing with Government Standards of Practices. I encourage each of you to review the ORS and the Guide for Public Officials published by the Oregon Government Standards and Practices Commission. The Guide continues to be a very valuable source of information.

1. Caution is always the best approach. To protect yourself from a potential violation of the law, it is always best to refrain from doubtful activities.
2. ORS 244.020 contains the definitions of "actual conflict of interest" and "potential conflict of interest". An actual conflict of interest is any action or decision that "would" be to the private pecuniary benefit of the public official, a relative or a business with which the official is associated. A potential conflict of interest is any action or decision that "could" be to the private pecuniary benefit of the official, a relative or the official's business.
3. ORS 244.120 describes the rules for public officials who have actual or potential conflicts of interest. The official must identify and publicly disclose the nature of the conflict, and, in the case of actual conflicts, refrain from participating in the discussion and the vote.
4. ORS 244.040 contains the Code of Ethics for public officials and must always be carefully considered. "No public official shall use or attempt to use official position or office to obtain financial gain . . .". The Code of Ethics uses the "but for" test

to help determine the proper course of action. These rules apply regardless of whether there is an actual or potential conflict.

5. ORS 244.050 sets forth a list of public officials who must file a statement of economic interest. Section 7 of ORS 244.050 authorizes a civil penalty for each day the statement of economic interest is late.

6. ORS 244.060 requires a public official to list any honoraria exceeding \$50 on the statement of economic interest. ORS 244.060(7).

7. ORS 244.130 requires the public body to record in its records the actual or potential conflict of interest disclosed by the public official, and how it was handled.

8. ORS 244.135 sets forth specific rules as to planning commission conflicts of interest. The planning commission is subject to the government ethics provisions of ORS Chapter 244.

Every ethics question is fact specific, making generalizations can be dangerous. Many times answers are not easy and may be unclear even after careful consideration. It is important to recognize the potential problem as soon as possible.

Do not hesitate to contact me with any questions. Working together we can devise the best possible way to deal with any concerns.

Chapter 244

1999 EDITION

Government Standards and Practices

GENERAL PROVISIONS

- 244.010 Policy
- 244.020 Definitions
- 244.030 Application
- 244.040 Code of ethics; prohibited actions; honoraria
- 244.045 Regulation of subsequent employment of public officials

REPORTING

- 244.050 Persons required to file statement of economic interest; filing deadline; civil penalty
- 244.055 Additional reporting requirements for State Treasury; confidentiality; effect of failure to comply with requirements
- 244.060 Form of statement of economic interest
- 244.070 When additional statement of economic interest required
- 244.080 Filing of different form allowed by rule
- 244.090 Report on association with compensated lobbyist
- 244.100 Disclosure of gifts or other compensation; exemptions from gift limitation
- 244.110 Required statements subject to penalty for false swearing
- 244.115 Filing required for member of Congress or candidate; filing date

METHOD OF HANDLING ACTUAL OR POTENTIAL CONFLICTS

- 244.120 Methods of handling conflicts; generally; application to elected officials or members of boards
- 244.130 Recording of notice of conflict; effect of failure to disclose conflict
- 244.135 Method of handling conflicts by planning commission members

APPLICATION OF REPORTING REQUIREMENTS TO LOCAL GOVERNMENTS

- 244.160 Application to political subdivisions except cities and counties
- 244.170 "Statement of economic interest" defined
- 244.180 When city officials required to file statement
- 244.190 When county officials required to file statement
- 244.195 Certain city and county officers to be informed of reporting requirements; effect of failure to inform
- 244.201 Election procedure for city or county

COMMISSION

- 244.250 Oregon Government Standards and Practices Commission; appointment; term; quorum; compensation; legal counsel
- 244.260 Confidential Preliminary Review Phase; Investigatory Phase; notice; findings; contested case or court proceedings
- 244.270 Findings as grounds for removal
- 244.280 Opinions; liability of person following interpretation
- 244.290 General duties of commission; rules
- 244.300 Status of records
- 244.310 Executive director; duties
- 244.320 Manual on government ethics; revision
- 244.330 Distribution of ethics manual to public officials; assistance of professional associations
- 244.340 Continuing education program required

ENFORCEMENT

- 244.350 Civil penalties
- 244.360 Forfeiture of twice financial benefit
- 244.370 Procedure for collecting penalties
- 244.380 Sanctions against noncomplying officials or candidates
- 244.390 Status of penalties and sanctions
- 244.400 Attorney fees for public official prevailing in enforcement action or lawsuit

CROSS-REFERENCES

- Executive meetings, alleged violation of open meetings law, enforcement by Oregon Government Standards and Practices Commission, 192.685
- Higher education, conflict of interest, State Board of Higher Education rules, 351.067
- Lobbyist, regulation, 171.725 to 171.785
- Oregon Health Sciences University, applicability of provisions of chapter to, 353.100
- Oregon State Boxing and Wrestling Commission, prohibited financial interests, 463.145
- State Geologist, conflict of interest, 516.130
- 244.040
- Political contributions prohibited during legislative session, 260.174
- Public Utility Commissioners, prohibited pecuniary interests, 756.026
- 244.180
- City organization, Ch. 221
- City planning officials, Ch. 227
- 244.190
- County governing bodies, Ch. 203
- County planning officials, Ch. 215

Note: The name of the Department of Human Resources has been changed to the Department of Human Services and the title of the Director of Human Resources to the Director of Human Services. The name and title changes become operative on July 1, 2000. See sections 10 and 11, chapter 421, Oregon Laws 1999. References to the department and the director in this chapter use the name and the title that become operative on July 1, 2000.

GENERAL PROVISIONS

244.010 Policy. (1) The Legislative Assembly hereby declares that a public office is a public trust, and that as one safeguard for that trust, the people require all public officials to adhere to the code of ethics set forth in ORS 244.040.

(2) The Legislative Assembly recognizes that it is the policy of the state to have serving on many state and local boards and commissions state and local officials who may have potentially conflicting public responsibilities by virtue of their positions as public officials and also as members of the boards and commissions, and declares it to be the policy of the state that the holding of such offices does not constitute the holding of incompatible offices unless expressly stated in the enabling legislation.

(3) Nothing in this chapter is intended to affect:

(a) Any other statute requiring disclosure of economic interest by any public official or public employee.

(b) Any statute prohibiting or authorizing specific conduct on the part of any public official or public employee. [1974 c.72 §1.1a; 1987 c.566 §7]

244.020 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (7) of this section.

(2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official is associated in a nonremunerative capacity.

(3) "Business with which the person is associated" means any business of which the person or the person's relative is a director, officer, owner or employee, or agent or any corporation in which the person or the person's relative owns or has owned stock worth \$1,000 or more at any point in the preceding calendar year.

(4) "Commission" means the Oregon Government Standards and Practices Commission.

(5) "Development commission" means any entity which has the authority to purchase, develop, improve or lease land or the authority to operate or direct the use of land. This authority must be more than ministerial.

(6) "Expenditure" has the meaning given that term in ORS 260.005.

(7) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

(a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

(b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged. The commission may by rule limit the minimum size of or otherwise establish criteria for or identify the smaller classes that qualify under this exception.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

(8) "Gift" means something of economic value given to a public official or the public official's relative without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives of public officials on the same terms and conditions; and something of economic value given to a public official or the public official's relative for valuable consideration less than that re-

quired from others who are not public officials. However, "gift" does not mean:

(a) Campaign contributions, as described in ORS chapter 260.

(b) Gifts from family members.

(c) The giving or receiving of food, lodging and travel when participating in an event which bears a relationship to the public official's office and when appearing in an official capacity, subject to the reporting requirement of ORS 244.060 (6).

(d) The giving or receiving of food or beverage if the food or beverage is consumed by the public official or the public official's relatives in the presence of the purchaser or provider thereof.

(e) The giving or receiving of entertainment if the entertainment is experienced by the public official or the public official's relatives in the presence of the purchaser or provider thereof and the value of the entertainment does not exceed \$100 per person on a single occasion and is not greater than \$250 in any one calendar year.

(9) "Honoraria" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event at which the public official appears in an official capacity.

(10) "Income" means income of any nature derived from any source, including, but not limited to, any salary, wage, advance, payment, dividend, interest, rent, honoraria, return of capital, forgiveness of indebtedness, or anything of economic value.

(11) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

(12) "Legislative official" means any member or member-elect of the Legislative Assembly, any member of an agency, board or committee that is part of the legislative branch and any staff person, assistant or employee thereof.

(13) "Member of household" means any relative who resides with the public official.

(14) "Planning commission" means a county planning commission created under ORS chapter 215 or a city planning commission created under ORS chapter 227.

(15) "Public official" means any person who, when an alleged violation of this chap-

ter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

(16) "Relative" means the spouse of the public official, any children of the public official or of the public official's spouse, and brothers, sisters or parents of the public official or of the public official's spouse.

(17) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public Instruction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

(18) "Zoning commission" means an entity to which is delegated at least some of the discretionary authority of a planning commission or governing body relating to zoning and land use matters. [1974 c.72 §2; 1975 c.543 §1; 1977 c.588 §2; 1979 c.666 §5; 1987 c.566 §8; 1989 c.340 §2; 1991 c.73 §1; 1991 c.770 §5; 1993 c.743 §8; 1995 c.79 §85; 1997 c.249 §75]

244.030 Application. Nothing in this chapter is intended to affect:

(1) Any other statute requiring disclosure of economic interest by any public official or public employee.

(2) Any statute prohibiting or authorizing specific conduct on the part of any public official or public employee. [1974 c.72 §24]

244.040 Code of ethics; prohibited actions; honoraria. The following actions are prohibited regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed pursuant to ORS 244.120:

(1)(a) No public official shall use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the public official's holding of the official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's relative, or for any business with which the public official or a relative of the public official is associated.

(b) No statewide official shall solicit or receive, whether directly or indirectly, honoraria for the statewide official or for any member of the household of the official. No candidate for statewide office shall solicit or receive, whether directly or indirectly,

honoraria for the candidate or for any member of the household of the candidate.

(c) No legislative official shall solicit or receive, whether directly or indirectly, honoraria in an amount in excess of \$1,500 or in any amount for an appearance within the state or for an appearance during a legislative session, regardless of location, for the legislative official or for any member of the household of the official, except that a legislative official may solicit or receive honoraria for services performed in relation to the private profession or occupation of the legislative official. No candidate for legislative office shall solicit or receive, whether directly or indirectly, honoraria in an amount in excess of \$1,500 or in any amount for an appearance within the state for the candidate or for any member of the household of the candidate, except that a candidate for legislative office may solicit or receive honoraria for services performed in relation to the private profession or occupation of the legislative official.

(d) Any public official not described in paragraph (b) or (c) of this subsection or a member of the public official's household may receive honoraria.

(2) No public official or candidate for office or a relative of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of \$100 from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has or the candidate if elected would have any official position or over which the official exercises or the candidate if elected would exercise any authority.

(3) No public official shall solicit or receive, either directly or indirectly, and no person shall offer or give to any public official any pledge or promise of future employment, based on any understanding that such public official's vote, official action or judgment would be influenced thereby.

(4) No public official shall attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of the official position or activities of the public official in any way.

(5) No person shall offer during any calendar year any gifts with an aggregate value in excess of \$100 to any public official or candidate therefor or a relative of the public official or candidate if the person has a legislative or administrative interest in a governmental agency in which the official has or the candidate if elected would have any

official position or over which the official exercises or the candidate if elected would exercise any authority.

(6) No person shall attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person's employer, business partner or other associate. [1974 c.72 §3; 1975 c.543 §2; 1987 c.566 §9; 1989 c.340 §3; 1991 c.146 §1; 1991 c.770 §6; 1991 c.911 §4; 1993 c.743 §9]

244.045 Regulation of subsequent employment of public officials. (1) A person who has been a Public Utility Commissioner, the Director of the Department of Consumer and Business Services, the Administrator of the Division of Finance and Corporate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor Control Commission or the Director of the Oregon State Lottery shall not:

(a) Within one year after the public official ceases to hold the position become an employee of or receive any financial gain, other than reimbursement of expenses, from any private employer engaged in the activity, occupation or industry over which the former public official had authority; or

(b) Within two years after the public official ceases to hold the position:

(A) Be a lobbyist for or appear as a representative before the agency over which the person exercised authority as a public official;

(B) Influence or try to influence the actions of the agency; or

(C) Disclose any confidential information gained as a public official.

(2) A person who has been a Deputy Attorney General or an assistant attorney general shall not, within two years after the person ceases to hold the position, lobby or appear before an agency that the person represented while employed by the Department of Justice.

(3) A person who has been the State Treasurer or the Chief Deputy State Treasurer shall not, within one year after ceasing to hold office:

(a) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council negotiated or to whom either awarded a contract providing for payment by the state of at least \$25,000 in any single year during the term of office of the treasurer;

(b) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council placed at least \$50,000

f investment moneys in any single year during the term of office of the treasurer; or

(c) Be a lobbyist for an investment institution, manager or consultant, or appear before the office of the State Treasurer or Oregon Investment Council as a representative of an investment institution, manager or consultant.

(4) A public official who as part of the official's duties invested public funds shall not within two years after the public official ceases to hold the position:

(a) Be a lobbyist or appear as a representative before the agency, board or commission for which the former public official invested public funds;

(b) Influence or try to influence the agency, board or commission; or

(c) Disclose any confidential information obtained as a public official.

(5)(a) A person who has been a member of the Department of State Police, who has held a position with the department with the responsibility for supervising, directing or administering programs relating to gaming on a Native American tribe or the Oregon State Lottery and who has been designated by the Superintendent of State Police by rule shall not, within one year after the member of the Department of State Police ceases to hold the position:

(A) Accept employment from or be retained by or receive any financial gain related to gaming from the Oregon State Lottery or any Native American tribe;

(B) Accept employment from or be retained by or receive any financial gain from a private employer selling or offering to sell gaming products or services;

(C) Influence or try to influence the actions of the Department of State Police; or

(D) Disclose any confidential information obtained as a member of the Department of State Police.

(b) This subsection does not apply to:

(A) Appointment or employment of a person as an Oregon State Lottery Commissioner or as a Tribal Gaming Commissioner or regulatory agent thereof;

(B) Contracting with the Oregon State Lottery as a lottery game retailer;

(C) Financial gain received from personal gaming activities conducted as a private citizen; or

(D) Subsequent employment in any capacity by the Department of State Police.

(c) As used in this subsection, "Native American tribe" means any recognized Native American tribe or band of tribes au-

thorized by the Indian Gaming Regulatory Act of October 17, 1988 (Public Law 100-497), 25 U.S.C. 2701 et seq., to conduct gambling operations on tribal land. [1987 c.360 §1; 1993 c.743 §10; 1995 c.79 §86; 1997 c.750 §1]

REPORTING

244.050 Persons required to file statement of economic interest; filing deadline; civil penalty. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Standards and Practices Commission a verified statement of economic interest as required under this chapter:

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and members of the Legislative Assembly.

(b) Any judicial officer, including justices of the peace and municipal judges, except municipal judges in those cities where a majority of the votes cast in the subject city in the 1974 general election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a judicial officer.

(c) Any candidate for an office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

(e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(f) The Chancellor and Vice Chancellors of the State System of Higher Education and the President and Vice Presidents, or their administrative equivalents, in each institution under the jurisdiction of the State Board of Higher Education.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.

(G) Director of the Oregon State Fair and Exposition Center.

(H) State Fish and Wildlife Director.

(I) State Forester.

(J) State Geologist.

(K) Director of Department of Human Services.

(L) Director of the Department of Consumer and Business Services.

(M) Director of Division of State Lands.

(N) State Librarian.

(O) Administrator of Oregon Liquor Control Commission.

(P) Superintendent of State Police.

(Q) Director of the Public Employees Retirement System.

(R) Director of Department of Revenue.

(S) Director of Transportation.

(T) Public Utility Commissioner.

(U) Director of Veterans' Affairs.

(V) Executive Director of Oregon Government Standards and Practices Commission.

(W) Administrator of the Office of Energy.

(X) Director and each assistant director of the Oregon State Lottery.

(h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.

(i) Every elected city or county official except elected officials in those cities or counties where a majority of votes cast in the subject city or county in any election on the issue of filing statements of economic interest under this chapter was in opposition.

(j) Every member of a city or county planning, zoning or development commission except such members in those cities or counties where a majority of votes cast in the subject city or county at any election on the issue of filing statements of economic interest under this chapter was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session).

(k) The chief executive officer of a city or county who performs the duties of manager or principal administrator of the city or county except such employees in those cities or counties where a majority of votes cast in the subject city or county in an election on the issue of filing statements of economic interest under this chapter was in opposition.

(L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

(m) Every member of a governing body of a metropolitan service district and the executive officer thereof.

(n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

(o) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.

(p) Every member of the following state boards and commissions:

(A) Capitol Planning Commission.

(B) Board of Geologic and Mineral Industries.

(C) Oregon Economic and Community Development Commission.

(D) State Board of Education.

(E) Environmental Quality Commission.

(F) Fish and Wildlife Commission of the State of Oregon.

(G) State Board of Forestry.

(H) Oregon Government Standards and Practices Commission.

(I) Oregon Health Council.

(J) State Board of Higher Education.

(K) Oregon Investment Council.

(L) Land Conservation and Development Commission.

(M) Oregon Liquor Control Commission.

(N) Oregon Short Term Fund Board.

(O) State Marine Board.

(P) Mass transit district boards.

(Q) Energy Facility Siting Council.

(R) Board of Commissioners of the Port of Portland.

(S) Employment Relations Board.

(T) Public Employees Retirement Board.

(U) Oregon Racing Commission.

(V) Oregon Transportation Commission.

(W) Wage and Hour Commission.

(X) Water Resources Commission.

(Y) Workers' Compensation Board.

(Z) Housing, Educational and Cultural Facilities Authority.

(AA) Oregon State Lottery Commission.

(BB) Pacific Northwest Electric Power and Conservation Planning Council.

(CC) Columbia River Gorge Commission.

(DD) Oregon Health Sciences University Board of Directors.

(q) The following officers of the State Treasury:

(A) Chief Deputy State Treasurer.

(B) Executive Assistant to the State Treasurer.

(C) Director of the Investment Division.

(2) By April 15 next after the date an appointment takes effect, every appointed

public official on a board or commission listed in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(3) By April 15 next after the filing date for the biennial primary election, each candidate for elective public office described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(4) Within 30 days after the filing date for the general election, each candidate for elective public office described in subsection (1) of this section who was not a candidate in the preceding biennial primary election shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

(5) The Legislative Assembly shall maintain a continuing review of the operation of this chapter and from time to time may add to or delete from the list of boards and commissions in subsections (1) to (3) of this section as in the judgment of the Legislative Assembly is consistent with the purposes of this chapter.

(6) Subsections (1) to (5) of this section apply only to persons who are incumbent, elected or appointed officials as of April 15 and to persons who are candidates for office on April 15. Those sections also apply to persons who do not become candidates until 30 days after the filing date for the statewide general election.

(7)(a) Failure to file the statement required by this section subjects a person to a civil penalty that may be imposed as specified in ORS 183.090, but the enforcement of this subsection does not require the Oregon Government Standards and Practices Commission to follow the procedures in ORS 244.260 before finding that a violation of this section has occurred.

(b) Failure to file the required statement in timely fashion shall be prima facie evidence of a violation of this section.

(c) If within five days after the date on which the statement is to be filed under this section the statement has not been received by the commission, the commission shall notify the public official and give the public official not less than 15 days to comply with the requirements of this section. If the public official fails to comply by the date set by the commission, the commission may impose a civil penalty of \$5 for each day the statement is late beyond the date fixed by the commission. The maximum penalty that may be accrued under this section is \$1,000.

(d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions that may be imposed under ORS 244.380. [1974 c.72 §§4, 4a; 1975 c.543 §3; 1977 c.588 §3; 1977 c.751 §16; 1979 c.374 §5; 1979 c.666 §6; 1979 c.697 §1; 1979 c.736 §1; 1979 c.829 §9b; 1987 c.373 §26; 1987 c.414 §148; 1987 c.566 §10; 1991 c.73 §2; 1991 c.160 §1; 1991 c.163 §1; 1991 c.470 §13; 1991 c.614 §2; 1993 c.500 §10; 1993 c.743 §11; 1995 c.79 §87; 1995 c.712 §94; 1997 c.652 §16; 1997 c.833 §22; 1999 c.59 §62; 1999 c.291 §28]

244.055 Additional reporting requirements for State Treasury; confidentiality; effect of failure to comply with requirements. (1) In addition to the statement required by ORS 244.050, the State Treasurer and any person listed under ORS 244.050 (1)(q) and this subsection shall file quarterly at a time fixed by the State Treasurer a trading statement listing all stocks, bonds and other types of securities purchased or sold during the preceding quarter:

(a) Directors of the Cash Management Division and the Debt Management Division.

(b) Equities, fixed income, short term fund, real estate, equities real estate and commercial and mortgage real estate investment officers and assistant investment officers.

(c) Fixed income and short term fund investment analysts.

(2) The statement required by subsection (1) of this section shall be filed for review with the State Treasurer, the Attorney General and the Division of Audits of the office of the Secretary of State. The content of the statement is confidential.

(3) If the State Treasurer or the Chief Deputy State Treasurer determines that a conflict of interest exists for an officer or employee, the State Treasurer shall subject the person to appropriate discipline, including dismissal or termination of the contract, or both, pursuant to rule. If the State Treasurer has cause to believe that a violation of this chapter has occurred, the State Treasurer shall file a complaint with the Oregon Government Standards and Practices Commission under ORS 244.260.

(4) If the State Treasurer fails to act on an apparent conflict of interest under subsection (3) of this section or if the statement of the State Treasurer or the Chief Deputy State Treasurer appears to contain a conflict of interest, the Director of the Division of Audits shall report the failure or apparent conflict to the Attorney General, who may file a complaint with the commission.

(5) A person filing the statement required by subsection (1) of this section must verify that the statement is complete and accurate. A person who intentionally fails to file a complete and accurate statement commits a

Class C felony and may also be subject to ORS 162.075. [1993 c.743 §26]

244.060 Form of statement of economic interest. The statement of economic interest filed under ORS 244.050, shall be on a form prescribed by the Oregon Government Standards and Practices Commission, and the person filing the statement shall supply the information required by this section and ORS 244.090, as follows:

(1) The name of all positions as officer of a business and business directorships held by the person or a member of the household of the person during the preceding calendar year.

(2) All names under which the person and members of the household of the person do business.

(3) Sources of income received at any time during the preceding calendar year by the person or a member of the household of the person that produce 10 percent or more of the total annual household income.

(4) The name, principal address and brief description of the source of income from which 50 percent or more of the total annual income of the person and members of the household of the person was received during the preceding calendar year and whether the source existed during the preceding year, and whether the source is derived from an entity that now does business or could reasonably be expected to do business or has legislative or administrative interest in the governmental agency of which the public official is or the candidate if elected would be a member or over which the public official has or the candidate if elected would have authority.

(5)(a) The listing of all real property in which the public official or candidate therefor or a member of the household of the public official or candidate has or has had any personal, beneficial ownership interest during the preceding calendar year, any options to purchase or sell real property, including a land sales contract, and any other rights of any kind in real property located within the geographic boundaries of the governmental agency of which the public official is or the candidate if elected would be a member or over which the public official has or the candidate if elected would have authority.

(b) This subsection does not require the listing of the principal residence of the public official or candidate.

(6)(a) Notwithstanding ORS 244.020 (8)(c), if a public official has received food, lodging and payment of travel expenses exceeding \$100 when participating in an event which bears a relationship to the public official's

office and when appearing in an official capacity, the name, nature and business address of the organization paying the expenses and the date and amount of that expenditure.

(b) Beginning on July 1, 1992, the dollar amount specified in paragraph (a) of this subsection shall be adjusted annually by the commission based upon the change in the Portland Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this paragraph shall be rounded to the nearest dollar.

(7) Any honoraria exceeding \$50 received during the preceding calendar year by the person or a member of the household of the person, the payer of the honoraria and the date and time of the event for which the honoraria was received. [1974 c.72 §5; 1975 c.543 §4; 1987 c.566 §11; 1991 c.770 §7; 1993 c.743 §12]

244.070 When additional statement of economic interest required. The following additional economic interest shall be reported for the preceding calendar year only if the source of that interest is derived from an individual or business which has been doing business, does business or could reasonably be expected to do business with or has legislative or administrative interest in the governmental agency of which the public official is or the candidate if elected would be a member or over which the public official has or the candidate if elected would have authority:

(1) Each source of income over \$1,000, other than a source of income disclosed under ORS 244.060, whether or not taxable, received by the public official or candidate therefor or a member of the household of the public official or candidate.

(2) Each person to whom the public official or candidate therefor or a member of the household of the public official or candidate owes or has owed money in excess of \$1,000, the interest rate thereon and the date of the loan, except for debts owed to any federal or state regulated financial institution or retail contracts.

(3) Each business, principal address, and brief description of its nature, in which the public official or candidate therefor or a member of the household of the public official or candidate has or has had a personal, beneficial interest or investment, including stocks or other securities, in excess of \$1,000, except for individual items involved in a mutual fund or a blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.

(4) Each person for whom the public official or candidate has performed services for a fee in excess of \$1,000 except for any disclosure otherwise prohibited by law or by a professional code of ethics. [1974 c.72 §6; 1975 c.543 §5; 1987 c.566 §12]

244.080 Filing of different form allowed by rule. The Oregon Government Standards and Practices Commission by rule may accept the filing of a form containing less than the information required under ORS 244.060 and 244.070 if the public official certifies thereon that the information contained on the form previously filed is unchanged. If any portion of the information contained in the filing is changed, the public official may certify only as to the changed material. [Subsection (1) enacted as 1974 c.72 §8; subsection (2) enacted as 1975 c.543 §7(1); 1977 c.588 §4; 1987 c.566 §13]

244.090 Report on association with compensated lobbyist. (1) Each public official of this state or candidate required to make a statement of economic interest shall report by name any compensated lobbyist who, during the preceding calendar year, was associated with a business with which the public official or candidate or a member of the household of the public official or candidate was also associated. Holding stock in a publicly traded corporation in which the lobbyist also holds stock is not a relationship for which a statement is required.

(2) As used in this section "lobbyist" has the meaning set forth in ORS 171.725. [1974 c.72 §7; 1975 c.543 §6; 1987 c.566 §14]

244.100 Disclosure of gifts or other compensation; exemptions from gift limitation. (1) The Oregon Government Standards and Practices Commission by rule may require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate for elective office.

(2) The commission by rule may exempt from the gift limitation contained in ORS 244.040, any gift of food or beverage but may require that when gifts of food or beverage exceed a dollar amount fixed by the commission, the source thereof shall be disclosed on a form prescribed by the commission.

(3) In addition to any disclosures or reports required under subsections (1) and (2) of this section, any person or organization that provides a public official with food, lodging or travel expenses exceeding \$50, as described in ORS 244.060 (6), shall notify the public official in writing of the amount of the expense. The notice shall be sent to the public official within 10 days from the date such expenses are incurred. [1975 c.543 §11; 1991 c.677 §1]

244.110 Required statements subject to penalty for false swearing. (1) Any statement of economic interest required to be filed by ORS 244.050, 244.060, 244.070, 244.080, 244.090 or 244.100 shall contain or be verified by a written declaration that it is made under the penalties of false swearing. Such declaration shall be in lieu of any oath otherwise required.

(2) No person shall willfully make and subscribe any return statement or other document which contains or is verified by a written declaration that it is made under penalties for false swearing, which the person does not believe to be true and correct to every matter. [1974 c.72 §22; 1977 c.588 §5]

244.115 Filing required for member of Congress or candidate; filing date. Each member of Congress from this state and each candidate for a seat in Congress from this state shall file with the Oregon Government Standards and Practices Commission a copy of the federal ethics filing required under federal law or by congressional rule within 30 days after the filing date required under federal law or congressional rule. If the filing is not made in a timely manner, the commission shall obtain copies of the filing and indicate thereon that the filing was not made with the commission by the member of Congress or candidate. All such filings are public records available for public inspection. [1991 c.160 §7]

METHOD OF HANDLING ACTUAL OR POTENTIAL CONFLICTS

244.120 Methods of handling conflicts; generally; application to elected officials or members of boards. (1) Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:

(a) If the public official is a member of the Legislative Assembly, announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official.

(b) If the public official is a judge, remove the judge from the case giving rise to the conflict or advise the parties of the nature of the conflict.

(c) If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dis-

pose of the matter in a manner specified by the appointing authority.

(2) An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

(a) When met with a potential conflict of interest, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

(b) When met with an actual conflict of interest, announce publicly the nature of the actual conflict and:

(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

(B) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

(3) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so. [1974 c.72 §10; 1975 c.543 §7; 1987 c.566 §15; 1993 c.743 §15]

244.130 Recording of notice of conflict; effect of failure to disclose conflict. (1) When a public official gives notice of an actual or potential conflict of interest, the actual or potential conflict shall be recorded in the official records of the public body, and a notice of the actual or potential conflict and how it was disposed of may in the discretion of the public body be provided the Oregon Government Standards and Practices Commission within a reasonable period of time. The commission may by rule establish criteria for cases in which such information shall, shall not, or may be provided to it.

(2) No decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed shall be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest. [1974 c.72 §11; 1975 c.543 §8; 1993 c.743 §16]

244.135 Method of handling conflicts by planning commission members. (1) A member of a city or county planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

(a) The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;

(b) Any business in which the member is then serving or has served within the previous two years; or

(c) Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(2) Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. [Formerly 215.035 and 227.035]

APPLICATION OF REPORTING REQUIREMENTS TO LOCAL GOVERNMENTS

244.160 Application to political subdivisions except cities and counties. Any political subdivision in this state other than a city or county by resolution may require any public official of the subdivision to file a verified statement of economic interest. The filing shall be made with the Oregon Government Standards and Practices Commission. A copy of the ordinance shall be filed with the commission. [1974 c.72 §9]

244.170 "Statement of economic interest" defined. As used in this chapter, "statement of economic interest" means a statement as described by ORS 244.060 to 244.080. [1975 c.216 §1a]

244.180 When city officials required to file statement. (1) As used in this section, "public officials of a city" means each person holding an elective city office; each member of a city planning, zoning or development commission; and the chief executive officer of the city who performs the duties of manager or a principal administrator of the city.

(2) Public officials of a city are required to file a statement of economic interest with the Oregon Government Standards and Practices Commission if a majority of the votes cast by the electors of the city voting at the election as provided for in ORS 244.201 is in favor thereof. [1975 c.216 §2; 1987 c.566 §16]

244.190 When county officials required to file statement. (1) As used in this section, "public officials of a county" means each person holding an elective county office; each member of a county planning, zoning or development commission; and the