

AGENDA
City of Brookings
Common Council Meeting
City Hall Council Chambers
898 Elk Drive
Brookings, OR 97415
June 25, 2001
7:00 p.m.



Happy Birthday to this great nation of OURS!
from the City of Brookings
~ July 4, 2001 ~



agenda

CITY OF BROOKINGS
COMMON COUNCIL MEETING
Brookings City Hall Council Chambers
898 Elk Drive, Brookings, Oregon
June 25, 2001
7:00 p.m.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS

B. Appointments

1. *Appointment of City representative to the Southwestern Oregon Community Action Council (SWOCAC)*
2. *Appointment of Council Liaison to Curry Public Transit Board*

V. SCHEDULED PUBLIC APPEARANCES

VI. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. *Chamber of Commerce*
2. *Port of Brookings-Harbor*
3. *Council Liaisons*

B. Unscheduled

VII. STAFF REPORTS

A. City Manager

- 1. Acceptance of Tourism Promotion Contract*
- 2. Approval of computer services proposal*
- 3. Committee to study display of outdoor goods/signs*
- 4. Adoption of new Employee Handbook*
- 5. Other*

B. Community Development Department

- 1. Approval of local fund exchange program agreement with the League of Oregon Cities*
- 2. Closure of Easy Street*
- 3. Closure of Fifth Street*
- 4. Acceptance of a deed for additional right-of-way adjacent to subdivision on Dawson Road*

VIII. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

- 1. Minutes of June 11, 2001, Regular Council Meeting
(end Consent Calendar)*

IX. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

- 1. No. 01-O-544 - in the matter of an ordinance amending the city limits and zoning map of the City of Brookings by annexing a 3.06 acre parcel of land and rezoning the parcel SR-20 (Suburban Residential, 20,000 sq. ft. minimum lot size) on that certain property located adjacent to the northerly city limits at the north end of Fifth Street*

B. Final Orders

- 1. Final Order and Findings of Fact - in the matter of Planning Commission File No. ANX-1-01; application for approval of an annexation, Steve and Laura Salisbury applicant*

C. *Resolutions*

1. *No. 01-R-696 - in the matter of a resolution adopting the budget, declaring tax levied, making appropriations for the 2001-2002 fiscal year and to categorize the levy as provided in ORS 294.435.*
2. *No. 01-R-697 - in the matter of a resolution authorizing transfer of appropriations within the General Fund*

X. **REMARKS FROM MAYOR AND COUNCILORS**

A. *Council*

B. *Mayor*

XI. **ADJOURNMENT**

Council Chambers &
Fire Hall Use (PLUS) as of 6/21/01

JUNE 2001

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
8:05am AzPrk-Picnic Area behind Kidtown-Cal-Ore Flight Company picnic/Steve	9:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTrng/ChShrp	5:00pm AzPrk-Picnic Area behind Kidtown-Boy Scouts/ANeerenberg 469-7417/8939 7:00pm CC-Planning Commssn	12:00pm Comnity Agencies mtg @ Chetco Sr.Center 1:45pm CC-Bid Opening for sewer line rehab project-5th St/LBarker 7:00pm FH-PoliceReserves 7:00pm CC-City's 50th B/D Comm/Councilor Kuhn	8:00am FH-Police Dept. Staff Mtg/JBishop 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00am TV49-Coast Today w/City Officials &/or Employees		
WhitSunday 1:00pm AzPrk-FREE AMF Concert/Barbershop Qrts-So.Coast Harmony & others	1:00pm CC-meet w/17C Engineers; CDD/LLightle 7:00pm CC-Council Mtg 7:00pm FH-FireTrng/ChShrp	10:00am FH-Subdivision Committee Meeting/JBischoff 3:00pm CC-HOPE Mtg/ Tim Adsit-469-7443	7:00pm CC-Skate Park Comm Mtg/Russ Johnson,LBlodgett 2:30pm FH-SafetyComMtg/HThmpson	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray		
	9:00am CC-Municipal Court/JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTrng/ChShrp		7:00pm CC-Skate Park Comm Mtg/Russ Johnson,LBlodgett 6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	Flag Day 7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmlyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 2:00pm CC-Emerg Tsk Force w/CoCrdntr-Chf Sharp,MARrell 7:00pm CC-City's 50th B/D Comm/Councilor Kuhn		"Peace Run" will be traveling through Oregon & in Brookings Today/Sue Osborn Marine Corp Convention in Brookings 10:00am CC-Council Workshop-Water Management Plan Study w/HGE
Father's Day 1:00pm AzPark-FREE AMF Concert/Sans Prophet & Friends-Blues/Jazz/Pop	7:00pm CC-Council Mtg 7:00pm FH-FireTrng/ChShrp		6:00pm CC-Victim's Impact Panel (247-2412) CCCOA 7:00pm CC-City's 50th B/D Comm/Councilor Kuhn	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmlyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ CMickelson		
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JULY 2001

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY													
1:00pm AzPark Bndshl/Lawn: AMF Free Summer 2001 Concert-Buzzard Bros-Rock&Roll 60's & Beyond/SRidens 469-2163	9:00am CC-Town Hall Mtg w/Sen Gordon Smith - 2B Televised: Terry Moffitt/541.465-8750 9:00am FH-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTmg/ChShrp		8:00am City Hall CLOSED - 4th of July Holiday.....	8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00am TV49-Coast Today w/City Officials &/or Employees															
1:00pm AzPrk Bndshl/Lawn: OrLabBand-AMF FREE 2001 Summer Concert Series-Swing, Dixieland, Soft Rock/Coastal Youth	7:00pm FH-FireTmg/ChShrp 7:00pm CC-Council Mtg	3:00pm CC-HOPE Mtg/ Tim Adsit-469-7443 7:00pm CC-Planning Commssn	Independence Day 12:00pm Cornity Agencies mig @ Chetco Sr.Center (rescheduled form July 4th) 7:00pm "Curry Govts" Mtg @ Gold Beach City Hall-2nd Wed of Nov,Jan, Mar, May, Jul, Sep, Nov, Jan 7:00pm FH-PoliceReserves 12:30pm FH-SafetyComMtg/ HThmpson..	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray	CITY'S 50TH BIRTHDAY CELEBRATION WEEKEND!														
CITY'S 50TH BIRTHDAY CELE 1:00pm AzPark Bndshl/Lawn: Camp Pendleton Marine Corp Band of the 1st Marine Division/AMF FREE 2001 Summer Concert Series	9:30am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTmg/ChShrp 9:00am CC-Municipal Court/ JdgHarper		5:00pm AzPark Kidtown Picnic Area/BPD-Neighborhood Watch Picnic/JRogers 469-0450 7:00pm CC-Skate Park Comm Mtg/Russ Johnson,LBlodgett 6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 11:00am CC-Site Plann Com Mtg/LauraLee Gray 11:00am CC-Bid Opening Oak Street Improvements/Leo 2:00pm CC-Emerg Tsk Force w/CoCrdrnr-Chf Sharp;MARrell 6:30pm CC-Seatbelt Class-PD/BPalicki	Port of BH Kite Festival Weekend Cancer "Relay for Life" Weekend @ Bankus Field AzPark & BudCross Sftbl Fields 10:00am CC-Dog Obedience Class for Owners / Kevin Roedel 469-7673														
Port of BH Kite Festival Weekend AzPark & BudCross Sftbl Fields	7:00pm CC-Council Mtg 7:00pm FH-FireTmg/ChShrp			7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ CMickelson															
1:00pm AzPark Bndshl/Lawn: Calishun - Ecuador Andean Mountain traditional music/ AMF FREE 2001 Summer Concert Series	7:00pm FH-FireTmg/ChShrp	7:00pm CC-S.A.Y. Committee Meeting/Councilor Johns																	
			JUNE 2001		AUGUST 2001														
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			24	25	26	27	28	29	30				26	27	28	29	30	31	

AUGUST 2001

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			12:00pm Comnity Agencies mtg @ Chetco Sr.Center 7:00pm FH-PoliceReserves	8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 10:00am CC-Site Plann Com Mtg/LauraLee Gray 5:00pm AzPrk Bndshl/Lawn: 234th Army Band Concert-AMF Free2001 Summer Concerts 7:00am TV49-Coast Today w/City Officials &/or Employees		
1:00pm AzPrk Bndshl/Lawn- FREE AMF Concert/The Loons-DoWop Sound and The Sylvesters-Folk & easy listening trio	9:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTrng/ChShrp	7:00pm CC-Planning Commssn	2:30pm FH-SafetyComMtg/ HTHmpson	8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00am TV49-Coast Today w/City Officials &/or Employees		
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	7:00pm FH-FireTrng/ChShrp 7:00pm CC-Council Mtg	3:00pm CC-HOPE Mtg/ Tim Adsit-469-7443	6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray		
12	13	14	15	16	17	18
AzPrk Bndshl/Lawn: The Green Brothers/Bluegrass-NewGrass- AMF FREE 2001 Summer Concert Series	9:00am CC-Municipal Cour/ JdgHarper 9:30am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTrng/ChShrp			7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ CMickelson		10:00am All of Azalea Park for City Annual Volunteers & Employees Picnic
19	20	21	22	23	24	25
AzPrk Bndshl/Lawn: AMF Concert-BananaBelt Brass-Dixieland, Pops, Light Classical	7:00pm CC-Council Mtg 7:00pm FH-FireTrng/ChShrp			7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-PERS Group Counseling/David Trip-503/603-7797 10:00am FH-Site Plann Com Mtg/LauraLee Gray		
26	27	28	29	30	31	
<div style="text-align: center;">JULY 2001</div> <div> <div>S</div> <div>M</div> <div>T</div> <div>W</div> <div>T</div> <div>F</div> <div>S</div> </div> <div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> </div> <div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> </div> <div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> </div> <div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>26</div> <div>27</div> <div>28</div> </div> <div> <div>29</div> <div>30</div> <div>31</div> </div>				<div style="text-align: center;">SEPTEMBER 2001</div> <div> <div>S</div> <div>M</div> <div>T</div> <div>W</div> <div>T</div> <div>F</div> <div>S</div> </div> <div> <div></div> <div></div> <div></div> <div></div> <div></div> <div></div> <div>1</div> </div> <div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> </div> <div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> </div> <div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> </div> <div> <div>23</div> <div>24</div> <div>25</div> <div>26</div> <div>27</div> <div>28</div> <div>29</div> </div>		

SEPTEMBER 2001

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	9:00am CC-VIPS/Volunteers in Police Service-BPalicki 7:00pm FH-FireTmg/ChShrp 8:00am City Hall CLOSED - Labor Day Holiday.....	7:00pm CC-Planning Commssn	12:00pm Comnity Agencies mtg @ Chelco Sr.Center 7:00pm FH-PoliceReserves	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 9:00am CC-Crime Stoppers 10:00am CC-Site Plann Com Mtg/LauraLee Gray		
10	2 Labor Day	3	4	5	6	7
1:00pm AzPark Bndshil/Lawn: Humboldt State Marching Lumberjacks - famous college band with Pop music selections/AMF FREE 2001 Summer Concert Series	7:00pm FH-FireTmg/ChShrp 7:00pm CC-Council Mtg	3:00pm CC-HOPE Mtg/ Tim Adsit-489-7443	7:00pm "Curry Govts" Mtg @ Gold Beach City Hall-2nd Wed of,Nov,Jan, Mar, May, Jul, Sep, Nov, Jan 2:30pm FH-SafetyComMtg/ HThmpson	7:00am TV49-Coast Today w/City Officials &/or Employees 8:00am CC-PERS DefrdrComp Grp Counseling/David Trip 503/6037797 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am FH-Site Plann Com Mtg/LauraLee Gray		
9	10	11	12	13	14	15
National Emblem Club Wk 9/16-22/01	National Emblem Club Wk 9/16-22/01 9:00am CC-Municipal Court/ JdgHarper 7:00pm FH-FireTmg/ChShrp 9:00am CC-VIPS/Volunteers in Police Service-BPalicki	National Emblem Club Wk 9/16-22/01	National Emblem Club Wk 9/16-22/01 6:00pm FH-Subrbn Fire Dist Mtg/RexAtwell	National Emblem Club Wk 9/16-22/01 7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 6:30pm CC-Sealbelt Class-PD/BPalicki	National Emblem Club Wk 9/16-22/01	National Emblem Club Wk 9/16-22/01
16	17	18	19	20	21	22
11:00am AzPk Bndshil,Gzbo,Lawn: Fmly Commnty Picnic-Girl Scts, Kwnis, HOPE/Jill Mosier9-7431	7:00pm CC-Council Mtg 7:00pm FH-FireTmg/ChShrp	Rosh Hashana	6:00pm CC-Victim's Impact Panel (247-2412) Curry Prevention Services/MLaird	7:00am TV49-Coast Today w/City Officials &/or Employees 8:15am CC-CmtyDevDpt Staff mtg/LLightle 10:00am CC-Site Plann Com Mtg/LauraLee Gray 7:00pm CC-Parks & Rec Comm/ CMickelson		
23	24	25	26	27	28	29
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Staff Report

To: Mayor Hagbom & City Councilors
From: Leroy Blodgett, City Manager
Date: June 18, 2001
Re: Promotional Service Contract

BACKGROUND

Staff has met with representatives of the Brookings Harbor Chamber of Commerce to negotiate a contract to provide promotional services for the City. The proposed contract (included in the Council packet) includes a payment to the Chamber of twenty-five (25) percent of the Transient Room Tax collected by the City.

There are a few changes made in the new contract. The most significant changes are:

- The Chamber is required to keep a "Promotions Ledger" that is separate for their general operations ledger.
- A copy of the "Promotions Ledger" will be provided to the City on a monthly basis and will become public information.
- Termination of the Agreement can be by either party for any reason with a notice 60 days prior to the anniversary date (July 1) of the Agreement.

Except for some minor language changes, the remainder of the Agreement is essentially the same as before.

Representatives of the Chamber requested that we provide an additional 25% of Transient Room Tax received, above the amount budgeted by the City, for downtown banners, lights and improvements. This requirement is not in the Agreement; however, it may be a good idea to meet with the Chamber near the end of each fiscal year to discuss use of additional funds.

STAFF RECOMMENDATION

Approve the Promotions Contract between the City and the Brookings-Harbor Chamber of Commerce as presented.

AGREEMENT

THIS AGREEMENT, effective as of July 1, 2001, by and between the CITY OF BROOKINGS, a municipal corporation of the State of Oregon, hereinafter called "CITY"; and the BROOKINGS-HARBOR CHAMBER OF COMMERCE, an Oregon Not For Profit Corporation, hereinafter called "CONTRACTOR".

RECITALS

WHEREAS, the Common Council of the CITY has passed Ordinance No. 80-O-342, regarding transient occupancy tax revenues (the "Ordinance"), of which twenty five percent (25%) of the six percent (6%) tax shall be allocated for tourism promotion; and

WHEREAS, CONTRACTOR has the capability and desire to undertake such a tourism promotion program,

AGREEMENT

NOW, THEREFORE, for and in consideration of the sums to be paid by the CITY and the obligations to be performed by CONTRACTOR as hereinafter set forth, the parties hereto mutually covenant, stipulate and agree as follows:

1. Promotions Fee. The CITY agrees to pay to CONTRACTOR twenty five percent (25%) of all monies received by the CITY pursuant to the Ordinance.

2. Payment. The monies payable under Paragraph 1 shall be transmitted by the CITY to CONTRACTOR monthly, by the 15th day of the following month, for collections from the previous month.

3. Promotions Program. The CONTRACTOR shall develop and implement a program designed to promote tourism and local and special events in the Brookings-Harbor area. Such programs may include, but are not limited to: radio, television, and magazine advertisements; mailings; flyers; billboards; and other advertising methods designed to both promote tourism and local and special events, and to inform visitors as to scenic and historic attractions, entertainment, restaurant, accommodations, and other matters of special interest to visitors. The CONTRACTOR will be solely responsible to furnish all labor and supplies necessary to develop and implement such program. The CONTRACTOR shall operate a Visitor Information Center (the "Center") during the hours set forth in Paragraph 5.

4. Use of Funds. All revenues received under this Agreement shall be disbursed for expenses related to or in support of tourism promotions, provided that no more than thirty percent (30%) of the revenues received under this Agreement may be used for payroll costs.

5. Center Hours. The hours of operation of the Center shall be substantially as follows:

October through March: 8 hours/day 5 days/week

April through May: 8 hours/day 5 days/week
 4 hours/day Saturdays

June through September: 8 hours/day 5 days/week
 4 hours/day Sat/Sundays

6. Books and Records. The CONTRACTOR shall prepare an accounting of receipts from the CITY under Paragraph 1 and disbursements made by CONTRACTOR under Paragraph 4 separate and apart from its general books of account (the "Promotions Leger"). The City Manager, or if so requested by the City Manager the City's Finance Director, may examine the Promotions Leger during normal business hours after providing written notification to the CONTRACTOR at least 48 hours prior to the time such examination is to be held. Information provided by CONTRACTOR to CITY under this Paragraph 6 shall not be considered the confidential property of CONTRACTOR. Nothing contained herein shall be interpreted to grant CITY access to the general books, papers and accounting records of CONTRACTOR or any other material of CONTRACTOR, except as specifically set forth in this Agreement.

7. Reports. The CONTRACTOR shall file a copy of the Promotions Leger with the City Manager on a monthly basis. CONTRACTOR understands that such filings shall be considered public information. In addition, the CONTRACTOR shall file with the CITY Manager on or before January 31, of each year, a program report for future budget purposes detailing performance accomplishments, suggestions and problems occurring under this Agreement to that point in time.

8. CONTRACTOR Covenants. The CONTRACTOR, in receiving monies from the CITY and in providing services to the CITY hereunder, shall:

- (a) At all times be deemed an independent contractor and not an employee, agent, partner or joint venture with the CITY. The parties acknowledge that any contracts entered into between CONTRACTOR and any third party shall not be an obligation of the CITY and CONTRACTOR shall not represent that it has the power or authority to contractually bind or obligate the CITY.
- (b) Not discriminate in providing services hereunder on the basis of age, race, sex, color, religion, or national origin.

- (c) Not assign, transfer or delegate to any third party complete operational authority for services performed in accordance with this Agreement without the prior written consent of CITY, which consent will not be unreasonably withheld or delayed.

9. Equipment. CONTRACTOR shall purchase no equipment with monies received under this Agreement unless CITY is notified, proper bid procedures are followed, and equipment is consistent with the purposes of this Agreement.

10. Indemnity. The CONTRACTOR shall be solely responsible and shall hold CITY harmless from all matters relating to CONTRACTOR'S performance under this Agreement, including payment of its employees in compliance with social security, withholding and other regulations governing such matters. The CONTRACTOR shall, at all times, indemnify and hold CITY harmless from and against any and all actions or causes of action, claims, demands, liabilities, losses, damages, or expenses of whatsoever kind and nature, including attorney fees, which CITY may sustain or incur as a result of errors or omissions in CONTRACTOR'S performance under this Agreement. The CITY shall, at all times, indemnify and hold CONTRACTOR harmless from and against any and all actions or causes of action, claims, demands, liabilities, losses, damages, or expenses of whatsoever kind and nature, including attorney fees, which CONTRACTOR may sustain or incur as a result of errors or omissions in CITY'S performance under this Agreement.

11. Term. This Agreement shall take effect on the 1st day of July 2001, and shall remain in effect until terminated as described in this Agreement.

12. Termination. This Agreement may be terminated by either party for any reason provided that written notice of termination is given at least Sixty (60) days prior to the anniversary date of this Agreement. In addition, this Agreement may be terminated automatically, if it is later determined that any of its terms conflicts with or are preempted by state law, now existing or hereafter enacted.

13. Compliance With Law. The CONTRACTOR shall observe and comply with all local, state and federal laws, ordinances and regulations applicable to the services described in this Agreement.

14. Notices. The addresses of the parties to this Agreement for purpose of any notices permitted or required under this Agreement are as follows:

CITY: City of Brookings
898 Elk Drive
Brookings, OR 97415

CONTRACTOR: Brookings-Harbor Chamber of Commerce
P.O. Box 940
Brookings, OR 97415

15. Integration. This Agreement constitutes the entire and fully integrated agreement between the parties. All prior negotiations or agreements between the parties, oral or written, are superseded by, and included in, this Agreement.

16. Modification. This Agreement may not be released, discharged, abandoned, changed, or modified in any manner, except by an instrument in writing signed on behalf of each of the parties by their duly authorized representatives.

17. Titles and Headings. Titles and headings to sections and paragraphs herein are inserted for convenience of reference only and are not intended to be a part of or to affect the meaning or interpretation of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first herein above written.

CITY OF BROOKINGS,
A municipal corporation

BROOKINGS-HARBOR
CHAMBER OF COMMERCE

By _____
Bob Hagbom, Mayor


By _____
Peter C. Spratt, President

ATTEST:

Randy Reed
City Recorder



Staff Report

To: Mayor Hagbom & City Councilors
From: Leroy Blodgett, City Manager 
Date: June 18, 2001
Re: Computer Support Services

BACKGROUND

The City of Brookings received three proposals (included in the Council packets) to provide computer support services. The proposals received are from:

- Terranet Systems - Brookings
- PRN Data Services - Brookings
- Amazing Computers - Gold Beach

Randy Reed, Finance Director and I interviewed Amazing Computers and PRN Data Services. We chose not to interview Terranet due to their limited experience with similar systems.

Amazing Computers has provided computer support services to the City for about four years. Last year the cost for services was approximately \$47,000. Amazing Computers proposes working three 8-hour shifts each week at \$25/hour (which equals \$31,200 per year) and \$35/hour for after hour calls.

PRN proposes two methods of payment. The first is an hourly bases with an estimate of \$1500 - \$3,000 per month. The second method is a flat rate of \$2500 per month.

Staff believes that once the system is standardized and maintenance routine established the cost of support services should reduce.

STAFF RECOMMENDATION

Authorize the City Manager to negotiate and sign an agreement, for a flat rate of \$2500 per month, with PRN Data Services with conditions that the services and cost for services are evaluated in six moths and the flat rate adjusted, accordingly.

June 12, 2001

City of Brookings, Oregon
Mr. Randy Reed
Finance Director/Recorder
898 Elk Drive
Brookings, OR 97415

Dear Mr. Reed,

Thank you for meeting briefly with us today. In response to your Request for Proposal for Computer Support Service for the City of Brookings computer network dated May 23, 2001, Terranet Systems would like to submit this proposal.

After getting a brief overview of the city's current equipment deployment in the various locations, we would like to offer the city our rather comprehensive package of contracted service for the sum of \$975 per month. The following outline will better help you to see the extent of coverage and valuable services that are included. Following that, we will provide some company background and a list of current client references some of whom are contracted for similar services.

Outline of Contracted Services

Service and maintain in good working order all 25 workstations and both Windows NT file servers. This will include: (a) twice yearly internal cleaning of each system, dust removal, checking cables, power supplies and internal fans; (b) keeping the anti-virus software up to date monthly with the latest DAT files; (c) updating the Windows OS on each machine as needed as provided for by Microsoft; (d) keeping a running log of all services on all systems for evaluation and follow-up; (e) monitor each system for regular scheduled file checking and defrag of hard drives; (f) make recommendations on a timely basis when hardware and/or software upgrades are needed; (g) verify that all necessary data files are stored securely and backed up properly so that the data can be restored if and when needed; (h) openly communicate and share knowledge (i.e.; training of any who may require it) of systems and software as needed.

Such are our basic contracted services. In addition, being in the hardware business as well, Terranet Systems is in a position to offer the city financial savings on replacement components as needed. *We do not buy or install low cost, short life hardware*, so the city can be confident that they are getting good value for their money, whether they are paying for replacement parts or whole systems (which we custom build). Working directly with manufacturers puts us in a position to save the city on replacement parts as oftentimes such warranty periods outlast the warranty period of the builder or supplier of the system. We will work to get such warranty work done while using temporary replacement parts from our own stock until the warranty replacement part is received.

Being a local company, we can easily meet the city's requirement of a maximum 2-hour response to problems or failures. Thus, we feel Terranet Systems can provide for all seven points listed on page 3 of your request for proposal in a professional and cost-effective manner.

Why Terranet Systems? Who are we?

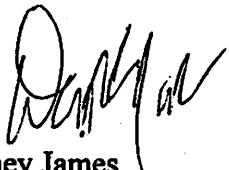
Terranet Systems has been in business since December of 1998. We started here in the Brookings/Harbor area and have weathered a few storms of ups and downs in the tech industry. We are foremost a service company. Our experience rests directly with LANs and WANs. For the past year we have worked with Harborside Internet in the installation and set up of wireless networks throughout the area. We work with and understand all aspects of Internet service, from T1 circuitry, to frame relay, to DSL and down to 56k modems. We are very trustworthy and reliable, as any of our clients will gladly testify.

Our current clients include:

Cal/Or Insurance Specialists – Debbie Krambeal 469-3510
Hodges Chiropractic Clinic – Debbie Hodges 469-2276
Crescent City Internal Medicine – Kerry Wascom – 877-215-1290 x108
Lucky 7 Casino – Joyce Pickens 707-487-7777 x 115
Smuggler's Cove Restaurant – Jerry Brown 469-6006

As you can see, with such a variety of businesses, we have worked with Windows NT and 2000, Windows 9x, Macintosh, BSD UNIX, and SCO UNIX server Operating Systems. We have experience with QuickBooks, PeachTree and proprietary scheduling and office management software packages. So there is little that we have not seen and nothing we foresee with the city's system that would be considered an unknown.

Terranet Systems is a partnership between Jeramey James and Darryl Yarak. We would be happy and deem it a privilege to be of service to the City of Brookings for their computer network service. Please consider us. As we will be out of town this weekend, please contact us by phone 541-290-8848 or by email jjames@terrannetsystems.com if you would like to talk with us in person next week. We will be available Tuesday or Wednesday for interviews. Thank you for your kind consideration.



Jeramey James
Darryl Yarak
Terranet Systems
519 Chetco Ave. Ste D
Brookings, OR 97415

Amazing Computers

94213 Gauntlett • PO Box 703 • Gold Beach OR 97444

Voice: (541)247-5222 • Fax: (541)247-0179

Internet E-mail: amazing@mail.coos.or.us

Specializing in small office
networking and home
business solutions

Service • Sales
Maintenance

7.5333

May 23, 2001


Attn: City Manager
Computer Support Services
City of Brookings, Oregon
898 Elk Drive
Brookings Or 97415

Enclosed is a copy of my normal rate sheet. Also I can offer the city a rate of **\$25.00 per hour on a 24 hour per week** work schedule. In other words I would work a schedule that excludes week-ends and nights. In order for the schedule to not conflict with other customers I could work 8 hour shifts on Tue, Wed & Thu. Of course I would still be available for call-in on nights and week-ends at \$35.00 per hour (plus travel if the service results in less than two billable hours) should it be required.

As part of the current computer services contract Amazing Computers supplies the PC that it uses for network administration. Should the city contract Amazing Computers using the \$25.00 / hour offering, I would ask that the city provide the PC used for network administration. Of course, I would continue to provide the PC that I am currently supplying as part of the computer service contract until it becomes too obsolete: The system is based on an Intel Pentium II 350 MHz processor w/128 Mb RAM.

Should the city elect to continue using Amazing Computers for its computer services I will continue to offer hardware and software "at cost pre-paid". Outside of the fore mentioned \$25.00 / hr. offering, I would continue to maintain my own PC for network administration. I also retain a small amount of "identical hardware" at my office to expedite repairs should they be required. For example: When I installed the Asante FriendlyNet FS4008DS 10/100 switch in the police department, critical to maintaining the TN3270e PC to mainframe host connectivity connection on each dispatch PC; required for dispatch to function properly and maintained by computer services; even though the switch was over-kill for my office, I installed an identical switch in my office. In the event of a failure in the unit in the police department I could get the police department back on line quickly by using the switch from my office at the police department and guarantee no hardware conflicts with network cards, etc.; again because it is identical to what is already in service.

Thank you for your time,


Jeffrey A. Martin
Amazing Computers

Amazing Computers

94213 Gauntlett • PO Box 703 • Gold Beach OR 97444

Voice: (541)247-5222 • Fax: (541)247-0179

Internet E-mail: amazing@mail.coos.or.us

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Maintenance

Amazing Computers normal on-site rate is \$75.00 per hour. Our normal in-shop rate is \$60.00 per hour. We offer annual on-site contracts with a commitment of 300 hours or more. The discounts associated with the annual contracts are included on this document along with our usual month to month discount rates. Other custom tailored rates are available.

Less than 15 hours: Normal on-site rate (\$75.00/hr.)

Equal to or greater than 15 hours but less than 20: \$70.00/hr.

Equal to or greater than 20 hours but less than 25: \$65.00/hr.

Equal to or greater than 25 hours but less than 30: \$60.00/hr.

Equal to or greater than 30 hours but less than 35: \$59.00/hr.

Equal to or greater than 35 hours but less than 40: \$58.00/hr.

Equal to or greater than 40 hours but less than 45: \$57.00/hr.

Equal to or greater than 45 hours but less than 50: \$56.00/hr.

Equal to or greater than 50 hours but less than 55: \$55.00/hr.

Equal to or greater than 55 hours but less than 60: \$54.00/hr.

Equal to or greater than 60 hours but less than 65: \$53.00/hr.

Equal to or greater than 65 hours but less than 70: \$52.00/hr.

Equal to or greater than 70 hours but less than 75: \$51.00/hr.

Equal to or greater than 75 hours but less than 80: \$50.00/hr.

Equal to or greater than 80 hours but less than 85: \$49.00/hr.

Equal to or greater than 85 hours but less than 90: \$48.00/hr.

Equal to or greater than 90 hours but less than 95: \$47.00/hr.

Equal to or greater than 95 hours but less than 100: \$46.00/hr.

Equal to or greater than 100 hours but less than 105: \$45.00/hr.

Equal to or greater than 105 hours but less than 110: \$44.00/hr.

Equal to or greater than 110 hours but less than 115: \$43.00/hr.

Equal to or greater than 115 hours but less than 120: \$42.00/hr.

Equal to or greater than 120 hours but less than 125: \$41.00/hr.

Equal to or greater than 125 hours but less than 130: \$40.00/hr.

Equal to or greater than 130 hours but less than 135: \$39.00/hr.

Equal to or greater than 135 hours but less than 140: \$38.00/hr.

Equal to or greater than 140 hours but less than 145: \$37.00/hr.

Equal to or greater than 145 hours but less than 150: \$36.00/hr.

Equal to or greater than 150 hours but less than 155: \$35.00/hr.

Equal to or greater than 155 hours but less than 160: \$34.00/hr.

Equal to or greater than 160 hours but less than 165: \$33.00/hr.

Equal to or greater than 165 hours but less than 170: \$32.00/hr.

Equal to or greater than 170 hours but less than 175: \$31.00/hr.

Equal to or greater than 175 hours: \$0.00/hr: \$30.00/hr.

Annual Contract Discounts

-5% / mo. 300

-\$0.10 / hr. and then -5% / mo. 360

-\$0.20 / hr. and then -5% / mo. 420

-\$0.30 / hr. and then -5% / mo. 480

-\$0.40 / hr. and then -5% / mo. 540

-\$0.50 / hr. and then -5% / mo. 600

-\$0.60 / hr. and then -5% / mo. 660

-\$0.70 / hr. and then -5% / mo. 720

-\$0.80 / hr. and then -5% / mo. 780

-\$0.90 / hr. and then -5% / mo. 840

-\$1.00 / hr. and then -5% / mo. 900

-\$1.10 / hr. and then -7.5% / mo. 960

-\$1.20 / hr. and then -7.5% / mo. 1020

-\$1.30 / hr. and then -7.5% / mo. 1080

-\$1.40 / hr. and then -7.5% / mo. 1140

-\$1.50 / hr. and then -7.5% / mo. 1200

-\$1.60 / hr. and then -7.5% / mo. 1260

-\$1.70 / hr. and then -7.5% / mo. 1320

-\$1.80 / hr. and then -7.5% / mo. 1380

-\$1.90 / hr. and then -7.5% / mo. 1440

-\$2.00 / hr. and then -7.5% / mo. 1500

-\$2.10 / hr. and then -10% / mo. 1560.

-\$2.20 / hr. and then -10% / mo. 1620

-\$2.30 / hr. and then -10% / mo. 1680

-\$2.40 / hr. and then -10% / mo. 1740

-\$2.50 / hr. and then -10% / mo. 1800

-\$2.60 / hr. and then -10% / mo. 1860

-\$2.70 / hr. and then -10% / mo. 1920

-\$2.80 / hr. and then -10% / mo. 1980

-\$2.90 / hr. and then -10% / mo. 2040

-\$3.00 / hr. and then -10% / mo. 2100

**Minimum
Annual
Hours**

Rate Chart 04/01/01

Proposal

For

Computer Support Services

For

The City Of Brookings

PRN Data Services, Inc.
95835 Cape Ferrel Road
Brookings, OR, 97415

541.469.7421 Phone Fax
jim@pm-data.com

PRN Data Services, Inc.

95835 Cape Ferrel Road, Brookings, OR 97415
541.469.7421 Phone/Fax
jim@prn-data.com E-mail
www.prn-data.com Web Site

June 7, 2001

Leroy Blodgett
City Manager
City of Brookings
898 Elk Drive
Brookings, OR 97415

Dear Leroy,

Re: Proposal for Computer Support Services

Thank you for the opportunity to respond to your request for proposal. We are delighted to be able to propose a suite of services for the City of Brookings that will provide a stable computing platform for the present as well as a sound foundation for the future.

We believe, very strongly, that the IT (Information Technology) function within any organization should start with a clear understanding of the organization's mission and be able to demonstrate how it will support and enhance that mission. The City of Brookings, like all smaller municipalities, faces a common dilemma. The work requirements are much the same as larger municipalities but the resources, unfortunately, are significantly smaller.

One only need to review the City Councils goals for 2001-2002 to understand that there will be significant demand placed upon the city's staff and it's IT capability in the next few months.

Our mission is to focus on ways of enabling the City of Brookings to meet its goals. We believe we are, perhaps uniquely, able to accomplish this task. As you will see in the accompanying proposal, we have the depth of experience and staff to be able to assure the City of reliable and knowledgeable technical support, a quality training resource, and proven local area and wide area network administration experience, as well as a significant consulting resource.

In addition, we have the benefit of having worked with you and the City's capable staff in the development of your new City Web Site. The past 6 months have given us invaluable insight into the requirements of the City. We have reflected that insight in the development of this proposal.

Thank you again for this opportunity

Sincerely,



Jim Relaford
President

received
6-8-01 10:14

EXECUTIVE SUMMARY

Thank you, again, for the opportunity to be of service to the City of Brookings.

There are many components that make for a successful and efficient use of computing in any organization.

- Thoughtful requirements analysis
- Realistic expectations
- Standardizing applications where ever possible
- Knowledgeable purchasing
- Skill deployment
- Effective training

All combine to make for a computing environment that is efficient and cost effective. Our goal is to provide the City with the skills and expertise to accomplish these tasks, initially as well as for the long term

It is our observation that the City of Brookings has a fairly high level of staff skills in basic computing but those skills are some what diluted by a lack of standardization. The city is also at some risk due to lack of citywide standards for file back up and workstation security and file server utilization.

While uncomfortable for some, standardization in operating systems and applications software is the only way to achieve a high performance computing environment. Not only does standardization reduce costs significantly it will improve overall security and functionality.

We would propose the following general plan for implementing our engagement.

1. PRN will immediately assume responsibility for maintenance support for all systems.
2. PRN will prepare a comprehensive inventory of all computers in use, including hardware components and operating systems.
3. PRN will attempt to validate current licensing status of each application
4. PRN will inventory all applications on each system
5. PRN will interview each user to determine which applications are in use and prioritize their use.
6. PRN will then develop an initial city wide requirements analysis.
7. PRN will review the current state of both servers with regard to hardware capability and current file and print services offered to users.
8. PRN will develop a security profile for management that details current state of file backup systems and overall system security

9. PRN will then develop an incident database for the city for incident reporting and management

After completing these tasks, PRN will present to management a detailed plan for correcting any deficiencies, if any, and will propose a plan for achieving system wide standardization.

We are confident in our ability to serve the City of Brookings well and look forward to our engagement.

SCOPE OF SERVICES TO BE PROVIDED:

PRN Data Services, Inc. will provide the following services:

1. Maintenance services for all existing Computer hardware, operating systems and applications. (does not include replacement parts if needed)
2. Installation of any new hardware and software as directed by the City.
3. Local Area Network Administration and maintenance services for two (2) Windows NT networks including:
 - a. Developing system wide security administration
 - b. All user administration
 - c. File and Print administration
 - d. Hardware and Software maintenance for all components
4. Wide Area Network administration and Maintenance including;
 - a. Developing system wide Internet security and administration
 - b. Providing on-site point of contact for RIS and other outside Network services
 - c. Providing WEB Site maintenance services
 - d. E-mail management services
5. Develop a user support help desk that will provide on-site, telephone support services for all applications with a maximum 2 hour response time (Monday – Friday 08:00am – 5:00pm)
6. Develop a monthly training program for all employees for existing and new software. Would propose 2 sessions of 2 hrs each to be scheduled at convenient time for the staff.
7. Provide the City with consulting services as needed to include:
 - a. Requirements analysis
 - b. Systems design and software search
 - c. Budgetary analysis
 - d. Develop Hardware and software Recommendations
 - e. Develop and manage new implementations
8. Provide management with a monthly report of utilization and costs

PRN Data Services, Inc. can also provide computer hardware as needed by the City but would recommend new hardware be purchased from national suppliers such as Dell or Gateway. Most of these vendors have very competitive pricing and very good warranties.

The following Services are not included:

1. Direct support of the RIS network
2. Direct support of LEDS or other proprietary law enforcement systems
3. Hardware support for the existing Microwave communications systems

COST:

PRN Data Services, Inc. is flexible in the way we charge for our services.

We recognize the possible budgetary issues that could be affected by a catastrophic loss.

We propose one of the following two pricing methodologies.

1. Normal hourly billing.

- a. The city would pay for services used according to the attached rate schedule. PRN Data Services, Inc. will bill the city on a monthly basis detailing the services used and the corresponding rate. The advantage to this method is that there will be months where services will be lightly used resulting in a lesser billing. The disadvantage, obviously, is the lack of predictability. There will also be months where the billing will be above the norm.

This method also potentially discourages end user requests for needed services. We estimate the monthly billing using this method would range from \$1500 to \$3000.

2. Monthly charge

- a. The city would pay a fixed monthly charge for all services proposed including up to 4 hours of consulting services (cumulative up to 12 hours) each month for a fixed charge of \$2500.00 This charge would not include any required hardware. Generally this method delivers a better result for municipalities as it is a fixed amount, and encourages the end user contact.

PROFILE OF PRN DATA SERVICES, INC.

PRN is an Oregon Corporation that has been providing these services throughout Oregon, Washington and California since it's founding in 1987. It's founder, Jim Relaford, is a veteran of the computer industry, having been directly involved with the industry since 1968. We have been supporting customers in Southern Oregon for the past 9 years since moving here from Portland.

Current customers include:

- The Port of Brookings Harbor (Brookings)
- Harbor Sanitary District (Brookings)
- Blue Pacific Realty (Brookings)
- Babin & Keusink Attorneys (Brookings)
- Marilyn Mullem Attorney (Crescent City)
- ZIA Construction (Brookings)
- Pelican Bay Telecommunications (Brookings)
- San Francisco General Hospital (San Francisco)
- Alameda County General Hospital (San Francisco)
- Laguna Honda Hospital (San Francisco)
- San Mateo County General Hospital (San Francisco)
- Santa Clara General Hospital (San Francisco)
- Fairmont Hospital (San Francisco)
- Mitchell Planning Services Ltd (Washington DC)
- Online-admin (Portland)

Our Team:

Management:	Jim Relaford President
Windows & PC Specialist	Tom Bouley
Wide Area Network specialist	Richard Duvall
Web Site maintenance	Carol Relaford

Each of these professionals will participate in the provision of services to the City under the management of Jim Relaford.

Some of the highlights of the teams experience.

Tom Bouley is currently an instructor of SWOCC and has a proven track record in the Windows world. He will be responsible for workstation stability including Windows 98, and applications currently being used as well as future applications.

Richard Duvall is an expert with regard to Wide area networking and the Internet. He has been the systems administrator for the largest WAN on the Coast and most recently has been providing services to a major credit union as they network their branches

Carol Relaford brings a large base of knowledge regarding Web site development and maintenance.

Jim Relaford's expertise is primarily in the consulting and management arena. He will be the primary network administrator for the NT networks as well as overall responsible party for the delivery of service to the City.

Services Profile:

Systems Integration

- Systems Requirements analysis
- Network Administration and Management
- Software & Hardware Acquisition
- Installation Support
- Conversion Support
- Staff Training

On-going Hardware and Software Maintenance and Support

Platform Specialties

- Wide Area Network Design and Deployment
- Local Area Network Installation and Support
(Novell, Microsoft NT(2000) Client/Server, Windows Peer to Peer, Unix, Linux)
- Internet and Intranet Applications, setup and training
- Commercial Internet WEB Site design, development & hosting
- Windows 95,98,2000 Terminal Services, Terminal Emulation

Application Specialties

- Point of Sales Systems (retail, wholesale, restaurant)
- Municipal Utility Billing Systems (Continental Data Systems, Cassell)
- Fund Accounting Systems
- Construction Job Estimating / Costing
- Medical & Dental Office Accounting
- Accountants & Attorneys Time and Billing Systems
- Insurance Agency Management Information systems
- General Accounting Systems (GL, Payroll, Invoicing, A/R, A/P, Inventory)

General Office systems

- MS Office Products
- Word Perfect Office Suite
- Excel & Lotus 1-2-3
- Access Database systems
- Paradox Database systems
- Desktop & WEB Publishing Systems
- Quicken, Quickbooks, ACC-PAC Accounting systems
- Great Plains Accountings, Platinum systems,

Consulting Services

- Systems analysis and design
- Requirements definitions
- Project management services
- Budgeting & Planning
- Software and hardware selection
- Staff evaluations

Maintenance services

- On-site hardware maintenance (on-call or contracted)
- On-line & on-site software assistance and maintenance

Hourly Billing Rates

Systems integration services:	\$75.00 Hr
Hardware Installation	\$75.00 Hr
Software Installation	\$75.00 Hr
Conversion Support	\$75.00 Hr
Training	\$50.00 Hr
 Local Area Network Installation & Support	 \$85.00 Hr
 Commercial Web design & development	 \$65.00 Hr
Web Maintenance (Data entry)	\$25.00 Hr
Application Installation and Support	\$65.00 Hr
 General Office Systems Support	 \$50.00 Hr
 Consulting Services	 \$100.00 Hr
Requirements Definitions	
Project Management	
Budgeting & Planning	
Staff Evaluations	
General management consultation	
 Hardware Maintenance Services	 \$50.00 Hr
(does not include parts)	



Staff Report

To: Mayor Hagbom & City Councilors

From: Leroy Blodgett, City Manager, 

Date: June 18, 2001

Re: Employee Handbook

BACKGROUND

The City of Brookings Employee Handbook outlines the policies and rules followed by city employees. The proposed changes are consistent with the changes in the Union Labor Agreement approved last month. The changes are indicated by "~~striketrough~~" for wording deleted and "**bold**" lettering for the added wording.

STAFF RECOMMENDATION

Adopt the Employee Handbook as amended and presented.

City of Brookings

Employee Handbook



P & P, ADA Compliance

October 31, 1992

Adopted ~~May 9, 1994~~ June 25, 2001

~~Amended June 24, 1994~~

~~(Section XI. C Compensatory Time Off)~~

~~Reformatted February, 1997~~

~~P: PERSONNEL ADOPTED.594~~

City of Brookings
Employee Handbook

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#1's subject
to change
↓

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I. A WORD ABOUT THIS HANDBOOK

Communications is the most important aspect of the employment relationship. This handbook is designed as part of ~~our~~ the City's effort to improve your understanding of what ~~we~~ is expected of you as an employee. It also outlines what ~~we~~ the City offers you, as an employee, in return.

Your daily contact with the public has two effects: First, the perception the public gains from your appearance and behavior which reflects on your City as an employer; Second, what you see and hear can be very useful to ~~us~~ in improving the public's perception of your City. These perceptions are part of the communications process. Everyone has a stake in how effectively we communicate.

Improving the public perception of the services we provide and how well we provide them, in the long term, allows us to better compensate you for the part you play in getting the job done. That is and should be the ultimate goal all of us are striving to achieve.

Please read this handbook with these ideas in mind. It is a synopsis of our mutual expectations. As such, it cannot anticipate every situation that might arise while you work here. However, it does address the most common issues where questions have been raised in the past. Should you not understand a specific portion or reference in this handbook, contact your supervisor.

II. EMPLOYEE ORIENTATION

New employees will be provided with an orientation session during which they will be given a copy of this handbook and the opportunity to ask questions they may have concerning its contents or application. Current employees will also be given an orientation to this handbook, or any subsequent modification to it, required by changes in applicable laws or regulations, or by subsequent action of the City Council.

III. PURPOSE

The purpose of these policies ~~the~~ **Employee Handbook** is to provide systematic and equitable procedures and regulations relating to the hiring, compensation, hours of work, leave, safety, training, working conditions, promotions, transfer, discipline, removal and other matters affecting the status of employees of the City of Brookings.

Said rules and regulations are provided to maintain and improve the facilities and services which the residents of the city require, to maintain uniformity and equity in personnel matters which will make City service attractive as a career and to encourage each employee to give his/her best service to the City.

IV. APPLICATION OF POLICIES

These personnel rules, policies and procedures apply to all City employees. In the event of a conflict between these policies and any valid collective bargaining unit contract, City ordinance, state or federal law, the terms and conditions of the contract, ordinance or law will apply. In all other cases, these policies and procedures will apply.

The City specifically reserves the right to modify or amend these policies at any time, with or without notice. In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these policies will be deemed amended in conformance with those changes.

V. DEFINITION OF TERMS

As used in these rules, unless the context requires otherwise:

Anniversary Date:

Administrative date an employee is appointed or hired, or is promoted, or is reclassified to a position of employment.

Appointing Authority:

Any person or group vested with the authority to employ, discipline or terminate an employee in a position in City service. This definition includes all Elected Officials and Department Heads given such authority by the City Council.

Disciplinary Probation:

A period of time defined by the employee's appointing authority, which shall not be less than 30 days nor more than one (1) year for violation of these policies, city ordinances, or state law.

Employee:

A person employed by the City of Brookings in one of the following categories:

Probationary Employee; Regular Full-time Employee, or Regular Part-time Employee; Probationary Promotion Employee; or Temporary Employee.

Governing Body:

The Brookings City Council or its Designated Representative(s).

Immediate Family:

Shall include the employee's spouse, children (adopted, foster, or natural), parents, mother/father in law, brothers, sisters, grandparents, or other dependents living in the employee's household.

Lay-off:

Termination due to a shortage of funds, materials, or for involuntary reasons not reflecting discredit upon the performance of the employee.

Lay-off List:

A list of laid off regular employees in a particular Class of job who are entitled to be reappointed to a position in that Class, setting forth the effective date of lay-off, and establishing an order of re-call for future job openings.

Military Leave:

A leave of temporary absence granted to employee(s) while serving in the US Armed Forces, Reserves, or the National Guard.

Part-time Employees:

Employee(s) hired into part-time positions shall be compensated by the hour; required to participate in PERS if they work 600 hours per year or more; shall be covered by Industrial Accident Insurance; are eligible for sick leave and vacation pay on a pro-rated basis; part-time employees are not covered by medical/life insurance benefits.

Personnel Action:

Any action taken with reference to an employee or position.

Position:

defines a group of duties within a work classification requiring a full-time or part-time employee to accomplish the specified duties.

Position Vacancy:

A position which becomes vacant when a current employee has been promoted, voluntarily or involuntarily demoted, resigned, terminated, or has retired.

Probation:

A period of time not less than six (6) months and not more than one (1) year, during which new employees are required to demonstrate by actual performance their fitness for the regular full-time position or regular part-time position to which appointed, promoted, or hired.

Probationary Promotion:

A period of not less than six (6) months, nor more than one year, during which

a promoted employee is required to demonstrate, by actual performance, fitness for the position to which promoted.

Promotion:

Movement of an employee from a position in one classification to a position in a higher classification.

Reclassification:

The recognition that a specific job has certain new requirements.

Regular Employee:

An employee who has been appointed or hired to a position established in the annual budget, following satisfactory completion of the probationary period.

Regular Part-time Employees:

Employees who hold positions of indefinite duration, so designated in the annual budget and these rules, and work regular weekly hours of twenty (20) hours or more, but less than forty (40) hours per week.

Supervisor:

Includes any person responsible for assigning tasks to and evaluating the performance of an employee, and who may, with the concurrence of the Appointing Authority, discipline, suspend or terminate an employee.

Suspension (Administrative):

A temporary interruption in work of an employee directed by the Appointing Authority for investigative reasons. During this period the employee will be paid. Administrative suspension periods normally shall not exceed ten (10) days. Employee benefits will not be affected during the suspension period.

Suspension (Disciplinary):

Temporary interruption of work of an employee directed by the Appointing Authority for disciplinary reasons. During this period the employee shall not be paid. The disciplinary suspension period shall not exceed thirty (30) calendar days. Employee benefits may be affected during a disciplinary suspension period.

Temporary Employees:

Are not eligible for compensatory time, sick leave, vacation pay, holiday pay and medical/life insurance benefits.

Temporary Position(s):

Positions which occur, terminate, and re-occur periodically and regularly, regardless of duration; are so designated in the annual budget by the governing body of the City and are for a definite period of time, but less than a regular full-time employee. Employee's hired into such positions shall be compensated by the hour, required to participate in PERS if they work 50 hours per month or 600 hours per year or more, shall be covered by Industrial Accident Insurance and shall be compensated for overtime hours worked in excess of eight hours in one day, or 40 hours per week at one and one-half times the normal hourly rate for the position held.

Transfer:

Movement of an employee from a specifically described position of employment and pay level in one department, to a similar described position and same pay level in another department.

Voluntarily Demotion:

A demotion requested by an employee in order to retain employment when a layoff is imminent or for other reasons, when the action is entirely voluntary on the part of the employee.

Volunteer Employee:

An individual who performs a service for the City that is humanitarian or civic in nature, done for the worker's private reasons, and the volunteer does not expect to be paid. Employees in an agency may **not** volunteer to do the same work that they normally do in their paid positions. Volunteers are covered by Worker's Compensation, and provided with liability coverage if necessary.

VI. EMPLOYMENT POLICIES & INFORMATION

A. EQUAL EMPLOYMENT OPPORTUNITY

Equal employment opportunity at the City of Brookings is defined as a policy of approaching all employment related decisions based on the skills, experience, education, and demonstrable ability to perform the essential tasks of the position being offered, without reference to age, sex, race, color, religion, national origin, or disability.

Employment applications, job descriptions, advertising (internal or external), and interviews for job openings will be confined to whether the applicant can perform particular job functions. Based on the responses received, should it appear that an applicant might have difficulty with an essential function of the job, due to a qualifying disability, the City will seek to provide reasonable accommodation, in cooperation with the applicant.

Making existing facilities readily accessible and usable by an individual with a disability, restructuring jobs, modifying work schedules, acquiring or modifying existing equipment, providing readers or interpreters, or modifying qualifying examinations so as not to reflect impaired sensory, manual or speaking skills of applicants or employees, and modifying training or other programs, will be accomplished as needed on a case by case basis to make reasonable accommodation for qualified individuals. Should a current employee suffer a qualifying disability, reasonable accommodation, including reassignment to a vacant position for which the employee is qualified, will be made.

Offers of employment require the applicant(s) take an appropriate medical examination, and pre-employment drug screen. Information obtained as a result of medical examination will be limited to job related inquiries, specific physical job requirements, consistent with business necessity and maintained in a separate, confidential file.

It is the intent of the City of Brookings to apply these policies to all employment practices, including, but not limited to: job applications and testing; hiring; termination; advancement; promotion; tenure; compensation; training; recruitment; advertising of job openings; layoff and recall; leaves of absence; fringe benefits; and all other employment related activities.

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Any violation of this policy should immediately be brought to the attention of the City Manager who will institute an appropriate investigation as deemed necessary to substantiate the facts surrounding the alleged violation.

Based on this information, disciplinary action to correct the violation will be taken as indicated by the facts of the case, and a written record will be maintained containing the results of the investigation.

B. POLICY AGAINST DISCRIMINATION AND HARASSMENT

It is the intent of the City to provide a work environment that is free from discrimination and harassment. Unlawful harassment includes racial harassment, sexual harassment and harassment based on religion, national origin, age, disability, marital status, and any other basis prohibited by law. Unlawful harassment in the workplace on the part of any employee is prohibited and any employee found to have engaged in unlawful harassment will be subject to disciplinary action.

Racial harassment includes, but is not limited to: epithets, forms of address based on race, racial jokes, and undesirable work assignments due to race or color.

Sexual harassment is discrimination related to or because of a person's gender. It includes but is not limited to, verbal comments, gestures or physical contact of a sexual nature, offensive sexual flirtations, advances, propositions, verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words or phrases used to describe an individual, or the display of sexually suggestive objects or pictures. Any employee who uses sexual behavior to implicitly or explicitly threaten, coerce, influence or affect the employment, job status, salary or performance of another employee is engaging in sexual harassment.

It is the intent of the City of Brookings to apply these policies to all employment related practices, including, but not limited to: job application procedures and testing; hiring; promotion; demotion; termination; tenure; compensation; training; recruitment; advertising of job openings; lay-off and recall; leaves of absence; fringe benefits; and all other employment related activities.

An employee who believes he/she is the subject of unlawful harassment should report the complaint to the City Manager, or if the complaint is against the City Manager or

Municipal Judge, the employee should notify the Mayor or a City Council member, who will immediately institute an appropriate investigation as deemed necessary to substantiate the facts surrounding the alleged violation.

Based upon this information, disciplinary action to correct the alleged violation will be taken as indicated by the facts of the case, and a written record will be maintained containing the results of the investigation. Falsification of a complaint shall be grounds for disciplinary action.

Retaliation by an employee's supervisor or another employee for filing a complaint alleging unlawful harassment complaint will not be tolerated and will subject the retaliators to disciplinary action.

C. PERSONNEL RECORDS

Each City employee will have an official personnel file which will be maintained by the City. The file shall contain:

1. Employee's name, title, job description, department assigned, current salary, change in employment status, training received, evaluations, disciplinary actions, and other such information as may be considered pertinent.
2. All employee records shall be considered "**CONFIDENTIAL**". Employee records will be accessible only to the employee, the Employee's Supervisor, the City Manager, or his/her designee, in performance of their duties with the City of Brookings.
3. All Medical files created as a result of employment offers will be maintained in a separate, **CONFIDENTIAL** file, and only be used for purposes of determining physical fitness for the performance of essential functions of a specific job sought either as initial or promotional employment.
4. No information from the personnel file shall be released to outside parties except with the prior written authorization of the employee, or by order of appropriate legal authority.

Generally, public records are available for public inspection. The Public Records Law, ORS 192.410 to ORS 192.500, outlines the specific material that is exempted from public disclosure. This exemption includes most of the material in an employee's personnel file unless a public need is shown for its disclosure. Personnel

records are the responsibility of the city manager and requests to review records must be made in writing. A decision on the request to review records will be made promptly.

D. OUTSIDE EMPLOYMENT

No full-time City employee shall accept outside employment, whether part-time, temporary or permanent, without prior written notice of the proposed employment, employer, and hours of employment to, and the approval of, his immediate supervisor and the city manager of the desired position. It is understood that the City may, at any time, revoke permission to hold outside employment.

In order to be approved, the outside employment must:

1. In no way detract from the efficiency of the employee in his/her work for the City of Brookings.
2. In no way conflict with the interest of the City or be a discredit to the City.
3. Not take preference over extra work required by City Employment.

Copy of the request, whether approved or not shall be placed in the employee's personnel file, together with the final disposition.

E. POLITICAL ACTIVITY

It is the policy of the City of Brookings that Employees of the City shall not simultaneously hold an elective municipal office with the City of Brookings.

The restrictions imposed by the law of the State of Oregon on political activities are that no city employee shall use such employment to solicit any money, influence, service or other thing of value, or otherwise aid or promote any political committee, or the nomination or election of any person to public office, while on the job during working hours. However, nothing in this section is intended to restrict the right of a public employee to express his/her personal political views, support candidates/ballot issues, or to vote in any election.

F. ATTENDANCE

Employees are expected to work a complete designated work day. If an employee, for some unavoidable reason, cannot report for work, he/she is expected to notify their supervisor as soon as possible. Employees in emergency services must notify their supervisor of impending absence as far in advance as possible of the beginning of their shift.

An employee who is absent from work for three (3) consecutive working days, without authorization, will be considered to have abandoned his/her job as of the last day of active employment and will be declared to have voluntarily quit, unless the city determines the absence was due to an unavoidable situation and the employee was unable to contact the city due to circumstances beyond the employee's control.

An employee is responsible for correct reporting of hours worked, on bi-weekly time sheets. Supervisors are responsible for verification of employee time worked.

Because of overtime requirements, non-exempt employees should not begin work early or leave late without prior approval of their supervisor.

G. NEPOTISM

No two members of an immediate family will be employed by the City regardless of the department applying for, where such employment would result in an employee being supervised by a council member, or supervisor of his/her immediate family.

The provisions of this section shall apply to promotion, demotion, transfer, reinstatement, and new appointment/hire, but shall not be construed retroactively to affect situations of employment in effect prior to the enactment of this section.

In the event that two employees **become** immediate family members and a supervisory relationship exists, the employees and the city will jointly attempt to find an alternative work assignment for one of the two employees.

If no alternative assignment is available within ninety (90) days, it will be necessary for one of the two employees to resign.

The provisions of this section shall not conflict with Oregon Revised Statutes, Chapter 659.340, and any revisions thereto.

H. CONFIDENTIALITY

All information relating to personal or private matters, gained by employees as a result of the confidence placed in them as City employees by the public, is to be treated as confidential, unless specifically designated otherwise. Discussions involving such matters should always be confined to those who have a "need to know" based on related City services required by the confidential matter.

I. RESIDENCY REQUIREMENTS

Employees are encouraged to live within the City Limits. However, residency will not be a condition of employment or continued employment.

Public Works employees while on stand-by duty, shall have freedom of movement within the area served by the pager device, which is furnished by the City. Consumption of alcoholic beverages is forbidden while on stand-by duty and the employee shall maintain his capability to respond to an off-hour or holiday emergency within 30 minutes of receiving the call.

VII. ADMINISTRATION AND PERSONNEL PROGRAM

A. ADMINISTRATION

1. Officers of the City shall be the City Manager, City Finance Director\Recorder, City Attorney, and Municipal Judge, all of whom shall be appointed by the Mayor and the Common Council. Other department heads shall be appointed by the City Manager.
2. Employees are defined as all other persons hired by the city whether on a regular or temporary basis.
3. As authorized by the City Manager, department heads may have the right to hire and terminate employees within their own departments subject to budgeting limitations placed on said departments by the city council and subject to such other limitations as are contained in this manual.
4. The Mayor and city council shall form an appeals board to review an alleged violation or misapplication of the personnel rules contained herein. The decision of the appeals board shall be final.

B. PERSONNEL PROGRAM

The personnel program established by this plan shall be administered by the city manager. The city manager shall:

1. Prepare the job classification and pay plan, compensation survey fringe benefits and amendments and revisions to this plan for council adoption.
2. Administer all provisions of the personnel program.
3. Advise department heads on interpretations of provisions of the plan and assist in personnel administration in each department.
4. Advise the city council on the need for changes or amendments to the plan.

VIII. HIRING PROCEDURES

A. VACANCIES/NEW POSITIONS

Vacant or new City positions may be filled by a transfer or promotion of a current City employee, or by recruitment of a new employee. When it is determined that a position needs to be filled the department head will proceed to recruit, test, and select an individual for the position.

Recruitment may be conducted first among current and former city employees to extend employment or promotional opportunities to them. If a position is not filled by appointment of an existing city employee, the position shall be publicized by posting an announcement in the official city newspaper and by other such methods as are required by the provisions of the Americans with Disabilities Act, such as notice to individuals or groups representing disabled individuals, to find suitable applicants. The announcement shall specify: the title and salary range; the date of closing for the acceptance of applications; the nature of the work to be performed; education and experience required; and any other pertinent information.

B. APPLICATION FOR EMPLOYMENT

Application forms will be furnished by the City Finance Director/Recorder to all applicants. An application form must be on file for each person considered for the position. Resumes may be included with the application form. The file of applications for each opening will be retained by the city for six (6) months after the date of hire.

C. QUALIFICATION STANDARDS: NEW HIRES/ PROMOTIONS

The Interview Board will review each application to ascertain the individual applicant's education, experience and other qualifications for the position offered, concentrating on the essential functions of the job.

Qualifications of an applicant for a position in City Service shall be ascertained on the basis of one or more of the following:

1. Information contained on the application form.
2. Written, performance, or physical tests, or any combination thereof.

3. Qualifications required for certification under State Law.
4. Other requirements as specified by the governing body of the City in the position description.

Any examinations required for various positions will be administered by the department head in consultation with the city manager.

D. PUBLIC SAFETY/PUBLIC WORKS EMPLOYEES

Due to the nature of the essential functions required to successfully perform these jobs, applicants who are otherwise qualified shall be offered employment, subject to the results of a physical examination and drug screen.

Medical examinations and drug screens shall be conducted by a licensed physician, as directed by the City pursuant to Addendum "A" to these policies, for the purpose of determining specifically whether the applicant can safely perform the essential functions of the position offered, prior to final appointment/hire. The City will pay for the cost of any examination it requires.

E. INTERVIEW BOARD

An oral interview board may be appointed by the City Manager for the purpose of interviewing applicants. The interview board should consist of the following:

1. The relevant Department Head;
2. The City Manager or designee;
3. Other qualified persons designated by the City Manager.

IX. TERMS AND CONDITIONS OF EMPLOYMENT

A. CLASSIFICATION OF NEW APPOINTMENTS/PROMOTIONS

Normally new employees are hired at the first step of the pay plan for their classification. However, in instances where a new or promoted employee has experience or skills which are above those required for the position, it is possible to hire in above the minimum salary.

B. PROBATIONARY PERIOD

The probationary period shall normally be twelve (12) full months of employment. A shorter probationary period may be established at the time of employment or thereafter with the written approval of the city manager.

The work and conduct of probationary employees shall be subject to close scrutiny and evaluation, and if found to be below standards of acceptability, the department head may remove or demote the probationer at any time during the probationary period. Such removals or demotions shall not be subject to appeal.

Upon the successful completion of the probationary period the employee may receive a one-step salary increase. The date of hire shall become the anniversary date. Annual merit increases shall be considered thereafter on the first day of each succeeding fiscal year, but may be limited by annual budget constraints.

During the original appointment probationary period, the employee will not be eligible for vacation leave but will earn vacation credit. Employees terminated prior to the completion of such probation will not be paid for accrued vacation.

C. PROMOTIONS

To be eligible for promotion, an employee must meet minimum requirements of the higher level position and must have a current satisfactory performance rating in the present position. Final decisions whether to promote a current employee or hire outside the City Services to fill vacant positions, rests with the City Manager.

Merit promotion may be granted by the City Manager on recommendation of the department head where an employee has demonstrated performance above and beyond requirements of the job and performance of other employees.

A promotion may take place whenever an employee moves from one job classification into another job classification at a higher grade. When an employee is so promoted, he shall be entitled to the step in the higher grade that represents an increase over the salary range previously received in the lower grade. An opportunity to apply for any available promotional opportunity may first be offered to qualified regular employees within the City before new applicants will be considered.

D. PROBATIONARY PROMOTIONS

Following a promotion, a full time/regular employee will be in a probationary period for not less than six (6) months, nor more than one (1) year. During that period such employee's vacation and sick leave, and all other benefits will remain the same as prior to the promotion. The employee will be evaluated on his/her performance in the promoted position, the same as a new appointment/hire. In the event probation is not satisfactorily completed in the opinion of the Appointing Authority, and upon notice of termination being given, the employee in a promoted position will have the right to appeal under the grievance procedures.

E. LAYOFF

A department head, with the concurrence of the city manager, may lay off employees due to organizational changes, lack of funds or curtailment of work. When layoffs are required they shall be based on relative seniority and the ability to perform the work. However, no regular employee in a classification will be laid off while there are temporary, hourly or probationary employees in that department performing similar duties in the same classification. Transfer may be made between classifications in order to retain the best qualified employees for the work available. The city will make every effort to give employees reasonable notice of intent to lay off.

F. RESIGNATION

To resign in good standing, an employee shall give the city manager not less than ten (10) working days prior notice of such resignation unless the city manager agrees to permit a shorter period of notice because of extenuating circumstances. The notice of resignation shall be in writing and contain the reasons for leaving City service.

G. RE-EMPLOYMENT

Regular and probationary employees with a satisfactory record of service who resign their positions in accordance with Section IX (F) above will be allowed to apply for vacancies under the same conditions as set forth in Section VIII (A through E) above, providing preference to prior employees.

In the event the position from which the employee was laid off becomes available within twelve (12) months after the effective date of the layoff, the employee who was laid off will be rehired, if he or she is available and accepts the position within five (5) days notice by the City that the position is available. Notice of the position vacancy shall be sent to the employee's last known address by certified mail, return receipt requested.

H. TRANSFERS

Employees may be transferred from one position to another, with approval of the City Manager, and the affected supervisors, provided such transfer is at the same salary level, and the employee meets at least the minimum qualifications for the new position.

1. VOLUNTARY TRANSFER

Transfer, by employee request, can be accomplished at the same salary level, or a lower level, provided minimum qualifications for the new position are met.

2. TEMPORARY ASSIGNMENT

The City has the right to temporarily assign an employee to any position, in any department, when it is deemed to be in the best interest of the City, provided the employee being transferred meets the minimum qualifications for the position.

I. EMPLOYEE EVALUATION

It is the policy of the City to regularly evaluate employees for positive actions and deeds which will be noted in their personnel file.

Each employee shall receive a performance evaluation by his supervisor annually in May-June. The evaluation shall objectively assess the employee's performance during the preceeding twelve (12) months. Results shall be reviewed by and discussed with the employee prior to review by the city manager and filing in the employee's

personnel record. No step increase or promotion shall be given to any employee except upon satisfactory performance evaluations.

J. DRUG FREE WORKPLACE

Attached hereto, and made a part hereof by reference is the Drug Free Workplace policy of the City of Brookings. Employees should familiarize themselves with this policy, and are responsible to abide by and conform to it.

K. WORK SCHEDULE

The regularly scheduled hours and days of work shall be established by the City. On occasion, it may be necessary to alter the regularly scheduled hours and days of work.

Regular hours may differ in each city department and will be published by that department head. When the work schedule is altered, employees are required to attend work in accordance with the altered schedule.

The hours during which city offices and departments shall be open to serve the public will be determined by the city manager with City Council approval. The hours of work for individual positions shall be determined by the department head, with the approval of the city manager, to meet the needs of the city.

The schedule will normally provide for a work week of forty (40) hours within a specific seven day period. Other work schedules may be established to meet the needs of specific city services.

L. FLEX TIME

With approval of appropriate authority, work schedules may vary with the stipulation that time worked will be compensated on a one hour for one hour basis. Work hours may be staggered on a flex-time arrangement to provide longer hours of service to the public.

Employees for whom necessity requires a different schedule or a temporary change in a regular schedule than that generally applied will work according to regulations prepared by the respective department head and approved by the city manager.

M. LUNCH AND REST PERIODS

Employees are provided a one hour lunch period or one-half hour lunch period. Lunch schedules may vary according to department need. A department head may

require an employee to perform tasks during the meal period. Any employee who, for emergency or other reasons, works during a lunch period must report such time as time worked.

Employees are entitled to a fifteen (15) minute paid rest period for each four (4) hours of working time. Breaks shall be arranged so as not to interfere with city business.

N. SAFETY RULES AND ACCIDENT REPORTS

1. SAFETY POLICY STATEMENT

The City's first priority is to maintain a safe working environment for its employees and the public. For the employee's protection, job-related injuries or illnesses must be reported immediately in accordance with the City safety and accident policy.

2. MANAGEMENT RESPONSIBILITY

Each department will consider the need for adopting safety practices, policy, or procedures warranted by the hazards department employees encounter. Department heads are encouraged to involve employees in this process.

A copy of such practices, policies, or procedures will be delivered and explained in detail. All department employees shall then sign a receipt, which will be placed in the individual employee's personnel file, stating that they have read and understood these rules. Department heads shall also explain to their employees that a violation of these safety rules could lead to disciplinary action up to and including termination of employment.

3. EMPLOYEE RESPONSIBILITY

Every employee must be safety conscious and responsible for helping the City achieve the goal of providing a safe work place.

Employees shall report any unsafe or hazardous condition to their supervisor immediately, if it cannot be corrected independently.

4. SAFE WORK PRACTICES

Employees are expected to use common sense and good judgement in their work habits and to follow safe work practices. Examples of safe

work practices are as follows:

- a. Using the proper safety equipment when performing a work assignment.
- b. **Not** operating equipment or machinery while using prescribed medication without a doctor's written approval.
- c. Under no circumstances should an employee operate any type of machinery or equipment while under the influence of drugs or alcohol.
- d. Operating only equipment or machinery for which training or orientation has been received.
- e. Warning co-workers of unsafe conditions or practices.
- f. Following all safety and operating rules posted on equipment and machinery.
- g. Refraining from horseplay at all times.
- h. Wearing safety belts when operating City-owned vehicles or private vehicles when on City business.
- I. Following MSDS guidelines and OSHA rules, including but not limited to confined space access and chlorine handling guidelines. Employees are responsible for maintaining current knowledge of periodic rule/regulation changes made by the issuing State and Federal safety agencies.

5. SAFETY TRAINING

Periodic training will be arranged when appropriate in the judgement of the department head. Employees will participate in all required safety training programs offered by the City.

6. REPORTING ACCIDENTS

The City Manager shall be notified of all accidents involving City employees and/or City equipment as soon as possible but in **no event** later than the next work day. Accidents involving City owned vehicles or personal vehicles being operated on City business should be reported to the Police Department for investigation.

O. PURCHASING POLICY AND PROCEDURES

It is the policy of the City of Brookings to require Purchase Orders for the requisition of all goods and services purchased by the City. Authority to make purchases on the City's financial accounts is approved through the City Manager. Accountability for

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purchasing actions is controlled by the Accounting Office through the City Finance Director/Recorder.

X. COMPENSATION

A. PAY PLAN

The City shall adopt a pay plan for all positions in the City. The pay plan shall include each classification, a minimum and maximum rate of pay, and such intermediate rates as are considered necessary, and equitable. Flat and hourly rates may be used in place of salary ranges where appropriate.

Cost of living adjustments reflected in a percentage increase to the pay plan base may be considered from time to time at the discretion of the City Council.

~~The pay plan shall consist of twenty (20) classifications each having six (6) grade or incremental steps with a 5% differential between each step. Each classification shall have a minimum and maximum salary range.~~

The salary range assigned to each classification shall be such as to equitably reflect the differences in the responsibilities and duties between it and other classifications, taking into account salary rates, benefits paid, and other relevant factors.

The City Manager is responsible for maintaining and administering the pay plan. It is the policy of the City that every department use the pay plan in the same manner.

A copy of the pay plan will be maintained in the City Hall as a matter of public record.

The rate of pay for temporary employees shall be at least federal minimum wage, and will be set by the department head to attract qualified personnel. Employees classified temporary shall not be eligible for city sponsored medical and retirement benefits.

Regular employees are hired on an hourly wage rate and receive all benefits. Appointments of regular employees are made pursuant to the hiring procedures established in Section VII and VIII of these rules. [By the department head with the advice and consent of the City Manager.] Termination is subject to all terms and conditions of these personnel rules and regulations.

B. CLASSIFICATION PLAN

The City shall set forth a Classification Plan, which shall include titles, specific descriptions including duties, distinguishing features, key performance areas,

supervision received/exercised, knowledge, skills and abilities required, essential functions, mental aptitudes, basic acuities, experience/training and minimum qualifications for each City position. All positions with similar work and responsibilities are assigned to a single classification title.

Class specifications are descriptive and not restrictive. They are intended to indicate the kinds of duties that may be assigned to any position allocated to the class, while still providing supervisors the flexibility of making work assignments. The use of a particular expression or illustration as to duties will not be held to exclude others not mentioned that are of similar kind or quality, nor will any specific omission necessarily mean that such factor is not included.

A copy of the approved classification plan for each position will be maintained in the City Hall as a matter of public record.

C. CHANGE OF CLASSIFICATION

Positions may be changed from one class to another, provided the minimum requirements of the job are met. The City may reclassify positions within the financial limitations of the current City budget using the following criteria:

1. Positions are classified in a range and vacancies are filled at the established range. Most vacancies start at Step 1, but may be started at a higher step in the range when unusual difficulty in filling the position is experienced or the person hired is exceptionally qualified.
2. Merit increases within classification ranges will be granted in STEP INCREMENTS ONLY. Requests for increases must include a satisfactory performance rating for the employee and approval of the City Manager.

Department heads are responsible for notifying the City Manager of any unusual changes in positions. An employee may also request of the department head that his/her position be reviewed to determine whether it is properly classified. The City Manager will make the necessary investigation of any such request and any changes in job classification will be documented in written form.

D. SALARY INCREASES

As needed, the City shall analyze compensation policies, cost of living, fluctuations in the personnel requirements of the City, and salary range for each class of position, to determine whether adjustments should be made in compensation, either generally or in specific positions.

Increases **will not** be automatic, but are based on consideration of individual employee performance, job related educational achievement, disciplinary actions required, and annual evaluations which are reviewed and discussed with each employee, and maintained in the employee's permanent file.

E. MERIT SALARY RANGE STEP INCREASES

Merit increases will be considered annually in conjunction with the annual evaluations. Merit increases are designed to reward levels of improved and increased job performance by individual employees. As is appropriate, employees may progress through their ~~6-step~~ salary range. After reaching their top salary range, no additional merit increases will be available.

Subsequent to the annual evaluations, department heads shall recommend to the City Manager the employees recommended for merit salary ~~step~~-increases. Such merit salary ~~step~~-increases may be restricted due to budget constraints.

Regular employees not recommended for merit salary ~~step~~-increases may appeal such action through the procedure provided in Section XVIII.

F. NON-DISCIPLINARY DEMOTION

An employee who is demoted for other than disciplinary reasons to a lower salary range than that to which he was previously assigned, shall have his/her salary reduced to the highest step in the range, provided such step is less than the previously held salary step.

G. RECLASSIFICATION

An employee whose position is reclassified from one salary range to another, shall be paid at the same rate for which he/she was paid in the previous salary range or the lowest step in the new salary range, if such step in the new grade is higher.

H. PAY PERIODS AND DAYS

The minimum pay period will consist of 80 hours, usually consisting of two weeks, Monday through Friday.

City pay periods are bi-weekly with checks issued five (5) days after the close of the pay period.

XI. OVERTIME

A. POLICY

Overtime shall be paid for each hour worked in excess of eight (8) per day if the employee is on a 5 day - 8 hour schedule, or ten (10) per day if the employee is on a 4 day - 10 hour schedule, or 40 hours per week, and prior to, or following regularly scheduled hours of work, in emergencies, or when approved, in advance, by the responsible City Official or Department Head. Overtime shall be kept to a minimum.

B. COMPENSATION

Overtime will be paid at the rate of one and one-half (1 - 1/2) the regular hourly rate, or employees who work overtime will be given the equivalent (1.5 hours for each hour worked) in compensatory time off, at a mutually acceptable time.

Part-time employees will receive overtime pay as scheduled above, when their total hours of work exceed eight or ten hours in one day, whichever is applicable, or 40 hours per week.

Employees working on a flex-time schedule will not be authorized overtime because of the flex hour schedule, but will be given time off on other scheduled work days.

Overtime will not be paid for hours beyond the regular scheduled work hours during employee union/association meetings, or for employee negotiations.

C. COMPENSATORY TIME OFF

Maximum accrual of compensatory time off shall not exceed 48 hours. Any accumulation exceeding this limit must first be approved by the city manager (as amended by the City Council, June 27, 1994).

D. FAIR LABOR STANDARDS ACT

Pursuant to O.R.S. 279.340 to 342 *et al*, the above overtime regulations shall not apply to executive, supervisory, administrative, professional, elected or contractual employees of the City who meet the criteria outlined in Oregon Administrative Rules, Chapter 839, Division 24.

E. PUBLIC WORKS EMPLOYEES

Public Works employees shall be assigned to rotating stand-by duty.

1. If during the stand-by duty an employee is called to perform services for the City, such employee shall be compensated for such services at the rate of one and one-half (1-1/2) times his/her hourly rate of pay except on City holidays, during which time the employee shall be compensated with regular holiday pay plus 1-1/2 times his/her hourly rate of pay for each hour worked, or regular holiday pay plus compensatory time off at 1-1/2 hours for each hour worked.
2. Employees shall not consume alcoholic beverages when on stand-by status, and shall remain within 30 minutes response time.
3. For each call-back duty performed, the employee shall be paid for a minimum of two hours work. [In the event an employee is called out more than three times in a four-hour period he shall consider himself on payroll at the applicable hourly rate.] All call-back hours shall be recorded on the employee's time sheet. After three calls in a 24-hour period, the employee shall notify his/her supervisor.

XII. HOLIDAYS

- A.** All regular full-time and part-time post-probationary employees shall be entitled to the following holidays with pay:

~~EMPLOYEE'S BIRTHDAY OR ANNIVERSARY (employee's choice)~~

1. NEW YEAR'S DAY - First day of January
2. MARTIN LUTHER KINGS DAY – Third Monday in January
3. PRESIDENTS DAY - Third Monday in February
4. MEMORIAL DAY - Last Monday in May
5. INDEPENDENCE DAY - July 4
6. LABOR DAY - First Monday in September
7. VETERANS DAY - ~~Day after Thanksgiving~~ November 11
8. THANKSGIVING DAY - Fourth Thursday in November
9. DAY AFTER THANKSGIVING DAY
10. CHRISTMAS DAY - December 25
11. TWO (2) FLOATING HLIDAYS (must be taken at a mutually agreeable time)

Additional holidays may be declared from time to time by the city council.

- B.** Employees whose duties are necessary to maintain essential City Services may be required to work on holidays. Employees who work on a holiday are paid the regular 8 or 10 hours of holiday pay as is applicable, in addition to either their regular straight time rate for the first eight (8) or ten (10) hours, or hour for hour compensatory time off, unless they have already worked a full 40 hour week.

- ~~**C.** During a holiday week, all hours in excess of 40 in one week or eight (8) or ten (10) hours worked on a holiday shall be compensated at regular holiday pay plus 1 1/2 times the hourly rate of pay for each hour worked, or at regular holiday pay plus compensatory time off at 1 1/2 hours for each hour worked.~~

- D.** Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday. Whenever a holiday falls on Saturday, the previous Friday shall be observed as a holiday.

- E.** When an authorized holiday falls on an employee's day off, the holiday Sunday

or Saturday rule applies.

- F. Holidays which occur during vacation or sick leave shall not be charged against such leave.
- G. Part-time employees are not entitled to holiday pay. ~~However, part-time employees who are required to work on a holiday listed herein, shall be compensated at double their normal pay rate for all such hours worked.~~

XIII. VACATIONS

The employee's date of hire will be used in calculating vacation credit.

Regular full and part-time employees shall accrue and use vacation leave according to the following schedule:

<u>YEARS OF EMPLOYMENT</u>	<u>VACATION PERIOD</u>
1 - 4 years	80 hours
5 - 14 years	120 hours
15 - 19 years	160 hours
20+ years	200 hours

Paid vacation is accrued and shall be used as follows:

- A. The times during which an employee may take vacation must be approved by the employee's Department Head/Supervisor.
- B. ~~Maximum vacation time that can be carried from year to year will be 80 hours unless waived by the City Manager.~~ **No more than forty (40) hours more than can be earned in one year may be accrued at any time without prior approval of the City Manager.**
- C. ~~Any vacation time accrued above 80 hours must be used by June 30th of each year, unless carryover is approved by the City Manager.~~
- D. Upon termination/resignation/retirement, an employee shall be paid for all accrued vacation time. However, no payment for accrued vacation will be made for terminations during an employee's probationary period, except following a promotion when all benefits are retained.
- E. Vacation time is pro-rated for regular part-time employees based on the number of hours worked in a month as a ratio of a first year full-time employee's accrual benefit.

XIV. LEAVES OF ABSENCE

A. SICK LEAVE WITH PAY

All full-time employees will be entitled to sick leave with pay after the first month of employment. Sick leave shall accrue at the rate of eight (8) hours for each full month of service, with the exception of regular part-time employees who shall accrue sick leave based on the ratio of hours worked over the full-time equivalent.

There shall be a limit of 576 hours sick leave that can be accrued. Employees who are granted a leave of absence with pay shall continue to accrue sick leave.

Upon having accrued 576 hours of sick leave and subsequently working one year without using sick leave, the employee will be credited with one additional week of vacation in addition to regular vacation accrual.

Sick leave will be used in amounts of not less than one-half ($\frac{1}{2}$) hour increments. An employee may use accrued sick leave when unable to perform his work by reason of:

1. Personal illness or injury.
2. Necessity for medical or dental care.
3. Exposure to contagious disease under circumstances by which the health of the public or fellow employees would be endangered.
4. Caring for an injury or illness of immediate family members, for up to one day per injury or illness, unless approval for extended leave is granted by the employee's department head.
5. In the event of a death in the employee's immediate family, an employee may be granted a leave of absence with pay, not to exceed three (3) calendar days. In addition, the employee may use up to five (5) additional days of sick leave, per occurrence, to enable the employee to attend and/or make arrangements for the funeral of a family member.

B. EXCEPTIONS TO SICK LEAVE WITH PAY

Under no circumstances, will the City grant an employee sick leave with pay for injury/illness resulting from employment other than with the City of Brookings.

Compensation for accrued sick leave is not authorized when an employee leaves City Service.

No employee of the city shall be entitled to draw financial compensation and/or benefits from the city during such time as the employee is drawing workmen's compensation or any other similar benefits or payments either from the city or from any other source, which accumulated results in a higher net salary than the employee would normally earn.

From time to time the City may require the employee to submit a continuing disability certificate from the attending physician. Failure or refusal to supply such certificate, or in the event the certificate does not clearly show sufficient disability to preclude the employee from the performance of duties, such sick leave will be canceled, and continued refusal to return to work will be grounds for the employee's termination.

C. SICK LEAVE WITHOUT PAY

Upon application of any full-time employee, sick leave without pay may be granted for the remaining period of disability, once accrued sick leave with pay has been depleted. In the event that such additional leave exceeds 30 days, an extension must be requested and approved by the City Council.

D. MATERNITY/PARENTAL LEAVE

Disability caused by childbirth or related circumstances shall be considered a temporary disability and will be covered by accrued sick leave during the period that the employee's doctor certifies the employee's "disability".

When to commence or terminate leave, whether paid or unpaid, both prior to and after delivery, is a decision to be made by the employee, and the treating physician. Length of leave for which the employee is eligible to use available paid sick leave, shall be limited to a 12 week period during any 24 calendar months.

Time taken before or after a certified period of disability, must be taken in the following order: sick leave, compensatory time, vacation time, and lastly, leave without pay. If the period of disability, as certified by the treating physician, exceeds accrued sick leave, the employee may take a leave of absence, not to exceed one year, without pay or fringe benefits.

To be eligible for sick leave benefits due to childbirth or related circumstances, the employee must notify the City in writing of the anticipated date of departure and date

of return, at least ten (10) working days prior to the beginning of the leave, if possible. In the event of emergency, such as premature delivery, telephone notice shall suffice, provided written notice is given within three (3) working days following the emergency.

E. MILITARY LEAVE

A regular full or part-time post-probationary employee who is a member of the National Guard, a Reserve component of the Armed Forces of the United States, or of the United States Public Health Services, is entitled to a leave of absence for a period not to exceed 15 calendar days in any calendar year.

Such leave shall be granted without loss of pay or other leave and without impairment of other rights or benefits to which he/she is entitled, providing the employee receives bona fide orders to active or training duty for a temporary period, and providing he/she returns to his/her position immediately upon expiration of the period for which he/she was ordered to duty.

Leave without pay will be allowed pursuant to Oregon Law for employees entering military service for extended or indefinite periods of active duty.

F. MISCELLANEOUS LEAVE WITH PAY

A full-time employee, with approval, is entitled to leave his/her duties without loss of time, pay, or other leave benefits for absence caused by:

1. Time necessary for voting, when the employee is unable to vote before or after working hours, due to an emergency work schedule.
2. City employees called for jury duty, or subpoenaed as a witness, shall not suffer any loss of regular City compensation during such absence; however, they shall be required to transfer any compensation received for the performance of such duty to the City. Time not worked because of such duty shall not affect vacation or sick leave accrued. No private civil case of the employee shall be covered by this court leave provision.
3. Employees who are requested by an appropriate agency to participate in a search and rescue operation are eligible for leave with pay for a period not to exceed five (5) regular work days, for each such operation (incident), provided the employee fully complies with O.R.S. 652.250.

4. Bereavement leave with pay for up to three (3) days is authorized in case of a death in the immediate family.

G. LEAVE WITHOUT PAY

A full-time employee may be granted leave without pay for a period not exceeding 90 days. Requests for such leave must be in writing, and must establish reasonable justification for approval by the City Manager. No vacation, sick leave, retirement, or other benefits will be continued or accrued during periods of leave without pay.

The City provides continued medical insurance to employee's on unpaid leave in accordance with the requirements of COBRA. Additional information concerning extended benefits is available from the City Finance Director/Recorder.

XV. BENEFITS

A. HEALTH, VISION & DENTAL INSURANCE

The City of Brookings participates with employees and their dependents to provide health and dental insurance to cover non-occupation injuries and illnesses. All regular employees are eligible for coverage on the first day of the month following their employment date. Information and health care booklets are available from the City Finance Director/Recorder. In compliance with COBRA (Consolidated Omnibus Budget Reconciliation Act), the city will offer continuing health care coverage on a self-pay basis to employees and/or their dependents following termination, retirement, death, divorce, separation or when a dependent child ceases to be a dependent child under the provisions of the health plan.

This continued health care coverage will be the same as the current level provided to the employee and/or other employees purchasing that level of coverage. In all matters concerning eligibility for and/or duration of continued health care coverage, the city will comply with the requirements of COBRA.

B. LIFE INSURANCE

The City of Brookings provides a group life, accidental death, and dismemberment insurance for all qualified employees.

C. RETIREMENT

Employees who work in excess of 50 hours per month or 600 hours per year are eligible for PERS retirement benefits after 6 months of employment. The City of Brookings provides retirement benefits for its qualified employees through the Public Employees Retirement System (PERS) of the State of Oregon (following six (6) full months of employment) and to F.I.C.A. (Social Security). The City shall pay all required employer contributions for employees into the Oregon Public Employee Retirement System. ~~Employees-~~The City shall pay the six percent (6%) employees contribution through payroll deduction. ~~(As amended June 26, 1995 by motion of the City Council.) The contribution to F.I.C.A. is shared between the city and the employee.~~

The city also participates in a deferred compensation program through the International City Management Association Retirement Corporation (ICMA-RC).

-All regular employees are permitted to participate in this program. Consult the City Finance Director/Recorder for details.

There is no mandatory retirement age for City Employees except for Public Safety employees as specified in Oregon Revised Statutes, Chapter 237. However, employees should consult PERS' Summary of Member Benefits for further information.

D. INDUSTRIAL ACCIDENTS & ILLNESSES

The City provides insurance coverage for all employees through the State Compensation Board covering job related injuries and illnesses occurring during employment with the City. The injured employee is responsible for immediately notifying his/her supervisor, completing an accident report and submitting it to the supervisor no later than the working day following the accident following the injury, unless the seriousness of the accident makes it impossible for him or her to do so.

The injured employee's supervisor is responsible for preparation of the accident report in the event the employee is incapable of doing so. Failure to complete the required accident report may jeopardize the employee's right to worker's compensation benefits.

When an employee must take time off from work as a result of such injury or illness, he/she shall receive compensation as scheduled by the State Compensation Board, and may supplement it with sick leave or vacation pay to equal regular take home pay. Such supplemental pay shall be deducted from the sick or vacation pay entitlement of the employee in equal amounts.

E. CONFERENCES & CONVENTIONS

Decisions concerning employee attendance at conferences, conventions, or other meetings, at City expense, shall be made by the City Manager. Permission may be granted on the basis of an employee's required participation in the meeting. Members of professional societies may be granted permission to attend meetings of their society, when such attendance is considered to be in the best interest of the City.

F. TRAVEL EXPENSE

When employees are required to travel outside the City on City business, reimbursements for expenses incurred shall be determined as follows:

1. Prior to traveling outside the City, the employee will obtain approval for the trip, and the mode of travel from his/her Department Head, Supervisor, or the City Manager.
2. Travel on official business outside the City by a single individual, should be in a city-owned vehicle.

3. If the employee is authorized to use a private vehicle, mileage will be paid as determined from time to time by the City Council, provided the private vehicle use is advantageous to the City. This rate includes all travel, insurance and storage expense of the vehicle.
4. Employees using personal vehicles for City business shall furnish to the City proof of personal insurance coverage. The City Council may set the levels of such required coverage from time to time, provided it shall not create an excessive burden on the employee.
5. Reimbursement for subsistence on official trips will be the amount of actual and reasonable expense incurred during the performance of official duty as a City Employee for the City's benefit. Receipts for the expenditures will be submitted along with the expense report for reimbursement. No reimbursement will be made for family expenses or alcoholic beverages. The City may establish the maximum amount to be expended for meals and lodging.
6. Drivers of city-owned vehicles shall obey all traffic and speed laws. No alcoholic beverages shall be carried in a city-owned vehicle except as required for evidence by law enforcement officials.

G. EDUCATIONAL AND TRAINING AID

The City shall encourage training opportunities for employees in order that services rendered to the City will be more effective. At the discretion of the City, training sessions may be conducted during regular working hours. Overtime will **not** be paid for hours beyond the employee's regular scheduled work hours during training.

With pre-approval, the City will pay an employee's tuition cost upon successful completion of a job related course.

When attendance is required by the City, all educational materials provided to the employee shall become the property of the City.

H. PROFESSIONAL AFFILIATIONS

Employees are encouraged to join and participate in job-related professional associations and groups. With prior approval from the City Manager, employees may attend conferences, seminars, or short training courses that are job-related. Preference will be given to courses sponsored by associations that lead to certificates of advanced standing such as EMT, police, fire fighter, accredited sewer and water plant operator, or accredited public works operators.

XVI. STANDARDS OF CONDUCT

- A. Citizens of the City of Brookings are always to be treated with respect. Since the public is our customer, your conduct as our employee is always on display. Therefore, you are expected to dress appropriately for the work you are doing, and act in a professional manner. All employees are responsible to and will be held accountable for establishing and maintaining working relationships with fellow employees, supervisors, elected officials, other agency representatives, and citizens of our community with whom they must interact. Employees shall fully utilize their skills and abilities to effectively and efficiently fulfill their job responsibilities and duties.
- B. The principal objective in any disciplinary action shall be to improve the performance, efficiency and morale of the city services. The policy of the city is that employee discipline be corrective, progressive and lawful.
1. **Corrective** in that the supervisor reaches an understanding about the causes and/or reasons for an employee's deficiencies, correcting those deficiencies and attempting to restore the employee to a productive and positive employment status.
 2. **Progressive** in that discipline will normally begin with an oral reprimand or warning and when circumstances of each separate incident or a combination of incidents warrant, proceed to written reprimand, suspension from work without pay or demotion in status, and finally to discharge from employment with the city. A severe incident of misconduct may require severe disciplinary measures such as suspension or discharge and in that instance may not be preceded by lesser forms of disciplinary action.
 3. **Lawful** in that discipline and the procedures by which it is administered is not to violate the city's personnel policy, the employee's civil rights or federal or state law.
- C. By way of illustration and not limitation, the following list provides examples of just cause for disciplinary actions:
1. The use of any city-owned material or furnishings for private use is prohibited. Specific examples may include but are not limited to:
 - a. The use of city-owned vehicles for personal use, (unless part of an employment benefit package);
 - b. The use of city-owned supplies for personal projects;

- c. The use of city-owned equipment for work on privately owned property;
 - d. The use of city-owned garages for work on or storage of privately owned vehicles.
- 2. All city officers and employees should avoid any suggestion of the use of their official position to obtain special advantage in the purchase of any merchandise or other property.
- 3. City officers and employees shall not accept gifts and favors from vendors and merchants for personal use.
- 4. The use of the name of the city or any of its departments, except for official city business, is prohibited without prior approval of the city council. This includes sponsorship by members of any city department of any fund raising activity in the name of that department.
- 5. Any action or inaction which is a hindrance to the effective performance of city functions or reflects discredit upon the city will be considered just cause for disciplinary action. The following are specific examples:
 - a. Drinking intoxicating beverages or use of and/or possession of illegal drugs on the job or arriving on the job under the influence of intoxicating beverages, or prescribed drugs or illegal drugs; (refer to page 2 of the attached Drug Policy)
 - b. Violation of lawful duty;
 - c. Violation of the provisions of city ordinances, these rules or any written rules, regulations and policies prescribed by the City, a department head, or the City Manager.
 - d. Being absent from work without permission;
 - e. Being habitually absent or tardy;
 - f. Abuse of sick leave;
 - g. Failure to perform assigned work in an efficient manner; incompetence; or, non-performance to the best of your ability;
 - h. Abusive language or conduct toward the public or fellow employees or other conduct unbecoming a city employee;
 - i. Being wasteful of material, property or working time;
 - j. Failure to get along with fellow employees to the extent that work being performed is hindered or below required standards;

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- k. Conviction of a felony, provided a relationship exists between the crime for which the employee is convicted and successful performance on the job;
- l. Use of religious, political or fraternal influence;
- m. Theft;
- n. Personal acceptance of a fee, gift or other valuable item in the course of the employee's work for the city;
- o. Release of confidential information regarding the city or city business;
- p. Falsification of forms, records or reports including time cards or applications materials;
- q. Sexual harassment or other unlawful harassment of another employee or the public; and,
- r. Insubordination, which is defined as the refusal of an employee to follow lawful directives of a properly authorized supervisor.

XVII. DISCIPLINARY PROCEDURES

It is the policy of the City of Brookings that disciplinary actions should be corrective and progressive whenever possible. Employees are required to acknowledge by signature all pre-disciplinary and disciplinary documents to be placed in their personnel files. Therefore, for normal circumstances, the following disciplinary steps are established:

A. Step One: "Oral Warning"

An "Oral Warning" may be used to correct minor conduct or job performance violations. The supervisor shall discuss the violation privately with the employee and shall explain to the employee what actions will be required to prevent the violation from recurring.

The Supervisor shall file a personnel action form with the City Manager, documenting the oral warning, a copy of which shall be maintained in the employee's personnel file.

B. Step Two: "Written Warning"

A "Written Warning" may be used to correct first time major, or repeated minor conduct and job performance violations. Supervisors shall discuss the contents of the written warning privately with the employee and shall explain in the written warning what actions will be required to prevent the violation from recurring.

The supervisor shall file a personnel action form with the City Manager documenting the written warning, a copy of which shall be maintained in the employee's personnel file.

C. Step Three: "Suspension"

"Suspension" shall be imposed when it is determined that it is in the best interest of the City to temporarily remove an employee from his official duties. There are two types of suspensions which are as follows:

(1) Administrative Suspension

Employees may be placed on administrative suspension by the City Manager or his authorized designee, when formal written

charges have been filed against the employee for alleged illegal acts, major conduct violations or when it is apparent that it is in the best interest of the City to temporarily remove the employee from official duties. Employees shall receive full pay and benefits while on administrative suspension.

Whenever an employee is placed on administrative suspension a complete investigation of the incident shall be conducted by the City Manager or his authorized designee. The results of the investigation and the action to be taken shall be prepared in writing and provided to the employee.

Whenever possible, investigations related to administrative suspension shall be completed within five (5) working days. Should unusual circumstances cause an investigation to take longer than five (5) days the employee shall be informed in writing.

In the event that the investigation clears the employee of the charges, the employee will be reinstated and all reference to the investigation shall be removed from the employee's personnel file.

(2) Disciplinary Suspensions

Employees may be suspended for a single major conduct violation or a series of continuing minor violations. Disciplinary suspensions should be for not less than three (3), nor more than 30 calendar days. Employees suspended for disciplinary reasons shall not be paid during the period of suspension. Health benefits shall be continued during the suspension period.

Final decisions regarding disciplinary suspensions and reinstatements shall be reviewed and approved by the City Manager.

D. Step Four: Salary reduction

A salary reduction is the reduction of the employee's salary to a lower step on the salary range and may be set for any length of time. This form of discipline is used when it is advantageous to have the employee remain on the job.

E. **Step Five: "Demotion"**

"Demotion" shall be used when it has been documented that an employee's job performance consistently falls below the minimum acceptable standards for his position, or an employee fails to meet the overall objectives of his position as described in his job description.

Demotion shall include being reduced to a position of less responsibility at a lower salary. At the end of the first three (3) month period, the demoted employee's Supervisor and/or Department Head shall file a written report to the City Manager containing one of the following suggested actions be taken:

- (1) That the employee be retained as an employee, but permanently assigned to a lower job classification.

This recommendation should be made when the employee has been satisfactorily performing the duties and responsibilities of a lower job classification.

- (2) That the employee be dismissed from City employment.

This recommendation should be made when a demoted employee has failed to meet acceptable performance standards during the demotion period.

F. **Step Six: "Dismissal"**

An employee may be dismissed from employment with the City for a single major conduct violation, a continuing history of minor conduct violations or because work performance continually falls below acceptable standards for the employee's position.

It is city policy that no regular employee who has successfully completed the entry or promotional probationary period be discharged without being given an opportunity to be heard on the charges brought against him or her. Even in the severest instance, the employee is to be suspended with pay pending the opportunity to be heard in a due process interview and will be allowed to respond to the charges made.

Dismissals shall be in writing, clearly stating the reason(s) for the

action. Final decisions regarding dismissals shall be approved by the City Manager.

G. Due process interview

This meeting is required to acquire the final and complete information upon which the disciplinary decision will be based. The employee may have a representative present if he/she requests. If this occurs, a second management representative will be present during the meeting.

The employee's representative is free to consult with the employee, however, the employee, not the representative, will be required to respond to the allegations.

XVIII. GRIEVANCE PROCEDURE

The City shall promptly consider and equitably adjust employee grievances relating to employment conditions and relationships. Furthermore, the City desires to adjust the causes of grievances informally. If possible, both supervisors and employees are expected to resolve problems as they arise.

A. APPEALS

In the event that the informal grievance procedure fails to resolve the issue in contention to the satisfaction of the employee, the City of Brookings, in order to preserve the rights of all parties, thereby establishes the following steps which shall be followed in submitting and processing a grievance: (If aggrieved employee works directly for a department head, begin with Step Two)

1. Step One

The aggrieved employee or group of employees shall present in writing the grievance to the immediate Supervisor within seven (7) working days of its occurrence, not including the day of occurrence.

The Supervisor shall provide a written reply within seven (7) working days of the date of presentation of the grievance not including the date of presentation.

2. Step Two

If the grievance is not settled in Step 1, the written grievance shall be presented to the Department Head, together with all pertinent correspondence records and information accumulated to date, within seven (7) working days after the response is provided.

3. Step Three

If the grievance is not settled in Step 2 it shall be presented to the City Manager within seven (7) working days after the written response is provided to the employee by the Department Head.

The City Manager shall reply in writing to the grievance within seven (7) working days after the presentation of the written grievance, not including the date of presentation.

If the City Manager is out of town, or on leave during this seven (7) day period, the period shall commence upon the first working day following the City Manager's return to work.

The written decision of the City Manager shall be final and binding on the employee, or group of employees, and shall be binding upon supervisory personnel as well.

Department Heads and other employees working under the direct supervision of the City Manager shall have the right to appeal City Manager decision to the Mayor and City Council; and the City Council's written decision shall be final and binding.

B. TIMELINESS DEFENSES

Grievance procedures not initiated, and carried forward, within the time limits established in this section, shall render the grievance null and void; that is the grievance is to be considered not to have existed.

Any grievance not taken to the next step of the grievance procedure shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this section.

The time limits prescribed in this section for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties involved.

Finally, the grievance procedure is designed to assure the aggrieved employee(s) of protection from any form of reprisal by supervisors, or any other City official, following proper determination and decision on the grievance.

XIX. SUBSTANCE ABUSE PREVENTION PROGRAM

The City of Brookings has the responsibility and a commitment to all its employees to provide a healthy and safe work place and environment.

Employees of the City of Brookings have the responsibility to arrive at work free from the effects of drugs, alcohol and other job-impairing substances. These joint responsibilities result in the objective of establishing a work environment where all employees are free from the effects of drugs, alcohol and other job-impairing substances. **However, any employee convicted in a court of law of any drug related activity must notify the City Manager within 5 days of the conviction.**

The City of Brookings recognizes that chemical dependency and/or alcohol related problems are treatable conditions and offers referral to "The Medical Benefits Program" for employees seeking counseling and treatment. The existence of chemical dependency, alcohol related problems or the existence of referral assistance does not waive the employee's responsibility to comply with City employment policies.

A. PURPOSE

Drug and alcohol abuse leads to more accidents on the job, lower job performance, lost productivity, increased absenteeism, high medical costs, and rising thefts. Impaired employees on the job are potentially dangerous to themselves and could jeopardize the health, life or safety of fellow employees. While the City has no intention of intruding into the private lives of its employees, it does require them to report for work in fit condition to perform their duties in a safe manner.

B. PROGRAM

The City of Brookings prohibits the use, possession and/or distribution on its premises, facilities and/or work places of any of the following: alcoholic beverages, intoxicants and narcotics, illegal or unauthorized drugs (including marijuana), and related drug paraphernalia. In addition, a City employee will not be allowed to report for work under the influence of any drug, alcoholic beverage, intoxicant or narcotic or other substance (including legally prescribed drugs and medicines) which will in any way adversely affect his or her working ability, alertness, coordination, or response, or adversely affect the safety of others on the job.

Such use, possession, distribution, or impairment during working hours (breaks and lunches included) and/or on City premises will be grounds for disciplinary action, up to and including termination. All drug testing and results obtained under the requirements of the Program will be coordinated with and authorized by the City Finance Director/Recorder or his/her designee. All such activities will be kept confidential.

C. TRAINING OF EMPLOYEES

Prior to implementation of this substance abuse prevention program the City shall conduct substance abuse training for all employees. All training shall take place during normal work hours, or immediately before or after scheduled shifts, on City paid time.

D. VOLUNTARY DRUG AND/OR ALCOHOL REHABILITATION

Employees who have a drug or alcohol abuse problem are encouraged to use the "Medical Benefits Program" and contact the City Finance Director/Recorder to request assistance for rehabilitation. The City will provide information regarding counseling and referral services to employees who have chemical dependency problems.

Effective treatment requires that the employee acknowledge the seriousness of the problem and make a commitment to a plan for rehabilitation. Such employees will be given an unpaid leave of absence of reasonable length, for professional rehabilitation using available City and community resources. Such admission will not be used as a basis for disciplinary action and will not be used against the employee in any disciplinary proceeding. It will not be a defense, however, to the imposition of disciplinary action based on unrelated breaches of the City's personnel policies.

E. MEDICALLY AUTHORIZED DRUGS

Each employee must report the use of medically authorized drugs or other substances which might impair job performance to the City Manager and provide proper written medical authorization from a physician/dentist to work while using prescription drugs. It is the employee's responsibility to determine whether or not the prescribed drug would impair his or her job performance. Any failure to report the use of such drugs or other substances, or failure to provide proper evidence of medical authorization, may result in disciplinary action.

F. DEFINITIONS

Drug/Alcohol Testing

An analysis of a urine specimen provided by the employee.

Reasonable Suspicion

Is defined as specific observations that relate to significant changes in work performance, appearance (including, for example, noticeable odor of an alcoholic beverage), behavior, or speech of the employee. In cases involving an accident that results in physical injury or serious property damage, which occurs during the employee's scheduled work shift, or while engaged in City business, and when such accident cannot otherwise be reasonably explained, reasonable suspicion is deemed to exist.

Under the Influence

When an employee is affected by a drug or alcohol or the combination of drugs and alcohol to the extent that it affects his or her ability to perform their job in a safe manner.

G. GROUNDS FOR TESTING

The City Finance Director/Recorder will arrange for an employee to take a drug/alcohol screen test at a licensed medical laboratory if the employee's actions indicate grounds for "reasonable suspicion" as defined above.

H. PROCEDURE FOR TESTING

1. Employees who are being tested will be suspended from work **without pay** until the test results are received.
2. If a medical clinic is used to collect urine or blood specimens for forwarding to a licensed medical laboratory for analysis, the City Finance Director/Recorder or his/her designee will verify that the clinic ensures that a "chain of custody" is well documented and controlled for accurate recording.
3. The employee will be taken to the medical laboratory or medical clinic for the test by a City employee designated by the City Manager.
4. If the employee refuses to submit to the test or sign a consent form, he/she can be terminated.

5. If the initial urine screen test is negative, the employee will return to work and be made whole for all wages, hours, and benefits including overtime hours previously agreed upon unless said overtime was canceled or rescinded.
6. If the urine screen test is positive, this result will be confirmed using the following tests on the same specimen: Gas Chromatography Mass Spectrometry (CG/MS for drugs or Gas Chromatography-flame Ionization Detection (GC-FID) for alcohol.
7. If the conformation test is negative, the employee will return to work and be made whole for all wages, hours, and benefits including overtime hours previously agreed upon unless said overtime is canceled or rescinded.
8. If the conformation test is also positive the following procedures will be followed:
 - A. Drugs: *
Upon a positive test, the employer will require the employee to enroll in and complete a drug rehabilitation program as a condition of continued employment. In addition, the employee must sign a rehabilitation agreement and agree to submit to random drug testing for a period of twelve (12) months. If the employee refuses to accept the above stated conditions he/she is subject to termination.
 - B. Alcohol. *
Upon a positive test the employer will require the employee to enroll in counseling (by a medical professional), and if appropriate, enroll in and complete an alcohol rehabilitation program as a condition of continued employment, and sign a rehabilitation agreement. If the employee refuses to accept the above stated conditions he/she is subject to termination.

*** Note:** A second positive test in a twelve (12) month period will result in immediate termination.

I. REHABILITATION AGREEMENT TERMS

1. Reinstatement contingent upon admission to and/or completion of a treatment program.
2. Compliance with and whole-hearted participation of employee in treatment program and after care program.
3. Ongoing employment contingent on successful completion of program.
4. Open communication and evaluation process between employee, City and treatment professional throughout treatment and for first six months of after care program.
5. Overtime and/or time off subject to review and approval by the City.
6. Agreement will be reduced to writing (Rehabilitation Agreement) and be entered into (signed) by the employee.

J. EMPLOYEE RIGHTS

1. All test results will be kept confidential and will be available only to the employee, the City Manager, the City Finance Director/Recorder, the City Council, and the City Attorney on directive of the Council. The employee may authorize his/her representative to have copies of the test results, provided the employee waives in writing all claims against the City for disclosing such information to the employee's representative.
2. Any employee who tests positive and is terminated by the City based upon test results can request and will receive from the City all written documentation available from the testing laboratory which verifies the accuracy of the equipment, the qualifications of lab personnel, the chain of custody of the specimen, and the accuracy rate of the laboratory.

K. DRUG AND ALCOHOL THRESHOLD SCREEN LEVELS

<u>Drug Name</u>	<u>Threshold Screen Levels</u>
Alcohol	0.04 g/dl
Amphetamines	
Amphetamines	1000 ng/ml
Methamphetamine	1000 ng/ml
Barbiturates	
Butalbital	1000 ng/ml
Phenobarbital	1000 ng/ml
Secobarbital	300 ng/ml
Benzodiazepines	
Chlordiazepoxid	3000 ng/ml
Diazepam	2000 ng/ml
Oxazepam	300 ng/ml
Cannabinoids	100 ng/ml
Cocaine Metabolite	300 ng/ml
Methadone	300 ng/ml
Methaqualone	300 ng/ml
Opiates	
Codeine	1000 ng/ml
Morphine	300 ng/ml
Phencyclidine	25 ng/ml
Propoxyphene	300 ng/ml

L. LAST CHANCE REHABILITATION AGREEMENT

The following terms and conditions comprise the entire agreement between the parties signatory hereto:

1. I promise to fully cooperate and participate in The City of Brookings' counseling/rehabilitation program in accordance with instructions and requirements of the program administrators. I understand that my reinstatement is contingent on the successful completion of the treatment program prescribed for me.
2. I authorize counseling or rehabilitation representatives to confer with the City Manager concerning my progress, including the disclosure of medical and psychiatric evaluations of me.
3. I understand and agree that I will willingly submit to unscheduled drug and/or alcohol testing at any time, and that my failure to take such a test as requested, or a positive test result, will be just cause for my immediate termination of employment. Unscheduled testing may be required of me for up to twelve (12) months following the date of this agreement.
4. I understand that any overtime and/or time off is subject to review and approval by the City Manager.
5. I understand and agree that my future employment with the City of Brookings depends upon my remaining free of drugs and/or free of alcohol abuse for the entire duration of my continued employment. This **LAST CHANCE AGREEMENT** opportunity afforded me by the City of Brookings is conditioned accordingly.

ACCEPTED BY:

APPROVED BY:

(EMPLOYEE SIGNATURE)

(CITY OFFICIAL SIGNATURE & TITLE)

(DATE)_____

(DATE)_____

XX. SAVING CLAUSE

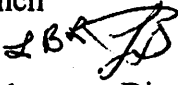
Should any portion of this Policy Manual be rendered ineffective by a Court of Competent Jurisdiction, the remaining parts shall remain in full force and effect. The City Council may alter these policies at any time, following proper notice and public hearing thereon, including rectifying any portion as necessary to accommodate changes in applicable statute and regulation.

XXI. ADOPTION OF POLICIES

The policies and rules contained herein have been adopted consistent with the authority of the City Council of Brookings, at a Common Council meeting held May 9 June 25, 19942001. All prior policies, rules and practices, previously adopted by the City Council are hereby simultaneously superseded.

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TO: Mayor, City Council
FROM: Leo Lightle, 
Community Development Director
THROUGH: Leroy Blodgett, City Manager
DATE: June 20, 2001
ISSUE: Local Fund Exchange Program

Community Development Department



The Local Fund Exchange Program, formerly called the Special Cities Allotment Program (SCA) was eliminated. We would have received \$31,328 under that program. The program, which involved federal dollars coupled with design requirements and paperwork, made the allocation not cost effective. The Oregon Department of Transportation (ODOT) exchanged the federal dollars for their dollars at the rate of 94¢ on the dollar.

The League of Oregon Cities (LOC), Oregon Association of Counties (OAC) and Tri-Met has succeeded in securing a partial reinstatement of the program. The new program will be administered by Tri-Met with an exchange rate of 92¢ on the dollar.

The City, by signing the agreement and participating in the new program, would receive \$29,448 so it seems reasonable to enter into the agreement. We have to respond by July 1, 2001, so staff would arbitrarily pick Railroad Street as a project. We can change the project at a later date subject to the limitations of the Local Fund Exchange Agreement.

RECOMMENDATION: The City Council authorize the Mayor to sign the Local Fund Exchange Agreement and to enter into an intergovernmental agreement with the League of Oregon Cities for distribution of those funds subject to terms specified in the agreement.

MEMO

June 8, 2001

TO: City Managers/Administrators
FROM: Andrea Fogue, Senior Staff Associate
RE: Partial Reinstatement of the Local Fund Exchange Program

As you recall, due to ODOT budget cuts, the Local Fund Exchange Program was eliminated. This is a critical issue for local governments. In addition to a legislative effort, AOC and the League have worked with local governments and entities across the state in our efforts to reinstate the program. Thanks to the efforts of Tri-Met and AOC, the League has succeeded in securing a partial reinstatement of the program.

Prior to the program being discontinued, local governments received approximately \$15 million annually, \$9 million to counties and \$6 million to cities in Surface Transportation Program (STP) dollars. Local governments exchanged the funds with ODOT at a rate of 94 cents on the dollar. Although local governments will still receive STP funds, it will be difficult for the majority of cities and counties to use the funds as federal dollars because of the increased requirements and administrative costs.

Tri-Met has agreed to a \$10 million dollar arrangement over a two year period. The agreement will result in \$5 million per year, \$3 million to counties and \$2 million to cities. The exchange rate will be 92 cents on the dollar.

Although this is not a permanent fix, it is a critical short-term solution for local governments. The League's Transportation Committee determined that because of the increased difficulty in using small amounts of federal dollars, the \$2million allocated to cities should be distributed beginning with the smallest cities and continuing up the list.

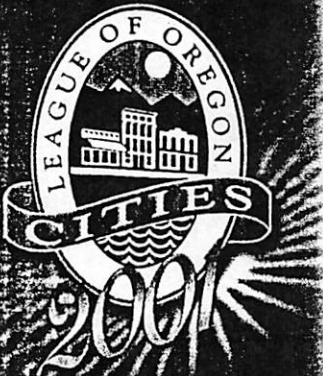
Your city is eligible to receive fund exchange dollars. Due to the necessity to allocate these dollars as quickly as possible, please notify the League by July 1, 2001 as to whether you choose to accept the exchange dollars. Out of consideration for cities not eligible, the League asks that you not accept the dollars if your city: 1) has the opportunity to exchange STP dollars through another entity (i.e. the county) or 2) you do not plan to use the dollars within the next fiscal year.

Your city must notify the League by July 1, 2001 or the dollars allocated to your city will go back into the pool to be distributed to a city above the initial threshold. The League will receive the dollars and issue them upon a signed contract with the city stipulating the project in which the dollars will be spent. Please note that the enclosed contract must be adjusted to fit your city and the list outlining the city allocations is in gross dollars and does not reflect the 92 cent exchange rate.

It is important that we show our appreciation to Tri-Met by calling or sending a letter of thanks to let them know what the Local Fund Exchange Program means to communities in Oregon. Also, you may want to acknowledge Tri-Met's effort in your city newsletter or local media. Please copy the League on any correspondence. The contact at Tri-Met is:

Tri-Met
attn: Dick Feeny
4012 S.E. 17th Avenue
Portland, OR 97202-3940
(503) 962-4990
feenyd@tri-met.org

The League continues to work to reinstate the Local Fund Exchange Program in its entirety through HB 3413 within the legislative process. If you require additional time or have questions please contact Andrea Fogue at either (503) 588-6550 or afogue@orlocalgov.org.



League of Oregon Cities
Local Government Center
1201 Court St. NE, Suite 200
Salem, Oregon 97301-4194

P.O. Box 928
Salem, Oregon 97308-0928

(503) 588-6550 or 1-800-452-0338
Fax: (503) 399-4863 or 566-3422
E-mail: loc@orlocalgov.org
Web: www.orlocalgov.org/loc

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Mayor, Enterprise

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Mayor, Tualatin

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Sam Sasaki,
City Manager, Newport

Mark Sellmann,
Mayor, Athena

Harold White,
Mayor, Aumsville

EXECUTIVE DIRECTOR
Richard C. Townsend

FISCAL YEAR 2001STP FUND
ALLOCATION

<u>URBAN AREA</u>	<u>POPULATION</u>	<u>PERCENT OF TOTAL</u>	<u>FEDERAL FUNDS</u>
ASHLAND	19,490	3.27%	\$108,643
ASTORIA	9,990	1.67%	\$55,687
BAKER CITY	10,155	1.70%	\$56,607
BROOKINGS	5,620	0.94%	\$31,328
CANBY	12,595	2.11%	\$70,208
COOS BAY	15,630	2.62%	\$87,126
COTTAGE GROVE	8,315	1.39%	\$46,350
DALLAS	12,870	2.16%	\$71,741
FLORENCE	6,865	1.15%	\$38,268
GRANTS PASS	20,935	3.51%	\$116,698
HERMISTON	12,165	2.04%	\$67,811
HOOD RIVER	5,135	0.86%	\$28,624
INDEPENDENCE	6,195	1.04%	\$34,533
KLAMATH FALLS	19,060	3.19%	\$106,246
LA GRANDE	12,885	2.16%	\$71,825
LEBANON	12,610	2.11%	\$70,292
LINCOLN CITY	6,890	1.15%	\$38,407
MADRAS	5,080	0.85%	\$28,317
MILTON-FREEWATER	6,720	1.13%	\$37,459
MOLALLA	5,670	0.95%	\$31,606
MONMOUTH	8,310	1.39%	\$46,322
NEWBERG	17,650	2.96%	\$98,386
NEWPORT	10,290	1.72%	\$57,360
NORTH BEND	9,995	1.67%	\$55,715
ONTARIO	10,910	1.83%	\$60,816
PENDLETON	17,175	2.88%	\$95,739
PRINEVILLE	7,255	1.22%	\$40,442
REDMOND	12,810	2.15%	\$71,407
ROSEBURG	20,490	3.43%	\$114,217
SANDY	5,300	0.89%	\$29,544
ST. HELENS	9,300	1.56%	\$51,841
SEASIDE	6,130	1.03%	\$34,171
SHERIDAN	5,260	0.88%	\$29,321
SILVERTON	6,745	1.13%	\$37,599
STAYTON	6,710	1.12%	\$37,404
SUTHERLIN	6,930	1.16%	\$38,630
SWEET HOME	7,970	1.34%	\$44,427
TALENT	5,065	0.85%	\$28,234
THE DALLES	11,880	1.99%	\$66,223
WILSONVILLE	12,985	2.18%	\$72,382
WOODBURN	16,850	2.82%	\$93,927

LOCAL FUND EXCHANGE AGREEMENT

THIS AGREEMENT entered into by and between the League of Oregon Cities, an intergovernmental agreement agency created by political subdivisions of the State of Oregon, hereinafter referred to as LOC, and _____ a political subdivision of the State of Oregon, hereinafter referred to as City.

RECITALS

- R1 LOC has negotiated an exchange with Tri-Met to provide non-federal funds for Oregon cities and counties.
- R2 Tri-Met has agreed to provide Tri-Met General Funds for Oregon cities and counties in exchange for receiving city and county allocations of Federal Surface Transportation Plan funds, hereinafter referred to as STP Funds, based on the following ratio:
- \$100 Federal STP Funds for \$92 Tri-Met General Funds.
- R3 The Oregon Department of Transportation, hereinafter referred to as ODOT, has agreed to receive the Tri-Met General Fund dollars and distribute them to LOC and the Association of Oregon Counties.
- R4 LOC is responsible for obtaining authorizations for the reduction of City STP funds and for paying the exchanged funds to the City at the discounted 92% exchange rate.
- R5 The City is responsible to spend the exchange funds with the same limitations as Oregon State Highway Fund revenues, and all other applicable state and federal laws. LOC makes no representations or commitments as to the legality of specific expenditures of Tri-Met funds by the City.

AGREEMENT

- A1 City agrees to reduce their allocation of STP Funds by \$ _____.
- A2 Subject to payment by ODOT to LOC, LOC will pay City \$ _____ by August 15, 2001, or within fifteen calendar days after LOC receives the Tri-Met General Fund Dollars from ODOT, whichever comes later.
- A3 Interest earned by LOC from the Tri-Met General Fund Dollars in the LOC account between receipt of the Tri-Met General Fund Dollars and payment to City, if any, shall be paid to the LOC Budget.
- A4 City intends to use the funds received from LOC, as stated in Paragraph A2, to pay for a portion of the _____ Project. However, if for some reason the City decides not to use the funds for this project, the City hereby certifies that the funds shall be used only for a project with the same limitations and only for purposes for which Oregon State Highway Fund revenues may by law be used.
- A5 City shall complete said project by December 31, 2002.
- A6 City agrees to indemnify and hold LOC harmless for any expenditures by City of funds described in paragraph A4 of this agreement that are made for a purpose other than that authorized by law.

League of Oregon Cities

By: _____ Date: _____
Dick Townsend, Executive Director

APPROVED THIS _____ DAY OF _____, 2001 BY _____

Approved as to Form by:

City Counsel Date: _____

TO: Mayor, City Council

FROM: Leo Lightle, Community Development Director *LBL*

THROUGH: Leroy Blodgett, City Manager *[Signature]*

SUBJECT: Closure of Easy Street
between Pioneer Road and Fern Street

DATE: June 19, 2001

Community Development Department



Building Planning Public Works
Water Wastewater

Memorandum

BACKGROUND: The 17-C School District's storm drainage project crosses Easy Street and we have been requested to allow the contractor to close off the street. Once the contract is awarded, we will get a scheduled time for the closure and notify the City Council and news agencies.

RECOMMENDATION: The City Council authorize the closing of Easy Street to allow for the culvert replacement project by the 17-C School District.

TO: Mayor, City Council

FROM: Leo Lightle, Community Development Director

THROUGH: Leroy Blodgett, City Manager

SUBJECT: Closure of Fifth Street
for sewerline reconstruction

DATE: June 19, 2001

Community Development Department



Memorandum

The sewerline reconstruction bid that we recently awarded will require closing Fifth Street at its intersection with Highway 101.

When we complete the pre-construction process we will inform the Council of the dates of the closure.

RECOMMENDATION: The City Council authorize the closure of Fifth Street for the Fifth Street reconstruction project.

Memorandum

TO: Mayor and City Council
FROM: John Bischoff, Planning Director
THROUGH: Leroy Blodgett, City Manager
DATE: June 19, 2001



Issue: Acceptance of a deed for additional right-of-way adjacent to a subdivision on Dawson Rd.

Background: The attached deed is the dedication for additional right-of-way along the portion of Dawson Rd. fronting on the Oceanside Estates II subdivision. This deed provide 5 feet of right-of-way to complete the required total of 50 feet along that portion of the street.

Recommendation: The Council accept and direct staff to record the deed.

RECORDED REQUESTED BY AND
WHEN RECORDED RETURN TO:
Babin & Keusink, P.C.
P. O. Box 1600
Brookings, OR 97415

GRANTOR:
Pacific-West Associates, Inc.
9749 Hampton Cir. N. Dr.
Indianapolis, IN 46256

MAIL TAX INFORMATION TO:
City of Brookings
898 Elk Drive
Brookings, OR 97415

GRANTEE:
City of Brookings
898 Elk Drive
Brookings, OR 97415

DEDICATION DEED

KNOW ALL MEN BY THESE PRESENTS, that Pacific-West Associates, Inc., a Nevada Corporation, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto City of Brookings, a political subdivision of the State of Oregon, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Curry and State of Oregon, described on Exhibit A attached hereto and incorporated herein by reference; to have and to hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The purpose of this deed is to dedicate the real property described herein to the City of Brookings, for use as a public street.

The true and actual consideration paid for this transfer, stated in terms of dollars, is nil.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument this 25th day of May 2001; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dedication Accepted:
City of Brookings

Pacific-West Associates, Inc.

By: _____

By: M. F. Gorski, President

STATE OF INDIANA)
)ss
COUNTY OF MARION)

On this 25th day of May 2001, before me, appeared M. F. Gorski and, duly sworn, did say that he, the said M. F. Gorski is the President of the within named corporation, and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and he acknowledges said instrument to be the free act and deed of said corporation.

In testimony whereof, I have hereunto set my hand and affixed my official seal the day and year last above written.

Richard D. Brown
Notary Public for Indiana
My Commission Expires

7/19/2002

A parcel of land lying within the Northwest Quarter of Section 36, Township 40 South, Range 14 West, Willamette Meridian, City of Brookings, Curry County, Oregon, being more particularly described as follows:

Beginning at a $\frac{3}{4}$ " iron pipe being S31°21'26"E, 1357.77 feet from a B.C.I.P. marking the Northwest corner of said Section 36, thence N88°28'54"E, 5.00 feet; thence S00°00'20"W, 40.80 feet to the beginning of a 175.00 foot radius curve to the Left, having a central angle of 49°30'20", thence following along said curve the arc length of 151.21 feet, the long chord of which bears S24°44'50"E, 146.55 feet; thence S49°30'00"E, 316.56 feet; thence S70°51'48"W, 5.79 feet more or less to the existing easterly right of way of Dawson Road, thence following along said easterly right of way N49°30'00"W, 396.61 feet; thence N00°00'20"E, 123.66 feet to the **Point of Beginning**.

**CITY OF BROOKINGS
COMMON COUNCIL MEETING MINUTES
City Hall Council Chambers
898 Elk Drive, Brookings, OR 97415
June 11, 2001
7:00 p.m.**

I. CALL TO ORDER

Mayor Bob Hagbom called the meeting to order at 7:02 p.m.

II. PLEDGE OF ALLEGIANCE

Led by members of the Brookings Emblem Club, then concluded with all singing God Bless America

III. ROLL CALL

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

Council Absent: none

Staff Present: City Manager Leroy Blodgett, City Attorney John Trew, City Planner John Bischoff, Finance Director Randy Reed, Police Lt. John Bishop, and Administrative Secretary Sharon Ridens

Media Present: Jeff St. Peter, Curry Coastal Pilot

Other: approximately 14 members from the Brookings Emblem Club, Representatives from the Marine Corps League, approximately eight Representatives from American Red Cross, which included Doug Johnson, one of the City's VIPS, Chamber of Commerce Executive Director Les Cohen, Parks & Recreation Chair Russ Fritz, and approximately 30 other citizens

IV. CEREMONIES/APPOINTMENTS ANNOUNCEMENTS

A. Proclamations

- 1. Americanism Week - June 10 ~ 16, 1001, by the Brookings Emblem Club***
Approximately fourteen (14) members of the Brookings Emblem Club

#265, including Councilor Frances Johns, enthusiastically received Mayor Hagbom's proclamation to declare the week of June 10 through June 16, 2001, as "Supreme Emblem Club Americanism Week in Brookings.

2. *State of Oregon Marine Corps League Weekend - June 23 and 24, 2001*
Mayor Hagbom welcomed extended a warm welcome to those who will be attending the State of Oregon Marine Corps League, as well as their enlisted and retired personnel in this area during the next few weeks. He proceeded by proclaiming June 23 and 24, 2001, as "State of Oregon Marine Corps League Weekend", and urged all citizens to give due recognition and thanks to this organization and all enlisted and retired personnel for their service to our nation. Richard Tylock was present to receive the proclamation on behalf of the Marine Corps League.

B. *Appointments*

1. *Appointment of City representative to the Curry County Recycling Committee*

Mayor Hagbom with Council's confirmation, appointed citizen William Boynton, as the city's representative to the Curry County Recycling Committee. Boynton thanked the Mayor and Council, and later in the meeting provided a brief sketch of his personal and professional background. Hagbom thanked Boynton for accepting the position and stated he looked forward to Boynton's reports in the future.

2. *Appointment of City representative to the Southerwestern Oregon Community Action Council (SWOCAC)*

Mayor Hagbom explained the individual who had agreed to take this position had matters come up that were beyond his/her control and found it necessary to decline. Mayor Hagbom asked that the appointment be continued to the next meeting.

C. *Announcements*

1. *Letter of Appreciation to Brookings Police Department*

Mayor Hagbom read to Council and audience two letters of appreciation recently received. One was from State Representative Wayne J. Krieger recognizing the men and women of our Police Department who recently received the Meritorious Service Award, the Gallantry Star Excellent Arrest Award, and the Meritorious Service Unit Citation Award, each noting the dedication expressed by their actions. Representative Krieger stated he was extremely proud to represent these fine men and women by his official office and had sent each one of them a personal note, advised Police Lt. Bishop, present. (Sample copy attached with minutes) The second letter, found in the Council packet, was from Joe McGrath, Warden

of the Department of Corrections Pelican Bay State Prison, expressing his appreciation to Officers Donny Dotson, John Bishop, Terry Murray and Police Canine HoJe for assisting the Pelican Bay State Prison (PBSP) Security Squad in the search for contraband on the minimum security facility - a team effort resulting in several charges being filed against inmates for dangerous contraband.

V. PUBLIC HEARING

A. *2001/2002 fiscal Year Budget*

Mayor Hagbom explained that after the budget committee approves the budget, Oregon local budget law requires the governing body to hold a budget hearing. A summary of the budget approved by the budget committee and a notice of the budget hearing was published in the Curry Coastal Pilot on May 16, 2001, stating the budget hearing would be held at 7:00 p.m. on June 11, 2001. As required by law summary was published between 5 to 30 days before the hearing. Hagbom stated the purpose of this hearing was to receive citizen's testimony on the budget approved by the budget committee. Hagbom called the public hearing for the 2001-2002 fiscal year budget to order at 7:22 p.m. on June 11, 2001.

He asked if any member of the audience wished to offer testimony on the budget approved by the budget committee, and there was no one. Mayor Hagbom therefore, closed the public hearing at 7:23 p.m. on June 11, 2001. City Manager Blodgett asked Council members to be certain to bring their copy of the proposed budget with them at the next Council meeting. Mayor Hagbom advised formal adoption of the budget would be scheduled to be considered at the Common Council Meeting of June 25, 2001.

B. *Proposed Uses of State Revenue Sharing Funds*

Mayor Hagbom advised State Revenue Sharing law requires a public hearing to hear testimony concerning the City's election to receive state revenues. He then called the public hearing on the City's election to receive state revenues to order at 7:23 p.m. on Monday, June 11, 2001. There was no public testimony. The public hearing was closed at 7:24 p.m., Monday, June 11, 2001. There was no discussion from Council.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to adopt Resolution No. 01-R-692, in the matter of a resolution declaring the City's election to receive state revenues.

C. *In the matter of Planning Commission File No. ANX-1-01, application to annex into the city a 3.06 acre parcel of land located north of the existing city limits at the north end of Fifth Street; Assessor's Map 30-13-31D Tax Lots 102 and 104;*

Steve and Laura Salisbury, applicants; Jim Capp, Western Land Use Services, representative.

Mayor Hagbom advised the beginning of a quasi judicial public hearing as of 7:25 p.m. on this Monday, June 11, 2001. He further explained this is a hearing on an application to annex into the City a 3.06 acre parcel of land located north of the city limits at the north end of Fifth Street, Assessor's Map 30-13-31D Tax Lots 102 and 104, in the matter of Planning Commission File No. ANX-1-01. He asked if any member of Council had any actual personal bias or personal interest that would preclude their participation in this hearing. There was none. He then asked concerning potential or active conflict of interest and ex parte contact, including site visits to declare. Councilor Kuhn stated she had inside information, however felt she could make an unbiased decision. Councilor John advised she had had a site visit. No one objected to the jurisdiction of the Council to hear this matter.

City Attorney John Trew outlined the general guidelines and the rules for testifying. Hagbom advised time ready for presentation of evidence, and asked City Planner John Bischoff to present the staff report. Bischoff apologized for an error in the staff report on page two, advising the entire page was totally unrelated to the matter, and provided Council with a new page two (2), providing an explanation for the additional information.(a copy of the new page two is included with these minutes) Bischoff concluded that staff and the Planning Commission recommended approval of the application. There were minimal questions to City Planner Bischoff. Mayor Hagbom asked for the applicant or the applicant's representative to present evidence in support of the application.

Applicant's representative Jim Capp of Box 2937, Harbor, Oregon, presented additional detailed evidence in support of the application. There were a few questions concerning water run-off on the property, from Council and they were satisfied with the provided answers. Mayor Hagbom asked for comments from any representative of the Planning commission. There being none Council had no other questions. Hagbom then asked for anyone wishing to speak in opposition to the application.

Brookings citizen Sandra Ensley of 950 Pioneer Lane spoke regarding water run-off and unstable ground in the area marked "buckalew" on the presented documents. She expressed concerns of three inches of rock placed as a result of sliding after a rain filled unstable ground. She also mentioned an immediate neighbor's spring fed pond that was contaminated previously, but is now okay. City Planner Bischoff explained sewer lines would be installed and septic system would be filled in with sand. Further, he stated when the property goes through the development process, all those questions will have to be answered through the normal avenues of geology reports for minor partition or whatever they decide to

do with land. Hillside development standards require that all material on land be graded and handled in such a way that there is no damage or contamination to surrounding owners - this is a DEQ requirement, according to Bischoff. There were minimal questions from Council and no other interested parties or representatives of public agencies came forward to testify. The applicant's representative offered no rebuttal of evidence into the record. There were no further comments from the Planning Staff and no one requested the record remain open for an additional seven days in order to submit additional written evidence, argument or testimony. Therefore, Mayor Hagbom closed the public hearing on File No. ANX-1-01 at 7:55 p.m., Monday, June 11, 2001.

Applicant representative Jim Capp waived his right to a written argument and asked for a decision to be made at this meeting. There were no deliberations. With a consensus of approval:

Councilor Johns moved, Councilor Kuhn seconded, and the Council voted unanimously to grant the application for annexation of two parcels of land totaling 3.06 acres, located adjacent to the city limits at the north end of Fifth Street and to direct staff to prepare a Final Order and Ordinance.

VI. SCHEDULED PUBLIC APPEARANCES

A. *Lee E. Sparks, ODOT Assistant District 7 Manager*

City Manager Blodgett advised Council Mr. Sparks had been detained in Salem, and was unable to attend this meeting. However, written and signed confirmation of agreement has been received to reduce the speed zone north of town to 35 mph on US Hwy 101, as requested.

B. *Doug Johnson - American Red Cross South Coast Service Center*

Doug Johnson, also known as one of the City's VIPS (Volunteers in Police Service) provided an updated report to the Council on the American Red Cross South Coast Service Center, a part of the Lane County Chapter of the American Red Cross, which includes a disaster team of 25 members. Johnson briefly reviewed last year's results of disasters:

- 552 Emergency meals and 350 nights of emergency shelter to victims of fires and disasters in Coos and Curry Counties
- trained over 3,600 community members in CPR and First Aid
- Helped over 100 military personnel affected by death or illness in the family
- donated 600 pints of blood by citizens of our community of Brookings/Harbor
- In the city of Brookings they signed shelter agreements with seven

facilities for services during emergency to provide blankets, shelter kits, comfort kits, and shelter locations

- All volunteers of the local disaster action team have been trained in Mass Care and Shelter Operations, of which two new members of our team, one is a registered nurse and the other a certified mental health person
- All volunteers of the local disaster Action Team have received training in Survey/Damage Assessments and in providing assistance to families, including temporary shelter, food, clothing, medicine, etc.
- Eight residences of the Brookings/Harbor area gave a total contribution of \$1,250 and three businesses gave a total of \$300, and local merchant placed Red Cross donation cans collected approximately \$600

Mayor thanked the American Red Cross Team of ten (10) present, for their hard work and support to our community:

VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

A. Committee and Liaison reports

1. Chamber of Commerce

Executive Director Les Cohen, and resident on So. Hazel Street in Brookings, thanked Council for the support given during the Azalea Festival... motels were full, despite Hwy 199 delays. He advised the Chamber was in the process of advertising the community's 4th of July celebration, the 9th Kite Festival not only in the immediate surrounding areas, but outside of the Rogue Valley and northern California. Cohen noted a significant day, this past Sunday, as the American Music Festival (AMF) embarked on it's most ambitious schedule this far - 11 FREE to the public summer concert series, with yesterday's performers being of Barbershop and Sweet Adeline quartets. Cohen continued by informing Council of an added state visitors information center, a 24 hour ATM machine added at the Port, interacting with state legislature regarding US Hwy 199, and asking them to put additional pressure on California Governor to get Cal/Tans to be more user friendly to those folks traversing on the US Hwy199 route. Mayor Hagbom asked regarding plans by Cal/Trans during 4th of July weekend for US Hwy 199. Cohen understood the delays had been modified to one hour, with work curtailing beginning on Fridays at 3:00 p.m. to Monday mornings on all weekends and with no work on the 4th of July. Cohen concluded by inviting the Council to a ribbon cutting on Thursday at 1:30 p.m. when the Leadership Class of 2001 will be dedicating their class project - Leadership Vista at the north end of the Chetco River Bridge.

2. *Port of Brookings-Harbor*
There was no report.

3. *Council Liaisons*

Mayor Hagbom asked Bill Boynton of 959 Timberline Drive, as indicated previously to provide a brief history of his personal and professional attributes. He did so.

Councilor Dentino advised he had attended the Azalea Festival activities, the school board meeting, the Sr. Center Community Agencies meeting, the AMF concert Sunday, and that he will attend the Harbor Sanitation meeting tomorrow and on Thursday, be at the Leadership Vista dedication.

Councilor Kuhn reported on the City's 50th Birthday Celebration Committee and it's plans for the July 13th weekend, with all sub committees actively preparing for the conclusion of great celebration. She asked everyone to attend the leadership dedication mentioned earlier.

Councilor Johns attended the Pelican Bay Prison truly appreciated the police department's help; school district with engineers; skate park;

Councilor Curry attended Crime Stoppers.

Mayor Hagbom read a joint proclamation of the South Coast Mayor's Association asking for a partnership between the citizens of each City in the region to conserve water and electrical power now and through the summer months of the year, along with other measurers of conservation encouragement. He asked for Council to approve the contents by adding it to the agenda and approving a press release, accordingly. The joint proclamation was signed by the Chair of the South Coast Mayor's Association Ranelle Allen Morris, indicating the Mayor Members of the following cities: Coos Bay, North Bend, Lakeside, Brookings, Bandon, Coquille, Powers, Gold Beach, Port Orford, Reedsport, and Myrtle Point. (A copy of the proclamation is included in these minutes)

Councilor Johns moved, Councilor Curry seconded, and the Council voted unanimously to add the joint proclamation for water & electrical conservation to the agenda.

Councilor Curry moved, Councilor Kuhn seconded, and the Council voted unanimously to approve the joint proclamation of the South Coast Mayor's Association, as printed, allowing for press releases accordingly.

B. *Unscheduled*

Citizen John Vincent of 815 Crestwood in Brookings, asked for an explanation of Council's decision on the re-zoning of Ransom Avenue and Fourth Street, which was the reverse of the Planning Commission's recommendation. Vincent expressed his disappointment in dropping the zoning to R-2 in the middle of an R-1 zone. City Manager Blodgett attempted to explain the relationship between the Planning Commission and City Council. Mayor Hagbom explained further with some discussion ensuing.

Barbara Nysted of 427 Buena Vista Loop made a statement to Council regarding vacation rentals.

VIII. STAFF REPORTS

A. *City Manager*

1. *Request to use alcohol on City property-Azalea Park for wedding reception - Steve Pomerleau*

City Manager Blodgett reviewed the request from Steve Pomerleau to consume alcoholic beverages (wine, champagne, and beer) on City of Brookings Public property (Azalea Park) during his daughter's wedding scheduled for August 18, 2001. He added that he holds a service permit for alcohol. Blodgett advised the park use application for the wedding being held at Azalea Park has gone before Department Heads and has been approved. Staff recommended approval.

Councilor Dentino moved, Councilor Johns seconded, and the Council voted unanimously to approve the request to use alcohol on City property at Azalea Park for a wedding reception on August 18, 2001.

2. *Vietnam Veterans of America request for financial support as a sponsor of the July 4th fireworks display at the Port of Brookings-Harbor*

Vietnam Veteran John Banuat of 18308 Taylor Creek Road, Brookings, Curry County, requested donations from the City to defray cost of insurance for the 4th of July fireworks, noting the City had participated for the last 4 years. City Manager Blodgett advised Council there were adequate funds and recommended approval.

Councilor Curry moved, Councilor Johns seconded, and the Council voted unanimously to approve a donation of \$750 to the Vietnam Veterans of America to defray their costs of insurance for their 4th of July Fireworks Celebration.

3. *Status of Vietnam Veterans Memorial*

Vietnam Veteran Bill Farrel of 19366 Carpenterville Road, Brookings, Curry County, provided a status report of the Vietnam Veterans Memorial, advising they cannot meet the deadline for dedication by July 13th. Explained serious and detailed delays. Discussion ensued. Farrell advised they will submit final plans for placement to the Parks & Recreation Commission for final approval. Farrell presented Councilor Kuhn with a check for \$100 from the Vietnam Veterans of America for the AMF's Marine Corps Band - 1st Marine Division Concert to be held on July 15, 2001. His donation was greatly appreciated.

4. *Report on vacation rentals*

City Manager Blodgett stated he had received many reports from various cities, and City Attorney John Trew had also. Trew stated Ms. Nysted was correct that we have not addressed this issue in the past. Trew presented some final recommendations, but did not present a final ordinance. He felt this should not be done until Council has appointed a working group to have public hearings allowing for peoples' input and the gathering of information so that Council can then instruct us on how they want to proceed. He added it was clear to him that this has come up as a significant issue on the coast of Oregon - Bandon, Gold Beach, Cannon Beach, Newport, with many creative and interesting ways to deal with the issue, but at this point we need to take a look at all of the options. It was his recommendation this could happen best through the development of such a proposed committee coming back to Council to discuss and present a recommendation. Discussion with Council and staff ensued concerning restrictions, enforcement, definitions, regulations.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to forma committee to develop issues, research them, and to come back to Council after public input with a recommendation.

Councilor Johns moved, Councilor Kuhn seconded, and Council voted unanimously to add to the agenda the awarding of the contract for Fifth Street Sewer Line Improvements.

City Manager Blodgett presented the staff report for the bid results on the Fifth Street Sewer Line Improvements (copy provided with these minutes). B&B Excavation bid \$18,691.19 and Freeman Rock enterprises bid \$20,805.18. Both bids were within staff's estimate and funds are available to do the project. Blodgett recommended awarding the contract to B&B Excavation.

Councilor Curry moved, Councilor Kuhn seconded and the Council voted unanimously to award the Fifth Street Sewer Line Improvements contract in the amount of \$18,691.19, to B&B Excavation.

5. Other

City Manager Blodgett reminded Council of the need to have a meeting with HGE, Inc. to review the Water Management Plan. It was decided to have a study session on Saturday, June 23, 2001, at 10:00 a.m.

B. Community Development Department

1. Authorization to call for bids for seam repair on the Wastewater Treatment Plant trickling filter

City Manager Blodgett explained repair of seams on trickling filter from the staff report prepared by Community Development Director Leo Lightle and Chief Treatment Plants Operator Joe Ingwersen. A few questions ensued. The repair has nothing to do with recent wastewater treatment plant addition. Staff recommendation was to authorize the call for bids.

Councilor Kuhn moved, Councilor Dentino seconded, and the Council voted unanimously to authorize the calling for bids for seam repair on the Wastewater Treatment Plant trickling filter estimated to cost \$10,000.

Mayor Hagbom recessed the meeting at 9:09 p.m.

Mayor Hagbom reconvened the meeting at 9:17 p.m.

IX. CONSENT CALENDAR

A. Approval of Council Meeting Minutes

1. Minutes of May 21, 2001, Regular Council Meeting

B. Acceptance of Parks and Recreation Commission Minutes

1. Minutes of April 26, 2001, regular Commission Meeting

C. Acceptance of Planning Commission Minutes

1. Minutes of May 1, 2001, Regular Commission Meeting

D. Approval of Vouchers (\$267,775.09)

(end Consent Calendar)

Councilor Johns moved, Councilor Dentino seconded, and the Council voted unanimously to approve the consent calendar.

X. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

1. *No. 01-O-537 - in the matter of an ordinance amending the zoning map of the City of Brookings by rezoning from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to R-2 (Two Family Residential) on that certain property located in the southeast corner of Ransom Avenue and Fourth Street*

Mayor Hagbom asked Council to consider approval of a final order and the adoption of Ordinance No. 01-O-537 - in the matter of an ordinance amending the zoning map of the City of Brookings by rezoning from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to R-2 (Two Family Residential) on that certain property located in the southeast corner of Ransom Avenue and Fourth Street. City Planner John Bischoff provided a zoning map for the completion of the proposed ordinance copy before Council and presented the findings of fact and final order based on the Council's approval of a zone change at their May 21, 2001 meeting, from the R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to R-2 (Two Family Residential) on that certain property located in the southeast corner of Ransom Avenue and Fourth Street.

There were no discussion or comments.

Councilor Kuhn moved, Councilor Johns seconded, and Council voted by majority to approve the Final Order and Findings of Fact - in the matter of Planning commission File No. CZ-1-01; application for approval of a zone change; Nora L. Olson, applicant. Councilor Dentino voted no.

Mayor Hagbom stated in accordance with our Charter, Chapter VIII, Section 31, the Council may adopt an ordinance at a single meeting by the express unanimous vote of all Council members present and entitled to vote, provided the ordinance is read first in full and then by title. City Planner Bischoff read Ordinance No. 01-O-537, in full. The ordinance was corrected in the second "whereas" paragraph noting that... "the Planning Commission, "by a majority vote, directed...". (A copy of the presented ordinance with correction notation is included in these minutes)

Councilor Johns moved, Councilor Kuhn seconded, and Council voted unanimously to have the second reading of Ordinance No. 01-O-537 - in the matter of an ordinance amending the zoning map of the City of Brookings by rezoning from R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) to R-2 (Two Family Residential) on 3.74 acres of property located in the southeast corner of Ransom Avenue and

Fourth Street, identified as Assessor's Map No. 41-13-6AB, Tax Lot 1200, be ready by title only.

There being no discussion, and the vote being unanimous, City Planner Bischoff was asked to read the ordinance by title only. He did so.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted by majority to adopt Ordinance No. 01-O-537, as corrected. Councilor Dentino voted no.

There being a majority, the ordinance was adopted, so stated Mayor Hagbom.

B. Resolutions

1. *No. 01-R-692 - in the matter of a resolution declaring the City's election to receive State Revenues*

This resolution was previously handled on Agenda Item No. V. B.

2. *No. 01-R-693 - in the matter of a resolution accepting a donation (gift) for the City's Skate Park in Bud Cross park*

City Manager Blodgett acquainted Council with Finance Director Randy Reed's Staff report and recommended approval of Resolution No. 01-R-693

Councilor Johns moved, Councilor Kuhn seconded, and Council voted unanimously to approve Resolution No.01-R-693, in the matter of a resolution accepting a donation (gift) for the City's Skate Park in Bud Cross park

3. *No. 01-R-694 - in the matter of a resolution adopting employer payment of employee's PERS contributions*

Blodgett presented the staff report and recommendation for approve this resolution and advised Finance Director Reed was available for questions. There were none.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to approve Resolution No. 01-R-694, in the matter of a resolution adopting employer payment of employee's PERS contributions

4. *No. 01-R-695 - in the matter of a resolution authorizing the purchase of real property*

City Manager Blodgett informed Council of the background on the purchase of this real property located at 632 Chetco Avenue and that the

purpose of purchasing the property is to build a public parking lot. Staff recommendation was to approve.

Councilor Kuhn moved, Councilor Johns seconded, and the Council voted unanimously to approve Resolution No.01-R-695.

C. Final Orders

1. *Final Order and Findings of Fact - in the matter of Planning commission File No. CZ-1-01; application for approval of a zone change; Nora L. Olson, applicant*

This final order was addressed earlier under Agenda Item No. X. A. 1.

XI. REMARKS FROM MAYOR AND COUNCILORS

A. Council

There were no further comments.

B. Mayor

Mayor Hagbom asked for a consensus to adjourn.

XII. ADJOURNMENT

Council agreed by consensus to adjourn the meeting at 9:35 p.m.

Respectfully submitted:

Bob Hagbom
Mayor

ATTEST by City Recorder this ____ day of June, 2001.

Randy Reed
Finance Director/City Recorder

Handled
out
6-11-81
cc
mta

Copy to Council - all officers receiving the
awards from Mayor Hasbun
received a personal note from
Rep. Krieger, like the one below.



WAYNE J. KRIEGER
STATE REPRESENTATIVE
900 COURT ST NE H-378
SALEM, OR 97301

Lt. John Bishop,

It is a great privilege for me to congratulate you, on receiving the Meritorious Service Award, and the Gallantry Star Excellent Arrest Award. Also on receiving the Meritorious Service Unit Citation Award. You have dedicated countless hours, and I am extremely proud to represent you in office. Keep up the good work!

Representative Wayne J. Krieger

Wayne

BACKGROUND INFORMATION

The subject property is an irregular shaped 3.06 acre parcel of land consisting of two lots of 0.83 and 2.23 acres, located on the north side of the city limits on the east side of the extension of Fifth St. The property has a southerly boundary extending on what would be the east side of Fifth St along the city limits for a distance of 644.77 feet. The easterly and northerly boundary are 323.93 and 302.24 feet respectively. If Fifth St. were extended north of the city limits, the subject property would have 40 feet of frontage on Fifth and then the boundary extends 65.54 feet west, then northeast 317.47 feet then curves to the northwest 126.89 feet and then northeast 40 feet to the northerly boundary. A forty foot wide access easement extends along the entire westerly boundary, providing access to both of the subject two parcels and to Tax Lot 103 which is located to the west and north of the subject property. See Exhibit 1. A second driveway is graded into the property along the southerly boundary from the Fifth St. end, looping north along the easterly border to the top of the parcel.

Tax Lot 104, the smaller lot on the subject property, is zoned R-1 (Residential One) by the county and contains a single family house and detached garage. Tax Lot 102 is zoned R-2 (Residential Two) by the county and is vacant. The area of the county to the north and west of the subject property is also zoned R-2 and is developed with a single family home to the west of the subject property. The area to the east of the subject property is zoned by the county as PF (Public Facilities) and is the site of the Ward Memorial Cemetery. In the city to the south, the area is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot size) and the area to the west of the extension of Fifth St. is also in the city and zoned R-1-8 (Single Family Residential, 8,000 sq. ft. minimum lot size).

Topographically the subject site consists of knob of land with steep slopes from the city limits to the flat top which is essentially the smaller of the two lots. At about the northerly boundary the land drops, steeply into Ransom Creek. Slopes on the south side of the property average about 32 percent, however there is a large flat bench graded into the lower portion of the property. The slopes on the north side that drop into Ransom Creek are essentially off of the subject property.

Fifth St., Krista Ln. and Brooke Ln. converge at the northerly city limits, with Fifth St. being perpendicular to and ends at the city boundary and Brooke Ln. being parallel and adjacent to the city boundary. Krista Ln. intersects Fifth St. at the city limit and then curves away to the east to parallel Fifth Street. Fifth St. and Krista Ln. are fully improved with curb, gutter and sidewalk on both sides within a 50 foot wide right-of-way and Brooke Ln. is improved with curb and gutter on both sides and sidewalk on the south side within a 50 foot right-of-way. There is a water and sewer main located within Fifth St., Brooke Ln. and Krista Ln. adjacent to the subject property

PROPOSED ANNEXATION

The applicant is requesting that the two lots within their possession be annexed into the city to allow for the extension of water and sewer mains and thus allowing further development of the property.

ANALYSIS

Proposed annexation petitions shall be determined to not represent a potential negative or adverse impact upon the citizens of Brookings, either financially or in terms of the livability of the community. Such determination shall be made by the evaluation and assessment of the proposed annexation in relation to the following considerations and criteria.

Handed
out @
6-11-01
cc
mtey
by
John
Beatty

handed in
@
6/11/01
CMT

**A JOINT PROCLAMATION
OF THE SOUTH COAST MAYOR'S ASSOCIATION**

WHEREAS, the South Coast Mayor's Association considers matters of common interest among Cities in the South Western Oregon, and

WHEREAS, the anticipated energy and water shortage of summer of 2001 is matter of Common concern, and

WHEREAS, the Mayors are compelled to urge conservation of both water and electricity For the welfare of the entire region and state,

NOW THEREFORE, I, Ranelle Allen Morris, Mayor of the City of Myrtle Point and Chair of the South Coast Mayor's Association, for and by each of the member Mayors listed below, do hereby proclaim and resolve :

To ask the Citizens of each City in the region to conserve water and electrical power now And through the summer months of the year;

To urge each City to adopt water conservation measures and to provide for penalties for wasting water:

To direct their city staff to undertake energy conservation measures in all city building and facilities ; and

To set an example for the citizenry by the institution measures in their own homes and businesses.

To publicize and encourage conservation measures with mailings, posters, brochures and other publicity within the community highlighting the potentially dire economic, social and environmental damage which may result from the anticipated water shortage.

I hereby set my hand , this 1st day of June , 2001


Ranelle Allen Morris, Chair
South Coast Mayor's Association

Members:

Mayor Joe Benetti, City of Coos Bay

Mayor Mike Swindall , City of Coquille

Mayor John Briggs, City of North Bend

Mayor Jean LeCuyer, City of Powers

Mayor Clarence Grishom, City of Lakeside

Mayor Carl Popoff, City of Gold Beach

Mayor Bob Hagbom, City of Brookings

Mayor Gary Doran, City of Port Orford

Mayor Brian Vick, City of Bandon

Council Pres. Roy Swift, City of Reedsport

Mayor Ranelle Allen Morris ,City of Myrtle Point, Chair

TO: Mayor, City Council
FROM: Leo Lightle, *LBL*
Community Development Director
DATE: June 8, 2001
ISSUE: Awarding contract for Fifth Street
Sewer Line Improvements

Community Development Department



*Diego
handed
out
@
6/11/01
cc
mtg*

BACKGROUND:

At their April 9, 2001, meeting, the City Council approved engineering and calling for bids for improvements on the sewer line in Fifth Street near Chetco Avenue. Bid requests were advertised in May and opened June 6.

We received two bids:

B & B Excavation	\$18,691.19
Freeman Rock Enterprises	\$20,805.18

The bids are within staff's estimate and funds are available to do this project.

RECOMMENDATION:

The City Council award the Fifth Street Sewer Line Improvement contract to B & B Excavation in the amount of \$18,691.19.

*handled
out a
to 11-01
cc mtg*

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

**In the Matter of an Ordinance amending)
the zoning map of the City of Brookings by)
rezoning from R-1-6 (Single Family)
Residential, 6,000 sq. ft. minimum lot size))
to R-2 (Two Family Residential) on that)
certain property described below)**

ORDINANCE No. 01-O-537

Sections:

**Introduction.
Section 1. Zoning Map to designate property as R-2.**

WHEREAS, a public hearing was held on April 3, 2001 before the Brookings Planning Commission for the purpose of considering a request for a rezone from Single Family Residential, 6,000 sq. ft. minimum lot size (R-1-6) to Two-Family Residential (R-2), on 3.74 acres of property located in the southeast corner of Ransom Ave. and Fourth St.; (identified as Assessor's Map No. 41-13-6AB, Tax Lot 1200.

Vote to deny
WHEREAS, following closure of the public hearing after considerable evidence and testimony was presented by proponents and opponents, the Planning Commission, by a unanimous vote, directed the Planning Director to prepare a recommendation, with findings, to the City Council, for denial of the request for the rezoning from R-1-6 to R-2; and

Note
WHEREAS, the Brookings City Council, at its meeting of May 21, 2001 did conduct a public hearing on this matter, during which hearing considerable testimony and evidence was presented by the applicant's representative, interested parties and recommendations were received from and presented by the Planning Director; and

WHEREAS, at the conclusion of said public hearing, after consideration and discussion, the Brookings City Council, upon a motion duly seconded, did

vote in the majority to adopt a Final Order and Findings of Fact document dated June 11, 2001 on its decision to grant the applicant's request;

The city of Brookings ordains as follows:

Section 1. Amendment to the Zoning Map to designate property Two Family Residential (R-2).

The Zoning Map of the City of Brookings is amended to show that the following described property is zoned Two Family Residential.
(See Attachment A)

First Reading: _____
Second Reading: _____
Passage: _____
Effective Date: _____

Signed by me in authentication of its passage this _____ day of June, 2001.

Bob Hagbom,
Mayor

ATTEST by City Recorder this ____ day of June, 2001.

Randy Reed,
Finance Director/Recorder

Exhibit A
Ordinance 01-O-537

Beginning at a point which is situated 330.22 feet North, and 33.79 feet West, from the Southeast corner of the Northeast Quarter of the Northwest Quarter of Section 6, Township 41 South, Range 13 West, Willamette Meridian; thence North 485.60 feet, thence South 89 degrees 08' East, 335.67 feet; thence South 480.52 feet; thence West 335.63 feet to the point of beginning, containing 3.73 acres, more or less. Situated in the County of Curry, State of Oregon.

Memorandum

TO: Mayor and City Council
FROM: John Bischoff, Planning Director
THROUGH: Leroy Blodgett, City Manager
DATE: June 21, 2001



Issue: Adoption of the Final Order and Ordinance 01-O-544, to complete the process of annexing a 3.06 acre parcel of land into the city. File No. ANX-1-01.

Background: At the June 11, 2001 meeting the City Council approved the annexation of a 3.06 acre parcel of land located adjacent to the northerly city limits at the end of Fifth St. The adoption of the Final Order and ordinance will complete that action.

Recommendation: To adopt the Final Order and Ordinance 01-O-544 and direct staff to record the annexation with the State and Curry County.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

**In the Matter of an Ordinance amending
the city limits and zoning map of the City
of Brookings by annexing a 3.06 acre
parcel of land and rezoning the parcel
SR-20 (Suburban Residential, 20,000 sq.
ft. minimum lot size) on that certain
property described below.**

ORDINANCE No. 01-O-544

Sections:

Introduction.

Section 1. Declaration of Annexation.

**Section 2. Declaration of withdrawal from the Dawson Rural
Fire Protection District.**

Section 3. Uncollected Taxes.

Section 4. Submittal to Secretary of State.

Section 5. Rezoning.

WHEREAS, property owners have petitioned the City of Brookings for annexation of the real property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto, and that said territory is contiguous to exiting city limits pursuant to ORS 222.111; and

WHEREAS, written consent petitions for the annexation of the above referenced territory have been filed with the City of Brookings which consents represent over a majority of the electors registered in the territory proposed to be annexed and the owners of more than half of the land in that territory, pursuant to ORS 222.170(2); and

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1. Declaration of Annexation. That the property in the territory described in Exhibit "A" and depicted on map Exhibit "B", attached hereto and by this reference made a part hereof, which said real property is situated in Curry County, Oregon, and is contiguous to the City of Brookings be, and the same hereby is annexed to the City of Brookings.

Section 2. Declaration of Withdrawal from Dawson Tract Rural Fire Protection District. That the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby withdrawn from the Dawson Tract Fire Protection District upon the annexation of the aforementioned property to the City of Brookings.

Section 3. Uncollected Taxes. That all uncollected taxes therefore levied by such district shall become the property of the City of Brookings and be delivered to it upon collection.

Section 4. Submittal to Secretary of State. That the City Recorder be, and is, authorized and directed to make and submit to the Secretary of State a copy of this ordinance, and a copy of the statement of consent of all the land owners of said real property heretofore filed with him.

Section 5. Rezoning. Concurrent with the annexation, the property described in Exhibit "A" and depicted on map Exhibit "B" attached hereto is hereby rezoned from Residential One (R-1) and Residential Two (R-2) Curry County zoning classification to Suburban Residential, 20,000 sq. ft. minimum lot size (SR-20) City of Brookings zoning classification.

First Reading: _____

Second Reading: _____

Passage: _____

Effective Date: _____

Signed by me in authentication of its passage this _____ day of
June, 2001

Bob Hagbom,
Mayor

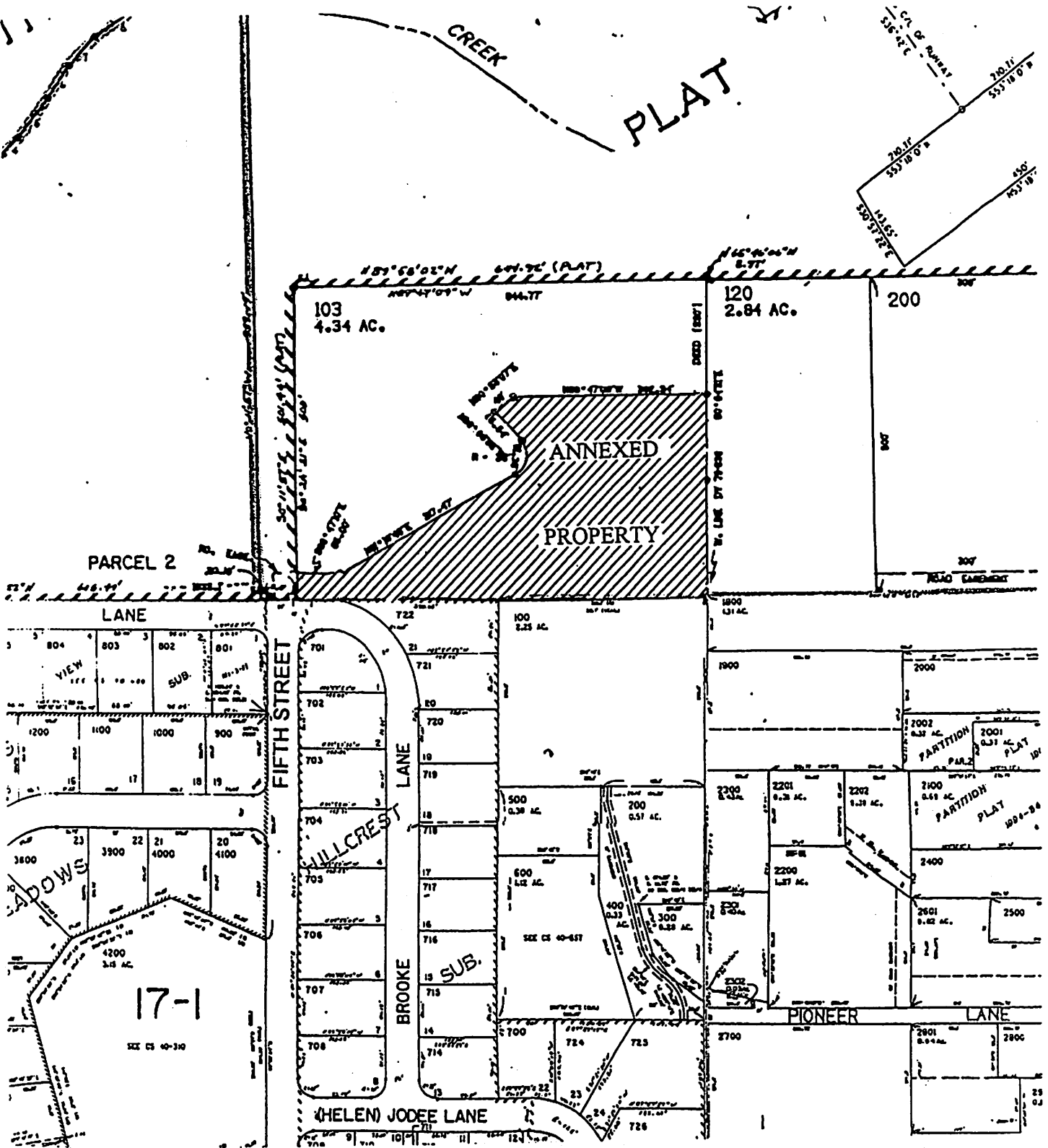
ATTEST by City Recorder this _____ day of June, 2001.

Randy Reed,
Finance Director/Recorder

EXHIBIT "A"

To be provided at the Council meeting

EXHIBIT "B"



**BEFORE THE PLANNING COMMISSION AND CITY COUNCIL
CITY OF BROOKINGS, COUNTY OF CURRY
STATE OF OREGON**

In the matter of Planning Commission File No.)	Final ORDER
ANX-1-01; application for approval of an annexation,)	and Findings of
Steve and Laura Salisbury applicant.)	Fact
<hr style="width:50%; margin-left:0;"/>		

ORDER approving an application for an annexation of a 3.06 acre parcel of land located adjacent to the northerly city limits at the north end of Fifth St.; Assessor's Map 40-13-31D, Tax Lots 102 and 104;

WHEREAS:

1. The Planning Commission duly accepted the application filed in accordance with Section 148, Annexation, of the Land Development Code; and,
2. The Brookings Planning Commission duly considered the above described application on the agenda of its regularly scheduled public hearing on May 1, 2001; and
3. Recommendations were presented by the Planning Director in the form of a written Staff Agenda Report dated April 18, 2001, and by oral presentation, and evidence and testimony was presented by the applicant and the public at the public hearing; and,
4. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the Planning Commission, upon a motion duly seconded, accepted the Staff Agenda Report and recommended that the City Council approve the request, and
5. The Brookings City Council duly considered the above described application in a public hearing at a regularly scheduled public meeting held on June 11, 2001, and is a matter of record; and
6. At the conclusion of said public hearing, after consideration and discussion of testimony and evidence presented in the public hearing, the City Council, upon a motion duly seconded, accepted the Planning Commission's recommendation and approved the request; and

THEREFORE, LET IT BE HEREBY ORDERED that the application for an annexation of the subject parcel is approved. This approval is supported by the following findings and conclusions:

FINDINGS

The applicants findings are the primary findings in this matter and are attached to and hereby made a part of this Final Order. The following are general findings to show that all of the criteria have been meet.

1. The applicant has submitted findings addressing each of the goals of the city's Comprehensive Plan.

2. The applicant has submitted findings addressing the submittal required in Section 148.020, Annexations, of the Land Development Code.
3. The applicant has submitted findings addressing all of the criteria in Section 148.030.
4. The applicant has submitted findings addressing all of the criteria in Section 148.040.
5. The City of Brookings has identified a limited maximum capacity in its wastewater treatment plant. This land use approval does not constitute a representation or commitment that capacity will exist in the wastewater treatment system of the City of Brookings to serve the development proposed. The availability of connection approvals to the wastewater treatment system are on a first come-first serve basis and regulated under the provisions of Ordinance No. 88-0-430.

CONCLUSIONS

The materials submitted by the applicant are complete and satisfy all of the criteria presented in Section 148, Annexations, of the Land Development Code, to justify the proposed annexation.

Dated this 11th day of June, 2001.

Bob Hagbom, Mayor

ATTEST:

John C. Bischoff, Planning Director

FINDINGS IN SUPPORT OF: ANNEXATION REQUEST

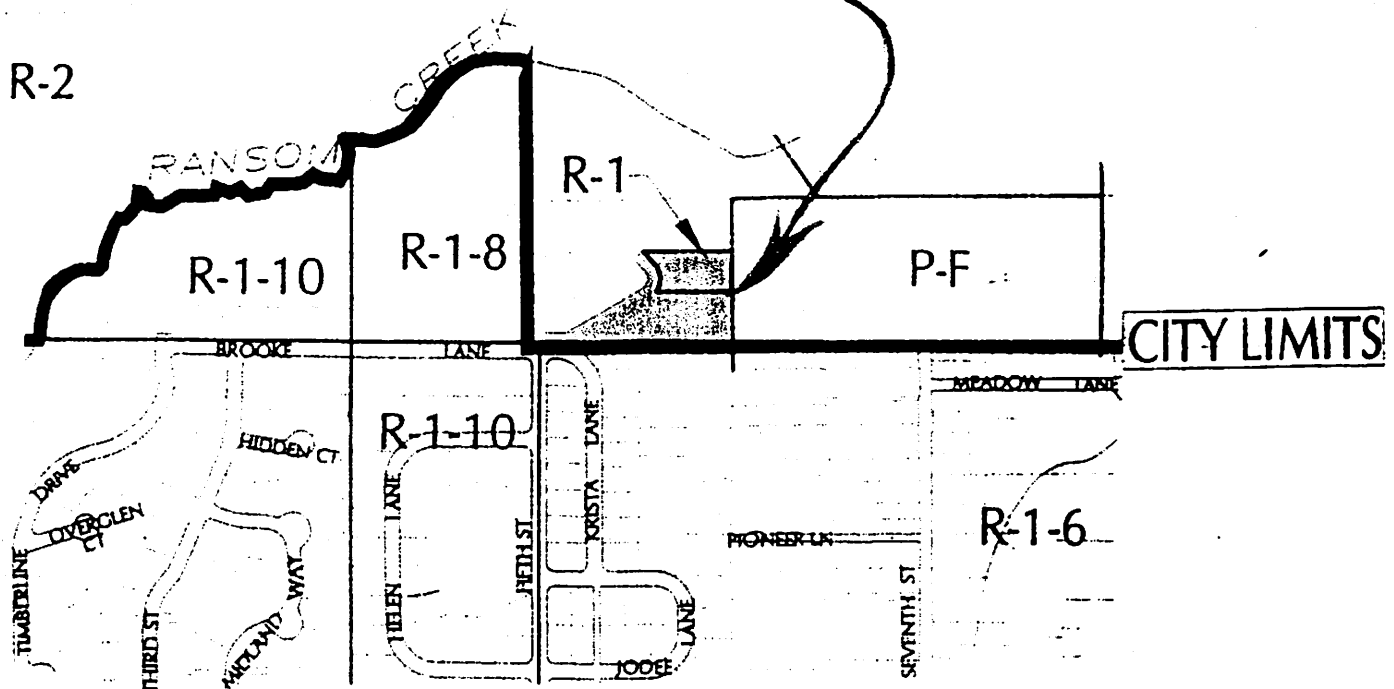
SUBMITTED TO: CITY OF BROOKINGS, OREGON.

NOTICE: This application has been developed for the specific applicant property identified herein. Use of this application or portions of this application for other property or persons without the written consent of Western Land Use Services is not authorized.

APPLICANT: Steve and Laura Le Salisbury
16919 Fifth Street
P.O. Box 730
Brookings, Oregon

AGENT: Jim Capp, Western Land Use Services
PO Box 2937
Harbor, OR. 97415

SUBJECT PROPERTY: Tax Lots 102 & 104
Map 40-13-31D



PROPOSAL: Request for annexation to the City of Brookings.

APPLICABLE CRITERIA:

Director of the City Planning Department indicates the criteria are found at Section 148 subsections 020, 030 and 040, regarding annexations. In this application we first quote the applicable criteria then each is followed by proposed findings of fact. The information contained in these Findings and Exhibits should be considered as evidence on the relevant criteria in support of this application.

EXHIBIT LIST:

1. Curry County Assessor Map 41-13-31D
2. Warranty Deed, dated August 25, 1992, Fallert to Salisbury, filed for record at Curry County Instrument 92.07766 on August 27, 1992
3. Warranty Deed, dated December 30, 1985, South Coast Lumber Co. to Salisbury, filed for record at Curry County Book of Records 117 Page 1015-1016 on January 3, 1986
4. Comprehensive Plan, Page 14-2, Residential Needs Analysis
5. Composit Zoning Map, City and County.

Part 1 Policies of the Comprehensive Plan

1. Statement of the Criterion:

Goal 1: To provide a citizen involvement process that ensures the opportunity for citizens to be involved in all phases of the planning process.

a. Finding on this criterion:

The City has adopted as part of its Land Development Code a requirement that it notify property owners within 250 feet of a proposed change of use. Applicants are required to provide the City a list of owners of property within that distance. The map below is a composite of Curry County Assessor Maps 40-13-31D, 40-13-31DC and 40-13-31DD upon which has been drawn the required 250 foot radius from the subject property exterior boundary. Figure 1, printed after the map, provides ownership information for all lots touched by or included within the 250 foot radius.

Citizen Involvement Property Owner Notification Map

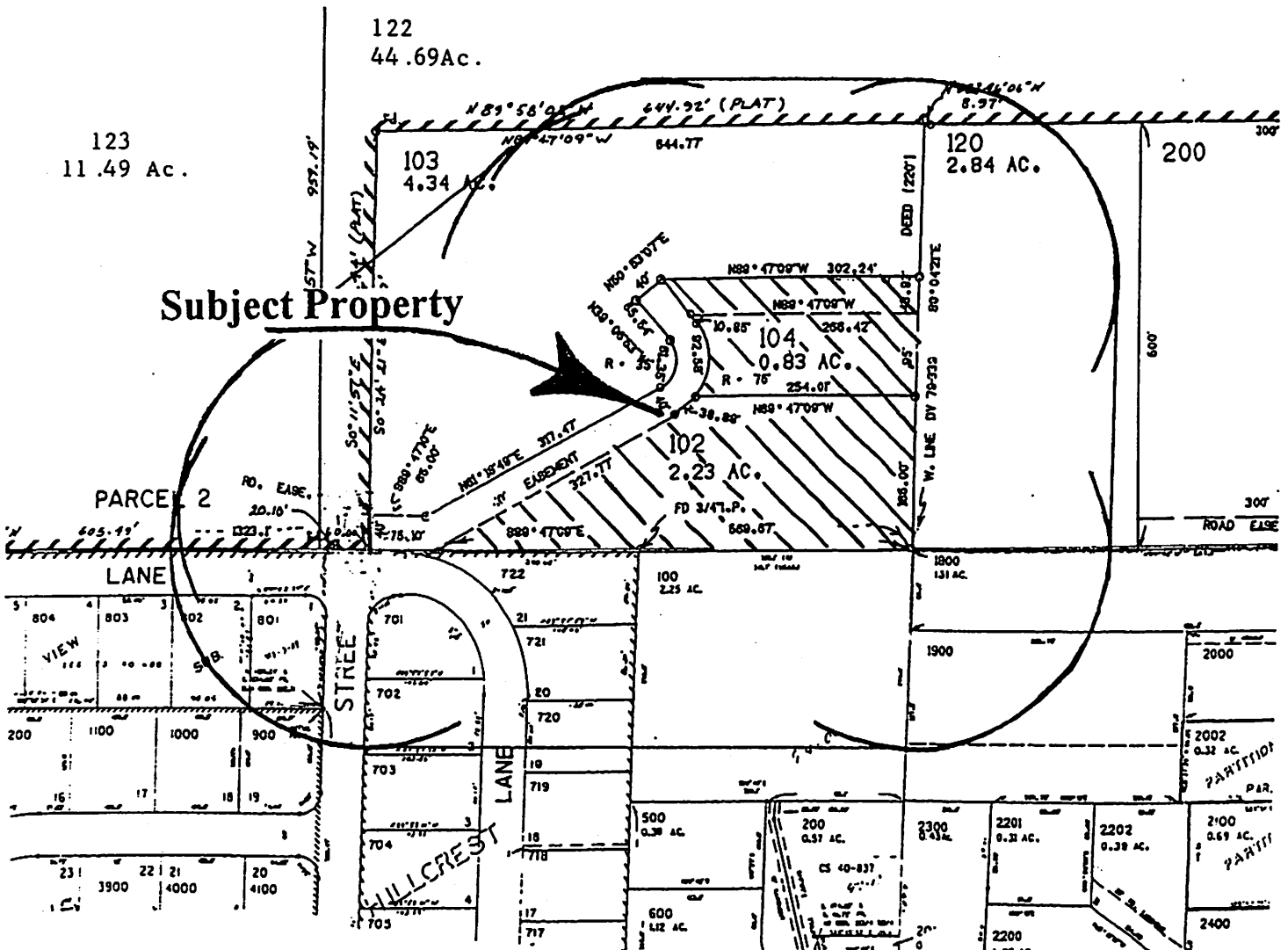


Figure 1
Property Owners Within 250'

Tax Lot Owner

On Map 40-13-31D

103 Lawrence & Michelle Fallert POBox 1508, Brookings 97415
120 Ward Memorial Cemetary
122 Lawrence & Michelle Fallert POBox 1508, Brookings 97415
123 Lawrence & Michelle Fallert POBox 1508, Brookings 97415
200 Ward Memorial Cemetary

On Map 40-13-31DC

100 Sandra Buckalew PO Box 1763, Brookings, 97415
701 Michael & Lisa George 997 Krista Ln, Brookings OR 97415
702 Lawrence & Sherline Standley 3640 Thorson Dr.
Placerville, CA. 95667
703 Rickey & Donna Young 2357 Stuart, Clovis, CA 93612
720 Clifford Weeks/Luanne Lee PO Box 7158 Brkgs, OR 97415
721 Vincent & Catherine Longo 994 Krista Ln Brkgs, OR 97415
722 George & Patricia Hall PO Box 1857, Brookings OR 97415
801 Cosmo & Marjorie Ungaro PO Box 1302, Brookings OR 97415
802 Samuel Williams PO Box 849, Brookings OR 97415
803 Gerald E Combis 925 Brooke Ln, Brookings, OR. 97415
900 Dale & Jacqueline Rettke, 977 Helen Ln, Brookings OR 97415
1000 William & Barbara Cooper 973 Helen Ln, Brookings OR 97415

On Map 40-13-31DD

1800 Ward Memorial Cemetary
1900 Edmond & Marjorie Gran 1031 Seventh St Brookings OR 97415

b. Finding on this criterion:

Figure 1, was compiled from Curry County Assessment Department records of ownerships of all property within 250 feet of the subject. Once Tax Lots within the required distance were identified, ownership if each lot was determined from the tax rolls of the Department.

The City has determined requiring applicants to provide neighborhood ownership lists is an appropriate method of providing for citizen involvement in the implementation of the Land Development Code in the case of requests for small area annexations with zone change such as is sought here.

CONCLUSION ON THIS CRITERION:

We conclude provision of the neighboring property ownerships, provided here, demonstrates compliance with Goal 1.

2. Statement of the Criterion:

Goal 3: To cooperate with the County in the preservation and maintenance of agricultural lands:

and

Goal 4: To support and cooperate with the County in its efforts to protect Forest Lands.

a. Finding on this criterion:

The subject property is not zoned agriculture or forest land; is included in the area considered for urbanization under Goal 2 Exceptions criteria pursuant adopted Goal 14 findings; and, is located within the Urban Growth Boundary of Brookings.

CONCLUSION ON THIS CRITERION:

Goals 3 and 4 do not apply to this application.

3. Statement of the Criterion:

Goal 5: To conserve open space and protect natural and scenic resources and historic areas while providing for the orderly growth and development of the City.

Policy 1. It is the policy of the City of Brookings to protect natural and scenic resources by encouraging the conservation of ecologically and scientifically significant natural areas, scenic views and sites, historic areas, local energy sources, and mineral and aggregate resources.

Policy 3. It is the policy of the City of Brookings to preserve forest and agricultural lands which serve as a valuable open space areas by focusing development within the City limits/ Urban Growth Boundary.

a. Finding on this criterion:

Implementation measure 3. states "Brookings will use the Curry County zoning ordinance and the Comprehensive Plan to implement those policies which apply to areas within the Urban Growth Boundary Area..."

According to the Curry County Zoning map the subject property lies within the Brookings UGB and is zoned Residential. Tax Lot 104 is zoned R-1 and Tax Lot 102 is zoned R-2. The subject property is already slated for residential uses via County zoning although allowable density may differ under that ordinance from density which would be allowed upon annexation to Brookings. Therefore, both City and County land use ordinances project residential use for the subject and by annexing this property the City will be fulfilling the intent of the County Zoning Ordinance and Comprehensive Plan.

b. Finding on this criterion:

The Comprehensive Plan, Goal 5 Inventory does not identify any Goal 5 resources on the subject property. Additionally, policies 2 and 4 to Goal 5 do not apply because the subject property is not located within the Chetco River Estuary or the Harris Beach Bog as can be seen on the map at page 16.

CONCLUSION ON THIS CRITERION:

Goals 5 does not apply to this application.

4. Statement of the Criterion:

"Goal 6: To maintain and improve the quality of the air (including the control of noise pollution), water and land resources of the Brookings area.

Policy 3. It is the policy of the City of Brookings to utilize programs to manage land conservation and development activities in a manner that reflects the desires of the community for a quality environment and a healthy economy and is consistent with environmental quality statutes, rules, standards and implementation plans."

a. Finding on this criterion:

Environmental quality statutes, rules, standards and implementation plans are applied to development through implementation of measures such as safety and sanitation criteria of the state plumbing and building codes and standards and practices of transportation network design. These criteria are a facet of the permitting process which is required for development and they will be applied to development of the subject property upon approval of annexation and subsequent application for land division and building permits through the City.

CONCLUSION ON THIS CRITERION:

We conclude this proposal will be rendered consistent with environmental quality statutes, rules, standards and implementation plans through the development permitting process utilized by the City.

5. Statement of the Criterion:

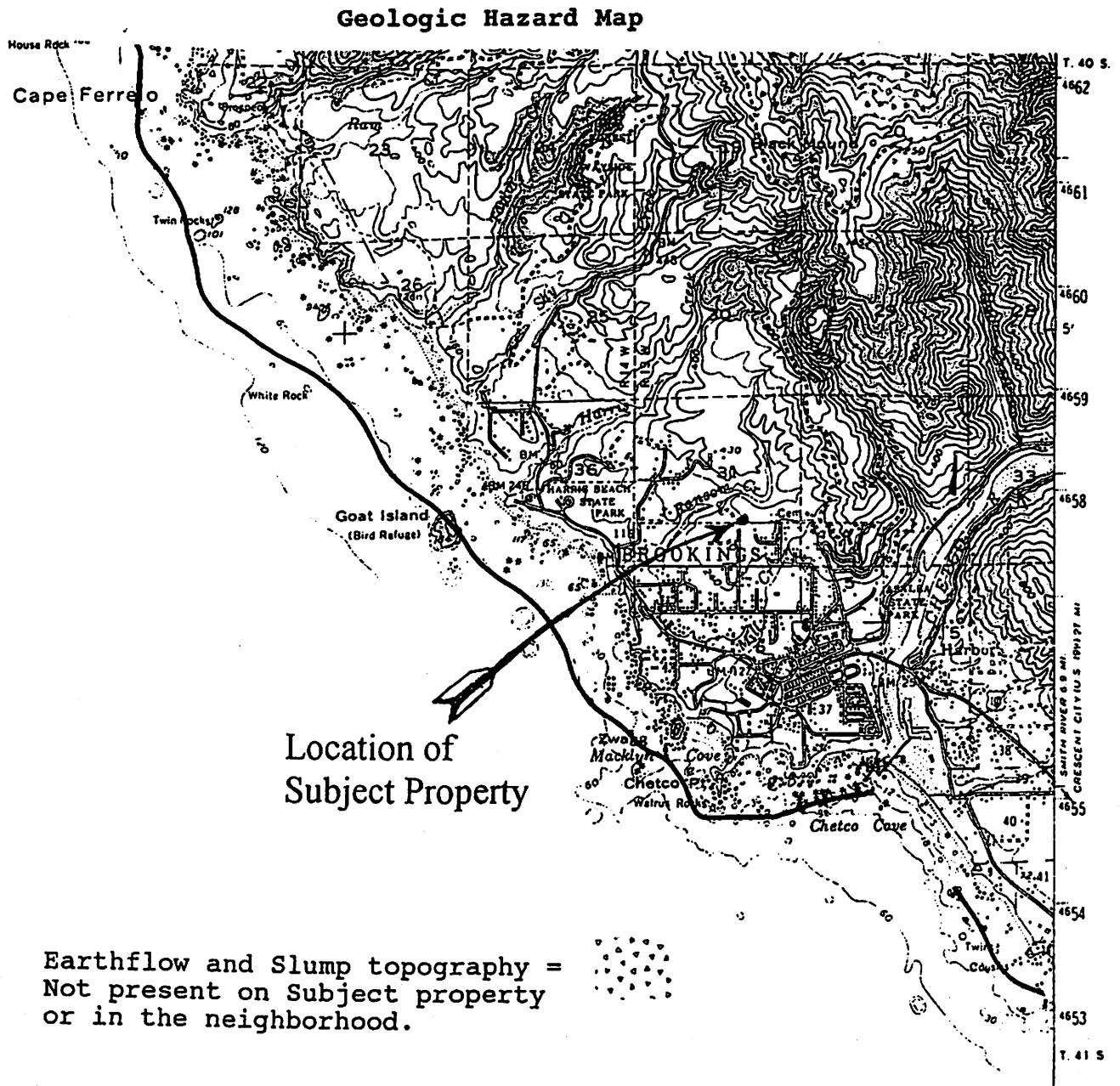
"Goal 7: To protect life and property from natural disasters and hazards..."

Policy 2. When development is planned in areas of identified hazards, the developer will be required to show that property development will not be endangered by the hazard and that appropriate safeguards will be taken..."

a. Finding on this criterion:

According to the Geologic Hazard Map of the Cape Ferrelo Quadrangle Oregon, published in Bulletin 90 Land-Use Geology of Western Curry County, Oregon 1976, the subject property is not located in an area of geologic hazard. This map shows the area of the subject as not color coded. It is shown in plain white [background paper colored]. Explanations on this map indicate slopes generally tend to be 0-5%; with slopes locally varying from 0% to 15%.

A copy of appropriate portion of this map is reproduced below. Color coding does not show in this black and white printing.



The geologic hazard of most concern throughout Curry County and the City of Brookings is that of Earthflow and Slump Topography. It is easy to understand why the concern for earthflow and slump topography is important to the City and the County by review of the description provided for that type of hazard on that hazard map. It reads:

"Earthflow and Slump Topography: (areas less than 20 acres not shown) Moderately sloping terrain with irregularities of slope, drainage, or soil distributing: recent movement shown by tension cracks, bowed trees and others: most extensive in sheared bedrock areas: greatest activity where coastal retreat, stream-bank erosion, or steep-gradient streams remove material from the toe; hazards associated with inactive areas include variable foundation strength, caving in excavations, poor drainage, and others: development possible locally, but generally may reactivate or accelerate sliding; may also initiate sliding in previously stable areas."

The nearest occurrence of slump topography indicated on this map is over two miles to the north on the north side of Black Mound; and, a very small area along the western edge of the Dawson Tract north of Harris Beach adjacent the ocean approximately one and one half miles distant to the northwest. It is notable no indication of earthflow and slump topography are shown anywhere in the neighborhood of the subject property on the Geologic Hazard map.

b. Finding on this criterion:

Preliminary review of topographic maps and on-site measurement of slope indicates portions of the subject property may exhibit slopes over fifteen percent (15%). Section 100 of the Brookings Development Code addresses potential hazardous conditions. That section requires areas in excess of 15% slope be subject to review by an engineering geologist when divisions of land are proposed. Given approval of this request for annexation, the intent is to continue with land division application. Therefore, if the land surface does prove to exhibit 15% or greater slope, applicant is aware of the requirement for review and report concerning geologic information to consider a potential steep slope hazard.

CONCLUSION ON THIS CRITERION:

We conclude the subject site is in compliance with Goal 7; or, can be brought into compliance with Goal 7 through review by a geologist if slope factors so dictate.

6. Statement of the Criterion:

Goal 8: To satisfy the recreational needs of the citizens of the Brookings area, State and visitors.

Policy 1. It is the policy of the City of Brookings to encourage better utilization of existing recreational facilities and to plan for and develop new recreational facilities and opportunities.

Policy 2. The City of Brookings encourages the development of neighborhood parks to be coordinated with future expansion of residential areas.

a. Finding on this criterion:

The Comprehensive Plan, Goal 8 Inventory identifies many recreational sites and facilities in Brookings and surrounding areas. Notable among those identified are Bud Cross Park and Azalea Park. The subject property is located between, but slightly north of, these two well developed City parks as seen on the map at page 16. Bud Cross Park is located perhaps six blocks from the subject to the southwest. This park contains the municipal swimming pool, restrooms, baseball and softball fields, two tennis courts and a paved basketball court. Azalea Park is located to the southwest approximately ten blocks distant. Azalea Park contains walking trails, native vegetation identification areas, picnic sites, restrooms, large play structure named Kid Town, an outdoor theater and softball fields.

Azalea Park and Bud Cross Park are existing parks. It can certainly be said that annexation and development of the subject property within the City limits encourages coordination between these recreational facilities and future expansion of residential areas because the subject lies between and in close proximity to each. These parks can easily be accessed and utilized by children or adults because they are within walking distance of the subject property. Development of additional residential area in close proximity to these two, existing recreational facilities will assist the City to better utilize these existing recreational facilities and coordinate the use of those facilities with future residential areas as proposed here. We conclude annexation of the subject property would serve to encourage better utilization of existing recreational facilities.

CONCLUSION ON THIS CRITERION:

We conclude proposed annexation is in accord with Goal 8.

7. Statement of the Criterion:

Goal 9: To diversify and improve the economy of the Brookings area.

Policy 2. The City of Brookings will encourage the diversification of the City and the regional economy. The City wishes to create new employment opportunities while sustaining and expanding existing economic sectors.

a. Finding on this criterion:

The findings provided under Goal 9 in the Comprehensive Plan indicate Brookings had a narrow economic base at the time the Plan was adopted. Finding one indicates as follows: "The economic base in the Brookings area is relatively narrow and mostly dependent on the timber industry. The lumber and wood products industry accounts for over 60% of the basic jobs in the County, and there has been a continuing decline in timber harvested in the County since 1959. When interest rates are high, as is the case presently, money for the construction of new houses becomes relatively unavailable. This decrease in housing starts has a negative effect on lumbering activity in the area. As a result, Brookings can expect periods of time with high unemployment rates."

Obviously times and economic conditions have changed since the Plan was written. Current and past economic data indicate interest rates have both risen and fallen since then. Times have changed but still the concern voiced in the Plan remains valid. Encouragement of housing starts can have a positive effect on lumbering activity in the Brookings area.

b. Finding on this criterion:

Small area development will not solve the problem of a narrow economic base for the local economy pointed out in Article 9 of the Plan. Policy 2 of that Comprehensive Plan Article comes closest of all to addressing any economic impacts of small developments in residential areas such as is proposed here. Where it indicates:

"The City of Brookings will encourage the diversification of the City and the regional economy..."

Policy 2 sets out the import of even small area residential development. Small developments such as proposed here, will provide both employment opportunities for those in the local home building and infrastructure construction industry and provide a boost to the local market for construction and building materials.

CONCLUSION ON THIS CRITERION:

We conclude the proposed annexation is in accord with Goal 9.

8. Statement of the Criterion:

Goal 10: Provision of varied housing which is safe, sanitary and adequate for all residents of the community. Policy 1. City shall not unduly restrict land development thereby artificially inflating the cost of both new and existing housing, but rather provide land in suitable quantities and encourage the construction of new residential units to meet increased demand.

Policy 2. City shall provide for a variety of housing options and sites and plan for suitable locations. It is recognized the private sector will continue their leadership role in this function.

Policy 3. City shall advance where possible the evolution of safe and aesthetically pleasing residential neighborhoods that are efficiently integrated with business and commercial property, schools, parks, public facilities and other urban development.

a. Finding on this criterion:

The subject property is currently located within the jurisdiction of Curry County. The County zoning applied to the subject is Residential as shown on the Zoning Map, Exhibit 5. Given approval of this request and upon annexation of the property City staff indicates the policy of the City is to provide zoning of like type; meaning the subject would have Residential zoning applied to it upon annexation to the City.

The City has, for many years, undertaken to adopt and implement an urban growth boundary which guides its growth and development. That process has been ongoing and is, hopefully, winding to a close. The subject property has been in the urban growth boundary and remains within that boundary and is therefore planned to be developed to urban standards and densities. Through mutual policy decisions which guide the implementation of the urban growth boundary, both the County and City have set out there intent the subject property is best utilized for residential development. The subject is located within a neighborhood of probable continued medium income housing and the goal is to continue to provide for growth (additional land for development) in that sector as it is to provide growth in other sectors.

Because the subject property is located adjacent an existing City street and all services, including sewer, water, power, telephone, cable TV and etc.; and, because it is located in close proximity to recreational and commercial services of the neighborhood and community, annexation of the subject property will assist the City in attaining its goal to provide for a variety of housing which is safe, sanitary and adequate for all residents of the community.

CONCLUSION ON THIS CRITERION:

We conclude this proposed annexation is in compliance with Goal 10.

9. Statement of the Criterion:

Goal 11: To Plan and develop a timely, orderly and efficient arrangement of public facilities and services to provide a framework for urban and rural development.

Public Works:

A. Water treatment facilities will be maintained with the proper observation and planning to expand facilities on a timely basis to provide continued service to existing customers and projected growth.

B. Water distribution, pumping and storage construction will be constructed for new development by developers. The city council is presently reviewing methods of implementing a "pay as you go" development policy.

C. Wastewater treatment facility expansion programs will be funded through the most cost-effective methods utilizing all available federal, state and local funds.

D. All public works construction to serve newly developed areas will be on the "pay as you go" policy with developers designing and constructing new facilities in accordance with the city Standard Detail and Specifications adopted September, 1981

a. Finding on this criterion:

The city "Standard Detail and Specifications" quoted in the Plan have, over time since adoption of the Plan, been updated and amended. According to City staff the current document is referred to as "General Engineering Requirements and Standard Specifications" and was adopted in August 1998. Those standards are applied to all development and will be applied to development which may result from this application. The framework of public facilities and services is guided by implementation of those standards through the land use permit process, including building and plumbing permits. In conjunction with long term land use decisions already made through residential zoning having been placed on the subject property, engineering standards and zoning together provide the framework for urban development of this property.

CONCLUSION ON THIS CRITERION:

This proposal for annexation is in accord with Goal 11.

10. Statement of the Criterion:

Goal 12 To provide and encourage a safe convenient and economic transportation system.

a. Finding on this criterion:

Goal 12 does not directly apply to this application and need not be specifically addressed here. This is because City design standards for roads and streets are long standing and apply to all new development. Standards for design and construction of streets and roads to serve new development are contained in City ordinances which were adopted in response to the Comprehensive Plan. Given approval of this request for annexation, a subsequent application for division and development of the subject property will be processed in accord with current City standards for streets and other public facilities.

CONCLUSION ON THIS CRITERION:

Future development of the subject property will become consistent with Goal 12 through implementation of the design standards contained in the Brookings Land Development Code.

11. Statement of the Criterion:

Goal 13 To conserve energy.

Policy 2. Brookings will encourage the infilling of undeveloped parcels of land within the City as well as the re-use of vacant land to the extent possible. The City will encourage land development practices which conserve energy as well as utilize renewable energy sources when-ever possible. The City desires high density development to be located adjacent to major shopping areas and along major transportation routes, as appropriate.

a. Finding on this criterion:

The major shopping area of the City is located along the corridor of Highway 101. The subject property is located at the north end of Fifth Street seven blocks from the intersection of Fifth and Highway 101. Such close proximity to the major shopping area and major transportation route places the subject in a position which will assist the City in its desire to develop residential uses in close proximity to these features.

b. Finding on this criterion:

Because the subject property is located approximately seven blocks from the major transportation route, Highway 101 which traverses through the County, annexation and subsequent development of the subject will result in short commute distances to this major traffic route. Similarly the close proximity of the subject to shopping, governmental and professional services tends to promote little travel in order for homeowners to travel to and from these services. Those services are five and six blocks distant south of the subject along 5th Street. The subject is within approximately one quarter mile of City parks and the public schools. All these locational factors will result in the desired situation whereby driving distances for normal family activities are kept short as intended. These factors will help bring about the desired savings of energy.

CONCLUSION ON THIS CRITERION:

For the above stated reasons, annexation and subsequent development of the subject property is a development practice which will conserve energy.

12. Statement of the Criterion:

Goal 14 Urbanization to minimize the expansion of the urban service area outside of the city limits in order to provide for the efficient use of land, eliminate the unnecessary and uneconomical expansion of public facilities, and to conserve agricultural and forest lands outside of the City.

Policy 1. City shall maintain the livability of Brookings while providing appropriate land-use designation and adequate areas to accommodate expected growth.

Policy 2. City shall encourage the orderly outward growth of the community in order to maintain costs of construction, maintenance, and extension of streets, utilities and public facilities at the lowest level possible.

Policy 3. City shall annex lands that are contiguous to the City limits and continue to extend City services only to areas within the corporate limits. City shall continue to honor present agreement for provision of public services in areas presently outside the corporate limits.

a. Finding on this criterion:

Based upon data included in the comprehensive plan and more recent data included in the amended urban growth boundary, the Brookings and Curry County long ago decided the subject property was needed for urban growth of the City and have maintained that conclusion and circumstance to the present. The subject was included within the urban growth boundary when the Brookings Comprehensive Plan was adopted in September, 1981. The subject property lies within the urban growth boundary amendments adopted by the City Council and Board of Commissioners on April 20, 1995. The subject property remains in the urban growth boundary at present and there has been no challenge to its urbanizable status throughout the eleven year process of the boundary amendment through Periodic Review procedure. The subject is and has been in the urban growth boundary and planned and zoned for residential development since the Plan was adopted. Therefore, the City has provided appropriate land-use designation and annexation of the subject property will assist in the stated desire to provide adequate areas to accommodate expected growth.

b. Finding on this criterion:

As demonstrated by the mapping contained in this application, the subject property is located adjacent the City Limit at the northerly most end of 5th Street. The City Limit extends north a short distance along neighboring property and then westerly approximately three quarter mile. The City Limit also extends easterly from the subject approximately three quarter mile. In this setting, the subject lies along a mile and a half long segment of the City Limit on the north edge of the City. Along this north edge there is but one way for the City to grow which is outward to the north. Since the subject property lies adjacent this portion of the City Limit, annexation of the

subject would constitute the orderly outward growth of the community.

c. Finding on this criterion:

The stated policy is to not extend City services until land is annexed within the corporate limits of the City. Upon annexation, extension of City services presently existing in the 5th Street neighborhood could then occur to the subject in accord with the stated desire to extend City services only to areas within the corporate limits.

CONCLUSION ON THIS CRITERION:

We conclude annexation of the subject property is in accord with policies of Goal 14.

13. Statement of the Criterion:

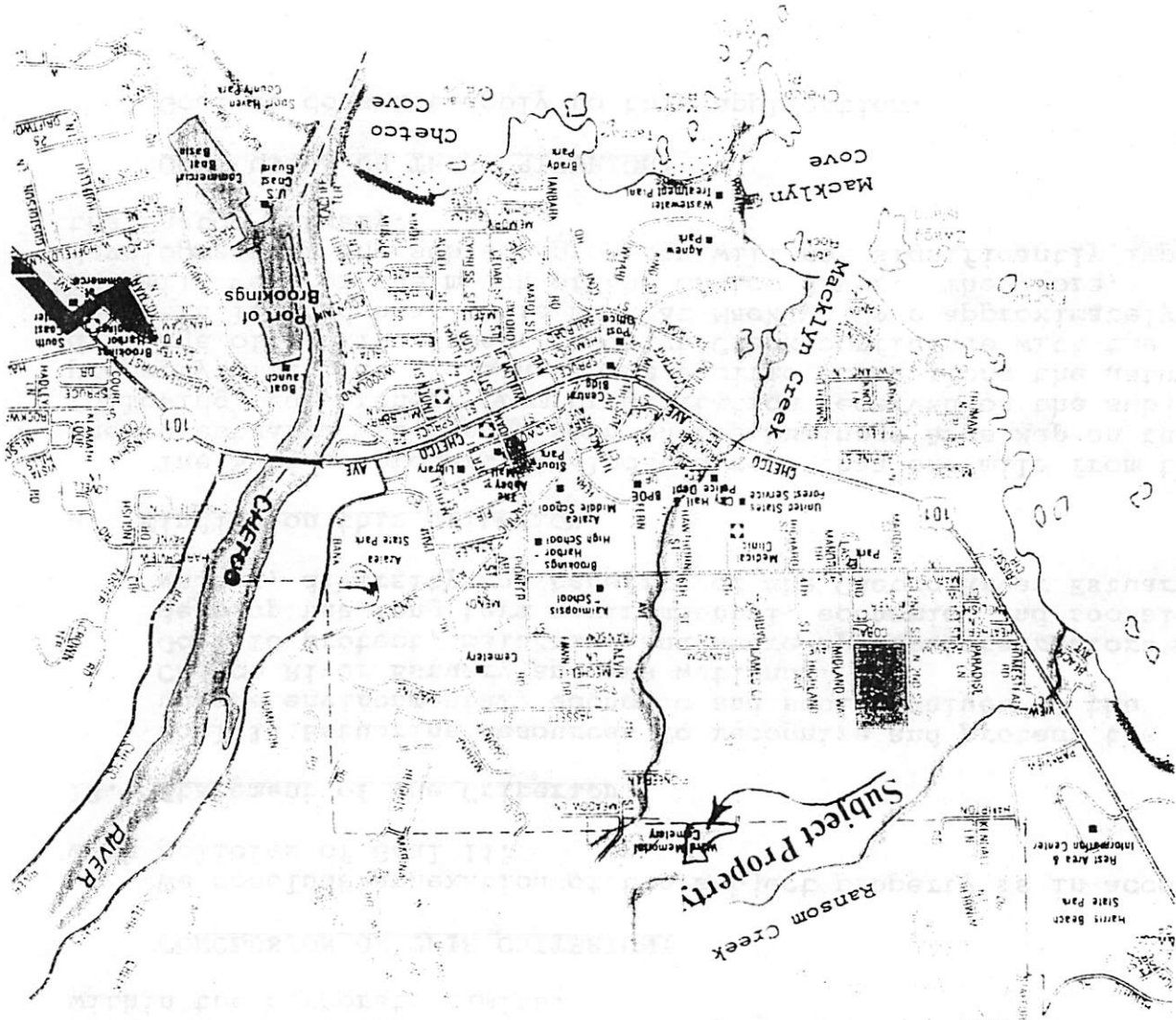
Goal 16 Estuarine Resources To recognize and protect the unique environmental, economic and social values of the Chetco River Estuary and its wetlands.
Goal To protect, maintain, and where appropriate restore or develop the long term environmental, economic, and social values, diversity and benefits of the Chetco River Estuary.

a. Finding on this criterion:

The Subject property is located more than one mile from the Chetco estuary. As can be seen on the Drainage Area Map on the following page, runoff from precipitation received on the subject property will likely drain to the Pacific Ocean along the natural drainage of Macklyn Creek. Macklyn Creek confluence with the Ocean is located near Table Rock at Macklyn Cove approximately one mile west of the mouth of the Chetco River. Therefore, development of the subject property will not significantly impact the Chetco estuary.

CONCLUSION ON THIS CRITERION:

Goal 16 does not apply to this application.



Drainage Area Map

14. Statement of the Criterion:

Goal 17 Coastal Shorelands

a. Finding on this criterion:

The subject property is located over one mile from any Ocean shoreland and on the north extremities of the City. The City lies between the subject and the ocean shoreland and resources.

CONCLUSION ON THIS CRITERION:

Goal 17 does not apply to this application and is not addressed here.

15. Statement of the Criterion:

Goal 18 Beaches and Dunes

a. Finding on this criterion:

The subject property is located on the north extremities of the City over one mile distant from any Ocean beach or dune. City development occupies that intervening distance between the ocean beaches and resources.

CONCLUSION ON THIS CRITERION:

Goal 18 does not apply to this application and is not addressed here.

Part 2 Land Development Code, Section 148

1. Statement of the Criterion:

148.020 Application procedures. An application for annexation may be filed with the city on a form prescribed by the city, accompanied by a filing fee in the amount established by general resolution of the city council. No part of the filing fee is refundable. Said application shall contain the following information:

A. Vicinity map drawn to scale of 1" = 1,000' identifying the proposed area of annexation and existing city limits.

a. Finding on this criterion:

The requisite vicinity map appears on page one of this application. Additionally, other maps appear throughout this application which show the subject property and its relationship to other property and features of the surrounding neighborhood. We conclude this application is in accord with this criterion.

2. Statement of the Criterion:

B. Assessor's parcel maps of the proposed annexation area, which maps shall indicate and identify those parcels which consents to annex have been signed by either electors or owners.

a. Finding on this criterion:

Assessor Map 40-13-31D is attached to this application as required. Tax Lots 104 and 102 are the subject of this Request for Annexation. Both of these lots are owned by applicants Salisbury. No other property or ownership is included in this request for annexation. This proposal complies with this criterion.

3. Statement of the Criterion:

C. Consent to annex forms completed and signed by all consenting property owners and electors within the contiguous territory proposed to be annexed.

a. Finding on this criterion:

Brookings Planning Director, Mr. Bischoff, indicates a singular ownership request for annexation does not require consent to annex forms be signed. The act of submitting application for annexation because it shows intent of the property owner replaces the need for the consent to annex form. Therefore, no consent to annex form is necessary with this application and none is submitted. This application is a

statement of intent and consent to annex and therefore is in compliance with this criterion.

4. Statement of the Criterion:

D. Legal metes and bounds, or lot and block description of the territory proposed to be annexed.

a. Finding on this criterion:

The Curry County Assessor Office indicates deeds for the subject Tax Lots 102 and 104 are recorded at Instrument 92-7766 and Book of Records 117 Page 1015 respectively. Those deeds contain descriptions of the subject property. Copies of the deeds are attached as Exhibits to this application.

b. Finding on this criterion:

The metes and bounds description of the subject property, reprinted from the deeds referenced for Tax Lots 102 and 104, is repeated below:

A Parcel of land lying in the City of Brookings, Curry County, Oregon, described as follows: Beginning at the southeast 1/16 Corner of Section 31, Township 40 South, Range 13 West, Willamette Meridian;

Thence following the 1/16 line North 89 47'09" West to the East Line of 5th Street;

Thence North 0 24'21" West 40 feet to the North right-of-way of a forty (40) foot wide private drive and utility easement;

Thence along said right of way South 89 47'10" East 65 feet, North 61 18'49" East 317.47 feet to the beginning of a tangent curve to the left having a radius of 35.00 feet and a central angle of 100 25'42"; along said curve an arc length of 61.35 feet; tangent to said curve North 39 06'53" West 65.54 feet; North 50 53'07" East 40.00 feet;

Thence South 89 47'09" East 302.24 feet;

Thence South 0 04'21" East 323.93 feet to the Point of Beginning

5. Statement of the Criterion:

E. Specific information on each parcel within the territory proposed to be annexed as follows:

1. Curry assessed valuation as shown on the Curry County Assessor's tax rolls.

2. Acreage.

3. Map and tax lot number.

4. Owner or owners of record and/or registered electors residing on the premises of the subject parcel.

a. Finding on this criterion:

The Curry County Assessor office indicates current real market value assessments as follows:

Tax Lot 104; Improvements \$304,000

Land 91,670

Total = \$395,670

Tax Lot 102 Land \$69,950

Acreages are: TL 102 = 2.23 Ac.,

TL 104 = 0.83 Ac.

Both of these parcels are located on Map 40-13-31D

Owners of Record:

Steve and Laura Le Salisbury

16919 Fifth Street

PO Box 730

Brookings, OR. 97415

The owners, Steve and Laura Salisbury are registered voters who reside in the dwelling located on Tax Lot 104.

6. Statement of the Criterion:

F. Addresses of all dwelling units and businesses within the territory proposed to be annexed.

a. Finding on this criterion:

There is one single family dwelling located on Tax Lot 104 which is the home of applicants, Salisbury. The address of that dwelling is 16919 Fifth Street, Brookings, Oregon 97415.

There is no dwelling or business located on Tax Lot 102. Tax Lot 102 is vacant of structures.

7. Statement of the Criterion:

G. Written findings of fact prepared by the petitioner(s) or petitioner(s) representatives which address the following:

1. Existing land uses within the territory proposed to be annexed.

2. existing zoning and comprehensive plan designations within the territory.

3. Existing improvements, such as water system, streets, sanitary sewer, storm drainage.

4. Special service districts within the territory proposed to be annexed, such as water, irrigation, fire, school, sanitary.

5. Urban services needed and necessary to service the territory proposed to be annexed, the availability of same relative to capacity, condition and cost of extension and/or improvement to urban standards.

6. Compliance with all applicable goals and policies of the comprehensive plan.

7. Compliance with any of the below listed criteria A through E of subsection 148.030.

a. Finding on this criterion:

Tax Lot 102 is vacant of structures. Tax Lot 104 is developed with one residence wherein applicants reside.

The subject property lies within the jurisdiction of Curry County. The County Comprehensive Plan designates the property as Residential and the County Zoning Ordinance indicates Tax Lot 102 is zoned Residential R2 and Tax Lot 104 is zoned Residential R1.

b. Finding on this criterion:

The dwelling located on Tax Lot 104 is served by its own water and subsurface sewage systems. Additionally, the dwelling is accessed by a paved drive way to 5th Street. Telephone, cable TV and electric lines also serve the dwelling.

According to Assessor Map 41-13-31D, the subject property is located in an area of Curry County assigned tax code area 17-7. Printed information distributed by the Assessors Office titled "Curry County 2000-01 Tax Roll Summary By Taxing Districts" the following special districts and other entities have taxing authority in this tax code area:

- School District 17-C
- Education Service District
- South West Oregon Community College
- Port of Brookings-Harbor
- South Curry Cemetery District
- Suburban Fire District
- Chetco Library District
- Coos Curry 4H & Extension
- Curry County General
- Curry Soil and Water Conservation

Based on this tax code area information there are no special districts providing municipal water or sewer services to the subject property or its vicinity.

c. Finding on this criterion:

A complete array of Brookings area urban services is anticipated and needed to serve area to be annexed to include: municipal sewer, water and storm drainage, Coos Curry Electric Cooperative electric service, Cable or Satellite TV, Police and Fire Protection.

Criteria Repeated:

6. Compliance with all applicable goals and policies of the comprehensive plan.

7. Compliance with any of the below listed criteria A through E of subsection 148.030.

d. Finding on this criterion:

Issues regarding compliance with all applicable goals and policies of the comprehensive plan are discussed in Part 1 of this application and those findings are made a part hereof by this reference.

Issues regarding compliance with criteria A through E of subsection 148.030 are dealt with in the remainder of this Part 2 of this application.

8. Statement of the Criterion:

148.030. Annexation criteria. Proposed annexation petitions shall be determined to not represent a potential negative or adverse impact upon the citizens of Brookings, either financially or in terms of the livability of the community. Such determination shall be made by the evaluation and assessment of the proposed annexation in relation to the following considerations and criteria.

A. The proposed annexation is within the urban growth boundary and represents a logical, efficient and economical extension of the city boundaries and is found to be a necessary control for development form and standards of an area adjacent to the city.

a. Finding on this criterion:

Through out the land use planning process cities and counties were to establish urban growth boundaries in response to Statewide Planning Goal 14. The subject property is within the Urban Growth Boundary adopted along with the City of Brookings 1981 Comprehensive Plan. Additionally, the subject property lies within the expanded Urban Growth Boundary adopted by the City of Brookings and Curry County in 1995. The subject property lies within the Urban Growth Boundary amendments resulting from Periodic Review work task evaluations concluded in 2000.

b. Finding on this criterion:

Goal 14 sets out seven factors local governments are to consider when establishing or changing urban growth boundaries. The City of Brookings and Curry County have worked during the past two and a half decades to first establish and then amend the Brookings Urban Growth Boundary in response to the charge of the seven factors of Goal 14. Inclusion of the subject property within the UGB has not been challenged and has not been an issue during the process.

Two of the seven factors address "...orderly and economic provision of public facilities and services"...and..."Maximum efficiency of land uses within and on the fringe of the existing urban area...". Following the adoption of the 1981 Comprehensive Plan the Land Conservation and Development Commission acknowledged the Brookings Comprehensive Plan (and the included Urban Growth Boundary) as being in compliance with the Statewide Planning Goals.

Therefore, we conclude the proposed annexation is within the urban growth boundary and represents a logical, efficient and economical extension of the City boundaries. Further, annexation of the subject property is found to be a necessary control for development form and standards of an area adjacent to the City.

9. Statement of the Criterion:

B. The proposed annexation will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the city (direct responsibility for extension costs shall be addressed).

a. Finding on this criterion:

As stated above the subject property was included within the UGB after consideration of the Goal 14 factors regarding economic provision of services and the Boundary was acknowledged by LCDC. The positive judgment regarding economic provisions of services to the subject property inherent in those decisions most probably resulted from its location. The southwest corner of the subject is located adjacent the intersection of 5th Street with Brooke Lane and Krista Lane. that is the apparent low elevation of the subject property. Water and sewer mains and storm drains are located within the rights-of-way of those City streets. Other services such as power, cable TV, telephone, etc. are also located along these rights-of-way and, of course, the City streets themselves.

b. Finding on this criterion:

Of paramount concern when developing urban areas with an eye toward "functional and economic provisions of services" is whether the area to be served drains down hill to the sewer plant. Put another way; will sewer lines be able to flow by gravity rather than having to rely on mechanical pumping stations to assist the flow of sewage to treatment facilities. The least expensive, and therefore the most economical, is normally gravity flow piping. Since the subject is located uphill from the existing sewer and storm lines in adjacent City streets, we conclude the proposed annexation will facilitate the functional and economic provision of services within the UGB.

c. Finding on this criterion:

City police and fire services and other services are in existence and use in the neighborhoods along 5th Street extending to the south of the subject property. These services will not be significantly impacted by annexation of the subject. The relatively small number of lots (minimum of 3 if by partition of TL102, maximum of 13 by subdivision) will not seriously impair City services to existing portions of the City. The discussions contained in this application regarding impact analysis of the

proposed annexation demonstrates the positive economic impact of the annexation. We conclude the proposed annexation will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to existing portions of the city.

10. Statement of the Criterion:

C. the annexation represents a needed solution for existing problems resulting from inadequate or insufficient provisions for sanitation, water service or other related problems resulting from development with less than full urban services and facilities provided.

a. Finding on this criterion:

The subject property is currently developed with one residential unit. This residence is served by on-site subsurface sewage and water supply systems. There was a problem with the septic system serving the existing residence however this problem was solved through County issued permits. Although there currently are no known problems with these systems, long term use of individual systems (such as septic systems) is not generally considered appropriate or economically efficient in urban areas. The property is in the urbanizable area and lies immediately adjacent City limits and existing sewer, water and other urban services. Allowing a full array of the urban level services to proposed development on the subject property will provide a needed solution to potential problems of inefficient use of urban areas. In order to bring about the intent to urbanize the subject property inherent in City and County Comprehensive Plans, which depict the subject as urbanizable land; annexation must occur so that a full array of urban services may be extended thereby avoiding the problem of inefficient use of urban land.

11. Statement of the Criterion:

D. The proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for the uses projected on the comprehensive plan or will add property which has existing development in need of urban services.

a. Finding on this criterion:

The Brookings Comprehensive Plan, dated September, 1981, sets out identified needs for urban residential land. The Plan indicated at that time there was a need for 673 dwelling units within the Urban Growth Area. The subject property, along with neighboring land, was included within that Urban Growth Boundary to accommodate a portion of that identified need. Whether minimum number of lots is created through partitioning the property; or a buildout of thirteen lots is achieved through subdivision of the property, either alternative would constitute a small portion of the identified need, this proposal will

provide a portion of the needed residential growth of the City as stipulated two decades ago in the Plan.

We conclude the proposed annexation will add property to the city which is needed to provide an adequate supply of zoned lands for the uses projected on the comprehensive plan.

12. Statement of the Criterion:

E. The lands within the boundaries of the proposed annexation are demonstrated to meet identified needs for urbanization and/or transportation networks.

a. Finding on this criterion:

As indicated above, the Brookings Comprehensive Plan of 1981 set out identified needs for urban residential land at that time for 673 dwelling units within the Urban Growth Area and the subject property was included within that boundary to supply a portion of that need.

b. Finding on this criterion:

Since adoption of the Plan in 1981 there have been two major amendments to the Urban Growth Boundary. The first of those amendments occurred in May 1995 after several years of study by the City and by outside consultants. The 1995 amendment to the boundary increased the size of the Urbanizable Area. Again in 2000 the City and County considered and prepared to adopt amendments to the UGB which were in response to Periodic Review work tasks. These amendments also verified the need for increased urbanisable area. Throughout this past decade of study and restudy of the Brookings Urban Growth Boundary there has been no question raised and no issue has developed over whether the subject property should remain within the Boundary and the urbanizable area. The needs analysis indicating greater needs for all classes of urban land help to underscore the original decision of the City the subject property is urbanizable, is needed for urban development and should be developed under and to urban development standards once annexed to the City. We conclude the lands within the boundaries of the proposed annexation are demonstrated to meet identified needs for urbanization and/or transportation networks.

13. Statement of the Criterion:

148.040 Annexation impact analysis. the comprehensive plan sets forth a program and direction for the future growth and development of the city of Brookings. Annexations are a means of implementing the goals and policies contained in the plan, recognizing that the city must plan for and provide extension of services to contiguous lands that will allow for development to densities as designated in the plan following annexation.

To assure that the planning commission and city council, prior to acting upon a proposal for annexation, is fully informed as to the potential impacts of the annexation upon both the city and the territory proposed to be annexed, it shall be required that an impact analysis containing, but not limited to, the following information be prepared and submitted by the applicant(s) for consideration by the staff, advisory (Planning Commission) and approving authority (City Council).

A. A statement of the municipal service needs, if any, of the territory proposed to be annexed, including police and fire protection; public sewer and water supply facilities; street improvement or construction, or both; and such other municipal services that may reasonably be required.

a. Finding on this criterion:

The number of lots which will result from annexation and then land division is not known at this time. Such factors as topography, access route, slopes and others will play a part in final design of development. Regardless the number of lots, whether it be 3 or 13, development of the site will require municipal police and fire protection. The July, 2000 population estimates for the City of Brookings as published by Portland State University Center for Population Research was 5,625 persons. The 1990 US Census reported 2.38 persons per household. Extrapolating from those figures results in 2,363 households within the City. An addition of a maximum of 13 dwelling units would be an increase in the number of households in the City equivalent to approximately one half percent (0.005) of the existing number of units. A one half percent increase in the number of dwelling units subject to police and fire coverage is not great; particularly so considering the Brookings Fire Department serves the Suburban Fire District which is a large area surrounding the City. The percentage of development the subject property would be of actual dwelling units served by the District and City combined is lowered to about one fourth of a percent (.0025 or 1/4%). Fire Chief Sharp and Acting Police Chief Chris Wallace have confirmed this level of development would not be a significant impact to police and fire services.

Municipal sewer, water supply and storm drainage will also be required by resulting development and, as indicated, these services are presently existing and in use in the 5th Street, Brooke Lane and Krista Lane neighborhood and will be extended by the applicant to serve the subject property. We contacted Mr. Iverson at the treatment plant for information regarding City water and sewer capacities as directed by Mr. Bischoff. Mr. Iverson indicates Although he has mild concern that 13 dwellings all coming on line this summer "might effect water capacity a little bit" if a drought occurs, he states even the maximum development of the property should not be a problem. He indicated placing three dwellings on the property this summer would not be a problem for water and sewer capacity and would only have minimal impact.

14. Statement of the Criterion:

B. A statement of the projected methods and costs of supplying reasonably needed municipal services to the territory proposed to be annexed.

a. Finding on this criterion:

The July, 2000 population estimates for the City of Brookings as published by Portland State University Center for Population Research was 5,625 persons. The 1990 U.S. Census reported an average of 2.38 persons per household. Accordingly, extrapolating from those figures results in 2,363 households within the City. Utilizing a maximum potential for perhaps 13 dwellings (depending on slope of the land and other factors) the resulting development would add approximately 30 persons. Thirteen dwelling units equates to approximately 1/2% (0.005) of existing households and 30 persons equates to approximately 1/2 % of the population. These are not great increases in existing conditions and these increases would not cause a great impact on municipal services.

b. Finding on this criterion:

The developer of the project will construct all streets and utilities necessary to develop the site. Richard Nored of HGE [Consulting Engineer for the City of Brookings] estimates costs for developing a street to City standards, including curbs, gutters and sidewalks on both side, would be in the range of \$200 to \$250 per lineal foot. The cost to provide utilities (sewer, water and storm drainage buried) will likely range from \$100 to \$150 per lineal foot. As stated elsewhere in this application, utilities and services are already in existence in the area. The developer will be responsible for extension of those services.

15. Statement of the Criterion:

C. A statement of the additional revenues, if any, available to the city as a result of the annexation.

a. Finding on this criterion:

The principal source of additional revenue to the City of Brookings will be property taxes. Assessor Map 40-13-31D depicts the property immediately south of and adjacent the subject and lying inside the City limit as being in Tax Rate Code area 17-1.

We assume tax district 17-1 will be applied upon annexation. The pamphlet "2000-01 Curry County Property Tax Rate Summary" reflects the following taxing authorities and rates.

TAX CODE AREA 17-1

School District 17-C	3.2494	
Education Service District	0.4432	
South West Oregon Community College	0.7017	
EDUCATION TOTAL	4.3943	4.3943
City of Brookings	3.7631	
Port of Brookings-Harbor	0.1249	
South Curry Cemetary District	0.0368	
Chetco Library District	0.4256	
Curry Co. 4H & Extension Service	0.1021	
Curry County General	0.5588	
TOTAL GOVERNMENT	5.0113	5.0113
City of Brookings (not subject to Mes 5)	0.2735	0.2735
Brookings Harbor Health	0	
Curry Soil and Water Conservation	0	
TOTAL CODE RATE	9.6791	9.6791

The total City tax rate in area 17-1 is 4.0366.

Figure 2, below, reports the assessed value for land and improvements on the land of several neighborhood lots which are inside the City Limits.

Figure 2
Neighboring Property Value
10/20/00

<u>Tax Lot</u>	<u>Improvements</u>	<u>Land</u>	<u>Total Value</u>
On Map 40-13-31DC			
100	74,500	133,640	208,140
701	149,760	54,390	204,150
702	None	44,560	----
703	None	44,560	----
720	112,450	53,840	166,290
721	94,440	54,390	148,830
722	None	49,270	----
801	130,270	57,110	187,380
802	122,080	57,120	179,200
803	None	43,000	----
900	146,200	56,590	202,790
1000	134,980	54,950	<u>189,930</u>
Total Assessed Values =			1,558,710
Average Value (8 lots) =			194,838

As reported on Page 19 of this application, the total assessed value of the subject property and its dwelling is \$465,620. According to information from the Curry County Assessor Department, the current (2001) total tax rate for the City of Brookings in Tax Code Area 17-1 is 4.0366 per \$1000 assessed value. Utilizing the average value of the eight developed neighboring lots within the City (which carries the assumption development on the subject would equate to existing neighboring development), the following calculations of low and high

estimates of annual tax revenues potentially gained by the City through annexation of the subject property apply:

Existing land and Improvement value

\$465,620 X 4.0366 (tax rate) = \$1,880

A minimum development of 3 lots

3 lots X \$194,838 (ave value) X 4.0366 (tax rate) = 2,359

A maximum development of 13 lot subdivision

13 lots X \$194,838 (ave value) X 4.0366 (tax rate) = 10,224

Annexation plus a three lot development

would result in additional annual tax revenue of \$4,239.

Annexation plus a therteen lot development

would result in additional annual tax revenue of \$12,104.

As stated the preference of the owner applicant is to partition TL 102 and develop the resulting three lots; therefore, annexation is likely to result in additional annual tax revenue of \$4,239.

b. Finding on this criterion:

Additional revenues would accrue the City from utility billings to new development. City staff estimates monthly utility bills within the neighborhoods in and around 5th Street probably average \$55 to \$60 per month. Potential low and high revenue projections can be estimated based on the average neighborhood utility billing factored by the number of dwellings added. The following calculations provide an estimate, given different development scenarios, of potential revenues from utility bill payments:

Given simple partition of Tax Lot 102, resulting in three additional lots with dwellings, the revenue from \$55 per month utility bills would produce an additional \$1,980 per year to the City. [\$55/Mo X 12 mo X 3 dwel = \$1,980]. It should be noted partition of TL 102 into three lots is the preferred option of the owner/applicant.

Given subdivision and development to the maximum density of the City R-2 zoning district would result in greater numbers of dwellings and therefore, more utility billing revenue to the City. Tax Lot 104 is currently developed with a large single family dwelling and would probably not be further divided or developed. Therefore, we base the calculation on the size of Tax Lot 102 alone. Tax Lot 102 is 2.23 acres. From that we subtract 20% of land area as an estimate of land area dedicated to streets and public facilities and services thus leaving 1.78 acres for lots. The minimum lot size of the R-2 zone is 6000 square feet. It should be NOTED some of the property may be over 15% slope thereby potentially raising minimum lot size and thereby reducing the number of lots which might be permitted. However, to continue the demonstration 1.78 acres equals 77,537 square feet (1.78 ac X 43,560 sqft). That area of land divided by 6,000 (square foot lots) yields 13 lots. The revenue derived from \$55 per month utility bills for 13 lots/dwellings would produce an

additional \$8,580 per year to the City. [\$55/Mo X 12 mo X 13 dwel = \$8,580].

c. Finding on this criterion:

New families occupying the residences will also contribute to the local economy through the purchase of goods and services from local businesses. Spending habits of individuals is a matter of conjecture, however, for the sake of discussion we conservatively assume here the average family of three will spend between \$300 and \$500 per month in the community for food, clothing, transportation, and other similar living expenses. Therefore, the following calculations apply:

Given partition of three lots with associated dwellings; an additional \$10,800 to \$18,000 per year would be spent in the community by inhabitant families on living expenses.

Assuming development would occur to the buildout of 26 lots, the resulting expenditures of 26 families would range between \$46,800 to \$78,000 per year within the community.

16. Statement of the Criterion:

D. A statement of the foreseeable impact of the proposed annexation upon property within existing city limits, and upon property outside the city limits and contiguous to property included within the proposed annexation.

a. Finding on this criterion:

Potential impacts to property within existing City limits and outside the City will be minimal. Some residents of the neighborhood who now have a view, however limited of the undeveloped slope will, after development, have a view of residential uses similar to their own and to the existing neighborhood in general. As stated earlier in this application, City street patterns, utility and other services and police and fire protection currently exist in the well developed vicinity. Extension of these services to development on the subject property will, as a result of this proposal, be accomplished as planned in the Comprehensive Plan and Urban Growth Boundary documents.

17. Statement of the Criterion:

E. a statement analyzing the impact of the annexation on the growth, development, and future of Brookings and its urban growth area, recognizing that even small-area annexations involve implicit policy decisions concerning long-range development and ultimate impacts.

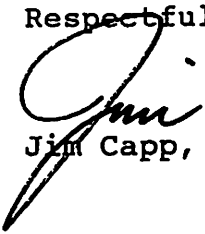
a. Finding on this criterion:

As reviewed in this Application, the proposed annexation is in compliance with the criteria for annexation contained in the Brookings Land Development Code. Long ago the City developed and published its projected growth patterns in the Comprehensive Plan and Urban Growth Boundary documents. Annexation of this small property will not bring about all of the plans and aspirations of the City. Annexation of the subject property will assist the City to reach its goals for residential growth and development as stated in the Plan. Because the subject lies adjacent existing City streets and other utilities and services, development of the subject property will occur in an efficient manner with little impact to existing services and neighborhoods.

CONCLUSION:

Because the proposed annexation has been shown to comply with City Land Development Code provisions regulating annexations, We request approval of this application.

Respectfully submitted:



Jim Capp, Agent



Staff Report

To: Mayor Hagbom & City Council
Through: Leroy Blodgett, City Manager
From: Randy Reed, CMC, Finance Director *Randy*
Date: June 15, 2001
Issue: **Resolution to Adopt the Budget, Declare the tax levy, Make Appropriations and Categorize the Levy for Fiscal year 2001-2002.**

BACKGROUND

Oregon local budget law requires the city's governing body to enact a resolution adopting the budget for the next fiscal year, prior to June 30th. (ORS 294.435)

As required by Oregon law, the City of Brookings Fiscal year 2001-2002 budget includes the following:

1. The detailed expenditures and resources for each fund, organizational unit, program or activity,
2. The detailed actual information for the first and second preceding years,
3. The adopted budget information for the current year,
4. The proposed and approved budget figures for the upcoming year.

Before the City can implement the 2001-2002 budget and receive tax money necessary for operations, this resolution must be adopted by the City Council.

RECOMMENDATION

Staff recommends approval by the council in the matter of resolution 01-R-696 adopting the budget, declaring tax levied, making appropriations for the 2001-2002 fiscal year and to categorize the levy as provided in ORS 294.435.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

*In the Matter of a Resolution Adopting the
Budget, Declaring Tax Levied,
Making Appropriations for the 2001-2002
Fiscal Year and to Categorize the Levy as
Provided in ORS 294.435*)
)
) **RESOLUTION NO. 01-R-696**
)
)

BE IT RESOLVED that the City Council of the City of Brookings hereby adopts the budget for fiscal year 2001-2002 in the sum of \$16,982,856 now on file in the office of the City Finance Director/Recorder.

BE IT FURTHER RESOLVED that the City Council of the City of Brookings hereby imposes the taxes provided for in the adopted budget at the rate of \$3.7630 per \$1,000 of assessed value for operations; and in the amount of \$115,829 for bonds; and that these taxes are hereby imposed and categorized for tax year 2001-2002 upon the assessed value of all taxable property within the district.

	General Government	Excluded from Limitation
General Fund	\$3.7630/1000	
Debt Service Fund		\$115,829

BE IT FURTHER RESOLVED that the amounts for the fiscal year beginning July 1, 2001, and for the purposes shown below are hereby appropriated as follows:

<u>GENERAL FUND</u>	
	<u>Appropriation</u>
Judicial	\$ 7,150
Legislative/Administrative	230,800
Police	1,310,950
Fire	204,072
Community Development	308,568
Parks & Recreation	279,100
Finance	217,100
Non-Departmental	<u>299,960</u>
<u>TOTAL FUND APPROPRIATION</u>	<u>\$ 2,857,700</u>

STREET FUND

Personal Services	\$ 120,300
Materials & Services	116,200
Capital Outlay	32,700
Interfund Transfers	68,000
Contingencies	<u>66,600</u>
<u>TOTAL FUND APPROPRIATION</u>	<u>\$ 403,800</u>

WATER FUND

Distribution	\$ 287,050
Treatment	314,175
Interfund Transfers	118,000
Contingencies	<u>13,275</u>
<u>TOTAL FUND APPROPRIATION</u>	<u>\$ 732,500</u>

WASTEWATER FUND

Collection	\$ 219,700
Treatment	593,600
Interfund Transfers	1,115,250
Contingencies	<u>116,450</u>
<u>TOTAL FUND APPROPRIATION</u>	<u>\$2,045,000</u>

9-1-1 FUND

Materials & Services	\$ 34,800
Capital Outlay	135,000
Operating Contingency	<u>65,000</u>
<u>TOTAL FUND AND APPROPRIATION</u>	<u>\$ 234,800</u>

BANCROFT BOND FUND

Transfers Out	<u>\$200</u>
<u>TOTAL FUND AND APPROPRIATION</u>	<u>\$ 200</u>

DAWSON BANCROFT BOND FUND

Debt Service	\$ 129,585
<u>TOTAL FUND APPROPRIATION</u>	<u>\$ 129,585</u>

DEBT SERVICE FUND

Transfers Out	\$ 118,000
<u>TOTAL FUND APPROPRIATION</u>	<u>\$ 118,000</u>

DEBT SERVICE 1993 SERIES FUND

Debt Service	\$ 473,300
Contingency	<u>15,100</u>
<u>TOTAL FUND APPROPRIATION</u>	<u>\$ 488,400</u>

GENERAL RESERVE FUND

Capital Outlay	\$ 431,000
Contingency	<u>997,000</u>
<u>TOTAL FUND APPROPRIATION</u>	<u>\$1,428,000</u>

STOUT PARK TRUST FUND

Materials and Services	\$ 4,200
<u>TOTAL APPROPRIATION</u>	<u>\$ 4,200</u>

WATER BOND FUND

Transfers Out	133,300
Contingencies	<u>1,116,700</u>
<u>TOTAL APPROPRIATION</u>	<u>\$ 1,250,000</u>

WASTEWATER LOAN FUND

Debt Service	\$ 1,600,000
Contingencies	<u>144,000</u>
<u>TOTAL APPROPRIATION</u>	<u>\$ 1,744,000</u>

WASTEWATER CONSTRUCTION FUND

Materials and Services	\$ 150,000
Capital Outlay	13,100
Interfund Transfers	<u>805,000</u>
<u>TOTAL FUND APPROPRIATION</u>	<u>\$ 968,100</u>

SYSTEM REPLACEMENT FUND

Street - Capital Outlay	\$ 157,800
Water - Capital Outlay	408,000
Wastewater - Capital Outlay	<u>290,000</u>
<u>TOTAL FUND APPROPRIATION</u>	<u>\$ 855,800</u>

SYSTEM DEVELOPMENT FUND

Street - Capital Outlay	\$ 224,000
Water - Capital Outlay	630,000
Wastewater - Capital Outlay	465,000
Wastewater - Interfund Transfers	1,000,000
Parks & Recreation - Capital Outlay	159,300
Storm Drain - Capital Outlay	<u>129,500</u>
 <u>TOTAL FUND APPROPRIATION</u>	 <u>\$2,607,800</u>

BE IT FURTHER RESOLVED that the Brookings City Finance Director/Recorder certify to the County Assessor the tax levy made by this Resolution and shall file with the County Assessor a copy of the budget as finally determined.

PASSED by the City Council of the City of Brookings and signed by the Mayor this 25th day of June, 2001.

Bob Hagbom
Mayor

ATTEST by City Recorder this ____ day of June, 2001.

Randy Reed, CMC
Finance Director/City Recorder



Staff Report

To: Mayor Hagbom & City Council
Through: Leroy Blodgett, City Manager
From: Randy Reed, CMC, Finance Director
Date: June 19, 2001
Issue: **Resolution Authorizing Transfer of Appropriations within the General Fund**

BACKGROUND

As a result of unanticipated increases in expenditures, the Non-Departmental program of the General Fund will exceed its appropriation for fiscal year 2000/2001. Appropriations are a legal limitation on the amount of expenditures that can be made during the fiscal year. It is necessary therefore to increase the appropriation to Non-Departmental. ORS 294.450 allows the transfer of appropriations within a fund by resolution. Resolution 01-R-697 authorizes the transfer of appropriation from the Police Department, Fire Department and Finance Department (\$10,000 each) to Non-Departmental. The Police, Fire and Finance Departments will end the fiscal year under budget and have sufficient left over appropriation to transfer to Non-Departmental. This intrafund transfer is just for fiscal year 2000/2001 and will not effect the 2001/2002 budget.

RECOMMENDATION

Staff recommends approval by the council in the matter of a resolution authorizing transfer of appropriations within the General Fund.

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

In the Matter of a Resolution)	
Authorizing Transfer of)	RESOLUTION No. 01-R-697
Appropriations Within the)	
General Fund)	

WHEREAS, the City of Brookings is allowed by ORS 294.450 to transfer appropriations within funds, and

WHEREAS, it is necessary to make the following transfers to ensure sufficient appropriations in the Non-Departmental program of the General Fund to cover unanticipated operating expenses,

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Brookings, Curry County, Oregon, that the City Finance Director/Recorder be authorized and directed to transfer appropriations to and from the accounts specified:

General Fund -

From:

Police Department	\$10,000
Fire Department	10,000
Finance Department	<u>10,000</u>
Total Appropriation From	<u>\$30,000</u>

General Fund -

To:

Non-Departmental	\$ <u>30,000</u>
Total Appropriation To:	<u>\$ 30,000</u>

DATED and signed this _____ day of June, 2001,

Bob Hagbom
MAYOR

ATTEST by City Recorder this ____ day of June, 2001.

Randy Reed, CMC
City Finance Director/Recorder