

**AGENDA**  
**City of Brookings**  
**Common Council Meeting**  
**City Hall Council Chambers**  
**898 Elk Drive**  
**Brookings, Oregon**  
**October 28, 1996 7:00 P.M.**



**HAPPY HALLOWEEN**



# agenda

## CITY OF BROOKINGS COMMON COUNCIL MEETING

Council Chambers

898 Elk Drive, Brookings, Oregon

October 28, 1996

7:00 p.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS none
  - 1. APPOINTMENTS OF ONE COUNCILOR AND TWO LAY PEOPLE TO A COMMITTEE TO STUDY RATE METHODOLOGY OF FALCON CABLE (lilac)
- V. PUBLIC HEARINGS none
- VI. SCHEDULED PUBLIC APPEARANCES
  - 1. Community Pride Partnership Cleanup Program Report - Richard Gyuro (gray)
  - 2. Business Service Evaluation Project - Jim Bouley, SWOCC Business Development Center (yellow)
- VII. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE
- VIII. STAFF REPORTS
  - A. City Manager
    - 1. Request for agreement to allow time to prepare a business plan for development of Jack Creek Golf Course - Ken W. Zitz and Associates (pink)
    - 2. Statewide Initiatives #31 & #47 (green)



**B. Community Development**

1. Water service outside City limits (lilac)
2. Request for Water Service - Webb Lane (yellow)
3. Reinstatement of Capital Improvements/Expenditures Committee (ivory)
4. Pacific Coast Scenic Byway Management Planning Effort (tan)

**IX. CONSENT CALENDAR**

**A. Approval of Council Meeting Minutes**

1. October 14, 1996 Regular Council Meeting (gold)

(end Consent Calendar)

**X. ORDINANCES/RESOLUTIONS/FINAL ORDERS**

**A. Resolutions**

1. Resolution No. 96-R-609 - A resolution of the Brookings City Council in support of a long term funding source for Oregon State Parks. (salmon)

**XI. COMMITTEE REPORTS**

**A. Planning Commission**

**B. Parks and Recreation Commission**

**C. Chamber of Commerce**

**XII. REMARKS FROM MAYOR AND COUNCILORS**

**A. Mayor**

**B. Council**





**XIII. ADJOURNMENT**





# OCTOBER 1996






Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<div>September</div> <div>S M T W T F S</div> <div>1 2 3 4 5 6 7</div> <div>8 9 10 11 12 13 14</div> <div>15 16 17 18 19 20 21</div> <div>22 23 24 25 26 27 28</div> <div>29 30</div>		1 7:00 PM Plan- ning Commis- sion Reg. Meeting	2 12:00 PM Brook- ings-Harbor Community Work Session	3	4	5 3:00 PM Mason William Concert - Azalea Park
						Pacific Progra...
6	7	8	9	10	11	12
ICMA Conference, Washington, D.C.			Pacific Program Advanced Training - Riverhouse ...			
Pacific Program - Inn of the 7th Mountain - Bend						
13	14 6:00 PM Council Meeting  Colum- bus Day	15 1:30 PM SDC Review Board - Fire Hall	16  Bosses Day	17	18	19
20	21	22	23	24 7:00 PM Parks & Rec. Comm.	25	26
27  Daylight Savings Time Ends	28	29	30	31  Halloween	<div>November</div> <div>S M T W T F S</div> <div>1 2</div> <div>3 4 5 6 7 8 9</div> <div>10 11 12 13 14 15 16</div> <div>17 18 19 20 21 22 23</div> <div>24 25 26 27 28 29 30</div>	





# NOVEMBER 1996






Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																					
					1	2																																																																																					
<div>October</div> <table><tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr><tr><td></td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td></td></tr><tr><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td></tr><tr><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td></tr><tr><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td></tr><tr><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td><td></td><td></td></tr></table>			S	M	T	W	T	F	S		1	2	3	4	5		6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31			<div>December</div> <table><tr><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td></tr><tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td></tr><tr><td>8</td><td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td></tr><tr><td>15</td><td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td></tr><tr><td>22</td><td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td></tr><tr><td>29</td><td>30</td><td>31</td><td></td><td></td><td></td><td></td></tr></table>			S	M	T	W	T	F	S	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31						
S	M	T	W	T	F	S																																																																																					
	1	2	3	4	5																																																																																						
6	7	8	9	10	11	12																																																																																					
13	14	15	16	17	18	19																																																																																					
20	21	22	23	24	25	26																																																																																					
27	28	29	30	31																																																																																							
S	M	T	W	T	F	S																																																																																					
1	2	3	4	5	6	7																																																																																					
8	9	10	11	12	13	14																																																																																					
15	16	17	18	19	20	21																																																																																					
22	23	24	25	26	27	28																																																																																					
29	30	31																																																																																									
3	4	5 <div> Election Day</div>	6 <div>12:00 PM Brook- ings-Harbor Community Work Session</div>	7 <div>7:00 PM Plan- ning Commis- sion Mtg.</div>	8	9 <div>7:00 PM Coun- cil Meeting</div>																																																																																					
				OR Fire Chiefs Ass'n. Conference - Sunriver																																																																																							
10 <div>6:00 PM Council Meeting</div> <div> Veterans Day</div>	11	12	13	14	15	16																																																																																					
				LOC Conference - Red Lion Inn ...																																																																																							
17	18	19	20	21 <div>7:00 PM Parks &amp; Rec. Comm. Meeting</div>	22	23																																																																																					
LOC Confere...			NW Gov. Finance Institute - Portland																																																																																								
24	25 <div>7:00 PM Council Meeting</div>	26	27	28 <div> Thanksgiving</div>	29 <div>City Hall Closed</div>	30																																																																																					





# DECEMBER 1996



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																																		
1	2	3	4 12:00 PM Brook- ings-Harbor Community Work Session	5	6  Hanukkah	7 NLC Congres...																																																																																																		
8	9 7:00 PM Council Meeting	10	11	12	13	14																																																																																																		
NLC Congress of Cities - San Antonio																																																																																																								
15	16	17	18	19	20	21																																																																																																		
22	23 7:00 PM Council Meeting	24	25 	26 7:00 PM Parks & Rec. Comm.	27	28																																																																																																		
29	30	31 	<table><tr><th colspan="7">November 96</th></tr><tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr><tr><td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td></tr><tr><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td></tr><tr><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td></tr><tr><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td></tr><tr><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td></tr></table> <table><tr><th colspan="7">January 97</th></tr><tr><th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th></tr><tr><td></td><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td></tr><tr><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td></tr><tr><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td></tr><tr><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td></tr><tr><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td></tr></table>				November 96							S	M	T	W	T	F	S						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	January 97							S	M	T	W	T	F	S					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
November 96																																																																																																								
S	M	T	W	T	F	S																																																																																																		
					1	2																																																																																																		
3	4	5	6	7	8	9																																																																																																		
10	11	12	13	14	15	16																																																																																																		
17	18	19	20	21	22	23																																																																																																		
24	25	26	27	28	29	30																																																																																																		
January 97																																																																																																								
S	M	T	W	T	F	S																																																																																																		
				1	2	3																																																																																																		
4	5	6	7	8	9	10																																																																																																		
11	12	13	14	15	16	17																																																																																																		
18	19	20	21	22	23	24																																																																																																		
25	26	27	28	29	30	31																																																																																																		



# Memorandum

**TO:** Mayor, City Council  
**FROM:** Councilor Brendlinger  
**DATE:** October 24, 1996



Issue:

APPOINTMENTS TO COMMITTEE TO STUDY RATE  
METHODOLOGY OF FALCON CABLE

Synopsis:

At the October 14 Council meeting I was asked to recommend names of candidates to serve on a committee to study the rate methodology of Falcon Cable.

Recommendation:

That Council approve the appointment by the Mayor of Wanda Kimbel as the citizen member, City Manager Tom Weldon as staff, and myself from the Council, to the COMMITTEE TO STUDY RATE METHODOLOGY OF FALCON CABLE.

14.1



# Community Pride Cleanup Program

Curry Transfer & Recycling, Inc.

Date: 9/30/96

PO Box 4008  
Brookings, OR 97415

Ph: (541) 469-2425

Fax: (541) 469-1048

Community Pride Partnership  
Cleanup Program City Of Brookings  
Fall of 1996

Description	Location	Feq	Size	Unit	Unit Price	Amount
	Wood Disposal		864	Yards	\$7.31	\$6,315.84
	Metal Disposal		506	Yards	\$7.31	\$3,698.86
	Automobile Removal @ reduced Price		30	Cars	\$40.00	\$1,200.00
Total Fall Cleanup Services @ no Cost						\$11,214.70

Message



# Community Pride Cleanup Program

Curry Transfer & Recycling, Inc.

Date: 9/30/96

PO Box 4008

Brookings, OR 97415

ph.: (541) 469-2425

Fax: (541) 469-1048

**Community Pride Partnership  
Cleanup Program City Of Brookings  
Accumulated program  
Spring/Fall 1995 & 1996**

Description	Location	Feq	Size	Unit	Unit Price	Amount
	Wood Disposal		3905	Yards		\$28,545.55
	Metal Disposal		2254	Yards		\$16,476.74
	Automobile Removal @ reduced Price		137	Cars		\$6,550.00
Total Fall Cleanup Services @ no Cost						\$51,572.29

Message

VI.1



**JIM BOULEY WILL BE PRESENT AT THE MEETING TO  
PRESENT THE  
BUSINESS SERVICE EVALUATION**

**VI.2.**





RECEIVED

OCT 14 1996

CITY OF BROOKINGS

October 8, 1996

Mr. George T. Weldon  
City Manager, City of Brookings  
898 Elk Drive  
Brookings, OR 9415

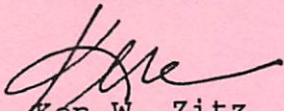
Dear Tom:

I trust that this letter finds all well for you and your staff at this time. I just returned from a week of travel in Ohio and Kentucky and discussed your project at length with my colleague and partner, John Robinson. We are most interested in pursuing the project and certainly clearly understand that there is no financing or funding available from the City of Brookings for the project just the availability of the land and your 100% support to see this project become a reality for your city and its residents.

In order to accomplish this project I will have to prepare a business plan which will entail obtaining construction bids/estimates, gather natural and environmental data for the project, develop a timeline for the project and ultimately obtain the funding for the 18 hole golf course project. In order to accomplish this I envision that it will take a period of about 120 days and would like to request from you and or your city council an agreement to provide me with this amount of time to pursue all of the above.

Can you prepare a written agreement that will allow me to pursue the design and construction of the project? If you need any additional information please do not hesitate to contact me at: (808)637-9655. Thank you for your favorable consideration in this matter.

Sincerely,

  
Ken W. Zitz  
President

VIII.A.1





Ken W. Zitz & Associates is an American golf course design company that provides international services in: golf course design, shaping, construction and project management.



In addition to original golf course design & construction services the company also offers renovation services for existing golf courses and design & construction services for golf putting courses in miniature and golf practice centers.

Ken Zitz formerly was a Design Coordinator for an 18 hole Jack Nicklaus signature golf course in Komono, Japan. His other projects during the past 7 years have been in: California, Florida, Hawaii, North Carolina, Canada and Japan. Fluent in the Chinese language, he is a former U.S. Marine Corps Chinese Language Officer with a post graduate degree in the Chinese language from Georgetown University and has traveled and lived extensively in East and Southeast Asia as both a U.S. Marine Officer and Golf Course Designer. He is also a Member of the Donald A. Ross Society.



JOHN ROBINSON, KEN ZITZ ON-SITE IN CANADA

Ken Zitz is a colleague and associate of John F. Robinson, GCA, of Ontario, Canada. John Robinson has been a Golf Course Architect for 26 years with over 150 original designs and 120 renovation projects in Canada, Europe, South America and the United States of America.



# GOLF COURSE DESIGN & CONSTRUCTION

- \* Client's Goals & Objectives
- \* Site Analysis
- \* Adaptability-Natural Setting
- \* Maintainability-Key Consideration
- \* Environmental Concerns

- \* Design Implementation & Shaping
- \* Construction Plans
- \* Technical Specifications
- \* U.S.G.A. Standards
- \* Project Management

The primary objective in our design unquestionably is to create a golf course that will result in a course with natural beauty and at the same time will be interesting and challenging for players of all levels of ability. In addition to creating a course with beauty in a natural setting, our designs create a course that can be maintained in the most economical manner.

Use of latest computer technology has enabled us to complete design projects calculating accurately earthwork, drainage system requirements and design features prior to the commencement of construction resulting in a substantial savings for the project's cost.



## GOLF PUTTING COURSE

We can design a professional 18 hole putting course in miniature on 3 acres that is designed & constructed as an exact  $\frac{1}{10}$ th scale replica of any championship course featuring: sand traps, water features, beautifully landscaped roughs, fairways shaped with natural terrain features and challenging greens.

This course allows the player to putt on a USGA putting green surface throughout the course giving players of all ages a realistic experience in a beautiful garden-like setting which helps improve their game and offers players fun and a challenge in a golf course setting.



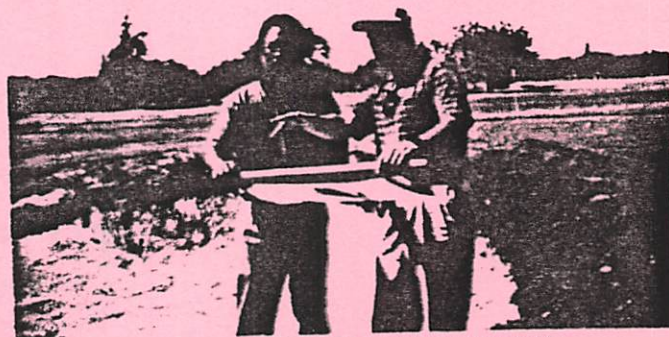


KOMONO CLUB, JAPAN

## GOLF COURSE RENOVATION

A comprehensive, professional review of your existing golf course to up-grade its playing quality, maintainability and providing you with a detailed Master Plan that will ensure the successful operation of your course in the years ahead. This includes: tee area renovation, fairway bunkering, re-routing holes (if required) and construction of new USGA green complexes that will provide a rewarding and challenging experience to players of all abilities.

- \* Master Plan
- \* Course Strategy
- \* Maintenance Considerations
- \* Re-Design Plan
- \* Construction Plans
- \* Project Supervision



ROBIN HASHIMOTO, PGA, BARBERS POINT, HAWAII:  
KEN ZITZ DURING COURSE RENOVATION





JACK NICKLAUS & KEN ZITZ, GRAND OPENING, KOMONO CLUB, JAPAN

"Ken was assigned to a project in Komono, Japan, where it was his responsibility to work closely with our design team, the owner of the course and his staff, and the contractor to ensure that the construction and the shaping of the golf course were performed according to my design and my company's technical specifications. I was well pleased with every aspect of his performance."

*Jack Nicklaus*

Our experience includes both national and international projects. We want to help you reach your goals and objectives. When you are ready call us...



68-715 Farrington Hwy.  
Waialua, HI 96791 USA  
Tel/Fax (808) 637-3132  
E-Mail: kenwitz@hula.net

*Ken W. Zitz*

Ken W. Zitz  
President



**John F. Robinson, B.L.A.**

Toronto, Ontario, Canada

John Robinson, younger brother of golf architect William G. Robinson, attended the University of Michigan and received a Bachelor's degree in Landscape Architecture in 1970.

During his college years, he worked summers in Ann Arbor for golf architect William Newcomb, a former associate of Pete Dye, and upon graduation John became a senior associate for Mr. Newcomb. Robinson assisted Newcomb in the design and construction of twelve courses over a three year period before returning to Canada to join a large engineering and planning company in Toronto working as a senior Landscape Architect specializing in golf course design.

Robinson formed his own golf course design firm, **John F. Robinson & Associates Ltd.**, in 1977 and developed courses throughout Canada. Starting in 1982 his work in Western Canada was in association with his brother William G. Robinson. In the late 1980's he established a branch office in Ohio and later moved his headquarters to Huntsville, Ontario. Presently, John F. Robinson & Associates is designing 17 golf courses in Michigan, Ohio, Pennsylvania, British Columbia, Ontario, and New Brunswick.

John F. Robinson is beginning his 27th year in golf course design and in 1994 purchased a powerful computer system. Together with Intergraph's Microstation Golf Course Design software and the assistance of the first full-capacity digitally interactive computer graphics system which allows cost effective 3D modeling of alternative golf course designs and strategies, John F. Robinson & Associates Ltd. is able to produce complete golf course designs, quantities take-offs, working drawings and graphics allowing the client to view the proposed golf course in color from tee to green before the first spade of earth is turned on the course.

The following lists of golf courses are an indication of the experience our company has gained in the past 26 years:

**Courses by: John F. Robinson**

**Alberta:** Douglasdale Estates G.C., Calgary (1982) with Cornish and Robinson; Lewis Estates G.C. Edmonton (1989) with Cornish & Robinson; The Links at Spruce Grove, Spruce Grove (1984) with Cornish & Robinson; The Ranch G. & C.C., Winterburn (1989) with Cornish & Robinson.



**British Columbia:** Brentwood Lakes G.C., Vancouver Island (1990) with Cornish & Robinson; Matticks Golf Course, Victoria (1990) with Cornish & Robinson; Moberly Lakes G.C., Chetwynd (1982) with Cornish & Robinson; Royal Oaks Par 3 G.C., Richmond (1992) with William G. Robinson; Surrey G. & C.C., Surrey (1989) with Cornish & Robinson; Golden Eagle G. & C.C., Pitt Meadows (1993) with William G. Robinson; Prince George Golf Club, Prince George (1995) solo.

**New Brunswick:** Covered Bridge G.C., Hartland (1989) solo; Mount Carleton Provincial Park G.C., Mount Carleton (1972).

**Ontario:** Branchton Meadows G.C., Branchton (1990) solo; Gogama Golf Club, Gogama (1994); Inn at Manitou Golf Centre, McKellar (1994); Oak Gables G.C., Ancaster (1989) solo; Pine Knot G. & C.C., Dorchester (1990) solo; Mill Race G.C., Wellesley (1992) solo; Rock Chapel Golf Centre, Burlington (1994) solo; Springfield G. & C.C., Guelph (1988) solo; Victoria Heath G. & C.C., Lindsay (1994) solo.

**Saskatchewan:** Emerald Park G. & C.C., White City (1989) with Cornish & Robinson; Mainprize Park G.C., Midale (1990) solo; Prince Albert Par 3 G.C., Prince Albert (1982) with Cornish & Robinson; Saskatoon G. & C.C., Saskatoon (1989) with Cornish & Robinson; Silverwood Par 3 G.C., Saskatoon (1984) with Cornish & Robinson.

**Alaska:** Douglas Point G.C., Juneau (1992) with William G. Robinson.

**Kentucky:** Greenbrier G.C., Lexington (1971) with Wm. Newcomb; Woodson Bend Resort G.C., Somerset (1975) with Dave Bennett.

**Michigan:** Grand Traverse Resort G.C., Acme (1994) with William G. Robinson; Great Oaks G.C., Rochester (1970) with Wm. Newcomb; Greenhills G.C., Linwood (1970) with Wm. Newcomb; Oasis Par 3 G.C., Plymouth (1969) with Wm. Newcomb; Prairie Creek G.C., Dewitt (1972) with Wm. Newcomb; Shanty Creek Resort, Bellaire (1995).

**Montana:** Glacier View G.C., Kalispell (1989 & 92) with Cornish & Robinson.

**Ohio:** Apple Valley G.C., Mt. Vernon (1972) with Wm. Newcomb; Blackmoor G.C., Wintersville (1993) solo; Carroll Meadows G.C., Carrollton (1988) solo; Oak Shadows Golf Club, New Philadelphia (1994) solo; Pin Oaks National G.C., West Salem (1995) solo; Royal Millport Golf Links, Gnadenhutten (1995) solo; Sugarbush Golf of Dublin, Dublin (1995) solo; The Legends of Massillon, Massillon (1993) solo; Union Country Club, Dover (1969) with Wm. Newcomb.

**Oregon:** Grand Oaks 54 Hole Golf Complex, Dallas (1992) with William G. Robinson; Prineville G.C., Prineville (1991) with William G. Robinson; The Oregon Golf Association G.C., Woodburn (1993) with William G. Robinson.



**Washington:** Ridgefield G.C., Port of Ridgefield (1993) with William G. Robinson; Sea Links at Birch Bay, Birch Bay (1983) with William G. Robinson; The Creek at Qualchan, Spokane (1991) with William G. Robinson.

**Venezuela:** Ciudad Baleario Higuerote G.C., Caracas (1979) with Dave Bennett.

**Courses Remodeled & Added to by: John F. Robinson:**

**Alberta:** Arbutus Ridge G. C., Vancouver Island ( R., 1989) with Cornish & Robinson; Banff Springs G.C. , Banff (A.9, 1983) with Cornish & Robinson; Belvedere G.C., Edmonton (R., 1982) with Cornish & Robinson; Cardiff Community G.C., Cardiff (A. 9, 1983) with Cornish & Robinson; Cardston Golf Course, Cardston (A. 9, 1992) with William G. Robinson; Edmonton C.C. Edmonton (R., 1981) with Cornish & Robinson; Elks Lodge G.C., Calgary (R., 1981) with Cornish & Robinson; Enock Hills G. & C.C., Edmonton (A. 18 1989 & 1991) with Cornish & Robinson; Innisfail G.C., Innisfail (A.9, 1984) with Cornish & Robinson; Lacombe G.C., Lacombe (A.9, 1984) with Cornish & Robinson; Sturgeon Valley G.C., St. Albert (A.9, 1983) with Cornish & Robinson; Windemere G.C., Edmonton (R., 1983) with Cornish & Robinson.

**British Columbia:** Arbutus Ridge G. & C.C., Vancouver Island (A.9, 1989) with Cornish & Robinson; Cherry Grove G. & C.C., Oliver (R. 9, A.9, 1993) solo; Cowichan G. & C.C., Duncan (R., 1989) with Cornish & Robinson; Point Grey G.C., Vancouver (R., 1982) with Cornish & Robinson; Quilchena G. & C.C., Richmond (R. 1989 & 1992) with William G. Robinson; Victoria G.C., Victoria (R., 1984) with Cornish & Robinson.

**Manitoba:** Elmhurst G. & C.C., Winnipeg (R., & A. 9, 1992) solo; Glendale G.C., Winnipeg (R., 1983) with Cornish & Robinson; Royal Colwood G.C., Winnipeg (R., 1983) with Cornish & Robinson; St. Charles G.C., Winnipeg (R., 1983) with Cornish & Robinson.

**New Brunswick:** Miramichi G.C., Newcastle (R., 1990) solo; Moncton G. & C.C., Moncton (R., 1989) solo; Rockwood Park G.C., St. John (A.3, 1983) with Cornish & Robinson; The Algonquin G.C., St. Andrews-by -the -Sea (R. 1993) with William G. Robinson; Westfield G. & C.C., Westfield (R., 1990) solo; Woodstock G. & C.C., Woodstock (R., 1990) solo

**Nova Scotia:** Northumberland Seaside Golf Links, Pugwash (A.9, 1984) with Cornish & Robinson.

**Ontario:** Blue Mountain G. & C.C., Collingwood (A. 9, 1980) solo; Cedar Green G.C., Garson (A. 9, 1982) solo; Conestoga C.C., Conestogo (A.9, R., 1982) solo; Huntsville Downs G.C., Huntsville (R., & A.9, 1993) solo; Ironwood G.C., Exeter (A.9, 1987) solo; Mississauga C.C., Mississauga (R., 1989) with Cornish & Robinson; Pine Grove G.C., Sudbury (A.9, 1988) solo.



**Saskatchewan:** Long Creek G. & C.C., Avonlea (A.9, 1991) solo; Wascana G.C., Regina (R., 1982) with Cornish & Robinson.

**Michigan:** Barton Hills C.C., Ann Arbor (R., 1972) with Wm. Newcomb; Boyne Highlands G.C., Boyne Falls (A.18, 1971) with Wm. Newcomb; Grand Traverse Resort G.C., Acme (R. 18, Spruce Run 1995); Pine Lake C.C., Pine Lake (R., 1970) with Wm. Newcomb; West Branch G.C., West Branch 9A.9, 1971) with Wm. Newcomb.

**Montana:** Buffalo Hill G. & C.C., Kalispell (R., 1989) with William G. Robinson.

**Ohio:** Alliance G.C., Alliance (R., 1994) solo; Arrowhead Park G.C., Minster (A.9, 1991) solo; Diamond Back G. C., Canfield (A. 9, R. 9 1995); Wooster C.C., Wooster (A. 9, 1974) with Wm. Newcomb.

**Oregon:** Michelbook C.C., McMinnville (R., 1993) with William G. Robinson; Oswego Lake Country Club, Portland (R., 1992) with William G. Robinson; Salishan Golf Club, Gleneden Beach (R., 1993) with William G. Robinson; Pineway Golf Course, Lebanon (R. 1993) with William G. Robinson; Roseburg Country Club, Roseburg (R., 1993) with William G. Robinson; Willamette Valley C.C., Canby (R., 1989) with William G. Robinson.

**Texas:** Maxwell Park G.C., Abilene (A.18, 1979) with Dave Bennett.

**Washington:** Bellingham G.C., Bellingham (R., 1983) with William G. Robinson; Longview C.C., Longview (R., 1993) with William G. Robinson.

#### Golf Courses Presently in Design or Under Construction

1. Alliance C.C. - 18 hole renovation design - Alliance, Ohio
2. Beverly Estates Golf Club - new 18 championship golf course and subdivision - construction Fall 1995 - Prince George, British Columbia, Canada.
3. Blackmoor G.C. - new 18 hole championship golf course - Wintersville, Ohio completed 1994.
4. Diamond Back Golf Club - new 9 holes and 9 hole renovation - Canfield, Ohio
5. Grand Traverse Resort - Master Planning new 18 hole championship golf course and 18 hole renovation - Acme, Michigan
6. Huntsville Downs G.& C.C. - 9 hole addition and 9 hole renovation - Huntsville, Ontario, Canada.
7. Pin Oaks National G.C. - new 27 hole championship golf course - West Salem, Ohio
8. Rock Chapel Golf Center - 9 hole Par 3, driving range and 36 hole putting course, Burlington, Ontario, Canada.
9. Royal Millport Golf Links - new 18 hole up-scale public golf course - Gnadenhutten, Ohio



10. Shanty Creek - Spring Ridge site - 18 hole golf course subdivision - Bellaire, Michigan
11. The Algonquin G.C. - renovation design - St. Andrews by the Sea, New Brunswick, Canada.
12. The Dublin Golf Club - new 18 hole championship golf course and 27 hole putting course - Dublin, Ohio
13. The Legends of Massillon - new 18 hole municipal golf course - Massillon, Ohio completed 1994.
14. Victoria Heath G.C. - new 18 hole championship golf course - Lindsay, Ontario, Canada





REPRESENTATIVE GOLF COURSE DESIGN PROJECTS

- \* DESIGN COORDINATOR, JACK NICKLAUS SIGNATURE GOLF COURSE, KOMONO, JAPAN
- \* MARINE CORPS BASE MEMORIAL GOLF COURSE, NAHA, OKINAWA, JAPAN
- \* ROCK CREEK GOLF COURSE, RICHLANDS, NORTH CAROLINA
- \* TAMA HILLS GOLF COURSE, TOKYO, JAPAN
- \* NAVAL AIR STATION GOLF COURSE, ATSUGI, JAPAN
- \* BOGUE BANKS COUNTRY CLUB, ATLANTIC BEACH, NORTH CAROLINA
- \* MARINE CORPS AIR STATION GOLF COURSE, CHERRY POINT, NORTH CAROLINA
- \* A.C. READ GOLF COURSE, NAVAL AIR STATION, PENSACOLA, FLORIDA
- \* MARINE CORPS MEMORIAL GOLF COURSE, CAMP PENDLETON, CALIFORNIA
- \* CAROLINA PINES GOLF COURSE, HAVELOCK, NORTH CAROLINA
- \* SILVER CREEK GOLF COURSE, CARTERET, NORTH CAROLINA
- \* STAR HILL COUNTRY CLUB, SWANSBORO, NORTH CAROLINA
- \* MAMALA BAY GOLF COURSE, HICKAM AIR FORCE BASE, HAWAII
- \* NAVAL AIR STATION GOLF COURSE, BARBERS POINT, HAWAII
- \* SPRINGFIELD COUNTRY CLUB, ONTARIO, CANADA
- \* HUNTSVILLE COUNTRY CLUB, HUNTSVILLE, ONTARIO, CANADA





GOLDEN BEAR INTERNATIONAL, INC.

October 2, 1991

JACK W. NICKLAUS  
CHAIRMAN OF THE BOARD  
CHIEF EXECUTIVE OFFICER

To Whom It May Concern:

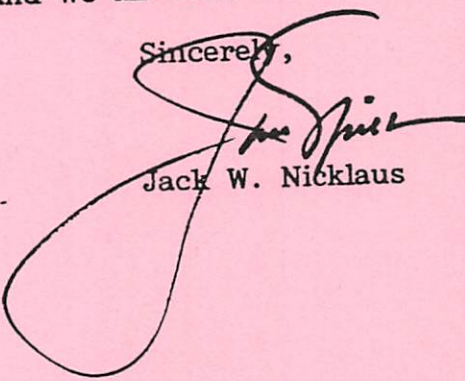
I am pleased to write on behalf of Kenneth W. Zitz, who was employed as a Design Coordinator by our golf course design division, Jack Nicklaus Golf Services, from February 1, 1990 to August 31, 1991.

During that year and a half, Ken was assigned to a project in Komono, Japan, where it was his responsibility to work closely with our design team, the owner of the course and his staff, and the contractor to insure that the construction and shaping of the golf course were performed according to my design and my company's technical specifications. I was well pleased with every aspect of his performance.

When the Komono course was completed, we offered Ken the opportunity to take another assignment in Japan; however, as that particular area lacked an appropriate school for his teenaged son, he chose to decline the position and return to the States. Unfortunately, our stateside positions are currently staffed; consequently, we had no other assignment to offer him.

Ken proved himself to be a capable, enthusiastic, and loyal employee. He did a fine job for us, and we all wish him well.

Sincerely,



Jack W. Nicklaus

/mk



## POSITIONS TAKEN BY THE LEAGUE'S BOARD OF DIRECTORS

Ballot Measure:	30	Mandates.....	SUPPORT
	31	Obscenity.....	SUPPORT
	32	Light Rail/Transp \$......	SUPPORT
	37	Bottle bill expansion.....	SUPPORT
	38	Livestock - water.....	OPPOSE
	43	Collective barg - public safety.....	OPPOSE
	46	Registered voters count.....	OPPOSE
	47	"Cut and Cap".....	OPPOSE
	35	Bases for health provider pay.....	Referred to EBS
	39	Health care provider categories.....	Referred to EBS
	44	Cigarette and tobacco tax.....	Neutral

VIII.A.2.



# League of Oregon Cities

P.O. Box 928, Salem, Oregon 97308 ♦ (503) 588-6550

# information update

## November 1996 Ballot Measures

This is a special Information Update on the 23 Ballot Measures of the November 1996 election. In addition to measure questions and summaries, staff of the League of Oregon Cities and the Local Government Personnel Institute have provided analyses of some measures. This document is an educational publication and is not intended to advocate for or against any measure.

The following section includes the ballot titles, statements, and summaries that will appear on the ballot for the November 1996 election. The "Estimate of Financial Impact," prepared by the State Treasurer, Secretary of State, Director of the Department of Revenue, and Director of the Department of Administrative Services, will be printed in the voter's pamphlet.

### **Measure #26 – AMENDS CONSTITUTION: CHANGES THE PRINCIPLES THAT GOVERN LAWS FOR PUNISHMENT OF CRIMES (Referral)**

**Result of "Yes" Vote:** "Yes" vote repeals vindictive justice prohibition, adds responsibility, accountability, societal protection to criminal punishment principles.

**Result of "No" Vote:** "No" vote retains constitutional provision basing laws for criminal punishment on reformation, not vindictive justice.

**Summary:** This measure amends the state constitution. The constitution now provides that laws for the punishment of crime must be based on principles of "reformation, and not of vindictive justice." The measure would delete that language. It would insert language stating that laws for the punishment of crime must be based on these principles: "protection of society, personal responsibility, accountability for one's actions, and reformation."

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.

### Inside

Ballot Titles and Measure Summaries . . . . .	1
Staff Explanations of Ballot Measures . . . . .	10
Ballot Measure #43 – Staff Explanation . . . . .	13
Ballot Measure #47 – Staff Explanation . . . . .	16
What Can an Elected or Appointed Official do to Support or Oppose a Ballot Measure . . . . .	19



**Measure #27 – AMENDS CONSTITUTION: NEW ADMINISTRATIVE RULES STAY IN EFFECT ONLY WITH LEGISLATIVE APPROVAL (Referral)**

**Result of "Yes" Vote:** With "yes" vote, new administrative rules expire unless legislature approves; committee may veto existing rules.

**Result of "No" Vote:** "No" vote retains current system, allowing administrative rules to stay in effect without legislative approval.

**Summary:** Amends constitution. State agency rules now may be adopted and stay in effect without legislative approval. Legislature may require agency to change rules by adopting new statutes, subject to governor's veto. Measure would require agencies to file new rules with legislative committee. Rules would expire after legislature adjourns unless legislature approves rule by joint resolution. Upon qualified request, committee may review any new or existing rule and, upon review, must take public testimony. If committee rejects rule, rule expires unless legislature approves by joint resolution.

**Estimate of Financial Impact:** Start up costs are estimated at \$584,000. Based on the last six years experience, for each 10% of rule changes adopted by agencies that are reviewed under this measure, annual operating costs are estimated at \$823,000.

**Measure #28 – AMENDS CONSTITUTION: REPEALS CERTAIN RESIDENCY REQUIREMENTS FOR-STATE VETERAN'S LOANS (Referral)**

**Result of "Yes" Vote:** "Yes" vote repeals certain residency requirements now in constitution for veterans' home and farm loans.

**Result of "No" Vote:** "No" vote retains all residency requirements now in constitution for veterans' home and farm loans.

**Summary:** This measure amends the Oregon Constitution. The constitution now provides that state veterans' home and farm loans may be made only to persons who were Oregon residents when they entered military service or who have resided in Oregon five years since discharge or separation from active duty. This measure repeals those eligibility requirements. The measure would not change other eligibility requirements, or the current residency requirement that such loans may be made only to persons who are Oregon residents when they apply for the loan.

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.

**Measure #29 – AMENDS CONSTITUTION: LIMITS TENURE OF GOVERNOR'S APPOINTEES TO 90 DAYS AFTER TERM (Referral)**

**Result of "Yes" Vote:** "Yes" vote requires Governor's appointees to vacate office if successor not confirmed within 90 days.

**Result of "No" Vote:** "No" vote retains law allowing Governor's appointees to serve until successor is appointed and confirmed.

**Summary:** Currently, an official, appointed by the Governor and subject to Senate confirmation may continue in office until the official's successor is appointed and confirmed. This measure amends the Oregon Constitution to provide that such an official may not hold office longer than 90 days after the end of the official's term. This measure could cause an appointed office to be vacant until the official's successor is confirmed. This could preclude some state agencies from issuing orders or conducting other business during such a vacancy.

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.



**Measure #30 – AMENDS CONSTITUTION: STATE MUST PAY LOCAL GOVERNMENTS COSTS OF STATE-MANDATED PROGRAMS (Referral)**

**Result of "Yes" vote:** "Yes" vote requires the state to pay local governments for costs of state-mandated programs.

**Result of "No" vote:** "No" vote rejects requirement that state pay local governments for costs of state-mandated programs.

**Summary:** Amends constitution. Measure would require legislature to pay local governments for cost of new state-mandated programs or increased level of services for state-mandated programs. If funds are not paid, local governments need not comply with law or rule requiring program or service. Contains exceptions. Requires 3/5 vote of each house of legislature to take certain actions reducing state revenues that are distributed to local governments. If adopted, measure would be repealed on June 30, 2001, unless approved again at general election in year 2000.

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.

**Measure #31 – AMENDS CONSTITUTION: OBSCENITY MAY RECEIVE NO GREATER PROTECTION THAN UNDER FEDERAL CONSTITUTION (Referral)**

**Result of "Yes" Vote:** "Yes" vote limits free speech protection for "obscenity, including child pornography" to federal constitution's level.

**Result of "No" Vote:** "No" vote retains Oregon Constitution's current right to speak freely on any subject, including obscenity.

**Summary:** Amends Oregon Constitution. Oregon Constitution now protects the "right to speak, write, or print freely on any subject." The Oregon Supreme Court has held that provision protects obscenity. United States Constitution's free speech provision does not currently protect obscenity. Measure would state that "obscenity, including child pornography," may receive no greater protection than under United States Constitution. Measure thus would remove Oregon Constitution's current protection for obscenity. Measure would limit state judges' authority to interpret free speech provision as applied to obscenity, including child pornography.

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.

**Measure #32 – AUTHORIZES BONDS FOR PORTLAND AREA LIGHT RAIL, TRANSPORTATION PROJECTS ELSEWHERE (Referendum)**

**Result of "Yes" Vote:** "Yes" vote authorizes lottery bonds for Portland area light rail, transportation projects outside Portland area.

**Result of "No" Vote:** "No" vote rejects lottery bonds for Portland area light rail, transportation projects outside Portland area.

**Summary:** Measure permits state to issue lottery revenue bonds to fund \$375 million of state's share of cost to build Tri-Met Portland area "South North light rail," and to fund \$115 million of \$375 million "Transportation Equity Account." Establishes "Transportation Equity Account," payable to cities and counties for transportation projects outside Portland region, funded by lottery bonds, general fund, and other sources. Unobligated net revenues from lottery repay bonds. Bonds cannot be sold unless federal light rail matching funds become available. Other provisions.

**Estimate of Financial Impact:** The measure provides \$750 million funding for transportation projects throughout Oregon. The measure authorizes the sale of Lottery-backed revenue bonds with a principal sum of up to \$490 million,



plus bond issuance costs and reserves. Up to \$375 million of the bonds will be used to finance the state's commitment toward construction of the South North light rail line. Total Tri-Met expenditures from all sources, including federal funds, for the project would be up to \$1.5 billion. \$115 million of the bonds will be used to finance city and county transportation projects outside the Portland metropolitan region. The bonds, plus interest, will be repaid through a Lottery revenue allocation of \$21.8 million per year, beginning in 1999, and increasing to \$33.8 million per year beginning with the year in which the South North Lottery-backed revenue bonds are sold. If issued at current interest rates, for each \$100 million in 20-year Lottery-backed bonds, total interest costs are estimated at \$64.4 million. In addition, state General Fund revenues of \$110 million will be available over a ten-year period for city and county transportation projects outside the Portland metropolitan region. Local governments in the Portland metropolitan region will provide \$150 million from various sources, including federal transportation funds, for cities and counties outside the Portland metropolitan region to spend on transportation projects over a ten-year period.

**Measure #33 – AMENDS CONSTITUTION: LIMITS LEGISLATIVE CHANGE TO STATUTES PASSED BY VOTERS**  
(Initiative)

**Question:** Shall constitution bar legislature for 5 years from changing statutes passed by voters, require 3/5 vote in each house thereafter?

**Summary:** This measure would add a new section to the state constitution. It would bar the legislature from changing or repealing statutes enacted or approved by the voters for 5 years. The voters still could do so by initiative referendum. After 5 years, the legislature could amend or repeal such a statute only by a 3/5 vote in each house.

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.

**Measure #34 – WILDLIFE MANAGEMENT EXCLUSIVE TO COMMISSION; REPEALS 1994 BEAR/COUGAR INITIATIVE** (Initiative)

**Result of "Yes" Vote:** "Yes" vote prohibits managing wildlife by initiative process and repeals 1994 bear/cougar hunting initiative.

**Result of "No" Vote:** "No" vote retains current wildlife management laws including 1994 bear/cougar hunting initiative.

**Summary:** Measure gives exclusive authority to manage wildlife or regulate hunting, angling or trapping to Oregon Fish and Wildlife Commission. Measure repeals wildlife management laws adopted after July 1, 1975, except for laws enacted by state legislature or rules adopted by commission. The only such law adopted by initiative process that would be repealed by this measure is the ban on using bait or dogs to trap or hunt black bear and cougar, passed by vote of people in the November, 1994 election.

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.

**Measure #35 – RESTRICTS BASES FOR PROVIDERS TO RECEIVE PAY FOR HEALTH CARE** (Initiative)

**Question:** Shall statute restrict bases on which health care providers may receive pay to five listed in statute?

**Summary:** Adopts statute. Measure restricts bases on which health care providers may receive pay. Providers accepting payment on any other basis lose business and professional licenses. Restrictions do not apply to individuals and families. Permissible bases are: work performed, hourly wages, prearranged salary/benefit, bonus, or expense reimbursement. Disallows some current payment arrangements. Defines "work performed" as delivery of health care for specific patient needs. Defines "health care provider" to include health care professionals and employers/contractors of health care professionals, but to exclude insurers.



**Estimate of Financial Impact:** Using estimated average cost differences between Health Maintenance Organization (HMO) and indemnity type health coverage, direct expenditures by state and local government will increase. Assuming the increased health care costs will be borne by the employer, state government expenditures would increase by \$57 million annually, and local government direct expenditures would increase by \$22 million annually.

**Measure #36 – INCREASES MINIMUM HOURLY WAGE TO \$6.50 OVER THREE YEARS (Initiative)**

**Result of "Yes" Vote:** "Yes" vote increases state's minimum wage to \$6.50 per hour over three year period.

**Result of "No" Vote:** "No" vote leaves state's minimum wage at current level of \$4.75 per hour.

**Summary:** This measure amends the state's hourly minimum wage. The current minimum wage is \$4.75 per hour and has been in effect since January 1, 1991. This measure would increase the minimum wage to \$5.50 per hour for calendar year 1997, to \$6.00 per hour for calendar year 1998, and to \$6.50 per hour for calendar year 1999 and the years following.

**Estimate of Financial Impact:** Direct state expenditures are estimated to increase by \$26.4 million when fully implemented in 1999 to bring state government employees and state contract service providers currently paid at minimum wage to the new level. Direct state expenditures are estimated to decrease by at least \$3.3 million annually due to reduced public assistance eligibility.

Direct state tax revenues are estimated to increase \$4.8 million a year, due to both increased personal income taxes and decreased corporate income taxes by increasing wages of workers paid at current minimum wage.

Direct local government expenditures are estimated to increase \$5 million when the measure is fully implemented to bring local government employees and local contract service providers currently paid at minimum wage to the new level. Other expenditure and revenue changes could not be estimated due to insufficient data.

**Measure #37 – BROADENS TYPES OF BEVERAGE CONTAINERS REQUIRING DEPOSIT AND REFUND VALUE (Initiative)**

**Question:** Shall bottle bill be expanded to require consumers, dealers to pay deposits, receive refunds on additional types of beverage containers?

**Summary:** Amends statutes. Under current law, consumers and dealers pay deposits and receive refunds on all beer and carbonated beverage containers. Dealers must accept such containers for refund. Measure broadens law to include any liquid drink intended for humans, except dairy products or substitutes, distilled spirits or liquor, or wine with over eight percent alcohol. Measure requires refund value for containers of:

- ❖ Beer, malt beverages or carbonated drinks, any size.
- ❖ Non-carbonated drinks, other than water, from six ounces to one liter.
- ❖ Water, up to two liters

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.

**Measure #38 – PROHIBITS LIVESTOCK IN CERTAIN POLLUTED WATERS OR ON ADJACENT LANDS (Initiative)**

**Result of "Yes" Vote:** Vote "yes" to prohibit livestock in or along certain polluted waters in state, with exceptions.



**Result of "No" Vote:** Vote "no" to reject law prohibiting livestock in or along certain polluted waters in state.

**Summary:** Measure would prohibit livestock in certain waters in Oregon, and on adjacent land, if waters do not meet state water quality standards and the livestock would contribute to poor water quality. State Department of Agriculture may allow exemptions if certain criteria are met. Any person may sue to enforce law. Measure applies to state, federal, and private waters and land. Persons required to comply may receive tax credit and state funding. Measures, operative dates are delayed, depending on land ownership and type of habitat affected.

**Estimate of Financial Impact:** Direct state expenditures will increase by an estimated \$1.26 million of the first full year, growing to \$2.44 million when fully implemented. There will be a one-time decrease in state revenue of an estimated \$27,500 in the first year only from increased use of the fish habitat improvement credit.

**Measure #39 – AMENDS CONSTITUTION: GOVERNMENT, PRIVATE ENTITIES CANNOT DISCRIMINATE AMONG HEALTH CARE PROVIDER CATEGORIES** (Initiative)

**Result of "Yes" Vote:** "Yes" vote forbids laws that restrain a person's choice of category of health care provider.

**Result of "No" Vote:** "No" vote leaves Oregon Constitution silent on laws concerning person's choice of health care providers.

**Summary:** Amends Oregon Constitution. Forbids laws that restrain any person's choice to receive health care from any category of health care provider working within provider's scope of practice established by law. Forbids state agencies, local governments, private entities from discriminating among categories of health care providers rendering the same or similar services within their scope of practice. Defines "health care provider." Allows entities to control health care costs if entities do not violate measure. Does not apply to health care services for inmates in correctional institutions.

**Estimate of Financial Impact:** This estimate is based on the following assumptions: Any increased costs are borne entirely by state and local government employers; and overall utilization of health care services will increase by at least 2 percent due to increased provider choices.

Direct annual expenditures for state government are estimated to increase \$22.4 million and direct annual expenditures for local governments are estimated to increase to \$8 million.

**Measure #40 – AMENDS CONSTITUTION: GIVES CRIME VICTIMS RIGHTS, EXPANDS ADMISSIBLE EVIDENCE, LIMITS PRETRIAL RELEASE** (Initiative)

**Result of "Yes" Vote:** Vote "yes" to add crime victims' rights to constitution, expand evidence admissible in criminal trials.

**Result of "No" Vote:** Vote "no" to leave state constitution without specified protections for victims, retain current evidence standards.

**Summary:** Adds new section to state constitution. Affects adult, juvenile criminal proceedings involving victims. Prohibits pretrial release for certain defendants unless judge finds defendant will not commit new crimes if released. Victims may attend, be heard a proceedings, demand jury trials of adults, get information about defendant. Allows murder, aggravated murder, conviction on 11-1 vote. Most relevant evidence admissible against defendant, except as required by federal constitution. State courts may not independently interpret some state constitutional rights to give defendants more rights than given by federal constitution.

**Estimate of Financial Impact:** Direct state expenditures to implement one-time change required by this measure is estimated at \$223,000.



**Measure #41 – AMENDS CONSTITUTION: STATES HOW PUBLIC EMPLOYEE EARNINGS MUST BE EXPRESSED**  
(Initiative)

**Question:** Shall constitution require that public employee earnings be expressed as employer's cost for employee per hour worked, including wages, benefits?

**Summary:** Amends Constitution. Measure requires that public employees' earnings be expressed as costs borne by the employer for the employee's benefit. Those costs include base pay/salary, benefit package, vacation, clothing allowance, rest and meal breaks, holiday pay, personal leave, social security and medicare taxes, retirement, federal unemployment taxes, family leave, sick leave, bonuses, merit pay, overtime, child care, compensation time, employer tax, continuing education, and state unemployment taxes. Workers' compensation premiums are excluded. Measure makes complete information regarding employer costs available to the public.

**Estimate of Financial Impact:** No fiscal impact to state governments. One-time expenditure to local governments, including schools, of at least \$789,000, assuming a \$1,000 minimum reprogramming expense per public employer payroll system.

**Measure #42 – AMENDS CONSTITUTION: REQUIRES TESTING OF PUBLIC SCHOOL STUDENTS; PUBLIC REPORT** (Initiative)

**Question:** Shall constitution require annual testing of grade 4-12 public school students, and public report on total testing results?

**Summary:** Amends constitution. Requires annual testing of all grade 4-12 public school students. Tests include, but not limited to, math and verbal skills. All students in same grade must take same test in same academic year. Tests cannot contain moral, social, or political value testing. Individual results must be released to student and parents. Department of Education must issue public report with total testing results, by school and grade. Each student's results must be kept for research purposes, cross-reference with college admission tests

**Estimate of Financial Impact:** Direct state expenditures to implement a one-time change required by this measure is estimated at \$525,000. Annual direct expenditures of administering and updating the tests are estimated at \$1.985 million to \$6.914 million depending on the type of test used. Allocation of these expenditures between state and local school districts cannot be determined.

**Measure #43 – AMENDS COLLECTIVE BARGAINING LAW FOR PUBLIC SAFETY EMPLOYEES** (Initiative)

**Result of "Yes" Vote:** Yes vote reinstates collective bargaining law in effect before 1995 changes for public safety employees.

**Result of "No" Vote:** No vote retains current collective bargaining law for fire, police, correction, other public safety employees.

**Summary:** Amends Oregon law. In 1995, legislature changed public employee collective bargaining law. Changes included limiting required issues for bargaining, reducing categories of public employees allowed to unionize, permitting employee discharge in more situations, changing process for union contract arbitration when bargaining does not succeed. Measure defines class of public safety employees, all of whom are prohibited from striking, reinstates collective bargaining in effect before 1995 changes (with some differences) for these employees only. Public safety employees are police, fire, correctional, and emergency dispatch employees.

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.



**Measure #44 – INCREASES, ADDS CIGARETTE AND TOBACCO TAXES: CHANGES TAX REVENUE DISTRIBUTION (Initiative)**

**Result of "Yes" Vote:** "Yes" vote increases tobacco taxes, directs more proceeds to Oregon Health Plan, tobacco use reduction.

**Result of "No" Vote:** "No" vote leaves tobacco taxes at current levels and does not affect distribution of revenues.

**Summary:** Amends Oregon law. Increases cigarette tax from 1.4 to 2.9 cents per cigarette. Adds new dealer tax of 1.5 cents per cigarette, new 1.5 cents per cigarette "floor tax and cigarette indicia adjustment" tax. Increases tobacco products tax from 35% to 64% of wholesale price. Does not affect current one-half cent per cigarette per cigarette tax that funds Oregon Health Plan. Most cigarette and tobacco products tax revenue would go to maintaining and expanding service, benefits for Oregon Health Plan, and for tobacco use reduction programs.

**Estimate of Financial Impact:** This measure will increase state revenue each year, beginning with \$27 million in 1996-97, expanding to \$80 million per year by 1998-99.

Additional expenditures on the Oregon Health Plan will grow from \$26 million in 1996-97 to \$76 million annually by 1998-99. State expenditures for programs designed to reduce cigarette and tobacco use will increase by \$3 million in 1996-97, and \$8 million annually by 1997-98. Other revenues available to the state general fund will decrease by \$1 million in 1996-97, declining by \$4 million annually by 1998-99.

Revenue available to counties and cities will decrease by \$400,000 in 1996-97, declining by \$750,000 annually by 1998-99.

**Measure #45 – AMENDS CONSTITUTION: RAISES PUBLIC EMPLOYEES' NORMAL RETIREMENT AGE; REDUCES BENEFITS (Initiative)**

**Question:** Shall constitution raise public employees' normal retirement age (except police, firefighters), bar medical benefits for non-disability retirees limit guaranteed benefits?

**Summary:** Amends state constitution. Law now sets normal retirement age, except for police, firefighters, at 58. Measure would raise that to Social Security retirement age (now 65 to 67). Public employers could allow earlier retirement, with benefits reduced to actuarial equivalent of benefits payable at normal retirement age. Governments could not guarantee benefits over 75 percent of final salary. Law now provides medical benefits for PERS retirees. Measure bars medical benefits for non-disability retirees. Measure does not apply to benefits vested or accrued before effective date.

**Estimate of Financial Impact:** Direct state expenditures to implement a one-time change required by this measure is estimated at \$1.576 million. Annual reduction in direct expenditures by state government are estimated at \$643,000 in 1998, rising to \$5.843 million by 2001 and increasing thereafter.

Annual reduction in direct expenditures by local government are estimated at \$1.5 million in 1998 and \$11 million by 2001 and increasing thereafter.

**Measure #46 – AMENDS CONSTITUTION: NO VOTER-APPROVED TAXES WITHOUT REGISTERED VOTERS' MAJORITY (Initiative)**

**Question:** Shall constitution bar passage of tax, tax increase or revenue measure submitted to voters unless majority of registered voters approve?

**Summary:** This measure would amend the state constitution. The law now allows passage of a law that would impose or increase taxes or raise revenue by majority vote of those voting. This measure would bar voters from passing any such law unless a majority of the registered voters affected approve the law. The new



requirement also would apply to new tax bases, votes to exceed a tax base, and issuance of new bonds for capital construction or improvements.

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.

**Measure #47 – AMENDS CONSTITUTION: REDUCES AND LIMITS PROPERTY TAXES; LIMITS LOCAL REVENUES, REPLACEMENT FEES (Initiative)**

**Result of "Yes" Vote:** "Yes" vote reduces current property taxes, limits future increases, forbids replacement fees without vote.

**Result of "No" Vote:** "No" vote retains the existing property tax system with current limitations on property tax rates.

**Summary:** Amends constitution. Limits 1997-98 property taxes to lesser of 1995-96 tax minus 10 percent, or 1994-1995 tax. Limits future annual property tax increase to 3 percent, with exceptions. Limits revenue available for schools, other local services funded by property taxes. Local governments' lost revenue may be replaced only with state income tax, unless voters approve replacement fees or charges. No system provided for spreading revenue cuts among local governments. Restricts new bonds. Tax levy approvals in certain elections require 50 percent voter participation. Other changes.

**Estimate of Financial Impact:** This estimate is based on the following assumptions: increases in assessed property values and levies will continue at historic rates; local voters do not approve levies outside the new limits; new construction can be added to the tax roll in 1997-98; and existing bond levies are exempt from this measure even if not voter-approved.

Direct revenue losses to local governments, including school districts, is estimated at \$467 million in fiscal year 1998, \$553 million in 1999, and increasing thereafter. Direct revenue losses to each type of local government unit, including local school districts, community colleges, cities, counties, and fire districts, will depend on legislative action.

Direct revenue gains to state government is estimated at \$23 million in 1998, \$27 million in 1999, and increasing thereafter because of increased personal and corporate tax receipts due to lower property tax deduction.

Direct one-time expenditures required of counties in the first year of the measure for implementation by assessment and taxation offices are estimated at \$1.65 million. Direct annual expenditures required by counties for assessment and taxation offices are estimated at \$950,000.

**Measure #48 – AMENDS CONSTITUTION: INSTRUCTS STATE, FEDERAL LEGISLATORS TO VOTE FOR CONGRESSIONAL TERM LIMITS (Initiative)**

**Result of "Yes" Vote:** "Yes" vote directs state, federal legislators to vote for congressional term limits in federal constitution.

**Result of "No" Vote:** "No" vote rejects directive to legislators to vote for congressional term limits in federal constitution.

**Summary:** Amends Oregon Constitution. Directs state legislators, members of Oregon congressional delegation to vote for federal constitutional amendment setting congressional term limits. Limits would be 2 Senate terms, 3 House terms. Secretary of State must review incumbents' records for compliance. Violators' names labeled with statement, "VIOLATED VOTERS' INSTRUCTION ON TERM LIMITS," on ballot. Non-incumbents must sign term limits pledge or have name on ballot labeled, "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS." Allows electors, candidates expedited appeal of Secretary of State's decision to Oregon Supreme Court.

**Estimate of Financial Impact:** No financial effect on state or local government expenditures or revenues.



*The following are staff analyses of ballot measures of particular importance to city officials.*

**Ballot Measure #27: Amends Constitution: Grants Legislature New Power Over Both New, Existing Administrative Rules**

All administrative rules, except those relating to internal state agency management, must be approved by the legislature. A rule not approved before the next adjournment of the legislature following its adoption will go out of effect. In the 1993 biennium, over 12,500 regulations were adopted amended or repealed.

The measure also requires the legislature to establish a joint committee appointed by the Senate President and the Speaker of the House which can, at the request of any member of the legislature or any person effected by the rule, review the rule and by vote, suspend its effect no matter when it was adopted. If the joint committee does not approve the rule under review, the rule goes out of effect and can become effective again only if the legislature adopts a joint resolution approving it. Rules in existence at the time the measure becomes effective would remain in effect unless the committee voted to suspend them.

*Prepared by the League of Oregon Cities.*

**Ballot Measure 30: Amends Constitution: State Must Pay Local Governments Costs of State-Mandated Programs**

The state would be required to allocate monies to local governments for "usual and reasonable" costs of programs that local governments are required by law or administrative rule to carry out. The measure would allow local governments to not comply with certain laws or rules adopted after January 1, 1997, unless funds were allocated for carrying them out.

The measure will apply to local governments, including: cities, counties, municipal corporations, and municipal utilities. "Program" is defined to mean a program or project imposed by the legislature or a rule, by a state agency, that requires a local government to provide "administrative, financial, social, health, or other specified services to persons, government agencies, or to the public generally." "Usual and reasonable costs" mean those costs incurred by local governments for a specified program using generally accepted methods of service delivery and administrative procedure. State funding is required only if the cost of the mandate exceeds 1/100th of 1% of an annual budget for a local government.

These requirements do not apply to:

- ❖ any law approved by three-fifths of both houses of the legislature;
- ❖ costs from laws creating or changing the definition of a crime or establishing sentences for a crime;
- ❖ any requirement imposed by the judicial branch;
- ❖ legislation enacted by the voters under the initiative and referendum process;
- ❖ programs that inform citizens about local government activities;
- ❖ federal programs (as long as the state doesn't impose greater costs on local governments than the usual and reasonable costs for the federal minimum program standards);
- ❖ programs that local government is voluntarily providing four years after the date of enactment;
- ❖ unfunded programs in existence prior to January 1, 1997.

The requirement would also not apply if the legislature identifies and directs the imposition of a fee or charge to be used to recover the actual program costs for the local government.



Local governments are also authorized to refuse to comply with an unfunded mandate if the funds allocated are less than 95 percent of the actual costs of conducting the program at the preceding year's level.

If questions arise about the adequate funding of a mandate, the burden of proof of insufficient funds is on the local governments. These issues may be appealed to a non-binding arbitration panel, with members representing the Department of Administrative Services, League of Oregon Cities, and Association of Oregon Counties.

The amendment also requires a three-fifths vote of both houses of the legislature to amend or repeal distribution of state revenues derived from a "specific state tax" that is distributed to local governments.

*Prepared by the League of Oregon Cities.*

### **Ballot Measure #31: Amends Constitution: Obscenity May Receive No Greater Protection Than Under Federal Constitution**

The Oregon Constitution's freedom of expression protection from forms of expression that are obscene are removed. The measure is drafted so that "obscenity, including child pornography" has no greater protection than is afforded under the United States Constitution. The free speech provision of the First Amendment has been construed by the United States Supreme Court to provide no protection of "obscene" forms of expression (but does protect "indecent" speech). Under federal case law, "obscenity" is defined by a test that is applied to determine whether a particular instance of expression is "obscene." Cities may be able to adopt their own ordinances to regulate or prohibit obscenity. Enforcement would consist of citing a defendant into court where a judge or jury would determine whether the expression was obscene. Such statutes or ordinances may be either criminal, where the burden of proof is "beyond a reasonable doubt," or civil, where the burden of proof requires only a "preponderance of the evidence."

The federal court test for determining whether expression is obscene is:

- 1) Would the average person, applying contemporary community standards find that the work, taken as a whole appeals to the prurient interest?
- 2) Does the work depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law? and
- 3) Applying a reasonable person test (a national, not a local community, standard), does the work, taken as a whole, lack serious literary, artistic, political, or scientific value?

*Prepared by the League of Oregon Cities.*

### **Ballot Measure #32: Authorizes Bonds for Portland Area Light Rail, Transportation Projects Elsewhere**

This measure places the \$750 million dollar Light Rail/Statewide transportation funding package that was passed by the legislature during its second special session in February 1995 on the ballot. \$375 million dollars are provided to match the metropolitan region's share of the cost of the light rail line from Clackamas Town Center to downtown Portland. The remaining project costs are expected to be funded from federal sources.

An additional \$375 million in flexible transportation funds are provided directly to cities and counties outside the Portland metropolitan region, beginning in 1999, to be used for transportation projects and operations. Cities will receive \$140 million dollars, roughly \$70 dollars per capita from the fund over a period of approximately ten years beginning in 1999. Cities may spend these funds for operations, construction, maintenance, and improvement of roads, pedestrian and bicycle facilities, transit, high-speed rail, airports, or ports. None of the funds authorized by the measure will be distributed unless the federal funds are approved.

*Prepared by the League of Oregon Cities.*



### **Ballot Measure #36: Increases Minimum Hourly Wage to \$6.50 Over Three Years**

The current Oregon minimum hourly wage is \$4.75. This measure would increase the hourly wage in three steps:

1997	\$5.50
1998	\$6.00
1999	\$6.50

The fiscal impact in direct expenditures to cities varies. The following cities reported paying a \$4.75 per hour for 21,385 hours of employment during the past year: Albany, Coos Bay, Eugene, Newberg, Ontario, Springfield. However, Bend, Grants Pass, Gresham, Medford, Newport, Philomath, Portland, Rockaway Beach, Roseburg, Salem, Sheridan, Clatskanie, reported not paying this wage during the 1995-1996 year. The fiscal impact of a higher minimum wage will vary depending on current wages being paid.

*Prepared by Maria Keltner, Executive Director, LGPI*

### **Ballot Measure #37: Broadens Types of Beverage Containers Requiring Deposit and Refund Value**

The state beverage container law would be broadened to include any liquid drink intended for humans, except dairy products or substitutes, distilled spirits or liquor, or wine with over eight percent alcohol. Current law requires consumers and dealers to pay deposits and receive refunds on all beer and carbonated beverage containers. Ballot measure 37 proposes expanding state law to require refund value for containers of: beer, malt beverages or carbonated drinks of any size; non-carbonated drinks, other than water, from six ounces to one liter; and water, up to two liters.

*Prepared by the League of Oregon Cities.*

### **Ballot Measure #38: Prohibits Livestock in Certain Polluted Waters or on Adjacent Lands**

Livestock would be prohibited in waters of the state or within designated riparian land in order to protect the waters from pollution caused by livestock. This prohibition applies only if a waterway is designated as "water quality limited" by the Oregon Department of Environmental Quality, and livestock contributes to the violation of applicable water quality standards. The state Department of Agriculture may allow exemptions if certain criteria are met. Any person may sue to enforce the law. The measure applies to state, federal, and private land. Persons required to comply with this prohibition will receive preference in obtaining state funds. The operative date for waters that supply drinking water or constitute salmon, steelhead or trout habitat is January 1, 1997 on *public land*, and January 1, 2002 on *private land*. The operative date for all other waters of the state is January 1, 2007.

*Prepared by the League of Oregon Cities.*

### **Ballot Measure #41: Amends Constitution: States How Public Employee Earnings Must Be Expressed**

CONSTITUTIONAL PUBLIC ACCESS TO PUBLIC EMPLOYEE COMPENSATION INFORMATION. Beginning July 1, 1997, the people of the State of Oregon will have a right to access complete information regarding the "total compensation" provided to all persons employed by any unit of state or local government and any person who qualifies for membership under the Public Employee Retirement System (PERS).

TOTAL COMPENSATION TO BE EXPRESSED AS A RATE PER HOUR ACTUALLY WORKED. Total compensation per hour actually worked is calculated based on all employer costs for the benefit of the employee (except workers compensation premiums). This includes: base pay/salary, benefit package, vacation, clothing allowance, rest and meal breaks, holiday pay, personal leave, social security and Medicare taxes, retirement, federal unemployment, family leave, sick leave, bonuses, merit pay, overtime, child care, compensation time, employer tax, continuing education, and state



unemployment taxes. (Current general practice is to express salary and benefit figures separately and to include paid leave/breaks in the salary figure.)

**IMPLICATIONS FOR CITIES.** The fiscal impact for the initial computer reprogramming to capture and generate the total compensation report for each employee varies; initial computer reprogramming could cost between \$1,000 to \$30,000. On-going costs for cities could include the time spent by individual employees to report time actually worked. For example: tracking and reporting time spent on paid rest breaks and tracking and reporting time worked by those who are exempt from overtime. Additional on-going costs would accrue for payroll personnel entering additional data being tracked. Estimated on-going costs for tracking would be approximately 13 hours per year per employee, with an additional central payroll data entry time of about 1.5 hours per year per employee.

*Prepared by Maria Keltner, Executive Director, LGPI*

### **Ballot Measure #43: Amends Collective Bargaining Law for Public Safety Employees**

**CHANGES THE COLLECTIVE BARGAINING LAWS FOR PUBLIC SAFETY EMPLOYEES.** Creates a separate Public Safety Collective Bargaining Act which is a modified version of the pre-SB 750 PECBA provisions applicable to public safety collective bargaining. It includes none of the SB 750 PECBA amendments applicable to public safety collective bargaining. It differs from the pre-SB 750 PECBA provisions applicable to public safety collective bargaining in several respects.

**EXPANDS DEFINITION OF PUBLIC SAFETY EMPLOYEE.** Definition of "public safety employee" is expanded to include ALL public employees whose job duties include public safety functions – including ALL employees employed by the Department of State Police, city police departments, county sheriff departments, state and local correctional facilities and institutions, fire departments, fire protection districts, fire protection agencies, and emergency dispatch agencies. (Elected officials, persons appointed to serve on boards or commissions, and persons who are confidential or supervisory employees remain excluded).

**INTEREST ARBITRATION CHANGES.** Currently (post 1995 SB 750) the interest arbitrator must write the collective bargaining contract provisions, for disputed items, by selecting one or the other party's total final offer package. The measure allows the interest arbitrator to write these collective bargaining contract provisions without regard to the offers/ proposals made by the parties.

Current law (post SB 750) also requires the interest arbitrator to give priority to the interest and welfare of the public. The measure requires the interest arbitrator to consider this factor but does not give it primary priority.

The measure requires the interest arbitrator to consider factors taken into consideration in the setting of wages, hours and conditions of employment and adds that the interest arbitrator must consider work load and productivity. Currently (post SB 750), the interest arbitrator is to consider these factors only if the itemized factors do not provide sufficient evidence for a decision.

Current law (post SB 750) also requires the interest arbitrator to consider the ability of the public employer to attract and retain qualified employees. The measure allows, but does not require, the interest arbitrator to consider this factor.

Current law (post SB 750) requires the interest arbitrator to consider wages and benefits paid in both the public and private sectors in comparable communities within the State of Oregon (cities over 325,000 may be compared with out-of-state cities). The measure allows the interest arbitrator to consider only wages and benefits of other public sector public safety employees – it does not specify where they may be located.

**STRIKES WHICH CREATE A CLEAR AND PRESENT DANGER OR THREAT TO THE HEALTH, SAFETY OR WELFARE OF THE PUBLIC.** Current law (post-SB 750) allows public employers to petition the circuit court for relief when a strike (occurring or about to occur) creates a clear and present danger or threat to the health, safety or welfare of the public. The measure requires the public employer to go to ERB for a declaration that a strike is, or would be, unlawful and then to circuit court to enforce the ERB Order.

**COMMUNICATIONS BAR / UNFAIR LABOR PRACTICES.** The measure restores pre-SB 750 law that makes it an unfair labor practice for the public employer (or its designated representative) to communicate directly or indirectly with employees in the bargaining unit (other than the designated bargaining representative) during the period of negotiations regarding



employment relations. It also restores the similar unfair labor practice applicable to public employees and labor organizations.

**TRANSFERS AND PROMOTIONS ADDED TO MANDATORY SUBJECTS OF BARGAINING.** Current law (post SB 750) limits the scope of bargaining to subjects ERB previously determined were permissive, determined to have greater impact on management's prerogative than on employees wages, hours or other terms and conditions of employment and that have an insubstantial or de minimis effect on employee wages, hours and other terms and conditions of employment. Current law also excluded scheduling of services provided to the public, determination of minimum qualifications, criteria for evaluation/performance appraisal; assignment of duties; workload (when the effect on duties is insubstantial), reasonable dress, grooming and at-work personal conduct requirements (e.g. smoking, gum chewing, and similar matters of personal conduct at work) from mandatory bargaining. It also included those staffing levels and safety issues which have a direct and substantial effect on the on-the-job safety of public employees as subjects of mandatory bargaining. The measure does not include these requirements and adds "safety" to the statutory list of mandatory subjects of bargaining.

**DISCIPLINE / GRIEVANCE ARBITRATION AWARDS.** Current law (post SB 750) requires that a grievance arbitration award ordering reinstatement of a public employee (or otherwise relieves the employee of responsibility for misconduct) must comply with public policy requirements as clearly defined in statutes or judicial decisions including policies pertaining to sexual harassment or sexual misconduct, unjustified and egregious use of physical or deadly force and serious criminal misconduct. Also, if it is claimed that the employee should be reinstated because the employer previously treated other employees differently for the same or similar conduct, then the grievance arbitrator must follow stated principles concerning discharge and discipline. The measure does not include this language, and, unlike pre-SB 750 law, requires that nothing in ORS Chapter 243 restrict the right of a public employer to discipline or discharge a public safety employee for just cause.

**TIME LINES FOR BARGAINING.** The measure does not include the provision in current law (post-SB 750) that requires negotiations for new or successor collective bargaining agreements to continue for 150 days of good faith negotiations before proceeding to mediation (unless both parties request mediation earlier). Nor does it require that, for mid-term negotiations, the employee's exclusive representative waives the right to bargain over the issue unless a demand to bargain is filed within 14 days of the employer's notice of anticipated changes.

**CONTRACTING OUT.** The measure does not include the provision in current law (post SB 750) that specifies that use of volunteers to provide services is not considered contracting out for services, and use of reserve police personnel that does not require layoff shall not be considered contracting out.

**DEFINITION OF SUPERVISORY EMPLOYEE TO THE PRE-SB 750 DEFINITION.** The measure returns this definition to the one in statute prior to the passage of SB 750 in 1995.

#### **IMPLICATIONS FOR CITIES:**

**PUBLIC SAFETY COLLECTIVE BARGAINING.** More employees will be public safety employees and will have unresolved negotiations issues settled through interest arbitration. Interest arbitration hearings may change when the interest arbitrator is not required to select one of the parties' total final offer packages. Criteria for the interest arbitrator to use in writing the agreement for the parties will be different.

Communications with employees during the period of negotiations will be limited as it was before September 9, 1995. More items may be mandatory subjects of bargaining.

#### **Other potential effects:**

- ❖ ERB's mediation service and unfair labor practice processing fees may be eliminated.
- ❖ Enforcement of grievance arbitration awards concerning discipline will be returned to pre-SB 750 status.
- ❖ The ability of one party to keep the negotiations process from advancing to the next stage (to mediation during new/successor agreement negotiations and to interest arbitration during mid-term negotiations) before certain time periods have expired is removed.
- ❖ Disputes over contracting out for the use of volunteers and reserve police personnel could increase.



**Ballot Measure #44: Increases, Adds Cigarette and Tobacco Taxes: Changes Tax Revenue Distribution**

When state voters first approved a statewide cigarette tax in 1966, the measure clearly shared the revenues with local governments. Thirty-two (32) cents of the current 38 cent tax is distributed to the state general fund. The remaining 6 cents is shared equally with cities (2 cents), counties (2 cents), and through the Oregon Department of Transportation (ODOT) for financing and improving transportation services for the elderly and disabled (2 cents).

Measure 44 would increase the tax on cigarette and tobacco products from 38 cents to 68 cents per pack, and dedicate the increased 30 cents to the Oregon Health Plan and to smoking prevention education. The current distributions would not be changed. However, since cigarette sales are very sensitive to price increases, cities should expect a reduction in their revenue from this source. If, as expected, higher cigarette prices reduce total sales, total revenues – and cities' share – will decline. A reasonable estimate is a loss to cities of 3 - 4 percent of their expected cigarette and tobacco products tax distribution.

(Note: The "Estimate of Financial Impact" that will appear in the voters' pamphlet only discusses the potential revenue losses for cities and counties. It neglects to discuss the projected revenue loss for the 2 cent tax revenues that are distributed to ODOT for the elderly and disabled services.)

*Prepared by the League of Oregon Cities.*

**Ballot Measure #45: Amends Constitution: Raises Public Employees' Normal Retirement Age; Reduces Benefits**

**CONSTITUTIONAL LIMITATIONS.** Changes the method for setting retirement ages, retirement medical benefits and maximum pensions of public employees to a constitutional limitation which can be changed only by another constitutional amendment. Currently, the legislature sets these items for the PERS plan and the county or city governing body sets these items for non-PERS plans.

Requires any system or plan which provides pension or retirement benefits for employees of the State of Oregon or of any political subdivision thereof to comply with the constitutional limitations. **Limitations do not apply to benefits vested or accrued before the effective date of the Constitutional Amendment.**

**AGE TO RETIRE WITH FULL BENEFITS.** Sets age at which public employees (other than police and firefighters) may retire with full benefits at the same age as one may retire with full social security benefits. These public employees who retire prior to this age will receive reduced benefits. The social security age is currently 65 and is scheduled to rise to age 67 over a 24-year period beginning in 1999. Currently these public employees in PERS may retire with full benefits at any age with 30 years of service or may retire with reduced benefits at age 58 with less than 30 years of service.

**RETIREE MEDICAL AND HOSPITALIZATION BENEFITS / INSURANCE.** Prohibits medical and hospitalization benefits or insurance from being provided to retirees – except for those individual's who retired due to disability. Currently public employees in PERS may purchase group health/hospitalization insurance from PERS. The PERS options include coverage pre-Medicare and coverage to supplement Medicare. Current Oregon law requires local governments to allow retired public employees to purchase coverage on the employer's group plan until the retiree qualifies for Medicare.

**GUARANTEED LEVEL OF BENEFIT AND MINIMUM INTEREST RATE.** Limits guaranteed level of pension or retirement benefits to 75% of final salary. Currently public employees in PERS Tier I are guaranteed a minimum benefit computed using the formula method (.0167 X final average salary X years of service). The measure prohibits a guaranteed minimum interest rate for retirement accounts.

**IMPLICATIONS FOR CITIES:**

Establishes retirement benefit limitations for all public retirement plans.

Savings, in direct PERS expenditures, for local governments (excluding school districts) is estimated to be \$400,000 in 1998, \$1.1 million in 1999, \$2 million in 2000, and \$2.7 million in 2001.

*Prepared by Maria Keltner, Executive Director, LGPI*



## **Ballot Measure #46: Amends Constitution: No Voter-Approved Taxes Without Registered Voter's Majority**

Under current law, the majority of registered voters who actually cast ballots determine the approval or rejection of an issue. This measure would change this requirement for certain tax and revenue measures. For specific ballot questions a "yes" vote from a majority of all registered voters would be required. Though this measure does not affect which financial ballot questions must have voter approval, it does change the standards for approval.

The measure would require the following, which currently require voter approval, to be passed by a majority of registered voters: 1) state or local initiative or referendum to raise revenue; 2) local tax bases and property taxes outside the base; and 3) general obligation (G.O.) bonds which are outside the tax rate limit. Also, if the state submits a tax, or tax increase, to the voters (usually decided by the legislature), a majority of the registered voters would also be necessary for passage.

The requirements of this measure apply to state or local initiatives or referenda which "raise revenue." Although the term "revenue raising" is not defined in the measure, it is likely to apply to some fees or charges as well as to all taxes. The legislature is expected to have to resolve this issue. Some bond investors and attorneys are concerned that language in this measure could be interpreted to place restrictions on taxes levied to pay G.O. bonds which were issued after November 30, 1990. This is another issue for resolution by the legislature or the courts.

Some limited research conducted by a major securities corporation concerning the history of voter participation on bond issues since 1990 finds that participation by the majority of registered voters was met on only one of 166 bond measures that were approved.

*Prepared by the League of Oregon Cities.*

## **Ballot Measure #47: Reduces and Limits Property Taxes; Limits Local Revenues, Replacement Fees**

### **Ballot Measure 47: The Property Tax Reduction Act** **The "Cut and Cap" on Local Government Finance and Services**

Sponsored by John Schwartz and actively sought by Bill Sizemore and the Oregon Taxpayers United, an initiative which would markedly reduce property tax revenues for local governments and schools will appear on the November 5, 1996 election ballot. It would add another web of restrictions that limit local authority for property taxation and other matters.

#### **Ballot Measure 47 in Context**

The measure would not repeal the tax authority provisions in the existing Constitution. It adds another layer of restrictions to those existing ones which govern the adoption of tax bases and levies outside of the tax base, as well as "Measure 5's" tax rate limits for schools and nonschools and the tax rate limit exceptions for voter approved debt.

The additional layer complicates the administration of the property tax system. Each levy and imposition of a property tax would be tested against a longer series of criteria before the collectible tax amount on a parcel of property could be determined. Measure 47 contains an exception to the uniformity clause of the Oregon Constitution, as did Measure 5 in 1990.

Unlike statutory or rule making actions, constitutional language is broad. It anticipates that implementation statutes will have to be passed. However, Ballot Measure 47 suffers from vagaries in the text and at least one significant difference in interpretation has emerged. Ultimately, statutes and judicial action will be necessary to clarify this lengthy and complex initiative. With this reservation, an overview of the major provisions follows.

#### **Property Tax rollback**

The measure rolls back the maximum amount of the 1997-98 property tax on "*each property*" to whichever is *lower* – the property taxes imposed either three years earlier (the tax year ending June 30, 1995) or 90% of the property tax level



imposed two years earlier (the tax year ending June 30, 1996). The rollback affects property taxes for operations. It does not appear to reduce property taxes to repay property tax supported bonds, regardless of whether the bonds are exempt from the tax rate limitation.

Since the measure does not make a distinction between school and nonschool property taxes, it is assumed that the comparison for the potential rollback year includes the total consolidated taxes. Presumably, the tax on most properties would be rolled back to 90% of the year ending June 30, 1996 because "Measure 5" lowered the school tax rate by \$2.50 per thousand below the rate for the year ending June 30, 1995. However, it is likely that some of the properties within a taxing district would be rolled back to amounts in different years since there are variations in the values and taxes on individual parcels.

Many taxing districts have voted to increase property tax bases or to add levies outside the base in the last two years. The measure does not specifically address how those levies should be handled. Therefore, we assume that the levies not in existence at the time of the rollback year are excluded from the calculation of the rollback amount. However, the legislature will need to determine how these newer levies will be reflected in the allocation of the revenue for the tax year ending June 30, 1998.

### 3% Annual Property Tax Cap

Beginning in tax year 1998-99, the property tax for operating purposes imposed on **"each property"** would be restricted to a maximum annual increase of 3% more than the prior year tax.

There are a limited number of number of exceptions to the 3% annual property tax cap. It does not apply to property taxes needed to repay **previously approved bonded indebtedness or refunding of bonds**. It also does not apply to a **new or additional property tax levy** which is approved by the voters in accordance with specific election requirements found in the amendment. However, the proponents for the measure argue that this exception applies only to bond, not operating levies. The explanatory statement in the voter's pamphlet does not make this distinction. This may be one of several issues where legislative or judicial interpretation is needed before there is certainty regarding the scope of the exception. Another exception applies to the **property tax increase for an annexed area**. It requires that the voters approve the taxing district annexation which resulted in changing the tax code area of the property.

Exceptions may also occur based on assessed valuation changes where: **1) the property is improved or newly constructed** after the 1994-95 tax year; **2) the property is newly subdivided property**; **3) the property has been disqualified for special assessment or exemption or is added to the tax rolls as omitted property**; and **4) the property is rezoned**. The operative date for an increase due to rezoning, however, is indefinite. It could only occur in the first year in which the property is used consistent with the new zoning, is sold, or when the zone change is requested by the property owners. All of these valuation-based property tax increases are one time adjustments. The method of valuation is addressed in the measure for each of these.

### New Elections Requirements

The measure would increase the requirements for voters to pass future property tax measures in excess of the 3% cap. Rather than a simple majority of those voting, at least 50% of the registered voters would have to turn out **and** a majority of those would have to vote in favor of a tax measure **at any special election**. Although a simple majority of voters could still approve a new or additional property tax levy in excess of the 3% cap at the general election in an even numbered year, these elections could become very highly competitive. Only a few recent examples met the standard of 50% voter turnout when a tax or property tax supported bond measure was approved.

The same election standards apply when changing the tax code area for **annexed property**. However, the measure does not address which voters must participate in the election regarding the annexed area's tax code. Presumably, the legislature will address this point.

Other changes would affect bond elections, restrict the use of bond proceeds, and specify new contents of the ballot title of a bond measure. There would be new restrictions on eligible capital construction, improvements and equipment that would affect bonds which may be authorized. The restrictions prohibit bonds for "maintenance and repairs which could be reasonably anticipated or supplies and equipment which are not intrinsically part of the structure." This restriction reflects objections by the Oregon Taxpayers United regarding several recent school bond elections. It also appears that the only vehicles



which may be financed with bonds would be public safety and law enforcement vehicles with a projected useful life of five years or the life of the bonds.

### **Voter Approval of Replacement Fees**

This provision requires **voter approval to raise fees for services and products, if the increased fee revenue is a substitute for property tax support.** If a government product or service was partially or wholly paid for with property taxes on or after June 30, 1995, and the property tax support for that expenditure has been, or is planned to be, replaced by an increase in the fee or charge, the measure requires that the voters approve the increase in the fee, charge or assessment. Otherwise, the amount of the fee increase must be offset against the property tax paid by the owner or user of the property. An offset against the property tax is required if a local government continues an unapproved shift made between June 30, 1995 and the effective date of the amendment.

The revenue replacement prohibition does not apply if the property tax support is replaced by the state income tax or if the new or increased fee directly results in an equal or greater offsetting reduction in property taxes levied in the same taxing district.

### **Allocation of Revenue Reductions**

The Measure also contains an extraordinary potential change in local expenditure authority as well as the more obvious reductions in local revenue control. It states: **"If it is necessary to allocate revenue reductions among political subdivisions of the state or even the departments within political subdivisions, a redistribution of revenues could be undertaken so as to prioritize public safety and public education and to minimize the loss of local control of cities and counties."** However, the measure provides no guidance or certainty on how this would be done. Presumably, the State Legislature would decide how (whether) to allocate revenue losses and to direct local expenditures, as part of its authority to implement the measure.

The measure doesn't address the meaning of the terms "public safety" or "public education," nor does it suggest the extent to which these should be given a priority. Ironically, it also appears to authorize the State Legislature to "minimize any loss of local control of cities and counties to the state government." If, as most observers suggest, the legislature will have to determine the cuts among local governments, set local priorities for public safety, and assign property tax revenues among local governments and departments, then this measure would put a number of significant local decisions in the hands of the state.

### **Summary of Revenue Impacts**

Preliminary information on the statewide amount of reduced property taxes released by the Legislative Revenue Office on August 13 estimates a reduction of \$467 million in 1997-98 and \$553 million in 1998-99. This will equate to about a 20.6% loss in the covered 1997-98 property taxes from what the revenues otherwise would have been. In 1998-99, the per cent loss is estimated at 22.7%.

The measure operates on a property-by-property basis, where the result will only be known if the measure passes and taxes are actually levied against individual properties. Since the proposal affects each property, not the levy of the taxing district, it is a particular challenge to calculate the revenue loss for a specific taxing district. Alternatively, the Legislative Revenue Officer suggests that a reasonable estimate for individual districts is a 21% reduction in imposed property taxes for operations in 1997-98. He also notes that the reduction might be a few percentage points higher if property values are growing more rapidly in the district than the state average or if actual approved levies have been higher than the statewide average. The reduction could be a bit lower if values are growing more slowly or if there are few, or no, new levies.

A more thorough estimate may not be worthwhile at this time since the measure does not describe how cuts should be apportioned to each taxing district. Likewise, the legislature's decisions on the distribution from the State School Fund will also greatly affect the fiscal position of individual school districts which lose property tax revenue.

The impacts from this measure are certainly much higher than the first year's impact on nonschool local governments from 1990's Ballot Measure 5. And, for many cities with a high reliance on the property tax for general government services, this measure could mean very significant budget implications.

*Prepared by the League of Oregon Cities.*



**Dear City Official:**

The League provides the following information to guide and advise elected and appointed city officials concerning their involvement in the ballot measure process. This information was prepared by the law firm of Harrang Long Gary Rudnick at the League's request.

City officials should also note that the Office of the Secretary of State is available to review city-provided information on ballot measures to determine if it complies with legal restrictions. When considering this service, however, please consider that it may take several weeks for their review. Also, be aware that the advice provided by that office is not a legal opinion.

The League urges city officials to consult with their city attorney, League staff, or the Government Standards and Practices Commission if you have any questions.

## **WHAT CAN AN ELECTED OR APPOINTED OFFICIAL DO TO SUPPORT OR OPPOSE A BALLOT MEASURE**

The following guidelines state some general legal principles found in case and statutory law. City officials are encouraged to consult with their city attorney when specific questions arise. Whenever the guidelines refer to "city officials" it means both elected and appointed officials. Whenever the guidelines refer to "public resources" it means city funds, non-elected city employees during their working hours, city vehicles or travel allowances, or city facilities and equipment.

1. Cities are subject to the general rules prohibiting the use of public resources to advocate a position on a ballot measure. For example: city personnel cannot be used to do research nor write speeches designed to advocate a particular position on a ballot measure; it would be improper for a city to pay travel expenses for officials to promote a campaign position.
2. City officials may use public resources to develop and distribute objective material on the effects of a ballot measure. Such material must be "informational", providing the public with a "fair presentation" of the relevant facts and may not advocate a particular position. Careful consideration needs to be given to such factors as style, tenor and timing. Providing the information at a time that would create controversy immediately prior to the election should be avoided. For example, city personnel can be asked to do research and prepare information that fairly assesses the effects of the measure on the community. City officials can use such information in meeting with individuals, organizations, the press, newspaper editors, legislators, civic and special interest groups and others, to explain the measure's impact. As explained in section 5, while on the job, non-elected officials and employees must be objective in their explanations, but elected officials may present their own views along with the city's objective information. The distinction between legitimate research/information efforts and impermissible campaign advocacy may be difficult to apply in specific instances. Therefore, it would be advisable to have your attorney review material before it is distributed.
3. Non-elected city employees may choose to campaign in their individual capacity outside of their hours of employment and without the expenditure of public funds. A public employee may be involved in campaign activities during the employee's personal time in the evenings and weekends and during the employee's regular lunch hour and breaks. Because such activity is a personal choice, an employee should not wear an official uniform when so engaged. An employer may tell its employees about possible implications of a measure, but it may not threaten employees with financial loss if they do not campaign or vote one way or another. Public employees must not be required nor coerced to aid a campaign. Staff can say, "Here are the facts; please vote." They cannot say, "Vote 'yes'," at least not while on city time.



4. If an appointed city official works hours that are not easily measured, the official must be careful not to advocate a vote while in the "official capacity." To avoid any appearance of impropriety, it would be a good idea for the appointed official, before speaking at a public appearance, to announce that he or she is speaking in an "unofficial capacity."
5. The courts have recognized the right, if not the duty, of elected officials to speak out on major issues, particularly those issues that affect the governmental body on which they serve. Therefore, the rules regarding political activity are different for elected officials than they are for appointed officials or employees. Unlike appointed officials, elected officials may campaign for or against a ballot measure even while on the job during working hours. However, even elected officials may not direct that public resources be used to support or oppose a measure since doing so would violate ORS 260.432(1) and (2).
6. City councils, being made up of elected officials, can take a position on a ballot measure provided public resources are not used to advocate that position or have it distributed.
7. Provided a city conducts itself fairly and impartially, it may provide at public expense a forum in which the opponents and proponents may present their views, for example, a voter's pamphlet, or a newsletter or a public gathering place for a public debate, in which all opponents and proponents have an opportunity to present their positions.
8. A city's ability to restrain the speech of its employees is limited. A city may limit its employees' right to express themselves on a matter of public concern when there is a clear governmental interest in efficiency and discipline in the work place that outweighs society's interest in protecting the right of free speech. "Speech" may take many forms, including talking, wearing campaign buttons or clothing, bumper stickers, posters or signs.

HARRANG LONG GARY RUDNICK P.C.  
(November 3, 1995)

League of Oregon Cities  
P.O. Box 928  
Salem, Oregon 97308

information update

Bulk Rate  
U.S. POSTAGE  
PAID  
Salem, Oregon  
Permit No. 50

TOM WELDON  
CITY MANAGER  
898 ELK DRIVE  
BROOKINGS OR

97415



# Memorandum

**TO:** Mayor, City Council  
**FROM:** Leo Lightle, Community Development Director  
**THROUGH:** Tom Weldon, City Manager  
**DATE:** October 24, 1996



**Issue:** Consideration of revising Ordinance No. 66-O-190 to allow water hookups outside the Urban Growth Boundary

**Synopsis:** Both the original background material attached and the background material in this section are relevant to understanding this issue.

**Recommendation:** Council not revise this ordinance.

**Rationale:** Without annexing, any improvements needed to maintain pressure or volume in lines that do not have capacity are paid for by the taxpayers and increases the need to expand or improve the system. Providing services without annexing eliminates some of the advantages of annexing which in turn limits the areas in which the City can expand.

**Additional Background:** The original memo with background material is attached for your review.

There are three basic areas outside the Urban Growth Boundary that have water lines installed. Two of the areas have a volume/pressure problem or may have a problem if additional hook-ups are approved.

- **Mountain Drive**  
The subdivision lots are allocated water service per a map approved by the City Council. The County will allow future land divisions but the City of Brookings is not obligated to serve those lots. The water system was designed to serve only so many lots. The system already had problems without all of the lots. The City had to install a tank and may still have to do further system upgrades.

At a City Council meeting the original developer requested that only the lots approved at that Council meeting be hooked up to the water, as per the map approved by the City Council.



- Marina Heights  
The upper reaches of this system were built by the land developer and sized for their development. Essentially the residents not in the subdivision do not front on a City main which is one of the criteria for being able to hook to the water system.
- North Bank of Chetco River  
It appears as though this area has sufficient pressure for the existing homes.

Previously the requirements for a hook-up were:

- That a health hazard exists (as determined by the City)
- That the lot front on an existing main line (the City determines if capacity exists)
- Building existed before 1979 (this was the year that the City enacted the ordinance that would not allow hook-ups outside the City)
- Reasonable diligence in obtaining other sources of water had been pursued
- There was water capacity available at the existing main.

It should also be stated that the main line has to be treated water, not raw water. The requesting party also had to sign a Consent to Annex, a Waiver of Time Limits and a Deferred Improvement Agreement.

There were cases where if a water connection was approved there were stipulations, which included:

- No sale of the land for one year
- No partitioning of the land
- The connection was to serve one dwelling.

Options/Alternatives:

Option #1

Should include all of the requirements listed above, perhaps with modifications which should include limiting hook-ups to the North Bank Chetco River Road.

Option #2

Allow hook-ups on existing mains with no restrictions.



# Memorandum

**TO:** Mayor, City Council  
**FROM:** Leo Lightle, Community Dev. Director  
**THROUGH:** Tom Weldon, City Manager  
**DATE:** October 10, 1996



This item is for requested background on outside Urban Growth Boundary water hookups

**Issue:** Consideration of revising Ordinance No. 66-O-190 to allow water hookups outside the Urban Growth Boundary.

**Synopsis:** Staff has outlined the background in the Background section of this memo. We need to be cautious as explained in the background, but staff needs direction from the Council if they wish to amend the ordinance.

**Recommendation:** Council not revise this ordinance.

**Rationale:** The City bought and operates our water system for people living and/or doing business in the City. To extend this utility outside the City (and especially outside the Urban Growth Boundary) may not be in the best interests of the City.

**Background:** The City of Brookings in 1979 passed an ordinance that stated, "Any area, tracts or parcels of real property, or the owner of any interest therein, requesting water service from the City of Brookings must be within the incorporated limits of the City of Brookings." The City, at that time, was honoring any pre-commitment to serve water and would also serve outside the City if:

- A health hazard existed; and
- They fronted on an existing City main; and
- The building existed prior to September, 1979.
- Reasonable diligence in obtaining other sources of water.
- There was water capacity available and the main was of sufficient size to handle the connection without jeopardizing existing water users.



There were cases where if a water connection was approved that there were stipulations, which included:

- No sale of the land for one year.
- No partitioning of the land.
- The connection was to serve one dwelling.

Some years later new connections also were required to sign a Consent to Annex, a Waiver of Time Limits and a "Deferred Improvement Agreement.

DLCD, at some point, said that cities and districts could not extend urban services outside of an Urban Growth Boundary. Later DLCD made those involved in providing service that even if a meter was installed the act of turning the meter on was extending the service inasmuch as before you turned the meter on, the urban service was not provided.

DLCD now takes the position that if the main exists even outside the Urban Growth Boundary that connecting water to the main does not constitute extending urban services.

Issues that the Council might want to consider in their deliberations that have been expressed in the past are:

- The taxpayer in the City bought and improved the system for the residents of the City.
- We do charge Systems Development Charges, but charges are set up to serve inside the City which has urban densities. We do charge one and a half (1-1/2) times the inside charge, but that may not be enough. I have attended seminars in the past that have touched upon the fact that groups are trying to get legislation through that will require cities to, in detail, justify their charges. Our experience with the Harbor Sanitary District has given us insight as to how hard that may be, in as much as people may not accept how you are addressing meeting water needs in the future.
- If you extend services into the area surrounding the City, there is less incentive for the area to annex, which limits the area into which the City can grow in the future.



- We do require a Consent to Annex, which should be legally binding, but from a practical and political standpoint the use of the Consent to Annex to unhappy residents is not the preferred action.

Previously the City allowed only hookups only if a health hazard existing, they had to front on a mainline, they had to use reasonable diligence in getting another source, and the condition had to exist prior to 1979, as well as the conditions generally that the hookup was not to allow partitioning of property or more sellable inasmuch as people build outside city limits often so as not to pay for city facilities, although in so doing, they do so at some risk.



# Memorandum

**TO:** Mayor, City Council  
**FROM:** Leo Lightle, Community Development Director  
**THROUGH:** Tom Weldon, City Manager *Tom*  
**DATE:** October 24, 1996



Issue: Webb Lane water request

Synopsis:

The water request is for a piece of property that was denied a connection in 1988. The property has fecal contamination and a dry well, but Mr. Gooch, representing the applicant, said the previous owner said they had no problems in seven years. It does seem odd that the property had the same problem then as they do now but in the next seven years, no problems. There must have been a solution other than hooking to City water.

A telephone survey conducted this past week shows that several people in this area have had pressure problems, some have had to build receiving tanks and put in pressure tanks. We have been informed that the applicant is asking their neighbor or neighbors to write letters asking the Council to allow the additional hook-up. The follow-up question should be: Are you willing to annex to the City and pay for the necessary improvements?

Ch2M-Hill's study found that in 1988 we were pumping sixty gallons per minute (gpm) while there was a need for 100 gpm. Therefore the system is inadequate without adding connections.

HGE, Inc. expressed concern in 1988 about increasing the pressure due to the ability of the lines to handle the pressure on the high side and reducing pressure and volume on the low side.

The applicant admits to having a shallow well. The presence of fecal contamination indicates a high probability of improper well installation, possibly hand dug. The applicant has not given evidence of trying to drill a deeper well.

While we are sympathetic to the situation that the applicant has found themselves in as to their water supply, they have not given evidence of trying to remedy their situation.

**VIII. B.2.**



Memo to Mayor, City Council  
RE: Webb Lane Water Request  
October 24, 1996

Since the City has not allowed hookups other property owners in the area have drilled wells to serve water to their homes.

As the county allows more homes to be built in the area, other wells will be contaminated, leading to more than "just one more hook-up."

Recommendation:

The City Council deny the request for a water hook-up as requested by Warren Smith and Mary MacMinn.

Rationale:

Background:

The problem with wells being contaminated or of low volume or no volume is not unique to the Dodge Avenue/Webb Lane area. The City is surrounded by areas with inadequate water supplies as is the Harbor Rural Water District. The coast is notorious for problems in getting adequate water. Wells especially vulnerable are the shallow hand dug wells.

The North Bank Road of the Chetco River has areas with water problems:

- Gardner Ridge
- North Fork Spur
- Ferry Creek Heights
- Thompson Road
- Apple Alley

Old County Road has areas where there is inadequate water supply. One developer, to create five home sites, would have to extend a water line from an existing tank and another party would have to extend a line and build a tank and probably a pump station with a second tank.

Dodge Avenue/Stafford Road/Webb Lane area and Dawson Tract area: Water service can eventually lead to densities that result in failing septic systems that can lead to health hazard annexations. Then the City is forced to install sewers into the area and the residents often are very unhappy with the associated costs and the City.

Even though the City does not have the facilities in place, the County allows land divisions when as the applicant will put in a well. The City then has to upgrade the system to solve the problems. These dollars are often diverted from needed projects inside the City limits. Inside



Memo to Mayor, City Council  
RE: Webb Lane Water Request  
October 24, 1996

the City limits we have areas that have undersized lines therefore no fire hydrants. The City eventually serves these areas with water and has problems with pressure and volume because more people get hooked on than the system was designed to serve.

The Parkview Drive/Dodge Avenue area from Highway 101 to the airport has undersized lines; pressure has been boosted twice as a band-aid fix. The pressure has been increased to higher than recommended limits so that people would not be out of water. Individual homes have had to put in pressure tanks to get enough water pressure to service their homes, and a couple have had to put in tanks to receive water at low demand times and then pump into pressure tanks.

Two engineering firms have looked at this situation and stated their concerns about the volume/pressure problem. The correct solution as outlined in the Ch2M-Hill study is the option listed as Construction Option #1 on the next page.

**History of Parkview Drive/Stafford Road/Dodge Avenue water system:** The City of Brookings bought the original water system from Elmer Bankus in the early 1970s. That system included the Dodge Avenue/Parkview Drive/Stafford Road area. Some homes in the upper elevations barely had enough water pressure and some had to install individual pressure systems.

I began working for the City of Brookings in 1984. Part of my duties was to review water hook-up requests. I was informed of low pressure problems in the Dodge Avenue/upper Parkview Drive/Stafford Road area, and that we were not allowing hook-ups in that area. The City of Brookings, to keep customers from routinely running out of water, added a second pump to the system and closed a valve. The pump was sized at the maximum size that met a reasonable standard of construction. The line out of which the pump pulls water is a 6" dead end line that is 3050 feet in length. The Oregon Health Division then had guidelines that a 6" dead-end line should not exceed 1500 feet in length. Richard Nored, the City's Consulting Engineer, also expressed his view in 1985 that he had grave concerns regarding increasing the pump size to get more pressure or volume. I agree with Mr. Nored's assessment and will be prepared with overheads to explain our concerns.



Memo to Mayor, City Council  
RE: Webb Lane Water Request  
October 24, 1996

Ch2M-Hill, in their 1998 Water Facilities Plan, recommended 25 pounds per sq. inch minimum pressure. They also recommended 100 gallons per minute and found only 60 gallons per minute available for customers at that time.

Attached is a summary of our phone calls regarding pressure and volume and future needs for water.

The practice of pumping out of a waterline to boost the pressure of a higher level waterline can lead to low pressure in the low level system. We have had complaints about the pressure in the lower level pressure system. Questions and complaints are an indicator that problems are developing.

Kinds of problems from increasing pressure from existing 6" lines (lower pressure system):

- Reduced fire flow
- Reduced pressure/backflow problems
- Increased maintenance
- Replacement of lines needed
- 20-90 rule (Oregon Health Department recommendation—at house—minimum water pressure 20 lbs., maximum 90 lbs.)
- Existing users lose water pressure

Kinds of problems from increasing use in the higher pressure system & adding customers

- Reduced pressure/backflow problems
- 20-90 rules (already below 20 lbs.—grandfathered)
- Existing users lose water at peak water use periods
- More maintenance

- Options/Alternatives:
1. Allow no hookups until improvements are made and paid for by the residents of the area. I'm not sure how the City forms a Local Improvement District (LID) outside the City limits. The Council will need to consult the City Attorney regarding the forming of a LID outside the City limits. The Dawson Tract area had to annex to the City and a Local Improvement District was formed to solve the water problem, as well as adding sewer service.
  2. Allow this and other hookups in the area and have the City residents pay for the improvements. This option may be the only feasible option unless the area annexes to the City so that the City Council could then order an LID.



Memo to Mayor, City Council  
 RE: Webb Lane Water Request  
 October 24, 1996

Construction Options: 1. This area includes the airport and vacant land so water service design must consider the potential use in the area. The City has in its Water System Facilities Plan List (prepared by Ch2M-Hill) items to be built to update the Airport/Dodge Avenue area. The items listed as base level reservoir cost would be shared with the City residents; but in our 20-year Facilities Plan these other items are listed in 1988 dollars to serve the airport area.

Identity Priority Number	Improvement	Facility Capacity or Pipeline Size and Length	Estimated Cost in 1996 dollars
II-1a	Reservoir, base level Northwest, steel	1 million gallons	\$533,520
II-1b	Pump station for airport 2nd level located by NW base level reservoir	two pumps at 250 gpm	\$73,710
II-1c	Pipeline on Harris Height Rd. and extensions from Airport 2nd level pump station to 6" line on Stafford Rd.	8", 2,000'	\$84,240
II-1e	Reservoir, Airport 2nd level, steel	110,000 gallons	\$210,600
II-1f	Pipeline on easement, from airport 2nd level reservoir to Dodge Ave.		\$44,460
<b>Total</b>			<b>\$946,530</b>

Construction Options: 1. (Cont.) The Ch2M-Hill report states that the minimum pressure should not be less than 25 psi and the State Board of Health requires at least 20 psi residual pressure at all times.

I don't believe we have 20 psi at all times. The Ch2M-Hill report further states:

- In 1988 the service level population was 200 and estimates the service level population will be 610 by 2008, a 300% increase.
- Recommends that a 100,000 gallon reservoir be installed at the airport 2nd level.
- Current capacity of the pumping in the airport 2nd level is 60 gallons per minute (gpm) and in 1988 Ch2M-Hill recommended 100 gallons per minute.



Memo to Mayor, City Council  
RE: Webb Lane Water Request  
October 24, 1996

The City by allowing continued hook-ups may have to make system upgrades to restore loss of pressure or service to existing customers.

2. Buy land and construct a smaller tank, smaller pump station and a second tank. The last project of this size cost approximately \$60,000 for one tank. The tanks and pump station would be abandoned when the correct size tanks and pump stations are built.

3. In my opinion, adding more pump capacity only will engender more overtime, complaints, etc. and will require engineering with appropriate electronic controls to provide a band-aid solution. I'm not sure it will work as we are already overtaxing the system.

4. Drill a deeper well, professionally sealed off to eliminate contamination.

All options except Option 4 require Oregon State Board of Health Division (OSHD), Drinking Water Section approval prior to construction and are subject to their comments. I'm not sure of the procedure on well drilling.



Memo to Mayor, City Council  
RE: Webb Lane Water Request  
October 24, 1996

## Phone Call Survey

There are sixty-nine water accounts in the area from Highway 101 up Parkview Drive to the airport. This includes accounts on Dodge Avenue, Webb Lane, Hampton Road, Gowman Lane, Rosewood Lane, Rustic Road and Park Lane. In the area above Dodge Avenue there are 43 accounts.

During the period from October 17 through October 21, 1996, Linda Barker was able to contact 41 of the accounts in the complete area: 15 below Dodge Avenue and 26 with Dodge Avenue addresses or in the area above Dodge. A summary of remarks made by the account owners follows.

Below Dodge Avenue: (some respondents gave multiple answers)

12 reported no pressure problems

2 reported low pressure

2 said they had extreme fluctuations in pressure during peak usage hours (early A.M. and dinner)

2 said they did not have adequate volume

Dodge Avenue addresses and above Dodge Avenue: (some respondents gave multiple answers)

10 reported no pressure problems

11 reported low pressure

7 said they had fluctuations in pressure during peak usage hours (early A.M. and dinner)

2 said they did not have adequate volume

2 parties have installed pressure tanks and pumps to insure adequate water

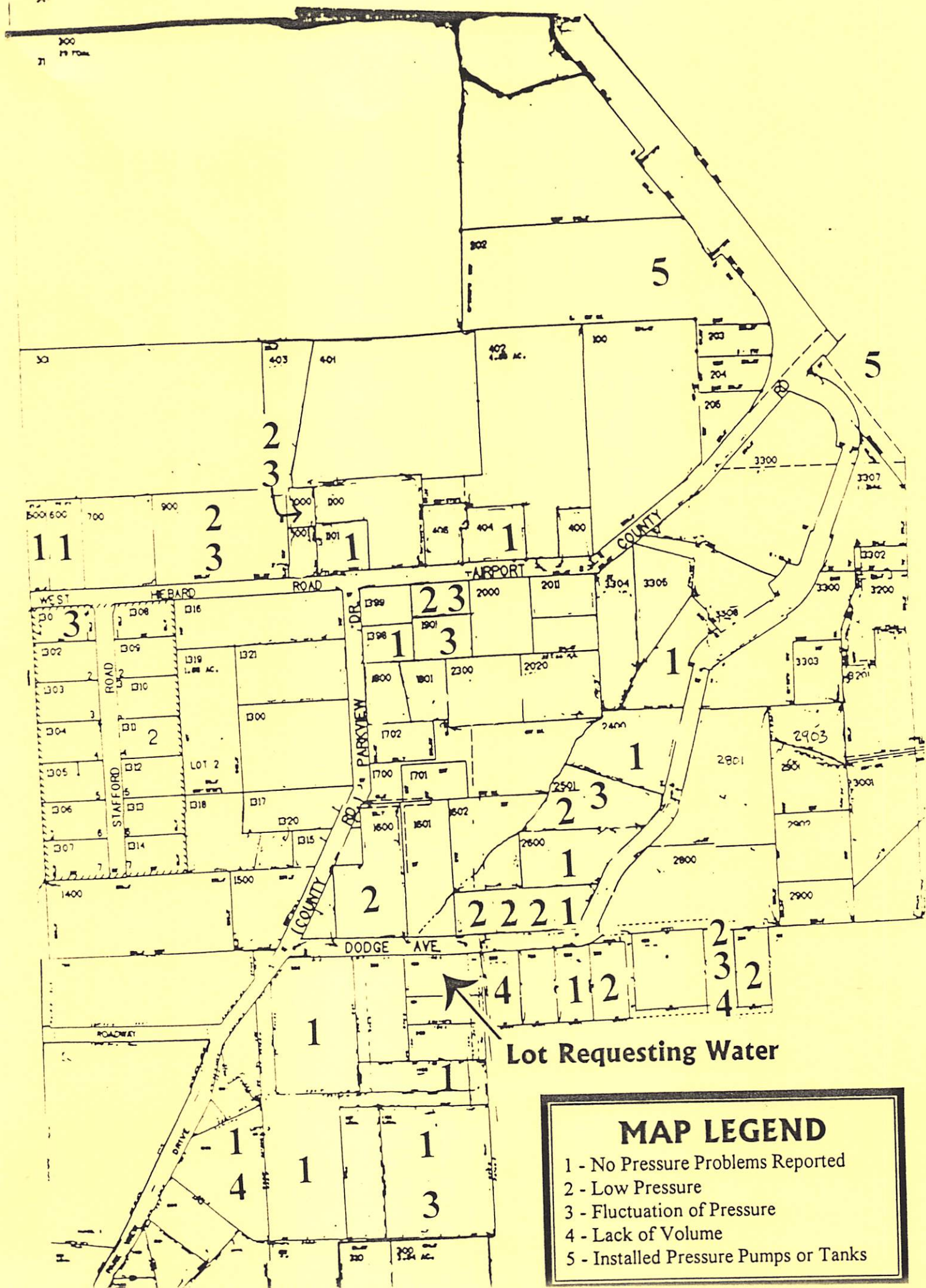
4 parties in the entire area remarked on chlorine smell and/or taste in water.

Many parties that were contacted were renters. People were not asked if they had property that could be developed resulting in additional hook-ups needed so statistics on this point are not available.

The attached map showing where some of the comments were generated does not support the applicants comment about the good pressure in the street. You will note that on both the street and down the street are reports of water pressure or volume problems.

City Manager's Note: 40 hours staff time







10/7/96

To Brookings City Council:

We ask your utmost consideration for the situation we are about to describe. Approximately one month ago we purchased a home on Webb Lane. A water flow test was performed by Nading Plumbing showing available water. ( a flow test of 4.5 gallons per minute ) Approximately one month later when we actually took possession of the property our well was out of water. Every home on our street, Webb Lane, is served by Brookings City water, including most on Dodge. The general indication of ground water for wells in that area is not good and the problem is compounded in that the area is served by septic tanks, not city sewer. The test for water potibility failed, the results being "fecal coliforms" present. A city water line goes right by the front of our home and good pressure is reported on that street. Gary Wimberly told us when he was installing the city water line (this house we occupy now) was up for sale and vacant, that being the reason it was not serviced.

We are prepared to pay any necessary expenses involved with adding a meter to those already installed on the street in addition to the normal hook-up fees.

Again we are asking you to please consider the hardship we are experiencing.

Thank you.

Sincerely,

*Warren Smith  
Mary MacMinn*

Warren Smith  
Mary MacMinn  
17042 Webb Lane  
Brookings, OR 97415  
541-421-0615

*X.C.2.*



# Memorandum

**TO:** Mayor, City Council  
**FROM:** Leo Lightle, Community Development Director  
**THROUGH:** Tom Weldon, City Manager  
**DATE:** October 9, 1996



Issue: Request for water meter installation outside the City limits: Webb Lane (see attached exhibit A).

Synopsis: There is not adequate volume of water for additional hookups. This property was turned down for a water hookup in 1987, and had essentially the same problem then as it does today. There are residents in the Dodge Avenue area that have been denied water since 1979.

Recommendation: The City Council deny the request for water service to 17402 Webb Lane.

Rationale: There is insufficient water volume to serve the Stafford Road/ Webb Lane/ Gowman Lane/upper Parkview Drive area. There have been many rejections of water service in this area. This lot or residence was turned down for water in 1987 and there is no new justification for connecting a new meter thus lowering pressure and, at times, denying water to existing customers. This could result in using taxpayers dollars for fixing an outside-of-City problem.

Background: The basic issue is the ability to serve water to this property in that there is not enough volume to serve the Stafford Road/Dodge Avenue/Webb Lane area. During peak usage times some residents at higher elevations are out of water.

I met with Don Gooch who requested water to this lot and discussed:

- The City has not allowed many request for hookups and to my knowledge has not allowed hookups in the Dodge Avenue area since 1979.
- The adding of any new connections would make the water shortage more severe and could put additional people out of water.



- The remedy is to form a local improvement district which would construct adequate facilities which should include two storage tanks, a pump station and new lines. Residents have been advised of the remedy and two reported back that when they contacted some of the residents in the area the response was: we have water and do not wish to participate in a LID.

I researched our files and found that this property was considered to have water that was not drinkable in 1987 (see attached coliform test from Umpqua Research and letter from Vivienne Croucher).

Also attached is a letter from Roy Rainey denying water. Please note the last paragraph. The statements in the last paragraph were true in 1987 and are still true today.

Mr. Roszel had lack of water and bacteriological problems in 1987. When I advised him that there was not enough volume in the line for additional hookups he asked Vivienne Croucher to write Mr. Rainey requesting a water hookup.

Options/Alternatives: We did not explore the option of forming a LID as the properties are not within the City limits.

We did not explore options of annexation of the property as some of the residents in the area were very hostile towards annexation in the past.

We feel options should be pursued by the applicant as the property in question is not in the City limits.



# UMPQUA RESEARCH COMPANY

626 N.E. Division St. • P.O. Box 791 • Myrtle Creek, OR. 97457

Phone (503) 863-5201

EPA APPROVED, OREGON STATE CERTIFIED LABORATORY NO. 73

URC Sample No. 251  
 Date Received 5-12-87  
 Time Received 1:00  
 Date Reported 5-12-87

Print or type applicable information in box below.

Sample Bottle Number <u>215</u>		Time Collected <u>9:56</u>	Date Collected <u>5-12-87</u>
Mailing Address:		Sample Location:	
Name <u>Unbrack, Sam</u>		Name <u>Mike Pico</u>	
Street <u>Highway 1992</u>		Street <u>17048 W. Main</u>	
City <u>Seaside</u> State <u>OR</u> Zip <u>97138</u>		City <u>Seaside</u> State <u>OR</u> Zip <u>97138</u>	
Water Source: Spring <input type="checkbox"/> Stream <input type="checkbox"/> Well <input checked="" type="checkbox"/>	Chlorinated: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Sample Type: Routine <input type="checkbox"/> Resample <input type="checkbox"/> Check <input type="checkbox"/>	Sample Point <u>K-1 on Front</u>
Collector's Name <u>Sam Unbrack</u>			

## Total Coliform Bacteria Test Results

Test Started: Date 5-13 Time 1:05  
 Test Completed: Date 5-16 Time 11:00

ml sample	Lauryl Sulfate Tryptose Broth		2% Brilliant Green Bile		Number of Positive Tubes
	24 HOURS	48 HOURS	24 HOURS	48 HOURS	
10	+		+		2
10	+		-	+	
10	+		-	-	
10	+		-	-	
10	+		-	-	

**TEST EXPLANATION** The Total Coliform Bacteria Test is the standard microbiological test of the sanitary quality of drinking water. Coliform bacteria are abundant constituents of human and animal fecal wastes. Although generally harmless themselves, the presence of coliform bacteria in the water indicates surface water or sewage contamination of the water. Such water is potentially unsafe until it has been appropriately treated. Positive (+) gas formation in 2% brilliant green bile indicates the presence of coliform bacteria.

Sample (does) (does not) conform to drinking water standards.

(MPN) (MF) = 1 coliforms per 100 ml sample.

Sam Unbrack Microbiologist





**Practical  
&  
Professional  
Property Management**

P.O. Box 1799 • Brookings • OR 97415

RECEIVED

MAY 27 1987

CITY OF BROOKINGS

(503) 469-6456

May 27, 1987

Roy Rainey  
City Manager  
Brookings, Oregon

We have been instructed by Ed Roszel owner of the property located at 17042 Webb Lane, Brookings and managed by Practical & Professional Property Management to request city water for the above address, tax lot #100 Curry County Map 40-13-31 AC77.

Water test stating water is not drinkable, copy enclosed. Mr. Little has knowledge of this report. The property to be inspected today with a more comprehensive inspection by Mr. John Liebrand and if possible Mr. Klien, County Water Master.

Owner would like to connect to the exsisting city water line and fill in the old hand dug shallow well.

Sincerely,

Vivienne Croucher, Broker  
Practical & Professional Property Management

CC; Office file  
Owner

Enc. One



Phone (503) 469-2163

# CITY OF BROOKINGS

898 Elk Drive  
Brookings, Oregon 97415

The Home of Winter Flowers



May 28, 1987

Vivienne Croucher, Broker  
Practical and Professional Property Management  
P.O. Box 1799  
Brookings, Oregon 97415

Dear Ms. Croucher:

Thank you for your letter of May 27, 1987, concerning water service to property located at 17042 Webb Lane, which is owned by Ed Roszel.

The City Council adopted Ordinance No. 322 on September 11, 1979, prohibiting additional hookups outside the City. This was done for three reasons. First, water users outside the City make no contribution to the development or replacement of water production, treatment or distribution facilities since these have traditionally been funded with property taxes. Second, the proliferation of new residences without adequate sewage treatment will ultimately destroy ground waters of the area surrounding the City, which is unacceptable to City residents. Finally, the only way to insure adequate municipal services is to annex all properties requiring or desiring services so that services may be provided with equity.

An additional problem exists in the area of Webb Lane in that current water lines and storage are insufficient to properly serve existing users and cannot reasonably be stretched to serve additional properties or users. Several applications similar to yours have been denied recently.

We regret that we are not able to consider your request.

Respectfully,

  
Roy G. Rainey  
City Manager

RGR/dmvr



# Memorandum

**TO:** Mayor, City Council  
**FROM:** Tom Weldon, City Manager *Tom*  
**DATE:** October 22, 1996



**Issue:** REINSTATING CAPITAL IMPROVEMENTS/EXPENDITURES COMMITTEE

**Synopsis:** The City Council created this committee last year and it developed a Capital Improvements/Expenditures Plan.

**Recommendation:** City Council reappoint this committee and the committee follow last year's procedures in reviewing this plan and recommending an updated plan to the Council.

**Rationale:** We need an updated, adopted plan to assist us in prioritizing projects, in budgeting scarce dollars, strengthening applications for grants and to show the public we are planning for the future in an organized manner.

**Background:** One year ago the City Council appointed a representative from our three citizen's advisory committees: 1) Planning Commission, 2) Parks and Recreation Commission, 3) Systems Development Charge Review Board, and Councilor Brendlinger to this committee. They met with staff several times and developed a plan, which was reviewed at a Planning Commission meeting. This Planning Commission review, and ultimate adoption, was held during a public session on the plan. The plan was recommended to the City Council which adopted it on March 26, 1996.

VIII.B.3



# Memorandum

**TO:** Mayor, City Council  
**FROM:** John Bischoff, Planning Director  
**THROUGH:** Tom Weldon, City Manager  
**DATE:** October 21, 1996



Issue: The Pacific Coast Scenic Byway Management Planning effort.

Synopsis: The Coastal Policy Advisory Committee on Transportation (CPACT) is undertaking a study of the scenic attributes of the coastal corridor in the local area. This study is a part of the Pacific Coast Scenic Byway Management Planning effort and will involve a local committee of interested parties.

Recommendation: That the Council select a committee representing various local groups to oversee the progress of the study.

Rationale:

Background: The study will be a narrow focus on the scenic experience of Highway 101 and will examine what is alongside the road and in the road corridor. It is not another study of the highway itself but will consider such things as the safety issues at scenic turnouts and possible reconfiguration of the road way in that regard.

The intended result is a usable implementation plan with a schedule of projects and priorities for funding. The project will expand on the existing Coast Corridor Master Plan and will help decide whether or not the highway would be listed as a nationally designated scenic byway. Highway 101 is currently listed as an Oregon Scenic Byway. The study will also look into funding sources for identified projects.

The following is a list of recommended organizations who would be interested in providing a representative on the committee:

Chetco Water Shed Council  
League of Women voters  
CVAT  
Port of Brookings Harbor  
Councilor Curry - Currently on the CPACT  
Public at large (1 or 2 members)

VIII.B.4



The Council may desire to recommend more committee members. Much of the area of the study is in the county and the County Commissioners may want to suggest membership.

Options/Alternatives: Listed Below are the options we have reviewed and do not recommend.

Turning over the entire process to a non-governmental group which has been done in other jurisdictions.



# minutes

CITY OF BROOKINGS  
COMMON COUNCIL MEETING  
City Hall Council Chambers  
898 Elk Drive, Brookings, Oregon  
October 14, 1996  
6:00 p.m.

## I. CALL TO ORDER

Mayor Davis called the meeting to order at 6:07 p. m.

## ROLL CALL

Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Bob Hagbom, Larry Curry

Council Absent: Councilor Dave Scott, Ex-Officio Kevin Blank

Harbor Sanitary District Board Present: Chair Walt Thompson, Board Members Buzz Hansen, John Rapraeger; Harbor Sanitary District Attorney Manville Heisel

Staff Present: City Manager Tom Weldon, Administrative Assistant Donna Van Nest, City Attorney Martin Stone, Community Development Director Leo Lightle

Media Present: Anita Rainey, Curry Coastal Pilot; Tracy Reed, KURY Radio; Martin Kelly, KCRE Radio



### JOINT WORK SESSION

Manville Heisel, representing the Harbor Sanitary District, voiced concerns with the present relationship between the Harbor Sanitary District and the City of Brookings.

Mayor Davis expressed his appreciation of the ad hoc committee that was formed to deal with the differences between Harbor Sanitary District and the City of Brookings.

Mr. Heisel indicated that the Harbor Sanitary District Board considered the prior intergovernmental agreements between the City and HSD void. John Rapraeger and Buzz Hansen felt they were bound to the prior agreements until new ones can be formulated.

Walt Thompson said they were never notified of large charges and could not pay them because of budgetary constraints.

Larry asked why they didn't realize that improvements cost money when the project had been written about in the Curry Coastal Pilot several times.

Walt Thompson said the payments were supposed to be paid for in the monthly rates, not as a lump sum.

Mayor Davis suggested recognizing where we are, where we need to go and get the ad hoc committee back together again.

John Rapraeger said DEQ would be more willing to work with all of us if they didn't see both entities as divisive.

Mayor Davis suggested anytime DEQ is in town HSD should be notified. He also asked them to come and request information instead of expecting invitations be sent.

The two groups agreed to meet again November 11th - 6:00 p.m. to 7:00 p.m.

Mayor Davis recessed the meeting at 7:03 p.m.



**V. INSPECTION OF NEW K-9 UNIT**

The Mayor and Council inspected the K-9 vehicle which was purchased with forfeited drug monies. The vehicle is being used by Police Officer Chris Wallace and K-9 Hogue, who is being trained to sniff for drugs.

Mayor Davis reconvened the Council meeting at 7:16 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

Mayor Davis noted the Council Present: Mayor Tom Davis, Councilors Nancy Brendlinger, Bob Hagbom, Dave Scott, Larry Curry, Ex-Officio Kevin Blank

Staff Present: City Manager Tom Weldon, Administrative Assistant Donna Van Nest, City Attorney Martin Stone, Community Development Director Leo Lightle, Fire Chief William Sharp

Media Present: Anita Rainey, Curry Coastal Pilot; Martin Kelly, KCRE; Tracy Reed, KURY

**VI. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS**

1. Steve Brown, representing the Boy Scouts, explained that his troop was attending the Council meeting to earn two Boy Scout merit badges.

2. Presentation by Vietnam Veterans of America

Julie Cartwright, representing the Vietnam Veterans of America, Chapter 757, thanked the Council for their support and presented them with pins which state, "Veterans Vote!"



3. Appointments to Parks and Recreation Commission

Mayor Davis reminded the Council that Sandy Hislop and Tony Yarish have resigned as Parks and Recreation Commissioners.

Mayor Davis recommended the appointment of Elizabeth Ciapusci to fill the vacancy left by Tony Yarish, and Dr. Paul Prevenas to fill the vacancy left by Sandy Hislop.

Councilor Curry moved, Councilor Brendlinger seconded and the Council voted unanimously to approve the appointment of Elizabeth Ciapusci (term expires 02/01/1999) and Dr. Paul Prevenas (term expires 02/01/2000) to the Parks and Recreation Commission.

VII. PUBLIC HEARINGS

VIII. SCHEDULED PUBLIC APPEARANCES

IX. ORAL REQUESTS AND COMMUNICATIONS FROM THE AUDIENCE

X. STAFF REPORTS

A. City Attorney

1. Protest of award of bid for emergency generator - Pacific Detroit Diesel

City Attorney Martin Stone explained the bid process which was followed in purchasing an emergency generator for the Fire Department. Mr. Stone explained that Jan Chronister of Pacific Detroit Diesel-Allison had written a letter of protest about our bid process.



Jan Chronister of Pacific Detroit Diesel-Allison, explained that her reason for protesting the bid process was because Cummins written bid did not mention start-up costs but were called later and Cummins said that it was included. This made Cummins the low bidder because Pacific Detroit Diesel-Allison had stated that start up costs would be \$480 over and above their bid shown on the bid form. She pointed out that the bid specifications did not ask for start-up costs and therefore Cummins should not have been contacted.

Fire Chief William Sharp explained the reason for his recommendation to take the bid of Cummins and that his phone call, at Council's direction, to the Cummins salesman had verified what he had been told while the bid package was being developed; their policy (and consequently bid) included start-up costs.

Councilor Brendlinger moved, Councilor Hagbom seconded and the Council voted unanimously to reject the protest of the bidding process for an emergency generator by Jan Chronister of Pacific Detroit Diesel-Allison. The bid remains with Cummins.

**B. City Manager**

1. Agreement between Oregon Department of Fish and Wildlife and City of Brookings for future management of streamside vegetation at Jack Creek on the proposed municipal golf course site

Councilor Hagbom moved, Councilor Scott seconded and the Council voted unanimously to accept the Agreement between Oregon Department of Fish and Wildlife and City of Brookings for future management of streamside vegetation at Jack Creek on the proposed municipal golf course site dated October 1, 1996.



**C. Community Development**

**1. Award of bid - Marine Drive Waterline**

Councilor Brendlinger stepped down, citing a possible conflict of interest because the waterline goes through property she previously owned.

Community Development Director Leo Lightle reported that only one bid was received, that being from Freeman Rock at \$28,638.27, which is below the engineer's estimate of \$32,073.

Councilor Curry moved, Councilor Scott seconded and the Council voted unanimously to award the bid for the Marine Drive/Marina Heights Waterline Intertie to Freeman Rock in the amount of \$28,638.27 and authorize the City Manager to sign the contracts and "Notice to Proceed".

Councilor Brendlinger returned to the bench.

**2. Discussion of providing water service outside City - Warren Smith and Mary MacMinn, applicants**

Don Gooch, 619 Meadow Lane, Pacific Coast Realty, representing Warren Smith and Mary MacMinn, 17042 Webb Lane, explained that due to a hardship, they are requesting that the City of Brookings serve the residence at 17042 Webb Lane with water.

Staff recommended denial of the request stating that there is insufficient water volume to serve the Stafford Road/ Webb Lane/Gowman Lane/upper Park view Drive area. There have been many rejections of water service in this area. This lot or residence was turned down for water in 1987 and there is no new justification for connecting a new meter thus lowering pressure and, at times, denying water to existing customers. This could result in using taxpayers dollars to fix an outside-the-City problem.



Councilor Brendlinger stated that she needed answers to several questions prior to making a decision.

Councilor Scott moved, Councilor Brendlinger seconded and the Council voted unanimously to direct staff to draft a map of the lots in the area of Webb Lane, Stafford Road and Dodge Avenue to determine which properties are presently being served, how many vacant lots are available, and to show the line sizes and the impact of adding more properties to the water system. Staff and the applicants will bring back their best solutions in two weeks, at the October 28th meeting.

3. Discussion of providing water service outside the City

Councilor Brendlinger moved, Councilor Scott seconded and the Council voted unanimously to have staff to bring options back to the Council on amending Ordinance No. 66-O-190 to allow serving water to properties fronting on existing mains outside the City limits.

XI. CONSENT CALENDAR

Nancy asked for changes on page 6. Bob asked for clarification on page 5 of the Check Register. The Check Register showed he received two checks for the same amount on the same day with the same check number. He stated for the record that he received only one check.



Councilor Scott moved, Councilor Hagbom seconded and the Council voted unanimously to approve the Consent Calendar as follows:

A. Approval of Council Meeting Minutes

1. September 23, 1996 Regular Council Meeting

B. Acceptance of Commission/Board Minutes

1. August 6, 1996 Planning Commission Meeting
2. September 3, 1996 Planning Commission Meeting

C. Approval of Vouchers (\$146,671.30)

(end Consent Calendar)

XII. ORDINANCES/RESOLUTIONS/FINAL ORDERS

A. Ordinances

1. Ordinance No. 96-O-349.D - An ordinance amending Ordinance No. 81-O-349 entitled, "An ordinance adopting the State of Oregon Structural Specialty Code and Fire and Life Safety Code, the State of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Code, and the Uniform Code for the Abatement of Dangerous Buildings, and repealing prior ordinances inconsistent therewith".

Administrative Assistant Donna Van Nest read Ordinance No. 96-O-349.D into the record in its entirety.

Councilor Hagbom moved, Councilor Brendlinger seconded and the Council voted unanimously to adopt Ordinance No. 96-O-349.D by first reading.



Administrative Assistant Donna Van Nest read Ordinance No. 96-O-349.D into the record by title only.

Councilor Hagbom moved, Councilor Scott seconded and the Council voted unanimously to adopt Ordinance No. 96-O-349.D - An ordinance amending Ordinance No. 81-O-349 entitled, "An ordinance adopting the State of Oregon Structural Specialty Code and Fire and Life Safety Code, the State of Oregon Mechanical Specialty Code and Mechanical Fire and Life Safety Code, and the Uniform Code for the Abatement of Dangerous Buildings, and repealing prior ordinances inconsistent therewith". [Effective November 13, 1996]

**B. Resolutions**

1. Resolution No. 96-R-608 - A resolution authorizing the City of Brookings to participate in the City/County Insurance Services Trust.

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to adopt Resolution No. 96-R-608 - A resolution authorizing the City of Brookings to participate in the City/County Insurance Services Trust.

**XIII. COMMITTEE REPORTS**

**A. Planning Commission**

**B. Parks and Recreation Commission**



C. Chamber of Commerce

Executive Director Les Cohen reported that the Chamber of Commerce has agreed, along with seven other south coast Chambers of Commerce organizations, to sponsor an application for the Governor's Conference on Tourism to be held on the south coast for the first time in 1999.

XIV. REMARKS FROM MAYOR AND COUNCILORS

A. Mayor

B. Council

Councilor Brendlinger suggested giving each of the candidates running for the Council positions the registration package for the 1996 League of Oregon Cities Conference which will begin on November 14, noting that the election takes place on November 5th and the newly elected Councilors hopefully can attend the conference.

Councilor Brendlinger requested direction from the Council concerning Falcon Cable. She indicated that she has gotten a lot of response from citizens complaining about Falcon Cable, has received support from U.S. Representative Peter DeFazio and has received a large packet of information and complaint forms from the Federal Communications Commission. She asked if the Council wished to pursue the possibility of protesting Falcon's latest rate increase. Council, by consensus, indicated that they wished to pursue the matter. Council requested Councilor Brendlinger talk to some of the people who wrote her with complaints about Falcon Cable to see if they were interested in serving on a committee to read and digest the complex documents from FCC. At the October 28 meeting, Mayor Davis will appoint one Councilor and two lay people to a committee to study the rate methodology of Falcon Cable.

Councilor Curry noted that U.S. Representative Peter DeFazio responded positively to a letter from the City concerning Falcon Cable and he requested staff draft a thank you letter to DeFazio. Council agreed.



Mayor Davis recessed the Council meeting at 9:01 p.m.

At 9:07 p.m. Mayor Davis convened an EXECUTIVE SESSION under ORS 192.660(1)(I), for the purpose of reviewing and evaluating the employment related performance of the Chief Executive Officer of the public body.

Councilor Scott left the meeting at 9:20 p.m. and did not return.

Mayor Davis reconvened the Council meeting at 9:40 p.m.

XV. ADJOURNMENT

Councilor Hagbom moved, Councilor Curry seconded and the Council voted unanimously to adjourn at 9:40 p.m.

---

Tom Davis  
Mayor



**RESOLUTION NO. 96-R-609**

**A RESOLUTION OF THE BROOKINGS CITY COUNCIL IN SUPPORT OF  
A LONG TERM FUNDING SOURCE FOR OREGON STATE PARKS.**

**WHEREAS, Oregon State Parks are one of Oregon's leading visitor attractions with over 40 million visitors each year; and**

**WHEREAS, Oregon State Parks generate more than a half billion dollars each year for local tourism economies and encourage private investment in tourism facilities; and**

**WHEREAS, Oregon State Parks contain many of Oregon's most significant scenic, cultural, historic, natural and recreational sites; and**

**WHEREAS, Oregon State Parks are known throughout the nation and the world as some of the best park facilities; and**

**WHEREAS, Oregon State Parks contribute to the personal, social, and economic benefits of local communities, thus improving the quality of life of residents and the travel experiences of visitors; and**

**WHEREAS, Oregon State Parks protect the natural and cultural resources critical to Oregon's environment, heritage, and the outdoor recreation opportunities available to citizens and visitors; and**

**WHEREAS, in spite of severe budget cuts, volunteer contributions, and private funding donations, lack of adequate funding for Oregon State Parks now threatens the quality and even the existence of many state park facilities, programs and services now and in the future; and**

**WHEREAS, deterioration in the quality and number of Oregon State Parks will significantly harm Oregon's visitor industry;**



**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Brookings supports the creation of a long term funding source for Oregon State Parks so that current and future generations can continue to enjoy the many important benefits that state parks contribute to Oregon's quality of life and to a healthy visitor industry.

**PASSED** by the Council and signed by the Mayor this 28th day of October, 1996.

---

**Tom Davis**  
**Mayor**

**ATTEST:**

---

**Beverly S. Adams**  
**City Recorder**