

MINUTES
BROOKINGS COMMON COUNCIL
CITY OF BROOKINGS
APRIL 10, 1984
7:00 p.m.

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Council Present: Mayor Bob Kerr,, Councilman Walt Lovejoy,
Councilman Ray Nidiffer, Councilman John Geraghty.

Council Absent: Vice Mayor Gil Batty.

Staff Present: City Manager Lynn Stuart, City Attorney John Babin, City Recorder/Treasurer Naomi Bradfield, City Planner Chuck Rhodaback, Assistant Public Works Supervisor Dennis Barlow, Building/Fire Safety Officer Marshall Ferg, Executive Secretary Donna Van Nest, Engineering Technician Leo Lightle, Assistant Chief of Police Kent Owens.

New Media Present: Bob Rodriguez, Curry Coastal Pilot; Marge Barrett, KURY Radio.

IV. CEREMONIES/APPOINTMENTS

A. Planning Commission Appointments

Mayor Kerr announced that there was a recommendation from the Planning Commission to reappoint Mary Jane Brimm and Earl Breuer to full terms on the Planning Commission.

Councilman Lovejoy made a MOTION and Councilman Nidiffer seconded, to reappoint Mary Jane Brimm and Earl Breuer to full terms on the Planning Commission; MOTION carried unanimously.

V. MINUTES FOR APPROVAL/ACCEPTANCE

A. Approval of Council Meeting Minutes

1. March 6, 1984 Special Council Meeting Minutes
2. March 13, 1984 Regular Council Meeting Minutes

Councilman Nidiffer made a MOTION and Councilman Lovejoy seconded, to approve the Council Meeting Minutes of March 6, 1984 and March 13, 1984; MOTION carried unanimously.

VI. SCHEDULED PUBLIC APPEARANCES

A. League of Women Voters

Joyce Reynolds, President of Curry County League of Women Voters, read into the record a letter from the League of Women Voters, requesting that the County Clerk appoint satellite registrars in the Cities of Brookings and Port

Orford. Mrs. Reynolds asked that the City of Brookings assist in this effort in any way possible.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy to join with the League of Women Voters in requesting that satellite registrars be appointed in both the City of Brookings and the City of Port Orford; MOTION carried unanimously.

VII. COMMUNICATIONS/ANNOUNCEMENTS

A. Mayor Announcements

Mayor Kerr announced that this is National Library Week and the City of Brookings commemorated the start of this National Library Week by proclaiming "Max Brainard Day" at the Chetco Community Public Library. Mayor Kerr urged everyone to use the library facilities, and he also thanked all of the ladies who participated in making "Max Brainard Day" a success.

Mayor Kerr also announced that he had attended the OCZMA meeting in Newport.

B. Council Announcements

None.

C. Contract Review Board

1. Fire Department Equipment Purchase

City Manager Lynn Stuart explained that pursuant to Ordinance No. 326, the City Council is authorized to function as the Contract Review Board..

At 7:12 p.m., Mayor Kerr recessed the Council Meeting and convened the Contract Review Board.

City Attorney John Babin indicated that he had reviewed the solicitations of offers, and indicated a recommendation to purchase the equipment from L.N. Curtis & Sons, 4133 Broadway, Oakland, California 94611. Mr. Babin requested that the savings to the City by using the Contract Review Board be supplied, approximately so that that figure could be included in the Findings of Fact. Mr. Stuart stated that the approximate savings is \$150.00.

A MOTION was made by Councilman Lovejoy and seconded by Councilman Geraghty to adopt the Findings of Fact document; MOTION carried unanimously.

Mayor Kerr reconvened the Council Meeting at 7:21 p.m.

Councilman Nidiffer made a MOTION and Councilman Geraghty seconded, to authorize City Staff to make the purchase of nine coats, ten pairs of pants and twenty four sets of suspenders from L.N. Curtis & Sons, 4133 Broadway, Oakland, California 94611, for the Brookings Fire Department, at a total cost of \$1,944.40; MOTION carried unanimously.

D. Manager Announcements

1. Liquor License Renewal - Pine Cone Tavern

Mr. Stuart recommended that a liquor license renewal be granted to the Pine Cone Tavern. He indicated that the Police Department had reviewed that application and that there were no objections.

7. Liquor License Renewal - Flying Gull Restaurant

Mr. Stuart indicated that the recommendation was the same for the Flying Gull Restaurant as it was for the Pine Cone Tavern.

Councilman Nidiffer made a MOTION and Councilman Lovejoy seconded to approve the liquor license for the Pine Cone Tavern and the Flying Gull Restaurant; MOTION carried unanimously.

2. Justice Court

Mr. Stuart gave a brief presentation on the Justice Court in Brookings and explained an item which had appeared in the Gold Beach newspaper concerning District Judge Hugh Downer's opinion that Justice Court should be eliminated. Mr. Stuart noted that the Justice Court budget for this fiscal year in Brookings is \$33,419, and the estimated revenue for fiscal year 1983-84 is \$45,957.65. Through the end of the ninth month of the fiscal year the actual revenue is \$35,457.65. Mr. Stuart also noted that the cost of court participants would increase if they had to travel to Gold Beach for all court cases.

Mr. Stuart recommended that the City Council authorize City Staff to contact the Legislative Subcommittee of the Oregon Supreme Court and the Curry County Budget Committee to encourage them to retain the Justice Court services in Brookings.

Mayor Kerr recommended that the Council go on record as supporting the Justice Court, and added that another service that Justice Court provides locally is the Small Claims Court.

City Attorney John Babin recommended that the City Council send a representative to the Curry County Commissioners because even though the Justice Courts are authorized by State statute and the legislature it is up to the County Commissioners to decide if the Justice Court will be funded by the County. Mr. Babin also suggested that the Council contact the State Court Administrator for input before any action is taken.

There was a MOTION by Councilman Lovejoy, seconded by Councilman Nidiffer to authorize City Staff to pursue this matter further; MOTION carried unanimously.

3. League of Oregon Cities Membership

Mr. Stuart presented to the Council a letter regarding 1984-85 membership dues for the League of Oregon Cities, and requested that the City Council authorize City Staff to execute this membership for next fiscal year.

Councilman Nidiffer made a MOTION and Councilman Geraghty seconded, to pay the dues of \$937.75 for participation in the League of Oregon Cities for fiscal year 1984-85; MOTION carried unanimously.

4. County Library Support

Mr. Stuart explained that during the budget process the City Staff had written to the Curry County Commissioners, requesting support for the Chetco Community Public Library. Mr. Stuart submitted two letters which the City Staff had written, and the reply to the last letter, from John Glenn Mayea, Chairman of the Curry County Board of Commissioners. Mr. Mayea indicated that it was very unlikely that there would be any support from the County on this matter.

Mr. Stuart explained that there was no action necessary by the Council, but that he felt it important that the Council be advised of this matter.

5. Oceanview Mobile Estates

Mr. Stuart briefed the Council on a letter from a Mr. Albert Selig to the Health Division of the State of Oregon regarding Oceanview Mobile Estates. Mr. Selig was requesting assistance in solving some of the sanitary problems along Oceanview Drive.

Mr. Stuart requested no action from the Council on this matter.

6. Chetco Federal Credit Union - Computer

Mr. Stuart and the City Council expressed their appreciation to the Chetco Federal Credit Union for the donation of the Burroughs B800 computer.

E. Attorney Announcements

None.

VIII. CALL FOR BIDS

None.

IX. REPORT ON BIDS

A. Public Works

1. Power Take Off Mower Attachment

Mr. Stuart presented a report on the bids submitted for this piece of equipment and requested that City Council authorize City Staff to purchase the John Deer Model 25A Power Take Off Mower Attachment in the amount of \$2,133.10, from the Hubbard-Wray Co., 3600 Crater Lake Avenue, Medford, Oregon 97501.

There was a MOTION by Councilman Nidiffer, seconded by Councilman Lovejoy, to accept the bid for the John Deer Model 25A Power Takee Off Mower Attachment from the Hubbard-Wray Co., 3600 Crater Lake Avenue, Medford, Oregon; MOTION carried unanimously.

2. Post Hole Digger

Mr. Stuart presented a report on the bids submitted for this piece of equipment and requested that City Council authorize City Staff to purchase the Danuser Model F8 for \$1,038.00 from the Kurtz Equipment Co., 4500 Table Rock Rd., Medford, Oregon 97502.

There was a MOTION by Councilman Lovejoy, seconded by Councilman Geraghty, to accept the bid for the Danuser Model F8 Post Hole Digger from Kurtz Equipment Co., 4500 Table Rock Rd., Medford, Oregon 97502; MOTION carried unanimously.

X. ORDINANCES

A. Ordinance No. 384 - Election to Receive State Revenue Sharing

Mr. Stuart explained that State Revenue Sharing Law requires cities to pass an ordinance each year stating that they wish to receive state revenue sharing money.

Executive Secretary Donna Van Nest read Ordinance No. 384 into the record.

Mr. Stuart added that City Staff did follow specifically the State form presented for the Ordinance.

Councilman Lovejoy made a MOTION, seconded by Councilman Geraghty, to adopt Ordinance No. 384, first reading; MOTION carried unanimously.

Executive Secretary Donna Van Nest read into the record Ordinance No. 384 by title only. A MOTION was made by Councilman Lovejoy, seconded by Councilman Geraghty to adopt Ordinance No. 384, second reading; MOTION carried unanimously.

Mayor Kerr announced that Ordinance No. 384 is so adopted.

B. Ordinance No. 385 - Zoning Ordinance Amendment

Mr. Stuart indicated that in order to effect the change recommended by the Planning Commission regarding the legislative action to amend the Zoning Ordinance No. 216 to bring it into conformance with the Comprehensive Plan, Ordinance No. 385 has been prepared. Mr. Stuart noted that this ordinance amends the zoning map as well as two sections of the zoning ordinance relating to parking and uses permitted outright in a commercial district.

Mr. Fred Hummel raised a question as to how many parcels of land had already been voted on. Mayor Kerr explained that all but this one parcel of land had been voted on and approved. Mr. Hummel expressed that he felt that this hearing should still be open.

City Attorney Babin recommended that, to accord everyone with due process of law, that anyone be allowed to testify in this matter at this time.

Mr. Fred Hummel read a statement to the Council objecting to the proposed zoning amendments, and asked that his statement be made a part of the record (attached).

Mr. Neil Amundson, Agnew Enterprises, made a brief presentation and requested that the City Council weigh all of the factors before making any decisions.

There was a brief discussion concerning Mr. Hummel's interpretation of Ordinance No. 213 and City Attorney John Coutrakon's interpretation of that same ordinance.

Mr. Bill Cunningham read a statement to the City Council objecting to the proposed zoning amendments, and asked that his statement be made a part of the record (attached).

Mayor Kerr asked if there was anyone else in the audience who would like to speak on this issue. Being none, Mayor Kerr concluded the hearing at 9:00 p.m.

Mrs. Van Nest read Ordinance No. 385 into the record. Councilman Lovejoy made a MOTION, seconded by Councilman Nidiffer to adopt Ordinance No. 385, first reading; MOTION carried unanimously.

Mrs. Van Nest then read Ordinance No. 385, by title only, into the record. Councilman Lovejoy made a MOTION, seconded by Councilman Nidiffer, to adopt Ordinance No. 385, second reading; MOTION carried unanimously.

Mayor Kerr announced that Ordinance No. 385 is so adopted.

XI. RESOLUTIONS

A. Resolution No. 346 - Parking Request, Rubio's Restaurant

Mr. Stuart explained that the owners of Rubio's Restaurant have asked for a curb marking of "Cars Only" in front of their business at 1136 Chetco Avenue. The reason for the request is due to large trucks parking in front of their business, which blocks the street from the vision of those leaving the parking lot of their business. They cited several very near misses. Mr. Stuart stated that the police department agreed with this request.

Mrs. Van Nest read Resolution No. 346 into the record.

Mayor Kerr asked for comments concerning this resolution. There being none, Councilman Nidiffer made a MOTION, and Councilman Geraghty seconded, to adopt Resolution No. 346; MOTION carried unanimously.

XII. UNSCHEDULED PUBLIC APPEARANCES.

None.

XIII. PAYMENT OF VOUCHERS

There was a MOTION by Councilman Nidiffer, seconded by Councilman Geraghty, to pay the vouchers in the amount of \$24,147.12; MOTION carried unanimously.

XIV. ADJOURNMENT

Councilman Geraghty made a MOTION, seconded by Councilman Lovejoy, to adjourn; MOTION carried unanimously.

Mayor Kerr adjourned the meeting at 9:11 p.m.



Mayor Bob Kerr

ATTEST:



Naomi Bradfield, City Recorder

VOUCHERS PAYABLE

April 10, 1984

Vouchered in March - Payable in April

<u>VOUCHER NO.</u>	<u>CHECK NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
3100	8303	ACTION INSTRUMENTS	178.30
3110, 3084, 3104, 3067	8304	AKIN MOTOR COMPANY	254.04
3059	8305	AMERICAN HERITAGE	24.00
3114	8306	BEN ARNDT	13.84
3153	8307	DENNIS BARLOW	13.70
3126	8308	BECCO	1,307.50
3088	8309	BLUE STAR GAS	55.01
3172	8310	BRITE SPOT JANITORIAL	175.00
3051, 3132	8311	BROOKINGS OFFICE SUPPLIES	420.50
3140	8312	BROOKINGS RENT-ALL	10.00
3170	8313	BROOKINGS SANITARY	55.00
3057	8314	BROOKINGS SPORTS UNLIMITED	11.59
3058, 3085, 3086, 3162	8315	BROOKINGS SUPPLY, INC.	454.58
3173	8316	BROOKINGS VOLUNTEER FIREFIGHT.	1,035.00
3115	8317	GOLDIA BROWN	19.09
3074	8318	BUDGE-MCHUGH SUPPLY CO.	336.38
3070	8319	CALIBRE PRESS	130.00
3063, 3087, 3169	8320	COAST AUTO CENTER	200.91
3073	8321	COAST TO COAST	24.00
3052	8322	J.CONANT BUSINEES MACH.REPAIR	27.50
3131	8323	JERRY CONANT JANITORIAL	514.97
3120	8324	MIKE COOPER	11.31
3081	8325	COUNTY OF CURRY	6,000.00
3103	8326	COUTRAKON & BABIN	1,486.00
3050, 3164	8327	CURRY COASTAL PILOT	580.60
3127	8328	CURRY COUNTY COMMUNICATIONS	50.00
3134	8329	CURRY COUNTY SHERIFFS OFFICE	45.00
3079	8330	DAILY JOURNAL OF COMMERCE	298.70
3118	8331	GEORGE DOMINY	18.95
3123	8332	SAM DOTSON	9.84
3098, 3096, 3099, 3097	8333	DOYLE ELECTRIC	496.33
3156	8334	ENTENMANN-ROVIN CO.	120.14
3076	8335	EXECUTIVE DEPARTMENT	302.00
3095	8336	FREEMAN ROCK ENTERPRISES	494.60
3083	8337	FOLEY & MICKELSON, ATTYS	187.50
3119	8338	CURT FOX	25.75
3117	8339	DAVE GILBERT	10.70
3093	8340	GOLDEN PRESS	8.57
3130	8341	GRANTS PASS WATER LABORATORY	18.00
3166	8342	GREYHOUND LINES	18.40
3147, 3158	8343	GRIFFITH WELDING & MACHINE	21.00
3106, 3165	8344	HARBOR LOGGING SUPPLY	149.15
3152	8345	H & L MARINE	265.00
3113	8346	JEAN HOOK	7.95
3056, 3078	8347	RED JORDAN FOODS, INC.	87.20
3149	8348	KERR ACE HARDWARE	63.75
3072	8349	LAKESIDE EQUIPMENT CO.	64.00
3075, 3080, 3111, 3112, 3151	8350	LITRELL PARTS	309.77
3116	8351	CAMERON LYNN	16.65
3161	8352	MORY'S ARTS	64.50
3090	8353	NADING PLUMBING & HEATING	25.00
3054	8354	NEELY'S WELDING & MACHINE WORKS	31.25

<u>VOUCHER NO.</u>	<u>CHECK NO.</u>	<u>VENDOR</u>	<u>AMOUNT</u>
3060, 3089, 3102, 3144	8355	NEW ERA PRESS	251.00
3066	8356	NEWMAN SIGNS	202.75
3064	8357	NUDELMAN BROS.	25.50
3138	8358	OMNI	23.95
3136, 3168	8359	O'NEALE SUPPLY, INC.	158.01
3094	8360	OREGONIAN-OREGON JOURNAL	8.75
3122	8361	KENT OWENS	12.22
3092, 3163	8362	PACIFIC WATER WORKS SUPPLY	816.28
3171	8363	PARAMOUNT PEST CONTROL	17.00
3109, 3141	8364	QUILL CORPORATION	240.64
3065	8365	RADIO SHACK	49.95
3077	8366	RAYS SENTRY MARKET	65.29
3082	8367	RED JORDAN FOODS, INC.	52.10
3154	8368	RITZ'S REPAIR	985.95
3121	8369	WAYNE SHEFFEL	13.25
3124	8370	CECIL SMITH	32.05
3055	8371	KEITH SMITH	350.00
3091	8372	STACKPOLE BOOKS	58.02
3135	8374	STATELINE CHIMNEY SWEEP	50.00
3068, 3069, 3107, 3133	8375	STEINER CORPORATION	25.90
3145, 3071	8376	SOUTHCOAST MEDICAL CENTER	70.00
3053, 3157	8373	SQUARE DEAL BUILDERS SUPPLY	798.65
3061	8377	TARTAN BOOKS	13.59
3142	8378	TIDEWATER CONTRACTORS	24.16
3143	8379	NORMAN THOMPSON	72.00
3148	8380	U.S. BANK - VISA	98.96
3108	8381	U.S. LEASING	200.00
3146	8382	VAN WATERS & ROGERS	30.05
3139	8383	WA - 40	45.00
3101, 3105, 3125, 3128			
3137, 3159, 3160	8384	WILSON TIRE SERVICE	2,802.58
3167	8385	THE WORLD	5.00
		TOTAL	\$24,147.12

April 10, 1984

To the Mayor and City Council

Re: Proposed rezoning of four properties at the end
of Mill Beach Road from RMD to RHD

You are well aware this rezone was not included in the initial proposal presented by city staff to the planning commission at its November 1, 1984 meeting. It was included later at the written request of the city attorney, an owner of one of the original three, now four, properties incorporated in the city's legislative rezoning proposal.

This request for rezoning was approved by the planning commission; however, it was later brought to the council's attention that city staff had neglected both to advertise the subject properties and to give 10 days prior written notification to property owners within 250 feet of the proposed rezoning as mandated by Ordinance #216. Subsequently, on January 9, 1984, proper written notice was given the affected land owners. On February 7, 1984, the planning commission again reviewed the proposal. In response to convincing and overwhelming testimony in opposition to the rezoning the planning commission denied the request.

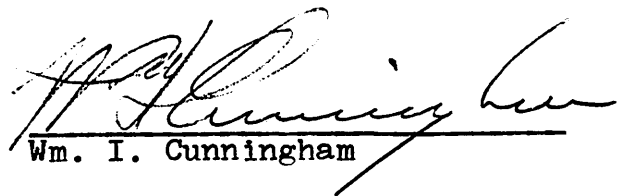
The minutes of February 14, 1984 council meeting quote the city manager as saying he "felt that the planning commission's recommendations could have some problems legally because of the inverse spot zoning that was involved." It should be noted that the term, "inverse spot zoning", whatever that may be, nowhere appears in the comprehensive plan. Accordingly, the council again referred the rezoning proposal back to the planning commission for reconsideration.

At its March 6, 1984 meeting the planning commission by majority

vote approved the rezoning of subject properties. They did so lacking full knowledge of the tract's actual boundaries; nor were they made aware of its critical relationship to the adjacent low residential tract lying west of Mill Beach Road. The low residential tract simply did not appear on the map used by the city in its presentation to the planning commission. Further, the previously presented written protests of some fourteen very concerned owners within this low residential area were totally disregarded at this meeting. See Ordinance #216.

It should be pertinent to your consideration of this matter that the proponents have not borne the burden of proving the need for a change in land use as required by the Brookings Comprehensive Land Use Plan. See Goal 2.

In the interest of planning that will conform with our Comprehensive Plan I urge you to deny this rezoning tonight.


Wm. I. Cunningham

ORIGINAL TO L.O.C.

M E M O R A N D U M

TO: Mayor
City Council

FROM: Lynn R. Stuart, City Manager

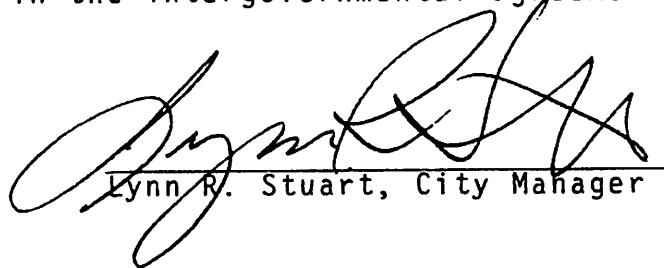
SUBJECT: LEAGUE OF OREGON CITIES MEMBERSHIP

DATE: March 30, 1984

Attached for your review is a copy of the invoice and justification for membership in the League of Oregon Cities for fiscal year 1984-85. Sufficient monies do exist in the Legislative/Judicial category to continue membership in the League of Oregon Cities.

It is therefore recommended that the City Council authorize the City Staff to execute the membership for fiscal year 1984-85, and request the City Council execute the attached intergovernmental agreement.

ACTION REQUESTED: That the City Council approve the City's participation in the intergovernmental agreement as presented.



Lynn R. Stuart, City Manager

LRS/dmv



League of Oregon Cities

SALEM: Local Government Center, 1201 Court Street N.E., P.O. Box 928, Salem 97308, Telephone: (503) 588-6466

EUGENE: Hendricks Hall, University of Oregon, P.O. Box 3177, Eugene 97403, Telephone: (503) 686-5232

Salem, Oregon
March 23, 1984

RECEIVED
MAY 1 1984

To: City Managers and Recorders of Oregon Cities
Subject: 1984-85 Annual Membership Fee

CITY OF BROOKINGS

Enclosed is an information copy of the statement for League membership dues for your city for the 1984-85 fiscal year.

The amount of dues is based on the most recent population figure for your city by the Center for Population Research and Census. The dues schedule remains the same as for the past year - 27.5 cents per capita. The minimum membership fee of \$66 also remains unchanged from this past year. The amount indicated on the enclosed statement will be due on July 1, 1984, and we shall appreciate having you include this amount in your budget.

There is one additional item that needs attention as part of this dues mailing. The enclosed Intergovernmental Agreement must be adopted by your city council and returned to the League in order to continue League membership for the 1984-85 fiscal year. You may recall that the Agreement is designed to formally recognize the League's status as a public agency created by cities to serve their needs. The Agreement generally just restates the League's constitution which has been in effect for many years. Drafts of the Agreement were reviewed by City attorneys throughout the state last Spring. In the Fall, a copy of the Agreement was mailed to every city. Changes were made to accommodate various suggestions that were offered. Then the Agreement was thoroughly discussed at the resolutions committee meeting at the Annual Conference in November, where the document was approved by unanimous vote at the Annual Business Meeting.

To facilitate your adoption process we are enclosing a sample resolution for you to use, or you may use an ordinance for adoption of the agreement if your legal counsel should so choose. We would appreciate it if you would attach a copy of the enacted resolution/ordinance to a copy of the 190 Agreement and return it to the League office at your earliest convenience. Your city needs to keep a copy of the enacted ordinance/resolution on file with your original copy of the 190 Agreement.

If you have any questions about the dues statement, or about League activities or programs, please feel free to contact any of the League Executive Committee members or members of the League staff. Every city in Oregon receives many

City Managers and Recorders of Oregon Cities
March 23, 1984
Page 2

benefits from the programs and activities of the League. There are now 235 of the 242 cities in the state contributing to the support of the League. The continued support of your city is appreciated by your League officers.

Sincerely,

Elvern Hall

Elvern Hall
Treasurer

SCB:aj
Enclosures

INTERGOVERNMENTAL AGREEMENT OF OREGON CITIES

THIS AGREEMENT made and entered into this 3rd day of January, 1983 by each city of the State of Oregon agreeing to enter into the same by ordinance or resolution, and every other city having also so agreed and being collectively referred to herein as "CITIES", now therefore

W I T N E S S E T H:

RECITALS:

1. This is an agreement for intergovernmental cooperation by units of local government under ORS 190.010 to ORS 190.110 inclusive, in performing functions and providing services which all of the parties have authority to perform and provide.
2. For purposes of this agreement the organization created by the Cities to perform certain functions and activities herein set forth shall be deemed a consolidated department of all of the Cities who are parties to this agreement to carry the same out by a combination of methods provided for in ORS 190.020.
3. This agreement reduces to writing the terms, conditions, purposes and objects of services, functions and activities of the League of Oregon Cities performed since 1926 as a cooperative and joint endeavor of Oregon Cities. Nothing herein is intended to change its status as a political subdivision of the State of Oregon, and an instrumentality of the State and its Cities for better administration of public

affairs, and an agency or instrumentality for performing governmental functions owned and controlled by the Cities of Oregon.
THE CITIES OF OREGON BECOMING PARTIES HERETO AGREE:

I. ACTIVITIES:

1. To form and continue an organization for the cooperative provision of local governmental services, to perform governmental purposes and functions as hereinafter set forth under the name of the League of Oregon Cities, hereinafter referred to as the "League".

2. The League of Oregon Cities shall have the following purposes and functions:

- a. To maintain an organization to secure cooperation among the cities of the state by thorough study of local problems, and in the application of efficient methods to local government;
- b. To provide a means whereby officials may interchange ideas and experiences and obtain expert advice;
- c. To collect, compile and distribute to municipal officials, information about municipal government and the administration of municipal affairs;
- d. To engage in the study and preparation of uniform ordinances and practices;
- e. To formulate and promote such legislation as will be beneficial to the cities of the state and the citizens thereof and to oppose legislation detrimental thereto but not to expend monies in favor of or in opposition to any public measure initiated

by or referred to the people, or for or against the election of any candidate for public office;

- f. To provide such services to cities as cities may authorize and require through the League of Oregon Cities, including but not limited to assistance in collective bargaining with employees,¹ liability,² casualty,² health insurance and other employee benefits,³ and the provision of joint facilities for local governments with other governmental units acting singly or cooperatively. To that end the League may create or participate in appropriate entities and trusts which are suitable and convenient for carrying out its purposes;
- g. To secure harmony of action among municipalities in matters that affect the rights and liabilities of cities;
- h. To institute or participate in litigation in the name of a member city, upon request of such city, or in its own name for the purpose of securing a determination relative to the rights and liabilities of cities of Oregon under any constitutional provision, statute or ordinance; to appear as friend of the Court in any Court proceeding wherein the rights and liabilities of cities are affected; to appoint or employ counsel for the purpose herein mentioned;
- i. To adopt and amend, from time to time, such rules, regulations, constitution and by-laws as not inconsistent with this agreement;

- j. To do any and all other things necessary or proper for the benefit of the cities of Oregon which the cities themselves might do singly or in cooperation with other units or agencies of government.

II. GOVERNANCE AND CONTROL; MEETINGS:

1. Governance and control of the organization shall be exercised through its Executive Committee consisting of the officers of the League, in the manner provided in the Constitution of the League of Oregon Cities in effect at the time of the execution of this agreement. The Executive Committee shall possess all powers necessary to carry out the provision of this agreement and the specific purposes and functions set forth in Section I. ACTIVITIES, including but not limited to, the power on behalf of the League of Oregon Cities, directly or through other entities, to rent, lease, purchase, receive and hold property, both real and personal, and to rent, lease, mortgage, hypothecate, sell or otherwise dispose of the same.

2. Said Constitution and any rules, regulations and by-laws not inconsistent with this agreement may be adopted and amended from time to time as therein provided.

3. Meetings of the League shall be held as provided in the Constitution.

III. PROVISION OF FUNDS:

1. The cities shall provide the revenues for payment of expenses incurred in the performance of the functions and activities of the League by the payment of annual fees or

assessments based upon the populations of the respective cities entering into this agreement, as established by the Executive committee no later than February 1 of any calendar year. The assessment is levied for the fiscal year beginning on July 1, in an amount sufficient to finance the expenses of the League for each year.⁴

2. An annual charge, established by the Executive Committee, may also be made to separate boards or commissions of any city also desiring to participate in activities of the League.

3. The Executive Committee may also request voluntary contributions in addition to the annual fee or assessment for activities authorized by this agreement.

4. The League may also make such other charges for direct services furnished to cities or others as the Executive Committee may approve, including a charge for affiliation other than by membership.

5. Incidental income from any activity shall be devoted solely to the governmental purposes of the League and its member cities. No profit from any activity shall inure to the benefit of any private person, firm or corporation.

6. No funds shall be expended except upon a vote of the Executive Committee and in furtherance of the objects and purposes of the League. All funds, revenues and expenditures of the League shall be audited at least annually.⁵

IV. EXECUTIVE DIRECTOR-EMPLOYEES:

The Executive Director shall be the chief administrative officer of the League and be responsible to the Executive Committee for such duties as may be assigned by it. The League, through the Executive Director, may employ such other employees as necessary to carry out the purposes, activities and functions of the League under this agreement. This agreement does not contemplate the transfer of any personnel.⁶

V. DURATION-TERM:

The term of this agreement shall be perpetual unless otherwise limited by city charter.⁷ The parties hereto shall have the right to terminate their participation herein as a party at any time, by ordinance or resolution forwarded to the Executive Director. The entire agreement may be terminated at any time by a two-thirds vote of the cities then participating.⁸ The agreement may be amended at any time, by agreement with each city participating by ordinance or resolution in the same manner as originally entered into.

VI. RIGHTS UPON TERMINATION

Upon termination of the agreement the cities then participating shall mutually agree upon the division of assets and liabilities, including accrued personnel benefits. If litigation becomes necessary then venue shall be established in the Circuit Court of Multnomah, Marion or Lane County to determine that transfer or division.⁹ No city shall be liable, upon termination, for any dues, charges, assessments or other

liabilities of any kind beyond the year in which such city ceases to participate or in which the agreement is terminated.

VII. EXECUTION

The resolution or ordinance of each participating city agreeing hereto shall be placed on file with the original of this agreement.

City of BROOKINGS, a municipal corporation

By Bob Hess

By _____

ATTEST:

FOOTNOTES:

1. Chapter 243 ORS
 2. ORS 731.036(4)
 3. ORS 731.036(5)
 4. ORS 190.020(1)(a)
 5. ORS 190.020(1)(b)
 6. ORS 190.020(1)(c)
 7. ORS 190.020(1)(e)
-
8. ORS 190.020(1)(f)
 9. ORS 190.020(2)

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND _____ OF THE CITY OF _____ TO EXECUTE AND ENDORSE AN AGREEMENT WITH THE LEAGUE OF OREGON CITIES GOVERNING THE LEAGUE STATUS AS A UNIT OF LOCAL GOVERNMENT, SIMILAR TO OTHER COOPERATIVE INTER-GOVERNMENTAL AGENCIES IN WHICH CITIES CREATE AND PARTICIPATE.

WHEREAS, the Council has found that it is necessary and desirable to endorse and adopt the agreement proposed by the League of Oregon Cities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of _____ that the Mayor and _____ are hereby authorized to execute and endorse the agreement with the League of Oregon Cities of which the City of _____ is a member, governing the League status as a unit of local government, similar to other cooperative inter-governmental agencies that cities create and participate in, all this in the State of Oregon, upon the terms and conditions as set forth in an agreement entitled "Inter-governmental Agreement of Oregon Cities," a copy of which is attached hereto as Exhibit "A," and incorporated by reference herein.

DATED this _____ day of _____, 1984.

City Council

ATTEST:

EXHIBIT "A"

FINDINGS OF FACT

During a regularly scheduled meeting of the Brookings Common Council, City of Brookings, on April 10, 1984, a meeting of the Contract Review Board was held for the City of Brookings. The following contract was reviewed: Fire Fighters' coats, pants and suspenders.

Having made a thorough investigation of the matter and having reviewed all of the material, the Contract Review Board hereby makes the following findings:

The Fire Department has solicited and received bids and price quotations from four (4) different suppliers of fire fighting equipment. These bids and quotations are attached to these findings as Exhibit A1 - A4. The Contract Review Board finds that the manner in which the bids and quotations were received does not encourage any favoritism, and certainly did not substantially diminish competition for the contract. As a matter of fact, the Contract Review Board finds that there was substantial competition by the aforementioned firms for the sale of the fire fighting equipment, as exhibited by the prices submitted on the quotations.

The Board further finds that exempting the purchase of the fire fighting equipment from the competitive bidding statutes and procedure will result in a substantial cost savings to the City of Brookings. By conducting the contract procedure informally, without competitive bidding procedures, it is estimated that the City will be able to save \$ 150.00.

Therefore, based upon the aforementioned, it is hereby recommended that the purchase of the above enumerated fire fighting equipment be exempted from the competitive bidding statutes and procedures.

Dated this 11th day of April, 1984.

Bob Kerr

QUOTATION

4133 BROADWAY - OAKLAND, CALIFORNIA 94611 (415) 655-5111

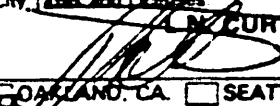
BRANCH OFFICES 629 So Industrial Way, P.O. Box 24964 Seattle, Wash 98124 (206) 622-2875
1195 South 2nd West Salt Lake City, Utah 84101 (801) 486-7288

DATE 3-5-84	TERMS NET 30 days	FOB Oakland, California	DELIVERY within 10 to 30 days complete
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TO: City of Brookings
Attn: Marshall Ferg
Building and Fire Safety Officer
898 Elk Drive
Brookings, Oregon 97415

This quotation subject to acceptance within 30 days. Shipment contingent upon strikes, fires, accidents or other delays beyond reasonable control of the company.
L. N. Curtis and Sons retains ownership and title to all equipment until fully paid for in legal money of the United States of America.
All prices quoted subject to applicable Federal, State, County or City Taxes and charges.

L. N. CURTIS AND SONS

By 
 OAKLAND, CA SEATTLE, WA SALT LAKE CITY, UT.

QUANTITY	CATALOG NO.	DESCRIPTION	UNIT PRICE	TOTAL
Per your written request of February 29, 1984 we offer:				
6	#1760-NM	Globe premium quality 7.5 oz nomex turnout coats, 35" length with NFPA lime yellow reflective schtchlite trim with fully detachable nomex and neoprene liner sizes as specified	116.00	696.00
10	#2760-NM	Globe premium quality 7.5 oz nomex turnout pants with fully detachable nomex and neoprene liner, sizes as specified	76.00	760.00
24	# H.D.	8 point heavy duty firefighters suspenders	5.85	140.40
Globe literature and specs attached for your review. We are offering garments which are stocked in Oakland for prompt delivery.				1596.40
Thank you for the opportunity to quote				



February 29, 1984

NOTICE

The Brookings Fire Department is requesting price quotes for the purchase of the following equipment:

Total of six (6) Fire Fighter coats:	2 - size 38	} \$149.50 each Net
35" Coat Length Globe 1760	3 - size 40	
	1 - size 42	

Total of ten (10) Fire Fighter pants:	1 - 30" length 42" waist	} \$95.00 pair Net
Globe 2760	1 - 30" 40"	
	2 - 28" 40"	
	2 - 30" 36"	
	2 - 28" 36"	
	1 - 30" 34"	
	1 - 28" 34"	

2049.50

24 pair of 4-way, 8-point, heavy duty suspenders \$8.45 pair Net
Globe

All coats and pants must meet the requirements of the attached construction standards.

The deadline for submitting price quotes shall be March 8, 1984.

W. J. PACIFIC
FIRE EQUIPMENT INC.

730 S.E. POWELL BLVD.
P.O. BOX 42201
PORTLAND, OREGON 97242

Marshall Ferg
Marshall Ferg
Building & Fire Safety Officer

MF/dmv

Thank you for allowing us this opportunity to submit our proposal. We would appreciate a copy of the bid abstract.

Jack Makin
Jack Makin
Assistant Manager

March 6, 1984

1-800-452-8096



WESTERN FIRE EQUIPMENT CO.



WENTON L. LUTES
SALES REPRESENTATIVE
P.O. BOX 339
BORING, OREGON 97009
QUOTATION

STEPHEN L. BATES
FIELD SALES SUPERVISOR
P.O. BOX 339
BORING, OR 97009
(503) 663-6271

151 467-5650

~~4714 633 4464~~
~~4503 630 4332~~
3303 758-2017

440 VALLEY DRIVE
LAIS 467-5650

BRISBANE CALIFORNIA 94008
800 227-3955

DATE 3/9/84 PAGE 1 OF 1

ATTENTION MARSHALL FERG

FIRE DEPARTMENT

Gentlemen - In response to your WRITTEN inquiry of 2/29/84, we are pleased to quote as follows:

QTY.	UN.	PART NO.	DESCRIPTION	NET/EACH	NET/TOTAL
X	EA	80086	FIRECRAFT CAL OSHA TURNOUT COAT PER SPECIFICATIONS IN CATALOG # 86	162.40	
X	EA	80091	FIRECRAFT CAL OSHA TURNOUT PANT PER SPECIFICATIONS IN CATALOG # 86	119.30	
X	EA	80129	FIRE DEPT. SUSPENDERS RED OR BLACK	5.95	
X	EA	80199	FIRECRAFT KNEE BOOTS SIZE 5 TO 14	40.90	
				TOTAL BEFORE TAXES	2310.20

TERMS: NET 10th PROX. QUOTE VALID: 30 DAYS DELIVERY: STEEL - 60 DAYS O.B.: BROOKINGS, ER

For your convenience, this quotation may be used as your purchase order; by signing below as authorization to process the shipment.

AUTHORIZED SIGNATURE _____ DATE _____

BY: [Signature]
TITLE: FIELD SALES
DATE: 3/9/84



143-358

February 29, 1984

NOTICE

The Brookings Fire Department is requesting price quotes for the purchase of the following equipment:

Total of six (6) Fire Fighter coats:	2 - size 38	\$150.66 each
	3 - size 40	" "
	1 - size 42	" "
Total of ten (10) Fire Fighter pants:	1 - 30" length 42" waist	\$102.52
	1 - 30" length 40" waist	" "
	2 - 28" length 40" waist	" "
	2 - 30" length 36" waist	" "
	2 - 28" length 36" waist	" "
	1 - 30" length 34" waist	" "
	1 - 28" length 34" waist	" "

24 pair of 4-way, 8-point, heavy duty suspenders

All coats and pants must meet the requirements of the attached construction standards.

The deadline for submitting price quotes shall be March 8, 1984.

Marshall Ferg

 Marshall Ferg
 Building & Fire Safety Officer

MF/dmv

NOTE: PRICES BID ARE BASED ON CITY OF PORTLAND SPECS—OUR REPRESENTATIVE JIM ARNSBERG IS BRINGING EXAMPLES TO YOU.

SANDERSON SAFETY SUPPLY
 TERMS; 1% 10 DAYS NET 30
Fred Wilmoth
 FRED WILMOTH
 INSIDE OPERATIONS MANAGER

MAR 07 1984

M E M O R A N D U M

TO: Mayor
City Council

THROUGH: City Manager Lynn R. Stuart

FROM: Fire Department

SUBJECT: Price Quotations for Coats and Pants

DATE: March 9, 1984

Attached for your review are price quotations from four companies for fire fighter coats, pants and suspenders. Funds for the purchase of this equipment is allocated in the Fire Department Budget, Account No. 01-04-215, in the amount of \$2000.00. The purchase of this equipment would outfit each fire fighter in OSHA approved clothing and also allow the Department to have several complete sets in reserve.

ACTION REQUESTED: That after contract review, the City Council authorize the Fire Department to purchase nine coats, ten pairs of pants and twenty four sets of suspenders from L.N. Curtis and Sons, for the price of \$1944.40.



Tom Kerr, Fire Chief

TK/dmv

QUOTATION

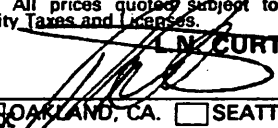
4133 BROADWAY - OAKLAND, CALIFORNIA 94611 (415) 655-5111
BRANCH OFFICES: 629 So. Industrial Way, P.O. Box 24964, Seattle, Wash 98124 (206) 622-2875
1195 South 3rd West Salt Lake City, Utah 84101 (801) 486-7285

DATE 3-5-84	TERMS NET 30 days	F.O.B. Oakland, California	DELIVERY within 10 to 30 days complete
----------------	----------------------	-------------------------------	---

TO: City of Brookings
Attn: Marshall Ferg
Building and Fire Safety Officer
898 Elk Drive
Brookings, Oregon 97415

This quotation subject to acceptance within ³⁰ days. Shipment contingent upon strikes, fires, accidents or other delays beyond reasonable control of the company.
L.N. Curtis and Sons retains ownership and title to all equipment until fully paid for in legal money of the United States of America.
All prices quoted subject to applicable Federal, State, County or City Taxes and Licenses.

L.N. CURTIS AND SONS

By 
 OAKLAND, CA. SEATTLE, WA. SALT LAKE CITY, UT.

QUANTITY	CATALOG NO.	DESCRIPTION	UNIT PRICE	TOTAL
		Per your written request of February 29, 1984 we offer:		
6	#1760-NM	Globe premium quality 7.5 oz nomex turnout coats, 35" length with NFPA lime yellow reflective schtchlite trim with fully detachable nomex and neoprene liner sizes as specified	116.00	696.00
10	#2760-NM	Globe premium quality 7.5 oz nomex turnout pants with fully detachable nomex and neoprene liner, sizes as specified	76.00	760.00
24	# H.D.	8 point heavy duty firefighters suspenders	5.85	140.40
Globe literature and specs attached for your review. We are offering garments which are stocked in Oakland for prompt delivery.				1596.40
Thank you for the opportunity to quote				



February 29, 1984

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	1 - size 42	

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Globe 2760	1 - 30" 40"	
	2 - 28" 40"	
	2 - 30" 36"	
	2 - 28" 36"	
	1 - 30" 34"	
	1 - 28" 34"	

2049.80

24 pair of 4-way, 8-point, heavy duty suspenders \$8.45 pair Net
Globe

All coats and pants must meet the requirements of the attached construction standards.

The deadline for submitting price quotes shall be March 8, 1984.

WAJAX PACIFIC
FIRE EQUIPMENT INC.
730 S.E. POWELL BLVD.
P.O. BOX 42201
PORTLAND, OREGON 97242

Marshall Ferg

Marshall Ferg
Building & Fire Safety Officer

MF/dmv

Thank you for allowing us this opportunity to submit our proposal. We would appreciate a copy of the bid abstract.

Jack Makin

Jack Makin
Assistant Manager
March 6, 1984
1-800-452-8096



WESTERN FIRE EQUIPMENT



STEPHEN L. BATES
SALES REPRESENTATIVE
P.O. BOX 339
BORING, OREGON 97009
QUOTATION

STEPHEN L. BATES
FIELD SALES SUPERVISOR
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(503) 663-6271

15) 467-5650

~~(714) 633-4464~~
~~(503) 620-4727~~
(303) 758-2017

440 VALLEY DRIVE
14151 467-5650

BRISBANE, CALIFORNIA 94005
(800) 227-3955

DATE 3/9/84 PAGE 1 OF 1

ATTENTION MARSHALL FERG

FIRE DEPARTMENT

Gentlemen - In response to your WRITTEN inquiry of 2/29/84, we are pleased to quote as follows:

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X	EA	80086	FIRECRAFT CAL OSHA TURNOUT COAT PER SPECIFICATIONS IN CATALOG # 86	162.40	
X	EA	80091	FIRECRAFT CAL OSHA TURNOUT PANT PER SPECIFICATIONS IN CATALOG # 86	119.30	
X	EA	80129	FIRE DEPT. SUSPENDERS RED OR BLACK	5.95	
X	EA	80199	FIRECRAFT KNEE BOOTS SIZE 5 TO 14	40.90	
				TOTAL BEFORE TAXES	2310.20

TERMS: NET 10th PROX. QUOTE VALID: 30 DAYS DELIVERY: Stock - 60 days O.B.: BROOKINGS, OR

For your convenience, this quotation may be used as your purchase order; by signing below as authorization to process the shipment.

AUTHORIZED SIGNATURE _____ DATE _____

BY: Stephen L. Bates
TITLE: Manager
DATE: 3/9/84



*Bid #
143-38*

February 29, 1984

NOTICE

The Brookings Fire Department is requesting price quotes for the purchase of the following equipment:

Total of six (6) Fire Fighter coats:	2 - size 38	\$150.66 each
	3 - size 40	" "
	1 - size 42	" "
Total of ten (10) Fire Fighter pants:	1 - 30" length 42" waist	\$102.52
	1 - 30"	40" "
	2 - 28"	40" "
	2 - 30"	36" "
	2 - 28"	36" "
	1 - 30"	34" "
	1 - 28"	34" "

24 pair of 4-way, 8-point, heavy duty suspenders

All coats and pants must meet the requirements of the attached construction standards.

The deadline for submitting price quotes shall be March 8, 1984.

Marshall Ferg

 Marshall Ferg
 Building & Fire Safety Officer

MF / dmv

NOTE: PRICES BID ARE BASED ON CITY OF PORTLAND SPECS-ODR REPRESENTATIVE JIM ARNSBERG IS BRINGING EXAMPLES TO YOU.

SANDERSON SAFETY SUPPLY
 TERMS; 1% 10 DAYS NET 30
Fred Wilmoth
 FRED WILMOTH
 INSIDE OPERATIONS MANAGER

MAR 05 1984

SANDERSON SAFETY SUPPLY



March 30, 1984

Dear Sirs:

The following price quotes were received by the Brookings Fire Department for firefighter coats, pants and suspenders.

<u>COMPANY</u>	<u>COATS</u>	<u>PANTS</u>	<u>SUSPENDERS</u>
Sanderson Safety Supply	\$ 150.66	\$ 102.52	\$ no price
Western Fire Equip. Co.	162.40	119.30	5.95
Wajax Pacific	149.50	95.00	8.45
L.N. Curtis & Sons	116.00	76.00	5.85

Thank you for your quotes.

Very truly yours,

Marshall Ferg
Building/Fire Safety Officer

MF/dmv